City of High Point

Municipal Office Building
211 S. Hamilton Street
High Point, NC 27260

Meeting Agenda

Tuesday, June 21, 2022

5:30 PM

Council Chambers

City Council

Jay W. Wagner, Mayor
Monica L. Peters, Mayor Pro Tem
Britt W. Moore (At Large, Tyrone Johnson (At Large), Cyril Jefferson (Ward 1), Christopher Williams (Ward 2), S. Wesley Hudson (Ward 4), Victor Jones (Ward 5), and Michael Holmes (Ward 6)

ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE

FINANCE COMMITTEE - Britt Moore, Chair

CONSENT AGENDA ITEMS

2022-291 **Contract - WESCO Distribution, Inc. - Residential Style Transformers**

City Council is requested to award a contract to WESCO Distribution, Inc. in the amount of $1,049,540 based on pressing need for the purchase of 100 transformers (50 - 50kVA, 20 - 75kVA and 30 - 100kVA) to be installed around the city electric footprint on various projects.

Attachments: 1. Contract – WESCO Distribution, Inc. – Residential Style Transformers

2022-292 **Contract-Change Order #4 - Garney Companies, Inc. - Richland Creek Sewer Outfall - Aerial Sewer Pipe Replacement Project**

City Council is requested to approve Change Order No. 4 with Garney Companies Inc. in the amount of $123,421.99 for additional diesel driven pumps with related piping, fuel, labor, equipment, and overhead outside of the scope of the original contract for the Richland Creek Sewer Outfall Aerial Pipe Replacement Project.

Attachments: 2. Contract-Change Order #4 – Garney Companies, Inc. – Richland Creek Sewe

2022-293 **Contract - Capital Project Ordinance - Dewberry Engineers, Inc. - Whites Mill Lift Station Upgrade**

City Council is requested to award a contract to Dewberry Engineers, Inc. in the amount of $442,700 for professional engineering services to design the upgrade improvements to the Whites Mill lift station, force main, and La Salle Drive Siphon.

Attachments: 3. Contract – Capital Project Ordinance - Dewberry Engineers, Inc. – Whites Mil

2022-294 **Contract - SumTotal Workforce Management System (WFM)- Three Year Renewal**

City Council is requested to approve a three (3) year contract renewal in the amount of $420,000 between the City of High Point and SumTotal Workforce Management application, (referred to as SumTotal) as the third-party administrator for the City's time & attendance software vendor and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Attachments: 4. Contract – SumTotal Workforce Management System (WFM)- Three Year Re

2022-295 **Total Quality Logistics, LLC - One NC Grant - Pass Through**

City Council is requested to authorize a pass through of $39,500 in performance-based incentives from the State of North Carolina in One NC grant funds to Total Quality Logistics LLC.

Attachments: 5. Total Quality Logistics, LLC – One NC Grant – Pass Through

2022-296 **Establish Public Hearing - 2019 Edward Byrne Memorial Justice Assistance Grant Funding - JAG**

City Council is requested to establish a public hearing date of Monday, July 18th at 5:30 p.m. for the purpose of receiving public comments on the funding for the 2019 Edward Byrne Memorial Justice Assistance Grant Funding.

Attachments: 6. Establish Public Hearing - 2019 Edward Byrne Memorial Justice Assistance G

2022-302 **Incentive Payment - Elliott Sidewalk Communities - 275 N. Elm Street**

City Council is requested to approve an incentive payment to Elliott Sidewalk Communities in the amount of $108,000 for 275 N. Elm Street.

Attachments: 7. Incentive Payment – Elliott Sidewalk Communities – 275 N. Elm Street

PLANNING & DEVELOPMENT - Mayor Jay W. Wagner

2022-303 **Amendment to Right-Of-Way Encroachment RE-19-0011-Verizon Wireless**

City Council is requested to approve an amendment to a right of way encroachment to change the location of a proposed small wireless facility, as proposed by Verizon Wireless.

Attachments: Final Amendment to Right-Of-Way Encroachment RE-19-0011-Verizon Wirele

GENERAL BUSINESS AGENDA

2022-297 **Senate Bill 300 - Decriminalization of Local Government Ordinances**

City Council is requested to review and consider amendments to the Code of Ordinances, as required by state law.

Attachments: 1. Senate Bill 300 - Decriminalization of Local Government Ordinances
Ordinance- Decrim Text Amend 6.21.2022 updated version

2022-298 **Speed Limit Concurrence for Weaver Avenue between Baker Road & Giles Avenue**

City Council is requested to approve North Carolina Department of Transportation's (NCDOT) request for a Letter of Concurrence from the City of High Point regarding ordinance updates for Weaver Avenue between Baker Road and Giles Avenue.

Attachments: 2. Speed Limit Concurrence for Weaver Avenue between Baker Road & Giles A

2022-299 **Reappointment - Citizen's Advisory Council - Orel Henry**

Council is requested to confirm the reappointment of Orel Henry to the Citizen's Advisory Council; appointment to be effective immediately and will expire May 31, 2024.

Attachments: Reappointment – Citizen's Advisory Council – Orel Henry

2022-300 **Appointment - Interim City Clerk - Mary S. Brooks**

Council is requested to confirm the appointment of Mary S. Brooks as the Interim City Clerk effective July 1, 2022.

Attachments: Appointment – Interim City Clerk – Mary S. Brooks

2022-301 **Minutes To Be Approved**

May 16 2022 Special Meeting Minutes
May 16 2022 Regular Meeting Minutes
May 18 2022 Public Safety Committee Meeting Minutes
May 19 2022 Special Meeting Minutes
May 23 2022 Special Meeting Minutes

Attachments: 1. May 16 2022 Special Meeting Minutes
3. May 18 2022 Public Safety Committee Minutes
4. May 19 2022 Special Meeting Minutes
5. May 23 2022 Special Meeting Minutes
2. May 16 2022 Regular Meeting Minutes

ADJOURNMENT

CITY OF HIGH POINT
AGENDA ITEM

Title:	**Amendment to Right-Of-Way Encroachment RE-19-0011** (Verizon Wireless)		
From:	Chris Andrews, Interim Planning & Development Director	**Meeting Date:**	June 21, 2022
Public Hearing:	No	**Advertising Date:**	Not Applicable
Attachments:	Staff Report First Amendment to Right of Way Encroachement Agreement	**Advertised By:**	Not Applicable

PURPOSE:
To amend a previously approved right of way encroachment to change the location of a proposed small wireless facility, as proposed by Verizon Wireless.

BACKGROUND:
Staff report and recommendation is enclosed.

BUDGET IMPACT:
There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:
Staff recommends approval of the amendment to Right-Of-Way Encroachment RE-19-0011.

CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT

RIGHT-OF-WAY ENCROACHMENT AMENDMENT (RE-19-0011) JUNE 21, 2022

Request	
Applicant: Verizon Wireless	**Proposal:** To amend a previously approved right of way encroachment to change the location of a proposed small wireless facility.

Analysis

Right of way encroachment RE-19-0011 was first approved by City Council on June 17, 2019, but Verizon has requested an amendment to the encroachment, as a proposed location of a small wireless facility has changed within their Deep River network. Only the location of the small wireless facility as shown within Exhibit A-2 is proposed to be amended.

Recommendation

The proposed right of way encroachment amendment has been reviewed by the City of High Point Planning and Development and Legal departments. Staff recommends approval of this right of way encroachment amendment.

Report Preparation

This report was prepared by Christopher Andrews, AICP, Interim Planning and Development Director.

NORTH CAROLINA

GUILFORD COUNTY

FIRST AMENDMENT TO RIGHT OF WAY ENCROACHMENT AGREEMENT

THIS FIRST AMENDMENT TO RIGHT OF WAY ENCROACHMENT AGREEMENT ("Amendment"), entered into this the ____ day of June, 2022, between the **CITY OF HIGH POINT,** a North Carolina municipal corporation with a principal place of business located at 211 South Hamilton Street, High Point, North Carolina, 27260 ("City"), and **ALLTEL COMMUNICATIONS OF NORTH CAROLINA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS,** a foreign limited liability company with a principal place of business located at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey, 07920 ("Company").

WITNESSETH:

WHEREAS, the City owns the public right of way within its municipal boundaries; and

WHEREAS, the Company desires to use the public right of way of the City to conduct business as a communications service provider; and

WHEREAS, the Company operates small cell wireless communications facilities within the City in and along certain rights of way outlined in Exhibit A attached hereto ("System"); and

WHEREAS, the Company wishes to amend Exhibit A-2, SMC Deepriver Sites, to change a location.

NOW, THEREFORE, the City and the Company, in consideration of their mutual covenants, hereby agree as follows:

AGREEMENT

Exhibit A-2, SMC Deepriver Sites, is amended and replaced in its entirety with the revised exhibit attached hereto.

IN WITNESS WHEREOF, the City and the Company have caused this Agreement to be executed by their duly authorized representatives.

Separate signature pages to follow

ALLTEL COMMUNICATIONS OF NORTH CAROLINA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS

By: _____

Printed Name: Eric A. Mann
Dir - Ntwk Field Eng

Title: _____

STATE OF North Carolina, COUNTY OF Mecklenburg

I, J. Ashley Cline a Notary Public of Cabarrus County and aforesaid state, certify that Eric Mann, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 14 day of June, 2022.

_____
Notary Public

exp. 1/12/26

CITY OF HIGH POINT

By: _____
Greg Ferguson, Deputy City Manager

STATE OF NORTH CAROLINA, COUNTY OF _____

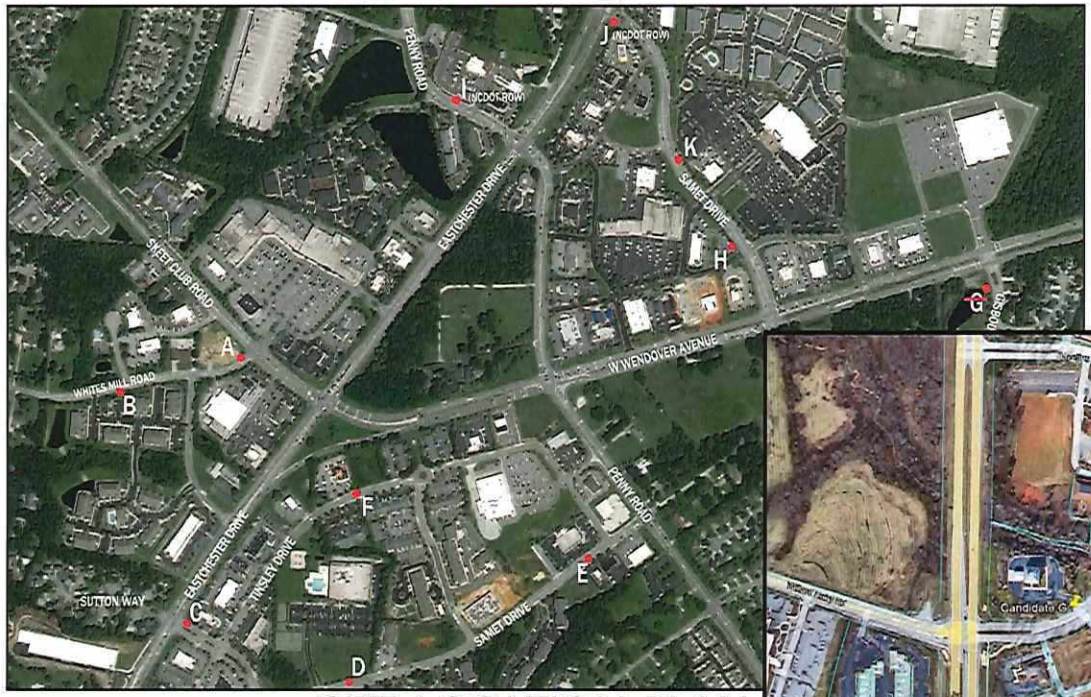
I, _____a Notary Public of _____ County and aforesaid state, certify that _____, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the _____ day of _____, 2022.

_____
Notary Public

EXHIBIT A-2
SMC Deepriver Sites

SMC_DEEPRIVER_5G SITES



SITE LOCATION PLAN

SITE INDEX

SITE	POLE TYPE	SITE NAME	LATITUDE		LONGITUDE		GROUND ELEVATION	ADDRESS	SHEET
A	TYPE 2	SMC_DEEPRIVER_5G_002	36.031112	36°01'52.00"(N)	-79.970031	79°58'12.11" (W)	876.7'	1586 SKEET CLUB ROAD, HIGH POINT, NC 27265	CD-7
B	TYPE 1	SMC_DEEPRIVER_5G_003	36.030521	36°01'49.88" (N)	-79.972462	79°58'20.86" (W)	856.5'	3567 WHITES MILL ROAD, HIGH POINT, NC 27265	CD-8
C	TYPE 1	SMC_DEEPRIVER_5G_005	36.026710	36°01'36.16" (N)	-79.971060	79°58'15.82" (W)	873.7'	3801 SUTTON WAY, HIGH POINT, NC 27265	CD-9
D	TYPE 1	SMC_DEEPRIVER_5G_006	36.025760	36°01'32.74" (N)	-79.967760	79°58'03.94" (W)	865.2'	3811 SAMET DRIVE, HIGH POINT, NC 27265	CD-10
E	TYPE 1	SMC_DEEPRIVER_5G_007	36.027850	36°01'40.26" (N)	-79.962930	79°57'46.55" (W)	865.8'	5301 SAMET DRIVE, HIGH POINT, NC 27265	CD-11
F	TYPE 1	SMC_DEEPRIVER_5G_008	36.028890	36°01'44.00" (N)	-79.967650	79°58'03.54" (W)	889.4'	3911 TINSLEY DRIVE, HIGH POINT, NC 27265	CD-12
G	TYPE 1	SMC_DEEPRIVER_5G_010	36.044350	36°02'39.66" (N)	-79.960653	79°57'38.35" (W)	818'	4045-Z Mendenhall Oaks Pkwy, HIGH POINT, NC 27265	CD-13
H	TYPE 1	SMC_DEEPRIVER_5G_011	36.033230	36°01'59.63" (N)	-79.960080	79°57'36.29" (W)	886.2"	5815 SAMET DRIVE, HIGH POINT, NC 27265	CD-14
I	TYPE 1	SMC_DEEPRIVER_5G_013	36.035400	36°02'07.44" (N)	-79.965720	79°57'56.59" (W)	843.2'	2410 PENNY ROAD, HIGH POINT, NC 27265 (NCDOT ROW)	CD-15
J	TYPE 1	SMC_DEEPRIVER_5G_014	36.036560	36°02'11.62" (N)	-79.962150	79°57'43.74" (W)	847.4'	5870 SAMET DRIVE, HIGH POINT, NC 27265 (NCDOT ROW)	CD-16
K	TYPE 1	SMC_DEEPRIVER_5G_016	36.034460	36°02'04.06" (N)	-79.961180	79°57'40.25" (W)	878.3'	5840 SAMET DRIVE, HIGH POINT, NC 27265	CD-17

CONSTRUCTION DRAWING

PREPARED FOR:

verizon

SUBMITTALS

REV	DATE	ISSUED FOR	DRAFTER
0	05/11/19	INITIAL ISSUE	NMM

STAMP

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT

TEMSCO, P.C.

TILSON

301 McCullough Drive, Charlotte, NC 28262
T: (207) 591-6427
info@tilsontech.com tilsontech.com

(11) SMC_DEEPRIVER_5G

HIGH POINT, NC 27265
GUILFORD COUNTY

SHEET TITLE

TITLE SHEET

DRAFTED BY:	APPROVED BY:	SHEET:	REV
NMM	ETA	CD-1	0

PUBLIC SAFETY COMMITTEE

Chaired by Council Member Victor Jones
Members: Jones, Moore, Williams, and Johnson

MAY 18, 2022 – 4:00 p.m.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

MINUTES

DRAFT

CALL TO ORDER and ROLL CALL

Chairman Jones called the meeting to order at 4:00 p.m.

Following a roll call by Chairman Jones, the following attendance by committee Members was duly noted.

Present:

Chairman Victor Jones, Committee Member Britt Moore, and Committee Member Tyrone Johnson, Committee Member Chris Williams

Staff Present:

Tasha Logan Ford, City Manager; Greg Ferguson, Deputy City Manager; Eric Olmedo, Assistant City Manager; Meghan Maguire, Assistant City Attorney; and Mary S. Brooks, Deputy City Clerk

Also Present:

Nick Tosco, Poyner Spruill LLC, Outside Firm

The following documents associated with the presentations, are hereby attached as a permanent part of these proceedings:

1. *Handouts: Summary of Decriminalization Revisions.*
2. *SB 300-Code Revisions for Public Safety.*

PRESENTATION OF ITEMS

2022-255 Discussion: Decriminalization of Code of Ordinances

Staff will be discussing the Decriminalization of Code of Ordinances.

Meghan Maguire, Assistant City Attorney introduced Nick Tosco, Poyner Spruill-Outside Counsel for the city; said that the Legal Department had been working with Mr. Tosco for the past six months regarding the decriminalization review; provided a history for the Senate Bill (SB) 300 which is an omnibus criminal justice reform bill passed last year; one of its provisions presumptively decriminalizes most violations of local ordinances; previously, ordinance violations were presumptively criminal. Now some ordinance violations can never be criminal, while others are presumptively not criminal but may still be criminalized if a county or city specified that in the ordinance; and the General Assembly embarked on a project to decriminalize local government ordinances.

Council Member Moore asked what the timeframe would be to complete the ordinance review; and if other jurisdictions had completed the decriminalization of code of ordinances. Ms. Maguire replied that the effective date was December 2021 for the SB; no jurisdiction had completed the decriminalization yet; and that the comprehensive review for the ordinance was not state funded.

Ms. Maguire continued discussion regarding the comprehensive review of the ordinance; said that legal had been consulting with relevant city departments for feedback; and to implement changes, cities and counties would have to review each ordinance and make any changes, specifically those that they want to continue as enforced criminally, and to comply with the prohibitions; and that these changes must specified and modified in each ordinance.

Committee Member Moore requested staff to provide updates regarding the decimalization process; and provide the cost as well.

Mr. Tosco extended greetings; commended staff on their efforts; spoke to the timeframe for completion; said that the effective date would be December 21, 2021; however, he advised council and staff to wait on any enforcements until completion; explained the difference between criminal and civil enforcement; and provided a detailed summary regarding the revisions to the High Point's Code of Ordinances as followed:

***Note: the following summary was inserted from the handout provided from the City of High Point's Legal Department, which are attached and made a part of these proceedings. ***

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Summary of Decriminalization Revisions to High Point's Code of Ordinances

Session Law 2021-138/Senate Bill 300On September 2, 2021, the Governor signed Session Law 2021-138/Senate Bill 300 ("SB 300") into law. SB 300 is a wide-ranging criminal justice reform law. Among other reforms, the law takes steps to decriminalize some local ordinances. Prior to this legislation, State law provided that a violation of any city ordinance was by default a misdemeanor (as provided by G.S. 14-4) unless the ordinance provided otherwise. In other words, there was a presumption in State law that the City could criminally enforce ordinance violations (by issuing a criminal citation and forcing the violator to appear in court and pay criminal penalties) even if the ordinance didn't explicitly provide for such criminal enforcement. SB 300 reversed that presumption. Under the new statutory language, local governments must amend local ordinances to specifically identify violations that may be enforced criminally. Additionally, the legislation provides a list of ordinances that may no longer impose a criminal penalty. Any ordinance adopted under any of the following statutes may no longer impose a criminal penalty[1]:

- Chapter 160D of the General Statutes (Planning and Development), or its predecessor statutes, except for those ordinances related to unsafe buildings;

- G.S. 153A-134, Regulating and licensing businesses, trades, etc.;
- G.S. 153A-138, Registration of mobile homes, house trailers, etc.;
- G.S.153A-140.1, Stream-clearing programs;
- G.S. 160D-912, Outdoor advertising, or its predecessor statute;
- G.S. 160D-914, Solar collectors, or its predecessor statute; and
- G.S. 153A-145, Limitations on regulating cisterns and rain barrels.

Procedural Background

The City Attorney's Office worked with City staff, including but not limited to the Manager's Office, Planning and Development Department, Police Department, and Public Services Department, to make the following proposed revisions to High Point's Code of Ordinances ("Code") in light of SB 300:

- Decriminalized sections of the Code that fall into the above categories that may no longer be criminalized;
- Decriminalized sections of the Code that are best enforced with civil penalties;
- Criminalized sections of the Code where criminal enforcement is allowed and necessary by specifying violations are punishable as a misdemeanor; and
- Standardized and codified a procedure for civil enforcement of the Code.

The following is a general summary of the lengthy process used in drafting the proposed revisions to the Code in light of SB 300:

- Searched the entire Code for the following terms to identify any sections of the ordinance that were currently criminalized: "criminal", "punish", "in accordance with", "misdemeanor", "commits an offense", "14-4", "175".

- Decriminalized each section that could no longer be criminalized after SB 300.

- Identified any sections that are currently criminalized via a general criminal penalties section (i.e., where one section criminalized all the other sections in a Title, Chapter, or Article) and worked with City staff (e.g., Public Services for Title 6, Chapter 2, and Police Department for the remaining sections) to determine which specific sections could (and should) be criminalized.

- Reviewed other jurisdictions adopted criminalization/criminalization revisions.

- Incorporated all proposed revisions into a draft redline of the Code.

[1] SB 300 also prohibited imposing a criminal penalty for a violation of "any ordinance regulating trees."

- Circulated for review and comment by the City Manager's Office a draft redline of the Code with highlighted sections where the attorneys recommended decriminalizing, criminalizing, or where the section required a policy decision as to whether to criminalize or decriminalize.
- Met with the City Manager's Office to finalize the draft redline of the Code based on the City managers' input.
- Submitted questions regarding the revisions to the Code to the UNC School of Government, which were partially discussed at the Municipal Attorney's Conference.
- Drafted "clean up" revisions to make the Code more consistent and clear, including revisions to the general civil enforcement section (Sec. 1-1-4) to provide uniformity for how the City issues notices of violation, civil penalties, and handles appeals.
- Finalized the draft redline of the Code for the Public Safety Committee's review and prepared a list of sections in the current draft that are criminalized and/or where legal ambiguity still exists (due to the language used in SB 300).

Summary of Proposed Revisions

The following is a general summary of the proposed revisions to the Code in light of SB 300, which are listed by Title/Chapter/Article:

- Title 1, Chapter 1 (Use and Construction of the Code)[2]
  - Minor changes regarding how the Code is cited and definitions of terms.
  - Revised Sec. 1-1-4 to provide uniform process for civil enforcement of the Code.
  - Decriminalized altering the Code.
- Title 3, Chapter 2, Article C (Vehicle Lease or Rental Taxes)
  - Decriminalized one section that is already criminalized under state law.
- Title 5, Chapter 2, (Fire Prevention and Protection)
  - Decriminalized telephone alarm system prohibition.
- Title 5, Chapter 3, (Emergency Management)
  - Decriminalized one section that is already criminalized under state law.
- Title 6, Chapter 1 (Streets and Sidewalks)
  - Decriminalized ordinance regarding placement of hedges as ordinance that "regulates trees" (can't be criminalized under SB 300).
- Title 6, Chapter 2 (Solid Waste Collection and Disposal)
  - Worked with the Public Services Director to decriminalize or criminalize each section and clean up sections that needed to be updated/clarified.
- Title 9, Article E (Minimum Housing Code)
  - Decriminalized all sections except those which could reasonably relate to "unsafe buildings."
- Title 9, Article G (Regulation of Abandoned and Junked Motor Vehicles)
  - Allowed relevant section to remain criminalized because City gets its authority to enact the ordinance under G.S. § 160A-303.
- Title 9, Article I (Abandoned Structure Code)
  - Decriminalized all sections except those which could reasonably relate to "unsafe buildings."

[2] Similar changes were made throughout the Code in the sections that were being revised for decriminalization or criminalization purposes.

- Title 9, Article K (Trash, Debris, and Dilapidated Outbuildings Code)
    - Decriminalized because City likely derived authority to enact ordinance under 160D and there is no sufficient relation to "unsafe buildings."

- Title 10 (Transportation and Traffic)
    - Worked with the Police Department Attorney to determine which sections needed to be decriminalized or criminalized.

- Title 11, Chapter 2 (Taxicab)
    - Decriminalized most of the sections in the Chapter because the City likely derives authority to enact the sections under G.S. 160A-304, which means those sections cannot be criminalized under SB 300.
    - Criminalized those sections that fall outside G.S. 160A-304.

- Title 11, Chapter 6 (Massage establishments) & Chapter 7 (Sexually oriented business)
    - Decriminalized the sections in Chapters 6 and 7 where the City likely derives authority to enact the sections under 160A-194, which means those sections cannot be criminalized under SB 300.

- Title 12 (Offenses)
    - Worked with Police Department Attorney to determine which sections needed to be decriminalized or criminalized.
    - Made minor "clean up" revisions to several sections regarding civil penalties, fees, appeals, etc. to conform the with the revised Sec. 1-1-4.

Legend for Draft Redline of the Code

The color-coding highlights in the draft redline of the Code are as follows:

- Yellow = Staff recommends **clean-up/non-criminalizing related changes** (e.g., civil penalties sections).[3]

- Red = Staff recommends **not criminalizing** (it was ***not*** criminalized before) or **decriminalizing** (it ***was*** criminalized before, but now staff recommends decriminalizing) either because the section can't be criminalized under SB 300 or City staff recommend decriminalizing.

- Green = Staff recommends **criminalizing** it.

- No highlighting = Staff recommends not taking any action because it is not a section that can really be criminalized (e.g., definitions, applicability, administration, etc.).

[3]. The draft redline of the Code does not revise ***all*** sections of the Code that deal with civil penalties/appeals to reference back to the newly revised Section 1-1-4 (which now standardizes the civil enforcement process). This has been done for only the sections that were already being decriminalized or criminalized. The attorneys can go back and make those clarifying and consistency revisions to the other sections of the Code should the City Council decide it's appropriate to do so.

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Ms. Maguire noted that Fred Baggett, Legislative Counsel, wrote a letter to the General Assembly regarding the Title 11, Chapter 2 (taxi cabs) on behalf of the Police Department; and that an update would be provided following the short session. Ms. Maguire said that the next steps would be to hold a public hearing, introduce the changes/updates twice; first meeting would be the introduction; and the seoncd meeting would

require a vote from council; and requested the committee to allow staff to move forward with the ordinance, and to bring it to full council for review at the June 6, 2022 meeting of council.

Committee Member Williams inquired on the enforcement process if someone were to be charged criminally before the revisions to the code of ordinances were approved if changes were made to a particular violation. Ms. Maguire stated that if someone were to challenge the city's decision then the courts would be responsible for makeing a decision.

Chairman Jones moved to forward this matter to the City Council with a favorable recommendation. Committee Member Moore made a second to the motion. Following a roll call vote by Chairman Jones, the motion carried by the following 4-0 unanimous vote:

Aye (4): Chairman Jones, Committee Member Moore, Committee Member Johnson, and Committee Member Williams

ADJOURNMENT

Chairman Jones asked if there were any additional comments/questions. Hearing none, the meeting adjourned at 4:40 p.m.

Respectfully Submitted,

_____
Victor Jones, Chairman

Attest:

_____
Mary S. Brooks, CMC
City Clerk

DRAFT

HIGH POINT CITY COUNCIL
SPECIAL MEETING
MAY 19, 2022 – 3:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

MINUTES

CALL TO ORDER and ROLL CALL

Mayor Wagner called the meeting to order at 3:00 p.m.

Upon call of the roll, the following Council Members were Present (6):

Mayor Jay W. Wagner; Council Member Britt W. Moore, At Large [remote participation]; Council Member Cyril Jefferson, Ward 1; Council Member Christopher Williams, Ward 2 [arrived at 3:08]; Wesley Hudson, Ward 4; and Council Member Victor Jones, Ward 5

Absent (3):

Mayor Pro Tem Monica L. Peters, Ward 3; Council Member Tyrone Johnson, At Large]; and Council Member Michael Holmes, Ward 6

Staff Present:

Tasha Logan Ford, City Manager; Greg Ferguson, Deputy City Manager; Eric Olmedo, Assistant City Manager; Meghan Maguire, Assistant City Attorney; Tommy Reid, Fire Chief; Jeron Hollis, Managing Director; Ryan Ferguson, Marketing Manager; Stephen Hawryluk, Budget Manager; Roslyn McNeill, Budget Analysis; Linda Price, Budget Analysis; Mary S. Brooks, Deputy City Clerk; and Lisa B. Vierling, City Clerk

Also Present:

Pat Kimbrough, *High Point Enterprise*

PRESENTATION OF ITEMS

2022-256 Continued Discussion: Proposed FY 2022-23 Budget

Staff will be having a continuation of discussion regarding the Proposed FY 2022-23 Budget.

Tasha Logan Ford, City Manager recognized Stephen Hawryluk, Budget Manger to provide an update regarding the Proposed FY 2022-23 Budget.

Mr. Hawryluk provided an overview of options to decrease taxes in the Proposed FY 2022-23 Budget as followed:

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- ***Property Tax Relief Programs:***
  Elderly or disabled exclusion-excludes for $25,000 or 50% of appraised value, owner must be 65+ years old or permanently disabled, and cannot have previous year income exceeding $31,900.
  Disabled Veteran exclusion-excluded first $45,000 of appraised value, and no age or income limitation. (Cannot be combined with Circuit Breaker)
  Circuit Breaker Property Tax Deferment-Taxes limited to a percentage of qualifying owner's income Owner must be 65+ years old or permanently disabled Income does not exceed $31,900 = taxes limited to 4% of owner's income exceeds $31,900, but less than 150% of income eligibility limit ($47,850) = taxes limited to 5% of owner's income Taxes over the limitation amount are deferred and remain a lien on the property Last three years of deferred taxes (and interest) due after a disqualifying event (death of owner, transfer of property, failure to use property as owner's permanent residence)
- ***Cost of Additional Tax Decrease:***
  Proposed property tax rate: 61.75 cents per $100 of valuation, 1 cent = $1,275,482 in revenue, Additional 2 cent decrease would bring tax rate (59.75 cent property tax rate, would include a $2,550,964 reduction in general fund revenues).
- ***Potential Reductions for an Additional Tax Decrease:***
  New positions to be removed, reduce outside agency funding to FY 2021-2022 level, General Capital Projects budget amendments; and defer the engine replacement for Fire Department.
- ***Major Total Budget Drivers:***
  Personnel-2.5% COLA, increased $15 hourly rate, increased benefit contributions; Operating-fuel increase, fleet changes for replacement vehicles inflationary increases, capital, and capital outlay-Fire apparatus (dive tuck and engine replacement), restoration of general capital; and other expenses.

Mr. Hawryluk noted that after the budgets for the City of Greensboro and Guilford County were presented, that staff would provide council with more details regarding possible impacts.

Mayor Wagner asked for a breakdown regarding the 14 new staff positions; and asked how long the city retained fire trucks before being replaced. Ms. Logan Ford explained how each staff position was placed in the budget under the general and enterprise funds. Eric Olmedo, Assistant City Manager replied that typically the fire trucks were a part of the first line service for 15 years; then would be reverted to a backup status; said that the city had an estimate of 27 fire trucks, and 14 fire stations.

Mr. Hawryluk advised that the next steps regarding the proposed budget would be to hold

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another budget work session (if necessary) on Monday, May 23rd; and adopt the budget at the next council meeting scheduled for June 6th.

Council Member Moore inquired on the impact that the Guilford County's budget, and the 2022 bonds, if approved by voters, would have on the city's budget. Mr. Hawryluk stated that, by law, the city had until June 30th to approve the budget. Ms. Logan Ford replied that the city could adjust the budget according to what is approved in the county's budget regarding the sales tax rate.

Mayor Wagner advised everyone that public comments could be made at the upcoming Proposed FY 2022-23 Budget public hearing.

Council Member Williams inquired on the approval process regarding the 2022 Bonds. Mr. Olmedo explained the approval process regarding the Local Government Commission (LGC) series of bonds; and that the process determined the capability to pay the bonds back.

Ms. Logan Ford advised that staff would be preparing to make adjustment to the city's tax rate; spoke to staffing challenges in the Legal and Fire Departments; the positions for these departments would have an impact on the budget; spoke to the one-time expenditures in the general budget (fire engine replacement) that were non-recurring; and to the adjustments made mid-year for capital projects.

Mayor Wagner asked for a breakdown for the capital projects. Mr. Hawryluk provided a list of capital projects to include but not limited to the following: renovations for city hall, and recreation centers; fire alarms for the Oak Hollow Golf Course; cemetery improvements-paving; streetscape; and the Mendenhall Terminal Project.

Mayor Wagner stated that council was in agreement to expanding the Legal Department; and mentioned the long terms savings that the city would have due to using outside counsel.

Meghan Maguire, Assistant City Attorney spoke to the Legal Department's capacity concerns; provided comparables with other city's legal departments; and spoke to the benefits of the expansion.

Council Member Jefferson asked how the Walkability project on Main Street would impact the city's budget; and what the city's next steps were regarding walkability. Ms. Logan Ford replied that the last Walkability Study was conducted in 2014; that a placeholder was in the budget to conduct another study (cost between $60,000 & $100,000); and that the initial steps would be to revisit the design and begin the study. Greg Ferguson, Deputy City Manager said that the city's next steps would also include making the pedestrian crosswalks safer; identifying funds as the city move forward; partnering with the Uptown Association; spoke to a previous traffic study that was conducted; and stated that the study concluded that there will not be a reduction in traffic.

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Discussion took place regarding prioritizing the budget; traffic safety concerns; parking; feedback from the community on addressing walkability; expanding the walkability scope of work; and pedestrian safety concerns.

Council Member Jones stated that the Fire Department did present their annual budget at the last Public Safety Committee meeting.

Tommy Reid, Fire Chief provided an overview regarding justification for the two fire chief positions requested; said that the request from the fire department came from the ISO accreditation model to maintain its ratings; explained the operational procedures for each fire department; said that there were actually 21 frontline apparatus trucks, eight specialty units; eight reserve apparatus trucks; and that the Fire Department was required, by ISO, to have one reserve truck for every five apparatus trucks.

Mayor Wagner announced that the next budget work session would be on Monday, May 23, 2022 @ 3:00 p.m. to include a closed session for economic development; and advised council to provide staff with any additional budget request by Friday, May 20th.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 4:11 p.m. upon motion duly made by Council Member Jefferson and second by Council Member Williams.

Respectfully Submitted,

_____
Jay W. Wagner, Mayor

Attest:

_____
Mary S. Brooks, CMC
Deputy City Clerk

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HIGH POINT CITY COUNCIL
SPECIAL MEETING
MAY 16, 2022 – 4:30 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

MINUTES

CALL TO ORDER and ROLL CALL

Mayor Wagner called the meeting to order at 4:30 p.m.

Upon call of the roll, the following Council Members were Present (9):

Mayor Jay W. Wagner; Mayor Pro Tem Monica L. Peters, Ward 3 [Arrived at 4:42 p.m.]; Council Member Britt W. Moore, At Large; Council Member Tyrone Johnson, At Large [Arrived at 5:25 p.m.]; Council Member Cyril Jefferson, Ward 1; Council Member Christopher Williams, Ward 2; Wesley Hudson, Ward 4; Council Member Victor Jones, Ward 5; and Council Member Michael Holmes, Ward 6 [Arrived at 5:17 p.m.]

Staff Present:

Tasha Logan Ford, City Manager; Greg Ferguson, Deputy City Manager; Eric Olmedo, Assistant City Manager; JoAnne Carlyle, City Attorney; Meghan Maguire, Assistant City Attorney; Jeron Hollis, Managing Director; Ryan Ferguson, Marketing Manager; Sandy Dunbeck, Economic Development Director; Sarah Stevenson, Economic Development Manager; Mary S. Brooks, Deputy City Clerk; and Lisa B. Vierling, City Clerk

PRESENTATION OF ITEMS

2022-249 **Closed Sessions (Attorney-Client Privilege, Economic Development, and Personnel)**

Council is requested to go into Closed Session pursuant to N.C. General Statute §143-318.11(a)(3) for attorney-client privilege; N.C. General Statute §143-318.11(a)(4) for economic development; and N.C. General Statute §143-318.11(a)(6) for personnel.

Council Member Hudson moved to enter Closed Session pursuant to N.C.G.S. §143-318.11(a)(4) for Economic Development; pursuant to N.C.G.S. §143-318.11(a)(3) for Attorney-Client privilege; and pursuant to N.C.G.S. §143-318.11(a)(6) for personnel; seconded by Council Member Williams the motion passed by an 6-0 unanimous vote.

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Aye (6): Mayor Wagner, Council Member Moore, Council Member Jefferson, Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council Member Jones.

Absent (3): Mayor Pro Tem Peters, Council Member Johnson, and Council Member Holmes.

Note: The following members of council had not yet arrived when the vote was taken to go into Closed Session: Mayor Pro Tem Peters, Council Member Holmes, and Council Member Johnson.

Upon reconvening into Open Session at 5:41 p.m., Mayor Wagner announced there would be no action taken as a result of the Closed Sessions.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 5:42 p.m. upon motion duly made by Council Member Jefferson and second by Council Member Williams.

Respectfully Submitted,

_____
Jay W. Wagner, Mayor

Attest:

_____
Mary S. Brooks, CMC
Deputy City Clerk

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AN ORDINANCE AMENDING THE CITY OF HIGH POINT CODE OF ORDINANCES

WHEREAS, prior to December 1, 2021, state law provided that the violation of a city ordinance is a misdemeanor unless the city provided otherwise; and

WHEREAS, Part XIII of S.L. 2021-138 provides that, effective December 1, 2021, a violation of a city ordinance may be a misdemeanor as provided by N.C.G.S. § 14-4 only if the city specifies such in the ordinance; and

WHEREAS, Part XIII of S.L. 2021-138 provides a list of types of ordinances that may no longer impose a criminal penalty; and

WHEREAS, in order to comply with Part XIII of S.L. 2021-138, the High Point City Council desires to amend the City's Code to specify whether a violation of a section of the Code is punishable as a misdemeanor and to remove existing criminal penalties for certain sections of the Code; and

WHEREAS, the City Council also desires to amend the Code to standardize the process for civil enforcement of the Code; and

WHEREAS, notice of the public hearing for this ordinance was published in the High Point Enterprise on May 27, 2022, and June 2, 2022; and

WHEREAS, a public hearing was held before the City Council on June 6, 2022, regarding this ordinance and amending the Code; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT THAT THE FOLLOWING SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF HIGH POINT, NORTH CAROLINA, ARE HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 1.
Criminal and civil penalty amendments to the High Point Code of Ordinances.

PART A.
Chapter 1 of Title 1 of the High Point Code of Ordinances is hereby amended as follows:

Sec. 1-1-1. How code designated and cited.

The provisions of the following titles, chapters, articles, and sections shall constitute and be designated "The Code of Ordinances of the City of High Point, North Carolina 1982," and may be so cited. Such Code may also be cited as “High Point Code.”

(Code 1958, Sec. 1-1)

State law reference(s)—Admission of Code in evidenceCode of Ordinances, G.S. 160A-797, ordinance book, G.S. 160A-78; pleading and proving city ordinances, G.S. 160A-79.

Sec. 1-1-2. Definitions and rules of construction.

In the construction of this code Code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

(1) *City.* The words "the city" shall mean the City of High Point.

(2) *Code.* The words "the Code" and "this Code" shall mean the Code of Ordinances of the City of High Point, North Carolina.

(3) *Computation of time.* The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that shall be excluded.

(34) *Council.* The words "the council" shall mean the council of the City of High Point, North Carolina.

(45) *County.* The words "the county" shall mean the respective counties of Guilford, Randolph and Davidson, North Carolina, except as otherwise provided.

(56) *Gender.* Words importing the masculine gender shall include the feminine and neuter.

(67) *In the city* or *within the city* shall mean any territory, the jurisdiction of which, for the exercise of its regulatory power, has been conferred by general or special law.

(~~7~~8) *Joint authority.* All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(~~8~~9) *May.* The word "may" is permissive.

(~~9~~10) *Month.* The word "month" shall mean a calendar month.

(~~10~~11) *Number.* Words used in the singular include the plural and the plural includes the singular number.

(~~11~~12) *Oath.* The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

(~~12~~13) *Owner.* The word "owner" when applied to buildings or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

(~~13~~14) *Person.* The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

(~~14~~15) *Personal property* includes every species of property except real property, as herein defined.

(~~15~~16) *Preceding, following.* The words "preceding" and "following" shall mean next before and next after, respectively.

(~~16~~17) *Property.* The word "property" shall include real and personal property.

(~~17~~18) *Real property* shall include lands, tenements and hereditaments.

(~~18~~19) *Shall.* The word "shall" is mandatory.

(~~19~~20) *Sidewalk.* The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.

(~~20~~21) *Signature* or *subscription* includes a mark when the person cannot write.

(~~21~~22) *State.* The words "the state" shall mean the State of North Carolina.

(~~22~~23) *Street.* The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city.

(~~23~~24) *Tenant.* The words "tenant" and "occupant" applied to a building or land, shall include any person who occupies the whole or part of such building or land whether alone or with others.

(~~24~~25) *Time.* Words used in the past or present tense include the future as well as the past and present.

(~~25~~26) *Writing.* The words "writing" and "written" shall include printing and any other mode of representing words and letters.

(~~26~~27) *Year.* The word "year" shall mean a calendar year.

State law reference(s)—Rules of construction, G.S. 123; computation of time, G.S. 1-593.

Sec. 1-1-4.~~Criminal penalty, not exclusive remedy; continuing violations~~Enforcement and Appeals.

(a) Any violation of a section of the Code that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor and any person convicted of the violation shall be subject to punishment in accordance with G.S. 14-4. Unless a violation is specifically designated as a misdemeanor, the violation shall not constitute a misdemeanor or infraction punishable under G.S. 14-4, but instead shall be subject to civil penalties and remedies in accordance with this section and G.S. 160A-175. ~~In accordance with G.S. 160A-175, and unless this code of ordinances provides otherwise, violation of any provision shall be a misdemeanor as provided in G.S. 14.-4, punishable upon conviction by a fine not exceeding $50 or by imprisonment not exceeding 30 days. An ordinance may provide by express statement that the maximum fine or term of imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G.S. 14-4.~~

(b) By express statement, ~~an ordinance contained herein may provide for its enforcement by other remedies, as~~ the Code may be enforced by any one, all, or combination of the remedies authorized in G.S. 160A-175, including the imposition of civil fines~~,~~ recoverable in the nature of debt or the ordering of appropriate equitable relief, including orders of abatement and injunctions~~, or a combination of remedies~~.

