AGENDA

Meeting Type:	B
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SUBJECT	

City of Charlotte, City Clerk's Office

CHARLOTTE

Council Agenda January 23, 1989

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CHARLOTTE

Mayor Sue Myrick | Mayor Pro Tem Al Rousso

John A. (Gus) Campbell | Roy Mattheus
Stanley M. Campbell | Cyndee Patterson
Dan Clodfelter | Ella Butler Scarborough
Charlie S. Dannelly | Richard Vinroot
Gloria Fenning | Velva W. Woollen

Council Agenda

Monday, January 23, 1989

1:00 PM. . . . . Council-Manager luncheon
2:00 PM. . . . . Citizens Hearing
2:30 PM. . . . . Council Meeting

ITEM NO.

1. Invocation by Rev. Harold I. Shoemaker of Pritchard Memorial Baptist Church.

2. Consider approval of minutes of January 9, 1989 Regular Meeting.

POLICY

3. Consider recommendation of the City Code, of the Operations Committee to adopt an ordinance making revisions to Chapter 3 "Animals", including provisions to address the problems of dangerous and potentially dangerous dogs.

Revision Objectives

The proposed revisions to Chapter 3 of the City Code will accomplish two objectives. 1) the section on dangerous dogs will considerably strengthen our ability to deal proactively with this problem; and 2) incorporate several other new provisions as well as make changes to the current ordinance to enhance its clarity and readability.

Following are highlights of the proposals and more detailed information is contained in the attachments.

Dangerous Dogs

Since 1985 when Council adopted the dangerous dog and special protective measures for children ordinances, it has been increasingly apparent that those laws were limited in scope and could not adequately address the threat which some felt certain dogs presented. Unless there is a clear

violation, little can be done to impose preventive measures to safeguard neighbors from potentially dangerous dogs. An ad hoc committee composed of two veterinarians, two citizens, two humane society representatives, one obedience dog judge and one dog trainer worked with staff to develop the current recommendation.

This proposal will give the initiative to the City and allow us to address the safety concerns which individuals may feel.

Ordinance Highlights

The proposed ordinance will:

- give the Animal Control Superintendent considerable discretionary authority to impose preventive measures for the identification and/or confinement of a dangerous or potentially dangerous dog.

- increase the financial penalty for failure to license a dog to $50.00 and, under specific circumstances, allow the dog to be seized. The current fine is $25.00 and is the only penalty which may be imposed.

- create penalties for an "unprovoked bite." Such a bite will identify the dog as a dangerous animal and preventive measures may be imposed.

- provide for escalating fines for repeated leash law violations. While agreeing with the concept of escalating fines, the ad hoc committee felt there should (1) be higher penalties for adult dogs (9 months old or older) and (2) that higher penalties be applied if repeat violations occur within a specific period of time. Reflecting concerns about an Animal Control Officer's ability to establish a dog's exact age, staff recommended one escalating fine schedule for all dogs.

- allow responsible dog owners to enjoy their pets as they currently do. Those owners who license and inoculate their dogs, observe the leash law, etc., will not be affected.

Attachment I is the executive summary of the Operations Committee meeting; Attachment II contains further explanations of the ordinance; and Attachment III is the full dangerous dog ordinance.

Revisions to Chapter 3

In addition to the dangerous dog ordinance recommendations, other changes are being suggested. Highlights are:

Highlights

Exhibiting Animals

At the request of the Mecklenburg County Health Department it is proposed that it be unlawful to exhibit any animals in a glass show window because there may be a tendency for such animals to be neglected. Pet shop owners were notified of this proposal and the majority had little or no opposition to it. It will primarily affect pet shops in mall areas; the owner of one of these shops did raise objections to it.

Exotic Animals

Keeping wild or exotic animals will be prohibited within the corporate limits of Charlotte. The section is intended to ensure the protection of the public from animals such as lions, bears, monkeys, and other potentially dangerous animals. A second safety concern is the threat of rabies from such animals. There is no rabies vaccine currently available to protect these animals; therefore they could be carriers of rabies to humans.

Four cases have been handled within recent years:

1) An African baboon attacked and bit a citizen. To ensure that the bite victim was safe from rabies, post-exposure immunization shots were administered. The animal was quarantined for six months at the Animal Shelter.

2) An African lion, which was being kept in a dog pen was subsequently seized and shipped to a special compound in California.

3) A six-and-a-half foot python was captured while "wandering" through an apartment complex.

4) A monkey has twice bitten humans; its owner refuses to relocate it or to obtain a permit to keep it.

This section would grandfather those animals currently permitted under the ordinance.

Permit for four or more dogs or cats kept outside

It is proposed that a permit is necessary for any person to keep four or more dogs or cats (or any combination of four), four months of age or older, outside on their property. The section has been proposed in order to safeguard neighborhoods from being negatively impacted by a residence with multiple animals. Numerous cases have been encountered where a residence with numerous dogs and/or cats was causing noise, odor, sanitation, and nuisance problems, thereby infringing on neighbors' reasonable use and enjoyment of their property.

This section will give the Animal Control Division an opportunity to determine potential problems at the initial inspection and the animal owner will be aware that they must exercise the best possible care and judgement in caring for their animals.

This section does not limit the number of animals maintained at a residence. It simply provides Animal Control a mechanism for controlling noise/nuisance/ sanitation problems ($25 citation) in multi-pet households, should they develop.

Fees

The City Manager will be given the authority to change fees annually rather than requiring Council action. Fees will reflect the actual cost to care for the animals.

Attachment IV contains the revised Chapter 3.

Staffing Needs/Costs

Staffing Needs to Support the Dangerous Dog Ordinance

Implementation of the proposal will require the creation of a specialized team of Animal Control employees who are dedicated full-time to ordinance enforcement. A field team of five Animal Control Officers headed by an Animal Control Supervisor will conduct detailed investigations and collect documentation for each dangerous dog complaint. Special instruction and legal training will be required for all task force members.

The new laws will require extensive record keeping and computer-assisted data tracking, resulting in an increased clerical workload. Because animals will be seized, additional personnel will also be needed to care for the impounded animals. In order to provide adequate staffing to meet the increased workload and shift needs, five additional positions (1 Office Assistant, 1 Service Dispatcher, 1 Security Service Assistant and 2 Kennelworkers) will be needed.

At the request of the Operations Committee, Budget & Evaluation conducted a review of the impact this program would have on the Animal Control Division. They concur

with the need for eleven positions and recommend program implementation in FY90 with the effective date of the ordinance being January 1, 1990. Delaying the effective date avoids approximately $91,000 in outside boarding costs because we expect to have increased shelter kenneling capacity by then. The FY90 cost is estimated to be $299,870 of which $70,000 is capital outlay. Full year costs are projected to be $303,730.

Due to the increases in fines, this proposal has the potential to generate a substantial amount of revenue. The annual estimate is $365,663 which offsets 100% of the annual cost estimate. Recognizing that a successful program may reduce the size of the workload and the need for a special task force, we will report annually on the cost of the program, including the number of cases handled and the revenue generated. A formal recommendation will be made each year by Budget and Evaluation to the Council on the program's effectiveness.

The final attachment is Budget and Evaluation's report.

Funding requirements will be handled in FY90-91 budget process.

Operations Committee

There is an Operations Committee briefing Thursday, January 19 and additional information may be included in the Friday Council-Manager memorandum.

Attachment No. 1

4. Recommend adoption of a resolution approving the new Charlotte-Mecklenburg Thoroughfare Plan and recommending its adoption by the North Carolina Board of Transportation.

Resolution Requested by NCDOT

The North Carolina Department of Transportation (NCDOT) has provided the requested resolution which must be approved by each of the member jurisdictions of the Metropolitan Planning Organization (MPO). Council is requested to adopt the resolution in order that the Plan can be presented to the North Carolina Board of Transportation for its adoption.

Background

On November 30, 1988, the Metropolitan Planning Organization unanimously adopted a new Thoroughfare Plan for Charlotte-Mecklenburg. The adopted plan is identical to the one endorsed by the Technical Coordinating Committee on September 21, 1988 and to the one reviewed

by Council at its October 10, 1988 meeting with the following two minor changes:

1) Deletion of the I-77/Westmoreland Road Interchange (requested by Cornelius/Davidson).

2) Deletion of the Arlington Church Road Extension (minor thoroughfare) between Brief Road and Lawyers Road (requested by Mint Hill).

The October 10 Council agenda item is attached. A map will be available at the Council meeting.

This new Thoroughfare Plan is the first product of the three-year 2005 Transportation Plan effort. The remaining phases in development of the 2005 Transportation Plan include preparation of the long-range Transit Plan and a prioritized list of capital improvements based on transportation needs for an intermediate time frame such as 1997. These elements will be submitted to Council and the MPO for approval in spring 1989.

Clearances City Attorney has approved this resolution as to form.

Attachment No. 2

5. Recommend approval of the following agenda items to be discussed at the February 6 Council workshop:

Briefing on process for acquisition of land at the Airport.
Neighborhood reinvestment - Determine implementation criteria.
Cultural plan development - Consider proposed process to develop a Council policy.
FY90-91 Budget - List potential new initiatives or reductions.

BUSINESS

6. Consider request from members of the Mecklenburg legislative delegation that the proposed seat tax be limited in scope to the Coliseum only.

Attached is City Attorney Henry Underhill's January 4, 1989 memorandum to Mayor and Council on this subject. Also attached is information that went to Council in the January 11, 1989 Council-Manager memorandum on estimated revenues from a seat tax.

Attachment No. 3

7. A. Recommend adoption of a Comprehensive Homeless Assistance Plan (CHAP) and authorize the Mayor to execute the Plan and certifications required for homeless assistance programs under Title IV of the McKinney Act.

B. Recommend approval of an Emergency Shelter Grant Program application for $55,000.

Information on this item will be sent in the Friday, January 20 Council-Manager memorandum.

8. Nominations for Appointment to Boards and Commissions.

A. Parks Advisory Committee - One appointment to fill the unexpired term of Elizabeth Brown who has resigned. The term will expire June 1, 1991.

Attachment No. 4

9 Appointments to Boards and Commissions.

A. Community Resources Board - The following nominations have been made for a three-year term·

a) Peter Keber, nominated for reappointment by Councilmember Vinroot.
b) Marsha Gaspari, nominated by Councilmember Clodfelter.

(Balloting at the January 9th meeting resulted in a tie vote.)

B. Certified Development Corporation - The following nominations have been made for an unexpired term ending April 30, 1991.

a) Peggy Jennings, nominated by Councilmember Patterson.
b) Harold Deal, nominated by Councilmember Rousso.

Attachment No. 5

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The City Attorney advises that agenda items no. 10 through 19 may be considered in one motion. However, any member of Council may request that an item be divided and voted on separately.

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PERSONNEL

10. A. Recommend adoption of a resolution amending the Pay Plan to add the class of Industrial Waste Coordinator, Pay Range 322 ($27,437-38,606 annually).

B. Recommend adoption of a budget ordinance transferring $115,322 from the Water and Sewer Operating Fund Balance to fund two positions and purchase equipment to carry out expansion of the industrial waste program.

Industrial Waste Program Required — The North Carolina Department of Natural Resources and Community Development, Division of Environmental Management, requires that CMUD enforce industrial pretreatment and permit compliance by establishing and implementing an Industrial Waste Program. Delay in implementing this program could result in heavy penalties to the City.

Attached is an item from the December 21, 1988 Council-Manager memorandum explaining the industrial pretreatment program.

Council actions — In order to administer the program as required by the Division of Environmental Management, Council is requested to:

1. Amend the pay plan to establish the class of Industrial Waste Coordinator. This position will be responsible for coordinating the design and implementation of a program for permit issuance, inspections, pretreatment systems compliance, violation process, new industry investigation and administrative hearings. Comparisons with comparable positions in other North Carolina cities indicate that it is appropriate for this position to be assigned to Pay Range 322, ($27,437 - 38,606 annually).

2. Transfer $115,322 from the Water and Sewer Operating Fund Balance to fund the new Industrial Waste Coordinator position and an Office Assistant IV position, and to purchase laboratory equipment necessary to provide test results required by EPA standards.

Costs — Cost for the two positions for the remainder of the fiscal year is $22,019; the equipment cost is $93,303. Future costs will be funded from industrial waste surcharges.

Funds — Unappropriated balance of the Water and Sewer Operating Fund.

Attachment No. 6

BID LIST

11. Recommend approval of the bid list as shown. The following contract awards are all low bid and within budget estimates unless otherwise noted. Each project or purchase was authorized in the annual budget.

A. Coach Rehabilitation — D.O.T.

Recommendation: By Purchasing Director and Director of Department of Transportation that the low bid, Reading Rail Car Repair, Reading, Pa., in the amount of $498,100.00, be accepted for award of contract on a unit price basis.

Project Description: Rehabilitation of 34 1978 GMC coaches including replacing flooring, seats, engine doors and fuel filler necks. These coaches are 10 years old and have bad flooring and worn out seats. We would have to continue to use them in substandard conditions. This work will extend the life of these buses by another five years. New buses cost approximately $150,000 each.

Source of Funding: Public Transportation Capital Improvement Fund - (Bus Refurbishment and Maintenance Items - 80% UMTA, 10% NCDOT, and 10% Transit Bonds).

B. 3 - Street Sweepers, Vacuum Type — Operations Dept., Special Services

Recommendation: By Purchasing Director and Operations Director that the lowest responsive bidder, N. C. Equipment Company, Charlotte, N. C., in amount of $275,619.00, be accepted for award of contract

Other Bids Received Not Meeting Specifications:
Public Works Equipment & Supply, Monroe, N. C , in the amount of $270,750.00 ($90,250.00 per unit) did not meet specifications in several areas including the required two year warranty on both the truck and the sweeper body. The value of the extended (2nd year) warranty on the truck is $611.00, and while the value of the extended warranty on the sweeper body is not precisely known, past maintenance history indicates that it will save the City a minimum of $600.00. If a major component on the sweeper fails in the second year the potential savings could be in excess of $5,000.00.

ITEM NO.

Jet-Vac Sanitary Services, Inc., Sumter, S. C., in the amount of $274,947.00 ($91,649.00 per unit) did not meet specifications in several areas including the required manner in which the sweeper engine powers the blowers. The mechanism for powering the blowers on the sweepers bid by Jet-Vac has shown, from maintenance records, to require replacement of the starter every six months at a cost of $491.02. Also, while Jet-Vac is providing the two year warranty on the sweeper body, it is not providing the extended warranty on the truck which, as noted above, has a value of $611.00. Jet-Vac does not have a local service facility but instead proposes to send a service representative from Sumter, S. C. to Charlotte whenever service is required. This travel time from Sumter will increase the vehicle's downtime when service is required.

Project Description: These sweepers will be used to remove litter and debris from city streets. The sweepers to be replaced are in poor condition and maintenance costs to keep them operational will continue to be high.

Source of Funding: General Capital Equipment Fund - (Operations - Street Cleaning).

BUDGET ORDINANCE/CONTRACT AMENDMENT

12. Recommend adoption of a budget ordinance of $22,850 and amendment #6 for $180,000 to the construction management contract with Turner Construction Company for work at the Coliseum.

Amendment: It is requested that Council approve an amendment with Turner Construction for the following items:

Power Costs: not to exceed	$ 50,000
Staff Costs: not to exceed	$ 10,000
Fee - Amenities:	$104,000
Fee - City Funded:	$ 16,000
Total	$180,000

Where the Funds Come From: Half of the staff and power costs are due to the addition of the amenities and are being funded by the amenity package. The budget ordinance is for those amenity-related costs that the original amenity financing package did not cover ($22,850). This money is being temporarily funded by the City and will be repaid to us by the authority and the Hornets when the final financing is obtained. The other half of the staff and power costs are City funded and are available in the original project budget.

The fee attributable to the amenity package, $104,000, is funded by the March, 1988 agreement and is available in the project account. The fee attributable to City added items, $16,000, is funded by the original bond funds and is also available in the project account.

Background

In June, 1985, Council awarded a contract for construction management for the new Coliseum to Turner Construction Company. The contract provided for the reimbursement of staff costs, and miscellaneous direct costs, as well as a fee for their services. Because of the addition of amenity work towards the end of the project, the costs for Turner's staff and electrical power for the building were underestimated and not fully covered in any of the previous amendments. However, by adding staff and increasing hours worked, the original schedule was held and all the amenities were completed prior to the opening.

Final negotiations for Turner's fee for administering the amenity work are now complete. The settlement has been reviewed and recommended for approval by both the Authority and the Hornets. Additionally, negotiations have recently been completed on Turner's fee for construction items funded by the project's contingency fund, and it is included herein.

Revenue

Costs associated with the amenities program will be reimbursed through revenues received from advertising, etc.

Clearances

This action has been reviewed by the Engineering, Finance and Budget Departments and the Coliseum Authority.

CONTRACT EXTENSION

13. Recommend approval of a one-year extension with Corporate Temporaries, Inc. for public parking cashiers and other personnel services for the Airport.

Contract Extension

Council is requested to approve a one-year extension of the contract with Corporate Temporaries, Inc. This one-year extension is based on the same basic contract terms and conditions as proposed five years ago. The cost of these personnel services is paid on a manhour basis and is estimated at $450,000.

ITEM NO.

Background

Parking operations at the Airport are managed and supervised by City staff, but cashiers and other line employees are provided under a contract with Corporate Temporaries. The original three-year contract with Corporate Temporaries, a WBE firm, was awarded in January, 1984. The City has the option to renew for three additional one-year terms, and the second one-year extension authorized by Council expires in January, 1989. The requested one-year extension Council is asked to approve today is the last extension; we will go out for bids next year.

The use of Airport personnel as parking supervisors and temporary personnel for line functions in the parking operation offers several advantages over other methods of operation:

- Airport employees have direct responsibility for customer service and fiscal responsibilities;
- Use of temporary personnel for cashier functions allows for more flexibility to respond immediately to changes in the parking demand; and
- It is more cost effective to use temporary personnel for these line functions.

Funds

Airport Operating Fund.

CHANGE ORDER

14. Recommend approval of Change Order No. 7 to the Airport general construction contract for the parking structure and commercial lane, in the amount of $57,621.00.

Contract: General Construction Contract for Parking Structure and Commercial Lane
Contractor: Metric Constructors, Inc.
Date of Award: July 27, 1987
Contract Amount to Date: $16,690,361.00
Change Order No. 7: 57,621.00
New Contract Amount: $16,747,982.00

Change Order

This change order allows for additional steel for the overhead door in the automobile tunnel, relocation of a manhole and construction of a sewage lift station, modifications to parapet walls of pedestrian bridges to ensure added visibility as pedestrians enter the roadway, removal of unsuitable soil material at various locations, and construction of retaining walls.

Clearances — Odell Associates, architect and Day and Zimmermann, Inc., project manager, concur in this change order

Funds — Funds are available in project contingency to cover this change order.

HOUSING CODE ENFORCEMENT

15. Recommend adoption of an ordinance authorizing the use of in rem remedy to correct code violations at 625 Northgate Avenue.

Date of Inspection· April 7, 1988
Owner(s) Notified of Hearing· April 20, 1988
Hearing Held: May 3, 1988
Owner(s) Ordered to Repair By: June 8, 1988
Estimated Value of Dwelling: $24,240
Estimated Repair (which is less than 65% of estimated value): $3,650

Repairs — The repairs include. repairing and replacing loose and decayed siding; painting exterior wood surfaces; replacing rear exterior door; repairing picture window; repairing back exit platform; repairing front porch roof system; replacing decayed structural members; replacing roofing; replacing decayed cornice & soffit.

Civil Penalty — The owner was notified of a civil penalty on June 10, 1988 and a notice of in rem was issued on July 3, 1988. An inspection made at the end of July revealed only 15 percent of the repairs were completed. The owner indicated he would complete repairs by mid-August. As of the first of September, the repairs had not been completed and therefore a title search was requested.

The total penalty as of December 31, 1988 amounts to $2,150. The owner has been notified of this action.

Funds — Funds are available and a lien will be placed against the property for cost incurred.

Clearances — Community Development Department

DESIGNATION OF FILING FEE

16. Recommend designation of filing fees for Office of Mayor and City Council for the 1989 Municipal Elections.

Filing Fees — The Mecklenburg County Board of Elections requests City Council designate the filing fees for Office of Mayor and City Council. General Statute 163-291.3 provides that the maximum filing fees shall not be more than one percent of the annual salary of the office. It is therefore recommended that Council continue the current 1% filing fee which would be $200 for Mayor and $120 for Council.

Filing Period — The filing period will begin at 12:00 noon on Friday, July 7, and end at 12:00 noon Friday, August 4, 1989. The municipal primary will be held on Tuesday, September 26, second primary (if needed) on Tuesday, October 17; and the municipal election will be on Tuesday, November 7, 1989.

TAX REFUND

17. Recommend adoption of a resolution authorizing the refund of certain taxes in the total amount of $3,155.57 which were assessed through clerical error or illegal levy against 24 tax accounts.

UTILITY CONTRACTS

18. Recommend approval of contracts between the City of Charlotte and the applicants listed below:

These are extension contracts for new development in accordance with the Water/Sewer Extension Policy. Item 1-3, the applicants are to construct the entire systems at their own proper cost and expense. The City is to retain all revenue. There is no cost to the City and no funds are needed. Item 4, the applicant deposited 10% of the estimated construction cost. The remaining 90% will be deposited prior to construction. There is no cost to the City. Utility and Planning Directors recommend approval.

1. S.C. Hondros & Associates, Inc., to construct 2,750 linear feet of 8-inch water main to serve Otto Industries (General Drive), located between N.C. Highway 49 and Nevada Boulevard, outside the Charlotte City Limits. Estimated Cost - $72,000.00. Water Contract No. 100-88-253.

2. Rice Development Corporation, to construct 1,798 linear feet of 8-inch water main, 1,877 linear feet of 6-inch water main and 2,240 linear feet of 2-inch water main to serve Torrence Crossing Subdivision, located south of Gilead Road, north of McIlwaine Road and west of McCoy Road, outside the Charlotte City Limits Estimated Cost - $110,000.00. Water Contract No. 100-88-223.

3. TC Homes Charlotte - Wynfield L.P./WRA/LVG Partnership, to construct 3,409 linear feet of 8-inch sanitary sewer main to serve Thornbury At Wynfield Subdivision, located north of Gilead Road, west of Ranson Road and east of Torrence Creek Tributary No. 1, outside the Charlotte City Limits. Estimated Cost - $119,315.00. Sanitary Sewer Job No. 100-88-630.

4. Michael Weinman Associates, General Partnership, to construct 2,250 linear feet of trunk main to serve Beatties Ford Road At Neck Road, located south of McDowell Creek and east of Beatties Ford Road, outside the Charlotte City Limits. Estimated Cost - $172,000.00. Sanitary Sewer Job No. 400-88-714.

PROPERTY TRANSACTIONS

19. Recommend approval of the following property transactions and adoption of the condemnation resolutions.

(1) Project: Park Road Alignment Project
Owner(s): R.I.C. Properties, Ltd., a California Limited Partnership
Property address: 3132 Tyvola Road
Property to be acquired: 1,272 square feet (.0292 ac.) of right-of-way plus 16,839 square feet (.386 ac.) of temporary construction easement.
Price: $12,700.00

(2) Project: Park Road Alignment Project
Owner(s): David E. Withrow
Property address: 5416A Park Road
Property to be acquired: 795 square feet (.0183 ac.) right-of-way, 1,260 square feet (.028 ac.) of permanent drainage easement, 15,665 square feet slope and construction easement, plus screen consisting of numerous hardwoods. Right of way encroaches into set back line creating proximity damages to proposed building.
Price. $15,000.00

(3) Project: Park Road Alignment Project
Owner(s): Ruth S Brown
Property address: 7000 Park Road
Property to be acquired. 10,341 square feet (0.237 ac.)
Price: $10,513.00
Remarks: The compensation amount of $10,513.00 includes $9,000.00 for permanent right-of-way and $700.00 for permanent drainage easement, and $813.00 for temporary construction easement and large tree damages.

