

May 29, 1973
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ORDINANCE NO. 789-X

AN ORDINANCE TRANSFERRING FUNDS FROM 1969 BOND FUNDS TO THE BERRYHILL ROAD SEWER TRUNK PROJECT TO PROVIDE FUNDS FOR PROJECT CONSTRUCTION.

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

Section 1. That the sum of \$94,000 is hereby transferred from Bond Fund 4177 (1969 Sanitary Sewer Bonds) to Account 633.16 (Berryhill Road Sewer Trunk from Stewart Creek Outfall of Camp Green Street), these funds will be used to complete project construction.

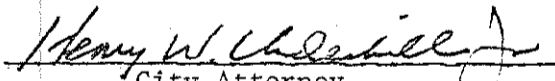
Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29th day of May, 1973, the reference having been made in Minute Book 58, and recorded in full in Ordinance Book 20, at Page 79.

Approved as to form:

Ruth Armstrong, City Clerk


City Attorney

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ORDINANCE 790-X

AN ORDINANCE AMENDING SCHEDULE 10 RELATING TO SPEED LIMITS REFERRED TO IN CHAPTER 20, SECTION 86(c), OF THE CHARLOTTE CITY CODE

WHEREAS, it has been determined, upon the basis of an engineering and traffic investigation that the speed limit on a portion of Fourth Street and Tuckaseegee Road should be increased.

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

Section 1. The speed limit on Fourth Street from its junction with Cedar Street westbound along Fourth Street to its junction with Tuckaseegee Road should be increased from 35 MPH to 40 MPH.

Section 2. The speed limit on Tuckaseegee Road from its junction with Fourth Street westbound along Tuckaseegee Road to its junction with Berryhill Road and Thrift Road should be increased from 35 MPH to 40 MPH.

Section 3. This ordinance shall become effective after signs are erected giving notice thereof.

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 meeting convened on the 29th day of May, 1973, the reference having been made in Minute Book 58, and recorded in full in Ordinance Book 20, on Page 80.

Ruth Armstrong, City Clerk

ORDINANCE 791

AN ORDINANCE REPEALING CHAPTER 22, "TREES", OF THE CODE OF THE CITY OF CHARLOTTE, AND SUBSTITUTING IN LIEU THEREOF A NEW CHAPTER 22, ALSO ENTITLED "TREES".

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

Section 1. That Chapter 22, entitled "Trees" of the City Code of the City of Charlotte is hereby repealed, and that a new Chapter 22, also entitled "Trees", be substituted in lieu thereof, to read as follows:

"Chapter 22

TREES

Sec. 22-1. Purpose and intent.

The purpose of this ordinance is to regulate and control the planting of trees and shrubbery, to encourage the protection of existing trees and shrubbery in the streets and public grounds within the city, and to establish the standard arboricultural specifications and practices for existing and future trees in the city.

Sec. 22-2. Tree Advisory Committee - may be created at discretion of Council.

The City Council may, at its discretion, appoint a Tree Advisory Committee. This committee may from time to time make recommendations relative to trees and shrubbery to the City Manager and the Landscape Supervisor.

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Sec. 22-3. Jurisdiction and authority.

For the purpose of carrying out the provisions of this chapter, the Landscape Supervisor of the City Landscaping Division, shall have the jurisdiction, authority, control, supervision and direction over all trees and shrubs planted or growing in or upon the streets between the sidewalk and the curb line, and on public grounds within the city; and the planting, removal, care, maintenance and protection thereof. He shall also have the responsibility of enforcing this ordinance.

Sec. 22-4. Duties and authority of the Landscape Supervisor.

The City Landscape Supervisor shall have the authority to promulgate the rules and regulations of the Arboricultural Specifications and Standards of Practice governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets or other public sites in the city, and shall direct, supervise, regulate and control the planting, maintenance and removal of all the trees growing now or hereafter in any public area of the city in order to preserve the aesthetics of said area.

The City Landscape Supervisor shall be responsible for formulating a Master Street Tree Plan. The Master Street Tree Plan shall specify the species of trees to be planted on each of the streets or other public sites of the city. From and after the effective date of the Master Street

Tree Plan, or any amendment thereof, all planting shall conform thereto. All tree planting, maintenance and removal is to be performed by the staff of the Landscaping Division in accordance with the Master Street Tree Plan.

The Landscape Supervisor shall consider all existing and future utility and environmental factors when recommending a specific species for each of the streets and other public sites in the city.

The City Landscape Supervisor shall have the authority to review all requests for permits for any planting, removal and/or trimming or cutting of trees in any public area in the city. The Landscape Supervisor shall also have the authority to attach reasonable conditions to these permits and to grant or deny them.

Sec. 22-5. Trimming, pruning, planting and removal of trees on public property - permit required.

Any person desiring for any lawful purpose to remove, destroy, cut, severly prune including the root system, treat with a view to its preservation from disease or insects, any tree or shrub in or upon any public street or public place, shall first obtain a written permit hereinafter provided for, on forms furnished by the City Landscaping Division. Any performed work/under such permit must be done in strict accordance with the conditions of the permit and the provisions of this chapter.

Any person desiring to plant a tree or shrubbery upon any public street or public place must also obtain a permit from the Landscaping Division. However, before issuance of a permit to plant, the request

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must also be reviewed by the Traffic Engineering Department to determine if the proposed planting would create a site distance hazard.

Sec. 22-6. Injuring trees or shrubbery on public places.

(1) It shall be unlawful for any person, except with written permit hereinafter provided for, to place or maintain upon the ground in any public street or public place, any stone, cement or other impervious matter or substance in such a manner as may obstruct the free access of air and water to the roots of any tree or shrub in any such street or place. This provision shall not apply to the paving, repairing or altering of the public streets, sidewalks and other public places by the city.

(2) It shall be the responsibility of the person in charge of the erection, repair, alteration or removal of any building or structure, to place a guard or protector around any tree on public ground so as to prevent injury to such tree arising out of such erection, repair, alteration, or removal. If the erection, repair, alteration, or removal of any structure shall require the trimming, pruning or removal of any tree upon public ground, a written permit shall be obtained.

(3) It shall be unlawful for any person to attach to any tree or shrub in or upon any public street or public place or to the guard or stake intended for the protection of such tree, rope, wire, chain, sign, or other device whatsoever, except for the purpose of protecting it or the public.

Sec. 22-7. Trees, etc., to be kept trimmed; responsibility of owner and Landscape Supervisor.

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(a) Trees, vines, bushes, shrubbery or flowers standing in or upon any lot or land adjacent to any public street or public place and having branches, limbs, trunks, or other parts projecting into the public street or place shall be kept trimmed by the owner or occupant of the property on which such vines, trees, bushes, shrubbery or flowers are growing so as not to interfere with the free and safe passage along the publicway by pedestrians and vehicular traffic.

(b) If the owner or occupant of said property does not keep this growth from projecting into or on public ground, then the Landscape Supervisor shall have the authority to order its removal. The order shall be in writing to the person responsible for said growth and shall be acted upon within ten (10) days from the time of the receipt of the order. If, after ten (10) days, the owner has not responded or acted to remove the projecting growth from said vines, trees, bushes, shrubbery, or flowers, then the Landscape Supervisor, or any member of his staff, shall have the authority to enter upon the owner's property to perform this work.

Sec. 22-8. Authority to treat or remove trees or shrubbery on private grounds.

(a) The Landscape Supervisor, under the power herein given, may cause or order to be removed any tree or part thereof on private ground which is in an unsafe condition, or which by reason of its nature is injurious to sewers or other public improvements, or is affected with

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any injurious fungus, insect, or other pest.

(b) The Landscape Supervisor shall also have power to enter upon any private grounds in the city and to spray or otherwise treat or cause or order to be sprayed or otherwise treated any tree or shrub infected or infested by any parasite, insect or pest, when it shall be necessary in his opinion to do so, to prevent the breeding or scattering of any parasite or animal pest, and to prevent danger therefrom to person or property or to trees and shrubs planted in the public streets or other public places.

(c) Whenever in the opinion of the Landscape Supervisor, trimming or treatment or removal of any such tree or shrub located on private grounds shall be deemed wise, the Landscape Supervisor or a member of his staff, shall have the power to trim, treat or remove any such tree or shrub, or cause or order the same to be done.

Sec. 22-9. Permits.

The permits provided for herein shall be granted by the Landscape Supervisor upon application in writing on forms supplied by his office.

Sec. 22-10. Planting plan required where more than twenty-five trees to be planted.

Any person desiring to plant more than twenty-five (25) trees, shrubs, or vines on property described in Sec. 22-3 of this chapter shall, in addition to applying for a permit, submit a planting plan or written statement in duplicate to the Landscape Supervisor, who shall return one copy to the applicant and keep one copy on file with the city. The Landscape Supervisor shall review and approve before issuing a permit to plant.

All planting plans shall show accurately:

- (a) The proposed street width together with its subdivision of pavement, curb and gutter, parking strip and sidewalk areas to a definite indicated scale.
- (b) The proposed location of each and every proposed tree, shrub or vine, together with the location of each existing tree, shrub or vine within the proposed street line in scaled relation to the other features of the plan.
- (c) The variety of each and every tree, shrub or vine proposed to be planted and of those already existing within the proposed street lines, either indicated on the plans or referenced with a number to a key list.
- (d) The distance in feet between trees, shrubs or vines in any one row.
- (e) The nature of the soil in the planting space to a depth of three (3) feet, and all existing and proposed surface of subsoil drainage system.

