

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

## Item Details

Presenter(s): Catherine Crosby, Jason Armstrong, Laurie Hohe

Department(s): Administration, Police, Legal

### Requested Motion

Motion to approve an ordinance amendment to multiple town code sections providing that certain violations of the Town Code are punishable as misdemeanors.

### Approval Recommended?

Yes

### Item Details

Pursuant to N.C.G.S. 14-4 and N.C.G.S. 160A-175, violation of a town ordinance has always been punishable as a misdemeanor or infraction. Recently enacted legislation, effective December 1, 2021, amends those statutes and their application to municipalities. In order to enforce a criminal penalty for violation of a town ordinance, municipalities must now specify such a penalty in each ordinance for which it applies. While the current Town Code provides that unless otherwise specified, any violation of the Code is a misdemeanor, it does not specify each section as is now required by law. The purpose of this amendment is to provide the specification required by the new legislation so that criminal enforcement of specific code sections remains possible. The amendment does not criminalize any violation that is not already criminalized by the Town Code, it only serves to retain that penalty option through compliance with the new legislation.

The town code also provides for civil penalties as a mode of enforcement for any violation. That remains in this amendment but now specifies that such a violation carries a penalty of \$100.00 unless otherwise provided in an ordinance. The current code does not provide a dollar amount for the civil penalty.

### Attachments

- Ordinance Amendment to multiple code sections