CONDEMNATIONS

(4) Project: Park Road Alignment
Owner(s): Jean N. Blair and Jack E. Nivens and any other parties of interest.
Property address: 5517 Park Road
Property to be condemned: 576 square feet (.013 ac.) of right-of-way plus 1,937 square feet (.045 ac.) of temporary construction easement.
Condemnation price: $1,300.00
Reason for condemnation: Owners refused City's offer and did not make a counteroffer.

(5) Project: Park Road Alignment
Owner(s): Jean N. Blair and Jack E. Nivens and any other parties of interest.
Property address: 5501 Park Road
Property to be condemned: 577 square feet (.013 ac.) of right-of-way plus 1,947 square feet (.045 ac.) of temporary construction easement.
Condemnation price: $1,400.00
Reason for condemnation: Owners refused City's offer and did not make a counteroffer.

(6) Project: Park Road Alignment
Owner(s): Jack E. Nivens and wife, Sharon P. Nivens and any other parties of interest.
Property address: 5535 Park Road
Property to be condemned: 685 square feet (.016 ac.) of right-of-way, 224 square feet (.005 ac.) of permanent drainage easement, and 887 square feet (.020 ac.) of temporary construction easement.
Condemnation price: $1,600.00
Reason for condemnation: Owners refused City's offer and made no counteroffer.

(7) Project: 16" Water Main Along Central Avenue
Owner(s): Pavlos Bisbikis and Alexandra Bisbikis, Athan Pappas and Lucy Pappas, and any other parties of interest.
Property address: 2903 Central Avenue
Property to be condemned: 1,373.16 permanent water line easement.
Condemnation price: $1,700.00
Reason for condemnation: The property is zoned B-1 and is developed with a small commercial center. Owner refused to make a counteroffer.

- ANNOUNCEMENT -

In meeting on Monday, February 13, 1989, City Council will make nominations for appointment to the Parade Permit Committee. The terms of two incumbents are expiring, but both are eligible for reappointment.

SCHEDULE OF MEETINGS
January 23 - February 10, 1989

Monday, January 23	COUNCIL/MANAGER LUNCHEON Meeting Chamber Conference Room, CMGC	1:00 p. m.
	CITIZENS HEARING	2.00 p. m.
	COUNCIL MEETING Meeting Chamber, CMGC	2.30 p. m.
Thursday, January 26	TRANSPORTATION COMMITTEE Conference Center, CMGC	4:00 p. m.
Thursday, February 2	COMMUNITY DEVELOPMENT & HOUSING COMMITTEE (reserved) Conference Center, CMGC	4:00 p. m.
Monday, February 6	COUNCIL WORKSHOP Conference Center, CMGC	5:00 p. m.
Thursday, February 9	SPECIAL USE PERMIT HEARING Meeting Chamber, CMGC	4.30 p. m.

#1

ATTACHMENT I

EXECUTIVE SUMMARY

OPERATIONS COMMITTEE

Executive Summary
September 22, 1988

The Operations Committee of the City of Charlotte, North Carolina, met on Thursday, September 22, 1988, at 4:00 p.m. in the City Council Chambers on the second floor of City Hall. Chairperson Roy Matthews and Committee Members Gus Campbell, Stan Campbell and Ella Scarborough were present. Committee Member Richard Vinroot was absent. City staff in attendance were Tom Finnie, C. Don Steger, Pressly Beaver, Dave Smith, Diane Quisenberry, Marylyn Williams and Dymphna Pereira. Others present were Louise Crawford, Dave Gregerino, Marvin Miller, Terry Miller, Sara Pressly (County Attorney), Dr. Jimmy Sain (Chairman of the Ad Hoc Committee), Catherine Stubbington, Eleanor Summers (Mecklenburg Humane Society), Mike Ellis (President, S.E. Pit Bull Association).

Mr. Matthews called the meeting to order and requested that Tom Finnie give an overview of the information contained in the package regarding the dangerous dog legislation.

Tom Finnie said that the bulk of the package contained a rewrite of the ordinance and minutes from the public hearings. He said that over the past 3 or 4 years interim measures to control dangerous dogs had provided just "band-aid" solutions. Therefore, during the past few months, under Council's direction, an Ad Hoc committee was formed. Through public hearings and their initiative and work, the Ad Hoc committee has developed proposals for handling potentially dangerous dogs and irresponsible dog owners. The proposals will put a tremendous amount of responsibility in the hands of the Animal Control Division, in terms of dealing with a dangerous dog and property owner. Tom Finnie then requested Diane Quisenberry, Superintendent of Animal Control, to present the highlights of the proposals.

Diane Quisenberry said that the Division has experienced difficulties with the definition of a "vicious" animal. People look at "vicious" as an inherent propensity in a dog, and it is just about impossible to prove that a dog is "vicious". In 1985, the Animal Control staff introduced "dangerous" into the ordinance, together with added protective measures for children and special measures against dog owners who met 5 criteria.

Over the past few years, the media exposure on pit bulls has heightened awareness of the "dog next door." In 1987, the citizens of Charlotte approached City Council requesting more protective legislation from dangerous dogs. The Ad Hoc committee was formed, including 2 veterinarians, 1 dog trainer, 2 citizens, 2 humane society representatives and 1 obedience dog judge. The Ad Hoc committee was directed to hold a public hearing once a proposal had been developed and to research what other communities were doing in similar circumstances.

The two laws that were put on the books in 1985 were not perfect, with particular situations falling between the dangerous dog section and special protective measures for the children section. There were too many situations that could not be addressed and resolved. Staff had discussed the enhancement of the law with the Legal Department and had started developing the Class A concept. Class A included those breeds of dogs with potential to provoke fear

and anxiety in the public and which could inflict serious injury. All the penalties and sanctions that would have been developed would have been against the owners of Class A dogs.

The Ad Hoc committee looked at the Class A concept and felt there were just too many problems, e.g., the constitutionality, the difficulty as to classification of the mixed breed dogs, how to classify a dog that looked like one breed, but the owner contended was another breed; difficulty in using size/weight in classifying a dog; and the possibility of penalizing responsible owners and innocent dogs. The ad hoc committee wanted the sanctions and penalties to apply to the "irresponsible" dog owners and to protect responsible owners and their dogs.

The choices that emerged as a result of the deliberations were: (a) take no action and just enforce the existing laws; (b) introduce laws which would partially address the dangerous dog situation through strict and inflexible enforcement of the laws while minimizing additional manpower requirements; or (c) enact the Ad Hoc committee proposal which would provide comprehensive laws to solve the dangerous dog problem while providing due process to each animal owner.

This proposal would give Animal Control authority to impose preventative measures for the confinement of dangerous or potentially dangerous dogs. Restrictions could involve the construction of a six-foot fence, a sign in the front yard which indicates that there is a dangerous dog on the property, or the purchase of $100,000 liability insurance, or a requirement to have the dog tattooed.

There is a proposed increase in the fine for failure to license dogs. The current $25 fine will be increased to $50. Animal Control will also have the authority to seize the animal if the owner fails to comply with the licensing requirement, after receiving a warning and time to comply.

Mr. Matthews questioned the liability of a person who could not afford to pay the recommended license fee. Diane Quisenberry clarified that no increase in license fees had been proposed -- only in the fines.

The law would have a new penalty for an "unprovoked bite" where a dog is allowed to bite or bites when there is no provocation, but the bite is not serious. However, the owner needs to be made aware that additional restraint and caution is necessary. If this caution goes unheeded, there will be a $50 penalty, and Animal Control could apply additional restraint requirements.

Mrs. Scarborough asked for a clarification of the term "unprovoked" bite. Diane gave an example of a child taking a stick and teasing a dog and the dog bites the child - that would be considered a provoked bite. However, if a child was walking along a sidewalk or riding a bicycle on the sidewalk and a dog ran out and bit the child, since the child had taken no action to provoke that bite, the dog committed an "unprovoked bite," which would be a violation of the ordinance.

Mrs. Scarborough questioned whether a dog owner had any responsibility in the case of an unprovoked bite. Diane responded that Animal Control would require some guarantee that the dog is free of rabies, but as long as a dog is free of any malicious action, no action could be taken against the owner.

Animal Control would have the authority to monitor facilities where aggression training of dogs occurred. Such facilities would be required to keep a list of the locations of these dogs, and Animal Control would be able to monitor where these dogs were and how they were restrained once they were placed. If these dogs were placed in areas outside of Animal Control's jurisdiction, authorities in that area would be advised that there was an aggression trained dog in their jurisdiction.

Additionally, an escalating fee had been recommended for leash law violations. This was the only area where staff and the Ad Hoc committee had disagreed. The Ad Hoc committee felt that there should be a differentiation between the escalating penalties for leash law violations committed by a puppy, (9 months of age or younger) and a dog (9 months or older), and that the penalties be imposed with a set timeframe. Staff recommended an escalating fine schedule with no differentiation as to the animal's age, or any timeframe. The staff's recommendation was related to concerns about the ability of Animal Control officers to establish and determine a dog's exact age. There was general agreement with staff's recommendation.

Diane then reiterated that the proposed new law was very comprehensive and would take a lot of work to enforce. It could not be properly enforced on a part-time basis by the current Animal Control officers. It will require a task force, a group of employees dedicated to investigating only the dangerous dog complaints, meticulously preparing a case that could eventually end up in court. Owners have to be provided "due process." Fourth Amendment rights have to be observed, and employees have to be adequately trained in providing every opportunity to the owner and the dog.

Mr. Matthews questioned whether the "due process" would be different under the new law. Diane responded that it would not. The only difference would be a great increase in the number of cases in the future.

Mrs. Scarborough asked if this would change the amount of staff needed in order to enforce the proposed new law.

Tom Finnie said that the City, over a period of time, has addressed this issue on a case-by-case basis. That approach was not acceptable, based on the complaints and concerns expressed. In order to handle this situation adequately, he said that Animal Control would require approximately 11 positions. He went on to explain that this was an estimate which had not been thoroughly reviewed by the Budget Office. However, he suggested that if the Council wanted to take this approach, that it would be important that the revenues that would be produced offset the additional costs. In addition, he recognized that if the system works, revenues may go down, which he considered to be a very positive indicator. Tom Finnie committed to bring back to Council annual reports on the ratio of revenue to staffing. He was not talking about

the Animal Control Division paying its own way, just that this expanded program could pay its own way.

Mr. Gus Campbell and Mr. Stan Campbell advised Mr. Matthews that they were not prepared to vote one way or the other until they knew specifically how many people would be involved, what they were going to be doing, and how much revenue could realistically be looked for to offset the additional expense.

Mrs. Scarborough said that she would like to stiffen the law, and she commended staff and the Ad Hoc committee on their recommendation.

Mr. Matthews asked for a probable timetable for implementation. Tom Finnie said that the general approach has been to make ordinances like this effective within 3-6 months. In addition to getting the people, a program like this would require an extensive publicity campaign. Tom Finnie said that this law would only be applicable to the City and paid for by City funds. If the County or small towns wanted to go with something like this, the City would be more than glad to work out a program whereby they paid for the additional service.

Mr. Matthews noted that the alternative was simply to get tough utilizing the current manpower and resources. Tom Finnie confirmed that the alternative suggestion was a legal approach which was very strict and inflexible. The repercussions would be immense. Pressly Beaver added that employees get abused quite a bit out there, and it is hard to keep good officers because of the early burn-out problem.

Mr. Matthews then invited comments from Dr. Sain, Chairman of the Ad Hoc committee. Dr. Sain said that he wanted to clarify the Ad Hoc committee's reasons for not concurring on the Class A/Class B concept: it would not address potentially dangerous dogs; it would include innocent dogs and owners; and it would be difficult to identify breeds with certainty because of mixed breeding.

Mr. Stan Campbell wanted to know if veterinarians notified any agency if they were faced with a dog in which they observed hostile and aggressive characteristics. Dr. Sain said that there was no authority that veterinarians reported to. He had mixed feelings on this because he would hate to see more work put on his profession, but it would help to alleviate the situation and help to pin-point dogs that are in violation. Tom Finnie suggested that the City could provide each veterinarian with a telephone number to call if they encountered an animal that did not have a current vaccination, or who they felt might be dangerous.

In response to Mr. Matthews, Diane Quisenberry said that the procedure was, if a person was found to be in violation of the licensing requirement, a citation would be issued with a ten-day timeframe for compliance. At the end of that period, Animal Control would check on whether the animal had been licensed. If not, the animal would be seized and the owner would get an additional five days to comply. There is ample opportunity built-in for the owner to comply without penalty. In any case where an animal is seized, the process would provide that the animal would not be disposed of until all appeal

processes are used up. Dave Smith said that the City's responsibility would be to give the owner notification of the potential consequences of non-compliance. The owner would have an opportunity to have a hearing by the City, be notified in writing about why the animal is in violation of the City Code, and would be told at that point, after the hearing, that the dog would be kept for three days, and if they wanted to get a remedy in the court, they could proceed to do that.

Mr. Matthews put forth a scenario of an owner whose dog was seized on a Monday and that person had to wait until Friday, i.e., payday, before he could pay. What recourse would such an owner have? Diane Quisenberry said that Animal Control, if advised, puts a note on the record that payment will be received on Friday and the dog is held. She confirmed that that had never been a problem.

Mr. Dave Gregerino advised the Committee that he had the recommended enclosure for his dog. He wanted to know what would happen if a child got scratched on his fence while playing/teasing the dog, ran home and said it was bitten by the dog.

Dave Smith said that nothing occurred to him that constituted a violation, since the owner had not been negligent and the Superintendent had the discretion not to issue any kind of violation. However, if a citation were issued, and not paid, then a criminal summons might be issued against the owner. In a criminal case, the judge would have to find that there was a violation on the owner's part beyond all reasonable doubt.

Ms. Catherine Stubbington told the committee that she was a pit bull owner who had met all the dog restraint requirements. She appreciated that budgetary restrictions had to be worked out. However, she had read the proposed law and appealed to the committee to at least endorse the spirit of the ordinance as it is written. They should make a statement that they are taking this seriously because people have got to learn that they cannot allow their dogs to freely run around in public places.

Mr. Marvin Miller said that during the previous week three Chows that lived in his neighborhood entered his backyard and killed his Himalayan cat. His wife was bitten and had sustained an injury while trying to get the dog's jaws opened. He said, there was a great human cost that could not be overlooked in the rush to protect the dog owner's rights. He hoped that the City Government and this committee would find some way to resolve this kind of problem.

Mr. Gus Campbell moved that the committee recommend to the full Council the adoption of the proposed revisions to Chapter 3 concerning Animals, with the understanding that in the interim, the Budget & Evaluation Department would come back with a separate recommendation to the full Council as to the staffing and other needs. The motion was seconded by Mrs. Scarborough and passed by a 4:0 vote.

The meeting adjourned at 6:00 p.m.

ATTACHMENT II

HIGHLIGHTS OF THE PROPOSED DANGEROUS DOG LAW

Highlights of the Proposed Dangerous Dog Law

The proposed dangerous dog laws have been written with the intent of penalizing the irresponsible dog owner. The dog owner who fails to adequately restrain his animal, who fails to license and inoculate his animal, is the target of these laws.

° Authority to Require Confinement

The new law would confer a broad authority to impose special preventative measures for the confinement of dogs where a dangerous or potentially dangerous dog resides. The new provision would eliminate the need to meet the criteria which are now in effect in order to impose sanctions. The preventative measures could be imposed in many situations where only the potential for danger exists.

The criteria include the following: 1) nature of the dog; 2) adequacy of present confinement; 3) Nature of the area surrounding the dog; 4) proximity of children; 5) prior aggressive history of the dog; 6) training of the dog for fighting or aggression; 7) attitude of the dog in a reported incident; and 8) reputation of the dog.

These criteria are all considered, but none are limiting on actions that could be taken. The preventative measures include but are not limited to:

1) special fencing
2) secure fencing
3) repair of existing fencing
4) tattooing
5) liability insurance
6) any device which could provide greater assurance for confinement
7) warning sign on owner's property
8) owner's duty to notify the division if the animal escapes

A due process provision allows the owner to challenge any order for preventative measures.

° Increased fine for failure to license a dog

The new law will increase the penalty for failure to have a City animal license from $25.00 to $50.00. An owner found in violation of this section will be cited and given ten days to comply and to pay the fine. An owner who fails to comply with the requirements loses the privilege of owning the dog. The dog can then be seized and held another five days pending compliance by the owner.

A due process procedure allowing an owner to challenge the seizure is available. Unclaimed animals will be placed for adoption or euthanized.

° Penalties for unprovoked bites

Any dog biting a human for any unprovoked reason will subject the owner to a $50.00 fine. In addition, such a bite places the animal under scrutiny as a danger ous animal, and preventative measures can be imposed. These include the following:

a) Liability insurance - $100,000 minimum
b) Tattooing
c) Warning sign on property
d) Adequate fencing as prescribed by Animal Control
e) Permanent loss of the dog for non-compliance with any sanction.

° Aggression trained dogs

The new law will provide authority to the Animal Control Division to require registration and inspection of all facilities engaged in the aggression security training of dogs. All dogs trained for aggression must be registered and their current location on file at each facility so that such information is readily available to Animal Control. Special fencing requirements and other preventative measures may be imposed for any dog with aggression training.

° Increased Fines for Leash Law Violations

Leash law penalties would significantly increase under the new law. Both staff and the Ad Hoc Committee agreed that stiffer fines for leach law violation were necessary. They also agreed that the penalty should escalate for repeat of offenses.

For leash law violations, the Ad Hoc Committee recommends two escalating penalty schedules: one for puppies nine months of age and younger; and one for dogs over nine months of age. Staff did not concur with this proposal for two reasons. The only way to determine age is by examination of teeth. In addition to the danger involved in examining the teeth of a dangerous or potentially dangerous dog, a great deal of technical expertise is needed to be able to make a sound determination based on examination.

The Ad Hoc Committee's recommendation also related increased leash law fines to violations occurring within a specific time-period. There is no such time-frame in staff's recommendation which will allow higher fines and seizure of the dog to occur more quickly.

The Operations Committee favored the staff recommendation.

Staff Recommendation

1st offense	$50.00
2nd offense	$75.00
3rd offense	$150.00 and fence
4th offense	$200.00 and secure fence
5th offense	$500.00 and seizure of dog

Ad Hoc Committee Recommendations

Puppies

(9 months or younger)

1st offense	$ 25.00
2nd offense	$ 50.00
3rd offense	$100.00
4th offense	$150.00 and fence
5th offense	$200.00 and fence

Dogs

(9 months and older)

1st offense	$ 50.00
2nd offense	$100.00
3rd offense	$150.00 and fence
4th offense (within 12 months)	$200.00 fine secure fence
5th offense (within 72 months)	$500.00 and seizure of dog

ATTACHMENT III

ORDINANCE RECOMMENDATIONS FOR DANGEROUS DOG CONTROL

ORDINANCE NO._____ ORDINANCE AMENDING CHAPTER 3

AN ORDINANCE AMENDING CHAPTER 3, "ANIMALS", OF THE CODE OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Chapter 3, "Animals", of the City Code of the City of Charlotte, shall be amended as follows:

1. Amend § 3-1, "Definitions", by deleting in its entirety the definition of "Dangerous animal" and substituting in lieu thereof, the following:

> "Dangerous animal. Any animal whose behavior constitutes a reasonable risk of injuring a human or animal or damaging personal or real property. That behavior includes, but is not limited to, an animal's biting or attacking or attempting to attack a human or other animal. However, this definition shall not apply to any animal that has been subject to provocation or if the victim has been trespassing, as defined herein, upon the animal owner's premises."

2. Amend § 3-1, "Definitions", by adding a new definition, "Provocation", after the definition of "Pasture" and before the new definition of "Trespass", to read as follows:

> "Provocation. Provocation shall not include any actions on the part of an individual that pertain to reasonable efforts of self-defense and provocation must be clearly established."

3. Amend § 3-1, "Definitions", by adding a new definition for "Trespass" immediately after the definition of "Provocation" and before the definition of "Wild animal" to read as follows:

> "Trespass. Trespass means that the victim has wrongfully invaded the property of the owner. The cause of the individual to be on the property and any other relevant circumstances shall be considered in order to determine whether or not a trespass has occurred. A child under the age of seven shall not be deemed to be a trespasser.
>
> "Further, it shall not be deemed to be a trespass if a dog does not have a current and valid City license, a rabies

innoculation, or the owner's actions or omissions unreasonably contribute to the possibility of the animal biting a human being."

4. Amend § 3-10.1, "Special protective measures for children seven years or younger", by deleting § 3-10.1 in its entirety and by substituting in lieu thereof a new § 3-10.1 entitled, "Authority to impose preventive measures for confinement of dogs", to read as follows:

"§ 3-10.1. Authority to impose preventive measures for confinement of dogs.

(a) Circumstances requiring special preventive measures. The Division shall have the authority to require the owner or custodian of a dog to comply with specific preventive measures, as described below in subsection (b), after taking into consideration the following three circustances:

1. Nature of the particular dog: The behavior, size, temperament, breed, capacity for inflicting serious injury, the number of dogs, or other such similar factors which would be relevant to a determination of whether or not additional preventive measures need to be imposed for a particular situation; and

2. Adequacy of confinement: The adequacy of the enclosure or confinement, if any; and

3. Immediate surrounding area: The likelihood that the conditions pertaining to the particular dog and the dog's confinement are detrimental to the safety or welfare of citizens, or peace and tranquility of citizens, in the immediate surrounding area.

In considering whether to order a special preventive measure, the Division is authorized to consider additional factors as aggravating circumstances that might warrant the ordering of special preventive measures:

1. Child under the age of seven: There is a child under the age of seven who lives in such close proximity, or children walk by or are otherwise in close proximity, to the property occupied by the dog; or

2. Bite: The dog has bitten a human being or domestic animal, without provocation or without a trespass, and the person bitten does not ordinarily reside on the premises; or

3. Dog trained for fighting or aggressive attack: The dog is kept primarily or in part for the purpose of dog fighting or the dog has been trained for aggressive attacks; or

4. Attitude of attack incident: A dog, without provocation or a trespass, has approached a person in an apparent attitude of attack; or

5. Reputation of dog: The individual dog has a known propensity, reputation, or tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(b) Preventive measures. If the Division determines that the circumstances require special preventive measures, then the Division shall have the authority to require appropriate, specific preventive measures which might include, but are not limited to, the following: necessary repairs for any fence or enclosure, measures to ensure that a gate will remain closed, a 'fence' or 'secure dog fence' as described below, or any other similar device that would provide greater assurance for the confinement of the dog, all of which are subject to being specifically approved for their adequacy by the Division.

A fence shall be at least a minimum of four feet high and constitute a secure enough enclosure sufficient to contain the dog at all times. The minimum size of the enclosure may be at least 150 square feet. If the dog is over 15 inches at the shoulder or is deemed capable of climbing a standard four foot fence, then the animal control supervisor may require a six-foot fence.

A secure dog fence means a fence, as immediately described above, that may also be enclosed on all six sides including the top. The bottom may be concrete unless the sides of the fence are buried one-foot deep in a hard-packed soil.

Any reference to 'fence' or 'secure dog fence' shall be defined as stated immediately above.

The Division shall also have the authority to require the owner to tattoo the dog at the owner's expense if that is necessary for identification, investigative, or enforcement purposes.

The Division shall have the authority to require the owner to procure liability insurance in the amount of at least $100,000 at the owner's expense, or to have the dog tattooed, or to display a sign on the premises warning of the dog on the premises. The Division shall have the authority to require the owner to show signed written statements about maintaining the liability insurance/the designated enclosure for the dogs/and the duty to notify the animal control division if the dog escapes, and to require the owner to give the Division the authority to seize and impound the dog if the owner fails to comply with the provisions.