(c) ~~An ordinance may provide, when appropriate~~Unless otherwise specified, ~~that~~ each day's continuing violation of any section of the Code shall be a separate and distinct violation or offense.

(d) Any violation of the Code by any officer, agent, or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association, or organization. Any officer, agent, or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any section of this Code, where such violation was the act or omission, or the result of the act, omission, or order, of any such person.

(e) Unless otherwise provided within a particular section of the Code or by state law, written notice of a violation by certified or registered mail to the violator's last known address, by personal service, or by posting notice conspicuously on property owned by the violator(s), shall be provided to the violator(s) for all civil violations and shall include all of the following:

A. Notice that a civil violation of the Code exists;

B. The nature of the violation and citation to the section(s) of the Code that were violated;

C. The measures necessary to remedy the violation;

D. The time period in which the violation must be corrected;

E. That penalties may be assessed, and remedies sought, by the City; and

F. That the party cited has the right to appeal the notice of violation in accordance with the Code.

(f) Notices of violation for civil violations may be issued, and civil penalties authorized by the Code may be assessed, by any officer, employee, or agent of the City responsible for the administration and enforcement of the provision; or by any other officer, employee, agent, or other person who is authorized by the city manager to enforce the provision.

(g) Unless otherwise provided within a particular section of the Code or by state law, any person who violates any provision of the Code, shall be subject to assessment of a civil penalty in the amount of $50.00 for the first violation, $100.00 for the second violation, $200.00 for the third violation, and $500.00 for the fourth and each succeeding violation.

(h) Unless another procedure is established for a particular violation within a section of the Code or by state law, any person assessed a notice of violation or civil penalty may appeal by filing a written notice of appeal with the city within 30 days from the date of the notice or assessment. Failure to file a notice of appeal within this time period shall constitute a waiver of the right to contest the notice of violation or civil penalty. Appeals shall be heard by a hearing officer designated by the city manager through a quasi-judicial process. The city manager may establish rules and procedures that govern the appeal and quasi-judicial hearing process. Such rules may include a requirement that, for specified violations, a bond equal to the amount of the civil penalty be posted at the time a notice of appeal is filed. A hearing officer's decision on a violation or civil penalty appeal is subject to further review in the superior court of the county by proceedings in the nature of certiorari in accordance with G.S. 160D-1402. Any petition for writ of certiorari shall be filed with the clerk of superior court within 30 days after the date that the hearing officer's written decision is issued.

State law reference(s)—Violation of city ordinances a misdemeanor, G.S. 14-4; enforcement of ordinances, G.S. 160A-175; Appeals in the nature of certiorari, G.S. 160D-1402.

Sec. 1-1-8. Altering code.

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this Ccode or to insert or delete pages, or portions thereof, or to alter or tamper with the Ccode in any manner whatsoever except by ordinance or resolution or other official act of the city council, which will cause the law of the city to be misrepresented thereby. ~~Any person violating this section shall be punished as provided in section 1-1-4 hereof.~~

PART B.
Chapter 2 of Title 3 of the High Point Code of Ordinances is hereby amended as follows:

Sec. 3-2-39. Levy of tax; gross receipts derived from retail short-term or rental of motor vehicles.

(a) *Tax on gross receipts derived from retail short-term motor vehicle leases or rentals.* The City of High Point hereby imposes and levies a tax on one and one-half (1½) percent of the gross receipts from the short-term lease or rental of vehicles at retail to the general public, as authorized by G.S. 160A-2~~5~~15.1.

(b) *Administration.* The city through the Guilford County Tax Collector will administer and collect from operators of leasing and rental entities the tax levied hereby. The county tax collector may promulgate additional lawful rules and regulations necessary for the enforcement, implementation and collection of the tax.

(c) *Payment of taxes and filing of returns.* The taxes levied hereby are due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every entity required to collect the tax shall, on or before the 15th day of each month, prepare and render a return to the county. The county shall design, print, and furnish to all such entities the necessary forms for filing returns and instructions to insure the full collection of the tax. These tax proceeds shall be placed in a segregated account by the collecting entity and are the property of the city. A return filed for this purpose is not a public record as defined by G.S. 132.1 and may not be disclosed except as provided by law.

(d) *Penalties.* In case of failure or refusal to file a return or pay the tax for a period of 30 days after the time required for filing the return or paying the tax, there shall be an additional tax, as a penalty, of five (5) percent of the tax due, with an additional

tax of five (5) percent for each additional month or fraction thereof until the tax is paid. The Guilford County Board of Equalization and Review, for good cause shown, may consider appeals and adjust any penalty or additional tax imposed hereunder.

(e) *Penalty~~Misdemeanor~~ for willful violation.* Any person, firm, corporation or association who willfully attempts in any manner to evade a tax imposed herein or who willfully fails to pay the tax or make and file a return shall be punished as provided in G.S. 160A-215(f)~~, in addition to the penalties provided by law and herein, be guilty of a misdemeanor punishable as provided by law~~.

(f) *Delegation of powers.* The county tax collector shall exercise the powers authorized to the city by G.S.160A-215.1(f) with the county board of equalization and review exercising the powers of the tax review board.

PART C.
Chapters 1, 2, and 3 of Title 5 of the High Point Code of Ordinances are hereby amended as follows:

Sec. 5-1-41. Civil penalty.

(a) Except for handicapped vehicle parking and violations of section 10-1-156, for each violation as set forth in section 5-1-3 there shall be a fixed civil penalty charge in the amount of $50.00. For unlawful parking in a restricted handicapped space, there shall be a fixed civil penalty charge in the amount of $100.00. For unlawful parking pursuant to section 10-1-156 in an area dividing a street into two (2) or more sections, there shall be a fixed civil penalty charge in the amount of $50.00. When the owner of a vehicle, or his agent, makes proper payment of a parking ticket within seven (7) days following the date of issuance of the ticket, the obligation thereunto shall be discharged. If such charge has not been paid within the seven-day period as herein set out, the parking violation shall be deemed to be delinquent and subject to the additional penalties provided for in subsection (b). The parking violation shall have stated thereon that payment is due within seven (7) days from date of issue to avoid an additional penalty of $50.00 and court costs.

(b) The city tax collector may accept payments in full and final settlement of the claim or claims, right or rights of action which the city may have to enforce such penalties by civil action in the nature of the debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt

for the stated penalty plus an additional penalty in the amount of $50.00, together with the cost of the action to be taxed by the court. However, in the event the offender desires to make payment after the civil action has been commenced but prior to trial disposition, a penalty of $25.00 in addition to the one imposed for payment within seven (7) days shall apply in such cases. Acceptance of the additional penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations.

(c) A violation listed in section 5-1-42 ~~shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes, section 14-4, but instead~~ shall be subject to ~~the~~ civil penalties and remedies in accordance with Section 1-1-4 of the Code and G.S.~~fixed by subsection (a) of this section and the civil remedies provided by North Carolina General Statutes, section~~ 160A-175. Any properly designated city official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.

(d) The civil penalties imposed by this section and the proceeds therefrom, as collected by payment, civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

(e) Each hour a vehicle is parked in the same space following the issuance of a parking ticket shall constitute a separate violation subject to the issuance of a new parking ticket and additional civil penalty to be applied to such vehicle.

(f) The moving of a parked vehicle from one (1) restricted space to another restricted space in the same block is deemed to be one (1) continuous parking period for the purpose of determining overtime parking violations.

(g) To remove or erase chalk mark from tire or tires shall be deemed a violation and subject to civil penalty as provided by law.

Sec. 5-2-47. Telephone alarm systems prohibited.

It shall be unlawful for any person, firm or corporation to install, sell, lease or use, or cause or allow to be installed, sold, leased, or used, within the corporate limits of the city, any fire or police telephone dial alarm device or system, which for the purposes of this section is defined as being or consisting of any mechanical, electrical or radio

electronic device or system so made or designed as to automatically actuate or call the city fire or police departments' telephone or radio circuit and use a pre-taped or pre-recorded or programmed verbal message or signal, which operates through overhead or underground wires or by radio frequencies and which is set or programmed to directly dial, actuate, call or in any other manner make direct contact with any telephone line or radio circuit of the fire or police department. ~~Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-1-4.~~ Nothing herein contained shall be construed to prohibit the installation, sale, leasing or use of any alarm device so long as such device is not designed or programmed to dial, actuate, call or in any other manner directly contact by telephone or radio circuit the fire or police department on any telephone line or radio circuit assigned to those departments. Provided, that the person installing such alarm system shall notify the police and/or fire departments of each installation.

Sec. 5-3-5. State of emergency declaration; curfew authorized.

(a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

(b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the City of High Point, or threatening damage to or destruction of property, the mayor, or mayor pro tempore in the mayor's absence, is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions authorized herein and to take any action deemed necessary in accordance with the authorities cited above in section 5-3-3, including the authority to define and impose a curfew.

(c) The mayor/mayor pro tempore is hereby authorized and empowered to limit by declaration any part of such restrictions to any area specifically designated or described within the corporate limits of the city and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees; doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or

federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the city.

(d) The mayor/mayor pro tempore shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the city council.

(e) During the existence of a proclaimed state of emergency, the mayor/mayor pro tempore may impose by declaration any or all of the following restrictions:

(1) Prohibit or regulate the possession, transportation, sale, purchase, storage and use of gasoline and dangerous weapons and substances, and gasoline except lawfully possessed firearms (handguns, rifles, and shotguns) and ammunition;

(2) Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises;

(3) Prohibit or regulate any demonstration, parade march, vigil, or participation therein from taking place on any of the public ways or upon any public property;

(4) Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances;

(5) Prohibit or regulate travel upon any public street, alley, or roadway or upon any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof;

(6) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.

(f) Any declaration may be extended, altered, or repealed in any particular manner during the continued or threatened existence of a state of emergency by the issuance of a subsequent declaration.

(g) During the existence of a declared state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any declaration authorized by this chapter.

(h) The sections, paragraphs, sentences, clauses, words and phrases of this chapter are severable, and, if any word, phrase, section, paragraph, sentence, or clause shall be declared unconstitutional or invalid by any valid judgment or decree or any court of competent jurisdiction, the constitutionality or invalidity shall not affect any of the remaining phrases, words, clauses, sentences, paragraphs, or sections of this chapter.

(i) The violation of any provision of this section ~~chapter, or of any restriction imposed by any declaration authorized by this chapter,~~ shall ~~constitute a misdemeanor, punishable upon conviction by a fine not exceeding $50.00 or imprisonment not exceeding 30 days, as provided by G.S. 14-4 and also~~ be punishable as a Class 2 misdemeanor as set forth in G.S. ~~Ch.~~ 166A-19.31.

PART D.
Chapters 1 and 2 of Title 6 of the High Point Code of Ordinances are hereby amended as follows:

Sec. 6-1-6. Hedges within six inches of sidewalk declared nuisance; visibility at intersections.

(a) All trees, hedges, bushes, shrubbery, vines, etc., which encroach on a line drawn perpendicular to and six (6) inches from any sidewalk, or sidewalk pavement, or which obscure visibility at any intersection, are dangerous to clothing, inconvenient to pedestrians, and are a hazard to traffic and are hereby declared to be a nuisance. All such trees, hedges, bushes, shrubbery, vines, etc., shall be kept trimmed back or supported so as not to encroach in a perpendicular position nearer than six (6) inches to any sidewalk as herein specified.

(b) On corner lots no tree, hedge, bush, shrubbery, vine, fence, wall, sign or other similar object which constitutes a hazard to visibility for motorists using either street, as determined by the director of transportation after an engineering

investigation, shall be planted or allowed to remain in the area inside a vision triangle bounded by the street curb lines or edge of pavement and a vision clearance setback line. The setback line connects points on each right-of-way line which are located a minimum distance of 25 feet back from the intersection of the two (2) right-of-way lines.

(c) Any person ~~violating any of the provisions of this section shall be subject to punishment as provided in section 1-1-4, and in addition, any person~~ who, having been served an order to remove any violation shall fail to comply with such order within 10 days after such service, or shall continue to violate any provisions of this section named in such order, shall ~~also~~ be subject to a civil penalty in accordance with Section 1-1-4 of the Code and G.S. 160A-175~~of $50.00. Each day that a violation continues shall create a new offense~~.

Sec. 6-2-1. Definitions.

(a) For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(b) The following definitions shall apply in the interpretation and the enforcement of this chapter:

(1) *Ashes* means refuse from the burning of wood, coal, paper, and/or other combustible material which has been wetted and cooled to the touch prior to collection.

(2) *Blood and body fluids* means liquid blood, serum, plasma, other blood products, emulsified human tissue, spinal fluids, and pleural and peritoneal fluids. Dialysates are not blood or body fluids under this definition.

(3) *Bulk containers* mean a metal container made of watertight construction with sliding doors opening on two (2) sides and hinged top, and constructed so that it can be emptied mechanically by specially equipped trucks. Containers shall be kept covered at all times. Hereinafter upon effective date of this section, all new bulk containers shall meet these specifications.

(4) *Bulky item* means the occasional items that are inappropriate or too large for compacting in the garbage truck such as white goods, stoves, refrigerators, water heaters, gas grills, wheelbarrows, bicycles, lawn mowers, sofas, box springs, carpet/padding, and other furniture and appliances. Bulky item

collection is not intended to remove the entire contents of a property or house. No tires will be accepted.

(5) *Business* means a corporation, industry, company, retail, landlord, and/or other entity engaged in a for-profit endeavor.

(6) *Central Business District* means that section of the city bounded by Russell Street on the south, Elm Street on the west to Church, thence north along Main Street to Montlieu on the north and Hamilton Street on the east.

(7) *City* means the City of High Point.

(8) *Collection* means the act of removing solid waste from a point of generation to an approved disposal site. Collection shall be at the curb for garbage, yard waste, recyclables and bulky items.

(9) *Commercial establishment* means any retail, wholesale, institutional, religious, hotels, governmental or other nonresidential establishment at which solid waste may be generated.

(10) *Commercial waste* means solid waste generated from institutions and commercial concerns such as hotels, stores, etc.

(11) *Construction or demolition when used in connection with "waste" or "debris"* means solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris, or yard debris.

(12) *Detachable container* means a unit varying in capacity between 20 cubic yards and 40 cubic yards which is used for collecting, storing, and transporting building materials, commercial waste, industrial waste, hazardous refuse, refuse, or yard trash. The unit may or may not use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of the detachable container is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to the disposal site.

(13) *Flow control area* is a designated geographic area within which the collection, transportation, storage, and disposal of all solid waste generated within said area shall be accomplished in accordance with a solid waste management plan.

(14) *Garbage* means all putrescible waste, that is solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses, including animal offal and carcasses and recognizable industrial byproducts, but

excluding sewage and human waste. Offal, carcasses, and pet feces shall be securely bagged for collection.

(15) *Generating facility* means any facility where medical waste first becomes a waste, including but not limited to any medical or dental facility, funeral home, laboratory, veterinary hospital, and blood bank.

(16) *Government* or *Governmental* means any government, state, county or local government which operates separate and apart from the City of High Point.

(17) *Group housing* means apartments, condominiums, group developments.

(18) *Hazardous waste* means a solid waste, or combinations of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(19) *Inert debris* means solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

(20) *Land clearing debris* means solid waste (stumps, tree trunks, roots, dirt, large limbs, etc.) which is generated solely from land clearing activities.

(21) *Lead acid batteries* means any battery containing lead, acid, or both.

(22) *Litter* includes, but is not limited to, garbage refuse, waste material or any other discarded, used, or unconsumed substance which is not handled as specified herein.

(23) *Loose leaves* means tree/plant foliage that has fallen from trees/plants and has been placed along the street in rows or piles, not in bags, for collection.

(24) *Loose tree limbs* means large, heavy yard and/or tree trimmings or cuttings resulting from heavy pruning, tree or shrub removal, or plant breakage. These limbs have not been trimmed or cut to proper size, length, or bundled for collection.

(25) *Material recovery facility* is a state permitted solid waste management facility that receives recyclables within the designated flow control area The facility also processes removed recyclables for sale to recycling markets.

(26) *Medical waste* means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this article, radioactive waste, household waste as defined in 40 Code of Federal Regulations, section 261.4(b)(1) in effect on July 1, 1989, or those substances excluded from the definition of solid waste in this section.

(27) *Microbiological waste* means cultures and stocks of infectious agents, including but not limited to specimens from medical, pathological, pharmaceutical, research, commercial, and industrial laboratories.

(28) *Multi-family residential* unit means any apartment, group of apartments or condominiums used for residential dwelling places.

(29) *Nonresidential unit* means any retail, manufacturing, wholesale, institutional, religious, nonprofit organization, governmental or other unit not primarily used for residential purposes.

(30) *Oil* means any oil new or used which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and is economically recyclable.

(31) *Pathological waste* means human tissue, organs and body parts, and the carcasses and body parts of all animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

(32) *Person* means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

(33) *Physical disability* means a medical condition, verified by a registered physician, that makes an individual either physically unable to bring a rollout cart to the curbside for collection and/or that makes undertaking such an act clearly and seriously threatening to that person's health.

(34) *Recycling* means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.

(35) *Recyclable material* means those materials which are capable of being recycled can be marketed at a value greater than the costs associated with processing

and shipping that material to a buyer, and which would otherwise be processed or disposed of as solid waste. Examples of recyclable materials are as follows: newspaper and accompanying inserts, magazines, chip board, corrugated cardboard, mixed and office paper (excluding sanitary products), telephone books, plastic bottles (#1 PET), plastic containers (#2 HDPE), steel cans, aluminum cans, glass containers, and yard waste (leaves, brush, grass clippings) and other materials determined to be recyclable by the public services director.

(36) *Rental roll-off ~~trash trailer~~ program* means city service to provide a large roll-off container ~~trailer~~ rental for residential property owners, customers, and tenants for a larger quantity of bulky items to be disposed. Service is for a fee.

(37) *Refuse* means all non-putrescible waste.

(38) *Regulated medical waste* means blood and body fluids in individual containers in volumes greater than 20 milliliters, microbiological waste, and pathological waste that have not been treated.

(39) *Rollout cart* means a wheeled solid waste, yard waste, and/or recyclable receptacle compatible with city garbage collection equipment, and approved by the department of public services.

(40) *Scrap tire* means a tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.

(41) *Sharps* means and includes needles, syringes with attached needles, capillary tubes, slides and cove slips, and scalpel blades.

(42) *Sharps container* means a container manufactured and approved for the disposal of sharps. The container must be rigid, leak-proof when in the upright position, puncture-resistant, and shall be labeled with a water resistant universal biohazard symbol.

(43) *Single-family attached housing* is a project of one (1) or more residential structures, each containing two (2) or more attached single-family residences.

(44) *Single-family dwelling* means any dwelling place occupied by one (1) family.

(45) *Sludge* means any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, waste supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.

(46) *Small dead animals* means cats, dogs, small household pets, and other small animals of similar size weighing less than 100 pounds. Definition does not include livestock (cows, pigs, goats, horse).

(47) *Solid waste* means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment, and disposal systems; and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include:

a. Fecal waste from fowls and animals other than humans.
b. Solid or dissolved material in:

    1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters;
    2. Irrigation return flows; and
    3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.

c. Oils and other liquid hydrocarbons controlled under article 21A of chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.
d. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. Par. 2011).
e. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.

(48) *Special wastes* means solid wastes that can require special handling and management, including white goods, whole tires, used oil, lead-acid batteries, and medical wastes.

(49) *Tipping fee* means the charge per ton approved by the city council for processing and disposal of solid waste as well as the capital and operation and maintenance costs associated with the materials recovery facility.

(50) *Tire* means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).

(51) *White goods* include inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

(52) *Yard waste* means solid waste consisting solely of vegetative matter which includes, but is not limited to, tree limbs, grass clippings, weeds, bush clippings, leaves, brush, and etc. resulting from regular maintenance of yards, gardens, and landscaping maintenance activities. Yard waste does not include entire trees, large tree trunks, stumps, or clearing activities. It also does not include any material generated by commercial tree companies.

Sec. 6-2-8. Interfering with collection practices.

No person or persons shall interfere, meddle with refuse containers or in any way pilfer, scavenge, scatter the contents of, or place junk in any alley or street within the city limits or otherwise deter the normal solid waste collection process by tampering with solid waste containers unless by permission of the environmental services superintendent or his representative, nor shall any person place any hazardous waste in any collection receptacle. This applies to garbage, bulky items, yard waste, medical waste, and recyclables. A violation of this section is punishable as a misdemeanor.

Sec. 6-2-10. Medical waste.

No medical waste shall be deposited or permitted to be deposited in the waste stream within the flow control area. The director of public services shall terminate solid waste collection services to any commercial establishment at which a violation of this section occurs. Such termination ~~is not a penalty, but~~ shall ~~nevertheless~~be in addition to and not in lieu of the imposition of civil or criminal penalties for violation of this chapter.

Sharps as defined above shall not be placed in the rollout carts, recyclable containers, or other containers for regular solid waste collection. All sharps items should be placed in an approved sharps container as defined above, but not placed in the

regular solid waste stream. Residential customers may call the city's customer service division (336-883-3111) to schedule a pickup of the sharps containers free of charge. If a customer is found to repeatedly place sharps in the regular solid waste collection, the director of public services may discontinue solid waste service to the property and/or impose violation fines. Any violation of this section is punishable as a misdemeanor.

Sec. 6-2-12. Dumping solid waste, etc., on open lots prohibited; exception for landfilling.

No solid waste, yard waste, special waste, or other offensive material shall be dumped, thrown, or allowed to remain on any lot or space within the city limits. However, the owner of any lot or parcel of land desiring to conduct a fill operation shall apply for the appropriate permits, and any fill operation shall be conducted in accordance with all local, state, and federal rules, laws, and conditions contained in the permit. A violation of this section is punishable as a misdemeanor.

Sec. 6-2-14. Removal of small dead animals.

The city provides for the removal of small dead animals (less than 100 pounds). This service is provided five (5) days per week during normal business hours. Small dead animals shall be placed in a plastic bag and put in the rollout cart on the normal schedule collection day or scheduled through customer service (336-883-3111). Dead animals weighing 100 pounds or more shall be removed and disposed of by the owner. The collection of small animals includes dogs, cats, birds, and other similar pets/animals. It does not include livestock, horses, pigs, goats, or similar animals.

Dead animals already in the street or on the edge of the street, when the owner is not identified, will be scheduled for collection by the city upon notification of their existence.

The city will provide dead animal collection to local veterinarians offices for a fee as set by the director of public services. Veterinarian offices shall call the city's customer service division (336-883-3111) to schedule a pickup of dead animals. The city will collect up to 10 animals, none exceeding 100 pounds, during a requested pickup. The veterinarian office is required to bring the dead animals to the truck. Veterinarian offices will be billed for the service per the established fee.

Sec. 6-2-15. Rental trash roll-off container ~~trailer~~ program.

The rental trash roll-off container ~~trailer~~ program provides residents, homeowners, and tenants with a means to remove larger quantities of bulky item materials or yard waste from the property to the landfill or compost facility for a fee. Upon request of a roll-off container ~~trailer~~ and payment of fee (fee as set by the director of public services), the city will deliver a roll-off container ~~trailer~~ to the property for a given time. Disposal and accepted material rules posted on the roll-off container ~~trailer~~ must be followed. Failure to follow rules for the roll-off container ~~trailer~~ will result in additional fees/fines, additional disposal costs, and/or refusal to accept materials.

Sec. 6-2-18. Penalty for violation.

Items found in violation of this chapter will be tagged as such to notify the property owner, resident, or tenant of the issue(s). If the violation is not corrected, the city will take action to remedy the violation. The property owner, resident, or tenant may be fined as described below and will be charged the actual costs of cleanup and disposal.

Violation of any provision of this chapter shall ~~constitute a misdemeanor; shall also or alternatively~~subject the offender to ~~a~~ civil penalties~~y in the amount of $500.00;~~ and ~~shall also be subject to appropriate~~ equitable remedies, including but not being limited to injunctive relief, in accordance with Section 1-1-4 of the Code and G.S. 160A-175. ~~Each days' continuing violation shall constitute a separate offenses.~~

PART E.
Chapter 1 of Title 9 of the High Point Code of Ordinances (the Development Ordinance) is hereby amended as follows:

9.7.6. Criminal Penalties.

Violation of Erosion and Sedimentation Control. Any person who knowingly or willfully violates any soil erosion and sedimentation control provision of this ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land-disturbing activity for which a soil erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, is guilty of a Class 2 misdemeanor that may include ~~punishable by imprisonment not to exceed 90 days, or by~~ a fine not to exceed $5,000~~, or both~~.

(Ord. No. 7476/18-105 , § 19, 12-3-2018)

State law reference— Penalties, G.S. 113A-64.

9.9.5. Nonpayment

If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to legal counsel to institute a civil action for recovery of the civil penalty. ~~Moreover, if the civil penalty is not paid within the time prescribed, any of the directors listed in Section 9.5.1, as appropriate, may have a criminal summons or warrant issued against the violator. Upon conviction, the violator is subject to any criminal penalty the court may impose pursuant to Section 14-4 of the North Carolina General Statutes.~~

PART F.
Chapter 2 of Title 6 of the High Point Code of Ordinances is hereby amended as follows:

Sec. 9-2-101. Occupants.

(a) *Occupant's responsibilities.* Every occupant of a dwelling shall*:*

1. Keep the part of a dwelling which he occupies and controls in a clean and sanitary condition.
2. Keep all required plumbing and other fixtures in a clean and sanitary condition, and exercise reasonable care in the use and operation thereof.
3. Be responsible for the extermination of any insects, rodents or other pests whenever said dwelling is the only dwelling or portion thereof, infested and the owner has provided a reasonably insect-proof and adequately rodent-proof dwelling.
4. Dispose of all garbage and other refuse in an approved garbage receptacle; when approved garbage receptacles are not provided by the landlord, it shall be the responsibility of the occupant to provide adequate approved garbage receptacles.
5. Not place on the premises any material which causes a fire hazard or otherwise endangers the health or safety of any occupants of such dwelling; not place in storage or on the premises any furniture, auto parts, junk equipment or material which harbors insects, rodents or other pests.
6. Not occupy any dwelling unless running water is provided to the required plumbing fixtures.
7. Not place within any building for use therein any oil, kerosene or gas fired portable heater to be used as the primary source for heating or cooking.

8. Not place on the premises for the use thereon any heating or cooking unit which constitutes a fire hazard. If the occupant provides heating or cooking equipment, the occupant shall be responsible for its proper installation and maintenance.

9. Not cause such damage to the dwelling let to him as to make the same unfit for human habitation.

10. No occupant of a rooming house shall heat or cook food or permit the heating or cooking of food within his rooming unit.

(b) *Owner's responsibilities.* Any owner remains liable for violations of duties imposed upon him by this Article even though:

1. An obligation is also imposed on the occupant; or

2. The owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Article.

(c) *Enforcement against occupant.* Upon discovering a violation of this section, the inspector shall have the power to order the correction of any such violation within 48 hours from date of notice thereof; in the event that the occupant fails to make such corrections, then the inspector shall set a hearing pursuant to the procedures of section 9-11—105, and thereafter may again order the correction of any such violation within 48 hours from date of service of the order upon the occupant or the inspector may order the dwelling to be vacated within a reasonable time. The inspector may pursue any other civil ~~or criminal~~ action as the inspector deems reasonably necessary in order to effectuate the purposes of this article.

(d) *Safety of occupants.* In order to protect the health and safety of occupants of a dwelling, the owner shall, within 48 hours after being notified in writing by the occupant or the city, repair and replace any:

1. Broken, burst, frozen or inoperable plumbing pipe or fixtures;

2. Exposed or unsafe wiring;

3. Unsafe and/or dangerous cooking or heating equipment provided by the owner; and

4. Fuel storage tanks and/or supply lines provided by the owner which are leaking, improperly supported or dangerous.

Sec. 9-2-106. Certificate of compliance.

It shall be unlawful for any owner to rent or offer for rent any vacant dwelling or part thereof upon which an order to repair, alter, improve, or to vacate and close has been issued without the owner first filing application for and securing a certificate of

compliance from the inspector. The inspector shall issue a certificate of compliance when, after examination and inspection, it is found that the repairs, alterations, and improvements have been made and that the dwelling conforms with the provisions of this article. The owner requesting a certificate of compliance shall pay no fee for the first two (2) inspections required in which the owner is seeking a certificate of compliance; provided, however, the owner shall pay a fee of $25.00 for each subsequent reinspection required. Any violation of this Section by the owner related to an unsafe building as defined in G.S. 160D-1119 is punishable as a misdemeanor ~~shall subject the violator to a fine of $50.00 a day or 30 days imprisonment for each day occupancy of the dwelling is permitted, not to exceed a total of $500.00 in fines for any one (1) dwelling. Any owner or rental agent so violating this section by leasing a dwelling before obtaining a certificate of compliance shall be subject to immediate prosecution~~.

Sec. 9-2-113. Violations and penalties.

(a) It shall be unlawful for any owner of any dwelling to fail, neglect or refuse to repair, alter or improve the same, or to fail to vacate and close or remove and demolish the same, upon order of the inspector duly made and served as herein provided, within the time specified in the order. It shall be unlawful for the owner of any dwelling, with respect to which an order has been issued pursuant to section 9-11-105 of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration or improvement or its vacation and closing. All dwellings which are vacated upon order of the inspector to repair or vacate and close the same shall be kept locked and secured in a manner so as not to create a fire and safety hazard or to create a hazard to children or attract vagrants or persons with criminal intent and the lawns and grounds of such vacant dwellings shall be kept free of high grass, weeds, trash and debris. It shall be unlawful for an owner of any dwelling which is vacant and under an order to repair, alter, improve or to remove and demolish same to fail to properly lock and secure same or to keep the lawns and grounds of such dwelling free of high grass, weeds, trash, and debris.

(b) An owner who fails to comply with an order to repair or to improve, vacate or close any occupied dwelling determined unfit for human habitation pursuant to the provisions contained in section 9-11-105, or who permits the reoccupancy of a vacant dwelling found to be unfit for human habitation or who fails to secure a

vacant dwelling which has been found unfit for human habitation or who fails to keep the lawns and grounds of such dwelling free of high grass, weeds, trash and debris, shall be subject to a civil penalty in the amount of $100.00 for the first day following the expiration of an order to repair, improve, or vacate and close any dwelling or following a determination that any unfit dwelling has been reoccupied in violation of section 9-11-105 or following notification that a vacant dwelling is to be secured or following notification to cut high grass and weeds or remove trash and debris. In each instance, a civil penalty in the amount of $50.00 per day shall be imposed for each subsequent day that the unfit dwelling remains occupied in violation of this article or a vacant dwelling remains open and not secured or grounds and lawns are not mowed or cleared of trash and debris. If a person fails to pay the civil penalty within 10 days after being notified of the amount due, the city may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt. No civil penalty shall be imposed against an owner of an unfit dwelling where the only violation rendering a dwelling unfit is a violation of section 9-11-101, unless the owner is also the occupant.

(c) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this article or any order or decision of the inspector or board of adjustment, the inspector is authorized to institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate the violation, to prevent the occupancy of the dwelling, to prevent any illegal act, conduct or use in or about the premises of the dwelling or for any other purpose authorized by G.S. 160A-446(g) or any other law. The failure of the owner to comply with an order issued by the inspector may also be enforced through any equitable or other remedy deemed appropriate by the city and permitted by law.

(d) No person shall remove or permit the removal of any placard, complaint, notice or order posted in accordance with the provisions of this article.

(e) No person shall occupy any dwelling with a placard, complaint, notice or order posted on it in accordance with the provisions of this article. ~~Occupation of a dwelling so posted shall constitute a Class 1 misdemeanor.~~

(f) When the inspector finds that a dwelling is unfit for human habitation within the meaning of this article and has notified the owner that the time limit set by the inspector for the correction of defects and vacating the dwelling has expired, no person shall receive rentals, offer for rent, or occupy said dwelling for any purpose.

(g) No person shall damage, mutilate or remove, nor shall any person suffer, permit or cause to be damaged, mutilated or removed, any permanent fixtures from any dwelling.

(h) It shall be unlawful for the owner of any dwelling upon whom a notice, complaint or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of said dwelling until the provisions of the notice, complaint or order have been complied with, or until such owner shall furnish to the transferee, lessee, or mortgagee, a true copy of any notice, complaint or order issued by the inspector and concurrently give written notice to the inspector of the intent to transfer, lease, or mortgage as to whom the transferee, lessee or mortgagee who had received actual constructive notice of the existence of a notice, complaint or order shall be bound by the notice, complaint or order as of date of the transfer, lease or mortgage without service of further notice upon him.

(i) Any ~~The~~ violation provided for in~~of any provisions of this article shall constitute a misdemeanor as provided by G.S. 14-4.~~ this section related to an unsafe building as defined in G.S. 160D-1119 is punishable as a misdemeanor.

Sec. 9-2-165. Abandoned motor vehicles.

(a) *Abandonment of motor vehicles prohibited.* It shall be unlawful for any person to abandon a motor vehicle on city-owned property and private property within the city and on city-owned property wherever located.

(b) *Removal of abandoned motor vehicles.* The city may remove to a storage garage or area abandoned motor vehicles that are found to be in violation of this article. An abandoned motor vehicle may not be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the city council or a duly authorized city official or employee has declared the vehicle to be a health or safety hazard. Appropriate city officers and employees may, upon presentation of proper credentials, enter on any premises within the city ~~ordinance-making jurisdiction~~ at any reasonable hour in order to determine if any vehicles are

health or safety hazards. The city may require a person requesting the removal of an abandoned motor vehicle from private property to indemnify the city against any loss, expense, or liability incurred because of vehicle's removal, storage, or sale.

(c) *Notification and probable cause hearing.*

(1) Whenever a vehicle with a valid registration plate or registration is towed, the city shall immediately notify the last known registered owner of the vehicle of the following:

(i) Notice that the vehicle has been towed, along with a description of the vehicle;

(ii) Address where the vehicle is stored;

(iii) The violation with which the owner is charged, if any;

(iv) The possible sale or other disposition of the vehicle;

(v) The procedure the owner must follow to have the vehicle returned to him/her; and

(vi) The procedure the owner must follow to request a probable cause hearing on the towing.

If the vehicle has a North Carolina registration plate or registration, notice shall be given to the owner within 24 hours; if the vehicle is not registered in North Carolina, notice shall be given to the owner within 72 hours. Notice shall be mailed to the owner's last known address unless the owner waives this notice in writing. In addition to written notice by mail, and if feasible, additional notice shall be given by telephone. Whether, or not, the owner is reached by telephone, notice shall be mailed to his last known address unless he/she or his/her agent waives the notice in writing.

(2) Whenever a vehicle with neither a valid registration plate nor registration is towed, the city shall make reasonable efforts, including checking the vehicle identification number (VIN), to determine the last known registered owner of the vehicle and notify the owner as required by this article. Unless the owner has otherwise been given notice, it is presumed that the city has not made

reasonable efforts, as required under this article, unless notice that the vehicle would be towed was posted on the windshield or some other conspicuous place at the least 10 days before the towing actually occurred; except, no pre-towing notice need be given if the vehicle impeded the flow of traffic or was otherwise jeopardizing the public welfare so that immediate towing was necessary.

(3) The owner or any person entitled to claim possession of the vehicle may regain possession of the motor vehicle by paying to the city all reasonable costs incidental to the removal and storage.

(4) The owner or any person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the magistrate's office in Guilford County. The magistrate shall set the hearing within 72 hours of his/her receiving the request. The owner, the city official who requested the hearing if someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing. The rules of the General Statutes apply to any appeal.

(d) *Disposal of abandoned motor vehicles.* After holding an abandoned motor vehicle for 30 days after the date of removal, the city may sell or dispose of the vehicle as follows:

(1) If the vehicle appears to be worth less than $500.00, the city may dispose of the vehicle as a junked motor vehicle as provided by this article. With the consent of the owner, the city may remove and dispose of a motor vehicle as a junked motor vehicle without regard to the value, condition or age of the vehicle and without holding it for a prescribed period of time.

(2) If the vehicle appears to be worth $500.00 or more, the vehicle shall be sold at public auction. The city shall give 20 days' written notice of the sale to the registered owner at his last-known address, to each holder of a lien of record against the vehicle and to the state division of motor vehicles. Any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs accrued to date. The proceeds of the sale shall be paid to the finance officer of the city, who shall pay to the appropriate officers or persons the cost of removal, storage, investigation, sale and liens in that order. The

remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the city for 60 days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within 60 days after the day of the sale, the funds shall be deposited in the city's general fund and the owner's rights in the vehicle are extinguished.

(e) *Exceptions.* This article does not apply to any vehicle in an enclosed building, to any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(f) *Junked motor vehicles.*

(1) *Abandonment of junked motor vehicles prohibited.* It shall be unlawful for any person to abandon a junked motor vehicle on public grounds and on private property within the city or upon city-owned property wherever located.

(2) *Removal of junked motor vehicles.* Junked motor vehicles found to be in violation of this article may be removed to a storage garage or area, but no such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the city council or a duly authorized city officer or employee finds in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors, may be considered:

(i) Protection of property values;

(ii) Promotion of tourism and other economic development opportunities;

(iii) Indirect protection of public health and safety;

(iv) Preservation of the character and integrity of the community; and

(v) Promotion of comfort, happiness, and emotional stability of area residents.

The city may require any person requesting the removal of a junked motor vehicle from private property to indemnify the city against any loss, expense, or liability incurred because of the removal, storage or sale of the junked motor vehicle.

(g) *Notification and probable cause hearing.*

(1) Whenever a vehicle with a valid registration plate or registration is towed, the city shall immediately notify the last known registered owner of the vehicle of following:

(i) A description of the vehicle;

(ii) The place where the vehicle is stored;

(iii) The violation with which the owner is charged, if any;

(iv) The possible sale or other disposition of the vehicle; and

(v) The procedure the owner must follow to request a probable cause hearing on the towing.

If the vehicle has a North Carolina registration plate or registration, notice shall be given to the owner within 24 hours; if the vehicle is not registered in this state, notice shall be given to the owner within 72 hours. This notice shall, if feasible, be given by telephone. Whether, or not, the owner is reached by telephone, notice shall be mailed to his last known address unless he/she or his/her agent waives the notice in writing.

(2) Whenever a vehicle with neither a valid registration plate nor registration is towed, the city shall make reasonable efforts, including checking the vehicle identification number (VIN), to determine the last known registered owner of the vehicle and to notify him of the information as required by this article. Unless the owner has otherwise been given notice, it is presumed that the city has not made reasonable efforts, as required under this article, unless notice that the vehicle would be towed was posted on the windshield or some other conspicuous place at least 10 days before the towing actually occurred; except, no pre-towing notice need be given if the vehicle impeded the flow of

traffic or otherwise jeopardized the public welfare so that immediate towing was necessary.

(3) The owner or any other person entitled to claim possession of the vehicle may regain possession of the motor vehicle by paying to the city all reasonable costs incidental to the removal and storage.

(4) The owner or any person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the magistrate's office in Guilford County. The magistrate shall set the hearing within 72 hours of his/her receiving the request. The owner, the person who requested the hearing if someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing. Any decision by the magistrate may be appealed by either party to district court.

(h) *Disposal of junked vehicles.* After holding a junked motor vehicle for 15 days, the city may destroy it or sell it at private sale as junk. Within 15 days after the final disposition of a junked motor vehicle, the city shall notify the state division of motor vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as fully accurate a description of the vehicle as can be reasonably determined. The full proceeds of the sale of the junked vehicle shall be paid to the finance officer of the city, who shall pay to the appropriate officers or persons the cost of removal, storage, investigation, sale and liens, in that order. The remainder of the proceeds of sale, if any, shall be held by the city for 30 days after the day the vehicle is disposed of, the funds shall be deposited in the city's general fund, and the owner's rights in the vehicle are extinguished.

(i) *Disposal of vehicle without plates or identification numbers.* If a junked motor vehicle does not display a current license plate and the vehicle identification numbers have been removed or defaced so as to be illegible, the city may dispose of a junked motor vehicle under this article. The city may destroy the vehicle or sell it at private sale, without regard to value, after having held the vehicle for 48 hours. The proceeds shall be placed in the city's general fund.

(j) *Exceptions.* This articles does not apply to the following:

(1) Any motor vehicle in the process of repair or restoration on property under the control of the owner of the vehicle or property under the control of the person repairing or restoring the vehicle. Visible evidence of repair or restoration shall be apparent on a monthly basis.

(2) Any motor vehicle that is used on a regular basis for business or personal transportation purposes.

(k) *Nuisance vehicle unlawful; removal authorized.*

(1) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(2) Upon investigation, proper officials may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined in this article, and order the vehicle removed in accordance with the provisions of this article.

(l) *Enforcement remedies authorized; penalties for violation.*

(1) The city may secure injunctions, abatement orders and other appropriate equitable remedies to further ensure compliance as provided in Section 1-1-4 of this Code and G.S. 160A-175.

~~(2) The violation of this article shall be a misdemeanor and in addition to, or in lieu of, remedies authorized in this article shall be punishable by a fine not to exceed $500.00, or imprisonment for not more than 30 days.~~

(2~~3~~) Any act constituting a violation of this section ~~article~~ or a failure to comply with any of its requirements shall subject the offender to civil penalties~~y of $50.00 for each day the violation continues~~ in accordance with Section 1-1-4 of this Code and G.S. 160A-175. If the offender fails to pay this penalty within 15 days after being cited for violation, the penalty may be recovered by the city in a civil action in the nature of debt.

(3~~4~~) Any one (1), all or any combination of the foregoing penalties and remedies may be used to enforce this ~~article~~ section.

Sec. 9-2-197. Other unlawful actions.

(1) No person shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of section 9-2-193 of this article.

(2) It shall be unlawful for the owner of any building upon whom a notice, complaint or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of said building unless one of the following actions have been taken:

(a) Compliance with the provisions of the notice, complaint or order, or

(b) Furnish a copy of any notice, complaint or order to the transferee, lessee or mortgagee and give written notice to the inspector of said action.

(3) A violation of this section related to an unsafe building as defined in G.S. 160D-1119 is punishable as a misdemeanor.

Sec. 9-2-201. Violations, penalty.

