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AMENDING CHAPTER 10

ORDINANCE 2047

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE II, 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. Article II of Chapter 10 shall be deleted in its entirety, and the following substituted in lieu thereof:

"ARTICLE II. COMMUNITY IMPROVEMENT LITTER CONTROL ORDINANCE

DIVISION 1. GENERALLY

Sec. 10-16. Definitions

For the purpose of this article, except as otherwise provided, the following terms, phrases, words and their derivatives shall have the meaning indicated in this section. It is further intended that these definitions, when used consistently, will provide a clear concise understanding of the services that the city provides.

(1) BUILDING MATERIAL is defined as, but not limited to lumber, brick, block, stone, carpet, plumbing materials, plaster, concrete, roofing, floor tile, gutters or other substances accumulated as a result of construction, repairs or additions to residential structures or accessory structures or demolition of such.

(2) REFUSE is defined as solid waste accumulations consisting of any combination of business trash, garbage, household trash, yard trash and junk and shall be collected either under backyard refuse, curbside, bulky item/junk or business trash collection. To determine the types of refuse to be collected, the following definitions apply:

a. BUSINESS TRASH is defined as any accumulation of paper, cardboard, packaging materials, rags, or accumulations other than garbage or household trash, which result from the operation of stores, offices and similar businesses.

b. GARBAGE is defined as the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

c. HOUSEHOLD TRASH is defined as any waste accumulation of paper, sweepings, rags, bottles, cans, or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

- d. **BULKY ITEM/JUNK** is defined as any item creating a littered condition including, but not limited to, dilapidated furniture, appliances, machinery, equipment, building materials, automobile parts, tires, or other items which are either in a wholly or partially, rusted, wrecked, junked, dismantled, or inoperative condition and which are not completely enclosed in a building or dwelling.
- e. **YARD TRASH** is defined as waste accumulation of grass clippings, dry leaf rakings free of dirt and rocks associated with yard or lawn maintenance, tree and shrubbery trimmings including tree branches, tree limbs, bushes, shrubbery cuttings and clippings usually created as refuse in the trimming or cutting of trees, shrubs or bushes.

(3) **CONTAINERS** are defined as bulk container, detachable container, portable packing unit and refuse container as follows:

- a. **BULK CONTAINER** is defined as a metal container of not less than four (4) cubic yards nor larger than eight (8) cubic yards, made of watertight construction with doors opening on two (2) sides and top, and constructed so that it can be emptied mechanically by specially equipped trucks.
- b. **DETACHABLE CONTAINER** is defined as a unit varying in capacity between fifteen (15) cubic yards and forty (40) cubic yards which is used for collecting, storing and transporting building materials, business trash, industrial waste, hazardous waste, or refuse. The unit may or may not use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of the detachable container is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to the disposal site.
- c. **PORTABLE PACKING UNIT** is defined as a metal container not exceeding four thousand, five hundred (4,500) pounds gross weight with a four-to-six cubic yard capacity that contains a packing mechanism and an internal or external power unit.
- d. **REFUSE CONTAINER** is defined as:
1. A hand emptied metal or plastic container of substantial construction with a tightfitting lid with handles sufficient for safe and convenient emptying. Such containers shall have a capacity of not less than ten (10) nor more than thirty-two (32) gallons and weigh no more than seventy-five (75) pounds each when full.
  2. Two-ply polyethylene plastic bags or paper.

Garbage shall be drained of all free liquid, wrapped, bagged and enclosed in paper or plastic material prior to placing in containers for collection by the city. Household trash, business trash and yard trash shall be

enclosed in plastic bags and securely tied prior to putting in any eighty (80) gallon container as herein defined.

3. Wheeled container is defined as a plastic container of substantial construction having a capacity of not less 80 gallons nor more than 100 gallons. The wheeled container shall have a hinged lid with lock. Wheeled containers shall be designed so that they can be emptied mechanically by specially designed lift devices attached to the city sanitation trucks.

(4) HAZARDOUS WASTE: Hazardous waste is that definition as published in the North Carolina Hazardous Waste Management Rules and Solid Waste Management Law adopted from the Federal EPA. For the purposes of this ordinance, the definition of "hazardous waste has been condensed. The items defined are not inclusive of all items specified by the EPA regulations. Hazardous waste is defined as potentially dangerous by-products of our highly industrialized society which cannot be handled, treated or disposed of without special precautions. It includes ignitable, corrosive, reactive, and toxic wastes such as acetone, gasoline and industrial alcohols, alkaline cleaners, acids, cyanide and chloroform, arsenic, pesticide wastes, paint, poisons, caustics, infected materials, offal, fecal matter (human and animal) and explosives.

(5) ESTABLISHMENTS are defined as city-served nonresidential units, multiple residential units, non-city-served nonresidential units and single residential units.

- a. SINGLE RESIDENTIAL UNIT is defined as any dwelling place occupied by one family.
- b. MULTIPLE RESIDENTIAL UNIT is defined as any duplex, apartment, group of apartments, or condominiums used for dwelling places of more than one family.
- c. CITY-SERVED NONRESIDENTIAL UNITS are defined as any retail, manufacturing, wholesale, institutional, religious, governmental, or other nonresidential unit. Each unit, in order to be served by the city, cannot generate more garbage or trash than can be collected in eight (8) containers totaling a capacity of 512 gallons using any combination of 20, 32, or 80 gallon containers.
- d. NON-CITY-SERVED NONRESIDENTIAL UNIT is defined as any retail, manufacturing, wholesale, institutional, religious, governmental or other nonresidential unit which is not included in the definition of "city-served nonresidential unit" because such unit generates more than 512 gallons of refuse per collection.

