

ORDINANCE NUMBER: \_\_\_\_\_

AMENDING CHAPTERS 1 AND

**AN ORDINANCE AMENDING CERTAIN CHAPTERS OF THE CHARLOTTE CITY CODE ENTITLED "CHAPTER 1- GENERAL PROVISIONS" AND "CHAPTER-15 OFFENSES AND MISCELLANEOUS PROVISIONS."**

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**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;

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

Section 1. Chapter 1 "GENERAL PROVISIONS" of the Charlotte City Code shall be amended to create a new section as follows:

**ARTICLE I. – IN GENERAL**

**Sec. 15-26 – Offensive and 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, 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."

(d) Any person who violates any provision of this article shall be guilty of a misdemeanor as provided by G.S. 14-4, and shall be subject to a fine of not more than five hundred dollars (\$500.00)."

Section 2. Chapter 1 "GENERAL PROVISIONS" of the Charlotte City Code shall be amended to create a new section to read as follows:

"ARTICLE I. – IN GENERAL

Sec. 15-27–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 section, except where the context clearly indicates a different meaning:

Camping means sleeping or otherwise remaining regularly or intermittently in, at or near a temporary shelter out-of-doors; or sleeping out of doors; or cooking over an open flame out of doors.

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

(b) Camping is prohibited on all public property owned by the City including public right of ways, except as may be specifically authorized by the City Manager or his or her delegate.

(1) Section 15-27 (b) shall not be enforced when facilities are unavailable to provide emergency shelter to the public.

(c) Camping as defined in this section is deemed a public nuisance and the city may summarily remove a temporary shelter and its contents twenty four hours after providing written notice to remove the temporary shelter to either the occupant or by attaching said notice to the temporary shelter. The notice shall state a time and location where the occupant can retrieve any personal items.

(d) It shall be unlawful to hang, fasten, or attach any rope, wire, chain, sign, or electrical device or power cord to any public tree, memorial, or public building except as may be specifically authorized by the City Manager or his or her delegate.

(e) It shall be unlawful to damage or deface any public tree.

(e) It shall be unlawful to light, make or use open flame or make or use a bonfire on public property except as may be specifically authorized by the Fire Chief.

(f) Any person who violates any provision of this article shall be guilty of a misdemeanor as provided by G.S. 14-4, and shall be subject to a fine of not more than five hundred dollars (\$500.00)."

Section 3. Chapter 1 "GENERAL PROVISIONS" of the Charlotte City Code shall be amended to create a new section to read as follows:

"ARTICLE I. – IN GENERAL

Sec. 15-28 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 or other 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.

(e) Penalty: Anyone found to be in violation of this article shall be charged with a misdemeanor and subject to a penalty as set forth in section 2-21."

Section 4. Chapter 19 "OBSTRUCTIONS AND ENCROACHMENTS" of the Charlotte City Code shall be amended to read as follows:

"ARTICLE VIII. – OBSTRUCTIONS AND ENCROACHMENTS

Sec. 19-241. - Obstructions.

It shall be unlawful to place or maintain an unnecessary ~~temporary or permanent~~ obstruction in the public right-of-way. ~~A temporary obstruction means any object such as a ladder, platform, stage, table, tent, tarp or any other object that obstructs pedestrian movement upon the public right of way.~~ The city may require the person who has placed or maintains an obstruction in violation of this section to remove the obstruction and repair or restore the right-of-way within a reasonable period of time, which time shall be set in consideration of the harm or risk created by the obstruction and the effort and expense of removal. In addition, the city may summarily remove an obstruction and charge the expense of the removal, restoration, and repair to the person who placed or maintained the obstruction.

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