



Agenda

Greenville City Council Workshop

May 8, 2023

4:00 PM

City Hall Conference Room 337, 200 West Fifth Street

- I. Call Meeting To Order**
- II. Roll Call**
- III. Approval of Agenda**
- IV. New Business**
 - 1. Charter Amendment: City Council Terms
 - 2. Various Revisions to City Code
 - 3. Town Common Bulkhead and Esplanade Replacement Conceptual Design Review
 - 4. Dream Park Community Building Renovation Update
- V. Adjournment**



City of Greenville, North Carolina

Meeting Date: 05/08/2023

Title of Item: Charter Amendment: City Council Terms

Explanation: Pursuant to a request from Council Member Daniels, the City Attorney's Office will provide a brief presentation regarding the process for extending the length of the Mayor's term and Council Members terms of office. The City Charter presently provides that the Mayor serve a two-year term; similarly, Council Members serve two-year terms.

Provisions of the Charter setting forth the Mayor's term of office or the terms of office of Council Members may be amended as provided in North Carolina law including by:

1. an act of the General Assembly; or
2. adoption of an ordinance after following the procedure set forth in N.C. Gen. Stat. § 160A-102 (which includes resolution of intent, public hearing and may be subject to the approval of the voters by a referendum at Council's discretion, or as a result of a referendum petition).

Fiscal Note: There is no fiscal impact associated with this presentation.

Recommendation: City Council receive City Attorney's report.



City of Greenville, North Carolina

Meeting Date: 05/08/2023

Title of Item: Various Revisions to City Code

Explanation: Session Law 2021-138 (SB 300) made changes to N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 decriminalizing certain ordinances and creating a new general rule for enforcement of ordinances that except for the types of ordinances listed in N.C.G.S. § 160A-175(b1), a violation of a city ordinance may be a misdemeanor or infraction as provided by N.C.G.S. 14-4 only if the city specifies such in the ordinance.

If City Council desires criminal enforcement of ordinances, the law requires the City to identify each code section requiring a criminal penalty and to specifically apply a criminal penalty to the code section by way of two readings before City Council. During this process, City staff has identified five additional goals as part of these revisions:

1. Review the ordinances to bring City Code provisions into better compliance.
2. Standardize both criminal and civil penalties.
3. Address appeal provisions.
4. Clean-up ordinances (reword, move to other chapters, etc.)
5. Repeal those ordinances that are preempted or otherwise not needed.

Working with City staff, City Attorney's Office has researched and prepared for consideration a presentation and various ordinance revisions to accomplish these goals.

Fiscal Note: There is no fiscal impact associated with this presentation.

Recommendation: That City Council receive City staff's report.

ATTACHMENTS

 [An Ordinance to Repeal and Replace Part II. Title 10.Chapter 2 of City Code and Revise Portions of Titles 6 and 12 - 8 - COG.pdf](#)

 [An Ordinance to Revise Portions of Part II Titles 1 2 5 6 9 11 of City Code - 4 - COG..pdf](#)

 [-DRAFT--ORDINANCE_23-0XX--An_Ordinance to Revise Portions of Part II Title 12 Chapters 1 2 3 5 and 7 of City Code.pdf](#)

ORDINANCE NO. 23-_____

AN ORDINANCE TO REPEAL AND REPLACE PART II, TITLE 10, CHAPTER 2 OF THE
CODE OF ORDINANCES, CITY OF GREENVILLE AND TO MAKE REVISIONS TO
PORTIONS OF PART II, TITLES 6, 10, AND 12 OF THE CODE OF ORDINANCES, CITY
OF GREENVILLE

WHEREAS, the City Council of the City Greenville desires to revise certain provisions of the Code of Ordinances, City of Greenville regarding transportation and traffic and repeal and replace Part II, Title 10, Chapter 2 of the Code of Ordinances, City of Greenville to conform to applicable North Carolina law, including but not limited to Chapter 20 and Chapter 160A of the North Carolina General Statutes; N.C.G.S. § 160A-174, which authorizes the City to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the City; and Session Law 2021-138, Part XIII. Section 13.(b), which amends N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 regarding penalties for violations of ordinances; and

WHEREAS, the certain revisions to the Code of Ordinances, City of Greenville regarding transportation and traffic and the repeal and replacement of the entirety of Part II, Title 10, Chapter 2 of the Code of Ordinances, City of Greenville is necessary to adequately ensure uniform compliance with applicable law and revise the criminal and civil penalties as necessary to address the interests of public safety and welfare;

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES
HEREBY ORDAIN:

SECTION 1. That Part II, Title 6, Chapter 2, Article A., Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11 of the Code of Ordinances, City of Greenville, are repealed and hereby replaced and amended to now read as follows:

SEC. 6-2-1. RESERVED.

SEC. 6-2-2. RESERVED.

SEC. 6-2-3. RESERVED.

SEC. 6-2-4. RESERVED.

SEC. 6-2-5. RESERVED.

SEC. 6-2-6. RESERVED.

SEC. 6-2-7. RESERVED.

SEC. 6-2-9. RESERVED.

SEC. 6-2-10. RESERVED.

SECTION 2. That Part II, Title 12, Chapter 1, Section 8 and 16 of the Code of Ordinances, City of Greenville, are repealed and hereby replaced and amended to now read as follows:

SEC. 12-1-8. RESERVED.

SEC. 12-1-16. RESERVED.

SECTION 3. That Part II, Title 10, Chapter 1, Section 3 of the Code of Ordinances, City of Greenville, is hereby repealed and replaced as amended to now read as follows:

SEC. 10-1-3 SMOKING TOBACCO PRODUCTS OR CONSUMING ALCOHOLIC BEVERAGES ON CITY BUSES.

(A) It shall be unlawful for any person while a passenger on any bus system operated by the City to either:

- (1) Smoke tobacco products, tobacco-substitute products or products similarly used or consumed through the aid of a burning or fire consuming process;
or
- (2) Consume alcoholic beverages.

(B) *Civil Penalty.* A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil citation in an amount of \$100.00.

- (1) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (2) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency and the assessment of an administrative fee.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.

(d) Equitable remedies issued by a court of competent jurisdiction.

(e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

(C) *Criminal penalty for continuing to smoke.* Continuing to smoke in violation of subsection (A)(1) constitutes an infraction, and the person committing the infraction shall pay a criminal penalty of fifty dollars (\$50.00). Conviction of an infraction under this section has no consequence other than payment of a penalty. A person smoking in violation of this subsection may not be assessed court costs.

SECTION 4. That Part II, Title 10, Chapter 2 of the Code of Ordinances, City of Greenville, is hereby repealed and replaced as amended to now read as follows:

PART II: CODE OF ORDINANCES
TITLE 10: TRANSPORTATION, TRAFFIC, AND PARKING
CHAPTER 2: TRAFFIC AND PARKING REGULATIONS

ARTICLE A. WORDS AND PHRASES DEFINED

SEC. 10-2-1 DEFINITIONS OF WORDS AND PHRASES.

In addition to the definitions as found in City Code § 1-1-3 and Chapter 20 of the North Carolina General Statutes, including but not limited to those found in N.C.G.S. § 20-4.01, N.C.G.S. § 20-37.5, N.C.G.S. § 20-171.1, N.C.G.S. § 20-171.8, and N.C.G.S. § 20-280.1, which all said definitions are fully incorporated herein as may be applicable to the provisions set forth herein, the following definitions, regardless of capitalization, shall apply to this chapter unless the context clearly indicates or requires a different meaning.

Alley. A thoroughfare or passageway owned, occupied, or controlled by the City which is open for use by the public and which is located between two streets. Alleyway and public alley shall mean the same as alley.

Authorized emergency vehicle. A fire, rescue, ambulance, or law enforcement vehicle. A public service vehicle as defined by N.C.G.S. § 20-157(f) or a service vehicle as herein defined may be considered an authorized emergency vehicle if so designated or authorized by the Chief of Police.

Bus. A large motor vehicle designed to carry or capable of carrying passengers usually along a fixed route according to a schedule or otherwise along on a fixed route and for compensation or for private use only. A bus includes but is not limited to a school bus, school activity bus, motor carrier vehicle, or common carrier of passengers.

Chief of Police. The Chief of Police of the Greenville Police Department or his or her designee.

City. The City of Greenville.

City block. A portion of any street located between any two intersections of any two streets or alleys next adjacent to each other.

City employee. Any person employed by the City of Greenville. The term city employee does not include elected officials of the city.

City Manager. The City Manager or designee.

Commercial vehicle. Every vehicle designed, maintained or used primarily for the transportation of property.

Controlled access parking area. A parking area designated by the City Manager, which, during specified times, is subject to restricted or permitted parking, and is controlled by one of more opening and closing gates or parking arms at each entrance and exit point activated by gate card, parking meter, access code, remote control, off-site monitoring, or any other electronic or mechanical devices or means, or persons, including City employees, guards, or other attendants.

Crosswalk. A clearly marked crosswalk at an intersection; any regular pedestrian crossing upon a street or roadway included within the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a City block; an unmarked crosswalk at an intersection; any portion of a roadway or street distinctly indicated for pedestrian crossing by lines or other markings on the surface of the street or roadway, including but not limited to a school crosswalk; or that portion of a sidewalk or walkway extending across an alley, building entrance, road, or driveway.

Debris. Glass, metal, plastic, mud, soil, antifreeze, transmission, brake, or other liquids or fluids, injurious substances, pole or fence pieces, tree limbs, plant materials, parts, pieces, vehicle contents, paper, or any other item that has been dropped, deposited, or in any way placed upon a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City by a person or vehicle, as a result of a vehicle wreck or crash, disabled vehicle, damaged vehicle, or any other incident requiring towing or removal of the vehicle.

Director of Engineering. The Director of the City's Engineering Department or his or her designee.

Director of Financial Services. The Director of the City's Financial Services Department or his or her designee.

Fire/Rescue Chief. The Chief of the Greenville Fire/Rescue Department or his or her designee.

Electric vehicle. A vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off grid source, that is stored on board for motive purpose.

Electric vehicle charging station. Equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device on an electric vehicle.

Greenway. A corridor of urban, suburban, or rural space with contiguous, free, and open public-access trails connecting neighborhoods, recreational facilities (e.g., parks), and businesses allowing and encouraging bicycle and pedestrian use, particularly for commuting, travel, and recreation. A greenway emphasizes naturally occurring and planned vegetation, scenic beauty and environmental protection, as well as preservation of natural, cultural and historical heritage.

Law enforcement officer. A sworn law enforcement officer having territorial and subject matter jurisdiction within the City.

Lessee. A person who has a possessory interest in a parking space leased to the person by the City.

Loading zone. A parking area or parking space adjacent to a curb on a street or other space upon any property owned, operated, occupied, leased, or controlled by the City reserved for the exclusive use of vehicles during the loading or unloading of freight, goods, passengers, equipment, or other property.

Median. The area of a street or highway between two roadways of a divided highway measured from edge of traveled way to edge of traveled way. The median excludes turn lanes. The median width might be different between intersections, interchanges, and at opposite approaches of the same intersection.

Manual of Fees. The *Manual of Fees for the City of Greenville* that lists sales and services provided by the City and the fee schedule as approved and adopted by City Council.

Manual on Uniform Traffic Control Devices for Streets and Highways or MUTCD. The current edition of the MUTCD as published and/or approved by the United States Department of Transportation, Federal Highway Administration.

Motor carrier vehicle. A for-hire motor carrier vehicle or a private motor carrier vehicle.

No parking area. An area specifically marked, striped, or designated by sign or other means prohibiting parking.

Off-street parking. Lots, parking lots, garages, parking garages, or any other locations or facilities owned or leased by the City and designated for use by the public as parking facilities.

Off-street parking area. Any lot, parking lot, garage, parking garage, or any other location or facility owned or leased by the City and designated for use by the public as a parking facility.

Official traffic-control device. Any sign, signal, marking, or device, not inconsistent with this chapter, placed or erected by or under the authority of the State of North Carolina or a political subdivision thereof, for the purpose of regulating, warning, prohibiting, or guiding traffic upon the public streets and thoroughfares of the City.

Official traffic signals. Any device, whether manually, electrically, or mechanically operated, whereby traffic is alternately directed to stop and to proceed, or to turn, or to proceed with caution.

On-street parking. The parking of vehicles on the public streets, alleys, and bridges within the City.

On-street parking area. A public street, alley, or bridge within the City that is designated for use by the public for on-street parking.

Overtime parking. The period of time wherein a parked vehicle is exceeding the legal parking time or otherwise parked beyond the period of legal parking time.

Park or leave standing. The stopping or standing of any vehicle, whether occupied or unoccupied, attended or unattended, while the vehicle is not in use or for more than a mere temporary or momentary stoppage for a necessary purpose. Park and leave standing are synonymous.

Parking area. A designated area of off-street or on-street parking, which may include one or more parking spaces, specifically set aside, defined, marked, or assigned by the Director of Engineering for the parking one or more vehicles at a time or for a designated or defined time or purpose.

Parking enforcement officer. A non-sworn City employee, including those City employees designated as reserve parking enforcement officers, designated by the Chief of Police.

Parking meter. Any mobile, cellular, software, or computer-based parking platform or mechanical device, station, or meter installed, placed, erected, or used by authority of the City for the control and regulation of time-limited parking and, depending on the design, activated in whole or in part by in-person, cellular or mobile telephone, computer, or other electronic means and by the payment of coins, tokens, cash, credit cards, debit cards, or other payment method approved by the City.

Parking meter space. A parking space within a parking meter zone which is regulated by a parking meter, is duly designated for the parking of a single vehicle, and is identified as a parking meter space on, adjacent to, or near the space by one or more of the following: signage, painted lines, curb markings, or parking surface painting.

Parking meter area. An on-street or off-street parking area designated by the City for use by the public for parking of vehicles as regulated and controlled by use of a parking meter. A parking meter zone shall be designated in the *Schedule of Traffic Regulations* and otherwise by one or more of the following: signage, painted lines, curb markings, or parking surface painting.

Parking space. A designated space specifically signed, set aside, defined, marked, or assigned by the City Manager for the parking of a single vehicle at one time and for a designated or defined time or purpose.

Parking permit. The permit issued by the City that allows a specific vehicle to lawfully park in an designated portion of the Uptown area. A parking permit may be issued by the City in the form of a sign, sticker, placard, tag, or other format as deemed appropriate by the City.

Pedestrian. A person who travels on foot.

Private motor carrier vehicle. A motor vehicle capable of transporting passengers or property in interstate commerce and is not a for-hire motor carrier vehicle.

Police officer. A sworn law enforcement officer of the Greenville Police Department.

Private parking lot. Privately owned real property, including but not limited to any privately owned parking lot, facility, or area that provides parking for a fee or otherwise requires the permission of the owner, lessee, or agent before a person may park at that location.

Reserved parking. An on-street or off-street parking zone, parking area, or parking space designated by the City for use solely by specific persons or vehicles and regulated by one or more of the following: signage, painted lines, curb markings, or parking surface painting, which may include the word “reserved” or “reserved parking.”

Registered owner. The person in whose name a vehicle is registered.

Residential area. An area having a residential district zoning classification as defined by the Zoning Ordinance for Greenville, North Carolina.

Residential area parking permit. A parking permit issued by the City Manager that authorizes a specific vehicle to lawfully park in an designated parking area of a specified residential area. A residential area parking permit may be issued by the City in the form of a sign, sticker, placard, tag, or other format as deemed appropriate by the City.

Rideshare. The transportation of persons in a motor vehicle where such transportation is incidental to another purpose of the driver and is not operated or provided for profit. The term shall include ridesharing arrangements such as carpools, vanpools, and buspools.

Schedule of Traffic Regulations. The *Schedule of Traffic Regulations and Fire Lanes Designated on Private Property in a Public Vehicular Area*, which is adopted by City Council.

Service vehicle. A vehicle owned by a federal, state, or local government agency or a vehicle used for the access to or repair, construction, or maintenance of utilities, buildings, or property, including tow service vehicles.

Skateboard. A short, narrow platform having a set of two or more wheels or casters mounted under it which is propelled by human force.

Sidewalk. That portion of a street or highway between the curb line, or the lateral line of a roadway, and the adjacent property line or on easements of private property that is paved or improved and intended for the use by pedestrians.

Special event. An event including but not limited to a festival; parade; party; motorcade; race, walk, run, or marathon; sporting event, pep rally, celebration, or similar event; concert; lawful picket, protest, or assemblage; or any other similar event or activity which is sponsored for or by the City; owners, residents, or tenants in the area; organizations, including any political, charitable, civil, or fraternal organization; or any person or group.

Stop. The complete cessation from movement, where required.

Tailgate or tailgating. The act of following or allowing another to follow behind a vehicle that has lawfully activated any gate, parking arm, or access control device at any off-site parking area such as to enter or exit a controlled access parking area by trailing behind such another vehicle before the gate has had an opportunity to close for the purpose of evading payment of the applicable parking fee or permit fee or otherwise for the purpose of evading the lawful operation of the controlling gate, parking arm, or access control device.

Temporary street closing. The temporary closing-off of any public street, alley, bridge, sidewalk, lot, parking lot, garage, parking garage, or any other location or facility owned, occupied, or leased by the City for a special event.

Ticket. A citation imposing a civil penalty only. In the context of off-street parking, a ticket is also a paper or other medium dispensed at the time of entry onto the off-street parking area identifying the date and time of entry onto the off-street parking area.

Time-limited parking. An on-street or off-street parking zone, parking area, or parking space designated by the City for use by the public for parking of vehicles for a specified and limited time and controlled and regulated by sign or by parking meter or by any combination thereof.

Tow or towed. To haul, carry, pull along, or otherwise transport or remove in any of its forms a vehicle by any means including towing and to store the vehicle.

Tower. The person, including a tow service, who tows a vehicle.

Towing fee. The fee charged for towing and storing payable to the tower for the tower's towing of a vehicle.

Tow service. Any person engaged in the business of towing and/or recovery of vehicles, including but not limited to those businesses that are part of an auto salvage, auto repair, salvage, or junk business.

Tow service vehicle. Any of the following vehicles used to tow, remove, push, or recover any vehicle that has become disabled as a result of a motor vehicle crash, violation of parking ordinance authorizing tow, disabled vehicle, or any other incident involving a vehicle that requires tow, removal, or recovery, including but not limited to a police-initiated tow:

A. Vehicle carrier or "rollback." A vehicle carrier or rollback is a vehicle transport designed to tow or carry vehicles damage-free. The chassis shall have a minimum gross vehicle weight rating (GVWR) of 14,500 pounds. Additionally, the rollback shall have all of the following: two lift cylinders, minimum two and one-half inch bore; individual power winch pulling capacity of not less than 8,000 pounds; a length of wire rope (cable) on winch drum with a working load limit (WLL) that meets or exceeds the pulling capacity of the power winch utilized; and four tie down hook safety chains. The carrier bed of the rollback shall be a minimum of 16 feet in length and a minimum of 84 inches in width inside side rails. A cab protector, constructed of aluminum or steel, must extend a minimum of 10 inches above the height of the bed of the rollback. A vehicle carrier or rollback shall be synonymous but shall not be considered a small or large wrecker.