The Superintendent shall have the authority to waive any or all of these requirements if the Superintendent determines that the bite is inconsequential.

(c) Written order. If the Division determines that specific preventive measures must be complied with by the owner of a dog, the Division shall make reasonable efforts to notify the owner of the written order, state the reasons that preventive measures are required, identify the specific preventive measures that must be implemented, and state the designated time period within which to comply with the written order. The Division shall have the authority to exercise discretion for extensions of time if that is reasonable in view of the good faith progress of the owner in implementing the preventive measures.

(d) Failure to comply with written order. It shall be unlawful for an owner to fail to comply with a written order within the designated time for compliance stated in the written order or any extension thereof. In addition to the remedies of § 3-23, the penalty for failure to comply with the written order shall be one hundred ($100.00) dollars. The Division shall have the authority to issue additional $100.00 citations for a continuing failure to comply with a written order.

(e) Owner's challenge to the written order. The owner may submit in writing a challenge to the Division's determination that section (a) is applicable to the owner's premises or submit in writing a challenge to the specific preventive measures required by the Division. The owner's written challenge must be received in the office of the Director of the City's Operations Department by the end of five days of the date of the written order, not counting the day of issuance of the written order. The challenge to the written order shall be reviewed by the Superintendent unless the Superintendent has had some involvement in the issuance of the written order. In that situation, the City Manager or designee shall review

the written challenge. The review of the challenge may be done solely on the basis of written material.

(f) Seizure and disposition of animal. The Division is authorized to seize an animal as provided for in Code § 3-25, when the owner has not complied with the written order.

5. Amend Chapter 3, "Animals", by adding a new § 3-15.1 entitled, "Failure to have current City license-penalty and seizure", which shall read as follows:

"§ 3-15.1. Failure to have City dog License: Penalty and Seizure.

(a) Penalty. If an owner has failed to secure a valid and current license for a dog, then the citation penalty shall be $50.00. The citation shall state on its face that the Division has the authority to summarily seize the dog, if the citation is not paid within 10 days of the date of the issuance of the citation and if the owner has not obtained a current City dog license within 10 days of the issuance of the citation, and that seizure of the dog could lead to the humane destruction of the dog.

(b) Seizure of the dog. If the owner fails to pay the $50.00 citation and fails to obtain the current City dog license within 10 days of the issuance of the citation, the Division shall have the authority to summarily seize the dog. The Division shall hold the dog for a minimum of five days. The owner shall have the option to reclaim the dog by paying the citation fine, a delinquency charge of $15.00, the impoundment fees, the City dog license, rabies fees, and any other lawfully authorized costs. If the owner wishes to request a review of the seizure of the dog, then the owner shall request the review in writing within the five days of the dog's impoundment and, at the same time, shall pay an amount in cash covering the $50.00 citation, the delinquency charge, impoundment fees, the City license, rabies fees, and any other costs, which amount of money shall be returned to the owner if there is an administrative or judicial decision ultimately in favor of the owner.

If there is no hearing requested within the five days of the seizure of the dog and the dog is not reclaimed, then the ownership rights of the owner shall be terminated upon the expiration of five days and the Division shall have the authority to dispose of the dog pursuant to § 3-72.

6. Amend Chapter 3, "Animals", by adding a new § 3-18.1 entitled "Animal bite", to read as follows:

"§ 3-18.1. Animal bite. It shall be unlawful for an animal to bite a human being, who does not ordinarily reside on the premises, unless the animal has been subject to provocation or unless the victim has been trespassing, as defined in § 3-1, "Definitions".

It shall be unlawful for a person to fail to report as soon as possible that an animal has bitten a person. It shall be unlawful for any person to fail to inform the Division where an animal is located if the owner has given the animal away or caused in any way the animal to be taken from the owner's premises.

If the Division determines that a dog has bitten a human being, then the Division shall have the authority to require the owner to procure liability insurance in the amount of at least $100,000 at the owner's expense, or to have the dog tattooed, or to display a sign on the premises warning of the dog on the premises. The Division shall have the authority to require the owner to show signed written statements about maintaining the liability insurance/the designated enclosure for the dogs/and the duty to notify the animal control division if the dog escapes, and to require the owner to give the Division the authority to seize and impound the dog if the owner fails to comply with the provisions.

The Superintendent shall have the authority to waive any or all of these requirements if the Superintendent determines that the bite is inconsequential.

7. Amend Chapter 3, "Animals", by adding a new § 3-18.2 entitled, "Aggression-trained dogs", to read as follows:

"§ 3-18.2. Aggression-trained dogs

(a) Aggression-training facility. An aggression-training facility means any person, group of persons, firm, organization, association, partnership, syndicate, or corporation that schools, trains, or conditions canines to bite, attack, or exhibit aggressive behavior towards humans or other domestic animals for any purpose, including but not limited to, the security of business property, personal security, or dog fighting. The facility may be operated as a licensed business or as a non-profit hobby or interest.

(b) Registration of agression-trained dogs. The Division shall have the authority to determine whether any individual or business entity is engaged in the aggression-training of dogs. If the Division makes such a determination, then the individual or business entity must comply with the following requirements:

"(1) The individual or business entity has a duty to provide registration information as required by the Division as it pertains to aggression training of any kind of dogs.

(2) The individual or business entity has the duty to maintain a current registration of all dogs, thus trained, including the current location or address of the dog, and that information shall be provided to the Division upon the training of any such dogs.

(3) The Division shall have the authority to inspect the premises engaged in aggression-training and to observe training methods and safety of facilities during the operating hours of the aggression-training facility.

(4) The aggression-trained dogs must be maintained by adequate confinement. The Division shall have the authority to require all aggression-trained dogs to be confined in a strong fence at least six feet high and, at the discretion of the Division, topped by an anti-climb enclosure".

(c) Unlawful acts. It shall be unlawful for any individual or business entity to fail to comply with any of the requirements stated in this section. It shall be unlawful for an individual or business entity to fail to inform the Division of any animal in the City that has been subject to some training or conditioning at an aggression-trained facility and fail to carry out the duty to provide registration information as required by the Division.

(d) Imposition of preventive measures. If the Division determines that a dog has been trained for fighting or aggressive attack, then the Division shall have the authority to impose the same requirements stated in § 3-10.1.

(e) Appeal. If the Division determines that a dog has been trained for fighting or aggressive attack and the owner wishes to appeal that or the preventive measures imposed, then the appeal shall be the same as that stated in § 3.10.1(e)."

8. Amend § 3-23, "Enforcement", by deleting § 3-23 in its entirety and by substituting in lieu thereof a new § 3-23 entitled, "Enforcement," to read as follows:

"§ 3-23. Enforcement.

(a) The City Council's determination is that it is important to enforce vigorously and effectively this chapter's provisions. The City Council makes the following findings to accomplish the objective of

vigorous and effective enforcement of animal control provisions:

1. That a current City license tag and a rabies inoculation tag are vital for public health, for the ability of the Division to carry out its functions, for the protection of the owner, and for the protection of the animal, and, therefore, must be complied with. The owner of an animal, particularly a dog, has a very serious obligation of ownership and a duty to the citizens of Charlotte to comply with City licensing and rabies inoculation requirements.

2. That the presence of a dog when off-premises in violation of Code § 3-7, "Restraint of animals", often creates substantial anxieties and concerns for people for safety and free movement and, therefore, the owner has an obligation to the citizens of Charlotte for the effective confinement of one's dog.

3. That the possibility of a dog bite is a serious anxiety for citizens, neighborhood, and areas, in Charlotte and, therefore, owners have an obligation to prevent the creation of that apprehension and concern.

4. That a dog owner has a particular responsibility for being conscious of and sensitive to any possible dangers for children under the age of seven years who, at that age, are unable to fully appreciate the possible danger presented by a dog and a dog's reaction to a child under the age of seven.

5. That the Superintendent must have ample authority to impose preventive measures, as provided for in § 3-10.1, must have the authority to seize animals, as provided for in § 3-25, and, if necessary, terminate ownership rights as also provided in § 3-25.

6. That escalating fees and other sanctions are measures that hopefully will deter owners for failing to comply with these Code provisions that have been adopted to protect the citizens of Charlotte and to declare that the ownership of dogs entails publicly-related responsibilities..

(b) When there is violation of this chapter, the Division at its discretion may take one or more of the following courses of actions:

(1) Citation fines.

(.1) Violations of §§ 3-15 and 3-15.1. (failure to have City license and rabies tag):

- Citation for cat or equine owner: $25.00 for failure to have current City license. $50.00 for failure to have a cat inoculated.

- Citation for dog: $50.00 for failure to have current City license. $50.00 for failure to have current inoculation.

(.2) Violation of § 3-7, "Restraint of animals":

The issuance of a citation for a violation of Code § 3-7, "Restraint of animals", is directed toward and against the owner of a dog. The purpose of the issuance of a citation pursuant to Code § 3-7 is to effect the conduct of the owner of a dog by seeking to have an owner responsibly maintain a sufficient restraint and confinement of a dog.

Therefore, an owner of a dog shall be subject to escalating penalties for each violation of Code § 3-7 by the owner, whether the dog is the same dog, a different dog, or various dogs, belonging to the owner. Each violation of Code § 3-7 shall subject the owner to an increased citation penalty:

Owner's Offense	Penalty
1st	$50 fine
2nd	$75 fine
3rd	$150 fine & fence
4th	$200 fine & secure dog fence
5th	$500 fine & seizure of dog

(.3) Violation of § 3-18.1, "Animal bite": $50.00

(.4) Other violations: All other violations shall be subject to a citation fine of $25.00.

(2) Criminal misdemeanor. The violator may be charged with a misdemeanor and be subject to a fine not to exceed five hundred dollars ($500.00) or 30 days in jail; or

(3) Injunction. The City may apply to the appropriate Court for an injunction and order of abatement which would require that a violator correct any unlawful condition relating to this chapter existing on his or her property.

9. Amend Chapter 3, "Animals", by adding a new § 3-25 entitled, "Seizure and disposition of animals", which shall read as follows:

"§ 3-25. Seizure and disposition of animals.

(a) Authority to seize animals. In addition to any other authority or procedure authorized by this chapter or by any other law to seize an animal, the Division shall have the authority to summarily seize any animal from premises when the Division determines that the animal in the surrounding circumstances is dangerous or prejudicial to the public safety or public health, or to seize an animal at any other time, when so authorized in this Chapter.

The written order shall explicitly state that the Division has the authority to terminate ownership rights of the animal, including the possible humane destruction of the animal, if there is a failure to comply with the written order, or unless otherwise directed by Court order.

(b) Obligation of owner to comply with seizure order. When the Superintendent or a Supervisor presents an owner with a written seizure order to seize an animal, it shall be unlawful for the owner to fail to comply with the order or to interfere with the animal control officer. A police officer, if requested by the Superintendent or Supervisor, shall accompany the animal control officer to seize the animal.

(c) A challenge to the seizure order. If the owner wishes to challenge the basis of the seizure order, then the owner must submit in writing the basis of the challenge within five days of the seizure of the animal, not counting the day of seizure of the animal. The challenge must be submitted to the Director of the Operations Department. The Director can handle the challenge in the same manner as provided for in Code § 3-10.1(e). The Division has the obligation to make reasonable efforts to notify the owner.

(d) Owner's redemption of animal. The owner is entitled to redeem the animal, unless the Superintendent retains the animal upon some other basis of legal authority, by paying all applicable fees, citation fees, boarding fees, any other costs that are attributable to the dog and complying with any outstanding Division order.

(e) Owner's posting of a bond. If the Superintendent has seized an animal under Code §§ 3-10, 3-10.1, 3-18.2, or this section, or for any other lawfully authorized seizure and confinement of an animal and the Superintendent determines that the City's retention of any animal, seized or held by the Division, might extend beyond five days, then the Superintendent shall be authorized to require the owner to post a bond or to deposit cash within a reasonable time based upon the boarding costs for the animal and any forseen, reasonable veterinarian fees required by law or deemed necessary for the animal, for the continued holding by the Division of the animal.

(f) Termination of owner's rights. If an owner fails to comply with the requirements that constituted the basis for seizing the animal or fails to reclaim the animal within the applicable time period, then the Superintendent shall have the authority to humanely destroy the animal or place the animal for sale to the public, all in accordance with § 3-72, or to place the animal with a local humane society for future placement through the humane society.

10. Amend Chapter 3, "Animals", by adding a new § 3-26 entitled, "Negligence *per se*", to read as follows:

"§ 3-26. Negligence per se.

This section is included in this chapter in order to impose a public duty upon persons having possession of animals to prevent those animals from attacking another person with a possible violation of Code § 3-10.1, failing to comply with instructions to impose preventive measures for the confinement of dogs, of § 3-7, "Restraint of animals", and of § 3-18.2, "Aggression-trained dogs". Such persons having possesion of animals have imposed upon them a public duty designed to promote the safety of other persons and a violation of any of those provisions is negligence *per se* and could give rise to recovery of damages for personal injuries in a civil action by an injured person against the person owning or having possession, charge, custody or control of the animal causing said injuries.

Section 2. This ordinance shall become effective _____

Approved as to form:

City Attorney

CERTIFICATION

I, Pat Sharkey, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of an ordinance adopted by the City Council of the City of Charlotte, North Carolina, in meeting held on the _____ day of _____, 198__, and recorded in full in Ordinance Book _____, beginning on page _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____day of _____, 198__.

_____
Pat Sharkey, City Clerk

ATTACHMENT IV

PROPOSED CHAPTER 3 - "ANIMALS"

ORDINANCE NO._____ AMENDING CHAPTER 3

AN ORDINANCE AMENDING CHAPTER 3, ENTITLED "ANIMALS", OF THE CITY CODE OF THE CITY OF CHARLOTTE.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Chapter 3, "Animals", of the City Code shall be deleted in its entirety and a new Chapter 3, entitled "Animals", shall be substituted in lieu thereof and shall read in accordance with the attached Chapter 3, "Animals", fully incorporated herein, as if fully stated here.

Sec. 2. This new Chapter 3, "Animals", shall become effective _____.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CHAPTER 3

ANIMALS

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ARTICLE I. IN GENERAL

Section 3-1. Purpose

Pursuant to authority granted by the North Carolina General Assembly, this Animal Control Ordinance is enacted to regulate, restrict, or prohibit, if necessary, animals; to protect the public from unvaccinated, diseased, stray, roaming, dangerous, wild, or exotic animals; to make unlawful acts of animals that interfere with the enjoyment of property or the peace and safety of the community; to protect animals from abuse or conditions harmful to their well-being; to operate an animal shelter; and to carry out any other lawful duties authorized by State laws and applicable ordinances.

Section 3-2. Jurisdiction

This Ordinance shall be applicable within the corporate limits of the City of Charlotte. No employee of the animal control division shall have authority to enforce provisions of this ordinance within any other corporate limits or jurisdictions unless an interlocal agreement pursuant to G.S. § 160A-460 *et seq.* is executed by the City of Charlotte and the incorporated township. Such an interlocal agreement may be entered into at any time providing the appropriate resolution is adopted by the governing body of any such municipality or township agreeing that this Ordinance shall be enforced by the animal control officers, as defined below, within the corporate limits or jurisdiction of the municipality.

Section 3-3. Definitions

For the purpose of this chapter, the following words and phrases are defined and shall be construed as set out below unless it is apparent from the context that a different meaning is intended:

Animal: Every vertebrate nonhuman species of animal, wild or domestic, male or female, including, but not limited to dogs, cats, livestock, and other mammals, birds, reptiles, amphibians and fish.

Animal Control Officers: Persons properly appointed by the City of Charlotte to enforce all sections of this chapter and applicable State laws and who are responsible for discharging such other duties and functions as may be prescribed by the Board of Commissioners and the Charlotte City Council as set forward by this or any other applicable ordinance or State law or pursuant to interlocal agreements cited in section 3-2.

Cat: A domestic feline of either sex.

City: City of Charlotte.

Code: City of Charlotte Code.

Computation of time: In computing any period of time, any day which the division is open shall be counted. This includes Saturdays, Sundays, and legal holidays (when applicable).

County Dog Warden: The Superintendent of the Charlotte Animal Control Division shall be the County Dog Warden and shall have all powers conferred by State law upon the County Dog Warden or by this Ordinance upon Animal Control Officers.

County Rabies Ordinance: The Mecklenburg County Ordinance for the Control of Rabies and Other Zoonoses.

Division: The Charlotte-Mecklenburg Division of Animal Control.

Dog: A domestic canine of either sex.

Dangerous: Any animal whose behavior constitutes a reasonable risk of injuring a human or animal or damaging personal or real property. That behavior includes, but is not limited to, an animal's biting or attacking or attempting to attack a human or another animal. However, this definition shall not apply to any animal that has been subject to provocation or if the victim has been tresspassing, as defined herein, upon the animal owner's premises.

Domesticated: Those species of animals that are indigenous to Mecklenburg County and normally and customarily share human habitat in Mecklenburg County and are normally dependent on humans for food and shelter in Mecklenburg County, such as, but not limited to dogs, cats, cattle, horses, swine, fowl, sheep and goats.

Exotic: Those species of wild animals not naturally occurring either presently or historically in any ecosystem in the United States.

Exposed to Rabies: Any animal bitten by or exposed to any animal known or suspected to have been infected with rabies.

Harboring an Animal: An animal shall be deemed to be harbored if it fed or sheltered seven days or more unless the animal is being boarded for a fee.

Health Director: The Director of the Mecklenburg County Health Department.

Impounded: Any animal which is received into custody by any employee of the division.

Inoculation: The vaccination of a dog or cat with antirabic vaccine approved by the United States Bureau of Animal Industry, the North Carolina Department of Agriculture, and the North

Carolina State Board of Health at such time or times as shall be required by the General Statutes of North Carolina, the North Carolina Board of Health and/or the local health director, as defined in Section 106-364(2) of the General Statutes of North Carolina or as amended thereafter.

Neutered Male: Any male dog or cat which has been rendered sterile by a surgical procedure (orchiectomy).

Owner: Any person, group of persons, firm, organization, association, society, club, lodge, partnership, syndicate, trustee, or corporation owning, keeping, having charge of, sheltering, feeding, harboring, or taking care of any animal for seven (7) or more consecutive days unless the animal is boarded for a fee. If a commercial kennel is involved for breeding, then ownership shall be indicated by the kennel operator by showing the registration of the animal in the name of the actual owner of the animal.

Pasture: An auxiliary fenced area with sufficient grass for grazing.

Premises: A definite portion of real estate including land with its appurtenances, a building or part of a building.

Provocation: Provocation shall not include any actions on the part of an individual that pertain to reasonable efforts of self-defense and provocation must be clearly establilshed.

Shelter: Any facility designated by the City of Charlotte for the purpose of sheltering any animal lawfully impounded by the division.

Spayed Female: A female dog or cat which has been rendered sterile by surgical means (ovariohysterectomy).

Trespass: Trespass means that the victim has wrongfully invaded the property of the owner. The cause of the individual to be on the property and any other relevant circumstances shall be considered in order to determine whether or not a trespass has occurred. A child under the age of seven shall not be deemed to be a trespasser.

Superintendent: The Superintendent of the Charlotte-Mecklenburg Animal Control Division. Such person shall have all powers conferred by State law upon a County Dog Warden or by this Ordinance upon Animal Control Officers or any other applicable ordinances.

Wild Animal: Any animal which is normally and customarily found in a wild state. Those feral, exotic, dangerous, or nondomestic animals which normally and customarily do not live with humans such as ferrets, monkeys, raccoons, skunks, squirrels, deer, tigers, lions, bears, bats, foxes, and the like and they shall be

deemed wild animals no matter how long an individual has kept such an animal. Any animal that is not determined to be a domesticated animal as defined above, shall be deemed a wild animal.

Sections 3-4 -- 3-6. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Section 3-7. Administration and Duties

The Charlotte-Mecklenburg Animal Control Division ("division") is a consolidated division created by the execution of an interlocal agreement between Mecklenburg County and the City of Charlotte and, pursuant to that agreement, the division is under the authority of the City.

(a) Duties: There shall be a Superintendent of the division. The Superintendent and animal control officers shall be charged with the responsibilities of:

1. Enforcing and carrying out the provisions of this Ordinance and of any other Ordinance assigning animal control duties and of all relevant State laws, except that the Superintendent and Animal Control Officers shall have no duties or responsibilities whatsoever with respect to organizing and carrying out any rabies vaccination clinics.

2. Making canvasses, including homes and any businesses utilizing guard or security dogs, for the purpose of ascertaining that all dogs, cats, and equine animals are properly licensed, if required; that all dogs and cats are currently vaccinated against rabies; organizing and carrying out any such canvas, having sole and exclusive authority, control, and responsibility for such actions; and that provisions of this chapter are being followed.

3. Investigating animal complaints.

4. Enforcing the laws with regard to vaccination of dogs and cats against rabies and enforcement of the County Rabies Ordinance. The Mecklenburg County Ordinance for the Control of Rabies and other Zoonoses declares that the Health Director is responsible for County programs to monitor and control rabies and other zoonotic diseases. Investigating all reported animals bites or other human physical contact of the suspected rabid animal, enforcement of quarantine of any animal involved, and submission of bite reports and reports of human contacts to Health Director.

5. Supervising the Charlotte-Mecklenburg animal shelter and division employees.

6. Protecting animals from neglect and abuse.

(b) Uniform. Every employee of the division while performing these respective duties shall wear any required uniform and badge as determined by the Superintendent.

(c) Weapons. The employees of the division shall not carry on their person any firearms of any kind unless specifically authorized by the Superintendent. However, employees of the division may store at the Animal Shelter or carry in divisional vehicles firearms, including tranquilizer guns, approved for use by the Superintendent. Such firearms may be used when necessary to enforce sections of this chapter or other applicable law for the control of wild, diseased, or dangerous animals or for public safety, when the Superintendent deems the action necessary. While acting with weapons in their official capacity, employees of the division shall be exempt from any City Code provision otherwise requiring permits or City Council approval.

Section 3-8. Inspection, Interference, or Concealment

(a) Inspections. Whenever it is necessary to make an inspection to enforce any of the provisions of this chapter, or other applicable law, or whenever an employee of the division has reasonable cause to believe that there exists in any building or upon any premises any violation of this chapter or other applicable law, the employees of the division are empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon them by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or an administrative search warrant or criminal search warrant is obtained as follows:

1. If such property is occupied, the employee of the division shall first present credentials to the occupant and request entry, explaining the reasons therefor; and

2. If such property is unoccupied, the employee of the division shall first make a reasonable effort to locate the owner or other persons having control of the property, present proper credentials and request entry, explaining the reasons therefor; and

3. If such entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be found after due diligence, an employee of the division may obtain an appropriate warrant to conduct a search, or inspection of the property or seizure on the property.

Notwithstanding any other provision of this chapter, an employee of the division shall have the authority to enter upon any land to enforce the provisions of this chapter, including the seizure of dogs running-at-large in violation of section 3-26, or other applicable law if a violation of such law is being committed in the presence of the employee and such entry upon private property shall not be deemed to be a trespass.

(b) Interference. It shall be unlawful for any person to interfere with, hinder, molest, resist, or obstruct employees of the division while they are carrying out any duty created under this chapter or other applicable law.

(c) Concealment of animal. It shall be unlawful for any person to conceal, for the purpose of evading the licensing requirement, permit requirement, or rabies inoculation requirement of this chapter or any applicable chapter, any unlicensed, uninoculated, or unpermitted animal from any employee of the division.

(d) Concealment of license, etc. It shall be unlawful for any person to refuse to show proof of a license, permit, or a rabies inoculation to any employee of the division upon request.

