

RESOLUTION AMENDING CERTAIN CITY ORDINANCES TO COMPLY WITH NORTH
CAROLINA SENATE BILL 300

Section 1.

WHEREAS, in December of 2021, the North Carolina Legislature adopted Senate Bill 300 which, among other things, modified the ways in which cities and counties can enforce certain ordinances; and

WHEREAS, it is recommended that the City modify certain of its ordinances, in keeping with Senate Bill 300, to ensure they remain enforceable; and

WHEREAS, it is deemed in the best interest of the City to adopt the ordinance terms presented herewith; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That certain ordinances in Chapters 4, 16, 18, 26, and 28 are hereby amended as follows:

Sec. 4-7. Possession and consumption of malt beverages and unfortified wine, is amended to read as follows:

- (a) Except as provided by this chapter, it shall be unlawful to possess an open container of, or to consume a malt beverage or unfortified wine, on any public street, sidewalk or any property owned, occupied, or controlled by the city.

Exception: Subsection (a) does not apply to an occupant of a motor vehicle while on a public street, when served at sidewalk cafes permitted in accordance with chapter 26, or when consumed on pedal cars permitted in accordance with chapter 26, or to persons in compliance with Article XI, Social District, of chapter 26.

- (b) It shall be unlawful to possess or to consume malt beverages and unfortified wine on any street, alley or parking lot which is temporarily closed to regular traffic for a special event unless the city manager, in closing the street, alley, or parking lot, makes other provisions for the possession of malt beverages or unfortified wine.
- (c) Subsections (a) and (b) shall not apply within a building or premises on city-owned property where appropriate permits have been obtained as required by law for the consumption of alcoholic beverages for the period of time permitted thereunder.
- (d) Definitions. As used herein, "malt beverage" or "unfortified wine" shall have the meaning as defined by Chapter 18B of the North Carolina General Statutes. "Open container" shall mean one whose seal has been broken or a container other than the manufacturer's unopened original container.
- (e) Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00).

(Code 1961, § 4-13; Ord. No. 95-117, § 1, 9-14-95; Ord. No. 18-099, § 1, 7-17-18)

Sec. 16-40. Unlawful removal of impounded vehicle, is amended to read as follows:

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the city any vehicle which has been impounded pursuant to the provisions of this Code. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00).

(Code 1961, § 12-24.1)

Charter reference(s)—Impoundment of vehicles on public property, § 5.111(d); liens for removal of abandoned vehicles from private property, § 6.32.

State law reference(s)—Impoundment of vehicles, G.S. §§ 20-219.2 et seq., 160A-303.

Sec. 16-162. Parking for the purpose of selling goods, washing, etc, is amended to read as follows:

It shall be unlawful to park a vehicle on a street for the primary purpose of:

- (1) Displaying the vehicle for sale.
- (2) Advertising, except religious and charitable advertising approved in writing by the governing body of the city.
- (3) Storage by garages, dealers in motor vehicles, filling station operators, and other persons.
- (4) Washing, greasing, or repairing, unless the repairs are made necessary by an emergency.
- (5) Transferring merchandise or freight from one (1) vehicle to another.

Pursuant to G.S. § 14-4(b), a violation of this section shall be an infraction with a fine of twenty-five dollars (\$25.00). Each subsequent offense within 12 months of the first offense shall result in the vehicle being disabled or towed.

(Code 1961, § 12-54)

Cross reference(s)—Selling on streets prohibited, § 26-20.

Sec. 16-165. Front yard parking, is amended to read as follows:

It shall be unlawful to park a vehicle on the front yard of any property containing a single-family or two-family dwelling, except on a hard all-weather surface such as asphalt, concrete, brick, CABG (gravel), pervious paving or other approved material in accordance with section 30-11-11 of the land development ordinance. Pursuant to G.S. § 14-4(b), a violation of this section shall result in an infraction with a fine of twenty-five dollars (\$25.00). Each violation shall be a

separate and distinct offense subject to the punishment of this Section. Any vehicle with three (3) unpaid citations within a 90-day period shall result in the offending vehicle being disabled or towed.

(Ord. No. 16-11, § 3, 1-19-16)

Sec. 16-225. Bicycle and micromobility vehicle brakes, is amended to read as follows:

It shall be unlawful to ride a bicycle or a micromobility vehicle on a street unless it is equipped with brakes in good working order adequate to control and stop the movement of the bicycle or micromobility vehicle. Pursuant to G.S. § 14-4(b) a violation of this chapter shall be an infraction with a fine of twenty-five dollars (\$25.00).

(Code 1961, § 12-87; Ord. No. 20-130, § 6, 10-6-20)

Sec. 16-229. Shared micromobility service permit, is amended as follows:

- (a) It shall be unlawful for any person or persons to operate a commercial shared micromobility service within any public right-of-way without first obtaining a permit from the director of transportation and paying the proper fees.
- (b) The director of transportation may issue a permit for the operation of a shared micromobility service.
- (c) For good cause, the director of transportation may revoke any permit issued under this section. Good cause shall include, but shall not be limited to the following:
 - (1) Permittee failed to pay a fine imposed by the City of Greensboro within thirty (30) days;
 - (2) Permittee failed to pay a permit fee within thirty (30) days following notice of nonpayment;
 - (3) Permittee has violated any statute or ordinance governing operation of the micromobility vehicles; or
 - (4) Permittee has violated one (1) or more conditions of the permit.
- (d) Any authorized employee of the city or designated official may impound any micromobility vehicles found in violation of this section and charge an impound fee.
- (e) Pursuant to G.S. § 14-4(b) a violation of this chapter shall be an infraction with a fine of twenty-five dollars (\$25.00).

(Ord. No. 18-142, § 5, 11-20-18; Ord. No. 20-130, § 9, 10-6-20)

Sec. 18-8. Graffiti—Generally, is amended to read as follows:

- (a) *[Graffiti defined.]* Graffiti shall mean writings, drawings, inscriptions, figures, or marks of paint, ink, chalk, dye or other similar substances on public or private building, sidewalks, streets, structures, or places which are not authorized or permitted by the property owner or possessor. For the purpose of this chapter, graffiti shall include drawings, writings, markings, or inscriptions regardless of the content or the nature of materials used in the commission of the act. However, it shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, such as drawings, or bases for stick ball, kick ball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other water soluble markings used in connection with any lawful business or public purpose or activity.
- (b) *Graffiti prohibited.* It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, streets, sidewalks, structure or any other real or personal property. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). ~~Any person convicted of a violation of this paragraph shall be fined not less than two hundred fifty dollars (\$250.00) for a first offense and five hundred dollars (\$500.00) for a second and subsequent offenses.~~ In addition to any other punishment imposed, the court shall order the person convicted of a violation of this section to make restitution to the victim for the damage or loss suffered by the victim as a result of the offense. The court may determine the amount, terms, and conditions, of the restitution.
- (c) *Removal of graffiti.* It shall be unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti upon such property. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). ~~Any such person convicted of a violation of this paragraph shall be fined not more than one hundred dollars (\$100.00).~~ In determining the fine to be imposed, the court may consider the efforts, if any, taken by the violator to remove or effectively obscure the graffiti during the preceding calendar year. The mandatory fine provided in these sections shall not apply to a property owner, agent, manager, or possessor of property if such property owner, agent, manager or possessor has been victimized two (2) or more times by graffiti within any calendar year and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.
- (d) *Severability.* The provisions of this section shall be deemed severable. If any portion of this section is deemed unconstitutional, it shall not affect the constitutionality of any other portion of this section.

(Ord. No. 99-68, § 1, 5-4-99)

Sec. 18-22. Projectiles; archery ranges, is amended to read as follows:

No person shall, within the corporate limits of the city, or within any area owned or leased by the city, shoot or project any stone, rock, shot or other hard substance by means of a slingshot,

bean shooter, shot shooter, air rifle, popgun, bow or other similar contrivance; provided, that archery shooting may be engaged in on such grounds as may be set aside and approved therefor by the city manager, and designated as archery ranges. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). Nothing in this section shall in any manner limit or interfere with fishing in Lake Brandt, Lake Higgins or Lake Townsend or prohibit the firing of air rifles in established galleries.

(Code 1961, § 13-15)

State law reference(s)—Authority to restrict discharge of pellet guns, G.S. § 160A-190.

