

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 292  
PROPOSED COMMITTEE SUBSTITUTE S292-PCS45421-ST-16

Short Title: Ord. Violation/No Auto Misdemeanor.

(Public)

Sponsors:

Referred to:

March 16, 2017

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT VIOLATION OF A CITY OR COUNTY ORDINANCE IS NOT AUTOMATICALLY PUNISHABLE AS A MISDEMEANOR OR INFRACTION.

The General Assembly of North Carolina enacts:

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

"§ 153A-123. Enforcement of ordinances.

...

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

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

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

...."

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

"§ 160A-175. Enforcement of ordinances.

...



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

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

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

26 ...."

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