B. Large wrecker. A truck chassis having a minimum gross vehicle weight rating (GVWR) of 26,001 pounds and a boom assembly having a minimum lifting capacity of 40,000 pounds as rated by the manufacturer; tandem axles or cab to axle length of no less than 102 inches; a length of wire rope (cable) with a working load limit (WLL) that meets or exceeds the pulling capacity of the power winch utilized on each drum; airbrake so constructed as to lock wheels automatically upon failure; and additional safety equipment as specified by the rules in this chapter.

C. Small wrecker. A truck chassis having a minimum gross vehicle weight rating (GVWR) of 10,000 pounds and a maximum gross vehicle weight rating (GVWR) that does not exceed 26,000 pounds; a boom assembly having a minimum lifting power of 8,000 pounds as rated by the manufacturer; an 8,000 pound rated winch with a length of wire rope (cable) on winch drum with a working load limit (WLL) that meets or exceeds the pulling capacity of the power winch utilized; a belt-type tow plate or tow sling assembly; a wheel-lift with a retracted lifting

capacity of no less than 3,500 pounds; and additional safety equipment as specified by the rules in this chapter.

D. **Wreckers.** Vehicles with permanently attached cranes used to move other vehicles; provided, that said wreckers shall be equipped with adequate brakes for units being towed.

Tow service vehicle operator. A person operating a tow service vehicle.

Trailer or Utility Trailer. A vehicle without motive power drawn by a vehicle, which may be used for the transport of persons, property, goods, or materials. Trailers and utility trailers are synonymous and include but are not limited to camping trailers, semitrailers, trailers, fifth-wheel trailers, house trailer, and travel trailer as defined by Chapter 20 of the North Carolina General Statutes.

Uptown area. The area of the City bordered by the Tar River to the north, Reade Street to the east, Tenth Street on the south, and the CSX Railroad right-of-way on the west.

Uptown area parking permit. A parking permit issued by the City Manager that authorizes a specific vehicle properly displaying the issued parking permit to lawfully park in a designated parking area within the Uptown area. An Uptown area parking permit may be issued by the City in the form of a sign, sticker, placard, tag, or other format as deemed appropriate by the City.

ARTICLE B. TRAFFIC REGULATIONS

SEC. 10-2-2 AUTHORITY OF POLICE, FIRE/RESCUE DEPARTMENT OFFICIALS, AND PARKING ENFORCEMENT OFFICERS.

(A) *Police Officers.* It shall be the duty of the police officers to enforce all ordinances as defined in this chapter and all applicable State traffic laws. Police officers are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, police officers may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(B) *Greenville Fire/Rescue Department Officials.* In connection with their duties, uniformed members of the Greenville Fire/Rescue Department, when at the scene of or in connection with a fire, accident, or other hazard may direct traffic or assist the police in directing traffic.

(C) *Parking Enforcement Officers.* Parking enforcement officers are authorized to issue civil tickets for violations of this chapter and to tow and store vehicles parked in violation of the provisions of this chapter. Parking enforcement officers are also hereby authorized to be appointed as traffic-control officers in accordance with N.C.G.S. § 20-114.1.

SEC. 10-2-3 AUTHORIZED EMERGENCY VEHICLES EXEMPT.

The provisions of this chapter regulating the operation, stopping, or parking of vehicles shall not apply to operators of authorized emergency vehicles having the right-of-way or while said vehicles are being operated in emergencies and the stopping or parking of any federal, state, or local government vehicle along any road or highway while engaged in official business, and with the proper warning devices activated shall not be considered a violation of this chapter.

SEC. 10-2-4 SCHEDULE OF TRAFFIC REGULATIONS; INCORPORATION BY REFERENCE.

(A) Traffic shall be controlled by official traffic-control signs, signals, markings and devices designated in the *Schedule of Traffic Regulations*, which is incorporated herein and made a part of this Code by reference, a copy of which is on file in the office of the City Clerk.

(B) The Director of Engineering is authorized to amend the *Schedule of Traffic Regulations* by designating the streets, highways, alleys, or intersections which are not a part of the state highway system or parts of streets, highways, or alleys which are not a part of the state highway system upon which traffic is prohibited, regulated, diverted, controlled, or limited in accordance with the provisions of this chapter.

(C) In accordance with the provisions of state law, City Council may amend the *Schedule of Traffic Regulations* by designating the streets, highways, alleys or intersections which are a part of the state highway system or parts of streets, highways, or alleys which are a part of the state highway system upon which traffic is prohibited, regulated, diverted, controlled, or limited.

(D) The Director of Engineering is authorized to amend the *Schedule of Traffic Regulations* by designating loading zones; on-street parking within the City upon which parking is regulated, restricted, or prohibited in accordance with the provisions of this chapter; and by designating off-street parking upon which the use is regulated in accordance with the provisions of this chapter.

(E) The Director of Engineering is authorized to amend the *Schedule of Traffic Regulations* by designating the specified areas of any parking areas or driveways of a hospital, shopping center, apartment house, condominium complex or commercial office complex, or any other privately owned public vehicular area upon which stopping, standing, or parking is regulated or prohibited in accordance with the provisions of this chapter, provided the owner or person in general charge of the operation and control of that area requests in writing that such an ordinance be adopted.

(F) *Authority to place restricted turn signs.* Intersections at which drivers of vehicles shall not make a right, left turn, or U-turn shall be designated in the *Schedule of Traffic Regulations* and proper signs shall be erected at these intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours, in which event the hours shall be plainly indicated on the signs or they may be removed when the turns are permitted.

(G) *Authority to sign one-way streets and alleys.* One-way streets or alleys shall be designated in the *Schedule of Traffic Regulations* and proper signs shall be erected giving notice thereof. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(H) *One-way streets and alleys designated.* Upon those streets and parts of streets and in those alleys identified in the *Schedule of Traffic Regulations*, vehicular traffic shall move only in the indicated direction when proper signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(I) *Authority to erect stop signs.* Through streets shall be designated in the *Schedule of Traffic Regulations* and stop signs on each and every street intersecting the through street or intersecting a portion thereof shall be erected unless traffic at any intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets.

(J) *Intersections where stop required.* Intersections, upon other than through streets, where vehicles shall stop at one or more entrances to any stop intersection, shall be designated in the *Schedule of Traffic Regulations*.

(K) *Fire lanes.* Fire lanes designated pursuant to N.C.G.S. § 20-162(b) shall be identified in the *Schedule of Traffic Regulations* to the extent possible.

SEC. 10-2-5 NO MOTOR VEHICLES ON GREENWAY

(A) It shall be unlawful to operate, park, or ride upon a motor vehicle on any greenway. For purposes of this section, the definition of motor vehicle includes any moped, golf cart or similar device, and all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

(B) *Exceptions.* This section shall not apply to any of the following:

- (1) Authorized emergency vehicles.
- (2) Service vehicles including those needed for care and maintenance of the greenway or landscaping.
- (3) Motorized wheelchairs or similar vehicles not exceeding 1,000 pounds gross weight when used for pedestrian purposes by a handicapped person with a mobility impairment as defined in N.C.G.S. § 20-37.5.
- (4) An electric personal assistive mobility device.

SEC. 10-2-6 OBSTRUCTIONS PROHIBITED.

(A) It shall be unlawful for any person to place in or upon a street, sidewalk, alley, bridge, or any portion of property owned, occupied, or controlled by the City any box, crate, cask, barrel, furniture, or any other obstruction or structure of any kind.

(B) *Exceptions.* This section shall not apply to garbage or refuse receptacles in which is deposited waste paper and trash of every description for removal by the City, leaves or yard waste for removal by the City, and a holder of a permit issued for uptown outdoor dining pursuant to Part II, Title 6, Chapter 2, Articles E and F of the City Code.

SEC. 10-2-7 BRICK, STONE, OR WOOD; PERMISSION REQUIRED FOR BUILDING MATERIALS.

It shall be unlawful for any person to allow brick, stone, wood, or any other substance obstructing a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City to lie in or upon a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City. However, building material, earth, and other obstructions of like character, in use for building purposes may, by permission of the City Manager in writing, be allowed under such restrictions as the City Manager may impose.

SEC. 10-2-8 SALE OR DISPLAY OF GOODS ON SIDEWALKS IN FIRE DISTRICT.

It shall be unlawful for any person to sell or display for the purpose of sale, any goods, wares, or merchandise upon a sidewalk within the fire district except as allowed in accordance with a permit issued for uptown outdoor dining pursuant to Articles E and F of Chapter 2 of Title 6 of the City Code.

SEC. 10-2-9 VENDORS OF POPCORN, PEANUTS, OR MERCHANDISE FROM MACHINES.

It shall be unlawful for any vendor of popcorn, peanuts, or any other merchandise of any kind whatsoever, using a portable or stationary machine, to put, place or allow the machine to remain on a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City.

SEC. 10-2-10 GASOLINE TANKS AND OIL PUMPS ON OR UNDER SIDEWALK.

It shall be unlawful to place a gasoline tank, oil pump, or similar object upon or under a sidewalk.

SEC. 10-2-11 GAMES ON STREETS AND SIDEWALKS PROHIBITED.

Except as otherwise provided in this Code, all games of every description are prohibited upon a street or on a sidewalk in the City.

SEC. 10-2-12 BUILDING FIRE OR BURNING TRASH.

The building of fires or the burning of trash upon a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City is prohibited.

SEC. 10-2-13 INJURIOUS WHEELS AND MACHINERY.

It shall be unlawful for any person to drive, drag, or draw, or cause to be driven, dragged, or drawn, upon, over, or across a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City a vehicle having wheels with flanges, ribs, clamps or other devices attached to or forming a part of the wheels which would damage the surface of the street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City or any disc harrows, or other machinery, implement, or vehicle of any description which would dig up, damage, or injure any portion of said street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City.

SEC. 10-2-14 PLACING GLASS OR DANGEROUS OBJECTS PROHIBITED.

It shall be unlawful to throw, deposit, or place in any manner upon a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City any destructive or injurious material, glass bottle, glass, nail, tack, wire, can, or any other substance reasonably likely to injure or cause damage to any person, animal, or vehicle.

SEC. 10-2-15 TOWING BY SOLICITATION PROHIBITED.

(A) No tower shall tow a vehicle unless authorized by the owner, operator, or otherwise as provided by the provisions of this Code.

(B) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a ticket in an amount as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365

days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 10-2-16 TOWING FROM PRIVATE LOTS; PRE-TOWING NOTICE REQUIRED.

(A) *Private property defined.* For the purpose of this section, "private property" shall mean property upon which is located a lot, garage, or other parking facility not owned or leased by the City of Greenville or another governmental entity.

(B) It shall be unlawful to tow or remove or immobilize by the use of a wheel lock or other method a vehicle for parking on private property without the permission of the owner or lessee of the private property to park the vehicle on the private property unless notice in accordance with the provisions of this section is posted on the private property from which the towing, removal, or immobilization is made.

(C) Such notice shall fulfill the following requirements:

- (1) A MUTCD-compliant notice, in the form of a sign structure, not less than 12 inches by 18 inches in size, shall be prominently placed on the private property at each access or curb cut allowing vehicular access to the property, within five feet of the street right-of-way line. If there are no curb or access barriers, MUTCD-compliant signs shall be posted not less than one sign each 50 feet of the frontage to the public street. As an alternative, MUTCD-compliant notice, in the form of a sign structure, not less than 12 inches by 18 inches in size, shall be posted at each parking space from which towing, removal, or immobilization is made.
- (2) The MUTCD-compliant notice shall clearly display the following:
 - (a) In not less than one-and-one-half-inch-high letters on a contrasting background, the words “tow-away” or “tow-away-zone” or “towing enforced.”
 - (b) In not less than one-inch-high letters on a contrasting background, a statement indicating that parking by unauthorized vehicles is prohibited by the use of a phrase such as “private property,” “leased parking,” “no parking,” “parking for customers only,” “parking for residents only,” or a similar phrase. If parking by unauthorized vehicles is not prohibited on a 24-hour continuous basis, the days of the week and hours of the day during which unauthorized parking is prohibited shall be posted.
 - (c) In not less than one-half-inch-high letters on a contrasting background, the telephone number at which a person available to release the vehicle that has been towed, removed or immobilized may be contacted at any time. Calls to the telephone number must be answered by a person and a person with the authority and ability to release the vehicle must respond to the location of the vehicle within 30 minutes of a call.
- (3) The sign structure displaying the required notices shall be permanently installed with the bottom of the sign not less than six feet above ground level and not more than eight feet above ground level. Pedestrian safety should be taken into consideration when locating freestanding signs.

(D) *Exceptions.* Notwithstanding any other provision of this section, no notice shall be required for the towing or removal or immobilization of a vehicle:

- (1) If the vehicle obstructs adequate ingress and egress to businesses or residences;
- (2) If the vehicle has been left on the private property for a period of time greater than 48 hours; or
- (3) If the vehicle is being removed pursuant to the direction of a law enforcement officer or the code enforcement coordinator or officer in accordance with the provisions of the City Code or state law.

(E) *Requirement to give notice of vehicle towing.* Whenever a vehicle is towed at the request of a person other than the owner or operator of the vehicle, the tower shall provide the following information to the local law enforcement agency having jurisdiction through calling the 10-digit telephone number designated by the local law enforcement agency having jurisdiction prior to moving the vehicle:

- (1) A description of the vehicle.
- (2) The place from which the vehicle was towed.
- (3) The place where the vehicle will be stored.
- (4) The contact information for the person from whom the vehicle owner may retrieve the vehicle.

If the vehicle is impeding the flow of traffic or otherwise jeopardizing the public welfare so that immediate towing is necessary, the notice to the local law enforcement agency having jurisdiction may be provided by a tower within 30 minutes of moving the vehicle rather than prior to moving the vehicle. If a caller to a local law enforcement agency having jurisdiction can provide the information required under subdivisions (1) and (2) of this subsection, then a local law enforcement agency having jurisdiction shall provide to the caller the information provided under subdivisions (3) and (4) of this subsection. The local law enforcement agency having jurisdiction shall preserve the information required under this subsection for a period of not less than 30 days from the date on which the tower provided the information to the local law enforcement agency having jurisdiction. This subsection shall not apply to vehicles that are towed at the direction of a law enforcement officer.

(F) *Storage within city required unless authorized by owner.* Unless authorized by the owner of the vehicle, a vehicle that is towed pursuant to this section shall be stored by the tow service within the corporate limits of the City and at no time shall the vehicle be transported outside of the corporate limits of the City unless in compliance with other operation of law.

(G) *Civil Penalty.* A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

- (1) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
- (2) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
- (3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(H) *Appeals; payment of civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(I) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.
- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(J) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 10-2-17 FAILURE TO REMOVE AND DISPOSE OF DEBRIS.

(A) It shall be unlawful for any person repairing or removing by tow or otherwise a wrecked, crashed, disabled, or damaged vehicle from a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the city to fail to remove and properly dispose of all debris.

(B) *Civil Penalty.* A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

- (1) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
- (2) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
- (3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(C) *Appeals; payment of civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(D) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.
- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(E) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 10-2-18 CERTAIN ACTIVITIES PROHIBITED.

(A) It shall be unlawful for a person to ride upon or operate in any manner any motorized or non-motorized roller skates, in-line skates, roller blades, scooter, skateboard, coaster,

hoverboard, sled, toy vehicle, or any similar tracked device or wheeled device having one or more wheels as follows:

- (1) In or upon an off-street parking area; or
- (2) On a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City in a manner or under any condition which interferes with vehicle, motor vehicle, or pedestrian travel or in any way endangers the safety or property of any person.

SEC. 10-2-19 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS.

(A) No person shall place, maintain or display upon or in view of any street or highway any unauthorized sign, signal, marking, or device which purports to be or is in imitation of or resembles an official traffic-control device, sign, or signal, or which attempts to direct the movement of pedestrians or traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device, sign, or signal.

(B) No person shall place or maintain nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.

(C) *Civil Penalty.* A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

- (1) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
- (2) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
- (3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(D) *Appeals; payment of civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(E) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.
- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(F) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 10-2-20 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES, SIGNS OR SIGNALS.

(A) No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, possess, or remove any official traffic-control device, sign, or signal or any inscription, shield, or insignia thereon, or any other part thereof.

(B) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a ticket in an amount as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of

this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - 1. A civil action in the nature of a debt.
 - 2. The use of a collections agency and the assessment of an administrative fee.
 - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - 4. Equitable remedies issued by a court of competent jurisdiction.
 - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 10-2-21 SPINNING OF WHEELS PROHIBITED.

It shall be unlawful for any person, upon any street, alley, bridge, sidewalk; property owned, operated, occupied, leased, or controlled by the City; or other public way or upon the grounds and premises of any service station, drive-in theatre, store, restaurant or other business establishment providing parking or loading and unloading automobile space for customers, patrons, or the public, to operate a motor vehicle from a standing or parked position by rapid acceleration or other mechanical means of operation, so as to cause the wheels of the vehicle to spin in place prior to or during the initial forward movement of the vehicle; or to operate a vehicle so as to cause the vehicle, in its initial movement from a standing or parked position, to travel at a rate of speed greater than is reasonable and necessary for the normal operation of a motor vehicle according to accepted standard practices for vehicle operation.

SEC. 10-2-22 ALLEYS IN THE UPTOWN AREA.

No person shall drive or park a vehicle, other than an emergency or public service vehicle, on an alley in the Uptown area and no person shall damage or disfigure the paving surfaces or planted shrubs or trees in an alley in the Uptown area.

SEC. 10-2-23 CUTTING ACROSS PRIVATE PROPERTY TO AVOID TRAFFIC-CONTROL DEVICES.

It shall be unlawful for any operator of a motor vehicle to leave the roadway and travel across private property to avoid an official traffic-control device.

SEC. 10-2-24 STANDING, SITTING, AND WALKING ON MEDIAN PROHIBITED.

No person shall stand, sit, or walk on a median, provided that this section does not prohibit a person from taking such actions during the time needed to travel safely from one side of a roadway to the opposite side of the roadway.

SEC. 10-2-25 DRIVING OR PARKING ON SIDEWALKS PROHIBITED.

(A) No person shall drive or park any motor vehicle, which for purposes of this section includes mopeds, upon a sidewalk or sidewalk area except upon a permanent or temporary driveway.

(B) This section shall not apply to an authorized emergency vehicle when said vehicle is parked or operated in the performance of a, lawful, official, and required duty of its operator.

SEC. 10-2-26 CLINGING TO VEHICLES.

No person operating or riding upon any motorized or non-motorized bicycle, tricycle, roller skates, in-line skates, roller blades, scooter, skateboard, coaster, hoverboard, sled, toy vehicle, or any similar tracked device or wheeled device having one or more wheels shall attach same or himself or herself in any manner to any vehicle or motor vehicle upon a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City.

ARTICLE C. PARKING REGULATIONS

PART 1. GENERAL PARKING REGULATIONS

SEC. 10-2-100 APPLICATION OF ARTICLE.

The provisions of this article prohibiting the stopping or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or official traffic-control device.

SEC. 10-2-101 VIOLATIONS DEEMED PROHIBITED PARKING.

A vehicle that parks or is otherwise left upon any on-street or off-street parking area in violation of any provisions of this article shall be deemed as prohibiting parking.

SEC. 10-2-102 REGULATIONS NOT EXCLUSIVE.

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specified places or at specified times.

SEC. 10-2-103 PARKING CLOSE TO CURB OR ON OPERATOR'S LEFT.

(A) No person shall park a vehicle upon a street other than parallel with the farthest right-side edge of the roadway, headed in the direction of lawful traffic movement and with the wheels on the right side of the vehicle within 12 inches of the curb or edge of the roadway except as otherwise provided in this article.

(B) It shall be unlawful for any person to park any vehicle on the operator's left side of any street within the City; provided, that on one-way streets vehicles may be parked either on the operator's right or left side of any such street, unless signs or markings are placed, erected or installed indicating no parking zones on either one or both sides of any such street.

SEC. 10-2-104 VEHICLES TO BE PROPERLY PARKED.

(A) It shall be unlawful for any vehicle in or upon an on-street parking area or off-street parking area to be parked in such a way or in any manner other than entirely within the identified bounds of a parking space, if so identified. By way of example, whenever a parking space is marked with lines designating that parking space, it shall be unlawful for any person to park any vehicle on or across, or to extend any part of the vehicle over any designated line or marking, or to park any vehicle in such a position that it is not entirely within the space designated by such lines or markings.

(B) In all on-street parking areas and off-street parking areas, all vehicles shall be parked with the front of the vehicle positioned towards the front of the parking space and it shall therefore be unlawful for any person to back any vehicle into any on-street or off-street parking space.

(C) All parking upon a roadway or street shall be parallel, except upon those streets which have been marked for or have a posted sign indicating angle parking, upon which streets vehicles shall be parked at the angle to the curb indicated by such markings or signs and not otherwise.

(D) All government owned vehicles shall be exempt from this section.

SEC. 10-2-105 USE OF VEHICLE COVERS PROHIBITED.

It shall be unlawful for an owner or other person in lawful control of a vehicle while said vehicle is parked on a street, alley, bridge, or upon property owned, operated, occupied, leased, or controlled by the City to place or install in any manner a cover or any concealment of any kind upon said vehicle. A law enforcement officer or parking enforcement officer may temporarily remove such cover or concealment as may be reasonably necessary to inspect, read, or obtain any vehicle identification number, registration plate, or identity of ownership for purposes of enforcement of this chapter or for an emergency.

SEC. 10-2-106 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets designated in the *Schedule of Traffic Regulations*.

SEC. 10-2-107 STOPPING OR PARKING OF VEHICLES PROHIBITED GENERALLY; NO SIGNS REQUIRED.

(A) Except when necessary to avoid conflict with pedestrians or other traffic, the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle, in compliance with law, or at the directions of a law enforcement officer or traffic-control device, no person shall stop or park any vehicle of any kind whether attended or unattended, in any of the following places or otherwise as follows:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet in either direction of a fire hydrant.
- (5) On any portion of a crosswalk.
- (6) Within 30 feet of an intersection.
- (7) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
- (8) Within 15 feet in either direction of the entrance to any fire station or on the side of a street opposite the entrance to any fire station within 75 feet of the entrance (when properly signposted).
- (9) Alongside or opposite any street construction, maintenance, excavation, or obstruction when stopping or parking would obstruct or impede such operation or traffic.

- (10) Within 10 feet of the point of tangency between the driveway opening and curb line of a driveway.
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (13) At any place where official signs prohibit stopping or parking.
- (14) At or upon any on-street parking or off-street parking where the vehicle is stopped or parked in such a manner that it exceeds more than one parking space.
- (15) Upon the paved or main traveled portion of any street or highway open to the public for the purpose of vehicular traffic. In emergency situations when stopping a vehicle along a street or highway is necessary, it shall be the duty of the operator to exercise reasonable care to give adequate warning to approaching traffic of the presence of the vehicle. This duty exists regardless of the reason for stopping the vehicle. Temporary or momentary stopping when there is no intent to interfere with the flow of traffic shall not be considered a violation of this subsection.
- (16) On the area between the curb and sidewalk.
- (17) On a median, unless the vehicle is disabled, and then only temporarily for a period not to exceed 24 hours.
- (18) In the same place at or upon any on-street parking or off-street parking continuously for 72 hours;
- (19) On property owned, operated, occupied, leased, or controlled by the City for more than 72 hours.
- (20) Within 500 feet of any fire apparatus stopped to respond to a fire alarm or other emergency.
- (21) In any manner or under any conditions as to leave available less than 10 feet of the width of the roadway, less than 10 feet of the width of the right one-half of the roadway, or any area delineated as a travel lane for free movement of vehicular traffic.
- (22) Upon any private or public alley located within the fire district of the City in such a manner as to obstruct the free passage of other vehicles along the alley at all times.

- (23) On a street while displaying the vehicle for sale.
- (24) On a street, alley, bridge, or upon property owned, operated, occupied, leased, or controlled by the City, including but not limited to on-street and off-street parking areas:
 - (a) For the purpose of or while working on, repairing, painting, washing, or greasing a vehicle. This subsection does not apply to repairs necessitated by an emergency.
 - (b) For the purpose of storing a vehicle by a person, including by garages, repair shops, and dealers, when the storing is secondary to the bona fide use and operation of the vehicle. For the purpose of this section, a vehicle shall be deemed to have been left for the principal purpose of storage when that vehicle has been parked in one place for a continuous period of more than 72 hours.
 - (c) For the purpose of storing of any detached trailer or van when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one vehicle to another.
 - (d) For the primary purpose of advertising.
- (25) In any designated place when official signs are erected at hazardous or congested places.
- (26) In a manner as would block or otherwise obstruct the reasonable ingress to or egress from any on-street or off-street parking area by other vehicles, or as would block or obstruct the passage of emergency vehicles through such parking area or lot.

(B) No person shall move a vehicle not lawfully under his or her control into any prohibited area or away from a curb any distance as is unlawful.

SEC. 10-2-108 PRODUCTION OR ALTERATION OF PARKING PERMIT, TAG, GATE CARD PROHIBITED .

It shall be unlawful for any person to produce or cause to be produced, to alter, or to display in a manner inconsistent with the provisions of this chapter or without authority of the City Manager, any parking permit, sticker, decal, gate card, sign, or other mark, symbol, or device indicating eligibility or authority to park on on-street or off-street parking. No refunds shall be issued the violators will be issued a citation, the vehicles shall be towed or booted, and the violators shall be ineligible for any City-issued parking permit for one calendar year. Any such parking permit, sticker, decal, gate card, sign, or other mark, symbol, or device shall be subject to confiscation or, upon notice by the City Manager, shall be surrendered to the City Manager.

SEC. 10-2-109 FIRE LANES.

(A) It shall be unlawful for any person or persons to park or leave a motor vehicle or to place any other object, structure, or obstruction in a fire lane.

(B) Fire lanes may be established in publicly and privately owned public vehicular areas of shopping centers, hospitals, apartment complexes, condominiums, or any other public or private parking area which is open to the public.

(C) The Fire/Rescue Chief is hereby authorized to require the designation of fire lanes on private property when a site plan is required to be submitted for an improvement to the property. The designation of fire lanes shall be made when the site plan is approved after review by the Technical Review Committee. The fire lanes shall be installed prior to the issuance of a Certificate of Occupancy for the improvement.

(D) The Fire/Rescue Chief is hereby authorized to approve the designation of fire lanes on private property for existing developments when the owner or person in general charge of the operation and control of the area requests in writing the designation of the fire lanes.

(E) All fire lanes designated on or after January 12, 2015, are required to comply with the applicable Fire Code, as adopted. Any nonconforming fire lanes or lanes marked as fire lanes which do not comply with currently adopted Fire Code standards shall be required to comply with currently adopted Fire Code standards when a site plan is required to be submitted for an improvement to the property.

(F) Fire lanes may be designated on any surface, road, alley, or roadway generally used for the movement or parking of motor vehicles, when the parking of motor vehicles or other obstructions in that area would interfere with the speed and efficiency of fire fighting and emergency personnel or the proper ingress and egress of emergency vehicles and equipment.

(G) Areas designated as fire lanes shall be clearly marked, with yellow or another suitable color of paint, with the words "No Parking, Fire Lane," and the boundaries, borders or curbs shall be clearly visible.

(H) Fire lanes shall be designated in the *Schedule of Traffic Regulations*, a copy of which is on file in the office of the City Clerk.

SEC. 10-2-110 UNAUTHORIZED PARKING IN DESIGNATED HANDICAPPED SPACES PROHIBITED.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Curb cuts/curb ramps. Any mechanism constructed on each side of any street or road, where curbs and sidewalks are provided, and at other major points of pedestrian flow as long as the minimum requirements set out in N.C.G.S. § 136-44.14 are met.

Designated handicapped parking space. Any parking space which has been designated for parking for the handicapped as defined under “distinguished license plate” below. These spaces shall be designated in accordance with N.C.G.S. § 136-30 and each space shall have an appropriate sign erected which states the maximum penalty for parking in the space in violation of this section.

Distinguished license plate. Any license plate (in-state or out) that displays the international symbol of access as defined in N.C.G.S. § 20-37.5(3).

Handicapped. A person with a mobility impairment who is determined by a licensed physician to have any of the conditions stated in N.C.G.S. § 20-37.5(2).

Removable windshield placard. A two-sided, hooked placard which includes on each side:

- (a) The international symbol of access which is at least three inches in height, centered on the placard, and is white and blue in color;
- (b) An identification number;
- (c) An expiration date; and
- (d) The seal or other identification of the issuing authority.

(B) *Prohibited.* It shall be unlawful for any person, who drives or is transporting a person or persons, to park or leave standing any vehicle in any designated handicapped parking space unless said vehicle is then currently displaying a “distinguished license plate” or a “removable windshield placard” (or a temporary “removable windshield placard”) as defined in subsection (A) above.

(C) *Obstruction of curb cuts and curb ramps designated for handicapped persons prohibited.* It shall be unlawful for any person to park or leave standing any vehicle so that it obstructs a curb cut or curb ramp for handicapped persons as provided for by the N.C. Building Code or as designated in N.C.G.S. § 136-44.14.

(D) *Enforcement.* When a violation of the provisions of this section has occurred, a law enforcement officer or other person, authorized by and whose enforcement duties are as defined by the Chief of Police, detecting the apparent violation is authorized to take the state and license number of the vehicle involved and to place a parking ticket in or on the vehicle involved or to serve the ticket if the owner or operator is present.

(E) *Civil Penalties.* Any violation of the provisions of this section shall subject the violator to a civil penalty in the amount of one hundred dollars (\$100.00). If payment for the violation is not made within ten (10) days of issuance, an additional fifty dollars (\$50.00) late fee will be due. If payment for the violation is not made within 30 days of issuance, an additional fifty dollars (\$50.00) late fee will be due. If the payment for the violation is not made within 60 days of its issuance, an additional fifty dollars (\$50.00) late fee will be due. In no instance shall the penalty and late fees for this violation exceed two hundred fifty dollars (\$250.00).

(F) *Appeals; payment of civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (1) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency and the assessment of an administrative fee.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (2) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

PART 2. GENERAL OFF-STREET PARKING REGULATIONS

SEC. 10-2-111 OFF-STREET PARKING REGULATIONS.

(A) *Designation.* Upon any off-street parking area, the City Manager is authorized and directed to cause designate and define by proper marking or signage parking spaces, time-limit parking spaces, parking meter spaces, loading zones, parking spaces in which parking is prohibited, spaces designated as restricted to vehicles driven by or transporting the handicapped, and traffic lanes, including one-way lanes.

(B) *Time-limits, rates, and enforcement.* All off-street parking shall be subject to the same enforcement provisions and practices afforded on-street parking. The City Manager shall have authority to establish rates for time-limited and parking meter parking and may increase or decrease rates and vary the available parking time limits as appropriate.

(C) No person shall operate a vehicle upon any off-street parking area:

- (1) Without yielding to pedestrians.

- (2) Without burning headlights. This subsection only applies to those vehicles operated on a City parking deck.
- (3) Without yielding to any other vehicle as required.
- (4) Without first stopping the vehicle at the lot, facility, or parking deck level intersections.
- (5) In excess of 5 miles per hour.
- (6) To the right of the centerline except when accessing a parking space.
- (7) In any manner to block a vehicle attempting to enter or exit a parking space.
- (8) To prevent the use of any parking space by the person for whom the parking space has been designated or assigned.

(D) *Additional restrictions for use of a City parking garage or deck.* In addition to the prohibitions and restrictions as stated in this section, it shall be unlawful for any person to be present in a City parking garage or parking deck unless the person is:

- (1) In a vehicle which is in a parking space or on its way to or from a parking space.
- (2) Walking to or from a parked vehicle lawfully parked in the parking garage or parking deck.
- (3) An employee or agent of the City whose presence in the parking garage or parking deck is required in connection with his duties or otherwise authorized.

Unauthorized presence in the City parking garages or parking deck and subsequent refusal to leave after being ordered to do so by a police officer or City official shall constitute trespass.

10-2-112 LOST TICKET FEE.

If, prior to exiting an off-street parking area, a driver loses or otherwise fails to produce the issued parking ticket allowing parking, the driver will be required to pay the maximum rate allowed for a full day's parking prior to exiting the off-street parking area. Alternatively, the City Manager may mail the owner of the vehicle a billing notice charging the maximum rate allowed for a full day's parking.

PART 3. DESIGNATED PARKING AREAS; GENERAL RESTRICTIONS

SEC. 10-2-113 DESIGNATION AND IDENTIFICATION OF PARKING AREAS.

(A) *Parking areas and parking spaces designated.* The Director of Engineering may designate any one or more of the following parking areas or parking spaces in the City regulating or prohibiting on-street or off-street parking:

- (1) Loading zones.
- (2) Time-limited parking.
- (3) Parking by permit.
- (4) Leased parking.
- (5) Controlled access parking.
- (6) Reserved parking.

(B) *Designated parking areas and parking spaces identified.* Designated parking areas and parking spaces shall be identified in the *Schedule of Traffic Regulations* and otherwise by one or more of the following giving notice thereof: signage, painted lines, painted parking tire stops, curb markings, or parking surface painting.

(C) *Additional requirements for prohibited parking or time-limited parking areas or parking spaces.* In addition to any other markings or identification methods, in all time-limited parking areas or parking spaces and whenever in this chapter that any parking time limit is otherwise imposed or on-street or off-street parking is prohibited, there shall be appropriate signs giving notice thereof, and no regulations shall be effective unless the signs are installed and in place at the time of any alleged offense.

Subpart a. Loading Zones

SEC. 10-2-114 STOPPING OR PARKING IN LOADING ZONES.

The City may designate by signage, painted lines, curb markings, or parking surface painting specified dates and times for use of parking areas for loading zones. During the dates and times so established, no person shall stop or park a vehicle in a loading zone except for the purpose of loading or unloading freight, goods, passengers, equipment, or other property. A vehicle which is loading or unloading pursuant to this section may remain in a loading zone for a period not to exceed one hour.

SEC. 10-2-115 PUBLIC CARRIER STOPS AND STANDS.

No person shall stop or park a vehicle other than a bus at a bus stop, rideshare at a rideshare stop, or taxicab in a taxicab stand, when any stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaging in loading or unloading passengers when stopping does not interfere with any bus or taxicab waiting to enter or about to enter the location of the bus stop or taxicab stand.

Subpart b. Time-limited Parking

SEC. 10-2-116 TIME-LIMITED PARKING ZONES.

(A) *Designated time-limited parking zones.* The City designates the following time-limited parking zones:

- (1) *Uptown area time-limited parking zone.* Time-limited parking in the Uptown area as further defined and identified by the City Manager.
- (2) *Residential area time-limited parking zone.* Time-limited parking in residential areas as further defined and identified by the City Manager.

(B) *Uptown area permit parking or residential area permit parking within a time-limited parking zone.* On-street and off-street parking areas or spaces within the area of a time-limited parking zone may be designated for Uptown area permit parking or residential area permit parking by the City Manager. When an Uptown area permit parking area or space or a residential area permit parking area or space is properly marked as reserved for use by respective permittees or equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited, the time limits imposed in the time-limited parking zone or fee associated therewith shall not apply to that area, those areas, that space, or those spaces when a parked vehicle has a properly displayed and valid Uptown area parking permit or a residential area parking permit.

(C) *Leased parking within a time-limited parking zone.* On-street parking and off-street parking areas or spaces may be leased by the City within the area of a time-limited parking zone. When a leased parking area or space is properly marked with “leased parking only” signs or other equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited, the time limits imposed in the time-limited parking zone or fee associated therewith shall not apply to those leased parking areas or leased parking spaces.

SEC. 10-2-117 TIME-LIMITED PARKING CONTROLLED BY PARKING METERS.

(A) *Designation.* The City Manager may designate any portion of any time-limited parking zone to be controlled by parking meter and may specify the length of time for parking in

each parking meter space. The payment amount required to park in a in a parking space controlled by a parking meter will be set forth in the *Manual of Fees*.

(B) *Days and hours of operation.* Parking meters shall operate every day between the hours of 7:00 a.m. and 7:00 p.m., except Sundays and holidays, at any time the Chief of Police has temporarily suspended parking enforcement not to exceed 48 hours, or unless otherwise posted by sign or other marking authorized by the City Manager. Within the meaning of this section, the term a holiday shall include only January 1, July 4, December 25, Thanksgiving Day as observed in the state, and such other days as shall be designated holidays by the City.