(6) SMALL DEAD ANIMALS are defined as cats, dogs, household pets, and other animals of similar size. Not included are animals in excess of one hundred (100) pounds in weight.

- (7) PERSON is defined as any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant, lessee, tenant, or representative or group of individuals or entities of any kind and who owns a dwelling, building, or premise, or who occupies a dwelling, building, or premise for seven (7) or more consecutive days.
- (8) PREMISES is defined as lots, sidewalks, rights-of-way, grass strips, or curbs up to the edge of the pavement of any public street.
- (9) PRIVATE PROPERTY is defined as property owned by any person (as defined herein) including but not limited to yards, grounds, driveways, entrance or passageways, parking areas, storage areas, vacant land, body of water and including sidewalks, grass strips, one-half of alleys, curbs or rights-of-way up to the edge of the pavement of any public street.
- (10) PUBLIC PROPERTY is defined as any area that is used or held out to be used by the public, whether owned or operated by public interest, including, but not limited to, highways, streets, alleys, parks, recreation areas, sidewalks, or grass strips, medians, curbs or rights-of-way up to the edge of the pavement of any public street or body of water.
- (11) RESPONSIBLE PERSON for the purpose of this section is defined as the driver of the vehicle in violation, his employer, the owner of the vehicle, or the prime contractor for the construction site.
- (12) CITY is defined as the City of Charlotte or the city's authorized agent.
- (13) CENTRAL BUSINESS DISTRICT refers to the area included between Graham Street, West Eleventh Street, McDowell Street, and Morehead Street, except for the geographic area described in the following paragraph as the "Tryon Street Mall".
- (14) TRYON STREET MALL ('MALL') refers to the area of Tryon Street beginning at Stonewall Street and extending to Eighth (8th) Street, including the blocks designated as the 100 blocks of East and West Trade Street, and including both sides of Tryon Street and Trade Street as described above.
- (15) DECLARED NUISANCE is defined as anything that causes injury to the health or life of any other person or causes an offensive odor.
- (16) INDUSTRIAL WASTE is defined as waste, including solids, semisolids, sludges and liquids created by factories, processing plants or other manufacturing enterprises.
- (17) LOADING AND UNLOADING AREA is defined as any loading or unloading space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and

persons.

- (18) WEEDS AND GRASS is defined as weeds and grass in excess of twelve (12) inches in height.
- (19) FOUL ODORS is defined as odors emanating from garbage.
- (20) LITTER is defined as all discarded man-made materials, including, but not limited to waste materials, building materials, industrial waste, hazardous waste and refuse as such terms are defined in this section.
- (21) RESERVED.

**Sec. 10-17. Signs within public rights-of-way and on public property.**

(a) **Restricted.** It shall be unlawful for any person to attach, place, paint, print, write, stamp or paste any sign, advertisement or other matter within any public rights-of-way of any public street, or upon any sidewalk, overhead sidewalk or curb, or upon any post, pole, tree, tree stake or guard, shrub, or fire hydrant in the public rights-of-way, or upon any bridge or overpass within the city limits, except as provided in paragraph (b) of this section.

(b) **Exceptions.** This section shall not apply to the following signs:

- (1) Signs regulating traffic.
- (2) Signs required to be posted by law.
- (3) Warning signs and no trespassing signs.
- (4) Signs indicating bus stops, taxi stands and similar transportation facilities.
- (5) Signs not exceeding four (4) square feet in area giving information concerning the location of use of accessory off-street parking facilities or loading and unloading facilities.
- (6) Signs established by governmental agencies.
- (7) Temporary decorative signs erected in accordance with section 3053.7.1, et seq. of the zoning ordinance.
- (8) Signs permitted by the state board of transportation along state-maintained streets. Proof of permission must be shown upon request.
- (9) Nothing in this section shall apply to the painting of house numbers on curbs done with the prior approval of the engineering department.
- (10) Nothing in this section shall apply to the installation of a plaque, plate, statue or monument on public property with the approval of the city council.

(c) **Penalty.** Violation of this section shall subject the violator to a penalty of ten dollars (\$10.00) for each sign and the community improvement division or any law enforcement officer shall be authorized to issue a citation penalty of ten dollars (\$10.00) for each sign in violation against any person responsible for placing such sign or causing it to be placed. The issuance of citations shall be in accordance with section 10-24(c)-(f) of this Code. If a violator has removed the sign within seven (7) days of receipt of a citation, then the community improvement division shall have the authority to declare the citation null and void. In addition, any person shall

be subject to all applicable punishment, penalties, and equitable relief provided for in section 160A-175 of the general statutes. Each and every violation shall constitute a separate and distinct offense. Nothing in this section shall preclude the issuance of an arrest warrant when appropriate.

- (d) Removal of signs. In addition to the enforcement described above, authorized city personnel shall have the authority to summarily remove any notice, sign or written material found in violation of this section.

Sec. 10-18. Neglect of property prohibited; refuse collection generally.

(a) It shall be unlawful for any person to trespass on the rights of another through the neglect of property by causing or allowing unsightly litter, weeds and grass, yard trash, foul odor, dead animals, junk, unsecured appliances, or potentially dangerous devices to remain on or to emanate from property, or to discard or abandon or cause such on public property, private property, vacant lots or any pond, stream or body of water or banks thereof within the limits of the city.