Section 3-9. Enforcement

(a) The City Council's determination is that it is important to enforce vigorously and effectively this chapter's provisions. The City Council makes the following findings to accomplish the objective of vigorous and effective enforcement of animal control provisions:

1. That a current City license tag and a rabies inoculation tag are vital for public health, for the ability of the Division to carry out its functions, for the protection of the owner, and for the protection of the animal, and, therefore, must be complied with. The owner of an animal, particularly a dog, has a very serious obligation of ownership and a duty to the citizens of Charlotte to comply with City licensing and rabies inoculation requirements.

2. That the presence of a dog when off-premises in violation of Code § 3-26, "Restraint of animals", often creates substantial anxieties and concerns for people for safety and free movement and, therefore, the owner has an obligation to the citizens of Charlotte for the effective confinement of one's dog.

3. That the possibility of a dog bite is a serious anxiety for citizens, neighborhood, and areas, in Charlotte and, therefore, owners have an obligation to prevent the creation of that apprehension and concern.

4. That a dog owner has a particular responsibility for being conscious of and sensitive to any possible dangers for children under the age of seven years who, at that age, are unable to fully appreciate the possible danger presented by a dog and a dog's reaction to a child under the age of seven.

5. That the Superintendent must have ample authority to impose preventive measures, as provided for in § 3-27, must have the authority to seize animals, as provided for in § 3-49, and, if necessary, terminate ownership rights as also provided in § 3-49.

6. That escalating fees and other sanctions are measures that have been adopted to protect the citizens of Charlotte and to declare that the ownership of dogs entails publicly-related responsibilities.

(b) When there is violation of this chapter, the Division at its discretion may take one or more of the following courses of actions:

(1) Citation fines.

(.1) Violations of §§ 3-15 and 3-15.1. (failure to have City license and rabies tag):

- Citation for cat or equine owner: $25.00 for failure to have current City license. $50.00 for failure to have a cat inoculated.

- Citation for dog: $50.00 for failure to have current City license. $50.00 for failure to have current inoculation.

(.2) Violation of § 3-7, "Restraint of animals":

The issuance of a citation for a violation of Code § 3-7, "Restraint of animals", is directed toward and against the owner of a dog. The purpose of the issuance of a citation pursuant to Code § 3-7 is to effect the conduct of the owner of a dog by seeking to have an owner responsibly maintain a sufficient restraint and confinement of a dog.

Therefore, an owner of a dog shall be subject to escalating penalties for each violation of Code § 3-7 by the owner, whether the dog is the same dog, a different dog, or various dogs, belonging to the owner. Each violation of Code § 3-7 shall subject the owner to an increased citation penalty:

Owner's Offense	Penalty
1st	$50 fine
2nd	$75 fine
3rd	$150 fine & fence
4th	$200 fine & secure dog fence
5th	$500 fine & seizure of dog

(.3) Violation of § 3-15.1, "Animal bite":

(.4) Other violations: All other violations shall be subject to a citation fine of $25.00.

(2) Criminal misdemeanor. The violator may be charged with a misdemeanor and be subject to a fine not to exceed five hundred dollars $500.00) or 30 days in jail; or

(3) Injunction. The City may apply to the appropriate Court for an injunction and order of abatement which would requir that a violator correct any unlawful condition relating to this chapter existing on his or her property.

(4) The division shall have the authority to carry out enforcement in the County established by the "Agreement Between the City of Charlotte and Mecklenburg County for the Consolidation of the Building Inspection Departments, Animal Control Departments and the Rideshare Program".

(5) Nothing in this capter shall be construed to prevent sheriff deputies or law enforcement officers of any kind from enforcing any of the provisions of this chapter or from exercising their authority as law enforcement officers.

Section 3-10. Notice of violation

(a) Members of the division are empowered to issue citations to any person if there is reasonable cause to believe that the person has violated any provision of this chapter. These citations may be delivered in person to the violator or, if the violator cannot be readily found, the citation may be mailed.

The citation shall direct the violator to appear before the violations bureau within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail.

(b) If the violator does not appear before the violations bureau or does not pay the citation by mail within fifteen (15) days of its issuance, a delinquency charge of ten dollars ($10.00) shall be added to the amount shown on the citation and a notice thereof will be mailed to the violator. This notice shall inform the violator that a civil complaint or criminal summons will be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of the delinquency notice.

(c) All citation forms shall be serially numbered in triplicate. Records of all citations shall be maintained so that all such forms shall be capable of being accounted for.

The City Accountant, or his representative, shall periodically investigate the records of the division for the purpose of determining the disposition of the citations and shall report the results of such investigation to the City Manager. For the purpose of this investigation, he shall have access to the necessary records of the division.

Section 3-11. Negligence per se

This section is included in this chapter in order to impose a public duty upon persons having possession of animals to prevent those animals from attacking another person with a possible violation of Code § 3-27, failing to comply with instructions to impose preventive measures for the confinement of dogs, of § 3-26, "Restraint of animals", and of § 3-15.2, "Aggression-trained dogs". Such persons having possession of animals have imposed upon them a public duty designed to promote the safety of other persons and a violation of any of those provisions is negligence per se and could give rise to recovery of damages for personal injuries in a civil action by an injured person against the person owning or having possession, charge, custody or control of the animal causing said injuries.

Sections 3-12 -- 3-13 Reserved.

ARTICLE III. VIOLATIONS

Section 3-14. Abandoned animals

(a) It shall be unlawful for any person owning, possessing, or harboring an animal to abandon that animal.

(b) If the division finds that an animal has been abandoned, the animal may be impounded. If the animal has been abandoned in a house or within a fenced area, the division must make a reasonable effort to locate the owner or manager of the property. If the property owner or manager is not the animal owner, then the division shall secure permission to remove the animal. If the property owner is also the animal owner and this individual cannot be located, the division shall secure a appropriate warrant to seize the animal.

(c) An animal seized pursuant to this section shall be impounded for a period of ten days. If the owner contacts the division to reclaim the animal, an explanation for the animal's abandonment must must be provided to the satisfaction of the superintendent, before the dog is reclaimed to the owner. Otherwise, the superintendent may dispose of the animal. If the animal is unclaimed by its owner after being held ten (10) days, the animal shall be disposed of as provided in section 3-48.

Section 3-15. Abuse of animals

(a) Abuse of animals: It shall be unlawful if a person:

1. Fails to provide adequate food and/or water for any animal; or

2. Overworks or overdrives any animal causing physical pain, suffering, or death; or

3. Beats, tortures, injures, torments, poisons, or mutilates any animal causing physical pain, suffering, or death; or

4. Fails to provide adequate medical attention for any sick, diseased, or injured animal; or

5. Keeps any animal under unsanitary or inhumane conditions which are detrimental to the animal's health and general welfare or fails to maintain a condition of good order and clean-liness which reduces the probability of transmission of disease; or

6. Teases, molests, baits or in any way bothers or harasses any animal; or

7. Sets any rabbit, hare, raccoon or other such animal loose for the purpose of chasing, hunting, or having a race thereafter; or

8. Promotes, stages, holds, manages, conducts, carries on, or attends any game, exhibition, contest, fight, or combat between one or more animals or between animals and humans.

9. Fails to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, etc.).

10. Conveys any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle or in a truck or the back of a truck in such a way as to cause pain, suffering, discomfort, or death to the animal.

11. Places or confines an animal or allows an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink or such other conditions as may reasonably be expected to cause suffering, dissability or death.

After making a reasonable effort to find the driver of a vehicle in which an animal is confined, an employee of the

division, in the presence of a police officer, may use the least intrusive means to break and enter the vehicle if necessary to remove the animal where reasonable cause exists to believe that the animal is in the vehicle in violation of this subsection.

The officer removing the animal shall then impound it and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed. The officer may also issue a citation for violation of this subsection.

So long as an animal is within sight of an employee of the division or a police officer, section 3-8 shall not be interpreted to require that any warrant be obtained before removing the animal.

12. Fails to provide sufficient shade, when sunlight is likely to cause overheating and discomfort, to allow all animals kept outdoors to protect themselves from the direct rays of the sun.

13. Keeps animals outdoors without access to shelter to allow them to remain dry and comfortable during inclement weather.

14. Fails to provide a suitable method to rapidly eliminate excess water.

(b) Convictions: If a person has been convicted twice of a violation of this section or of G.S. 14-360 or 14-361 or 14-361.1 or 14-362 or 14-363, or as they are amended, and any two (2) such convictions have both occurred within the last five years preceding the request for an animal license, equine license or permit, then the animal license, equine license, or permit shall be refused. In that situation, the person shall be eligible for applying for an animal license, equine license, or permit, five (5) years after the date of the last violation.

(c) Transporting exception: Nothing in this section shall be deemed to prohibit the humane transportation of horses, cattle, sheep, poultry, or other livestock in trailers or other vehicle designed, constructed, and adequate for the size and number of animals being transported.

(d) Euthanizing exception: Nothing in this section shall be construed to prohibit the division or veterinarians from euthanizing dangerous, unwanted, injured, or diseased animals in a humane manner; nor to prohibit slaughterhouses or medical facilities from the proper, humane, and lawful carrying out of their activities or duties.

(e) Pet shops: Animal control officers shall have the authority to conduct inspections of pet stores, to the extent not

preempted by State law, in order to determine if there is any abuse of animals. Pet shops shall also be subject to the Mecklenburg County Ordinance for the Control of Rabies and Other Zoonoses as administered and enforced by the Mecklenburg County Health Department. Abuse of animals shall include any act described in this section or any other act which is detrimental to the well-being of the animal. It shall be unlawful for any pet store employee or pet store owner to violate this section.

Section 3-15.1. Animal bite

It shall be unlawful for an animal to bite a human being, who does not ordinarily reside on the premises, unless the animal has been subject to provocation or unless the victim has been trespassing, as defined in § 3-3, "Definitions".

It shall be unlawful for a person to fail to report as soon as possible that an animal has bitten a person. It shall be unlawful for any person to fail to inform the Division where an animal is located if the owner has given the animal away, or caused in any way the animal to be taken from the owner's premises.

If the Division determines that a dog has bitten a human being, then the Division shall have the authority to require the owner to procure liability insurance in the amount of at least $100,000 at the owner's expense, or to have the dog tattooed, or to display a sign on the premises warning of the dog on the premises. The Division shall have the authority to require the owner to show signed written statements about maintaining the liability insurance/the designated enclosure for the dogs/and the duty to notify the animal control division if the dog escapes, and to require the owner to give the Division the authority to seize and impound the dog if the owner fails to comply with the provisions.

The Superintendent shall have the authority to waive any or all of these requirements if the Superintendent determines that the bite is inconsequential.

Section 3-15.2. Aggression-trained dogs

(a) Aggression-training facility. An aggression-training facility means any person, group of persons, firm, organization, association, partnership, syndicate, or corporation that schools, trains, or conditions canines to bite, attack, or exhibit aggressive behavior towards humans or other domestic animals for any purpose, including but not limited to, the security of business property, personal security, or dog fighting. The facility may be operated as a licensed business or as a non-profit hobby or interest.

(b) Registration of aggression-trained dogs. The Division shall have the authority to determine whether any individual or business entity is engaged in the aggression-training of dogs. If the Division makes such a determination, then the individual or business entity must comply with the following requirements:

(1) The individual or business entity has a duty to provide registration information as required by the Division as it pertains to aggression training of any kind of dogs.

(2) The individual or business entity has the duty to maintain a current registration of all dogs, thus trained, including the current location or address of the dog, and that information shall be provided to the Division upon the training of any such dogs.

(3) The Division shall have the authority to inspect the premises engaged in aggression-training and to observe training methods and safety of facilities during the operating hours of the aggression-training facility.

(4) The aggression-trained dogs must be maintained by adequate confinement. The Division shall have the authority to require all aggression-trained dogs to be confined in a strong fence at least six feet high and, at the discretion of the Division, topped by an anti-climb enclosure.

(c) Unlawful acts. It shall be unlawful for any individual or business entity to fail to comply with any of the requirements stated in this section. It shall be unlawful for an individual or business entity to fail to inform the Division of any animal in the City that has been subject to some training or conditioning at an aggression-trained facility and fail to carry out the duty to provide registration information as required by the Division.

(d) Imposition of preventive measures. If the Division determines that a dog has been trained for fighting or aggressive attack, then the Division shall have the authority to impose the same requirements stated in § 3-27.

(e) Appeal. If the Division determines that a dog has been trained for fighting or aggressive attack and the owner wishes to appeal that or the preventive measures imposed, then the appeal shall be the same as that stated in § 3-27(e).

Section 3-16. Baby fowl and rabbits

(a) It shall be unlawful for any person, partnership, or corporation to sell, barter, give away, or transfer in any manner baby fowl or rabbits under eight (8) weeks of age. This section shall not apply to breeders, hatcheries, or stores engaged in the business of selling for purposes of commercial breeding and raising, nor shall it prohibit nature museums or raptor centers from placing such animals and fowl in foster homes.

(b) It shall be unlawful to color, dye, stain, or otherwise change the natural color of baby chicks, all other fowl, rabbits, or any animal.

Section 3-17. Beekeeping restrictions

1. Flight path control of bees. It shall be unlawful for a beekeeper to fail to control the flight path of the bees on the beekeeper's premises so that as a result the flight path of the

beekeeper's bees interferes with the use and enjoyment of adjoining property.

2. Availability of water on the premises. It shall be unlawful for any such person to fail to have an adequate supply of water available on the premises for the bees. The water supply shall be in the vicinity of the beehives and shall be closer to the beehives than any water on adjoining property. The water shall be available year-round.

3. Administration and enforcement. The division shall administer this section with all the authority and rights provided for in this chapter and shall be enforced by section 3-9. Further, any violation of this section is hereby declared to be a public nuisance and any person suffering injury or damage therefrom may seek the correction, removal, or abatement of such nuisance by securing injunctive relief.

If an animal control officer determines that there is not an emergency and that time permits, then the animal control officer shall make a reasonable effort to contact one of the four (4) representatives of the Charlotte-Mecklenburg Beekeepers' Association identified by the association to be of assistance to the animal control division. If a member is contacted and visits premises with a possible violation of this code section, then the animal control officer shall take into consideration the advice and recommendations of the association's representative in arriving at a final decision about whether or not there is a violation of this section and whether enforcement action is appropriate. The final decision about a violation and about enforcement shall be made by the animal control officer.

Section 3-18. Biting or attacking animals

It shall be unlawful for an animal which has bitten, attacked, or threatened a human or animal to remain at large. Animals Control Officers shall have the authority to enter upon private property, not including entry into a dwelling unit or other similar building, when the animal control officer has observed an animal which has committed the biting, attacking, or threatening in violation of this section and such entry upon private property shall not be deemed to be a trespass.

It shall be unlawful for any person to interfere, to threaten, or otherwise prevent an animal control officer from carrying out and performing their lawful duties, as described above, under this section.

Section 3-19. Dangerous animals

(a) It shall be unlawful for any person to own or in any way maintain or harbor any animal which is dangerous as defined in § 3-3.

(b) If the Superintendent has determined that an animal is dangerous, then the Superintendent shall notify the owner immediately in writing, if the owner is known and after reasonable

efforts to [otherwise] notify the owner [have failed]. The owner shall turn the animal over to the Division immediately after such notification. The Superintendent shall have the authority to seize immediately an animal deemed dangerous. The superintendent shall have the discretion to dispose of an animal in one (1) of only two (2) specific ways:

(1) By the humane destruction of the animal; or

(2) By giving the animal to an individual or an organization, subject to the protective and inspection conditions required by the superintendent for the well-being of the animal and for the protection of the public, for the purpose of preserving and taking care of the animal.

An animal declared to be a dangerous animal by the superintendent shall not be disposed of for research or experimental purposes.

(c) Any person who owns an animal that has been declared dangerous by the superintendent shall have the right to appeal this decision to the city manager. The owner of an animal declared dangerous shall have the right to request a hearing about that decision by submitting a written request to the office of the city manager within five (5) days after the superintendent's determination that the animal is dangerous.

(d) The city manager or his designee shall conduct a hearing to determine if the superintendent's determination that the animal is dangerous is correct or incorrect. If funds are available and if adequate time is available, the City Manager or designee may involve a veterinarian appointed by the City Manager or designee to give a consulting opinion about the animal. If the animal is judged not to be dangerous, it shall be returned to the owner. If the city manager or his designee determines the animal to be dangerous, then the superintendent shall dispose of the animal only in the manner described above in subsection (b). In the event of an appeal to the courts from the city manager's or his representative's decision, the animal shall be confined at the animal shelter and a cash bond shall be requested for all costs whatsoever attendant upon City's retention of the animal.

Section 3-20. Dead animals

(a) It shall be unlawful for any person to leave or place the carcass of any animal which he owns upon any street, alley, or lot or to allow the animal to remain unburied on his property. This shall not be construed to prohibit the placing of a carcass of a small animal on the right of way or within six (6) feet, thereof, for pickup by the sanitation division in the City of Charlotte or for pick up on State roads by the N.C. Department of Transportation.

(b) The owner of any small animal which dies may, within twenty-four (24) hours after he has learned of its death, have it

buried in a pet cemetery, bury it at least three (3) feet beneath the surface of the ground and not closer than three hundred (300) feet to any flowing stream or public body of water, or otherwise have it removed as outlined in section 3-20(a).

(c) The owner of any large animal which dies shall, within twenty-four (24) hours after he has learned of its death, have it buried in a pet cemetery, bury it at least four (4) feet beneath the surface of the ground and not closer than three hundred (300) feet to any flowing stream or public body of water, or otherwise have it removed from his property.

Section 3-21. Exhibiting animals

(a) It shall be unlawful for any person to exhibit, keep or display pets, animals, birds or fowl of any kind in glass show windows.

(b) It shall be unlawful for any person to exhibit, keep or display pets, animals, birds, or fowl of any kind in any manner without shading said animals from the sun, and providing adequate food, water and ventilation for their use.

(c) It shall be unlawful for any person to exhibit, keep or display pets, animals, birds or fowl of any kind in glass show windows on Sundays and holidays except when the business or facility is open to the public for business as a normal business day.

(d) Every person maintaining a pet shop shall post a notice clearly visible from the ground level adjacent to the store, containing the names, addresses and telephone numbers of persons to be notified during any hour of the day or night by an animal control officer.

(e) It shall be unlawful for any person to exhibit, keep, display, or sell pets, animals, birds, or fowl at any public flea market without providing adequate shelter, water, sanitary conditions, and similar considerations.

Section 3-22. Guard dogs

(a) Purposes: Guard dogs are guard, security or watch dogs ("security dogs") on premises specifically for the purpose of protecting the premises from any intruder and for attacking a person coming in the vicinity of the security dog. Security dogs are expected to attack human beings and are especially dangerous if they succeed in getting off the premises thereby endangering any member of the public. The purpose of this section is to provide regulatory requirements that will enable the division to have knowledge about any security dogs in the City. It also applies to such security dogs brought into the City from outside of the City.

(b) Regulations: The owner of a security dog shall comply with the following requirements ---

1. Identification: It shall be unlawful for a security dog in the City not to have a current license tag or a tag as described hereafter. A dog brought into the City that does not have a current City license tag must obtain a current security dog identification tag from the division which would include the same kind of information on a City license tag. Before such a tag can be issued, there must be proof of rabies inocculation of the dog.

2. Registration: The owner of any security dogs not licensed in the City but brought into the City to be used as security dogs in the City must register all of those dogs with the division.

3. Signs: The owner of any security dogs or the owner of the premises employing the dogs must have posted on the premises a sign that identifies the name, address, and telephone number of the owner of the security dogs.

(c) Escaping dog: If a guard dog escapes and bites someone who is not a trespasser, then the Superintendent shall have the authority to prohibit that dog from serving as a guard dog within the City of Charlotte. It shall be unlawful to use such a dog, as a guard dog, after the Superintendent has ordered that the dog not be used within the City as a guard dog.

(d) Enforcement: In addition to using any and all enforcement remedies stated in section 3-9, the division shall also have the additional authority in respect to security dogs:

1. If any security dog is seized running-at-large, then the dog shall not be returned to the owner until the owner has registered that dog and any other security dogs used or to be used in the City in accordance with section (b), above, secured identification tags if necessary, and had complete compliance with all requirements of the section.

(2) If a security dog is found on the premises without complying with section (b), then the division shall have the authority to issue a notice of prohibition letter that will prohibit the use of that dog as a security dog within the City, unless there is compliance with all of section (b) within 48 hours.

Such a notice of prohibition shall at the same time be given to the owner of the premises upon which the security dog is utilized. The owner of the premises shall be informed that the continued use of such a security dog on the premises is an unlawful act on the part of the owner in violation of this section.

After the 48 hours, if such a dog remains on the premises it shall be an unlawful act on the part of the owner of the dog and

on the part of the owner of the premises and a citation shall be issued to either or both of those individuals and the amount of the citation shall be $50.

The Division shall have the authority to seize guard dogs if there has not been compliance with the provisions of this section or for the safety of the public, all in accordance with Code § 3-49.

Section 3-23. Injuring animals

(a) It shall be unlawful for any person to intentionally strike an animal with an automobile or other vehicle causing injury or death.

(b) It shall be unlawful for any person injuring or killing a domestic animal by striking it with an automobile or other vehicle to fail to notify the owner of said animal, if identification of the animal is available, or the division, if no identification is possible.

Section 3-24. Nuisance

(a) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance or a nuisance to neighbors. By way of example, and not of limitation, the following acts or actions of an owner, harborer, or possessor of an animal are hereby declared to be a public nuisance and are therefore unlawful:

1. Having an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property; or

2. Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables, or desecrating upon the property of another; or

3. Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare, or safety or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease.

4. Maintaining property that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property; or

5. Allowing or permitting an animal to bark, whine, howl, crow or cackle in an excessive, continuous, or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises; or

6. Maintaining an animal that is diseased and dangerous to the public health; or

7. Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, dogs walked on a leash by owners, bicycles or vehicles; or

8. Failing to confine a female dog or cat while in season in a building or secure enclosure in such a manner that she cannot come into contact with another dog, or create a nuisance by attracting other animals; provided this section shall not be construed to prohibit the intentional breeding of animals within an enclosed, concealed area on the premises of the owner of an animal which is being bred.

In addition to any other enforcement remedies available under this chapter, if the Superintendent shall declare an animal a nuisance under this section, then the Superintendent has the authority to order the owner to confine the animal in accordance with the Superintendent's instructions. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order.

Section 3-25. Reckless riding and driving of animal

(a) It shall be unlawful for any person to run, drive or ride any animal in a reckless, disorderly or careless manner through any street, alley, or highway.

(b) It shall be unlawful for any person to drive or cause to be driven through any street or highway any loose or unhaltered horses, mule, cow or other livestock; nor shall the keeper of any such animal knowingly permit any loose horse, mule, or cow to be driven from his property onto streets, alleys, or highways.

Section 3-26. Restraint of animals

(a) Physical restraint of animal. It shall be unlawful for any person owning or having possession, charge, custody, or control of any animal, excluding cats, to keep such on his own premises or off the premises unless such animal is under sufficient physical restraint such as a leash, cage, bridle, or similar effective device which restrains and controls the animal, or within a vehicle, or adequately contained by a fence on the premises or other secure enclosure. If it is an effective, working invisible fence, then there must be a visible, permanent sign on the premises stating that there is an invisible fence.

(b) Adult with animal on premises. If a responsible adult is physically outside on the land immediately adjacent to the animal, on the land where the owner of the animal resides, and the animal is under the person's direct control and is obedient to that person's commands, then this section shall not apply during the duration of time the animal is in the company and under the control of that adult and the animal is on the premises. "Adult" is defined as eighteen (18) years of age or older.

(c) Public parks. It shall be unlawful for any person owning or having possession, charge, custody, or control of any

dog to take the dog into or allow the dog to enter any public park without being at all times under restraint of a leash.