(a) It shall be unlawful for any owner of any structure to fail, neglect, or refuse or repair, alter or improve the same, or fail to vacate and close and remove or demolish the same, upon order of the inspector duly made and served as herein provided, within the time specified in the order, and each day that such failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any structure, with respect to which an order has been issued pursuant to section 9-2-193 of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration or improvement or its vacating and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(b) ~~The~~ Any violation ~~of~~ provided for in this section related to an unsafe building as defined in G.S. 160D-1119 is punishable as a misdemeanor ~~Any provision of this article shall constitute a misdemeanor as provided by North Carolina General Statutes 14-4~~.

Sec. 9-2-229. Violations and penalties.

(a) It shall be unlawful for any owner or party in possession to fail, refuse, or neglect to correct violations of this article upon order by the inspector duly made and

served as herein provided, within the time specified in the order or such time as extended by the inspector, and each day that any failure, refusal, or neglect to comply with the order continues shall constitute a separate and distinct offense.

(b) The city shall have the power to impose fines and civil penalties for violations of this article ~~its ordinances,~~ and may secure injunctions and abatement orders to further insure compliance with this article. Further, the city may adopt ordinances authorizing the director of inspections or his designee to take such actions as deemed necessary to correct violations of this article and may assess the costs of such actions to the owner and may place liens on the property for any unpaid costs or assessments.

(c) ~~Methods~~ The City may ~~of~~ impose~~ing~~ fines and civil penalties for violation of this article in accordance with Section 1-1-4 of this Code.~~include:~~

~~(1) *Misdemeanor (G.S. 160A-175(b)):*~~

~~a. A violation of this article shall be a misdemeanor as provided by G.S. 14-4 and shall be subject to a fine and/or imprisonment as prescribed by G.S. 14-4.~~

~~b. Any person, firm, or corporation failing to comply with an order to correct a violation or continuing to violate this article in the manner named in the order within 10 days after the date stated in the order shall also be subject to a penalty of $500.00. Each day that a violation continues shall constitute a separate offense.~~

~~(2) *Civil penalty (G.S. 160A-175(c)).* Any person, firm, or corporation failing to pay the penalty for failing to comply with a provision of this article within a 10-day period shall be subject to a civil penalty of $50.00. Each day beyond the 10-day period shall create a new offense. This penalty shall be recovered by the city in a civil action in the nature of debt.~~

~~(3) *Equitable remedy (G.S. 160A-175(d)).* Provisions of this article may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate. It shall not be a defense to the application of the city for applicable relief that there is an adequate remedy at law.~~

~~(4) *Injunction and order of abatement (G.S. 160A-175(e)).* Provisions of this article may be enforced by injunction and order of abatement. The general court of justice shall have jurisdiction to issue such orders. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt and the city may execute the order of abatement. The city shall have a lien on the property for the cost of executing an order of abatement in the form of a mechanic's or materialman's lien.~~

~~(5) *Combination of authorized remedies (G.S. 160A-175(f)).* This article may be enforced by any one (1), all, or a combination of the civil remedies authorized and prescribed under the provisions of G.S. 160A-175.~~

(d) *Method of correcting violations of this article and assessing costs.* Upon adoption of an ordinance by city council the director of inspections or his designee shall have the power to immediately take all necessary and appropriate actions to correct violations of this article and shall assess the costs of such actions as a lien against the real property upon which such costs was incurred. Said lien shall be filed and shall have the same priority and be collected or foreclosed upon in the same manner as is provided for assessments pursuant to article 10, chapter 160A, North Carolina General Statutes.

(1) The director of inspections may solicit bids and contract with persons or firms for the furnishing of labor, materials, equipment, and/or services necessary to correct violations of this article.

(2) The director of inspections may authorize persons or firms to enter upon the lands of the owner for the purpose of correcting violations of this article and may authorize persons or firms to remove and dispose of prohibited materials, to demolish and remove dilapidated outbuildings, and to mow, clear, and remove weeds and undergrowth.

PART G.

Chapter 1 of Title 10 of the High Point Code of Ordinances is hereby amended as follows:

Sec. 10-1-11. Required obedience to traffic chapter.

It is unlawful ~~a misdemeanor~~ for any person to do any act forbidden or fail to perform any act required in this chapter.

Sec. 10-1-33. Obedience to official traffic control devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, subject to the regulations governing the driver of an authorized emergency vehicle in this chapter. Any violation of this section is punishable as a misdemeanor.

Sec. 10-1-36. Display of unauthorized signs, signals or markings.

(a) No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.

(c) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the director of transportation is hereby empowered to remove the same or cause it to be removed without notice.

(d) No person shall sell or offer for sale any traffic control device to be used on any street or highway in the city which does not conform to the requirements of this chapter.

(e) Any violation of this section is punishable as a misdemeanor.

Sec. 10-1-37. Tampering with official traffic control devices or railroad signs or signals.

It shall be unlawful for any person without lawful authority to alter, remove or tamper with an official traffic control device or railroad signal. A violation of this section is punishable as a misdemeanor.

Sec. 10-1-38. Avoidance of official traffic control devices.

It shall be unlawful to drive across a sidewalk or through the driveway of a parcel of property for the purpose of avoiding an official traffic control device. A violation of this section is punishable as a misdemeanor.

Sec. 10-1-272. Parade permits.

(a) Permit required. It shall be unlawful for any person to conduct or participate in a parade unless a permit allowing such activity has been obtained, and remains unrevoked, pursuant to this section. No person may conduct or otherwise participate in any parade except between the hours of 9:00 a.m. and 9:00 p.m.

(b) Permit application. A person seeking a parade permit shall file an application with the permit official or designee on forms provided by the city and the application shall be signed by the applicant under oath at least 10 business days and not more than 180 days before the commencement of the event. Notwithstanding the preceding sentence, the permit official shall consider an application that is filed less than 10 business days before the commencement of the proposed event where the purpose of such event is a spontaneous response to a current event or where, after due consideration of the date, time, place, and nature of the parade, the anticipated number of participants, and the city services required in connection with the event, the permit official determines that the time from filing is sufficient to prepare for the parade pursuant to the standards set forth in subsection (c) below.

The permit application must contain the following if applicable:

(1) The name, address, and telephone number for the person in charge of the proposed event and the name of the organization with which that person is affiliated or on whose behalf the person is applying (collectively "applicant");

(2) The name, address, and telephone number for an individual who shall be designated as the responsible planner and on-site manager for the event ("parade chairman");

(3) The date, time, place, and route of the proposed event, including the location and time that the event will begin to assemble and disband;

(4) The anticipated number of persons, vehicles, and animals which will constitute such parade or demonstration and the type of animals and description of the vehicles;

(5) The location by street of any assembly areas for such parade or demonstration;

(6) Such other information, attachments, and submissions that are requested on the application form; and

(7) Payment of a nonrefundable application fee as set out in the city's special event policy.

(c) Permitting criteria. The permit official or city manager shall issue a permit for the proposed parade unless:

(1) The safe conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(2) The conduct of the parade will require the diversion of so great a number of law enforcement personnel of the city to properly police the line of movement of the parade and of contiguous areas that adequate police protection cannot be provided to the remainder of the city;

(3) The conduct of the parade will require the diversion of so great a number of ambulances and rescue units that adequate ambulance and rescue service to portions of the city and contiguous areas not occupied by the parade will be impeded;

(4) The application is not fully completed and executed or contains a material falsehood or misrepresentation;

(5) The proposed event would conflict with previously planned programs organized, conducted, or sponsored by the City and previously scheduled at or near the same time and/or place or would conflict with an already permitted event under this section;

(6) The concentration of persons, animals, and vehicles at assembly points of the parade will substantially interfere with adequate police and fire protection of, or ambulance and rescue service to, areas contiguous to such assembly areas;

(7) The parade is to be held for the primary purpose of advertising a product, goods, or an event, and is designed to be held primarily for private profit or gain;

(8) The conduct of the parade will interfere with the movement of firefighting equipment to such an extent that adequate fire protection cannot be provided to the city; or

(9) The proposed event would present an unreasonable danger to the public health and safety.

(d) Nothing in this section shall authorize the permit official or city manager to deny a permit based upon political, social, religious, ethnic, race, disability, sexual orientation or gender related grounds, or based upon the content of the views expressed.

(e) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 91-55, § 1, 9-5-91; Ord. No. 7022/13-54, 12-16-13; Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-278. Duty of parade chairman.

The person designated in the application as responsible for the physical conduct of the parade shall be responsible for monitoring the conduct of the participants in the parade. Upon actual notice of any violation, given to the responsible person by a law enforcement officer on the scene of said parade, such person shall make immediate bona fide attempts to correct the violation. It shall be unlawful for such responsible person to refuse to make such bona fide attempts to correct the violation. A violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-279. Conduct during the parade.

(a) *Interference.* No person shall unreasonably hamper, obstruct, or impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in the parade.

(b) *Driving through parades.* No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) *Parade or parade route.* The city manager or designee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route of a parade. The city manager shall cause signs to be posted to this effect, and it shall be unlawful for any person to park or leave unattended, any vehicle in violation thereof.

(d) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-281. Parade route.

Every parade shall follow the route designated and approved by the city manager or designee and prescribed on the parade permit. A violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-282. Footraces and bicycle races.

(a) The term "footrace" as used in this section is defined as a group of three (3) or more runners or walkers competing against either each other or a time limit over a fixed course all or a part of which involves the use of city street right-of-way, city sidewalks, and greenways. This term shall include events connected to a footrace, such as untimed non-competitive "fun runs."

(b) The term "bicycle race" as used in this section is defined as a group of three (3) or more bicyclists competing against each other or a time limit over a fixed course all or a part of which involves the use of city street right-of-way, city sidewalks, and greenways. This term shall include untimed non-competitive bicycle events such as memorial rides.

(c) Application for a race covered by this section shall be made in writing at least 90 calendar days before the time at which the race shall be scheduled to begin and shall contain the information outlined in the city's special event policy. A race application may be accepted after this deadline only if allowed as a late application permitted under the city's special event policy.

(d) Upon receipt of an application properly completed and timely filed as hereinabove set out, the city manager or designee shall issue a permit after the applicant has complied with all applicable requirements imposed in accordance with the city's special event policy. The permit shall contain all information stated on the application and shall be signed by the city manager or designee.

(e) The following standards shall apply to all footraces and bicycle races subject to this section conducted in the city:

(1) Every race shall follow a route approved by the city manager or designee in accordance with the standards set out below.

(2) The race applicant and all persons involved in conducting the race shall comply with all terms and conditions set out in the city's special event policy and all terms and conditions contained in the permit issued for the race.

(3) The organizer of an event subject to this section shall be responsible for reasonable costs associated with the foot races and bicycle races including the hiring and paying off-duty law enforcement officers, or reimbursing the city for the costs of providing on-duty law enforcement officers and other necessary personnel and equipment, to appropriately police street closures and the safety and security of participants. The police and fire departments shall determine the number of officers, traffic control officers (in accordance with N.C.G.S. 20-114.1), fire/EMS personnel, and transportation personnel needed to appropriately police street closures and for safety, security, and medical needs and the time when such services shall commence and end. The city may provide the services required by this subsection at no cost, or at a reduced cost, to the applicant should the city desire to provide such support to the event.

(4) The permit shall not be issued until the sponsor shall acquire sufficient insurance or approval by the city attorney to indemnify the city for damages or liability which the city might incur.

(5) The approval of any route shall be based on the safety of the participants and non-participants, the degree of disruption that the route will likely cause, the available access for cars and pedestrians, and the unique requirements of a specific event.

(6) The City Manager or designee's disapproval of a proposed route may be appealed to the city council. Appeals shall be made in person at a regularly scheduled city council meeting at least three (3) meetings prior to the proposed event date.

(f) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-283. Block parties.

(a) The term "block party" as used in this section is defined as a planned gathering of persons in which a public street will be closed that is sponsored by a business, place of worship, non-profit organization or community interest group.

(b) Application for an event covered by this section shall be made in writing at least 10 business days before the time at which the event shall be scheduled to begin and shall contain the information outlined in the city's special event policy. An event

application may be accepted after this deadline only if allowed as a late application permitted under the city's special event policy.

(c) The applicant is responsible for notifying all property owners or residents in the area to be blocked off of the event using a form provided by the city. Any opposition by property owners or residents with direct frontage and/or access to the street to be closed may result in permit denial.

(d) Upon receipt of an application properly completed and timely filed as hereinabove set out, the city manager or designee shall issue a permit after the applicant has complied with all applicable requirements imposed in accordance with the city's special event policy. The permit shall contain all information stated on the application and shall be signed by the City manager or designee.

(e) The following standards shall apply to all block parties subject to this section conducted in the city:

(1) The block party may encompass an area of no greater than one block and the sponsoring organization must be located in that area;

(2) Block parties may have no more than 500 attendees at any one time;

(3) Block parties are still subject to all federal, state, and local laws, including the noise ordinance and alcohol laws.

(4) Police may end the party and order attendees to leave the street(s) if violation of this section occurs. After a reasonable time to allow for dispersal, the street(s) will be reopened and persons impeding the flow of traffic will be subject to arrest.

(f) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-284. Festivals.

(a) The term "festival" as used in this section is defined as an outdoor concert, fair, community event, or similar event that is primarily commercial and/or recreational in nature.

(b) Application for a festival covered by this section shall be made in writing at least 120 calendar days before the time at which the festival shall be scheduled to begin and shall contain the information outlined in the city's special event policy. A

festival application may be accepted after this deadline only if allowed as a late application permitted under the city's special event policy.

(c) Upon receipt of an application properly completed and timely filed as hereinabove set out, the city manager or designee shall issue a permit after the applicant has complied with all applicable requirements imposed in accordance with the city's special event policy. The permit shall contain all information stated on the application and shall be signed by the city manager or designee.

(d) The following standards shall apply to all festivals subject to this section conducted in the city:

(1) The festival applicant and all persons involved in conducting the festival shall comply with all terms and conditions set out in the city's special event policy and all terms and conditions contained in the permit issued for the festival.

(2) 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 and other necessary personnel and equipment, to appropriately police street closures and the safety and security of participants and those in the vicinity of the event. The police and fire departments shall determine the number of officers, traffic control officers (in accordance with N.C.G.S. § 20-114.1), fire/EMS personnel, and transportation personnel needed to appropriately police street closures and for safety, security, and medical needs and the time when such services shall commence and end. The city may provide the services required by this subsection at no cost, or at a reduced cost, to the applicant should the city desire to provide such support to the event.

(3) The festival permit shall not be issued until the sponsor shall acquire sufficient insurance or approval by the city attorney to indemnify the city for damages or liability which the city might incur.

(e) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-285. Picketing permitted; notice of intent and receipt required.

Peaceful picketing shall be permitted in the city provided the same is done under the following conditions:

(a) No picketing shall be conducted on a public street or sidewalk and no person shall participate in the same unless notice of intent to picket has been given to the city manager or designee, and unless a receipt of such notice has been issued, except where provided below.

(b) A group of 15 or more persons shall give notice of intent to picket. A group of fewer than 15 persons may give notice of intent to picket but is not required to do so. Whether a group consists of 15 or more persons such that notice is required shall be determined from the time immediately prior to initiating a picket. If a group of less than 14 persons begins to picket without providing notice and becomes a group of 15 persons or more, the failure to provide notice of the picket shall not be a violation of this section. Notice given shall contain the following information:

(1) The name, if any, of the organization or group sponsoring or proposing to picket unless the group indicates that it intends to picket anonymously, in which case no name is required;

(2) The location or locations in the city where the pickets propose to assemble and demonstrate;

(3) The date or dates on which the picketing is to occur;

(4) The name of the person and organization giving notice of intent to picket unless the person or organization indicates that it intends to picket anonymously, in which case no name is required;

(5) Whether or not persons below the age of eighteen (18) years are expected to participate; and

(6) The person or persons to be in charge of the activity and who will accompany it and carry any receipt of notice at all times.

(c) It is unlawful for any picketer, as defined herein, to engage in the activity prohibited under N.C.G.S. §14-277.4A.

(d) Upon the giving of notice of intent to picket, properly provided as hereinabove set out, the city manager or his designee shall immediately issue a receipt of notice. The receipt shall contain all information stated in the notice. Upon cessation of such picketing for a period of 24 hours or more, any notice previously provided shall no longer be effective for the purpose of section 10-1-285(a) and (b).

(e) Any violation of this section is punishable as a misdemeanor.

Sec. 10-1-286. Standards of conduct for picketing activity.

(a) Picketing shall be conducted only on portions of the public street and sidewalk not used primarily for vehicular parking or moving traffic.

(b) Picketers may carry written or printed placards or signs not exceeding 40 inches provided the words used are not fighting words or threats that would tend to provoke a reasonable person to breach the peace.

(c) If picketers promoting different objectives, causes, actions or policies desire to use a sidewalk that is already used for picketing, the second in time picketers shall maintain a minimum of 20 feet of space from the first in time pickets at all times and at all adjacent points of potential contact. The chief of police or designee shall aid picketers in creating a minimum of 20 feet of space between the picketers in order to ensure safety for all picketers promoting different objectives, law enforcement, and the public, without regard to the purpose or content of objectives promoted by either picketers.

(d) Picketers shall not at any time nor in any way obstruct, interfere with, or block: persons entering or exiting from vehicles; persons crossing streets or otherwise using the public street and/or sidewalk; the entrance or exit to any building or access to property abutting the street or sidewalk; or pedestrian or vehicular traffic.

(e) No person observing, engaging in, or assisting in picketing shall bring to or allow to remain in the immediate area of picketing any vicious animal.

(f) It shall be unlawful for a group of 15 or more persons to picket without filing a notice as required herein.

(g) Any violation of this section is punishable as a misdemeanor.

Sec. 10-1-288. Interference with picketers prohibited; police authority to disperse crowds; failure to leave when ordered declared offense.

(a) The police officers of the city may, in the event of violation of N.C.G.S. Ann. §14-288.4(a)(1) and §14-288.4(a)(2), direct the dispersal of persons so assembled and may arrest any person who fails to absent himself from the place of such assemblage when so directed by the police.

(b) Whenever the free passage of any public street or sidewalk in the city shall be obstructed by a crowd, whether or not the crowd assembles as a result of or in connection with picketing, the persons composing such crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer as herein provided.

(c) Any violation of this section is punishable as a misdemeanor.

~~**Sec. 10-1-290. Criminal penalty.**~~

~~In accordance with N.C.G.S. §160A-175, violation of any provision of division 1 and division 2, with the exceptions as set forth herein, shall be a misdemeanor as provided in N.C.G.S. §14-4, punishable upon conviction by a fine not exceeding $50.00 or by imprisonment not exceeding 30 days. Any violation set forth herein that is also a violation of any state law shall not be punishable under section 10-1-290 such that the violation would allow for duplicative punishments.~~

~~(Ord. No. 7417/18-46 , 5-21-18)~~

Sec. 10-1-306. Traffic control photographic systems.

(a) *Administration.* The City of High Point shall implement a system for capturing traffic control violations, as defined under G.S. 20-158, with a traffic control photographic system that will use the photographic images as prima facie evidence of the traffic violations and will authorize the High Point Department of Transportation or an agent of the department to issue civil citations.

The City of High Point Department of Transportation shall administer the traffic control photographic program and shall maintain a list of system locations where traffic control photographic systems are installed.

Any citation for a violation for G.S. 20-158 or other traffic violation, issued by a duly authorized law enforcement officer at a system location shall be treated, pursuant to G.S. 20-176, as an infraction so long as the system photographic images are not used as prima facie evidence of the violation.

The citation shall clearly state the manner in which the violation may be reviewed. The citation shall be processed by officials or agents of the city and shall be forwarded by personal service or first-class mail to the owner's address as given on the motor vehicle registration.

(b) *Offense.*

(1) It shall be unlawful for a vehicle to cross the stop line at a system location when the traffic signal for that vehicle's direction of travel is emitting a steady red light, or for a vehicle to violate any other traffic regulation specified in G.S. 20-158.

(2) The owner of a vehicle shall be responsible for a violation under this section, unless the owner can furnish evidence that the vehicle was in the care, custody or control of another person at the time of the violation, as describe in subsection (3).

(3) Notwithstanding subsection (2), the owner of the vehicle shall not be responsible for the violation if, within 30 days after notification of the violation, the owner furnishes the officials or agents of the city either of the following:

(i) An affidavit stating the name and address of the person or entity who had the care, custody, and control of the vehicle at the time of the violation; or

(ii) An affidavit stating that, at the time of the violation, the vehicle involved was stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information.

(4) This section shall not apply, and the registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.

(5) The owner of a vehicle that has been leased or rented to another person or company shall not be liable for a violation pursuant to this section if, after receiving notification of the civil violation within 90 days of the date of occurrence, the owner, within 30 days thereafter, files with the officials or agents of the city an affidavit including the name and address of the persons or company that leased or rented the vehicle. If notification is given to the owner of the vehicle after 90 days have elapsed from the date of the violation, the owner is not required to provide the name and address of the lessee or renter, and the owner shall not be held responsible for the violation.

(c) *Penalty.* Any violation of this section shall be deemed a noncriminal violation for which a civil penalty ~~of $50.00~~ shall be assessed in accordance with Section 1-1-4 of the Code and G.S. 160A-175, and for which no points authorized by G.S.20-16(c) shall be assigned to the owner or driver of the vehicle, nor insurance points as authorized by G.S. 58-36.65. Failure to pay the civil penalty or to respond to the citation within 21 days shall constitute a waiver of the right to contest responsibility for the violation and shall subject the owner to a civil penalty in accordance with Section 1-1-4 of this Code and G.S. 160A-175 ~~not to exceed $100.00. The city shall establish procedures for the collection of the civil penalties and shall enforce the penalties by a civil action in the nature of a debt~~.

(d) *Nonjudicial administrative hearing.* The City of High Point Department of Transportation shall establish an administrative process to review objections to

citations or penalties issued or assessed. A notice requesting a hearing to review objections shall be filed within 21 days after notification of the violation. An individual desiring a nonjudicial hearing must post a bond in the amount of $50.00 before a hearing will be scheduled. The hearing officer's decision is subject to review in the Superior Court of Guilford County by proceedings in the nature of certiorari.

PART H.

Chapters 2 and 6 of Title 11 of the High Point Code of Ordinances are hereby amended as follows:

Sec. 11-2-4. Penalty.

Any act constituting a violation of this Chapter or a failure to comply with any of its requirements shall subject the offender to civil penalty in accordance with Section 1-1-4 of this Code and G.S.~~(a) Pursuant to North Carolina General Statute~~ 160A-175(c), ~~and in addition to any other sanction imposed under this chapter, there is hereby imposed a civil penalty in the amount of $75.00 for violation of any of the provisions of this chapter. Civil penalties are to be paid to the city collections division or appealed to the city manager's office within 10 days of issuance of civil penalty notice. Failure to pay or appeal a civil penalty notice will result in the penalty being recovered by the city in a civil action in the nature of a debt~~.

~~(b) In addition to civil penalty, any violation of this chapter shall also be punishable as a misdemeanor under NCGS-14-4, and shall subject the offender to a fine of not more than $500.00, or imprisonment for not more than 30 days, or both.~~

Sec. 11-2-36. Taxicab inspections.

(a) Before operation of a taxicab, it must have passed an inspection of equipment by the taxicab inspector. The taxicab inspector shall specify a date when the current inspection shall expire and another inspection shall be necessary. A certificate holder shall deliver all of its taxicabs in operation to a location designated by the taxicab inspector at a specified date and time for inspection.

(b) The taxicab inspector shall have the authority, at any time, to enter into or upon a taxicab at any location for the purpose of determining compliance with this chapter.

(c) A taxicab which is found to be unsafe in any way or not in compliance with this chapter may be ordered out of service by the taxicab inspector and operation of

the taxicab before approval by a taxicab inspector shall be unlawful and subject the certificate holder and any other person allowing the operation of the taxicab to ~~criminal and/or~~ civil penalties.

(d) A taxicab inspection fee of $5.00 shall be paid by the owner of the vehicle to the city collections division for each regularly scheduled taxicab inspection and every initial inspection. Receipt of payment shall be presented to the taxicab inspector performing the inspection. Upon a failure to pass an inspection, a reinspection will be performed at no charge. A field inspection initiated by a taxicab inspector, at a time other than regularly scheduled inspections, shall be at no charge. A taxicab that has passed the most recent regularly scheduled inspection that is taken out of service by a taxicab inspector shall be reinspected at no charge.

Sec. 11-2-82. Defrauding taxicab.

Any person who engages, uses, employs or hires a taxicab and then fails or refuses to pay the required fare with intent to cheat and defraud the taxicab owner or driver shall be guilty of a misdemeanor. This section not only applies to intra-city trips, but also to legally licensed taxicabs from other jurisdictions that enter the city to reach a destination, where the failure or refusal to pay occurs within the city. A violation of this section is punishable as a misdemeanor.

Sec. 11-6-11. Penalties.

Any person convicted of violating any provisions of this chapter ~~section~~ shall be ~~punished~~ subject to any of the civil penalties and remedies provided for in Section 1-1-4 of this Code and G.S. 160A-175~~by fine. Or imprisoned as provided by G.S. 14-4.~~

~~**Sec. 11-6-14. Massage of persons of opposite sex restricted.**~~

~~It shall be unlawful for any person holding a license under this chapter to massage a person of the opposite sex except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of massages, not to exceed 10. The date and hour of each massage given and the name of the operator shall be entered on such order by the establishment where the massages are given and shall be subject to inspection by police officers at any reasonable time.~~

~~(Code 1958, § 15-43; Ord. No. 92-84, § 1, 8-20-92)~~

Sec. 11-7-19. ~~Criminal~~ Civil penalties~~y~~ and remedies.

Any person who violates any provision of this chapter shall be ~~guilty of a misdemeanor, and, upon conviction, shall be~~ subject to any of the civil penalties and remedies provided for in Section 1-1-4 of this Code and G.S. 160A-175~~a civil fine of $500.00, or imprisonment, or both~~.

Sec. 11-7-20. Civil injunction.

Any person who violates this chapter is subject to a civil suit for injunction in addition to the other civil remedies provided for in Section 1-1-4 of the Code, as well as ~~prosecution for criminal violations and~~ liability for licensing sanctions such as suspension or revocation.

Sec. 11-7-21. Liability for the conduct of others.

A licensee of a sexually oriented business is jointly and individually liable for violations of and offenses under this chapter by the employees of the sexually oriented business, and for all civil ~~and criminal~~ sanctions or remedies for such violations and offenses, including but not limited to license suspension or revocation, prescribed herein.

PART I.
Chapters 1, 2, 3, and 5 of Title 12 of the High Point Code of Ordinances are hereby amended as follows:

Sec. 12-1-3. Police animal protection.

It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, kick or strike, or attempt any of said acts toward any animal by the High Point Police Department for use in the performance of the function or duties of the High Point Police Department.

~~Any person who violates any of the provisions of this section is guilty of a misdemeanor and shall be find or imprisoned, or both, in the discretion of the court.~~

Sec. 12-1-4. Public consumption of beer, wine, ale or any alcoholic beverage.

(a) It shall be unlawful for any person to consume any beer, wine, ale or any alcoholic beverages (as defined under Chapter 18B of the General Statutes of North Carolina,) in or on any public street, right-of-way, sidewalk, alley or other public

place within the city or on any city-owned property which is located inside or outside the High Point corporate limits.

(b) Subsection (a) shall not apply within a building on city-owned property or park, or at permitted sidewalk cafes, where appropriate ABC permits have been obtained as required by law for the consumption of beer, wine, ale or any alcoholic beverages for the period of time permitted thereunder.

(c) A violation of this section is punishable as a misdemeanor.

Sec. 12-1-5. Possession and discharge of firearms, weapons.

(a) Except as provided in subsection (b) below, it shall be unlawful for any person to possess a weapon, as defined in G.S. 14-269, in or upon any building, park or other property, or their appurtenant premises, which is owned or otherwise under the legal control of the City of High Point.

(b) This prohibition shall not apply to the following persons:

(1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;

(2) Civil officers of the United States while in the discharge of their official duties;

(3) Officers and soldiers of the militia and the national guard when called into actual service;

(4) Sworn law enforcement officers;

(5) City animal control officers;

(6) Private security officers under contract with the city, while in the actual performance of their required duties.

(c) A conspicuous notice shall be posted upon property set forth in subsection (a) above stating: "Possession of weapons or carrying a concealed handgun is prohibited."

(d) ~~Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be find $500.00 or imprisoned for 30 days, or both.~~A violation of this section is punishable as a misdemeanor.

(e) The carrying of a concealed handgun in accordance with G.S. 14-415.11 is prohibited in any building owned, leased as lessee, operated, occupied, managed or controlled by the city, and in or upon the recreational facilities operated by the city and specifically identified herein. Notice of this prohibition shall be posted in a conspicuous location at each entryway available to the general public at all buildings and at the primary points of public access to all other covered locations. Violation of this prohibition shall be prescribed by the applicable North Carolina General Statutes.

Allen Jay Park, 1073 E. Springfield Road, athletic fields and appurtenant facilities during an organized athletic event.

Armstrong Park, 305 E. Parkway Avenue, athletic field and appurtenant facilities during an organized athletic event.

Brentwood Athletic Fields, 1300 Block of Brentwood Street, athletic fields and appurtenant facilities during an organized athletic event.

City Lake Park, 602 West Main Street, swimming pools and appurtenant facilities.

Deep River Park, 1525 Skeet Club Road, athletic fields and appurtenant facilities during an organized athletic event.

Burnett Park, 1051 Montlieu Avenue, athletic fields at all times.

Harvell Park, 1215 Lincoln Drive, athletic fields and appurtenant facilities during an organized athletic event.

Hedgecock Park, 300 West Parris Avenue, athletic fields and appurtenant facilities during an organized athletic event.

High Point Athletic Complex, 2920 School Park Road, athletic fields and appurtenant facilities during an organized athletic event.

Johnson Street Athletic Complex, 4515 Johnson Street, athletic fields and appurtenant facilities during an organized athletic event.

Macedonia Park, 306 Wise Avenue, athletic fields and appurtenant facilities during an organized athletic event.

Miracle League Field, 2917 School Park Road, athletic fields and appurtenant facilities during an organized athletic event.

Morehead Recreation Center Park (Leonard Street Fields), 101 Price Street, athletic fields and appurtenant facilities during an organized athletic event.

Oak Hollow Campground, 3415 Centennial Street, swimming pool and appurtenant facilities.

Oak Hollow Tennis Center, 3401 North Centennial Street, tennis courts and appurtenant facilities during an organized athletic event.

Oakview Recreation Center Park, 503 James Road, athletic fields and appurtenant facilities during an organized athletic event.

Washington Terrace Park, 101 Gordon Street, athletic fields during an organized athletic event, swimming pool and appurtenant facilities.

Washington Terrace Pool, 108 Murray Street, swimming pool and appurtenant facilities.

West End Park, 1701 Edgewood Drive, athletic fields and appurtenant facilities during an organized event.

(f) For purposes of section (e), the term "recreational facilities" and the restrictions on lawful possession of weapons for those facilities listed above includes only the following:

(1) An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the municipality or county office responsible for operation of the park or recreational area.

(2) A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool.

(3) A facility used for athletic events, including, but not limited to, gymnasiums.

(g) Nothing in this section shall prohibit a current holder of a concealed carry weapons (CCW) permit recognized by the State of North Carolina from storing a firearm within a locked motor vehicle in a manner consistent with state law.

Sec. 12-1-7. Firearms or other weapons, display and discharge prohibited; exceptions.

(a) It shall be unlawful for any person to fire, discharge or shoot within the city any gun, pistol, air gun, BB gun, pellet gun, bow and arrow, slingshot, or other similar contrivance of firearm, on or off his premises, except in legally established shooting galleries or ranges, in the discharge of duty by law enforcement officers, pursuant to lawful directions of law enforcement officers, or in lawful defense of person or property.

(b) It shall be unlawful to brandish or display in a threatening manner any firearm or dangerous weapon on any street, sidewalk, alley, or other public property within the city except as necessary and consistent with those conditions that would allow lawful discharge of such firearms or weapons pursuant to the provisions of this section.

(c) ~~[*Reserved.*]~~A violation of this section is punishable as a misdemeanor.

Sec. 12-1-9. Operation of motorcycles and minibikes.

(a) It shall be unlawful for any person to ride a minibike or motorcycle on the following property in the city:

(1) Any city-owned property, including parks, vacant lots, rights-of-way, but not including streets;

(2) Any vacant property (this includes any vacant lot, construction site, and any property with a structure not permanently occupied).

(b) A violation of this section is punishable as a misdemeanor.

Sec. 12-1-10. Offenses against public peace and order.

(a) Subject to the provisions of this section, it shall be unlawful for any person or persons to make, permit, continue or cause to be made or create any unreasonably loud, disturbing and unnecessary noise in the city, with the exception of

construction work done pursuant to a federal, state, county, or city contract which requires work to be performed during certain hours. For the purposes of this section, the following definitions shall apply:

(1) *Unreasonably loud.* Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.

(2) *Disturbing.* Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

(3) *Unnecessary.* Any excessive or unusually loud sound or any sound which is of such character, intensity and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures or endangers the comfort, repose, health, peace or safety of any person, and being a type of sound which could be lessened or otherwise controlled by the maker without unduly restricting his conduct.

In determining whether a noise is unreasonably loud, disturbing and unnecessary, the following factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character and zoning of the area; whether the noise is related to the normal operation of a business or other labor activity; whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof. A continuing or non-resetting audible burglar or fire alarm shall not be considered a violation of this section, but may be a violation of the false alarm ordinance, city ordinance section 5-1-48.

(b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section but this enumeration shall not be deemed to be exclusive:

(1) *Blowing horns.* The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonable, loud or harsh sound or the sounding of such device for an unnecessary and unreasonable period of time.

(2) *Radios, stereos, etc.* The playing of any radio, television set, record player, stereo or other sound reproduction system, musical instrument or sound-producing or sound-amplifying device on the premises of any dwelling, hotel or motel room, in such manner or with such volume, particularly but not limited to the hours between 11:00 p.m. and 7:00 a.m., if the sound generated is audible at a distance of 30 feet or more from the dwelling's property line, or, in the case of a hotel or motel room, the unit's most outer boundary wall.

(2.1) *Sound-producing equipment in vehicles.* The playing of any radio, cassette player, compact disc, video tape or disc, or other similar device for reproducing sound located on or in any motor vehicle on a public street, highway, within any public vehicular area, or on the premises of a private residence, if the sound generated or noise vibration there from is audible or can be felt at a distance of 30 feet or more from the radio, cassette player, compact disc, video tape or disc, or other similar device that is producing the sound.

(3) *Pets.* The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(4) *Use of vehicles.* The use of any automobile, motorcycle, dirt bike, go-cart, recreational vehicle or any other vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires or other noise.

(5) *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler except as a warning of danger.

(6) *Exhaust discharge.* The discharge into the open of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(7) *Compressed air devices.* The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(8) *Building operations.* The erection (including excavation), demolition, alteration or repair of any building in a residential district between the hours of 6:00 p.m.

and 7:00 a.m. of any day or in any district other than a residential district between the hours of 10:00 p.m. and 7:00 a.m. of any day, except with a permit from the city manager or his designee.

(9) *Noises near schools, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court while the same is in session, or adjacent to any hospital, or any church during services, which unreasonably interferes with the operation or activities of such institution.

(10) *Loading and unloading operations.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates and containers.

(11) *Bells and gongs.* The sounding of any bell or gong which disturbs the quiet or repose of persons in the vicinity thereof.

(12) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument for the purpose of attracting attention by creation of noise to any performance, show, sale, display or advertisement of merchandise.

(13) *Blowers, engines.* The operation of any noise-creating blower, power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise emitting therefrom is sufficiently muffled and the engine is equipped with a muffler device sufficient to deaden such noise, so that the same shall not cause annoyance to the public nor unreasonably disturb the rest and quiet of persons on adjacent premises or within the vicinity thereof.

(14) *Appliances and other mechanical devices.* The operation of any noise-producing appliance or other mechanical device which, due to operational deficiencies, malfunction or other type of disrepair, causes loud and excessive noises in such a manner as to unreasonably annoy the public or disturb the rest and quiet of persons on adjacent premises or within the vicinity thereof.

(15) *Loudspeakers or amplifiers.*

a. It is prohibited within or from any commercial establishment or private entertainment or recreational venue to allow any loudspeaker or other mechanically-amplified device to be played so that the sound there from

may be heard at a distance of 30 feet or more from the facility's property line, between the hours of 2:00 a.m. and 7:00 a.m.

b. In the exercise of noncommercial free speech, loudspeakers or amplifiers may be used, subject to the following conditions:

1. It shall be unlawful for any person to speak into a loudspeaker or amplifier within the corporate limits of the city, when such loudspeaker or amplifier is so adjusted that the voice of the speaker is amplified to the extent that it is audible at a distance in excess of 150 feet from the person speaking; provided that such use in city recreational facilities shall be regulated by the rules of the city parks and recreation commission.

[2. Reserved.]

(c) Enforcement and repeated violations. Where there is a violation of any provision of this section ~~article~~, the city, at its discretion, may take one (1) or more of the following enforcement actions:

(1) A police officer may issue a citation as provided herein, subjecting the violator to a civil penalty of $200.00. A second violation by the same person or business within one (1) year of the first violation shall subject such person or business to a penalty of $400.00. All subsequent violations by the same person or business within one (1) year of the first violation shall subject such person or business to a civil penalty of $500.00.

(2) Failure to pay a civil penalty imposed under this section within 10 days may subject the offender to an additional $50.00 delinquency charge. Any unpaid penalty or delinquency charge may be recovered by the city in a civil action.

(3) The civil penalties imposed by this section and the proceeds therefrom as collected by payment, civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

(4) ~~In the alternative, pursuant to North Carolina General Statues, section 14-4, a~~ A violation of this section ~~may be considered~~ is also punishable as a

misdemeanor. ~~Such a misdemeanor is punishable by a fine of not more than $500.00 or imprisonment designated for a Class 3 misdemeanor.~~

(d) Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.

Sec. 12-1-11. Loitering for the purpose of engaging in drug-related activity.

(a) For the purpose of this section, "public place" means any area available to the public for common usage and access, including any street, sidewalk, bridge, alley or alleyway, plaza, park, playground, driveway, parking lot or transportation facility, or the doorways, entranceways, stairway, staircase, hall, roof, elevator, courtyard, passageway or common area to any building which fronts on any of those places or any motor vehicle in or on any of those places, or any property owned by the City of High Point.

(b) It shall be unlawful for a person to remain or wander about in a public place in a manner and under circumstances manifesting the intent to engage in a violation of any subdivision of the North Carolina Controlled Substance Act, N. C. General Statutes Chapter 90, Article 5. Such circumstances shall include the following when done for the purpose of violating the aforementioned state statutes:

(1) Repeatedly beckoning to, stopping, or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation; or

(2) Repeatedly stopping or attempting to stop motor vehicles; or

(3) Repeatedly interfering with the free passage of other persons; or

(4) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaging in an unlawful drug-related activity; or

(5) Such person repeatedly passes to or receives from passers-by, whether on foot, in a vehicle or by courier, money or objects; or

(6) Such person takes flight upon the approach or appearance of a law enforcement officer; or

(7) Such person is at a location frequented by persons who unlawfully use, possess, or sell drugs.

(c) Any violation of this section is punishable as a misdemeanor~~All ordinances or parts of ordinances in conflict with this section are hereby repealed to the extent of such conflict~~.

(d) If any section, subsection, paragraph, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

Sec. 12-1-13. Aggressive solicitation prohibited.

(a) The council finds that:

(1) Aggressive solicitation is disturbing and disruptive to residents and businesses and contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation and disorder.

(2) Aggressive solicitation includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic.

(3) The presence of individuals who solicit money from persons at or near banks, automated teller machines, public transportation facilities, and crosswalks is especially troublesome because of the enhanced fear of crime in a place that is confined, difficult to avoid, or where a person might find it necessary to wait.

(4) This section is intended to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, and not to limit a constitutionally protected activity.

(b) In this section:

(1) *Aggressive manner* means:

a. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

b. Following the person being solicited, if that conduct is:

(i) Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) Intended to or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

c. Continuing to solicit a person within five (5) feet of the person being solicited after the person has made a negative response;

d. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;

e. Using obscene or abusive language or gestures toward the person being solicited;

f. Approaching the person being solicited in a manner that:

(i) Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

(2) *Automated teller machine* means a device, linked to a bank's account records, which is able to carry out banking transactions.

(3) *Automated teller facility* means the area comprised of one (1) or more automatic teller machines, and any adjacent space that is made available to banking customers.

(4) *Bank* includes a bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.

(5) *Bus* means a vehicle operated by a transit authority for public transportation.

(6) *Check cashing business* means a person in the business of cashing checks, drafts, or money orders for consideration.

(7) *Public area* means an outdoor area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot,

alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transport facility, or shop.

(8) *Solicit* means to request, by the spoken, written, or printed word, or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

(c) A person commits an offense if the person solicits:

(1) In an aggressive manner in a public area;

(2) In a bus, at a bus station or stop, or at a facility operated by a transportation authority for passengers;

(3) Within 25 feet of:

a. An automated teller facility;

b. The entrance or exit of a bank; or

c. The entrance or exit of a check cashing business; or

(4) At a marked crosswalk.

(5) On either side of the street on a block where a school attended by minors or a child-care facility has an entrance or exit;

(d) A culpable mental state is not required, and need not be proved, for an offense under subsection (c)(2), (3), or (4).

(e) This section is not intended to proscribe a demand for payment for services rendered or goods delivered.

(f) A v~~V~~iolation of this section is punishable as a misdemeanor~~, punishable by a fine of up to $500.00~~.

Sec. 12-1-14. Urinating or defecating on any public place.

(a) It is unlawful for any person to urinate or defecate on any public place, sidewalk, street, alley or right of way, or in any public building, except in toilet facilities, or

upon private property in a location visible from any public place. "Public place" means property owned by the city, the state, a county or federal government, including leaseholds and easements.

(b) A v~~V~~iolation of this section is punishable as a misdemeanor~~, punishable by a fine of up to $500.00~~.

Sec. 12-2-5. Violations; civil penalty.

(a) Violation of any section of this chapter shall be deemed unlawful and shall result in a fixed civil penalty charge in the amount of $50.00. When the owner or agent charged with a violation under this section, makes proper payment of the amount as charged, the obligation thereunto shall be discharged. If such charge has not been paid within 10 days, the violation shall be deemed to be delinquent and subject to the additional penalties as provided in this chapter.

(b) The city tax collector may accept payments in full and final settlement of the claim or claims, right or rights of action which the city may have to enforce such penalties by civil action in the nature of the debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt, together with the cost of the action to be taxed by the court. However, in the event the offender desires to make payment after the civil action has been commenced but prior to trial disposition, a penalty of $50.00 in addition to the one imposed for payment within 10 days shall apply in such cases. Acceptance of the additional penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations.

(c) A violation listed in this chapter ~~shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes 14-4, but instead~~ shall be subject to the civil penalties fixed by subsection (a) of this section and the civil remedies provided in Section 1-1-4 of this Code and G.S. ~~by North Carolina General Statutes, Section~~ 160A-175. Any properly designated city official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.

(d) The civil penalties imposed by this section and the proceeds therefrom, as collected by payment of civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

Sec. 12-2-15. Dogs without tag deemed unlicensed; violations; civil penalty.

(a) Every owner or keeper of a licensed dog shall keep and maintain a collar around the neck of the dog, with the tag securely attached thereto, and every dog found in the city without a tag shall be deemed an unlicensed dog and in violation of this section. The owner thereof shall be required to purchase a tag and pay the impounding fee if the dog is impounded or relinquish the dog to be disposed of.

(b) Violation of this section shall be deemed unlawful and shall result in a fixed civil penalty charge in the amount of $15.00. When the owner or keeper charged with a violation under this section, makes proper payment of the amount as charged, the obligation thereunto shall be discharged. If such charge has not been paid within 10 days, the violation shall be deemed to be delinquent and subject to the additional penalties as provided in this section.

(c) The city tax collector may accept payments in full and final settlement of the claim or claims, right or rights of action which the city may have to enforce such penalties by civil action in the nature of the debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt, together with the cost of the action to be taxed by the court. However, in the event the offender desires to make payment after the civil action has been commenced but prior to trial disposition, a penalty of $25.00 in addition to the one imposed for payment within 10 days shall apply in such cases. Acceptance of the additional penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations.

(d) A violation listed in this section ~~shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes [section] 14-4, but instead~~ shall be subject to the civil penalties fixed by subsection (b) of this section and the civil remedies provided <u>in Section 1-1-4 of this Code and G.S.</u> ~~by North Carolina General Statutes, section~~ 160A-175. Any properly designated city official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.

(e) The civil penalties imposed by this section and the proceeds therefrom as collected by payment, civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

Sec. 12-2-20. Enforcement~~Fees~~.

Any ~~owner that is found in~~ violation of the regulations described in sections 12-2-18 and 12-2-19 shall be subject to civil penalties in accordance with Section 1-1-4 of the Code and punishable as a misdemeanor. ~~the following fees:~~

~~(a) 1st offense: Subject to citation and $100.00 fee (if the dog is not spayed or neutered, the fee may be voided in lieu of the owner having the dog spayed or neutered by a veterinarian and providing to the animal control officer documented proof of such within 14 days).~~

~~2nd offense: Subject to citation and $250.00 fee.~~

~~3rd and subsequent offenses: Subject to a class 3 misdemeanor and fine of up to $500.00.punishable as a misdemeanor.~~

~~(b)~~ The procedures set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law and shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter.

Sec. 12-3-7. Appeals.

~~Within the 10-day period mentioned in section 12-3-3 hereof, t~~The owner or tenant of the property where the nuisance exists may appeal the findings of the director of planning and development in accordance with Section 1-1-4 of this Code. ~~An appeal stays the abatement of the nuisances by the director of public services or public services department until a final determination by the city manager. In the event no appeal is taken, the director of public services, or his designee or agent, may proceed to abate the nuisance.~~

Sec. 12-3-9. Civil penalties.

An owner that fails to comply with an order to abate any unlawful condition described in section 12-3-1 shall be subject to ~~a~~ civil penalties~~y~~ in accordance with Section 1-1-4 of this Code and G.S. 160A-175~~of $100.00 for the first day following the expiration of an order to abate. In each instance, a penalty of $25.00 per day shall be imposed for each subsequent day that the nuisance remains unabated. If a person fails to pay the civil penalty within 10 days after being notified of the amount due, the city may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt~~.

Sec. 12-3-10. Procedures in addition to other remedies.

The procedures set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances ~~and this chapter shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter~~.

Sec. 12-5-3. Penalties.

Violation of any of the provisions of this chapter shall subject the violator to payment of ~~a~~ civil penalties~~y~~ in accordance with Section 1-1-4 of this Code and G.S. 160A-175 ~~of $25.00, and shall also constitute a misdemeanor~~. Any person, or his agent, having control of any premises or place who knowingly permits a violation without requesting the violator to comply shall be subject to payment of the civil penalties~~y provided for herein~~. ~~Any duly authorized local government official is authorized either to send the civil penalty citation to the violator by certified mail or personally deliver such citation to the violator stating the nature of the violation, the amount of the penalty, and directing that the violator pay the penalty to the city tax collector's office within 14 days of receipt. Each day's continuing violation of any of the provisions of this chapter shall constitute a separate offense.~~

SECTION 2.
Should any section or subsection of this ordinance be declared invalid, such section or subsection shall be deemed severable, and such holding shall not affect the validity of the remaining sections or subsections.

SECTION 3.
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4.
This ordinance shall become effective upon adoption.

Adopted by the City Council
City of High Point, North Carolina
The 21st day of June 2022

By: _____
Monica Peters, Mayor Pro Tem

ATTEST:

_____
Mary S. Brooks, Deputy City Clerk

CITY OF HIGH POINT
AGENDA ITEM

Title: Reappointment to Citizen's Advisory Council (Orel Henry)

From: Lisa B. Vierling, City Clerk

Meeting Date: June 21, 2022

Public Hearing: N/A

Advertising Date / Advertised By: N/A

Attachments: N/A

PURPOSE:
To approve the reappointment of Orel Henry to the Citizen's Advisory Council as Council Member Williams' Ward 2 appointee.

BACKGROUND:
Orel Henry's term on the Citizen's Advisory Council expired on May 31, 2022. Mr. Henry has expressed an interest in continuing his service. Council Member Chris Williams is recommending the reappointment of Mr. Henry to the Citizen's Advisory Council. Appointment to be effective immediately and will expire on May 31, 2024.

BUDGET IMPACT:
N/A

RECOMMENDATION / ACTION REQUESTED:
Council is requested to confirm the reappointment of Orel Henry to the Citizen's Advisory Council; appointment to be effective immediately and will expire May 31, 2024.

HIGH POINT CITY COUNCIL
SPECIAL MEETING
MAY 23, 2022 – 3:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

MINUTES

DRAFT

CALL TO ORDER and ROLL CALL

Mayor Wagner called the meeting to order at 3:00 p.m.

Upon call of the roll, the following Council Members were Present (9):

Mayor Jay W. Wagner; Mayor Pro Tem Monica L. Peters, Ward 3 [Arrived at 3:07 p.m.]; Council Member Britt W. Moore, At Large; Council Member Tyrone Johnson, At Large [remote participation.]; Council Member Cyril Jefferson, Ward 1; Council Member Christopher Williams, Ward 2; Wesley Hudson, Ward 4; Council Member Victor Jones, Ward 5; and Council Member Michael Holmes, Ward 6 [remote participation]

Staff Present:

Tasha Logan Ford, City Manager; Greg Ferguson, Deputy City Manager; Eric Olmedo, Assistant City Manager; JoAnne Carlyle, City Attorney; Meghan Maguire, Assistant City Attorney; Jeron Hollis, Managing Director; Ryan Ferguson, Marketing Manager; Sandy Dunbeck, Economic Development Director; Stephen Hawryluk, Budget Manager; Roslyn McNeill, Budget Analysis; Linda Price, Budget Analysis; Bobby Fitzjohn, Financial Services Director; and Mary S. Brooks, Deputy City Clerk

Also Present:

Pat Kimbrough, *High Point Enterprise*; Megan Oglesby [remote participation)

CALL to ORDER and ROLL CALL

Mayor Wagner called the meeting to order at 3:01 p.m.

PRESENTATION OF ITEMS

2022-257 **Closed Session-Economic Development**

Council is requested to go into Closed Session pursuant to N.C.G.S. §143-318.11(a)(4) for Economic Development.

Council Member Williams moved to enter Closed Session pursuant to N.C.G.S. §143-318.11(a)(4) for Economic Development; seconded by Council Member Jefferson the motion passed by an 6-0 unanimous vote.

Aye (6): Mayor Wagner, Council Member Moore, Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council Member Jones.

Absent (3): Mayor Pro Tem Peters, Council Member Johnson, and Council Member Holmes.

Note: The following members of council had not yet arrived when the vote was taken to go into Closed Session: Mayor Pro Tem Peters, Council Member Holmes, and Council Member Johnson.

Upon reconvening into Open Session at 4:31 p.m., Mayor Wagner announced there would be no action taken as a result of the Closed Sessions.

PRESENTATION of ITEMS

2022-258 **Continued Discussion: Proposed FY 2022-23 Budget**

Staff will be having a continuation of discussion regarding the Proposed FY 2022-23 Budget.

Tasha Logan Ford, City Manager spoke to the previous budget work session; discussion took place regarding options on reducing the city's tax rate; advised that there were no additional feedback received from council to staff requesting/recommending any proposed changes to the budget since that time; mentioned that the City of Greensboro would be presenting their budget tonight; and said that the current budget presented was recommended by staff pending any items to be discussed by council.

Council Member Jefferson asked for clarification regarding the walkability planning concepts for Main Street. Ms. Logan Ford replied that a place holder was added to the budget to conduct a walkability study along Main Street; and that the study would not have an impact on the budget.

DRAFT

Council Member Moore inquired on what the impact would be for the city's tax rate due to the Guilford County's 2022 Reappraisal-Reevaluation Year (Evaluation) for home values if it was held constant. Ms. Logan Ford replied that adjustments would have been made to the city's budget.

Council Member Moore spoke to the challenges faced regarding COVID-19; voiced the importance for citizens to understand the city's budget; appreciation for Ms. Logan Ford's individual response to citizens' feedback/questions regarding the budget; and spoke to the impact Guilford County's Evaluation would have on the city.

Ms. Logan Ford said that staff would create examples on the city's website showing how the city's budget functions.

Mayor Wagner spoke to the impact and the challenges faced due to the county's Evaluation assessments; and asked about the fuel budget impact. Stephen Hawryluk,, Budget Manager replied that the current fuel budget increased by 75%, and was estimated at $3.8 million; said that the Fleet Services Department fuel inventory was around $2 million, where the remainder of the budget was in other departments.

Council Member Moore spoke to the impact investors made on the Evaluation assessment period; to communicating with the county regarding this concern for home values; and requested information on the results from the City of Greensboro's budget presentation.

Ms. Logan Ford said that staff would provide information regarding Greensboro's budget outcome before the June 6, 2022, meeting of council.

It was the consensus of council to allow staff to move forward in the preparation of the 22/23 Proposed Budget for the final vote at the June 6, 2022, meeting of council.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 4:48 p.m. upon motion duly made by Council Member Jefferson and second by Council Member Williams.

Respectfully Submitted,

DRAFT

_____
Jay W. Wagner, Mayor

Attest:

_____
Mary S. Brooks, CMC
Deputy City Clerk

DRAFT

HIGH POINT CITY COUNCIL
REGULAR MEETING MINUTES
MAY 16, 2022 – 5:30 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

MINUTES

ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE

Mayor Wagner called the meeting to order at 5:43 p.m. He called for a Moment of Silence; the Pledge of allegiance followed.

Upon call of the roll, the following Council Members were Present (9):

> Mayor Jay W. Wagner; Mayor Pro Tem Monica Peters, Ward 3; Council Member Christopher Williams, Ward 2; Council Member Britt W. Moore, At Large; Council Member Tyrone E. Johnson, At Large; Council Member Cyril A. Jefferson, Ward 1; Council Member S. Wesley Hudson, Ward 4; Council Member Victor A. Jones, Ward 5; and Council Member Michael A. Holmes, Ward 6.

PLANNING AND DEVELOPMENT DISCUSSION-REQUEST

> *Mayor Wagner recognized staff to speak on items 2022-241 and 2022-2042 recognized planning to speak*
>
> *Herb Shannon, Senior Planner-Planning and Development advised that the applicant for Leoterra Development, Inc.-Plan Amendment 22-01 and Zoning Map Amendment 22-08 (Items: 2022-241/2022-242) would like to remand his case back to the Planning and Zoning Commission; stated that the applicant was redesigning their request; and was working with staff with said changes.*
>
> *JoAnne Carlyle, City Attorney advised that it would be procedurally correct for the applicant to withdraw their application; explained the 'remand' procedural process; and would have to go through the public hearing process; asked Mr. Shannon if he could accept the submitted document from the applicant as a withdrawn; and stated that this process would not cause any delays. Mr. Shannon replied, yes.*
>
> *Ellis Martin, Fox Rothschild, LLP (Representative for the applicant) said that pending that a 'withdrawn' would be fine pending confirmation from his client; and let council know when the applicant had responded.*

DRAFT

Ms. Carlyle noted that staff would revisit the section regarding the language 'remanding; and make necessary changes.

Mayor Wagner advised that this case would continue pending confirmation from the applicant.

CONSENT AGENDA ITEMS

Council Member Moore, Finance Committee Chairman, reported that all consent items were approved with a favorable recommendation.

Council Member Moore then moved approval of all Finance Committee matters to the Consent Agenda. Council Member Holmes made a second to the motion. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-219 **Contract - WESCO Distribution, Inc. - Warehouse Stock - Underground Cable**

City Council is requested to award a contract to WESCO Distribution, Inc. in the amount of $384,315.00 for the purchase of five (5) various underground cable types used by Electric Utilities to replenish warehouse stock.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve a contract to WESCO Distribution, Inc. in the amount of $384,315.00 for the purchase of five (5) various underground cable types used by Electric Utilities to replenish warehouse stock. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-220 **Contract - WESCO Distribution, Inc. - Residential Voltage (120/240V) Transformers (25kVa)**

City Council is requested to award a contract to WESCO Distribution Inc. in the amount of $113,221.80 for the purchase of (20) twenty transformers to be installed around the city electric footprint on various projects.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve a contract to WESCO Distribution Inc. in the amount of $113,221.80 for the purchase of (20) twenty transformers to be installed around the city electric footprint on various projects. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-221 **Resolution - Housing Authority of High Point Multifamily Housing - Amended - Revenue Bonds for Daniel Brooks Phase I**

City Council is requested to adopt a resolution approving, for purposes of meeting the requirements of the Internal Revenue Code of 1986, as amended, the issuance by the Housing Authority of the City of High Point in an aggregate amount of not to exceed $14,000,000 of Multifamily Housing Revenue Bonds for Daniel Brooks Phase I.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to adopt a resolution approving, for purposes of meeting the requirements of the Internal Revenue Code of 1986, as amended, the issuance by the Housing Authority of the City of High Point in an aggregate amount of not to exceed $14,000,000 of Multifamily Housing Revenue Bonds for Daniel Brooks Phase I. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Resolution No. 2055/22-29
Resolution Book, Volume XXI, Page 100

2022-222 **Budget Ordinance - Purchase of Property 300A Oak Street & 331 W. Russell Avenue**

City Council is requested to adopt a budget ordinance to appropriate $3,000,000 for the purchase of property at 300A Oak Street and 331 W Russell Avenue for development of a small-scale manufacturing facility.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to adopt a budget ordinance to appropriate $3,000,000 for the purchase of property at 300A Oak Street and 331 W Russell Avenue for development of a small-scale manufacturing facility. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Ordinance No. 7822/22-43
Ordinance Book, Volume XXII, Page 139

2022-223 **Contract - High Point Convention & Visitors Bureau FY 2022-23**

City Council is requested to approve the FY 2022-23 Convention and Visitors Bureau budget and authorize the City Manager to execute a contract with the High Point Convention and Visitors Bureau for FY 2022-23.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve the FY 2022-23 Convention and Visitors Bureau budget and authorize the City Manager to execute a contract with the High Point Convention and Visitors Bureau for FY 2022-23. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-224 **Approval- FY 2022-2023 Annual Budget for the Market Authority**

Council is requested to approve the FY 2022-2023 Annual Budget for the Market Authority.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve the FY 2022-2023 Annual Budget for the Market Authority. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-225 **Budget Ordinance - Community Development Block Grant - Cares Act Funds**

City Council is requested to appropriate a special allocation of Community Development Block Grant (CDBG-CV) funds awarded under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to be used to prevent, prepare for, and respond to the coronavirus pandemic.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve the appropriation of a special allocation of Community Development Block Grant (CDBG-CV) funds awarded under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to be used to prevent, prepare for, and respond to the coronavirus pandemic. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Ordinance No. 7823/22-44
Ordinance Book, Volume XXII, Page 140

2022-226 **Budget Ordinance - Fleet Services - Excavator Replacement for Water/Sewer Mains Division**

City Council is requested to approve the excavator for surplus, appropriate $77,000 from the sale of the equipment, and utilize the proceeds for a replacement excavator for the Water/Sewer Mains Division.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve the excavator for surplus, appropriate $77,000 from the sale of the equipment, and utilize the proceeds for a replacement excavator for the Water/Sewer Mains Division. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council

Member Jones, and Council Member Holmes

Ordinance No. 7824/22-45
Ordinance Book, Volume XXII, Page 141

2022-227 **Capital Project Ordinance - Burton/Washington GO Bond Projects**

City Council is requested to adopt a budget ordinance to appropriate $10,605,259 for the Washington Street and Burton Avenue projects funded by 2019 voter approved general obligation bonds.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to adopt a budget ordinance to appropriate $10,605,259 for the Washington Street and Burton Avenue projects funded by 2019 voter approved general obligation bonds.
The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Ordinance No. 7825/22-46
Ordinance Book, Volume XXII, Page 142

2022-228 **Capital Project Ordinance - Eastside UV Disinfection**

City Council is requested to adopt a budget ordinance to appropriate $7,980,726 for the Eastside UV Disinfection project and cost of issuance related to the 2022 Combined Enterprise System (CES) Revenue Bond issuance.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to adopt a budget ordinance to appropriate $7,980,726 for the Eastside UV Disinfection project and cost of issuance related to the 2022 Combined Enterprise System (CES) Revenue Bond issuance. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Ordinance No. 7826/22-47
Ordinance Book, Volume XXII, Page 143

2022-229 **Budget Amendment to Record Issuance of Series 2022A, 2022B, and Series 2022C General Obligation Bonds**

City Council is requested to approve a budget amendment to record the issuance of Series 2022A, 2022B, and 2022C General Obligation Bonds.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve a budget amendment to record the issuance of Series 2022A, 2022B, and 2022C General Obligation Bonds. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson,

Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-230 **Resolution - Sale of City Owned Property - 1100 Jefferson Street**

Council is requested to adopt a resolution accepting the offer of $13,000.00 and authorizing the sale of the Property located at 1100 Jefferson Street, (Parcel No. 174217) through the upset bid procedure of N.C.G.S. 160A-269 and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. 160A-269.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to adopt a resolution accepting the offer of $13,000.00 and authorizing the sale of the Property located at 1100 Jefferson Street, (Parcel No. 174217) through the upset bid procedure of N.C.G.S. 160A-269 and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. 160A-269. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Resolution No. 2056/22-30
Resolution Book, Volume XXI, Page 101

2022-231 **Resolution - Rescind Resolution Authorizing Condemnation to Acquire an Easement - 302 Montlieu Avenue (Qubein Avenue)**

City Council is requested to adopt a resolution rescinding the February 7, 2020 resolution authorizing condemnation to acquire an easement in connection with the Montlieu Avenue Improvement Project located at 302 Montlieu Avenue (Qubein Avenue).

A motion was made by Council Member Moore, seconded by Council Member Holmes, to adopt a resolution rescinding the February 7, 2020 resolution authorizing condemnation to acquire an easement in connection with the Montlieu Avenue Improvement Project located at 302 Montlieu Avenue (Qubein Avenue). The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Resolution No. 2057/22-31
Resolution Book, Volume XXI, Page 102

REGULAR AGENDA ITEMS

2022-232 **One NC Grant - Amada America, Inc. - Performance Based Incentives**

City Council is requested to approve the pass through grant of $50,000 in One North Carolina Incentive Funds to Amada America, Inc..

Sandy Dunbeck, Economic Development Director reported that this was a for the request for the High Point City Council to authorize a pass through of $50,000 in performance-based incentives from the State of North Carolina in One NC grant funds to Amada North America on Amada Drive; noted that the requirements were met for this phase; the State of North Carolina had shared a One NC Grant payment of $50,000 for Amada North America and their project on Amada Drive in Premier Center; the High Point EDC staff is asking that High Point City Council authorize staff to pay Amada North America the pass through grant of $50,000 in One North Carolina Incentive Funds to Amada North America.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve the pass-through grant of $50,000 in One North Carolina Incentive Funds to Amada America, Inc. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-233 **Resolution of Support - Metal Works of High Point - Building Reuse Grant**

City Council is requested to adopt a resolution of support for Metal Works of High Point being awarded a Building Reuse Grant from the State of North Carolina.

Sandy Dunbeck, Economic Development Director reported that this item was requesting that the High Point City Council approve a resolution of support for Metal Works of High Point receiving a $100,000 Building Reuse Grant from the State of North Carolina; Metal Works of High Point is a manufacturer of metal components, weldments and assemblies, servicing industries such as material handling, furniture, transportation, power generation and appliance; the Metal Works Expansion project would allow offering additional capabilities in the form of in-house powder coating and assembly; the company would be purchasing an additional facility in High Point at 1245 Hickory Chapel Rd. to add 38,000 square feet and 20 jobs paying above the county average wage; and that the High Point Economic Development staff is recommending that City Council approves a resolution of support for Metal Works of High Point being awarded a Building Reuse Grant from the State of North Carolina.

A motion was made by Council Member Moore, seconded by Council Member Jones, adopt a resolution of support for Metal Works of High Point being awarded a Building Reuse Grant from the State of North Carolina. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Resolution No. 2058/22-32
Resolution Book, Volume XXI, Page 103

PUBLIC HEARINGS

2022-234 **Public Hearing - Metal Works of High Point - Performance Based Incentives - High Point Economic Development (EDC)**

City Council is requested to authorize performance-based incentives for Metal Works of High Point in the amount of $75,000 and authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives.

Council Member Moore opened the Public Hearing on this matter.

Sandy Dunbeck, Economic Development Director reported that the High Point City Council is asked to consider a request from Metal Works of High Point, to authorize performance-based building upfit incentives for a project at 1245 Hickory Chapel Road in the amount of $75,000. Metal Works of High Point is a manufacturer of metal components, weldments and assemblies, servicing industries such as material handling, furniture, transportation, power generation and appliance. The Metal Works Expansion project would allow offering additional capabilities in the form of in-house powder coating and assembly. The company would purchase an additional facility in High Point at 1245 Hickory Chapel Rd. to add 38,000 square feet and add (20) twenty new jobs paying above the county average wage. The source of those monies would be the City's Economic Development Incentive Fund, which is funded by general and electric revenues. the High Point Economic Development staff recommends that City Council authorize performance-based incentives for the project in the amount of $75,000 and authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives. Ms. Dunbeck recognized Elizabeth Hall, Vice President, and Johnathan Hall, President to speak on this matter.

Ms. Hall extended greetings; thanked everyone for the opportunity; shared information for about their company; said that their specialty was in sheet metal; they currently have 52 employees; been in business for 30 years; said that they were under contract to purchase the property at 1245 Hickory Chapel Road, and was expected to close on May 31st; explained how the building's layout would be; outlined the upfit and additions to include cost; said that the functions would become more stream lined with additional space; they would provide a variety of jobs; the plan was to hire 20 new employees with the average wage of $54,000; and are construction contributors. In conclusion, Ms. Hall and Mr. Hall thanked everyone again for the opportunity to become a part of the City of High Point; and thanked everyone for making High Point a bigger, better, and strong place to live.

Council Member Holmes thanked Ms. Hall for their efforts; and voiced appreciation for their contributions.

Council Member Moore asked if there were anyone else who would like to speak on this matter, seeing none the public hearing was closed.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve the authorization of the performance-based incentives for Metal Works of High

Point in the amount of $75,000 and authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Council Member Moore voiced appreciation for local businesses.

Council Member Williams noted that he represented Ward 2 where said property was located; and voiced appreciation for the opportunity presented.

2022-235 Public Hearing - Ecolab - Performance Based Incentives- High Point Economic Development (EDC)

City Council is requested to authorize performance-based incentives for the project of up to $414,863 and authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives.

Council Member Moore opened the public hearing on this matter.

Sandy Dunbeck, Economic Development Director; The High Point City Council is asked to consider a request from Ecolab, to authorize performance-based incentives for a project in High Point North Industrial Center at 2519 Sandy Ridge Rd. in the amount of $414,863. Ecolab is global leader in water, hygiene and infection prevention solutions and services, making the world cleaner, safer and healthier by protecting people and vital resources. The project will result in the construction of an approximately 825,000-square-foot facility, the relocation of 125 positions, and the creation of 20 new jobs. Ecolab will invest $27,800,000 in real and personal property which will result in over $93,000,000 investment. This would be the first project to locate in High Point North Industrial Center an over 550-acre industrial park in north High Point. The source of those monies would be the City's Economic Development Incentive Fund, which is funded by general and electric revenues. The High Point Economic Development staff recommends that City Council authorize performance-based incentives for the project of up to $414,863 authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives.

Sharon Ruppel, Vice President-Ecolab; extended greetings; provided a brief history for Ecolab, founded in 1932 in the city of High Point, NC; spoke to prior renovations; there are two sites-Greensboro, and Winston-Salem; Ecolab is a global leader in water, hygiene and infection prevention solutions and services, helping to make the world cleaner, safer and healthier by protecting people and vital resources; provided photos of products produced by the company; the company supports restaurant, health facilities, and grocery stores; also, is a board member for the United Way of Greensboro; and introduced J.R. to further discuss opportunities.

J.R. Tomlinson, Managing Director-Newmark extended greetings; said that Ecolab would be looking into investing around $27.8 million into $93 million dollar investment; the site would be expanding to include new job position; the Winston-Salem site would be moving into the new locating; and that the shuttle miles would be redueced by 662,000 per year.

Council Member Holmes asked Ms. J.R. to explain shuttle miles. Ms. J.R. replied that in terms of sustainability; shuttle miles would be the distance traveled; that the shuttle miles were reduced because of a closer location.

Council Member Jones asked if the total number of new employees would total 145. Ms. Rupple replied, yes; and that there were currently 600 employees to date.

Council Member Moore asked if anyone would like to speak on this matter. Hearing none, the public hearing was close.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve the authorization performance-based incentives for the project of up to $414,863 and authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-236 <u>Public Hearing - Proposed FY2022-23 City of High Point Annual Budget</u>

Monday, May 16, 2022 at 5:30pm is the date and time established to receive public comments on the proposed FY2022-2023 City of High Point Annual Budget.

Council Member Moore opened the public hearing on this matter.

Stephen Hawryluk, Budget Manager reported that the city's budget was balance in accordance with state statute; gave a brief overview of changes/reductions; that the budget was filed with the City Clerk on May 2, 2022; and that the next budget work session was scheduled for May 19th.

Council Member Moore opened the floor for comments.

***Ken Orms;** 3525 Sainsbury Ln.; voiced concerns with the increase property assessment with Guilford County; with the increased cost of living expenses; the impact to the economy due to the pandemic; spoke to attracting new residents for High Point; and to the challenges faced for senior citizens due to the increase in property taxes.*

***Taylor West,** 205 Shadow Valley Road; spoke to the walkability concerns on Main St.; and stated that they would like to see more walkability downtown.*

Justin Stabb, *1207 N Main St.; voiced concerns regarding speeding traffic, and walkability on Main St.; and spoke in favor of investing in the walkability efforts.*

Evan Shaw, *605 Gatewood Avenue; spoke to the need for walkability on Main St.; and voiced concerns regarding speeding on Main St.*

LaDene Hayes*, 4000 Kim Dr.; voiced safety concerns regarding overgrown trees along the electrical lines; said that she had reached out to the city with no resolution; and she has enjoyed living in the city of High Point since 2007.*

Council Member Moore spoke to growth, expansion, and maintaining a quality of life in High Point; voiced appreciation for the speakers' feedback; and encouraged the citizens to communicate with their elected officials.

Council Member Jefferson asked Mr. Stabb about his concerns regarding walkability. Mr. Stabb recognized two his patrons in the audience that had voiced concerns regarding walkability, speeding, and noise; and the challenges faced due to safety concerns downtown.

Mayor Pro Tem thanked everyone for their feedback; and spoke to finding a resolution for their concerns.

Council Member Moore asked if there were anyone else who would like to speak on this matter, seeing none the public hearing was closed; and noted that council would vote on the budget at the June 6th meeting of council.

PROSPERITY & LIVABILITY COMMITTEE - *Council Member Hudson, Chair*

2022-237 **Memorial - Henry "Hank" Wall - Washington Terrace Park**

City Council is requested to approve the naming of an entry way at Washington Terrace Park "Hank Wall Way" to establish a permanent memorial honoring his years of service to youth in High Point.

Council Member Hudson voiced appreciation for Mr. Wall's contributions; and was in favor of naming of an entry way at the Washington Terrace Park "Han Wall Way".

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve the naming of an entry way at Washington Terrace Park "Hank Wall Way" to establish a permanent memorial honoring his years of service to youth in High Point. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

COMMUNITY DEVELOPMENT COMMITTEE - *Council Member Williams, Chair*

2022-238 **Ordinance - Rescind Demolition Ordinance - Multiple Properties - Minimum Housing Code**

City Council is requested to rescind ordinances for demolition for dwellings located at 1834 Willard St., 908 Richardson Ave., 1615 Long St., 1220 Lakeview Heights Dr., 262 Dorothy St., 523 N. Centennial St., 605 Langford Ave., 1310 Ragan Ave., 1336 Cox Ave., 317 Fourth St., 811 Willow Pl., 308 Fourth St., 1441 Madison St., and 412 Walnut St, due to properties being demolished and in compliance with the City of High Point's minimum housing code.

A motion was made by Council Member Williams, seconded by Council Member Hudson, to rescind ordinances for demolition for dwellings located at 1834 Willard St., 908 Richardson Ave., 1615 Long St., 1220 Lakeview Heights Dr., 262 Dorothy St., 523 N. Centennial St., 605 Langford Ave., 1310 Ragan Ave., 1336 Cox Ave., 317 Fourth St., 811 Willow Pl., 308 Fourth St., 1441 Madison St., and 412 Walnut St, due to properties being demolished and in compliance with the City of High Point's minimum housing code. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Ordinance No. 7828/22-49
Ordinance Book, Volume XXII, Page 145

Ordinance No. 7829/22-50
Ordinance Book, Volume XXII, Page 146

Ordinance No. 7830/22-51
Ordinance Book, Volume XXII, Page 147

Ordinance No. 7831/22-52
Ordinance Book, Volume XXII, Page 148

Ordinance No. 7832/22-53
Ordinance Book, Volume XXII, Page 149

Ordinance No. 7833/22-54
Ordinance Book, Volume XXII, Page 150

Ordinance No. 7834/22-55
Ordinance Book, Volume XXII, Page 151

Ordinance No. 7835/22-56
Ordinance Book, Volume XXII, Page 152

Ordinance No. 7836/22-57
Ordinance Book, Volume XXII, Page 153

Ordinance No. 7837/22-58

Ordinance Book, Volume XXII, Page 154
Ordinance No. 7838/22-59
Ordinance Book, Volume XXII, Page 155

Ordinance No. 7839/22-60
Ordinance Book, Volume XXII, Page 156

Ordinance No. 7840/22-61
Ordinance Book, Volume XXII, Page 157

Ordinance No. 7841/22-62-1
Ordinance Book, Volume XXII, Page 158

2022-198 **Ordinance - Demolition of Dwelling - 900 Anderson Place**

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 900 Anderson Place belonging to Emis Chirinos.

Lori Loosemore, Code Enforcement Manager advised the Mayor and City Council that this item would remain in pending.

PLANNING & DEVELOPMENT - *Mayor Jay W. Wagner*

PUBLIC HEARINGS

2022-239 **Historic Designation Request**

A request by Bricks & Beams, LLC to designate the Fli-Back Building at 710 and 716 W Green Drive as a Guilford County Landmark.

Dave Fencl, Senior Planner-Planning and Development Department reported that this request was to consider designation of the Fli-Back Building at 710/716 W Green Drive as a Guilford County Historic Landmark; said that the Guilford County's Historic Landmark program began in 1980 to recognize sites with important elements of culture, history, architectural history, or prehistory for the education, pleasure, and enrichment of area residents; the landmark designation process begins when an application is submitted to the Guilford County Historic Preservation Commission. Privately owned landmark properties are eligible for a property tax deferral of up to 50 percent. Landmarks may not be materially altered or demolished without the approval of the Guilford County Historic Preservation. Currently, there are 113 Historic Landmarks in Guilford County with 20 located within High Point. There is no budget impact. The Guilford County Historic Preservation Commission unanimously recommended that the Fli-Back Building be designated a Guilford County Historic Landmark property at its meeting on March 15, 2022. At its meeting on April 13, 2022, the High Point Historic Preservation Commission also unanimously recommended that the City Council approve the local historic landmark designation for the property.

Mayor Pro Tem Peter voiced appreciation for this amazing moment.

A motion was made by Council Member Williams, seconded by Council Member Hudson, to approve the designation of the Fli-Back Building at 710 and 716 W Green Drive as a Guilford County Landmark. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-241 **Leoterra Development, Inc. - Plan Amendment 22-01**

A request by Leoterra Development, Inc. to change the Land Use Plan classification for approximately 28.5 acres from the Low-Density Residential classification to the Medium Density Residential classification. The site is located at the southeast corner of Old Mill Road and Skeet Club Road.

Note: This item has been withdrawn.

Mayor Wagner recognized Mr. Ellis Martin, Fox Rothschild, LLP to provide an update regarding the applicant's decision to withdraw their application.

Mr. Martin confirmed the applicant's decision to have Plan Amendment 22-01; and Zoning Map Amendment withdrawn.

Ms. Carlyle noted that no action was needed for this decision; and advised Mayor Wagner to acknowledge the request for the record.

Mayor Wagner acknowledged that case PA22-01, and ZMA 22-08 will both be withdrawn and sent back to the Planning and Zoning Commission; and noted that the property owners living within 300 feet of said property would be notified.

Council Member Jones added that the applicant's new request showed the apartment element to be removed; the applicant is also working with the NCDOT to move the round about as well; and voiced appreciation to the applicants for their efforts.

2022-242 **Leoterra Development, Inc. - Zoning Map Amendment 22-08**

A request by Leoterra Development, Inc. to rezone approximately 75.3 acres from the Residential Single Family - 3 (R-3) District to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District, a Conditional Zoning Residential Multifamily - 5 (CZ RM-5) District and a Conditional Zoning Residential Single Family - 5 (CZ R-5) District. The site is located along the south side of Old Mill Road and east of Skeet Club Road.

Note: This item has been withdrawn.

Refer to item 2022-241.

2022-243 **HEPHIGHPT, LLC-Plan Amendment 22-02**

A request by HEPHIGHPT, LLC to change the Land Use Plan classification for approximately 12.5 acres from the Low-Density Residential classification to the Local Convenience Commercial classification. The site is located at the southeast corner of Johnson Street and Skeet Club Road.

Mayor Wagner opened public hearing.

Andy Piper, Senior Planner-Planning and Development Department reported that the site, for the request, is located at the southeast corner of the intersection of Johnson Street and Skeet Club Road; staff is recommending denial of the request to change the future land use classification for approximately 12.5 acres to Local/Convenience Commercial because it would not be in harmony with the existing residential character of the surrounding area and there are no policies supporting the establishment of commercial uses in this area; the Planning and Zoning Commission reviewed this request at its April 26, 2021, public hearing; and all member present recommended denial of the request as outlined in the staff report.

Mayor Wagner asked if there were anyone else who would like to speak on this matter, seeing none the public hearing was closed.

A motion was made by Council Member Jones, seconded by Council Member Jefferson, to deny the request to change the future land use classification for approximately 12.5 acres to Local/Convenience Commercial because it would not be in harmony with the existing residential character of the surrounding area and there are no policies supporting the establishment of commercial uses. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-244 **HEPHIGHPT, LLC-Zoning Map Amendment 22-09**

A request by HEPHIGHPT, LLC to rezone approximately 12.5 acres from the Residential Single Family - 3 (R-3) District to a Conditional Zoning Retail Center (CZ-RC) District and a Conditional Zoning Limited Business (CZ-LB) District. The site is located at the southeast corner of Johnson Street and Skeet Club Road.

Herb Shannon, Senior Planner-Planning and Development Department reported that this was a request by HEPHIGHPT, LLC to rezone approximately 12.5 acres from the Residential Single Family –3 (R-3) District to a Conditional Zoning Retail Center (CZ-RC) District and a Conditional Zoning Limited Business (CZ-LB) District; the site is located at the southeast corner of Johnson Street and Skeet Club Road; the Planning and Zoning Commission reviewed this request at its April 26, 2022 public hearing and recommended denial of the request as outlined in the staff report.
Mr. Shannon also provided the following additional comments:
• The applicant has requested RC zoning for the purpose of allowing drive-through restaurants and to

allow development to exceed 50,000 square feet in gross floor area.
• If an LB District was proposed for the entire site, the drive-through restaurant use would not be permitted, and the total of all development could not exceed 50,000 square feet.
• Finally, conditions pertaining to referencing the Institute of Transportation Engineering (ITE) Manual for determining a land use, hours of operation and times for deliveries/trash service must be removed as they are unenforceable.

Mr. Shannon also read the Consistency and Reasonableness Statement for the record as followed:
That Zoning Map Amendment 22-09 is not consistent with the City's adopted policy guidance because the Land Use Plan and other adopted policy guidance documents do not support the establishment of commercial uses, at the intensity proposed by the applicant, at this location. Furthermore, the request is not reasonable and in the public interest because the RC District accommodates high-intensity retail serving a regional area, and it would not be in the public interest to establish commercial development of this intensity in a predominately Residential Low-Density area as classified by the Land Use Plan.

Andy Harris, Attorney, Wyatt Early Harris wheeler, LLP, 1912 Eastchester Drive (applicant's representative extended greetings; Mr. Harris provided an overview of the proposal to rezone the site for a commercial development. He stated that his client proposes to develop the property to include a grocery store, and several outparcels with additional commercial uses such as neighbourhood-oriented retail services and a drive-through restaurant. Mr. Harris also made the following comments in support of the request:
• The applicant has provided conditions to restrict uses, increase design standards and increase the buffer standards.
• He pointed to the significant population growth in the northern portion of High Point and the lack of personal services uses. The residents of the area may not have moved there for commercial development, but the city must balance [population growth] with the ability to provide services. A lack of services adds to longer commutes and traffic congestion.

Mr. Piper noted that the restaurant was dropped for this request.

Mr. Shannon noted that there was not a land use policy supporting the plan.

Council Member Jefferson asked about reserving the historic property-home. Ms. Smith said that removing the home would remove the context of the home and would make it ineligible.

Discussion took place regarding the historic designation of the home.

Mr. Fencl explained the landmark designation process; and stated that there wasn't anything in the national registry to protect the home.

Council Member Hudson asked about the approving authority in regard to relocating the home. Mr. Fencl replied that a proposal would be required; and explained the process..

Mayor Wagner opened the floor for comments.

Rick Moore *4302 Johnson Street; present at the Historic Preservation commission meeting in Greensboro to have one year waived to demolish home; and spoke in opposition of the grocery store.*

Julian *4104 John street; advised council that she had a petition with 1200 signatures opposing this request; and voiced the importance for saving the historical home.*

Debra Adams; *3907 drive; is from Kentucky; spoke to what's good for High Point; and to the effect of the development.*

Council Member Holmes spoke to improving the quality of life; and stated that he was not in favor for this request.

Council Member Moore spoke to the great things going on in High Point; Publix is family owned nice organization; unfortunately cannot support this request.

Mayor Wagner asked if there were anyone else who would like to speak on this matter, seeing none the public hearing was closed.

A motion was made by Council Member Jones, seconded by Council Member Jefferson, to deny the request to rezone approximately 12.5 acres from the Residential Single Family - 3 (R-3) District to a Conditional Zoning Retail Center (CZ-RC) District and a Conditional Zoning Limited Business (CZ-LB) District, and because of the conditions pertaining to referencing the Institute of Transportation Engineering (ITE) Manual for determining a land use, to remove the hours of operation and times for deliveries/trash service as they are unenforceable. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

A motion was made by Mayor Wagner, seconded by Council Member Moore, to adopt the Consistency and Reasonableness Statement. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Consistency and Reasonableness Statement

That Zoning Map Amendment 22-09 is not consistent with the City's adopted policy guidance because the Land Use Plan and other adopted policy guidance documents do not support the establishment of commercial uses, at the intensity proposed by the applicant, at this location. Furthermore, the request is not reasonable and in the public interest because the RC District accommodates high-intensity retail serving a regional area, and it would not be in the public interest to establish commercial development of this intensity in a predominately Residential Low-Density area as classified by the Land Use Plan.

2022-245 **Crescent Acquisitions, LLC- Zoning Map Amendment 22-10**

A request by Crescent Acquisitions, LLC to rezone approximately 85 acres from the Agricultural (AGR) District to a Conditional Zoning Employment Center (CZ-EC) District. The site is located along the north side of Clinard Farms Road, approximately 900 feet west of NC 68.

Herb Shannon, Senior Planner-Planning and Development Department reported that this request was by Crescent Acquisitions, LLC to rezone approximately 85 acres from the Agricultural (AGR) District to a Conditional Zoning Employment Center (CZ-EC) District. The site is located along the north side of Clinard Farms Road, approximately 900 feet west of NC 68 P&Z Staff is recommending approval and that the request is consistent with the city's policy and reasonable.

Mayor Wagner opened the public hearing.