Sec. 18-29. Ban on registered sex offenders from city parks and recreation facilities, is amended to read as follows:

- (a) *Prohibition.* No person registered with the State of North Carolina and any other state or federal agency as a registered sex offender, including, but not limited to the sex offender registry established pursuant to N.C.G.S. Ch. 14, Art. 27A, shall enter into or upon any public park or recreation facility owned, operated or maintained by the city.
- (b) *Penalties.* Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). ~~Violation of this section shall be punishable by a fine of five hundred dollars (\$500.00) and/or incarceration for up to thirty (30) days.~~ Each entry into a public park, regardless of the time period between such entries, shall constitute a separate offense under this article.

- (c) *Definitions.* For purposes of this section, the following definitions shall apply:

Official meeting. A meeting that is required to be open to the public by the Open Meetings Law, N.C.G.S. Ch. 143, Art. 33C.

Public park. Any publicly owned, leased, operated or maintained property that is designated as a park by the city including any adjacent public parking area as well as the driveway, entrance way or pedestrian walkway used by the public to access the public park or recreation facility.

Recreation facility. Any publicly owned, leased, operated or maintained property that is designated as a recreation facility by the city including any adjacent public parking area as well as the driveway, entrance way or pedestrian walkway used by the public to access the recreation facility.

Registered sex offender. An individual who is registered by any state or federal agency as a sex offender and/or whose name is published or required to be published on any state or federal sex offender registry, including, but not limited to the North Carolina Sex Offender and Public Protection Registry established pursuant to N.C.G.A. Ch. 14, Art. 27A.

- (d) *Signage required.* The city manager or his/her/their designee shall be charged with posting this regulation at the entrances to each public park and recreation facility within thirty (30) days of the passage of this article.

- (e) *Limited exceptions.*

- (1) *Official meetings.* A registered sex offender who has the right to be present at an official meeting shall have the limited privilege of entering on and into a park or recreation facility for such time as is necessary to attend said meeting or function, but any form of loitering or lingering shall be a violation of this section.

The privilege shall only extend to those parts of the park and/or recreation facility that are commonplace for meetings of that kind and any registered sex offender found outside of those parts shall be punished as outlined in this section 18-29.

- (2) *Polling place.* When such recreation facility is used as a polling place for an election, the registered sex offender may enter for the facility for the limited purpose of voting if he/she/they qualifies to do so at that polling place.
- (f) *Severability.* If any section, subsection, paragraph, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

(Ord. No. 08-248, 9-16-08)

Sec. 18-42. Disturbing athletic contest, is amended to read as follows:

It shall be unlawful for any person to go upon the playing area of any athletic field or court upon which an athletic contest is in progress, except the officials of the contest and persons authorized by said officials. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00).

(Code 1961, § 13-5)

Sec. 18-43. Indecent behavior in public places, is amended to read as follows:

It shall be unlawful for any person to commit the act of sexual intercourse in any public park, or playground owned, leased, or operated by the city, or on any sidewalk, or on any public street or on any street or roadway in any public park or playground owned or operated by the city. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). In this section "public street" includes any street or way that has been dedicated as such, regardless of whether or not it is actually used as a public street.

(Code 1961, § 13-8)

Sec. 18-49. Unlawful noises and sounds, is amended to read as follows:

Except as set out in section 18-53 and otherwise notwithstanding any other provision of this article, it shall be unlawful for any person or persons to make, permit, continue, cause to be made, or to create any unreasonably loud or disturbing noise in the city which does annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of persons or causes damage to property or business. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00).

For purposes of this section, the following definitions shall apply:

- (a) *Unreasonably loud.* Noise which is substantially incompatible with the time and location where created or heard to the extent that it brings about an actual or imminent interference with peace, rest, or good order.

To determine whether a noise is unreasonably loud, the following factors incident to such noise are to be considered: Time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of mechanical means; and the nature and zoning of the area.

- (b) *Disturbing.* Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of an area.
- (c) *Downtown business district.* That district of the city as defined in section 26-232.

(Ord. No. 07-253, § 3, 11-5-07)

Sec. 18-57. Interference with enforcement officer, is amended to read as follows:

It shall be ~~a misdemeanor subject to a fine of two hundred dollars (\$200.00) and any other punishment authorized by law for a Class 3 Misdemeanor~~ unlawful to interfere with an authorized officer in the exercise of his, or her, duties including, but not limited to enforcement and taking sound level measurements. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00).