All statements filed in lieu of a planting plan shall contain the same information as required on the plan.

Sec. 22-11. Appeals.

In the event any person is dissatisfied with a decision of the Landscape Supervisor adversely affecting such person involving the application of this chapter, such person may make a written request to the City Manager who shall appoint a person or persons to hear complaints

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of the parties concerned.

After a full and complete hearing, a written opinion affirming, overruling or modifying the decision of the Landscape Supervisor, as may be fit and proper under the existing circumstances shall be rendered.

Sec. 22-12. Legality of ordinance or parts thereof.

Should any section, clause or provision of this chapter be declared by the courts to be invalid, the same shall not affect the validity of any other provision of the chapter.

Sec. 22-13. Violations; penalty.

The violation of any provision of this chapter shall constitute a misdemeanor, as provided by G. S. 14-4 and Section 1-6 of the City Code."

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

Approved as to form:

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29th day of May, 1973, the reference having been made in Minute Book 58, and recorded in full in Ordinance Book 20, beginning on Page 81.

Ruth Armstrong, City Clerk

ORDINANCE NO. 792-X

AN ORDINANCE INCREASING THE APPROPRIATION OF A CAPITAL IMPROVEMENT PROJECT ACCOUNT TO DEVELOP THE CENTRAL BUSINESS DISTRICT COMPUTERIZED SIGNAL SYSTEM, AND TEMPORARILY BORROWING FUNDS FROM THE GENERAL FUND UNAPPROPRIATED BALANCE FOR THE PURPOSE OF IMPLEMENTING TRANSPORTATION PROJECTS.

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

Section 1. That the State Grant-In-Aid Revenue Account in the Capital Project Fund is hereby increased \$921,530. This amount represents the State's share of the Central Business District Computerized Signal System in accordance with the contractual provisions set forth in the municipal agreement approved by the City of Charlotte and the North Carolina State Highway Commission.

Section 2. That the appropriation to Capital Improvement Project Account 540.20 (TOPICS Program) is hereby increased by the amount of \$1,456,530. for the purpose of completely funding the following projects:

Project

Central Business District Signal System	\$1,071,530.
Intersection Improvements	250,000.
Freeway Signal System	75,000.
Pedestrian Signals	<u>60,000.</u>
TOTAL	\$1,456,530.

This appropriation is to be from the following sources:

1. Cap. Projects State Grants-In-Aid	\$ 921,530.
2. General Fund Unappropriated Balance	<u>535,000.</u>
TOTAL	\$1,456,530.

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Section 3. That the General Fund Unappropriated Balance will be reimbursed in the amount of \$535,000. when such funds are available from the August, 1973 sale of Transportation bonds authorized in the April 10, 1973 Bond Referendum.

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

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

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29th day of May, 1973, the reference having been made in Minute Book 58, and recorded in full in Ordinance Book 20, beginning on Page 89.

Ruth Armstrong, City Clerk

Approved as to form:

Henry W. Underhill Jr.
City Attorney

ORDINANCE NO. 793-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1612 North Allen Street PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF THE Greater New York Savings Bank RESIDING AT 5th Avenue, 9th & 10th Street, Brooklyn, New York

WHEREAS, the dwelling located at 1612 North Allen Street in the City of Charlotte has been found by the Superintendent of Building Inspection to be unfit for human habitation and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina, and

WHEREAS, said owners have failed to comply with said order served by registered mail on the 8th day of February, 1973 and March 19, 1973; NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Superintendent of Building Inspection is hereby ordered to cause the demolition and removal of the dwelling located at 1612 North Allen Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

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 29th day of May, 1973, the reference having been made in Minute Book 58, and recorded in full in Ordinance Book 20, on Page 91.

Ruth Armstrong, City Clerk

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ORDINANCE NO. 794-X

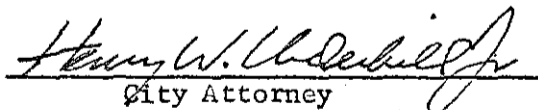
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING
AT 3913 Bearwood Ave. PURSUANT TO THE
HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6,
CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID
BUILDING BEING THE PROPERTY OF Mr. M. C. Wallace and Wife, Dorothy C.
RESIDING AT 8713 Russell Road, Charlotte, N. C.

WHEREAS, the dwelling located at 3913 Bearwood Ave.
in the City of Charlotte has been found by the Superintendent of Building
Inspection to be unfit for human habitation and the owners thereof have
been ordered to demolish and remove said dwelling, all pursuant to the
Housing Code of the City of Charlotte and Article 19, Part 6, Chapter
160A of the General Statutes of North Carolina, and

WHEREAS, said owners have failed to comply with said order served
by registered mail on the 12-13-73 and
2-14-73; NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Charlotte, North
Carolina, that the Superintendent of Building Inspection is hereby ordered
to cause the demolition and removal of the dwelling located at
3913 Bearwood Ave. in the City of Charlotte in accordance
with the Housing Code of the City of Charlotte and Article 19, Part 6,
Chapter 160A of the General Statutes of North Carolina.

