

September 19, 1977
Ordinance Book 24 - Page 462

ORDINANCE NO. 721-X

AN ORDINANCE TO AMEND ORDINANCE NO. 576-X, THE 1977-78 BUDGET ORDINANCE, TO PROVIDE SUPPLEMENTAL APPROPRIATIONS FOR THE PURPOSE OF CARRYING OUT APPROVED ANNEXATION PLANS FOR THE TEN PROPOSED ANNEXATION AREAS.

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

Section 1. That Section 1, Schedule A (General Fund Expenditures) is hereby amended to add the following appropriations:

Annexation Operating Expenses

<u>Account</u>	<u>Department</u>	<u>Amount</u>
404.00	Animal Control	\$ 7,239
517.00	Building Inspection	25,593
401.00	Police	265,257
	Public Works:	
513.00	Street Maintenance	102,808
514.50	Landscaping	35,487
519.00	Community Improvement	17,498
	Sanitations:	
508.01	Residential	194,708
508.02	Commercial	16,752
508.03	Leaf Collection	19,746
509.00	Street Cleaning	24,640
402.00	Fire	340,429
522.00	Traffic Engineering	28,008
530.01	FICA and Retirement	90,000
530.02	Employee Insurance	37,805
530.21	Street Lighting	72,160
	Total	<u>\$1,278,130</u>

Section 2. That Section 3, Schedule A (General Fund Revenues) is hereby amended to increase the General Fund property tax estimate by \$1,278,130 to meet the appropriations shown above in Section 1.

ORDINANCE NO. 721-X (CONTINUED - PAGE 2)

Section 3. That Section 5 is hereby amended to add Section 5.1, to read as follows:

"In accordance with the provisions of Chapter 576, 1975 Session Laws, there is hereby levied the following rates of tax on each one hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 1977, on all property annexed into the City of Charlotte effective December 1, 1977, for the purpose of raising the revenue from property taxes as set forth in the foregoing estimates of revenues, and in order to finance the foregoing appropriations:

General Fund (for the general expenses incidental to the proper government of the City)	\$0.73
Municipal Debt Service Fund (for the payment of interest and principal on outstanding debt).	0.11
Charlotte Park and Recreation Commission	0.04
 TOTAL RATE PER \$100 FOR VALUATION OF TAXABLE PROPERTY. . . .	 \$0.88

Such rates of tax are based on an estimated total appraised valuation of property for the purpose of taxation of \$369,582,622 and an estimated rate of collection of ninety-six and one-half per cent (96.5%)."

Section 4. That the City Manager is hereby authorized to amend the tables of organization for the Animal Control, Building Inspection, Police, Public Works, Fire and Traffic Engineering Departments to add 161 positions to provide municipal services in the ten annexation areas in accordance with approved annexation plans.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Chaswell, Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of September, 1977, the reference having been made in Minute Book 66, and is recorded in full in Ordinance Book 24, at page 462-463.

Ruth Armstrong, City Clerk

AN ORDINANCE AMENDING CHAPTER 22, "TREES",
OF THE CITY CODE OF THE CITY OF CHARLOTTE.

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

Section 1. Chapter 22 of the City Code shall be deleted in its entirety and the following shall be substituted in lieu thereof:

"Chapter 22

TREES

ARTICLE I. IN GENERAL

Sec. 22-1. Purpose and intent.

The purpose of this chapter 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, to regulate the preservation, replacement and indiscriminate removal of trees on private property at both new developments and alterations to previous development, and to establish procedures and practices for fulfilling these purposes.

Sec. 22-2. Tree advisory commission; may be created by council.

The city council may establish a tree advisory commission. This commission may from time to time make recommendations relative to trees and shrubbery to the city manager or his authorized representative. The tree commission shall be composed of eleven (11) members, a majority of whom shall be residents of the city. Eight (8) of the members shall be appointed by the mayor with approval of city council. The remaining three (3) members shall be the director of public works and representatives of the landscaping division. They shall be ex-officio members and shall be present at meetings when so requested by the secretary of the tree commission. Those members appointed by the mayor shall serve terms of three (3) years. No member appointed by the mayor shall be eligible to serve more than two (2) consecutive full terms.

Sec. 22-3. Jurisdiction, duties and authority of landscaping superintendent.

