



City of Greensboro

Melvin Municipal
Office Building
300 W. Washington Street
Greensboro, NC 27401

Agenda Report

File Number: 2022-677

Agenda Item# I. 11.

Agenda Date: 6/21/2022. **Department:** City Attorney's Office

Meeting Type: Council Meeting **Category:** General Business Agenda

Title: 2022 – 677 Ordinance Approving Amendments to City Ordinances in Chapter 18 Offenses and Miscellaneous Provisions

Council Priority: Place an 'x' in the box.

- ☐ Create an Environment to Promote Economic Development Opportunities and Job Creation
- ☐ Maintain Infrastructure and Provide Sustainable Growth Opportunities
- ☒ Promote Public Safety & Reduce Crime
- ☐ Exceptional Customer Service and a Diverse City Government Workforce
- ☐ Ensure Fiscal Stewardship, Transparency, & Accountability

Council District: All

Public Hearing: No

Advertising Date/By: NA

Contact 1 and Phone: Chuck Watts, Ext 2320

Contact 2 and Phone: Polly Sizemore, Ext 4517

PURPOSE:

The City Attorney's Office requests revisions to City Ordinances in Chapter 18 Offenses and Miscellaneous Provisions to add or revise language to enforce a violation of the City Ordinances as a criminal violation either Class 3 misdemeanor or an infraction where appropriate, to provide for consistency with amounts of fines imposed by the City, to remove cites to state statutes no longer in effect and to repeal City Ordinances that are addressed by state statutes.

City Council approval is required for all changes to these Ordinances. NCGS §160-175 provides that no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced. Legal is requesting review of the ordinance on June 21, 2022.

BACKGROUND:

North Carolina revised NCGS §160A- 175 and §NCGS 1§4-4 effective December 1, 2021, regarding local ordinances. The pertinent portion of these statutes regarding proposed revisions are:

NCGS §160A-75(b): Except for the types of ordinances listed in subsection (b1) of this section, violation of a city ordinance may be a misdemeanor or infraction as provided by [G.S. 14-4](#) only if the city specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by [G.S. 14-4](#). Notwithstanding [G.S. 160A-75](#), no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

NCGS §14-4: (a) Except as provided in subsection (b) or (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).
(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

BUDGET IMPACT:

There is no budget impact.

ACCOUNT NUMBER:

NA

RECOMMENDATION / ACTION REQUESTED:

It is recommended that City Council review these proposed revisions to Chapter 18 of the City Ordinance.