

ORDINANCE NO. 529

AN ORDINANCE AMENDING THE CHARLOTTE CITY CODE BY
ESTABLISHING A NEW CHAPTER, CHAPTER 16A, ENTITLED
SOIL EROSION AND SEDIMENTATION CONTROL

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

Section 1 Title

This ordinance may be cited as the City of Charlotte Soil Erosion and Sedimentation Control Ordinance.

Section 2 Purpose

This ordinance is adopted for the purposes of:

- a. regulating certain land-disturbing activities to control accelerated erosion and sedimentation in order that water pollution from sedimentation may be controlled, that the accelerated erosion and sedimentation of lakes and natural watercourses and damage to public and private property by sedimentation be inhibited, and
- b. establishing procedures through which these purposes can be fulfilled.

Section 3 Definitions

As used in this ordinance, unless the context clearly indicates otherwise, the following definitions apply:

- a. Accelerated Erosion - means any increase over the rate of natural erosion as a result of land-disturbing activities.
- b. Active Construction - means activities which contribute directly to the completion of facilities contemplated or shown on the construction plans.
- c. Adequate Erosion Control Measure, Structure, or Device - means one which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.
- d. Borrow - means fill material which is required for on-site construction and is obtained from other locations.

-2-

- e. Buffer Zone - means the strip of land adjacent to a lake or natural watercourse, the width of which is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty-five percent (25%) of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.
- f. District - means the Mecklenburg Soil and Water Conservation District created pursuant to Chapter 139, North Carolina General Statutes.
- g. Erosion - means the wearing away of land surface by the action of wind, water, gravity, or any combination thereof.
- h. Ground Cover - means any natural vegetative growth including trees or other material which renders the soil surface stable against accelerated erosion.
- i. Lake or Natural Watercourse - means any swale, wet weather ditch, stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.
- j. Land-disturbing Activity - means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.
- k. Natural Erosion - means the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.
- l. Person - means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
- m. Person Engaged in or Conducting Land-disturbing Activity - means the individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative,

interstate body, or other legal entity, financially responsible for the land-disturbing activity.

- n. Phase of Grading - means one of two types of grading, rough or fine.
- o. Plan - means erosion and sedimentation control plan.
- p. Sediment - means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.
- q. Siltation - means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.
- r. Storm Water Runoff - means the direct runoff of water resulting from precipitation in any form.
- s. Tract - means all contiguous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership being developed as a unit, although not necessarily all at one time .
- t. Uncovered - means the removal of ground cover from, on, or above the soil surface.
- u. Undertaken - means the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.
- v. Waste - means surplus materials resulting from on-site construction and disposed of at other locations.
- w. Calendar Days - means every day, including Saturday and Sunday, regardless of weather conditions.
- x. City Engineer - means the Charlotte City Engineer, or any of his authorized representatives.

Section 4 Scope of Exclusions

This ordinance shall apply to land-disturbing activities undertaken by any person, with the following exclusions:

- a. Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; and
- b. Those undertaken on forest land for the production and harvesting of timber and timber products.
- c. Activities undertaken by persons as defined in G.S. 113A-52 (7) who are otherwise regulated by the provisions of the Mining Act of 1971, G.S. 74-46 through G.S. 74-68.
- d. Those land-disturbing activities over which the State by statute, has exclusive regulatory jurisdiction, which are activities:
 - (1) Conducted by the State,
 - (2) Conducted by the United States,
 - (3) Conducted by persons having the power of eminent domain,
 - (4) Conducted by local governments,
 - (5) Licensed by the State or the United States,
 - (6) Funded in whole or in part by the State or the United States.

Section 5 General Requirements

Persons engaged in land-disturbing activities shall take all reasonable measures to protect all public and private property from damage by such activities.

Section 6 Basic Control Objectives

The basic control objectives which are to be considered in developing and implementing an erosion and sedimentation control plan are to:

- a. Identify Critical Areas - On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified

and receive special attention.

- b. Limit Time of Exposure - All land-disturbing activities are to be planned and conducted to limit exposure to the shortest feasible time.
- c. Limit Exposed Areas - All land-disturbing activities are to be planned and conducted to minimize the size of the area to be exposed at any one time.
- d. Control Surface Water - Surface water runoff originating up-grade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
- e. Control Sedimentation - All land-disturbing activities are to be planned and conducted so as to minimize off-site sedimentation damage.
- f. Manage Storm Water Runoff - When the increase in the peak rates and velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse plans are to include measures to control both the velocity and rate of release so as to minimize accelerated erosion and increased sedimentation of the stream.

Section 7 Standards for Land-disturbing Activity

No land-disturbing activity subject to the control of this ordinance shall be undertaken except in accordance with the following standards:

- a. Buffer Zone - No land-disturbing activity shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearer the land-disturbing activity, provided, that this subsection (a) shall not apply to a land disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.
- b. Graded Slopes and Fills - The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 30 calendar days of completion of any phase of grading, be planted

or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

- c. Ground Cover - Whenever land-disturbing activity is undertaken on a tract comprising more than one acre, if more than one contiguous acre is uncovered, a ground cover sufficient to restrain erosion must be planted or otherwise provided within 30 calendar days on that portion of the tract upon which further active construction is not being undertaken, provided that this subsection (c) shall not apply to cleared land forming the basin of a reservoir later to be inundated.
- d. Design and Performance of Control Measures - Erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide control of accelerated erosion and sedimentation from the calculated peak rates of runoff from a ten-year frequency storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's, "National Engineering Field Manual for Conservation Practices", or other acceptable calculation procedures. Runoff computations shall be based on rainfall data published by the National Weather Service for the area.
- e. Storm Water Runoff Measures - A combination of storage and controlled release of storm water runoff shall be required for commercial, industrial, educational, and institutional developments of 1 acre or more; for multi-family residential developments or 2 acres or more; and, for single family developments of 5 acres or more. After development of the site, the calculated peak of storm water runoff resulting from a ten-year frequency storm shall be no greater than that which would result from a ten-year frequency storm on the same site prior to development.

Section 8 Borrow and Waste Areas

When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the Department of Human Resources, Division of Health Services, shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste these areas shall be considered a separate land-disturbing activity.

Section 9 Access and Haul Roads

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

Section 10 Operations in Lakes or Natural Watercourses

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided.

Section 11 Responsibility for Maintenance

The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during the development of a site. The responsibility for maintaining all permanent erosion and sedimentation control measures and facilities after site development is completed shall lie with the landowner.

Section 12 Additional Measures

Whenever the City Engineer determines that significant sedimentation is occurring as a result of a land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity or the person responsible for maintenance will be required to take additional protective action.

Section 13 Existing Uncovered Areas

- a. All uncovered areas existing on the effective date of this ordinance which resulted from land-disturbing activities, and exceed one contiguous acre, and are subject to continued accelerated erosion, and are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

- b. The City Engineer will serve upon the landowner written notice to comply. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits for compliance.
- c. The City Engineer shall have the right to require preparation and approval of an erosion control plan in any instance wherein extensive control measures are required.

Section 14 Permits

- a. No person shall undertake any land-disturbing activity subject to this ordinance without first obtaining a permit therefor from the City Engineer, except that no permit shall be required for the following land-disturbing activities:
 - (1) those done for the purpose of fighting fires,
 - (2) the stock piling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damages.
 - (3) land-disturbing activities that do not exceed one acre in surface area. In determining the area, contiguous lands under one or diverse ownership being developed as a unit will be aggregated.
- b. The City Engineer shall charge and collect a fee for each and every permit issued under the provision of this ordinance as follows:
 - (1) \$0.001 per square foot of land undertaken for land-disturbing activity.
- c. The City Engineer shall have the power to revoke said permit if the persons conducting the land disturbing activity do not follow the approved erosion and sedimentation control plan, and do not maintain adequate protection.

