

ORDINANCE NO. 4813

AMENDING CHAPTER 15

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CHARLOTTE CITY CODE
ENTITLED "CHAPTER 15 – OFFENSES AND MISCELLANEOUS PROVISIONS"**

WHEREAS, the City of Charlotte has a significant governmental interest in protecting the health, safety and welfare of the general public and preserving the public order; and

WHEREAS, G.S.160A-174 allows a city by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public; and

WHEREAS, the City has a significant governmental interest in maintaining the aesthetics, cleanliness and proper sanitation of city property; and

WHEREAS, the City has a significant governmental interest in maintaining the safety of persons who use city property; and

WHEREAS, the City has a significant governmental interest in reducing the risk of liability arising from the use of city property.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Article I of Chapter 15 of the City Code is amended by adding new Sections 15-26, 15-27, 15-28, 15-29, 15-30 and 15-31 to read as follows:

"Sec. 15-26. Camping and other activity prohibited on public property.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Camp or camping means the use of city property for living accommodation purposes such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or placing any tents or a temporary shelter on city property for living accommodation purposes.

Temporary Shelter means tents, tarps, or any type of structure or cover that provides partial shelter from the elements.

(b) It shall be unlawful for anyone to camp on any public property owned by the city including public right of ways and sidewalks.

(c) Camping as defined in this section is deemed a public nuisance and the city may summarily remove a temporary shelter, bedding or personal belongings.

(d) It shall be unlawful to light or use a campfire or bonfire on public property except as may be specifically authorized by a permit.

Sec. 15-27. Possession of obstruction devices prohibited; placing objects in roadway, public right of way prohibited.

(a) It shall be unlawful for any person, other than governmental employees in the performance of their duty, to possess any obstruction object or instrument with the intent to obstruct a public road, public sidewalk, public right of way, entrance or exit to private property or any other area open to the public. Obstruction object or instrument as used in this section means a device commonly known as a "lock box" or "sleeping dragon" or any of the components of such a device including' but not limited to: pipes, tubes, wire handcuffs, chains, carabiners, or padlocks, or containers either weighted or not.

(b) It shall be unlawful for any person, other than governmental employees in the performance of their duty, to place any instrument, tripod, bipod or other pole or object with the intent to obstruct pedestrian or vehicular movement on a public road, public sidewalk, public right of way, entrance or exit to private property, or any other area open to the public.

(c) It shall be unlawful for any person, other than governmental employees in the performance of their duty, to attach themselves to another person, building, vehicle or fixture with the intent to obstruct pedestrian or vehicular movement on a public road, public sidewalk, public right of way, entrance or exit to private property or any other area open to the public.

(d) Obstruct as used in this section means to interfere with pedestrian or vehicular movement on a public road way, public sidewalk, public right of way, entrance or exit to private property, or any other area open to the public.

Sec. 15-28. Possession and dispersal of noxious substances.

(a) It shall be unlawful for any person to possess any noxious substance with the intent to use the noxious substance to interfere with a lawful assembly or to interfere with emergency services or to interfere with a person's right of entry or right to leave a place.

(b) It shall be unlawful for any person to throw, emit, or cause to be used as a projectile, or otherwise disperse any noxious substance.

(c) Noxious substance as used in this section means any substance that is harmful or destructive or foul or offensive to human beings, such as but not limited to garbage, trash, refuse, animal parts or fluids, manure, urine, feces or other organic waste by-products."

Sec. 15-29. Police lines and barricades.

(a) Officers of the Charlotte-Mecklenburg Police Department are authorized to establish police lines and barricades to preserve the public peace, arrest offenders and to protect the rights of persons and property.

(b) It shall be unlawful for anyone to intentionally cross over a police line or barricade.

Sec. 15-30. Kindling bonfires.

It shall be unlawful for anyone to set a fire on any public street, avenue, highway, public property or right of way unless expressly allowed by a permit.”

Sec. 15-31. Attachments to public and private property.

It shall be unlawful to hang, fasten, or attach any rope, wire, chain, sign, banner, or electrical device or power cord to any public or private property including buildings, bridges, overpasses, vehicles, construction equipment, memorials, utility poles or artwork unless express permission has been granted by the owner or manager of the property.”

Section 2. This ordinance shall become effective at 12:01 a.m. on January 30, 2012.

Approved as to form



City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the city of Charlotte, North Carolina, in regular session convened on the 23rd day of January, 2012 the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Pages (498-500).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of January, 2012.