(Ord. No. 07-253, § 3, 11-5-07)

Sec. 18-58. Penalties, is amended to read as follows:

- (a) *Warning.* The city shall issue a warning notice for the first violation of this article committed by any person.
- (b) *Penalties.* Any person who commits more than one (1) violation of this article shall be subject to a two hundred dollar (\$200.00) civil penalty for the second violation and three hundred fifty dollars (\$350.00) for a third violation. Any person who commits more than three (3) violations of this article, or two (2) violations of this article within one (1) year's time, shall be subject to a five hundred dollar (\$500.00) civil penalty. The city may also seek injunctive relief or abatement to enforce this article for any person who willfully commits three (3) or more violations of this article within a one-year period. The civil penalties provided in this article are remedies enforceable by a civil action in the nature of a debt. ~~No violation of this article shall constitute a misdemeanor as provided in G.S. § 14-4.~~ Any person desiring to appeal a citation or penalty issued under this article may request a nonjudicial, administrative hearing with the chief of police, or his/her/their designee. The request for hearing must be filed within thirty (30) days after notification of the violation. The determination of the hearing officer is final, subject to review only in the Superior Court of Guilford County by proceedings in the nature of certiorari.
- (c) *Violations constituting an imminent danger to the public health or safety.* Pursuant to G.S. § 160A-193, if any commercial establishment shall cause a violation of this article which

causes an imminent danger to the public health or safety, the noise enforcement officer is authorized to order any commercial establishment with outside sound-producing activities to immediately cease all outside sound-producing activities. The noise enforcement officer is further authorized and empowered to order and direct the closure of any commercial establishment which fails to comply with said order for a twenty-four-hour period.

(Ord. No. 07-253, § 3, 11-5-07; Ord. No. 12-31, § 5, 4-16-12; Ord. No. 20-163, § 3, 12-15-20)

Sec. 18-58.1. Owner and occupant responsibility for noise violations, is amended to read as follows:

- (a) Pursuant to G.S. § 14-4, ~~A any person responsible for causing a violation of this article on or at any commercial establishment shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00) and shall be liable for any civil or criminal remedy which may be imposed by this article. Pursuant to G.S. § 14-4, A any person in charge of, and physically present, at any commercial establishment shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00) and shall also be liable for any civil or criminal remedy which may be imposed by this article. It is no defense to either civil or criminal liability of the person in charge of a commercial establishment that a violation of this article was caused by a tenant, guest, invitee, permittee or licensee.~~
- (b) The owner of any commercial establishment causing a violation of this article who is not present at the time the violation occurred shall be liable only for such civil remedy which may be imposed by this article which shall include any order issued by the noise enforcement officer to cease all outside sound-producing activities, or cease operation of the commercial establishment for a twenty-four-hour period.
- (c) Pursuant to G.S. § 14-4, ~~T~~ the owner of any commercial establishment causing a violations of this article within a twenty-four-hour period of time shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00) and liable for any civil or criminal remedy which may be imposed by this article, without regard to whether the owner of the commercial establishment was physically present at the commercial establishment when the violation occurred, provided that the owner had received prior notice of each preceding violation.

(Ord. No. 07-253, § 3, 11-5-07; Ord. No. 12-31, § 6, 4-16-12)

Sec. 26-4. Temporary right-of-way (TROW) encroachments, is amended to read as follows:

- (a) It shall be unlawful to obstruct or block, impede or place any object or thing having the potential to obstruct, block, or impede any city street sidewalk, or right-of-way without a written permit therefore from the city manager or his/her/their designee. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). Construction or maintenance activities performed by or on behalf of the City of Greensboro is excluded from this section. A permit issued pursuant to chapter 26, division 3, "street and sidewalk cafes" satisfies the requirement as set forth

herein, and such a permit is exempted from the fees as set forth in paragraph (b) of this section.