(d) Park areas. It shall be unlawful for any person owning or having possession, charge, custody, or control of a dog to take the dog into picnic areas, pond areas, and children's play areas of any public park. This shall not apply to guide dogs or hearing aid dogs in the company of blind or deaf persons.

Section 3-27. Protective measures for confinement of dogs.

(a) Circumstances requiring special preventive measures. The Division shall have the authority to require the owner or custodian of a dog to comply with specific preventive measures, as described below in subsection (b), after taking into consideration the following three circustances:

1. Nature of the particular dog: The behavior, size, temperament, breed, capacity for inflicting serious injury, the number of dogs, or other such similar factors which would be relevant to a determination of whether or not additional preventive measures need to be imposed for a particular situation; and

2. Adequacy of confinement: The adequacy of the enclosure or confinement, if any; and

3. Immediate surrounding area: The likelihood that the conditions pertaining to the particular dog and the dog's confinement are detrimental to the safety or welfare of citizens, or peace and tranquility of citizens, in the immediate surrounding area.

In considering whether to order a special preventive measure, the Division is authorized to consider additional factors as aggravating circumstances that might warrant the ordering of special preventivemeasures:

1. Child under the age of seven: There is a child under the age of seven who lives in such close proximity, or children walk by or are otherwise in close proximity, to the property occupied by the dog; or

2. Bite: The dog has bitten a human being or domestic animal, without provocation or without a trespass, and the person bitten doesnot ordinarily reside on the premises; or

3. Dog trained for fighting or aggressive attack: The dog is kept primarily or in part for the purpose of dog fighting or the dog has been trained for aggressive attacks; or

4. Attitude of attack incident: A dog, without provocation or a trespass, has approached a person in an apparent attitude of attack; or

5. Reputation of dog: The individual dog has a known propensity, reputation, or tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(b) Preventive measures. If the Division determines that the circumstances require special preventive measures, then the Division shall have the authority to require appropriate, specific preventive measures which might include, but are not limited to, the following: necessary repairs for any fence or enclosure, measures to ensure that a gate will remain closed, a 'fence' or 'secure dog fence' as described below, or any other similar device that would provide greater assurance for the confinement of the dog, all of which are subject to being specifically approved for their adequacy by the Division.

A fence shall be at least a minimum of four feet high and constitute a secure enough enclosure sufficient to contain the dog at all times. The minimum size of the enclosure may be at least 150 square feet. If the dog is over 15 inches at the shoulder or is deemed capable of climbing a standard four foot fence, then the animal control supervisor may require a six-foot fence.

A secure dog fence means a fence, as immediately described above, that may also be enclosed on all six sides including the top. The bottom may be concrete unless the sides of the fence are buried one-foot deep in a hard-packed soil.

Any reference to 'fence' or 'secure dog fence' shall be defined as stated immediately above.

The Division shall also have the authority to require the owner to tattoo the dog at the owner's expense if that is necessary for identification, investigative, or enforcement purposes.

The Division shall have the authority to require the owner to procure liability insurance in the amount of at least $100,000 at the owner's expense, or to have the dog tattooed, or to display a sign on the premises warning of the dog on the premises. The Division shall have the authority to require the owner to show signed written statements about maintaining the liability insurance/ the designated enclosure for the dogs/and the duty to notify the animal control division if the dog escapes, and to require the owner to give the Division the authority to seize and impound the dog if the owner fails to comply with the provisions.

The Superintendent shall have the authority to waive any or all of these requirements if the Superintendent determines that the bite is inconsequential.

(c) Written order. If the Division determines that specific preventive measures must be complied with by the owner of a dog, the Division shall make reasonable efforts to notify the owner of the written order, state the reasons that preventive measures are required, identify the specific preventive measures that must be implemented, and state the designated time period within which to comply with the written order. The Division shall have the

authority to exercise discretion for extensions of time if that is reasonable in view of the good faith progress of the owner in implementing the preventive measures.

(d) Failure to comply with written order. It shall be unlawful for an owner to fail to comply with a written order within the designated time for compliance stated in the written order or any extension thereof. In addition to the remedies of § 3-9, the penalty for failure to comply with the written order shall be one hundred ($100.00) dollars. The Division shall have the authority to issue additional $100.00 citations for a continuing failure to comply with a written order.

(e) Owner's challenge to the written order. The owner may submit in writing a challenge to the Division's determination that section (a) is applicable to the owner's premises or submit in writing a challenge to the specific preventive measures required by the Division. The owner's written challenge must be received in the office of the Director of the City's Operations Department by the end of five days of the date of the written order, not counting the day of issuance of the written order. The challenge to the written order shall be reviewed by the Superintendent unless the Superintendent has had some involvement in the issuance of the written order. In that situation, the City Manager or designee shall review the written challenge. The review of the challenge may be done solely on the basis of written material.

(f) Seizure and disposition of animal. The Division is authorized to seize an animal as provided for in Code § 3-49, when the owner has not complied with the written order.

Section 3-28. Stray animals

(a) It shall be unlawful for any person, without the actual consent of the owner, to harbor, feed, keep in possession by confinement or otherwise have any animal which does not belong to him unless he has, within twenty-four hours of the time the animal came into his possession, notified the division. Upon receiving such notice, the division may take the animal and deal with it as provided in section 3-48.

(b) It shall be unlawful for any person to refuse to surrender such an animal to an employee of the division upon demand.

Section 3-29. Uncared for animals

(a) Whenever the division finds that any animal is or will be without proper care because of injury, illness, incarceration or other excusable, involuntary absence of the person responsible for the care of such animal, the division may impound such animal until reclaimed by its owner. The owner must pay the applicable fees in section 3-45 in the same manner as any other owner would reclaim an impounded animal prior to the release of such animal by the division.

(b) Any animal which has been impounded under subsection (a) and is not reclaimed can be kept, in the discretion of the superintendent, up to ten (10) days and may be disposed of by the division pursuant to section 3-48.

(c) If the owner of the animal notifies the superintendent of the owner's intent to claim the animal but will not be able to until after the ten (10) day impoundment period, the superintendent shall have the authority to grant up to five (5) days, or any lesser amount, when the superintendent has concluded, after investigating the request, that the owner or an agent for the owner is not able to reclaim the animal within the time period specified in (b) above. The owner shall be charged double the redemption fee stated in section 3-45, if the animal is claimed after the ten-day period when permission has been granted to claim the animal after the ten-day period. If the animal superintendent has concluded that the owner or an agent is in a position to reclaim the animal, then the superintendent can inform the owner or agent that the request is denied and proceed to dispose of the animal in accordance with section 3-48.

Section 3-30. Wild or exotic animals

As of the date of the enactment of this section, no further new permits will be issued for the keeping or maintenance of wild or exotic animals, except as provided for below. Henceforth, it shall be unlawful for any person, firm or corporation to keep or maintain wild or exotic animals, as defined in section 3-3, in the City. It shall be unlawful for any person, firm or corporation to offer such animals for sale. If an owner has a current and valid permit pursuant to section 3-37 for wild or exotic animals in the City at the time of the adoption of this ordinance, then only those specific wild or exotic animals shall be permitted. If the owner does not maintain a current and valid permit for such a particular animal then the owner shall not be entitled to a new permit and the keeping of the animal shall be unlawful.

Sections 3-31 -- 3-33. Reserved.

ARTICLE IV. LICENSING AND PERMITS

Section 3-34. License and rabies tags and fees

(a) It shall be unlawful for any dog, cat, or equine animal owner, possessor, or harborer, who resides in the City or who brings an animal into the City to function as a guard or watch dog, to fail to provide any dog or cat over four (4) months of age or equine animal over six (6) months of age with a current license tag. The owner, possessor or harborer of any above described dog or cat over four (4) months of age must be vaccinated and must have a current rabies vaccination tag showing that such animals have been vaccinated. No license will be issued unless proof of inoculation

is shown. Any dog, cat, or equine animal owner who moves into the City for the purpose of establishing residency or who becomes a resident as a result of annexation shall have thirty (30) days in which to obtain a license.

(b) The license fee for fertile dogs and cats shall be twenty dollars ($20.00). The license fee for sterilized dogs and cats shall be five dollars ($5.00).

If a person purchases a license tag after January 1 for the remainder of that current license year, then the cost of that license tag shall be one-half (50%) of the cost for a license tag and shall apply whether the dog/puppy or cat/kitten is fertile or sterilized.

The City's Director of Operations shall have the authority to refund a license fee or a portion thereof in only four circumstances when the license has been purchased before July 1, of each fiscal year: (1) death of the animal before July 1, (2) spay/neuter services before July 1, (3) permanent residency of the animal and owner outside of Mecklenburg County before July 1, and (4) duplication of payment for the same animal. If an individual remains dissatisfied with the decision of the the City's Director of Operations, then the individual can file a notice of claim with the office of the City Manager for any further review of such a request.

(c) It shall be unlawful for the owner of any dogs and cats in the City not to have the dogs and cats wear the rabies vaccination tag issued to them by the veterinarian administering the rabies vaccine. Dogs and cats not wearing such tags and confined dogs and cats for which the owner cannot promptly display a valid rabies tag shall be impounded or shall be cited $15.00 under section 3-9 of this chapter.

(d) It shall be unlawful for any person who owns or keeps a dog or cat not to have the dog or cat innoculated against rabies.

Section 3-34.1. Failure to have City dog License: Penalty and Seizure.

(a) Penalty. If an owner has failed to secure a valid and current license for a dog, then the citation penalty shall be $50.00. The citation shall state on its face that the Division has the authority to summarily seize the dog, if the citation is not paid within 10 days of the date of the issuance of the citation and if the owner has not obtained a current City dog license within 10 days of the issuance of the citation, and that seizure of the dog could lead to the humane destruction of the dog.

(b) Seizure of the dog. If the owner fails to pay the $50.00 citation and fails to obtain the current City dog license within 10 days of the issuance of the citation, the Division shall have the authority to summarily seize the dog. The Division shall

hold the dog for a minimum of five days. The owner shall have the option to reclaim the dog by paying the citation fine, a delinquency charge of $15.00, the impoundment fees, the City dog license, rabies fees, and any other lawfully authorized costs. If the owner wishes to request a review of the seizure of the dog, then the owner shall request the review in writing within the five days of the dog's impoundment and, at the same time, shall pay an amount in cash covering the $50.00 citation, the delinquency charge, impoundment fees, the City license, rabies fees, and any other costs, which amount of money shall be returned to the owner if there is an administrative or judicial decision ultimately in favor of the owner.

If there is no hearing requested within the five days of the seizure of the dog and the dog is not reclaimed, then the ownership rights of the owner shall be terminated upon the expiration of five days and the Division shall have the authority to dispose of the dog pursuant to § 3-72.

Section 3-35. Exemptions from differential licensing

(a) The following classification of owners of dogs and cats shall be exempt from paying the higher license fee for fertile dogs and cats. These exempt persons shall be required to purchase a license for their dog or cat but will pay only a fee of five ($5.00) dollars for such license and will not be required to have the animal spayed/neutered:

1. Any owner of a dog or cat who can furnish a statement from a licensed veterinarian that the animal, due to health reasons, could not withstand spay/neuter surgery.

2. Any owner of one or more pure-bred dogs or cats who can furnish proof of participation in at least three (3) nationally recognized conformation or obedience shows within the past twelve (12) months. The exemption only applies to the dogs or cats in the owner's household of the same breed that were shown. Proof of participation must go beyond records showing a filing fee was paid and owner must validate actual showing of the animal.

3. Any handicapped owner of a dog which is used for seeing or hearing purposes and is spayed or neutered, shall obtain a license free of charge.

(b) Any dog or cat owner sixty-two (62) years of age or older who owns a sterilized animal may receive their license free of charge. If their animal has not been spayed or neutered, they will be subject to the higher license fee set out in section 3-34.

Section 3-36. Adoption of animals-license and rabies innoculations

(a) Upon the adoption of an animal at the animal control shelter, the person shall deposit the amount of money for a city

license tag. The City license tag shall not become effective until proof of the innoculation of the animal. The superintendent shall not have the authority to give a license to the animal owner before presentation of such proof of innoculation.

(b) The person must provide proof of inoculation of the animal within three (3) business days of the purchase of the animal from the shelter. During that same period of time, the animal shall not be held to be in violation of section 3-34 requiring an animal to have a city license tag. After the expiration of that period of time, a person who has not presented proof of the inoculation of the animal shall be in violation of section 3-34 which requires a current rabies vaccination tag and requires a current city license tag.

(c) Upon the purchase of the animal, the person shall sign a form stating that the person has been informed that a failure to present proof of the inoculation within three (3) business days shall subject that person to both violations, not having a rabies vaccination tag and not having a current city license tag. Further, the form shall state that the city license tag deposit to be used for the purchase of the city license tag shall enter the general fund of the city. Upon failure to present proof of rabies inoculation, § 3-34.1 will apply.

Section 3-37. <u>City permits</u>

It shall be unlawful for any person to own, keep, have or maintain any cloven-hoofed animals or other livestock or any chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl in the City of Charlotte without first receiving from the division a permit to do so, or to continue to have any of the same, stated above, after a permit has been denied. This section shall not apply to, and no permit shall be required for, any agricultural operation within G.S. §106-700, "Nuisance Liability of Agricultural Operations". Application for a permit shall be made on July 1st of each year and the annual fee shall be five dollars ($5.00) per household. The application shall list all such animals and fowl on the premises.

Before a permit is issued, an employee of the division shall inspect the premises to determine if the keeping of the animals or fowl on the premises will endanger or is likely to endanger the health, safety, peace, quiet, comfort, enjoyment or otherwise become a public nuisance to nearby residents or occupants or places of business.

When a permit is denied for any reason, the applicant shall be given a written explanation of the reason for denial.

An owner or possessor of such animals or fowl shall comply with the following applicable provisions before a permit is issued:

(a) Fowl and other specifically identified animals: Chickens, turkeys, ducks, guineas, geese, pheasants, or other domestic fowl or rabbits:

1. Such animals must be confined in a coop, fowl house, or rabbit hutch not less than eighteen (18) inches in height. The fowl must be kept within the coop or fowl house and the rabbits in the hutch at all times.

2. The coop or fowl house must be used for fowl only, and the hutch for rabbits only, and both must be well ventilated.

3. The coop, fowl house or hutch shall have a minimum of four (4) square feet of floor area for each fowl or rabbit.

4. The run must be well drained so there is no accumulation of moisture.

5. The coop, fowl house or hutch shall be kept clean, sanitary and free from accumulation of animal excrement and objectionable odors. It shall be cleaned daily and all droppings and body excretion shall be placed in a flyproof container and double-bagged in plastic bags.

6. The coop, fowl house or hutch shall be a minimum of twenty-five (25) feet from any property line.

7. No more than twenty (20) such fowl or rabbits shall be kept or maintained per acre. The number of fowl or rabbits should be proportionate to the acreage.

(b) Pigeons: Pigeons, while allowed to fly to and from the premises, must be provided with adequate space on the premises and sanitary conditions must be maintained.

(c) Cloven-hoofed animals: Cloven-hoofed animals, equines and other livestock:

1. Such animals must be provided with adequate shelter to protect them from the elements.

2. The shelter shall be kept clean, sanitary, and free from accumulations of animals excrement and objectionable odors.

3. The shelters for cows and other large livestock, which are covered by the Zoning Ordinance, shall be kept at a minimum of seventy-five (75) feet from any property line. The shelters for goats and other small livestock shall be kept at a minimum of twenty-five (25) feet from any property line.

4. Cow: Each cow or other large livestock, excluding equines, shall have a minimum pasture area of two (2) acres. Each goat, sheep or other small livestock shall have a minimum pasture area of one-fourth (1/4) acre.

(d) Wild or exotic: The division shall inspect the premises where any wild animals, as permitted by section 3-30, are kept to determine if the animal may be kept or maintained without presenting a concern about the health, safety, noise, odor, or enjoyment of any persons or property. The division may require that any wild animal be caged or secured or make any additional rules regulating the keeping or wild animals.

(e) Annexation: New annexees have ninety (90) days from the date of annexation to bring their property into compliance and to have obtained permits required by this section.

(f) Exceptions: A permit shall not be required for animals of any kind if the animals are kept by a governmental authority or other appropriately certified and recognized academic institution, museum, raptor center, etc.

Section 3-38. Revocation of permit

1. The division may revoke any permit when the permit has been mistakenly issued without compliance with section 3-37, or when the applicant has submitted false information, or for a violation of any of the provisions of this chapter, or, when, in the opinion of the superintendent, the health, safety or welfare of any person or property is menaced by the keeping of such animals, or when the animals become a nuisance. If a permit is revoked, the applicant shall be given a written explanation of the reasons for the revocation. Upon the determination of a violation of this section, the owner shall have thirty (30) days in which to bring the property or condition into compliance with this chapter, if the violation pertains to a correctable condition on the property, or to remove the animals from the premises.

2. Any person who has a permit revoked shall have the right to request in writing to the office of the city manager within ten (10) days after the expiration of the thirty day period, cited above, the revocation of the permit. The city manager, or his representative, shall conduct a hearing to determine if the permit should be revoked.

Section 3-39. Permit for four or more dogs or cats kept outside.

(a) It shall be unlawful for any person to own, to keep custody of, or to take care of four or more dogs or cats or any combination of four dogs and cats or more, four months or older, who are frequently outside on the premises unless the person has a special permit issued by the Animal Control Division.

(b) If a person has four or more dogs or cats frequently outside on the premises, then the superintendent must make the following five findings in order to issue a special permit:

1. Noise from the dogs or cats will not interfere with an abutting occupant's use and peaceful enjoyment of the property.

2. Any odor or unsanitary conditions caused by the dogs or cats will not interfere with an abutting occupant's use and peaceful enjoyment of the property.

3. Four or more dog runs or other dog-related structures or any combination thereof shall not be permitted if the structures can be seen from an abutting occupant's property in a residentially zoned district.

4. There is no evidence that the dogs or cats pose any health or disease exposure for abutting occupants.

5. The dogs or cats do not interfere in some other similar manner with the peaceful use and enjoyment of abutting property.

If the superintendent denies a person a special permit, then the superintendent must state the reasons for the denial in writing. If the superintendent has any recommendations or conditions that would enable the person to be in compliance with the standard(s), then the superintendent must state those recommendations or conditions in writing. The superintendent is authorized to issue a special permit with specific conditions attached to the permit. The superintendent shall have the authority to charge a reasonable administrative fee for the necessary review and issuance of the permit.

(c) A permit shall remain valid as long as the person is in compliance with the terms and conditions, if any, of the permit. If any of the circumstances change, such as, but not limited to, more animals, different breed for a particular dog, new structures or other such similar change that might reasonably violate the five standards set forth above, then the permit shall automatically terminate and be null and void. The person must secure a new permit or the person shall be in violation of this section. The superintendent shall have the authority to revoke the permit at any time if there is a violation of the standards stated in (b), for a violation of any term or condition of the permit, if there has been any misrepresentation, or for any other similar reason. The superintendent shall state in writing the basis of the revocation. Any person who wishes to appeal such a revocation, shall have 10 days from the date of receipt of revocation to appeal the revocation to the Director of the Operations Department.

Section 3-40. <u>Nonresident exceptions</u>

The provisions of this chapter requiring certain animals to be licensed or permitted shall not apply to those animals owned by, in the charge of, or under the care of non-residents of this City who are traveling through or temporarily sojourning in the City for a period not exceeding thirty (30) days. Nor shall the licensing provisions apply to animals temporarily brought into this City for the exclusive purpose of entering animals in a show or other exhibition.

These exemptions do not apply to non-residents of the City who bring dogs into the City for security/guard dog purposes or bring animals in for any other purpose.

Sections 3-41 -- 3-43. Reserved.

ARTICLE V. IMPOUNDMENT, CLINIC, AND DISPOSITION OF ANIMALS

Section 3-44. Impoundment

It shall be the duty of the employees of the division to impound animals in the animal shelter. It shall be the duty of any police officer who observes a violation to deliver to the division or to notify the division of the presence of those animals which are found or kept contrary to the provisions of this chapter.

Section 3-45. Fees

(a) Fees: The Division shall charge and collect fees from owners who redeem their animals. The City Manager or his designee shall have the authority to establish a fee schedule, entitled "Fee Schedule for Animal Control Division", for the following categories:

(.1) Impounding: Equine, cow other large animal; Sheep, lamb, hog or goat; Cat; Other animal.

(.2) Boarding: Dog, per day; Cat, per day; Large animals (e.g. horse, mare, colt, mule, bovine animal, jack, jenny, calf, sheep, lamb, goat, hog and other large animals) per day; Small animals (e.g. rabbits, birds, poultry or other small animals) per day. Any animal not deemed to be similar to rabbits, birds, poultry, or other similar such animals shall be deemed to be a large animal.

(.3) Adoption: Large animals, Dog; Puppy; Cat or other small animal; Pick up a special service fees; Replacement fee for metal tags.

The fees shall be reviewed annually and the City Manager or his designee is authorized to make such adjustments in such fees as deemed appropriate. An accurate copy of the fee schedule shall be posted in a conspicuous place in the Office of the Animal Control Division and a copy shall also be filed with the City Clerk's Office.

The above fees do not include applicable charges for any license or inoculation that may be required by this chapter or

other applicable law. If the animal to be redeemed is not licensed or inoculated as required by law, the owner must have the dog or cat inoculated and obtain a proper license before release of the animal.

No fees whatsoever shall be charged or collected on any animal which has been unlawfully impounded. Any such animal shall immediately be delivered upon demand to the owner or person entitled to the custody of the animal.

If the owner of a dog or cat pays for spay/neuter services for that person's animal impounded by the division, before the release of the animal to the owner, then the owner shall not be charged any redemption fees, which include impounding as stated in this section.

(b) Adoption requires animal spay/neuter surgery: The adoption of an animal shall be a conditional purchase. In addition to the adoption fees stated above, the purchaser of a dog/puppy, cat/kitten, or rabbit at the animal control shelter shall pay the cost of spay/neuter services as provided in section 3-47 for the adopted animal. The payment for the spay/neuter services shall be made at the time that the person selects such an animal for adoption and shall be nonrefundable. An animal shall not be given to the owner until the surgery has been completed and medical authorization to release the animal has been given. If a person fails to adopt the animal in accordance with the provisions of this chapter, then the person shall forfeit the money paid for the surgery.

(c) Refunds: The director of the operations department (director) of the City of Charlotte shall have the discretionary authority to grant a refund of money paid pursuant to this section for the cost of spay/neuter services when the animal has died before such services can be performed, or if it is subsequently determined that such surgery is unnecessary or inappropriate, or for some other exceptional reason which would make it unjust for the city to retain the cost for the spay/neuter services paid to the City of Charlotte and a refund would be appropriate. This is discretionary authority for the director and the director may decline to exercise such authority for any reason whatsoever. If such discretionary authority is exercised, then the finance department will be authorized, pursuant to a written memorandum from the director to the director of the finance department, to refund such money with whatever appropriate documentation is required by the finance department. If the discretionary authority is not exercised by the director or if an individual remains dissatisfied with the decision of the director, then the individual must file a notice of claim with the office of City Manager for any further review of such a request.

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Section 3-46. Rabies impoundment

The Mecklenburg County Ordinance for the Control of Rabies and Other Zoonoses shall apply. Consistent with that Ordinance, the superintendent shall have the authority to order confinement of an animal which shows symptoms of rabies or which has bitten a person and to take whatever other action is necessary for confinement, observation and disposition of the animal.

Section 3-47. Spay and neuter services

(a) Establishment or provision of spay/neuter services. The division is authorized to establish, equip, operate and maintain and provide spay/neuter services ("services" hereinafter) for cats and dogs, to employ personnel for those services, and to appropriate and expend tax and non-tax funds, including property taxes, for those purposes. In lieu thereof, the division is further authorized to contract with any individual, corporation, nonprofit corporation, governmental body or any other group for the purpose of operating or providing services for dogs and cats within the city. The division may appropriate and expend tax and non-tax funds, including property tax for those purposes.

