

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 1-9, APPEAL OF CIVIL OF PENALTIES, OF CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.

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

Section 1. Chapter 1, General Provisions, is amended by deleting Section 1-9. Appeal of Civil Penalties in its entirety and replacing with the following:

Sec. 1-9. Appeal of Civil Penalties.

- a. Whenever the recipient of a citation for a violation of Chapter 4, alarm systems regulations; Chapter 7, building code; Chapter 11, fire protection and prevention; Chapter 14, housing, dwellings and buildings; article XI of Chapter 16, abandoned, junked, and nuisance vehicles; article X of Chapter 16, parking; Chapter 17, offenses and miscellaneous provisions; Chapter 18, parks and recreations (except Sections. 18-11 and 18-20); Chapter 22, solid waste; Chapter 24, streets and sidewalks; Chapter 26, taxicabs, and Chapter 30, unified development ordinance, has failed to pay a civil penalty as a result of the violation, prior to the initiation of proceedings to collect the debt as authorized by law to enforce the city's remedy, the recipient of the citation shall be notified in writing that:
 1. The case may be reviewed by an independent, administrative hearing officer to determine the validity of the civil penalty provided the recipient of the citation makes a timely written request to the city attorney's office for the hearing within ten (10) business days of the issuance date of the citation;
 2. The written request for the hearing shall be on a form to be provided with the citation;
 3. The hearing shall be held within 30 calendar days of the receipt of the written appeal request; and
 4. The hearing officer shall be one of the independent hearing officers who is registered with the city attorney's office.
- b. If the recipient of a citation for a violation listed in Section 1-9(a) does not submit the written appeal request to per Section 1-9(a)(2) and fails to pay the civil penalty within 60 days of the day of issuance, then the city will forward the outstanding citation to collections, as was unanimously approved by the Fayetteville City Council on April 28, 2003.
- c. The decision of the hearing officer if in favor of the individual receiving the citation shall be final.
- d. If the hearing officer shall determine that in his/her opinion the civil penalty is

due, then the individual must pay the civil penalty within 60 days of the day of issuance, or the city will forward the outstanding citation to collections, as was unanimously approved by the Fayetteville City Council on April 28, 2003.

- e. In addition to any civil penalty, if the individual violates an offense for which an order of abatement may be sought, the city may request that a criminal summons be issued by the Magistrate's Office to bring the offender into Environmental Court to correct the unlawful condition or pursue other legal action as provided by state law. Any decision of the hearing officer shall not be admissible by the city in the prosecution of such action.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

This ordinance shall become effective immediately after its adoption.

ADOPTED this the 12th day of January, 2026.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

JENNIFER L. AYRE, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 22-17, NOTICE TO ABATE UNLAWFUL CONDITIONS; ABATEMENT BY CITY, OF ARTICLE 1 OF CHAPTER 22, SOLID WASTE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.

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

Section 1. Chapter 22, Solid Waste, is amended by deleting Section 22-17. Notice to Abate Unlawful Conditions; Abatement by City, in its entirety and replacing with the following:

Sec. 22-17. Notice to Abate Unlawful Conditions; Abatement by City.

- A. If any person shall violate the provisions of this Chapter, it shall be the duty of the City Manager or designee to give notice to the owner or to any person in possession of the subject property, in accordance with section 22-18 of this Chapter, as follows:
1. That an unlawful condition exists thereupon and that the unlawful condition shall be abated by the owner and if the unlawful condition is not abated, that the owner will be subject to a civil penalty as set forth in Section 22-26; and
 2. That if the property owner does not abate the unlawful condition within 10 business days:
 - a. The property owner will be charged an administrative fee in accordance with the Fee Schedule as approved by City Council regardless of who abates the unlawful condition; and
 - b. The City Manager or designee, may proceed without notice to abate the unlawful condition and charge the actual cost of abatement to the property owner; and
 - c. In addition to any other penalty imposed, the administrative fee, the actual cost of abatement or both shall be collected in the manner as provided for delinquent taxes, pursuant to G.S. 16OA-193; and
 - d. Upon the completion of any removal and abatement by the City, in accordance with section 22-18 of this Chapter, the City Manager or designee shall give notice to the property owner of their right to appeal the City caused abatement and the appeal process thereof; and
 - e. Upon the completion of any removal and abatement by the City, the property owner may request an appeal hearing of the City caused abatement to the City administrative hearing officer. Such request for an appeal hearing shall be in writing and submitted to the City Attorney's Office within 10 business days of the receipt of the notification of the right of appeal. The request for an appeal hearing shall state the reason(s) why the property owner should not be assessed for the cost of the City caused abatement. The appeal hearing shall be held within 30 calendar days of the receipt of the request. Failure of the

property owner to file a written request for an appeal hearing within the time prescribed by this Section will result in the waiver of the opportunity to file a request for an appeal hearing and the property owner being responsible for all costs associated with the abatement as otherwise provided in this Chapter.

B. Upon the completion of any removal and abatement by the City, the City Manager or designee or his designated representative, shall deliver to the deputy tax collector a statement showing the actual cost of the abatement of the unlawful condition, in which statement, in addition to the cost of labor, hauling, and other necessary items of expense, shall be included as an administrative fee in accordance with the fee and penalty schedule as approved by City Council. The deputy tax collector shall thereupon mail to the owner of the subject property a bill covering the cost, if with reasonable diligence the name and address of such owner can be ascertained, and the amount of the bill shall become a lien upon such property and, if not paid within 30 days, shall be collected as in the manner provided for the collection of delinquent taxes.