- (b) The fees quoted herein shall be required for TROW encroachment permits to obstruct, block or impede city streets, sidewalks, and/or rights-of-way.
- (1) *Application fee.* An application fee of fifteen dollars (\$15.00) will be required to submit an application for an encroachment permit. This fee shall be waived for applications to extend an existing permit for which an application fee has already been paid.
 - (2) *Requirements and specifications.* Encroachment permit holders will conduct all encroachment activities in accordance with the requirements and specifications found in the City of Greensboro Work Area Traffic Control Handbook (WATCH) and the Manual on Uniform Traffic Control Devices.
 - (3) *Fee structure.* Encroachment fees are based on the street classification, number of encroachments, time of day, and the duration of the encroachment. TROW encroachment fees will be assessed per day. The fees listed below are based on a single encroachment. These fees will be multiplied by the number of encroachments and the number of days to compute the total fees for the permit.
 - a. *Travel lane encroachment fees.* Peak hours shall be from 7:00—9:00 a.m. and 4:00—6:00 p.m., Monday through Friday. Street classifications are determined by the Greensboro Urban Area Thoroughfare Plan.
 - Major thoroughfares (non-peak): Thirty-five dollars (\$35.00) per day per lane.
 - Major thoroughfares (peak): Seventy dollars (\$70.00) per day per lane.
 - Other city streets (non-peak): Ten dollars (\$10.00) per day per lane.
 - Other city streets (peak): Twenty dollars (\$20.00) per day per lane.
 - b. *Sidewalk, loading zone, and parking space encroachments in central business district (CBD).*
 - Sidewalks: Ten dollars (\$10.00) per day per sidewalk.
 - Unmetered on-street parking spaces/loading zones: Fifty cents (\$0.50) per parking space per hour or five dollars (\$5.00) per parking space per day.
 - Metered parking spaces: Fifty cents (\$0.50) per parking space per hour or five dollars (\$5.00) per parking space per day.
 - c. *Sidewalk, loading zone, and parking space encroachments in other districts.*
 - Sidewalks/shoulders: Two dollars (\$2.00) per day per sidewalk/shoulder.
 - On-street parking spaces/loading zone: Two dollars (\$2.00) per day per space/zone.
- (c) Permit revocation. Failure to follow conditions of the TROW encroachment permit will result in the permit being revoked by city transportation director or designee by written notice.

(Ord. No. 11-127, § 1, 6-21-11; Ord. No. 20-163, § 3, 12-15-20; Ord. No. 21-141, 9-21-21)

Editor's note(s)—Ord. No. 11-127, § 1, adopted June 21, 2011, amended § 26-4 in its entirety to read as herein set out. Former § 26-4 pertained to obstructing streets or sidewalks—generally and derived from the Code of 1961, § 18-58 and Ord. No. 92-32, § 1, adopted March 16, 1992.

Sec. 26-8. Fences, steps and similar obstructions, is amended to read as follows:

- (a) It shall be unlawful to build, erect, construct or place or maintain any fence, steps, wall or any other structures in or over any of the streets, street rights-of-way, or sidewalks of the city. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). ~~provided,~~ Fences or similar structures may be allowed in street rights-of-way under the following conditions:
- (1) Any fence or similar structure which encroaches into a street, street right-of-way or sidewalk and which is preexisting on or before January 15, 1981, will be allowed to be maintained if it has been determined by the city manager or his/her/their designee that such encroachment is erected in such a manner so as not to cause:
 - a. A public nuisance.
 - b. Impairment of sight distance for motorists.
 - c. Unreasonable interference with the use by the public generally.
 - d. Interference with the use of the right-of-way by the city or a utility company for a public purpose. The owner shall execute a waiver to the city assuming any liability for injury to persons or damage to property caused as a result of the presence of the encroachment and shall indemnify and save the city harmless from any loss of any kind or manner arising out of the erection or maintenance of the encroachment within the right-of-way.
 - (2) Any owner who desires to erect a fence or other similar structure in the street right-of-way after January 15, 1981, shall submit a written application to the city manager or his/her/their designee. If it is determined by the city manager or his/her/their designee prior to construction that none of the four (4) conditions set forth in subsection (a) above will occur, the owner will be issued a permit to erect such encroachment provided that he/she/they executes a waiver to the city similar in form to that required under paragraph (1).
 - (3) Under either of the conditions set forth in paragraph (1) or (2) above, the owner shall also agree to remove the encroachment upon reasonable notice in the event any of the four (4) conditions set out in paragraph (1) become applicable. In addition, the city or any utility company shall have the right, if so needed by the city or any utility company for a public purpose, to enter upon the right-of-way and remove the encroachment from the right-of-way upon forty-eight (48) hours' prior notice to the property owner, and the cost of such removal shall be charged to the owner of the property; provided, in the event of an emergency requiring the immediate removal of the encroachment, the forty-eight-hour notice shall not be required, and the costs of such removal shall be charged against the property owner.