The charge for services for a dog/puppy shall be twenty-four dollars and fifty cents ($26.50) and for a male cat/kitten, eleven dollars and fifty cents ($13.50), and for a female cat/kitten, seventeen dollars and fifty cents ($19.50). The city manager or his designee shall have the authority to establish the cost of services for dogs/puppies and cats/kittens based on estimated costs in providing the services. The City Manager or his designee shall maintain documented records justifying any such increases or decreases. A change in service charges shall occur no more than once in each six-month period.

(b) Consent waiver and form. Persons submitting dogs and cats for the services of the clinic shall first be required to sign a consent form certifying under penalty of perjury that they are the owners of said animals or are otherwise authorized to present the animal for the operation. Such persons may be required to furnish proof of such ownership or authority.

By signing the consent form, the owner shall waive any and all liability for any injury or death to an animal arising out of the spaying or neutering operation or any services provided incidental thereto. The person presenting the animal for such operation shall indemnify the division against any person's claim that the division did not have the authority or right to destroy the animal.

(c) Boarding charge. The division shall establish a return date by which persons submitting animals for the above operation shall pick up the animal or be subject to a reasonable boarding fee to commence the date after such return date. If the animal is not picked up by the seventh day after the return date, then the division may dispose of the animal by any disposition method authorized by this chapter.

Section 3-48. Sale or euthanasia

(a) Large animals. The division shall hold any stray horse, burro, cattle, goat, sheep and other livestock or large animal for eight (8) days. The superintendent shall make reasonable efforts to notify the owner, who can redeem the animal upon payment of any applicable fees.

(b) Other animals. The division shall hold any stray dog, cat, rabbit, bird, poultry, wild animal (deemed to be owned) and other animals for seventy-two hours. The superintendent shall make reasonable efforts to notify the owner, who can redeem the animal upon payment of any applicable fees and compliance with all animal-related laws. An owner reclaiming animals must be able to provide proof of ownership to the satisfaction of the superintendent.

(c) Unclaimed animals. If an animal is not redeemed by the owner during the applicable period of redemption or has been donated to the shelter, then, the animal shall be disposed of as follows:

1. After the required period of time for holding an animal has expired, unclaimed animals may be offered to the first member of the public paying the applicable fee. The superintendent shall be authorized not to offer for sale any animals when it is reasonable to believe that continued medical observation of the animal is necessary or for any other exceptional reason. Puppies four months of age or younger shall be kept for 7 days. Kittens four months of age or younger may be kept an appropriate length of time to insure their health. Donated or unclaimed animals also may be humanely euthanized at the discretion of the division or may be sold by public auction. Sale may be refused to anyone who, in the opinion of the the superintendent, is unqualified to own the animal due to drunkenness, a record of cruelty to animals, under eighteen years of age, acts of harassment to animals residing at the shelter, ownership of other animals which are in violation of requirements of this Ordinance, refusal to comply

with adoption requirements of this Ordinance, donation of two or more animals to the division in the past six months, lack of adequate housing and/or fencing to contain the animal, or any other incapacity.

2. The division may accept any animal which the owner wishes to release to the division. The owner shall sign a release card vesting all rights and title to the animal in the division. All released animals shall immediately be available for public sale, or public auction, humane euthanasia as the superintendent deems appropriate.

3. An employee of the division shall execute a bill of sale to the purchaser of any animal sold and thereupon the title to such animal shall be vested in the purchaser.

4. The Division shall have the authority to carry out the humane euthanasia of any animal lawfully taken into custody by the division which is affected with any dangerous, painful, incurable or communicable disease, or which is incurably crippled or suffering incurably, after reasonable effort has been made to notify the owner.

(d) Employee prohibition. No employee of the division shall directly or indirectly purchase any animal impounded by the division.

(e) Bite. All dogs and cats that bite a person shall be immediately confined for ten (10) days in a place designated by the Superintendent of the Animal Control Division or the Health Director. If the owner or the person who controls or possesses the dog or cat that has bitten a person refuses to confine the animal as required by this section, the Superintendent of the Animal Control Division or the Health Director may order seizure of the animal and its confinement for ten (10) days at the expense of the owner. The disposition of an animal other than a dog or cat that bites a person shall be at the discretion of the Health Director in consultation with the consulting veterinarian. If any animal is unclaimed after the (10) day confinement then the Superintendent may dispose of the animal unless the Superintendent receives instructions of a different nature from the Health Department.

(f) Disease. Any animal which appears to be suffering from any disease shall not be sold, but may be reclaimed by its owner at the discretion of the Superintendent, on a conditional basis only, provided that the owner provides proper veterinary medical treatment for the animal in accordance with the superintendent's instruction. If the person fails to comply with the instructions, then the superintendent shall have the right to seize the animal, since the release of the animal has been conditioned upon compliance with those instructions.

(g) Other authorized dispositions. Animals that are available for sale to the general public and that qualify for use

by the Charlotte Police Department, for use by the U.S. Customs Department or other affiliated organization, or for use by a local veterinarian as a blood donor may at the Superintendent's discretion be released to these organizations at no charge.

Section 3-49. Seizure and disposition of animals

(a) Authority to seize animals. In addition to any other authority or procedure authorized by this chapter or by any other law to seize an animal, the Division shall have the authority to summarily seize any animal from premises when the Division determines that the animal in the surrounding circumstances is dangerous or prejudicial to the public safety or public health, or to seize an animal at any other time, when so authorized in this Chapter.

The written order shall explicitly state that the Division has the authority to terminate ownership rights of the animal, including the possible humane destruction of the animal, if there is a failure to comply with the written order, or unless otherwise directed by Court order.

(b) Obligation of owner to comply with seizure order. When the Superintendent or a Supervisor presents an owner with a written seizure order to seize an animal, it shall be unlawful for the owner to fail to comply with the order or to interfere with the animal control officer. A police officer, if requested by the Superintendent or Supervisor, shall accompany the animal control officer to seize the animal.

(c) A challenge to the seizure order. If the owner wishes to challenge the basis of the seizure order, then the owner must submit in writing the basis of the challenge within five days of the seizure of the animal, not counting the day of seizure of the animal. The challenge must be submitted to the Director of the Operations Department. The Director can handle the challenge in the same manner as provided for in Code § 3-10.1(e). The Division has the obligation to make reasonable efforts to notify the owner.

(d) Owner's redemption of animal. The owner is entitled to redeem the animal, unless the Superintendent retains the animal upon some other basis of legal authority, by paying all applicable fees, citation fees, boarding fees, any other costs that are attributable to the dog and complying with any outstanding Division order.

(e) Owner's posting of a bond. If the Superintendent has seized an animal under Code §§ 3-10, 3-10.1, or this section, or for any other lawfully authorized seizure and confinement of an animal and the Superintendent determines that the City's retention of any animal, seized or held by the Division, might extend beyond five days, then the Superintendent shall be authorized to require the owner to post a bond or to deposit cash within a reasonable time based upon the boarding costs for the animal and any forseen,

reasonable veterinarian fees required by law or deemed necessary for the animal, for the continued holding by the Division of the animal.

(f) Termination of owner's rights. If an owner fails to comply with the requirements that constituted the basis for seizing the animal or fails to reclaim the animal within the applicable time period, then the Superintendent shall have the authority to humanely destroy the animal or place the animal for sale to the public, all in accordance with § 3-49, or to place the animal with a local humane society for future placement through the humane society.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CHARLOTTE

ATTACHMENT IV

Budget and Evaluation Department

Report

IMPACT OF DANGEROUS DOG ORDINANCE
ON STAFFING NEEDS

OPERATIONS DEPARTMENT - ANIMAL CONTROL DIVISION

Executive Summary

On September 22, 1988, the Operations Committee agreed to recommend to the City Council the adoption of a Dangerous Dog Ordinance.

At the request of City Council, Budget and Evaluation conducted a review of the impact of the changes on Animal Control's current workload, the existing staff resources and the need for additional staff.

Findings:

1. The combined bite complaints, attacking dogs complaints and dangerous dog to child complaints increased from 1,539 in FY87 to 1,822 in FY88.

2. Of the 1,822 dangerous dog service calls received in FY88, 56 fell into the current legal definition of dangerous dogs. Under the new regulations, approximately 1,731 (or 95%) of the 1,822 calls would require special dangerous dog procedures.

3. Presently, one Animal Control Supervisor works on the dangerous dog case load on a part-time basis. To date, only four of 56 cases for FY88 have been vigorously pursued for prosecution, with 100-120 man hours spent on each of the four cases.

4. Animal Control Officers current workload is at 110%.

5. Animal Control support staff (clerical, dispatch, kennelwork) is also working at full capacity.

6. If the new ordinance were implemented without adding staff, there would not be enough manpower to continue providing current services. Without additional staff, enforcement of the new ordinance would be minimal (i.e., four of 1,731 cases per year).

7. Revenues generated from enforcement of these new laws could recover 80% of program costs.

Recommendations:

1. Approve option 3 which makes the ordinance effective on January 1, 1990; adds 11 positions; and phases in positions for FY90 costs of $299,870 ($70,200 of which is capital outlay). First full year cost for FY91 is $303,730. Delaying effective date of ordinance until January 1, 1990 avoids $91,000 in boarding expenses because the new building is scheduled for completion in January 1990. The annual revenue estimate is $365,663 which recovers 120% of FY91 costs.

2. Develop new objective for Animal Control to monitor dangerous dog program costs and revenues annually. Budget and Evaluation will review this objective and report on the number of cases handled and the revenue generated annually. A decision will be made each year on the program's effectiveness.

January 18, 1989

IMPACT OF DANGEROUS DOG ORDINANCE
ON ANIMAL CONTROL STAFFING NEEDS

On September 22, 1988, the Operations Committee agreed to recommend to the City Council the adoption of a Dangerous Dog Ordinance.

At the request of City Council, Budget and Evaluation conducted a review of the impact of the changes on Animal Control's current workload, the existing staff resources and the need for additional staff.

This study contains four parts:

I. Description of current organization and workload with organization chart,

II. Manpower and Budget requirements for proposed ordinance with proposed organization chart,

III. Options and Implementation plans

IV. Recommendation

I. CURRENT ORGANIZATION

GENERAL:

The Animal Control Division has the responsibility for enforcing the City and County Animal Control Ordinance, as well as state statutes, in a 544 square mile area, for a human population of 457,301 and an animal population of 159,451.

The Animal Shelter operates 24-hours per day, 7-days per week and is open to the public from 10:00 a.m. to 7:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m. weekends. The current enforcement workload is handled by 19 officers. Seventeen officers are spread over three staggered "daytime" shifts which begin at 6:00 a.m., and end at 8:30 p.m.; Two officers work alternating nights in shifts that begin at 7:30 p.m., and end at 6:00 a.m. Shift hours are such that most of the "daytime" service is provided by five to six officers at any given time, and all of the "nighttime" service is provided by one officer at any given time.

B. CURRENT WORKOAD:

During FY88, 19 Animal Control Officers serviced the community in the following manner:

FY88 available manhours	
(52 wks. x 40 hrs. x 19 Officers)	= 39,520
Less: Vacation/Holiday Hours (7.6%)	= (3,040)
Hours available to perform the job	= 36,480

During FY88, the workload was handled as follows:	% of 36,480 hrs. available	Actual hrs. working
(1) Service Calls in the City	60%	21,888 hrs.

Enforcement:
- Lease Law
- Rabies
- Licensing
- Cruelty
- Dangerous Dogs
- Nuisance Animals

Service:
- Attacking Dogs
- Injured Animals
- "Donated" Animals
- Biter Dogs
- Wild Animals
- Large Animals

Other Services:
- Setting animal traps
- Relocating snakes
- Removing bee swarms
- Removing birds and squirrels from fireplaces
- Providing information

(2) Service Calls in the County	23%	8,390 hrs.

Enforcement:
- Rabies
- Licensing
- Cruelty
- Dangerous Dogs
- Nuisance Animals

Service:
- Attacking Dogs
- Injured Animals
- "Donated" Animals
- Biter Dogs
- Wild Animals
- Large Animals
- Livestock

Other Services:
- Setting animal traps
- Relocating snakes
- Removing bee swarms
- Removing birds and squirrels from fireplaces
- Providing information

	% of 36,480 hrs. available	Actual hrs. working
(3) Door-to-door canvassing to enforce licensing and rabies compliance	6.3%	2,304 hrs
(4) Other related duties Unloading animals from vehicles Data entry Report completion Attending district court Attending meetings, dispatching Security service work, kennel work Maintenance checks on vehicles	20.3%	7,410 hrs.
TOTAL	109.6%	39,992 hrs.

An additional 3,512 hours (i.e., 39,992 - 36,480) were worked by the Animal Control Officers to handle the workload during FY88. This is 109.6% of the officers normal work year. The officers consistently work 8.9 hour days, with approximately seven hours per day of their time spent in handling service calls. The 27,443 service calls in FY88 average approximately 1,444 calls per officer per year. Based on the collective 30,278 hours spent in the field during FY88, this is 1.1 hours per call and 6.6 calls per day per officer. (During FY88, the Animal Control Officers worked 1,146 (i.e., 26.5% of their work days) days without taking anytime for a lunch break.) The Division's objectives indicate that during the past two fiscal years, the number of routine calls that could not be responded to within the required 24-hour period were 723 in FY87 and 851 in FY88.

Three of the five Animal Control Supervisors work three staggered shifts beginning at 6:00 a.m., and ending at 8:30 p.m. These shifts are structured to correspond to the Animal Control Officer daytime shifts. The remaining two supervisors work day shifts between 8:00 a.m. and 5:30 p.m. One is responsible for shelter management, emergency and routine animal health care, and supervision of six kennel workers. The other supervisor is responsible for operations support, supervises the Service Dispatchers and Security Service Assistants, handles complaints and is solely responsible for all current dangerous dog and cruelty cases, and all legal prosecutions.

The clerical functions at Animal Control are currently performed by one Office Assistant IV, one Office Assistant III and one Data Entry Operator. The Office Assistant IV position is the Superintendent's secretary and performs the bulk of the Division's typing, prepares the weekly payroll, manages the Division's main files, manages the Employee Attendance database on the PC, calculates and monitors employee records, screens calls, inquiries, and complaints and processes all correspondence.

The Office Assistant III reconciles and prepares the Daily Cash Report, personally transmits daily cash receipts and accountability reports to the Revenue Division, types all purchase requisitions, picks up and delivers inter-departmental mail, screen calls, types related memoranda, attends Magistrate Court on a daily basis, types criminal summons when time is available, summarizes revenue data monthly, and maintains cash reports.

The Data Entry Operator receives rabies inoculation certificates, looks up zip code data in reference books, and enters the data into the Animal Management database. This position summarizes and transmits financial data from citations to the Accounting Department and summarizes and reconciles data from animal and spay/neuter surgery sales receipts with daily accountability reports. In addition, this position performs all of the mailings of penalty and delinquent letters to citizens who fail to pay fines, enters financial data into Lotus spreadsheets and prints reports as needed.

The clerical workload in FY88 was so great the Office Assistant IV accumulated 140 hours of compensatory time and the Data Entry Operator accumulated 40 hours of compensatory time in the first 10 weeks of employment at Animal Control. Additionally, a temporary Data Entry Operator was hired for a full year to help enter the backlog of rabies inoculation certificates into the database (as required by Health Department); and approximately 150 temporary person-weeks were utilized (from "light-duty personnel from the Sanitation Division) for filing paid citation copies in serial order, complaint reports by owner, complaint reports by victim, Animal Adoption Agreements in alphabetical order and Surgery Liability Waivers by date.

Sales/reclaims/dispatching are handled by four Service Dispatchers divided into three staggered shifts which begin at 6:30 a.m., and end at 8:30 p.m. These shifts were structured to provide support to field officers and to provide coverage during citizen demand for license, surgery, and animal sales and reclaims. Dispatchers are also responsible for cash handling and reporting. They answer an average of 300 phone calls daily. Service requests have increased 103% since FY83, from 13,521 in FY83 to 27,443 in FY88.

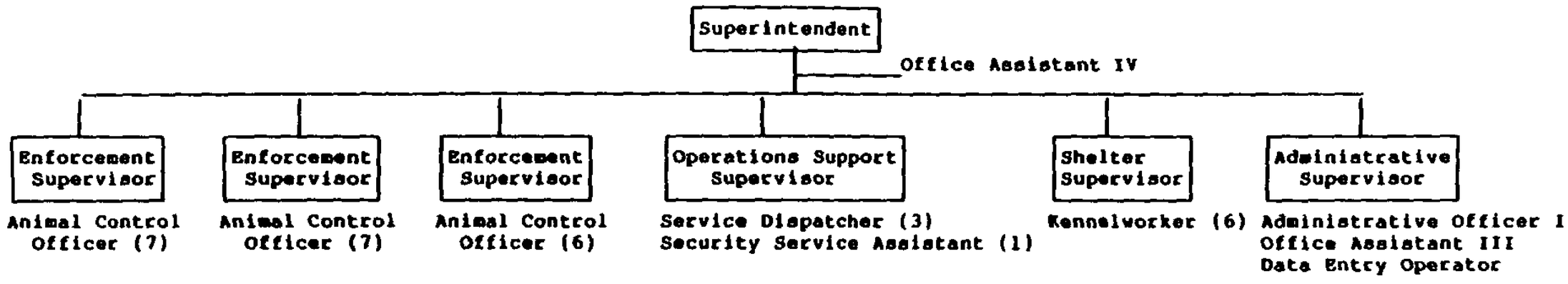
The security/night dispatching/janitorial workload is handled by one Security Service Assistant and two permanent part-time Security Service Assistants working two shifts from 8:30 p.m. to 8:00 a.m. They receive and transmit radio communications to and from field officers, provide information to callers, maintain service logs, inspect 117 runs and cages, make rounds on property, access computer information regarding licenses/tag checks, process "after-hour" incoming animals, and performs various cleaning/janitorial work nightly.

The Animal Shelter's workload is handled by six kennel workers divided into three shifts. These workers perform cleaning and disinfecting activities in 117 runs and cages, provide euthanasia support to supervisors, and feed and care for approximately 250 animals each shift.

This information establishes the fact that the current workload in the Animal Control Division is at a peak and no more work can be absorbed.

CHARLOTTE/MECKLENBURG ANIMAL CONTROL

STAFF ORGANIZATION CHART



II. MANPOWER/BUDGET REQUIREMENTS·

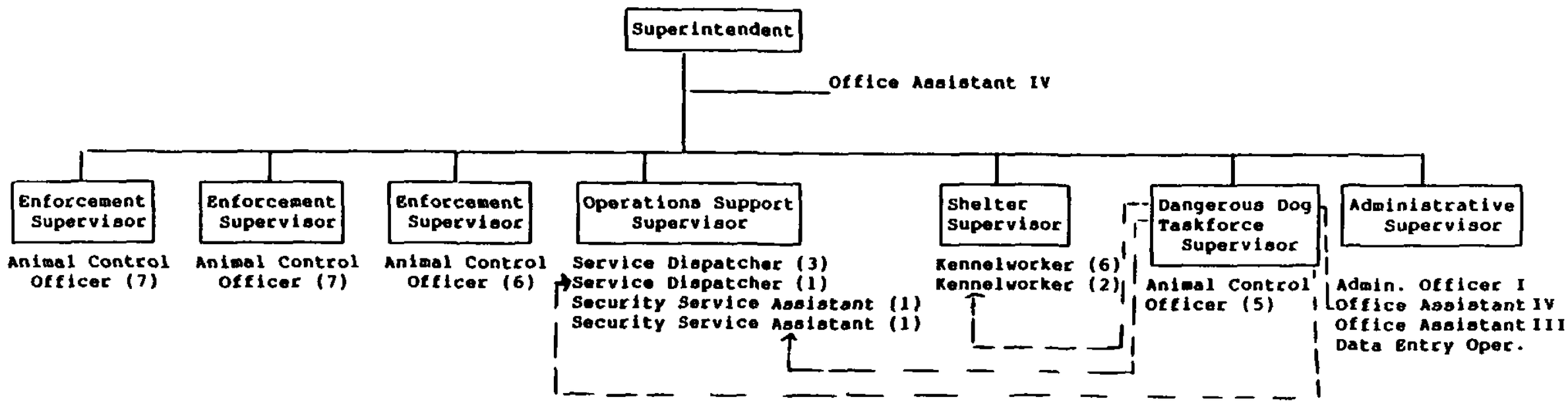
The combined bite complaints, attacking dog complaints and dangerous dog to child complaints increased from 1,539 in FY87 to 1,822 in FY88. Officers responding to these calls perform routine investigations to satisfy the requirements of the Health Department for rabies control in dog bites or to remove the immediate danger to a citizen by restraining or removing an attacking animal. In most cases, current laws limit the enforcement activities to writing citations for leash laws and no-tag violations. Of the 1,822 "dangerous dog" service calls received in FY88, 56 fell into the current legal definitions of "dangerous dogs". Under the new regulations, approximately 1,731 (or 95%) of the 1,822 calls would require special dangerous dog procedures. At the present time only one Animal Control Supervisor works on the "dangerous dog" case load on a part-time basis. To date, only four of the 56 cases have been vigorously pursued for prosecution, with 100-129 man-hours spent on each of the four cases.

The approval of the proposed "dangerous dog" laws by City Council will represent a major commitment to effective handling of dangerous dogs and irresponsible dog owners in the community. This commitment can only be achieved through effective and timely enforcement. In order to handle this enforcement, the addition of a specialized "dangerous dog" task force has been proposed.

The dangerous dog task force, spread over three day shifts and one night shift, will be dedicated to investigation, prosecution and protective restraint actions against potentially dangerous dogs and chronic leash law/license violations. This task force will consist of one supervisor, five officers, and one Office Assistant IV. They will be supported by two kennel workers, one Service Dispatcher, and one Security Service Assistant. The task force concept of investigation and enforcement is one that is commonly used in law enforcement and other agencies in the public sector (i.e., The Fire Department: regular firefighters put out the fire, but the Arson Task Force perform the investigation as to the cause of the fire and brings charges against offenders based on gathered evidence). Similarly, a regular Animal Control Officer will respond to a "bite" call, will ascertain the circumstances of the bite, quarantine the animal in the appropriate location, prepare a bite report for the county Health Department, and perform checks on the dog to ensure it is free from rabies. The purpose of this sequence of actions is to protect the public from the rabies virus. At this point, a "dangerous dog" task force officer would perform an in-depth investigation to establish the cause of aggression and identify violations of the "dangerous dog" laws. The officer would:

1) Research the animal's aggression history, complaint record, license status, and previous leash law violations;
2) Perform evaluation of the dogs' behavior;
3) Conduct interview with immediate neighbors and request affidavits if necessary;
4) Establish protective measures, if any, required to protect the public from further aggression from the animal;
5) Set a time frame for compliance;
6) Complete "dangerous dog" report.

CHARLOTTE/MECKLENBURG ANIMAL CONTROL
PROPOSED STAFF RE-ORGANIZATION CHART



Under the new laws, Animal Control Officers will need to determine the appropriate "Protective measures" required of owners of dangerous or potentially dangerous dogs. These include special leash or muzzling, tattooing, warning signs, liability insurance, fencing/secure fencing, etc.

The new laws also provide for escalating fines for repeat violators of the leash law. On the third offense, the officer will perform a thorough investigation and levy escalating sanctions. Licensing enforcement will be more stringent under the new laws. Owners who fail to license their animals within a 10-day grace period will have their dogs seized by a task force officer.

The owner will then have an additional five days to license the animal. At the end of that period, the animal becomes the property of the City.