(b) Refuse collection by the city is determined by ordinance. Collection practices shall be applied consistently and uniformly to all citizens as specified herein.

Sec. 10-19. Administration and enforcement.

(a) The administration and enforcement of the provisions of this article shall be the duty of the community improvement division or the operations department of the city except as otherwise stated.

(b) A community improvement division inspector shall have the authority to summarily remove, abate, or remedy everything in the city limits that is considered by ordinance to be either dangerous or prejudicial to the public health or which has been declared to be a nuisance.

Sec. 10-20. Responsibility of owners and agents.

The owner, agent, person as herein defined, tenant, occupant, or lessee of all residential, commercial, industrial, institutional or governmental establishments shall be responsible for compliance with this article. "Owner, agent, person, occupant, tenant, or lessee," as used in this section, shall mean anyone owning or occupying a dwelling, building or premise for seven (7) or more consecutive days and who is, thus, also responsible for correcting the violation.

Sec. 10-21. Interference with personnel.

It shall be unlawful for any person to interfere, harass, or otherwise impede a community improvement inspector who is carrying out acting within the scope of his duties, when conducting an investigation under the authority of a lawfully issued administrative search warrant and when carrying out the enforcement provisions of this article after a notice of violation has been issued and the time for

compliance has expired.

Sec. 10-22. Receipts.

All proceeds received from the collection of penalties shall be deposited in the general fund.

Sec. 10-23. Violations and enforcement.

It shall be unlawful to violate any provision of this article. The community improvement division may take one or more of the following courses of action in enforcing any violation of this article:

- (1) A citation may be issued to any person in the amount stated in each of the following sections: 10-17; 10-30 thru 10-44; 10-60 thru 10-91.
- (2) The violator may be charged with a misdemeanor and be subject to any penalty prescribed by section 1-7; or
- (3) 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 article existing on his or her property; or
- (4) A lien will be levied against the property owner for the cost of removal of trash, weeds or grass by city personnel or private contractor as provided by the authority of city charter sections 6.103 and 6.104.
- (5) If the owner fails to pay the bill within thirty (30) days, then the supervisor of the community improvement division is hereby ordered to place a statutory notice of lien against the property for the cost of bringing the property into compliance with the article as herein stated above. The format for the notice of lien has been approved by the city council and a copy of the said format is available at the office of the city clerk. The supervisor of the community improvement division shall also be authorized to cancel any notice of lien filed pursuant to this article that has been satisfied or is a clerical error. A property owner can challenge the filing of a lien by appeal to the city council within thirty (30) days of receipt of the written notice of violation. The city council has the authority to order the supervisor of community improvement to cancel the lien, if the city council finds that the alleged violation of the specific city Code provision causing the filing of the lien did not exist.

Sec. 10-24. Notice of violation.

(a) A written notice will be delivered or sent by certified mail to the person (as defined in this article) who has allowed refuse, leaves, weeds, grass or overgrowth to accumulate on public or private property. Failure of person(s) to comply with the notice within

seven (7) days will be deemed to be in violation of this article.

(b) Exception. No written notice will be given to persons placing refuse/containers at curbside prior to the day preceding the scheduled curbside collection date or not removing refuse/containers from curbside by midnight on the day of collection.

(c) Inspectors of the community improvement 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 article. 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 violation bureau, located in city hall, within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. Such violation must be corrected by the time the citation is paid. Otherwise, another citation will be issued.

(d) 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 criminal summons will be issued if the citation and delinquency charge are not paid within five (5) days from the date of the delinquency notice.

(e) If a violator fails to respond to the citation and delinquency notice, the supervisor shall have a criminal summons issued against the violator. The summons shall be for the violation of a section or a specific provision of this article. Upon conviction, the violator shall be subject not only to the citation and delinquent charge prescribed by the citation, but also to any criminal penalty the court may impose pursuant to section 1-7 and to court costs.

(f) 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 city representative, shall periodically investigate the records of the division for the purpose of determining the disposition of the citations.

Secs. 10-25--10-30. Reserved.

DIVISION 2. COLLECTION PRACTICES.

SEC. 10-30. Building Materials.

a) It shall be unlawful to place building materials at curbside for collection by the city except as follows:

- (1) Building materials resulting from homeowner repair or renovation that WILL BE COLLECTED from city-served single and multiple residential units include large plumbing materials, space heaters, hot water heaters, collapsed accessory buildings with a maximum size limitation of 10' x 10' and capable of being handled by two employees, guttering no longer than 10' nor less than 4' in length, carpet, padding, doors, windows, and large amounts of lumber (over ten pieces). Lumber/boards that are eligible for collection shall be no less than 4' in length nor longer than 8'; plywood, paneling and pressboard no wider than 4', no less than 4' in length no longer than 8', and no thicker than 1". Eligible items must be scheduled with the Special Services Division for collection. A date will be given when collection will occur. Items for collection shall be placed at curbside no earlier than the day preceding the scheduled collection date.
- (2) Under the curbside collection service, the Sanitation Division will collect the following on the regularly assigned curbside collection day as designated by the Sanitation Superintendent: Small amounts of lumber (less than ten pieces) shall be no longer than 4', no wider than 12", and no thicker than 2". 4" x 4" wooden posts will be collected. Plywood, paneling and pressboard shall be no longer than 4', no wider than 4' and no thicker than 1". Guttering less than 4' in length will be collected.
- (3) The city WILL NOT COLLECT dirt, rocks, nails, sand, concrete, furnaces, central air conditioning units, pallets, ceramic tile, sheet rock, roofing or plaster resulting from homeowner repairs nor will the city collect any building materials resulting from contractual work.

b) Penalty. A citation will be issued in the amount of \$10 to any person who places refuse at curbside prior to the day preceding the scheduled collection date. A citation will be issued in the amount of \$25 to any person who places improperly prepared building materials at curbside for collection by the city.

SEC. 10-31. Garbage.

a) It shall be unlawful for anyone to place garbage that has not been drained of all free liquid and enclosed in plastic bags in containers in the backyard or at curbside for collection by the city except as follows:

- (1) Residential backyard refuse collection service will be provided once a week on a day designated by the Sanitation Superintendent to collect refuse. A maximum of 144 gallons will be collected from any combination of 20, 32, or 80 gallon containers using no more than six (6) containers weighing a maximum of seventy-five (75) pounds each when full. Garbage shall be drained of all free liquid, wrapped, bagged and enclosed in paper or plastic material prior to placing

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in containers as herein defined. Refuse containers will not be collected on scheduled backyard collection days. Garbage may also be placed with curbside trash once a week on a day designated by the Sanitation Superintendent provided it is enclosed in paper or plastic material prior to placing in containers as herein defined.

(2) Garbage shall not be placed at curbside prior to the day preceding the collection date. Any container placed at curbside shall be removed by midnight on the day of collection. A "reasonable limit" of refuse will be collected from curbside as long as it is properly prepared or containerized.

b) Penalty. A citation will be issued in the amount of \$10 to any person who places refuse at curbside prior to the day preceding the scheduled collection date or who fails to remove refuse and/or containers from curbside by midnight on the day of collection. A citation will be issued in the amount of \$25 to any person who fails to properly prepare or containerize refuse for backyard or curbside collection by the city as stated above.

SEC. 10-32. Household Trash.

a) It shall be unlawful to place household trash in containers or at curbside for collection by the city except as follows:

(1) Residential backyard refuse collection service will be provided once a week on a day designated by the Sanitation Superintendent to collect household trash. A maximum of 144 gallons will be collected from any combination of 20, 32, or 80 gallon containers using no more than six (6) containers weighing a maximum of seventy-five (75) pounds each when full. Household trash shall be placed in plastic bags prior to putting in any eighty (80) gallon container. Refuse containers will not be collected at curbside on scheduled backyard collection day. Household trash may also be placed with curbside trash provided it is enclosed in plastic bags prior to putting in any eighty (80) gallon container as herein defined.

(2) Household trash shall not be placed at curbside prior to the day preceding the collection date. Any container placed at curbside shall be removed by midnight on the day of collection. A "reasonable limit" of refuse will be collected from curbside as long as it is properly prepared or containerized.

b) It shall be unlawful to place dangerous trash items and all waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in containers unless they are securely wrapped and marked so as to prevent injury to the collection personnel.

c) Penalty. A citation will be issued in the amount of \$10 to any person who places refuse at curbside prior to the day preceding the scheduled collection date or who fails to remove refuse and/or containers from curbside by midnight on the day of collection. A citation will be issued in the amount of \$25 to any person who fails to properly prepare or containerize refuse for backyard or curbside collection by the city as stated above.

## SEC. 10-33. Business trash.

(a) It shall be unlawful to place business trash (city-served nonresidential units) in containers for collection by the city except as follows:

- (1) Business trash service will be collected by the city for those businesses outside the defined "Central Business District" area once a week on a day designated by the Sanitation Superintendent. Business trash shall be containerized in plastic bags prior to putting in any eighty (80) gallon container as herein defined. A maximum of 512 gallons will be collected from any combination of 20, 32, or 80 gallon containers using no more than eight (8) containers weighing a maximum of seventy-five (75) pounds each when full. Containers will be collected provided containers are easily accessible to city collection personnel without having to unlock or open a door, gate or similar obstacle, or otherwise being denied reasonable access by parked vehicles, equipment or other objects. The city does not provide curbside collection service for businesses except in the Central Business District and on the 'Mall'.

(b) It shall be unlawful to place dangerous trash items and all waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in containers unless they are securely wrapped and marked so as to prevent injury to the collection personnel.

(c) Penalty. A citation will be issued in the amount of \$25 to any person who fails to properly prepare or containerize refuse for collection by the city as stated above.

## SEC. 10-34. Yard trash.

(a) It shall be unlawful to place yard trash in containers or at curbside for collection by the city except as follows:

- (1) Residential backyard refuse collection will be provided once a week on a day designated by the Sanitation Superintendent to collect yard trash. A maximum of 144 gallons will be collected from any combination of 20, 32 or 80 gallon containers using no more than six (6) containers weighing a maximum of seventy-five (75) pounds when full. Yard trash may be combined with backyard refuse provided it is properly containerized in plastic bags prior to putting in any eighty (80) gallon container. Refuse containers will not be collected at curbside on scheduled backyard collection day.

- (2) Yard trash will be collected at curbside provided it is placed in containers as herein defined. LIMBS to be collected by the city shall not be larger than 4 inches in diameter, longer than 5 feet in length or heavier than seventy-five (75) pounds. Tree and shrubbery limbs shall have protruding branches trimmed and must be neatly stacked and placed in an orderly manner at curbside. Tree stumps will not be collected by the city. LEAVES will be collected at curbside by the city provided they are bagged in plastic bags and securely tied or they are placed in containers as herein defined.

(3) Yard trash shall not be placed at curbside prior to the day preceding the collection date. Any container placed at curbside shall be removed by midnight on the day of collection. A "reasonable limit" of refuse will be collected from curbside as long as it is properly prepared or containerized.

(b) Penalty. A citation will be issued in the amount of \$10 to any person who places yard trash at curbside for collection by the city prior to the day preceding the scheduled collection date or who fails to remove yard trash or containers from curbside by midnight on the day of collection. A citation will be issued in the amount of \$25 to any person who fails to properly prepare or containerize yard trash for backyard or curbside collection by the city as stated above.

SEC. 10-35. Bulky Items/Junk.

(a) It shall be unlawful to place any bulky item/junk at curbside for collection by the city except as follows:

(1) Bulky items/junk collection service will be provided to city-served single and multiple residential units once a week on a day designated by the Special Services Superintendent to collect such items. Items to be collected include, but are not limited to, appliances, furniture, mattresses, box springs and specific building materials as herein defined. Eligible items MUST BE SCHEDULED with the Special Services Division for collection. A date will be given when collection will occur. Items shall not be placed at curbside prior to the day preceding the collection date.

(2) The city will not collect central air conditioning units or pallets. With the exception of two (2) tires without rims, the city will not collect any automobile parts including, but not limited to, motors, doors, fenders, car seats, batteries, etc. The two (2) rimless tires may be placed at curbside for collection by the Sanitation Division on a day designated by the Sanitation Superintendent. However, tires shall not be placed at curbside prior to the day preceding the scheduled curbside collection day.

(b) It shall be unlawful for any person to have on their premises materials that would create a littered condition such as dilapidated furniture, appliances, machinery, equipment, building materials, automobile parts, tires, or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition, which are not completely enclosed within a building or dwelling. After notice of violation of this section, it shall be unlawful to allow any such item(s) to remain on the property of the occupant or owner for any period longer than seven (7) days. This shall not apply to authorized junk dealers or establishments licensed to engage in the repair, rebuilding, reconditioning, or salvaging of equipment.

(c) Penalty. A citation will be issued in the amount of \$10 to any person who places bulky items/junk at curbside prior to the day preceding the scheduled collection date or who fails to remove same by midnight on the day of collection. A citation will be issued in the amount of \$25 to any person who fails to enclose bulky items/junk in a dwelling or building as

stated above.

**SEC. 10-36. Ashes.**

(a) It shall be unlawful to place ashes or live coals in containers for collection by the city unless said ashes or coals have been wetted and are cool to the touch prior to collection. Containers shall weigh no more than seventy-five (75) pounds each when full and be capable of being handled by one person.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

**SEC. 10-37. Fifty-five gallon drums.**

(a) It shall be unlawful to use fifty-five gallon drums as containers for collection by the city. It shall be the responsibility of the person in possession, charge or control of the premises where such container is being used for such purpose to discontinue such use. In addition, the city will not collect fifty-five gallon drums placed at curbside for removal.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

**SEC. 10-38. Appliances.**

(a) It shall be unlawful to place junk appliances at curbside for collection except as stated under Sec. 10-35 "Bulky Items/Junk". It shall also be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator or container. This law shall not apply to any appliance, refrigerator or container which has been placed on or adjacent to the rear of the building and is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

**SEC. 10-39. Contagious disease refuse.**

(a) It shall be unlawful to remove clothing, bedding, mattresses, springs or other refuse from homes or other places where highly infectious diseases have prevailed unless performed under the supervision and direction of the environmental health department. Such refuse shall not be placed in containers or at curbside for city collection.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

**SEC. 10-40. Cardboard boxes and cartons.**

(a) It shall be unlawful for any person disposing of cardboard boxes, cartons or crates to fail to collapse same prior to placing in containers or at curbside for collection by the city.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

SEC. 10-41. Hypodermic instruments.

It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying, or otherwise rendering inoperable and incapable of reuse, such hypodermic syringe needle, instrument or device, and without safeguarding the disposal thereof, by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury to the collection personnel.

(b) Penalty. A citation in the amount of \$25 will be issued to any person who violates this section.

SEC. 10-42. Dead Animals.

(a) It shall be unlawful to fail to place dead animals at curbside for city collectors. A request shall be made to the Special Services Division for scheduling the collection of the dead animal. This service is provided six (6) days a week during normal business hours. Dead animals weighing in excess of one hundred (100) pounds shall be removed by their owners, if ownership has been established. Collection service of dead animals is provided to veterinarians for a fee. Dead animals already on public property will be collected by the city.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

SEC. 10-43. Industrial waste.

(a) It shall be unlawful to place industrial waste in containers for collection by the city. Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant or enterprise creating or causing same.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

SEC. 10-44. Hazardous waste.

(a) It shall be unlawful to place hazardous waste in containers for collection by the city except as follows:

- (1) Paint cans shall have lids removed and contain no wet paint.
- (2) Kitty litter shall be enclosed in double plastic bags and securely tied prior to placing the bag in containers.
- (3) Soiled infant diapers shall be rinsed of human feces, placed inside double plastic bags and securely tied prior to placing the bag in containers for collection.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

SEC. 10-45--10-49. Reserved.

DIVISION 3. ESTABLISHMENTS

SEC. 10-50. City-served-nonresidential units.

Service to city-served nonresidential units shall be once a week. Such collection shall be limited to a maximum of 512 gallons from any combination of 20, 32, or 80 gallon containers using no more than eight (8) containers with a maximum weight of seventy-five (75) pounds each full. This shall not apply to the Central Business District or the 'Mall'. Designated representatives of the Sanitation Division shall have the authority to determine whether such a unit is generating more than the maximum capacity per collection and, if so, such unit shall be denied city service.

SEC. 10-51. Multiple residential units.

Any multiple residential unit, hereinafter referred to as "unit" that furnishes and maintains a bulk container or detachable container suitable for handling by private contractor under city contract, will be serviced twice a week, except during holiday schedules which may vary, provided that such container shall be of sufficient size as specified and be approved for collection. All new bulk containers for multiple family units and governmental agencies must be approved for service by the city. These containers shall be either portable packing units or bulk containers. Such containers shall at all times be kept clean, neat, painted, in a good state of repair and easily accessible to collection personnel. Service shall be discontinued to units failing to maintain containers properly. No service will be given to those units permitting objects, obstructions, or vehicles to hinder in any way the servicing of such container. Container lids shall be kept closed at all times. All doors and lid springs shall be in working condition. Cleaning up spilled materials shall be the responsibility of the property owner or occupant. Units using bulk containers will not receive residential backyard or curbside refuse collection services. Commercial establishments leasing such containers shall be responsible for notifying their service contractor of any damaged conditions. Service is provided by the city or through private contractor.

SEC. 10-52. Non-city-served nonresidential units.

The city shall not be responsible for and shall not provide any city collection service to those units defined in Sec. 10-16 "non-city-served nonresidential units" The occupant and/or owner of the premises shall be responsible for collecting, removing and properly disposing of all refuse. No service is provided by the city.

SEC. 10-53. Single residential units.

Service to single residential units for collection by the city will be provided twice a week: one day from the backyard and one day from curbside. Such collections shall be limited to 144 gallons from any combination of 20, 32, or 80 gallon containers using no more than six (6) containers weighing a maximum of seventy-five (75) pounds each when full. Service is provided by the city.

Secs. 10-54--10-59. Reserved.

DIVISION 4. CONTAINERS

EC. 10-60. Bulk container, non-city served.

a) It shall be unlawful to fail to at all times keep containers clean, neat, painted, in a good state of repair, in a place easily accessible to private contractors, and container lids closed. However, no bulk container shall be stored in front of a business, residence, in front of the building line closest to the street or on a public right-of-way. Commercial establishments leasing such containers shall be responsible for notifying their service contractor of any damaged conditions. All doors and lid springs shall be in working condition. Cleaning up spilled materials shall be the responsibility of the property owner or occupant. Units using bulk containers will not receive residential backyard or curbside collection service.

(b) It shall be unlawful to place containers for collection by the city except as follows:

(1) Containers shall be placed for collection at ground level on property and with access without the need for walking or carrying a container over, under or around some yard or property obstacle. No refuse shall be collected where containers cannot be reached by city personnel without unlocking or opening a door, gate or any similar obstacle, encountering a dog, or otherwise being denied reasonable access by parked vehicles, yard tools and equipment or other similar objects. Refuse which is not inside a container located in the backyard (when a residence is served by city personnel) will not be collected.

(c) Penalty. A citation in the amount of \$25 will be issued to any person who violates this section.

Sec. 10-61. Containers required.

(a) It shall be unlawful for any person in possession, charge, or control of any place in or from which litter is accumulated or produced to fail to provide, and at all times to keep in a suitable place readily accessible to the city collection personnel or private collection agencies, adequate and suitable containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections. A container when full may not exceed seventy-five (75) pounds. All containers as required shall be of safe construction and design and shall be maintained in good serviceable condition at all times. Any container which does not conform to the provisions of this article, or which has ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents thereof or the public generally, shall be promptly replaced upon notice. If such container, after proper notice, has not been replaced, the Sanitation Division shall have the authority to remove such container on the next scheduled service day as refuse. The Sanitation Division is designated as the agency to determine the quantity and location of such containers and to determine whether such containers are serviceable.

b) Except for sunken containers in existence prior to August 1, 1975,

(a) It shall be unlawful for any person, as defined by this article, owning or occupying a single residential unit, multiple residential unit, city-served nonresidential unit or non-city-served nonresidential unit each of which is defined by this article, to fail to store their refuse in containers as specified herein so as to eliminate wind-driven debris and unsightly litter in and about their premises or establishments in order to have a clean, neat and sanitary premises or fail to immediately clean up any spillage and overflow as it occurs. Approved methods of containerization include refuse containers, bulk containers, and detachable containers.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

Sec. 10-81. Accumulation of refuse on property; nuisance.

(a) It shall be unlawful for any person to maintain premises, including vacant lots or land, upon which trash, garbage or miscellaneous refuse is allowed to accumulate or caused to accumulate in any manner which is, or may become a nuisance, or cause injury to the health or welfare of residents in the vicinity or may injure neighboring property. It also shall be unlawful for any person to create a declared nuisance on any lot owned or occupied by said person or to allow such a declared nuisance to remain there.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

Sec. 10-82. Construction and demolition sites.

(a) It shall be unlawful for any construction and/or demolition contractor to fail to provide on-site refuse receptacles, bulk containers, or detachable containers for loose debris, paper building material waste, scrap building material, and other trash produced by those working on the site. All such material shall be containerized by the end of each day, and the site shall be kept in a reasonable clean and litter-free condition. The number of refuse receptacles, bulk containers or detachable containers shall be determined by the size of the job. Dirt, mud, construction materials or other debris deposited upon any public or private property as a result of the construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept clean and orderly at all times.

