

ORDINANCE AMENDING CHAPTER 17

AN ORDINANCE AMENDING CHAPTER 17 OF THE  
GREENSBORO CODE OF ORDINANCES, ENACTING ARTICLE IV., UNSAFE OCCUPANCY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Chapter 17 of the Greensboro Code of ordinances is hereby amended to read as follows:

**ARTICLE IV. UNSAFE OCCUPANCY**

**Sec. 17-60. – Purpose.**

The city council finds and declares that repeated violations of the posted maximum lawful occupancy limits established under the terms of the fire prevention code constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the city resulting in hazardous conditions for the occupants of the building, including over-loaded floors, inadequate means of egress and hindrance of access by public safety personnel in times of danger. Repeated overcrowded conditions are hereby found, deemed and declared to be the public nuisance of unsafe occupancy wherever the same may exist. The creation, maintenance, or failure to abate such nuisance is hereby declared unlawful.

**Sec. 17-61. - Definitions.**

- (a) “Owner” means and refers to any person or entity which owns, leases, uses or otherwise occupies a Space for any non-residential purpose.
- (b) “Sub-tenant” means and refers to any person or entity which sub-leases or uses a space from an Owner, which shall specifically include event promoters, agents or other persons or entities who assert a right of use of a Space.
- (c) “Space” means and refers to any building, or portion of a building, which is or may be posted with a maximum lawful occupancy limit pursuant to the fire prevention code.
- (d) “Overcrowding” means and refers to any condition in which the number of persons in a Space exceeds the maximum number of persons who may lawfully occupy the Space.

**Sec. 17-62. - Violations.**

- (a) It is a violation of this Article for an Owner and/or Sub-tenant to permit three (3) or more occurrences of Overcrowding by at least ten percent (10%) or more persons within any 365-day period.
- (b) It is a violation of this Article for an Owner and/or Sub-tenant to permit two (2) or more occurrences of Overcrowding by at least ten percent (10%) or more persons within any 365-day period, where each such occurrence also included a violation of the fire prevention code for defective fire prevention equipment, or locked or obstructed means of egress from the Space.
- (c) It is a violation of this Article for an Owner and/or Sub-tenant to permit two (2) or more occurrences

of Overcrowding by at least twenty-five percent (25%) or more persons within any 365-day period.

(d) It is a violation of this Article for an Owner and/or Sub-tenant to permit one (1) or more occurrences of Overcrowding by at least fifty percent (50%) or more persons within any 365-day period.

**Sec. 17-63. - Abatement.**

(a) The City shall enforce this Article by seeking abatement and other equitable remedies which may be imposed by a court of competent jurisdiction as allowed in G.S. § 160A-175. The terms of such order of abatement sought by the City may include:

(i) the right of the City to order the cessation of all business at the location where the nuisance occurs for a minimum period of twenty-four (24) hours to a maximum period of ten (10) days upon the discovery of any subsequent overcrowding condition at the location, without further judicial notice, hearing or action;

(ii) that such order may remain in effect for at least a 12-month period; and,

(iii) that such order shall be enforced by any law enforcement officer having jurisdiction to enforce State and local laws within the City of Greensboro.

This sub-section does not preclude the City from seeking other terms of abatement or injunctive relief which may be appropriate under the circumstances.

Section 2. That this ordinance shall become effective upon adoption.

Section 3. That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.