C. If the same person, corporation, or other property owner or occupant has failed to abate a violation within the ten-day period allowed in this Section for the same or different parcels of property at least twice in the same 24-month period, then if the same person, corporation, or other property owner or occupant fails to abate a third or subsequent unlawful condition within the 10-day period allowed in this Section and within the same 24-month period of the first two (2) violations as specified in this Section, the person, corporation, or other property owner or occupant shall be subject to a \$1,000.00 civil penalty, collectible as set forth in Subsection (a) of this Section, in addition to any other fee imposed by this Chapter for a continuation of the violation after the 10-day period allowed in this Section.

D. In the event that the City Manager or designee, determines that an unlawful condition constitutes an imminent danger to the public health or safety, such that notice to the property owner could not be provided without endangering the public, the City Manager or designee, may take immediate action to remove or abate the unlawful condition, and the property owner shall be subject to the costs and administrative fee of such abatement as provided in this Section and in accordance with the Fee Schedule adopted by the City Council. As soon as is practicable after the abatement of the unlawful condition, the property owner who has been assessed the costs for such abatement under this Subsection shall be given notice as prescribed by this Section.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

This ordinance shall become effective immediately after its adoption.

ADOPTED this the 12th day of January, 2026.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

JENNIFER L. AYRE, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 26-133, VIOLATIONS BY VEHICLES OPERATING AS TAXICABS WITHOUT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, OF ARTICLE IX DENIAL, REVOCATION, SUSPENSION, APPEAL OF CHAPTER 26, TAXICABS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.

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

Section 1. Chapter 26, Taxicabs, is amended by deleting Section 26-133. Violations by Vehicles Operating as Taxicabs without a Certificate of Public Convenience and Necessity, in its entirety and replacing with the following:

Sec. 26-133. Violations by Vehicles Operating as Taxicabs without a Certificate of Public Convenience and Necessity.

Any owner and/or operator of a for-hire vehicle who shall operate same inconsistent with or in violation of this chapter or any other provision of law shall be subject to having his/her city privilege license revoked by the taxicab review board. If the taxicab inspector is aware of violations as set forth in this section, he/she shall notify the owner and/or operator in writing of such violation and his intent to recommend revocation to the taxicab review board. The owner and/or operator shall have 10 business days from such notification to request in writing to the city clerk a hearing before the taxicab review board. If a hearing is requested, it shall be conducted pursuant to section ~~26-134~~, et seq. If no appeal is taken, the privilege license shall be revoked subject to majority approval of the taxicab review board at their first regular meeting held no earlier than 10 business days following notice to the owner and/or operator.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

This ordinance shall become effective immediately after its adoption.

ADOPTED this the 12th day of January, 2026.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

JENNIFER L. AYRE, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 26-134, APPEAL TO THE BOARD OF APPEALS, OF ARTICLE IX DENIAL, REVOCATION, SUSPENSION, APPEAL OF CHAPTER 26, TAXICABS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.

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

Section 1. Chapter 26, Taxicabs, is amended by deleting Section 26-134. Appeal to the board of appeals, in its entirety and replacing with the following:

Sec. 26-134. Appeal to the board of appeals.

- a. Whenever any provision of this chapter shall provide for an appeal of a decision of the taxi inspector to the board of appeals, the following procedure shall be followed:
 1. The appellant shall give written notice of appeal to the city clerk within 10 business days of receiving the notice of the action he/she is appealing.
 2. The board of appeals shall hold a hearing on the appeal within 30 calendar days of receipt of the written notice of appeal.
 3. The written notice of appeal shall state whether or not the appellant wants an open or closed hearing before the board of appeals.
- b. If the action of the board of appeals is to affirm the action of the taxi inspector, then the effective date of the action shall be the date of the hearing. Any period of actual suspension as the result of a continuance prior to the hearing shall be counted toward any period of suspension approved by the board of appeals.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

This ordinance shall become effective immediately after its adoption.

ADOPTED this the 12th day of January, 2026.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

JENNIFER L. AYRE, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 26-135, ACTION PENDING APPEAL; LAPSE OF TIME; WAIVER, OF ARTICLE IX DENIAL, REVOCATION, SUSPENSION, APPEAL OF CHAPTER 26, TAXICABS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.

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

Section 1. Chapter 26, Taxicabs, is amended by deleting Section 26-135. Action Pending Appeal; Lapse of Time; Waiver, in its entirety and replacing with the following:

Sec. 26-135. Action Pending Appeal; Lapse of Time; Waiver.

- a. Whenever a provision of this chapter states a specific time within which an appeal must be taken, and regardless of the level of authority from which the appeal may be taken, if the appeal is not taken within the time prescribed, then the action of the level of authority from which the appeal may have been taken is deemed to be final.
- b. The action of the taxi inspector suspending or revoking any rights granted under the authority of this chapter shall be effective upon receipt of notice by the affected party; provided, that if the affected party files a timely appeal, then any right to operate a taxi franchise or drive a taxi heretofore existing shall continue in effect during the pendency of any appeal(s) or 30 calendar days whichever is sooner.
- c. Any hearing may be continued upon 48 hour's written notice; provided, that if the new date for the hearing is more than 30 calendar days from the date of the original notice of appeal, then the rights of the appellant pursuant to subsection (b) above may only be extended upon a showing of good cause.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

This ordinance shall become effective immediately after its adoption.

ADOPTED this the 12th day of January, 2026.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

JENNIFER L. AYRE, City Clerk