(C) *Payment and activation of parking meter.* Upon entering the parking meter space, the operator of a vehicle shall immediately pay or cause to be paid such payment as may be required for the activation and operation of the parking meter controlling the parking meter space and as is designated by proper direction on the meter or by sign and when required by the direction on the meter or by sign, the operator of the vehicle, upon such payment, shall also set in operation the timing mechanism on the parking meter, when so required in accordance with directions properly appearing thereon.

(D) *Lawful use.* Upon payment as required and the setting of the timing mechanism in operation when so required, the parking space may lawfully be occupied by the vehicle during the period of time which has been prescribed for the part of the street, parking area, or parking space in which the parking space is located.

(E) *Failure to pay or activate parking meter prohibited.* It shall be unlawful to fail to pay the required payment necessary for the activation and operation of the parking meter controlling the parking meter space or to set the timing mechanism in operation when so required.

(F) *Unused time.* A person parking a vehicle in a parking meter space wherein unused time remains on the parking meter controlling the parking meter space shall not be required to make a payment so long as his or her occupancy of the space does not exceed the indicated unused parking time limit.

(G) *Overtime parking prohibited.* It shall be unlawful to park or to allow a vehicle to remain parked in any parking space controlled by a parking meter beyond the time limit set for the parking space or as otherwise as designated or posted at the particular parking meter area or space.

(H) *Extended parking prohibited.* It shall be unlawful for any vehicle to occupy any portion of a parking meter space for more than 24 consecutive hours, regardless of whether or not the parking meter is activated. The vehicle will be subject to be towed.

(I) *Occupation of parking space when parking meter shows a violation prohibited.* It shall be unlawful for any person to permit any vehicle to remain or be placed in any parking meter space while the parking meter is displaying a signal indicating that the vehicle occupying the parking meter space has already been parked beyond the period of time prescribed for the parking meter space or when the vehicle occupies the parking meter space beyond the period of time for which payment has been made as prescribed for the parking meter space.

(J) *Cumulative violations of expired parking meter.* Any vehicle in violation of this section will be subject to the issuance of an additional citation for each additional period of 30 minutes that the vehicle remains in violation of any provisions of this section.

(K) *Defacing or injuring parking meters.* It shall be unlawful for any person to deface, injure, tamper with, open without lawful authority or willfully break, destroy, or impair the usefulness of any installed parking meter.

(L) *Deposit of slugs or other substitute devices.* It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device, metal substance, or any other object or substitute for lawful payment.

SEC. 10-2-118 TIME-LIMITED PARKING CONTROLLED BY SIGNS.

(A) *Designation.* The City Manager may designate any portion of any time-limited parking zone to be controlled by parking signs and may specify the length of time for parking in each parking space controlled by such signage.

(B) *Days and hours of operation.* Unless otherwise posted by sign or other marking authorized by the City Manager, time-limited parking zones shall operate 24 hours per day, seven days per week unless the Chief of Police has temporarily suspended parking enforcement not to exceed 48 hours.

(C) *Uptown area time-limited parking controlled by signs.* In the Uptown area a vehicle may park in a time-limited parking area or time-limited parking space more than once during a day, provided the vehicle is moved prior to the expiration of the time which is legally allowed, and provided that the vehicle does not return to the same time-limited parking area for a minimum of one hour.

(D) *Violation of time-limited parking controlled by signs.* When signs are installed adjacent to parking spaces giving notice thereof, no person shall park a vehicle for longer than the time limits stated on the signs.

SEC. 10-2-119 TIME-LIMITED PARKING SPACES RESERVED FOR ELECTRIC VEHICLES.

(A) *Designation.* The City Manager may designate certain on-street or off-street parking spaces located at or near City installed electric charging stations for use only by electric vehicles. Spaces designated as reserved for electric vehicles shall be clearly marked as such by one or more of the following: signage, painted lines, curb markings, parking surface painting, or equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited. The payment amount required to park in a parking space reserved for an electric vehicle will be set forth in the *Manual of Fees*.

(B) *Violations.* It shall be unlawful to:

- (1) Park any nonelectric vehicle in a parking space reserved for an electric vehicle.
- (2) Park in a parking space reserved for electric vehicles if the electric vehicle is not attached to the electric vehicle charging station.
- (3) Park in a space reserved for electric vehicles without first making the appropriate payment for the space as may be regulated by a parking meter.
- (4) Park the electric vehicle in the parking space exceeding the time allowed.
- (5) Remain in a space reserved for electric vehicles after the electric vehicle has been fully charged.

10-2-120 COMPUTING OVERTIME VIOLATIONS OF TIME-LIMITED PARKING.

The moving of a parked vehicle from one time-limited parking space identified in this chapter to another parking space identified in this chapter in the same block is deemed to be one continuous parking period for the purpose of determining any overtime parking violations.

10-2-121 SEPARATE AND CONTINUING VIOLATIONS OF TIME-LIMITED PARKING.

Each 30 minutes that a vehicle is parked in the same time-limited space as identified in this article following the issuance of a parking ticket shall constitute a separate violation subject to issuance of a new parking ticket and additional civil penalty to be applied to such vehicle.

Subpart c. Parking by Permit

SEC. 10-2-122 UPTOWN AREA PERMIT PARKING.

(A) *Designation.* The City Manager may designate Uptown area permit parking areas or parking spaces in any portion of the Uptown area time-limited parking zone.

(B) *Availability of permits.* The total number of Uptown area parking permits shall be determined by the City Manager and shall be based on the total number of parking spaces made available for that purpose. The number of Uptown area parking permits issued for a fiscal year shall not exceed 110% of the total number of parking spaces made available for Uptown area permit parking.

(C) *Property of the City.* All Uptown area parking area permits shall be the property of the City of Greenville to the exclusion of any other property interest.

(D) *Eligibility for issuance of an Uptown area parking permit.*

- (1) *Residents.* A resident who resides within the Uptown area is eligible to make application to the City and receive an Uptown area parking permit for

each vehicle which is principally operated by the resident provided that a permit is available by the City for issuance. The Uptown area parking permit may be either of the following:

- (a) A reserved Uptown area parking permit.
 - (b) An unreserved Uptown area parking permit.
- (2) *Businesses and employees.* A business that is located within the Uptown area and each employee of that business is eligible to make application to the City and receive an unreserved Uptown area parking permit for each vehicle which is principally operated by the business or employee provided that a permit is available by the City for issuance. An owner of a business that is located in the Uptown area is eligible to receive an unreserved Uptown area parking permit for shared use by the employees of the business provided that permits are available and provided that the owner shall be eligible to receive no more permits than the number of employees of the business but in no event to exceed 10 permits.

(E) *Application for an Uptown area parking permit.* Before an Uptown area parking permit can be issued, a completed application for an Uptown area parking permit shall be filed with the City Manager on forms or in an electronic format as provided by the City and a permit filing fee as established in the *Manual of Fees* shall be paid to the City. The application for an Uptown area parking permit shall be verified under oath and shall furnish the following minimum information:

- (1) If the applicant is a resident, the name and address of the resident.
- (2) If the applicant is a business employee, the lawful corporate or business name and address of the business.
- (3) If the applicant is a business, the lawful corporate or business name and address of the business; the name and address of the business owner; the number of permits requested, proof of business employees' employment with the applicant, all or part of which may be required by separate affidavit.

The City Manager may also require the production of vehicle registration information, which may include presentation of registration cards and such other personal or business identification and documentation such as driver license, articles of incorporation, or other official records deemed necessary to satisfy the eligibility requirements of this section, including but not limited to utility or other billing statements or affidavits. The City Manager shall verify the information provided by the applicant and contained on the application prior to issuance of an Uptown area parking permit.

(F) *Permit fee.* The City Manager shall issue Uptown area parking permits each year and a fee shall be charged. The amount of the fee shall be set out in the *Manual of Fees*. The charge

shall not be prorated for partial years. There shall also be a charge for duplicate or lost permits, and that charge shall be set out in the *Manual of Fees*. Uptown area parking permits shall be issued on a fiscal year basis and shall expire at midnight on June 30th of each year.

(G) *Spaces not guaranteed.* The purchase of an unreserved Uptown area parking permit does not guarantee availability of a parking space or reserve a parking space within the designated Uptown parking area.

(H) *No additional parking fee required.* There shall be no additional fee required for a vehicle to park in any off-street parking area when a vehicle has a properly displayed valid Uptown area parking permit.

(I) *Proper display of permit required.* The issued and assigned Uptown area parking permit shall be displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of the vehicle for which it was issued. It shall be unlawful to display the Uptown area parking permit in a manner inconsistent with this section. The City Manager is authorized to establish additional regulations relating to the form, issuance, and display of Uptown area parking permits not inconsistent with the other provisions of this section.

(J) *Violations.* In addition to any other violations of this section, it shall be unlawful:

- (1) For any person to falsely represent himself or herself as being eligible for an Uptown area parking permit; to willfully make any false statement in an application for a residential area parking permit; or to furnish any false information in an application to the City Manager in order to obtain an Uptown area parking permit.
- (2) For any person to display an Uptown area parking permit upon a vehicle, wherein the person or the vehicle is not authorized or eligible for an Uptown area parking permit.
- (3) For any person to charge any fee to any person for use of an Uptown area parking permit except for the City Manager.

The City Manager is authorized to revoke the Uptown area parking permit of any permittee found to be in violation of this section and, upon written notification thereof, the permittee shall surrender the permit to the City Manager. No refund shall be issued and the violator will not be eligible to reapply for a new permit one calendar year from the date of the notice of revocation. Failure by a permittee to surrender an Uptown area parking permit, when notified by the City Manager of the requirement to surrender same, shall constitute a violation of this chapter.

SEC. 10-2-123 RESIDENTIAL AREA PARKING PERMIT.

(A) *Designation.* The Director of Engineering shall designate residential area parking permit areas or parking spaces based upon any of the following:

- (1) Areas based upon the following minimum criteria as determined by a study by the Director of Engineering:
 - (a) The majority of the street frontage, measured at the right-of-way line, of the proposed residential parking area must be in a residential zoning district.
 - (b) The proposed residential parking area shall be applicable on a minimum per block basis. The proposed residential parking area may apply to one or both sides of the block.
 - (c) A petition, identifying the boundaries of the streets within the proposed residential parking area, must be presented to the Director of Engineering and signed by adult residents of at least 51% of the living units contained in each block face of the proposed residential parking area.
 - (d) A parking study must be completed, conducted between the hours of 8:00 a.m. to 4:00 p.m. on a weekday with one observation made each two hours. The study must reveal that at least 70% of the parking capacity of the proposed controlled residential parking area is occupied and that a minimum of 33% of the parked vehicles must be registered to addresses outside the proposed residential parking area.
- (2) Area within Parking Area A, being a portion of the area described in City Code § 9-4-200.2(A)(3) within which a University Neighborhood Revitalization Initiative (UNRI) Overlay District may be located, and being the area bounded on the south by East Fifth Street, on the east by Elm Street, on the north by East First Street, and on the west by Reade Street except for the following streets:
 - (a) Portions of streets which abut property owned by the State of North Carolina.
- (3) Area within Parking Area C, being a portion of the area described in City Code § 9-4-200.2(A)(3) within which a University Neighborhood Revitalization Initiative (UNRI) Overlay District may be located, and being the area bounded on the south by East First Street, on the east by Elm Street, extended to the Tar River, on the north by the Tar River, and on the west by Reade Street, extended to the Tar River, except for the following streets:
 - (a) Portions of streets which abut Woodlawn Park; and
 - (b) Portions of streets which abut the South Tar River Greenway.

- (4) Areas not included within Parking Area A or Parking Area C which are designated in the *Schedule of Traffic Regulations* as controlled residential parking areas as of June 10, 2013.
- (5) Area within Parking Area G, being that area known as the Glen Arthur Neighborhood and which is that area bounded on the south by the west side of Evans Street, south side of East 14th Street, east side of Charles Boulevard, and the north side of East 10th Street.

(B) In accordance with the provisions of this chapter, the Director of Engineering is authorized to amend the *Schedule of Traffic Regulations* by designating the streets or portions of streets within the City which meet the criteria of this section as residential parking areas. The streets or portions of streets within designated residential parking areas shall be designated by signage, painted lines, curb markings, or parking surface painting as residential parking areas in which parking is prohibited except by permit.

(C) *Property of the City.* All residential area parking area permits shall be the property of the City of Greenville to the exclusion of any other property interest.

(D) *Eligibility for issuance of residential area parking permit.* Residential area parking permits shall be designated as either of the following:

- (1) *Temporary residential area parking permit.* A resident who has lived for one year or less at a single residence located on either side of a street where at least one side of the street has been designated as a residential parking area is eligible to receive one temporary residential area parking permit for each vehicle which is principally operated by the resident. The temporary residential area parking permit is valid for one year.
- (2) *Permanent residential area parking permit.* A resident who has lived for five years or more at a single residence located on either side of a street where at least one side of the street has been designated as a residential parking area is eligible to receive one permanent residential area parking permit for each vehicle which is principally operated by the resident. The permanent residential area parking permit is valid for five years.

(E) *Application for a residential area parking permit.* Before a residential area parking permit can be issued, a completed application for a residential area parking permit shall be filed with the Collections Division of the Financial Services Department on forms provided by the City and a permit filing fee as established in the *Manual of Fees* shall be paid to the City. The application for a residential area parking permit shall be verified under oath and shall provide the name and address of the resident applicant. The Collections Division of the Financial Services Department may also require the production of vehicle registration information, which may include presentation of registration cards and such other personal identification and documentation such as driver license or other official records deemed necessary to satisfy the eligibility requirements of this section, including but not limited to utility or other billing statements or

affidavits. The Director of Financial Services Department shall verify the information provided by the applicant and contained on the application prior to issuance of a residential area parking permit.

(F) *The residential area parking permit.* The issued residential area parking permit shall include the year of the permit, license plate/registration plate number of the assigned vehicle, and the letter designating the residential parking area to which the residential area parking permit is assigned. The residential area parking permit is not transferable to another vehicle or to another person.

(G) *Permit fee.* The Collections Division of the Financial Services Department shall issue residential area parking permits and a fee shall be charged. The amount of the fee shall be set out in the *Manual of Fees*. The charge shall not be prorated for partial years. There shall also be a charge for duplicate or lost permits, and that charge shall be set out in the *Manual of Fees*. Temporary residential area parking permits shall be issued on a fiscal year basis and shall expire at midnight on June 30th of each year. Permanent residential area parking permits shall be issued on a fiscal year basis and shall expire at midnight on June 30th of the fifth year after issuance.

(H) *Spaces not guaranteed.* The purchase of a residential area parking permit does not guarantee availability of a parking space or reserve a parking space within a designated residential parking area.

(I) *Interaction with time-limited parking.* When the residential area permit parking areas or spaces are properly marked for residential area permit parking or equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited, any otherwise controlling time limitation or fee associated therewith shall not apply to these spaces when a parked vehicle has a properly displayed valid residential area parking permit.

(J) *Proper display of permit required.* The issued residential area parking permit shall be attached to the left rear bumper or the left rear window of the vehicle for which the permit is assigned as specified on the permit and shall contain the vehicle license number, year of issue, and the identification number of the residential parking area for which the residential area parking permit was issued.

(K) *Violations.* In addition to any other violations of this section, it shall be unlawful:

- (1) For any person to falsely represent himself or herself as being eligible for a residential area parking permit; to willfully make any false statement in an application for a residential area parking permit; or to furnish any false information in an application to the Director of Financial Services in order to obtain a residential area parking permit.
- (2) For any person to display a residential area parking permit upon a vehicle, wherein the person or the vehicle is not authorized or eligible for the residential area parking permit or

- (3) For any person to display a residential area parking permit upon a vehicle unless the vehicle displays the same vehicle license number as shown on the residential parking permit.
- (4) To use a residential area parking permit for purposes of daily commuting to the residential area or for purposes of storage of nonresidential vehicles.
- (5) For any person to charge any fee to any person for use of a residential area parking permit except for the Director of Financial Services.

The Director of Financial Services is authorized to revoke the residential area parking permit of any permittee found to be in violation of this section and, upon written notification thereof, the permittee shall surrender the permit to the Director of Financial Services. No refund shall be issued and the violator will not be eligible for a new permit for one calendar year from the date of the notice of revocation. Failure by a permittee to surrender a residential area parking permit, when notified by the Director of Financial Services of the requirement to surrender same, shall constitute a violation of this chapter.

SEC. 10-2-124 COMPLIANCE TO SIGNS.

(A) When signs are erected or otherwise installed along or adjacent to on-street or off-street parking designated as an Uptown area parking area or a residential parking area giving notice that parking is prohibited during specified time periods except by permit or equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited, no person shall park a vehicle during restricted periods as designated in the *Schedule of Traffic Regulations*, unless the vehicle has a properly displayed residential parking permit decal for the area.

(B) When signs are erected or otherwise installed along or adjacent to on-street or off-street parking designated as an Uptown area parking area or a residential parking area giving notice that the parking time is limited to two hours during specified time periods except by permit or equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited, no person shall park a vehicle for longer than two hours during restricted periods as designated in the *Schedule of Traffic Regulations*, unless the vehicle has a properly displayed and issued parking permit for the designated area.

SEC. 10-2-125 SPECIAL OR TEMPORARY PARKING PERMIT

The City Manager is authorized to issue special or temporary parking permits which permit the holder thereof to park a vehicle displaying such permit at a location on a public street in a residential area where the parking is otherwise prohibited.

Subpart d. Leased Parking

SEC. 10-2-126 OFF-STREET LEASED PARKING AREAS.

(A) *Authority of City Manager or designated administrative officer.* In accordance with the provisions of N.C.G.S. 160A-272, the City Manager and any City administrative officer designated by the City Manager, including but not limited to the Director of Financial Services, is authorized as may be necessary to lease certain designated off-street parking areas for a period not to exceed one year and that the City Manager and said administrative officer is further authorized to negotiate and modify any terms necessary for the lease that are in the best interest of the City.

(B) *Designation.* The City Manager may designate off-street parking areas or portions thereof in the Uptown area subject to lease in accordance with this section.

(C) *Eligibility.* Only residents who reside within the Uptown area or who work in the Uptown area are eligible to apply for leased parking.

(D) *Execution of lease agreement and payment of fee required.* Before being authorized to park in a designated off-street leased parking area an applicant shall complete and execute a lease agreement with the City to be filed with the City Manager on forms provided by the City and a leased parking filing fee as established in the *Manual of Fees* shall be paid to the City. The lease agreement shall be verified under oath. The City Manager may also require the production of vehicle registration information, which may include presentation of registration cards and such other personal or business identification and documentation such as driver license, articles of incorporation, or other official records deemed necessary to satisfy the eligibility requirements of this section, including but not limited to utility or other billing statements or affidavits. The City Manager shall verify the information provided by the applicant and contained on the application prior execution of the lease.

