

ORDINANCE NO. 4814

AMENDING CHAPTER 15

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CHARLOTTE CITY CODE
ENTITLED "CHAPTER 15 – OFFENSES AND MISCELLANEOUS PROVISIONS"**

WHEREAS, the City of Charlotte has a significant governmental interest in protecting the health, safety and welfare of the general public and preserving the public order; and

WHEREAS, G.S.160A-174 allows a city by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public; and

WHEREAS, the City has a significant governmental interest in maintaining the aesthetics, cleanliness and proper sanitation of city property; and

WHEREAS, the City has a significant governmental interest in maintaining the safety of persons who use city property; and

WHEREAS, the City has a significant governmental interest in reducing the risk of liability arising from the use of city property.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Chapter 15 of the City Code is amended by adding a new Article XIV to read as follows:

"Article XIV. Extraordinary Events

Sec. 15-310. Definitions.

The following words, terms and phrases, when used in the section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Extraordinary event means a large-scale special event of national or international significance and/or an event expected to attract a significant number of people to a certain portion of the City.

Sec. 15-311. Declaration of extraordinary event.

The City Manager may declare an extraordinary event, fix the location or boundaries of the extraordinary event, and establish the period of time of the extraordinary event.

Sec. 15-312. Permits.

Upon declaration of an extraordinary event, the city manager, or designee(s), may: (i) identify those permits for which a large number of applications are expected for activities that will take place during the extraordinary event; (ii) set deadlines for submittal of applications for the various permits so identified, which deadlines may deviate from those specified elsewhere in this code; and (iii) establish and administer a fair and content-neutral process for issuing permits when multiple applications are submitted for the same period of time and/or location.

Sec. 15-313. Regulations.

(a) During the period of time and within the boundaries of an extraordinary event, it shall be unlawful for any person, other than governmental employees in the performance of their duties to push, pull or transport any, vehicle, cart, or float, unless a permit specifically authorizes the use of that item(s).

(b) During the period of time and within the boundaries of an extraordinary event, it shall be unlawful for any person, other than governmental employees in the performance of their duties, to throw any item unless a permit specifically authorizing such throwing.

(c) During the period of time and within the boundaries of an extraordinary event, it shall be unlawful for any person, other than governmental employees in the performance of their duties, to willfully or intentionally possess, carry, control or have immediate access to any of the following:

- (1) A bar, chain, shaft, staff, cable, wire, lumber, or plastic pipe capable of inflicting serious injury to a person if thrown at or struck upon another, except as permitted by City Code Sec. 19-303(d);
- (2) A container or object of sufficient weight that may be used as a projectile, or that contains objects that may be used as a projectile, that could inflict serious injury to a person or damage to property;
- (3) An aerosol container, spray gun or soaker device;
- (4) A paint gun, etching materials, spray paint container, liquid paint or marker containing a fluid that is not water soluble;
- (5) A backpack, duffle bag, satchel, cooler or other item carried with the intent to conceal weapons or other prohibited items;
- (6) A glass or breakable container capable of being filled with a flammable or dangerous substance carried with the intent to inflict serious injury to a person or damage to property;
- (7) A sharp or bladed objects such as a box cutter, utility knife, ice pick, axe, or any other object defined in City Code Sec. 15-14;
- (8) A hammer or crow bar;
- (9) Pepper spray, mace or any other irritant carried with the intent to delay, obstruct or resist the lawful orders of a law enforcement officer;
- (10) Body armor, shield, helmet, protective pads, or gas masks carried or worn with the intent to delay, obstruct or resist the lawful orders of a law enforcement officer;

- (11) A mask or scarf worn with the intent to hide one's identity while committing a crime;
- (12) A police scanner;
- (13) Rocks, bottles, objects, bricks or pieces thereof that are of sufficient weight or design as to cause serious injury to a person if thrown at or struck upon another;
- (14) A device used to shoot, hurl or project a missile of any description capable of inflicting serious injury to a person;
- (15) A "sock" or "pocket" containing material of sufficient weight as to cause serious injury to a person if thrown at or struck upon another;
- (16) Fireworks, smoke bombs, sparklers, and stink-bombs;
- (17) An animal unless specifically allowed under the terms of a permit issued in City Code Sec. 19-313 or is a service animal used to assist a person with a disability.

(d) The following factors shall be a defense to prosecution for a violation of subsection (c):

- (1) The defendant was engaged in, or on the way to or from, an activity in which he or she legitimately used the device or object; and
- (2) The defendant possessed that object for that legitimate use; and
- (3) The defendant did not use or attempt to use the object as a weapon or to injure another person or damage property."

Section 2. This ordinance shall become effective at 12:01 a.m. on January 30, 2012.

Approved as to form

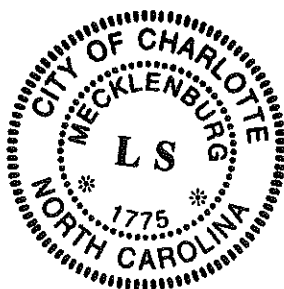


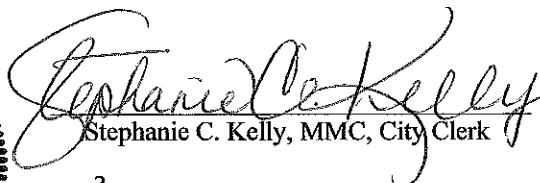
City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the city of Charlotte, North Carolina, in regular session convened on the 23rd day of January, 2012 the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Pages (501-503).

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




Stephanie C. Kelly, MMC, City Clerk