

ORDINANCE TO AMEND CHAPTER 18, SECTION 44 OF THE  
GREENSBORO CODE OF ORDINANCES

WHEREAS, North Carolina General Statute §160A-296 imposes upon cities the duty to keep city owned streets, sidewalks, alleys, and bridges open for travel and free from unnecessary obstructions;

WHEREAS, persons sitting, lying, or sleeping in the public streets, highways, sidewalks, alleys and passageways creates a hazard to those persons and to those attempting to traverse the public streets, highways, sidewalks, alleys and passageways;

WHEREAS, persons sitting, lying, or sleeping in the entrances or exits to buildings adjacent to public streets, highways, sidewalks, alleys and passageways creates a hazard to those persons and to those attempting to access or exit those buildings;

WHEREAS, the risks referenced above are greatest during those general business hours when the public streets, highways, sidewalks, alleys, passageways, and those buildings adjacent thereto are most likely to be in use;

WHEREAS, the amendments below seek to impose reasonable time, place, and manner restrictions regarding lying, sitting, or sleeping in public streets, highways, sidewalks, alleys, passageways and the entrances and exits of those buildings adjacent thereto; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Sec. 1. Section 44 of Chapter 18 of the Greensboro Code of Ordinances is hereby amended as follows:

Sec. 18-44. Blocking or impeding street or highway, ~~and public~~ sidewalk, and public passageway access.

- (a) *Purpose and intent.* The city has the general authority and control over all public streets, sidewalks, and other ways of public passage within its corporate limits, except those ways of public passage that are owned or maintained by the State of North Carolina. The city has the duty to keep such streets, sidewalks, and other ways of public passage open for travel and free from unnecessary obstructions. G.S. 160A-296. This ordinance prohibits actions that block or impede the safe passage of pedestrians and vehicles on public sidewalks and streets.
- (b) *Definitions.* The following words, terms, and phrases when used in this section shall have the meanings set forth in this subsection, unless the context of their usage clearly indicates another meaning:
- (1) *Block* means any person, object, objects preventing at least thirty-six (36) linear and contiguous inches of clear access to freely pass through a public street or highway, public sidewalk, public passageway, or entrance or exit to a building.
  - (2) *Impede* means to render the use of a public street or highway, public sidewalk, public passageway, or entrance or exit to a building unreasonably difficult or dangerous, including the following actions:

- i. Weaving or darting through, around, and in between multiple occupied vehicles, whether the vehicle is stopped or in travel, for a purpose other than passage to a sidewalk. This (i) subsection is meant to prohibit walking through a street parallel to the sidewalk but not meant to prohibit crossing lanes of a street to reach occupied vehicles when a stop light is red;
  - ii. Placing or throwing a tangible thing on or inside an occupied vehicle that is on the street, except if an occupant requests that the acting individual deliver the tangible thing to an occupant or consents to such exchange;
  - iii. Standing, sitting, or lying down on the portion of a traffic island that is less than six (6) feet wide, except where using the traffic island to cross the street or during an emergency; or
  - iv. Sitting or lying down upon a public street or highway, public sidewalk, public passageway, or entrance or exit to a building, or sitting or lying down upon a blanket, chair, stool or any other object placed upon a public street or highway, public sidewalk, public passageway, or entrance or exit to a building between the hours of 7:00 am to 9:00 pm Monday through Thursday and between the hours of 7:00 am to 12:00 am Friday and Saturday.
- (3) *Sidewalk* means the part of a public street improved for pedestrian traffic.
- (4) *Street* means the entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purpose of vehicular traffic. The terms "street" and "highway" are synonymous.
- (5) *Traffic island*. A raised portion of the street in between lanes of traffic intended to separate lines of traffic or guide traffic, not to hold people or provide pedestrian refuge. A traffic island may be commonly called a median. For the purpose of this section, a traffic island is any raised part of the street meant to separate lanes of traffic that is less than six (6) feet in width. Width is measured as the length of the traffic in the direction of pedestrian travel if the pedestrian is traveling perpendicular to the street.
- (6) *Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes, of this chapter bicycles shall be deemed vehicles.
- (c) It shall be unlawful for an individual to block or impede the use of a public street or highway, public sidewalk, public passageway, or entrance or exit to a building.
- (d) ~~It shall be unlawful for an individual to block a sidewalk or public passageway, or to place an object or objects on the sidewalk or public passageway which blocks the sidewalk or public passageway.~~ If an object or objects shall block the sidewalk or public passageway, a law enforcement officer or his designee shall promptly dispose of the object(s) where practicable.
- (e) It shall be unlawful for an individual to block or impede the entrance or exit to a building served by a public sidewalk, ~~or street~~ or highway unless otherwise granted permission by the owner or tenant. Permission granted by the owner may be evidenced by verbal or written confirmation of permission from the owner or tenant.
- (f) It shall be unlawful to sleep on public street or highway, public sidewalk, public passageway, or entrance or exit to a building.
- (g) It shall be unlawful to camp on any public street or highway, public sidewalk, public passageway, or entrance or exit to a building. For the purposes of this section, "to camp" is

defined as “any place where bedding, sleeping bags, or other material used for bedding purposes, or any stove or fire is placed for the purpose of maintaining a temporary place to live.”

- (f) Nothing in this subsection shall be interpreted to prohibit the exchanging of objects into and out of vehicles where the vehicle is stopped or parked according to traffic laws and no blocking or impeding of a street or sidewalk occurs. Where an individual is engaged in lawful activity on the sidewalk and such activity evokes a response by a third party that is in violation of this section or any other ordinance or state law, the individual engaged in lawful activity shall not be in violation of this section.
- (g) This section shall not apply to actions taken by first responders; or to actions taken in response to an emergency or to prevent an accident.
- (h) This section shall not apply to persons or entities granted a permit by the city for purposes, including, but not limited to, under chapter 26 ~~and chapter 18, section 2~~ of this Code.
- (i) This section ~~shall~~ does not apply to acts to the extent they are allowed by, and done in conformity with, a permit issued by a governmental person.
- (j) This section shall not apply to impeding a public street or highway, public sidewalk, public passageway or the entrance or exit of an adjoining building due to a medical emergency.
- (jk) No action punishable under G.S. § 20-174.1 shall be punishable under this section. This section shall only apply to public streets or highways, public sidewalks, and other ways of public passageways, and the adjoining entrances or exits to a building within the city's corporate limits for which authority and control is not vested in the North Carolina Board of Transportation.
- (k) Pursuant to G.S. § [14-4] any violation of this section shall be a class 3 misdemeanor punishable by a fine of up to fifty dollars (\$50.00).

Sec. 2 That this ordinance shall become effective as of the date of enactment.