

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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SENATE BILL 292

Short Title: Ordinance Violation Not a Misdemeanor. (Public)

Sponsors: Senators Lee, J. Jackson, and Britt (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 16, 2017

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT VIOLATION OF A CITY OR COUNTY ORDINANCE SHALL NOT BE PUNISHABLE AS A MISDEMEANOR OR INFRACTION UNLESS EXPRESSLY PROVIDED BY GENERAL LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-4 reads as rewritten:

"§ 14-4. Violation of local ordinances misdemeanor ordinances.

(a) Except as provided in subsection (b), if any person shall violate Violation of an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 Article 5 of Chapter 162A of the General Statutes shall not be punishable as a misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00) provided by general law.

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he the person shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00) one hundred dollars (\$100.00)."

SECTION 2. G.S. 153A-123 reads as rewritten:

"§ 153A-123. Enforcement of ordinances.

...

(b) Unless the board of commissioners has provided otherwise, violation of a county ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Violation of a county ordinance shall not be punishable as a misdemeanor or infraction unless expressly provided by general law.

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SECTION 3. G.S. 160A-175 reads as rewritten:

"§ 160A-175. Enforcement of ordinances.

...

(b) Unless the Council shall otherwise provide, violation of a city ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Violation of a city ordinance shall not be punishable as a misdemeanor or infraction unless expressly provided by general law.



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SECTION 4. This act becomes effective July 1, 2017.