(b) Penalty. A citation in the amount of \$50 will be issued to any person in violation of this section.

Sec. 10-83. Vehicles.

(a) It shall be unlawful for any person to operate on any street, public or private property a vehicle with mud, dirt, sticky substances, litter foreign matter on its wheels or other parts if such operation results in the depositing or tracking of such mud, dirt, sticky substances, litter or foreign matter onto any street or public

property, or private property. No person being owner of real property or a prime contractor in charge of a construction site shall maintain such property or construction site so that vehicles on said property or construction site pick up mud, dirt, sticky substances, litter or foreign matter and deposit or track such mud, dirt, sticky substances, litter or foreign matter onto any street or public property or private property. Where mud, dirt, concrete, sticky and other substances, litter or foreign matter have been tracked or deposited on any street, public property, or private property in violation of this section, it shall be immediately removed by the person responsible. The term "responsible person", as used in this section, shall mean the driver of the vehicle which deposited or tracked the mud, dirt, sticky substances, litter or foreign matter onto the street or his employer or the owner of the real property or prime contractor in charge of a construction site from where such originated. In addition to any other remedy, the community improvement division is hereby empowered to issue a citation to violators of this section and in such citation shall assess a penalty of fifty dollars (\$50.00) and each, and every day during which a violation occurs shall be a separate and distinct offense, or civil penalty based on costs of cleanup as provided by North Carolina General Statutes, section 160A-175.

(b) Penalty. A citation in the amount of \$50 will be issued to any person in violation of this section.

Sec. 10-84. Loading and unloading areas.

(a) It shall be unlawful for any person maintaining a loading or unloading area to fail to provide refuse receptacles for loose debris, paper, packaging materials and other trash. The Sanitation Division shall have the authority to determine the number of containers necessary to provide proper containerization.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

Sec. 10-85. Parking lots.

(a) It shall be unlawful for all commercial parking lots and establishments with parking areas to fail to provide containers distributed within the parking area. The Sanitation Division shall have the authority to determine the number of containers necessary to provide proper containerization. Such containers shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner, tenant or manager of the parking lot to collect the refuse deposited in such containers and store this material in an approved location for collection. It shall be the obligation of all persons using the parking lot areas to use such containers as hereinabove provided for the purposes intended, and it shall be unlawful for any person(s) to dump, scatter or throw upon such parking lot areas litter of any kind.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

Secs. 10-86--10-89. Reserved.

DIVISION 7. WEEDS, GRASS, LEAVES AND UNDERGROWTH

Sec. 10-90. Duties of owners and occupants--cutting and removal

(a) It shall be unlawful for the owner and/or occupant of property to fail to cut grass, weeds, and other overgrowth vegetation on property when the grass, weeds, and other overgrowth vegetation is of a greater height than one (1) foot on the average, or to permit the property to serve as a breeding place for mosquitoes, as a refuse for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, any one of which situations is declared to be a nuisance. It shall be the duty of the owner and occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this Code. Vacant lots adjacent to improved property shall be kept cut within one hundred (100) feet of such improved property and shall be cut at least three (3) times per year, as required during the growing season (April through September). Heavily wooded lots where equipment cannot maneuver on the lot because of density of the area are exempt from this section.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

Sec. 10-91. Allowing accumulation of leaves on streets, etc., prohibited.

(a) It shall be unlawful for any person to place or allow to be placed or to permit to continue the accumulation of leaves from their premises to be on a public street, sidewalk, grass strip between a paved sidewalk and street, or on an area that pedestrians would be expected to use to walk upon parallel to a public street, or a median strip within a public right-of-way. This section shall not apply to the accumulation of leaves along a curblin of a public right-of-way for the purpose of collection by a private leaf collecting contractor.

(b) Penalty. A citation in the amount of \$25 will be issued to any person in violation of this section.

Sec. 10-92. City's enforcement powers.

A community improvement division officer shall have the authority to enter upon property, to obtain an administrative search warrant if necessary, to issue a notice of violation, to enter upon or authorize an agent to enter upon and clean up the premises if there is no compliance with the notice of violation, and to file a notice of lien against the property in the event that the city seeks to secure the cost of bringing the property into compliance with this Code through the collection of the costs as unpaid taxes.

Secs. 10-93--10-99. Reserved. "

Sec. 2. This ordinance shall become effective upon implementation.

Approved as to form:

*Henry W. Underhill Jr.*  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of September, 1986, the reference having been made in Minute Book 87, and is recorded in full in Ordinance Book 35 at Pages 155-177.

Pat Sharkey  
City Clerk

September 22, 1986  
Ordinance Book 35 - Page 178

ORDINANCE NO. 2048-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1956-X, THE 1986-87 BUDGET ORDINANCE, TO PROVIDE A SUPPLEMENTAL APPROPRIATION AND TO AMEND THE OPERATIONS DEPARTMENT TABLE OF ORGANIZATION FOR INCREASED ENFORCEMENT OF THE GARBAGE ORDINANCE.

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

Section 1. That the sum of \$35,207 is hereby transferred from Sanitation (508.01.011) to Community Improvement (0101; 519.00.011) to provide increased staff support for the enforcement of the Garbage Ordinance.