Section 15 Erosion and Sedimentation Control Plans

- a. An erosion control plan shall be prepared for all land-disturbing activities subject to this ordinance whenever the

-9-

proposed activity is to be undertaken on a tract comprising more than one acre, if more than one contiguous acre is to be uncovered. The plan shall be filed with the City Engineer and the Mecklenburg Soil and Water Conservation District, 30 days prior to the commencement of the proposed activity.

- b. The Mecklenburg Soil and Water Conservation District within 20 days of the receipt of any plan, or within such additional time as may be prescribed by the City Engineer, shall review such plan and submit its comments and recommendations to the City Engineer. Failure of the District to submit its comments and recommendations to the City Engineer within the prescribed time will not delay final action on the plan.
- c. The City Engineer will review each plan submitted and within 30 days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved.
- d. The plan required by this section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation may be obtained from the City Engineer on request.
- e. Application for amendment of an erosion control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the City Engineer, the land-disturbing activities shall not proceed except in accordance with the erosion control plan as originally approved.

Section 16 Appeals

- a. The disapproval or modification of any proposed erosion control plan by the City Engineer entitles the person submitting the plan to a public hearing if such person submits written demand for a hearing within 10 calendar days after receipt of written notice of disapproval or modification.

- b. Hearings held pursuant to this section shall be conducted by the Charlotte-Mecklenburg Planning Commission. A simple majority of the members of the Commission shall constitute a quorum. The Commission shall give notice of the time, place and subject of each hearing to the appellant. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question and the absence or failure of any member to vote. The final disposition of each appeal shall be by resolution indicating the reasons of the board therefore based on findings of fact and conclusions of law, all of which shall be a public record. The resolution shall be immediately forwarded to the City Engineer.
- c. Judicial review of the final action of the Charlotte-Mecklenburg Planning Commission may be had by writ of certiorari to the Superior Court of Mecklenburg County.

Section 17 Compliance with Plan Requirements

Any person engaged in land-disturbing activities who fails to file a plan in accordance with this ordinance, or who conducts a land-disturbing activity except in accordance with provisions of a plan shall be deemed in violation of this ordinance.

Section 18 Inspections and Investigations

- a. Agents and authorized representatives of the City Engineer will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine whether the activities are being conducted in accordance with the plan and to determine whether the measures required in the plan are effective in controlling erosion and sediment resulting from land disturbing activities.
- b. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a notice to comply shall be served upon that person by registered mail. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activities fails to comply within the time specified, he shall be deemed in violation of this ordinance.

- c. The City Engineer shall have the power to conduct such investigations as he may reasonably deem necessary to carry out his duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of land-disturbing activities. No person shall refuse entry or access to any authorized representative or agent of the City Engineer who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with such representative while in the process of carrying out his official duties.
- d. The City Engineer shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land-disturbing activities.

Section 19 Penalties

A. Civil Penalties

- (1) Any person who violates any of the provisions of this ordinance, or rules or orders adopted or issued pursuant to this ordinance, or who initiates or continues a land-disturbing activity for which an erosion control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be subject to civil penalty of not more than \$100. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Each day of a continuing violation shall constitute a separate violation.
- (2) The City Council of the City of Charlotte shall determine the amount of the civil penalty to be assessed under this subsection and shall make written demand for payment upon the person in violation, and shall set forth in detail a description of the violation for which the penalty has been imposed. In determining the amount of the penalty the governing body shall consider the degree and extent of harm caused by the violation and cost of rectifying the damage. If payment is not received or equitable settlement reached within 60 days after demand for payment is made the matter shall be referred to the City Attorney for institution of a civil action in the name of the City of Charlotte, in the appropriate division of the General Courts of Justice for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this ordinance.

