



MEMORANDUM

To: Mayor and City Councilors
From: Rich Olson, City Manager
Date: August 4, 2015
Re: Consideration – Hold a Public Hearing to Repeal Article VII of Chapter 14 of the City's Code or Ordinances in its Entirety

BACKGROUND:

Section 2 of Session Law 2015-103 (HB 836) was signed into law on June 22, 2015; and as a result, NCGS §66-77, which is the statute that required licenses to conduct closing-out-sales has been repealed effective July 1, 2015.

ANALYSIS:

Pursuant to authority granted by NCGS §66-77, the City of Elizabeth City's Code of Ordinances, Chapter 14, Article VII required the City Clerk to supervise and regulate advertising and issue licenses to businesses conducting closing-out-sales in Elizabeth City. Due to the repeal of §66-77, the City's Code is now in conflict with state law.

In order to comply with HB 836, City staff has drafted an ordinance to repeal Chapter 14, Section VIII in its entirety (attached).

The City Council reviewed this matter and called for a Public Hearing to gather citizen input during the Council meeting of July 13, 2015. The Public Hearing has been advertised as required for 7:30 p.m. on August 10, 2015

STAFF RECOMMENDATION:

AT THE CONCLUSION OF THE PUBLIC HEARING:

By motion, adopt the attached ordinance repealing Chapter 14 Business Regulations, Article VII Closing Out Sales in its entirety to be effective immediately.

RCO/vdw

ORDINANCE # 2015 – 08- _____

TO REPEAL
Closing Out Sales as Found in Chapter 14 - Business Regulations,
Article VII of the City of Elizabeth City Code of Ordinances

WHEREAS, Section 2 of Session Law 2015-103 (HB 836) was signed into law on June 22, 2015, and as a result, NCGS §66-77, was repealed effective July 1, 2015; and

WHEREAS, pursuant to authority granted by NCGS §66-77, the City of Elizabeth City's Code of Ordinances, Chapter 14, Article VII required the City Clerk to supervise and regulate advertising and issue licenses to businesses conducting closing-out-sales in Elizabeth City; and

WHEREAS, in an effort to comply with HB 836, the Elizabeth City Council desires to repeal Chapter 14 Business Regulations, Article VII Closing Out Sales of the City of Elizabeth City Code Of Ordinances in its entirety.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY THAT:

SECTION I. EFFECTIVE DATE: Effective upon adoption, Article VII Closing Out Sales found in Chapter 14 - Business Regulations of the City of Elizabeth City Code of Ordinances is repealed in its entirety.

SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the City of Elizabeth City Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption according to law and for subsequent years unless rescinded or modified in accordance with law.

READ, CONSIDERED, AND ADOPTED at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the _____ day of August, 2015.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk