

**AN ORDINANCE ADDING THE CAMPING
ON PUBLIC AND PRIVATE PROPERTY
ORDINANCE OF THE CITY**

City Council of the City of Elizabeth City

The City Council finds that the City's Code of Ordinances should be amended to add Section 130.16, and to provide as follows:

Section 130.16. Camping on Public Property

a) *Purpose.* The streets and public areas within the city should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes interferes with the rights of others to use the areas for the purposes for which they were intended. Such activity can constitute a public health and safety hazard, which adversely affects neighborhoods and commercial spaces. Camping on private property without the owner's consent, without proper sanitary measures, and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the city. The purpose of this section is to maintain streets, parks, and other public and private areas within the city in a clean, sanitary, and accessible condition and to protect the health, safety, and public welfare of the community while recognizing that subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the city. Nothing in this section is intended to interfere with otherwise lawful and ordinary uses of public or private property.

b) *Definitions.* As used in this section:

Camp or Camping means sleeping, making preparations to sleep (including lying down or the laying down of bedding for the purpose of sleeping), and/or storing personal belongings; the placement of tents, huts, tarps; parking of a motor vehicle, motor home or trailer, or mooring of a vessel or any other type of structure for living accommodation purposes. Camping as defined in this section is deemed a public nuisance, and the city may summarily remove a temporary shelter, bedding, or personal belongings.

Camp Facilities include, but are not limited to, tents, huts, vehicles, vehicle camping outfits, or temporary shelter.

Establish means setting up or moving equipment, supplies, or materials onto public or private property to "camp" or operate camp facilities.

Maintain means keeping or permitting equipment, supplies, or material to remain on public or private property to camp or operate camp facilities.

Operate means participating or assisting in establishing or maintaining a camp or camp facility.

Ordinary High-Water Mark means the average level of the water attained in annual seasonal flow.

Park or Park Facilities means any areas set aside for recreational uses, areas conserved for their scenic interest, playgrounds, recreation centers, golf courses, and any other areas owned or operated by the City of Elizabeth City and which are intended for active or passive recreational purposes. The word "park" shall also include any parking lot adjacent to any park, any buildings, equipment, plants, or other facilities located in any park, and any landscaped public area and/or right-of-way.

Private Property means all privately-owned property including, but not limited to, streets, sidewalks, alleys, and improved or unimproved land.

Public Property means all city-owned property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land, and parks.

Store means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

Unattended Property means no person is present with the personal property that asserts or claims ownership over the personal property. Conversely, the property is considered "attended" if a person is present with the personal property and the person claims ownership over the personal property.

Vehicle for the purpose of this chapter shall be defined by N.C.G.S. § 20-4.01 as it now exists or may hereafter be amended.

(c) *Unlawful Camping on Public Property*

1. It shall be unlawful to camp upon any city-owned property, including, without limitation, streets, sidewalks, parking lots, parking structures, easements, open spaces, parks, cemeteries, real property within or below one hundred feet (100') above the ordinary high-water marker of any lake, waterway, river, stream, pond, or reservoir.

2. Any encampment on publicly-owned property within the city that is deemed a high risk to the public's health and safety will be posted "No Trespass", removed, and cleaned.
 3. It is unlawful to camp on private property without permission from the owner of said private property.
- (d) *City Manager Permit.* The city manager may issue a temporary permit to allow camping on city-owned or private property in connection with a special event.
- (e) *Enforcement.* Any sworn law enforcement officer shall have the authority to enforce this section.
1. *Penalty.* Any person who violates any of the provisions of this section shall be guilty of a misdemeanor as provided in G.S. § 14-4 and, upon conviction, shall be subject to a maximum fine of \$500.00 per occurrence, imprisonment, or both.
 2. *Severability.* If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

Upon the motion of Council Member _____, and a second by _____, the foregoing ordinance was passed upon its first reading by a vote of _____ to _____.

This Ordinance shall be effective _____, 2024. This the _____ day of _____, 2024.

CITY OF ELIZABETH CITY

By: _____

E. Kirk Rivers, Mayor

April D. Onley, City Clerk

**AN ORDINANCE ADDING A
SOLICITING AND BEGGING ORDINANCE TO
THE CITY'S CODE OF ORDINANCES**

City Council of the City of Elizabeth City

The City Council finds the City's Code of Ordinances should be amended to add an Ordinance regulating Soliciting and Begging within the City, as follows

Section 130.15. Soliciting and Begging.

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

Aggressive panhandling, solicitation, or peddling includes:

- 1) Accosting a person by approaching or speaking to the individual or individuals in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the person, or upon property in his immediate possession;
- 2) Touching someone without their consent;
- 3) Using obscene or abusive language toward someone while attempting to panhandle or solicit them;
- 4) Forcing oneself upon the company of another by continuing to solicit in close proximity to an individual who has made a negative response by verbal or physical signs or by attempting to leave the presence of the person soliciting, or by another negative indication;
- 5) Blocking the path of the individual being solicited; otherwise engaging in conduct that could reasonably be construed as intending to force a person to accede to a solicitation;
- 6) Other conduct that a reasonable person being solicited would regard as intended to compel or force the person to accede to the solicitation.