(E) *Lessee's responsibilities; towing.* In addition to all responsibilities and obligations identified in the lease agreement entered into pursuant to this section the lessee shall be solely responsible for monitoring and controlling parking in all parking spaces subject to the lease agreement and maintaining and monitoring the parking area including authorizing the towing of any unauthorized vehicles from the leased parking area. The City shall not be responsible for the enforcement or towing of any vehicle illegally parked in a leased parking space and any towing that may be required is the sole responsibility of the lessee. The tower is responsible for ensuring compliance with the provisions of N.C.G.S. § 20-219.20.

Subpart e. Controlled Access Parking

SEC 10-2-127. CONTROLLED ACCESS PARKING AREAS.

(A) *Designation.* The City Manager may designate certain off-street parking areas or portions thereof to be controlled access parking areas.

(B) *Signs required.* Each controlled access parking area shall have appropriate signs giving notice of the defined boundary and times of control thereof or equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited and said signs shall be located at each parking space or entry point to the controlled access parking area.

(C) *Violations.* It shall be unlawful:

- (1) To transfer or to use assigned access cards or electronic devices for vehicles not registered for that specific controlled access parking area or for that card or device. If any person uses or allows to be used his or her access card or device to knowingly enable another vehicle to enter or exit a controlled access parking area without paying the applicable parking fee or permit fee, such person.
- (2) To enter or park in a controlled access parking area during the posted operation hours without paying the required fee or displaying a valid permit for that controlled access parking area. Whether or not a gate is open during the hours of pay parking operation is not an indication that an unauthorized vehicle may legally drive through and park in the controlled access parking area.
- (3) To deface, damage, tamper with, break, destroy, impair the usefulness of, evade without tendering due payment, or open without lawful authority an entry or exit gate or related equipment. A fee will be charged for replacing damaged access mechanisms, in addition to the applicable parking fine.
- (4) To tailgate or allow tailgating.
- (5) To be parked in a controlled access parking area beyond the period of authorized parking time, applicable to the parking space in which such vehicle is parked. Each hour that any such violation continues shall constitute a separate offense.

(D) *Days and hours of operation; fees.* Controlled access parking areas shall operate 24 hours per day, seven days per week, unless the Chief of Police has temporarily suspended parking enforcement not to exceed 48 hours, or unless otherwise posted by sign or other marking authorized by the City Manager. The amount of the applicable fees for parking within each controlled access parking area shall be determined by the City Manager and shall be listed in the *Manual of Fees*.

Subpart f. Reserved Parking

SEC. 10-2-128 RESERVED PARKING.

(A) *Generally.* A sufficient number of parking spaces shall be reserved to accommodate certain vehicles including but not limited to authorized emergency vehicles, public service vehicles, government-owned vehicles, motorcycles, electric vehicles, and vehicles owned by residents that reside within the Uptown area and to meet special needs as they arise. The City Manager in consultation with the Director of Engineering shall determine the precise location and status of reserved spaces. Requests for reserving spaces for individuals, departments, or agencies must receive approval from the City Manager. The annual fee for a reserved parking spaces shall be defined in the *Manual of Fees*.

(B) *Parking in reserved space prohibited unless authorized.* It is unlawful for any unauthorized person to park a vehicle in a reserved space. Notice of the reserved status of a parking space shall be prominently posted at the space. Once posted, such spaces are reserved at all times unless otherwise indicated.

(C) *Law enforcement vehicle parking.* Parking areas or parking spaces may be designated as parking spaces for law enforcement vehicles only. The location and number of these parking areas or parking spaces shall be determined by the City Manager and these spaces shall be designated by sign or other markings. Only official government owned law enforcement vehicles may be parked in the spaces designated for law enforcement vehicles under the provisions of this subsection.

SEC. 10-2-129 CITY OFFICIALS AND EMPLOYEE PARKING AND SPACES RESERVED FOR CITY BUSINESS.

(A) *Designation.* Upon any off-street parking area, the City Manager is authorized and directed to cause, designate, and define by official marking or signage parking lots or spaces assigned to or reserved for the exclusive use by City officials, City employees, and for persons engaged in business with the City.

(B) *Reserved lots for exclusive use by City employees.* As may be designated by the City Manager and defined by proper marking or signage, any lot owned by the City may be limited for exclusive parking of vehicles owned by the City and vehicles operated by City employees and used by them officially and regularly in connection with the performance of their duties as City employees.

(C) *Parking prohibited.* Unless the vehicle is registered with the City allowing parking in a designated, assigned, or reserved City employee lot or space, it shall be unlawful for any person to stop or park any vehicle on any lot or in such space reserved for City employees. Unless an occupant of a vehicle is engaged in business with the City, it shall be unlawful for any person to stop or park any vehicle on any lot or in such space reserved for City business and in no event shall the vehicle remain in the space for longer than 24 hours.

PART 4. PARKING OF CERTAIN VEHICLES

SEC. 10-2-130 TRUCKS RESTRICTED ON CERTAIN STREETS.

(A) It shall be unlawful for any person to operate a loaded truck or other vehicle on any local or secondary City street in any subdivision or development complex when such truck or vehicle is loaded beyond 7,500 pounds per wheel; dual wheels shall be considered as one wheel load and one contact area, and any truck or vehicle using local or secondary streets shall be limited to six dual wheels (three rear axles).

(B) Local streets and secondary streets shall mean paved streets or roads designed to carry very little traffic and limited to residential areas where heaviest wheel loads expected are passenger vehicles and light trucks.

(C) All two-axle trucks, three-axle trucks and tractor-trailer trucks are hereby prohibited from traveling or parking on the streets or parts of streets designated in the *Schedule of Traffic Regulations*, except that such trucks may travel on such streets or parts of streets when necessary to load or unload commodities at a destination on the street. Signs shall be posted at all junction points and turns where necessary, and at approaches to the streets or parts of streets on which trucks are prohibited, stating that truck traffic is prohibited or directing truck traffic in accordance with this article.

SEC. 10-2-131 PARKING OF CERTAIN VEHICLES PROHIBITED AND RESTRICTED.

(A) No person shall park a manufactured home as defined by N.C.G.S. § 143-143.9(6); commercial motor vehicle, farm tractor, house trailer, implement of husbandry, inoperable vehicle, on-track equipment, motor home or house car, school bus, school activity bus, property-hauling vehicle, recreational vehicle, junk vehicle, inoperable flood vehicle, inoperable reconstructed vehicle, road tractor, truck tractor, or utility vehicle as defined by N.C.G.S. § 20-4.01; or other commercial vehicle, mobile home, bus, or trailer at any time on any street within any area having a residential district zoning classification as defined by the Zoning Ordinance for Greenville, North Carolina nor shall any said vehicle be parked for a period of more than two consecutive hours on any other street.

(B) The provisions of this section shall not apply to a vehicle defined in subsection (A) parked for the purpose of the expeditious unloading and delivery or pickup and loading of materials, temporarily parked in cases of emergency involving a mechanical breakdown necessitating repairs, or parked on a street or a part of a street, in an area having a nonresidential district zoning classification, which has been designated as permitting the parking of any such vehicle in the *Schedule of Traffic Regulations*.

(C) It is unlawful for any person, for camping, living, or sleeping purposes, to stop or park any vehicle on or upon a street, alley, bridge, sidewalk, an on-street parking area, an off-street parking area, or any portion of property owned, operated, occupied, leased, or controlled by the City, except where signs are erected designating the location as an authorized campsite.

(D) Notwithstanding any other provisions of this chapter, the posting of signs shall not be required for the provisions of this section to be effective.

PART 5. SPECIAL EVENTS AND TEMPORARY CLOSING OF STREETS

SEC. 10-2-149 TEMPORARY PARKING RESTRICTIONS FOR SPECIAL EVENTS.

(A) Upon a determination that the suspension or prohibition will prevent a safety or operational hazard or assist in the avoidance of a safety or operational hazard to the citizens of Greenville, the Chief of Police and the Director of Engineering are each authorized to temporarily suspend parking restrictions or temporarily prohibit parking on any street, alley, bridge, or upon property owned, operated, occupied, leased, or controlled by the City, including but not limited to any portion of on-street and off-street parking areas, for a special event for a period of time as needed for the special event, but not in excess of 48 hours.

(B) When parking has been temporarily prohibited pursuant to the provisions of this section, notification of the prohibition shall be made as follows.

- (1) At least 48 hours prior to the commencement of the time period which the restriction or prohibition of parking is effective, notice will be posted in at least two conspicuous locations adjacent to or upon the on the street, alley, bridge, or upon property owned, operated, occupied, leased, or controlled by the City which will have prohibited parking. The notice shall remain posted until the expiration of the time period which the prohibition of parking is effective.
- (2) The notice shall state the time and date the parking will be prohibited.
- (3) The notice shall state that violators are subject to a parking ticket and any vehicle parked in violation will be towed at the owner's expense.

(C) No person shall park a vehicle on a street, alley, bridge, or upon property owned, operated, occupied, leased, or controlled by the City in violation of a temporary parking prohibition designated pursuant to the provisions of this section.

(D) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, possess or remove any notice posted pursuant to the provisions of this section.

SEC. 10-2-150 TEMPORARY CLOSING OF STREETS FOR SPECIAL EVENTS.

(A) *Required.* It shall be unlawful for any person, firm, organization, or entity of any kind or nature to temporarily close or block off in any manner any public street, alley, bridge, sidewalk, lot, parking lot, garage, parking garage, or any other location or facility owned, occupied, or leased by the City or to participate in, advertise for, or in any way promote a temporary street closing, except as allowed by state or federal law, or as provided by this section.

(B) *Application.* Any person, firm, or organization desiring to temporarily close or block off in any manner any public street, alley, bridge, sidewalk, lot, parking lot, garage, parking garage, or any other location or facility owned, occupied, or leased by the City shall apply for a permit for temporary street closing on an application form provided by the City Manager.

(C) *Consideration by City Manager.* In considering requests for a permit, the City Manager shall consider but shall not be limited to the following issues in determining whether to deny or issue a permit requesting any temporary street closing:

- (1) The nature, time, size, and duration of the event for which the requested locations will be closed.
- (2) The safety and welfare of organizers, City employees, participants, and surrounding residents.
- (3) Previous experience with the applicant, including any members of the firm, group, organization, or entity requesting temporary street closing.
- (4) Other activities in the vicinity of the locations requested to be closed.
- (5) The frequency of applications.
- (6) The effect on traffic patterns, flow, and safety.

(D) *Time for filing application.* The application for temporary street closing shall be filed at least 10 business days prior to the scheduled event or any advertising for same. Failure to file on time will result in denial of a permit, unless the City Manager determines that due to unusual circumstances, good cause exists to waive this requirement.

(E) *Conditions on permits.* The City Manager or Chief of Police shall have authority to impose any rules, regulations, and requirements deemed necessary on temporary street closing permits to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and to the general public. Such conditions may include but shall not be limited to a limitation on number of participants, duration, and noise levels.

(F) *Vendors.* Upon issuance of a temporary street closing permit, the applicant shall have full authority and control over the sale, distribution, or other transfer of any food, beverages, goods, wares, or merchandise, arts or crafts, or other concessions, games, and activities during the event for which the permitted locations will be temporarily closed, and shall be fully responsible and liable for damage to public property and litter from concessions, vendors, and participants the permit area.

(G) *Litter.* Applicants must provide for the collection and removal of all trash, garbage, and litter on all areas authorized to be closed by way of the temporary street closing permit and surrounding areas resulting from the special event for which the permitted locations were

temporarily closed. The area must be restored to its original condition immediately following the special event.

(H) *Barricades.* Upon issuance of a temporary street closing permit under this section, barricades from the Director of Engineering shall be used. Applicants will be held responsible for any damage to barricades.

(I) *Revocation of temporary street closing permit.* Any temporary street closing permit issued pursuant to this section may be revoked by the City Manager, Chief of Police, or any on-duty police officer, and the barricades removed at any time when, by reason of emergency, disorder, traffic conditions, violation of this section, or of any permit conditions or restrictions, or undue burden on public services, it is determined that the health, safety, or welfare of the public or protection of property requires revocation.

(J) *Temporary street closing by City; exemption.* The City Manager and Chief of Police may authorize the any temporary street closing as may be required for municipal purposes, such as street repair or emergencies and the City is hereby exempt from this section.

ARTICLE D. ENFORCEMENT, PENALTIES, TOWING, AND APPEALS

SEC. 10-2-151 COMPLIANCE WITH CHAPTER; ENFORCEMENT.

(A) *Operator to comply with chapter; effect of proof of ownership.* The person actually operating or in control of the operation of the vehicle at the time that the vehicle is parked or involved in a violation of this chapter shall be charged with the duty of complying with the provisions of this chapter; provided that proof of ownership of any vehicle found parked in violation of this chapter shall be prima facie evidence that the owner parked the vehicle.

(B) *Notice of violations; duties of police and parking enforcement officers.* If any vehicle shall be found illegally parked, parked overtime, or otherwise in violation of any of the provisions of this chapter, it shall be the duty of the Chief of Police, other police officers, or parking enforcement officers as designated by the Chief of Police to attach to the vehicle a notice to the owner or operator thereof, if the owner or operator is absent, or to deliver to the owner or operator, if he or she is present, a notice to the effect that the vehicle has been illegally parked, parked overtime, or in violation of a provision of this chapter.

SEC. 10-2-152 PENALTIES FOR VIOLATION OF CHAPTER.

(A) *Civil penalty by ticket for violations other than time-limited parking.* Unless otherwise specified in this chapter, a violation of any of the provisions of this chapter shall subject the violator to a civil penalty by way of a ticket in the amount of fifty dollars (\$50.00).

(B) *Graduated civil penalties for violations of time-limited parking.* Unless otherwise specified in this chapter, violations of any of the provisions of this chapter regarding time-limited parking shall subject the violator to graduated civil penalties as follows:

- (1) *First violation.* An issued written warning.
- (2) *Second violation.* A second violation of any provision regulating time-limited parking shall subject the violator to a civil penalty of ten dollars (\$10.00).
- (3) *Third and subsequent violations.* A third violation and any subsequent violation of any provision regulating time-limited parking shall subject the violator to a civil penalty of twenty dollars (\$20.00).

(C) *Late Penalties for violations of Article C. of this chapter.* Unless otherwise provided herein, if payment for a violation of any of the provisions of Article C. of this Chapter is not made within 10 days of issuance of the ticket, an additional fifteen dollar (\$15.00) late fee will be due. If payment for the violation is not made within 30 days of the issuance of the ticket, an additional fifteen dollar (\$15.00) late fee will be due. If the payment for the violation is not made within 60 days of the issuance of the ticket, an additional fifteen dollar (\$15.00) late fee will be due.

(D) *Revocation of parking permit or card access.* In addition to being responsible for the applicable parking ticket penalty any person having been issued a parking permit or card access to a controlled access parking area in accordance with this chapter who violates any of the provisions of Article C. of this chapter may have his or her parking permit or card access rights to the controlled access parking area deactivated or revoked and all off-street parking privileges suspended for a period of one year from the date of the offense.

(E) *Appeals; payment of civil penalties.* Unless appealed in accordance with the appeal provisions of this chapter, all civil penalties assessed for violations of any provision of this chapter must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(F) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.
- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(G) *Continuing violations.* Each day's continuing violation of any provision of this article shall be a separate and distinct offense.

SEC. 10-2-153 TOWING OF VEHICLES PARKED AS PROHIBITED.

(A) *Violations of on-street parking.* In addition to any other penalties as provided by this chapter and in accordance with Chapter 160A, Article 8 of the North Carolina General Statutes, N.C.G.S. § 160A-300, N.C.G.S. § 160A-301, N.C.G.S. § 160A-303 and the provisions of Part II, Title 12, Chapter 4 of this Code, a motor vehicle as defined by N.C.G.S. § 160A-303 that parks or is otherwise left upon any on-street parking in violation of any law or provision of this chapter prohibiting parking shall be deemed as abandoned and a police officer or a parking enforcement officer is authorized and directed to tow and store the motor vehicle by removing and disposing of the motor vehicle according to the provisions of N.C.G.S. § 160A-303 giving notice to the owner thereof as required by N.C.G.S. § 20-219.11(a). Prior to the release of the motor vehicle, all civil penalties due or forming the basis of the tow and all towing fees shall be paid by the owner or other person responsible for such vehicle.

(B) *Violations of off-street parking.* In addition to any other penalties as provided by this chapter and in accordance with Chapter 160A, Article 8 of the North Carolina General Statutes, N.C.G.S. § 160A-301, and N.C.G.S. § 160A-302, a vehicle that parks or is otherwise left upon any off-street parking area in violation of any law or provision of this chapter shall be subject to towing and storage and a police officer or a parking enforcement officer is authorized and directed to tow and store the vehicle by removing and disposing of the vehicle according to the provisions of N.C.G.S. § 160A-303 giving notice to the owner thereof as required by N.C.G.S. § 20-219.11(a). Prior to the release of the vehicle, all civil penalties due or forming the basis of the tow and all towing fees shall be paid by the owner or other person responsible for such vehicle.

(C) *Vehicles left on City property longer than 24 hours.* In addition to any other penalties as provided by this chapter and in accordance with Chapter 160A, Article 8 of the North Carolina General Statutes, N.C.G.S. § 160A-300, N.C.G.S. § 160A-301, N.C.G.S. § 160A-303 and the provisions of Part II, Title 12, Chapter 4 of this Code, a motor vehicle as defined by N.C.G.S. § 160A-303 that continues to remain parked in violation of any provisions of this chapter longer than 24 hours shall be deemed as abandoned and a police officer or a parking enforcement officer is authorized and directed to tow and store the motor vehicle by removing and disposing of the motor vehicle according to the provisions of N.C.G.S. § 160A-303 giving notice to the owner thereof as required by N.C.G.S. § 20-219.11(a). Prior to the release of the motor vehicle, all civil penalties due or forming the basis of the tow and all towing fees shall be paid by the owner or other person responsible for such vehicle.

SEC. 10-2-154 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE UNTIL ALL FEES FULLY PAID.

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, unless and until all towing, storage, and impoundment fees which are due, or bond in lieu of such fees, have been fully paid.

SEC. 10-2-156 TOWING AND IMPOUNDING VEHICLES WITH UNPAID PARKING TICKETS.