APPROVED AS TO FORM:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North
Carolina, in regular session convened on the 29th day of May, 1973, the
reference having been made in Minute Book 58, and recorded in full in Ordinance
Book 20, on Page 92.

Ruth Armstrong, City Clerk

ORDINANCE NO. 795-X

AN ORDINANCE ORDERING THE DWELLING AT 4013 Donna Avenue
TO BE VACATED AND CLOSED PURSUANT TO THE HOUSING CODE OF THE CITY
OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL
STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF
Mr. H. L. Carter RESIDING AT
Route 11, Box 225A, Charlotte, North Carolina

WHEREAS, the dwelling located at 4013 Donna Avenue
in the City of Charlotte has been found by the Superintendent of Building
Inspection to be unfit for human habitation and the owners thereof have
been ordered to vacate and close said dwelling, all pursuant to the
Housing Code of the City of Charlotte and Article 19, Part 6, Chapter
160A of the General Statutes of North Carolina, and

WHEREAS, said owners have failed to comply with said order served
by registered mail on the 19th day of January, 1973 and
February 28, 1973; NOW THEREFORE,

BE IT ORDAINED by the City Council of the City of Charlotte,
North Carolina, that the Superintendent of Building Inspection is hereby
ordered to cause the dwelling located at 4013 Donna Avenue
in the City of Charlotte to be vacated and closed in accordance with the
Housing Code of the City of Charlotte and Article 19, Part 6, Chapter
160A of the General Statutes of North Carolina.

Approved as to form:

Henry W. Caschell Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session convened on the 29th day of May, 1973,
the reference having been made in Minute Book 58, and recorded in full
in Ordinance Book 20, at Page 93.

Ruth Armstrong, City Clerk

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ORDINANCE NO. 796-X

AN ORDINANCE ORDERING THE DWELLING AT 1721 Amherst Place
TO BE VACATED AND CLOSED PURSUANT TO THE HOUSING CODE OF THE CITY
OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL
STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF
Southern Real Estate and Ins. Co. RESIDING AT
1104 Johnston Bldg, S. Tryon St., Charlotte, NC

WHEREAS, the dwelling located at 1721 Amherst Place
in the City of Charlotte has been found by the Superintendent of Building
Inspection to be unfit for human habitation and the owners thereof have
been ordered to vacate and close said dwelling, all pursuant to the
Housing Code of the City of Charlotte and Article 19, Part 6, Chapter
160A of the General Statutes of North Carolina, and

WHEREAS, said owners have failed to comply with said order served
by registered mail on the 9-26-72 and
10-12-72; NOW THEREFORE,

BE IT ORDAINED by the City Council of the City of Charlotte,
North Carolina, that the Superintendent of Building Inspection is hereby
ordered to cause the dwelling located at 1721 Amherst Place
in the City of Charlotte to be vacated and closed in accordance with the
Housing Code of the City of Charlotte and Article 19, Part 6, Chapter
160A of the General Statutes of North Carolina.

Approved as to form:

Henry W. Chadwell Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session convened on the 29th day of May, 1973,
the reference having been made in Minute Book 58, and recorded in full
in Ordinance Book 20, at Page 94.

Ruth Armstrong, City Clerk

ORDINANCE NO. 797-X

AN ORDINANCE ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) Adjacent to 4226 Woodleaf Road has been found to be a nuisance by the Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has been ordered to remove the same, pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte; and

WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on April 18, 1973 : and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of weeds and grass

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department is hereby ordered to cause removal of weeds and grass from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte.

Section 2. That this Ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Chadwell Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29th day of May, 1973, the reference having been made in Minute Book 58, and recorded in full in Ordinance Book 20, at Page 95.

Ruth Armstrong, City Clerk

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ORDINANCE NO. 798-X

AN ORDINANCE ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) 2733 LaSalle Street, Charlotte, N. C. has been found to be a nuisance by the Supervisor of Community Improvement Division of the Public Works Department, and the owner or those responsible for the maintenance of the premises has been ordered to remove the same, pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte; and

WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on May 1, 1973 : and

WHEREAS, The City Council, upon consideration of the evidence, finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of weeds and grass

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division, of the Public Works Department is hereby ordered to cause removal of weeds and grass from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner (owners), and shall be a lien against this property, all pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte.

Section 2. That this Ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Chadwell Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 29th day of May, 1973, the reference having been made in Minute Book 58, and recorded in full in Ordinance Book 20, at Page 96.

Ruth Armstrong, City Clerk