

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 292
State and Local Government Committee Substitute Adopted 4/25/17

Short Title: Ord. Violation/No Auto Misdemeanor.

(Public)

Sponsors:

Referred to:

March 16, 2017

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT VIOLATION OF A CITY OR COUNTY ORDINANCE IS
3 NOT AUTOMATICALLY PUNISHABLE AS A MISDEMEANOR OR INFRACTION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 153A-123 reads as rewritten:

6 "**§ 153A-123. Enforcement of ordinances.**

7 ...

8 (b) ~~Unless the board of commissioners has provided otherwise, Except for the types of~~
9 ~~ordinances listed in subsection (b1) of this section, violation of a county ordinance is~~ may be a
10 misdemeanor or infraction as provided by G.S. 14-4. ~~G.S. 14-4 only if the county specifies such~~
11 in the ordinance. An ordinance may provide by express statement that the maximum fine, term
12 of imprisonment, or infraction penalty to be imposed for a violation is some amount of money
13 or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding
14 G.S. 153A-45, no ordinance specifying a criminal penalty may be enacted at the meeting in
15 which it is first introduced.

16 (b1) No ordinance of the following types may impose a criminal penalty:

- 17 (1) Any ordinance adopted under Article 18 of this Chapter, Planning and
18 Regulation of Development, except for those ordinances related to unsafe
19 buildings.
20 (2) Any ordinance adopted pursuant to G.S. 153A-134, Regulating and licensing
21 businesses, trades, etc.
22 (3) Any ordinance adopted pursuant to G.S. 153A-138, Registration of mobile
23 homes, house trailers, etc.
24 (4) Any ordinance adopted pursuant to G.S. 153A-140.1, Stream-clearing
25 programs.
26 (5) Any ordinance adopted pursuant to G.S. 153A-143, Regulation of outdoor
27 advertising.
28 (6) Any ordinance adopted pursuant to G.S. 153A-144, Limitations on
29 regulating solar collectors.
30 (7) Any ordinance adopted pursuant to G.S. 153A-145, Limitations on
31 regulating cisterns and rain barrels.
32 (8) Any ordinance regulating trees.

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34 **SECTION 2.** G.S. 160A-175 reads as rewritten:

35 "**§ 160A-175. Enforcement of ordinances.**

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1 (b) ~~Unless the Council shall otherwise provide, Except for the types of ordinances listed~~
2 ~~in subsection (b1) of this section, violation of a city ordinance is may be a misdemeanor or~~
3 ~~infraction as provided by G.S. 14-4.G.S. 14-4 only if the city specifies such in the ordinance.~~
4 An ordinance may provide by express statement that the maximum fine, term of imprisonment,
5 or infraction penalty to be imposed for a violation is some amount of money or number of days
6 less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 160A-75, no ordinance
7 specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

8 (b1) No ordinance of the following types may impose a criminal penalty:

- 9 (1) Any ordinance adopted under Article 19 of this Chapter, Planning and
10 Regulation of Development, except for those ordinances related to unsafe
11 buildings.
- 12 (2) Any ordinance adopted pursuant to G.S. 160A-193.1, Stream-clearing
13 programs.
- 14 (3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing
15 businesses, trades, etc.
- 16 (4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor
17 advertising.
- 18 (5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on
19 regulating solar collectors.
- 20 (6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on
21 regulating cisterns and rain barrels.
- 22 (7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis.
- 23 (8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines.
- 24 (9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations.
- 25 (10) Any ordinance regulating trees.

26"

27 **SECTION 3.** This act becomes effective December 1, 2017, and applies to
28 enforcement of any ordinance by a county or city on or after that date.