For the purpose of carrying out the provisions of this chapter, the landscaping superintendent of the city landscaping division, in conjunction with the city arborist, 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. In addition, they shall have the authority to regulate the preservation, replacement and indiscriminate removal of trees on private property as set out in Article III of this chapter. The city landscaping superintendent shall also have the responsibility of enforcing this chapter.

The city landscaping superintendent 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 landscaping superintendent 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. Prior to its publication, the plan shall be presented to the tree commission for review and recommendation as may be necessary. 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 landscaping superintendent shall consider 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 landscaping superintendent and the city arborist 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. They shall also have the authority to attach reasonable conditions to these permits and to grant or deny permits.

Sec. 22-4. Authority to treat or remove trees or shrubbery on private grounds.

(a) The landscaping superintendent, 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 an injurious fungus, insect, or other pest.

(b) The landscaping superintendent or his agents shall have the 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 landscaping superintendent, trimming or treatment or removal of any such tree or shrub located on private grounds shall be deemed wise, the landscaping superintendent, 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.

(d) Prior to exercising the authority conferred by this section, the landscaping superintendent shall give the owner or occupant an opportunity to correct the condition by ordering that corrective action be taken. The order shall be in writing to the owner or occupant of the property in question and shall be acted upon within ten (10) days from the date of the receipt of the order. If, after ten (10) days, the owner or occupant has not corrected the condition

or undertaken action that would lead to a timely correction of the condition, then the landscaping superintendent is authorized to enter upon the property, perform the work necessary to correct the condition, and to bill the owner or occupant for the actual costs incurred.

ARTICLE II. PUBLIC PROPERTY

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

(a) Except as provided herein, any person desiring to remove, destroy, cut, severely prune, including the root system, or treat any tree or shrub in or upon any public street or public property owned by the City of Charlotte, its agencies, boards, authorities and commissions, shall first obtain a written permit from the city arborist on forms furnished by the city landscaping division. Any work performed under such permit must be done in strict accordance with the conditions of the permit and the provisions of this chapter.

(b) Individual permits shall not be required of public and private utility companies which install overhead and underground utilities (including CATV installations and water and sewer installations by or at the direction of the Charlotte-Mecklenburg Utility Department), provided that the company's written pruning and trenching specifications have been first approved by the landscaping division and reviewed by the tree commission. Provided, however, that requests for removal of trees shall be handled on an individual permit basis.

(c) 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 must also be reviewed by the traffic engineering department to determine if the proposed planting would create a sight distance hazard.

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

(a) It shall be unlawful for any person, except with written permit, 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 or 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.

(b) 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 as provided in Section 22-5.

(c) 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., adjacent to public property to be kept trimmed; responsibility of owner and landscaping superintendent.

(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 public way 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 landscaping superintendent shall have the authority to order its removal. The order shall be in writing to the owner or occupant 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 or occupant has not responded or acted to remove the projecting growth from said vines, trees, bushes, shrubbery, or flowers, then the landscaping superintendent, or any member of his staff, shall have the authority to enter upon the property to perform this work.

Sec. 22-8. 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 in or upon the streets between the sidewalk and the curb line and on public grounds within the city shall, in addition to applying for a permit, submit a planting plan or written statement, in duplicate, to the landscaping superintendent who shall return one copy to the applicant and keep one copy on file with the city. The landscaping superintendent 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.

ARTICLE III. PRIVATE PROPERTY

Sec. 22-9 Property to be excluded from the provisions of this article.

This article shall apply to all developers and/or owners of real property with the following exclusions:

- (a) Homeowner of a single family or duplex residence.
- (b) Property to be developed for single family or duplex residential uses.
- (c) Property zoned B-3 central business district and urban residential district.

Sec. 22-10 Definitions.

As used in this article, unless the context otherwise requires, the words listed below shall have the following meaning:

- (a) Caliper - diameter measurement of the trunk taken six inches above the ground level for trees up to and including four inch caliper size. Measurement shall be taken twelve inches above the ground level for larger trees..
- (b) Homeowner - a tenant or owner of an existing single family or duplex residence.
- (c) Paved area - any ground surface covered with concrete, asphalt, stone, gravel, brick or other paving material.
- (d) Person - a public or private individual, corporation, company, firm, association, trust, estate, commission, board, public or private institution, utility, cooperative, or other legal entity.
- (e) Planting strip or area - ground surface free of paved material which is reserved for landscaping purposes.
- (f) DBH (diameter breast height) - the diameter of a tree four and one half feet above the average ground level.
- (g) Drip line - a vertical line running through the outermost portions of the tree crown extending to the ground.

Sec. 22-11. Utility responsibility - private property.

Public and private utilities which install overhead and underground utilities (including CATV installations and water and sewer installations by or at the direction of the Charlotte-Mecklenburg Utility Department), shall be required to accomplish all work on property subject to this article in accordance with the company's written pruning and trenching specifications, or as mutually agreeable to the property owner and the utility. Written specifications shall have been first approved by the landscaping division and reviewed by tree commission.

Sec. 22-12. Tree preservation and/or planting required for paved areas abutting public rights of way.

(a) Property with less than one acre paved. A perimeter planting strip, exclusive of access driveways, of five (5) feet abutting the public rights of way, shall be required. This planting strip shall include at least one tree two (2) inches caliper, for each fifty (50) linear feet or fraction thereof above twenty-five (25) feet. If there are existing trees on the public right of way, the planting strip shall be required; however, the landscaping superintendent may grant a variance from the required tree planting.

(b) Property with more than one acre of paved area. Property in this category will require the same perimeter planting strip as set forth in the previous subsection. In addition, interior planting areas amounting to 5% of the paved area in excess of one acre shall be required. These planting areas shall be located either adjacent to the perimeter planting, within the paved area, within ten (10) feet of the paving or at the base of the building. Residual property at the rear or sides of the site which are not visually a part of the developed property shall not be considered in meeting the requirements of this subsection. The number, size and placement of trees required within the planting areas shall be determined in accordance with the following tables.

TABLE I

Tree Planting Area Credit
and Dimension Table for
Large and Medium Size Shade Trees (35-100'+, mature height)

TREE ORIGIN	TREE SIZE	Maximum planting area credit per tree (sq. ft.) ** ***	Minimum planting area per tree (sq. ft.)	Minimum dimension of planting area at tree (ft.)	Minimum spacing between trees (ft.) ****
PLANTED	2-2 1/2" Cal. 12-14'*	600	70	7	40
	2 1/2-4" Cal.* 14-17'	750	70	7	40
	4"+Cal. 17'+	900	70	7	40
EXISTING, "SAVED"	2-4" Cal.*	Same as for planted tree same size	--	--	--
	4-8" DBH	900	--	--	--
	8-12" DBH	1000	--	--	--
	12-18" DBH	1200	--	--	--
	18"+ DBH	1300	--	--	--

* Minimum size tree for which planting area credit will be granted.

** Additional credit may be granted by the landscaping division if historic or unique trees are "saved".

*** Clumps of existing trees shall be granted planting area credit equal to the total area covered by the drip line of the clump.

**** Trees may be planted closer, but planting area credit will not be granted for the second or additional trees spaced closer than the minimum spacing noted above.

TABLE II

Tree Planting Area Credit
and Dimension Table for
Small Trees (to 35', mature height)

TREE ORIGIN	TREE SIZE	Maximum planting area credit per tree (sq. ft.) ** ***	Minimum planting area per tree (sq. ft.)	Minimum dimension of planting area at tree (ft.)	Minimum spacing between trees (ft.) ***
PLANTED	1-1 1/4" Cal. 8-10'*	150	15	3	15
	1 1/4-3" Cal. 10-12'	175	15	3	15
	3"+ Cal. 12'+	200	15	3	15
EXISTING "SAVED"	1-3" Cal. *	Same as for planted tree same size	--	--	--
	3-4" DBH	250	--	--	--
	4-6" DBH	300	--	--	--
	6-8" DBH	400	--	--	--
	8"+ DBH	550	--	--	--

* Minimum size tree for which planting area credit will be granted.

** Additional credit may be granted by the landscaping division if historic or unique trees are "saved".

*** Clumps of existing trees shall be granted planting area credit equal to the total area covered by the drip line of the clump.

**** Trees may be planted closer, but planting area credit will not be granted for the second or additional trees spaced closer than the minimum spacing noted above.

(c) Preserving existing trees. Existing trees may be utilized to fulfill the above requirements and are given additional credit as set forth in the preceding tables.

(d) Property with more than one acre cleared in anticipation of development. Property on which more than one acre of land is cleared, shall be required to have a perimeter planting strip of five (5) feet abutting the public right of way, planted as required in subsection (a). This requirement shall be waived if the property is developed within one year from the date grading permits have been issued.

(e) Parking structures. A perimeter planting strip adjacent to the public right of way will be required for parking structures. Such planting strip will be equal to the setback requirements for the zoning district, but in no case not more than twenty (20) feet. This planting strip shall be planted as set out in subsection (a).

(f) Tree replacement and protection. When trees required by this ordinance die, they must be replaced during the next suitable planting season. Wheelstops, curbs, or other barriers shall be provided where trees might otherwise be damaged by vehicles.

(g) Variances. The landscaping superintendent may grant a variance from the requirements of this section where unusual circumstances exist, provided that the overall objectives of providing reasonable tree cover are met.

Sec. 22-13. Inspection of sites.

Agents and authorized representatives of the landscaping division may periodically inspect sites subject to the provisions of this ordinance.

If, through inspection, it is determined that a person has failed to comply with the provisions of this ordinance, a notice to comply shall be served upon that person by registered mail from the landscaping division. The notice shall set forth that which will be necessary to comply with the ordinance.

The landscaping division shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this article, and for this purpose may enter at reasonable times upon any property, public or private, for the purpose of inspecting the sites subject to the provisions of this ordinance. No person shall refuse entry or access to any authorized representative or agent of the landscaping division who requests entry for the purpose 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.

Sec. 22-14. Penalties.

Any person who knowingly or willfully violates any provision of this chapter shall have committed a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed fifty dollars (\$50.00), or imprisoned for not more than thirty (30) days, or both.

Upon becoming aware of any violation of the provisions of this chapter, the landscaping division shall serve notice of such violation on the person committing or permitting same. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation.

Sec. 22-15. Injunctive relief.

Whenever the City Council has reasonable cause to believe that any person is violating this chapter or any rule or order adopted or issued pursuant to this chapter, or any term, condition, or provision of an approved permit, it may, either before or after the institution of any other action or proceeding authorized by this chapter, institute a civil action in the name of the City of Charlotte for injunctive relief to restrain the violation.

Upon determination of a court that an alleged violation is occurring, it shall enter such orders or judgments as are necessary to abate the 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 violation of this chapter.

Sec. 22-16. Emergencies.

In case of emergencies such as windstorms, ice storms, fire, or other disasters, the requirements of this chapter may be waived by the landscaping division during the emergency period so that the requirements of this chapter would in no way hamper private or public work to restore order in the city. This shall not be interpreted to be license to circumvent the intent of this chapter.

Sec. 22-17. Appeals.

In the event any person is dissatisfied with a decision of the landscaping division adversely affecting such person involving the application of this chapter, such person may request a hearing within five (5) working days of the receipt of the violation. The request must be in writing and directed to the Chairman of the Tree Commission and the Director of Public Works, who shall jointly appoint a standing three-member board selected from the appointed members of the Tree Commission who shall act as an Appeal Board and shall hear complaints of the parties concerned.

After a full and complete hearing held within five (5) working days of receipt of the request, the Appeal Board shall render its written opinion within five (5) working days either affirming, overruling or modifying the decision of the landscaping division, as may be fit and proper under the existing circumstances.

If the person remains dissatisfied with the ruling of the Appeal Board, he may request an appeal to the City Council. Notice of appeal must be filed within five (5) working days of receipt of the Appeal Board's decision. This notice must be in writing and directed to the Director of the Department of Public Works who shall have the appeal placed before the full City Council. The City Council shall, after a full discussion of the case, render its decision, which shall be final."

Section 2. This ordinance shall become effective upon 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 19th day of September, 1977, the reference having been made in Minute Book 66, and is recorded in full in Ordinance Book 24, at page 464-476.

Ruth Armstrong, City Clerk

ORDINANCE NO. 723

AMENDING CHAPTER 13

AN ORDINANCE AMENDING CHAPTER 13, "OFFENSES
AND MISCELLANEOUS PROVISIONS", OF THE CITY
CODE OF THE CITY OF CHARLOTTE.

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

Section 1. Chapter 13 of the City Code shall be amended
by the addition of a new Article V, entitled "Public Monuments"
to read as follows:

"Chapter 13

ARTICLE V. PUBLIC MONUMENTS

Sec. 13-65. Title.

This Article shall be known and may be cited as
the "City of Charlotte Public Monuments Ordinance."

Sec. 13-66. Purpose.

The purpose of this ordinance is to provide
for the identification, establishment, maintenance
and protection of those things which merit designation
as monuments for the use, education and view of the
general public in order to remind the citizens of this
community, its visitors and tourists of the rich historic,
cultural and natural heritage of the City of Charlotte.

Sec. 13-67. Definition.

(a) As used herein, the term monument shall mean
any object, structure, or thing by which the memory
of a person, thing, idea, art, science or event is
intended to be preserved or perpetuated and which is
or is to be permanently erected, placed or located for
such purpose on property which is owned by or proposed
to be dedicated to the City of Charlotte, North Carolina.

(b) Monuments or plaques erected pursuant to
the authority of Historic Properties Commission are
not intended to be covered by this Article and are
therefore exempt from its provisions.

(c) Plaques erected by any administrative department
of the City of Charlotte on municipal buildings, bridges
or other public improvements are not intended to be
covered by this Article and are therefore exempt from
its provisions.

Sec. 13-68. Prohibitions.

(a) From and after the effective date of this Article, no monument shall be erected, placed or located on property owned by the City of Charlotte except in compliance with the requirements of this Article.

(b) No person shall deface, demolish, alter or remove any monument without the expressed written approval and consent of the Charlotte City Council. Violation of this section shall be a misdemeanor.

Sec. 13-69. Establishment of Committee.

(a) The Public Monuments Committee, (hereinafter referred to as "the Committee") is hereby established, the membership and terms of appointment of which shall be as follows:

(b) The Committee shall consist of five (5) members, three (3) of which are appointed by the City Council, and two (2) of which are appointed by the City Manager. Members shall be appointed for a term not exceeding three (3) years and until their respective successors have been appointed and qualified. Each appointment to fill a vacancy shall be for the unexpired term. No member shall be eligible to serve more than two (2) consecutive full terms. Any member who fails to attend at least seventy-five per cent (75%) of the regular and special meetings held by the Committee during any one year shall be automatically removed from said Committee.

Sec. 13-70. Functions.

The Committee shall:

(a) recommend to the City Council which things should or should not be designated as public monuments.

(b) compile and maintain a current list of all monuments as defined in § 13-67, which shall be made available to the City Council and to the public.

(c) inspect, investigate and evaluate any item listed in § 13-67 which it has reason to believe is or may be proposed as a monument.

(d) recommend to the City Council amendments to this Article when circumstances so indicate.

(e) adopt such rules and regulations as may be necessary to carry out the purpose and intent of this Article.

Sec. 13-71. Standard for review by Committee.

Upon application and referral as provided in § 13-72, the Committee shall review, investigate, evaluate and make its recommendation in regards to the appropriateness and adequacy of each proposal based upon the following standards:

(a) The monument shall have historic, aesthetic or special character or interest to the general public and not be limited in interest to a special group of persons. The Committee shall consider the local and general significance and prominence of the thing to be memorialized.

(b) The monument's location shall be compatible with its surroundings and its establishment shall not have a negative impact on environmental integrity. The Committee shall avoid making recommendations that result in undue concentrations of monuments.

(c) The monument must be of enduring quality and character and materials used in creating and establishing each monument shall reflect such quality and character.

(d) The care and maintenance of the monument shall not require a disproportionate expenditure of public funds.

Sec. 13-72. Procedure.

(a) Any person, corporation, partnership or unincorporated association which proposes to erect any monument as defined in § 13-67 above shall first file an application with the City Clerk. Said application shall contain such information and supporting documents as are required by the Committee.

(b) The application together with supporting documents shall be transmitted by the City Clerk to the City Manager for preliminary evaluation as to the completeness of said application.

(c) After the application is compiled in proper form, City Council shall set the matter before the joint City Council and Committee for public hearing.

