

ORDINANCE NO. 4815

AMENDING CHAPTER 19

**AN ORDINANCE AMENDING CHAPTER 19 OF THE CHARLOTTE CITY CODE
ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"**

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 public 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. Subsections (a) and (b) of Section 19-303 are amended as follows:

"(a) Picketing may be conducted on public sidewalks, at the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, ~~Marshall Park~~, Polk Park, Independence Square Plaza, Arequipa Park, any other city-controlled park, or other city-owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on the portion of the public roadway used primarily for vehicular traffic.

(b) Notwithstanding subsection (a), picketing may not be conducted:

~~(1) At the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park, or other city-controlled park during a festival that has been permitted at that particular property or when that property has been otherwise reserved for private use;~~

~~(2) (1) On a median strip; and or~~

~~(3) (2) At a location directed, focused, or targeted at a particular private residence."~~

Section 2. The following definitions set forth in Section 19-311 are amended as follows:

“*Festival* means an outdoor concert, fair, ~~exhibit, promotion,~~ community event, block party, or similar event that is primarily commercial and/or recreational in nature.”

“*Parade* means an athletic event, march, ~~ceremony, pageant,~~ procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street. A funeral procession is not a parade.”

“*Permit official* means the person or persons designated by the city manager as being responsible for issuing and revoking permits under this article. The city manager may designate different persons as the permit official for different categories of permitted events and for different facilities or locations.”

“*Public assembly* means:

...

- (2) A festival on the Old City Hall lawn, the Charlotte-Mecklenburg Government Center Plaza, or in ~~Marshall Park,~~ Polk Park, Independence Square Plaza, Arequipa Park or any other city-controlled park.”

Section 3. Subsections (a), (c), (d), (e), and (f) of Sec. 19-312 is amended as follows:

“(a) *Permit required.* No public assembly or parade is permitted unless a permit allowing such activity has been obtained, and remains unrevoked, pursuant to this section.

...

(c) *Permitting criteria.* An application may be denied or revoked for any of the following reasons:

...

Unless subject to (c)(16), nothing in this section shall authorize the permit official to deny or revoke a permit based upon political, social, or religious grounds or reasons, or based upon the content of the views expressed.

...

(d) *Costs and fees.* The applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the city for the costs of providing on-duty law enforcement officers, to appropriately police street closures. For festivals, the applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers and fire/EMS personnel, or reimbursing the city for the costs of providing on-duty law enforcement officers and fire/EMS personnel, to provide internal festival safety and security ~~and for hiring and paying necessary emergency medical technicians.~~

The permit official, in consultation with the Charlotte-Mecklenburg police and fire departments, shall determine the number of officers and fire/EMS personnel needed to appropriately police street closures and for internal safety and security, ~~and the number of emergency medical technicians needed~~, and the time when such services shall commence and end, taking into consideration the following:

...

(e) *Time and notice of decision.* The permit official shall approve or deny an application within 20 days of receipt. A notice of denial or revocation shall clearly set forth the grounds upon which the permit was denied or revoked and, where feasible, shall contain a proposal for measures by which the applicant may cure any defects in the application or otherwise procure a permit. Where an application is denied because the proposed event would conflict with another event that has or will be approved, the permit official shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place.

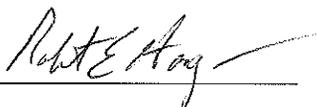
(f) *Appeals.*

(1) An applicant may appeal the denial or revocation of an application in writing within ten days after notice of the denial has been received. Within five business days, or such longer period of time agreed to by the applicant, the appeals official shall hold a quasi-judicial hearing on whether to issue the permit or uphold the denial or revocation. The applicant shall have the right to present evidence at said hearing. The decision to issue or uphold the denial or revocation shall be based solely on the approval criteria set forth in this section. The appeals official shall render a decision on the appeal within five business days after the date of the hearing. In the event that the purpose of the proposed event is a spontaneous response to a current event, or where other good and compelling causes are shown, the appeals official shall reasonably attempt to conduct the hearing and render a decision on the appeal as expeditiously as is practicable.

..."

Section 4. 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 (504-507).

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



Stephanie C. Kelly
Stephanie C. Kelly, MMC, City Clerk