(A) *Authorization.* The Director of Financial Services may authorize a vehicle to be immobilized by wheel lock or other immobilization device or towed and impounded if the vehicle is illegally parked for which there are three or more unpaid parking tickets issued by the City which are at least 90 days overdue. For the purpose of determining whether an illegally parked vehicle has been issued three or more unpaid parking tickets issued by the City which are at least 90 days overdue, it shall be sufficient if the license plate number of the illegally parked vehicle and the license plate number of the vehicle appearing on the unpaid tickets are the same.

(B) *Procedure to immobilize a vehicle; immobilization fee.* An illegally parked vehicle for which there are three or more unpaid parking tickets issued by the City which are at least 90 days overdue may be immobilized by wheel lock or wheel locking device and the owners thereof assessed a wheel immobilization fee of fifty dollars (\$50.00). A wheel immobilization notice on a form approved by the Director of Financial Services shall be affixed to the vehicle in a conspicuous place. The wheel immobilization notice shall state the total amount owed for the unpaid and overdue parking tickets; the immobilization fee of fifty dollars (\$50.00); and the address and telephone number of the City office to be contacted to pay the unpaid and overdue parking tickets and the immobilization fee and request removal of the immobilization device. All charges including the unpaid and overdue parking tickets and immobilization fee must be paid before the immobilization device may be removed by the City. A receipt showing that all tickets and the immobilization fee have been paid will be provided to the vehicle owner by the Director of Financial Services who must also provide a copy to the Greenville Police Department in order to obtain the required release authorization to remove the immobilization device. The City shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from on unauthorized attempts to free or move that vehicle.

(C) *Procedure to tow and impound; forms to complete.* An illegally parked vehicle for which there are three or more unpaid parking tickets issued by the City which are at least 90 days overdue may be towed and impounded utilizing the City rotation wrecker list as regulated in this Code. A vehicle tow sheet form is to be completed for each towed vehicle stating the name of the tower and where the vehicle is stored, the total amount owed for all unpaid and overdue parking tickets, the towing fee. The accompanying vehicle towing and storage report form shall also indicate "Impounded" on the report listing the address and telephone number of the City office to be contacted to pay the unpaid and overdue parking tickets. All charges including the unpaid and overdue parking tickets and the towing fee shall be paid before the vehicle can be released. A receipt showing that all tickets and the towing fee have been paid will be provided to the vehicle owner by the Director of Financial Services who must also provide a copy to the Greenville Police Department in order to obtain the required vehicle release authorization form for release of the impounded vehicle.

(D) *Mailing of notice of towing and impoundment to owner.* Once a vehicle has been towed and impounded, the Chief of Police shall mail or cause to be mailed a notice of towing and impoundment to the address of the last known registered owner of the vehicle and to the lienholder.

(E) *Release of impounded vehicle.* Upon payment of all unpaid and overdue parking tickets and all other applicable charges authorized by this section, including all towing fees, the vehicle shall be released from impound to the owner or any other person entitled to claim possession of the vehicle.

(F) *Disposal of impounded vehicles.* If a vehicle has been towed, and remains impounded in excess of 30 days, it may be disposed of in accordance with the provisions of the City Code relating to the disposition of junked or abandoned vehicles set forth in Part II, Title 12, Chapter 4 of this Code.

(G) *Appeals and appeal hearing.* The registered owner or person entitled to possession of any vehicle which has been immobilized or towed and impounded pursuant to this section may submit a written request for a hearing to the Chief of Police by mail within seven days from the receipt of the respective wheel immobilization notice or vehicle towing and storage report form. If a request for a hearing is not made within the allotted time, the right to a hearing shall have been waived. If a hearing is requested, the hearing shall be provided within seven days of receipt by the Chief of Police of the request for the hearing. Thereafter, an informal hearing will be conducted by the Chief of Police at a time and place designated by the Chief of Police.

SEC. 10-2-155 APPEALS; APPEAL BOARD.

(G) *Appeal board.* An Appeal Board of three City employees selected by the City Manager shall be authorized to hear and decide appeals in accordance with this section. There shall be an alternate member from the Financial Services Department to serve on the Appeal Board in the event of a conflict of interest.

(H) *Appeal to appeal board.* The issuance of any civil penalty for a violation of any of the provisions of this chapter or the denial, revocation, or deactivation of a parking permit or card access to a controlled access parking area may be appealed by the filing an appeal in accordance with this section.

- (1) *Notice of appeal; contents and filing; waiver of appeal.* A person who elects to appeal a civil penalty or the denial, revocation, or deactivation of a parking permit or card access to a controlled access parking area shall file a notice of appeal in writing within five days of the issuance of the penalty or decision that is the basis of the appeal. The notice of appeal shall include written objections and shall be directed to the City Manager's office. Any appeal received by the City Manager's office more than five days after the date of the issued civil penalty or date of decision that is the basis of the appeal shall be deemed waived as untimely, shall not be considered by the Appeal Board, and the imposition of the civil penalty or the decision at issue shall stand, shall be fully enforceable, and may not be thereafter appealed.
- (2) *Scheduling of the hearing.* The City Manager's office, as designee of the Appeal Board, shall schedule a hearing within 10 days of the filing of the notice of appeal. The hearing on the appeal shall take place within a

reasonable time, but no longer than 30 days from the filing of the notice of appeal. The City Manager's office shall provide notice of the hearing via either or both first class mail or electronic mail to the appellant and shall also provide notice to City employee who issued the civil penalty or who made the decision at issue. If the appellant does not appear at the hearing, the imposition of the civil penalty or the decision at issue shall stand, shall be fully enforceable, and may not be thereafter appealed.

- (3) *Conduct of the hearing.* The hearing on the appeal shall be an informal administrative hearing. The City Manager shall be the chairperson and conduct the hearing and govern procedural questions. The North Carolina rules of evidence shall not apply. However, both the appellant and the City shall be entitled to be represented by counsel, have the right to make opening and closing statements, present evidence, and call, confront, and cross-examine witnesses. All witnesses shall testify under oath. Each Appeal Board member shall have the right to question witnesses. The appellant and/or the City shall be allowed to record the hearing. The hearing shall be conducted in accordance with the principles of due process.

(C) *Final decision of appeal board.* The Appeal Board shall make the final decision. The decision of the Appeal Board shall be by majority vote, and said decision shall be made at the conclusion of the hearing unless the Appeal Board requests additional evidence. The decision of the Appeal Board shall be documented by the City Manager in writing, including findings to support the Appeal Board's decision, and notice of appeal rights, and forwarded to the applicant within 10 days of the conclusion of the hearing via either or both first class mail or electronic mail.

(D) *Appeal to superior court.* Any appeal from the final decision of the Appeal Board shall be taken to the Pitt County superior court by filing notice of appeal and a petition for review within 10 days of the final decision of the Appeal Board. Appeals from rulings of the Appeal Board shall be heard de novo before a superior court judge sitting in the Pitt County superior court division.

(E) *Stay of penalty or decision during appeal.* The imposition of a civil penalty or the decision forming the basis of the appeal shall be stayed during the pendency of the appeal.

SECTION 5. Part II, Title 10, Chapter 2, Article X is hereby repealed.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

SECTION 8. In accordance with Session Law 2021-138, Part XIII., Section 13.(b), this ordinance specifying a criminal penalty has been enacted at the meeting other than that in which it was first introduced.

SECTION 9. This ordinance will become effective upon passage.

This the _____ day of _____, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

ORDINANCE NO. 23-_____

AN ORDINANCE TO MAKE TECHNICAL REVISIONS TO PORTIONS OF PART II, TITLES 1, 2, 5, 6, 9, and 11 OF THE CODE OF ORDINANCES, CITY OF GREENVILLE

WHEREAS, the City Council of the City of Greenville desires to revise certain provisions of Part II, Title 6 of the Code of Ordinances, City of Greenville to conform to applicable North Carolina law, including but not limited to Session Law 2021-138, Part XIII. Section 13.(b), which amends N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 regarding penalties for violations of ordinances;

WHEREAS, the certain revisions to the Code of Ordinances, City of Greenville are necessary to adequately ensure uniform compliance with applicable law, make technical corrections, and address the interests of public safety and welfare;

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

SECTION 1. That Part II, Title 1, Chapter 1, Section 5 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 1-1-5 CIVIL PENALTY FOR VIOLATION OF ORDINANCE; NOT EXCLUSIVE REMEDY; CONTINUING VIOLATIONS.

(A) In accordance with N.C.G.S. § 160A-174 and N.C.G.S. § 160A-175, unless this Code of Ordinances provides otherwise, a violation of any provision hereof shall subject the violator to a civil penalty by way of a civil ticket issued by the City Manager or his or her designees in an amount as follows:

- (1) *First violation.* A violation of any of the provisions of this Code of Ordinances shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
- (2) *Second violation within 365 days of the first violation.* A second violation by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
- (3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(B) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this Code of Ordinances must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(C) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.
- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(D) *Separate offenses.* Each violation of any provision of this Code of Ordinances and each day that a violation continues is considered a separate offense.

(E) By express statement, an ordinance contained herein may provide for its enforcement by other remedies, as authorized in N.C.G.S. § 14-4, N.C.G.S. § 160A-174, and N.C.G.S. § 160A-175, including the imposition of a criminal penalty unless exclude by law, civil penalties, the ordering of appropriate equitable relief, including injunctions, or a combination of remedies.

(C) An ordinance may provide, when appropriate, that each day's continuing violation shall be a separate and distinct offense.

SECTION 2. That Part II, Title 2, Chapter 3, Article E., Section 52, Subsection (D) of the Code of Ordinances, City of Greenville is repealed.

SECTION 3. That Part II, Title 2, Chapter 3, Article F. Section 62, Subsection (C) of the Code of Ordinances, City of Greenville is repealed.

SECTION 4. That Part II, Title 5, Chapter 2, Article B., Section 34, Subsection (C)(2) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

- (2) *Criminal.* Any person violating any provision of this article shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

SECTION 5. That Part II, Title 6, Chapter 1, Sections 2, 3, and 4 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 6-1-2 MONTHLY REPORT TO CITY MANAGER; DUTY TO GIVE INFORMATION.

The Director of Public Works shall attend all monthly Council meetings and shall render to the City Manager prior to each regular monthly meeting of the Council a report of all services he or she has rendered and all amounts that he or she has expended, and at all times he or she shall give such information pertaining to his or her several duties as he or she may be called upon to give from time to time by the City Manager.

SEC. 6-1-3 CIVIL PENALTY FOR VIOLATION OF THIS TITLE.

(A) *Civil Penalties.* Unless otherwise provided in a specific section, a violation of any of the provisions of this title shall subject the offender to a civil penalty by way of a civil ticket issued by the Director of Public Works or his or her designee in an amount as follows:

- (1) *First violation.* A violation of any of the provisions of this title shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
- (2) *Second violation within 365 days of the first violation.* A second violation by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
- (3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(B) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(C) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.

- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.
- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(D) *Separate offenses.* Each violation of this title and each day that a violation continues is considered a separate offense.

SECTION 6. That Part II, Title 9, Chapter 1, Article D., Section 62 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-1-62 PENALTIES FOR VIOLATION OF REGULATORY CODES.

(A) *Penalties.* A violation of this article may subject the violator to any or all of the following penalties:

- (1) *Criminal.* The violation of any provisions of this article shall constitute a class 1 misdemeanor, as provided by N.C.G.S. § 160D-1124.
- (2) *Civil.*
 - (a) A violation of any of the provisions of this of this article shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 - 1. *First violation.* A violation of an order issued by the Enforcement officer shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 - 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - 1. A civil action in the nature of a debt.
 - 2. The use of a collections agency and the assessment of an administrative fee.
 - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - 4. Equitable remedies issued by a court of competent jurisdiction.
 - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each day's continuing violation shall be a separate and distinct offense.

SECTION 7. That Part II, Title 9, Chapter 1, Article E., Section 77, Subsection (A) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(A) After failure of an owner of a structure to comply with an order of the Code Enforcement Coordinator or officer issued pursuant to the provisions of this article, and upon adoption by the City Council of an ordinance authorizing and directing him or her to do so, as provided by N.C.G.S. § 160D-1203(5), Session Law 2005-200, and section 9-1-75(C) of this article, the Code Enforcement Coordinator or officer shall proceed to cause the structure to be removed or demolished, as directed by the ordinance of the City Council and shall cause to be posted on the main entrance of the structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor, as provided by N.C.G.S. § 160D-1203(4).

SECTION 8. That Part II, Title 9, Chapter 1, Article F., Section 110, Subsections (C)(1) and (C)(2) of the Code of Ordinances, City of Greenville are repealed and hereby replaced and amended to now read as follows:

(C) *Failure to comply with order.*

- (1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Code Enforcement Coordinator or officer to repair, alter or improve or to vacate or close the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Code Enforcement Coordinator or officer to remove or demolish the same within the time specified therein, the Code Enforcement Coordinator or officer may submit to City Council a resolution directing the City Attorney to petition the Superior Court for an order directing the owner to comply with the order of the neighborhood service coordinator or officer, as authorized by N.C.G.S. § 160D-1208(d).
- (2) *In rem remedy.* After failure of an owner of a deteriorated dwelling or of a dilapidated dwelling to comply with an order of the Code Enforcement Coordinator or officer within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding subsection (C)(1), the Code Enforcement Coordinator or officer shall submit to the City Council an ordinance ordering the Code Enforcement Coordinator or officer to cause the dwelling or dwelling unit to be repaired, altered or improved, or vacated and closed or to be removed or demolished as provided in the original order of the Code Enforcement Coordinator or officer. The Code Enforcement Coordinator or officer may cause to be posted on the main entrance of the dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor, as provided by N.C.G.S. § 160D-1203(4).

SECTION 9. That Part II, Title 9, Chapter 1, Article F., Section 116 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-1-116 ALTERNATIVE REMEDIES.

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by N.C.G.S. § 160D-1203(4), and section 9-1-119 of this article, and the enforcement of any remedy provided herein or in other ordinances or laws.

SECTION 10. That Part II, Title 9, Chapter 1, Article F., Section 119, Subsections (A) and (B) of the Code of Ordinances, City of Greenville are repealed and hereby replaced and amended to now read as follows:

(A) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same, upon order of the Code Enforcement Coordinator and officer duly made and served in accordance with the provisions of this article, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 9-1-110 of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration, improvement, or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(B) *Penalties.* A violation of this article may subject the violator to any or all of the following penalties:

(1) *Criminal.* The violation of any provisions of this article shall constitute a class 1 misdemeanor, as provided by N.C.G.S. § 160D-1203(4).

(2) *Civil.*

(a) A violation of any of the provisions of this of this article shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of an order issued by the Code Enforcement Supervisor or officer shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must

be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency and the assessment of an administrative fee.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Separate offenses.* Each day's continuing violation shall be a separate and distinct offense.

SECTION 11. That Part II, Title 9, Chapter 1, Article G., Section 134 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-1-134 IN REM ACTION BY THE ENFORCEMENT OFFICER.

After failure of an owner of a nonresidential building or structure to comply with an order of the Enforcement Officer issued pursuant to the provisions of this article and upon adoption by the City Council of an ordinance authorizing and directing the owner to do so, as provided by N.C.G.S. § 160D-1129(f) and section (D) of this article, the Enforcement Officer shall proceed to cause the nonresidential building or structure to be repaired, altered or improved to comply with the minimum standards established by this article, or to be vacated and closed or to be removed or demolished, as directed by the ordinance of the City Council. The Enforcement Officer may cause to be posted on the main entrance of any nonresidential building or structure which is to be vacated and closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 1 misdemeanor, as provided by N.C.G.S. § 160D-1124.

SECTION 12. That Part II, Title 9, Chapter 1, Article G., Section 138 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-1-138 ALTERNATIVE REMEDIES.

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by N.C.G.S. § 160D-1120 and section 9-1-142 of this article, and the enforcement of any remedy provided herein or in other ordinances or laws.

SECTION 13. That Part II, Title 9, Chapter 1, Article G., Section 142 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-1-142 VIOLATIONS; PENALTY.

(A) It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the Enforcement Officer duly made and served in accordance with the provisions of this article, within the time specified in the order, and each day that any such failure, neglect, or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any nonresidential building or structure, with respect to which an order has been issued pursuant to section 9-1-129(C) of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration, improvement, or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(B) *Penalties.* A violation of this article may subject the violator to any or all of the following penalties:

- (1) *Criminal.* The violation of any provisions of this article shall constitute a class 1 misdemeanor, as provided by N.C.G.S. § 160D-1124.
- (2) *Civil.*
 - (a) A violation of any of the provisions of this of this article shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 1. *First violation.* A violation of an order issued by the Enforcement officer shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each day's continuing violation shall be a separate and distinct offense.

SECTION 14. That Part II, Title 9, Chapter 5, Article A., Section 9, Subsection (C) of the Code of Ordinances, City of Greenville is repealed.

SECTION 15. That Part II, Title 9, Chapter 5, Article A., Section 10 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-5-10. RESERVED.

SECTION 16. That Part II, Title 9, Chapter 5, Article A., Section 13, Subsection (B) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(B) It shall be unlawful for any person to reference or propose any new street or road name on any plat, or in any deed or instrument without first receiving the approval of the Planning and Zoning Commission.

SECTION 17. That Part II, Title 9, Chapter 5, Article H., Section 171 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-5-171 PENALTIES FOR VIOLATION.

(A) *Civil penalties.* A violation of any of the provisions of this of this article shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

- (1) *First violation.* A violation of an order issued by the Enforcement officer shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
- (2) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
- (3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(B) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(C) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.
- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(D) *Separate offenses.* Each day's continuing violation shall be a separate and distinct offense.

SECTION 18. That Part II, Title 11, Chapter 1, Article G., Section 140 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 11-1-140 CIVIL PENALTIES AND ENFORCEMENT ACTION.

(A) All violations of this chapter shall subject the offender to a civil penalty and, where applicable, suspension of any certificate of public convenience and necessity or privilege license as provided elsewhere in this chapter as follows:

- (1) For a first offense, a civil penalty will be assessed in the amount of \$100.
- (2) In the event there is more than one violation within any 30 days period, then the civil penalty shall be increased for each additional violation over one during such period as follows:
 - a. The date of the first violation shall establish the beginning for the initial 30 days period. The next violation within that 30 days period shall be considered a second violation and shall subject the violator to a civil penalty of \$250.
 - b. Third and subsequent violations within the same 30 days period shall subject the violator to a civil penalty of \$500 for each violation.

(B) Once the 30 days period has run from the "first violation," the next violation shall be considered the first violation for establishing a new 30 days period. Each subsequent violation that follows more than 30 days from the previous first violation shall be a new first violation for the purpose of establishing a new 30 days period.