***Mark Isaacson**, attorney, Isaacson-Sheridan, 804 Green Valley Road, Greensboro. Mr. Isaacson provided an overview of the proposal to rezone the site for a business/industrial park. He noted that Crescent Acquisitions recognized the shift in distribution patterns in connection with growth and expansion of e-commerce and alternate methods of buying and selling merchandise. The site sits adjacent to the NC 68 corridor and it is approximately two-and-a-half miles from I-40 and less than 10 miles from PTI Airport. Thus, vehicles coming and going to and from this proposed development will be able to use the NC 68 corridor to quickly reach I-40 or the airport. Mr. Isaacson concluded by noting that based on recommendations from their Traffic Impact Analysis they have offered conditions for roadway improvements including right-of-way dedication to widen and improve Clinard Farms Road and Millwood School Road, construction of a spine road that will serve as the primary roadway through the development, and improvement to the NC 68/Clinard Farms Road intersection.*

Mayor Wagner asked if there were anyone else who would like to speak on this matter, seeing none the public hearing was closed.

A motion was made by Council Member Jones, seconded by Council Member Holmes, to rezone approximately 85 acres from the Agricultural (AGR) District to a Conditional Zoning Employment Center (CZ-EC) District. The site is located along the north side of Clinard Farms Road, approximately 900 feet west of NC 68; and to adopt the consistency and reasonable statement. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council

Ordinance No. 7843/22-63
Ordinance Book, Volume XXII, Page 160

Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 9-0 to approve the following statement: That Zoning Map Amendment 22-10 is consistent with the City's adopted policy guidance because the proposed CZ-EC District is in harmony with the Restricted Industrial land use

designation governing this portion of the City's Planning Area and it promotes an orderly growth pattern. Furthermore, the request is similar and compatible with previous EC District zoning approvals granted in this northern portion of the City's Planning Area.

2022-246 **350 South Land Holdings, LLC - Annexation 22-02**

A request by 350 South Land Holding, LLC for a voluntary non-contiguous annexation of approximately 60.9 acres in the northwestern potion of the City's Planning Area. The request consists of:

Part A: Four parcels, totaling approximately 11.74 acres, lying west of the intersection of Sandy Ridge Road and Gallimore Dairy Road. These parcels are also known as Guilford County Tax Parcels 170825, 170854, 170866 and 170855 (2503 Sandy Ridge Road, 2505 Sandy Ridge Road, 2419 Sandy Ridge Road and 750 Margate Drive);

Part B: An approximate 18.07 acre parcel lying north of the intersection of Sandy Ridge Road and Sandy Camp Road. The parcel is also known as Guilford County Tax Parcel 170893 (2301 Sandy Ridge Road);

Part C: An approximate 4.89 acre parcel lying west of the intersection of Adkins Road and Boylston Road. The parcel is also known as Guilford County Tax Parcel 171057 (8545 Adkins Road).

Part D: An approximate 12.18 acre parcel lying along the south side of Adkins Road, approximately 800 feet east of Staples Road. The parcel is also known as Guilford County Tax Parcel 170740 (8423 Adkins Road);

Part E: An approximate 12.77 acre parcel lying along the north side of Staples Road, approximately 160 feet west of Staples Road. This parcel is also known as Guilford County Tax Parcels 170728 (8702 Staples Road); and

Part F: An approximate 1.31 acre parcel lying along the north side of Staples Road, approximately 215 feet west of Staples Road. The parcel is also known as Guilford County Tax Parcel 170714 (8706 Staples Road).

Mayor Wagner opened the public hearing.

Herb Shannon, Senior Planner-Planning and Development Department advised that this would be a combined presentation with items 2022-246 and 2022-247; and would require separate votes. The owner has a buyer that desires to develop an approximate 2.2 million square foot business/industrial park. The NCDOT has recently completed plans for the widening of Sandy Ridge Road from 2 lanes to 4 lanes, which has impacted the initially-intended signalized access point of this development. Therefore, the applicant has purchased land at the intersection of Sandy Ridge Road and Gallimore Dairy Road to serve as the primary entrance to their development and they will construct an extension of Gallimore Dairy Road through the site to Adkins Road. Additional land has also been purchased along Adkins Road and Joe Drive to square up the boundary of the site to allow for more buffer/separation from adjacent lands. It also allows for room to work around any environmentally sensitive lands and to provide sufficient onsite stormwater control measures. An additional 60 acres is proposed to be added to this development under this current approval petition. This annexation petition represents a logical progression of the City's annexation policy for this area as the proposed annexation site is generally surrounded by

the City's corporate limits and City services and service vehicles are already present in this area. The annexation of this parcel will not negatively impact the City's ability to provide services in this area. Staff is recommending approval.

Mark Isaacson, Applicant's representative; met with staff and discussed the best interest for a new standard under the current ordinance; agreed to make improvement; said that he enjoyed working with staff; and that the project would be completed in two phases.

Mayor Wagner opened the floor for comments.

Robert C. Colfax reported that he was unaware of this request until tonight; voiced concerns for the Amazon site located on Bunker Hill regarding construction traffic, noise, and traffic; is not in favor nor support this request.

Alisha Hearly, Atkins Rd.; voiced concerns regarding the environmental impact; said that there were sink holes; and flooding concerns.

Mayor Wagner asked if there were anyone else who would like to speak on this matter, seeing none the public hearing was closed.

A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Peters, to approve a voluntary non-contiguous annexation of approximately 60.9 acres in the northwestern potion of the City's Planning Area. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Ordinance No. 7844/22-64
Ordinance Book, Volume XXII, Page 161

Ordinance No. 7845/22-65
Ordinance Book, Volume XXII, Page 162

Ordinance No. 7846/22-66
Ordinance Book, Volume XXII, Page 163

Ordinance No. 7847/22-67
Ordinance Book, Volume XXII, Page 164

Ordinance No. 7848/22-68
Ordinance Book, Volume XXII, Page 165

Ordinance No. 7849/22-69
Ordinance Book, Volume XXII, Page 166

2022-247 **350 South Land Holding, LLC - Zoning Map Amendment 22-11**

A request by 350 South Land Holding, LLC to rezone approximately 558 acres from the Planned Development Mixed (PDM) district, and the Agricultural (AG) District and the

Residential Single Family - 40 (RS-40) Districts both within Guilford County's zoning jurisdiction, to the Planned Development Periphery (PD-P) District. The zoning site consists of multiple parcels generally lying south of I-40, west of Sandy Ridge Road, north of Boylston Road and east of Bunker Hill Road.

Note: Refer to item 2022-246 for a combined presentation on this matter.

A motion was made by Mayor Wagner, seconded by Council Member Jefferson, to to rezone approximately 558 acres from the Planned Development Mixed (PDM) district, and the Agricultural (AG) District and the Residential Single Family - 40 (RS-40) Districts both within Guilford County's zoning jurisdiction, to the Planned Development Periphery (PD-P) District. The zoning site consists of multiple parcels generally lying south of I-40, west of Sandy Ridge Road, north of Boylston Road and east of Bunker Hill Road; and to adopt the consistency and reasonableness of statement. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Ordinance No. 7850/22-70
Ordinance Book, Volume XXII, Page 167

Consistency and Reasonableness Statements
The Planning and Zoning Commission voted 9-0 to approve the following statement:
That Zoning Map Amendment 22-11 is consistent with the City's adopted policy guidance because the proposed zoning amendment supports land use policies of the Community Growth Vision Statement, the Land Use Plan and the Northwest Area Plan. Furthermore, the proposed zoning amendment updates zoning standards for this site to align with the recently adopted 2017 City of High Point Development Ordinance.

GENERAL BUSINESS AGENDA

A motion was made by Wagner, seconded by Council Member Williams, to suspend the rules to consider matters regarding the Suez Treatment Solutions, Inc.-Hazen-Incinerator, and Jason Ewing-Consent Judgement. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

City of High Point – Suez Treatment Solutions, Inc. – Hazen - Incinerator
City Council is requested to settle the matter of City of High Point v Suez Treatment Solutions Inc. et.al. by accepting payments totaling $1,500,000 ($800,000 from

Defendant Suez and $700,000 from Defendant Hazen), and retaining the contested amount of $1,600,000, equaling a total amount awarded to the City of $3,100,000, and dismissing, without prejudice, claims asserted against CPPE.

A motion was made by Wagner, seconded by Mayor Pro Tem Peters, the matter of City of High Point v Suez Treatment Solutions Inc. et.al. by accepting payments totaling $1,500,000 ($800,000 from Defendant Suez and $700,000 from Defendant Hazen), and retaining the contested amount of $1,600,000, equaling a total amount awarded to the City of $3,100,000, and dismissing, without prejudice, claims asserted against CPPE. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

City of High Point – Jason Ewing – Consent Judgement

City Council is requested to settle the eminent domain matter of City of High Point v Jason Ewing, et.al. through a Consent Judgment in the amount of $285,000. (On October 5, 2021, this Council approved the amount of $245,000 as just compensation for the taking of the Ewing property. After negotiations, and additional information based upon property appraisals, the fair and just compensation allows the provision of an additional $40,000.) Council is also requested to authorize the City Manager to execute the Consent Judgment.

A motion was made by Wagner, seconded by Council Member Williams, to settle the eminent domain matter of City of High Point v Jason Ewing, et.al. through a Consent Judgment in the amount of $285,000. (On October 5, 2021, this Council approved the amount of $245,000 as just compensation for the taking of the Ewing property. After negotiations, and additional information based upon property appraisals, the fair and just compensation allows the provision of an additional $40,000.) Council is also requested to authorize the City Manager to execute the Consent Judgment. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-240 Ordinance - Fair Housing Assistance Program (FHAP) - Human Relations Commission

City Council is requested to adopt the following three recommendations of the HRC for the City of High Point to become a FHAP: (1) Accept the HRC recommendation that High Point become a Fair

Housing Assistance Program and direct City staff to undertake the required steps for FHAP certification. (2) Adopt a Fair Housing Ordinance that is substantially equivalent to federal fair housing laws. (3) Create a "Human Relations Specialist" position, enabling the Division to offer additional Fair Housing trainings to residents and housing professionals and to process Fair Housing complaints.

**********[beginning of transcript]**********

Jeron Hollis: Good evening, Mr. Mayor, members of Council, also to Council Member Johnson, the HRC liaison. I want to take just a few minutes to talk about our Fair Housing update. This is a presentation that we most recently did on the Community Development Committee Agenda on May 3rd, so we'll be revisiting some of that information and talking about what some of the findings are and some recommendations from staff.

The Fair Housing conversation is one that began years ago. Primarily, we'll be discussing our most recent history stemming from the January 2021 HRC Work Plan Update that resulted in Council assigning HRC to explore the feasibility of having a fair housing program in High Point. The goal here is to look at having local access to fair housing support for High Point residents. Currently, our process, we refer all fair housing cases that come into our office to be handled and investigated out of Raleigh. Essentially, what that means is that High Point residents that have issues with fair housing, they have a process that involves another layer outside of local resources in order to get resolution. So, what that could look like would be if someone's coming in and they have to have documents, the documents would, and many of the people that we work with, they would start with our staff and then we'd have to get copies of those documents to Raleigh in order to try to complete the process where we're trying to get the residents resolution information on fair housing cases. Those are some of the ways that a fair housing program would, what we like to say, is to present exceptional customer service for our residents to walk in that have those particular issues.

I want to look at a timeline just briefly here. On this timeline, it kind of talks about how we got here and then we'll take up to current steps and where we are now. So, if you look on the timeline, back in 2007, based on the city's Analysis of Impediments through Community Development, the Council adopted a local Fair Housing Ordinance. Well, the Fair Housing Ordinance that was adopted is a little bit different than other ordinances that we have that come up. This ordinance is essentially many elements of federal Fair Housing Law that are set to meet the requirements and the standards of HUD guidelines. The Council is, would be essentially approving the language that's in the Fair Housing Ordinance and HUD would look at that to make sure that it's substantially equivalent. We'll talk a little bit about what some of the tweaks or changes that could be made by a jurisdiction. In 2009, that ordinance came before HUD and HUD found that the ordinance was not substantially equivalent. What that meant was, in one example, the ordinance didn't adequately articulate the designation of appointed board members and city staff as it related to individual cases. So, there was some clarity that was needed and there were also other areas of opportunity that that ordinance had.

What we did in looking at that history from October 2009, is we tried to look at the ways that we could learn from that and move forward with something that would be as fairly substantially equivalent as HUD would look for in away that was bringing in the expertise of subject matter experts. We worked directly with HUD. We brought in community stakeholders. We worked with our Legal team and outside counsel as was necessary and we also worked with the State Human Relations Commission office. That was, some of the takeaways from that history in 2009.

But if you fast forward to 2016, the City Council adopted an amended Fair Housing Ordinance that would reflect the actual practice of the Human Relations Division. So, the function was moved from being a department to a division and the ordinance that was put in place in 2016 essentially reflected the use that the current capacity allowed, which I outlined a little bit earlier in referring cases to Raleigh and being in a support capacity.

So, if we move onto more recent history, the Council tasked the commission to come up with the feasibility of having a fair housing program and what that looked like was staff and the commission working on housing security workshops. Now, the housing security workshops that were put forth started in July and in those workshops, we found that our participants there were overwhelmingly encouraged that it was a valuable education tool. We learned a lot of things. For example, the Disability Advocacy Center, we helped to learn from that that the primary thought when people think about disability is physical, but mental disability is also covered as far as protected classes. Or, the work we did with the Family Justice Center. A lot of people didn't know that evictions are set up in ways that sometimes can be counterproductive to victims of domestic violence, so if you have a situation at a property where there are lots of issues of domestic violence, even after the offender is removed from the location, the victims families that are still there might have an issue where the residency at that place is in question because of all the issues and problems that happened. That's a fair housing issue. But. Most of what we found was that the majority of fair housing cases are disability cases. That's really the crux of what most of these cases are.

So, we move on through the presentation and the staff went through, had the housing security workshops, and in August the Human Relations Commission voted unanimously to recommend that High Point does seek the fair housing program designation.

So, now we're at the purpose of the program. We're almost done here. The goal is, again, to provide that exceptionally level of customer service for our residents that come in seeking housing support, and it's also to provide free technical assistance for housing providers. A lot of housing providers, when they have claims and they have issues that come up, they don't intend to be in violation of the law. A lot of times they're doing the best business practices they know based on what they've been doing. So, this creates a buffer so that if there is an issue or a concern, our local landlords, our local housing providers have a resource here in the building that will help them navigate some of those things and same them some headaches and, oftentimes, some difficult conversations with their tenant. It also gives robust fair housing education and outreach, partnership opportunities and the services are designed for High Point residents and housing

professionals. So, now if you had a case that really needed to be looked into, a Raleigh investigator has to set on their calendar, along with all their other locations for the state, they have to include High Point. What this will provide is if we have a High Point issue, we can send High Point people that are familiar with the community and have relationships with the housing providers that they're able to go and have that as their only area of focus because we'd just be looking at the City of High Point fair housing cases.

So, when you talk about being substantially equivalent, that means a couple of things. There's a set of criteria, and essentially what you're saying is that the ordinance must offer the same protections and rights and remedies as the Fair Housing Act. Now, the Fair Housing Act already exists, so we're not creating a new law. These laws, our housing providers are already subject to. It's just the support level, the engagement, and the enforcement is a layer removed from the local level. So, what this is doing is creating an ordinance that is falling in line with what HUD expects from the Federal Fair Housing Act. So, you're talking about civil enforcement action that would include judicial power to award damages and grant relief as appropriate. What we found is that for the vast majority of interactions, most of them are able to be, the vast majority, are able to be conciliated before they get to this point, but if you do have a situation that goes to that extreme, we have to have the pieces in place that allow it to line up with federal law.

The FHAP Agency, the Fair Housing Assistance Program Agency, must be empowered with decision-making authority, so that's where we get into receiving, accepting, processing, dismissing complaints, investigating allegations of complaints, conciliating complaints, and deciding, first of all when something comes in whether it's a frivolous matter or something that really needs to be pursued.

So, when we worked through this, we mentioned earlier about some of lessons learned in 2009 and what we did this time through, is we really got some partnerships to make sure that we're starting off on the right foot. There was lots of assistance and support from our attorney's office. Thank you, JoAnne and Meghan. We worked with the HUD Office of Fair Housing and got some insight and feedback from them on the best way to proceed if we wanted to present an ordinance and a program for Council to consider. We mentioned earlier, working with the State Human Relations Commission. Some of these partners, I think, are still here with us. I think they managed the entire meeting, so our support from the High Point Regional Association of Realtors, Guilford County Family Justice Center, Community Builders. I think we've got some folks here with Community Builders, YWCA. So, those are the people that what we tried to do was get an idea of the customers, get an idea of the stakeholders, whether they were landlords, whether they were tenants, whether they were residents and create an environment where we had the educational component so that people understood what was coming their way.

So, should Council decide to entertain a Fair Housing Ordinance that's substantially equivalent, the recommendations from staff are as follows:

- To accept the recommendation that High Point become a Fair Housing Assistance Program, and direct staff to undertake the required steps for certification.

- To adopt a Fair Housing Ordinance that's substantially equivalent to the Federal Fair Housing Law, and, JoAnne, this is an amended ordinance that we will be doing, then finally.

- To create a Human Relations Specialist position enabling the division to offer that support, that customer service that we talked about before that would also include fair housing training to residents and housing professionals to process those fair housing complaints.

So, I went through that rather quickly. I think, as part of what we did for Community Development, there was a section where our folks on Legal kind of explained what the process would look like just in a nutshell based on the ordinance. I don't know if we planned to do that tonight or not, but we are available here for questions. We also have Rase McCray, our Division Manager, and Jelani Biggs, our DEI Officer. I can't go on enough about how much time and energy they put in to make sure we had this information, appropriate and accurate. So, we're available for questions and we'll answer what we can.

Mayor Wagner: Does anyone have questions for staff?

Council Member Holmes: What is the….under the current process, how does this impact city staff in terms of managing these complaints? Does it come to you, Joanne, in the Legal department? How do we currently manage the process coming from Raleigh?

Jeron Hollis: Well, in a nutshell, what happens is you have the complainant, the resident that comes in. It can be a real case, or it could be an inquiry. There's an intake process that would happen. So, we would have a staff member that processes intake. Based on what they hear in the intake, then you'd have that decision tree, where does it go from there? So, that case would go to the housing specialist that comes in the position that we're talking about asking for, and then there are a number of factors. Jelani used to be an investigator, so I'm giving the real cliff note version here, but if the case proceeds to a point where it can't be conciliated, where the resident and the landlord can't come to an agreement about that ramp, about that lease, about whatever it is, we'd have a small amount of cases that would be escalated that legal would have to decide in the process what the next steps were and those are based on the criteria laid in the ordinance. So, now the entire process from intake to final disposition is handled in Raleigh. With this ordinance, all that would be handled internally which is why we were asking for that specialist to take care of that.

Council Member Holmes: So, the ability to fact-find, make contacts with the involved parties, introduce the facts to Legal, adjudicate and make a final determination would now be able to circumvent Raleigh and stay right here and we'd be able to do that? What would be the time regained for a case, you know if we had a case to come in tomorrow, under the current process versus the new process, what would be the time gained?

Jeron Hollis: Well, I think for that part, and Rase correct me if I'm overstating something, but I think now the residents that come in, many of the residents that we have come in

have barriers. Barriers to transportation, barriers to technology, barriers to even outside community. So I can think of a recent person that came in and the process of just making a call to the person in Raleigh that would be doing their intake, the process of sending documents to Raleigh that we could handle here. So, for us, it's cutting down on the number of trips and the number of contacts that the resident had, depending on how intricate the case is, that is your time savings. But essentially it's handling everything here at the local level, so we don't introduce….many of the people that walk in that have these issues, they've got enough barriers just to make it down to City Hall and the last two clients that we've had that we had to forward to Raleigh, had transportation issues just getting down here. So, what we found, things that we take for granted about being able to navigate any process, those things are more barriers and more of a challenge for many of the folks that we deal with on a day-to-day basis. So, we're talking about providing that customer service that our residents come to expect with many of our services, but in this case, it's in the fair housing context. I don't know if that answered your question.

Council Member Holmes: So, in the decision-making process, we do the determination then it goes to legal if there's any enforcement or litigation that happens?

Jeron Hollis: Rase, do you want to talk a little bit about that?

Rase McCray: Yeah, so the way a fair housing case would be processed, you always have kind of three levels, one is intake, one is kind of processing, and one is the further side of determination and case review. So, we would be….when we're in-house, we would have a staff member doing intake; we would have a staff member kind of investigating and looking into complaints; and then all of that would be ultimately reviewed and if it was determined that there was an act of discrimination. So, ultimately, if you're looking at a case and you say, you know there was not enough evidence to support this complaint, then that would actually be handled entirely in the Human Relations Division. If, on the other hand, the investigator said I believe there was enough evidence to do that, we would bring the legal team in ultimately to say, does this meet the legal standard according to our attorney's office.

Council Member Holmes: So, technically this could also protect a landlord who wanted to evict someone, but they filed a frivolous discrimination case. It would come here and you guys could adjudicate it quickly and also help the landlord move through the process?

Rase McCray: We believe so, yes.

Council Member Holmes: Okay. So, we essentially would take Raleigh's hands off of this until there was an escalation?

Jeron Hollis: Well, this is removing Raleigh from the equation.

Council Member Holmes: Period?

Jeron Hollis: Yes. Raleigh exists in the capacity as a housing provider except they're covering the entire state. So, what this does is for High Point residents, it keeps that process entirely in-house.

Council Member Holmes: Local, efficient, personal.

Jeron Hollis: Yes.

City Attorney JoAnne Carlyle: It gives the City of High Point the authority that Raleigh currently has and it will not escalate. We would actually file a civil suit in Superior Court if it got to be that point. And it's my understanding, especially based on the history and our expert investigator over there that we've worked with, there's very few cases that we expect to reach that point. So, as far as any additional burden on the legal department, we don't really expect a lot.

Council Member Holmes: That was my next question.

City Attorney JoAnne Carlyle: Don't forget, too, that we are in the process of hiring some additional staff.

Council Member Holmes: Two, right?

City Attorney JoAnne Carlyle: Yes Sir.
Council Member Williams: Can you go ahead and give me the same stat that you gave us in Community Development?

Jelani Biggs: Sure, so there are a litany of ways that investigations can conclude, administrative closures, cause findings, no cause findings. In conciliation, a very small percentage, about three to five percent of those cases are actually cause findings. Even once you reach that determination, legal would have another opportunity to conciliate that case with the parties involved.

Council Member Jones: Mr. Hollis, when I was on the Human Relations Commission board for two years, do you remember when that guy came here from Raleigh to meet with the committee?

Jeron Hollis: Gene Troy.

Council Member Jones: I don't know his name but it was the gentleman who came and spoke with us at the Human Relations Commission about the process.

Jeron Hollis: I think it was Gene Troy. We've been working with Gene and the process.

Council Member Jones: Yeah, that's right. And I remember I asked him and you, I said are we losing any efficiency, is there any lag time with us letting Raleigh carry the burden of this service, and both you and that gentleman all confirmed there would be no benefit from us taking it in-house, that Raleigh was on top of it and there was no lag time

in this service. And that was the discussion that I had with you guys when I was on that committee. Now, I'm hearing that there's…..I haven't heard anything about lag time changes, the only thing I'm hearing is there may be some access to some tools and resources on a local level, but not lag times. It's not a timing thing, it's just more of an access to resources is the only advantage I'm hearing right now.

Jeron Hollis: Is that a question?

Council Member Jones: Is that what you're proposing? Between the three of you, all I've heard is this is not going to speed up the process and I will say that this is not going to help any landlords. This is not going to speed up the process. This is simply, the benefit would be access to resources, filing paperwork and submitting documents. Is that what you're claiming would be the benefit of that?

Jeron Hollis: No, that's not what we're claiming. What we're claiming is that the transaction that a High Point resident…..and one thing that, just to be mindful, we have a relationship with the State Human Relations Commission now. We've had, Gene, which I think is who you are referencing. Gene has come in and he's told us, just within the last year, we've had cases that they've had to try to conciliate. They've been right here, local issues, local cases. But, what happens is the workload that the Human Relations Commission has is spread out, like I was saying earlier, it's spread out over the entire state. So, in the conversation we had with Gene and that we had with the State Human Relations Commission, this is actually a benefit. It helps them to free up their schedule for places that are much smaller jurisdictions. It allows them to focus on other areas where they allow High Point, like some of the other municipalities in the state, it allows us to focus on our High Point cases and frees them up to handle other parts of the state that don't have this service available. So, for the state, they have a number of cases that HUD expects them to do to cover all of North Carolina. What we'd be doing is taking the High Point workload off their plates and allowing them to focus on other areas where they have just as much expectation. They don't have unlimited investigators, so when you talk about them going to a particular place, like I was mentioning, they've got to schedule High Point in with everywhere else. So, from a turnaround time, that's where we think…..from a timing, that's where we think that will be an additional benefit. With some recent cases that we're working on now, it's not uncommon in the heat of these particular situations, someone could be coming back, locally coming back on a regular basis throughout the week and they'd be talking to someone, a real person here in City Hall, familiar with the area, able to go out and see the actual site and not putting them on a calendar, on a schedule, based on the rest of the state. So, in our conversations with the state, and Rase, I know that in the conversations we had, they were supportive of us taking this move to actually bring the fair housing certification in-house to the city.

Council Member Johnson: This is Councilman Johnson. What I look for a service, I look for a couple of things. Of course, touchable, accessible, okay. And, as you mentioned before, that some of our residents have issues, transportation issues with just coming to City Hall much less having to drive to Raleigh, okay. Not knowing what the timeframe is; however, if we can do it locally and better and time consuming for them, for our

constituents, why would we not offer that? That's my first comment. Why would we not offer that?

I did see some of the stats that our manager sent out to us and the need is definitely there in High Point for us to have this, okay. Why we haven't had it all along, I have no idea, but, however, as we've always mentioned about us being a growing city, anytime we grow, there's sometimes growing pains that are associated with it. So, why would we not offer this, because, again, this is great customer service. If I can….whether I have an automobile or not, if I can catch a ride down to High Point City Hall is better than me hitching a ride to Raleigh or calling to Raleigh. Now you put me in a number. But if I'm able to get down to City Hall, I'm able to touch the person, not physically, okay, but I'm able to touch the person, okay, you sitting right across from me, okay, so what's my time limit, I mean what's going on, okay. I'm not saying that Raleigh's not doing a great job, okay. I'm not saying they're doing a bad job. I'm just saying that if we can handle it in-house, here, for our people that voted us in, then it's a no brainer for me.

Council Member Jones: Councilman Johnson, are you aware how many cases we actually send to Raleigh per year? 2019- 2020 (12 cases for the whole year); 2020-2021 (10 cases for the whole year); 2021-2022 (14 cases). So, we're getting all that service for free that we don't have to put on the backs of the taxpayers in High Point, yet, we're going to hire someone full-time, actually not one person, a full-time department for something that happens once a month. That's a lot of…..and the reason we got rid of it, High Point used to have it in house, the reason we got rid of it was because it didn't financially make sense. I think we'd be the dumbest municipality in the State of North Carolina. If you look at the numbers that I requested from the city manager, Winston-Salem is the smallest, single city that has this service in-house. Winston-Salem's population is over twice the City of High Point. So, with less than half that population, less than half that tax base, we're going to sit here and say that we should do this in-house and foot the whole bill and drop it on the taxpayers to pay for a service that handles one complaint per month.

Council Member Johnson: If you're that one person in that number 12, you would want it.

Council Member Peters: Well, but also…..

Council Member Williams: I've got a question. I'm sorry.

Mayor Wagner: Go ahead, Councilman Williams.

Council Member Williams: I'll make this really short. Okay the numbers he's talking about that was pushed to Raleigh, was any of those part of the 3% that you were telling us, the three to five percent? Or, were they just general complaints that were pushed to Raleigh?

Jeron Hollis: That's a good question. So, the requirements that HUD has, we fall in Ban 2 of the population band, so that's for populations 90,000 up to 300,000. So, what happens

is HUD expects a certain number of inquiries. That's what we talked about earlier. Someone calling and saying, hey, my landlord won't change the color of the blinds, I think I'm being discriminated against. For intake, that's when we say, no, that's not a fair housing issue, so that wouldn't be something that we would escalate to Raleigh. If it is something that has the elements that would be something that needed more investigation, then Raleigh is the place where we would send them to because we saw, well, this sounds like an issue. What HUD requires for a fair housing provider in our population ban is they require eight cases, eight cases that, not inquiries, not questions, not people coming in wanting to get directions—eight cases that have the elements, the elements that would be something that needed to be investigated. It may be conciliated. It may turn into something. It may be in those 3-5%, but these are things that actually take the time, the energy, the staff, site visits, investigations. So, the number for HUD is eight. Now, eight is that number if, as your population ban goes up, there's more cases required. In each of those three years that you quotes, the 12, the 10, and the 14, those more than satisfy, for a municipality our size, those more than satisfy what HUD is requiring of what's needed for a functioning program.

The other thing that we didn't include, for the sake of time, HUD actually provides the city with financial resources, whether you're talking about training, whether you're talking about outreach, whether you're talking about community, so there are federal dollars that are coming in and that help offset and support some of the activities that we will be doing such as fair housing education, then for the research, and even for training.

Council Member Moore: Those dollars are available to us now?

Jeron Hollis: Those dollars are not available to us. Those dollars would be available if we became a fair housing program.

Council Member Jones: Not salaries. It doesn't cover their salaries.

Jeron Hollis: Well, yes and no. The reason I say yes and no, when there's an initial setup for the program, when you're in your interim phase, HUD has dollars that they appropriate that help offset costs. Those are to help the particular municipality get set up and make sure that they're running the process and doing those things. Once that period is over, there are dollars, but just like with, not for training, but for salaries, and as we were talking to budget, we didn't want to schedule dollars to offset salaries if we didn't know for sure that those were going to be dollars that were going to be in there. So, it's safe to say during the start-up period HUD does provide more funds. Once we are pushed off and able to kind of float on our own, then that would be a staff cost as a position, but we will have the support even from the most recent track record of the dollars for training, the dollars for education, the dollars for support. So, that's kind of the dollars and sense of it. There would be some financial support. Part of being a FHAP is financial support from HUD, but you also have auditing that comes from HUD because they want to make sure that if they are giving you dollars and they are giving you resources that you are actually doing what they're asking you to do. That's in Raleigh, that's in Greensboro, that's wherever if you have a fair housing program.

Mayor Wagner: Councilman Williams, go ahead. It's your floor.

Council Member Williams: You answered the question about the numbers, but two points I want to make and then I'll be quiet. One, that doesn't account for the ones that do not call because they've been discouraged in the past. I field plenty of those calls from my ward, from different housing, different levels, private ownerships, or subsidized housing, I field a ton of those calls and I forward them and try to explain how it operates here and they get discouraged and walk away. So, I think the important element in that is educating those people on how to take those steps. That's what this position would do. And the second thing to keep in mind is rents were not what they are now back then. You shouldn't see an escalation of those calls because it's expensive and everybody would want everybody to be a fair and decent landlord, but not all are. So, what you're going to have is people having issues, small debates or large debates, when it comes to they can't afford a place to stay, or this landlord knows I can turn it around and get a higher rent and this person is gone. That's happening already. So, to say that that part is not going to influence, how this couldn't be beneficial to that is a little short on looking down the road on what's next. I'm going off of information from different local organizations that talked about an increase, including the Family Justice Center, including the Continuum of Care which helps us to help assist people in homelessness situations. Some of those folks could have been helped if these elements were in place. So, I think it's important, you know, that we look a little farther down the road and what the potentials are and it will also help me, at least educating myself when I get those calls, and I do still currently get them. So, but thank you.

Mayor Wagner: I've got one question. So, based on the numbers that we've got, as Councilman Jones said, we're averaging roughly one case a month, okay. What is the specialist going to do with their time between this one case a month?

Jeron Hollis: I'll defer to someone that's actually done the role before.

Jelani Biggs: Sure, so I think the goal for that position is to be a dedicated investigator. It's part of the expectation of a FHAP Agency that you're doing robust training in the local community that you have a dedicated investigator that's walking that case from intake, investigation, whether that's interviewing parties, whether that's document gathering that may require site visits. In addition to walking that to conclusion, creating a final determination and kind of consulting with legal all the way through the process.

Mayor Wagner: My recollection, and I was on Council in 2016 when we reversed how we handled this, but my recollection from 2016 was that the vast majority of complaints that come in don't end up being actual cases. And, you know, at that time, the impetus to change how we did it was mainly coming to us from the realtors. There were landlords as I recall, who felt that they were being, essentially, harassed by tenants who were filing frivolous cases or attempting to file frivolous cases in retaliation for their landlord, you know, in the non-payment of rent or whatever. That coupled with the fact that we could refer everything to Raleigh and we were not really losing any time. The only thing we were doing here was, like you said, we were evaluating is this a fair housing case or not. And, then, based upon that, we were making a determination whether it needed to be sent

to Raleigh. So, I agree with what you were saying there. I mean I intend to agree with Councilman Jones on this. I don't know that where we are right now and the amount of cases that we're dealing with, I don't know that that justifies the expense of what we're doing, of what we're being asked to do. It just seems to me that we are…..this is a solution in search of a problem and I think you can't say, oh well if we do this, we're going to discover a bunch of old cases. I mean we could go back to before 2016 and look at the numbers too. There's nothing to base that on. You don't know about the cases that are out there that we don't know about. You don't know about what you don't know, you know. So, it's hard for me, personally, to make that justification from a spending standpoint of creating this. I just don't think the demand is there and I want us to serve people, but I think we can do that in a better way than creating a whole new scheme of dealing with fair housing. If folks are not able to get to Raleigh, if they need access to a computer to be able to do a Zoom hearing, I don't know how they're handling those things right now—everybody seems to be handling stuff remotely. You know, if they need transportation, we can certainly do something to create that so that we're serving our citizens properly. But I, personally, don't think we need to create a whole new level of bureaucracy to deal with one case a month.

Council Member Jefferson: Mayor Wagner……

Mayor Wagner: I just don't see it.

Council Member Moore: The eight that you said that HUD requires, you used the word required I think.

Mayor Wagner: I think that's what makes us eligible, if we had that amount.

Council Member Moore: If we had eight in a year?

Jeron Hollis: Yes.

Mayor Wagner: We're eligible to create the program, right?

Jeron Hollis: Well, once you are a substantially equivalent agency, HUD believes that, based on that population ban, there is a certain amount of Fair Housing issues that's out there in the community. So, that number is based, that's a population-based number that goes up.

Council Member Moore: Yeah, right. So, it's a federal figured out number and if I heard it correctly, you said that eight was required, correct?

Jelani Biggs: Well, let me….and just to give some context to that number. It's one metric that HUD assesses a FHAP Agency on, so, while that's not a requirement, there are some FHAPs, you know, if there's a year where there's less than that, it's part of the audit process because you get audited yearly. They're going to look at a litany of factors as part of your case processing. What HUD tends to put emphasis on during the audit is case quality—not simply just how many cases you've had. If you've had twenty cases, but

they don't feel they were covered by the Fair Housing Act, you've got a bigger issue. So, you know, HUD's emphasis is on case quality. That's a guiding number, but that's not a requirement.

Council Member Moore: So, what do they base their funding on? Do they base their funding on the fact that you agreed to meet those things and you set up the department, you hired the people, and then after that on an on-going basis? What's that funding based on?

Jelani Biggs: Sure, and Mr. Hollis touched on it earlier. In that interim phase, which is about three years, they are giving you some funds, some capacity building funds, to get started. Then after that, based on those audit findings, those are partnership funds, so that's just for training, that's just for education and case processing.

Council Member Moore: So, once you obtain this label, can you lose it?

Jelani Biggs: Sure, there is a process that if those audits aren't sufficient, it's HUD's expectation that you fix any identified deficiencies. If not, that is a possibility.

Council Member Williams: Can you go back to the slide [44:00]

Okay, go back, it says the High Point Association of Realtors, so they are aware of what we're looking at today, correct?

Council Member Jefferson: Yes, they have a presence here.

Council Member Williams: Thank you.

High Point Regional Association of Realtors President Madalyn Kunow: [speaking from audience] [inaudible]

Mayor Wagner: I'm wondering why six years ago we heard a diametrically opposite point of view.

Council Member Jefferson: Can she come forward, Mayor Wagner, because I think it would be great.

Council Member Holmes: While she's coming forward, can I ask Director Hollis a question? So, currently now all investigations are conducted locally by High Point, right? Raleigh doesn't send someone up to do investigations, we do it here, right?

Jeron Hollis: Currently, if there's something that comes to the level of investigation, the State Human Relations Commission in Raleigh has to assign someone.

Council Member Holmes: They have to assign someone, so it could take weeks, months for that person to come.

Jeron Hollis: We've got a client right now that's been in the office probably five times in the last week and we get to a point where….in the last month I mean….and we get to the point where we become, answers that we have, expertise that we have here especially with the staff that we have now, we're having to guide them through voicemails, or, again, be that intermediary. But in a typical situation, yes, we try to determine whether this is something that's passed on to HUD.

Council Member Holmes: So, there are man hours involved by local staff?

Jeron Hollis: Oh, sure.

Council Member Holmes: You could conduct evidence and could define information data. So, we're working here. It's taking our resources and then we turn it over to Raleigh for them to slow up?

Jeron Hollis: Well……

Council Member Holmes: You can say it, you can say it, you can say it.

Jeron Hollis: We're using a portion of our resources to start the process.

Council Member Holmes: So, it's not costing us nothing. It's not free. We're not doing this….this is not a free resource that Raleigh is providing us? It's costing us in manhours, in effort, in people, in work locally to do this, and then we turn it over to them and hope they get back to us in a timely manner?

Jeron Hollis: There is a barrier that, in spite of their best efforts, those are good folks in Raleigh that are trying to do their jobs.

Council Member Holmes: I'm not disparaging them.

Jeron Hollis: I agree. We are…..

Council Member Holmes: The discussion here is cost and we're saying it's a free resource but it's not. There's definitely resources that we put into this to make this system work and it costs us.

Jeron Hollis: Resources of time, we're just not able to see the process through to the end. So, we talk to the folks over and over again.

Council Member Holmes: So you put in cost and time and manhours and then we don't have any control, we turn over the control of it completely.

Jeron Hollis: Yes, and what's important, because I think there might be some confusion. We have never been a substantially equivalent agency for the City of High Point. There was an endeavor that I mentioned on the timeline where we tried, but we have never been

a substantially equivalent agency, so we haven't had FHAP designation, we haven't had funds, we haven't had the training, we haven't had those things for the……

Council Member Holmes: So, everyone that feels discrimination calls High Point, calls you guys and they don't call Raleigh.

Jeron Hollis: Some people might call High Point, they might call Raleigh, but we don't have a program in place now. So, the idea that once we get a program in place, we expect, with some of the factors that we talked about such as rents going up, with some of the factors that we've had in place, with the eviction moratorium being lifted. We've only been tracking for the last three years with software that we had developed through IT, so, in years past, we haven't been tracking it the way that we do now. But what we look at now is how the information that comes in from our tenants, even from our landlords, landlords will call with issues that we need to try to resolve. Those are things that we're handling in some degree now, but we just aren't able to see it through to the finish line for our High Point residents.

Council Member Holmes: I'm sorry and I have no more questions.

Mayor Wagner: I've got a follow-up question. So, of the 14 complaints that we got, how many are we working in the manner that he just spoke of?

Jeron Hollis: Well, of the 14 that we got—depending on what happens with Raleigh, we might see follow-up calls. We've got two that are pending now that have come in. So, every case is different, but from the standpoint of….the resident that walks in, they don't have the benefit of all of the bureaucratic, I think that was a term that was used earlier, that bureaucratic trail. They come in, they say you are Human Relations, can you help me. So, when they come in, we say we've got someone in Raleigh that wants to talk to you. They say, I'm in High Point. So, the expectation for us is that we give them resolution. The expectation is that we're able to close the loop. The expectation is we can get copies of the documents and emails. So, I think there's a structural barrier for many of the residents that we have coming up, for people that are experiencing structural barriers on other services—not just fair housing cases. So, when we get them, they've had issues with transportation, communication, travel, and other areas, so this is another stop, this is another issue and what we have to do is we have to escalate those concerns to Raleigh.

Mayor Wagner: I think Jelani said, two, and you said three. So, how many of the 14 are we actually providing any level of service?

Rase McCray: So, part of the problem that you're asking which is what this is a difficult question is, at the minimum, a customer comes in and says I have a complaint and I talk to them. In the past, and we've been keeping statistics since 2019, we've got about 171 inquiries. So, those are the ones that we're already looking into that we determined, hey, this isn't a fair housing complaint, this is a minimum housing complaint, this is just a dispute with the landlord that doesn't arise to the level of discrimination and things like that. But once someone comes in, at a minimum, I'm listening to what…..

Mayor Wagner: One hundred and how many?

Rase McCray: I believe it was 170.

Mayor Wagner: Okay, we've got 170 claims coming in and 156 of those are considered…….

Rase McCray: That's over a three-year period, yes.

Jelani Biggs: And mayor, I know you asked about that number. Just to clarify, I was talking about a percentage of cases that tend to be cause findings. I wasn't saying that those were individual cases.

Rase McCray: Yeah, so what happens is a customer might contact me and say, hey, I'm facing an issue, I have a mobility disorder and my apartment is not offering me a bathroom that would be accessible and I've been requesting it for the past year, so I'm wondering if there's something here. At a minimum, I would do some kind of intake for our division because I'm trying to determine is this actually a case we're sending to Raleigh. At that point, once we send it to Raleigh, and this is why we don't know how many are on-going, it's a black box. They just take it.

Mayor Wagner: Your response to him was that we're still doing stuff for those people.

Rase McCray: So, at that point, though, if a customer, say, doesn't have access to reliable internet, doesn't have access to a reliable phone, doesn't have access to reliable transportation, and Raleigh says, okay, we're going to take your case and we need you to get….sign this, what they call a 903B form and we need you to send it to us. Then that customer will come in and say, hey, I rode my mobility scooter here, Raleigh wants me to sign this, and I say, okay, we can get you to sign this but it needs to be notarized, let's take it upstairs to get it notarized. Okay, and then we are going to scan it for you, we are going to email it to you. Great. Then, this past Fall when we did that for one of their cases, it turns out that they had sent us the wrong form. So, we had to say when can you come in next week. The person had to come in and we had to do the exact same process again and at that point, they said we need an example of your lease. Can you send us a copy of your lease, forcing them to drive down to our office again. So, that's what we mean by an on-going process.

Mayor Wagner: Yeah, but even if we're handling that in-house, couldn't those same little problems pop up and the person will still have to make multiple trips down here too?

Rase McCray: I think one of the differences is that we would probably be driving to them.

Mayor Wagner: What?

