

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 24, STREETS AND SIDEWALKS, 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 24, Streets and Sidewalks, is amended by deleting Section 24-18,

Reserved, in its entirety and substituting with the following:

Sec. 24-18. Blocking or Impeding Street and Sidewalk Access

- a) *Purpose and intent.* The city has the general authority and control over all public streets, sidewalks, and other ways of public passage within its corporate limits, except those ways of public passage that are owned or maintained by the State of North Carolina. The city has the duty to keep such streets, sidewalks, and other ways of public passage open for travel and free from unnecessary obstructions. G.S. 160A-296. This ordinance prohibits actions that block or impede the safe passage of pedestrians and vehicles on public sidewalks and streets.
- b) *Definitions.* The following words, terms, and phrases when used in this section shall have the meanings set forth in this subsection, unless the context of their usage clearly indicates another meaning:
 - (1) *Block* means any person, object, objects preventing access to freely pass through a sidewalk, public passageway, or entrance or exit to a building.
 - (2) *Impede* means to render the use of a street or sidewalk unreasonably difficult or dangerous.
 - (3) *Sidewalk* means the part of a street improved for pedestrian traffic.
 - (4) *Street* means the entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purpose of vehicular traffic. The terms "street" and "highway" are synonymous.
 - (5) *Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes, of this chapter bicycles shall be deemed vehicles.
- c) It shall be unlawful for an individual to impede the use of a street or highway.
- d) It shall be unlawful for an individual to block a sidewalk or public passageway, or to place an object or objects on the sidewalk or public passageway which blocks the sidewalk or public passageway. If an object or objects shall block the sidewalk or public passageway, a law enforcement officer or his designee shall promptly dispose of the object(s) where practicable.
- e) It shall be unlawful for an individual to block the entrance or exit to a building served by a sidewalk or street unless otherwise granted permission by the owner or tenant. Permission granted by the owner may be evidenced by verbal or written confirmation

of permission from the owner or tenant.

- f) Nothing in this subsection shall be interpreted to prohibit the exchanging of objects into and out of vehicles where the vehicle is stopped or parked according to traffic laws and no blocking or impeding of a street or sidewalk occurs. Where an individual is engaged in lawful activity on the sidewalk and such activity evokes a response by a third party that is in violation of this section or any other ordinance or state law, the individual engaged in lawful activity shall not be in violation of this section.
- g) This section shall not apply to actions taken by first responders; or to actions taken in response to an emergency or to prevent an accident.
- h) This section shall not apply to persons or entities granted a permit by the city for approved purposes under this Code.
- i) This section does not apply to acts to the extent they are allowed by, and done in conformity with, a permit issued by a governmental person.
- j) No action punishable under G.S. § 20-174.1 shall be punishable under this section. This section shall only apply to public streets, sidewalks, and other ways of public passage within the city's corporate limits for which authority and control is not vested in the North Carolina Board of Transportation.
- k) Pursuant to G.S. § 14-4, a violation of this section shall be a class 3 misdemeanor punishable by a fine of up to fifty dollars (\$50.00).
- l) This section shall become effective on January 13, 2025.

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 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 _____, 2025.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk