



Agenda

Greenville City Council

June 8, 2023

6:00 PM

City Hall Council Chambers, 200 West 5th Street

Assistive listening devices are available upon request for meetings held in the Council Chambers. If an interpreter is needed for deaf or hearing impaired citizens, please call 252-329-4422 (voice) or 252-329-4060 (TDD) no later than two business days prior to the meeting.

I. Call Meeting To Order

II. Invocation - Mayor Pro-Tem Rose Glover

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

1. GPD Telecommunicators Named NC Association of Public Safety Communications Officials (NC APCO) Communications Team of the Year

VII. Public Comment Period

The Public Comment Period is a period reserved for comments by the public. Items that were or are scheduled to be the subject of public hearings conducted at the same meeting or another meeting during the same week shall not be discussed. A total of 30 minutes is allocated with each individual being allowed no more than 3 minutes. Individuals who registered with the City Clerk to speak will speak in the order registered until the allocated 30 minutes expires. If time remains after all persons who registered have spoken, individuals who did not register will have

an opportunity to speak until the allocated 30 minutes expires.

VIII. Appointments

2. Appointments to Boards and Commissions

IX. Old Business

3. Update on 902 Ward Street (Tax Parcel #06722)

X. New Business

Public Hearings

4. Ordinance to annex Firetower Commercial Park Future Lots 1 and 2 property involving a total of 18.31 acres located along the eastern and western rights-of-way of South Square Drive and 500+/- feet east of Chapman Road
5. Ordinance to annex Ridgewood Farms, Phase 1 property involving a total of 24.0 acres located along the northern right-of-way of Thomas Langston Road and the current terminus of Stone Wood Drive
6. Second Reading of Ordinances Making Various Revisions to the City Code

Other Items of Business

7. Ordinances Adopting the Fiscal Year 2023-24 City of Greenville Budgets Including Sheppard Memorial Library, the Pitt-Greenville Convention & Visitors Authority and Greenville Utilities Commission
8. Discussion of Village of the Arts Overlay District Zoning

XI. City Manager's Report

XII. Comments from Mayor and City Council

XIII. Adjournment



City of Greenville, North Carolina

Meeting Date: 06/08/2023

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments need to be made to the Affordable Housing Loan Committee, Board of Adjustment, Environmental Advisory Commission, Greenville Utilities Commission, Housing Authority, Human Relations Council, Multimodal Transportation Commission, Pitt-Greenville Airport Authority, Pitt-Greenville Convention & Visitors Authority, Planning & Zoning Commission, Police Community Relations Committee, and the Youth Council.

One member of the Housing Authority Board must be a member that is directly assisted by the Housing Authority. The Residents' Council has nominated Ms. Ebony Harris. The Housing Authority has approved the nomination and forwarded it to the City Council for consideration and appointment. The appointment can be made any member of the City Council by a majority vote.

The City Council updated the Boards and Commission Policy on October 9, 2017 to include a provision for extended vacancies: Nominations for Extended Vacancies "In the event there is a vacancy on a City board or commissions which has been on the City Council agenda for appointment by City Council for more than three (3) calendar months in which a regular City Council meeting has been held, then any Council Member may make a nomination to fill the vacancy without regard to any other provision relating to who has the authority to make the nomination. If there is more than one nomination, the appointment shall be conducted in accordance with the procedure for nomination and elections in Robert's Rules of Order." Under this provision, the following seats are open to nominations from the City Council:

- 8 seats on the Youth Council

Fiscal Note: No direct fiscal impact

Recommendation: Make appointments to to the Affordable Housing Loan Committee, Board of Adjustment, Environmental Advisory Commission, Greenville Utilities Commission, Housing Authority, Human Relations Council, Multimodal Transportation Commission, Pitt-Greenville Airport Authority, Pitt-Greenville Convention & Visitors Authority, Planning & Zoning Commission, Police Community and Relations Committee, and the Youth Council.

ATTACHMENTS

 [COG-#1181605-v1-Boards_and_Commissions_Appointments_June_2023.docx](#)

Appointments to Boards and Commissions

June 2023

Affordable Housing Loan Committee

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Anne Fisher	1	Second term	Ineligible	February 2023

Board of Adjustment

Council Liaison: Council Member Will Bell

Name	District #	Current Term	Reappointment Status	Expiration
Ann Bellis <i>(Council Member Will Bell)</i>	3	Second term	Ineligible	June 2023
Hunt McKinnon <i>(Council Member Rick Smiley)</i>	4	Second term	Ineligible	June 2023
John Landrine <i>(Mayor P.J. Connelly)</i>	1	Second term	Ineligible	June 2023

Environmental Advisory Commission

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Ann Maxwell	3	Second term	Ineligible	April 2023
Diego Llerna	3	First term	Resigned	April 2025

Greenville Utilities Commission

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration
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Pitt-Greenville Convention & Visitors Authority

Council Liaison: Council Member Rick Smiley

Name	District #	Current	Reappointment Expiration	
		Term		
Brianne Lester <i>(Owner/operator of hotels/motels)</i>	1	First term	Eligible	July 2023

Planning & Zoning Commission

Council Liaison: Council Member Will Bell

Name	District #	Current	Reappointment Expiration	
		Term		
Max Joyner, III <i>(Council Member Marion Blackburn)</i>	4	First term	Eligible	June 2023
Arthur Hap Maxwell <i>(Council Member Rick Smiley)</i>	3	Second term	Ineligible	June 2023
Allen Thomas <i>(Mayor Pro-Tem Rose Glover)</i>	5	First term	Ineligible	June 2023

Police Community Relations Committee

Council Liaison: Council Member At-Large Will Bell

Name	District #	Current	Reappointment	Expiration
		Term	Status	Date
Carol Naipaul <i>(Mayor Pro-Tem Glover)</i>	2	First term	Eligible	October 2024

Youth Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	Current Term	Reappointment Status	Expiration Date
Jamia Galloway	Second term	Ineligible	September 2022
Diego Lorenzo	Second term	Ineligible	September 2022

Olivia Thorn
(8 open seats)

First term

Eligible

September 2022

Seats that are open to nominations from the City Council are highlighted.

Applicants for
Affordable Housing Loan Committee

Sydney McLeod
22 Upton Ct
Greenville, NC 27858

Application 10/15/2022

Home Phone: (910) 635-8702

Business Phone:

Email: sydneyhmcLeod@gmail.com

District #: 4

Applicants for Board of Adjustment

None.

Applicants for Environmental Advisory Commission

Chris Davis
1710 Sassafras Ct
Greenville, NC 27858
District #: 4

Application 10/20/2022
Home Phone: (336) 420-2435
Business Phone: (252) 355-7006
Email: cndavis320@yahoo.com

Tim Ferruzzi
305 Wesley Rd
Greenville, NC 27858
District #: 5

Application 1/16/2023
Home Phone:
Business Phone:
Email: theferruzzi@gmail.com

Applicants for Greenville Utilities Commission

None.

Applicants for Housing Authority

Resident Commissioner – Ebony Harris

Applicants for Human Relations Council

Reginald Watson
211 Pin Oak Court
Greenville, NC 27834

Application 7/27/2020

District #: 5

Home Phone: (252) 355-3380
Business Phone: (252) 328-6684
Email: walston.tyrone@gmail.com

Applicants for Multimodal Transportation Commission

None.

Applicants for Pitt-Greenville Airport Authority

Chris Davis
1710 Sassafras Ct
Greenville, NC 27858
District #: 4

Application 10/20/2022
Home Phone: (336) 420-2435
Business Phone: (252) 355-7006
Email: cndavis320@yahoo.com

Applicants for
Pitt-Greenville Convention & Visitors Authority

None.

Applicants for Planning & Zoning Commission

Sebastian Krassley
1901 E. 6th St
Greenville, NC 27858
District #: 3

Application 06/10/2022
Home Phone: (856) 495-1039
Business Phone:
Email: skrassley98@yahoo.com

Applicants for Police Community Relations Committee

None.

Applicants for Youth Council

None.



City of Greenville, North Carolina

Meeting Date: 06/08/2023

Title of Item: Update on 902 Ward Street (Tax Parcel #06722)

Explanation: As directed by City Council at their April 13, 2023 meeting, City staff met with Jerome Wilson and his sister, Juanita Ross, on April 26, 2023 in the Municipal Building. The following milestones were discussed and verbally agreed to during the meeting:


- By May 19, 2023, the owner will:
 - Provide a written construction timeline
 - Provide detailed written cost estimates for construction to include labor and materials;
- Obtain all trade permits whether in owner's name or NC licensed contractor's name for plumbing, electrical and mechanical (the building permit was extended);
- Give open access to associated City Staff, as necessary, to monitor the status throughout the construction process until fully complete;
- Must pass associated inspections, in order, before covering and/or moving to the next phase or trade of construction. Owner is not required to complete all trades (plumbing, electrical and mechanical) before requesting an inspection;
- Keep worksite and grounds clean and secured during the construction process (debris/trash promptly removed);
- Communicate with staff bi-weekly concerning progress, questions or problems being encountered;
- No occupancy allowed during construction. Must obtain a Certificate of Occupancy or a Temporary Certificate of Occupancy before occupying the structure;
- Any other milestones set by the Council; and
- Owner to enter into a signed agreement with the City outlining the above listed milestones and that the owner will meet these milestones should Council approve an extension of time to repair the structure.

Mr. Wilson provided documents to staff on May 19, 2023.

Fiscal Note: No direct fiscal impact.

Recommendation: Council review the attached documents and direct staff as to next steps for either a timeline for Mr. Wilson to complete repair of 902 Ward Street or for staff to proceed with demolition of the property.

ATTACHMENTS

-  [902 Ward Repair Proposal & Cost Estimate.pdf](#)
-  [902 Ward Rehab Agreement.DOCX](#)

Home Repair Proposal: 902 Ward Street Greenville NC

by Jerome T. Wilson

Certified Nursing Assistant level II/**Head Contractor**/House Developer

May 30, 2023

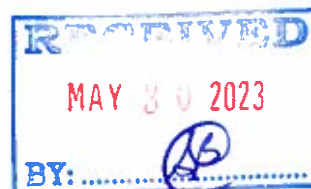


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Abstract

My name is Jerome Wilson, I present to you my estimated time frame for the reconstruction of 902 Ward St. This is an estimate of the time I believe it will take to make these repairs, however some things may be fixed before the allotted time frame. I am working diligently to complete each task on time and in an orderly fashion. I would like to thank each and every board member for taking the time out of their busy day to look over my proposal it is greatly appreciated. I will be taking over repairs as head contractor of my home.

Jerome's Housing Development Team

Jerome Wilson----- Head Contractor (Independent Contractor)

Timothy Cherry -----Building Support/Contract Specialist

Jeronica Wilson-----Financial Benefactor (Daughter/IT Specialist)

Jerrod Wilson-----Financial Benefactor (Son/ Doctoral Status Teacher)

Juanita Ross-----Financial Benefactor (Sister/Spiritual Support)

TimeLine for Repairs**Electrical****June ---October**

1. I will be rewriting my own home. I will be Working diligently around the clock to Complete this task.
2. We will be starting with electrical first to have light around the property as I am working on it.
3. The electrical permit has already been applied for 05/18/2023.

Plumbing**October--December**

1. A great deal of plumbing work has already been done. A great deal of repairs has been completed to the lower level and upper of the residence. As of 05/15/2023
2. What was damaged from the fire has been repaired.
3. We will be taking out old commodes and sinks. We will be replacing them with new ones. As well as new fixtures to both bathrooms.

Mechanical**January—April 2024**

Jerome Wilson, Head Contractor (Independent Contractor) has develop a time frame to have every task completed within monthly breakdowns.

1. Tear out dry wall
2. Put installation in and then put the dry wall back in.
3. Wires will be exposed so that they can be inspected also.
4. Painting the inside and outside of the house
5. Landscaping and yard clean up.

Home Repair Proposal

7

Total Estimate Budget for 902 Ward Street Repairs \$165,000	
Electrical	Cost
Wire	15,000
Light Fixer	5,000
Inside Panel Box	5,000
Outside Panel Box	5,000
Outlets	4,000
Equipment cost	34,000
Labor Cost	20,000
Total cost	54,000
Plumbing	Cost
(3) Sinks	4,000
(2) toilets	4,000
PCP Piping	4,000
Fazets & Fixters	4,000
Equiment cost	16,000
Labor Cost	15,000
Total Cost	31,000
Wall & Insulation	Cost
Sheet Rock total	6,900
Lumber	900
Insulation	8,000
Equipment Cost	15,800
Labor Cost	15,000
Total cost	30,800
Total estimate	115,800

1.0 Executive Summary

Financial Consideration

In addition to diligently following this Business Plan to maintain the safeguards for successful business operations and achieve the financial projections herein, the current financial plan of Jerome Wilson has capital injection from working multiple jobs and team members pooling funding together. Jerome hopes to secure the requested funds sometime in the second quarter by applying for housing division assistance housing rehab. It will use the funding to purchase long-term assets, and hire employees to assist with beatification projects.

1.1 Objectives

Jerome Wilson has three main objectives:

1. To provide quality housing for his self and family within the Greenville community.
2. To uplift the community by restoring a historic house.
3. To rebuild my house into a loving home.

1.2 Mission

Jerome Wilson's mission is to rebuild his home within the year time frame. Jerome will be using pool family income and currently applying for housing grants.

1.3 Keys to Success

Jerome Wilson's philosophy is that "no job is too small or too large". Jerome has gladly within the Greenville community completed job as small as installing a door stop or switch plate, or as large as the customer may need. Jerome has the experience and training that can resolve any issue that needs to be resolved.

References

Bogdan, Robert & Biklen, Sari. (2007). *Qualitative research for education: An introduction to theories and methods*.

Housing Rehabilitation Program. <https://www.greenvillenc.gov/government/planning-and-development-services/housing-division/housing-rehabilitation-program>

Owner-Occupied Housing Rehabilitation <https://www.pittcountync.gov/345/Owner-Occupied-Housing-Rehabilitation>



CODE ENFORCEMENT COMPLIANCE AGREEMENT

THIS CODE ENFORCEMENT COMPLIANCE AGREEMENT (the “Agreement”) is entered into this date _____ (“Effective Date”), by and between the **CITY OF GREENVILLE, NORTH CAROLINA**, a municipal corporation organized and existing under the laws of the State of North Carolina, located at 200 W. Fifth Street, Greenville, NC, 27858 (the “City”) and **JEROME WILSON** (the “Owner”), owner of 902 Ward Street, Greenville, NC 27834, (the “Property”), whose principal mailing address is 2353 Stokes Road, Greenville, NC 27834, (collectively the “Parties”).

WITNESSETH:

WHEREAS, the Property located at 902 Ward Street, Greenville, NC 27834, is more particularly described as Pitt County Parcel Number 06722, Parcel Identification Number 4688024090, and Pitt County, North Carolina Register of Deeds, Deed Book 2476, Pages 341-343;

WHEREAS, the Owner has fee simple title to the Property described above, and acknowledges and agrees that the City has an active code enforcement case, which was duly noticed with a hearing held (Complaint, Notice of Hearing, Findings of Fact and Order attached hereto as Exhibit A), resulting in multiple findings of violations of the City, Pitt County, and the State of North Carolina minimum housing standards, and the structure on the parcel being declared dilapidated and uninhabitable as of June 30, 2022;

WHEREAS, the Finding of Facts and Order required the Owner to demolish and remove the structure no later than July 29, 2022;

WHEREAS, according to the Pitt County Online Parcel Information System, the current estimated value of the Property, including the land and building, is \$136,434;

WHEREAS, the City estimates the current costs to repair the structure to meet State and City minimum housing requirements is \$157,701.18;

WHEREAS, the cost to rehabilitate the Property to meet State and City minimum housing requirements exceeds by 50% or more the value of the Property, and the City proceeded with requesting an ordinance to demolish and remove the structure pursuant to Chapter 160D of the North Carolina General Statutes at the City of Council of the City of Greenville’s (City Council) September 8, 2022 meeting;

WHEREAS, the City Council stayed the pending request for demolition and removal at its September 8, 2022 meeting for 180 days to allow an opportunity for repair, alteration and

improvement of the structure to meet State and City minimum housing requirements;

WHEREAS, the Owner desires to settle all City Code violations against the Property by entering into this Agreement and rehabilitating the Property to minimum housing standards as promulgated by the City, Pitt County, and the State of North Carolina minimum housing standards, which shall toll the pending request to demolish the structure; and

WHEREAS, the City desires to ensure that City of Greenville residents are provided with adequate housing consistent with current City codes to protect the health, safety and welfare of all residents.

NOW, THEREFORE, in consideration of the mutual conditions, the Parties agree as follows:

A. TERMS

1. The Owner desires to bring the Property into compliance with the minimum housing standards as promulgated by the City, Pitt County, and the State of North Carolina.
2. The Parties agree that time is of the essence.
3. This Agreement shall terminate 365 days from receipt of all necessary permits or as otherwise determined herein, unless a duly executed extension is agreed to in writing by the Parties.

B. DUTIES AND RESPONSIBILITIES OF OWNER

The Owner is requesting that the City provide time to remedy the code violations outlined in the Complaint, Findings of Fact and Order, attached hereto as Exhibit A. In consideration of the request for an extension, the Owner agrees to the following:

1. **Rehabilitation Plan**. The Owner shall submit the proposed rehabilitation plans for Property, including a project timeline not to exceed 12 months and written cost estimates for the construction (labor and materials) for each violation, for the City's review and approval within ten (10) days of the execution of this Agreement.
2. **Permits and Licenses**. The Owner shall obtain any and all necessary permits, licenses, and certificates, as required by any such laws, ordinances, rules and regulations, for proper execution and completion of the Improvements as described in this Agreement within thirty (30) days of the execution of this Agreement, or any additional time as agreed to in writing by the City.
3. **Time for Completion**. The Owner shall obtain a Certificate of Occupancy or Temporary Certificate of Occupancy for the Property within 365 days of receipt of all necessary permits or any additional time as agreed to in writing by the City. During the allotted time, Owner shall exhibit continual progress of the Improvements based on the submitted and approved rehabilitation plans and project timeline.
4. **Improvements**. The Owner through a licensed contractor, it this will not be the Owner's primary dwelling after completion, shall complete rehabilitation of the

violations cited in Exhibit A, based on the project timeline attached hereto as Exhibit B, and incorporated herein by reference, which shall place the Code Violations into compliance (the “Improvements”).

- a. The Owner shall complete the Improvements necessary to the City’s satisfaction and ensure the performance of all Improvements described above in compliance with all minimum housing standards as promulgated by the City, Pitt County, and the State of North Carolina.
 - b. The Owner warrants and represents that all persons performing Improvements pursuant to this Agreement are skilled personnel licensed by local, state and federal regulatory agencies, as may be necessary. Owner understands that this Agreement does not supersede any zoning or other applicable regulations, and the Owner agrees to comply with all zoning codes and regulations of the City.
 - c. The Owner must show steady and reasonable progress, including passing all associated inspections to continue moving to the next phase of construction.
5. **Inspections.** During the course and upon completion of all of the Improvements, Owner shall request all necessary building and trade inspections upon completion of Improvements related to the permits, and if necessary, will ask for an assessment when performing the Improvements to ensure it is completed correctly. City will be permitted to inspect and verify that all the Improvements are satisfactorily completed and comply with code enforcement requirements, at minimum bi-weekly. City will provide Owner with advance notice prior to performing any code enforcement inspections. Owner shall be present and permit the City to enter the property without an administrative warrant for all inspections.
6. **Other Requirements.**
- a. **Compliance with Laws.** The Owner agrees to abide by all minimum housing standards as promulgated by the City, Pitt County, and the State of North Carolina.
 - b. **Posting of Property Unfit for Human Habitation.** The Owner agrees to permit the City to place signage on the front of the Property (dwelling unit) that the Property is unsafe and unfit for human habitation without obtaining an administrative warrant. Owner further acknowledges and agrees that no one will stay overnight or live in the dwelling unit on the Property, and it shall remain vacant until a Temporary Certificate of Occupancy or a Certificate of Occupancy is granted by the City.
 - c. **Property Maintenance and Clean Up.** Owner shall maintain the grounds of the Property and a clean Improvement site during the construction as Improvements are completed. Debris, trash and other public nuisances shall be placed in appropriate trash receptacles and removed from the Property within a reasonable amount of time.
 - d. **Secure Structure.** Owner shall keep the structure secure to deter criminal activities associated with vacant structures.

- e. **Communications.** The Owner shall provide the City with a valid telephone number and address at time of execution of this Agreement. Should the telephone number or address change, Owner shall provide an updated phone number and/or address to the City within ten (10) days. Further, the Owner shall regularly communicate with the City concerning progress, questions or problems encountered with the Property or performance of the Improvements contemplated and required herein.

C. DUTIES AND RESPONSIBILITIES OF CITY

1. During the time in which the Owner is in compliance with the terms of this Agreement, the City agrees to postpone continued pursuit of demolition of the Property, initiating judicial or quasi-judicial action against the Owner in regards to this Property. However, Civil Penalties will continue to accrue, if any.
2. The City will close the current code enforcement case when:
 - a. The Property passes all inspections for all cited violations; or
 - b. In the case of permit issuance, then when all building and trade permits pass all required inspections and a Certificate of Occupancy is issued by the City.
3. The City will give full and fair consideration of the Owner's request(s), as may be necessary during the course of this Agreement. However, this does not in any way assure or guarantee that an Owner's request(s) will be approved. Consideration will be given to, among other factors, safety hazards on the Property, impact of the Property on the community, occupants, and adjacent properties, public welfare and health, and the Owner's reason for the request(s).
4. Upon receiving notice from the Owner that the violations have been repaired or remediated, the City agrees to perform inspections, outside of the agreed upon schedule cited herein, of the Property within a reasonable time of the Owner's request for inspection of the Property.

D. DEFAULT

1. Failure to complete the terms and conditions contained herein within the specified time frames shall constitute a breach of this Agreement, unless both parties agree on a reasonable extension. Owner agrees that failure to complete the rehabilitation within the specified time period constitutes a breach authorizing the City to proceed with its code enforcement process, including request for demolition of the Property or other judicial action.
2. Upon breach, this Agreement shall be automatically void and be of no further force or effect as to the Owner or the City, unless both parties agree on a reasonable extension and modification.
3. An event of default shall mean a breach of this Agreement by the Owner, their agents or employees, without an agreement for a reasonable extension duly executed by both Parties to this Agreement. Without limiting the generality of the foregoing and in addition to those instances referred to as a breach, an event of default shall include, but shall not be limited to, the following:

- a. The Owner fails to submit the rehabilitation plan as required herein;
 - b. The Owner fails to obtain the required permits to perform the Improvements as required herein;
 - c. The Owner has not performed the Improvements pursuant to the timeframe(s) required under this Agreement;
 - d. The Owner fails to obtain the approval of the City or permit inspections where required by this Agreement.
4. **Remedy(ies) Upon Default.** If an event of default occurs, the City shall have the right to avail itself of each and every remedy existing at law or in equity, including but not limited to, continued pursuit of the ongoing code enforcement matter, and each and every such remedy shall be in addition to every other remedy specifically given or otherwise existing and may be exercised from time to time and as often and in such order as may be deemed expedient by the City. The exercise, or the beginning of the exercise, of one remedy shall not be deemed to be a waiver of the right to exercise any other remedy. The City's rights and remedies as set forth in this Agreement are not exclusive and are in addition to any other rights and remedies available to the City in law or in equity. The prevailing party shall be entitled to reasonable fees and costs in the event of any litigation regarding this Agreement, including any appellate proceeding.

E. MISCELLANEOUS

1. **Modifications.** No alteration, change, or modification of the terms of this Agreement shall be valid unless made in writing, signed by all Parties.
2. **Governing Law and Venue.** This Agreement shall be governed by and construed according to the laws of the State of North Carolina, and venue shall be in Pitt County, North Carolina.
3. **Counterparts.** This Agreement may be executed in counterparts, and the counterparts, taken together, shall constitute the original.
4. **Compliance with Laws.** The Owner shall comply with all applicable Federal, State, and local laws, ordinances, rules, and regulations pertaining to the performance of Improvements under this Agreement.
5. **Limitations on Liability.** The City desires to enter into this Agreement only if in so doing the City can place a limit on the City's liability for any cause of action arising out of the Agreement, so that its liability never exceeds the agreed sum of \$100.00. Owner expresses their willingness to enter into this Agreement with Owner's recovery from the City for any action or claim arising from this Agreement to be limited to \$100.00.

Accordingly, and notwithstanding any other term or condition of this Agreement, Owner agrees that the City shall not be liable to Owner for damages in an amount in excess of \$100.00, for any action or claim of the Owner or any third party arising out of this Agreement. Nothing contained in this paragraph or elsewhere in this Agreement is in any way intended to be a waiver of the limitation placed upon the City's liability.

Additionally, the City does not waive sovereign immunity, and no claim or award against the City shall include attorney's fees, investigative costs or pre-judgment interest.

6. **Notice**. All notices, demands, correspondence and communications between the City and Owner shall be deemed sufficiently given under the terms of this Agreement when dispatched by registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

If to Owner: Jerome Wilson
2353 Stokes Road
Greenville, NC 27834

If to City: City Manager
City of Greenville, North Carolina
200 W. Fifth Street
Greenville, NC, 27858

With a copy: City Attorney
City of Greenville, North Carolina
200 W. Fifth Street
Greenville, NC, 27858

7. **Indemnification and Hold Harmless**. The Owner shall indemnify, defend and hold harmless the City, its officers, agents and employees from and against any claim, demand or cause of action arising out of and Improvements performed at the property to gain compliance, their agents, servants, employees or subcontractors during the performance of this Agreement.
8. **Severability**. No waiver of any breach of this agreement shall operate as a waiver of any similar subsequent breach or any breach of any other provision of this agreement. If any provision of this agreement is held invalid by a court of competent jurisdiction, such provision shall be severed from this agreement and to the extent possible, this agreement shall continue without affecting the remaining provisions.
9. **No Third Party Benefit**. This Agreement is intended for the benefit of the Parties and not any other person.
10. **Performance of Government Functions**. Nothing contained in this Agreement shall be deemed or construed so as to in any way estop, limit, or impair the City from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions.
11. **City Manager's Authority**. To the extent, if any, the City has the power to suspend or terminate this contract or the Consultant/Contractor's services under this Agreement, that power may be exercised by the City Manager or their designee.
12. **Entire Agreement**. This writing embodies the entire agreement and understanding between the Parties, and there are no other agreements and understandings, oral or

written, with reference to this subject matter that are not merged and superseded.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals on the dates written below and the undersigned hereby warrants and certifies that they have read the Agreement in its entirety, understand it and agree to be bound by all the terms and conditions stated herein. Further, they warrant and certify they are authorized to enter into this Agreement and to execute same on behalf of the Parties as the act of the said Parties.

OWNER:

BY: _____

NAME: _____

TITLE: _____

OWNER'S CONTACT INFORMATION:

TELEPHONE: _____

ADDRESS: _____

CITY OF GREENVILLE:

BY: _____

NAME: _____

TITLE: _____

CITY'S POINT OF CONTACT:

NAME: _____

TITLE: _____

TELEPHONE: _____

ADDRESS: _____



City of Greenville, North Carolina

Meeting Date: 06/08/2023

Title of Item: Ordinance to annex Firetower Commercial Park Future Lots 1 and 2 property involving a total of 18.31 acres located along the eastern and western rights-of-way of South Square Drive and 500+/- feet east of Chapman Road

Explanation: A. SCHEDULE

1. Advertising date: May 27, 2023
2. City Council public hearing date: June 8, 2023
3. Effective date: June 8, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 18.31
4. Voting District: 5
5. Township: Winterville
6. Zoning: R6 (Residential)
7. Existing land use: Vacant
8. Anticipated land use: 262 multi-family units
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	262 X 2.18	571
Current minority	0	0
Estimated minority at full development	571 X 43.4%	248
Current white	0	0
Estimated white at full development	571 - 248	323

* Source: Census.gov

10. Rural fire tax district: Rural Winterville
11. Greenville fire district: Station 5
12. Present tax value: \$1,827,759
13. Estimated tax value: \$65,500,000

Fiscal Note: Estimated tax value at full development is \$65,500,000

Recommendation: Approve the attached ordinance to annex Firetower Commercial Park Future Lots 1 and 2

ATTACHMENTS

-  [Ordinance Firetower Commercial Park Future Lots 1 and 2 Annexation.pdf](#)
-  [Firetown Commercial Park Future Lots 1 and 2 Survey.pdf](#)

ORDINANCE NO. 23-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at 6:00 p.m. on the 8th day of June, 2023, after due notice by publication in The Daily Reflector on the 27th day of May, 2023; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES ORDAIN:

Section 1. That by virtue of the authority vested in the City Council of the City of Greenville, North Carolina, under G. S. 160A-31, as amended, the following described contiguous territory is annexed:

TO WIT: Being all of that certain property as shown on the annexation map entitled "Firetower Commercial Park Future Lots 1 & 2", involving 6.316 acres prepared by Rivers & Associates.

LOCATION: Situate in Winterville Township, Pitt County, North Carolina, located along the eastern and western right-of-way of South Square Drive and 500+/- feet east of Chapman Road.

GENERAL DESCRIPTION:

Beginning at the southwestern corner of Lot 16A, South Pointe Subdivision, Section 1, recorded in Map Book 65 Page 133, said point being the northwestern corner of the CHAMM, LLC et al I property recorded in Deed Book 2705 Page 470; thence from the POINT OF BEGINNING with the southern line of South Pointe Subdivision, Section 1, thence S 82°50'02" E 530.27 feet to a point in the western right of way of South Square Drive, said point being common with the southeastern corner of Lot 1A, South Pointe Subdivision, revised map recorded in Map Book 69 Page 154; thence with the westerly right of way of South Square Drive two (2) calls; (1)with a curve to the right having an arc length of 65.97 feet, a radius of 940.00 feet, a chord bearing and length of S 02°44'42" W 65.96 feet; (2) S 04°45'21" W 210.98 feet to a point; thence leaving with the western right of way of South Square Drive and running with the western terminus of the now closed right of way of South Park Drive the following six (6) calls, (1) with a curve to

the right having an arc length of 39.28 feet, a radius of 25.00 feet, a chord bearing and length of S 49°45'21" W 35.36 feet to a point; (2) N 85°14'39" W 128.97 feet to a point; (3) with a curve to the right having an arc length of 30.78 feet, a radius of 25.00 feet, a chord bearing and length of N 49°58'47" W 28.87 feet to a point; (4) with a reverse curve to the left having an arc length of 218.63 feet, a radius of 50.00 feet, a chord bearing and length of S 40°01'13" W 81.65 feet to a point; (5) S 85°14'39" E 199.68 feet to a point; (6) with a curve to the right having an arc length of 39.28 feet, a radius of 25.00 feet, a chord bearing and length of S 40°14'39" E 35.36 feet to a point in the western right of way of South Square Drive; thence with the western right of way of South Square Drive; S 04°45'21" W 305.02 feet to a point; thence with a New City Limit line N 76°22'15" W 364.03 feet to a point in the eastern line of the City of Greenville property, recorded in Deed Book E-53 Page 828; thence running with the eastern line of the aforementioned City of Greenville property and the AREC 36, LLC property recorded in Deed Book 3878 Page 453 three (3) calls, (1) N 01 °54'55" W 88.00 feet to a point; (2) N 12°47'42" W 524.33 feet to a point; (3) N 00°53'13" E 60.88 feet to the POINT OF BEGINNING; containing an area of 6.316 acres more or less and being a portion of that property recorded in Deed Book 2705 Page 470 to be annexed into the City of Greenville, and further shown on a map by Rivers and Associates, Inc. drawing Z-2704, dated April 17, 2023, signed on April 18th, 2023, entitled Annexation Map for Firetower Commercial Park, Future Lots 1 & 2, which by reference is made a part hereof.

Section 2. That by virtue of the authority vested in the City Council of the City of Greenville, North Carolina, under G. S. 160A-31, as amended, the following described contiguous territory is annexed:

TO WIT: Being all of that certain property as shown on the annexation map entitled "Firetower Commercial Park Future Lots 1 & 2", involving 11.994 acres prepared by Rivers & Associates.

LOCATION: Situate in Winterville Township, Pitt County, North Carolina, located along the eastern and western right-of-way of South Square Drive and 500+/- feet east of Chapman Road.

GENERAL DESCRIPTION:

Beginning at a point in the eastern right of way of South Square Drive, said point being southwestern corner of Lot 59B, South Pointe Subdivision, Section 1, recoded in Map Book 65 Page 130, and being a corner of the CHAMM, LLC et al property recorded in Deed Book 2705 Page 470; thence from the POINT OF BEGINNING with the southern line of South Pointe Subdivision, Section 1 and the property of Jack Jones, LLC recorded in Deed Book 1054 Page 823 the following three (3) calls; thence S 82°50'02" E 357.67 feet to a point; thence S 85°56'42" E 15.20 feet to a point; thence S 85°56'42" E 346.84 feet to a point, the northern corner of the Re image Church, Inc. property recorded in Deed Book 109 Page 788; thence cornering with the westerly and northerly line of the aforementioned Re image Church property recorded in Deed Book 109 Page 788 and Deed Book E-53 Page 19 the following eight (8) calls; (1) thence S 15°14'32" E 235.14 feet to a point; (2) thence S 07°15'43" E 200.10 feet to a point; (3) thence S 04°20'31" W 137.23 feet to a point; (4) thence S 88°48'30" W 210.34 feet to a point; (5) thence S 63°02'12" W 237.19 feet to a point; (6) thence S 68°15'49" W 35.01 feet to a point; (7) thence S 81°01'49" W 44.26 feet to a point; (8) thence S 17°42'12" W 7.00 feet to a point; thence with a New City Limit line N 76°22'15" W 357.85 feet to a point in the eastern right of way of South Square Drive; thence with the eastern right of way of South Square Drive N 04°45'21" E 314.37 feet to a point; thence leaving the eastern right of way of South Square Drive with the eastern terminus of now closed South Park Drive the following five (5) calls; (1) with a curve to the right having an arc length of 39.28 feet, a radius of 25.00 feet, a chord bearing and length of N 49°45'21" E 35.36 feet to a point; (2) thence with a compound curve to the right having an arc length of 74.58 feet, a radius of 125.00 feet, a chord bearing and length of S 68°09'07" E 73.48 feet to a point; (3) N 39°09'51" E 50.00 feet to a point; (4) with a curve to the left having an arc length of 104.60 feet, a radius of 175.00 feet, a chord bearing and length of N 68°07'12" W, 103.05 feet to a point; (5) with a reverse curve to the right having an arc length of 39.28 feet, a radius of 25.00 feet, a chord bearing and length of N 40°14'39" W 35.36 feet to a point in the eastern right of way of South Square Drive; thence with the eastern right of way of South Square Drive the following two (2) calls; (1) thence N 04°45'21" E 211.00 feet to a point; (2) with a curve to the left having an arc length of 63.43 feet, a radius of 1000.00 feet, a chord bearing and

length of N 02°56'20" E 63.42 feet to the POINT OF BEGINNING; containing an area of 11.994 acres more or less and being a portion of that property recorded in Deed Book 2705 Page 470 to be annexed into the City of Greenville, and further shown on a map by Rivers and Associates, Inc. drawing Z-2704, dated April 17, 2023, signed on April 18th, 2023, entitled Annexation Map for Firetower Commercial Park, Future Lots 1 & 2, which by reference is made a part hereof.

Section 3. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G.S. 160A-23, be annexed into Greenville municipal election district five. The City Clerk, City Engineer, representatives of the Board of Elections, and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district five.

Section 4. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Greenville and shall be entitled to the same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 5. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1.

Section 6. This annexation shall take effect from and after the 8th day of June, 2023.

ADOPTED this 8th day of June, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

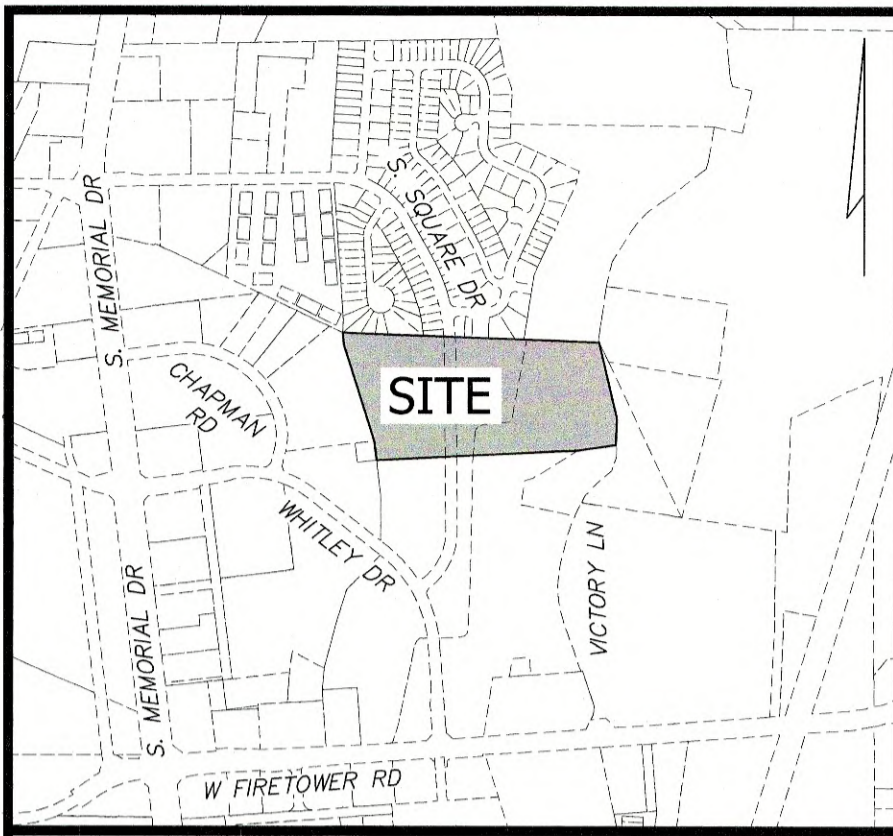
NORTH CAROLINA
PITT COUNTY

I, Camillia P. Smith, a Notary Public for said County and State, certify that Valerie Shiuwegar personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and official seal this ____th day of _____, 2023.

Notary Public

My Commission Expires: _____
1181116



Vicinity Map SCALE: 1" = 1000'

LEGEND

NEW CITY LIMIT	---
OLD CITY LIMIT	---
CITY LIMIT	---
RIGHT OF WAY	---
ADJACENT PARCEL	---
PARCEL NUMBER	P.N.
MAP BOOK	M.B.
PAGE	PG.
DEED BOOK	D.B.
NOW OR FORMERLY	N/F
RIGHT OF WAY	R/W
BACK TO BACK	B/B

NOTES

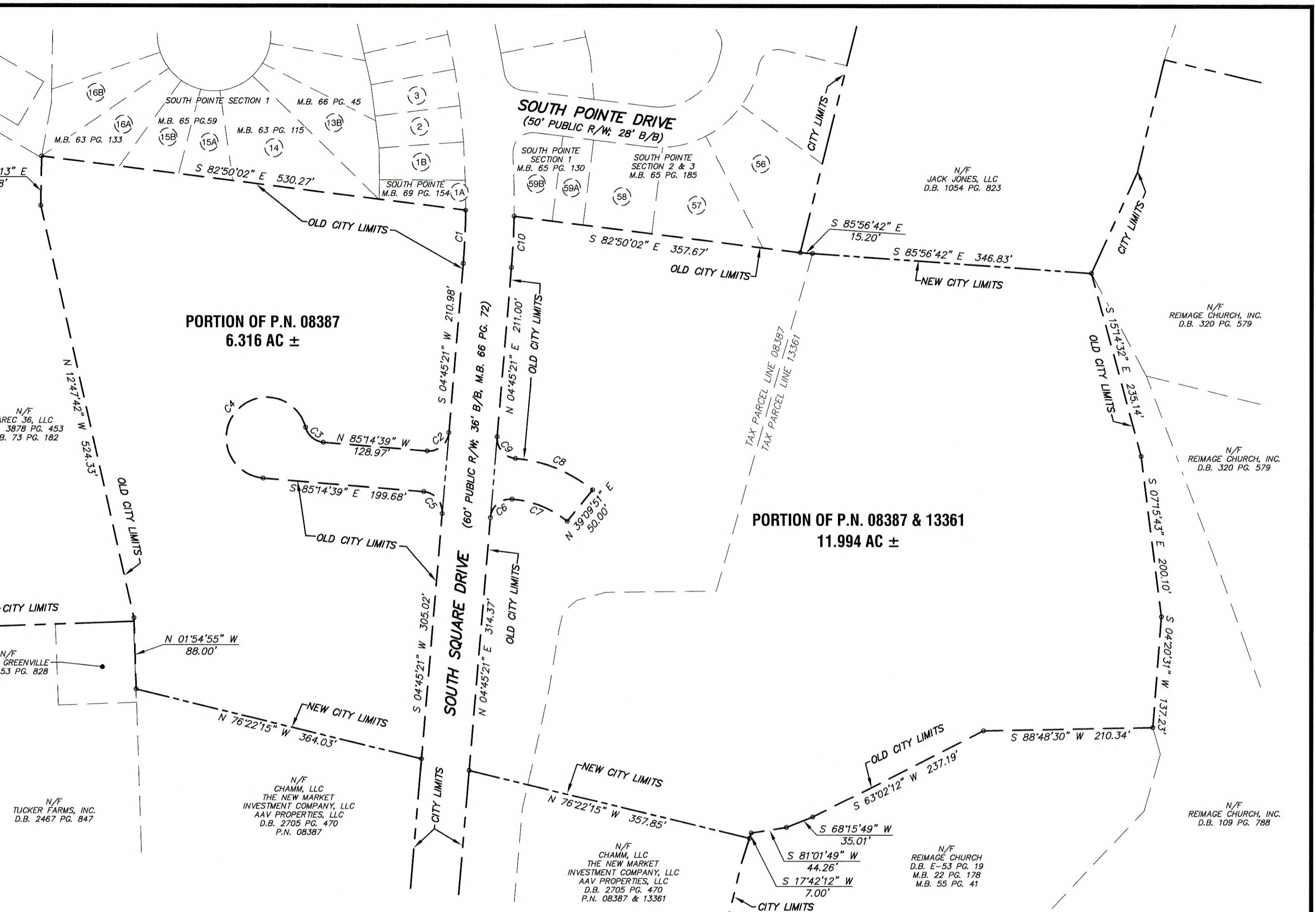
1. AREA DETERMINED BY COORDINATES.
2. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
3. NO POINT SET AT ANY CORNER.
4. THIS MAP WAS PREPARED FOR ANNEXATION PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON OR TO BE USED FOR SALES OR CONVEYANCE.
5. FOR CLARITY, NO EXISTING EASEMENTS OR IMPROVEMENTS ARE BEING SHOWN. REFERENCE BALDWIN DESIGN CONSULTANTS, PA FINAL PLAT FOR LOTS 1 & 2, FIRETOWER COMMERCIAL PARK, SIGNED AND SEALED DECEMBER 28TH, 2022, UNRECORDED AND STREET CLOSURE MAP FOR SOUTHPARK DRIVE SIGNED AND SEALED MAY 20TH, 2022, RECORDED IN MAP BOOK 90 PAGE 12.
6. CITY LIMITS WAS TAKEN FROM PITT COUNTY GEOGRAPHIC INFORMATION SYSTEM.

REVISIONS:

ANNEXATION MAP
FIRETOWER COMMERCIAL PARK
FUTURE LOTS 1 & 2
 CITY OF GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

OWNER	SEE ABOVE
ADDRESS	SEE ABOVE
PHONE	

 NC License: F-0334 107 East Second Street Greenville, NC 27858 (252) 752-4138	Engineers	SURVEYED	APPROVED
	Planners	N/A	
	Surveyors	DRAWN	DATE
	Landscape Architects	KB	4/17/23
	CHECKED	PH	SCALE
			1" = 100'



OWNER INFORMATION

OWNER: CHAMM, LLC
 ADDRESS: 1698 E. ARLINGTON BOULEVARD
 GREENVILLE, NC 27858
 PHONE: 252-355-0752

OWNER: THE NEW MARKET INVESTMENT GROUP, LLC
 ADDRESS: 1609 E. 5TH STREET
 GREENVILLE, NC 27858
 PHONE: 252-531-3777

OWNER: AAV PROPERTIES, LLC
 ADDRESS: 111 OXFORD ROAD
 GREENVILLE, NC 27858
 PHONE: 252-531-1604

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	940.00'	65.97'	65.96'	N 02°44'42" E
C2	25.00'	39.28'	35.36'	N 49°45'21" E
C3	25.00'	30.78'	28.87'	N 49°58'47" W
C4	50.00'	218.63'	81.65'	N 40°01'13" E
C5	25.00'	39.28'	35.36'	N 40°14'39" W
C6	25.00'	39.28'	35.36'	N 49°45'21" E
C7	125.00'	74.58'	73.48'	S 68°09'07" E
C8	175.00'	104.60'	103.05'	N 68°07'12" W
C9	25.00'	39.28'	35.36'	N 40°14'39" W
C10	1000.00'	63.43'	63.42'	N 02°56'20" E

REFERENCES:

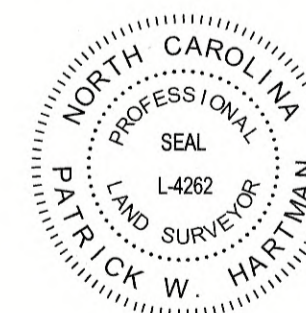
- D.B. 4375 PG. 624
- D.B. 2705 PG. 470
- D.B. 89 PG. 50
- M.B. 90 PG. 12
- M.B. 66 PG. 72
- M.B. 5 PG. 103
- PN 08387
- PN 13361



RECORDED IN MAP BOOK _____ PAGE _____

MAP NO.	PLATS RECORDED	BOOK	PAGE
	SOUTH POINTE SECTION 1	62	169
	FIRETOWER COMMERCIAL PARK PH. 2	65	155
	BARFIELD PROPERTIES, LLC	71	161
	SOUTH POINTE SECTIONS 2 & 3	63	35
	FAITH & VICTORY CHURCH, INC.	55	41

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.
 EFFECTIVE DATE _____ ORDINANCE NO. _____
 18.31 AC.
 AREA
 WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.



CERTIFICATION

NORTH CAROLINA PITT COUNTY

I, PATRICK W. HARTMAN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM DEED DESCRIPTIONS RECORDED IN DEED BOOK SEE PAGE REF OR AS NOTED; THAT THE RATIO OF PRECISION IS 1:10,000; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND AND REFERENCED HEREON; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f)(11)(d) AS TO THE FOLLOWING THAT THIS SURVEY IS OF ANOTHER CATEGORY; BEING A SURVEY FOR ANNEXATION INTO CITY LIMITS OF THE CITY OF GREENVILLE; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 18TH DAY OF APRIL, 2023.

SIGNED:
 PROFESSIONAL LAND SURVEYOR
 LICENSE NUMBER L-4262

P:\LANDSCAPE\DESIGN\BELMONT_AFS-2022\4050\DWG - LAYOUT - 4/19/2023 9:50:54 AM - PATRICK W. HARTMAN



City of Greenville, North Carolina

Meeting Date: 06/08/2023

Title of Item: Ordinance to annex Ridgewood Farms, Phase 1 property involving a total of 24.0 acres located along the northern right-of-way of Thomas Langston Road and the current terminus of Stone Wood Drive

Explanation: A. SCHEDULE

1. Advertising date: May 27, 2023
2. City Council public hearing date: June 8, 2023
3. Effective date: June 8, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 24.0
4. Voting District: 2
5. Township: Winterville
6. Zoning: R6S (Residential-Single-Family), R6A (Residential), R6 (Residential), and OR (Office-Residential)
7. Existing land use: Vacant
8. Anticipated land use: 56 single-family lots
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	56 X 2.18	122
Current minority	0	0
Estimated minority at full development	122 X 43.4%	53
Current white	0	0
Estimated white at full development	122 - 53	69


* Source: Census.gov

10. Rural fire tax district: Rural Winterville
11. Greenville fire district: Station 5
12. Present tax value: \$453,428
13. Estimated tax value: \$14,000,000

Fiscal Note: Estimated tax value at full development is \$14,000,000

Recommendation: Approve the attached ordinance to annex Ridgewood Farms, Phase 1

ATTACHMENTS

-  [Ordinance Ridgewood Farms Phase 1 Annexation.pdf](#)
-  [Ridgewood Farms, Phase 1 Survey.pdf](#)

ORDINANCE NO. 23-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at 6:00 p.m. on the 8th day of June, 2023, after due notice by publication in The Daily Reflector on the 27th day of May, 2023; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES ORDAIN:

Section 1. That by virtue of the authority vested in the City Council of the City of Greenville, North Carolina, under G. S. 160A-31, as amended, the following described contiguous territory is annexed:

TO WIT: Being all of that certain property as shown on the annexation map entitled “Ridgewood Farms, Phase 1”, involving 24.0 acres prepared by Coastal Carolina Surveyors, PLLC

LOCATION: Situate in Winterville Township, Pitt County, North Carolina, located along the northern right-of-way of Thomas Langston Road and the current terminus of Stone Wood Drive.

GENERAL DESCRIPTION:

Beginning at an existing iron pipe located in the northern right of way line of Thomas Langston Road (State Road 1134 – variable width public right of way); said iron pipe being the southeast corner of the subject property as recorded in Deed Book 4225, Pages 135 through 138 and being the southwest property corner of the Ward Holdings, LLC property as recorded in Deed Book 1051, Page 826, Pitt County Registry and being the Point of Beginning;

Thence, from the point of beginning, running along the right of way of Thomas Langston Road N 83-36-17 W, 87.57 feet to an existing iron pipe, said iron pipe being the southeast corner of Langston Townhomes as recorded in Map Book 63, Page 17, Pitt County Registry; thence N 7-16-08 E, 225.49 feet to an existing iron pipe; thence S 68-21-13 W, 62.26 feet to an existing iron pipe; thence S 71-55-32 W, 63.18 feet to an existing iron pipe; thence N 04-31-23 W, 74.65 feet

to an existing iron pipe; thence S 86-01-21 W, 319.20 feet to an existing iron pipe; thence S 00-30-34 E, 73.96 feet to an existing rebar; thence S 13-07-49 E, 205.65 feet to an existing concrete monument; thence S 13-07-49 E, 11.94 feet to the right of way of Thomas Langston Road; thence S 71-38-48 W, 52.02 feet along the right of way of Thomas Langston Road to the southeast corner of Providence Place Section One as recorded in Map Book 58, Page 9, Pitt County Registry; thence N 14-33-19 W, 149.53 feet; thence N 20-44-30 W, 64.02 feet; thence N 04-06-38 W, 28.62 feet; thence N 12-31-15 E 81.37 feet; thence N 00-30-21 W, 22.54 feet; thence N 24-16-57 W, 18.65 feet; thence N 35-01-57 W, 85.29 feet; thence N 37-06-26 W, 100.54 feet; thence N 49-22-43 W, 91.12 feet; thence N 49-48-15 E, 149.11 feet; thence 58.92 feet along an arc having a radius of 154.00 feet whose chord bears N 52-48-31 E, 58.56 feet; thence N 84-18-48 E, 315.96 feet; thence 55.00 feet along an arc having a radius of 925.12 feet whose chord bears S 03-59-03 E, 54.99 feet; thence N 02-16-48 W, 298.66 feet; thence N 87-43-12 E, 32.00 feet; thence N 02-16-48 W, 95.00 feet; thence N 02-16-48 W, 50.00 feet; thence N 87-43-12 E, 1.00 feet; thence N 02-16-48 W, 104.59 feet; thence S 87-06-04 W, 36.99 feet to an existing concrete monument, said monument being the southeast corner of the Bill Clark Homes of Greenville, LLC property as recorded in Deed Book 2705, Page 582; thence N 03-11-45 W, 709.00 feet to an existing concrete monument, said monument being the southeast corner of the City of Greenville property as recorded in Deed Book 111, Page 279; thence N 86-06-38 E, 158.21 feet to an existing iron pipe along the Mandujano property as recorded in Deed Book 4281, Page 435; thence N 86-04-17 E, 564.75 feet to an existing iron pipe along the southern line of the Gomez Property as recorded in Deed Book 3334, Page 865, Pitt County Registry, said corner being the northwest corner of the Ward Holdings, LLC property as recorded in Deed Book 1051, Page 826, Pitt County Registry; thence S 01-49-49 W, 163.96 feet along the Ward Holdings, LLC property line; thence N 88-10-11 W, 117.32 feet; thence S 01-49-49 W, 11.11 feet; thence S 88-10-11 E, 75.00 feet; thence 17.59 feet along an arc having a radius of 175.00 feet whose chord bears S 88-57-03 W, 17.58 feet; thence N86-04-17 E, 5.43 feet; thence S 03-55-43 E, 104.00 feet; thence S86-04-17 W, 236.33 feet; thence S 03-11-45 E, 452.57 feet; thence 5.32 feet along an arc having a radius of 333.00 feet whose chord bears S 02-44-17 E, 5.32 feet; thence S 02-16-48 E, 51.37 feet; thence N 87-43-12 E, 146.00 feet; thence S 02-16-48 E, 96.39 feet; thence S 88-10-11 E, 79.37 feet; thence N 01-49-49 E, 48.67 feet; thence S 88-10-11 E, 8.00 feet; thence N 01-49-49 E, 1.00 feet; thence S 88-10-11 E, 128.32 feet to the Ward Holdings, LLC property line as recorded in Deed Book 1051, Page 826, Pitt County Registry; thence S 01-49-49 W, 784.18 feet along the Ward Holdings, LLC property line to an existing iron pipe; thence S 67-04-44 W, 269.52 feet to an existing "T" iron; thence S 18-21-38 W, 303.67 to the Point of Beginning; containing 24.0 acres, more or less.

Section 2. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G.S. 160A-23, be annexed into Greenville municipal election district two. The City Clerk, City Engineer, representatives of the Board of Elections, and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district two.

Section 3. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Greenville and shall be entitled to the same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1.

Section 5. This annexation shall take effect from and after the 8th day of June, 2023.

ADOPTED this 8th day of June, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

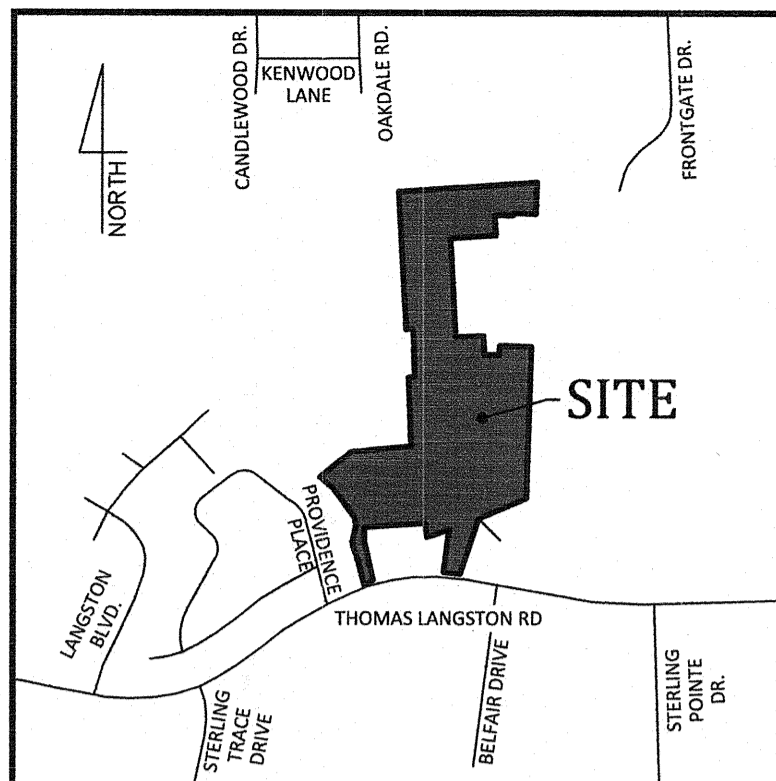
NORTH CAROLINA
PITT COUNTY

I, Camillia P. Smith, a Notary Public for said County and State, certify that Valerie Shiuwegar personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and official seal this ____th day of _____, 2023.

Notary Public

My Commission Expires: _____
1181119



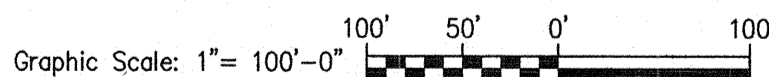
VICINITY MAP
SCALE: 1"=1000'±

LEGEND:

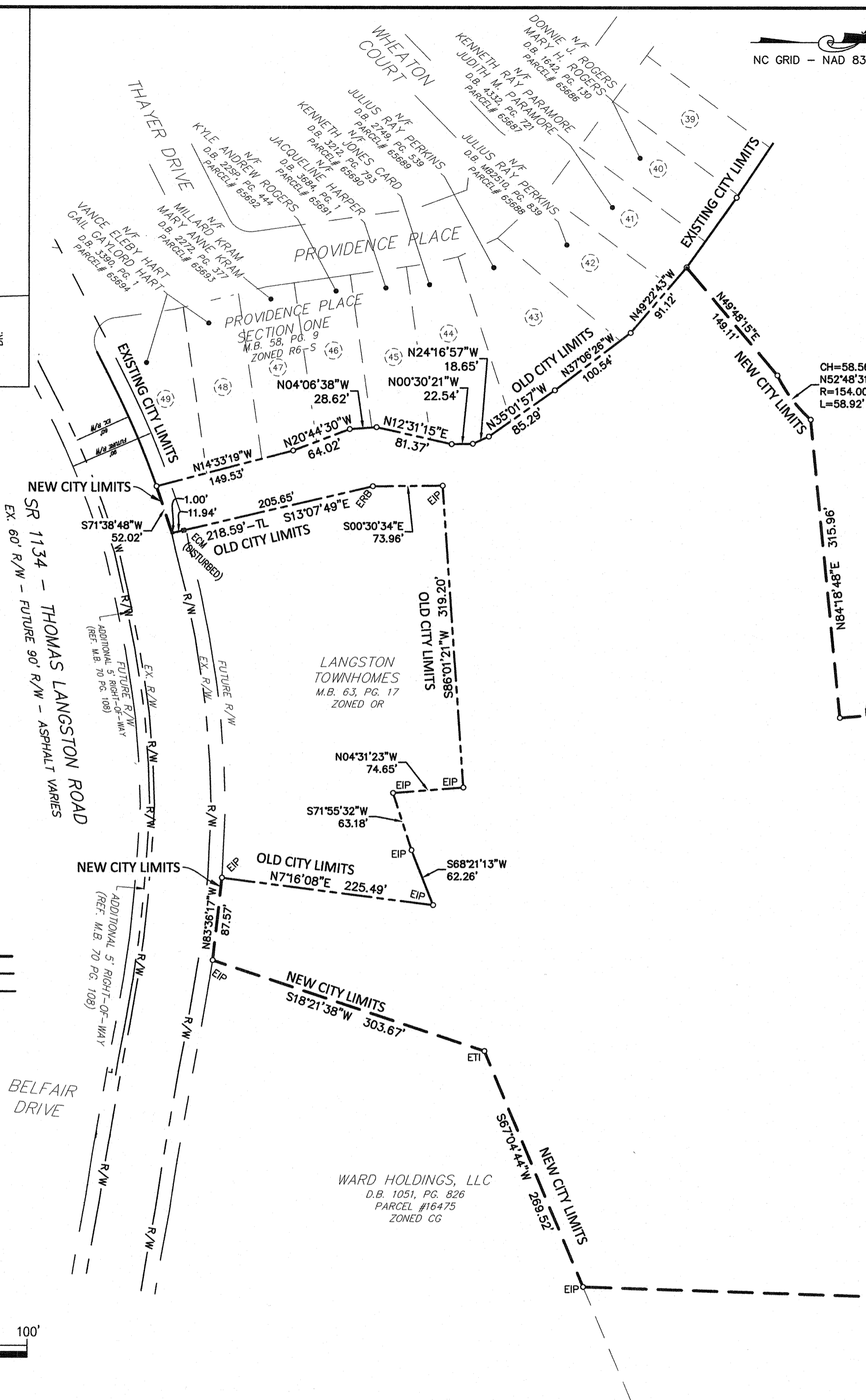
- AC = ACRE
- C = CURVE
- CC = CONTROL CORNER
- CH = CHORD
- C/L = CENTERLINE
- DB = DEED BOOK
- ECM = EXISTING CONCRETE MONUMENT
- EIP = EXISTING IRON PIPE
- EIS = EXISTING IRON STAKE
- ERB = EXISTING REBAR
- ESMT = EASEMENT
- ETI = EXISTING "T" IRON
- EX = EXISTING "X" IRON
- IPS = IRON POINT SET
- L = LINE
- MB = MAP BOOK
- MBL = MINIMUM BUILDING SETBACK LINE
- MNS = MAGNETIC NAIL SET
- N/F = NOW OR FORMERLY
- NTS = NOT TO SCALE
- NPS = NO POINT SET
- PG = PAGE
- R = RADIUS
- RD = ROAD
- REF = REFERENCE
- R/W = RIGHT OF WAY
- SF = SQUARE FEET
- TL = TOTAL LENGTH

LINE LEGEND

- NEW CITY LIMIT LINE =
- OLD CITY LIMIT LINE =
- CITY LIMIT LINE =



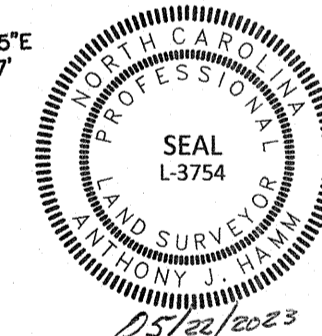
SHEET 1 of 2



SURVEY NOTES:

1. ACREAGE CALCULATED BY THE COORDINATE METHOD.
2. NO N.C.G.S. HORIZONTAL CONTROL MONUMENTS FOUND WITHIN 2000 FEET OF THIS PROPERTY.
3. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS IN FEET AND DECIMALS THEREOF UNLESS NOTED OTHERWISE.
4. THAT THIS SURVEY IS OF AN EXISTING PARCEL OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
5. 1/2" IRON PIPES SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED. NO IRON PIPES SET IN C/L DITCH UNLESS OTHERWISE NOTED. FRONT LOT CORNERS ADJACENT TO SIDEWALK TO BE MARKED BY DRILL HOLES.
6. THIS PROPERTY IS LOCATED IN FLOOD ZONE X AS MAPPED, PER N.C. FIRM MAP # 3720467600K CID 370191, PANEL NO. 4676, EFFECTIVE DATE: 07/07/2014, ZONE X (NOT IN A FLOOD ZONE).
7. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, AND RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
8. REFERENCES:
DB 4225, PG 135
MB 15, PG 2
MB 62, PG 173
DB 1051, PG 826
DB 2487, PG 410-412
MB 62, PG 37
ALTA/NSPS LAND TITLE SURVEY FOR YBYA, LLC BY GARY S. MILLER, DATED MAY 27, 2022

TOTAL:
1,045,733 SQ.FT.
24.0 AC.



SURVEYOR'S CERTIFICATION

I, ANTHONY J. HAMM, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____ PAGE _____ OR FROM BOOKS REFERENCED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____ OR AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f)(1)(d). THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXEMPTION TO THE DEFINITION OF A SUBDIVISION.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 22 DAY OF May, 2023.

SIGNED:
ANTHONY J. HAMM, P.L.S.

L-3754

REVIEW OFFICER

I, _____ A REVIEW OFFICER OF PITT COUNTY, N.C. CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

BY: _____
REVIEW OFFICER

DATE: _____

RIDGEWOOD FARMS, PHASE 1

BEING PORTIONS OF PITT COUNTY TAX PARCELS 05383, 13364, 13877, AS RECORDED IN DEED BOOK 4225, PAGE 135 OF THE PITT COUNTY REGISTRY GREENVILLE MUNICIPALITY, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

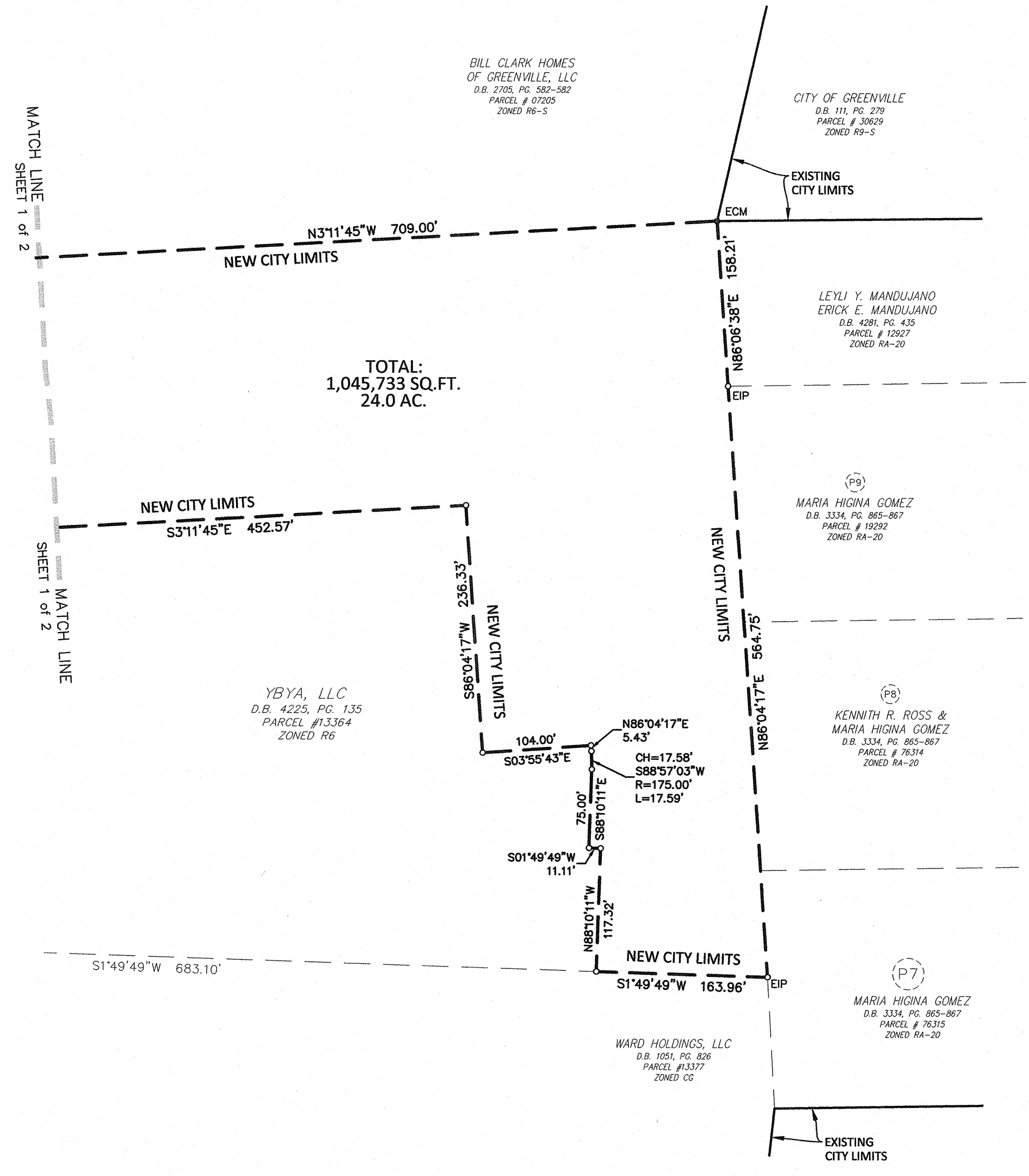
COASTAL CAROLINASURVEYORS, PLLC
LAND SURVEYORS
PO Box 2768, Winterville, NC 28590
AJH cell (252) 320-4601
jamiehamm.ccsurveyors@yahoo.com
P-0790

SURVEYED: AJH APPROVED: AJH
DRAWN: CT DATE: 03/21/2023
CHECKED: AJH SCALE: 1" = 100'

MAP NO.	PLATS RECORDED	MAP BOOK	PAGE
	N/A		

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C
(EFFECTIVE DATE _____ ORDINANCE # _____ AREA 24.0 AC)
WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

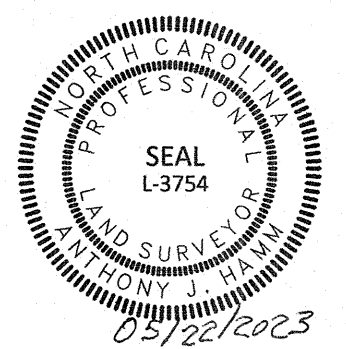
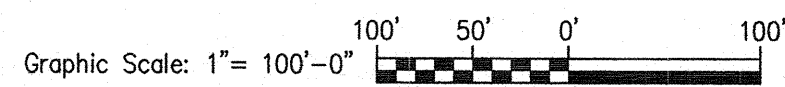
NC GRID - NAD 83



TOTAL:
1,045,733 SQ. FT.
24.0 AC.

LINE LEGEND

NEW CITY LIMIT LINE =
 OLD CITY LIMIT LINE =
 CITY LIMIT LINE =



SURVEYOR'S CERTIFICATION
 I, ANTHONY J. HAMM, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____ PAGE _____ OR FROM BOOKS REFERENCED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____ OR AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.
 I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f)(1)(g), THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXEMPTION TO THE DEFINITION OF A SUBDIVISION.
 WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 22 DAY OF MAY, 2023.
 SIGNED: ANTHONY J. HAMM, P.L.S. L-3754

SHEET 2 of 2

RIDGEWOOD FARMS, PHASE 1 BEING PORTIONS OF PITT COUNTY TAX PARCELS 05383, 13364, 13877, AS RECORDED IN DEED BOOK 4225, PAGE 135 OF THE PITT COUNTY REGISTRY GREENVILLE MUNICIPALITY, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA	MAP NO.	PLATS RECORDED	MAP BOOK	PAGE
		N/A		
COASTAL CAROLINA SURVEYORS, PLLC LAND SURVEYORS PO Box 2768, Winterville, NC 28590 AJH cell (252) 320-4601 jamiehamm.ccsurveyors@yahoo.com P-0790	SURVEYED: AJH DRAWN: CT CHECKED: AJH	APPROVED: AJH DATE: 03/21/2023 SCALE: 1" = 100'	MAP SHOWING AREA ANNEXED BY THE CITY OF GREENVILLE, N.C (EFFECTIVE DATE _____ ORDINANCE # _____ AREA 24.0 AC.) _____ TOWNSHIP, PITT COUNTY, N.C.	

REVIEW OFFICER
 I, _____ A REVIEW OFFICER OF PITT COUNTY, N.C. CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 BY: _____ REVIEW OFFICER
 DATE: _____



City of Greenville, North Carolina

Meeting Date: 06/08/2023

Title of Item: Second Reading of Ordinances Making Various Revisions to the City Code

Explanation: Session Law 2021-138 (SB 300) made changes to N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 decriminalizing certain ordinances and creating a new general rule for enforcement of ordinances that except for the types of ordinances listed in N.C.G.S. § 160A-175(b1), a violation of a city ordinance may be a misdemeanor or infraction as provided by N.C.G.S. § 14-4 only if the city specifies such in the ordinance.

If City Council desires criminal enforcement of ordinances, the law requires the City to identify each code section requiring a criminal penalty and to specifically apply a criminal penalty to the code section by way of two readings before City Council. During this process, City staff has identified five additional goals as part of these revisions:

1. Review the ordinances to bring City Code provisions into better compliance.
2. Standardize both criminal and civil penalties.
3. Address appeal provisions.
4. Clean-up ordinances (reword, move to other chapters, etc.).
5. Repeal those ordinances that are preempted or otherwise not needed.

Working with City staff, the City Attorney's Office (CAO) has researched and prepared for consideration the attached ordinances (revisions to City Code). The CAO gave a presentation to Council regarding the revisions at its May 8th Workshop. Council conducted a first reading of the ordinance (including taking a preliminary vote) at its June 5th Council meeting.

Fiscal Note: There is no fiscal impact associated with this presentation.

Recommendation: That City Council conduct a second reading and finally adopt the following: 1) An Ordinance to Repeal and Replace Part II, Title 10, Chapter 2 of the Code of Ordinances, City of Greenville and to Make Revisions to Portions of Part II, Titles 6, 10, and 12 of the Code of Ordinances, City of Greenville; 2) An Ordinance to Make Technical Revisions to Portions of Part II, Titles 1, 2, 5, 6, 9, and 11 of the Code of Ordinances, City of Greenville; and 3) an Ordinance to Make Revisions to Portions of Part II, Title 12, Chapters 1, 2, 3, 5, and 7 of the Code of Ordinances, City of Greenville.

ATTACHMENTS

- [!\[\]\(6841ca9b0e023296428e7c9e683b9367_img.jpg\) **An Ordinance to Repeal and Replace Part II Title 10 Chapter 2 of City Code and Revise Portions of Titles 6 and 12.pdf**](#)
- [!\[\]\(e258e347e7683f87061f627f84598eb5_img.jpg\) **An Ordinance to Revise Portions of Part II Titles 1 2 5 6 9 11 of City Code.pdf**](#)
- [!\[\]\(1233990ad3f0b7475c568d7bf16af31f_img.jpg\) **An Ordinance to Revise Portions of Part II Title 12 Chapters 1 2 3 5 and 7 of City Code..pdf**](#)

ORDINANCE NO. 23-XX

AN ORDINANCE TO REPEAL AND REPLACE PART II, TITLE 10, CHAPTER 2 OF THE CODE OF ORDINANCES, CITY OF GREENVILLE AND TO MAKE REVISIONS TO PORTIONS OF PART II, TITLES 6, 10, AND 12 OF THE CODE OF ORDINANCES, CITY OF GREENVILLE

WHEREAS, the City Council of the City Greenville desires to revise certain provisions of the Code of Ordinances, City of Greenville regarding transportation and traffic and repeal and replace Part II, Title 10, Chapter 2 of the Code of Ordinances, City of Greenville to conform to applicable North Carolina law, including but not limited to Chapter 20 and Chapter 160A of the North Carolina General Statutes; N.C.G.S. § 160A-174, which authorizes the City to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the City; and Session Law 2021-138, Part XIII. Section 13.(b), which amends N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 regarding penalties for violations of ordinances; and

WHEREAS, the certain revisions to the Code of Ordinances, City of Greenville regarding transportation and traffic and the repeal and replacement of the entirety of Part II, Title 10, Chapter 2 of the Code of Ordinances, City of Greenville is necessary to adequately ensure uniform compliance with applicable law and revise the criminal and civil penalties as necessary to address the interests of public safety and welfare;

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

SECTION 1. That Part II, Title 6, Chapter 2, Article A., Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11 of the Code of Ordinances, City of Greenville, are repealed and hereby replaced and amended to now read as follows:

SEC. 6-2-1. RESERVED.

SEC. 6-2-2. RESERVED.

SEC. 6-2-3. RESERVED.

SEC. 6-2-4. RESERVED.

SEC. 6-2-5. RESERVED.

SEC. 6-2-6. RESERVED.

SEC. 6-2-7. RESERVED.

SEC. 6-2-9. RESERVED.

SEC. 6-2-10. RESERVED.

SECTION 2. That Part II, Title 12, Chapter 1, Section 8 and 16 of the Code of Ordinances, City of Greenville, are repealed and hereby replaced and amended to now read as follows:

SEC. 12-1-8. RESERVED.

SEC. 12-1-16. RESERVED.

SECTION 3. That Part II, Title 10, Chapter 1, Section 3 of the Code of Ordinances, City of Greenville, is hereby repealed and replaced as amended to now read as follows:

SEC. 10-1-3 SMOKING TOBACCO PRODUCTS OR CONSUMING ALCOHOLIC BEVERAGES ON CITY BUSES.

(A) It shall be unlawful for any person while a passenger on any bus system operated by the City to either:

- (1) Smoke tobacco products, tobacco-substitute products or products similarly used or consumed through the aid of a burning or fire consuming process; or
- (2) Consume alcoholic beverages.

(B) *Civil Penalty.* A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil citation in an amount of \$100.00.

- (1) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (2) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency and the assessment of an administrative fee.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.

- (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

(C) *Criminal penalty for continuing to smoke.* Continuing to smoke in violation of subsection (A)(1) constitutes an infraction, and the person committing the infraction shall pay a criminal penalty of fifty dollars (\$50.00). Conviction of an infraction under this section has no consequence other than payment of a penalty. A person smoking in violation of this subsection may not be assessed court costs.

SECTION 4. That Part II, Title 10, Chapter 2 of the Code of Ordinances, City of Greenville, is hereby repealed and replaced as amended to now read as follows:

PART II: CODE OF ORDINANCES
TITLE 10: TRANSPORTATION, TRAFFIC, AND PARKING
CHAPTER 2: TRAFFIC AND PARKING REGULATIONS

ARTICLE A. WORDS AND PHRASES DEFINED

SEC. 10-2-1 DEFINITIONS OF WORDS AND PHRASES.

In addition to the definitions as found in City Code § 1-1-3 and Chapter 20 of the North Carolina General Statutes, including but not limited to those found in N.C.G.S. § 20-4.01, N.C.G.S. § 20-37.5, N.C.G.S. § 20-171.1, N.C.G.S. § 20-171.8, and N.C.G.S. § 20-280.1, which all said definitions are fully incorporated herein as may be applicable to the provisions set forth herein, the following definitions, regardless of capitalization, shall apply to this chapter unless the context clearly indicates or requires a different meaning.

Alley. A thoroughfare or passageway owned, occupied, or controlled by the City which is open for use by the public and which is located between two streets. Alleyway and public alley shall mean the same as alley.

Authorized emergency vehicle. A fire, rescue, ambulance, or law enforcement vehicle. A public service vehicle as defined by N.C.G.S. § 20-157(f) or a service vehicle as herein defined may be considered an authorized emergency vehicle if so designated or authorized by the Chief of Police.

Bus. A large motor vehicle designed to carry or capable of carrying passengers usually along a fixed route according to a schedule or otherwise along on a fixed route and for compensation or for private use only. A bus includes but is not limited to a school bus, school activity bus, motor carrier vehicle, or common carrier of passengers.

Chief of Police. The Chief of Police of the Greenville Police Department or his or her designee.

City. The City of Greenville.

City block. A portion of any street located between any two intersections of any two streets or alleys next adjacent to each other.

City employee. Any person employed by the City of Greenville. The term city employee does not include elected officials of the city.

City Manager. The City Manager or designee.

Commercial vehicle. Every vehicle designed, maintained or used primarily for the transportation of property.

Controlled access parking area. A parking area designated by the City Manager, which, during specified times, is subject to restricted or permitted parking, and is controlled by one of more opening and closing gates or parking arms at each entrance and exit point activated by gate card, parking meter, access code, remote control, off-site monitoring, or any other electronic or mechanical devices or means, or persons, including City employees, guards, or other attendants.

Crosswalk. A clearly marked crosswalk at an intersection; any regular pedestrian crossing upon a street or roadway included within the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a City block; an unmarked crosswalk at an intersection; any portion of a roadway or street distinctly indicated for pedestrian crossing by lines or other markings on the surface of the street or roadway, including but not limited to a school crosswalk; or that portion of a sidewalk or walkway extending across an alley, building entrance, road, or driveway.

Debris. Glass, metal, plastic, mud, soil, antifreeze, transmission, brake, or other liquids or fluids, injurious substances, pole or fence pieces, tree limbs, plant materials, parts, pieces, vehicle contents, paper, or any other item that has been dropped, deposited, or in any way placed upon a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City by a person or vehicle, as a result of a vehicle wreck or crash, disabled vehicle, damaged vehicle, or any other incident requiring towing or removal of the vehicle.

Director of Engineering. The Director of the City's Engineering Department or his or her designee.

Director of Financial Services. The Director of the City's Financial Services Department or his or her designee.

Fire/Rescue Chief. The Chief of the Greenville Fire/Rescue Department or his or her designee.

Electric vehicle. A vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off grid source, that is stored on board for motive purpose.

Electric vehicle charging station. Equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device on an electric vehicle.

Greenway. A corridor of urban, suburban, or rural space with contiguous, free, and open public-access trails connecting neighborhoods, recreational facilities (e.g., parks), and businesses allowing and encouraging bicycle and pedestrian use, particularly for commuting, travel, and recreation. A greenway emphasizes naturally occurring and planned vegetation, scenic beauty and environmental protection, as well as preservation of natural, cultural and historical heritage.

Law enforcement officer. A sworn law enforcement officer having territorial and subject matter jurisdiction within the City.

Lessee. A person who has a possessory interest in a parking space leased to the person by the City.

Loading zone. A parking area or parking space adjacent to a curb on a street or other space upon any property owned, operated, occupied, leased, or controlled by the City reserved for the exclusive use of vehicles during the loading or unloading of freight, goods, passengers, equipment, or other property.

Median. The area of a street or highway between two roadways of a divided highway measured from edge of traveled way to edge of traveled way. The median excludes turn lanes. The median width might be different between intersections, interchanges, and at opposite approaches of the same intersection.

Manual of Fees. The *Manual of Fees for the City of Greenville* that lists sales and services provided by the City and the fee schedule as approved and adopted by City Council.

Manual on Uniform Traffic Control Devices for Streets and Highways or MUTCD. The current edition of the MUTCD as published and/or approved by the United States Department of Transportation, Federal Highway Administration.

Motor carrier vehicle. A for-hire motor carrier vehicle or a private motor carrier vehicle.

No parking area. An area specifically marked, striped, or designated by sign or other means prohibiting parking.

Off-street parking. Lots, parking lots, garages, parking garages, or any other locations or facilities owned or leased by the City and designated for use by the public as parking facilities.

Off-street parking area. Any lot, parking lot, garage, parking garage, or any other location or facility owned or leased by the City and designated for use by the public as a parking facility.

Official traffic-control device. Any sign, signal, marking, or device, not inconsistent with this chapter, placed or erected by or under the authority of the State of North Carolina or a political subdivision thereof, for the purpose of regulating, warning, prohibiting, or guiding traffic upon the public streets and thoroughfares of the City.

Official traffic signals. Any device, whether manually, electrically, or mechanically operated, whereby traffic is alternately directed to stop and to proceed, or to turn, or to proceed with caution.

On-street parking. The parking of vehicles on the public streets, alleys, and bridges within the City.

On-street parking area. A public street, alley, or bridge within the City that is designated for use by the public for on-street parking.

Overtime parking. The period of time wherein a parked vehicle is exceeding the legal parking time or otherwise parked beyond the period of legal parking time.

Park or leave standing. The stopping or standing of any vehicle, whether occupied or unoccupied, attended or unattended, while the vehicle is not in use or for more than a mere temporary or momentary stoppage for a necessary purpose. Park and leave standing are synonymous.

Parking area. A designated area of off-street or on-street parking, which may include one or more parking spaces, specifically set aside, defined, marked, or assigned by the Director of Engineering for the parking one or more vehicles at a time or for a designated or defined time or purpose.

Parking enforcement officer. A non-sworn City employee, including those City employees designated as reserve parking enforcement officers, designated by the Chief of Police.

Parking meter. Any mobile, cellular, software, or computer-based parking platform or mechanical device, station, or meter installed, placed, erected, or used by authority of the City for the control and regulation of time-limited parking and, depending on the design, activated in whole or in part by in-person, cellular or mobile telephone, computer, or other electronic means and by the payment of coins, tokens, cash, credit cards, debit cards, or other payment method approved by the City.

Parking meter space. A parking space within a parking meter zone which is regulated by a parking meter, is duly designated for the parking of a single vehicle, and is identified as a parking meter space on, adjacent to, or near the space by one or more of the following: signage, painted lines, curb markings, or parking surface painting.

Parking meter area. An on-street or off-street parking area designated by the City for use by the public for parking of vehicles as regulated and controlled by use of a parking meter. A parking meter zone shall be designated in the *Schedule of Traffic Regulations* and otherwise by one or more of the following: signage, painted lines, curb markings, or parking surface painting.

Parking space. A designated space specifically signed, set aside, defined, marked, or assigned by the City Manager for the parking of a single vehicle at one time and for a designated or defined time or purpose.

Parking permit. The permit issued by the City that allows a specific vehicle to lawfully park in an designated portion of the Uptown area. A parking permit may be issued by the City in the form of a sign, sticker, placard, tag, or other format as deemed appropriate by the City.

Pedestrian. A person who travels on foot.

Private motor carrier vehicle. A motor vehicle capable of transporting passengers or property in interstate commerce and is not a for-hire motor carrier vehicle.

Police officer. A sworn law enforcement officer of the Greenville Police Department.

Private parking lot. Privately owned real property, including but not limited to any privately owned parking lot, facility, or area that provides parking for a fee or otherwise requires the permission of the owner, lessee, or agent before a person may park at that location.

Reserved parking. An on-street or off-street parking zone, parking area, or parking space designated by the City for use solely by specific persons or vehicles and regulated by one or more of the following: signage, painted lines, curb markings, or parking surface painting, which may include the word “reserved” or “reserved parking.”

Registered owner. The person in whose name a vehicle is registered.

Residential area. An area having a residential district zoning classification as defined by the Zoning Ordinance for Greenville, North Carolina.

Residential area parking permit. A parking permit issued by the City Manager that authorizes a specific vehicle to lawfully park in an designated parking area of a specified residential area. A residential area parking permit may be issued by the City in the form of a sign, sticker, placard, tag, or other format as deemed appropriate by the City.

Rideshare. The transportation of persons in a motor vehicle where such transportation is incidental to another purpose of the driver and is not operated or provided for profit. The term shall include ridesharing arrangements such as carpools, vanpools, and buspools.

Schedule of Traffic Regulations. The *Schedule of Traffic Regulations and Fire Lanes Designated on Private Property in a Public Vehicular Area*, which is adopted by City Council.

Service vehicle. A vehicle owned by a federal, state, or local government agency or a vehicle used for the access to or repair, construction, or maintenance of utilities, buildings, or property, including tow service vehicles.

Skateboard. A short, narrow platform having a set of two or more wheels or casters mounted under it which is propelled by human force.

Sidewalk. That portion of a street or highway between the curb line, or the lateral line of a roadway, and the adjacent property line or on easements of private property that is paved or improved and intended for the use by pedestrians.

Special event. An event including but not limited to a festival; parade; party; motorcade; race, walk, run, or marathon; sporting event, pep rally, celebration, or similar event; concert; lawful picket, protest, or assemblage; or any other similar event or activity which is sponsored for or by the City; owners, residents, or tenants in the area; organizations, including any political, charitable, civil, or fraternal organization; or any person or group.

Stop. The complete cessation from movement, where required.

Tailgate or tailgating. The act of following or allowing another to follow behind a vehicle that has lawfully activated any gate, parking arm, or access control device at any off-site parking area such as to enter or exit a controlled access parking area by trailing behind such another vehicle before the gate has had an opportunity to close for the purpose of evading payment of the applicable parking fee or permit fee or otherwise for the purpose of evading the lawful operation of the controlling gate, parking arm, or access control device.

Temporary street closing. The temporary closing-off of any public street, alley, bridge, sidewalk, lot, parking lot, garage, parking garage, or any other location or facility owned, occupied, or leased by the City for a special event.

Ticket. A citation imposing a civil penalty only. In the context of off-street parking, a ticket is also a paper or other medium dispensed at the time of entry onto the off-street parking area identifying the date and time of entry onto the off-street parking area.

Time-limited parking. An on-street or off-street parking zone, parking area, or parking space designated by the City for use by the public for parking of vehicles for a specified and limited time and controlled and regulated by sign or by parking meter or by any combination thereof.

Tow or towed. To haul, carry, pull along, or otherwise transport or remove in any of its forms a vehicle by any means including towing and to store the vehicle.

Tower. The person, including a tow service, who tows a vehicle.

Towing fee. The fee charged for towing and storing payable to the tower for the tower's towing of a vehicle.

Tow service. Any person engaged in the business of towing and/or recovery of vehicles, including but not limited to those businesses that are part of an auto salvage, auto repair, salvage, or junk business.

Tow service vehicle. Any of the following vehicles used to tow, remove, push, or recover any vehicle that has become disabled as a result of a motor vehicle crash, violation of parking ordinance authorizing tow, disabled vehicle, or any other incident involving a vehicle that requires tow, removal, or recovery, including but not limited to a police-initiated tow:

A. Vehicle carrier or "rollback." A vehicle carrier or rollback is a vehicle transport designed to tow or carry vehicles damage-free. The chassis shall have a minimum gross vehicle weight rating (GVWR) of 14,500 pounds. Additionally, the rollback shall have all of the following: two lift cylinders, minimum two and one-half inch bore; individual power winch pulling capacity of not less than 8,000 pounds; a length of wire rope (cable) on winch drum with a working load limit (WLL) that meets or exceeds the pulling capacity of the power winch utilized; and four tie down hook safety chains. The carrier bed of the rollback shall be a minimum of 16 feet in length and a minimum of 84 inches in width inside side rails. A cab protector, constructed of aluminum or steel, must extend a minimum of 10 inches above the height of the bed of the rollback. A vehicle carrier or rollback shall be synonymous but shall not be considered a small or large wrecker.

B. Large wrecker. A truck chassis having a minimum gross vehicle weight rating (GVWR) of 26,001 pounds and a boom assembly having a minimum lifting capacity of 40,000 pounds as rated by the manufacturer; tandem axles or cab to axle length of no less than 102 inches; a length of wire rope (cable) with a working load limit (WLL) that meets or exceeds the pulling capacity of the power winch utilized on each drum; airbrake so constructed as to lock wheels automatically upon failure; and additional safety equipment as specified by the rules in this chapter.

C. Small wrecker. A truck chassis having a minimum gross vehicle weight rating (GVWR) of 10,000 pounds and a maximum gross vehicle weight rating (GVWR) that does not exceed 26,000 pounds; a boom assembly having a minimum lifting power of 8,000 pounds as rated by the manufacturer; an 8,000 pound rated winch with a length of wire rope (cable) on winch drum with a working load limit (WLL) that meets or exceeds the pulling capacity of the power winch utilized; a belt-type tow plate or tow sling assembly; a wheel-lift with a retracted lifting

capacity of no less than 3,500 pounds; and additional safety equipment as specified by the rules in this chapter.

D. **Wreckers.** Vehicles with permanently attached cranes used to move other vehicles; provided, that said wreckers shall be equipped with adequate brakes for units being towed.

Tow service vehicle operator. A person operating a tow service vehicle.

Trailer or Utility Trailer. A vehicle without motive power drawn by a vehicle, which may be used for the transport of persons, property, goods, or materials. Trailers and utility trailers are synonymous and include but are not limited to camping trailers, semitrailers, trailers, fifth-wheel trailers, house trailer, and travel trailer as defined by Chapter 20 of the North Carolina General Statutes.

Uptown area. The area of the City bordered by the Tar River to the north, Reade Street to the east, Tenth Street on the south, and the CSX Railroad right-of-way on the west.

Uptown area parking permit. A parking permit issued by the City Manager that authorizes a specific vehicle properly displaying the issued parking permit to lawfully park in a designated parking area within the Uptown area. An Uptown area parking permit may be issued by the City in the form of a sign, sticker, placard, tag, or other format as deemed appropriate by the City.

ARTICLE B. TRAFFIC REGULATIONS

SEC. 10-2-2 AUTHORITY OF POLICE, FIRE/RESCUE DEPARTMENT OFFICIALS, AND PARKING ENFORCEMENT OFFICERS.

(A) *Police Officers.* It shall be the duty of the police officers to enforce all ordinances as defined in this chapter and all applicable State traffic laws. Police officers are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, police officers may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(B) *Greenville Fire/Rescue Department Officials.* In connection with their duties, uniformed members of the Greenville Fire/Rescue Department, when at the scene of or in connection with a fire, accident, or other hazard may direct traffic or assist the police in directing traffic.

(C) *Parking Enforcement Officers.* Parking enforcement officers are authorized to issue civil tickets for violations of this chapter and to tow and store vehicles parked in violation of the provisions of this chapter. Parking enforcement officers are also hereby authorized to be appointed as traffic-control officers in accordance with N.C.G.S. § 20-114.1.

SEC. 10-2-3 AUTHORIZED EMERGENCY VEHICLES EXEMPT.

The provisions of this chapter regulating the operation, stopping, or parking of vehicles shall not apply to operators of authorized emergency vehicles having the right-of-way or while said vehicles are being operated in emergencies and the stopping or parking of any federal, state, or local government vehicle along any road or highway while engaged in official business, and with the proper warning devices activated shall not be considered a violation of this chapter.

SEC. 10-2-4 SCHEDULE OF TRAFFIC REGULATIONS; INCORPORATION BY REFERENCE.

(A) Traffic shall be controlled by official traffic-control signs, signals, markings and devices designated in the *Schedule of Traffic Regulations*, which is incorporated herein and made a part of this Code by reference, a copy of which is on file in the office of the City Clerk.

(B) The Director of Engineering is authorized to amend the *Schedule of Traffic Regulations* by designating the streets, highways, alleys, or intersections which are not a part of the state highway system or parts of streets, highways, or alleys which are not a part of the state highway system upon which traffic is prohibited, regulated, diverted, controlled, or limited in accordance with the provisions of this chapter.

(C) In accordance with the provisions of state law, City Council may amend the *Schedule of Traffic Regulations* by designating the streets, highways, alleys or intersections which are a part of the state highway system or parts of streets, highways, or alleys which are a part of the state highway system upon which traffic is prohibited, regulated, diverted, controlled, or limited.

(D) The Director of Engineering is authorized to amend the *Schedule of Traffic Regulations* by designating loading zones; on-street parking within the City upon which parking is regulated, restricted, or prohibited in accordance with the provisions of this chapter; and by designating off-street parking upon which the use is regulated in accordance with the provisions of this chapter.

(E) The Director of Engineering is authorized to amend the *Schedule of Traffic Regulations* by designating the specified areas of any parking areas or driveways of a hospital, shopping center, apartment house, condominium complex or commercial office complex, or any other privately owned public vehicular area upon which stopping, standing, or parking is regulated or prohibited in accordance with the provisions of this chapter, provided the owner or person in general charge of the operation and control of that area requests in writing that such an ordinance be adopted.

(F) *Authority to place restricted turn signs.* Intersections at which drivers of vehicles shall not make a right, left turn, or U-turn shall be designated in the *Schedule of Traffic Regulations* and proper signs shall be erected at these intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours, in which event the hours shall be plainly indicated on the signs or they may be removed when the turns are permitted.

(G) *Authority to sign one-way streets and alleys.* One-way streets or alleys shall be designated in the *Schedule of Traffic Regulations* and proper signs shall be erected giving notice thereof. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(H) *One-way streets and alleys designated.* Upon those streets and parts of streets and in those alleys identified in the *Schedule of Traffic Regulations*, vehicular traffic shall move only in the indicated direction when proper signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(I) *Authority to erect stop signs.* Through streets shall be designated in the *Schedule of Traffic Regulations* and stop signs on each and every street intersecting the through street or intersecting a portion thereof shall be erected unless traffic at any intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets.

(J) *Intersections where stop required.* Intersections, upon other than through streets, where vehicles shall stop at one or more entrances to any stop intersection, shall be designated in the *Schedule of Traffic Regulations*.

(K) *Fire lanes.* Fire lanes designated pursuant to N.C.G.S. § 20-162(b) shall be identified in the *Schedule of Traffic Regulations* to the extent possible.

SEC. 10-2-5 NO MOTOR VEHICLES ON GREENWAY

(A) It shall be unlawful to operate, park, or ride upon a motor vehicle on any greenway. For purposes of this section, the definition of motor vehicle includes any moped, golf cart or similar device, and all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

(B) *Exceptions.* This section shall not apply to any of the following:

- (1) Authorized emergency vehicles.
- (2) Service vehicles including those needed for care and maintenance of the greenway or landscaping.
- (3) Motorized wheelchairs or similar vehicles not exceeding 1,000 pounds gross weight when used for pedestrian purposes by a handicapped person with a mobility impairment as defined in N.C.G.S. § 20-37.5.
- (4) An electric personal assistive mobility device.

SEC. 10-2-6 OBSTRUCTIONS PROHIBITED.

(A) It shall be unlawful for any person to place in or upon a street, sidewalk, alley, bridge, or any portion of property owned, occupied, or controlled by the City any box, crate, cask, barrel, furniture, or any other obstruction or structure of any kind.

(B) *Exceptions.* This section shall not apply to garbage or refuse receptacles in which is deposited waste paper and trash of every description for removal by the City, leaves or yard waste for removal by the City, and a holder of a permit issued for uptown outdoor dining pursuant to Part II, Title 6, Chapter 2, Articles E and F of the City Code.

SEC. 10-2-7 BRICK, STONE, OR WOOD; PERMISSION REQUIRED FOR BUILDING MATERIALS.

It shall be unlawful for any person to allow brick, stone, wood, or any other substance obstructing a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City to lie in or upon a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City. However, building material, earth, and other obstructions of like character, in use for building purposes may, by permission of the City Manager in writing, be allowed under such restrictions as the City Manager may impose.

SEC. 10-2-8 SALE OR DISPLAY OF GOODS ON SIDEWALKS IN FIRE DISTRICT.

It shall be unlawful for any person to sell or display for the purpose of sale, any goods, wares, or merchandise upon a sidewalk within the fire district except as allowed in accordance with a permit issued for uptown outdoor dining pursuant to Articles E and F of Chapter 2 of Title 6 of the City Code.

SEC. 10-2-9 VENDORS OF POPCORN, PEANUTS, OR MERCHANDISE FROM MACHINES.

It shall be unlawful for any vendor of popcorn, peanuts, or any other merchandise of any kind whatsoever, using a portable or stationary machine, to put, place or allow the machine to remain on a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City.

SEC. 10-2-10 GASOLINE TANKS AND OIL PUMPS ON OR UNDER SIDEWALK.

It shall be unlawful to place a gasoline tank, oil pump, or similar object upon or under a sidewalk.

SEC. 10-2-11 GAMES ON STREETS AND SIDEWALKS PROHIBITED.

Except as otherwise provided in this Code, all games of every description are prohibited upon a street or on a sidewalk in the City.

SEC. 10-2-12 BUILDING FIRE OR BURNING TRASH.

The building of fires or the burning of trash upon a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City is prohibited.

SEC. 10-2-13 INJURIOUS WHEELS AND MACHINERY.

It shall be unlawful for any person to drive, drag, or draw, or cause to be driven, dragged, or drawn, upon, over, or across a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City a vehicle having wheels with flanges, ribs, clamps or other devices attached to or forming a part of the wheels which would damage the surface of the street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City or any disc harrows, or other machinery, implement, or vehicle of any description which would dig up, damage, or injure any portion of said street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City.

SEC. 10-2-14 PLACING GLASS OR DANGEROUS OBJECTS PROHIBITED.

It shall be unlawful to throw, deposit, or place in any manner upon a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City any destructive or injurious material, glass bottle, glass, nail, tack, wire, can, or any other substance reasonably likely to injure or cause damage to any person, animal, or vehicle.

SEC. 10-2-15 TOWING BY SOLICITATION PROHIBITED.

(A) No tower shall tow a vehicle unless authorized by the owner, operator, or otherwise as provided by the provisions of this Code.

(B) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a ticket in an amount as follows:
 - 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365

days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 10-2-16 TOWING FROM PRIVATE LOTS; PRE-TOWING NOTICE REQUIRED.

(A) *Private property defined.* For the purpose of this section, "private property" shall mean property upon which is located a lot, garage, or other parking facility not owned or leased by the City of Greenville or another governmental entity.

(B) It shall be unlawful to tow or remove or immobilize by the use of a wheel lock or other method a vehicle for parking on private property without the permission of the owner or lessee of the private property to park the vehicle on the private property unless notice in accordance with the provisions of this section is posted on the private property from which the towing, removal, or immobilization is made.

(C) Such notice shall fulfill the following requirements:

- (1) A MUTCD-compliant notice, in the form of a sign structure, not less than 12 inches by 18 inches in size, shall be prominently placed on the private property at each access or curb cut allowing vehicular access to the property, within five feet of the street right-of-way line. If there are no curb or access barriers, MUTCD-compliant signs shall be posted not less than one sign each 50 feet of the frontage to the public street. As an alternative, MUTCD-compliant notice, in the form of a sign structure, not less than 12 inches by 18 inches in size, shall be posted at each parking space from which towing, removal, or immobilization is made.
- (2) The MUTCD-compliant notice shall clearly display the following:
 - (a) In not less than one-and-one-half-inch-high letters on a contrasting background, the words “tow-away” or “tow-away-zone” or “towing enforced.”
 - (b) In not less than one-inch-high letters on a contrasting background, a statement indicating that parking by unauthorized vehicles is prohibited by the use of a phrase such as “private property,” “leased parking,” “no parking,” “parking for customers only,” “parking for residents only,” or a similar phrase. If parking by unauthorized vehicles is not prohibited on a 24-hour continuous basis, the days of the week and hours of the day during which unauthorized parking is prohibited shall be posted.
 - (c) In not less than one-half-inch-high letters on a contrasting background, the telephone number at which a person available to release the vehicle that has been towed, removed or immobilized may be contacted at any time. Calls to the telephone number must be answered by a person and a person with the authority and ability to release the vehicle must respond to the location of the vehicle within 30 minutes of a call.
- (3) The sign structure displaying the required notices shall be permanently installed with the bottom of the sign not less than six feet above ground level and not more than eight feet above ground level. Pedestrian safety should be taken into consideration when locating freestanding signs.

(D) *Exceptions.* Notwithstanding any other provision of this section, no notice shall be required for the towing or removal or immobilization of a vehicle:

- (1) If the vehicle obstructs adequate ingress and egress to businesses or residences;
- (2) If the vehicle has been left on the private property for a period of time greater than 48 hours; or
- (3) If the vehicle is being removed pursuant to the direction of a law enforcement officer or the code enforcement coordinator or officer in accordance with the provisions of the City Code or state law.

(E) *Requirement to give notice of vehicle towing.* Whenever a vehicle is towed at the request of a person other than the owner or operator of the vehicle, the tower shall provide the following information to the local law enforcement agency having jurisdiction through calling the 10-digit telephone number designated by the local law enforcement agency having jurisdiction prior to moving the vehicle:

- (1) A description of the vehicle.
- (2) The place from which the vehicle was towed.
- (3) The place where the vehicle will be stored.
- (4) The contact information for the person from whom the vehicle owner may retrieve the vehicle.

If the vehicle is impeding the flow of traffic or otherwise jeopardizing the public welfare so that immediate towing is necessary, the notice to the local law enforcement agency having jurisdiction may be provided by a tower within 30 minutes of moving the vehicle rather than prior to moving the vehicle. If a caller to a local law enforcement agency having jurisdiction can provide the information required under subdivisions (1) and (2) of this subsection, then a local law enforcement agency having jurisdiction shall provide to the caller the information provided under subdivisions (3) and (4) of this subsection. The local law enforcement agency having jurisdiction shall preserve the information required under this subsection for a period of not less than 30 days from the date on which the tower provided the information to the local law enforcement agency having jurisdiction. This subsection shall not apply to vehicles that are towed at the direction of a law enforcement officer.

(F) *Storage within city required unless authorized by owner.* Unless authorized by the owner of the vehicle, a vehicle that is towed pursuant to this section shall be stored by the tow service within the corporate limits of the City and at no time shall the vehicle be transported outside of the corporate limits of the City unless in compliance with other operation of law.

(G) *Civil Penalty.* A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

- (1) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
- (2) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
- (3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(H) *Appeals; payment of civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(I) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.
- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(J) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 10-2-17 FAILURE TO REMOVE AND DISPOSE OF DEBRIS.

(A) It shall be unlawful for any person repairing or removing by tow or otherwise a wrecked, crashed, disabled, or damaged vehicle from a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the city to fail to remove and properly dispose of all debris.

(B) *Civil Penalty.* A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

- (1) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
- (2) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
- (3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(C) *Appeals; payment of civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(D) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.
- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(E) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 10-2-18 CERTAIN ACTIVITIES PROHIBITED.

(A) It shall be unlawful for a person to ride upon or operate in any manner any motorized or non-motorized roller skates, in-line skates, roller blades, scooter, skateboard, coaster,

hoverboard, sled, toy vehicle, or any similar tracked device or wheeled device having one or more wheels as follows:

- (1) In or upon an off-street parking area; or
- (2) On a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City in a manner or under any condition which interferes with vehicle, motor vehicle, or pedestrian travel or in any way endangers the safety or property of any person.

SEC. 10-2-19 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS.

(A) No person shall place, maintain or display upon or in view of any street or highway any unauthorized sign, signal, marking, or device which purports to be or is in imitation of or resembles an official traffic-control device, sign, or signal, or which attempts to direct the movement of pedestrians or traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device, 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) *Civil Penalty.* A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

- (1) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
- (2) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
- (3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(D) *Appeals; payment of civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(E) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.
- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(F) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 10-2-20 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES, SIGNS OR SIGNALS.

(A) No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, possess, or remove any official traffic-control device, sign, or signal or any inscription, shield, or insignia thereon, or any other part thereof.

(B) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a ticket in an amount as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of

this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - 1. A civil action in the nature of a debt.
 - 2. The use of a collections agency and the assessment of an administrative fee.
 - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - 4. Equitable remedies issued by a court of competent jurisdiction.
 - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 10-2-21 SPINNING OF WHEELS PROHIBITED.

It shall be unlawful for any person, upon any street, alley, bridge, sidewalk; property owned, operated, occupied, leased, or controlled by the City; or other public way or upon the grounds and premises of any service station, drive-in theatre, store, restaurant or other business establishment providing parking or loading and unloading automobile space for customers, patrons, or the public, to operate a motor vehicle from a standing or parked position by rapid acceleration or other mechanical means of operation, so as to cause the wheels of the vehicle to spin in place prior to or during the initial forward movement of the vehicle; or to operate a vehicle so as to cause the vehicle, in its initial movement from a standing or parked position, to travel at a rate of speed greater than is reasonable and necessary for the normal operation of a motor vehicle according to accepted standard practices for vehicle operation.

SEC. 10-2-22 ALLEYS IN THE UPTOWN AREA.

No person shall drive or park a vehicle, other than an emergency or public service vehicle, on an alley in the Uptown area and no person shall damage or disfigure the paving surfaces or planted shrubs or trees in an alley in the Uptown area.

SEC. 10-2-23 CUTTING ACROSS PRIVATE PROPERTY TO AVOID TRAFFIC-CONTROL DEVICES.

It shall be unlawful for any operator of a motor vehicle to leave the roadway and travel across private property to avoid an official traffic-control device.

SEC. 10-2-24 STANDING, SITTING, AND WALKING ON MEDIAN PROHIBITED.

No person shall stand, sit, or walk on a median, provided that this section does not prohibit a person from taking such actions during the time needed to travel safely from one side of a roadway to the opposite side of the roadway.

SEC. 10-2-25 DRIVING OR PARKING ON SIDEWALKS PROHIBITED.

(A) No person shall drive or park any motor vehicle, which for purposes of this section includes mopeds, upon a sidewalk or sidewalk area except upon a permanent or temporary driveway.

(B) This section shall not apply to an authorized emergency vehicle when said vehicle is parked or operated in the performance of a, lawful, official, and required duty of its operator.

SEC. 10-2-26 CLINGING TO VEHICLES.

No person operating or riding upon any motorized or non-motorized bicycle, tricycle, roller skates, in-line skates, roller blades, scooter, skateboard, coaster, hoverboard, sled, toy vehicle, or any similar tracked device or wheeled device having one or more wheels shall attach same or himself or herself in any manner to any vehicle or motor vehicle upon a street, alley, bridge, sidewalk, or any portion of property owned, operated, occupied, leased, or controlled by the City.

ARTICLE C. PARKING REGULATIONS

PART 1. GENERAL PARKING REGULATIONS

SEC. 10-2-100 APPLICATION OF ARTICLE.

The provisions of this article prohibiting the stopping or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or official traffic-control device.

SEC. 10-2-101 VIOLATIONS DEEMED PROHIBITED PARKING.

A vehicle that parks or is otherwise left upon any on-street or off-street parking area in violation of any provisions of this article shall be deemed as prohibiting parking.

SEC. 10-2-102 REGULATIONS NOT EXCLUSIVE.

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specified places or at specified times.

SEC. 10-2-103 PARKING CLOSE TO CURB OR ON OPERATOR'S LEFT.

(A) No person shall park a vehicle upon a street other than parallel with the farthest right-side edge of the roadway, headed in the direction of lawful traffic movement and with the wheels on the right side of the vehicle within 12 inches of the curb or edge of the roadway except as otherwise provided in this article.

(B) It shall be unlawful for any person to park any vehicle on the operator's left side of any street within the City; provided, that on one-way streets vehicles may be parked either on the operator's right or left side of any such street, unless signs or markings are placed, erected or installed indicating no parking zones on either one or both sides of any such street.

SEC. 10-2-104 VEHICLES TO BE PROPERLY PARKED.

(A) It shall be unlawful for any vehicle in or upon an on-street parking area or off-street parking area to be parked in such a way or in any manner other than entirely within the identified bounds of a parking space, if so identified. By way of example, whenever a parking space is marked with lines designating that parking space, it shall be unlawful for any person to park any vehicle on or across, or to extend any part of the vehicle over any designated line or marking, or to park any vehicle in such a position that it is not entirely within the space designated by such lines or markings.

(B) In all on-street parking areas and off-street parking areas, all vehicles shall be parked with the front of the vehicle positioned towards the front of the parking space and it shall therefore be unlawful for any person to back any vehicle into any on-street or off-street parking space.

(C) All parking upon a roadway or street shall be parallel, except upon those streets which have been marked for or have a posted sign indicating angle parking, upon which streets vehicles shall be parked at the angle to the curb indicated by such markings or signs and not otherwise.

(D) All government owned vehicles shall be exempt from this section.

SEC. 10-2-105 USE OF VEHICLE COVERS PROHIBITED.

It shall be unlawful for an owner or other person in lawful control of a vehicle while said vehicle is parked on a street, alley, bridge, or upon property owned, operated, occupied, leased, or controlled by the City to place or install in any manner a cover or any concealment of any kind upon said vehicle. A law enforcement officer or parking enforcement officer may temporarily remove such cover or concealment as may be reasonably necessary to inspect, read, or obtain any vehicle identification number, registration plate, or identity of ownership for purposes of enforcement of this chapter or for an emergency.

SEC. 10-2-106 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets designated in the *Schedule of Traffic Regulations*.

SEC. 10-2-107 STOPPING OR PARKING OF VEHICLES PROHIBITED GENERALLY; NO SIGNS REQUIRED.

(A) Except when necessary to avoid conflict with pedestrians or other traffic, the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle, in compliance with law, or at the directions of a law enforcement officer or traffic-control device, no person shall stop or park any vehicle of any kind whether attended or unattended, in any of the following places or otherwise as follows:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet in either direction of a fire hydrant.
- (5) On any portion of a crosswalk.
- (6) Within 30 feet of an intersection.
- (7) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
- (8) Within 15 feet in either direction of the entrance to any fire station or on the side of a street opposite the entrance to any fire station within 75 feet of the entrance (when properly signposted).
- (9) Alongside or opposite any street construction, maintenance, excavation, or obstruction when stopping or parking would obstruct or impede such operation or traffic.

- (10) Within 10 feet of the point of tangency between the driveway opening and curb line of a driveway.
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (13) At any place where official signs prohibit stopping or parking.
- (14) At or upon any on-street parking or off-street parking where the vehicle is stopped or parked in such a manner that it exceeds more than one parking space.
- (15) Upon the paved or main traveled portion of any street or highway open to the public for the purpose of vehicular traffic. In emergency situations when stopping a vehicle along a street or highway is necessary, it shall be the duty of the operator to exercise reasonable care to give adequate warning to approaching traffic of the presence of the vehicle. This duty exists regardless of the reason for stopping the vehicle. Temporary or momentary stopping when there is no intent to interfere with the flow of traffic shall not be considered a violation of this subsection.
- (16) On the area between the curb and sidewalk.
- (17) On a median, unless the vehicle is disabled, and then only temporarily for a period not to exceed 24 hours.
- (18) In the same place at or upon any on-street parking or off-street parking continuously for 72 hours;
- (19) On property owned, operated, occupied, leased, or controlled by the City for more than 72 hours.
- (20) Within 500 feet of any fire apparatus stopped to respond to a fire alarm or other emergency.
- (21) In any manner or under any conditions as to leave available less than 10 feet of the width of the roadway, less than 10 feet of the width of the right one-half of the roadway, or any area delineated as a travel lane for free movement of vehicular traffic.
- (22) Upon any private or public alley located within the fire district of the City in such a manner as to obstruct the free passage of other vehicles along the alley at all times.

- (23) On a street while displaying the vehicle for sale.
- (24) On a street, alley, bridge, or upon property owned, operated, occupied, leased, or controlled by the City, including but not limited to on-street and off-street parking areas:
 - (a) For the purpose of or while working on, repairing, painting, washing, or greasing a vehicle. This subsection does not apply to repairs necessitated by an emergency.
 - (b) For the purpose of storing a vehicle by a person, including by garages, repair shops, and dealers, when the storing is secondary to the bona fide use and operation of the vehicle. For the purpose of this section, a vehicle shall be deemed to have been left for the principal purpose of storage when that vehicle has been parked in one place for a continuous period of more than 72 hours.
 - (c) For the purpose of storing of any detached trailer or van when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one vehicle to another.
 - (d) For the primary purpose of advertising.
- (25) In any designated place when official signs are erected at hazardous or congested places.
- (26) In a manner as would block or otherwise obstruct the reasonable ingress to or egress from any on-street or off-street parking area by other vehicles, or as would block or obstruct the passage of emergency vehicles through such parking area or lot.

(B) No person shall move a vehicle not lawfully under his or her control into any prohibited area or away from a curb any distance as is unlawful.

SEC. 10-2-108 PRODUCTION OR ALTERATION OF PARKING PERMIT, TAG, GATE CARD PROHIBITED .

It shall be unlawful for any person to produce or cause to be produced, to alter, or to display in a manner inconsistent with the provisions of this chapter or without authority of the City Manager, any parking permit, sticker, decal, gate card, sign, or other mark, symbol, or device indicating eligibility or authority to park on on-street or off-street parking. No refunds shall be issued the violators will be issued a citation, the vehicles shall be towed or booted, and the violators shall be ineligible for any City-issued parking permit for one calendar year. Any such parking permit, sticker, decal, gate card, sign, or other mark, symbol, or device shall be subject to confiscation or, upon notice by the City Manager, shall be surrendered to the City Manager.

SEC. 10-2-109 FIRE LANES.

(A) It shall be unlawful for any person or persons to park or leave a motor vehicle or to place any other object, structure, or obstruction in a fire lane.

(B) Fire lanes may be established in publicly and privately owned public vehicular areas of shopping centers, hospitals, apartment complexes, condominiums, or any other public or private parking area which is open to the public.

(C) The Fire/Rescue Chief is hereby authorized to require the designation of fire lanes on private property when a site plan is required to be submitted for an improvement to the property. The designation of fire lanes shall be made when the site plan is approved after review by the Technical Review Committee. The fire lanes shall be installed prior to the issuance of a Certificate of Occupancy for the improvement.

(D) The Fire/Rescue Chief is hereby authorized to approve the designation of fire lanes on private property for existing developments when the owner or person in general charge of the operation and control of the area requests in writing the designation of the fire lanes.

(E) All fire lanes designated on or after January 12, 2015, are required to comply with the applicable Fire Code, as adopted. Any nonconforming fire lanes or lanes marked as fire lanes which do not comply with currently adopted Fire Code standards shall be required to comply with currently adopted Fire Code standards when a site plan is required to be submitted for an improvement to the property.

(F) Fire lanes may be designated on any surface, road, alley, or roadway generally used for the movement or parking of motor vehicles, when the parking of motor vehicles or other obstructions in that area would interfere with the speed and efficiency of fire fighting and emergency personnel or the proper ingress and egress of emergency vehicles and equipment.

(G) Areas designated as fire lanes shall be clearly marked, with yellow or another suitable color of paint, with the words "No Parking, Fire Lane," and the boundaries, borders or curbs shall be clearly visible.

(H) Fire lanes shall be designated in the *Schedule of Traffic Regulations*, a copy of which is on file in the office of the City Clerk.

SEC. 10-2-110 UNAUTHORIZED PARKING IN DESIGNATED HANDICAPPED SPACES PROHIBITED.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Curb cuts/curb ramps. Any mechanism constructed on each side of any street or road, where curbs and sidewalks are provided, and at other major points of pedestrian flow as long as the minimum requirements set out in N.C.G.S. § 136-44.14 are met.

Designated handicapped parking space. Any parking space which has been designated for parking for the handicapped as defined under “distinguished license plate” below. These spaces shall be designated in accordance with N.C.G.S. § 136-30 and each space shall have an appropriate sign erected which states the maximum penalty for parking in the space in violation of this section.

Distinguished license plate. Any license plate (in-state or out) that displays the international symbol of access as defined in N.C.G.S. § 20-37.5(3).

Handicapped. A person with a mobility impairment who is determined by a licensed physician to have any of the conditions stated in N.C.G.S. § 20-37.5(2).

Removable windshield placard. A two-sided, hooked placard which includes on each side:

- (a) The international symbol of access which is at least three inches in height, centered on the placard, and is white and blue in color;
- (b) An identification number;
- (c) An expiration date; and
- (d) The seal or other identification of the issuing authority.

(B) *Prohibited.* It shall be unlawful for any person, who drives or is transporting a person or persons, to park or leave standing any vehicle in any designated handicapped parking space unless said vehicle is then currently displaying a “distinguished license plate” or a “removable windshield placard” (or a temporary “removable windshield placard”) as defined in subsection (A) above.

(C) *Obstruction of curb cuts and curb ramps designated for handicapped persons prohibited.* It shall be unlawful for any person to park or leave standing any vehicle so that it obstructs a curb cut or curb ramp for handicapped persons as provided for by the N.C. Building Code or as designated in N.C.G.S. § 136-44.14.

(D) *Enforcement.* When a violation of the provisions of this section has occurred, a law enforcement officer or other person, authorized by and whose enforcement duties are as defined by the Chief of Police, detecting the apparent violation is authorized to take the state and license number of the vehicle involved and to place a parking ticket in or on the vehicle involved or to serve the ticket if the owner or operator is present.

(E) *Civil Penalties.* Any violation of the provisions of this section shall subject the violator to a civil penalty in the amount of one hundred dollars (\$100.00). If payment for the violation is not made within ten (10) days of issuance, an additional fifty dollars (\$50.00) late fee will be due. If payment for the violation is not made within 30 days of issuance, an additional fifty dollars (\$50.00) late fee will be due. If the payment for the violation is not made within 60 days of its issuance, an additional fifty dollars (\$50.00) late fee will be due. In no instance shall the penalty and late fees for this violation exceed two hundred fifty dollars (\$250.00).

(F) *Appeals; payment of civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (1) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency and the assessment of an administrative fee.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (2) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

PART 2. GENERAL OFF-STREET PARKING REGULATIONS

SEC. 10-2-111 OFF-STREET PARKING REGULATIONS.

(A) *Designation.* Upon any off-street parking area, the City Manager is authorized and directed to cause designate and define by proper marking or signage parking spaces, time-limit parking spaces, parking meter spaces, loading zones, parking spaces in which parking is prohibited, spaces designated as restricted to vehicles driven by or transporting the handicapped, and traffic lanes, including one-way lanes.

(B) *Time-limits, rates, and enforcement.* All off-street parking shall be subject to the same enforcement provisions and practices afforded on-street parking. The City Manager shall have authority to establish rates for time-limited and parking meter parking and may increase or decrease rates and vary the available parking time limits as appropriate.

- (C) No person shall operate a vehicle upon any off-street parking area:
- (1) Without yielding to pedestrians.

- (2) Without burning headlights. This subsection only applies to those vehicles operated on a City parking deck.
- (3) Without yielding to any other vehicle as required.
- (4) Without first stopping the vehicle at the lot, facility, or parking deck level intersections.
- (5) In excess of 5 miles per hour.
- (6) To the right of the centerline except when accessing a parking space.
- (7) In any manner to block a vehicle attempting to enter or exit a parking space.
- (8) To prevent the use of any parking space by the person for whom the parking space has been designated or assigned.

(D) *Additional restrictions for use of a City parking garage or deck.* In addition to the prohibitions and restrictions as stated in this section, it shall be unlawful for any person to be present in a City parking garage or parking deck unless the person is:

- (1) In a vehicle which is in a parking space or on its way to or from a parking space.
- (2) Walking to or from a parked vehicle lawfully parked in the parking garage or parking deck.
- (3) An employee or agent of the City whose presence in the parking garage or parking deck is required in connection with his duties or otherwise authorized.

Unauthorized presence in the City parking garages or parking deck and subsequent refusal to leave after being ordered to do so by a police officer or City official shall constitute trespass.

10-2-112 LOST TICKET FEE.

If, prior to exiting an off-street parking area, a driver loses or otherwise fails to produce the issued parking ticket allowing parking, the driver will be required to pay the maximum rate allowed for a full day's parking prior to exiting the off-street parking area. Alternatively, the City Manager may mail the owner of the vehicle a billing notice charging the maximum rate allowed for a full day's parking.

PART 3. DESIGNATED PARKING AREAS; GENERAL RESTRICTIONS

SEC. 10-2-113 DESIGNATION AND IDENTIFICATION OF PARKING AREAS.

(A) *Parking areas and parking spaces designated.* The Director of Engineering may designate any one or more of the following parking areas or parking spaces in the City regulating or prohibiting on-street or off-street parking:

- (1) Loading zones.
- (2) Time-limited parking.
- (3) Parking by permit.
- (4) Leased parking.
- (5) Controlled access parking.
- (6) Reserved parking.

(B) *Designated parking areas and parking spaces identified.* Designated parking areas and parking spaces shall be identified in the *Schedule of Traffic Regulations* and otherwise by one or more of the following giving notice thereof: signage, painted lines, painted parking tire stops, curb markings, or parking surface painting.

(C) *Additional requirements for prohibited parking or time-limited parking areas or parking spaces.* In addition to any other markings or identification methods, in all time-limited parking areas or parking spaces and whenever in this chapter that any parking time limit is otherwise imposed or on-street or off-street parking is prohibited, there shall be appropriate signs giving notice thereof, and no regulations shall be effective unless the signs are installed and in place at the time of any alleged offense.

Subpart a. Loading Zones

SEC. 10-2-114 STOPPING OR PARKING IN LOADING ZONES.

The City may designate by signage, painted lines, curb markings, or parking surface painting specified dates and times for use of parking areas for loading zones. During the dates and times so established, no person shall stop or park a vehicle in a loading zone except for the purpose of loading or unloading freight, goods, passengers, equipment, or other property. A vehicle which is loading or unloading pursuant to this section may remain in a loading zone for a period not to exceed one hour.

SEC. 10-2-115 PUBLIC CARRIER STOPS AND STANDS.

No person shall stop or park a vehicle other than a bus at a bus stop, rideshare at a rideshare stop, or taxicab in a taxicab stand, when any stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaging in loading or unloading passengers when stopping does not interfere with any bus or taxicab waiting to enter or about to enter the location of the bus stop or taxicab stand.

Subpart b. Time-limited Parking

SEC. 10-2-116 TIME-LIMITED PARKING ZONES.

(A) *Designated time-limited parking zones.* The City designates the following time-limited parking zones:

- (1) *Uptown area time-limited parking zone.* Time-limited parking in the Uptown area as further defined and identified by the City Manager.
- (2) *Residential area time-limited parking zone.* Time-limited parking in residential areas as further defined and identified by the City Manager.

(B) *Uptown area permit parking or residential area permit parking within a time-limited parking zone.* On-street and off-street parking areas or spaces within the area of a time-limited parking zone may be designated for Uptown area permit parking or residential area permit parking by the City Manager. When an Uptown area permit parking area or space or a residential area permit parking area or space is properly marked as reserved for use by respective permittees or equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited, the time limits imposed in the time-limited parking zone or fee associated therewith shall not apply to that area, those areas, that space, or those spaces when a parked vehicle has a properly displayed and valid Uptown area parking permit or a residential area parking permit.

(C) *Leased parking within a time-limited parking zone.* On-street parking and off-street parking areas or spaces may be leased by the City within the area of a time-limited parking zone. When a leased parking area or space is properly marked with “leased parking only” signs or other equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited, the time limits imposed in the time-limited parking zone or fee associated therewith shall not apply to those leased parking areas or leased parking spaces.

SEC. 10-2-117 TIME-LIMITED PARKING CONTROLLED BY PARKING METERS.

(A) *Designation.* The City Manager may designate any portion of any time-limited parking zone to be controlled by parking meter and may specify the length of time for parking in

each parking meter space. The payment amount required to park in a in a parking space controlled by a parking meter will be set forth in the *Manual of Fees*.

(B) *Days and hours of operation.* Parking meters shall operate every day between the hours of 7:00 a.m. and 7:00 p.m., except Sundays and holidays, at any time the Chief of Police has temporarily suspended parking enforcement not to exceed 48 hours, or unless otherwise posted by sign or other marking authorized by the City Manager. Within the meaning of this section, the term a holiday shall include only January 1, July 4, December 25, Thanksgiving Day as observed in the state, and such other days as shall be designated holidays by the City.

(C) *Payment and activation of parking meter.* Upon entering the parking meter space, the operator of a vehicle shall immediately pay or cause to be paid such payment as may be required for the activation and operation of the parking meter controlling the parking meter space and as is designated by proper direction on the meter or by sign and when required by the direction on the meter or by sign, the operator of the vehicle, upon such payment, shall also set in operation the timing mechanism on the parking meter, when so required in accordance with directions properly appearing thereon.

(D) *Lawful use.* Upon payment as required and the setting of the timing mechanism in operation when so required, the parking space may lawfully be occupied by the vehicle during the period of time which has been prescribed for the part of the street, parking area, or parking space in which the parking space is located.

(E) *Failure to pay or activate parking meter prohibited.* It shall be unlawful to fail to pay the required payment necessary for the activation and operation of the parking meter controlling the parking meter space or to set the timing mechanism in operation when so required.

(F) *Unused time.* A person parking a vehicle in a parking meter space wherein unused time remains on the parking meter controlling the parking meter space shall not be required to make a payment so long as his or her occupancy of the space does not exceed the indicated unused parking time limit.

(G) *Overtime parking prohibited.* It shall be unlawful to park or to allow a vehicle to remain parked in any parking space controlled by a parking meter beyond the time limit set for the parking space or as otherwise as designated or posted at the particular parking meter area or space.

(H) *Extended parking prohibited.* It shall be unlawful for any vehicle to occupy any portion of a parking meter space for more than 24 consecutive hours, regardless of whether or not the parking meter is activated. The vehicle will be subject to be towed.

(I) *Occupation of parking space when parking meter shows a violation prohibited.* It shall be unlawful for any person to permit any vehicle to remain or be placed in any parking meter space while the parking meter is displaying a signal indicating that the vehicle occupying the parking meter space has already been parked beyond the period of time prescribed for the parking meter space or when the vehicle occupies the parking meter space beyond the period of time for which payment has been made as prescribed for the parking meter space.

(J) *Cumulative violations of expired parking meter.* Any vehicle in violation of this section will be subject to the issuance of an additional citation for each additional period of 30 minutes that the vehicle remains in violation of any provisions of this section.

(K) *Defacing or injuring parking meters.* It shall be unlawful for any person to deface, injure, tamper with, open without lawful authority or willfully break, destroy, or impair the usefulness of any installed parking meter.

(L) *Deposit of slugs or other substitute devices.* It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device, metal substance, or any other object or substitute for lawful payment.

SEC. 10-2-118 TIME-LIMITED PARKING CONTROLLED BY SIGNS.

(A) *Designation.* The City Manager may designate any portion of any time-limited parking zone to be controlled by parking signs and may specify the length of time for parking in each parking space controlled by such signage.

(B) *Days and hours of operation.* Unless otherwise posted by sign or other marking authorized by the City Manager, time-limited parking zones shall operate 24 hours per day, seven days per week unless the Chief of Police has temporarily suspended parking enforcement not to exceed 48 hours.

(C) *Uptown area time-limited parking controlled by signs.* In the Uptown area a vehicle may park in a time-limited parking area or time-limited parking space more than once during a day, provided the vehicle is moved prior to the expiration of the time which is legally allowed, and provided that the vehicle does not return to the same time-limited parking area for a minimum of one hour.

(D) *Violation of time-limited parking controlled by signs.* When signs are installed adjacent to parking spaces giving notice thereof, no person shall park a vehicle for longer than the time limits stated on the signs.

SEC. 10-2-119 TIME-LIMITED PARKING SPACES RESERVED FOR ELECTRIC VEHICLES.

(A) *Designation.* The City Manager may designate certain on-street or off-street parking spaces located at or near City installed electric charging stations for use only by electric vehicles. Spaces designated as reserved for electric vehicles shall be clearly marked as such by one or more of the following: signage, painted lines, curb markings, parking surface painting, or equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited. The payment amount required to park in a in a parking space reserved for an electric vehicle will be set forth in the *Manual of Fees*.

(B) *Violations.* It shall be unlawful to:

- (1) Park any nonelectric vehicle in a parking space reserved for an electric vehicle.
- (2) Park in a parking space reserved for electric vehicles if the electric vehicle is not attached to the electric vehicle charging station.
- (3) Park in a space reserved for electric vehicles without first making the appropriate payment for the space as may be regulated by a parking meter.
- (4) Park the electric vehicle in the parking space exceeding the time allowed.
- (5) Remain in a space reserved for electric vehicles after the electric vehicle has been fully charged.

10-2-120 COMPUTING OVERTIME VIOLATIONS OF TIME-LIMITED PARKING.

The moving of a parked vehicle from one time-limited parking space identified in this chapter to another parking space identified in this chapter in the same block is deemed to be one continuous parking period for the purpose of determining any overtime parking violations.

10-2-121 SEPARATE AND CONTINUING VIOLATIONS OF TIME-LIMITED PARKING.

Each 30 minutes that a vehicle is parked in the same time-limited space as identified in this article following the issuance of a parking ticket shall constitute a separate violation subject to issuance of a new parking ticket and additional civil penalty to be applied to such vehicle.

Subpart c. Parking by Permit

SEC. 10-2-122 UPTOWN AREA PERMIT PARKING.

(A) *Designation.* The City Manager may designate Uptown area permit parking areas or parking spaces in any portion of the Uptown area time-limited parking zone.

(B) *Availability of permits.* The total number of Uptown area parking permits shall be determined by the City Manager and shall be based on the total number of parking spaces made available for that purpose. The number of Uptown area parking permits issued for a fiscal year shall not exceed 110% of the total number of parking spaces made available for Uptown area permit parking.

(C) *Property of the City.* All Uptown area parking area permits shall be the property of the City of Greenville to the exclusion of any other property interest.

(D) *Eligibility for issuance of an Uptown area parking permit.*

- (1) *Residents.* A resident who resides within the Uptown area is eligible to make application to the City and receive an Uptown area parking permit for

each vehicle which is principally operated by the resident provided that a permit is available by the City for issuance. The Uptown area parking permit may be either of the following:

- (a) A reserved Uptown area parking permit.
 - (b) An unreserved Uptown area parking permit.
- (2) *Businesses and employees.* A business that is located within the Uptown area and each employee of that business is eligible to make application to the City and receive an unreserved Uptown area parking permit for each vehicle which is principally operated by the business or employee provided that a permit is available by the City for issuance. An owner of a business that is located in the Uptown area is eligible to receive an unreserved Uptown area parking permit for shared use by the employees of the business provided that permits are available and provided that the owner shall be eligible to receive no more permits than the number of employees of the business but in no event to exceed 10 permits.

(E) *Application for an Uptown area parking permit.* Before an Uptown area parking permit can be issued, a completed application for an Uptown area parking permit shall be filed with the City Manager on forms or in an electronic format as provided by the City and a permit filing fee as established in the *Manual of Fees* shall be paid to the City. The application for an Uptown area parking permit shall be verified under oath and shall furnish the following minimum information:

- (1) If the applicant is a resident, the name and address of the resident.
- (2) If the applicant is a business employee, the lawful corporate or business name and address of the business.
- (3) If the applicant is a business, the lawful corporate or business name and address of the business; the name and address of the business owner; the number of permits requested, proof of business employees' employment with the applicant, all or part of which may be required by separate affidavit.

The City Manager may also require the production of vehicle registration information, which may include presentation of registration cards and such other personal or business identification and documentation such as driver license, articles of incorporation, or other official records deemed necessary to satisfy the eligibility requirements of this section, including but not limited to utility or other billing statements or affidavits. The City Manager shall verify the information provided by the applicant and contained on the application prior to issuance of an Uptown area parking permit.

(F) *Permit fee.* The City Manager shall issue Uptown area parking permits each year and a fee shall be charged. The amount of the fee shall be set out in the *Manual of Fees*. The charge

shall not be prorated for partial years. There shall also be a charge for duplicate or lost permits, and that charge shall be set out in the *Manual of Fees*. Uptown area parking permits shall be issued on a fiscal year basis and shall expire at midnight on June 30th of each year.

(G) *Spaces not guaranteed.* The purchase of an unreserved Uptown area parking permit does not guarantee availability of a parking space or reserve a parking space within the designated Uptown parking area.

(H) *No additional parking fee required.* There shall be no additional fee required for a vehicle to park in any off-street parking area when a vehicle has a properly displayed valid Uptown area parking permit.

(I) *Proper display of permit required.* The issued and assigned Uptown area parking permit shall be displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of the vehicle for which it was issued. It shall be unlawful to display the Uptown area parking permit in a manner inconsistent with this section. The City Manager is authorized to establish additional regulations relating to the form, issuance, and display of Uptown area parking permits not inconsistent with the other provisions of this section.

(J) *Violations.* In addition to any other violations of this section, it shall be unlawful:

- (1) For any person to falsely represent himself or herself as being eligible for an Uptown area parking permit; to willfully make any false statement in an application for a residential area parking permit; or to furnish any false information in an application to the City Manager in order to obtain an Uptown area parking permit.
- (2) For any person to display an Uptown area parking permit upon a vehicle, wherein the person or the vehicle is not authorized or eligible for an Uptown area parking permit.
- (3) For any person to charge any fee to any person for use of an Uptown area parking permit except for the City Manager.

The City Manager is authorized to revoke the Uptown area parking permit of any permittee found to be in violation of this section and, upon written notification thereof, the permittee shall surrender the permit to the City Manager. No refund shall be issued and the violator will not be eligible to reapply for a new permit one calendar year from the date of the notice of revocation. Failure by a permittee to surrender an Uptown area parking permit, when notified by the City Manager of the requirement to surrender same, shall constitute a violation of this chapter.

SEC. 10-2-123 RESIDENTIAL AREA PARKING PERMIT.

(A) *Designation.* The Director of Engineering shall designate residential area parking permit areas or parking spaces based upon any of the following:

- (1) Areas based upon the following minimum criteria as determined by a study by the Director of Engineering:
 - (a) The majority of the street frontage, measured at the right-of-way line, of the proposed residential parking area must be in a residential zoning district.
 - (b) The proposed residential parking area shall be applicable on a minimum per block basis. The proposed residential parking area may apply to one or both sides of the block.
 - (c) A petition, identifying the boundaries of the streets within the proposed residential parking area, must be presented to the Director of Engineering and signed by adult residents of at least 51% of the living units contained in each block face of the proposed residential parking area.
 - (d) A parking study must be completed, conducted between the hours of 8:00 a.m. to 4:00 p.m. on a weekday with one observation made each two hours. The study must reveal that at least 70% of the parking capacity of the proposed controlled residential parking area is occupied and that a minimum of 33% of the parked vehicles must be registered to addresses outside the proposed residential parking area.

- (2) Area within Parking Area A, being a portion of the area described in City Code § 9-4-200.2(A)(3) within which a University Neighborhood Revitalization Initiative (UNRI) Overlay District may be located, and being the area bounded on the south by East Fifth Street, on the east by Elm Street, on the north by East First Street, and on the west by Reade Street except for the following streets:
 - (a) Portions of streets which abut property owned by the State of North Carolina.

- (3) Area within Parking Area C, being a portion of the area described in City Code § 9-4-200.2(A)(3) within which a University Neighborhood Revitalization Initiative (UNRI) Overlay District may be located, and being the area bounded on the south by East First Street, on the east by Elm Street, extended to the Tar River, on the north by the Tar River, and on the west by Reade Street, extended to the Tar River, except for the following streets:
 - (a) Portions of streets which abut Woodlawn Park; and
 - (b) Portions of streets which abut the South Tar River Greenway.

- (4) Areas not included within Parking Area A or Parking Area C which are designated in the *Schedule of Traffic Regulations* as controlled residential parking areas as of June 10, 2013.
- (5) Area within Parking Area G, being that area known as the Glen Arthur Neighborhood and which is that area bounded on the south by the west side of Evans Street, south side of East 14th Street, east side of Charles Boulevard, and the north side of East 10th Street.

(B) In accordance with the provisions of this chapter, the Director of Engineering is authorized to amend the *Schedule of Traffic Regulations* by designating the streets or portions of streets within the City which meet the criteria of this section as residential parking areas. The streets or portions of streets within designated residential parking areas shall be designated by signage, painted lines, curb markings, or parking surface painting as residential parking areas in which parking is prohibited except by permit.

(C) *Property of the City.* All residential area parking area permits shall be the property of the City of Greenville to the exclusion of any other property interest.

(D) *Eligibility for issuance of residential area parking permit.* Residential area parking permits shall be designated as either of the following:

- (1) *Temporary residential area parking permit.* A resident who has lived for one year or less at a single residence located on either side of a street where at least one side of the street has been designated as a residential parking area is eligible to receive one temporary residential area parking permit for each vehicle which is principally operated by the resident. The temporary residential area parking permit is valid for one year.
- (2) *Permanent residential area parking permit.* A resident who has lived for five years or more at a single residence located on either side of a street where at least one side of the street has been designated as a residential parking area is eligible to receive one permanent residential area parking permit for each vehicle which is principally operated by the resident. The permanent residential area parking permit is valid for five years.

(E) *Application for a residential area parking permit.* Before a residential area parking permit can be issued, a completed application for a residential area parking permit shall be filed with the Collections Division of the Financial Services Department on forms provided by the City and a permit filing fee as established in the *Manual of Fees* shall be paid to the City. The application for a residential area parking permit shall be verified under oath and shall provide the name and address of the resident applicant. The Collections Division of the Financial Services Department may also require the production of vehicle registration information, which may include presentation of registration cards and such other personal identification and documentation such as driver license or other official records deemed necessary to satisfy the eligibility requirements of this section, including but not limited to utility or other billing statements or

affidavits. The Director of Financial Services Department shall verify the information provided by the applicant and contained on the application prior to issuance of a residential area parking permit.

(F) *The residential area parking permit.* The issued residential area parking permit shall include the year of the permit, license plate/registration plate number of the assigned vehicle, and the letter designating the residential parking area to which the residential area parking permit is assigned. The residential area parking permit is not transferable to another vehicle or to another person.

(G) *Permit fee.* The Collections Division of the Financial Services Department shall issue residential area parking permits and a fee shall be charged. The amount of the fee shall be set out in the *Manual of Fees*. The charge shall not be prorated for partial years. There shall also be a charge for duplicate or lost permits, and that charge shall be set out in the *Manual of Fees*. Temporary residential area parking permits shall be issued on a fiscal year basis and shall expire at midnight on June 30th of each year. Permanent residential area parking permits shall be issued on a fiscal year basis and shall expire at midnight on June 30th of the fifth year after issuance.

(H) *Spaces not guaranteed.* The purchase of a residential area parking permit does not guarantee availability of a parking space or reserve a parking space within a designated residential parking area.

(I) *Interaction with time-limited parking.* When the residential area permit parking areas or spaces are properly marked for residential area permit parking or equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited, any otherwise controlling time limitation or fee associated therewith shall not apply to these spaces when a parked vehicle has a properly displayed valid residential area parking permit.

(J) *Proper display of permit required.* The issued residential area parking permit shall be attached to the left rear bumper or the left rear window of the vehicle for which the permit is assigned as specified on the permit and shall contain the vehicle license number, year of issue, and the identification number of the residential parking area for which the residential area parking permit was issued.

(K) *Violations.* In addition to any other violations of this section, it shall be unlawful:

- (1) For any person to falsely represent himself or herself as being eligible for a residential area parking permit; to willfully make any false statement in an application for a residential area parking permit; or to furnish any false information in an application to the Director of Financial Services in order to obtain a residential area parking permit.
- (2) For any person to display a residential area parking permit upon a vehicle, wherein the person or the vehicle is not authorized or eligible for the residential area parking permit or

- (3) For any person to display a residential area parking permit upon a vehicle unless the vehicle displays the same vehicle license number as shown on the residential parking permit.
- (4) To use a residential area parking permit for purposes of daily commuting to the residential area or for purposes of storage of nonresidential vehicles.
- (5) For any person to charge any fee to any person for use of a residential area parking permit except for the Director of Financial Services.

The Director of Financial Services is authorized to revoke the residential area parking permit of any permittee found to be in violation of this section and, upon written notification thereof, the permittee shall surrender the permit to the Director of Financial Services. No refund shall be issued and the violator will not be eligible for a new permit for one calendar year from the date of the notice of revocation. Failure by a permittee to surrender a residential area parking permit, when notified by the Director of Financial Services of the requirement to surrender same, shall constitute a violation of this chapter.

SEC. 10-2-124 COMPLIANCE TO SIGNS.

(A) When signs are erected or otherwise installed along or adjacent to on-street or off-street parking designated as an Uptown area parking area or a residential parking area giving notice that parking is prohibited during specified time periods except by permit or equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited, no person shall park a vehicle during restricted periods as designated in the *Schedule of Traffic Regulations*, unless the vehicle has a properly displayed residential parking permit decal for the area.

(B) When signs are erected or otherwise installed along or adjacent to on-street or off-street parking designated as an Uptown area parking area or a residential parking area giving notice that the parking time is limited to two hours during specified time periods except by permit or equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited, no person shall park a vehicle for longer than two hours during restricted periods as designated in the *Schedule of Traffic Regulations*, unless the vehicle has a properly displayed and issued parking permit for the designated area.

SEC. 10-2-125 SPECIAL OR TEMPORARY PARKING PERMIT

The City Manager is authorized to issue special or temporary parking permits which permit the holder thereof to park a vehicle displaying such permit at a location on a public street in a residential area where the parking is otherwise prohibited.

Subpart d. Leased Parking

SEC. 10-2-126 OFF-STREET LEASED PARKING AREAS.

(A) *Authority of City Manager or designated administrative officer.* In accordance with the provisions of N.C.G.S. 160A-272, the City Manager and any City administrative officer designated by the City Manager, including but not limited to the Director of Financial Services, is authorized as may be necessary to lease certain designated off-street parking areas for a period not to exceed one year and that the City Manager and said administrative officer is further authorized to negotiate and modify any terms necessary for the lease that are in the best interest of the City.

(B) *Designation.* The City Manager may designate off-street parking areas or portions thereof in the Uptown area subject to lease in accordance with this section.

(C) *Eligibility.* Only residents who reside within the Uptown area or who work in the Uptown area are eligible to apply for leased parking.

(D) *Execution of lease agreement and payment of fee required.* Before being authorized to park in a designated off-street leased parking area an applicant shall complete and execute a lease agreement with the City to be filed with the City Manager on forms provided by the City and a leased parking filing fee as established in the *Manual of Fees* shall be paid to the City. The lease agreement shall be verified under oath. The City Manager may also require the production of vehicle registration information, which may include presentation of registration cards and such other personal or business identification and documentation such as driver license, articles of incorporation, or other official records deemed necessary to satisfy the eligibility requirements of this section, including but not limited to utility or other billing statements or affidavits. The City Manager shall verify the information provided by the applicant and contained on the application prior execution of the lease.

(E) *Lessee's responsibilities; towing.* In addition to all responsibilities and obligations identified in the lease agreement entered into pursuant to this section the lessee shall be solely responsible for monitoring and controlling parking in all parking spaces subject to the lease agreement and maintaining and monitoring the parking area including authorizing the towing of any unauthorized vehicles from the leased parking area. The City shall not be responsible for the enforcement or towing of any vehicle illegally parked in a leased parking space and any towing that may be required is the sole responsibility of the lessee. The tower is responsible for ensuring compliance with the provisions of N.C.G.S. § 20-219.20.

Subpart e. Controlled Access Parking

SEC 10-2-127. CONTROLLED ACCESS PARKING AREAS.

(A) *Designation.* The City Manager may designate certain off-street parking areas or portions thereof to be controlled access parking areas.

(B) *Signs required.* Each controlled access parking area shall have appropriate signs giving notice of the defined boundary and times of control thereof or equivalent designation sufficient to inform the public that the parking area or space is reserved for its intended use and any other parking is prohibited and said signs shall be located at each parking space or entry point to the controlled access parking area.

(C) *Violations.* It shall be unlawful:

- (1) To transfer or to use assigned access cards or electronic devices for vehicles not registered for that specific controlled access parking area or for that card or device. If any person uses or allows to be used his or her access card or device to knowingly enable another vehicle to enter or exit a controlled access parking area without paying the applicable parking fee or permit fee, such person.
- (2) To enter or park in a controlled access parking area during the posted operation hours without paying the required fee or displaying a valid permit for that controlled access parking area. Whether or not a gate is open during the hours of pay parking operation is not an indication that an unauthorized vehicle may legally drive through and park in the controlled access parking area.
- (3) To deface, damage, tamper with, break, destroy, impair the usefulness of, evade without tendering due payment, or open without lawful authority an entry or exit gate or related equipment. A fee will be charged for replacing damaged access mechanisms, in addition to the applicable parking fine.
- (4) To tailgate or allow tailgating.
- (5) To be parked in a controlled access parking area beyond the period of authorized parking time, applicable to the parking space in which such vehicle is parked. Each hour that any such violation continues shall constitute a separate offense.

(D) *Days and hours of operation; fees.* Controlled access parking areas shall operate 24 hours per day, seven days per week, unless the Chief of Police has temporarily suspended parking enforcement not to exceed 48 hours, or unless otherwise posted by sign or other marking authorized by the City Manager. The amount of the applicable fees for parking within each controlled access parking area shall be determined by the City Manager and shall be listed in the *Manual of Fees*.

Subpart f. Reserved Parking

SEC. 10-2-128 RESERVED PARKING.

(A) *Generally.* A sufficient number of parking spaces shall be reserved to accommodate certain vehicles including but not limited to authorized emergency vehicles, public service vehicles, government-owned vehicles, motorcycles, electric vehicles, and vehicles owned by residents that reside within the Uptown area and to meet special needs as they arise. The City Manager in consultation with the Director of Engineering shall determine the precise location and status of reserved spaces. Requests for reserving spaces for individuals, departments, or agencies must receive approval from the City Manager. The annual fee for a reserved parking spaces shall be defined in the *Manual of Fees*.

(B) *Parking in reserved space prohibited unless authorized.* It is unlawful for any unauthorized person to park a vehicle in a reserved space. Notice of the reserved status of a parking space shall be prominently posted at the space. Once posted, such spaces are reserved at all times unless otherwise indicated.

(C) *Law enforcement vehicle parking.* Parking areas or parking spaces may be designated as parking spaces for law enforcement vehicles only. The location and number of these parking areas or parking spaces shall be determined by the City Manager and these spaces shall be designated by sign or other markings. Only official government owned law enforcement vehicles may be parked in the spaces designated for law enforcement vehicles under the provisions of this subsection.

SEC. 10-2-129 CITY OFFICIALS AND EMPLOYEE PARKING AND SPACES RESERVED FOR CITY BUSINESS.

(A) *Designation.* Upon any off-street parking area, the City Manager is authorized and directed to cause, designate, and define by official marking or signage parking lots or spaces assigned to or reserved for the exclusive use by City officials, City employees, and for persons engaged in business with the City.

(B) *Reserved lots for exclusive use by City employees.* As may be designated by the City Manager and defined by proper marking or signage, any lot owned by the City may be limited for exclusive parking of vehicles owned by the City and vehicles operated by City employees and used by them officially and regularly in connection with the performance of their duties as City employees.

(C) *Parking prohibited.* Unless the vehicle is registered with the City allowing parking in a designated, assigned, or reserved City employee lot or space, it shall be unlawful for any person to stop or park any vehicle on any lot or in such space reserved for City employees. Unless an occupant of a vehicle is engaged in business with the City, it shall be unlawful for any person to stop or park any vehicle on any lot or in such space reserved for City business and in no event shall the vehicle remain in the space for longer than 24 hours.

PART 4. PARKING OF CERTAIN VEHICLES

SEC. 10-2-130 TRUCKS RESTRICTED ON CERTAIN STREETS.

(A) It shall be unlawful for any person to operate a loaded truck or other vehicle on any local or secondary City street in any subdivision or development complex when such truck or vehicle is loaded beyond 7,500 pounds per wheel; dual wheels shall be considered as one wheel load and one contact area, and any truck or vehicle using local or secondary streets shall be limited to six dual wheels (three rear axles).

(B) Local streets and secondary streets shall mean paved streets or roads designed to carry very little traffic and limited to residential areas where heaviest wheel loads expected are passenger vehicles and light trucks.

(C) All two-axle trucks, three-axle trucks and tractor-trailer trucks are hereby prohibited from traveling or parking on the streets or parts of streets designated in the *Schedule of Traffic Regulations*, except that such trucks may travel on such streets or parts of streets when necessary to load or unload commodities at a destination on the street. Signs shall be posted at all junction points and turns where necessary, and at approaches to the streets or parts of streets on which trucks are prohibited, stating that truck traffic is prohibited or directing truck traffic in accordance with this article.

SEC. 10-2-131 PARKING OF CERTAIN VEHICLES PROHIBITED AND RESTRICTED.

(A) No person shall park a manufactured home as defined by N.C.G.S. § 143-143.9(6); commercial motor vehicle, farm tractor, house trailer, implement of husbandry, inoperable vehicle, on-track equipment, motor home or house car, school bus, school activity bus, property-hauling vehicle, recreational vehicle, junk vehicle, inoperable flood vehicle, inoperable reconstructed vehicle, road tractor, truck tractor, or utility vehicle as defined by N.C.G.S. § 20-4.01; or other commercial vehicle, mobile home, bus, or trailer at any time on any street within any area having a residential district zoning classification as defined by the Zoning Ordinance for Greenville, North Carolina nor shall any said vehicle be parked for a period of more than two consecutive hours on any other street.

(B) The provisions of this section shall not apply to a vehicle defined in subsection (A) parked for the purpose of the expeditious unloading and delivery or pickup and loading of materials, temporarily parked in cases of emergency involving a mechanical breakdown necessitating repairs, or parked on a street or a part of a street, in an area having a nonresidential district zoning classification, which has been designated as permitting the parking of any such vehicle in the *Schedule of Traffic Regulations*.

(C) It is unlawful for any person, for camping, living, or sleeping purposes, to stop or park any vehicle on or upon a street, alley, bridge, sidewalk, an on-street parking area, an off-street parking area, or any portion of property owned, operated, occupied, leased, or controlled by the City, except where signs are erected designating the location as an authorized campsite.

(D) Notwithstanding any other provisions of this chapter, the posting of signs shall not be required for the provisions of this section to be effective.

PART 5. SPECIAL EVENTS AND TEMPORARY CLOSING OF STREETS

SEC. 10-2-149 TEMPORARY PARKING RESTRICTIONS FOR SPECIAL EVENTS.

(A) Upon a determination that the suspension or prohibition will prevent a safety or operational hazard or assist in the avoidance of a safety or operational hazard to the citizens of Greenville, the Chief of Police and the Director of Engineering are each authorized to temporarily suspend parking restrictions or temporarily prohibit parking on any street, alley, bridge, or upon property owned, operated, occupied, leased, or controlled by the City, including but not limited to any portion of on-street and off-street parking areas, for a special event for a period of time as needed for the special event, but not in excess of 48 hours.

(B) When parking has been temporarily prohibited pursuant to the provisions of this section, notification of the prohibition shall be made as follows.

- (1) At least 48 hours prior to the commencement of the time period which the restriction or prohibition of parking is effective, notice will be posted in at least two conspicuous locations adjacent to or upon the on the street, alley, bridge, or upon property owned, operated, occupied, leased, or controlled by the City which will have prohibited parking. The notice shall remain posted until the expiration of the time period which the prohibition of parking is effective.
- (2) The notice shall state the time and date the parking will be prohibited.
- (3) The notice shall state that violators are subject to a parking ticket and any vehicle parked in violation will be towed at the owner's expense.

(C) No person shall park a vehicle on a street, alley, bridge, or upon property owned, operated, occupied, leased, or controlled by the City in violation of a temporary parking prohibition designated pursuant to the provisions of this section.

(D) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, possess or remove any notice posted pursuant to the provisions of this section.

SEC. 10-2-150 TEMPORARY CLOSING OF STREETS FOR SPECIAL EVENTS.

(A) *Required.* It shall be unlawful for any person, firm, organization, or entity of any kind or nature to temporarily close or block off in any manner any public street, alley, bridge, sidewalk, lot, parking lot, garage, parking garage, or any other location or facility owned, occupied, or leased by the City or to participate in, advertise for, or in any way promote a temporary street closing, except as allowed by state or federal law, or as provided by this section.

(B) *Application.* Any person, firm, or organization desiring to temporarily close or block off in any manner any public street, alley, bridge, sidewalk, lot, parking lot, garage, parking garage, or any other location or facility owned, occupied, or leased by the City shall apply for a permit for temporary street closing on an application form provided by the City Manager.

(C) *Consideration by City Manager.* In considering requests for a permit, the City Manager shall consider but shall not be limited to the following issues in determining whether to deny or issue a permit requesting any temporary street closing:

- (1) The nature, time, size, and duration of the event for which the requested locations will be closed.
- (2) The safety and welfare of organizers, City employees, participants, and surrounding residents.
- (3) Previous experience with the applicant, including any members of the firm, group, organization, or entity requesting temporary street closing.
- (4) Other activities in the vicinity of the locations requested to be closed.
- (5) The frequency of applications.
- (6) The effect on traffic patterns, flow, and safety.

(D) *Time for filing application.* The application for temporary street closing shall be filed at least 10 business days prior to the scheduled event or any advertising for same. Failure to file on time will result in denial of a permit, unless the City Manager determines that due to unusual circumstances, good cause exists to waive this requirement.

(E) *Conditions on permits.* The City Manager or Chief of Police shall have authority to impose any rules, regulations, and requirements deemed necessary on temporary street closing permits to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and to the general public. Such conditions may include but shall not be limited to a limitation on number of participants, duration, and noise levels.

(F) *Vendors.* Upon issuance of a temporary street closing permit, the applicant shall have full authority and control over the sale, distribution, or other transfer of any food, beverages, goods, wares, or merchandise, arts or crafts, or other concessions, games, and activities during the event for which the permitted locations will be temporarily closed, and shall be fully responsible and liable for damage to public property and litter from concessions, vendors, and participants the permit area.

(G) *Litter.* Applicants must provide for the collection and removal of all trash, garbage, and litter on all areas authorized to be closed by way of the temporary street closing permit and surrounding areas resulting from the special event for which the permitted locations were

temporarily closed. The area must be restored to its original condition immediately following the special event.

(H) *Barricades.* Upon issuance of a temporary street closing permit under this section, barricades from the Director of Engineering shall be used. Applicants will be held responsible for any damage to barricades.

(I) *Revocation of temporary street closing permit.* Any temporary street closing permit issued pursuant to this section may be revoked by the City Manager, Chief of Police, or any on-duty police officer, and the barricades removed at any time when, by reason of emergency, disorder, traffic conditions, violation of this section, or of any permit conditions or restrictions, or undue burden on public services, it is determined that the health, safety, or welfare of the public or protection of property requires revocation.

(J) *Temporary street closing by City; exemption.* The City Manager and Chief of Police may authorize the any temporary street closing as may be required for municipal purposes, such as street repair or emergencies and the City is hereby exempt from this section.

ARTICLE D. ENFORCEMENT, PENALTIES, TOWING, AND APPEALS

SEC. 10-2-151 COMPLIANCE WITH CHAPTER; ENFORCEMENT.

(A) *Operator to comply with chapter; effect of proof of ownership.* The person actually operating or in control of the operation of the vehicle at the time that the vehicle is parked or involved in a violation of this chapter shall be charged with the duty of complying with the provisions of this chapter; provided that proof of ownership of any vehicle found parked in violation of this chapter shall be prima facie evidence that the owner parked the vehicle.

(B) *Notice of violations; duties of police and parking enforcement officers.* If any vehicle shall be found illegally parked, parked overtime, or otherwise in violation of any of the provisions of this chapter, it shall be the duty of the Chief of Police, other police officers, or parking enforcement officers as designated by the Chief of Police to attach to the vehicle a notice to the owner or operator thereof, if the owner or operator is absent, or to deliver to the owner or operator, if he or she is present, a notice to the effect that the vehicle has been illegally parked, parked overtime, or in violation of a provision of this chapter.

SEC. 10-2-152 PENALTIES FOR VIOLATION OF CHAPTER.

(A) *Civil penalty by ticket for violations other than time-limited parking.* Unless otherwise specified in this chapter, a violation of any of the provisions of this chapter shall subject the violator to a civil penalty by way of a ticket in the amount of fifty dollars (\$50.00).

(B) *Graduated civil penalties for violations of time-limited parking.* Unless otherwise specified in this chapter, violations of any of the provisions of this chapter regarding time-limited parking shall subject the violator to graduated civil penalties as follows:

- (1) *First violation.* An issued written warning.
- (2) *Second violation.* A second violation of any provision regulating time-limited parking shall subject the violator to a civil penalty of ten dollars (\$10.00).
- (3) *Third and subsequent violations.* A third violation and any subsequent violation of any provision regulating time-limited parking shall subject the violator to a civil penalty of twenty dollars (\$20.00).

(C) *Late Penalties for violations of Article C. of this chapter.* Unless otherwise provided herein, if payment for a violation of any of the provisions of Article C. of this Chapter is not made within 10 days of issuance of the ticket, an additional fifteen dollar (\$15.00) late fee will be due. If payment for the violation is not made within 30 days of the issuance of the ticket, an additional fifteen dollar (\$15.00) late fee will be due. If the payment for the violation is not made within 60 days of the issuance of the ticket, an additional fifteen dollar (\$15.00) late fee will be due.

(D) *Revocation of parking permit or card access.* In addition to being responsible for the applicable parking ticket penalty any person having been issued a parking permit or card access to a controlled access parking area in accordance with this chapter who violates any of the provisions of Article C. of this chapter may have his or her parking permit or card access rights to the controlled access parking area deactivated or revoked and all off-street parking privileges suspended for a period of one year from the date of the offense.

(E) *Appeals; payment of civil penalties.* Unless appealed in accordance with the appeal provisions of this chapter, all civil penalties assessed for violations of any provision of this chapter must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(F) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.
- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(G) *Continuing violations.* Each day's continuing violation of any provision of this article shall be a separate and distinct offense.

SEC. 10-2-153 TOWING OF VEHICLES PARKED AS PROHIBITED.

(A) *Violations of on-street parking.* In addition to any other penalties as provided by this chapter and in accordance with Chapter 160A, Article 8 of the North Carolina General Statutes, N.C.G.S. § 160A-300, N.C.G.S. § 160A-301, N.C.G.S. § 160A-303 and the provisions of Part II, Title 12, Chapter 4 of this Code, a motor vehicle as defined by N.C.G.S. § 160A-303 that parks or is otherwise left upon any on-street parking in violation of any law or provision of this chapter prohibiting parking shall be deemed as abandoned and a police officer or a parking enforcement officer is authorized and directed to tow and store the motor vehicle by removing and disposing of the motor vehicle according to the provisions of N.C.G.S. § 160A-303 giving notice to the owner thereof as required by N.C.G.S. § 20-219.11(a). Prior to the release of the motor vehicle, all civil penalties due or forming the basis of the tow and all towing fees shall be paid by the owner or other person responsible for such vehicle.

(B) *Violations of off-street parking.* In addition to any other penalties as provided by this chapter and in accordance with Chapter 160A, Article 8 of the North Carolina General Statutes, N.C.G.S. § 160A-301, and N.C.G.S. § 160A-302, a vehicle that parks or is otherwise left upon any off-street parking area in violation of any law or provision of this chapter shall be subject to towing and storage and a police officer or a parking enforcement officer is authorized and directed to tow and store the vehicle by removing and disposing of the vehicle according to the provisions of N.C.G.S. § 160A-303 giving notice to the owner thereof as required by N.C.G.S. § 20-219.11(a). Prior to the release of the vehicle, all civil penalties due or forming the basis of the tow and all towing fees shall be paid by the owner or other person responsible for such vehicle.

(C) *Vehicles left on City property longer than 24 hours.* In addition to any other penalties as provided by this chapter and in accordance with Chapter 160A, Article 8 of the North Carolina General Statutes, N.C.G.S. § 160A-300, N.C.G.S. § 160A-301, N.C.G.S. § 160A-303 and the provisions of Part II, Title 12, Chapter 4 of this Code, a motor vehicle as defined by N.C.G.S. § 160A-303 that continues to remain parked in violation of any provisions of this chapter longer than 24 hours shall be deemed as abandoned and a police officer or a parking enforcement officer is authorized and directed to tow and store the motor vehicle by removing and disposing of the motor vehicle according to the provisions of N.C.G.S. § 160A-303 giving notice to the owner thereof as required by N.C.G.S. § 20-219.11(a). Prior to the release of the motor vehicle, all civil penalties due or forming the basis of the tow and all towing fees shall be paid by the owner or other person responsible for such vehicle.

SEC. 10-2-154 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE UNTIL ALL FEES FULLY PAID.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the City any vehicle which has been impounded pursuant to the provisions of this Code, unless and until all towing, storage, and impoundment fees which are due, or bond in lieu of such fees, have been fully paid.

SEC. 10-2-156 TOWING AND IMPOUNDING VEHICLES WITH UNPAID PARKING TICKETS.

(A) *Authorization.* The Director of Financial Services may authorize a vehicle to be immobilized by wheel lock or other immobilization device or towed and impounded if the vehicle is illegally parked for which there are three or more unpaid parking tickets issued by the City which are at least 90 days overdue. For the purpose of determining whether an illegally parked vehicle has been issued three or more unpaid parking tickets issued by the City which are at least 90 days overdue, it shall be sufficient if the license plate number of the illegally parked vehicle and the license plate number of the vehicle appearing on the unpaid tickets are the same.

(B) *Procedure to immobilize a vehicle; immobilization fee.* An illegally parked vehicle for which there are three or more unpaid parking tickets issued by the City which are at least 90 days overdue may be immobilized by wheel lock or wheel locking device and the owners thereof assessed a wheel immobilization fee of fifty dollars (\$50.00). A wheel immobilization notice on a form approved by the Director of Financial Services shall be affixed to the vehicle in a conspicuous place. The wheel immobilization notice shall state the total amount owed for the unpaid and overdue parking tickets; the immobilization fee of fifty dollars (\$50.00); and the address and telephone number of the City office to be contacted to pay the unpaid and overdue parking tickets and the immobilization fee and request removal of the immobilization device. All charges including the unpaid and overdue parking tickets and immobilization fee must be paid before the immobilization device may be removed by the City. A receipt showing that all tickets and the immobilization fee have been paid will be provided to the vehicle owner by the Director of Financial Services who must also provide a copy to the Greenville Police Department in order to obtain the required release authorization to remove the immobilization device. The City shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from on unauthorized attempts to free or move that vehicle.

(C) *Procedure to tow and impound; forms to complete.* An illegally parked vehicle for which there are three or more unpaid parking tickets issued by the City which are at least 90 days overdue may be towed and impounded utilizing the City rotation wrecker list as regulated in this Code. A vehicle tow sheet form is to be completed for each towed vehicle stating the name of the tower and where the vehicle is stored, the total amount owed for all unpaid and overdue parking tickets, the towing fee. The accompanying vehicle towing and storage report form shall also indicate "Impounded" on the report listing the address and telephone number of the City office to be contacted to pay the unpaid and overdue parking tickets. All charges including the unpaid and overdue parking tickets and the towing fee shall be paid before the vehicle can be released. A receipt showing that all tickets and the towing fee have been paid will be provided to the vehicle owner by the Director of Financial Services who must also provide a copy to the Greenville Police Department in order to obtain the required vehicle release authorization form for release of the impounded vehicle.

(D) *Mailing of notice of towing and impoundment to owner.* Once a vehicle has been towed and impounded, the Chief of Police shall mail or cause to be mailed a notice of towing and impoundment to the address of the last known registered owner of the vehicle and to the lienholder.

(E) *Release of impounded vehicle.* Upon payment of all unpaid and overdue parking tickets and all other applicable charges authorized by this section, including all towing fees, the vehicle shall be released from impound to the owner or any other person entitled to claim possession of the vehicle.

(F) *Disposal of impounded vehicles.* If a vehicle has been towed, and remains impounded in excess of 30 days, it may be disposed of in accordance with the provisions of the City Code relating to the disposition of junked or abandoned vehicles set forth in Part II, Title 12, Chapter 4 of this Code.

(G) *Appeals and appeal hearing.* The registered owner or person entitled to possession of any vehicle which has been immobilized or towed and impounded pursuant to this section may submit a written request for a hearing to the Chief of Police by mail within seven days from the receipt of the respective wheel immobilization notice or vehicle towing and storage report form. If a request for a hearing is not made within the allotted time, the right to a hearing shall have been waived. If a hearing is requested, the hearing shall be provided within seven days of receipt by the Chief of Police of the request for the hearing. Thereafter, an informal hearing will be conducted by the Chief of Police at a time and place designated by the Chief of Police.

SEC. 10-2-155 APPEALS; APPEAL BOARD.

(G) *Appeal board.* An Appeal Board of three City employees selected by the City Manager shall be authorized to hear and decide appeals in accordance with this section. There shall be an alternate member from the Financial Services Department to serve on the Appeal Board in the event of a conflict of interest.

(H) *Appeal to appeal board.* The issuance of any civil penalty for a violation of any of the provisions of this chapter or the denial, revocation, or deactivation of a parking permit or card access to a controlled access parking area may be appealed by the filing an appeal in accordance with this section.

- (1) *Notice of appeal; contents and filing; waiver of appeal.* A person who elects to appeal a civil penalty or the denial, revocation, or deactivation of a parking permit or card access to a controlled access parking area shall file a notice of appeal in writing within five days of the issuance of the penalty or decision that is the basis of the appeal. The notice of appeal shall include written objections and shall be directed to the City Manager's office. Any appeal received by the City Manager's office more than five days after the date of the issued civil penalty or date of decision that is the basis of the appeal shall be deemed waived as untimely, shall not be considered by the Appeal Board, and the imposition of the civil penalty or the decision at issue shall stand, shall be fully enforceable, and may not be thereafter appealed.
- (2) *Scheduling of the hearing.* The City Manager's office, as designee of the Appeal Board, shall schedule a hearing within 10 days of the filing of the notice of appeal. The hearing on the appeal shall take place within a

reasonable time, but no longer than 30 days from the filing of the notice of appeal. The City Manager's office shall provide notice of the hearing via either or both first class mail or electronic mail to the appellant and shall also provide notice to City employee who issued the civil penalty or who made the decision at issue. If the appellant does not appear at the hearing, the imposition of the civil penalty or the decision at issue shall stand, shall be fully enforceable, and may not be thereafter appealed.