Rase McCray: Driving to them.

Council Member Jones: So, why couldn't we do that now?

Jeron Hollis: The process for the handling of the cases, what we're talking about now is the intake piece. Once that person's in Raleigh, the next steps are subject to that particular persons case and those are things that are out of our control. So, the same person that we were helping gather documents, scan, or what have you, they're still coming to us for the back-and-forth, the process that now they're in the queue with everyone else in the state. So, the efficiency part, take the intake part out, the seeing the case through whether it's site visits….because we haven't done a site visit in that particular case. Whether it's conciliation, the meeting with a particular landlord and a particular tenant, or a disposition. Those are all pieces of the process that are removed from local interaction because it's a case. So, they still have the same barriers when they leave our office. So, all the back-and-forth, all the communication, all the steps in the process are still the same. We're just having those steps and processes here. You're going to have hiccups, you're going to have things that happen, but you'll have them local and it's someone here. And the other thing, the relationships….one benefit of the workshops and education workshops, whether it's the Housing Authority, whether it's our realtors, we have relationships, we can put a name with a face. We know the people here locally. So, the issues that we having to investigate, the properties, the streets, what have you, we have a level of familiarity with those and they are in close proximity. So, there are a number of things there that we think would be benefits to giving that some consideration.

Council Member Jefferson: Mayor Wagner, our of due respect, five and a half hours, can we hear from President Kunow.

Mayor Wagner: That's where I was going.

HPRAR President Kunow: Thank you very much. I appreciate it. I can't speak to what happened in 2016. I don't know if it was the Realtor's Association as a group that we came to you and asked for that, or other realtors.

Mayor Wagner: The Realtor's Association came, they met with us in the Fishbowl and said this is a burden on our landlords and it's all getting handled by Raleigh anyway. It's an extra step here that's a waste of our time and it's just adding another level of bureaucracy that we don't need. That was the main reason why we did away with it in 2016. We were just adding an extra step that wasn't necessary.

HPRAR President Kunow: Got it, okay. I was not, unfortunately, part of that conversation, nor was I aware of that conversation. I can say that as an industry, we are much more acutely aware of the fair housing issues that are happening in this country right now and I think because of that, that's why we have come in to say we wanted to have this come back into High Point. We are a relationship business. We know how important it is to be able to look the person you're dealing with in the eye, walk up into their office and deal with them on a daily basis. To us, that means a lot and we feel like that would mean a lot to the people in our community and, therefore, that is part of the reason why. We also benefit from the planning and the training that's going to come from

that because, we, as an industry, need a lot of training in that as we go forward. We appreciate the opportunities with that that this program would also offer.

Mayor Wagner: So, where are your members going for training right now?

HPRAR President Kunow: I mean we don't go anywhere. We have some local resources, but we're having to go out of state. I mean I can to the NAR and get that training if I want it.

Mayor Wagner: Does your continuing education as a relator cover fair housing?

HPRAR President Kunow: Very little. There are designations in that that we can do, but is it a requirement? No, not here. Actually in some states it is becoming more.

Council Member Jefferson: Mayor Wagner?

Mayor Wagner: Yes.

Council Member Jefferson: So, on this conversation piece which has been going on now for two and a half years, quite frankly that we've been looking at this, and I appreciate President Kunow coming in. I also appreciate Smith Watkins, who is the government liaison, in regards to the work of the Regional Association of Realtors. This has been a conversation that we've been going kind of back-and-forth on. I appreciate what Mrs. Kunow said in that, quite frankly, the realtor industry has grown in their perspective on this. Much like most of America has grown their perspective on these kinds of items. We don't simply just look at the numbers and say to ourselves that a person has equal opportunity to give a call, to write a form, or can they just go and do this. Then surely there's not a big cause for concern here. Let's look at the dollars that we spend to see if we're not getting our good return on investment. Councilman Williams said something that was profound. I'm actually going to attach it to something that Councilman Jones said earlier where you said, very respectfully, that you represent the folks in your community and when your community says something, and I do respect that folks listen to you in your community. Out of due respect, our community is a community that has, for a very long time, understood what it is to not have a voice, and understood what it is to not have hope. And when we say to a people, you should be okay with an agency that's over an hour and a half away representing your interest. When they represent the interest of 100 other counties throughout the state, one of the ten most populous states in the entire country, some 30,000,000+ people in this state, when we say to them that you should be okay with that because there's no sense in us duplicating what the state agency provides, I find some contradictions because the same thing could be said about something such as economic development.

We have state economic development agencies who want to recruit businesses here. And, if I said to any one of you here, any one of you good thinking folks on this, why don't we just let the state handle recruiting businesses to our area and when they get a phone call about Ecolab wanting to come to High Point, who knows if they'll take it or the phone call of Company X wanting to come to Charlotte, or Company B wanting to come to

Wilmington, or C wanting to come to Durham? There's no way to know that a state agency is going to prioritize the people of High Point. It's us, who are elected, who represent the people of High Point that have to prioritize those people. When we put power in the state's hands versus putting it in local, there's no way that we can fulfill our mission. There's no way we can create the single most livable safe and prosperous community in America. I think that what's been shared here today when they talk about the technical assistance, I can guarantee you that when people are in knowledge and endowed with power, they make better decisions. We don't have a people being in power and in doubt with that knowledge when we say to them, get your knowledge and hour and a half away. I can tell you. I field those calls. My first week in the office, I spent an hour with Mr. Hollis in his office and Mr. Biggs, I believe you were there as well. And I had a Ward 1 resident, the first week on the job, who brought to us an issue.

Since then, I've got countless others of folks calling and when they say, hey, what can the city do about this, I say the city's going to give you some information, but ultimately if this is real, this has to go to Raleigh. Folks are discouraged from that. And before we discount what it is for someone to be discouraged, need I not remind you about our Nation's history. People have got plenty of reason to be discouraged.

Mayor Wagner: When you define your community, how are you defining that?

Council Member Jefferson: So, first, I'll talk about this. I'll talk to the constituency that I deal with who calls me on a consistent basis regarding these issues. I'll talk about the Ward. When I also say, my community, I also want to be very clear that housing issues have historically been an impediment of the Black community and anyone who denies that, I don't think is ready to have a very real conversation. I'm not saying that you guys are trying to do that, but that is literally a historical systemic, indelible issue that's kept the Black community from getting where it needs to go. Now it's not just the Black community, it's the Latino community, it's communities of people who deal with different abilities. We just heard now that people deal with domestic violence are amongst the highest cases in these situations. Dare we say to a person who is already feeling powerless because their significant other is much stronger and much more dominant than them and they're running for their lives, that they now have to deal with a much more powerful, more dominant landlord and have nothing to give leverage to them? Dare we say to them, hey, you've got the same responsibilities as everyone else, go down to Raleigh and Raleigh can get you handled and taken care of? We represent High Pointers. We care about High Pointers. I don't think we should put the power in the hands of a state agency to represent the interest of our people. So, I'll tell you, this is a consideration over how much money we're spending. We're splitting hairs. I've seen us spend five times that amount on the batter's eye. I've seen us spend five times that amount on so many countless other things and y'all know I support downtown development, I've never once been against any one of those, but if we're having the conversation about High Point, North Carolina's International City, the City on the Hill, the world's high point, if we're having that conversation and we're talking about, literally, the amount of money that we're going to spend so folks get fair housing when our city's in demand for people to move to it? Housing prices are rising, housing costs

are rising and we see our Realtor's Association literally saying our industry is better than we were six years ago. We actually understand now that this is a huge issue.

Mayor Wagner: Councilman Moore.

Council Member Moore: It is a big issue. Number one, I take exception or a different view of our country being one that has a lot of, if you'll remind me of the word that you just used…..

Council Member Peters: Discouraged.

Council Member Moore: Yeah, a lot to be discouraged about.

Council Member Jefferson: Those weren't my words.

Council Member Moore: Okay, can you remind me? I don't know.

Council Member Jefferson: My words were that when you make the exception that a person who's dealing with fair housing that we say you should just go ahead and go down to Raleigh, those people immediately get discouraged because the power has now left what's local. The person who they voted for that that they want to be able to work with is the government that they pay direct taxes to.

Council Member Moore: I don't think that we were wrong. I think there was something said about discouragement and a lot to be discouraged about of our past. So, it certainly hasn't been a perfect past, but no other country on the face of the planet has done more to correct the things that were wrong in the past and try to evolve and not devolve backwards. Is there room for improvement? Absolutely, ain't no question about it. But to say that or continue this narrative and you asked, you're ready to have the conversation. I've been having the conversation because we have not moved forward with the right respect to how far we did come in our relations. So, when I hear now that it was the Black community, and now it's the Latino community, and the Brown community, and whatever, then who else is left? The only one's that are left, I guess, are the ones to be blamed.

Council Member Jefferson: Councilman Moore, with all due respect, I love our country and I can recognize the progress that our country has made. And the same conversation point that you're saying now, you said this a few years ago when I first got elected, you said, let's not neglect how far America has come. Then six months after that, we saw a Black man killed for seven and half minutes on the ground. I want to be clear here. Help me out, Britt, I'm not saying we neglected how far the country has come, but if I say that we likely have some issues that we still need to get addressed

Council Member Moore: No doubt.

Council Member Jefferson: There's no sense in saying I'm neglecting how far America has come. America is an incredible country, which is why we get to have this

conversation. And then the series of the debates that we're having here, we're talking about the single most livable safe and prosperous community to ensure that fair housing comes to all of our residents. That is the very simple point that we're having the conversation around.

Council Member Moore: Do we have any authority to set what the definition of fair housing is? Are we going to create a local department, if you will, to enact what is being fed down to us through the bureaucrats in Washington?

Council Member Williams: He already answered that question when he said we're not creating a new law, we're just following what's already on the books.

Mayor Wagner: It's not an issue of how we're going to define fair housing. It's just a question of how the cases are going to be handled and the cases are being handled now. What we're really talking about is the level of service from what I gather from the group. We're talking about a level of service that we're providing to our people. So, if these cases are going to Raleigh and they are being handled properly and I've never heard anybody here say there's any question that the cases that are getting referred to Raleigh are being mishandled in some way, that people are being discriminated against in Raleigh based on the way their cases are being handled. I don't know if any evidence of any of that. But, you know, to go back to the earlier point, of the fourteen cases that we've got, we have a breakdown. Of the 14 cases we had last year, we had one based on national origin and one based on race. Of the 36 we've had over the last three years, we've had one based on national origin and six based on race. So, the main source of these complaints we're getting are related to disability and that's not to short-change anything. But to say, to me, the numbers don't back-up the idea that we have an enormous problem, we had 14 cases a year in the last year. Now, I'm not talking about our national problem. I'm talking about what's going on in High Point and the only numbers we have to go on are the numbers we have. We can't sit here and say, oh, we just know there's 1,000 cases out there that we don't know about. I mean we go off the facts of what we have and to me, it boils down to is the level of service that we are being asked to provide of a sufficient step-up that it justifies the amount of expense that we're going to have? It's not that if we don't do this, these fair housing cases are not going to get addressed. They're getting addressed now. It's really a question of level of service. For me, I don't think it justifies hiring extra people to handle this and handling it all in house when the cases are being heard and people are having their cases heard in Raleigh and we have the ability, if they're having trouble, in carrying out their cases, we already have a department in place right now that's already helping people. It sounds like they're doing a good job of helping folks who are coming down here and need to get stuff signed, need to get things done and have their case followed up in Raleigh. To me it seems like an ain't broke, don't fix it kind of situation.

Council Member Peters: May I say something please?

Mayor Wagner: Yes.

Council Member Peters: So, I used to volunteer for several years with feeding Lisa's kids and, no, I haven't had a ton of phone calls, but I've been in homes with children that hearing and air wasn't property sufficient and a lot of these families, they're afraid to call anybody, especially call Raleigh. That seems like so, you know, federal, but if they could call a local place. And, yeah, you're already doing some of that but you're not getting paid. It's stretching your other capacities. But if we form a fair housing in High Point, North Carolina, we will be able to get some HUD funds, we will be able to go out to these homes that we see. We can get calls from Lisa Hawley and she can bring a client over to visit us. I think that we need this in High Point. And another thing about the numbers, the numbers don't reflect what has happened after post-pandemic and I know we've got to get past all that too, but I think that it is very important for High Point, where we are today, to pass a fair housing ordinance.

Mayor Wagner: Go ahead Tyrone.

Council Member Johnson: So, what I'm hearing basically, and thank you, Monica, is we've been talking about this for quite a few minutes and what I'm hearing is…..and no disrespect to the, if it passes, the salary. That's what I'm hearing. I'm hearing the salary of what we're going to pay a person if this goes through, opposed to we're having to have the conversation and I can imagine that will be a hard conversation for me to have, well ma'am, sir, I can't help you. Thank you for paying my salary, but I can't help you, I've got to send you down to Raleigh, okay? Those conversations surely cannot go very well, okay. But, we're talking about….we're having a long conversation over whatever this amount would be and I have no idea what the amount would be and we've got a shorter amount when we're spending millions of dollars. I don't get it.

Council Member Holmes: Just a couple of points. The work that these guys do in the interim, whether it be large cap or small cap, it's still costing the taxpayer so it is a burden, currently, on our taxpayers that we were told all squarely on Raleigh. We've established that this is not a zero cost to us in terms of impact to our people and our man hours. Secondly, if any other issue came before us where our staff, every key stakeholder in this particular area were all behind this, would we, then, turn our back and say No? Probably not. What is this issue here? Why is this issue all of a sudden, where we're willing to give up local control, all I've ever heard is we need more local control. We need more local control over the things that we do, but now, all of a sudden we want to outsource everything we do to Raleigh? We want to give up local control to Raleigh instead of bringing things back in house? Every time we have a conversation, we complain about Raleigh. Everybody complains about Raleigh and now, all of a sudden, we love the service that we're giving? It doesn't bear out, but what I'm saying is either you want to control what we do here and service our people at a high level, or we want to turn things over to Raleigh and we've got every stakeholder here: Realtors, attorney's office, human relations, family justice, community builders—everyone who deals with this is saying this is exactly what we need and now we want to keep it in the hands of Raleigh? I don't understand the rationale here. It just seems contradictory to me from our previous stances on things.

Council Member Jefferson: And that part probably can't be understated, what Michael just said. Our stakeholders who work with people who experience domestic violence, our stakeholders who work with people at the YWCA through women's issue and maternal health, our stakeholders who actually are the realtors, our stakeholders who deal with human relations. They are telling us about the marginalized people who we probably need to be thinking about. And Monica said a good point, there's a lot of folks who probably need the help who are afraid to make the call. I would hope that we would take the stance that says, man, if there's an idea or even an inkling that there are people afraid to make the call, we should want to be so much a welcoming community that we say, that's not going to happen in High Point. Not in High Point are we going to find out that someone is afraid to make that call. In High Point, we control our destiny. This is our mission. And we fulfill our mission by ensuring that every High Pointer fills heard and feels respected and feels represented. I don't think that point can be overstated.,

Mayor Wagner: Okay, I think everybody has had a chance to speak, maybe who wanted to speak on this.

Council Member Jefferson: **I make a motion to approve……**

City Attorney Carlyle: If I could, I recommend, if you would please, there are three issues before you to be considered. Please vote on them separately. Item #1 and #3 simply require a majority vote in order for those to be adopted; the actual ordinance, because this is the first time it's being introduced to council, requires a 2/3 vote—just like any other ordinance on the initial introduction.

Mayor Wagner: Alright, the floor's open.

Council Member Jefferson: Mayor Wagner, **I make a motion that we accept the Human Relation Commission's recommendation that HP become a fair housing assistance program directing staff to undertake the required steps for FHAP certification.**

Council Member Johnson: **Second.**

Mayor Wagner: Okay, there's a MOTION and a SECOND for approval of that motion. Since it appears we're divided, I'm going to ask us to vote by show of hands please.

Council Member Hudson: Can you tell me which one needs a 2/3?

City Attorney Carlyle: The adoption of the ordinance.

Mayor Wagner: Okay, so all of those in favor of approval of #1 under this ordinance, please raise your right hand. Six.

Aye (6): Mayor Pro Tem Peters, Council Member Johnson, Council Member Jefferson, Council
Member Williams, Council Member Hudson, and Council Member Holmes.

Okay, all of those opposed? Three. Okay that **passes by a vote of 6-3.**

Nay (3): Mayor Wagner, Council Member Moore, and Council Member Jones.

Mayor Wagner: The floor is open.

Council Member Jefferson: **I make a MOTION to adopt the fair housing ordinance that is substantially equivalent to fair housing standard laws.**

Council Member Johnson: **Second.**

Mayor: Okay, there's a motion and a second for approval. Any discussion?

Again, by a show of hands, all those in favor of approval of the motion, please signify by raising their right hand. Okay.

Aye (5): Mayor Pro Tem Peters, Council Member Johnson, Council Member Jefferson, Council
Member Williams, and Council Member Holmes.

And all those opposed?

Nay (4): Mayor Wagner, Council Member Moore, Council Member Hudson, and Council Member
Jones.

Mayor Wagner: So **that motion does not pass 5-4 [6 aye votes required].**

The floor is open.

Council Member Jefferson: Mayor Wagner, **I make a MOTION to create the human relations specialist position enabling the division to offer additional fair housing training to residents, housing professionals, and to process fair housing complaints.**

Council Member Johnson: **SECOND.**

Mayor Wagner: There's a motion and a second for approval of this part of the ordinance. Any discussion?

Council Member Moore: This piece of it, this third piece, does that…..the education piece, the communications piece, there seems to be a sense that there is a silent number of folks out there that either don't know to speak or are afraid to speak. So, it seems that it's almost like we feel there needs to be more of an outreach availability for them to know and understand. Is that a correct comment?

Jeron Hollis: Yes.

Council Member Moore: And that is what? Is there a way to do that with the current personnel and department we have in place?

Jeron Hollis: We try to do that with the current personnel that we have in place. The dollars that would be available from HUD would allow us similar to what you all did in Winston, would allow us to have dollars earmarked specifically for outreach for training, for programs that have education, have training as their specific goal and purpose.

Council Member Moore: Madam Attorney, now that we're this far into the three steps that you just talked about, is it too late for a substitute motion concerning 2022-240, or would it at this point be a substitute motion only to the third criteria that we're discussing?

Mayor Wagner: We have a motion on the floor currently.

City Attorney Carlyle: You do, and I was kind of exchanging glances here because I'm not sure that you guys understand what you're doing. If you voted, which you did by a majority, to approve the first one which said that you're accepting the recommendation that High Point become a fair housing assistance program and direct staff to undertake the required steps for that certification, it's impossible to achieve that without the ordinance.

Mayor Wagner: Which we just decided not to do.

City Attorney Carlyle: Which you voted down. It failed. So, to me, that kind of negates one, because it's impossible even though you voted it up.

Council Member Holmes: And it makes #3 irrelevant.

Council Member Jefferson: And help me out, since we're having an open discussion on this, you know we talked about all the ones that have a direct budgetary impact here because that's what I heard most of the concern about. Number 2 was simply adopting an ordinance that is aligned with a federal law, and the four who did not want to adopt an ordinance that aligns with the federal law, after we said we thought our ordinance already aligned with it.

City Attorney Carlyle: It created an equal to Raleigh.

Mayor Wagner: And I think it's a requirement to get the certification.

City Attorney Carlyle: But it didn't create along with that, automatically the position that would support that in the department.

Council Member Moore: Okay, back to my question. So, if that is what we have done with what just happened, can that be undone and go back for a substitute motion on the whole thing? How would that happen.

Mayor Wagner: That motion has already been approved. You can't make a substitute motion that's already been approved. You can only substitute on #3.

City Attorney Carlyle: Right, but even in your vote, basically you negated your favorable vote on #1 by voting and the ordinance failed. And #3 is moot unless you want to create a position and it's not going to match what the request is.

Council Member Holmes: why were they ordered this way? Why was the order of these votes put in this manner?

City Attorney Carlyle: It just happened to come from the department that way.

Council Member Peters: I also have a question.

Council Member Jefferson: I guess the question is why would we support fair housing in terms of a program and then not support the actual ordinance to make the fair housing program actually come in?

I think that's the golden question for those of us who voted.

Council Member Peters: And that vote is in the hands of Councilman Hudson. So, maybe he can explain why he would vote yes for one and then no for the other. I'd like to hear because this isn't the first time a vote has gone this way.

Council Member Jefferson: Because he wanted to kill it the whole time.

City Attorney Carlyle: the outcome really is saying if you had voted the ordinance first, the other two would have been negated. You did it in the reverse.

Council Member Peters: Why did we do it in the reverse?

City Attorney Carlyle: It came from the department that way. We could have changed it, but we didn't, but the result is the same. When you took that second vote, it negated the first one and, again, made the third one obsolete.

Council Member Holmes: If we would have adopted the resolution first, then we would have voted on…..if we would have voted on the ordinance first, then every other vote would…..

City Attorney Carlyle: it wouldn't have applied, it would have negated it automatically.

Council Member Johnson: We couldn't have done it together basically.

Mayor Wagner: Has to be separately because #2…. it's a question that's first been raised, it requires six votes and the other two only require five.

Council Member Peters: I have a question for the attorney.

City Attorney Carlyle: That is required the first time that an ordinance of any form is introduced to the board, it has to be 2/3 vote for it to be adopted that night.

Council Member Williams: So, to be clear, being that the second one was turned down, there's no reason to vote for the third, right?

Council Member Peters: But I have a question for city attorney because you told us that we had to vote in three different times. Could you not have told us and recommended that we change the order?

City Attorney Carlyle: Yes, and I started to do that. I apologize, but it came from the department the way it did.

Council Member Jefferson: With all due respect, Councilwoman Peters, I don't want to have misplaced anger. It ain't on our city attorney. It ain't on our staff. This board up here had the chance to vote on a fair housing ordinance, but we supported a fair housing program and we can't support a fair housing ordinance? Like I got all types of reasons to talk about this and this ain't going quiet because y'all know that's terrible. You know it's terrible. The next time we vote on a severance package that's twice that amount, I'm calling it out because that's terrible. That's piss poor.

Council Member Peters: Shameful. It's shameful.

City Attorney Carlyle: Councilwoman Peters, I started to, again, it came from the department. The results the same either way.

Mayor Wagner: Okay, but we do have a motion and a second pending and I believe it was your motion Councilman Jefferson. Do you want to withdraw this motion?

Council Member Jefferson: I mean at this point, I feel like while we're making symbolic gestures, why not let it go through just so the minutes can reflect how we vote because at this point, I'm a little irate about where we stand on things.

Mayor Wagner: This just creates a position, it doesn't mean that a position will be filled. That's up to the manager.

Council Member Jefferson: Let's go ahead and vote on it. I'm just curious to see…..

Mayor Wagner: There's a motion and a second to approve #3 under this ordinance. All those in favor, please signify by raising your right hand. Five.

Aye (5): Mayor Pro Tem Peters, Council Member Johnson, Council Member Jefferson, Council
Member Williams, and Council Member Holmes.

Okay, all those opposed: four.

Nay (4): Mayor Wagner, Council Member Moore, Council Member Hudson, and Council Member Jones.

Alright, that motion passes. We've created a position that doesn't have a job.

Council Member Peters: Only in High Point.

Council Member Johnson: Mayor, may I ask a question?

Mayor Wagner: okay.

Council Member Johnson: In regards to what we just seen, can we bring that ordinance back and not have the 2/3 requirement?

Mayor Wagner: I think you'd have to have a 2/3 majority for any motion to reconsider requires a 2/3 vote.

Council Member Johnson: We'll rest tonight and bring it back up. Thank you.

**********[end of transcript]**********

2022-250 **Appointments- Board of Adjustment (Tyler Walsh/John Kennett)**

Council is requested to accept the resignation of John Kennett as a regular member on the Board of Adjustment; approve the appointment of Tyler Walsh as a regular member; and approve the appointment of John Kennett as an alternate member on the Board of Adjustment. The appointment of Tyler Walsh as a regular member will be effective immediately and will expire on June 30, 2024; the appointment of John Kennett as an alternate member will be effective immediately and will expire on June 30, 2023.

Promote tyler to full member.
Accepting resignation and appointment
Mayor motion, seconded by cyril 9-0 pass.

A motion was made by Mayor Wagner, seconded by Council Member Jefferson, to accept the resignation of John Kennett as a regular member on the BOA; and approve the appointment of John Kennett as an alternate member on the BOA effective immediately and will expire on June 30, 2023; and approve the appointment of Tyler Walsh as a regular member on the BOA to be effective immediately and expire on June 30, 2024. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-248 **Minutes To Be Approved**

The following minutes will be submitted for approval at the June 6, 2022 City Council Meeting.

- May 2, 2022 Special Meeting @ 3:30 p.m.
- May 2, 2022 Regular Meeting @ 5:30 p.m.
- May 3, 2022 Community Development Committee @ 4:00 p.m.
- May 4, 2022 Prosperity & Livability Committee @ 9:00 a.m.
- May 11, 2022 Special Meeting (Budget Review) @ 3:00 p.m.
- May 12, 2022 Finance Committee @ 4:00 p.m.

COUNCIL DISCUSSION

Council Member Johnson requested to bring the Fair Housing Ordinance back to council.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 11:19 p.m. upon motion duly made by Council Member Jefferson and second by Council Member Moore.

Respectfully Submitted,

_____
Jay W. Wagner, Mayor

Attest:

_____
Mary S. Brooks, CMC
Deputy City Clerk

DRAFT

CITY OF HIGH POINT
AGENDA ITEM

Title: Appointment of Interim City Clerk

From: City Clerk's Office

Meeting Date: June 21, 2022

Public Hearing: N/A

Advertising Date / Advertised By: N/A

Attachments: NCGS 160A-171

PURPOSE:
To approve the appointment of Mary S. Brooks as Interim City Clerk.

BACKGROUND:
City Clerk Lisa B. Vierling will be retiring from the City of High Point effective July 1, 2022 after 21 years of dedicated service to the City of High Point. North Carolina General Statute 160A-171 provides that "*there shall be a city clerk who shall give notice of meetings of the council, keep a journal of the proceedings of the council, be the custodian of all city records, and shall perform any other duties that may be required by law or the council."*

The office of City Clerk is a "public office" within the meaning of Article VI, Section 7 of the North Carolina Constitution. Therefore, prior to assuming the duties of City Clerk, the person appointed to this office should take an oath of office

BUDGET IMPACT:
N/A

RECOMMENDATION / ACTION REQUESTED:
Council is requested to confirm the appointment of Mary S. Brooks as the Interim City Clerk effective July 1, 2022.

Part 5. City Clerk.

§ 160A-171. City clerk; duties.

There shall be a city clerk who shall give notice of meetings of the council, keep a journal of the proceedings of the council, be the custodian of all city records, and shall perform any other duties that may be required by law or the council. (1917, c. 136, subch. 13, s. 1; C.S., s. 2826; 1941, c. 103; 1949, c. 14; 1971, c. 698, s. 1.)

CITY OF HIGH POINT
AGENDA ITEM

Title: Senate Bill 300 and the Decriminalization of Local Government Ordinances

From: City Attorney's Office **Date:** June 21, 2022

Public Hearing: June 6, 2022

Advertising Date: May 27 and June 2
Advertised By: High Point Enterprise

Attachments: Staff Report and Code of Ordinances Text Amendment

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PURPOSE:
To review and consider amendments to the Code of Ordinances, as required by state law.

BACKGROUND:
In late 2021, the North Carolina legislature passed Session Law 2021-138 ("Senate Bill 300"), a wide-ranging criminal justice reform law addressing law enforcement and policing matters. Among other reforms, the law takes steps to decriminalize some local ordinances. Prior to this legislation, state law provided that a violation of any city ordinance was by default a misdemeanor (as provided by N.C.G.S. §14-4) unless the ordinance provided otherwise. In other words, there was a presumption in state law that the City could criminally enforce ordinance violations (by issuing a criminal citation and forcing the violator to appear in court and pay criminal penalties) even if the ordinance did not explicitly provide for such criminal enforcement. Senate Bill 300 reversed that presumption. Under the new statutory language, local governments must amend local ordinances to specifically identify violations that may be enforced criminally. Additionally, the legislation provides a list of ordinances that may no longer impose a criminal penalty.

City staff, including but not limited to the City Manager's Office, Police Department, Public Services Department, Planning and Development Department, and City Attorney's Office, have worked together to review the Code of Ordinances and revise as required by Senate Bill 300. On May 26, 2022 this matter went before the Public Safety Committee and it received a favorable recommendation to go before City Council.

BUDGET IMPACT:
There is no direct budget impact to amending the Code of Ordinances, as required by state law.

RECOMMENDATION / ACTION REQUESTED:
The City Attorney's Office asks the City Council to approve the amendments, as required by state law.

CITY OF HIGH POINT
STAFF REPORT
June 6, 2022

Request	
Applicant: City of High Point	**Affected Ordinance Sections:** Title 1, Chapter 1 (Use and Construction of the Code); Title 3, Chapter 2 (Revenue and Taxation); Title 5, Chapter 1 (Law Enforcement); Title 5, Chapter 2 (Fire Prevention and Protection); Title 5, Chapter 3 (Emergency Management); Title 6, Chapter 1 (Streets and Sidewalks); Title 6, Chapter 2 (Solid Waste Collection and Disposal); Title 9, Chapter 1 (Development Ordinance); Title 9, Chapter 2 (Inspection Regulations); Title 10, Chapter 1 (Traffic Regulations); Title 11, Chapter 2 (Taxicabs); Title 11, Chapter 6 (Massage Establishments); Title 11, Chapter 7 (Sexually Oriented Businesses); Title 12, Chapter 1 (Specific Offenses); Title 12, Chapter 2 (Animals); Title 12, Chapter 3 (Public Nuisances); Title 12, Chapter 4 (Paraphernalia Intended for Illegal Drug Use); Title 12, Chapter 5 (Smoking Prohibited in Specified Places)
Proposal: Amend the High Point Code of Ordinances in accordance with S.L. 2021-138.	

Background

The proposed text amendment to the Code of Ordinances is in response to recent State legislation that prohibits the use of criminal penalties for certain ordinance violations.

Details of Proposal

In late 2021, the North Carolina legislature passed Session Law 2021-138 ("Senate Bill 300") which is a wide-ranging criminal justice reform law, addressing law enforcement and policing matters. Among other reforms, the law takes steps to decriminalize some local ordinances. Prior to this legislation, State law provided that a violation of any city ordinance was by default a misdemeanor (as provided by N.C.G.S. §14-4) unless the ordinance provided otherwise. In other words, there was a presumption in State law that the City could criminally enforce ordinance violations (by issuing a criminal citation and forcing the violator to appear in court and pay criminal penalties) even if the ordinance did not explicitly provide for such criminal enforcement. Senate Bill 300 reversed that presumption. Under the new statutory language, local governments must amend local ordinances to specifically identify violations that may be enforced criminally. Additionally, Senate Bill 300 provides a list of ordinances that may no longer impose a criminal penalty.

City staff, including but not limited to the City Manager's Office, Police Department, Public Services Department, Planning and Development Department, and City Attorney's Office, have worked together to review the Code of Ordinances and produce the proposed text amendment in accordance with Senate Bill 300.

Analysis

This text amendment is proposed for the purpose of complying with State law and making other clarifying and correcting revisions.

Recommendation

Staff and the Public Safety Committee recommend approval of the proposed text amendment.

Required Action

Senate Bill 300 prohibits the City Council from enacting or adopting the text amendment at the same meeting in which the amendment was first introduced. Therefore, the City Council should vote on the text amendment on the first reading on June 6, 2022, after the public hearing is closed, and then subsequently vote on the same text amendment on the second reading on June 21, 2022. If adopted, the text amendment would take effect upon the second vote.

Report Preparation

This report was prepared by the City Attorney's Office.

Attachments:
Text Amendment Ordinance

AN ORDINANCE AMENDING THE CITY OF HIGH POINT CODE OF ORDINANCES

WHEREAS, prior to December 1, 2021, state law provided that the violation of a city ordinance is a misdemeanor unless the city provided otherwise; and

WHEREAS, Part XIII of S.L. 2021-138 provides that, effective December 1, 2021, a violation of a city ordinance may be a misdemeanor as provided by N.C.G.S. § 14-4 only if the city specifies such in the ordinance; and

WHEREAS, Part XIII of S.L. 2021-138 provides a list of types of ordinances that may no longer impose a criminal penalty; and

WHEREAS, in order to comply with Part XIII of S.L. 2021-138, the High Point City Council desires to amend the City's Code to specify whether a violation of a section of the Code is punishable as a misdemeanor and to remove existing criminal penalties for certain sections of the Code; and

WHEREAS, the City Council also desires to amend the Code to standardize the process for civil enforcement of the Code; and

WHEREAS, notice of the public hearing for this ordinance was published in the High Point Enterprise on May 27, 2022, and June 2, 2022; and

WHEREAS, a public hearing was held before the City Council on June 6, 2022, regarding this ordinance and amending the Code; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT THAT THE FOLLOWING SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF HIGH POINT, NORTH CAROLINA, ARE HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 1.
Criminal and civil penalty amendments to the High Point Code of Ordinances.

PART A.
Chapter 1 of Title 1 of the High Point Code of Ordinances is hereby amended as follows:

Sec. 1-1-1. How code designated and cited.

The provisions of the following titles, chapters, articles, and sections shall constitute and be designated "The Code of Ordinances of the City of High Point, North Carolina ~~1982~~," and may be so cited. Such Code may also be cited as "High Point Code."

(Code 1958, Sec. 1-1)

State law reference(s) ~~Admission of Code in evidence~~Code of Ordinances, G.S. 160A-7~~9~~7, ordinance book, G.S. 160A-78; pleading and proving city ordinances, G.S. 160A-79.

Sec. 1-1-2. Definitions and rules of construction.

In the construction of this ~~code~~ Code ~~and of all ordinances~~, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

(1) *City.* The words "the city" shall mean the City of High Point.

(2) *Code.* The words "the Code" and "this Code" shall mean the Code of Ordinances of the City of High Point, North Carolina.

(3) *Computation of time.* The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that shall be excluded.

(~~3~~4) *Council.* The words "the council" shall mean the council of the City of High Point, North Carolina.

(~~4~~5) *County.* The words "the county" shall mean the respective counties of Guilford, Randolph and Davidson, North Carolina, except as otherwise provided.

(~~5~~6) *Gender.* Words importing the masculine gender shall include the feminine and neuter.

(~~6~~7) *In the city* or *within the city* shall mean any territory, the jurisdiction of which, for the exercise of its regulatory power, has been conferred by general or special law.

(~~7~~8) *Joint authority.* All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(~~8~~9) *May.* The word "may" is permissive.

(~~9~~10) *Month.* The word "month" shall mean a calendar month.

(~~10~~11) *Number.* Words used in the singular include the plural and the plural includes the singular number.

(~~11~~12) *Oath.* The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

(~~12~~13) *Owner.* The word "owner" when applied to buildings or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

(~~13~~14) *Person.* The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

(~~14~~15) *Personal property* includes every species of property except real property, as herein defined.

(~~15~~16) *Preceding, following.* The words "preceding" and "following" shall mean next before and next after, respectively.

(~~16~~17) *Property.* The word "property" shall include real and personal property.

(~~17~~18) *Real property* shall include lands, tenements and hereditaments.

(~~18~~19) *Shall.* The word "shall" is mandatory.

(~~19~~20) *Sidewalk.* The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.

(~~20~~21) *Signature* or *subscription* includes a mark when the person cannot write.

(~~21~~22) *State.* The words "the state" shall mean the State of North Carolina.

(~~22~~23) *Street.* The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city.

(~~23~~24) *Tenant.* The words "tenant" and "occupant" applied to a building or land, shall include any person who occupies the whole or part of such building or land whether alone or with others.

(~~24~~25) *Time.* Words used in the past or present tense include the future as well as the past and present.

(~~25~~26) *Writing.* The words "writing" and "written" shall include printing and any other mode of representing words and letters.

(~~26~~27) *Year.* The word "year" shall mean a calendar year.

State law reference(s)—Rules of construction, G.S. 123; computation of time, G.S. 1-593.

Sec. 1-1-4.~~Criminal penalty, not exclusive remedy; continuing violations~~Enforcement and Appeals.

(a) Any violation of a section of the Code that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor and any person convicted of the violation shall be subject to punishment in accordance with G.S. 14-4. Unless a violation is specifically designated as a misdemeanor, the violation shall not constitute a misdemeanor or infraction punishable under G.S. 14-4, but instead shall be subject to civil penalties and remedies in accordance with this section and G.S. 160A-175. ~~In accordance with G.S. 160A-175, and unless this code of ordinances provides otherwise, violation of any provision shall be a misdemeanor as provided in G.S. 14.-4, punishable upon conviction by a fine not exceeding $50 or by imprisonment not exceeding 30 days. An ordinance may provide by express statement that the maximum fine or term of imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G.S. 14-4.~~

(b) By express statement, ~~an ordinance contained herein may provide for its enforcement by other remedies, as~~ the Code may be enforced by any one, all, or combination of the remedies authorized in G.S. 160A-175, including the imposition of civil fines~~,~~ recoverable in the nature of debt or the ordering of appropriate equitable relief, including orders of abatement and injunctions~~, or a combination of remedies~~.

(c) ~~An ordinance may provide, when appropriate~~Unless otherwise specified, ~~that~~ each day's continuing violation of any section of the Code shall be a separate and distinct violation or offense.

(d) Any violation of the Code by any officer, agent, or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association, or organization. Any officer, agent, or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any section of this Code, where such violation was the act or omission, or the result of the act, omission, or order, of any such person.

(e) Unless otherwise provided within a particular section of the Code or by state law, written notice of a violation by certified or registered mail to the violator's last known address, by personal service, or by posting notice conspicuously on property owned by the violator(s), shall be provided to the violator(s) for all civil violations and shall include all of the following:

A. Notice that a civil violation of the Code exists;

B. The nature of the violation and citation to the section(s) of the Code that were violated;

C. The measures necessary to remedy the violation;

D. The time period in which the violation must be corrected;

E. That penalties may be assessed, and remedies sought, by the City; and

F. That the party cited has the right to appeal the notice of violation in accordance with the Code.

(f) Notices of violation for civil violations may be issued, and civil penalties authorized by the Code may be assessed, by any officer, employee, or agent of the City responsible for the administration and enforcement of the provision; or by any other officer, employee, agent, or other person who is authorized by the city manager to enforce the provision.

(g) Unless otherwise provided within a particular section of the Code or by state law, any person who violates any provision of the Code, shall be subject to assessment of a civil penalty in the amount of $50.00 for the first violation, $100.00 for the second violation, $200.00 for the third violation, and $500.00 for the fourth and each succeeding violation.

(h) Unless another procedure is established for a particular violation within a section of the Code or by state law, any person assessed a notice of violation or civil penalty may appeal by filing a written notice of appeal with the city within 30 days from the date of the notice or assessment. Failure to file a notice of appeal within this time period shall constitute a waiver of the right to contest the notice of violation or civil penalty. Appeals shall be heard by a hearing officer designated by the city manager through a quasi-judicial process. The city manager may establish rules and procedures that govern the appeal and quasi-judicial hearing process. Such rules may include a requirement that, for specified violations, a bond equal to the amount of the civil penalty be posted at the time a notice of appeal is filed. A hearing officer's decision on a violation or civil penalty appeal is subject to further review in the superior court of the county by proceedings in the nature of certiorari in accordance with G.S. 160D-1402. Any petition for writ of certiorari shall be filed with the clerk of superior court within 30 days after the date that the hearing officer's written decision is issued.

State law reference(s)—Violation of city ordinances a misdemeanor, G.S. 14-4; enforcement of ordinances, G.S. 160A-175; Appeals in the nature of certiorari, G.S. 160D-1402.

Sec. 1-1-8. Altering code.

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this Ccode or to insert or delete pages, or portions thereof, or to alter or tamper with the Ccode in any manner whatsoever except by ordinance or resolution or other official act of the city council, which will cause the law of the city to be misrepresented thereby. ~~Any person violating this section shall be punished as provided in section 1-1-4 hereof.~~

PART B.
Chapter 2 of Title 3 of the High Point Code of Ordinances is hereby amended as follows:

Sec. 3-2-39. Levy of tax; gross receipts derived from retail short-term or rental of motor vehicles.

(a) *Tax on gross receipts derived from retail short-term motor vehicle leases or rentals.* The City of High Point hereby imposes and levies a tax on one and one-half (1½) percent of the gross receipts from the short-term lease or rental of vehicles at retail to the general public, as authorized by G.S. 160A-2~~5~~15.1.

(b) *Administration.* The city through the Guilford County Tax Collector will administer and collect from operators of leasing and rental entities the tax levied hereby. The county tax collector may promulgate additional lawful rules and regulations necessary for the enforcement, implementation and collection of the tax.

(c) *Payment of taxes and filing of returns.* The taxes levied hereby are due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every entity required to collect the tax shall, on or before the 15th day of each month, prepare and render a return to the county. The county shall design, print, and furnish to all such entities the necessary forms for filing returns and instructions to insure the full collection of the tax. These tax proceeds shall be placed in a segregated account by the collecting entity and are the property of the city. A return filed for this purpose is not a public record as defined by G.S. 132.1 and may not be disclosed except as provided by law.

(d) *Penalties.* In case of failure or refusal to file a return or pay the tax for a period of 30 days after the time required for filing the return or paying the tax, there shall be an additional tax, as a penalty, of five (5) percent of the tax due, with an additional

tax of five (5) percent for each additional month or fraction thereof until the tax is paid. The Guilford County Board of Equalization and Review, for good cause shown, may consider appeals and adjust any penalty or additional tax imposed hereunder.

(e) *Penalty~~Misdemeanor~~ for willful violation.* Any person, firm, corporation or association who willfully attempts in any manner to evade a tax imposed herein or who willfully fails to pay the tax or make and file a return shall be punished as provided in G.S. 160A-215(f)~~, in addition to the penalties provided by law and herein, be guilty of a misdemeanor punishable as provided by law~~.

(f) *Delegation of powers.* The county tax collector shall exercise the powers authorized to the city by G.S.160A-215.1(f) with the county board of equalization and review exercising the powers of the tax review board.

PART C.
Chapters 1, 2, and 3 of Title 5 of the High Point Code of Ordinances are hereby amended as follows:

Sec. 5-1-41. Civil penalty.

(a) Except for handicapped vehicle parking and violations of section 10-1-156, for each violation as set forth in section 5-1-3 there shall be a fixed civil penalty charge in the amount of $50.00. For unlawful parking in a restricted handicapped space, there shall be a fixed civil penalty charge in the amount of $100.00. For unlawful parking pursuant to section 10-1-156 in an area dividing a street into two (2) or more sections, there shall be a fixed civil penalty charge in the amount of $50.00. When the owner of a vehicle, or his agent, makes proper payment of a parking ticket within seven (7) days following the date of issuance of the ticket, the obligation thereunto shall be discharged. If such charge has not been paid within the seven-day period as herein set out, the parking violation shall be deemed to be delinquent and subject to the additional penalties provided for in subsection (b). The parking violation shall have stated thereon that payment is due within seven (7) days from date of issue to avoid an additional penalty of $50.00 and court costs.

(b) The city tax collector may accept payments in full and final settlement of the claim or claims, right or rights of action which the city may have to enforce such penalties by civil action in the nature of the debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt

for the stated penalty plus an additional penalty in the amount of $50.00, together with the cost of the action to be taxed by the court. However, in the event the offender desires to make payment after the civil action has been commenced but prior to trial disposition, a penalty of $25.00 in addition to the one imposed for payment within seven (7) days shall apply in such cases. Acceptance of the additional penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations.

(c) A violation listed in section 5-1-42 ~~shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes, section 14-4, but instead~~ shall be subject to ~~the~~ civil penalties and remedies in accordance with Section 1-1-4 of the Code and G.S.~~fixed by subsection (a) of this section and the civil remedies provided by North Carolina General Statutes, section~~ 160A-175. Any properly designated city official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.

(d) The civil penalties imposed by this section and the proceeds therefrom, as collected by payment, civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

(e) Each hour a vehicle is parked in the same space following the issuance of a parking ticket shall constitute a separate violation subject to the issuance of a new parking ticket and additional civil penalty to be applied to such vehicle.

(f) The moving of a parked vehicle from one (1) restricted space to another restricted space in the same block is deemed to be one (1) continuous parking period for the purpose of determining overtime parking violations.

(g) To remove or erase chalk mark from tire or tires shall be deemed a violation and subject to civil penalty as provided by law.

Sec. 5-2-47. Telephone alarm systems prohibited.

It shall be unlawful for any person, firm or corporation to install, sell, lease or use, or cause or allow to be installed, sold, leased, or used, within the corporate limits of the city, any fire or police telephone dial alarm device or system, which for the purposes of this section is defined as being or consisting of any mechanical, electrical or radio

electronic device or system so made or designed as to automatically actuate or call the city fire or police departments' telephone or radio circuit and use a pre-taped or pre-recorded or programmed verbal message or signal, which operates through overhead or underground wires or by radio frequencies and which is set or programmed to directly dial, actuate, call or in any other manner make direct contact with any telephone line or radio circuit of the fire or police department. ~~Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-1-4.~~ Nothing herein contained shall be construed to prohibit the installation, sale, leasing or use of any alarm device so long as such device is not designed or programmed to dial, actuate, call or in any other manner directly contact by telephone or radio circuit the fire or police department on any telephone line or radio circuit assigned to those departments. Provided, that the person installing such alarm system shall notify the police and/or fire departments of each installation.

Sec. 5-3-5. State of emergency declaration; curfew authorized.

(a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

(b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the City of High Point, or threatening damage to or destruction of property, the mayor, or mayor pro tempore in the mayor's absence, is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions authorized herein and to take any action deemed necessary in accordance with the authorities cited above in section 5-3-3, including the authority to define and impose a curfew.

(c) The mayor/mayor pro tempore is hereby authorized and empowered to limit by declaration any part of such restrictions to any area specifically designated or described within the corporate limits of the city and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees; doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or

federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the city.

(d) The mayor/mayor pro tempore shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the city council.

(e) During the existence of a proclaimed state of emergency, the mayor/mayor pro tempore may impose by declaration any or all of the following restrictions:

(1) Prohibit or regulate the possession, transportation, sale, purchase, storage and use of gasoline and dangerous weapons and substances, and gasoline except lawfully possessed firearms (handguns, rifles, and shotguns) and ammunition;

(2) Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises;

(3) Prohibit or regulate any demonstration, parade march, vigil, or participation therein from taking place on any of the public ways or upon any public property;

(4) Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances;

(5) Prohibit or regulate travel upon any public street, alley, or roadway or upon any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof;

(6) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.

(f) Any declaration may be extended, altered, or repealed in any particular manner during the continued or threatened existence of a state of emergency by the issuance of a subsequent declaration.

(g) During the existence of a declared state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any declaration authorized by this chapter.

(h) The sections, paragraphs, sentences, clauses, words and phrases of this chapter are severable, and, if any word, phrase, section, paragraph, sentence, or clause shall be declared unconstitutional or invalid by any valid judgment or decree or any court of competent jurisdiction, the constitutionality or invalidity shall not affect any of the remaining phrases, words, clauses, sentences, paragraphs, or sections of this chapter.

(i) The violation of any provision of this section ~~chapter, or of any restriction imposed by any declaration authorized by this chapter,~~ shall ~~constitute a misdemeanor, punishable upon conviction by a fine not exceeding $50.00 or imprisonment not exceeding 30 days, as provided by G.S. 14-4 and also~~ be punishable as a Class 2 misdemeanor as set forth in G.S. ~~Ch.~~ 166A-19.31.

PART D.
Chapters 1 and 2 of Title 6 of the High Point Code of Ordinances are hereby amended as follows:

Sec. 6-1-6. Hedges within six inches of sidewalk declared nuisance; visibility at intersections.

(a) All trees, hedges, bushes, shrubbery, vines, etc., which encroach on a line drawn perpendicular to and six (6) inches from any sidewalk, or sidewalk pavement, or which obscure visibility at any intersection, are dangerous to clothing, inconvenient to pedestrians, and are a hazard to traffic and are hereby declared to be a nuisance. All such trees, hedges, bushes, shrubbery, vines, etc., shall be kept trimmed back or supported so as not to encroach in a perpendicular position nearer than six (6) inches to any sidewalk as herein specified.

(b) On corner lots no tree, hedge, bush, shrubbery, vine, fence, wall, sign or other similar object which constitutes a hazard to visibility for motorists using either street, as determined by the director of transportation after an engineering

investigation, shall be planted or allowed to remain in the area inside a vision triangle bounded by the street curb lines or edge of pavement and a vision clearance setback line. The setback line connects points on each right-of-way line which are located a minimum distance of 25 feet back from the intersection of the two (2) right-of-way lines.

(c) Any person ~~violating any of the provisions of this section shall be subject to punishment as provided in section 1-1-4, and in addition, any person~~ who, having been served an order to remove any violation shall fail to comply with such order within 10 days after such service, or shall continue to violate any provisions of this section named in such order, shall ~~also~~ be subject to a civil penalty in accordance with Section 1-1-4 of the Code and G.S. 160A-175~~of $50.00. Each day that a violation continues shall create a new offense~~.

Sec. 6-2-1. Definitions.

(a) For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(b) The following definitions shall apply in the interpretation and the enforcement of this chapter:

(1) *Ashes* means refuse from the burning of wood, coal, paper, and/or other combustible material which has been wetted and cooled to the touch prior to collection.

(2) *Blood and body fluids* means liquid blood, serum, plasma, other blood products, emulsified human tissue, spinal fluids, and pleural and peritoneal fluids. Dialysates are not blood or body fluids under this definition.

(3) *Bulk containers* mean a metal container made of watertight construction with sliding doors opening on two (2) sides and hinged top, and constructed so that it can be emptied mechanically by specially equipped trucks. Containers shall be kept covered at all times. Hereinafter upon effective date of this section, all new bulk containers shall meet these specifications.

(4) *Bulky item* means the occasional items that are inappropriate or too large for compacting in the garbage truck such as white goods, stoves, refrigerators, water heaters, gas grills, wheelbarrows, bicycles, lawn mowers, sofas, box springs, carpet/padding, and other furniture and appliances. Bulky item

collection is not intended to remove the entire contents of a property or house. No tires will be accepted.

(5) *Business* means a corporation, industry, company, retail, landlord, and/or other entity engaged in a for-profit endeavor.

(6) *Central Business District* means that section of the city bounded by Russell Street on the south, Elm Street on the west to Church, thence north along Main Street to Montlieu on the north and Hamilton Street on the east.

(7) *City* means the City of High Point.

(8) *Collection* means the act of removing solid waste from a point of generation to an approved disposal site. Collection shall be at the curb for garbage, yard waste, recyclables and bulky items.

(9) *Commercial establishment* means any retail, wholesale, institutional, religious, hotels, governmental or other nonresidential establishment at which solid waste may be generated.

(10) *Commercial waste* means solid waste generated from institutions and commercial concerns such as hotels, stores, etc.

(11) *Construction or demolition when used in connection with "waste" or "debris"* means solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris, or yard debris.

(12) *Detachable container* means a unit varying in capacity between 20 cubic yards and 40 cubic yards which is used for collecting, storing, and transporting building materials, commercial waste, industrial waste, hazardous refuse, refuse, or yard trash. The unit may or may not use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of the detachable container is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to the disposal site.

(13) *Flow control area* is a designated geographic area within which the collection, transportation, storage, and disposal of all solid waste generated within said area shall be accomplished in accordance with a solid waste management plan.

(14) *Garbage* means all putrescible waste, that is solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses, including animal offal and carcasses and recognizable industrial byproducts, but

excluding sewage and human waste. Offal, carcasses, and pet feces shall be securely bagged for collection.

(15) *Generating facility* means any facility where medical waste first becomes a waste, including but not limited to any medical or dental facility, funeral home, laboratory, veterinary hospital, and blood bank.

(16) *Government* or *Governmental* means any government, state, county or local government which operates separate and apart from the City of High Point.

(17) *Group housing* means apartments, condominiums, group developments.

(18) *Hazardous waste* means a solid waste, or combinations of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(19) *Inert debris* means solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

(20) *Land clearing debris* means solid waste (stumps, tree trunks, roots, dirt, large limbs, etc.) which is generated solely from land clearing activities.

(21) *Lead acid batteries* means any battery containing lead, acid, or both.

(22) *Litter* includes, but is not limited to, garbage refuse, waste material or any other discarded, used, or unconsumed substance which is not handled as specified herein.

(23) *Loose leaves* means tree/plant foliage that has fallen from trees/plants and has been placed along the street in rows or piles, not in bags, for collection.

(24) *Loose tree limbs* means large, heavy yard and/or tree trimmings or cuttings resulting from heavy pruning, tree or shrub removal, or plant breakage. These limbs have not been trimmed or cut to proper size, length, or bundled for collection.

(25) *Material recovery facility* is a state permitted solid waste management facility that receives recyclables within the designated flow control area The facility also processes removed recyclables for sale to recycling markets.

(26) *Medical waste* means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this article, radioactive waste, household waste as defined in 40 Code of Federal Regulations, section 261.4(b)(1) in effect on July 1, 1989, or those substances excluded from the definition of solid waste in this section.

(27) *Microbiological waste* means cultures and stocks of infectious agents, including but not limited to specimens from medical, pathological, pharmaceutical, research, commercial, and industrial laboratories.

(28) *Multi-family residential* unit means any apartment, group of apartments or condominiums used for residential dwelling places.

(29) *Nonresidential unit* means any retail, manufacturing, wholesale, institutional, religious, nonprofit organization, governmental or other unit not primarily used for residential purposes.

(30) *Oil* means any oil new or used which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and is economically recyclable.

(31) *Pathological waste* means human tissue, organs and body parts, and the carcasses and body parts of all animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

(32) *Person* means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

(33) *Physical disability* means a medical condition, verified by a registered physician, that makes an individual either physically unable to bring a rollout cart to the curbside for collection and/or that makes undertaking such an act clearly and seriously threatening to that person's health.

(34) *Recycling* means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.

(35) *Recyclable material* means those materials which are capable of being recycled can be marketed at a value greater than the costs associated with processing

and shipping that material to a buyer, and which would otherwise be processed or disposed of as solid waste. Examples of recyclable materials are as follows: newspaper and accompanying inserts, magazines, chip board, corrugated cardboard, mixed and office paper (excluding sanitary products), telephone books, plastic bottles (#1 PET), plastic containers (#2 HDPE), steel cans, aluminum cans, glass containers, and yard waste (leaves, brush, grass clippings) and other materials determined to be recyclable by the public services director.

(36) *Rental roll-off ~~trash trailer~~ program* means city service to provide a large roll-off container ~~trailer~~ rental for residential property owners, customers, and tenants for a larger quantity of bulky items to be disposed. Service is for a fee.

(37) *Refuse* means all non-putrescible waste.

(38) *Regulated medical waste* means blood and body fluids in individual containers in volumes greater than 20 milliliters, microbiological waste, and pathological waste that have not been treated.

(39) *Rollout cart* means a wheeled solid waste, yard waste, and/or recyclable receptacle compatible with city garbage collection equipment, and approved by the department of public services.

(40) *Scrap tire* means a tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.

(41) *Sharps* means and includes needles, syringes with attached needles, capillary tubes, slides and cove slips, and scalpel blades.

(42) *Sharps container* means a container manufactured and approved for the disposal of sharps. The container must be rigid, leak-proof when in the upright position, puncture-resistant, and shall be labeled with a water resistant universal biohazard symbol.

(43) *Single-family attached housing* is a project of one (1) or more residential structures, each containing two (2) or more attached single-family residences.

(44) *Single-family dwelling* means any dwelling place occupied by one (1) family.

(45) *Sludge* means any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, waste supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.

(46) *Small dead animals* means cats, dogs, small household pets, and other small animals of similar size weighing less than 100 pounds. Definition does not include livestock (cows, pigs, goats, horse).

(47) *Solid waste* means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment, and disposal systems; and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include:

a. Fecal waste from fowls and animals other than humans.
b. Solid or dissolved material in:

    1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters;
    2. Irrigation return flows; and
    3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.

c. Oils and other liquid hydrocarbons controlled under article 21A of chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.
d. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. Par. 2011).
e. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.

(48) *Special wastes* means solid wastes that can require special handling and management, including white goods, whole tires, used oil, lead-acid batteries, and medical wastes.

(49) *Tipping fee* means the charge per ton approved by the city council for processing and disposal of solid waste as well as the capital and operation and maintenance costs associated with the materials recovery facility.

(50) *Tire* means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).

(51) *White goods* include inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

(52) *Yard waste* means solid waste consisting solely of vegetative matter which includes, but is not limited to, tree limbs, grass clippings, weeds, bush clippings, leaves, brush, and etc. resulting from regular maintenance of yards, gardens, and landscaping maintenance activities. Yard waste does not include entire trees, large tree trunks, stumps, or clearing activities. It also does not include any material generated by commercial tree companies.

Sec. 6-2-8. Interfering with collection practices.

No person or persons shall interfere, meddle with refuse containers or in any way pilfer, scavenge, scatter the contents of, or place junk in any alley or street within the city limits or otherwise deter the normal solid waste collection process by tampering with solid waste containers unless by permission of the environmental services superintendent or his representative, nor shall any person place any hazardous waste in any collection receptacle. This applies to garbage, bulky items, yard waste, medical waste, and recyclables. A violation of this section is punishable as a misdemeanor.

Sec. 6-2-10. Medical waste.

No medical waste shall be deposited or permitted to be deposited in the waste stream within the flow control area. The director of public services shall terminate solid waste collection services to any commercial establishment at which a violation of this section occurs. Such termination ~~is not a penalty, but~~ shall ~~nevertheless~~be in addition to and not in lieu of the imposition of civil or criminal penalties for violation of this chapter.

Sharps as defined above shall not be placed in the rollout carts, recyclable containers, or other containers for regular solid waste collection. All sharps items should be placed in an approved sharps container as defined above, but not placed in the

regular solid waste stream. Residential customers may call the city's customer service division (336-883-3111) to schedule a pickup of the sharps containers free of charge. If a customer is found to repeatedly place sharps in the regular solid waste collection, the director of public services may discontinue solid waste service to the property and/or impose violation fines. Any violation of this section is punishable as a misdemeanor.

Sec. 6-2-12. Dumping solid waste, etc., on open lots prohibited; exception for landfilling.

No solid waste, yard waste, special waste, or other offensive material shall be dumped, thrown, or allowed to remain on any lot or space within the city limits. However, the owner of any lot or parcel of land desiring to conduct a fill operation shall apply for the appropriate permits, and any fill operation shall be conducted in accordance with all local, state, and federal rules, laws, and conditions contained in the permit. A violation of this section is punishable as a misdemeanor.

Sec. 6-2-14. Removal of small dead animals.

The city provides for the removal of small dead animals (less than 100 pounds). This service is provided five (5) days per week during normal business hours. Small dead animals shall be placed in a plastic bag and put in the rollout cart on the normal schedule collection day or scheduled through customer service (336-883-3111). Dead animals weighing 100 pounds or more shall be removed and disposed of by the owner. The collection of small animals includes dogs, cats, birds, and other similar pets/animals. It does not include livestock, horses, pigs, goats, or similar animals.

Dead animals already in the street or on the edge of the street, when the owner is not identified, will be scheduled for collection by the city upon notification of their existence.

The city will provide dead animal collection to local veterinarians offices for a fee as set by the director of public services. Veterinarian offices shall call the city's customer service division (336-883-3111) to schedule a pickup of dead animals. The city will collect up to 10 animals, none exceeding 100 pounds, during a requested pickup. The veterinarian office is required to bring the dead animals to the truck. Veterinarian offices will be billed for the service per the established fee.

Sec. 6-2-15. Rental trash roll-off container ~~trailer~~ program.

The rental trash roll-off container ~~trailer~~ program provides residents, homeowners, and tenants with a means to remove larger quantities of bulky item materials or yard waste from the property to the landfill or compost facility for a fee. Upon request of a roll-off container ~~trailer~~ and payment of fee (fee as set by the director of public services), the city will deliver a roll-off container ~~trailer~~ to the property for a given time. Disposal and accepted material rules posted on the roll-off container ~~trailer~~ must be followed. Failure to follow rules for the roll-off container ~~trailer~~ will result in additional fees/fines, additional disposal costs, and/or refusal to accept materials.

Sec. 6-2-18. Penalty for violation.

Items found in violation of this chapter will be tagged as such to notify the property owner, resident, or tenant of the issue(s). If the violation is not corrected, the city will take action to remedy the violation. The property owner, resident, or tenant may be fined as described below and will be charged the actual costs of cleanup and disposal.

Violation of any provision of this chapter shall ~~constitute a misdemeanor; shall also or alternatively~~subject the offender to ~~a~~ civil penalties~~y in the amount of $500.00;~~ and ~~shall also be subject to appropriate~~ equitable remedies, including but not being limited to injunctive relief, in accordance with Section 1-1-4 of the Code and G.S. 160A-175. ~~Each days' continuing violation shall constitute a separate offenses.~~

PART E.
Chapter 1 of Title 6 of the High Point Code of Ordinances (the Development Ordinance) is hereby amended as follows:

9.7.6. Criminal Penalties.

Violation of Erosion and Sedimentation Control. Any person who knowingly or willfully violates any soil erosion and sedimentation control provision of this ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land-disturbing activity for which a soil erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, is guilty of a Class 2 misdemeanor that may include ~~punishable by imprisonment not to exceed 90 days, or by~~ a fine not to exceed $5,000~~, or both~~.

(Ord. No. 7476/18-105 , § 19, 12-3-2018)

State law reference— Penalties, G.S. 113A-64.

9.9.5. Nonpayment

If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to legal counsel to institute a civil action for recovery of the civil penalty. ~~Moreover, if the civil penalty is not paid within the time prescribed, any of the directors listed in Section 9.5.1, as appropriate, may have a criminal summons or warrant issued against the violator. Upon conviction, the violator is subject to any criminal penalty the court may impose pursuant to Section 14-4 of the North Carolina General Statutes.~~

PART F.
Chapter 2 of Title 6 of the High Point Code of Ordinances is hereby amended as follows:

Sec. 9-2-101. Occupants.

(a) *Occupant's responsibilities.* Every occupant of a dwelling shall*:*

1. Keep the part of a dwelling which he occupies and controls in a clean and sanitary condition.
2. Keep all required plumbing and other fixtures in a clean and sanitary condition, and exercise reasonable care in the use and operation thereof.
3. Be responsible for the extermination of any insects, rodents or other pests whenever said dwelling is the only dwelling or portion thereof, infested and the owner has provided a reasonably insect-proof and adequately rodent-proof dwelling.
4. Dispose of all garbage and other refuse in an approved garbage receptacle; when approved garbage receptacles are not provided by the landlord, it shall be the responsibility of the occupant to provide adequate approved garbage receptacles.
5. Not place on the premises any material which causes a fire hazard or otherwise endangers the health or safety of any occupants of such dwelling; not place in storage or on the premises any furniture, auto parts, junk equipment or material which harbors insects, rodents or other pests.
6. Not occupy any dwelling unless running water is provided to the required plumbing fixtures.
7. Not place within any building for use therein any oil, kerosene or gas fired portable heater to be used as the primary source for heating or cooking.

8. Not place on the premises for the use thereon any heating or cooking unit which constitutes a fire hazard. If the occupant provides heating or cooking equipment, the occupant shall be responsible for its proper installation and maintenance.
9. Not cause such damage to the dwelling let to him as to make the same unfit for human habitation.
10. No occupant of a rooming house shall heat or cook food or permit the heating or cooking of food within his rooming unit.

(b) *Owner's responsibilities.* Any owner remains liable for violations of duties imposed upon him by this Article even though:

1. An obligation is also imposed on the occupant; or
2. The owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Article.

(c) *Enforcement against occupant.* Upon discovering a violation of this section, the inspector shall have the power to order the correction of any such violation within 48 hours from date of notice thereof; in the event that the occupant fails to make such corrections, then the inspector shall set a hearing pursuant to the procedures of section 9-11—105, and thereafter may again order the correction of any such violation within 48 hours from date of service of the order upon the occupant or the inspector may order the dwelling to be vacated within a reasonable time. The inspector may pursue any other civil ~~or criminal~~ action as the inspector deems reasonably necessary in order to effectuate the purposes of this article.

(d) *Safety of occupants.* In order to protect the health and safety of occupants of a dwelling, the owner shall, within 48 hours after being notified in writing by the occupant or the city, repair and replace any:

1. Broken, burst, frozen or inoperable plumbing pipe or fixtures;
2. Exposed or unsafe wiring;
3. Unsafe and/or dangerous cooking or heating equipment provided by the owner; and
4. Fuel storage tanks and/or supply lines provided by the owner which are leaking, improperly supported or dangerous.

Sec. 9-2-106. Certificate of compliance.

It shall be unlawful for any owner to rent or offer for rent any vacant dwelling or part thereof upon which an order to repair, alter, improve, or to vacate and close has been issued without the owner first filing application for and securing a certificate of

compliance from the inspector. The inspector shall issue a certificate of compliance when, after examination and inspection, it is found that the repairs, alterations, and improvements have been made and that the dwelling conforms with the provisions of this article. The owner requesting a certificate of compliance shall pay no fee for the first two (2) inspections required in which the owner is seeking a certificate of compliance; provided, however, the owner shall pay a fee of $25.00 for each subsequent reinspection required. Any violation of this Section by the owner related to an unsafe building as defined in G.S. 160D-1119 is punishable as a misdemeanor ~~shall subject the violator to a fine of $50.00 a day or 30 days imprisonment for each day occupancy of the dwelling is permitted, not to exceed a total of $500.00 in fines for any one (1) dwelling. Any owner or rental agent so violating this section by leasing a dwelling before obtaining a certificate of compliance shall be subject to immediate prosecution~~.

Sec. 9-2-113. Violations and penalties.

(a) It shall be unlawful for any owner of any dwelling to fail, neglect or refuse to repair, alter or improve the same, or to fail to vacate and close or remove and demolish the same, upon order of the inspector duly made and served as herein provided, within the time specified in the order. It shall be unlawful for the owner of any dwelling, with respect to which an order has been issued pursuant to section 9-11-105 of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration or improvement or its vacation and closing. All dwellings which are vacated upon order of the inspector to repair or vacate and close the same shall be kept locked and secured in a manner so as not to create a fire and safety hazard or to create a hazard to children or attract vagrants or persons with criminal intent and the lawns and grounds of such vacant dwellings shall be kept free of high grass, weeds, trash and debris. It shall be unlawful for an owner of any dwelling which is vacant and under an order to repair, alter, improve or to remove and demolish same to fail to properly lock and secure same or to keep the lawns and grounds of such dwelling free of high grass, weeds, trash, and debris.

(b) An owner who fails to comply with an order to repair or to improve, vacate or close any occupied dwelling determined unfit for human habitation pursuant to the provisions contained in section 9-11-105, or who permits the reoccupancy of a vacant dwelling found to be unfit for human habitation or who fails to secure a

vacant dwelling which has been found unfit for human habitation or who fails to keep the lawns and grounds of such dwelling free of high grass, weeds, trash and debris, shall be subject to a civil penalty in the amount of $100.00 for the first day following the expiration of an order to repair, improve, or vacate and close any dwelling or following a determination that any unfit dwelling has been reoccupied in violation of section 9-11-105 or following notification that a vacant dwelling is to be secured or following notification to cut high grass and weeds or remove trash and debris. In each instance, a civil penalty in the amount of $50.00 per day shall be imposed for each subsequent day that the unfit dwelling remains occupied in violation of this article or a vacant dwelling remains open and not secured or grounds and lawns are not mowed or cleared of trash and debris. If a person fails to pay the civil penalty within 10 days after being notified of the amount due, the city may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt. No civil penalty shall be imposed against an owner of an unfit dwelling where the only violation rendering a dwelling unfit is a violation of section 9-11-101, unless the owner is also the occupant.

(c) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this article or any order or decision of the inspector or board of adjustment, the inspector is authorized to institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate the violation, to prevent the occupancy of the dwelling, to prevent any illegal act, conduct or use in or about the premises of the dwelling or for any other purpose authorized by G.S. 160A-446(g) or any other law. The failure of the owner to comply with an order issued by the inspector may also be enforced through any equitable or other remedy deemed appropriate by the city and permitted by law.

(d) No person shall remove or permit the removal of any placard, complaint, notice or order posted in accordance with the provisions of this article.

(e) No person shall occupy any dwelling with a placard, complaint, notice or order posted on it in accordance with the provisions of this article. ~~Occupation of a dwelling so posted shall constitute a Class 1 misdemeanor.~~

(f) When the inspector finds that a dwelling is unfit for human habitation within the meaning of this article and has notified the owner that the time limit set by the inspector for the correction of defects and vacating the dwelling has expired, no person shall receive rentals, offer for rent, or occupy said dwelling for any purpose.

(g) No person shall damage, mutilate or remove, nor shall any person suffer, permit or cause to be damaged, mutilated or removed, any permanent fixtures from any dwelling.

(h) It shall be unlawful for the owner of any dwelling upon whom a notice, complaint or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of said dwelling until the provisions of the notice, complaint or order have been complied with, or until such owner shall furnish to the transferee, lessee, or mortgagee, a true copy of any notice, complaint or order issued by the inspector and concurrently give written notice to the inspector of the intent to transfer, lease, or mortgage as to whom the transferee, lessee or mortgagee who had received actual constructive notice of the existence of a notice, complaint or order shall be bound by the notice, complaint or order as of date of the transfer, lease or mortgage without service of further notice upon him.

(i) Any ~~The~~ violation provided for in~~of any provisions of this article shall constitute a misdemeanor as provided by G.S. 14-4.~~ this section related to an unsafe building as defined in G.S. 160D-1119 is punishable as a misdemeanor.

Sec. 9-2-165. Abandoned motor vehicles.

(a) *Abandonment of motor vehicles prohibited.* It shall be unlawful for any person to abandon a motor vehicle on city-owned property and private property within the city and on city-owned property wherever located.

(b) *Removal of abandoned motor vehicles.* The city may remove to a storage garage or area abandoned motor vehicles that are found to be in violation of this article. An abandoned motor vehicle may not be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the city council or a duly authorized city official or employee has declared the vehicle to be a health or safety hazard. Appropriate city officers and employees may, upon presentation of proper credentials, enter on any premises within the city ~~ordinance-making jurisdiction~~ at any reasonable hour in order to determine if any vehicles are

health or safety hazards. The city may require a person requesting the removal of an abandoned motor vehicle from private property to indemnify the city against any loss, expense, or liability incurred because of vehicle's removal, storage, or sale.

(c) *Notification and probable cause hearing.*

(1) Whenever a vehicle with a valid registration plate or registration is towed, the city shall immediately notify the last known registered owner of the vehicle of the following:

(i) Notice that the vehicle has been towed, along with a description of the vehicle;

(ii) Address where the vehicle is stored;

(iii) The violation with which the owner is charged, if any;

(iv) The possible sale or other disposition of the vehicle;

(v) The procedure the owner must follow to have the vehicle returned to him/her; and

(vi) The procedure the owner must follow to request a probable cause hearing on the towing.

If the vehicle has a North Carolina registration plate or registration, notice shall be given to the owner within 24 hours; if the vehicle is not registered in North Carolina, notice shall be given to the owner within 72 hours. Notice shall be mailed to the owner's last known address unless the owner waives this notice in writing. In addition to written notice by mail, and if feasible, additional notice shall be given by telephone. Whether, or not, the owner is reached by telephone, notice shall be mailed to his last known address unless he/she or his/her agent waives the notice in writing.

(2) Whenever a vehicle with neither a valid registration plate nor registration is towed, the city shall make reasonable efforts, including checking the vehicle identification number (VIN), to determine the last known registered owner of the vehicle and notify the owner as required by this article. Unless the owner has otherwise been given notice, it is presumed that the city has not made

reasonable efforts, as required under this article, unless notice that the vehicle would be towed was posted on the windshield or some other conspicuous place at the least 10 days before the towing actually occurred; except, no pre-towing notice need be given if the vehicle impeded the flow of traffic or was otherwise jeopardizing the public welfare so that immediate towing was necessary.

(3) The owner or any person entitled to claim possession of the vehicle may regain possession of the motor vehicle by paying to the city all reasonable costs incidental to the removal and storage.

(4) The owner or any person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the magistrate's office in Guilford County. The magistrate shall set the hearing within 72 hours of his/her receiving the request. The owner, the city official who requested the hearing if someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing. The rules of the General Statutes apply to any appeal.

(d) *Disposal of abandoned motor vehicles.* After holding an abandoned motor vehicle for 30 days after the date of removal, the city may sell or dispose of the vehicle as follows:

(1) If the vehicle appears to be worth less than $500.00, the city may dispose of the vehicle as a junked motor vehicle as provided by this article. With the consent of the owner, the city may remove and dispose of a motor vehicle as a junked motor vehicle without regard to the value, condition or age of the vehicle and without holding it for a prescribed period of time.

(2) If the vehicle appears to be worth $500.00 or more, the vehicle shall be sold at public auction. The city shall give 20 days' written notice of the sale to the registered owner at his last-known address, to each holder of a lien of record against the vehicle and to the state division of motor vehicles. Any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs accrued to date. The proceeds of the sale shall be paid to the finance officer of the city, who shall pay to the appropriate officers or persons the cost of removal, storage, investigation, sale and liens in that order. The

remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the city for 60 days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within 60 days after the day of the sale, the funds shall be deposited in the city's general fund and the owner's rights in the vehicle are extinguished.

(e) *Exceptions.* This article does not apply to any vehicle in an enclosed building, to any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(f) *Junked motor vehicles.*

(1) *Abandonment of junked motor vehicles prohibited.* It shall be unlawful for any person to abandon a junked motor vehicle on public grounds and on private property within the city or upon city-owned property wherever located.

(2) *Removal of junked motor vehicles.* Junked motor vehicles found to be in violation of this article may be removed to a storage garage or area, but no such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the city council or a duly authorized city officer or employee finds in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors, may be considered:

(i) Protection of property values;

(ii) Promotion of tourism and other economic development opportunities;

(iii) Indirect protection of public health and safety;

(iv) Preservation of the character and integrity of the community; and

(v) Promotion of comfort, happiness, and emotional stability of area residents.

The city may require any person requesting the removal of a junked motor vehicle from private property to indemnify the city against any loss, expense, or liability incurred because of the removal, storage or sale of the junked motor vehicle.

(g) *Notification and probable cause hearing.*

(1) Whenever a vehicle with a valid registration plate or registration is towed, the city shall immediately notify the last known registered owner of the vehicle of following:

(i) A description of the vehicle;

(ii) The place where the vehicle is stored;

(iii) The violation with which the owner is charged, if any;

(iv) The possible sale or other disposition of the vehicle; and

(v) The procedure the owner must follow to request a probable cause hearing on the towing.

If the vehicle has a North Carolina registration plate or registration, notice shall be given to the owner within 24 hours; if the vehicle is not registered in this state, notice shall be given to the owner within 72 hours. This notice shall, if feasible, be given by telephone. Whether, or not, the owner is reached by telephone, notice shall be mailed to his last known address unless he/she or his/her agent waives the notice in writing.

(2) Whenever a vehicle with neither a valid registration plate nor registration is towed, the city shall make reasonable efforts, including checking the vehicle identification number (VIN), to determine the last known registered owner of the vehicle and to notify him of the information as required by this article. Unless the owner has otherwise been given notice, it is presumed that the city has not made reasonable efforts, as required under this article, unless notice that the vehicle would be towed was posted on the windshield or some other conspicuous place at least 10 days before the towing actually occurred; except, no pre-towing notice need be given if the vehicle impeded the flow of

traffic or otherwise jeopardized the public welfare so that immediate towing was necessary.

(3) The owner or any other person entitled to claim possession of the vehicle may regain possession of the motor vehicle by paying to the city all reasonable costs incidental to the removal and storage.

(4) The owner or any person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the magistrate's office in Guilford County. The magistrate shall set the hearing within 72 hours of his/her receiving the request. The owner, the person who requested the hearing if someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing. Any decision by the magistrate may be appealed by either party to district court.

(h) *Disposal of junked vehicles.* After holding a junked motor vehicle for 15 days, the city may destroy it or sell it at private sale as junk. Within 15 days after the final disposition of a junked motor vehicle, the city shall notify the state division of motor vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as fully accurate a description of the vehicle as can be reasonably determined. The full proceeds of the sale of the junked vehicle shall be paid to the finance officer of the city, who shall pay to the appropriate officers or persons the cost of removal, storage, investigation, sale and liens, in that order. The remainder of the proceeds of sale, if any, shall be held by the city for 30 days after the day the vehicle is disposed of, the funds shall be deposited in the city's general fund, and the owner's rights in the vehicle are extinguished.

(i) *Disposal of vehicle without plates or identification numbers.* If a junked motor vehicle does not display a current license plate and the vehicle identification numbers have been removed or defaced so as to be illegible, the city may dispose of a junked motor vehicle under this article. The city may destroy the vehicle or sell it at private sale, without regard to value, after having held the vehicle for 48 hours. The proceeds shall be placed in the city's general fund.

(j) *Exceptions.* This article~~s~~ does not apply to the following:

(1) Any motor vehicle in the process of repair or restoration on property under the control of the owner of the vehicle or property under the control of the person repairing or restoring the vehicle. Visible evidence of repair or restoration shall be apparent on a monthly basis.

(2) Any motor vehicle that is used on a regular basis for business or personal transportation purposes.

(k) *Nuisance vehicle unlawful; removal authorized.*

(1) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(2) Upon investigation, proper officials may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined in this article, and order the vehicle removed in accordance with the provisions of this article.

(l) *Enforcement remedies authorized; penalties for violation.*

(1) The city may secure injunctions, abatement orders and other appropriate equitable remedies to further ensure compliance as provided in Section 1-1-4 of this Code and G.S. 160A-175.

~~(2) The violation of this article shall be a misdemeanor and in addition to, or in lieu of, remedies authorized in this article shall be punishable by a fine not to exceed $500.00, or imprisonment for not more than 30 days.~~

(2~~3~~) Any act constituting a violation of this section ~~article~~ or a failure to comply with any of its requirements shall subject the offender to civil penalties~~y of $50.00 for each day the violation continues~~ in accordance with Section 1-1-4 of this Code and G.S. 160A-175. If the offender fails to pay this penalty within 15 days after being cited for violation, the penalty may be recovered by the city in a civil action in the nature of debt.

(3~~4~~) Any one (1), all or any combination of the foregoing penalties and remedies may be used to enforce this ~~article~~ section.

Sec. 9-2-197. Other unlawful actions.

(1) No person shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of section 9-2-193 of this article.

(2) It shall be unlawful for the owner of any building upon whom a notice, complaint or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of said building unless one of the following actions have been taken:

(a) Compliance with the provisions of the notice, complaint or order, or

(b) Furnish a copy of any notice, complaint or order to the transferee, lessee or mortgagee and give written notice to the inspector of said action.

(3) A violation of this section related to an unsafe building as defined in G.S. 160D-1119 is punishable as a misdemeanor.

Sec. 9-2-201. Violations, penalty.

(a) It shall be unlawful for any owner of any structure to fail, neglect, or refuse or repair, alter or improve the same, or fail to vacate and close and remove or demolish the same, upon order of the inspector duly made and served as herein provided, within the time specified in the order, and each day that such failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any structure, with respect to which an order has been issued pursuant to section 9-2-193 of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration or improvement or its vacating and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(b) ~~The~~ Any violation ~~of~~ provided for in this section related to an unsafe building as defined in G.S. 160D-1119 is punishable as a misdemeanor ~~Any provision of this article shall constitute a misdemeanor as provided by North Carolina General Statutes 14-4~~.

Sec. 9-2-229. Violations and penalties.

(a) It shall be unlawful for any owner or party in possession to fail, refuse, or neglect to correct violations of this article upon order by the inspector duly made and

served as herein provided, within the time specified in the order or such time as extended by the inspector, and each day that any failure, refusal, or neglect to comply with the order continues shall constitute a separate and distinct offense.

(b) The city shall have the power to impose fines and civil penalties for violations of this article ~~its ordinances,~~ and may secure injunctions and abatement orders to further insure compliance with this article. Further, the city may adopt ordinances authorizing the director of inspections or his designee to take such actions as deemed necessary to correct violations of this article and may assess the costs of such actions to the owner and may place liens on the property for any unpaid costs or assessments.

(c) ~~Methods~~ The City may ~~of~~ impose~~ing~~ fines and civil penalties for violation of this article in accordance with Section 1-1-4 of this Code.~~include:~~

~~(1) *Misdemeanor (G.S. 160A-175(b)):*~~

~~a. A violation of this article shall be a misdemeanor as provided by G.S. 14-4 and shall be subject to a fine and/or imprisonment as prescribed by G.S. 14-4.~~

~~b. Any person, firm, or corporation failing to comply with an order to correct a violation or continuing to violate this article in the manner named in the order within 10 days after the date stated in the order shall also be subject to a penalty of $500.00. Each day that a violation continues shall constitute a separate offense.~~

~~(2) *Civil penalty (G.S. 160A-175(c)).* Any person, firm, or corporation failing to pay the penalty for failing to comply with a provision of this article within a 10-day period shall be subject to a civil penalty of $50.00. Each day beyond the 10-day period shall create a new offense. This penalty shall be recovered by the city in a civil action in the nature of debt.~~

~~(3) *Equitable remedy (G.S. 160A-175(d)).* Provisions of this article may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate. It shall not be a defense to the application of the city for applicable relief that there is an adequate remedy at law.~~

~~(4) *Injunction and order of abatement (G.S. 160A-175(e)).* Provisions of this article may be enforced by injunction and order of abatement. The general court of justice shall have jurisdiction to issue such orders. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt and the city may execute the order of abatement. The city shall have a lien on the property for the cost of executing an order of abatement in the form of a mechanic's or materialman's lien.~~

~~(5) *Combination of authorized remedies (G.S. 160A-175(f)).* This article may be enforced by any one (1), all, or a combination of the civil remedies authorized and prescribed under the provisions of G.S. 160A-175.~~

(d) *Method of correcting violations of this article and assessing costs.* Upon adoption of an ordinance by city council the director of inspections or his designee shall have the power to immediately take all necessary and appropriate actions to correct violations of this article and shall assess the costs of such actions as a lien against the real property upon which such costs was incurred. Said lien shall be filed and shall have the same priority and be collected or foreclosed upon in the same manner as is provided for assessments pursuant to article 10, chapter 160A, North Carolina General Statutes.

(1) The director of inspections may solicit bids and contract with persons or firms for the furnishing of labor, materials, equipment, and/or services necessary to correct violations of this article.

(2) The director of inspections may authorize persons or firms to enter upon the lands of the owner for the purpose of correcting violations of this article and may authorize persons or firms to remove and dispose of prohibited materials, to demolish and remove dilapidated outbuildings, and to mow, clear, and remove weeds and undergrowth.

PART G.

Chapter 1 of Title 10 of the High Point Code of Ordinances is hereby amended as follows:

Sec. 10-1-11. Required obedience to traffic chapter.

It is unlawful ~~a misdemeanor~~ for any person to do any act forbidden or fail to perform any act required in this chapter.

Sec. 10-1-33. Obedience to official traffic control devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, subject to the regulations governing the driver of an authorized emergency vehicle in this chapter. Any violation of this section is punishable as a misdemeanor.

Sec. 10-1-36. Display of unauthorized signs, signals or markings.

(a) No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.

(c) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the director of transportation is hereby empowered to remove the same or cause it to be removed without notice.

(d) No person shall sell or offer for sale any traffic control device to be used on any street or highway in the city which does not conform to the requirements of this chapter.

(e) Any violation of this section is punishable as a misdemeanor.

Sec. 10-1-37. Tampering with official traffic control devices or railroad signs or signals.

It shall be unlawful for any person without lawful authority to alter, remove or tamper with an official traffic control device or railroad signal. A violation of this section is punishable as a misdemeanor.

Sec. 10-1-38. Avoidance of official traffic control devices.

It shall be unlawful to drive across a sidewalk or through the driveway of a parcel of property for the purpose of avoiding an official traffic control device. A violation of this section is punishable as a misdemeanor.

Sec. 10-1-272. Parade permits.

(a) Permit required. It shall be unlawful for any person to conduct or participate in a parade unless a permit allowing such activity has been obtained, and remains unrevoked, pursuant to this section. No person may conduct or otherwise participate in any parade except between the hours of 9:00 a.m. and 9:00 p.m.