Section 2. That the table of organization of the Operations Department is hereby amended to reflect the addition of the following positions:

<u>Account</u>	<u>Class #</u>	<u>Class Title</u>	<u>Salary Range #</u>	<u>Number of Positions</u>
519	3260	Community Improvement Inspector	14	2

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Underhill Jr.  
City Attorney

Read, approved and adopted by the City Council for the City of Charlotte, North Carolina, in regular session convened on the 22nd day of September, 1986, the reference having been made in Minute Book 87, and is recorded in full in Ordinance Book 35 at page 178.

Pat Sharkey  
City Clerk

ORDINANCE NO. 2049-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1956-X, THE 1986-87 BUDGET ORDINANCE, TRANSFERRING OCCUPANCY TAX REVENUES FROM THE DEBT SERVICE FUND TO THE GENERAL FUND TO PROVIDE A SUPPLEMENTAL APPROPRIATION IN ORDER TO FUND A SPECIAL EVENTS GRANT PROGRAM IN THE CHARLOTTE CONVENTION AND VISITOR'S BUREAU.

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

Section 1. That the Municipal Debt Service revenue revenue estimate is hereby revised in accordance with the following:

	<u>From</u>	<u>To</u>	<u>Change</u>
Taxes	\$12,260,098	\$12,226,098	-\$34,000
Other			
Revenues	<u>\$10,064,091</u>	<u>\$10,098,091</u>	<u>+\$34,000</u>
	\$22,324,189	\$22,324,189	0

The reduction in the Taxes line reflects the reduction of \$34,000 in Occupancy Tax revenues. The increase in the Other Revenues line reflects an increase of \$34,000 in Interest Transferred from Other Funds.

Section 2. That the General Fund Occupancy Tax Revenue estimate is hereby revised:

	<u>From</u>	<u>To</u>	<u>Change</u>
Occupancy Tax	\$1,052,007	\$1,086,007	+\$34,000

Section 3. That the sum of \$34,000 is hereby provided as a supplemental appropriation to the Charlotte Convention and Visitor's Bureau (Fund 0101; Account 530.27 Charlotte Convention and Visitor's Bureau) to provide matching funds for the establishment of a Special Events Grant Program.

September 22, 1986  
Ordinance Book 35 - Page 180

Section 4. All ordinances or parts of ordinances  
in conflict herewith are hereby repealed.

Section 5. This ordinance shall become effective  
upon its adoption.

Approved as to form:

Henry W. Underhill Jr.  
City Attorney

Read, approved and adopted by the City Council for the City of Charlotte,  
North Carolina, in regular session convened on the 22nd day of September,  
1986, the reference having been made in Minute Book 87, and is recorded  
in full in Ordinance Book 35 at Pages 179-180.

Pat Sharkey  
City Clerk

September 22, 1986  
Ordinance Book 35 - Page 181

ORDINANCE NO. 2050-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1956-X, THE 1986-87 BUDGET  
ORDINANCE, PROVIDING AN APPROPRIATION TO CONSTRUCT TWO ADDITIONAL  
FLOORS FOR THE CHARLOTTE-MECKLENBURG GOVERNMENT CENTER.

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

Section 1. That the sum of \$3,200,000 is hereby  
estimated to be available from the capital facilities lease/  
purchase agreement to award a contract change order to Algernon-  
Blair, Inc.

These funds will be used to construct two additional  
floors for the Charlotte-Mecklenburg Government Center.

Section 2. That the sum of \$3,200,000 is hereby  
appropriated to General Capital Improvement Fund 2010;286.00 -  
Charlotte-Mecklenburg Government Center Addition.

Section 3. All ordinances or parts of ordinances in  
conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon  
its adoption.

Approved as to form:

J. H. Mikesell  
Deputy City Attorney

Read, approved and adopted by the City Council for the City of Charlotte,  
North Carolina, in regular session convened on the 22nd day of September,  
1986, the reference having been made in Minute Book 87, and is recorded  
in full in Ordinance Book 35 at page 181.

Pat Sharkey  
City Clerk

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September 22, 1986  
Ordinance Book 35 - Page 182

ORDINANCE 2051

AN ORDINANCE AMENDING CHAPTER 14, SECTION 131 OF THE CHARLOTTE CITY CODE

WHEREAS, on May 14, 1984, the Charlotte City Council approved a policy to provide for a 25 mile per hour speed limit on non-thoroughfare residential streets; and

WHEREAS, the residents of certain streets have submitted a petition signed by at least 75 percent of the residents of the streets affected; and

WHEREAS, it has been determined, upon the basis of an engineering and traffic investigation, that a lowered speed limit on certain streets of the City of Charlotte is not inappropriate; and

WHEREAS, G. S. 20-141 (speed restrictions) requires adoption of a speed limit ordinance to amend Chapter 14, Section 131(c) of the Charlotte City Code,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte,

SECTION 1: That Schedule X referred to in Chapter 14-131(c) of the Charlotte City Code be amended by declaring the speed limit on the following City System street as described below:

<u>STREET AND DESCRIPTION</u>	<u>SPEED LIMIT</u>
1. Floral Avenue between East Boulevard and Clayton Drive	25

SECTION 2: Section 1 shall become effective upon adoption and after signs are erected giving notice of the speed limit, as required by N.C.G.S. Section 20-141.

Approved as to form:

Quintin R. Scott, Jr. City Attorney

Read, approved and adopted by the City Council for the City of Charlotte, North Carolina, in regular session convened on the 22nd day of September, 1986, the reference having been made in Minute Book 87, and is recorded in full in Ordinance Book 35 at page 182.

Pat Sharkey  
City Clerk