Stephanie C. Kelly, MMC, City Clerk
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ORDINANCE NO. 4814

AMENDING CHAPTER 15

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CHARLOTTE CITY CODE
ENTITLED "CHAPTER 15 – OFFENSES AND MISCELLANEOUS PROVISIONS"**

WHEREAS, the City of Charlotte has a significant governmental interest in protecting the health, safety and welfare of the general public and preserving the public order; and

WHEREAS, G.S.160A-174 allows a city by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public; and

WHEREAS, the City has a significant governmental interest in maintaining the aesthetics, cleanliness and proper sanitation of city property; and

WHEREAS, the City has a significant governmental interest in maintaining the safety of persons who use city property; and

WHEREAS, the City has a significant governmental interest in reducing the risk of liability arising from the use of city property.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Chapter 15 of the City Code is amended by adding a new Article XIV to read as follows:

"Article XIV. Extraordinary Events

Sec. 15-310. Definitions.

The following words, terms and phrases, when used in the section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Extraordinary event means a large-scale special event of national or international significance and/or an event expected to attract a significant number of people to a certain portion of the City.

Sec. 15-311. Declaration of extraordinary event.

The City Manager may declare an extraordinary event, fix the location or boundaries of the extraordinary event, and establish the period of time of the extraordinary event.

Sec. 15-312. Permits.

Upon declaration of an extraordinary event, the city manager, or designee(s), may: (i) identify those permits for which a large number of applications are expected for activities that will take place during the extraordinary event; (ii) set deadlines for submittal of applications for the various permits so identified, which deadlines may deviate from those specified elsewhere in this code; and (iii) establish and administer a fair and content-neutral process for issuing permits when multiple applications are submitted for the same period of time and/or location.

Sec. 15-313. Regulations.

(a) During the period of time and within the boundaries of an extraordinary event, it shall be unlawful for any person, other than governmental employees in the performance of their duties to push, pull or transport any, vehicle, cart, or float, unless a permit specifically authorizes the use of that item(s).

(b) During the period of time and within the boundaries of an extraordinary event, it shall be unlawful for any person, other than governmental employees in the performance of their duties, to throw any item unless a permit specifically authorizing such throwing.

(c) During the period of time and within the boundaries of an extraordinary event, it shall be unlawful for any person, other than governmental employees in the performance of their duties, to willfully or intentionally possess, carry, control or have immediate access to any of the following:

- (1) A bar, chain, shaft, staff, cable, wire, lumber, or plastic pipe capable of inflicting serious injury to a person if thrown at or struck upon another, except as permitted by City Code Sec. 19-303(d);
- (2) A container or object of sufficient weight that may be used as a projectile, or that contains objects that may be used as a projectile, that could inflict serious injury to a person or damage to property;
- (3) An aerosol container, spray gun or soaker device;
- (4) A paint gun, etching materials, spray paint container, liquid paint or marker containing a fluid that is not water soluble;
- (5) A backpack, duffle bag, satchel, cooler or other item carried with the intent to conceal weapons or other prohibited items;
- (6) A glass or breakable container capable of being filled with a flammable or dangerous substance carried with the intent to inflict serious injury to a person or damage to property;
- (7) A sharp or bladed objects such as a box cutter, utility knife, ice pick, axe, or any other object defined in City Code Sec. 15-14;
- (8) A hammer or crow bar;
- (9) Pepper spray, mace or any other irritant carried with the intent to delay, obstruct or resist the lawful orders of a law enforcement officer;
- (10) Body armor, shield, helmet, protective pads, or gas masks carried or worn with the intent to delay, obstruct or resist the lawful orders of a law enforcement officer;

- (11) A mask or scarf worn with the intent to hide one's identity while committing a crime;
 - (12) A police scanner;
 - (13) Rocks, bottles, objects, bricks or pieces thereof that are of sufficient weight or design as to cause serious injury to a person if thrown at or struck upon another;
 - (14) A device used to shoot, hurl or project a missile of any description capable of inflicting serious injury to a person;
 - (15) A "sock" or "pocket" containing material of sufficient weight as to cause serious injury to a person if thrown at or struck upon another;
 - (16) Fireworks, smoke bombs, sparklers, and stink-bombs;
 - (17) An animal unless specifically allowed under the terms of a permit issued in City Code Sec. 19-313 or is a service animal used to assist a person with a disability.
- (d) The following factors shall be a defense to prosecution for a violation of subsection (c):
- (1) The defendant was engaged in, or on the way to or from, an activity in which he or she legitimately used the device or object; and
 - (2) The defendant possessed that object for that legitimate use; and
 - (3) The defendant did not use or attempt to use the object as a weapon or to injure another person or damage property."

Section 2. This ordinance shall become effective at 12:01 a.m. on January 30, 2012.

Approved as to form



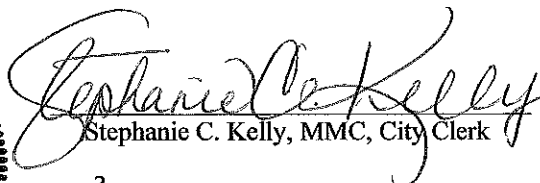
City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the city of Charlotte, North Carolina, in regular session convened on the 23rd day of January, 2012 the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Pages (501-503).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of January, 2012.




Stephanie C. Kelly, MMC, City Clerk

ORDINANCE NO. 4815

AMENDING CHAPTER 19

**AN ORDINANCE AMENDING CHAPTER 19 OF THE CHARLOTTE CITY CODE
ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"**

WHEREAS, the City of Charlotte has a significant governmental interest in protecting the health, safety and welfare of the general public and preserving the public order; and

WHEREAS, G.S.160A-174 allows a city by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public; and

WHEREAS, the City has a significant governmental interest in maintaining the aesthetics, cleanliness and proper sanitation of city public property; and

WHEREAS, the City has a significant governmental interest in maintaining the safety of persons who use city property; and

WHEREAS, the City has a significant governmental interest in reducing the risk of liability arising from the use of city property.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Subsections (a) and (b) of Section 19-303 are amended as follows:

"(a) Picketing may be conducted on public sidewalks, at the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, ~~Marshall Park~~, Polk Park, Independence Square Plaza, Arequipa Park, any other city-controlled park, or other city-owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on the portion of the public roadway used primarily for vehicular traffic.

(b) Notwithstanding subsection (a), picketing may not be conducted:

~~(1) At the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park, or other city-controlled park during a festival that has been permitted at that particular property or when that property has been otherwise reserved for private use;~~

~~(2) (1) On a median strip; and or~~

~~(3) (2) At a location directed, focused, or targeted at a particular private residence."~~

Section 2. The following definitions set forth in Section 19-311 are amended as follows:

“*Festival* means an outdoor concert, fair, ~~exhibit, promotion,~~ community event, block party, or similar event that is primarily commercial and/or recreational in nature.”

“*Parade* means an athletic event, march, ~~ceremony, pageant,~~ procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street. A funeral procession is not a parade.”

“*Permit official* means the person or persons designated by the city manager as being responsible for issuing and revoking permits under this article. The city manager may designate different persons as the permit official for different categories of permitted events and for different facilities or locations.”

“*Public assembly* means:

...

- (2) A festival on the Old City Hall lawn, the Charlotte-Mecklenburg Government Center Plaza, or in ~~Marshall Park,~~ Polk Park, Independence Square Plaza, Arequipa Park or any other city-controlled park.”

Section 3. Subsections (a), (c), (d), (e), and (f) of Sec. 19-312 is amended as follows:

“(a) *Permit required.* No public assembly or parade is permitted unless a permit allowing such activity has been obtained, and remains unrevoked, pursuant to this section.

...

(c) *Permitting criteria.* An application may be denied or revoked for any of the following reasons:

...

Unless subject to (c)(16), nothing in this section shall authorize the permit official to deny or revoke a permit based upon political, social, or religious grounds or reasons, or based upon the content of the views expressed.

...

(d) *Costs and fees.* The applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the city for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers and fire/EMS personnel, or reimbursing the city for the costs of providing on-duty law enforcement officers and fire/EMS personnel, to provide internal festival safety and security ~~and for hiring and paying necessary emergency medical technicians.~~

The permit official, in consultation with the Charlotte-Mecklenburg police and fire departments, shall determine the number of officers and fire/EMS personnel needed to appropriately police street closures and for internal safety and security, ~~and the number of emergency medical technicians needed~~, and the time when such services shall commence and end, taking into consideration the following:

...

(e) *Time and notice of decision.* The permit official shall approve or deny an application within 20 days of receipt. A notice of denial or revocation shall clearly set forth the grounds upon which the permit was denied or revoked and, where feasible, shall contain a proposal for measures by which the applicant may cure any defects in the application or otherwise procure a permit. Where an application is denied because the proposed event would conflict with another event that has or will be approved, the permit official shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place.

(f) *Appeals.*

(1) An applicant may appeal the denial or revocation of an application in writing within ten days after notice of the denial has been received. Within five business days, or such longer period of time agreed to by the applicant, the appeals official shall hold a quasi-judicial hearing on whether to issue the permit or uphold the denial or revocation. The applicant shall have the right to present evidence at said hearing. The decision to issue or uphold the denial or revocation shall be based solely on the approval criteria set forth in this section. The appeals official shall render a decision on the appeal within five business days after the date of the hearing. In the event that the purpose of the proposed event is a spontaneous response to a current event, or where other good and compelling causes are shown, the appeals official shall reasonably attempt to conduct the hearing and render a decision on the appeal as expeditiously as is practicable.

..."

Section 4. This ordinance shall become effective at 12:01 a.m. on January 30, 2012.

Approved as to form

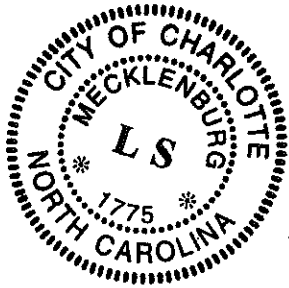


City Attorney

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Stephanie C. Kelly
Stephanie C. Kelly, MMC, City Clerk