



TOWN OF CHAPEL HILL

Town Hall
405 Martin Luther King Jr.
Boulevard
Chapel Hill, NC 27514

Legislation Details (With Text)

File #: [21-0622] **Version:** 1 **Name:**
Type: Discussion Item **Status:** Passed
File created: 6/24/2021 **In control:** Town Council
On agenda: 6/28/2021 **Final action:** 6/28/2021

Title: Consider Enacting Changes to the Town Noise and Garbage, Trash, and Refuse Ordinances to Remove Criminal Penalties and Clarify the Civil Enforcement Remedies.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Draft Revisions to the Town Noise Ordinance, 2. Draft Revisions to the Town Garbage, Trash, and Refuse Ordinance, 3. AN ORDINANCE AMENDING CHAPTER 8 (GARBAGE, TRASH, AND REFUSE) AND CHAPTER 11, Art. III (NOISE) TO REMOVE CRIMINAL PENALTIES AND CLARIFY THE CIVIL ENFORCEMENT REMEDIES (2021-06-28/O-2)

Date	Ver.	Action By	Action	Result
6/28/2021	1	Town Council	enacted	Pass

Consider Enacting Changes to the Town Noise and Garbage, Trash, and Refuse Ordinances to Remove Criminal Penalties and Clarify the Civil Enforcement Remedies.

Staff:

Maurice Jones, Manager
Mary Jane Nirdlinger, Deputy Manager
Ann Anderson, Town Attorney

Department:

Manager's Office

Town Attorney's Office

Overview: The Town's current Noise Ordinance (Chapter 11, Art. III) allows violations to be enforced through criminal penalties of up to \$150 and/or up to 10 days in jail. Similarly, violations of the Town's current Garbage, Trash, and Refuse Ordinance (Chapter 8) can result in a criminal charge and a \$500 penalty and/or imprisonment up to 30 days.

The proposed changes to the Ordinance would eliminate criminal penalties and limit enforcement to civil remedies. The civil citation range would be formalized to start at \$25 and increase to \$500 for repeat violations. Both ordinances would retain the Town's authority to seek injunctive or other equitable remedies in civil court as necessary.

The bulk of the amendments to these ordinances occur in the enforcement sections: Noise, Secs. 11-42 and 11-43; and Garbage, Trash and Refuse, Secs. 8-11 and 8-44. Other clarifying changes and corrections of gender-specific language appear in other sections of the ordinances.

The proposed civil citation scheme applies to all pertinent violations of the ordinances. It is worth noting that several sections of the Garbage, Trash, and Refuse ordinance that previously did not have any penalty would now have a civil penalty:

- Sec. 8-5. - Garbage, household waste, yard waste and recycling containers; construction; location
- Section 8-32. - Deposits in the public right-of-way

- Section 8-24.4(b) - Disposal of yard waste materials

Finally, a \$100 charge for replacement of a Town key for Town-owned refuse containers has been substituted in section 8-44(f) for the prior \$50 fine.



Recommendation(s):

That the Council enact the proposed Changes to the Town's Noise and Garbage, Trash, and Refuse Ordinances, which it can do tonight.

Decision Points:

- Does the Town Council wish to enact changes to the Noise Ordinance?
- Does the Town Council wish to enact changes to the Garbage, Trash, and Refuse Ordinance?

Fiscal Impact/Resources: The Town does not expect a significant change in costs or revenues because of this change.



Attachments:

- Ordinance
- Draft Revisions to the Town Noise Ordinance
- Draft Revisions to the Town Garbage, Trash, and Refuse Ordinance

AN ORDINANCE AMENDING CHAPTER 8 (GARBAGE, TRASH, AND REFUSE) AND CHAPTER 11, Art. III (NOISE) TO REMOVE CRIMINAL PENALTIES AND CLARIFY THE CIVIL ENFORCEMENT REMEDIES (2021-06-28/O-2)

WHEREAS, for the health, safety, and welfare of its residents and guests, the Town of Chapel Hill would benefit from a clear and effective set of remedies for violations of the Town's noise ordinance and garbage ordinance to prevent repeated disruptive offenses; and

WHEREAS, the Council seeks to address violations of these ordinances through civil citations and civil court remedies rather than through criminal penalties that could have negative collateral consequences for persons in violation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that:

Section 1. Chapter 8 and Chapter 11, Art. III, of the Code of Ordinances, Town of Chapel Hill, North Carolina, is hereby amended in various sections as shown in the attached language.

Section 2. These provisions shall supersede other provisions of the Town Code in conflict.

Section 3. This ordinance shall become effective June 28, 2021.

This the 28th day of June, 2021.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

PRESENTER: Maurice Jones, Town Manager

RECOMMENDATION: That the Council enact the proposed changes to the Town's Noise and Garbage, Trash, and Refuse Ordinances to remove criminal penalties and clarify the civil enforcement remedies for violations of the ordinances, which it can do tonight.