

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS 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.** Section 3-25, Penalty, of Chapter 3, Aircraft and Airports, is amended by deleting the same in its entirety and substituting with the following:

**Sec. 3-25. Penalty.**

Any person violating the terms of this Article or the rules and regulations as promulgated by the Fayetteville Regional Airport Commission and the Airport Director, or refusing to comply therewith, in addition to the penalty prescribed in Section 1-7, may be promptly removed from Fayetteville Regional Airport (Grannis Field) by or under the authority of the Airport Director or the Airport Commission and may be deprived of the further use of the airport and the facilities for such length of time as may be required to ensure the safeguarding of the public interest. A violation of any provision of this Article is punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 2.** Section 5-6, Penalty for Violation, of Chapter 5, Alcoholic Beverages, is amended by deleting the same in its entirety and substituting with the following:

**Sec. 5-6. Penalty for Violation.**

- a. A violation of this Chapter shall subject the violator to a civil penalty in the sum of \$25.00 which may be recovered by the City in a civil action in the nature of a debt.
- b. The provisions of this Chapter shall be enforced by sworn law enforcement officers.
- c. Anyone found to be in violation of this Chapter shall be issued a civil citation by a law enforcement officer, which shall set forth in writing: (i) The penalty for the violation, (ii) that the penalty shall be paid within 72 hours at the cashier's window of City Hall, 433 Hay Street, Fayetteville, North Carolina, and (iii) if not paid within 72 hours, the City will seek collection of the penalty in a civil action in the nature of a debt.

- d. Each and every day's violation of any provision of this Chapter shall constitute a separate and distinct offense.
- e. A violation of this Chapter is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4.

**Section 3.** Section 7-62, Permits Required, of Chapter 7, Building Code, is amended by inserting a new paragraph g. as follows:

- g. A violation of this Section shall subject the violator to civil penalties in accordance with the Fee Schedule as approved by City Council, and is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 4.** Section 8-24, Permission Required to Work in Cemetery, of Chapter 8, Cemeteries, is amended by inserting a new paragraph c. as follows:

- c. A violation of this Section is punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 5.** Section 10-10, Provisions for Enforcement, of Chapter 10, Fair Housing, is amended by inserting a new paragraph o. as follows:

- o. A violation of this Chapter is punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 6.** Section 11-5, Penalties, of Chapter 11, Fire Protection and Prevention, is amended by inserting a new paragraph f. as follows:

- f. A violation of this Chapter is punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4.

**Section 7.** Section 14-7, Penalty for Violation of Chapter Provisions, of Chapter 14, Housing, Dwellings and Buildings, is amended by deleting the same in its entirety and substituting with the following:

## **Sec. 14-7. Penalty for Violation of Chapter Provisions**

In addition to the remedies provided otherwise in this Code for its enforcement, and in addition to the violation detailed in Section 14-62, it shall be a violation of this Chapter if any owner or other person responsible under this Chapter, after being notified by the City manager or designee, shall allow to continue any condition, with respect to any dwelling or building, prohibited by or not complying with this Chapter, or any provision thereof, and such violation shall subject the violator to civil penalties in accordance with the Fee Schedule as approved by City Council. Additionally, a violation of this Chapter is punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 8.** Section 14-83, Alternative Enforcement, of Chapter 14, Housing, Dwellings and Buildings, is amended by deleting the same in its entirety and substituting with the following:

### **Sec. 14-83. Alternative Enforcement.**

In addition to those remedies provided in G.S. 160D-1124, if the owner of the building or structure fails to comply with an order issued pursuant to G.S. 160D-1122, from which no appeal has been taken, or fails to comply with an order of the City Manager, City Manager's designee or City Council following an appeal, the owner shall be subject to civil penalties in accordance with the Fee Schedule as approved by City Council. If such penalty is not paid within seven (7) days, the City may initiate a civil action in the nature of a debt and collect the penalty, plus court costs, pursuant to G.S. 160A-175(c). A violation of this Article is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each separate day that the owner fails to comply with the order shall be considered a separate offense.

**Section 9.** Subsection s., Penalties, of Section 15-16, Soliciting in Private Residences and on Streets and Sidewalks—Declared Nuisance; Permits; Prohibition of Itinerant Merchants, of Chapter 15, Licenses, is amended by deleting the same in its entirety and substituting with the following:

- s. *Penalties.* A violation of any provision of this Section shall subject the violator to civil penalties in accordance with the Fee Schedule as approved by City Council. Each day's continuing violation shall constitute a separate offense.

**Section 10.** Subsection 5., Enforcement, of Section 16-266, The Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway is Prohibited, of Chapter 16, Motor Vehicles and Traffic, is amended by deleting the same in its entirety and substituting with the following:

5. *Enforcement.* Sworn officers of the Fayetteville Police Department are authorized to issue civil and criminal citations for violations of this Section.

**Section 11.** Subsection 6., Penalty, of Section 16-266, The Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway is Prohibited, of Chapter 16, Motor Vehicles and Traffic, is amended by inserting a new paragraph iv. as follows:

- iv. A violation of any provision of this Section is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 12.** Section 16-368, Penalties, of Chapter 16, Motor Vehicles and Traffic, is amended by inserting a new paragraph c. as follows:

- c. A violation of any provision of this Article is punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 13.** Paragraph d. of Section 17-22, Loitering for the Purpose of Engaging in Drug-Related Activity, of Chapter 17, Offenses and Miscellaneous Provisions, is amended by deleting the same in its entirety and substituting with the following:

- d. A violation of any provision of this Article is punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 14.** Section 18-21, Violations; Enforcement, of Chapter 18, Parks and Recreation, is amended by deleting the same in its entirety and substituting with the following:

**Sec. 18-21. Violations; Enforcement.**

A violation of this Chapter shall subject the violator to civil penalties in accordance with the Fee Schedule as approved by City Council and is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense. Any duly authorized and appointed park ranger, code enforcement administrator or sworn law enforcement officer of the City is authorized to issue citations for violations of this Chapter. The citation shall set forth the specific provision of this Chapter that has been violated, the amount of the civil penalty, and that the civil penalty shall be paid within 72 hours to the Collections Division, Finance Department, City Hall, 433 Hay Street, Fayetteville, North Carolina. The citation shall further state that failure upon the part of the violator to pay the civil penalty within the time prescribed, will result in the civil penalty being recovered by the City in a civil action in the nature of a debt pursuant to N.C.G.S. 160A-175.

**Section 15.** Section 22-26, Enforcement and Penalties for Violations, of Chapter 22,

Solid Waste, is amended by deleting the same in its entirety and substituting with the following:

**Sec. 22-26. Enforcement and Penalties for Violations.**

- a. The City Manager or designee is hereby authorized to enforce the provisions of this Chapter.
- b. A violation of this Chapter shall subject the violator to civil penalties in accordance with the Fee Schedule as approved by City Council and is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.
- c. The civil penalty shall be imposed by citation served personally upon the violator by those individuals authorized under this Chapter, or delivered by first class mail followed by delivery confirmation if the first notice is returned within 10 business days. The citation shall set forth the specific violation, the amount of the penalty, that each and every day's violation is a separately punishable offense, and that if the penalty is not paid within 10 business days of the issuance date of the citation, the penalty shall be collected by civil action in the nature of a debt. The citation shall also set forth any appeal rights.

**Section 16.** Section 23-16, Enforcement—Illicit Connections, of Chapter 23, Stormwater Management, is amended by inserting a new subsection c., Criminal Penalties, as follows:

- c. *Criminal Penalties.* A violation of this Chapter is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 17.** Section 23-17, Enforcement—Improper Disposal, Chapter 23, Stormwater Management, is amended by inserting a new subsection c., Criminal Penalties, as follows:

- c. *Criminal Penalties.* A violation of this Chapter is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 18.** Subsection C.3., Criminal penalties, of Section 23-42, Enforcement, of Chapter 23, Stormwater Management, is amended by deleting the same in its entirety and substituting with the following:

3. *Criminal penalties.* A violation of this Chapter is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 19.** Subsection e., Criminal penalty, of Section 26-3, Penalties, of Chapter 26, Taxicabs, is amended by deleting the same in its entirety.

**Section 20.** Section 28-242, Enforcement, of Chapter 28, Water and Sewers, is amended by inserting a new Subsection h., Criminal penalties, as follows:

- h. *Criminal penalties.* A violation of this Chapter is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 21.** Section 28-295, Enforcement, of Chapter 28, Water and Sewers, is amended by inserting a new Subsection j., Criminal penalties, as follows:

- j. *Criminal penalties.* A violation of this Chapter is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 22.** Section 29-5, Criminal Penalties, of Chapter 29, Water Supply Watershed Management and Protection, is amended by deleting the same in its entirety and substituting with the following:

**Sec 29-5. Criminal Penalties**

A violation of any provision of this Chapter is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each days continuing violation shall constitute a separate offense.

**Section 23.** Subsection 30-8.F.2., Criminal Penalties, of Section 30-8-F, Remedies and Penalties, of Chapter 30, Unified Development Ordinance, is amended by deleting the same in its entirety and substituting with the following:

**30-8.F.2. Criminal Penalties**

A violation of this Chapter shall subject the violator to civil penalties in accordance with the Fee Schedule as approved by City Council. A violation of any provision of this Chapter related to unsafe buildings is also punishable as a misdemeanor with a fine greater than \$50.00 but not more than \$500.00, pursuant to N.C.G.S. 14-4. Each day's continuing violation shall constitute a separate offense.

**Section 24.** 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 or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

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PAMELA J. MEGILL, City Clerk