B. Criminal Penalties

Any person who knowingly or willfully violates any provision of this ordinance, or rule or order adopted or issued pursuant to this ordinance, or who knowingly or willfully initiates or continues a land-disturbing activity for which an erosion control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a misdemeanor punishable by imprisonment not to exceed 90 days, or by a fine not to exceed \$5,000, or by both, in the discretion of the court.

Section 20 Injunctive Relief

- a. Whenever the governing body has reasonable cause to believe that any person is violating or threatening to violate this ordinance or any rule or order adopted or issued pursuant to this ordinance, or any term, condition, or provision of an approved erosion control plan, it may, either before or after the institution of any other action or proceeding authorized by this ordinance, institute a civil action in the name of the City of Charlotte, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Mecklenburg County.
- b. Upon determination of a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this ordinance.

Section 21 Severability

If any section or sections of this ordinance is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

Section 22 Effective Date

This ordinance will become effective May 1, 1975, except

-13-

Section 13 shall become effective March 1, 1976, and Section 7 (e) shall become effective March 1, 1977. For all proposed activities advertised for bid, let to contract or on which work is undertaken on or after May 1, 1975, a suitable erosion control plan may be required by the City Engineer if he deems necessary.

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

C E R T I F I C A T I O N

I, Ruth Armstrong, 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 regular session convened on the 27th day of January, 1975, and the reference having been made in Minute Book 61, and recorded in full in Ordinance Book 21, at Pages 428-440.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of January, 1975.

Ruth Armstrong, City Clerk

A regular meeting of the City Council of the City of Charlotte, North Carolina was held in the Council Chamber of the City Hall at 3:00 o'clock P.M., on January 27, 1974, Mayor John M. Belk, presiding, and the following Council members being present: Councilmembers Gantt, Harris, Locke, Short and Williams.

Absent: Mayor pro tem Whittington and Councilman Withrow.

Also present: J. B. Fennell, City Finance Director, and Ruth Armstrong, City Clerk.

* * * * *

Councilman Short introduced the following eight orders authorizing bonds which were read:

ORDER AUTHORIZING
\$55,000,000 AIRPORT BONDS

BE IT ORDERED by the City Council of the City of Charlotte:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Charlotte, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Airport Bonds in an aggregate principal amount not exceeding \$55,000,000 for the purpose of providing funds, with any other available funds, for enlarging and improving Douglas Municipal Airport, including the construction of a new passenger terminal, the construction of ramps, taxiways, access roads and parking facilities, the relocation of certain existing instrument facilities, and the acquisition of any necessary land and equipment therefor.

Section 2. That taxes will be levied in an amount sufficient to pay the principal of and the interest on said bonds.

Section 3. That a sworn statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this order shall take effect when approved by the voters of the City at a referendum as provided in said Act.

ORDER AUTHORIZING
\$15,000,000 TRANSPORTATION
BUILDING BONDS

BE IT ORDERED by the City Council of the City of
Charlotte:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Charlotte, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Transportation Building Bonds in an aggregate principal amount not exceeding \$15,000,000 for the purpose of providing funds, with any other available funds, for constructing a transportation center, including facilities for bus, taxicab and rapid transit passengers, parking facilities and meeting rooms, and the acquisition of any necessary land and equipment.

Section 2. That taxes will be levied in an amount sufficient to pay the principal of and the interest on said bonds.

Section 3. That a sworn statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this order shall take effect when approved by the voters of the City at a referendum as provided in said Act.

ORDER AUTHORIZING
\$8,500,000 SANITARY SEWER
BONDS

BE IT ORDERED by the City Council of the City of
Charlotte:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Charlotte, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority

to contract, and in evidence thereof to issue Sanitary Sewer Bonds in an aggregate principal amount not exceeding \$8,500,000 for the purpose of providing funds, with any other available funds, for enlarging and extending the sanitary sewer system of said City, including the construction of a new sewage treatment facility, the expansion of an existing treatment facility, the construction of sewer outfalls, the installation of additional sewer mains and the acquisition of necessary land and rights of way.

Section 2. That taxes will be levied in an amount sufficient to pay the principal of and the interest on said bonds.

Section 3. That a sworn statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this order shall take effect when approved by the voters of the City at a referendum as provided in said Act.

ORDER AUTHORIZING
\$5,500,000 STREET WIDENING, EXTENSION
AND IMPROVEMENT BONDS

BE IT ORDERED by the City Council of the City of
Charlotte:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Charlotte, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Street Widening, Extension and Improvement Bonds in an aggregate principal amount not exceeding \$5,500,000 for the purpose of providing funds, with any other available funds, for widening, extending and constructing or reconstructing the surface of streets in said City, including the contemporaneous construction or reconstruction of sidewalks, curbs, gutters, drains and grading and the acquisition of necessary land and rights of way.

Section 2. That taxes will be levied in an amount sufficient to pay the principal of and the interest on said bonds.

Section 3. That a sworn statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this order shall take effect when approved by the voters of the City at a referendum as provided in said Act.

ORDER AUTHORIZING
\$3,500,000 WATER BONDS

BE IT ORDERED by the City Council of the City of
Charlotte:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Charlotte, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power to authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal amount not exceeding \$3,500,000 for the purpose of providing funds, with any other available funds, for enlarging and extending the waterworks system of said City, including the construction of improvements to existing treatment plants, the installation of water distribution mains and the acquisition of necessary land and rights of way.

Section 2. That taxes will be levied in an amount sufficient to pay the principal of and the interest on said bonds.

Section 3. That a sworn statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this order shall take effect when approved by the voters of the City at a referendum as provided in said Act.

ORDER AUTHORIZING
\$2,500,000 PUBLIC TRANSPORTATION
SYSTEM BONDS

BE IT ORDERED by the City Council of the City of
Charlotte:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Charlotte, North Carolina, is hereby

authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Public Transportation System Bonds in an aggregate principal amount not exceeding \$2,500,000 for the purpose of providing funds, with any other available funds, for purchasing the existing privately-owned bus system, acquiring new equipment therefor and installing certain improvements, including shelters for passengers.

Section 2. That taxes will be levied in an amount sufficient to pay the principal of and the interest on said bonds.

Section 3. That a sworn statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this order shall take effect when approved by the voters of the City at a referendum as provided in said Act.

ORDER AUTHORIZING
\$1,500,000 SIDEWALK BONDS

BE IT ORDERED by the City Council of the City of Charlotte:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Charlotte, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Sidewalk Bonds in an aggregate principal amount not exceeding \$1,500,000 for the purpose of providing funds, with any other available funds, for constructing and reconstructing sidewalks in said City, including the acquisition of any necessary land and rights of way.

Section 2. That taxes will be levied in an amount sufficient to pay the principal of and the interest on said bonds.

Section 3. That a sworn statement of the debt of the City has been filed with the Clerk and is open to public inspection.

January 27, 1975
Ordinance Book 21 - Page 446

Section 4. That this order shall take effect when approved by the voters of the City at a referendum as provided in said Act.

ORDER AUTHORIZING
\$500,000 RECREATION
FACILITIES BONDS

BE IT ORDERED by the City Council of the City of
Charlotte:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Charlotte, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Recreation Facilities Bonds in an aggregate principal amount not exceeding \$500,000 for the purpose of providing funds, with any other available funds, for constructing bicycle trails in said City and acquiring any necessary land and rights of way therefor.

Section 2. That taxes will be levied in an amount sufficient to pay the principal of and the interest on said bonds.

Section 3. That a sworn statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this order shall take effect when approved by the voters of the City at a referendum as provided in said Act.

Thereupon, on motion duly made, seconded and unanimously carried, the City Council designated the Finance Director as the officer to make and file with the Clerk the sworn statement of debt of the City which is required by The Local Government Bond Act, as amended, to be filed before the final passage of the orders which were introduced at this meeting.

Thereupon the Finance Director filed with the Clerk, in the presence of the City Council, the sworn statement of debt as so required.

