

ORDINANCE NO. 4813

AMENDING CHAPTER 15

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CHARLOTTE CITY CODE
ENTITLED "CHAPTER 15 – OFFENSES AND MISCELLANEOUS PROVISIONS"**

WHEREAS, the City of Charlotte has a significant governmental interest in protecting the health, safety and welfare of the general public and preserving the public order; and

WHEREAS, G.S.160A-174 allows a city by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public; and

WHEREAS, the City has a significant governmental interest in maintaining the aesthetics, cleanliness and proper sanitation of city property; and

WHEREAS, the City has a significant governmental interest in maintaining the safety of persons who use city property; and

WHEREAS, the City has a significant governmental interest in reducing the risk of liability arising from the use of city property.

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

Section 1. Article I of Chapter 15 of the City Code is amended by adding new Sections 15-26, 15-27, 15-28, 15-29, 15-30 and 15-31 to read as follows:

"Sec. 15-26. Camping and other activity prohibited on public property.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Camp or camping means the use of city property for living accommodation purposes such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or placing any tents or a temporary shelter on city property for living accommodation purposes.

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

(b) It shall be unlawful for anyone to camp on any public property owned by the city including public right of ways and sidewalks.

(c) Camping as defined in this section is deemed a public nuisance and the city may summarily remove a temporary shelter, bedding or personal belongings.

(d) It shall be unlawful to light or use a campfire or bonfire on public property except as may be specifically authorized by a permit.

Sec. 15-27. Possession of obstruction devices prohibited; placing objects in roadway, public right of way prohibited.

(a) It shall be unlawful for any person, other than governmental employees in the performance of their duty, to possess any obstruction object or instrument with the intent to obstruct a public road, public sidewalk, public right of way, entrance or exit to private property or any other area open to the public. Obstruction object or instrument as used in this section means a device commonly known as a "lock box" or "sleeping dragon" or any of the components of such a device including' but not limited to: pipes, tubes, wire handcuffs, chains, carabiners, or padlocks, or containers either weighted or not.

(b) It shall be unlawful for any person, other than governmental employees in the performance of their duty, to place any instrument, tripod, bipod or other pole or object with the intent to obstruct pedestrian or vehicular movement on a public road, public sidewalk, public right of way, entrance or exit to private property, or any other area open to the public.

(c) It shall be unlawful for any person, other than governmental employees in the performance of their duty, to attach themselves to another person, building, vehicle or fixture with the intent to obstruct pedestrian or vehicular movement on a public road, public sidewalk, public right of way, entrance or exit to private property or any other area open to the public.

(d) Obstruct as used in this section means to interfere with pedestrian or vehicular movement on a public road way, public sidewalk, public right of way, entrance or exit to private property, or any other area open to the public.

Sec. 15-28. Possession and dispersal of noxious substances.

(a) It shall be unlawful for any person to possess any noxious substance with the intent to use the noxious substance to interfere with a lawful assembly or to interfere with emergency services or to interfere with a person's right of entry or right to leave a place.

(b) It shall be unlawful for any person to throw, emit, or cause to be used as a projectile, or otherwise disperse any noxious substance.

(c) Noxious substance as used in this section means any substance that is harmful or destructive or foul or offensive to human beings, such as but not limited to garbage, trash, refuse, animal parts or fluids, manure, urine, feces or other organic waste by-products."

Sec. 15-29. Police lines and barricades.

(a) Officers of the Charlotte-Mecklenburg Police Department are authorized to establish police lines and barricades to preserve the public peace, arrest offenders and to protect the rights of persons and property.

(b) It shall be unlawful for anyone to intentionally cross over a police line or barricade.

Sec. 15-30. Kindling bonfires.

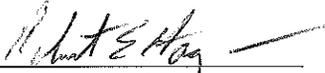
It shall be unlawful for anyone to set a fire on any public street, avenue, highway, public property or right of way unless expressly allowed by a permit.”

Sec. 15-31. Attachments to public and private property.

It shall be unlawful to hang, fasten, or attach any rope, wire, chain, sign, banner, or electrical device or power cord to any public or private property including buildings, bridges, overpasses, vehicles, construction equipment, memorials, utility poles or artwork unless express permission has been granted by the owner or manager of the property.”

Section 2. This ordinance shall become effective at 12:01 a.m. on January 30, 2012.

Approved as to form



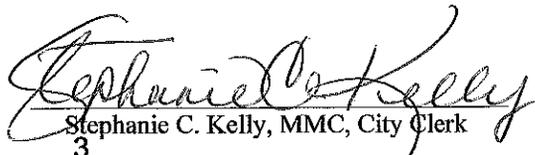
City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the city of Charlotte, North Carolina, in regular session convened on the 23rd day of January, 2012 the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Pages (498-500).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of January, 2012.




Stephanie C. Kelly, MMC, City Clerk
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