(b) In no event shall any fence or similar structure under this section exceed six (6) feet in height nor be less than five (5) feet from the curb or if there is no curb, less than ten (10) feet from the edge of the pavement. Nevertheless, should the fence impair sight distance for motorists, as determined by the traffic engineer, the height of the fence shall be reduced accordingly.

(Code 1961, § 18-62; Ord. No. 11-130, § 1, 6-21-11; Ord. No. 20-163, § 3, 12-15-20)

Sec. 26-10. Protection of streets and sidewalks under construction, is amended to read as follows:

It shall be unlawful to ride, lead or drive, or cause to be ridden, led or driven any horse or other animal, or drive or cause to be driven any automobile or other vehicle upon any street or sidewalk when the same is barricaded and under process of construction or in any other manner cause any damage to such street or sidewalk. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00).

(Code 1961, § 18-27)

Sec. 26-11. Littering, is amended to read as follows:

It shall be unlawful for any person to throw any garbage, peelings or miscellaneous litter upon any of the sidewalks in the city or upon the floors of any churches, public halls, theaters, buses or other public places. It shall be unlawful for any person to place, drop or throw any litter, garbage, refuse, grass, shrubbery, tree clippings, bottles, cans, or containers of any kind upon any median strip, alleyway, street or street right-of-way, park or grass strip, or upon the private premises of another without permission of the owner or person in control of such premises, or upon any public property. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). ~~provided, however, that t~~
The provisions of this section do not apply to those materials required to be placed for collection on the grass or park strip by chapter 10 of this Code.

Cross reference(s)—Littering, § 25-3.

State law reference(s)—Littering, G.S. § 14-399 et seq.; authority to regulate, collect, etc., solid wastes, G.S. §§ 160A-192, 160A-303.1.

Sec. 26-25. Removal of barricade prohibited, is amended to read as follows:

It shall be unlawful to remove or cause to be removed any barricade placed by authority of the city upon any street or sidewalk. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00).

(Code 1961, § 18-28)

Sec. 26-121. Required, is amended to read as follows:

- (a) It shall be unlawful to make any opening in any street or sidewalk of the city without a permit therefor issued by the city manager or his/her/their designee. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). No permit is required where the work is performed under a contract with the city but in the event that it becomes necessary to such work that a sidewalk or street must be wholly or partially obstructed, the person shall notify the city manager or his/her/their designee, the public works department and the police department at least two (2) hours before obstructing the sidewalk or street, unless prevented by a sudden emergency.
- (b) As a condition to the issuance of a permit for any land disturbing activity which is in, or would impact upon, a city owned or maintained right of way, the applicant shall be responsible for restoration of the disturbed areas to current written city policies and procedures. The permit holder shall indemnify and hold the city harmless from any damage or loss incurred by the city or others as a result of injury to person or property whether caused by him/her/them, his/her/their employees, agents or contractors including but not limited to breakage of lines, conduits, or utilities of any sort, sink holes, and cracked pavement. Such permit holder shall repair any such damage caused or reimburse the city for total costs of repair in the event the city causes the repair either involuntarily or at its election.
- (c) In the event the actions of the permit holder result in a hazardous materials emergency in accordance with section 10-31 of the Greensboro Code of Ordinances, the permit holder shall also be responsible for all costs associated with such hazardous materials response whether located within or outside the city's right of way.

