

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL 455  
Judiciary Committee Substitute Adopted 4/28/21

Short Title: Decriminalize Non-Statutory Offenses.

(Public)

Sponsors:

Referred to:

April 5, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO DECRIMINALIZE CERTAIN LOCAL ORDINANCES AND TO PROVIDE  
3 COMPLIANCE AS A DEFENSE TO AN ORDINANCE VIOLATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 153A-123 reads as rewritten:

6 "**§ 153A-123. Enforcement of ordinances.**

7 ...

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

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

- 17 (1) Any ordinance adopted under Article 18 of this Chapter, Planning and  
18 Regulation of Development or, its successor, Chapter 160D of the General  
19 Statutes, except for those ordinances related to unsafe buildings.  
20 (2) Any ordinance adopted pursuant to G.S. 153A-134, Regulating and licensing  
21 businesses, trades, etc.  
22 (3) Any ordinance adopted pursuant to G.S. 153A-138, Registration of mobile  
23 homes, house trailers, etc.  
24 (4) Any ordinance adopted pursuant to G.S. 153A-140.1, Stream-clearing  
25 programs.  
26 (5) Any ordinance adopted pursuant to G.S. 153A-143, Regulation of outdoor  
27 advertising or, its successor, G.S. 160D-912, Outdoor advertising.  
28 (6) Any ordinance adopted pursuant to G.S. 153A-144, Limitations on regulating  
29 solar collectors or, its successor, G.S. 160D-914, Solar collectors.  
30 (7) Any ordinance adopted pursuant to G.S. 153A-145, Limitations on regulating  
31 cisterns and rain barrels.  
32 (8) Any ordinance regulating trees.

33 ...."

34 **SECTION 1.(b)** G.S. 160A-175 reads as rewritten:

35 "**§ 160A-175. Enforcement of ordinances.**

36 ...



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

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

- 9 (1) Any ordinance adopted under Article 19 of this Chapter, Planning and  
 10 Regulation of Development, or its successor, Chapter 160D of the General  
 11 Statutes, except for those ordinances related to unsafe buildings.
- 12 (2) Any ordinance adopted pursuant to G.S. 160A-193.1, Stream-clearing  
 13 programs.
- 14 (3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing  
 15 businesses, trades, etc.
- 16 (4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor  
 17 advertising or, its successor, G.S. 160D-912, Outdoor advertising.
- 18 (5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on regulating  
 19 solar collectors or, its successor, G.S. 160D-914, Solar collectors.
- 20 (6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on regulating  
 21 cisterns and rain barrels.
- 22 (7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis.
- 23 (8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines.
- 24 (9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations.
- 25 (10) Any ordinance regulating trees.

26 ...."

27 **SECTION 1.(c)** G.S. 14-4 reads as rewritten:

28 "**§ 14-4. Violation of local ordinances misdemeanor.**

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

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

37 (c) A person may not be found responsible or guilty of a local ordinance violation if,  
 38 when tried for that violation, the person produces proof of compliance with the local ordinance  
 39 through any of the following:

- 40 (1) No new alleged violations of the local ordinance within 30 days from the date  
 41 of the initial alleged violation.
- 42 (2) The person provides proof of a good-faith effort to seek assistance to address  
 43 any underlying factors related to unemployment, homelessness, mental health,  
 44 or substance abuse that might relate to the person's ability to comply with the  
 45 local ordinance."

46 **SECTION 2.** This act becomes effective December 1, 2021, and applies to offenses  
 47 and violations committed on or after that date.