(C) The levying of civil penalties shall be initiated by any police officer or the taxicab inspector giving written notice of the violation committed to the vehicle for hire owner or driver, along with a statement that a civil penalty is being imposed.

(D) Civil penalties shall be paid within 72 hours of the issue date to Financial Services, Collections Division. If not paid within the 72 hours of the date of issue, an additional \$50 dollars delinquency charge will be added for each 72 hours period thereafter upon nonpayment until paid in full.

(E) The City Attorney or designee is authorized to file suit on behalf of the city to collect any unpaid citations and any delinquency charge, and the Police Chief or designee is authorized to verify and sign the complaints on behalf of the city in such suits. If litigation is required to recover the penalties and delinquency charges, the City Attorney or designee may recover, in addition to the penalties and delinquency charges, reasonable attorneys fees and other costs incurred in bringing the action and collecting the judgment.

(F) Additionally, this chapter may be enforced through available equitable remedies including but not limited to enjoining the operation of any taxi, limousine, contract service, transport service or other vehicle for hire as issued by a court of competent jurisdiction. Citations issued to any driver or operator of any taxi, limousine, contract service, transport service or other vehicle for hire and not paid when the driver or operator leaves employment of the business or franchise holder shall be the responsibility of the franchise holder or business.

(G) Any permit required to be issued and renewed under the terms of this chapter shall not be issued or renewed in the event civil penalties for violations remain unpaid by the applicant or by an employee of the applicant.

SECTION 19. That Part II, Title 11, Chapter 2, Section 13 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 11-2-13 REVOCATION OF PARADE PERMIT; PENALTIES FOR VIOLATION.

(A) *Permit revocation authorized.* A parade permit issued pursuant to this chapter may be revoked by the Chief of Police upon application of the standards for issuance stated in section 11-2-5.

(B) *Violations.* It shall be unlawful for any person to violate the provisions of this chapter or the conditions of the parade permit.

(C) *Penalties.* A violation of this chapter or the conditions of the parade permit may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this chapter or the conditions of the parade permit shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

- (a) A violation of any of the provisions of this of this chapter or the conditions of the parade permit shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.

5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 20. That Part II, Title 11, Chapter 11, Section 14, Subsection (D) of the Code of Ordinances, City of Greenville is repealed and amended to now read as follows:

(D) *Criminal penalty.* In addition to or in lieu of any remedies available in this section or by other operation of law, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

SECTION 21. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 22. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

SECTION 23. This ordinance will become effective upon passage.

This the _____ day of _____, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

ORDINANCE NO. 23-_____

AN ORDINANCE TO MAKE REVISIONS TO PORTIONS OF PART II, TITLE 12, CHAPTERS 1, 2, 3, 5, AND 7 OF THE CODE OF ORDINANCES, CITY OF GREENVILLE

WHEREAS, the City Council of the City of Greenville desires to revise certain provisions of Part II, Title 12, Chapters 1 and 5 of the Code of Ordinances, City of Greenville to conform to applicable North Carolina law, including but not limited to Session Law 2021-138, Part XIII. Section 13.(b), which amends N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 regarding penalties for violations of ordinances;

WHEREAS, the certain revisions to the Code of Ordinances, City of Greenville regarding Part II, Title 12, Chapter 1, 2, 3, 5, and 7 of the Code of Ordinances, City of Greenville are necessary to adequately ensure uniform compliance with applicable law, make technical corrections to existing provisions, and address the interests of public safety and welfare;

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

SECTION 1. That Part II, Title 12, Chapter 1, Section 1, Subsection (E) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(E) *Civil Penalties.*

- (1) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received

by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (3) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency and the assessment of an administrative fee.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (4) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 2. That Part II, Title 12, Chapter 1, Section 4 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 12-1-4 LITTERING PROHIBITED.

(A) It shall be unlawful for any person, firm, organization, or private corporation to place, discard, dispose, or leave any trash, refuse, or garbage upon any of the following unless such garbage, refuse, or trash is placed in a designated location or container for removal by a specific garbage or trash service collector:

- (1) A sidewalk, street, or highway located in the city.
- (2) Upon property owned or operated by the city.
- (3) Upon any private property located in the city without the consent of the owner, occupant, or lessee thereof.

(B) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of fifty dollars (\$50.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
 - (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.

4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 3. That Part II, Title 12, Chapter 1, Section 5, Subsection (E) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(E) *Civil penalties.* A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in the amount of one hundred dollars (\$100.00) per day, per occurrence, plus the cost of removal. The cost of removal shall be a fifty dollar (\$50.00) administrative fee, plus all actual labor and machine costs.

- (1) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (2) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency and the assessment of an administrative fee.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

Any of these remedies are in addition to the authority contained in subsection (B) to remove the unlawfully posted handbills or signs.

- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 4. That Part II, Title 12, Chapter 1, Section 6 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 12-1-6. RESERVED.

SECTION 5. That Part II, Title 12, Chapter 1, Section 7, Subsection (B) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(B) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

- (2) *Civil.*

- (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's

Financial Services Department within five business days from the date of issuance.

(c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency and the assessment of an administrative fee.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 6. That Part II, Title 12, Chapter 1, Section 10 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 12-1-10. RESERVED.

SECTION 7. That Part II, Title 12, Chapter 1, Section 11, Subsection (G) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(G) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

- (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.

5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 8. That Part II, Title 12, Chapter 1, Section 12, Subsection (D) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(D) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

- (2) *Civil.*

- (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.
- (4) *Injunctive Relief Authorized.* The City Attorney is authorized to seek injunctive relief against repeat violators of this section.

SECTION 9. That Part II, Title 12, Chapter 1, Section 13, Subsection (D) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(D) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Continuing to smoke in violation of this section constitutes an infraction, and the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00). Conviction of an infraction under this section has no consequence other than payment of a penalty. A person smoking in violation of this subsection may not be assessed court costs.
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

- (4) In addition to the penalties stated in subsections (D)(1) and (D)(2) above, a violation of this section by a city or GUC employee shall subject the employee to disciplinary action under the respective personnel policies of the city or GUC.
- (5) The Chief of Police, the City Manager, the GUC General Manager, or their designees are authorized to issue civil citations for violations of subsection (D)(2) above.

SECTION 10. That Part II, Title 12, Chapter 1, Sections 14 and 15 of the Code of Ordinances, City of Greenville are repealed and hereby replaced and amended to now read as follows:

SEC. 12-1-14 CONCEALED HANDGUNS PROHIBITED; LOCAL GOVERNMENT BUILDINGS, GROUNDS, AND RECREATIONAL FACILITIES.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply:

- (1) *City.* City of Greenville.
- (2) *Local government building.* A building, including any portion thereof owned, leased, operated, managed, or controlled by the city and, to the extent that the provisions of N.C.G.S. § 14-415.11(c)(8) do not apply, a building, including any portion thereof owned, leased, operated, managed, or controlled by any of the following:
 - (a) The Pitt-Greenville Airport or Pitt-Greenville Airport Authority.
 - (b) The Sheppard Memorial Library or Sheppard Memorial Library Board of Trustees.
 - (c) The Greenville Utilities Commission or GUC.
- (3) *Recreational facilities.* Only those recreational facilities owned, leased, operated, managed, or controlled by the city as follows:
 - (a) An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the city or other office responsible for operation of the park or recreational area.
 - (b) A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool.

- (c) A facility used for athletic events, including, but not limited to, a gymnasium.

Recreational facilities do not include any greenway, designated biking or walking path, an area that is customarily used as a walkway or bike path although not specifically designated for such use, open areas or fields where athletic events may occur unless the area qualifies as an “athletic field” as herein defined in subsection (2)(a) herein, and any other area that is not specifically described in subsection (2) herein.

(B) *Prohibition in local government buildings and appurtenant premises.* The carrying of a concealed handgun is prohibited, by the posting of signs approved indicating that the carrying of a concealed handgun is prohibited, in or on each local government building and the appurtenant premises to the local government building. The City Manager shall approve or cause to be posted appropriate signs in

(C) *Prohibition in recreational facilities.* The carrying of a concealed handgun is prohibited, by the posting of signs indicating that the carrying of a concealed handgun is prohibited, in or on the following specifically identified recreational facilities:

- (1) The recreational facilities at Andrew A. Best Freedom Park at 315 Oakdale Road;
- (2) The recreational facilities at the Bradford Creek Golf Course at 4950 Old Pactolus Road;
- (3) The recreational facilities at the Bradford Creek Soccer Complex at 4523 Old Pactolus Road;
- (4) The recreational facilities at the Greenville Community Pool at 2113 Myrtle Avenue;
- (5) The recreational facilities at the Greenville Aquatics and Fitness Center at 921 Staton Road;
- (6) The recreational facilities at Drew Steele Center, Elm Street Center, tennis courts, Stallings Stadium baseball field, Sara Vaughn Field of Dreams baseball field, shuffleboard courts, horseshoe pits and bocce courts at Elm Street Park at 1058 and 1055 South Elm Street;
- (7) The recreational facilities at Evans Park at 625 West Arlington Blvd;
- (8) The recreational facilities at Greenfield Terrace Park at 120 Park Access Road;

- (9) The recreational facilities at Guy Smith Stadium and at Guy Smith Park at 1000 Moye Boulevard;
- (10) The recreational facilities at the Boyd Lee Center at H. Boyd Lee Park at 5184 Corey Road;
- (11) The recreational facilities at Jaycee Park at 2000 Cedar Lane;
- (12) The recreational facilities at Matthew Lewis Park at West Meadowbrook at 900 Legion Street;
- (13) The recreational facilities at the Perkins complex at 1703 E. 14th Street;
- (14) The recreational facilities at River Park North at 1000 Mumford Road;
- (15) The recreational facilities at the South Greenville Recreation Center and at South Greenville Park at 851 Howell Street;
- (16) The recreational facilities at the Sports Connection at 1701 E. 14th Street;
- (17) The recreational facilities at the Eppes Recreation Center and at Thomas Foreman Park at 400 Nash Street;
- (18) The recreational facilities at Westhaven Park on Cedarhurst Drive; and
- (19) The recreational facilities at Woodlawn Park on Woodlawn Avenue.

(D) *Posting of signs required.* The signs as defined in subsections (B) and (C) of this section shall be approved by the City Manager and upon consultation with appropriate managers and staff shall be posted in a manner so as to be visible to the general public prior to entering the building, appurtenant premises, or recreational facilities as may be applicable.

(E) *Penalties.* A violation of subsections (B) or (C) may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

(F) *Persons excepted.* The provisions of this section shall not apply to the carrying of a concealed handgun by those persons enumerated in N.C.G.S. § 14-269(b).

(G) *Exemptions.*

- (1) Notwithstanding any other provision of this section, upon obtaining the appropriate permit required by law, the possession of a concealed handgun shall be permitted at a convention center owned, leased, managed, operated, or controlled by the city, by vendors or exhibitors at an event where the display, sale, or exhibition of handguns is permitted or by individuals who have or possess a handgun for the sole purpose of sale or trade at an event where the display, sale, or exhibition of handguns is permitted. Such persons shall be required to display their permit upon entrance into the convention center and have the handgun checked, inspected, and disabled upon entrance into the convention center.
- (2) Notwithstanding any other provision of this section, upon obtaining the appropriate permit required by law, the possession of a concealed handgun shall be permitted provided that the concealed handgun permittee secures the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle.

SEC. 12-1-15 RESERVED.

SECTION 11. That Part II, Title 12, Chapter 1, Section 17 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 12-1-17. RESERVED.

SECTION 12. That Part II, Title 12, Chapter 1, Section 19, Subsection (D) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(D) *Civil Penalties.*

- (1) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

- (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (3) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency and the assessment of an administrative fee.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (4) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 13. That Part II, Title 12, Chapter 1, Section 20, of the Code of Ordinances, City of Greenville is amended by adding Subsection (E) to now read as follows:

(E) *Civil Penalties.*

- (1) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein

defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

- (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (3) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency and the assessment of an administrative fee.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (4) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 14. That Part II, Title 12, Chapter 2, Section 16, Subsection (A) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(A) *Appeal board; members.* The Appeal Board shall be constituted of three City employees who shall be authorized to hear and decide appeals in accordance with this section. One member shall be the Chief of Police or designee from the Police Department. The remaining two members shall be either the City Manager and a designee or two designees selected by the City Manager. There shall be an alternate member selected by the City Manager to serve on the Appeal

Board in the event of a conflict of interest. The APS Supervisor may not serve on the Appeal Board.

SECTION 15. That Part II, Title 12, Chapter 3, Article C., Section 23, Subsection (A) of the Code of Ordinances, City of Greenville is repealed and amended to now read as follows:

(A) It shall be unlawful for any person, without express permission or authority of the owner of the property, to deface with graffiti any governmental, commercial or residential property or any other real property or any personal property. In addition to or in lieu of any remedies available in this chapter or by other operation of law, any person violating any provision of this subsection shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00). Any individual defacing such property also shall be subject to prosecution for such offenses as found within the statutes of the State of North Carolina, including but not limited to restitution costs for abatement of the nuisance and damage to the property.

SECTION 16. That Part II, Title 12, Chapter 5, Sections 13 and 14 of the Code of Ordinances, City of Greenville are repealed and replaced by the following Section:

SEC. 12-5-13 ENFORCEMENT AND PENALTIES.

(A) *Enforcement authorized.* A police officer or other employee authorized by the City Manager is hereby authorized to enforce the provisions of this chapter and may take enforcement action as herein stated for any violations of this chapter.

(B) *Oral notice allowed; not mandatory.* When it is reasonable and practical to do so, a person believed to be violating any portion of this chapter may be given an oral notice to cease or abate the noise immediately, or as soon as is reasonable or practical, prior to being charged with a violation. If the oral notice to cease or abate the noise is not complied with, the person or persons responsible for the violation may be charged with a violation of this chapter.

(C) *Penalties.* A violation of this chapter may subject the violator to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) A violation of any of the provisions of this chapter shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this chapter shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this chapter by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this chapter by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Appeals; payment of civil penalty; delinquency charge.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this chapter must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance. If the civil penalty is not timely paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance, the violator will be assessed an delinquency charge of an additional fifty dollars (\$50.00) for each 72-hour period thereafter upon nonpayment until paid in full.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction, including but not limited to nuisance abatement procedures.

5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
6. The City Attorney, or his or her designee, is authorized to file suit on behalf of the city to collect any unpaid civil penalties and any delinquency charges, and the Police Chief, or his or her designee, is authorized to verify and sign complaints on behalf of the city in such suits. If litigation is required to recover the civil penalties and delinquency charges, the City Attorney or his or her designee in addition to the civil penalties and delinquency charges may recover reasonable attorneys' fees and other costs incurred in bringing the action and collecting the judgment.

(3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 17. That Part II, Title 12, Chapter 7 of the Code of Ordinances, City of Greenville is repealed in its entirety.

SECTION 18. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 19. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

SECTION 20. This ordinance will become effective upon passage.

This the ____ day of _____, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk



City of Greenville, North Carolina

Meeting Date: 05/08/2023

Title of Item: Town Common Bulkhead and Esplanade Replacement Conceptual Design Review

Explanation: The Town Common Bulkhead is approximately 55 years old and has reached the end of its serviceable life. In order for programming and activities to continue at the Town Common, the bulkhead and esplanade need to be replaced. The City has contracted with Moffatt & Nichol to design the replacement. The goals of the project are to enhance park patrons' interaction with the Tar River and function as a unique and resilient feature that highlights the Town Common's location on the river.

Components of the conceptual designs include a clear east to west multi-use path, a new bulkhead with a decorative guardrail, terraced seating, a floating dock, small sections of boardwalk, and a river overlook platform. The next phase of the project, once this conceptual design is approved, is to have this fully designed and permitted so it is a shovel-ready project.

The Recreation and Parks Commission received a presentation on the concepts during their April 12 meeting, and a project webpage has been created and advertised on social media and news outlets. Public engagement has also included an online project survey, which has been active for the past few weeks. The survey closed on April 30th and gathered over 400 responses. Approximately 78% of respondents indicated that Concept B is the preferred design. Terraced seating and walkways near the water were two of the most requested design features according to the survey.

Selecting the preferred conceptual design will allow staff to work with Moffatt and Nichol to draft Task Order #2 which will include developing construction documents for the selected bulkhead design. Task Order #2 will be presented to City Council at a future meeting.

Fiscal Note: No impact at this time.

Design costs for construction documents based on the selected conceptual design will be presented at a later council meeting.

Recommendation: Select the preferred conceptual design and direct Moffatt & Nichol to develop the scope and fee for Task Order #2 which is required to complete the construction documents and permitting.

ATTACHMENTS

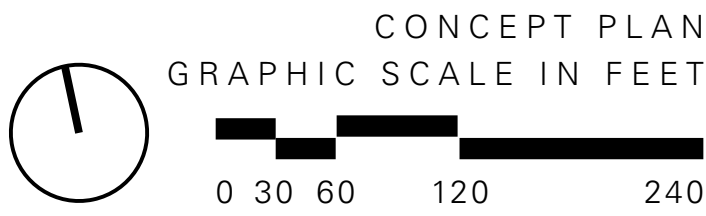
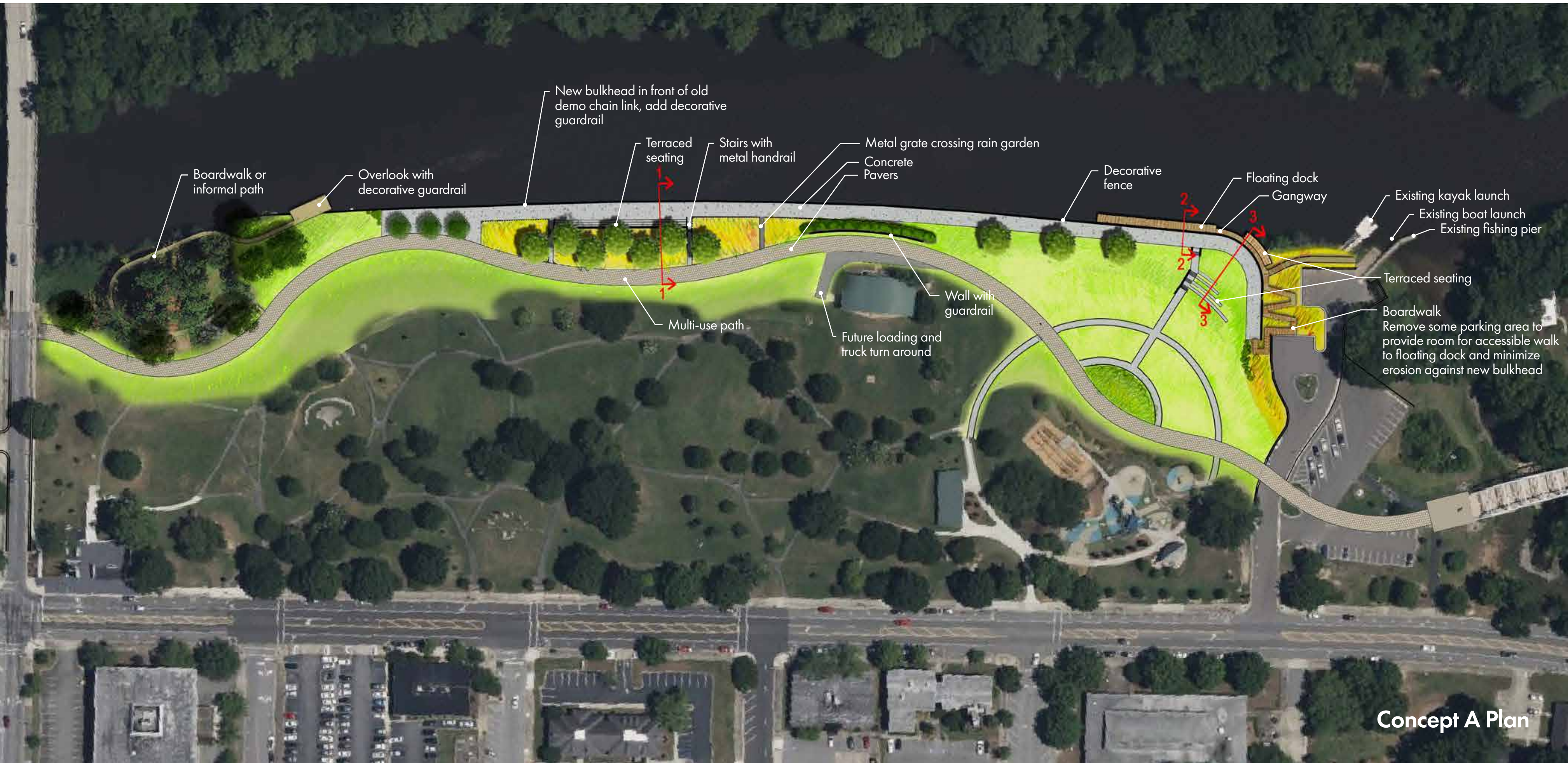
 [Concepts A and B.pdf](#)

Concept A

A replacement-in-kind approach, Concept A proposes a new steel bulkhead wall constructed in front of the existing structure to provide structural integrity, as well as a new esplanade walkway.

Character Imagery: Examples of Other Projects with Similar Design Features

Source: various online sites



TOWN COMMON
BULKHEAD & ESPLANADE PROJECT

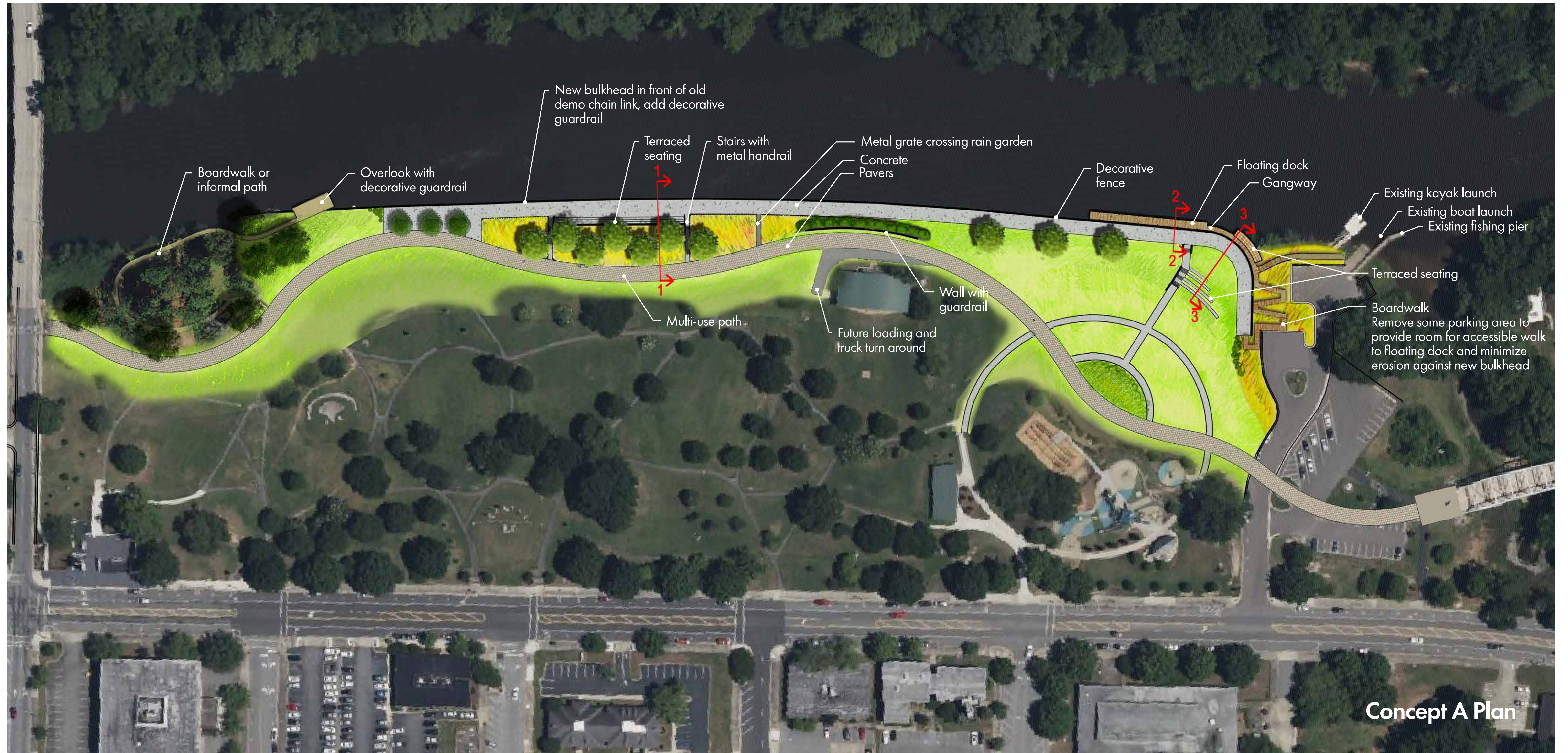
Planning Team



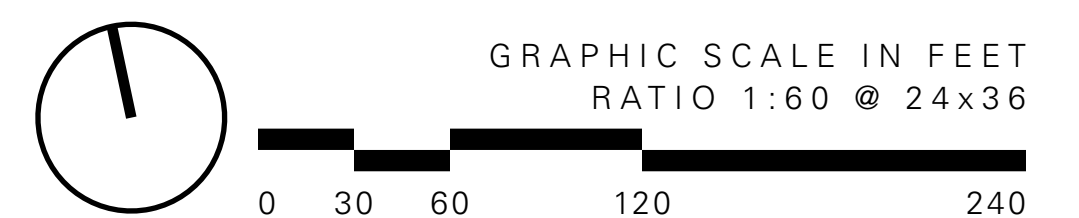
For More Information About the Project

Please scan the QR code with your phone to access the project webpage.





Concept A Plan



TOWN COMMON **BULKHEAD & ESPLANE PROJECT**

Concept A

A replacement-in-kind approach, Concept A proposes a new steel bulkhead wall constructed in front of the existing structure to provide structural integrity, as well as a new esplanade walkway. Proposed improvements include: expanding the width of the bulkhead wall; constructing switchbacks of the elevated boardwalk, which allows for an accessible walk to the proposed floating boat dock and other existing shore-front amenities on the east end of Town Common, which impacts the current allotment of parking; and providing concrete seat walls at the river's edge, which offers an opportunity for people to sit, linger and enjoy the scenery.

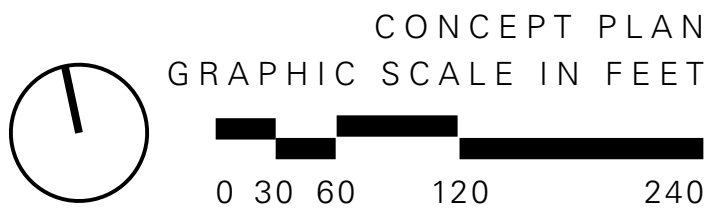
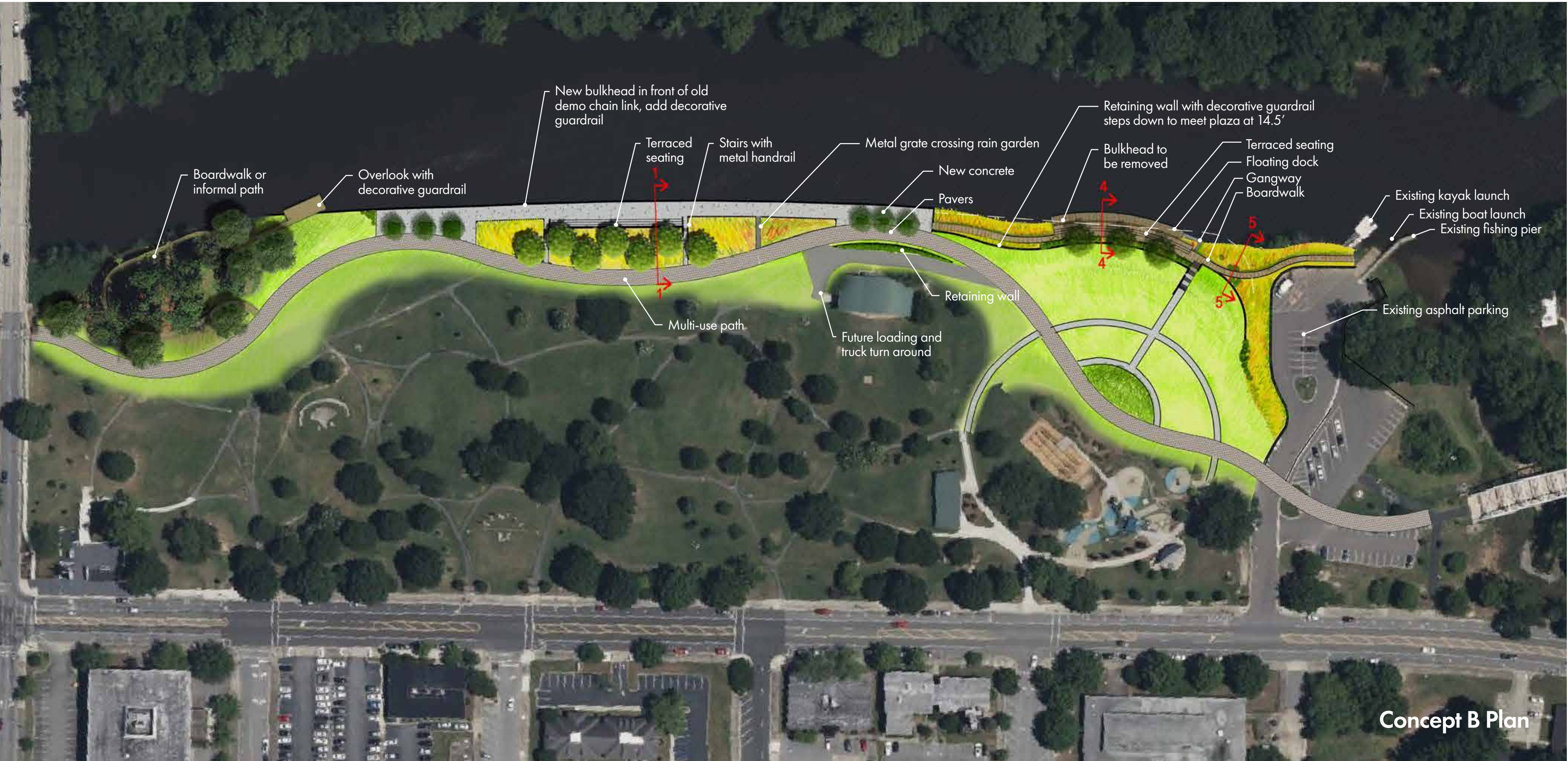
Planning Team  

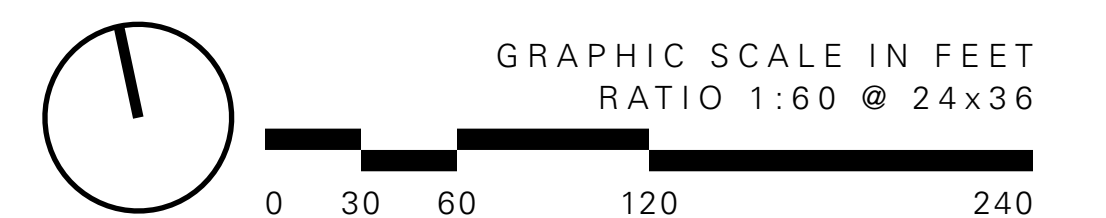
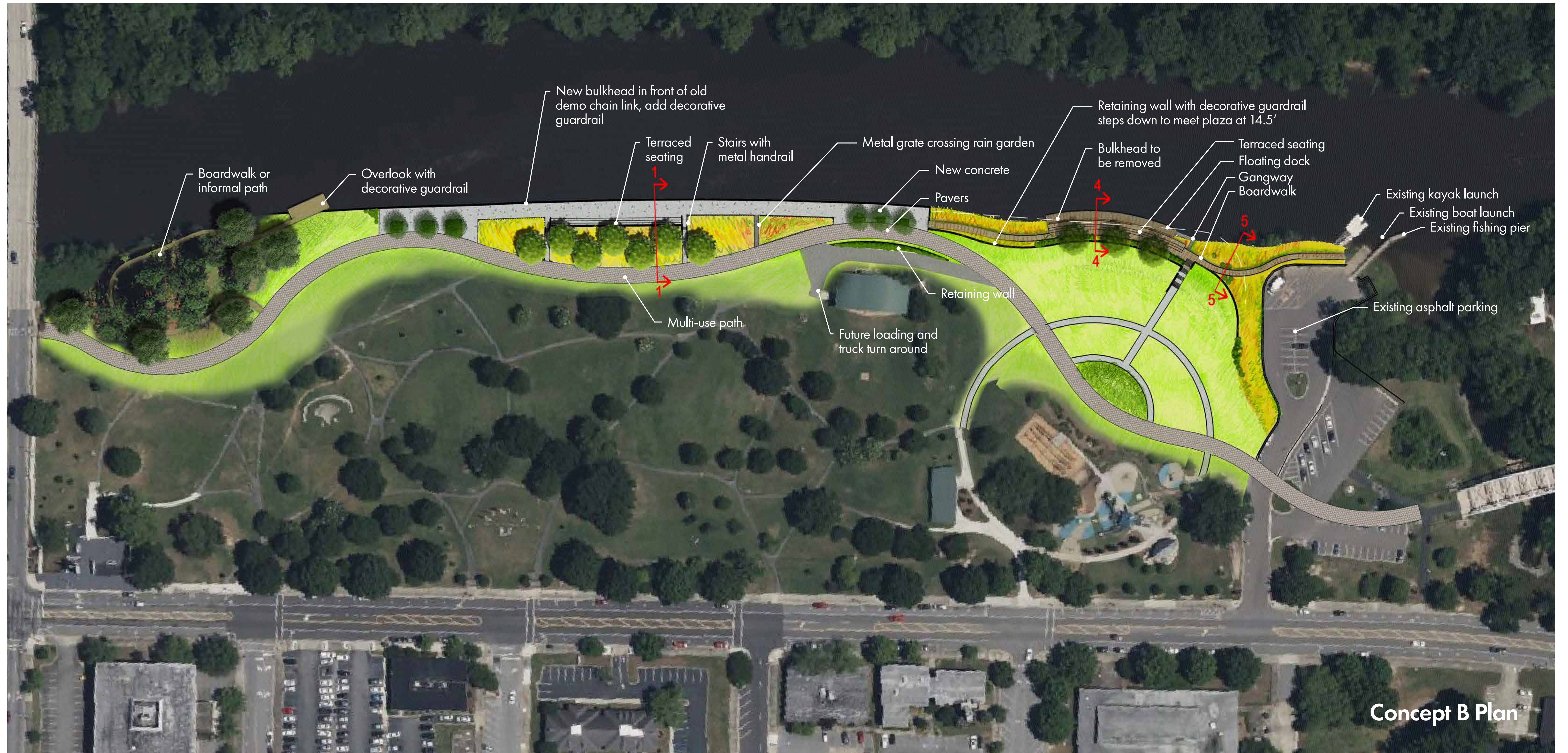
Concept B

A tiered approach, Concept B manages the river’s occasional flood waters in a more nature-based design; a portion of the existing bulkhead wall is removed to create a more natural transition down toward the water.

Character Imagery: Examples of Other Projects with Similar Design Features

Source: various online sites





TOWN COMMON

BULKHEAD & ESPLANE PROJECT

Concept B

A tiered approach, Concept B manages the river's occasional flood waters in a more nature-based design; a portion of the existing bulkhead wall is removed to create a more natural transition down toward the water. Proposed improvements include: constructing an elevated boardwalk, which allows for pedestrian access even when flood water levels are high; designing a natural and gradual accessible transition from the bulkhead wall to the floating dock, which eliminates the need for switchbacks evident in Concept A; and providing terraced seating down to the water's edge along with a floating boat dock for day-trippers.

Planning Team



City of Greenville, North Carolina

Meeting Date: 05/08/2023

Title of Item: Dream Park Community Building Renovation Update

Explanation: The old fire station located at 1700 Chestnut Street will be renovated into a multi-purpose building currently referred to as the Dream Park Community Building. This building, which is adjacent to the City's only spray park, was built in the 1930's and is in dire need of a complete renovation in order to function as usable space.

HH Architecture has been contracted to provide design services for this renovation project. Recreation and Parks staff are finalizing a floor plan layout with the designers to provide for the the greatest flexibility in future uses. Notable design features include a large assembly space, warming kitchen with pass-thru to the assembly area, lobby, office, storage room, and restrooms. The existing brick veneer will be preserved, and two large glass garage doors are proposed to pay homage to the structure's former use as a fire station.

Staff will provide an update on the design of the Dream Park Community Building and use feedback gained to determine next steps in the design. Also to be provided is an updated timeline, which includes construction bid solicitation in the fall of 2023.

Fiscal Note: None

Recommendation: Council to hear presentation regarding project status and provide feedback on general design direction.