- (3) *Conduct of the hearing.* The hearing on the appeal shall be an informal administrative hearing. The City Manager shall be the chairperson and conduct the hearing and govern procedural questions. The North Carolina rules of evidence shall not apply. However, both the appellant and the City shall be entitled to be represented by counsel, have the right to make opening and closing statements, present evidence, and call, confront, and cross-examine witnesses. All witnesses shall testify under oath. Each Appeal Board member shall have the right to question witnesses. The appellant and/or the City shall be allowed to record the hearing. The hearing shall be conducted in accordance with the principles of due process.

(C) *Final decision of appeal board.* The Appeal Board shall make the final decision. The decision of the Appeal Board shall be by majority vote, and said decision shall be made at the conclusion of the hearing unless the Appeal Board requests additional evidence. The decision of the Appeal Board shall be documented by the City Manager in writing, including findings to support the Appeal Board's decision, and notice of appeal rights, and forwarded to the applicant within 10 days of the conclusion of the hearing via either or both first class mail or electronic mail.

(D) *Appeal to superior court.* Any appeal from the final decision of the Appeal Board shall be taken to the Pitt County superior court by filing notice of appeal and a petition for review within 10 days of the final decision of the Appeal Board. Appeals from rulings of the Appeal Board shall be heard de novo before a superior court judge sitting in the Pitt County superior court division.

(E) *Stay of penalty or decision during appeal.* The imposition of a civil penalty or the decision forming the basis of the appeal shall be stayed during the pendency of the appeal.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

SECTION 7. In accordance with Session Law 2021-138, Part XIII., Section 13.(b), this ordinance specifying a criminal penalty has been enacted at the meeting other than that in which it was first introduced.

SECTION 8. This ordinance will become effective upon passage.

This the _____ day of _____, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

ORDINANCE NO. 23-_____

AN ORDINANCE TO MAKE TECHNICAL REVISIONS TO PORTIONS OF PART II, TITLES 1, 2, 5, 6, 9, and 11 OF THE CODE OF ORDINANCES, CITY OF GREENVILLE

WHEREAS, the City Council of the City Greenville desires to revise certain provisions of Part II, Title 6 of the Code of Ordinances, City of Greenville to conform to applicable North Carolina law, including but not limited to Session Law 2021-138, Part XIII. Section 13.(b), which amends N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 regarding penalties for violations of ordinances;

WHEREAS, the certain revisions to the Code of Ordinances, City of Greenville are necessary to adequately ensure uniform compliance with applicable law, make technical corrections, and address the interests of public safety and welfare;

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

SECTION 1. That Part II, Title 1, Chapter 1, Section 5 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 1-1-5 CIVIL PENALTY FOR VIOLATION OF ORDINANCE; NOT EXCLUSIVE REMEDY; CONTINUING VIOLATIONS.

(A) In accordance with N.C.G.S. § 160A-174 and N.C.G.S. § 160A-175, unless this Code of Ordinances provides otherwise, a violation of any provision hereof shall subject the violator to a civil penalty by way of a civil ticket issued by the City Manager or his or her designees in an amount as follows:

- (1) *First violation.* A violation of any of the provisions of this Code of Ordinances shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
- (2) *Second violation within 365 days of the first violation.* A second violation by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
- (3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(B) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this Code of Ordinances must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(C) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.
- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(D) *Separate offenses.* Each violation of any provision of this Code of Ordinances and each day that a violation continues is considered a separate offense.

(E) By express statement, an ordinance contained herein may provide for its enforcement by other remedies, as authorized in N.C.G.S. § 14-4, N.C.G.S. § 160A-174, and N.C.G.S. § 160A-175, including the imposition of a criminal penalty unless exclude by law, civil penalties, the ordering of appropriate equitable relief, including injunctions, or a combination of remedies.

SECTION 2. That Part II, Title 2, Chapter 3, Article E., Section 52, Subsection (D) of the Code of Ordinances, City of Greenville is repealed.

SECTION 3. That Part II, Title 2, Chapter 3, Article F. Section 62, Subsection (C) of the Code of Ordinances, City of Greenville is repealed.

SECTION 4. That Part II, Title 5, Chapter 2, Article B., Section 34, Subsection (C)(2) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

- (2) *Criminal.* Any person violating any provision of this article shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

SECTION 5. That Part II, Title 6, Chapter 1, Sections 2, 3, and 4 of the Code of Ordinances, City of Greenville are repealed and hereby replaced and amended to now read as follows:

SEC. 6-1-2 MONTHLY REPORT TO CITY MANAGER; DUTY TO GIVE INFORMATION.

The Director of Public Works shall attend all monthly Council meetings and shall render to the City Manager prior to each regular monthly meeting of the Council a report of all services he or she has rendered and all amounts that he or she has expended, and at all times he or she shall give such information pertaining to his or her several duties as he or she may be called upon to give from time to time by the City Manager.

SEC. 6-1-3 CIVIL PENALTY FOR VIOLATION OF THIS TITLE.

(A) *Civil Penalties.* Unless otherwise provided in a specific section, a violation of any of the provisions of this title shall subject the offender to a civil penalty by way of a civil ticket issued by the Director of Public Works or his or her designee in an amount as follows:

- (1) *First violation.* A violation of any of the provisions of this title shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
- (2) *Second violation within 365 days of the first violation.* A second violation by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
- (3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(B) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(C) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.

- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(D) *Separate offenses.* Each violation of this title and each day that a violation continues is considered a separate offense.

SECTION 6. That Part II, Title 9, Chapter 1, Article D., Section 62 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-1-62 PENALTIES FOR VIOLATION OF REGULATORY CODES.

(A) *Penalties.* A violation of this article may subject the violator to any or all of the following penalties:

- (1) *Criminal.* The violation of any provisions of this article shall constitute a class 1 misdemeanor, as provided by N.C.G.S. § 160D-1124.

- (2) *Civil.*

- (a) A violation of any of the provisions of this of this article shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

- 1. *First violation.* A violation of an order issued by the Enforcement officer shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

- 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

- 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each day's continuing violation shall be a separate and distinct offense.

SECTION 7. That Part II, Title 9, Chapter 1, Article E., Section 77, Subsection (A) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(A) After failure of an owner of a structure to comply with an order of the Code Enforcement Coordinator or officer issued pursuant to the provisions of this article, and upon adoption by the City Council of an ordinance authorizing and directing him or her to do so, as provided by N.C.G.S. § 160D-1203(5), Session Law 2005-200, and section 9-1-75(C) of this article, the Code Enforcement Coordinator or officer shall proceed to cause the structure to be removed or demolished, as directed by the ordinance of the City Council and shall cause to be posted on the main entrance of the structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor, as provided by N.C.G.S. § 160D-1203(4).

SECTION 8. That Part II, Title 9, Chapter 1, Article F., Section 110, Subsections (C)(1) and (C)(2) of the Code of Ordinances, City of Greenville are repealed and hereby replaced and amended to now read as follows:

(C) *Failure to comply with order.*

- (1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Code Enforcement Coordinator

or officer to repair, alter or improve or to vacate or close the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Code Enforcement Coordinator or officer to remove or demolish the same within the time specified therein, the Code Enforcement Coordinator or officer may submit to City Council a resolution directing the City Attorney to petition the Superior Court for an order directing the owner to comply with the order of the neighborhood service coordinator or officer, as authorized by N.C.G.S. § 160D-1208(d).

- (2) *In rem remedy.* After failure of an owner of a deteriorated dwelling or of a dilapidated dwelling to comply with an order of the Code Enforcement Coordinator or officer within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding subsection (C)(1), the Code Enforcement Coordinator or officer shall submit to the City Council an ordinance ordering the Code Enforcement Coordinator or officer to cause the dwelling or dwelling unit to be repaired, altered or improved, or vacated and closed or to be removed or demolished as provided in the original order of the Code Enforcement Coordinator or officer. The Code Enforcement Coordinator or officer may cause to be posted on the main entrance of the dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor, as provided by N.C.G.S. § 160D-1203(4).

SECTION 9. That Part II, Title 9, Chapter 1, Article F., Section 116 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-1-116 ALTERNATIVE REMEDIES.

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by N.C.G.S. § 160D-1203(4), and section 9-1-119 of this article, and the enforcement of any remedy provided herein or in other ordinances or laws.

SECTION 10. That Part II, Title 9, Chapter 1, Article F., Section 119, Subsections (A) and (B) of the Code of Ordinances, City of Greenville are repealed and hereby replaced and amended to now read as follows:

(A) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same, upon order of the Code Enforcement Coordinator and officer duly made and served in accordance with the provisions of this article, within the time specified in such order, and each day that any 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 dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 9-1-110 of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration, improvement, or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(B) *Penalties.* A violation of this article may subject the violator to any or all of the following penalties:

- (1) *Criminal.* The violation of any provisions of this article shall constitute a class 1 misdemeanor, as provided by N.C.G.S. § 160D-1203(4).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this of this article shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 1. *First violation.* A violation of an order issued by the Code Enforcement Supervisor or officer shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
 - (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the

City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency and the assessment of an administrative fee.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

- (3) *Separate offenses.* Each day's continuing violation shall be a separate and distinct offense.

SECTION 11. That Part II, Title 9, Chapter 1, Article G., Section 134 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-1-134 IN REM ACTION BY THE ENFORCEMENT OFFICER.

After failure of an owner of a nonresidential building or structure to comply with an order of the Enforcement Officer issued pursuant to the provisions of this article and upon adoption by the City Council of an ordinance authorizing and directing the owner to do so, as provided by N.C.G.S. § 160D-1129(f) and section (D) of this article, the Enforcement Officer shall proceed to cause the nonresidential building or structure to be repaired, altered or improved to comply with the minimum standards established by this article, or to be vacated and closed or to be removed or demolished, as directed by the ordinance of the City Council. The Enforcement Officer may cause to be posted on the main entrance of any nonresidential building or structure which is to be vacated and closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 1 misdemeanor, as provided by N.C.G.S. § 160D-1124.

SECTION 12. That Part II, Title 9, Chapter 1, Article G., Section 138 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-1-138 ALTERNATIVE REMEDIES.

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary

action or otherwise, or to enforce this article by criminal process as authorized by N.C.G.S. § 160D-1120 and section 9-1-142 of this article, and the enforcement of any remedy provided herein or in other ordinances or laws.

SECTION 13. That Part II, Title 9, Chapter 1, Article G., Section 142 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-1-142 VIOLATIONS; PENALTY.

(A) It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the Enforcement Officer duly made and served in accordance with the provisions of this article, within the time specified in the order, and each day that any 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 nonresidential building or structure, with respect to which an order has been issued pursuant to section 9-1-129(C) of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration, improvement, or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(B) *Penalties.* A violation of this article may subject the violator to any or all of the following penalties:

- (1) *Criminal.* The violation of any provisions of this article shall constitute a class 1 misdemeanor, as provided by N.C.G.S. § 160D-1124.
- (2) *Civil.*
 - (a) A violation of any of the provisions of this of this article shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 1. *First violation.* A violation of an order issued by the Enforcement officer shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein

defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - 1. A civil action in the nature of a debt.
 - 2. The use of a collections agency and the assessment of an administrative fee.
 - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - 4. Equitable remedies issued by a court of competent jurisdiction.
 - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each day's continuing violation shall be a separate and distinct offense.

SECTION 14. That Part II, Title 9, Chapter 5, Article A., Section 9, Subsection (C) of the Code of Ordinances, City of Greenville is repealed.

SECTION 15. That Part II, Title 9, Chapter 5, Article A., Section 10 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-5-10. RESERVED.

SECTION 16. That Part II, Title 9, Chapter 5, Article A., Section 13, Subsection (B) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(B) It shall be unlawful for any person to reference or propose any new street or road name on any plat, or in any deed or instrument without first receiving the approval of the Planning and Zoning Commission.

SECTION 17. That Part II, Title 9, Chapter 5, Article H., Section 171 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 9-5-171 PENALTIES FOR VIOLATION.

(A) *Civil penalties.* A violation of any of the provisions of this of this article shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

- (1) *First violation.* A violation of an order issued by the Enforcement officer shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
- (2) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
- (3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(B) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(C) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) A civil action in the nature of a debt.
- (2) The use of a collections agency and the assessment of an administrative fee.
- (3) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (4) Equitable remedies issued by a court of competent jurisdiction.

- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(D) *Separate offenses.* Each day's continuing violation shall be a separate and distinct offense.

SECTION 18. That Part II, Title 11, Chapter 1, Article G., Section 140 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 11-1-140 CIVIL PENALTIES AND ENFORCEMENT ACTION.

(A) All violations of this chapter shall subject the offender to a civil penalty and, where applicable, suspension of any certificate of public convenience and necessity or privilege license as provided elsewhere in this chapter as follows:

- (1) For a first offense, a civil penalty will be assessed in the amount of \$100.
- (2) In the event there is more than one violation within any 30 days period, then the civil penalty shall be increased for each additional violation over one during such period as follows:
 - a. The date of the first violation shall establish the beginning for the initial 30 days period. The next violation within that 30 days period shall be considered a second violation and shall subject the violator to a civil penalty of \$250.
 - b. Third and subsequent violations within the same 30 days period shall subject the violator to a civil penalty of \$500 for each violation.

(B) Once the 30 days period has run from the "first violation," the next violation shall be considered the first violation for establishing a new 30 days period. Each subsequent violation that follows more than 30 days from the previous first violation shall be a new first violation for the purpose of establishing a new 30 days period.

(C) The levying of civil penalties shall be initiated by any police officer or the taxicab inspector giving written notice of the violation committed to the vehicle for hire owner or driver, along with a statement that a civil penalty is being imposed.

(D) Civil penalties shall be paid within 72 hours of the issue date to Financial Services, Collections Division. If not paid within the 72 hours of the date of issue, an additional \$50 dollars delinquency charge will be added for each 72 hours period thereafter upon nonpayment until paid in full.

(E) The City Attorney or designee is authorized to file suit on behalf of the city to collect any unpaid citations and any delinquency charge, and the Police Chief or designee is

authorized to verify and sign the complaints on behalf of the city in such suits. If litigation is required to recover the penalties and delinquency charges, the City Attorney or designee may recover, in addition to the penalties and delinquency charges, reasonable attorneys fees and other costs incurred in bringing the action and collecting the judgment.

(F) Additionally, this chapter may be enforced through available equitable remedies including but not limited to enjoining the operation of any taxi, limousine, contract service, transport service or other vehicle for hire as issued by a court of competent jurisdiction. Citations issued to any driver or operator of any taxi, limousine, contract service, transport service or other vehicle for hire and not paid when the driver or operator leaves employment of the business or franchise holder shall be the responsibility of the franchise holder or business.

(G) Any permit required to be issued and renewed under the terms of this chapter shall not be issued or renewed in the event civil penalties for violations remain unpaid by the applicant or by an employee of the applicant.

SECTION 19. That Part II, Title 11, Chapter 2, Section 13 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 11-2-13 REVOCATION OF PARADE PERMIT; PENALTIES FOR VIOLATION.

(A) *Permit revocation authorized.* A parade permit issued pursuant to this chapter may be revoked by the Chief of Police upon application of the standards for issuance stated in section 11-2-5.

(B) *Violations.* It shall be unlawful for any person to violate the provisions of this chapter or the conditions of the parade permit.

(C) *Penalties.* A violation of this chapter or the conditions of the parade permit may subject the violator to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this chapter or the conditions of the parade permit shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) A violation of any of the provisions of this of this chapter or the conditions of the parade permit shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365

days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency and the assessment of an administrative fee.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 20. That Part II, Title 11, Chapter 11, Section 14, Subsection (D) of the Code of Ordinances, City of Greenville is repealed and amended to now read as follows:

(D) *Criminal penalty.* In addition to or in lieu of any remedies available in this section or by other operation of law, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a

criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

SECTION 21. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 22. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

SECTION 23. This ordinance will become effective upon passage.

This the _____ day of _____, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

ORDINANCE NO. 23-_____

AN ORDINANCE TO MAKE REVISIONS TO PORTIONS OF PART II, TITLE 12, CHAPTERS 1, 2, 3, 5, AND 7 OF THE CODE OF ORDINANCES, CITY OF GREENVILLE

WHEREAS, the City Council of the City of Greenville desires to revise certain provisions of Part II, Title 12, Chapters 1 and 5 of the Code of Ordinances, City of Greenville to conform to applicable North Carolina law, including but not limited to Session Law 2021-138, Part XIII. Section 13.(b), which amends N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 regarding penalties for violations of ordinances;

WHEREAS, the certain revisions to the Code of Ordinances, City of Greenville regarding Part II, Title 12, Chapter 1, 2, 3, 5, and 7 of the Code of Ordinances, City of Greenville are necessary to adequately ensure uniform compliance with applicable law, make technical corrections to existing provisions, and address the interests of public safety and welfare;

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

SECTION 1. That Part II, Title 12, Chapter 1, Section 1, Subsection (E) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(E) *Civil Penalties.*

- (1) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received

by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (3) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency and the assessment of an administrative fee.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (4) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 2. That Part II, Title 12, Chapter 1, Section 4 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 12-1-4 LITTERING PROHIBITED.

(A) It shall be unlawful for any person, firm, organization, or private corporation to place, discard, dispose, or leave any trash, refuse, or garbage upon any of the following unless such garbage, refuse, or trash is placed in a designated location or container for removal by a specific garbage or trash service collector:

- (1) A sidewalk, street, or highway located in the city.
- (2) Upon property owned or operated by the city.
- (3) Upon any private property located in the city without the consent of the owner, occupant, or lessee thereof.

(B) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of fifty dollars (\$50.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
 - (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.

4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 3. That Part II, Title 12, Chapter 1, Section 5, Subsection (E) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(E) *Civil penalties.* A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in the amount of one hundred dollars (\$100.00) per day, per occurrence, plus the cost of removal. The cost of removal shall be a fifty dollar (\$50.00) administrative fee, plus all actual labor and machine costs.

- (1) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (2) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency and the assessment of an administrative fee.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

Any of these remedies are in addition to the authority contained in subsection (B) to remove the unlawfully posted handbills or signs.

- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 4. That Part II, Title 12, Chapter 1, Section 6 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 12-1-6. RESERVED.

SECTION 5. That Part II, Title 12, Chapter 1, Section 7, Subsection (B) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(B) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

- (2) *Civil.*

(a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's

Financial Services Department within five business days from the date of issuance.

(c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency and the assessment of an administrative fee.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 6. That Part II, Title 12, Chapter 1, Section 10 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 12-1-10. RESERVED.

SECTION 7. That Part II, Title 12, Chapter 1, Section 11, Subsection (G) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(G) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency and the assessment of an administrative fee.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.

5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 8. That Part II, Title 12, Chapter 1, Section 12, Subsection (D) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(D) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
 - (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.
- (4) *Injunctive Relief Authorized.* The City Attorney is authorized to seek injunctive relief against repeat violators of this section.

SECTION 9. That Part II, Title 12, Chapter 1, Section 13, Subsection (D) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(D) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Continuing to smoke in violation of this section constitutes an infraction, and the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00). Conviction of an infraction under this section has no consequence other than payment of a penalty. A person smoking in violation of this subsection may not be assessed court costs.
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

- (4) In addition to the penalties stated in subsections (D)(1) and (D)(2) above, a violation of this section by a city or GUC employee shall subject the employee to disciplinary action under the respective personnel policies of the city or GUC.
- (5) The Chief of Police, the City Manager, the GUC General Manager, or their designees are authorized to issue civil citations for violations of subsection (D)(2) above.

SECTION 10. That Part II, Title 12, Chapter 1, Sections 14 and 15 of the Code of Ordinances, City of Greenville are repealed and hereby replaced and amended to now read as follows:

SEC. 12-1-14 CONCEALED HANDGUNS PROHIBITED; LOCAL GOVERNMENT BUILDINGS, GROUNDS, AND RECREATIONAL FACILITIES.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply:

- (1) *City.* City of Greenville.
- (2) *Local government building.* A building, including any portion thereof owned, leased, operated, managed, or controlled by the city and, to the extent that the provisions of N.C.G.S. § 14-415.11(c)(8) do not apply, a building, including any portion thereof owned, leased, operated, managed, or controlled by any of the following:
 - (a) The Pitt-Greenville Airport or Pitt-Greenville Airport Authority.
 - (b) The Sheppard Memorial Library or Sheppard Memorial Library Board of Trustees.
 - (c) The Greenville Utilities Commission or GUC.
- (3) *Recreational facilities.* Only those recreational facilities owned, leased, operated, managed, or controlled by the city as follows:
 - (a) 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 city or other office responsible for operation of the park or recreational area.
 - (b) A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool.

- (c) A facility used for athletic events, including, but not limited to, a gymnasium.

Recreational facilities do not include any greenway, designated biking or walking path, an area that is customarily used as a walkway or bike path although not specifically designated for such use, open areas or fields where athletic events may occur unless the area qualifies as an “athletic field” as herein defined in subsection (2)(a) herein, and any other area that is not specifically described in subsection (2) herein.

(B) *Prohibition in local government buildings and appurtenant premises.* The carrying of a concealed handgun is prohibited, by the posting of signs approved indicating that the carrying of a concealed handgun is prohibited, in or on each local government building and the appurtenant premises to the local government building. The City Manager shall approve or cause to be posted appropriate signs in

(C) *Prohibition in recreational facilities.* The carrying of a concealed handgun is prohibited, by the posting of signs indicating that the carrying of a concealed handgun is prohibited, in or on the following specifically identified recreational facilities:

- (1) The recreational facilities at Andrew A. Best Freedom Park at 315 Oakdale Road;
- (2) The recreational facilities at the Bradford Creek Golf Course at 4950 Old Pactolus Road;
- (3) The recreational facilities at the Bradford Creek Soccer Complex at 4523 Old Pactolus Road;
- (4) The recreational facilities at the Greenville Community Pool at 2113 Myrtle Avenue;
- (5) The recreational facilities at the Greenville Aquatics and Fitness Center at 921 Staton Road;
- (6) The recreational facilities at Drew Steele Center, Elm Street Center, tennis courts, Stallings Stadium baseball field, Sara Vaughn Field of Dreams baseball field, shuffleboard courts, horseshoe pits and bocce courts at Elm Street Park at 1058 and 1055 South Elm Street;
- (7) The recreational facilities at Evans Park at 625 West Arlington Blvd;
- (8) The recreational facilities at Greenfield Terrace Park at 120 Park Access Road;

- (9) The recreational facilities at Guy Smith Stadium and at Guy Smith Park at 1000 Moye Boulevard;
- (10) The recreational facilities at the Boyd Lee Center at H. Boyd Lee Park at 5184 Corey Road;
- (11) The recreational facilities at Jaycee Park at 2000 Cedar Lane;
- (12) The recreational facilities at Matthew Lewis Park at West Meadowbrook at 900 Legion Street;
- (13) The recreational facilities at the Perkins complex at 1703 E. 14th Street;
- (14) The recreational facilities at River Park North at 1000 Mumford Road;
- (15) The recreational facilities at the South Greenville Recreation Center and at South Greenville Park at 851 Howell Street;
- (16) The recreational facilities at the Sports Connection at 1701 E. 14th Street;
- (17) The recreational facilities at the Eppes Recreation Center and at Thomas Foreman Park at 400 Nash Street;
- (18) The recreational facilities at Westhaven Park on Cedarhurst Drive; and
- (19) The recreational facilities at Woodlawn Park on Woodlawn Avenue.

(D) *Posting of signs required.* The signs as defined in subsections (B) and (C) of this section shall be approved by the City Manager and upon consultation with appropriate managers and staff shall be posted in a manner so as to be visible to the general public prior to entering the building, appurtenant premises, or recreational facilities as may be applicable.

(E) *Penalties.* A violation of subsections (B) or (C) may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

(F) *Persons excepted.* The provisions of this section shall not apply to the carrying of a concealed handgun by those persons enumerated in N.C.G.S. § 14-269(b).

(G) *Exemptions.*

- (1) Notwithstanding any other provision of this section, upon obtaining the appropriate permit required by law, the possession of a concealed handgun shall be permitted at a convention center owned, leased, managed, operated, or controlled by the city, by vendors or exhibitors at an event where the display, sale, or exhibition of handguns is permitted or by individuals who have or possess a handgun for the sole purpose of sale or trade at an event where the display, sale, or exhibition of handguns is permitted. Such persons shall be required to display their permit upon entrance into the convention center and have the handgun checked, inspected, and disabled upon entrance into the convention center.
- (2) Notwithstanding any other provision of this section, upon obtaining the appropriate permit required by law, the possession of a concealed handgun shall be permitted provided that the concealed handgun permittee secures the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle.

SEC. 12-1-15 RESERVED.

SECTION 11. That Part II, Title 12, Chapter 1, Section 17 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

SEC. 12-1-17. RESERVED.

SECTION 12. That Part II, Title 12, Chapter 1, Section 19, Subsection (D) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(D) *Civil Penalties.*

- (1) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

- (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (3) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency and the assessment of an administrative fee.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (4) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 13. That Part II, Title 12, Chapter 1, Section 20, of the Code of Ordinances, City of Greenville is amended by adding Subsection (E) to now read as follows:

(E) *Civil Penalties.*

- (1) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein

defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

- (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (3) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency and the assessment of an administrative fee.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (4) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 14. That Part II, Title 12, Chapter 2, Section 16, Subsection (A) of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

(A) *Appeal board; members.* The Appeal Board shall be constituted of three City employees who shall be authorized to hear and decide appeals in accordance with this section. One member shall be the Chief of Police or designee from the Police Department. The remaining two members shall be either the City Manager and a designee or two designees selected by the City Manager. There shall be an alternate member selected by the City Manager to serve on the Appeal

Board in the event of a conflict of interest. The APS Supervisor may not serve on the Appeal Board.

SECTION 15. That Part II, Title 12, Chapter 3, Article C., Section 23, Subsection (A) of the Code of Ordinances, City of Greenville is repealed and amended to now read as follows:

(A) It shall be unlawful for any person, without express permission or authority of the owner of the property, to deface with graffiti any governmental, commercial or residential property or any other real property or any personal property. In addition to or in lieu of any remedies available in this chapter or by other operation of law, any person violating any provision of this subsection shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00). Any individual defacing such property also shall be subject to prosecution for such offenses as found within the statutes of the State of North Carolina, including but not limited to restitution costs for abatement of the nuisance and damage to the property.

SECTION 16. That Part II, Title 12, Chapter 5, Section 4 of the Code of Ordinances, City of Greenville is amended by adding Subsection (F) to now read as follows:

(F) *Penalties.* Unless exempt pursuant to City Code § 12-5-6, a violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein

defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Appeals; payment of civil penalty; delinquency charge.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance. If the civil penalty is not timely paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance, the violator will be assessed an delinquency charge of an additional fifty dollars (\$50.00) for each 72-hour period thereafter upon nonpayment until paid in full.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction, including but not limited to nuisance abatement procedures.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
 6. The City Attorney, or his or her designee, is authorized to file suit on behalf of the city to collect any unpaid civil penalties and any delinquency charges, and the Police Chief, or his or her designee, is authorized to verify and sign complaints on behalf of the city in such suits. If litigation is required to recover the civil penalties and delinquency charges, the City Attorney or his or her designee in addition to the civil penalties and delinquency charges may recover

reasonable attorneys' fees and other costs incurred in bringing the action and collecting the judgment.

- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 17. That Part II, Title 12, Chapter 5, Section 5 of the Code of Ordinances, City of Greenville is amended by adding Subsection (C) to now read as follows:

(C) *Penalties.* Unless exempt pursuant to City Code § 12-5-6, a violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

- (2) *Civil.*

- (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Appeals; payment of civil penalty; delinquency charge.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance. If the civil penalty is not timely paid to and received by the revenue division of the City's Financial Services Department within five business days from the

date of issuance, the violator will be assessed an delinquency charge of an additional fifty dollars (\$50.00) for each 72-hour period thereafter upon nonpayment until paid in full.

(c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency and the assessment of an administrative fee.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction, including but not limited to nuisance abatement procedures.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
6. The City Attorney, or his or her designee, is authorized to file suit on behalf of the city to collect any unpaid civil penalties and any delinquency charges, and the Police Chief, or his or her designee, is authorized to verify and sign complaints on behalf of the city in such suits. If litigation is required to recover the civil penalties and delinquency charges, the City Attorney or his or her designee in addition to the civil penalties and delinquency charges may recover reasonable attorneys' fees and other costs incurred in bringing the action and collecting the judgment.

(3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 18. That Part II, Title 12, Chapter 5, Section 8 of the Code of Ordinances, City of Greenville is amended by adding Subsection (H) to now read as follows:

(H) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
 - (b) *Appeals; payment of civil penalty; delinquency charge.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance. If the civil penalty is not timely paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance, the violator will be assessed an delinquency charge of an additional fifty dollars (\$50.00) for each 72-hour period thereafter upon nonpayment until paid in full.
 - (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 1. A civil action in the nature of a debt.

2. The use of a collections agency and the assessment of an administrative fee.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction, including but not limited to nuisance abatement procedures.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
6. The City Attorney, or his or her designee, is authorized to file suit on behalf of the city to collect any unpaid civil penalties and any delinquency charges, and the Police Chief, or his or her designee, is authorized to verify and sign complaints on behalf of the city in such suits. If litigation is required to recover the civil penalties and delinquency charges, the City Attorney or his or her designee in addition to the civil penalties and delinquency charges may recover reasonable attorneys' fees and other costs incurred in bringing the action and collecting the judgment.

- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 19. That Part II, Title 12, Chapter 5, Section 9 of the Code of Ordinances, City of Greenville is amended by adding Subsection (E) to now read as follows:

(E) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Appeals; payment of civil penalty; delinquency charge.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance. If the civil penalty is not timely paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance, the violator will be assessed an delinquency charge of an additional fifty dollars (\$50.00) for each 72-hour period thereafter upon nonpayment until paid in full.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction, including but not limited to nuisance abatement procedures.

5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
6. The City Attorney, or his or her designee, is authorized to file suit on behalf of the city to collect any unpaid civil penalties and any delinquency charges, and the Police Chief, or his or her designee, is authorized to verify and sign complaints on behalf of the city in such suits. If litigation is required to recover the civil penalties and delinquency charges, the City Attorney or his or her designee in addition to the civil penalties and delinquency charges may recover reasonable attorneys' fees and other costs incurred in bringing the action and collecting the judgment.

- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 20. That Part II, Title 12, Chapter 5, Section 10 of the Code of Ordinances, City of Greenville is amended by adding Subsection (D) to now read as follows:

(D) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein

defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Appeals; payment of civil penalty; delinquency charge.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance. If the civil penalty is not timely paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance, the violator will be assessed an delinquency charge of an additional fifty dollars (\$50.00) for each 72-hour period thereafter upon nonpayment until paid in full.
- (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction, including but not limited to nuisance abatement procedures.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
 6. The City Attorney, or his or her designee, is authorized to file suit on behalf of the city to collect any unpaid civil penalties and any delinquency charges, and the Police Chief, or his or her designee, is authorized to verify and sign complaints on behalf of the city in such suits. If litigation is required to recover the civil penalties and delinquency charges, the City Attorney or his or her designee in addition to the civil penalties and delinquency charges may recover

reasonable attorneys' fees and other costs incurred in bringing the action and collecting the judgment.

- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 21. That Part II, Title 12, Chapter 5, Section 11 of the Code of Ordinances, City of Greenville is amended by adding Subsection (D) to now read as follows:

(D) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

- (2) *Civil.*

- (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Appeals; payment of civil penalty; delinquency charge.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance. If the civil penalty is not timely paid to and received by the revenue division of the City's Financial Services Department within five business days from the

date of issuance, the violator will be assessed an delinquency charge of an additional fifty dollars (\$50.00) for each 72-hour period thereafter upon nonpayment until paid in full.

(c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency and the assessment of an administrative fee.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction, including but not limited to nuisance abatement procedures.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
6. The City Attorney, or his or her designee, is authorized to file suit on behalf of the city to collect any unpaid civil penalties and any delinquency charges, and the Police Chief, or his or her designee, is authorized to verify and sign complaints on behalf of the city in such suits. If litigation is required to recover the civil penalties and delinquency charges, the City Attorney or his or her designee in addition to the civil penalties and delinquency charges may recover reasonable attorneys' fees and other costs incurred in bringing the action and collecting the judgment.

(3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 22. That Part II, Title 12, Chapter 5, Section 12 of the Code of Ordinances, City of Greenville is amended by adding Subsection (D) to now read as follows:

(D) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
 - (b) *Appeals; payment of civil penalty; delinquency charge.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance. If the civil penalty is not timely paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance, the violator will be assessed an delinquency charge of an additional fifty dollars (\$50.00) for each 72-hour period thereafter upon nonpayment until paid in full.
 - (c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 1. A civil action in the nature of a debt.

2. The use of a collections agency and the assessment of an administrative fee.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction, including but not limited to nuisance abatement procedures.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
6. The City Attorney, or his or her designee, is authorized to file suit on behalf of the city to collect any unpaid civil penalties and any delinquency charges, and the Police Chief, or his or her designee, is authorized to verify and sign complaints on behalf of the city in such suits. If litigation is required to recover the civil penalties and delinquency charges, the City Attorney or his or her designee in addition to the civil penalties and delinquency charges may recover reasonable attorneys' fees and other costs incurred in bringing the action and collecting the judgment.

- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.

SECTION 23. That Part II, Title 12, Chapter 5, Section 13 is repealed and replaced by the following Section:

SEC. 12-5-13 ENFORCEMENT; ORAL NOTICE ALLOWED BUT NOT REQUIRED.

(A) *Enforcement authorized.* In addition to any employee authorized by the City Manager to enforce the provisions of this chapter and take any civil enforcement action as herein stated for any violations of this chapter, a police officer is hereby authorized to enforce the provisions of this chapter and may take any enforcement action as herein stated for any violations of this chapter.

(B) *Oral notice to abate the noise allowed; not mandatory.* When it is reasonable and practical to do so, a person believed to be violating any portion of this chapter may, but is not required to be given an oral notice to cease or abate the noise immediately, or as soon as is reasonable or practical, prior to being charged with a violation. If the oral notice to cease or abate the noise is not complied with, the person or persons responsible for the violation may be charged with a violation of this chapter.

SECTION 24. That Part II, Title 12, Chapter 7 of the Code of Ordinances, City of Greenville is repealed in its entirety.

SECTION 25. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 26. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

SECTION 27. This ordinance will become effective upon passage.

This the _____ day of _____, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk



City of Greenville, North Carolina

Meeting Date: 06/08/2023

Title of Item: Ordinances Adopting the Fiscal Year 2023-24 City of Greenville Budgets Including Sheppard Memorial Library, the Pitt-Greenville Convention & Visitors Authority and Greenville Utilities Commission

Explanation: Attached are the Fiscal Year 2023-24 budget ordinances for the City of Greenville (including Sheppard Memorial Library and Pitt-Greenville Convention & Visitors Authority) and Greenville Utilities Commission. The ordinances establish the Fiscal Year 2023-24 budgets.

In compliance with Section 160A-148(5) of the North Carolina General Statutes, the City Council will hold a public hearing tonight, and consider adopting the annual budget ordinance on Thursday, June 8. In summary, the Proposed City Operating Budget for Fiscal Year 2022-23 stands at approximately \$160.5 million with the General Fund comprising approximately 63% of the total.

Fiscal Note: The City of Greenville Fiscal Year 2023-24 budget ordinance for the City's operating funds provide revenues and appropriations for the following:

General	\$101,539,765
Debt Service	6,863,408
Public Transportation (Transit)	3,703,887
Fleet Maintenance	6,279,940
Sanitation	9,248,904
Stormwater Utility	11,833,273
Housing	1,975,598
Health	14,258,648
Vehicle Replacement	3,601,408
Facilities Improvement	1,200,000

The City of Greenville's Fiscal Year 2023-24 budget ordinance also includes revenues and appropriation for Sheppard Memorial Library and Pitt-Greenville Convention and Visitors Authority as follows:

Sheppard Memorial Library Fund	2,810,296
Pitt-Greenville Convention & Visitors Authority	1,894,317

The Greenville Utilities Commission's Fiscal Year 2023-24 budget ordinance provides revenues and appropriations for the following:

Operating Revenues	294,532,670
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Recommendation: Approval of budget ordinances for the Fiscal Year 2023-24 inclusive of reimbursement resolutions associated with budget amendments.

ATTACHMENTS

-  [COG_2024_Budget_Ordinance \(2\).XLSX](#)
-  [2024_Budget_Charts_ORIGINAL__.cleaned.pdf](#)
-  [GUC 2024 Ordinance.pdf](#)

ORDINANCE NO. 23-
CITY OF GREENVILLE, NORTH CAROLINA
2023-2024 BUDGET ORDINANCE

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES ORDAIN:

Section I: Estimated Revenue. It is estimated that the following revenues will be available for the City of Greenville during the fiscal year beginning July 1, 2023 and ending June 30, 2024:

GENERAL FUND		
Unrestricted Intergovernmental Revenues:		
Ad Valorem Taxes		
Current Year Taxes - Operations	\$ 40,104,941	
Prior Year's Taxes and Penalties	(415,736)	
Subtotal		39,689,205
Sales Tax	\$ 30,616,976	
Rental Vehicle Gross Receipts	176,125	
Video Programming & Telecommunication Services Tax	738,769	
Utilities Franchise Tax	6,896,611	
Motor Vehicle Tax	1,705,845	
Other Unrestricted Intergovernmental Revenues	871,145	
Subtotal		41,005,471
Restricted Intergovernmental Revenues:		
Restricted Intergovernmental Revenues	\$ 598,603	
Powell Bill - State allocation payment	2,390,610	
Subtotal		2,989,213
Licenses, Permits, & Fees:		
Other Licenses, Permits & Fees	\$ 4,728,426	
Subtotal		4,728,426
Sales and Services:		
Rescue Service Transport	\$ 3,200,000	
Parking Violation Penalties	275,000	
Leased Parking & Meters	25,000	
Subtotal		3,500,000
Other Revenues:		
Sale of Property	\$ -	
Other Revenues Sources	1,236,918	
Subtotal		1,236,918
Investment Earnings:		
Interest on Investments	\$ 750,000	
Subtotal		750,000
Other Financing Sources:		
Transfer from FEMA Fund	\$ -	
Transfer from Greenville Utilities Commission	7,140,532	
Subtotal		7,140,532
Fund Balance Appropriated:		
Appropriated Fund Balance - General	\$ 500,000	
Appropriated Fund Balance - Powell Bill	-	
Subtotal		500,000
TOTAL GENERAL FUND REVENUES		101,539,765

DEBT SERVICE FUND		
Occupancy Tax	\$	659,650
Transfer from General Fund		<u>6,203,758</u>
TOTAL DEBT SERVICE FUND		<u>\$ 6,863,408</u>
PUBLIC TRANSPORTATION FUND		
Grant Income	\$	2,584,993
Bus Fare / Ticket Sales		289,500
Other Revenues		57,500
Transfer from General Fund		<u>771,894</u>
TOTAL TRANSPORTATION FUND		<u>\$ 3,703,887</u>
FLEET MAINTENANCE FUND		
Fuel Markup	\$	2,097,350
Labor Fees		1,716,890
Parts Markup		1,622,650
Commercial Labor Markup		799,670
Other Revenue Sources		<u>43,380</u>
TOTAL FLEET MAINTENANCE FUND		<u>\$ 6,279,940</u>
SANITATION FUND		
Refuse Fees	\$	8,448,000
Cart and Dumpster		229,200
Other Revenues		100,700
Appropriated Fund Balance		<u>471,004</u>
TOTAL SANITATION FUND		<u>\$ 9,248,904</u>
STORMWATER MANAGEMENT UTILITY FUND		
Utility Fee	\$	9,652,814
Appropriated Fund Balance		<u>2,180,459</u>
TOTAL STORMWATER MANAGEMENT UTILITY FUND		<u>\$ 11,833,273</u>
COMMUNITY DEVELOPMENT HOUSING FUND		
CDBG Grant Income	\$	1,037,668
HOME Grant Income		565,103
Transfer from General Fund		<u>372,827</u>
TOTAL COMMUNITY DEVELOPMENT HOUSING FUND		<u>\$ 1,975,598</u>
HEALTH FUND		
Employer Contributions - City of Greenville	\$	9,397,836
Employee Contributions - City of Greenville		1,646,123
Retiree Contributions - City of Greenville		1,327,544
Other Agencies		1,103,731
Other Revenues		4,246
Insurance Company Refund/Reimbursement		240,000
Appropriated Fund Balance		<u>539,168</u>
TOTAL HEALTH FUND		<u>\$ 14,258,648</u>

FACILITIES IMPROVEMENT FUND		
Transfer from General Fund	\$	1,200,000
		<u>1,200,000</u>
TOTAL FACILITIES IMPROVEMENT FUND		<u>\$ 1,200,000</u>
VEHICLE REPLACEMENT FUND		
Sale of Property	\$	-
Transfer from City Departments		3,601,408
Appropriated Fund Balance		<u>-</u>
TOTAL VEHICLE REPLACEMENT FUND		<u>\$ 3,601,408</u>
CAPITAL RESERVE FUND		
Transfer from General Fund	\$	-
		<u>-</u>
TOTAL CAPITAL RESERVE FUND		<u>\$ -</u>
TOTAL ESTIMATED CITY OF GREENVILLE REVENUES		<u>\$ 160,504,831</u>
SHEPPARD MEMORIAL LIBRARY FUND		
City of Greenville	\$	1,408,535
Pitt County		659,545
Pitt County-Bethel/Winterville		12,000
Town of Bethel		21,108
Town of Winterville		171,768
State Aid		202,972
Desk/Copier Receipts		53,800
Interest Income		12,000
Other Revenues		11,000
Greenville Housing Authority		13,261
Grant - LSTA Planning Grant		26,667
Capital Projects		53,333
SML Fund Balance & Capital		<u>136,136</u>
TOTAL SHEPPARD MEMORIAL LIBRARY FUND		<u>\$ 2,782,125</u>
PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY FUND		
Occupancy Tax (2%)	\$	902,488
Occupancy Tax (1%)		451,245
Capital Reserve		300,000
Investment Earnings		584
Appropriated Fund Balance		-
County ARPA Funds		<u>240,000</u>
TOTAL PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY FUND		<u>\$ 1,894,317</u>

Section II: Appropriations. The following amounts are hereby appropriated for the operation of the City of Greenville and its activities for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

GENERAL FUND

Mayor & City Council	\$	606,254
City Manager		3,268,730
City Clerk		385,555
City Attorney		730,320
Human Resources		3,491,983
Information Technology		4,207,039
Engineering		5,615,199
Fire/Rescue		18,059,779
Financial Services		3,132,994
Police		29,561,371
Recreation & Parks		8,925,004
Public Works		7,033,927
Planning and Development		2,701,160
Neighborhood & Business Services		1,211,340
Other Post Employment Benefits		700,000
Contingency		40,000
Transfer to Other Funds		13,819,997
Indirect Cost Reimbursement		(1,950,887)
TOTAL GENERAL FUND	\$	<u>101,539,765</u>

DEBT SERVICE FUND

Debt Service	\$	6,863,408
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PUBLIC TRANSPORTATION FUND

Public Transportation	\$	3,703,887
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FLEET MAINTENANCE FUND

Fleet Maintenance	\$	6,279,940
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SANITATION FUND

Sanitation Service	\$	9,248,904
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STORMWATER MANAGEMENT UTILITY FUND

Stormwater Management \$ 11,833,273

COMMUNITY DEVELOPMENT HOUSING FUND

Community Development Housing / CDBG \$ 1,975,598

HEALTH FUND

Health Fund \$ 14,258,648

FACILITIES IMPROVEMENT FUND

Facilities Improvement Fund \$ 1,200,000

VEHICLE REPLACEMENT FUND

Vehicle Replacement Fund \$ 3,601,408

CAPITAL RESERVE FUND

Transfer from General Fund	\$ -	
TOTAL CAPITAL RESERVE FUND		\$ -

TOTAL CITY OF GREENVILLE APPROPRIATIONS \$ 160,504,831

SHEPPARD MEMORIAL LIBRARY FUND

Sheppard Memorial Library \$ 2,782,125

PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY FUND

Pitt-Greenville Convention and Visitors Authority \$ 1,894,317

Section III: Encumbrances. Appropriations herein authorized and made shall have the amount of outstanding purchase orders of June 30, 2023, added to each appropriation as it appears in order to account for the expenditures in the fiscal year in which it was paid.

Section IV: Taxes Levied. There is hereby levied a tax rate of 48.95 cents per one hundred dollars (\$100) valuation of taxable properties, as listed for taxes as of January 1, 2024 as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section V: Salaries.

(a) Salaries of Elected Officials. The annual salaries of the Mayor, Mayor Pro-Tem, and other members of the City Council shall be as follows:

Mayor	\$	13,900
Mayor Pro-Tem	\$	9,600
Council Members	\$	8,700

(b) Salary Cap of Greenville Utilities Commission Members. Pursuant to Section 4 of the Charter of the Greenville Utilities Commission of the City of Greenville, the monthly salaries of the members of the Greenville Utilities Commission shall not exceed the following caps:

Chair	\$	350
Member	\$	200

Section VI: Amendments

(a) Pursuant to the General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the City Manager is authorized to transfer funds from one appropriation to another within the same fund in an amount not to exceed \$10,000. Any such transfers shall be reported to the City Council at its regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the City Manager may authorize expenditures in an amount necessary to meet the emergency so long as such amount does not exceed the amount in contingency accounts and the expenditure is reported to the City Council as soon as possible, and the appropriate budget amendments are submitted at the next regular meeting.

Section VII: The Manual of Fees, dated July 1, 2023, is adopted herein by reference.

Section VIII: Motor Vehicle Tax.

(a) Pursuant to provisions of General Statute 20-97 (b1) and Section 10-3-1 of the Code of Ordinances, City of Greenville, an annual motor vehicle tax in the amount of thirty dollars (\$30) is hereby levied upon any vehicle resident in the city.

Section IX: Community Development. The City Council does hereby authorize grant project funds for the operation of FY 2023-2024 CDBG Entitlement and Community Development Home Consortium programs under the Community Development Block Grant and Home Investment Partnership Program for the primary purpose of housing rehabilitation and other stated expenditures.

Section X: Greenville Utilities Commission. The City Council adopts a separate ordinance for the budget of the Greenville Utilities Commission.

Section XI: Distribution. Copies of this ordinance shall be furnished to the City Manager and Director of Financial Services of the City of Greenville to be kept on file by them for their direction in disbursement of funds.

ADPOTED this the 8th day of June, 2023.

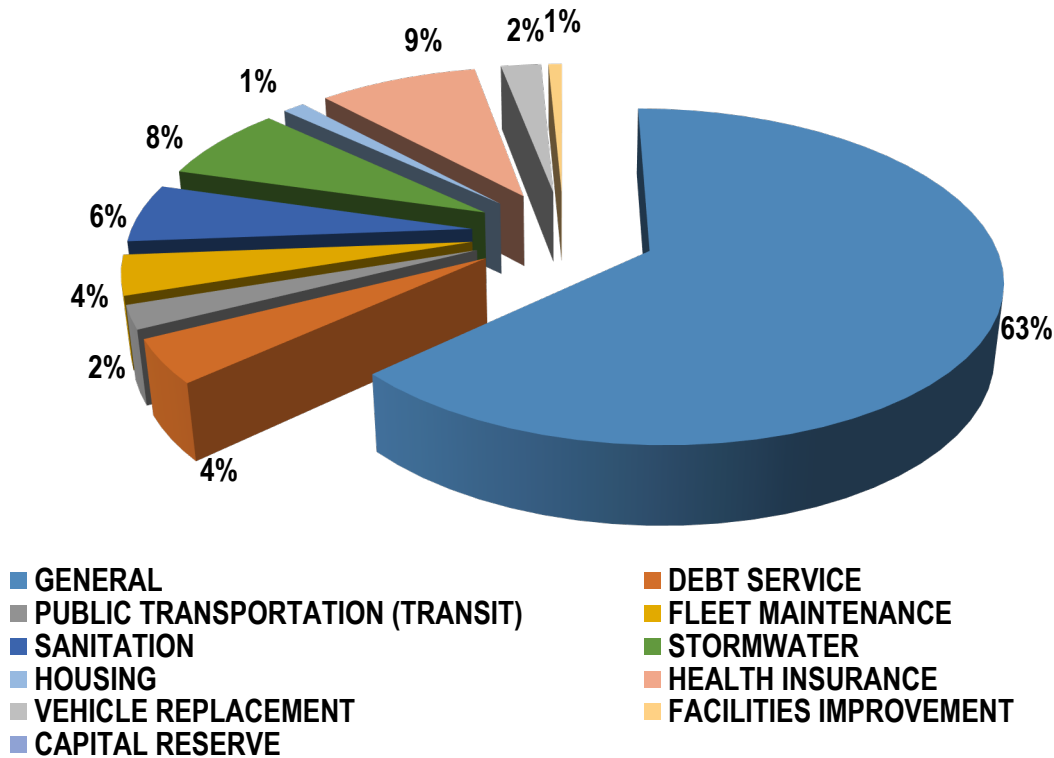
P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

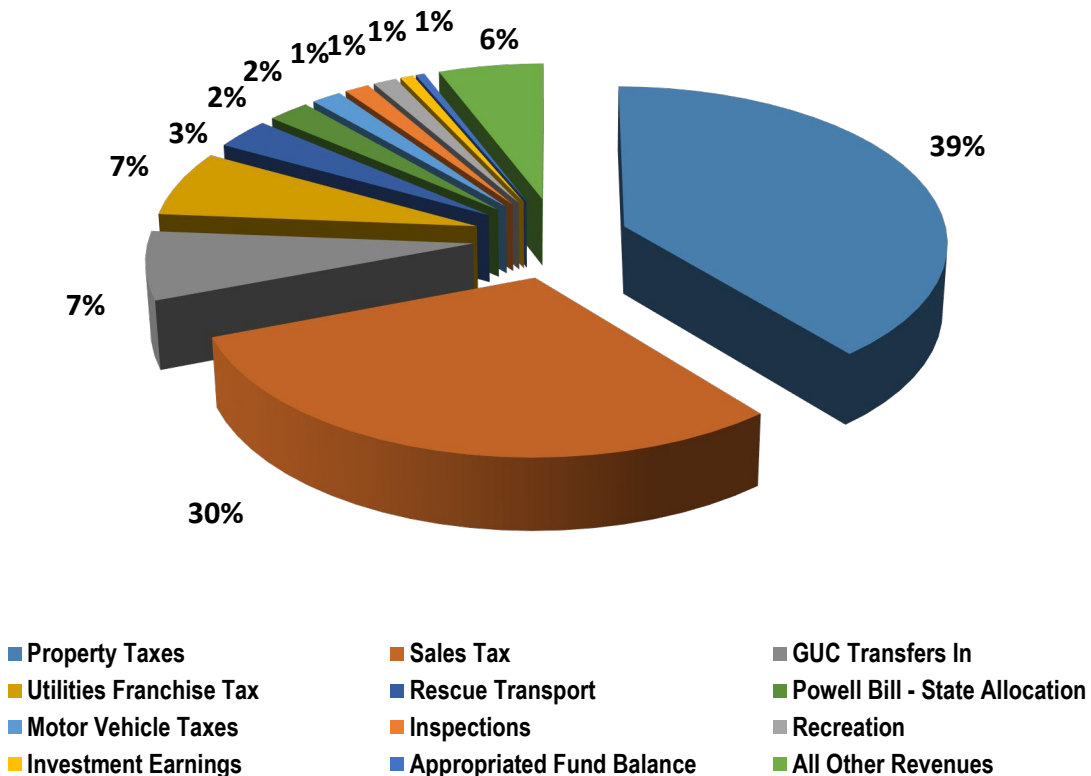
CITY MANAGED FUNDS FOR FISCAL YEAR 2024 BUDGET

FUND	2020 ORIGINAL	2021 ORIGINAL	2022 ORIGINAL	2023 ORIGINAL	2024 PROPOSED
GENERAL	\$ 85,687,681	\$ 81,014,084	\$ 89,677,021	\$ 95,165,572	\$ 101,539,765
DEBT SERVICE	5,559,881	5,943,531	6,971,244	6,322,622	6,863,408
PUBLIC TRANSPORTATION (TRANSIT)	3,288,032	3,230,676	3,264,114	3,485,714	3,703,887
FLEET MAINTENANCE	4,561,394	4,923,234	5,295,550	5,203,116	6,279,940
SANITATION	7,895,860	7,863,853	8,040,606	8,387,480	9,248,904
STORMWATER	7,368,459	7,559,820	8,760,601	8,535,490	11,833,273
HOUSING	1,733,500	1,852,166	1,884,784	2,054,247	1,975,598
HEALTH INSURANCE	14,003,384	13,757,908	14,258,648	14,009,056	14,258,648
VEHICLE REPLACEMENT	4,700,179	2,051,643	4,837,486	5,153,938	3,601,408
FACILITIES IMPROVEMENT	1,280,000	232,456	1,000,000	1,000,000	1,200,000
CAPITAL RESERVE	390,000	-	-	-	-
TOTAL CITY MANAGED FUNDS	\$ 136,468,370	\$ 128,429,371	\$ 143,990,054	\$ 149,317,235	\$ 160,504,831



GENERAL FUND REVENUE SUMMARY

REVENUE SOURCE	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
PROPERTY TAXES	\$ 34,250,807	\$ 36,325,825	\$ 37,445,803	\$ 38,030,400	\$ 39,689,205
SALES TAXES	20,465,509	24,555,870	27,248,610	26,935,346	30,616,976
GUC TRANSFERS IN	6,683,670	6,582,187	6,746,792	7,074,328	7,140,532
UTILITIES FRANCHISE TAX	6,832,754	6,612,710	6,625,128	6,828,328	6,896,611
RESCUE TRANSPORT	3,182,772	2,447,717	3,990,787	3,200,000	3,200,000
POWELL BILL - STATE ALLOCATION	2,174,190	2,124,843	2,390,611	2,123,924	2,390,610
MOTOR VEHICLE TAXES	1,577,823	1,713,410	1,675,940	1,746,059	1,705,845
INSPECTIONS	1,629,682	1,867,697	1,696,712	1,262,437	1,399,868
RECREATION	888,220	769,136	1,300,854	1,060,800	1,335,773
INVESTMENT EARNINGS	1,755,767	114,490	(1,006,916)	742,690	750,000
ALL OTHER REVENUES	7,402,954	6,707,962	6,725,217	6,011,260	5,914,345
SUBTOTAL	\$ 86,844,147	\$ 89,821,846	\$ 94,839,538	\$ 95,015,572	\$ 101,039,765
APPROPRIATED FUND BALANCE					
GENERAL FUND	-	-	-	150,000	500,000
POWELL BILL	-	-	-	-	-
TOTAL	\$ 86,844,147	\$ 89,821,846	\$ 94,839,538	\$ 95,165,572	\$ 101,539,765



**GENERAL FUND
REVENUE DETAIL**

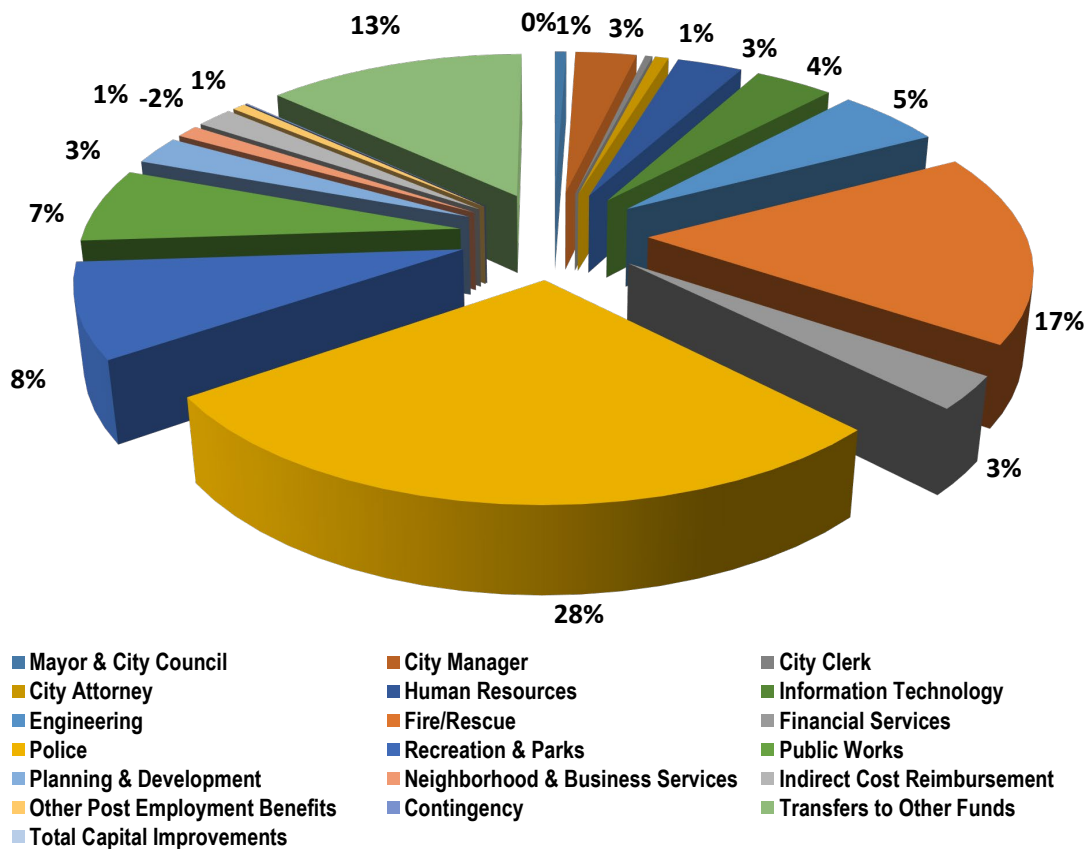
REVENUE SOURCE	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
UNRESTRICTED INTERGOVERNMENTAL					
PROPERTY TAXES					
CURRENT YEAR TAXES	\$ 31,627,826	\$ 32,932,254	\$ 33,794,616	\$ 34,397,766	\$ 35,640,721
MOTOR VEHICLE TAXES	3,335,397	3,881,438	4,057,732	3,790,218	4,464,220
PRIOR YEAR TAXES	151,138	84,306	114,895	250,000	-
TAX INTEREST & PENALTIES	129,412	105,404	134,251	137,873	140,630
TAX DISCOUNTS	(538,943)	(598,546)	(499,299)	(453,403)	(462,471)
TAX REFUNDS	(454,023)	(79,032)	(156,320)	(92,054)	(93,895)
SUBTOTAL	\$ 34,250,807	\$ 36,325,825	\$ 37,445,875	\$ 38,030,400	\$ 39,689,205
OTHER UNRESTRICTED GOVERNMENTAL					
SALES TAXES	\$ 20,465,509	\$ 24,555,870	\$ 27,248,610	\$ 26,935,346	\$ 30,616,976
RENTAL VEHICLE - GROSS RECEIPTS	162,110	207,687	228,982	176,125	176,125
VIDEO PROGRAM & SUPPLEMENTAL PEG	772,501	763,093	730,647	793,717	738,769
MOTOR VEHICLE FEE	1,577,823	1,713,410	1,675,940	1,746,059	1,705,845
PAYMENT IN LIEU OF TAXES	55,196	68,758	72,115	64,512	64,512
STATE FIRE PROTECTION	401,174	391,893	390,076	413,952	413,952
UTILITIES FRANCHISE TAX	6,832,754	6,612,710	6,625,128	6,828,328	6,896,611
BEER & WINE	392,527	392,625	354,087	392,681	392,681
SUBTOTAL	\$ 30,659,595	\$ 34,706,046	\$ 37,325,584	\$ 37,350,720	\$ 41,005,471
RESTRICTED INTERGOVERNMENTAL					
TRAFFIC CONTROL LIGHTS MAINTENANCE	\$ -	\$ 803,430	\$ 187,151	\$ 217,693	\$ 217,693
STREET SWEEPER AGREEMENT	25,035	25,035	25,035	25,035	25,035
POWELL BILL STATE ALLOCATION	2,174,190	2,124,843	2,390,611	2,123,924	2,390,610
SECTION 104 F PLANNING GRANT MPO	323,974	278,660	168,307	222,873	355,875
SUBTOTAL	\$ 2,523,198	\$ 3,231,968	\$ 2,771,104	\$ 2,589,525	\$ 2,989,213
LICENSES, PERMITS & FEES					
INSPECTION DIVISION PERMITS	1,629,682	1,867,697	1,696,712	1,262,437	1,399,868
PLANNING FEES	109,806	159,200	181,325	138,900	138,900
RECREATION DEPARTMENT ACTIVITY FEES	888,220	769,136	1,300,854	1,060,800	1,335,773
POLICE FEES	1,895,905	1,715,625	1,938,328	1,631,850	1,606,150
ENGINEERING FEES	65,385	915	38,785	22,600	22,600
FIRE/RESCUE FEES	219,440	236,579	262,286	225,135	225,135
SUBTOTAL	\$ 4,808,437	\$ 4,749,152	\$ 5,418,289	\$ 4,341,722	\$ 4,728,426
SALES & SERVICES					
RESCUE SERVICE TRANSPORT	\$ 3,182,772	\$ 2,869,000	\$ 3,990,787	\$ 3,200,000	\$ 3,200,000
LEASED PARKING & METERS	358,842	350,697	339,694	378,697	25,000
PARKING VIOLATIONS	137,859	208,987	193,831	275,000	275,000
SUBTOTAL	\$ 3,679,473	\$ 3,428,684	\$ 4,524,312	\$ 3,853,697	\$ 3,500,000
OTHER REVENUES					
SALE OF PROPERTY	\$ 6,775	\$ -	\$ -	\$ -	\$ -
OTHER REVENUES	1,279,265	683,493	1,614,498	1,032,490	1,236,918
SUBTOTAL	\$ 1,286,040	\$ 683,493	\$ 1,614,498	\$ 1,032,490	\$ 1,236,918

**GENERAL FUND
REVENUE DETAIL**

REVENUE SOURCE	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
INVESTMENT EARNINGS					
INVESTMENT EARNINGS	\$ 1,755,767	\$ 114,490	\$ (1,006,916)	\$ 742,690	\$ 750,000
OTHER FINANCING SOURCES					
TRANSFER IN GUC	\$ 6,683,670	\$ 6,582,187	\$ 6,746,792	\$ 7,074,328	\$ 7,140,532
TRANSFER FROM HOUSING	-	-	-	-	-
TRANSFER FROM SANITATION	-	-	-	-	-
TRANSFER FROM STORMWATER	-	-	-	-	-
OTHER TRANSFERS	1,197,160	-	-	-	-
SUBTOTAL	\$ 7,880,830	\$ 6,582,187	\$ 6,746,792	\$ 7,074,328	\$ 7,140,532
FUND BALANCE APPROPRIATED					
APPROPRIATED FUND BALANCE - GENERAL	-	-	-	150,000	500,000
APPROPRIATED FUND BALANCE - POWELL BILL	-	-	-	-	-
SUBTOTAL	\$ -	\$ -	\$ -	\$ 150,000	\$ 500,000
GENERAL FUND REVENUE TOTAL	\$ 86,844,147	\$ 89,821,846	\$ 94,839,538	\$ 95,165,572	\$ 101,539,765

GENERAL FUND EXPENSE BY DEPARTMENT

DEPARTMENT	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
MAYOR & CITY COUNCIL	\$ 587,162	\$ 400,938	\$ 521,459	\$ 503,926	\$ 606,254
CITY MANAGER	2,560,885	2,669,460	2,694,008	2,950,567	3,268,730
CITY CLERK	248,828	211,863	305,418	362,930	385,555
CITY ATTORNEY	490,874	566,882	643,118	686,116	730,320
HUMAN RESOURCES	3,171,448	3,028,197	3,134,129	4,383,855	3,491,983
INFORMATION TECHNOLOGY	3,191,909	2,824,369	3,055,009	3,533,373	4,207,039
ENGINEERING	4,222,826	4,698,588	4,686,423	5,021,147	5,615,199
FIRE/RESCUE	13,722,127	15,041,336	17,195,047	17,360,824	18,059,779
FINANCIAL SERVICES	2,486,777	2,688,484	2,768,888	2,844,749	3,132,994
POLICE	25,997,198	24,713,878	26,895,762	27,665,488	29,561,371
RECREATION & PARKS	7,184,198	6,541,020	7,227,702	7,905,239	8,925,004
PUBLIC WORKS	5,991,418	6,233,674	5,923,696	5,547,691	7,033,927
PLANNING & DEVELOPMENT	2,848,841	2,821,575	3,224,875	3,384,929	2,701,160
NEIGHBORHOOD & BUSINESS SERVICES	-	-	-	-	1,211,340
TOTAL BY DEPARTMENT	\$ 72,704,491	\$ 72,440,264	\$ 78,275,536	\$ 82,150,834	\$ 88,930,655
INDIRECT COST REIMBURSEMENT	\$ (1,369,019)	\$ (1,350,453)	\$ (1,350,453)	\$ (1,950,887)	\$ (1,950,887)
OTHER POST EMPLOYMENT BENEFITS	700,000	800,000	600,000	700,000	700,000
CONTINGENCY	-	-	-	100,000	40,000
TOTAL EXPENSES BY DEPARTMENT	\$ 72,035,472	\$ 71,889,811	\$ 77,525,083	\$ 80,999,947	\$ 87,719,768
TRANSFERS TO OTHER FUNDS	\$ 13,167,334	\$ 17,065,754	\$ 14,062,474	\$ 13,691,607	\$ 13,819,997
TOTAL CAPITAL IMPROVEMENTS	28,083	-	-	474,018	-
TOTAL GENERAL FUND	\$ 85,230,889	\$ 88,955,565	\$ 91,587,557	\$ 95,165,572	\$ 101,539,765