Thereupon the order entitled: "ORDER AUTHORIZING \$55,000,000 AIRPORT BONDS" was passed on the first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$15,000,000 TRANSPORTATION BUILDING BONDS" was defeated on the first reading, by the following vote:

YEAS: Councilmembers Gantt and Short.

NAYS: Councilmembers Harris, Locke and Williams.

Thereupon the order entitled: "ORDER AUTHORIZING \$8,500,000 SANITARY SEWER BONDS" was passed on the first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$5,500,000 STREET WIDENING, EXTENSION AND IMPROVEMENT BONDS" was passed on the first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$3,500,000 WATER BONDS" was passed on the first reading.

Thereupon the order entieled: "ORDER AUTHORIZING \$2,500,000 PUBLIC TRANSPORTATION SYSTEM BONDS" was passed on the first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$1,500,000 SIDEWALK BONDS" was passed on the first reading.

Thereupon the order entitled: "ORDER AUTHORIZING \$500,000 RECREATION FACILITIES BONDS" was passed on the first reading.

On motion duly made, seconded and unanimously carried, the City Council fixed 3:00 o'clock P.M., February 10, 1975, as the hour and day for the public hearing upon the foregoing orders, and directed the Clerk to publish each of said orders, together with the appended note as required by The Local Government Bond Act, as amended, in the Charlotte Observer not later than the sixth day before said date.

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is an accurate copy of so much of the recorded proceedings of the City Council at a meeting held on January 27, 1975, as relate to the authorization of bonds of said City, and that said proceedings have been recorded in Book 61 of the Minutes of said City Council, beginning at Page _____, and ending at Page _____.

448
January 27, 1975
Ordinance Book 21 - Page 448

I FURTHER CERTIFY that copies of the orders hereinabove set forth have been recorded by me in Book of Ordinances No. 21 beginning at page 441 and ending at page 448.

WITNESS my hand and the corporate seal of said City, this 28th day of January, 1975.

City Clerk

ORDINANCE NO. 531-X

AN ORDINANCE TO TRANSFER FUNDS FROM THE GENERAL CAPITAL IMPROVEMENT BOND FUNDS
DISTRIBUTING THE PROCEEDS FROM THE SALE OF AUTHORIZED TRANSPORTATION BONDS.

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

Section 1. That the sum of \$9,685,000 is hereby transferred from
General Capital Improvement Bond funds to distribute proceeds from the January
14, 1975 sale of Transportation Bonds authorized in 1973 in accordance with the
following schedule:

TRANSFERRED FROM:

Bond Fund 4190 - Street Widening Extension and Improvement	\$9,535,000
Bond Fund 4194 - Sidewalk Bond	<u>150,000</u>
Total	\$9,685,000

TRANSFERRED TO:

Street Widening Extension and Improvement

<u>Account No.</u>	<u>Project Description</u>	<u>Amount</u>
537.08	ROW Protection	\$ 28,000
537.24	Remount Road Widening	900,000
537.26	Oaklawn Avenue Widening	204,000
537.28	Tyvola Road Relocation	2,551,000
537.38	Sharon-Amity Widening	2,200,000
537.59	Poplar Street Widening	300,000
537.67	Kings Drive Relocation	3,000,000
537.70	Randolph Road Widening	<u>352,000</u>
	Total	\$9,535,000

Sidewalk Bonds

<u>Account No.</u>	<u>Project Description</u>	<u>Amount</u>
538.12	Sidewalk Construction	<u>150,000</u>
	TOTAL	\$9,685,000

450
January 27, 1975
Ordinance Book 21 - Page 450

ORDINANCE NO. 531-X (CONTINUED)

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

Section 3. 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 of the City of Charlotte, North Carolina, in regular session convened on the 27th day of January, 1975, the reference having been made in Minute Book 61, and recorded in full in Ordinance Book 21, at Pages 449 and 450.

Ruth Armstrong, City Clerk