Task Force Officers will also regularly inspect facilities where dogs are "aggression-trained" or trained for security/guarding. These officers will obtain information as to the location of the animals.

III. OPTIONS AND IMPLEMENTATION PLANS

Option #1:
If the ordinance is approved in January of 1989 and is made effective in October 1989, it will be necessary to hire the task force and support group as follows:

1. One Animal Control Supervisor would be hired on March 1, 1989 to allow for four-months lead time in training, preparation of procedures, development of forms, etc., before the other task force members are hired.

2. Five Animal Control Officers and the Office Assistant IV would be hired July 1, 1989, which would allow four-months before enforcement began on the ordinance. This would allow time for officers to attend the Animal Control Academy, receive special law enforcement training, and become familiar with new dangerous dog laws and procedures.

3. The kennel workers and Security Service Assistants would be hired in January 1990 when the new building is expected to be completed.

Total cost incurred for Option #1 in FY89 would be $17,148 and in FY90 $440,669. Private kenneling for dangerous dogs would be $91,000 until the new building is complete (this amount is included in the $440,669).

The first full year's cost in FY91 would be $303,730. The annual revenue estimate for this option is $365,663.

The performance objectives for this option would be:

- o Respond to all "attacking" and dog dangerous to child" calls within 30 minutes, 100% of the time;
- o Investigate all dog bite reports within 24 hours of the dogs' confinement;
- o Monitor and evaluate the cost of the dangerous dog program through revenues collected.

Option #2:
Option #2 is the same as option #1 with the exception that three Animal Control Officers would be hired, instead of five. The cost for this option would be $17,148 in FY89 and $327,810 in FY90.

The first full year's cost in FY91 would be $245,043. The revenue estimate for this option is $219,348.

The performance objectives for this option would be:

- o Respond to 60% of "attacking" and "dangerous to child" calls within 30 minutes; 80% within six hours; and 100% within 48 hours.
- o Investigate all dog bite reports within 72 hours of dogs' confinement.
- o Monitor and evaluate the cost of the dangerous dog program through revenues collected.

Option #3:
If the ordinance is approved in January 1989 and slated for implementation one year later in January 1990, it will be necessary to hire the task force personnel as follows:

- o The Animal Control Supervisor would be hired in July 1989 with a three-month lead time before the other field task force members were hired.
- o The five Animal Control Officers and the Office Assistant IV would be hired on October 1, 1989, with a three-month lead time before the ordinance enforcement began.
- o The Service Dispatcher, two kennel workers, and the Security Service Assistant would be hired January 1, 1990.

With this option, the ordinance implementation and building completion would coincide, thereby, eliminating the need to pay for private kenneling of dangerous dogs (seize pursuant to the new laws). Total FY90 cost for this option is $299,870. The first full year's cost in FY91 would be $303,730. The annual revenue estimate for this option is $365,663.

The performance objectives are the same as Option #1.

Option #4:
Option #4 is identical to Option #3 with the exception that three Animal Control Officers would be hired, instead of five. This would reduce the FY90 cost to $227,140.

The first full year's cost in FY91 would be $245,043. The annual revenue estimate for this option is $219,348.

The performance objectives are the same as Option #2.

IV. RECOMMENDATION:

1. Budget and Evaluation recommends approval of Option #3 which makes the ordinance effective on January 1, 1990; adds 11 positions; and phases in positions for FY90 cost of $299,870 ($70,200 of which is capital outlay). First full year cost for FY91 is $303,730. Delaying effective date of ordinance until January 1, 1990 avoids $91,000 in private kenneling expenses because the new building is scheduled for completion in January 1990. The annual revenue estimate is $365,663 which recovers 120% of FY91 costs.

2. Animal Control will develop a new objective to monitor dangerous dog program costs and revenues annually. Budget and Evaluation will review this objective and report on the number of cases handled and the revenue generated annually. A decision will be made each year on the program's effectiveness.

#2

5. Consider proposed amendments to the Charlotte-Mecklenburg Thoroughfare Plan and direct the City's representative to the Metropolitan Planning Organization concerning adoption of the Plan amendments.

Thoroughfare Plan Amendments

Attached is a list of recommended amendments to the present Thoroughfare Plan. These changes were unanimously approved by the 2005 Transportation Plan Citizens Advisory Committee (CAC) on August 4, 1988 and by the Technical Coordinating Committee (TCC) on September 2, 1988 The Plan amendments were presented to the Metropolitan Planning Organization (MPO) at its September 21, 1988 meeting. Council is requested to adopt the amendments and to authorize the City's representative to the MPO to vote in favor of them at the MPO's November, 1988 meeting.

A map showing the amendments was sent to Council in the August 17 Council-Manager memorandum, and will be available at the Council meeting.

Background

The proposed Thoroughfare Plan amendments are the first product of the two-year effort on the 2005 Transportation Plan. In 1986, the MPO appointed a Citizen Advisory Committee which has been working with local transportation staff on the development of a new long-range transportation plan since the group's first meeting in June, 1986.

The attached revisions are based on technical work conducted by the Department of Transportation since January, 1986. The Charlotte-Mecklenburg Planning Commission, the County Engineering Department, and the City Engineering Department assisted the department in Thoroughfare Plan development.

The recommended changes to the current Thoroughfare Plan evolved from considerable analysis of future growth projections and from three series of citizen meetings held throughout Mecklenburg County. Meetings were held at various stages of plan development -- fall 1986, fall 1987, and summer 1988. Notes and attendance lists of these meetings are available for review in the Department of Transportation.

The remaining phases in development of the 2005 Transportation Plan include preparation of the long-range Transit Plan and a prioritized list of projects based on transportation needs for an intermediate time frame such as 1997. These elements will be submitted to Council and the MPO for approval in a 2005 Transportation Plan document in the spring of 1989.

Attachment No. 2

ADOPTED BY
TECHNICAL COORDINATING COMMITTEE
SEPTEMBER 16, 1988

2005 TRANSPORTATION PLAN
RECOMMENDED CHANGES TO THE CHARLOTTE-MECKLENBURG THOROUGHFARE PLAN

Project	Description of Change	Comment
I. ADDITIONS		
a. Beatties Ford Road Relocation (Lakeview Road to Gilead Road)	A four-lane major thoroughfare on new right-of-way	This facility was recommended during area public meetings on the 2005 Transportation Plan. The new road will allow for the preservation of historic sites along existing Beatties Ford Road and provide better thoroughfare coverage for that area of the county. (See accompanying change III. a.)
b. Prosperity Church Road Extension (Eastfield Road to NC 73)	A four-lane major thoroughfare on new right-of-way	This proposed extension was first identified in the 2005 Generalized Land Plan and will provide a new north-south roadway east of N.C. 115
c. Steele Creek Road/Wilmont Road Connector	A two-lane minor thoroughfare on new right-of-way	This facility was recommended by the Citizens Advisory Committee to provide additional connectivity to the Coliseum and Tyvola Road Extension area. The location of this facility should be to the north of the Steeleberry Acres Subdivision to avoid impacting the neighborhood.
d. US 521 Relocation (Southern Outer Loop To South Carolina Line)	A four-lane major thoroughfare on new right-of-way	This relocation was recommended in the South Mecklenburg Interim District Plan and in the 2005 Generalized Land Plan.
e. Southern Outer Loop/Weddington Road Interchange	A new interchange at Southern Outer Loop and Weddington Road	This interchange was recommended in the South Mecklenburg Interim District Plan. (See accompanying change III. m.)
f. Community House Road Extension (US 521 Relocation to Lower Mecklenburg Circumferential)	A four-lane major thoroughfare on new right-of-way (US 521 Relocation to Providence Road West and a two-lane minor thoroughfare from Providence Road West to lower Mecklenburg Circumferential	This extension was recommended in the South Mecklenburg Interim District Plan.
g Sam Wilson Road/NC 160 Connector	A two-lane minor thoroughfare on new right-of-way	This connector was recommended in the Dixie-Berryhill Small Area Plan.

h	Pence Road/Wilgrove-Mint Hill Road Connector	A two-lane minor thoroughfare on new right-of-way	This connector was recommended in the Albemarle Road East Small Area Plan to avoid impacts to the Cedarbrook Neighborhood. (See accompanyi change II. b.)
i.	Independence Pointe Road Extension (NC 51 to Weddington Road)	A minor thoroughfare on new right-of-way	This extension was recommended by the Town of Matthews
★ j	I-77/Westmoreland Road Interchange	A new interchange at I-77 and Westmoreland Road grade separation	This interchange was recommended by the Town of Cornelius. Staff does not oppose the addition of this interchange to the Thoroughfare Plan b recommends that efforts to implement an interchange in this area shoul concentrated towards Sam Furr Road initially.
k	Sam Wilson Road/NC 27 Connector	A two-lane minor thoroughfare on new right-of-way	This connector was recommended in the 2005 Generalized Land Plan. (Se accompanying change II. a.)
l.	Archdale Drive Extension (Nations Ford Road to NC 49)	A two-lane minor thoroughfare on new right-of-way	This extension is recommended by staff to offer better connectivity to the Beam Road employment area.
m	Ledwell Street Extension	A two-lane minor thoroughfare on new right-of-way	This extension is recommended by staff to improve connectivity in the Freedom Drive/Westerly Hills area.
n	Ridge Road Extension (Hambright Road Extension to Mallard Creek Road)	A two-lane minor thoroughfare on new right-of-way plus thoroughfare designation for existing Ridge Road between Beard and Cheshire Roads	This extension is recommended by staff to improve thoroughfare coverag in the Northeast area. The alignment of this facility may vary greatl depending on the outcome of the Northern Outer Belt Environmental Impa Statement currently underway.
★ o.	Arlington Church Road Extension (NC 24-27 to Lawyers Road)	A two-lane minor thoroughfare on new right-of-way plus thoroughfare designation for existing Arlington Church Road between NC 24-27 and Brief Road	This new thoroughfare is recommended by staff to provide thoroughfare coverage in Eastern Mecklenburg County.
p	Camp Stewart Road Extension (Harrisburg Rd to NC 24-27)	A minor thoroughfare on new right-of-way plus thoroughfare designation for existing Camp Stewart Road	This new thoroughfare is recommended by staff to provide thoroughfare coverage in Eastern Mecklenburg County.

q Cheshire Road/NC 115 Connector	A two-lane minor thoroughfare on new right-of-way	This connector is recommended by staff to provide additional connectivit in the Northeast area.
r. Shopton Road West/Gold Hill Road Connector	A two-lane minor thoroughfare including improvements to existing Zoar and Youngblood Roads plus construction on new right-of-way	This connector is recommended by staff to serve Southwest Mecklenburg County and its relation to growing areas of York County.
s Carowinds Boulevard Extension to Shopton Road West)	A four-lane major thoroughfare on new right-of-way plus improvements to existing John Price, Sam Neely, and Wingert Roads. Carowinds Boulevard will be designated a major thoroughfare.	This extension is recommended by staff to provide additional thoroughfar network in Southwest Mecklenburg County. This extension will also serve as a division line for residential and non-residential uses in that area (See accompanying change III. n.)
t Stumptown Road Extension 73 West to NC 73 East)	A two-lane minor thoroughfare on new right-of-way plus improvements to existing portions of Babe Stillwell Farm Road and Ramah Church Road.	This extension was recommended in the 2005 Generalized Land Plan to provide additional thoroughfare network in Northern Mecklenburg County
u. Hucks Road Extension (Browne Road to U.S 21)	Designation as a major thoroughfare	This change is recommended in the Northeast District Plan to provide additional thoroughfare network in that area.
II DELETIONS		
a. Moores Chapel Road/NC 27 Connector	A two-lane minor thoroughfare on new right-of-way	This connector is replaced by the N.C. 27/Sam Wilson Road Connector. (See accompanying change I. g.)
b. Pence Road Extension (Harrisburg Road to NC 24-27)	A two-lane minor thoroughfare on new right-of-way	This extension is replaced by the Pence Road/Wilgrove-Mint Hill Road Connector (See accompanying change I. h)
III STREET CLASSIFICATION CHANGES		
a Beatties Ford Road (Lakeview Road to Gilead Road)	Major thoroughfare to minor thoroughfare	This change is recommended to protect historic sites along Beatties Ford Road. (See accompanying change I a.)

b	Dorman Road (US 521 to State Line)	Designation as a major thoroughfare	This change is recommended by staff in recognition of the need for a major thoroughfare connection between York and Mecklenburg County in tha area.
c.	Elm Lane (NC 51 to Providence Road West)	Designation as a minor thoroughfare	This change is recommended by staff as a result of design changes in the Southern Outer Belt.
d	Sharon Road West (Park Road to South Boulevard)	Minor thoroughfare to major thoroughfare	This change is recommended by staff to reflect the actual function of Sharon Road West.
e	Quail Hollow Road (Sharon Road to Carmel Road)	Minor thoroughfare to major thoroughfare	This change is recommended by staff to complete the major thoroughfare radial consisting of Sharon Road, Quail Hollow, and Carmel Road.
f	Wilmont Road (Billy Graham Parkway to Old Steele Creek Road)	Minor thoroughfare to major thoroughfare	This change is recommended by staff because of the Coliseum Area Development and the Tyvola Road Extension.
g	Gibbon Road (Nevins Road to Cheshire Road)	Designation as a minor thoroughfare	This change is recommended by staff to reflect the actual function of Gibbon Road.
h	Briar Creek Road (Central Avenue to Monroe Road)	Designation as a minor thoroughfare	This change is recommended by staff as Briar Creek Road will interchange with the U S. 74 Freeway/Expressway.
i.	Lebanon Road (Lawyers Road to NC 51)	Designation as a minor thoroughfare	This change is recommended by staff to reflect the actual function of Lebanon Road.
j	Old Steele Creek Road (Wilkinson Boulevard to Wilmont Road)	Designation as a minor thoroughfare	This change is recommended by staff to reflect the actual function of Old Steele Creek Road.
k.	Reames Road (Lakeview to Vance Road)	Designation as a minor thoroughfare	This change is recommended by staff to reflect the actual and expected function of Reames Road.
l	McCord Road (Ramah Church Road to NC 115)	Designation as a minor thoroughfare	This change is recommended by staff to provide additional thoroughfare network in Northern Mecklenburg County.
m	Weddington Road (County Line to the Independence Pointe Extension)	Designation as a major thoroughfare	This change is recommended by staff because of the interchange proposed for Weddington Road and the Outer Belt, development that is occurring in the area and its connectivity to growing Union County.

n	Carowinds Boulevard (NC 49 to County Line)	Designation a major thoroughfare	This change is recommended by staff because Carowinds Boulevard has an interchange with I-77 in York County and the development that has occurred in the area.
o	Archdale Drive (Nations Ford to Park Road Relocation)	Major thoroughfare to minor thoroughfare	This change is recommended by staff because of the improbability of widening Archdale Drive due to impacts that would result

#3

MEMORANDUM

January 4, 1989

TO: Mayor and City Council

FROM: Henry W. Underhill, Jr.
City Attorney

SUBJECT: City's 1989 Legislative Program

The Mecklenburg Legislative Delegation met on Tuesday morning, January 3 to discuss and take action on the City and County legislative programs. Nine members of the Delegation were present at the meeting. (Absent were Balmer, Cobb and Johnson)

The Delegation voted to approve for introduction the following City requested bills:

1. A bill that would delegate the City Council's authority to approve changes to job titles and job descriptions of City employees to the City Manager.

2. A bill amending the City Charter to allow the City Manager or his designated representative to execute contracts on behalf of the City after City Council approval of the contract.

3. A bill amending the City Charter to increase the City Manager's authority to approve contracts from $30,000 to $50,000 without Council involvement.

4. A bill amending the City Charter authorizing the City Manager to approve all contracts regardless of amount where there is no payment of funds by the City.

5. A bill amending the City Charter that would bring the City's Fair Housing Ordinance into compliance with the Federal Fair Housing Act Amendments of 1988.

6. A bill that would allow the City to add relocation costs of tenants, except in fire damage cases to the lien imposed for housing code enforcement under the in rem remedy process.

7. A bill authorizing sales and use tax refunds for organizations like the Charlotte Convention and Visitors Bureau.

8. A bill that would enable the City to change the City's Zoning Board of Adjustment voting requirement from four-fifths vote to a simple majority.

9. A bill that would enable the City Council in its discretion to establish a Code Enforcement Board that would have jurisdiction over animal control violations, community improvement violations and the like.

10. Agreed to pursue legislation that would strengthen the authority of the State Alcoholic Beverage Control Board to more effectively punish chronic violators by State ABC regulations.

The Delegation voted not to introduce a bill that would clarify the City's authority to require the reservation of public facility sites as part of the City's subdivision ordinance.

Finally, the Delegation voted to defer action on the following bills for the reasons stated below.

1. A bill seeking enabling legislation that would authorize the City to impose an admissions tax not to exceed a 50¢ per ticket or 10% of the ticket price, whichever is less for admissions to events within facilities owned either in whole or in part by the City. First, several members of the Delegation requested me to ask the Council whether or not the Council would be willing to limit this bill to the Coliseum only. So that I might respond to the Delegation, I ask that the City Council include a discussion of this proposal on an upcoming Council meeting agenda. Additionally, the staff is working to develop an estimate of revenues that could be generated by this proposed tax for the Council and the Delegation.

2. An amendment to the City Charter to permit the City to exercise the power of eminent domain to acquire property for the provision of housing for low- and moderate-income persons under certain circumstances. The Delegation asked that I work with Senator Odom to include language in the bill that would insure to the fullest extent possible that the property owner would have a reasonable time to take corrective action before an eminent domain lawsuit was instituted. I am confident that satisfactory language to accomplish this can be developed and thus believe that this bill will eventually be approved for introduction.

3. A local bill that would eliminate state-imposed caps on the amounts that the City can charge for business privilege license taxes on a number of business classifications. The Delegation deferred this until the City staff could provide it with estimates of revenue that might be potentially generated by the elimination of the caps. We are working on obtaining this information and hope to provide it to the Delegation in the very near future.

4. A bill seeking clarifying amendments to the Local Government Finance Act to expressly provide that North Carolina local governments can issue certificates of participation to finance general government facilities. This bill is being drafted by the City's bond counsel. The delegation voted to defer the action until the bill was available for review.

5. A local bill providing clearer authority for the City to include the proposed "planned development" permit process into the new City zoning ordinance. The Delegation voted to defer any further consideration of this bill until a draft of the proposed new City zoning ordinance was available and in somewhat final form. In essence, this action means there will be no further consideration of this bill in the 1989 legislative session since the schedule for the new zoning ordinance does not call for a draft of the ordinance to become available until after the deadline for the introduction of local bills is passed.

Please contact me if you have any questions concerning this memorandum. I again ask the Council to schedule some time to discuss the request from certain members of the Delegation that the proposed seat tax bill be limited in scope to the Coliseum only.

HWUjr/ef

INFORMATION

1/11/89

Seat Tax

During your discussions on the seat tax, you requested information regarding the estimated revenue which could be generated. We conducted a survey of major cultural organizations in Charlotte to determine the level of ticket sales for each. The results of that survey are attached.

Total number of tickets sold = 1,592,181

Proposed legislation indicates a tax of 50¢ per ticket or 10% of the ticket price, whichever is less. This produces an estimated revenue of $691,000.

Inquiries and statements regarding the tax were received from various organizations. Our response to the inquiries has been that the proposed bill requests authorization to levy the tax, and that if authorization is granted, the specifics of the issues raised and implementation of the bill will be addressed. If you would like to see the comments and/or inquiries, please call Vi Alexander in Budget and Evaluation.

Golf Fee Discounts

At the request of Council, Marvin Billups has asked American Golf Management to work out a discount at Renaissance Golf Course for senior citizens. He also asked the Parks Advisory Committee to comment on the discount. They agreed to encourage greater public use of the golf courses through discounts; however, the committee wants to offer the discount fees to everyone and not limit it to seniors.

American Golf presented the following discounts which were reviewed by Parks and Recreation staff and presented to the Parks Advisory Committee who agreed with the discount program.

1. The existing $2 discount to senior players and the $70 - 10 play discount.

2. A "two-for-one" fee where two persons play for the fee of one player. This discount would be available from February through April, which is a low-use period.

3. A $25 discount coupon with eight plays in each coupon book. Persons would be able to play at Renaissance and Revolution Courses for these eight plays.

4. A twilight rate during daylight savings time, which would be a late afternoon time period at a discount rate.

5. An early weekend play program to promote nine-holes of play, green fees and carts for a two-hour period, at a reduced rate.

If you wish to ask further questions or clarification, please contact Don Steger.

SEAT TAX INFORMATION

# OF TICKETS SOLD AND VALUE	SPIRIT SQUARE[1]	AFRO-AMER.	CHILDREN'S THEATRE	DISCOVERY PLACE	NATURE MUSEUM	MINT[4]	COLISEUM[6]	DOWD HOUSE[7]	HEZEKIAH ALEXANDER[8]
$5 and Under	4,489	-	41,000	262,564	54,354	20,070	57,783	-	3,170
$6 to $10	11,838	4,000	-	-	-	-	212,777	-	-
$11 to $15	14,384	1,000	-	-	-	-	129,113	-	-
$16 to $20	2,378	1,300	-	-	-	-	599,526	-	-
$21 and Over	-	1,000	-	-	-	-	171,435	-	-
TOTAL	33,089	7,300	41,000	262,564	54,354	20,070	1,170,634	-	3,170
# OF TICKETS SOLD BY AGE									
Age 12 and Under	4,045	-	21,000	Included Below	Included Below	6,920	-	-	589
Age 13 to Age 18	1,108	-	10,000	146,947	34,746	13,150[5]	-	-	2,581[8]
Age 19 to Age 64	25,945	7,300	10,000	95,617[3]	19,608[3]	-	-	-	-
Age 65 and Over	1,991	-	-[2]	20,000[3] (Est.)	Not[3] Recorded	-	-	-	-
TOTAL	33,089	7,300	41,000	262,564	54,354	20,070	-	-	3,170
# OF TICKETS SOLD THROUGH SCHOOL SYSTEM(S) OR TO SCHOOL AGE GROUPS	1,012	-	18,250	80,260	18,250	School Groups are Free of Charge	3,608	-	School Groups are Free of Charge

[1]Does not include any rental activity; figures are for Spirit Square-produced events in Performance Place only.

[2]A small percentage of grandparents attend each show.

[3]Grouped as 19-60 and 61 and over.

[4]For last full operating year. Unpaying visitors: attendees to special events, guests, V.I.P.s, members.

[5]All age groups over 12.

[6]August through December actual figures projected for one year. Tickets are not recorded by age groups.

[7]No admission fee. There is a fee for use of the house for receptions, etc.

[8]Seven months actual data projected to 12. Age groups under 16, over 16.

NAME	CHAIRMAN	MEETING DAY & TIME	LOCATION
PARKS ADVISORY COMMITTEE Staff: Marvin F. Billups Park & Recreation Dept. 336-3245	Roy Alexander 301 North Tryon St. (28202) 337-2621	1st Tuesday (monthly) 6:00 p. m.	C/M Government Center

5 Appointed by Mayor
10 Appointed by City Council

PARKS ADVISORY COMMITTEE

(15 Members)

Membership - Appointments are for three-year terms, although the appointments for the six new positions created by the expansion of the committee in November of 1986 were made on a staggered basis: two to expire in 1987, two in 1988 and two in 1989. No person is to serve more than two terms. The Chairman is elected annually by the committee membership for a one-year term only.

Responsibilities - Serves as the City's advocacy group in the community for parks and recreation, assuring that the leisure needs of the community are met. Specific goals and functions are outlined in the Resolution establishing the Committee, adopted April 5, 1982.

