



Legislation Details (With Text)

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On agenda: 12/1/2020 **Final action:** 12/1/2020
Title: Ordinance Amending Chapter 17, Entitled "Nuisances"
Sponsors:
Indexes:
Code sections:
Attachments: 1. 20-0860 ORD AMEND CHAPTER 17 (Covid-19)(v.2).pdf

Date	Ver.	Action By	Action	Result
12/1/2020	1	City Council	adopt	Pass

Ordinance Amending Chapter 17, Entitled "Nuisances"

Council Priority: Promote Public Safety

Department: City Attorney's Office
Council District: All

Public Hearing: N/A
Advertising Date/By: N/A

Contact 1 and Phone: Charles D. Watts, Jr.: 336-601-7690
Contact 2 and Phone: Alan A. Andrews: 336-971-5502

PURPOSE:

The purposes for amending City Code Chapter 17 by adding an article, Article V. are to : 1) identify the hazards of exceeding the reduced occupancy limits for offices and businesses during the COVID-19 pandemic, 2) promote compliance with the Governor's Executive Orders identifying actions designed to reduce the disease's spread, including occupancy limits and 3) provide for a civil penalty of \$100 when offices or businesses exceed the occupancy limits stated in gubernatorial executive orders and adopted by the City Council. City Code Chapter 17 addresses nuisances, including unsafe occupancies, and seemed to be a logical placement location for this amendment.

BACKGROUND:

Governor Cooper has issued a series of executive orders seeking to address public health concerns regarding COVID-19. These orders have provided broad guidance to all North Carolinians to adjust their practices and behavior to reduce the adverse impacts of the virus's rapid spread throughout the State. N.C. General Statutes Sec. 160A-174 allows a city, by ordinance, to define and regulate acts or conditions detrimental to public health, safety and welfare. G.S. Sec. 160A-175 grants a city the power to impose fines and penalties for violation of its ordinances. These laws provide for what is referred to as the police power of North Carolina

cities. As these statutes reference city ordinances, a best practice is for a city to enact a specific ordinance to address compliance with COVID-19 occupancy restrictions. By enacting an ordinance, the law allows for the imposition of civil penalties as an enforcement tool.

BUDGET IMPACT:

This amendment has no negative impact on the city's budget.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends passage of this ordinance amendment.