(Code 1961, § 18-49; Ord. No. 00-224, § 1, 12-5-00; Ord. No. 20-163, § 3, 12-15-20)

Sec. 26-158. General responsibility of participants and persons in charge, is amended to read as follows:

- (a) Participants in a parade are required to abide by this article and the terms of the parade permit. Willful violation thereof is unlawful. Pursuant to G.S. § 14-4, a willful violation of this chapter, or any part thereof, shall be a class 3 misdemeanor and may also be enforced through the issuance of a civil penalty of a maximum of \$250.00 as provided by NCGS 160a-175(f). This subsection will not apply to Sec. 26-161c.
- (b) The person designated in the application as responsible for the physical conduct of the parade shall be responsible for monitoring the conduct of the participants in the parade. Upon actual notice of any violation, given to the responsible person by a law enforcement officer on the scene of said parade, such person shall make immediate bona fide attempts to correct the violation. It shall be unlawful for such responsible person to refuse to make such bona fide attempts to correct the violation. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor and a fine of fifty dollars (\$50.00).

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- (c) The person designated by the applicant as the person responsible for the physical conduct of the parade shall be physically present and accept responsibility for compliance with any and all terms of the parade permit as set forth in this section.

(Code 1961, § 12-90(e)(3), (g))

Sec. 26-161. Weapons, is amended to read as follows:

- (a) No firearms or dangerous weapons of any kind, as defined by state law, may be possessed contrary to G.S. 14-277.2. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor and a fine of fifty dollars (\$50.00).
- (b) Subsection (a) does not apply to the following persons while acting lawfully and within the scope of their duties and authority:
- (1) Law enforcement officers.
 - (2) Officers and soldiers of the armed forces, militia, and National Guard.
 - (3) Students of military science in an accredited program.
 - (4) Park rangers, animal control officers.

(Code 1961, § 12-90(e)(1))

State law reference(s)—Weapons at parades prohibited, G.S. § 14-277.2.

Sec. 26-162. Signs, is amended to read as follows:

No hand-carried signs or poster transported in such parade shall be of greater density than eight-ply .030-inch thickness cardboard. No support for such sign or poster shall be of a metallic substance nor thicker than one (1) by three-fourths inches. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor and a fine of fifty dollars (\$50.00).

(Code 1961, § 12-90(e)(2))

Cross reference(s)—Signs at public events, § 3-110.

Sec. 26-163. Interference, is amended to read as follows:

No person shall unreasonably hamper, obstruct, impede or interfere with any parade assembly or with any person, vehicle, or animal participating or used in a parade. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00).

(Code 1961, § 12-90(e)(6))

Sec. 26-176. Required, is amended to read as follows:

~~No~~ It shall be unlawful for any person shall to engage in, participate in, aid, form or start any parade unless a permit shall have been obtained from the city manager. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00).

(Code 1961, § 12-90(b))

Sec. 26-200. Traffic regulations, is amended to read as follows:

It shall be unlawful to operate or leave parked any motorized vehicle of any type, including motorcycles and minicycles, upon any street or public vehicular area wherein an exhibition show is conducted pursuant to permit issued under this article without the express permission of the person in direct charge of the exhibition show. Pursuant to G.S. § 14-4(b), a violation of this section shall result in an infraction with a fine of twenty-five dollars (\$25.00).

(Code 1961, § 12-90.1(G))

Sec. 26-211. Required, is amended to read as follows:

No person shall engage in, participate in, aid, form or commence any exhibition show in or upon any street, sidewalk or other public place in the city unless a permit shall have been obtained from the city manager. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00).

(Code 1961, § 12-90.1(A))

Sec. 26-233. Mobile food vendor permit required, is amended to read as follows:

It shall be unlawful for any mobile food vendor to sell, or offer for sale, any food or beverage without first obtaining a mobile food vendor permit pursuant to this section from the city manager, or his/her/their designee. A person, business, or entity who violates this section shall be subject to a civil penalty of one hundred dollars.

All mobile food vendors shall maintain permits required by the Guilford County Health Department or the applicable health department of the resident county of the mobile food vendor, and comply with all North Carolina Department of Human Resources, Division of Health Services regulations.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 08-179, § 2, 6-17-08; Ord. No. 11-78, § 3, 5-3-11; Ord. No. 12-131, § 1, 11-7-12; Ord. No. 15-073, § 1(Exh. D), 6-16-15)

Editor's note(s)—Ord. No. 15-073, § 1(Exh. D), adopted June 16, 2015, changed the title of § 26-233 from "Permit required" to "Mobile food vendor permit required." This historical notation has been preserved for reference purposes.