MEMBER	DIST.	BUSINESS/ PROFESSION	ORIGINAL APPTMT.	RE-APPTMT.	TERM	EXPIRATION
*(C)Roy Alexander W/M	5	Science Mus.	6/11/84	5/11/87	3 yrs.	6/1/90
(M)Lloyd C. Caudle W/M	6	Attorney	6/18/82	6/17/85	3 yrs.	6/1/88
(M)Eleanor Washington B/F	2		9/23/86		3 yrs.	6/1/89
(C)Robert S. Lilien W/M	6	Attorney	6/09/86		3 yrs.	6/1/89
(C)Janet N. Monahan W/M	7	Analyst Programmer	6/09/86		3 yrs.	6/1/89
(C)Edward M. McDowell B/M	1	General Contractor	1/12/87	5/11/87	3 yrs.	6/1/90
(C)Larry Hale W/M	7	Insur. Agency Partner	1/12/87	4/11/88	3 yrs.	6/1/91
(M)Jacqueline Edwards B/F	5		4/08/87		1 yr.	6/1/88
(C)Milton Grenfell W/M	3	Project Architect	1/12/87		3 yrs.	6/1/89
(M)Leroy Miller B/M	2		4/08/87		2 yrs.	6/1/89
(C)Mahlon H. Adams W/F	6	Neighborhood Advocate	6/08/87		3 yrs.	6/1/90
(M)Vivian Nivens B/F	1	Afro-American Cul. Ctr.	8/06/87		3 yrs.	6/1/90
(C)Elizabeth O. Brown W/F	6	Financial Service Rep.	4/25/88		3 yrs.	6/1/91
(C)H.C. (Woody) Woodward W/M	7	First Charlotte B & T Pres.-Outdoor Adventure Centers	4/25/88		3 yrs.	6/1/91
(C)Michael E. Blair W/M	6	Vice President - Interstate Securities	5/23/88		Unexp.	6/1/90

*Chairman

Revised 8/02/88

0235

No. _____

City of Charlotte
Application for Appointment

Applications should be typed or printed in black ink

Committee, Commission, Board or Authority: Parks and Recreation Commission (Parks Advisory Committee), Citizens Advisory Comm to the Convention + Visitors Bureau #1 Choice

Name Molly S Carver **Sex/Race** F/W **District No.** _____

Home Address 1441 Townes Road Charlotte, NC 28209 **Phone No.** 704-377-5870

Business Address N/A **Phone No.** _____

Education Myers Park High School - UNC/UNC - (University of NC at Greensboro Now)

Present Employer N/A

Job Title _____ **Duties** _____

Business & Civic Experience Recently sold my company. I helped owned and run a manufacturing corp for Industrial Welding Accessories for 10 years - I serve on the Board of Directors for Family + Children's Service, div of United Way. I was previously involved with Big Brothers/Big Sisters as chairman of Advisory Board. I am a member of Covenant Presbyterian Church & will be chairman of service circle for next 2 years -

Interests/Skills/Areas of Expertise

I live near Freedom Park - Therefore my attention was brought towards the Parks Advisory Committee. In my former company, I sold to companies all over the U S and Canada. In my discussions, I would inevitably hear my praises of Charlotte - I am a native and love this city and am proud of what it has to offer along with its growth. I want others to be aware of my hometown -

Comments

I am a good organizer, have the ability to accomplish things. I would like to give back to my city in payment for what it has done for me -

I understand that this application will be maintained in the active file for a period of one year only

May 16, 1988 Molly S Carver

Date Signature of Applicant

The Mayor and City Council appreciate the interest of citizens in serving on City committees Applications should be sent to

Office of the City Clerk
600 East Trade Street
Charlotte, North Carolina 28202

RECEIVED
MAY 16 1988
OFFICE OF CITY CLERK

A personal contact with the Mayor's Office or a City Councilmember is recommended

PLEASE DO NOT SUBMIT RESUMES

City Clerk
1983

No. 0403

City of Charlotte
Application for Appointment

Applications should be typed or printed in black ink

Committee, Commission, Board or Authority: Parks Advisory Committee

Name Mary R. Dingle **Sex/Race** B/F **District No.** 1

Home Address 10807 Magenta Lane Charlotte, NC 28213 **Phone No.** (704) 549-1851

Business Address Charlotte-Mecklenburg School Board (Coulwood & Wilson Middle Schools) **Phone No.** 343-6090

Education 1964 - Long High School - Cheraw, SC; 1980 - BA Degree - University of Kentucky, 1985 - MA Degree - University of Kentucky

Present Employer Charlotte-Mecklenburg School Board

Job Title Business Education Teacher **Duties** Teach Business Subjects

Business & Civic Experience Served on the Naomi Drenan/Grayson Park Recreation Center Advisory Council as Secretary for two years

Interests/Skills/Areas of Expertise -Business Education Teacher -- 7 years; FBLA (Future Business Leaders of America) Advisor -- 3 years (in Kentucky), Taught at Fugazzi Business College in Lexington, KY; Co-Advisor for the Civinettes Club at Independence HS, Served on the Mallard Creek Elementary School Steering Committee 1987-88

Comments

I understand that this application will be maintained in the active file for a period of one year only

11 July 1988 — Mary R. Dingle

Date — Signature of Applicant

The Mayor and City Council appreciate the interest of citizens in serving on City committees Applications should be sent to

Office of the City Clerk
600 East Trade Street
Charlotte, North Carolina 28202

RECEIVED
JUL 12 1988
OFFICE OF CITY CLERK

A personal contact with the Mayor's Office or a City Councilmember is recommended

PLEASE DO NOT SUBMIT RESUMES

City Clerk
1983

MAY 0 9 1988

No. 0326

City of Charlotte
Application for Appointment

Applications should be typed or printed in black ink

Committee, Commission, Board or Authority: PARKS ADVISORY COMMITTEE

Name Lynne Reyburn **Sex/Race** F/white **District No.** _____

Home Address 8176 Drake Court Sherrills Ford, N.C. 28673 **Phone No.** 478-2303

Business Address YWCA 3420 Park Road Charlotte 28209 **Phone No.** 525-5770

Education MSW - University of Denver; BA - Social Work, Ohio Northern University; post-graduate work at Univ. of Chicago

Present Employer Young Women's Christian Association

Job Title Executive Director (CEO) **Duties** As Chief Executive Officer, carry full responsibility for $1.8 million budget, 60+ employees, program growth, community relations, United Way relations, Board development.

Business & Civic Experience Member - Bd. of Dir., Char/Meck Teen Center; Member, Presby. Hosp. Women in Science Advisory Committee; member - Women Executives; Leadership Charlotte class IV; founder - Women Ex. Dir. Network; Red Cross volunteer and former Water Safety Instructor; United Way volunteer Speakers Bureau; orientation committee - Women Executives.

Interests/Skills/Areas of Expertise Budget, personnel, facility management, with emphasis in management of health and recreation programs for all ages and diverse populations. Former active participant with the Colorado Mountain Club and, prior to moving to Charlotte, I was in the "instructor training program" with this club. Active in water sports and boating/sailing.

Comments I believe I am very qualified to serve on the Parks Advisory Committee because of my education and management experience with the YWCA and my general "life philosophy" towards leisure time activities through the outdoors.

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5/11/88 Lynne Reyburn

Date Signature of Applicant

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Charlotte, North Carolina 28202

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MAY 12 1988
OFFICE OF CITY CLERK

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PLEASE DO NOT SUBMIT RESUMES

City Clerk
1983

No. 0456

City of Charlotte
Application for Appointment

Applications should be typed or printed in black ink

Committee, Commission, Board or Authority: PARKS ADVISORY COMMITTEE

Name STUART M. WHITE **Sex/Race** MALE/WHITE **District No.** 6

Home Address 3131 WILLOW OAK ROAD **Phone No.** 523-1883

Business Address 1850 E. THIRD ST. SUITE 170 **Phone No.** 334-3338

Education BFA DEGREE - EAST CAROLINA UNIVERSITY

Present Employer SELF EMPLOYED

Job Title OWNER / DESIGNER **Duties** DESIGN & DEVELOPMENT OF PRODUCTS, SERVICES & REAL ESTATE

Business & Civic Experience DESIGNED SEVERAL OFFICE BUILDINGS IN SAN DIEGO, DESIGNED PRODUCTS, PACKAGING, TRADE EXHIBITS & IMAGES FOR MAJOR CORPS. & MUNICIPALITIES ON WEST COAST MEMBER SAN DIEGO PARK & REC. FACILITIES COMM.

Interests/Skills/Areas of Expertise MY INTERESTS LIE IN THREE DIMENSIONAL DESIGN - PACKAGING, PRODUCTS, EXHIBITS AND BUILDING/SITE DESIGN. I HAVE SPENT 15 YEARS CREATING ANSWERES, VISUALLY & TACTILLY, TO PROBLEMS BE IT CORPORATIONS, MUNICIPALITIES OR INDIVIDUALS.

Comments RESUMÉ AVAILABLE UPON REQUEST.

I understand that this application will be maintained in the active file for a period of one year only

11-8-88 Stuart M. White

Date Signature of Applicant

The Mayor and City Council appreciate the interest of citizens in serving on City committees Applications should be sent to

City Clerk's Office
Charlotte-Mecklenburg Goverment Center (CMGC)
600 East Fourth Street
Charlotte, NC 28202-2857

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OFFICE OF CITY CLERK

A personal contact with the Mayor s Office or a City Councilmember is recommended

PLEASE DO NOT SUBMIT RESUMES

City Clerk
1988

APPOINTMENTS TO BOARDS AND COMMISSIONS

Information on Nominees

	District	Profession/Business
Community Resources Board		
1. Peter Keber W/M	6	Sr. V. P., NCNB National Bank
2. Marsha Gaspari W/F	1	Marketing Researcher/Consultant
Certified Development Corporation		
1. Peggy Jennings W/F	5	Asst. V. P., First Union
2. Harold Deal W/M	7	V. P., NCNB National Bank

3 Appointed by City
Mayor (1); Council (2)
3 Appointed by County
16 Appointed by United Way

COMMUNITY RESOURCES BOARD

(22 Members)

Membership - Appointed for three-year terms.

Responsibilities - Oversees the work of Information & Referral Service, Case Advocacy Program, Voluntary Action Center, Retired Senior Volunteer Program, Volunteer Leadership Development Program, Partners in Caring.

MEMBER	DIST.	BUSINESS/ PROFESSION	ORIGINAL APPTMT.	RE-APPTMT.	TERM	EXPIRATIC
(C)Peter Keber W/M	6	Bank Vice President	12/30/85		3 yrs.	12/31/88
(M)Rudolph Worsley	2	Retired Teacher	4/19/83	12/31/84	3 yrs.	12/31/87
(C)Virginia Ryan W/F	4	Counselor - CPCC	5/19/88		Unexp.	12/31/89

County:

John Varol, Jr. W/M	1991
Elloree Erwin B/F	1989
Brigid O'Connor	1990

United Way of Central Carolinas:

*Godfrey Bennett W/M	1988
John Ratliff - resigned	1988
Renee D. Bramlett	1989
Ray D. Vaughn	1989
Caroline Wannamaker	1989
Rev. William M. White	1989
D. Scott Wilkerson	1990
Patt Bower	1990
Tim Breiding	1990
Margaret Dabbs	1990
Jan Keny	1990
Pender R. McElroy W/M	1990
Joyce Reid	1990
R. V. Spracklin	1990
Michelle Thomas	

Revised 12/27/88

*Chairman

City of Charlotte
Application for Appointment

Applications should be typed or printed in black ink

Committee, Commission, Board or Authority: Community Resources Board

Name Peter Keber **Sex/Race** M/W **District No.** 6

Home Address 2301 Cloister Drive, Charlotte, NC 28211 **Phone No.** 364-6898

Business Address NCNB, Mall, Charlotte, NC 28255 **Phone No.** 374-5086

Education Georgetown University - Bachelor of Arts (Government), 1962

Present Employer NCNB National Bank

Job Title Senior Vice President; Manager Municipal Bond Underwriting **Duties** Manage Bank's Bond Division's activities in the underwriting of tax-exempt bonds

Business & Civic Experience Fundraising - Co-Chairman or Captain for United Way ('83,'84), YMCA ('85), Arts & Science Council ('80,'81,'82); Church - Member ('81-'85), Vice Chairman ('81-'82), Chairman ('82-'83), of Parish Council, St. Gabriel's Church; Business - Director ('79-present), NC Municipal Council; Member ('80-'83), Vice Chairman ('82-'83), Municipal Securities Rulemaking Board

Interests/Skills/Areas of Expertise Twenty years a manager and practitioner of municipal finance. Extensive experience as member and chairman of various boards and committees. Understand the necessity and urgency to promote volunteerism to supplement tax-supported governmental services.

Comments I hope to serve the people of Charlotte, in return for the ideal environment the city provides my wife and I in which to raise our six children.

I understand that this application will be maintained in the active file for a period of one year only

December 19, 1985.
Date

Signature of Applicant

The Mayor and City Council appreciate the interest of citizens in serving on City committees Applications should be sent to

Office of the City Clerk
600 East Trade Street
Charlotte North Carolina 28202

A personal contact with the Mayor s Office or a City Councilmember is recommended

PLEASE DO NOT SUBMIT RESUMES

City Clerk
1983

No. 0481

City of Charlotte
Application for Appointment

Applications should be typed or printed in black ink

Committee, Commission, Board or Authority: Community Resources Board

Name Marsha Gasperi **Sex/Race** Female/White **District No.** #1

Home Address 310 Clement Avenue, Charlotte, NC 28204 **Phone No.** 333-7702

Business Address same as above **Phone No.**

Education Lawsonburg High School, Syracuse, Indiana 1972-Honors; Indiana University, Bloomington, Indiana 1976-Hoosier Scholar, Dean's List, B.S. in Secondary Education, major in English, minor in Psychology; Ball State University, Muncie, Indiana 1981-Summa cum laude, M.A. in Social Psychology with concentration in attitude measurement

Present Employer Currently looking for part-time work in marketing research/ marketing consulting. Prior to relocating was with the Consumer Products division of Reynolds Metals in Richmond, Virginia.

Job Title Director of Marketing Research and Analysis **Duties** Recommend marketing strategies for Reynolds brands (Reynold's Wrap, Oven Cooking Bags, Aluminum Pans), manage market, advertising, and consumer research studies. Responsible for $225,000 budget. Previous management experience with Jones and J.E.

Business & Civic Experience Board of Directors, Children's Home Society of Virginia 1986-1987-developed a marketing plan that increased awareness of pregnancy counseling and adoption services; Board of Directors, Children's Home Society of North Carolina 1988, adult literacy volunteer 1987-1988, Big Sister 1983; served as an assessor for a middle management assessment center 1980-1983; member American Marketing Association 1980 to present; member Marketing Research Council 1985 to present, member Mecklenburg County Marketing board 1980 to present, and member National Family Opinion, Inc. a market research survey group.

Interests/Skills/Areas of Expertise I have a strong background in marketing and marketing research. My business and civic experience has given me the opportunity to develop good skills in organization, communication (both oral and written), managing people and projects, analyzing, and being results orientated.

Comments Although new to Charlotte, I am anxious to become involved in the community. The Community Resources Board seems like an excellent place to get started. I believe my marketing experience would be invaluable in terms of being able to assist in determining the best to get information about city and county services to clients. I look forward to being of service. Thank you.

I understand that this application will be maintained in the active file for a period of one year only

Date Signature of Applicant

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City Clerk's Office
Charlotte-Mecklenburg Government Center (CMGC)
600 East Fourth Street
Charlotte, NC 28202-2857

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City Clerk
1988

18 Appointed by City·
Mayor (6); Council (12)
9 Appointed by County

CERTIFIED DEVELOPMENT CORPORATION
(27 Members)

Membership - Members must be residents of the City of Charlotte or Mecklenburg County, of legal voting age, be of good character and reputation, have never been convicted of a criminal offense other than a minor motor vehicle violation, and not under indictment, on parole or probation. Terms are for three years (following the expiration of the initial terms which were made on a staggered basis).

Membership shall include participation by the following four groups: (a) local government, (b) private lending institutions, (c) community organizations, and (d) business organizations.

Responsibilities - The purpose of the company is to stimulate the growth and expansion of small businesses in the community by assisting such businesses to obtain long-term financing for capital improvements and fixed assets.

MEMBER & CATEGORY	DISTRICT	ORIGINAL APPTMT.	RE-APPTMT.	TERM	EXPIRATION
Local Government					
(C)Gus Psomadakis W/M	6	11/14/88		Unexp.	4/30/90
Private Lending Institutions					
*(C) L. R. Miller, Jr. W/M	6	5/14/84	4/06/87	3 yrs.	4/30/90
(C)J. Chandler Martin W/M	6	4/25/88		3 yrs.	4/30/91
(C)H. Clayton Howze W/M	6	3/11/85	4/11/88	3 yrs.	4/30/91
(M)Consuella Chavis Miller B/F		5/19/86	5/18/87	3 yrs.	4/30/90
(C)Titus Ivory B/M	2	5/05/86		3 yrs.	4/30/89
(M)Melvin White B/M	0	6/17/88		3 yrs.	4/30/91
Business Organizations					
(C)Jerry W. McMurray W/M	4	4/27/87		3 yrs.	4/30/90
(C)Clayton Lovell B/M	6	10/08/84	4/06/87	3 yrs.	4/30/90
(C)Mitchell Aberman W/M	1	5/09/88		3 yrs.	4/30/91
(M)Gregory Finnican W/M		4/19/88		3 yrs.	4/30/91
(M)Walter Denning B/M		8/06/87		3 yrs.	4/30/90
(C)Robert S. Cunningham	4	8/22/88		3 yrs.	4/30/91
Community Organizations					
(C)Spencer Thompson B/M	3	1/28/85	3/11/85		
			4/11/88	3 yrs.	4/30/91
(C)A. Ray Biggs W/M	6	3/11/85	4/11/88	3 yrs.	4/30/91
(M)Lem Long, Jr. B/M	5	7/31/84	5/18/87	3 yrs.	4/30/90
(M)James H. Watters W/M		5/05/86	4/19/88	3 yrs.	4/30/91
(C)David R. Krug W/M	6	6/08/87		3 yrs.	4/30/90

County Appointments - Expiring 4/30/89

W. Mark Gill W/M
Pradeep K. Patnaik W/M
Richard Bullard W/M
[illegible] P. [illegible] W/M
James M. Patterson, Jr. W/M
Michael Blair W/M
Stephen Morris W/M
Robert S[illegible] W/M
Donna D. Noble W/F

President

Revised 11/16/88

0298

No. _____

City of Charlotte
Application for Appointment

Applications should be typed or printed in black ink

Committee, Commission, Board or Authority: CERTIFIED DEVELOPMENT CORP

Name PEGGY C JENNINGS **Sex/Race** F/W **District No.** 5

Home Address 6324 OLD PINEVILLE RD CHARLOTTE **Phone No.** 568-7622

Business Address 6501 MORRISON BLVD **Phone No.** 374-6051

Education EAST MECK. HSC - PART TIME - WORK - BUS LEGS INSUR FINANCIAL PLACES - INSTI FIRE MAN ED

Present Employer FIRST UNION

Job Title ASST V P - MORTGAGE SALES SPECIALIST **Duties** DEVELOP BUSINESS, ESPIMORTGAGES SUPERVISE SELLS PROSPECTS ON FUNB - + SOMETIMES NEW COMERS TO THE CITY THRUGH OUR RELOCATION DEPT

Business & Civic Experience SERVE PUBLIC BODIES + BELIEVE STL BRANCH MANAGER (9 YRS) BOARD OF DIR FAM [illegible] SVC SERVICES, EXECUTIVE COMM, CHAIR, INSURANCE EDUCATION COMMITTEE, CHARLOTTE BOARD OF REALTORS EQUAL OPP II HOUSING + EDUCATION COMMITTEES, YES YOUTH SPORTS GROUP

Interests/Skills/Areas of Expertise CITIZEN OF CHARLOTTE 43 YEARS KNOW THE CITY SEE NEEDS - FAMILIAR W/ FINANCIAL NEEDS OF BUSINESS DEV ENCOURAGE OUR INVOLVEMENT. FINANCIAL BACKGROUND - ACTIVE IN MANY AREAS OF CITY OVER THE YEARS ENJOY SELLING.

Comments _____

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4/5/88 — Peggy C Jennings

Date — Signature of Applicant

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Office of the City Clerk
600 East Trade Street
Charlotte, North Carolina 28202

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OFFICE OF CITY CLERK

A personal contact with the Mayor's Office or a City Councilmember is recommended.

PLEASE DO NOT SUBMIT RESUMES

City Clerk
1983

No. 0286

City of Charlotte
Application for Appointment

Applications should be typed or printed in black ink

Committee, Commission, Board or Authority: Certified Development Corporation

Name Harold G. Deal **Sex/Race** Male/Cauc **District No.** 7

Home Address 3907 Bridgewood Lane, Charlotte 28226 **Phone No.** 541-5764

Business Address NCNB, One Independence Center, I07-2, 28255 **Phone No.** 374-8302

Education Masters of Business Administration, Rutgers Univ. 1979

Bachelors of Business Administration, Temple Univ 1972

Present Employer NCNB

Job Title Vice President **Duties** Planning for Regulatory issues and compliance. Also planning other operational areas.

Business & Civic Experience Treasurer, Rockbridge Homeowners Assoc, 1985 & 86, Treasurer, Knights of Columbus Council 770, 1986 thru present. Leadership Charlotte

Interests/Skills/Areas of Expertise Financial and Operational analysis, strategic planning.

Comments

I understand that this application will be maintained in the active file for a period of one year only

4/5/88 [signature]

Date Signature of Applicant

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T RESUMES
City Clerk
1983

7th/Caswell Intersection Improvements

In October, you deferred action on a design contract for the 7th/Caswell Intersection as a result of concerns expressed by two property owners and representatives of the Elizabeth Neighborhood Association. In November staff met with David Krug, Elizabeth Association representatives and Councilmember Clodfelter and committed to look at several minor revisions to the improvement concept as well as look at a new option involving the prohibition of right turns from outbound 7th Street to Caswell Road. Staff feels the work requested by the neighborhood representatives and property owners to be reasonable design alternatives and recommends that they be addressed. Our goal will be to improve the capacity of the intersection while minimizing impacts on adjacent property and conforming to urban design standards included in the Elizabeth Neighborhood Plan.

Staff plans to consider the variations to the original concept and evaluate the new concept before meeting with Elizabeth representatives and David Krug for input purposes. We will then submit a recommended alternate and expect to be back to you in May with an agenda item for approval of a design contract with Griner Associates for design of the recommended concept.

12/21/88

Industrial Pretreatment Program

The Clean Water Act of 1972 establishes the responsibilities of government, industry, and the public to carry out national pretreatment standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works (POTWs) or which may contaminate sewage sludge. The national pretreatment standards must be incorporated into local pretreatment programs and enforced as part of the municipal National Pollutant Discharge Elimination System (NPDES) permits.

The City of Charlotte applied to the State of North Carolina in 1983 for local pretreatment program approval. The approval was granted in 1985 with additional conditions to be fulfilled such as changes to the City Code and the issuance of new discharge permits to significant industrial users of the sanitary sewer system. CMUD administers the local pretreatment program.

To date, 36 new discharge permits have been mailed to local industries and, as soon as CMUD receives State approval, an additional 124 new discharge permits will be issued. The permits establish the levels of discharge allowed into the sewer system, as well as requirements for sampling and monitoring facilities.

Pursuant to requirements in the N. C. Administrative Code and our City Code, any industry which has questions concerning conditions in its Industrial Waste Permit has several steps it must follow to formally request reconsideration of the permit. The appeal process includes CMUD staff review, an administrative hearing, and another review and decision by the Utilities Director. If the permitee is still not satisfied with the permit requirements, the law stipulates an appeal may be made to the City Council.

We wanted to alert you to the appeal process and possible Council involvement since new permits are being issued.