**GENERAL FUND
EXPENSE DETAIL**

EXPENSE TYPE	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
PERSONNEL					
REGULAR-SALARIES	\$ 34,822,674	\$ 33,523,445	\$ 35,557,484	\$ 38,762,485	\$ 42,463,285
OVERTIME-SALARIES	1,646,893	1,279,991	1,948,782	1,530,000	1,791,970
OFF-DUTY	410,766	383,366	381,036	295,000	295,000
ALLOWANCES	560,579	576,273	716,133	631,480	635,101
FICA	2,739,481	2,710,672	2,858,665	2,484,772	2,775,219
RETIREMENT	3,286,613	3,679,242	4,373,568	4,425,549	4,940,288
HEALTH INSURANCE	7,011,118	9,103,577	9,131,736	9,225,041	9,591,450
GROUP LIFE INSURANCE	66,059	57,110	57,639	58,291	60,071
WORKERS COMPENSATION	424,594	453,843	529,025	893,500	699,000
EDUCATION/TRAINING PROGRAM	46,945	47,445	26,754	33,026	33,026
401K RETIREMENT	1,016,855	1,012,047	1,017,765	1,000,635	993,801
OTHER PERSONNEL EXPENSES	541,008	514,410	621,240	302,419	302,507
PERSONNEL TOTAL	\$ 52,573,586	\$ 53,341,421	\$ 57,219,828	\$ 59,642,198	\$ 64,580,718
OPERATING					
ADVERTISING	\$ 87,026	\$ 110,211	\$ 95,597	\$ 107,166	\$ 108,166
BUILDING MAINTENANCE	263,147	276,184	274,690	310,040	312,540
COMPUTER HARDWARE	188,064	159,191	338,941	353,325	437,691
COMPUTER SOFTWARE	486,894	1,236,007	1,498,119	2,030,715	2,458,530
CONTINGENCY	-	-	-	100,000	40,000
CONTRACTED SERVICES	5,917,228	4,306,332	4,312,109	4,210,667	3,831,099
COPIER MAINTENANCE	51,765	48,300	45,205	77,835	80,308
DUES & SUBSCRIPTIONS	218,129	150,459	191,660	212,928	225,197
ELECTIONS	74,046	-	40,012	-	89,909
EQUIPMENT MAINTENANCE	61,742	83,714	66,920	116,458	116,458
FLEET LABOR	1,113,328	580,894	675,697	1,204,840	1,438,892
FLEET SERVICE COST-FIXED	1,063,254	1,038,265	1,538,993	1,586,630	1,586,630
FUEL	602,782	550,803	944,831	1,330,263	960,053
GENERAL INSURANCE LIABILITY	1,136,398	1,364,186	1,272,530	913,000	1,035,000
LAUNDRY & CLEANING	36,705	4,726	6,648	10,000	10,000
OPEB	700,000	800,000	600,000	700,000	700,000
OTHER EXPENSE	754,683	1,135,867	1,483,283	545,275	1,675,894
POSTAGE	54,641	32,827	21,116	45,000	40,000
PRINTING	49,711	24,851	27,345	49,657	47,707
PROFESSIONAL SERVICES	26,063	59,397	54,281	17,891	37,891
PROPERTY & CASUALTY LOSS	46,921	104,302	114,184	700,000	712,000
RADIO MAINTENANCE	177,250	63,868	117,745	250,000	-
STREET LIGHTS	1,714,084	1,860,006	2,009,171	1,850,000	1,850,000
SUPPLIES & MATERIALS	1,902,584	1,628,356	2,133,221	2,376,399	2,528,545
TELEPHONE	328,212	309,848	244,238	321,960	312,590
TRAVEL/TRAINING	275,815	72,260	287,202	411,966	375,061
UNIFORMS	302,911	226,275	252,637	298,503	319,463
UTILITIES	1,187,733	900,406	931,954	1,384,878	1,284,878
VEHICLE MAINTENANCE	605,399	522,779	598,197	591,750	869,930
OPERATING TOTAL	\$ 19,426,514	\$ 17,650,313	\$ 20,176,526	\$ 22,107,146	\$ 23,484,432

**GENERAL FUND
EXPENSE DETAIL**

EXPENSE TYPE	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
CAPITAL					
CAPITAL OUTLAY/CAPITAL IMPROVEMENTS	\$ 1,432,474	\$ 2,248,530	\$ 1,479,181	\$ 1,675,508	\$ 1,605,505
CAPITAL TOTAL	\$ 1,432,474	\$ 2,248,530	\$ 1,479,181	\$ 1,675,508	\$ 1,605,505
TRANSFERS					
FACILITIES IMPROVEMENT PROGRAM	\$ 1,180,000	\$ 1,050,000	\$ 1,280,000	\$ 1,200,000	\$ 1,200,000
STREET IMPROVEMENT PROGRAM	2,750,000	2,625,000	3,025,000	3,050,000	2,900,000
DEBT SERVICE FUND	4,819,754	5,199,820	5,103,413	6,322,622	6,863,408
SHEPPARD MEMORIAL LIBRARY	1,308,057	1,407,300	1,367,510	1,408,535	1,461,868
HOUSING	319,125	328,695	328,695	338,556	372,827
TRANSIT	790,551	-	4,319	771,894	771,894
CAPITAL RESERVE	806,882	2,205,587	-	-	-
OTHER TRANSFERS	1,192,965	4,249,352	2,953,537	600,000	250,000
TRANSFERS TOTAL	\$ 13,167,335	\$ 17,065,754	\$ 14,062,474	\$ 13,691,607	\$ 13,819,997
INDIRECT COST REIMBURSEMENT	\$ (1,369,019)	\$ (1,350,453)	\$ (1,350,453)	\$ (1,950,887)	\$ (1,950,887)
EXPENSE TOTAL	\$ 85,230,889	\$ 88,955,565	\$ 91,587,557	\$ 95,165,572	\$ 101,539,765

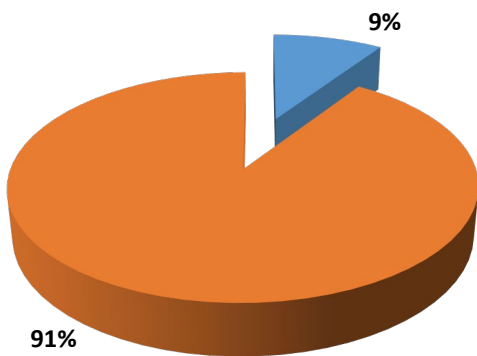
DEBT SERVICE FUND FOR FISCAL YEAR 2024 BUDGET

The Debt Service Fund accounts for the payment of the City's debt. When payments are due, the General Fund transfers the needed funds into this fund for payment.

SUMMARY OF REVENUES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
OCCUPANCY TAX	\$ 813,723	\$ 783,890	\$ 646,455	\$ 684,958	\$ 659,650
TRANSFER FROM POWELL BILL	-	-	-	-	-
TRANSFER FROM GENERAL FUND	4,819,754	5,199,820	6,286,286	5,637,664	6,203,758
INVESTMENT EARNINGS	48,481	673	-	-	-
TOTAL	\$ 5,681,958	\$ 5,984,383	\$ 6,932,741	\$ 6,322,622	\$ 6,863,408

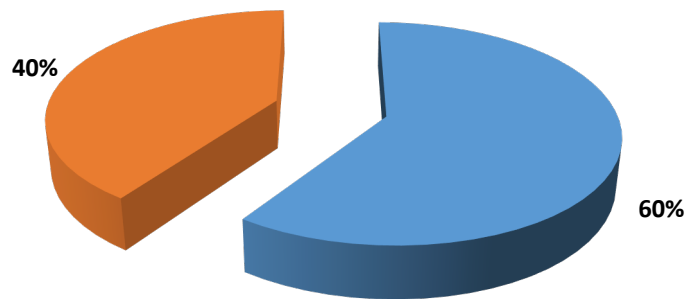
SUMMARY OF EXPENSES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
PRINCIPAL PAYMENTS	\$ 4,444,501	\$ 4,341,468	\$ 4,157,530	\$ 4,169,339	\$ 5,237,916
INTEREST PAYMENTS	968,576	903,434	2,813,714	2,153,283	1,625,492
CLOSING COSTS	11,919	11,758	-	-	-
TRANSFERS OUT	-	1,203,510	-	-	-
TOTAL	\$ 5,424,996	\$ 6,460,170	\$ 6,971,244	\$ 6,322,622	\$ 6,863,408

DEBT SERVICE REVENUE



■ Occupancy Tax ■ Transfer from General Fund

DEBT SERVICE EXPENSE



■ Principal Payments ■ Interest Payments

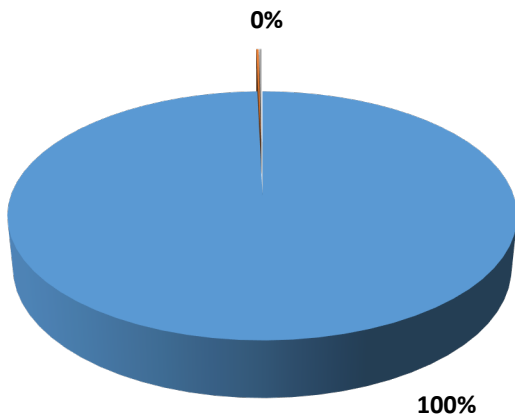
PUBLIC TRANSPORTATION (TRANSIT) FUND FOR FISCAL YEAR 2024 BUDGET

Planning activities remain approximately the same and are reimbursed at 80% from Federal funds. Federal operating funding remains at 50% of the total. Capital items and ADA service and preventative maintenance items requested are reimbursable at 80% Federal share.

SUMMARY OF REVENUES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
GRANT INCOME	\$ 1,563,374	\$ 2,288,331	\$ 2,383,899	\$ 2,391,820	\$ 2,584,993
BUS FARE/TICKET SALES	240,409	62,106	(4,542)	272,000	289,500
OTHER REVENUES	37,697	-	58,065	50,000	57,500
TRANSFER FROM GENERAL FUND	790,551	-	4,319	771,894	771,894
APPROPRIATED FUND BALANCE	-	-	-	-	-
TOTAL	\$ 2,632,031	\$ 2,350,437	\$ 2,441,741	\$ 3,485,714	\$ 3,703,887

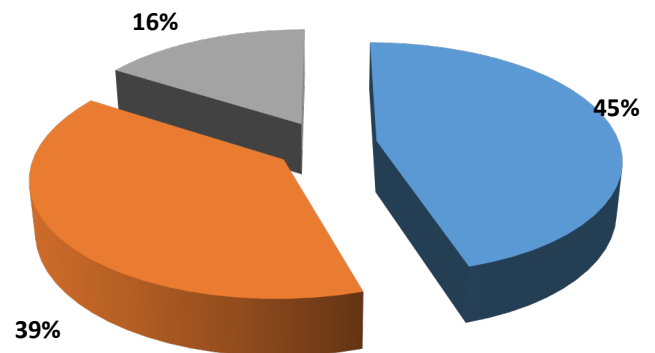
SUMMARY OF EXPENSES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
PERSONNEL	\$ 1,430,014	\$ 1,352,815	\$ 1,331,238	\$ 1,161,249	\$ 1,165,077
OPERATING	1,208,233	1,252,623	1,142,136	1,839,465	1,880,332
CAPITAL IMPROVEMENTS	365,001	318,509	470,548	485,000	658,478
OTHER	59,566	-	-	-	-
TOTAL	\$ 3,062,814	\$ 2,923,947	\$ 2,943,922	\$ 3,485,714	\$ 3,703,887

TRANSIT REVENUE



■ Grant Income
■ Bus Fare / Ticket Sales

TRANSIT EXPENSE



■ Personnel ■ Operating ■ Capital Improvements

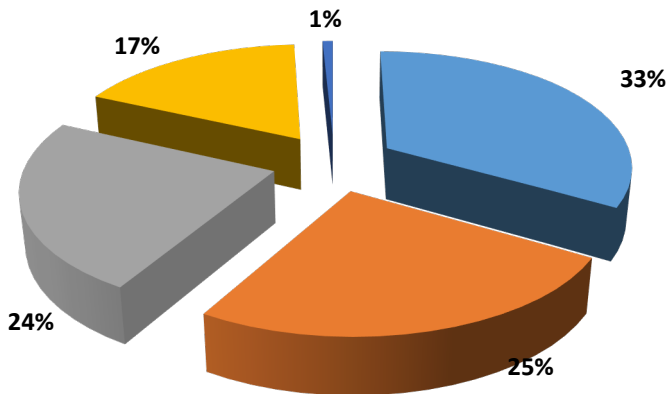
FLEET MAINTENANCE FUND FOR FISCAL YEAR 2024 BUDGET

The Fleet Maintenance Fund has been established as an internal service fund to account for charge-backs to the respective departments of the City for labor, fuel, and parts for items needed to maintain City vehicles. The creation of this fund will assist the City in more accurately reflecting the true costs of the vehicle maintenance by department.

SUMMARY OF REVENUES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
FUEL MARKUP	\$ 1,055,772	\$ 940,190	\$ 1,708,839	\$ 1,604,780	\$ 2,097,350
LABOR FEES	1,291,610	1,097,884	1,286,251	1,606,279	1,716,890
PARTS MARKUP	1,148,655	1,083,347	1,201,402	1,284,335	1,622,650
COMMERCIAL LABOR MARKUP	800,095	446,571	890,126	665,572	799,670
OTHER REVENUES	9,933	21,601	40,124	42,150	43,380
TRANSFER FROM GENERAL FUND	-	1,255,493	-	-	-
TOTAL	\$ 4,306,064	\$ 4,845,086	\$ 5,126,742	\$ 5,203,116	\$ 6,279,940

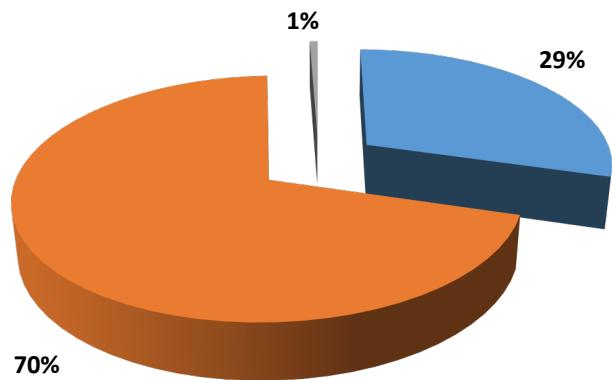
SUMMARY OF EXPENSES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
PERSONNEL	\$ 1,607,747	\$ 1,546,838	\$ 1,596,358	\$ 1,652,142	\$ 1,888,156
OPERATING	2,915,803	2,771,487	3,781,423	3,515,974	4,327,584
CAPITAL OUTLAY	11,523	25,497	32,022	35,000	64,200
TRANSFER TO GENERAL FUND	-	-	-	-	-
OTHER	88,623	-	(89,704)	-	-
TOTAL	\$ 4,623,696	\$ 4,343,822	\$ 5,320,099	\$ 5,203,116	\$ 6,279,940

FLEET REVENUE



■ Fuel Markup
■ Labor Fees

FLEET EXPENSE



■ Personnel ■ Operating ■ Capital Outlay

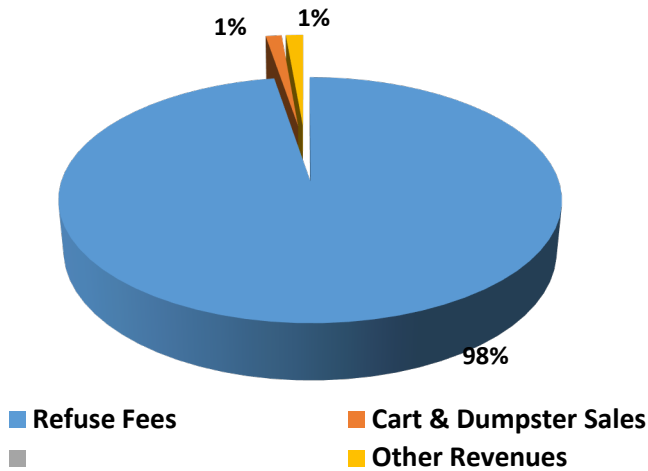
SANITATION FUND FOR FISCAL YEAR 2024 BUDGET

The Sanitation Fund is established to account for the user charges, fees, and all operating costs associated with the operation of the Sanitation Division operated through the Public Works Department of the City. The Sanitation Division offers comprehensive solid waste services such as garbage, recyclable, bulky trash, leaf collection, as well as mosquito and rodent control.

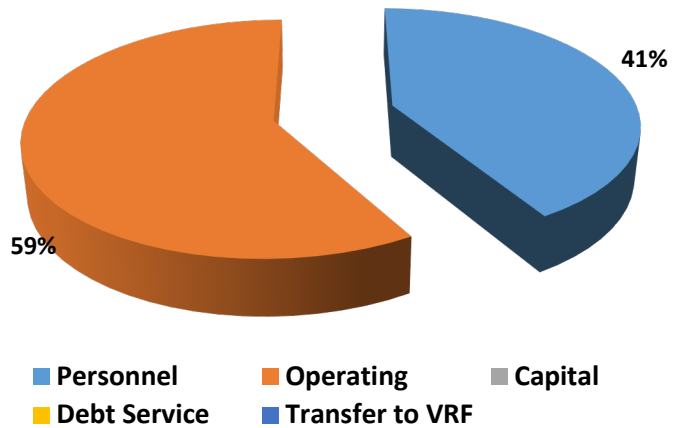
SUMMARY OF REVENUES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
REFUSE FEES	\$ 7,651,028	\$ 8,061,396	\$ 8,450,219	\$ 8,133,180	\$ 8,448,000
CART & DUMPSTER SALES	81,531	156,266	109,267	158,000	229,200
OTHER REVENUES	112,429	120,535	118,360	96,300	100,700
APPROPRIATED FUND BALANCE	-	-	-	-	471,004
TOTAL	\$ 7,844,989	\$ 8,338,196	\$ 8,677,846	\$ 8,387,480	\$ 9,248,904

SUMMARY OF EXPENSES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
PERSONNEL	\$ 3,052,722	\$ 2,928,273	\$ 2,949,655	\$ 3,203,461	\$ 3,810,482
OPERATING	4,259,851	4,265,003	4,167,931	5,122,470	5,376,873
CAPITAL	-	-	-	-	-
DEBT SERVICE	-	165,066	-	61,549	61,549
TRANSFER TO VRF	250,000	-	-	-	-
OTHER	23,789	-	(279,304)	-	-
TOTAL	\$ 7,586,362	\$ 7,358,342	\$ 6,838,282	\$ 8,387,480	\$ 9,248,904

SANITATION REVENUE



SANITATION EXPENSE



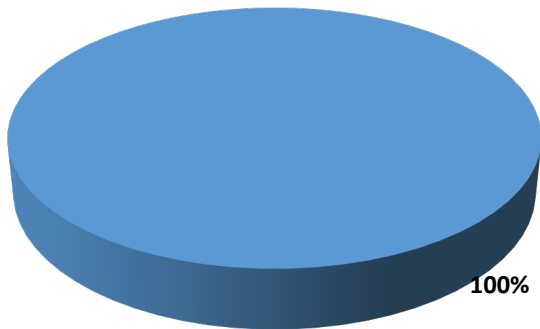
STORMWATER UTILITY FUND FOR FISCAL YEAR 2024 BUDGET

The Stormwater Utility Fund is an enterprise fund established to implement the City's Stormwater Management Program. Revenue for this program is generated through a Stormwater fee paid by citizens owning improved property with buildings, parking lots, driveways, etc. The Stormwater Management Program is implemented through the Public Works Department's Engineering and Street Maintenance Divisions. It is directed at compliance with Federal and State environmental regulations through the implementation of local development regulations, capital improvements, and storm drain maintenance.

SUMMARY OF REVENUES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
STORMWATER UTILITY FEE	\$ 6,102,419	\$ 6,131,625	\$ 7,383,251	\$ 8,535,490	\$ 9,652,814
OTHER REVENUE	211	-	493,002	-	-
TRANSFER FROM OTHER FUNDS	1,257,315	719,506	-	-	-
APPROPRIATED FUND BALANCE	-	-	-	-	2,180,459
TOTAL	\$ 7,359,945	\$ 6,851,131	\$ 7,876,253	\$ 8,535,490	\$ 11,833,273

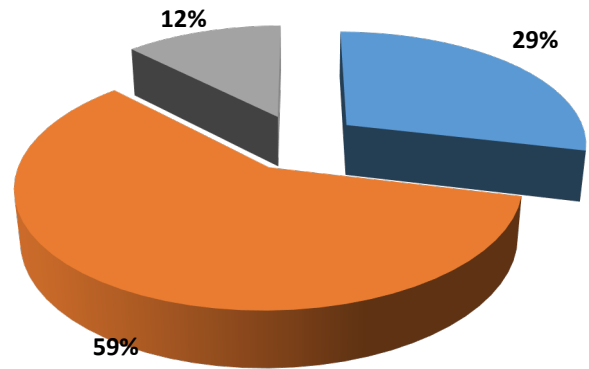
SUMMARY OF EXPENSES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
PERSONNEL	\$ 1,241,712	\$ 1,598,613	\$ 2,085,745	\$ 2,415,207	\$ 2,828,260
OPERATING	1,210,398	957,281	4,284,957	4,127,995	3,991,142
CAPITAL	1,083,835	1,064,579	897,289	260,232	1,630,000
OTHER	510,241	2,015,709	(2,058,590)	-	-
TRANSFER OUT	1,378,116	435,791	2,032,063	1,732,056	3,383,871
TOTAL	\$ 5,424,301	\$ 6,071,973	\$ 7,241,465	\$ 8,535,490	\$ 11,833,273

STORMWATER REVENUE



■ Stormwater Utility Fee

STORMWATER EXPENSE



■ Personnel ■ Operating ■ Capital

**HOUSING FUND
FOR FISCAL YEAR 2024 BUDGET**

The Housing Division administers US Department of Housing and Urban Development Community Development Block Grant, Home Investment Partnership Program, and Local Bond Funds. The funds are used to develop programs to serve low and moderate-income households. To this end, this fund is responsible for monitoring programs for compliance with local, state, and federal program standards. This fund also provides housing rehabilitation assistance to owner occupants, assistance to nonprofit agencies, down-payment assistance to homebuyers, acquisition and demolition of substandard structures, and program administrative funding.

SUMMARY OF REVENUES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
CDBG GRANT INCOME	\$ 1,298,947	\$ 1,041,671	\$ 1,531,537	\$ 1,037,668	\$ 1,037,668
HOME GRANT INCOME	496,597	818,883	194,014	565,103	565,103
TRANSFER FROM GENERAL FUND	319,125	328,695	328,695	328,695	372,827
TOTAL	\$ 2,114,669	\$ 2,189,249	\$ 2,054,247	\$ 1,931,466	\$ 1,975,598

SUMMARY OF EXPENSES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
PERSONNEL	\$ 452,814	\$ 383,526	\$ 439,970	\$ 552,128	\$ 552,128
OPERATING	1,620,933	1,334,359	1,619,548	1,379,338	1,423,470
CAPITAL	-	-	-	-	-
TOTAL	\$ 2,073,748	\$ 1,717,885	\$ 2,059,518	\$ 1,931,466	\$ 1,975,598

**HEALTH FUND
FOR FISCAL YEAR 2024 BUDGET**

The Health Fund is used to account for the administration of the City's health insurance program.

SUMMARY OF REVENUES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
CITY CONTRIBUTION	\$ 7,038,404	\$ 11,844,463	\$ 11,630,700	\$ 11,043,959	\$ 11,043,959
OTHER AGENCIES	874,384	784,033	872,970	1,103,731	1,103,731
RETIREE CONTRIBUTIONS	1,507,013	1,406,606	1,502,000	1,327,544	1,327,544
OTHER REVENUES	1,000	3,392	146	4,246	4,246
INSURANCE COMPANY REFUND/REIMB	1,127,090	2,113	3,240	240,000	240,000
APPROPRIATED FUND BALANCE	-	-	-	539,168	539,168
TOTAL	\$ 10,547,891	\$ 14,040,605	\$ 14,009,056	\$ 14,258,648	\$ 14,258,648

SUMMARY OF EXPENSES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
CITY CLAIMS	\$ 10,143,149	\$ 10,129,446	\$ 11,245,290	\$ 12,128,284	\$ 12,128,284
LIBRARY CLAIMS	169,789	161,018	166,687	230,602	230,602
CVA CLAIMS	81,775	80,527	74,426	58,218	58,218
HOUSING AUTHORITY CLAIMS	516,846	478,909	487,409	896,878	896,878
AIRPORT CLAIMS	187,705	212,819	226,833	195,338	195,338
RETIREE CLAIMS	1,319,014	1,213,317	1,327,649	653,383	653,383
OTHER EXPENSES	317,971	88,511	73,828	95,945	95,945
TOTAL	\$ 12,736,248	\$ 12,364,548	\$ 13,602,122	\$ 14,258,648	\$ 14,258,648

**VEHICLE REPLACEMENT FUND (VRF)
FOR FISCAL YEAR 2024 BUDGET**

The Vehicle Replacement Fund accounts for monies to fund the City's capital budget, for the replacement of vehicles. All vehicles/equipment maintained by the Fleet Maintenance Division of the Public Works Department are considered under this fund. This fund minimizes fluctuations in the annual budget for vehicle expenditures and establishes a manageable replacement cycle.

SUMMARY OF REVENUES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
SALE OF PROPERTY	\$ 89,486	\$ 182,580	\$ 38,426	\$ -	\$ -
OTHER REVENUES	-	-	-	-	-
TRANSFER FROM CITY DEPARTMENTS	3,465,112	4,444,832	3,883,115	5,153,938	3,601,408
TRANSFER FROM GENERAL FUND	605,587	-	-	-	-
TRANSFER FROM SANITATION FUND	250,000	-	-	-	-
TOTAL	\$ 4,410,185	\$ 4,627,412	\$ 3,921,541	\$ 5,153,938	\$ 3,601,408

SUMMARY OF EXPENSES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
OPERATING	\$ (3,513,119)	\$ (1,335,898)	\$ 1,293,644	\$ -	\$ -
CAPITAL EQUIPMENT	3,513,120	4,235,275	1,869,625	5,153,938	3,601,408
DEPRECIATION	3,142,154	-	-	-	-
TOTAL	\$ 3,142,155	\$ 2,899,377	\$ 3,163,269	\$ 5,153,938	\$ 3,601,408

**FACILITIES IMPROVEMENT FUND (FIP)
FOR FISCAL YEAR 2024 BUDGET**

The Facilities Improvement Fund accounts for monies to fund deferred maintenance projects as outlined in the City's 10 Year Facilities Improvement Plan. The projects funded include facility operations projects that are overseen by the Public Works department as well as Parks and Recreation improvement projects that are overseen by the Parks and Recreation department. The fund was created back in fiscal year 2014-2015 through a \$0.01 increase in the ad valorem property tax rate. The fund receives funding through transfers from the General Fund in an amount needed to fund the annual budgeted projects.

SUMMARY OF REVENUES	2020 ACTUAL	2021 ACTUAL	2022 ORIGINAL	2023 ORIGINAL	2024 PROPOSED
TRANSFER FROM GENERAL FUND	\$ 1,180,000	\$ 1,350,000	\$ 1,000,000	\$ 1,200,000	\$ 1,200,000
TRANSFER FROM CAPITAL RESERVE	140,487	-	-	-	-
MISCELLANEOUS REVENUE	-	-	-	-	-
TOTAL	\$ 1,320,487	\$ 1,350,000	\$ 1,000,000	\$ 1,200,000	\$ 1,200,000

SUMMARY OF EXPENSES	2020 ACTUAL	2021 ACTUAL	2022 ORIGINAL	2023 ORIGINAL	2024 PROPOSED
CAPITAL IMPROVEMENT	\$ 1,874,983	\$ 1,791,667	\$ 1,000,000	\$ 1,200,000	\$ 1,200,000
OTHER EXPENSES	71,898	-	-	-	-
TOTAL	\$ 1,946,881	\$ 1,791,667	\$ 1,000,000	\$ 1,200,000	\$ 1,200,000

**CAPITAL RESERVE FUND
FOR FISCAL YEAR 2024 BUDGET**

Capital Reserve Fund is a fund established to set aside and appropriate current funding to future capital projects. Routinely, the Council has transferred unassigned fund balance from the General Fund above the 14% Fund Balance policy into the Capital Reserve Fund to fund specifically identified projects as approved by Council.

SUMMARY OF REVENUES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
INVESTMENT EARNINGS	\$ 367	\$ 55	\$ 1,919	\$ -	\$ -
TRANSFER FROM GENERAL FUND	806,882	2,205,587	-	-	-
APPROPRIATED FUND BALANCE	-	-	-	-	-
TOTAL	\$ 807,249	\$ 2,205,642	\$ 1,919	\$ -	\$ -

SUMMARY OF EXPENSES	2020 ACTUAL	2021 ACTUAL	2022 ACTUAL	2023 ORIGINAL	2024 PROPOSED
TRANSFER TO GENERAL FUND	\$ -	\$ 605,587	\$ -	\$ -	\$ -
TRANSFER TO CAPITAL PROJECT FUND	-	-	-	-	-
TRANSFER TO FACILITIES IMPROVEMENT	250,000	140,487	-	-	-
TRANSFER TO DICKINSON PARKING	-	-	-	-	-
INCREASE IN RESERVE	-	-	-	-	-
TOTAL	\$ 250,000	\$ 746,074	\$ -	\$ -	\$ -

ORDINANCE NO. 23-_____

CITY OF GREENVILLE, NORTH CAROLINA

2023-24 GREENVILLE UTILITIES COMMISSION BUDGET ORDINANCE

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES ORDAIN:

Section I. Estimated Net Revenues and Fund Balances. It is estimated that the following non-tax revenues and fund balances will be available during the fiscal year beginning July 1, 2023 and ending June 30, 2024 to meet the subsequent expenditures, according to the following schedules:

	<u>Revenues</u>		<u>Budget</u>
A.	<u>Electric Fund</u>		
	Rates & Charges	\$182,903,800	
	Fees & Charges	1,730,000	
	Miscellaneous	2,007,564	
	Interest on Investments	530,000	
	Transfer from Rate Stabilization	7,800,000	
	Total Electric Fund Revenue		\$194,971,364
B.	<u>Water Fund</u>		
	Rates & Charges	\$26,171,128	
	Fees & Charges	450,000	
	Miscellaneous	239,000	
	Interest on Investments	100,000	
	Total Water Fund Revenue		\$26,960,128
C.	<u>Sewer Fund</u>		
	Rates & Charges	\$24,729,081	
	Fees & Charges	420,250	
	Miscellaneous	92,250	
	Interest on Investments	85,000	
	Total Sewer Fund Revenue		\$25,326,581
D.	<u>Gas Fund</u>		
	Rates & Charges	\$44,517,551	
	Fees & Charges	182,000	
	Miscellaneous	75,046	
	Interest on Investments	100,000	
	Transfer from Rate Stabilization	2,400,000	
	Total Gas Fund Revenue		\$47,274,597
	Total Revenues		\$294,532,670

Section II. Expenditures. The following amounts are hereby estimated for the Greenville Utilities Commission to be expended for managing, operating, improving, maintaining, and extending electric, water, sewer and gas utilities during the fiscal year beginning July 1, 2023 and ending on June 30, 2024, according to the following schedules:

<u>Expenditures</u>		<u>Budget</u>
Electric Fund	\$194,971,364	
Water Fund	26,960,128	
Sewer Fund	25,326,581	
Gas Fund	47,274,597	
Total Expenditures		\$294,532,670

Section III. Capital Improvements. The following Capital Improvements anticipated revenues and project appropriations as listed below in this section are hereby adopted in the fiscal year beginning July 1, 2023.

(a) It is estimated that the following non-tax revenues and long term debt proceeds will be available to fund capital project expenditures that will begin in the fiscal year beginning July 1, 2023.

<u>Capital Projects Revenues</u>	<u>Budget</u>
Electric Fund - Long Term Debt Proceeds	\$8,250,000
Water Fund - Long Term Debt Proceeds	1,000,000
Gas Fund - Capital Projects Fund Balance	1,500,000
 Total Revenues	 <u><u>\$10,750,000</u></u>

(b) The following amounts are hereby appropriated for capital projects that will begin during the fiscal year beginning July 1, 2023.

<u>Capital Projects Expenditures</u>	<u>Budget</u>
ECP10244 Hudson's Crossroads Substation	\$4,000,000
ECP10248 POD Transformer Replacement	4,250,000
WCP10040 WTP Lab Upgrades	1,000,000
GCP10124 Gas System Improvements for Industry and Commercial	<u>1,500,000</u>
 Total Capital Projects Expenditures	 <u><u>\$10,750,000</u></u>

Section IV: Amendments.

(a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the General Manager/CEO of Greenville Utilities Commission is authorized to transfer funds from one appropriation to another in an amount not to exceed \$100,000. Any such transfers shall be reported to the Greenville Utilities Commission and the City Council at their next regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the General Manager/CEO may authorize expenditures in an amount necessary to meet the emergency so long as such amount does not exceed the amount in contingency accounts and the expenditure is reported to the Greenville Utilities Commission as soon as possible, and appropriate budget amendments are submitted to the City Council, if necessary, at its next regular meeting.

(d) Capital Projects listed in section III may be amended on an individual project basis.

Section V: Appropriation. The capital project revenue and expenditure authorizations shall extend from year to year until each project is completed.

Section VI: Distribution. Copies of this ordinance shall be furnished to the General Manager/CEO and the Chief Financial Officer of the Greenville Utilities Commission, and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds.

Adopted this the 8th day of June, 2023.

P. J. Connelly, Mayor

Attest:

Valerie Shiuwegar, City Clerk



City of Greenville,
North Carolina

Meeting Date: 06/08/2023

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- Title of Item:** Discussion of Village of the Arts Overlay District Zoning
- Explanation:** Council Member Marion Blackburn requested an item be added to the agenda to discuss Village of the Arts overly district zoning. Council Member Blackburn indicated that she has supporting information that will be presented at the City Council meeting.
- Fiscal Note:** No direct cost to discuss
- Recommendation:** Discuss the issue as requested by Council Member Blackburn
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