Sec. 26-300. Purpose and intent, is amended to read as follows:

- (a) Pursuant to the provisions of G.S. § 160A-205.4, et seq, one or more social districts may be created within the city and the city hereby creates and designates the following social districts:
 - (1) Downtown Greensboro Social District which is designated as shown on a map dated December 9, 2021; the map is available in the office of the city clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the social district.
 - (2) State Street Social District which is designated as shown on a map dated December 7, 2022; the map is available in the office of the city clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the social district.
 - (b) The Downtown Greensboro Social District and the State Street Social District shall be created, designated, and managed in accordance with the requirements contained in G.S. § 160A-205.4 and Chapter 18B.
 - (c) Pursuant to G.S. § 14-4, A any person who violates this article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). ~~shall be guilty of a misdemeanor.~~
- (Ord. No. 21-185, § 1, 12-21-21, eff. 3-1-22; Ord. No. 22-264, § 1, 12-20-22)

Sec. 26-302. Application, is amended to read as follows:

- (a) The provisions and terms contained in this article shall be applicable between the hours of 12:00 p.m. and 9:00 p.m., Monday through Sunday. At all other times, the provisions and terms contained in this article are not in effect and all provisions of state and local laws concerning the possession and consumption of alcohol shall be in full force and effect.
 - (b) Any alcoholic beverage purchased for consumption in a social district shall (i) only be consumed in that social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits that social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). ~~A violation of this section is a class 3 misdemeanor.~~
- (Ord. No. 21-185, § 1, 12-21-21, eff. 3-1-22; Ord. No. 22-264, § 1, 12-20-22)

Sec. 26-304. Requirements for possession and consumption of alcoholic beverages, is amended to read as follows:

The possession and consumption of an alcoholic beverage in a social district is subject to all of the following requirements:

- (1) Only alcoholic beverages purchased from a permittee located in or contiguous to the social district may be possessed and consumed in that social district.
- (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in section 26-303 of this article.

- (3) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in section 26-302 of this article.
- (4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. § 18B-1010.
- (5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the social district in which the beverage was purchased unless the person is reentering the licensed premises where the alcoholic beverage was purchased.
- (6) A participating non-permittee business is required to always display the uniform sign during the times when the social district is active as to whether the business allows for patrons to enter their business with alcohol.
- (7) All permittee and non-permittee businesses that are part of a social district and allow customers to bring alcoholic beverages onto their premises are required to clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.
- (8) During the days and hours when the social district is in effect as set forth in section 26-302, a non-permittee business that allows customers to bring alcoholic beverages onto its premises is required to allow law enforcement officers access to the areas of the premises accessible by customers.
- (9) Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). ~~A violation of this section is a class 3 misdemeanor.~~

(Ord. No. 21-185, § 1, 12-21-21, eff. 3-1-22; Ord. No. 22-264, § 1, 12-20-22)

Sec. 26-305 Exceptions, is amended to read as follows:

When a special event (as that term is used in article IX of this chapter) is held pursuant to the issuance of a special event permit (as that term is used in article IX of this Chapter) the terms of the special event permit supersede the provisions of this article within the boundaries of the special event. Any alcohol purchased within the boundaries of the special event may not be taken outside of the special event, even if the alcohol is to be taken from the boundary of the special event into the boundary of a social district. Pursuant to G.S. § 14-4, any person who violates this section shall be guilty of a class 3 misdemeanor with a fine of fifty dollars (\$50.00). ~~A violation of this section is a class 3 misdemeanor.~~

(Ord. No. 21-185, § 1, 12-21-21, eff. 3-1-22; Ord. No. 22-264, § 1, 12-20-22)

Sec. 28-133. Failure to pay fare, is amended to read as follows:

It shall be unlawful for any person, except persons entitled to free transportation to ride upon any motor bus, taxicab or other public conveyance without paying therefor the fare prescribed or allowed by law. Any person who violates this section shall be subject to a civil penalty of fifty dollars (\$50.00).

(Code 1961, § 20-56)

Section 2.

WHEREAS, these amendments shall become effective upon adoption at the second meeting on which they are voted.

Section 3.

WHEREAS, that any and all other ordinances in conflict with the provisions of Senate Bill 300 are hereby amended to the extent of such conflict.