(b) Permit application. A person seeking a parade permit shall file an application with the permit official or designee on forms provided by the city and the application shall be signed by the applicant under oath at least 10 business days and not more than 180 days before the commencement of the event. Notwithstanding the preceding sentence, the permit official shall consider an application that is filed less than 10 business days before the commencement of the proposed event where the purpose of such event is a spontaneous response to a current event or where, after due consideration of the date, time, place, and nature of the parade, the anticipated number of participants, and the city services required in connection with the event, the permit official determines that the time from filing is sufficient to prepare for the parade pursuant to the standards set forth in subsection (c) below.

The permit application must contain the following if applicable:

(1) The name, address, and telephone number for the person in charge of the proposed event and the name of the organization with which that person is affiliated or on whose behalf the person is applying (collectively "applicant");

(2) The name, address, and telephone number for an individual who shall be designated as the responsible planner and on-site manager for the event ("parade chairman");

(3) The date, time, place, and route of the proposed event, including the location and time that the event will begin to assemble and disband;

(4) The anticipated number of persons, vehicles, and animals which will constitute such parade or demonstration and the type of animals and description of the vehicles;

(5) The location by street of any assembly areas for such parade or demonstration;

(6) Such other information, attachments, and submissions that are requested on the application form; and

(7) Payment of a nonrefundable application fee as set out in the city's special event policy.

(c) Permitting criteria. The permit official or city manager shall issue a permit for the proposed parade unless:

(1) The safe conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(2) The conduct of the parade will require the diversion of so great a number of law enforcement personnel of the city to properly police the line of movement of the parade and of contiguous areas that adequate police protection cannot be provided to the remainder of the city;

(3) The conduct of the parade will require the diversion of so great a number of ambulances and rescue units that adequate ambulance and rescue service to portions of the city and contiguous areas not occupied by the parade will be impeded;

(4) The application is not fully completed and executed or contains a material falsehood or misrepresentation;

(5) The proposed event would conflict with previously planned programs organized, conducted, or sponsored by the City and previously scheduled at or near the same time and/or place or would conflict with an already permitted event under this section;

(6) The concentration of persons, animals, and vehicles at assembly points of the parade will substantially interfere with adequate police and fire protection of, or ambulance and rescue service to, areas contiguous to such assembly areas;

(7) The parade is to be held for the primary purpose of advertising a product, goods, or an event, and is designed to be held primarily for private profit or gain;

(8) The conduct of the parade will interfere with the movement of firefighting equipment to such an extent that adequate fire protection cannot be provided to the city; or

(9) The proposed event would present an unreasonable danger to the public health and safety.

(d) Nothing in this section shall authorize the permit official or city manager to deny a permit based upon political, social, religious, ethnic, race, disability, sexual orientation or gender related grounds, or based upon the content of the views expressed.

(e) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 91-55, § 1, 9-5-91; Ord. No. 7022/13-54, 12-16-13; Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-278. Duty of parade chairman.

The person designated in the application as responsible for the physical conduct of the parade shall be responsible for monitoring the conduct of the participants in the parade. Upon actual notice of any violation, given to the responsible person by a law enforcement officer on the scene of said parade, such person shall make immediate bona fide attempts to correct the violation. It shall be unlawful for such responsible person to refuse to make such bona fide attempts to correct the violation. A violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-279. Conduct during the parade.

(a) *Interference.* No person shall unreasonably hamper, obstruct, or impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in the parade.

(b) *Driving through parades.* No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) *Parade or parade route.* The city manager or designee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route of a parade. The city manager shall cause signs to be posted to this effect, and it shall be unlawful for any person to park or leave unattended, any vehicle in violation thereof.

(d) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-281. Parade route.

Every parade shall follow the route designated and approved by the city manager or designee and prescribed on the parade permit. A violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-282. Footraces and bicycle races.

(a) The term "footrace" as used in this section is defined as a group of three (3) or more runners or walkers competing against either each other or a time limit over a fixed course all or a part of which involves the use of city street right-of-way, city sidewalks, and greenways. This term shall include events connected to a footrace, such as untimed non-competitive "fun runs."

(b) The term "bicycle race" as used in this section is defined as a group of three (3) or more bicyclists competing against each other or a time limit over a fixed course all or a part of which involves the use of city street right-of-way, city sidewalks, and greenways. This term shall include untimed non-competitive bicycle events such as memorial rides.

(c) Application for a race covered by this section shall be made in writing at least 90 calendar days before the time at which the race shall be scheduled to begin and shall contain the information outlined in the city's special event policy. A race application may be accepted after this deadline only if allowed as a late application permitted under the city's special event policy.

(d) Upon receipt of an application properly completed and timely filed as hereinabove set out, the city manager or designee shall issue a permit after the applicant has complied with all applicable requirements imposed in accordance with the city's special event policy. The permit shall contain all information stated on the application and shall be signed by the city manager or designee.

(e) The following standards shall apply to all footraces and bicycle races subject to this section conducted in the city:

(1) Every race shall follow a route approved by the city manager or designee in accordance with the standards set out below.

(2) The race applicant and all persons involved in conducting the race shall comply with all terms and conditions set out in the city's special event policy and all terms and conditions contained in the permit issued for the race.

(3) The organizer of an event subject to this section shall be responsible for reasonable costs associated with the foot races and bicycle races including the hiring and paying off-duty law enforcement officers, or reimbursing the city for the costs of providing on-duty law enforcement officers and other necessary personnel and equipment, to appropriately police street closures and the safety and security of participants. The police and fire departments shall determine the number of officers, traffic control officers (in accordance with N.C.G.S. 20-114.1), fire/EMS personnel, and transportation personnel needed to appropriately police street closures and for safety, security, and medical needs and the time when such services shall commence and end. The city may provide the services required by this subsection at no cost, or at a reduced cost, to the applicant should the city desire to provide such support to the event.

(4) The permit shall not be issued until the sponsor shall acquire sufficient insurance or approval by the city attorney to indemnify the city for damages or liability which the city might incur.

(5) The approval of any route shall be based on the safety of the participants and non-participants, the degree of disruption that the route will likely cause, the available access for cars and pedestrians, and the unique requirements of a specific event.

(6) The City Manager or designee's disapproval of a proposed route may be appealed to the city council. Appeals shall be made in person at a regularly scheduled city council meeting at least three (3) meetings prior to the proposed event date.

(f) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-283. Block parties.

(a) The term "block party" as used in this section is defined as a planned gathering of persons in which a public street will be closed that is sponsored by a business, place of worship, non-profit organization or community interest group.

(b) Application for an event covered by this section shall be made in writing at least 10 business days before the time at which the event shall be scheduled to begin and shall contain the information outlined in the city's special event policy. An event

application may be accepted after this deadline only if allowed as a late application permitted under the city's special event policy.

(c) The applicant is responsible for notifying all property owners or residents in the area to be blocked off of the event using a form provided by the city. Any opposition by property owners or residents with direct frontage and/or access to the street to be closed may result in permit denial.

(d) Upon receipt of an application properly completed and timely filed as hereinabove set out, the city manager or designee shall issue a permit after the applicant has complied with all applicable requirements imposed in accordance with the city's special event policy. The permit shall contain all information stated on the application and shall be signed by the City manager or designee.

(e) The following standards shall apply to all block parties subject to this section conducted in the city:

(1) The block party may encompass an area of no greater than one block and the sponsoring organization must be located in that area;

(2) Block parties may have no more than 500 attendees at any one time;

(3) Block parties are still subject to all federal, state, and local laws, including the noise ordinance and alcohol laws.

(4) Police may end the party and order attendees to leave the street(s) if violation of this section occurs. After a reasonable time to allow for dispersal, the street(s) will be reopened and persons impeding the flow of traffic will be subject to arrest.

(f) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-284. Festivals.

(a) The term "festival" as used in this section is defined as an outdoor concert, fair, community event, or similar event that is primarily commercial and/or recreational in nature.

(b) Application for a festival covered by this section shall be made in writing at least 120 calendar days before the time at which the festival shall be scheduled to begin and shall contain the information outlined in the city's special event policy. A

festival application may be accepted after this deadline only if allowed as a late application permitted under the city's special event policy.

(c) Upon receipt of an application properly completed and timely filed as hereinabove set out, the city manager or designee shall issue a permit after the applicant has complied with all applicable requirements imposed in accordance with the city's special event policy. The permit shall contain all information stated on the application and shall be signed by the city manager or designee.

(d) The following standards shall apply to all festivals subject to this section conducted in the city:

(1) The festival applicant and all persons involved in conducting the festival shall comply with all terms and conditions set out in the city's special event policy and all terms and conditions contained in the permit issued for the festival.

(2) 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 and other necessary personnel and equipment, to appropriately police street closures and the safety and security of participants and those in the vicinity of the event. The police and fire departments shall determine the number of officers, traffic control officers (in accordance with N.C.G.S. § 20-114.1), fire/EMS personnel, and transportation personnel needed to appropriately police street closures and for safety, security, and medical needs and the time when such services shall commence and end. The city may provide the services required by this subsection at no cost, or at a reduced cost, to the applicant should the city desire to provide such support to the event.

(3) The festival permit shall not be issued until the sponsor shall acquire sufficient insurance or approval by the city attorney to indemnify the city for damages or liability which the city might incur.

(e) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-285. Picketing permitted; notice of intent and receipt required.

Peaceful picketing shall be permitted in the city provided the same is done under the following conditions:

(a) No picketing shall be conducted on a public street or sidewalk and no person shall participate in the same unless notice of intent to picket has been given to the city manager or designee, and unless a receipt of such notice has been issued, except where provided below.

(b) A group of 15 or more persons shall give notice of intent to picket. A group of fewer than 15 persons may give notice of intent to picket but is not required to do so. Whether a group consists of 15 or more persons such that notice is required shall be determined from the time immediately prior to initiating a picket. If a group of less than 14 persons begins to picket without providing notice and becomes a group of 15 persons or more, the failure to provide notice of the picket shall not be a violation of this section. Notice given shall contain the following information:

(1) The name, if any, of the organization or group sponsoring or proposing to picket unless the group indicates that it intends to picket anonymously, in which case no name is required;
(2) The location or locations in the city where the pickets propose to assemble and demonstrate;
(3) The date or dates on which the picketing is to occur;
(4) The name of the person and organization giving notice of intent to picket unless the person or organization indicates that it intends to picket anonymously, in which case no name is required;
(5) Whether or not persons below the age of eighteen (18) years are expected to participate; and
(6) The person or persons to be in charge of the activity and who will accompany it and carry any receipt of notice at all times.

(c) It is unlawful for any picketer, as defined herein, to engage in the activity prohibited under N.C.G.S. §14-277.4A.

(d) Upon the giving of notice of intent to picket, properly provided as hereinabove set out, the city manager or his designee shall immediately issue a receipt of notice. The receipt shall contain all information stated in the notice. Upon cessation of such picketing for a period of 24 hours or more, any notice previously provided shall no longer be effective for the purpose of section 10-1-285(a) and (b).

(e) Any violation of this section is punishable as a misdemeanor.

Sec. 10-1-286. Standards of conduct for picketing activity.

(a) Picketing shall be conducted only on portions of the public street and sidewalk not used primarily for vehicular parking or moving traffic.

(b) Picketers may carry written or printed placards or signs not exceeding 40 inches provided the words used are not fighting words or threats that would tend to provoke a reasonable person to breach the peace.

(c) If picketers promoting different objectives, causes, actions or policies desire to use a sidewalk that is already used for picketing, the second in time picketers shall maintain a minimum of 20 feet of space from the first in time pickets at all times and at all adjacent points of potential contact. The chief of police or designee shall aid picketers in creating a minimum of 20 feet of space between the picketers in order to ensure safety for all picketers promoting different objectives, law enforcement, and the public, without regard to the purpose or content of objectives promoted by either picketers.

(d) Picketers shall not at any time nor in any way obstruct, interfere with, or block: persons entering or exiting from vehicles; persons crossing streets or otherwise using the public street and/or sidewalk; the entrance or exit to any building or access to property abutting the street or sidewalk; or pedestrian or vehicular traffic.

(e) No person observing, engaging in, or assisting in picketing shall bring to or allow to remain in the immediate area of picketing any vicious animal.

(f) It shall be unlawful for a group of 15 or more persons to picket without filing a notice as required herein.

(g) Any violation of this section is punishable as a misdemeanor.

Sec. 10-1-288. Interference with picketers prohibited; police authority to disperse crowds; failure to leave when ordered declared offense.

(a) The police officers of the city may, in the event of violation of N.C.G.S. Ann. §14-288.4(a)(1) and §14-288.4(a)(2), direct the dispersal of persons so assembled and may arrest any person who fails to absent himself from the place of such assemblage when so directed by the police.

(b) Whenever the free passage of any public street or sidewalk in the city shall be obstructed by a crowd, whether or not the crowd assembles as a result of or in connection with picketing, the persons composing such crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer as herein provided.

(c) Any violation of this section is punishable as a misdemeanor.

~~**Sec. 10-1-290. Criminal penalty.**~~

~~In accordance with N.C.G.S. §160A-175, violation of any provision of division 1 and division 2, with the exceptions as set forth herein, shall be a misdemeanor as provided in N.C.G.S. §14-4, punishable upon conviction by a fine not exceeding $50.00 or by imprisonment not exceeding 30 days. Any violation set forth herein that is also a violation of any state law shall not be punishable under section 10-1-290 such that the violation would allow for duplicative punishments.~~

~~(Ord. No. 7417/18-46 , 5-21-18)~~

Sec. 10-1-306. Traffic control photographic systems.

(a) *Administration.* The City of High Point shall implement a system for capturing traffic control violations, as defined under G.S. 20-158, with a traffic control photographic system that will use the photographic images as prima facie evidence of the traffic violations and will authorize the High Point Department of Transportation or an agent of the department to issue civil citations.

The City of High Point Department of Transportation shall administer the traffic control photographic program and shall maintain a list of system locations where traffic control photographic systems are installed.

Any citation for a violation for G.S. 20-158 or other traffic violation, issued by a duly authorized law enforcement officer at a system location shall be treated, pursuant to G.S. 20-176, as an infraction so long as the system photographic images are not used as prima facie evidence of the violation.

The citation shall clearly state the manner in which the violation may be reviewed. The citation shall be processed by officials or agents of the city and shall be forwarded by personal service or first-class mail to the owner's address as given on the motor vehicle registration.

(b) *Offense.*

(1) It shall be unlawful for a vehicle to cross the stop line at a system location when the traffic signal for that vehicle's direction of travel is emitting a steady red light, or for a vehicle to violate any other traffic regulation specified in G.S. 20-158.

(2) The owner of a vehicle shall be responsible for a violation under this section, unless the owner can furnish evidence that the vehicle was in the care, custody or control of another person at the time of the violation, as describe in subsection (3).

(3) Notwithstanding subsection (2), the owner of the vehicle shall not be responsible for the violation if, within 30 days after notification of the violation, the owner furnishes the officials or agents of the city either of the following:

(i) An affidavit stating the name and address of the person or entity who had the care, custody, and control of the vehicle at the time of the violation; or

(ii) An affidavit stating that, at the time of the violation, the vehicle involved was stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information.

(4) This section shall not apply, and the registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.

(5) The owner of a vehicle that has been leased or rented to another person or company shall not be liable for a violation pursuant to this section if, after receiving notification of the civil violation within 90 days of the date of occurrence, the owner, within 30 days thereafter, files with the officials or agents of the city an affidavit including the name and address of the persons or company that leased or rented the vehicle. If notification is given to the owner of the vehicle after 90 days have elapsed from the date of the violation, the owner is not required to provide the name and address of the lessee or renter, and the owner shall not be held responsible for the violation.

(c) *Penalty.* Any violation of this section shall be deemed a noncriminal violation for which a civil penalty ~~of $50.00~~ shall be assessed in accordance with Section 1-1-4 of the Code and G.S. 160A-175, and for which no points authorized by G.S.20-16(c) shall be assigned to the owner or driver of the vehicle, nor insurance points as authorized by G.S. 58-36.65. Failure to pay the civil penalty or to respond to the citation within 21 days shall constitute a waiver of the right to contest responsibility for the violation and shall subject the owner to a civil penalty in accordance with Section 1-1-4 of this Code and G.S. 160A-175 ~~not to exceed $100.00. The city shall establish procedures for the collection of the civil penalties and shall enforce the penalties by a civil action in the nature of a debt~~.

(d) *Nonjudicial administrative hearing.* The City of High Point Department of Transportation shall establish an administrative process to review objections to

citations or penalties issued or assessed. A notice requesting a hearing to review objections shall be filed within 21 days after notification of the violation. An individual desiring a nonjudicial hearing must post a bond in the amount of $50.00 before a hearing will be scheduled. The hearing officer's decision is subject to review in the Superior Court of Guilford County by proceedings in the nature of certiorari.

PART H.

Chapters 2 and 6 of Title 11 of the High Point Code of Ordinances are hereby amended as follows:

Sec. 11-2-4. Penalty.

Any act constituting a violation of this Chapter or a failure to comply with any of its requirements shall subject the offender to civil penalty in accordance with Section 1-1-4 of this Code and G.S.~~(a) Pursuant to North Carolina General Statute~~ 160A-175(c), ~~and in addition to any other sanction imposed under this chapter, there is hereby imposed a civil penalty in the amount of $75.00 for violation of any of the provisions of this chapter. Civil penalties are to be paid to the city collections division or appealed to the city manager's office within 10 days of issuance of civil penalty notice. Failure to pay or appeal a civil penalty notice will result in the penalty being recovered by the city in a civil action in the nature of a debt~~.

~~(b) In addition to civil penalty, any violation of this chapter shall also be punishable as a misdemeanor under NCGS 14-4, and shall subject the offender to a fine of not more than $500.00, or imprisonment for not more than 30 days, or both.~~

Sec. 11-2-36. Taxicab inspections.

(a) Before operation of a taxicab, it must have passed an inspection of equipment by the taxicab inspector. The taxicab inspector shall specify a date when the current inspection shall expire and another inspection shall be necessary. A certificate holder shall deliver all of its taxicabs in operation to a location designated by the taxicab inspector at a specified date and time for inspection.

(b) The taxicab inspector shall have the authority, at any time, to enter into or upon a taxicab at any location for the purpose of determining compliance with this chapter.

(c) A taxicab which is found to be unsafe in any way or not in compliance with this chapter may be ordered out of service by the taxicab inspector and operation of

the taxicab before approval by a taxicab inspector shall be unlawful and subject the certificate holder and any other person allowing the operation of the taxicab to ~~criminal and/or~~ civil penalties.

(d) A taxicab inspection fee of $5.00 shall be paid by the owner of the vehicle to the city collections division for each regularly scheduled taxicab inspection and every initial inspection. Receipt of payment shall be presented to the taxicab inspector performing the inspection. Upon a failure to pass an inspection, a reinspection will be performed at no charge. A field inspection initiated by a taxicab inspector, at a time other than regularly scheduled inspections, shall be at no charge. A taxicab that has passed the most recent regularly scheduled inspection that is taken out of service by a taxicab inspector shall be reinspected at no charge.

Sec. 11-2-82. Defrauding taxicab.

Any person who engages, uses, employs or hires a taxicab and then fails or refuses to pay the required fare with intent to cheat and defraud the taxicab owner or driver shall be guilty of a misdemeanor. This section not only applies to intra-city trips, but also to legally licensed taxicabs from other jurisdictions that enter the city to reach a destination, where the failure or refusal to pay occurs within the city. A violation of this section is punishable as a misdemeanor.

Sec. 11-6-11. Penalties.

Any person convicted of violating any provisions of this chapter ~~section~~ shall be ~~punished~~ subject to any of the civil penalties and remedies provided for in Section 1-1-4 of this Code and G.S. 160A-175~~by fine. Or imprisoned as provided by G.S. 14-4.~~

~~**Sec. 11-6-14. Massage of persons of opposite sex restricted.**~~

~~It shall be unlawful for any person holding a license under this chapter to massage a person of the opposite sex except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of massages, not to exceed 10. The date and hour of each massage given and the name of the operator shall be entered on such order by the establishment where the massages are given and shall be subject to inspection by police officers at any reasonable time.~~

~~(Code 1958, § 15-43; Ord. No. 92-84, § 1, 8-20-92)~~

Sec. 11-7-19. ~~Criminal~~ Civil penalties~~y~~ and remedies.

Any person who violates any provision of this chapter shall be ~~guilty of a misdemeanor, and, upon conviction, shall be~~ subject to any of the civil penalties and remedies provided for in Section 1-1-4 of this Code and G.S. 160A-175~~a civil fine of $500.00, or imprisonment, or both~~.

Sec. 11-7-20. Civil injunction.

Any person who violates this chapter is subject to a civil suit for injunction in addition to the other civil remedies provided for in Section 1-1-4 of the Code, as well as ~~prosecution for criminal violations and~~ liability for licensing sanctions such as suspension or revocation.

Sec. 11-7-21. Liability for the conduct of others.

A licensee of a sexually oriented business is jointly and individually liable for violations of and offenses under this chapter by the employees of the sexually oriented business, and for all civil ~~and criminal~~ sanctions or remedies for such violations and offenses, including but not limited to license suspension or revocation, prescribed herein.

PART I.
Chapters 1, 2, 3, and 5 of Title 12 of the High Point Code of Ordinances are hereby amended as follows:

Sec. 12-1-3. Police animal protection.

It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, kick or strike, or attempt any of said acts toward any animal by the High Point Police Department for use in the performance of the function or duties of the High Point Police Department.

~~Any person who violates any of the provisions of this section is guilty of a misdemeanor and shall be find or imprisoned, or both, in the discretion of the court.~~

Sec. 12-1-4. Public consumption of beer, wine, ale or any alcoholic beverage.

(a) It shall be unlawful for any person to consume any beer, wine, ale or any alcoholic beverages (as defined under Chapter 18B of the General Statutes of North Carolina,) in or on any public street, right-of-way, sidewalk, alley or other public

place within the city or on any city-owned property which is located inside or outside the High Point corporate limits.

(b) Subsection (a) shall not apply within a building on city-owned property or park, or at permitted sidewalk cafes, where appropriate ABC permits have been obtained as required by law for the consumption of beer, wine, ale or any alcoholic beverages for the period of time permitted thereunder.

(c) A violation of this section is punishable as a misdemeanor.

Sec. 12-1-5. Possession and discharge of firearms, weapons.

(a) Except as provided in subsection (b) below, it shall be unlawful for any person to possess a weapon, as defined in G.S. 14-269, in or upon any building, park or other property, or their appurtenant premises, which is owned or otherwise under the legal control of the City of High Point.

(b) This prohibition shall not apply to the following persons:

(1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;

(2) Civil officers of the United States while in the discharge of their official duties;

(3) Officers and soldiers of the militia and the national guard when called into actual service;

(4) Sworn law enforcement officers;

(5) City animal control officers;

(6) Private security officers under contract with the city, while in the actual performance of their required duties.

(c) A conspicuous notice shall be posted upon property set forth in subsection (a) above stating: "Possession of weapons or carrying a concealed handgun is prohibited."

(d) ~~Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be find $500.00 or imprisoned for 30 days, or both.~~A violation of this section is punishable as a misdemeanor.

(e) The carrying of a concealed handgun in accordance with G.S. 14-415.11 is prohibited in any building owned, leased as lessee, operated, occupied, managed or controlled by the city, and in or upon the recreational facilities operated by the city and specifically identified herein. Notice of this prohibition shall be posted in a conspicuous location at each entryway available to the general public at all buildings and at the primary points of public access to all other covered locations. Violation of this prohibition shall be prescribed by the applicable North Carolina General Statutes.

Allen Jay Park, 1073 E. Springfield Road, athletic fields and appurtenant facilities during an organized athletic event.

Armstrong Park, 305 E. Parkway Avenue, athletic field and appurtenant facilities during an organized athletic event.

Brentwood Athletic Fields, 1300 Block of Brentwood Street, athletic fields and appurtenant facilities during an organized athletic event.

City Lake Park, 602 West Main Street, swimming pools and appurtenant facilities.

Deep River Park, 1525 Skeet Club Road, athletic fields and appurtenant facilities during an organized athletic event.

Burnett Park, 1051 Montlieu Avenue, athletic fields at all times.

Harvell Park, 1215 Lincoln Drive, athletic fields and appurtenant facilities during an organized athletic event.

Hedgecock Park, 300 West Parris Avenue, athletic fields and appurtenant facilities during an organized athletic event.

High Point Athletic Complex, 2920 School Park Road, athletic fields and appurtenant facilities during an organized athletic event.

Johnson Street Athletic Complex, 4515 Johnson Street, athletic fields and appurtenant facilities during an organized athletic event.

Macedonia Park, 306 Wise Avenue, athletic fields and appurtenant facilities during an organized athletic event.

Miracle League Field, 2917 School Park Road, athletic fields and appurtenant facilities during an organized athletic event.

Morehead Recreation Center Park (Leonard Street Fields), 101 Price Street, athletic fields and appurtenant facilities during an organized athletic event.

Oak Hollow Campground, 3415 Centennial Street, swimming pool and appurtenant facilities.

Oak Hollow Tennis Center, 3401 North Centennial Street, tennis courts and appurtenant facilities during an organized athletic event.

Oakview Recreation Center Park, 503 James Road, athletic fields and appurtenant facilities during an organized athletic event.

Washington Terrace Park, 101 Gordon Street, athletic fields during an organized athletic event, swimming pool and appurtenant facilities.

Washington Terrace Pool, 108 Murray Street, swimming pool and appurtenant facilities.

West End Park, 1701 Edgewood Drive, athletic fields and appurtenant facilities during an organized event.

(f) For purposes of section (e), the term "recreational facilities" and the restrictions on lawful possession of weapons for those facilities listed above includes only the following:

(1) An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the municipality or county office responsible for operation of the park or recreational area.

(2) A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool.

(3) A facility used for athletic events, including, but not limited to, gymnasiums.

(g) Nothing in this section shall prohibit a current holder of a concealed carry weapons (CCW) permit recognized by the State of North Carolina from storing a firearm within a locked motor vehicle in a manner consistent with state law.

Sec. 12-1-7. Firearms or other weapons, display and discharge prohibited; exceptions.

(a) It shall be unlawful for any person to fire, discharge or shoot within the city any gun, pistol, air gun, BB gun, pellet gun, bow and arrow, slingshot, or other similar contrivance of firearm, on or off his premises, except in legally established shooting galleries or ranges, in the discharge of duty by law enforcement officers, pursuant to lawful directions of law enforcement officers, or in lawful defense of person or property.

(b) It shall be unlawful to brandish or display in a threatening manner any firearm or dangerous weapon on any street, sidewalk, alley, or other public property within the city except as necessary and consistent with those conditions that would allow lawful discharge of such firearms or weapons pursuant to the provisions of this section.

(c) ~~[*Reserved.*]~~A violation of this section is punishable as a misdemeanor.

Sec. 12-1-9. Operation of motorcycles and minibikes.

(a) It shall be unlawful for any person to ride a minibike or motorcycle on the following property in the city:

(1) Any city-owned property, including parks, vacant lots, rights-of-way, but not including streets;

(2) Any vacant property (this includes any vacant lot, construction site, and any property with a structure not permanently occupied).

(b) A violation of this section is punishable as a misdemeanor.

Sec. 12-1-10. Offenses against public peace and order.

(a) Subject to the provisions of this section, it shall be unlawful for any person or persons to make, permit, continue or cause to be made or create any unreasonably loud, disturbing and unnecessary noise in the city, with the exception of

construction work done pursuant to a federal, state, county, or city contract which requires work to be performed during certain hours. For the purposes of this section, the following definitions shall apply:

(1) *Unreasonably loud.* Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.

(2) *Disturbing.* Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

(3) *Unnecessary.* Any excessive or unusually loud sound or any sound which is of such character, intensity and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures or endangers the comfort, repose, health, peace or safety of any person, and being a type of sound which could be lessened or otherwise controlled by the maker without unduly restricting his conduct.

In determining whether a noise is unreasonably loud, disturbing and unnecessary, the following factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character and zoning of the area; whether the noise is related to the normal operation of a business or other labor activity; whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof. A continuing or non-resetting audible burglar or fire alarm shall not be considered a violation of this section, but may be a violation of the false alarm ordinance, city ordinance section 5-1-48.

(b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section but this enumeration shall not be deemed to be exclusive:

(1) *Blowing horns.* The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonable, loud or harsh sound or the sounding of such device for an unnecessary and unreasonable period of time.

(2) *Radios, stereos, etc.* The playing of any radio, television set, record player, stereo or other sound reproduction system, musical instrument or sound-producing or sound-amplifying device on the premises of any dwelling, hotel or motel room, in such manner or with such volume, particularly but not limited to the hours between 11:00 p.m. and 7:00 a.m., if the sound generated is audible at a distance of 30 feet or more from the dwelling's property line, or, in the case of a hotel or motel room, the unit's most outer boundary wall.

(2.1) *Sound-producing equipment in vehicles.* The playing of any radio, cassette player, compact disc, video tape or disc, or other similar device for reproducing sound located on or in any motor vehicle on a public street, highway, within any public vehicular area, or on the premises of a private residence, if the sound generated or noise vibration there from is audible or can be felt at a distance of 30 feet or more from the radio, cassette player, compact disc, video tape or disc, or other similar device that is producing the sound.

(3) *Pets.* The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(4) *Use of vehicles.* The use of any automobile, motorcycle, dirt bike, go-cart, recreational vehicle or any other vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires or other noise.

(5) *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler except as a warning of danger.

(6) *Exhaust discharge.* The discharge into the open of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(7) *Compressed air devices.* The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(8) *Building operations.* The erection (including excavation), demolition, alteration or repair of any building in a residential district between the hours of 6:00 p.m.

and 7:00 a.m. of any day or in any district other than a residential district between the hours of 10:00 p.m. and 7:00 a.m. of any day, except with a permit from the city manager or his designee.

(9) *Noises near schools, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court while the same is in session, or adjacent to any hospital, or any church during services, which unreasonably interferes with the operation or activities of such institution.

(10) *Loading and unloading operations.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates and containers.

(11) *Bells and gongs.* The sounding of any bell or gong which disturbs the quiet or repose of persons in the vicinity thereof.

(12) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument for the purpose of attracting attention by creation of noise to any performance, show, sale, display or advertisement of merchandise.

(13) *Blowers, engines.* The operation of any noise-creating blower, power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise emitting therefrom is sufficiently muffled and the engine is equipped with a muffler device sufficient to deaden such noise, so that the same shall not cause annoyance to the public nor unreasonably disturb the rest and quiet of persons on adjacent premises or within the vicinity thereof.

(14) *Appliances and other mechanical devices.* The operation of any noise-producing appliance or other mechanical device which, due to operational deficiencies, malfunction or other type of disrepair, causes loud and excessive noises in such a manner as to unreasonably annoy the public or disturb the rest and quiet of persons on adjacent premises or within the vicinity thereof.

(15) *Loudspeakers or amplifiers.*

a. It is prohibited within or from any commercial establishment or private entertainment or recreational venue to allow any loudspeaker or other mechanically-amplified device to be played so that the sound there from

may be heard at a distance of 30 feet or more from the facility's property line, between the hours of 2:00 a.m. and 7:00 a.m.

b. In the exercise of noncommercial free speech, loudspeakers or amplifiers may be used, subject to the following conditions:

1. It shall be unlawful for any person to speak into a loudspeaker or amplifier within the corporate limits of the city, when such loudspeaker or amplifier is so adjusted that the voice of the speaker is amplified to the extent that it is audible at a distance in excess of 150 feet from the person speaking; provided that such use in city recreational facilities shall be regulated by the rules of the city parks and recreation commission.

[2. Reserved.]

(c) Enforcement and repeated violations. Where there is a violation of any provision of this section ~~article~~, the city, at its discretion, may take one (1) or more of the following enforcement actions:

(1) A police officer may issue a citation as provided herein, subjecting the violator to a civil penalty of $200.00. A second violation by the same person or business within one (1) year of the first violation shall subject such person or business to a penalty of $400.00. All subsequent violations by the same person or business within one (1) year of the first violation shall subject such person or business to a civil penalty of $500.00.

(2) Failure to pay a civil penalty imposed under this section within 10 days may subject the offender to an additional $50.00 delinquency charge. Any unpaid penalty or delinquency charge may be recovered by the city in a civil action.

(3) The civil penalties imposed by this section and the proceeds therefrom as collected by payment, civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

(4) ~~In the alternative, pursuant to North Carolina General Statues, section 14-4, a~~ A violation of this section ~~may be considered~~ is also punishable as a

misdemeanor. ~~Such a misdemeanor is punishable by a fine of not more than $500.00 or imprisonment designated for a Class 3 misdemeanor.~~

(d) Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.

Sec. 12-1-11. Loitering for the purpose of engaging in drug-related activity.

(a) For the purpose of this section, "public place" means any area available to the public for common usage and access, including any street, sidewalk, bridge, alley or alleyway, plaza, park, playground, driveway, parking lot or transportation facility, or the doorways, entranceways, stairway, staircase, hall, roof, elevator, courtyard, passageway or common area to any building which fronts on any of those places or any motor vehicle in or on any of those places, or any property owned by the City of High Point.

(b) It shall be unlawful for a person to remain or wander about in a public place in a manner and under circumstances manifesting the intent to engage in a violation of any subdivision of the North Carolina Controlled Substance Act, N. C. General Statutes Chapter 90, Article 5. Such circumstances shall include the following when done for the purpose of violating the aforementioned state statutes:

(1) Repeatedly beckoning to, stopping, or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation; or

(2) Repeatedly stopping or attempting to stop motor vehicles; or

(3) Repeatedly interfering with the free passage of other persons; or

(4) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaging in an unlawful drug-related activity; or

(5) Such person repeatedly passes to or receives from passers-by, whether on foot, in a vehicle or by courier, money or objects; or

(6) Such person takes flight upon the approach or appearance of a law enforcement officer; or

(7) Such person is at a location frequented by persons who unlawfully use, possess, or sell drugs.

(c) Any violation of this section is punishable as a misdemeanor~~All ordinances or parts of ordinances in conflict with this section are hereby repealed to the extent of such conflict~~.

(d) If any section, subsection, paragraph, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

Sec. 12-1-13. Aggressive solicitation prohibited.

(a) The council finds that:

(1) Aggressive solicitation is disturbing and disruptive to residents and businesses and contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation and disorder.

(2) Aggressive solicitation includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic.

(3) The presence of individuals who solicit money from persons at or near banks, automated teller machines, public transportation facilities, and crosswalks is especially troublesome because of the enhanced fear of crime in a place that is confined, difficult to avoid, or where a person might find it necessary to wait.

(4) This section is intended to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, and not to limit a constitutionally protected activity.

(b) In this section:

(1) *Aggressive manner* means:

a. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;

b. Following the person being solicited, if that conduct is:

(i) Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) Intended to or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

c. Continuing to solicit a person within five (5) feet of the person being solicited after the person has made a negative response;

d. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;

e. Using obscene or abusive language or gestures toward the person being solicited;

f. Approaching the person being solicited in a manner that:

(i) Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(ii) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

(2) *Automated teller machine* means a device, linked to a bank's account records, which is able to carry out banking transactions.

(3) *Automated teller facility* means the area comprised of one (1) or more automatic teller machines, and any adjacent space that is made available to banking customers.

(4) *Bank* includes a bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.

(5) *Bus* means a vehicle operated by a transit authority for public transportation.

(6) *Check cashing business* means a person in the business of cashing checks, drafts, or money orders for consideration.

(7) *Public area* means an outdoor area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot,

alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transport facility, or shop.

(8) *Solicit* means to request, by the spoken, written, or printed word, or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

(c) A person commits an offense if the person solicits:

(1) In an aggressive manner in a public area;

(2) In a bus, at a bus station or stop, or at a facility operated by a transportation authority for passengers;

(3) Within 25 feet of:

a. An automated teller facility;

b. The entrance or exit of a bank; or

c. The entrance or exit of a check cashing business; or

(4) At a marked crosswalk.

(5) On either side of the street on a block where a school attended by minors or a child-care facility has an entrance or exit;

(d) A culpable mental state is not required, and need not be proved, for an offense under subsection (c)(2), (3), or (4).

(e) This section is not intended to proscribe a demand for payment for services rendered or goods delivered.

(f) A v~~V~~iolation of this section is punishable as a misdemeanor~~, punishable by a fine of up to $500.00~~.

Sec. 12-1-14. Urinating or defecating on any public place.

(a) It is unlawful for any person to urinate or defecate on any public place, sidewalk, street, alley or right of way, or in any public building, except in toilet facilities, or

upon private property in a location visible from any public place. "Public place" means property owned by the city, the state, a county or federal government, including leaseholds and easements.

(b) A v~~V~~iolation of this section is punishable as a misdemeanor~~, punishable by a fine of up to $500.00~~.

Sec. 12-2-5. Violations; civil penalty.

(a) Violation of any section of this chapter shall be deemed unlawful and shall result in a fixed civil penalty charge in the amount of $50.00. When the owner or agent charged with a violation under this section, makes proper payment of the amount as charged, the obligation thereunto shall be discharged. If such charge has not been paid within 10 days, the violation shall be deemed to be delinquent and subject to the additional penalties as provided in this chapter.

(b) The city tax collector may accept payments in full and final settlement of the claim or claims, right or rights of action which the city may have to enforce such penalties by civil action in the nature of the debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt, together with the cost of the action to be taxed by the court. However, in the event the offender desires to make payment after the civil action has been commenced but prior to trial disposition, a penalty of $50.00 in addition to the one imposed for payment within 10 days shall apply in such cases. Acceptance of the additional penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations.

(c) A violation listed in this chapter ~~shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes 14-4, but instead~~ shall be subject to the civil penalties fixed by subsection (a) of this section and the civil remedies provided in Section 1-1-4 of this Code and G.S. ~~by North Carolina General Statutes, Section~~ 160A-175. Any properly designated city official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.

(d) The civil penalties imposed by this section and the proceeds therefrom, as collected by payment of civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

Sec. 12-2-15. Dogs without tag deemed unlicensed; violations; civil penalty.

(a) Every owner or keeper of a licensed dog shall keep and maintain a collar around the neck of the dog, with the tag securely attached thereto, and every dog found in the city without a tag shall be deemed an unlicensed dog and in violation of this section. The owner thereof shall be required to purchase a tag and pay the impounding fee if the dog is impounded or relinquish the dog to be disposed of.

(b) Violation of this section shall be deemed unlawful and shall result in a fixed civil penalty charge in the amount of $15.00. When the owner or keeper charged with a violation under this section, makes proper payment of the amount as charged, the obligation thereunto shall be discharged. If such charge has not been paid within 10 days, the violation shall be deemed to be delinquent and subject to the additional penalties as provided in this section.

(c) The city tax collector may accept payments in full and final settlement of the claim or claims, right or rights of action which the city may have to enforce such penalties by civil action in the nature of the debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt, together with the cost of the action to be taxed by the court. However, in the event the offender desires to make payment after the civil action has been commenced but prior to trial disposition, a penalty of $25.00 in addition to the one imposed for payment within 10 days shall apply in such cases. Acceptance of the additional penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations.

(d) A violation listed in this section ~~shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes [section] 14-4, but instead~~ shall be subject to the civil penalties fixed by subsection (b) of this section and the civil remedies provided in Section 1-1-4 of this Code and G.S. ~~by North Carolina General Statutes, section~~ 160A-175. Any properly designated city official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.

(e) The civil penalties imposed by this section and the proceeds therefrom as collected by payment, civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

Sec. 12-2-20. Enforcement~~Fees~~.

Any ~~owner that is found in~~ violation of the regulations described in sections 12-2-18 and 12-2-19 shall be subject to civil penalties in accordance with Section 1-1-4 of the Code and punishable as a misdemeanor. ~~the following fees:~~

~~(a) 1st offense: Subject to citation and $100.00 fee (if the dog is not spayed or neutered, the fee may be voided in lieu of the owner having the dog spayed or neutered by a veterinarian and providing to the animal control officer documented proof of such within 14 days).~~

~~2nd offense: Subject to citation and $250.00 fee.~~

~~3rd and subsequent offenses: Subject to a class 3 misdemeanor and fine of up to $500.00.punishable as a misdemeanor.~~

~~(b)~~ The procedures set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law and shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter.

Sec. 12-3-7. Appeals.

~~Within the 10-day period mentioned in section 12-3-3 hereof, t~~The owner or tenant of the property where the nuisance exists may appeal the findings of the director of planning and development in accordance with Section 1-1-4 of this Code. ~~An appeal stays the abatement of the nuisances by the director of public services or public services department until a final determination by the city manager. In the event no appeal is taken, the director of public services, or his designee or agent, may proceed to abate the nuisance.~~

Sec. 12-3-9. Civil penalties.

An owner that fails to comply with an order to abate any unlawful condition described in section 12-3-1 shall be subject to ~~a~~ civil penalties~~y~~ in accordance with Section 1-1-4 of this Code and G.S. 160A-175~~of $100.00 for the first day following the expiration of an order to abate. In each instance, a penalty of $25.00 per day shall be imposed for each subsequent day that the nuisance remains unabated. If a person fails to pay the civil penalty within 10 days after being notified of the amount due, the city may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt~~.

Sec. 12-3-10. Procedures in addition to other remedies.

The procedures set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances ~~and this chapter shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter~~.

Sec. 12-5-3. Penalties.

Violation of any of the provisions of this chapter shall subject the violator to payment of ~~a~~ civil penalties~~y~~ in accordance with Section 1-1-4 of this Code and G.S. 160A-175 ~~of $25.00, and shall also constitute a misdemeanor~~. Any person, or his agent, having control of any premises or place who knowingly permits a violation without requesting the violator to comply shall be subject to payment of the civil penalties~~y provided for herein~~. ~~Any duly authorized local government official is authorized either to send the civil penalty citation to the violator by certified mail or personally deliver such citation to the violator stating the nature of the violation, the amount of the penalty, and directing that the violator pay the penalty to the city tax collector's office within 14 days of receipt. Each day's continuing violation of any of the provisions of this chapter shall constitute a separate offense.~~

SECTION 2.
Should any section or subsection of this ordinance be declared invalid, such section or subsection shall be deemed severable, and such holding shall not affect the validity of the remaining sections or subsections.

SECTION 3.
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4.
This ordinance shall become effective upon adoption.

Adopted by the City Council
City of High Point, North Carolina
The 21st day of June 2022

By: _____

Jay W. Wagner, Mayor

ATTEST:

_____

Lisa B. Vierling, City Clerk