



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

New Business

Department: Legal Dept.

Presenter(s): Michael Frue/Brandon Freeman

Contact(s): Michael Frue/Brandon Freeman

Subject: An Ordinance Amending the Enforcement Provisions of Certain County Ordinances to Comply with Session Law 2021-138

Brief Summary:

On August 25, 2021, the North Carolina General Assembly enacted Session Law 2021-138, which prohibited criminal penalties for certain local ordinance violations, removed the legal presumption that local ordinance violations constituted misdemeanor offenses and required local governments to specify which violations of its ordinances constitute misdemeanor offenses, and provided new defenses for persons charged with criminal violations of local ordinances

The County Legal Department has worked with the County officials who administer the County's Code of Ordinances to draft suggested amendments to the County's Code of Ordinances that bring it in line with Session Law 2021-138, approximately thirty revisions in all.

Recommended Motion & Requested Action: Enact the Ordinance Amending the Enforcement Provisions of Certain County Ordinances to Comply with Session Law 2021-138. This will require introduction at the first meeting and enactment at a subsequent meeting (Session Law 2021-138 mandates that "no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.").

County Manager's comments and Recommendation: County Manager recommends approval.