Automatic teller machine means a device linked to a financial institution's account records, which is able to carry out transactions, including but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and mortgage, loan, and credit card payments.

Automatic teller machine facility means the area comprised of one or more automatic teller machines and any adjacent space which is made available to banking customers after regular banking hours.

Financial Institution means any bank, industrial bank, credit union, savings and loan, check cashing business, or other financial business.

Panhandling means, without limitation, use of the spoken, written, or printed words, signs, bodily gestures, or other acts as are conducted in the furtherance of the purpose of obtaining alms or contributions of money, food, or clothing for the use of oneself or others.

Public place means as place where a governmental entity has title and/or to which the public or a substantial group of persons has access, including, but not limited to, any street, highway, parking lot, plaza, restaurant, theater, transportation facility, vendor location, school, place of amusement, park or playground.

- (b) *Prohibited conduct while soliciting, peddling, or panhandling.* It shall be unlawful for any person to solicit, peddle, or panhandle, as defined in subsection (a) of this section:
- 1) By engaging in any acts of aggressive soliciting, peddling, or panhandling as defined in subsection (a) of this section;
 - 2) Within 50 feet of the entrance to any financial institution, any automatic teller machine or any automatic teller facility;
 - 3) At any permitted outdoor dining area or outdoor merchandise area, provided such areas are in active use at the time;
 - 4) At any transit stop or taxi stand, or in a public transit vehicle;
 - 5) While the person being solicited is standing in line waiting to be admitted to a commercial establishment;
 - 6) On private property, unless the person has written permission from the owner of the property to beg or solicit alms on the property;
 - 7) After dark, which shall mean one-half hour after sunset until one-half hour before sunrise;
 - 8) While under the influence of alcohol or after having illegally used any controlled substance as defined in the North Carolina Controlled Substance Act;
 - 9) Within 20 feet of any crosswalk;
 - 10) In or on city streets to include the right-of-way, median or shoulder thereof;
 - 11) By standing, sitting, or loitering in any street or highway, including shoulders or medians, but excluding sidewalks, and/or to stop or attempt to stop any vehicle for the purpose of obtaining employment, business or contribution from the driver or any occupants of the motor vehicle in accordance with G.S. 20-175. This provision shall not apply to licensees, employees or contractors of the department of transportation or city employees engaged in construction, maintenance or in making traffic engineering surveys;
 - 12) In a school zone during the time of arrival of students at the beginning of the school day and/or during the time of the departure of students at the end of the school day;

- 13) Within 20 feet of the entrance or exit of any parking deck, garage, or surface parking lot;
- 14) Within 50 feet of any city-owned or operated building or facility.
- (c) *Penalty.* Any person who violates any of the provisions of this section shall be guilty of a misdemeanor as provided in NC G.S. 14-4 and, upon conviction, shall be subject to a maximum fine of \$500.00 per occurrence, imprisonment, or both.

Upon the motion of Council Member _____, and a second by Council Member _____, the foregoing ordinance was passed upon its first reading by a vote of _____ to _____.

This Ordinance shall be effective _____, 2024

This the ____ day of _____, 2024.

CITY OF ELIZABETH CITY

By: _____

E. Kirk Rivers, Mayor

Attest: _____

April D. Onley, City Clerk

[SEAL]

**AN ORDINANCE ADDING THE
URINATING AND DEFECATING ON PUBLIC
PROPERTY ORDINANCE OF THE CITY**

City Council of the City of
Elizabeth City

The City Council finds that Chapter 130 of the City's Code of Ordinances should be amended to add Section 130.14, "Urinating and Defecating on Public Property", to provide as follows:

Section 130.14 Urinating or defecating on any public place.

- (a) It is unlawful for any person to urinate or defecate on any public place, sidewalk, street, alley or right of way, or in any public building, except in toilet facilities, or upon private property in a location visible from any public place. "Public place" means property owned by the city, the state, a county or federal government, including leaseholds and easements.
- (b) *Penalty.* Any person who violates any of the subsection (a), above, of this section shall be guilty of a misdemeanor under G.S. § 14-4 and, upon conviction, shall be subject to a maximum fine of \$500.00 per occurrence, imprisonment, or both.

Upon the motion of Council Member _____, and a second by Council Member _____, the foregoing ordinance was passed upon its first reading by a vote of ____ to _____.

This Ordinance shall be effective _____, 2024

This the ____ day of _____, 2024.

CITY OF ELIZABETH CITY

By:

E. Kirk Rivers, Mayor

Attest: _____

April D. Onley, City Clerk

[SEAL]