(d) Notice shall be given of the date on which such hearing shall be held. This notice shall be published once in a local newspaper of general circulation. The notice shall provide that Council may, in its discretion, make changes in the requested proposal for the erection or dedication of a monument without resort to further notice or hearing. Such notice for public hearing shall be given at least ten (10) days and not longer than sixty (60) days prior to the date set for hearing.

(e) Members of Council or the Committee may ask questions of any person at anytime during the hearing.

(f) At the conclusion of the hearing, Council shall refer the matter to the Committee for its recommendation.

(g) Unless such time is extended by Council, the Committee shall tender its recommendation to Council by depositing it with the City Clerk within thirty (30) days after the date of the hearing referred to in subsection (d) above.

(h) The matter shall then be decided by Council within a reasonable time and at a regular Council meeting. The decision of City Council shall be conclusive and final. Provided, however, that nothing will be designated as a monument by City Council unless said thing is erected, placed or located on property owned by or dedicated to and accepted by the City of Charlotte for such purposes not inconsistent with said designation."

Sec. 2. This ordinance shall become effective upon 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 19th day of September, 1977, the reference having been made in Minute Book 66, and is recorded in full in Ordinance Book 24, at page 477-480.

Ruth Armstrong, City Clerk

ORDINANCE NO. 724-X

AN ORDINANCE TO AMEND ORDINANCE NO. 465-X, CHARLOTTE METRO 201 WASTEWATER FACILITIES PROJECTS, APPROPRIATING SUPPLEMENTAL ENVIRONMENTAL PROTECTION AGENCY FUNDS AND LOCAL MATCHING FUNDS FOR METRO CHARLOTTE "201" PHASE I PROJECT

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

Section 1. That Section 1, Federal Environmental Protection Agency Grant, be revised in accordance with a Federal grant increase based on revised eligible costs for the construction of the Metro Charlotte Wastewater Facility Project as outlined in the Metro Charlotte "201" Plan, in the amount of \$3,786,000. 75% of the grant increase will be EPA funded and 25% will be locally funded, in accordance with the following schedule:

EPA Grant Increase (C-370377-02)		<u>\$2,838,984</u>
<u>Local Match:</u>		
Fund 2075 (633.57) Taggart Creek Outfall	\$ 33,000	
Fund 2075 (631.05) N. Mecklenburg High School	64,900	
Fund 2075 (631.22) Long Creek/Paw Creek		
Outfall	618,116	
Fund 2071 (632.06) Irwin Creek Lagoon	17,000	
Fund 2071 (632.07) Sugar Creek Lagoon	<u>214,000</u>	
		<u>947,016</u>
		<u>\$3,786,000</u>

Section 2. That Section 2, Utilities Capital Improvement Fund 2075 appropriations are hereby amended to appropriate the total supplemental EPA grant and interfund transfers of \$3,786,000 to Account 632.80 - Charlotte Metro 201 Wastewater Facilities Projects Construction Phase I.

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 of the City of Charlotte, North Carolina, in regular session convened on the 19th day of September, 1977, the reference having been made in Minute Book 66, and is recorded in full in Ordinance Book 24, at page 481.

Ruth Armstrong, City Clerk

ORDINANCE NO. 725-XAN ORDINANCE TO AMEND ORDINANCE NO. 464-X, NORTH MECKLENBURG WASTEWATER FACILITIES PROJECTS, APPROPRIATING SUPPLEMENTAL ENVIRONMENTAL PROTECTION AGENCY FUNDS AND LOCAL MATCHING FUNDS FOR NORTH MECKLENBURG "201" PHASE I PROJECT

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

Section 1. That Section 1, Federal Environmental Protection Agency Grant, be revised in accordance with a Federal grant increase based on revised eligible costs for the construction of the North Mecklenburg Wastewater Facility Project as outlined in the North Mecklenburg "201" Plan, in the amount of \$2,172,500. 75% of the grant will be EPA funded and 25% will be locally funded, in accordance with the following schedule:

EPA Grant Increase (C-370451-03-1)	\$1,629,890
<u>Local Match:</u>	
Fund 2075 (631.22) - Long Creek/Paw Creek Outfall	<u>542,610</u>
	\$2,172,500

Section 2. That Section 2, Utilities Capital Improvement Fund 2075 appropriations are hereby amended to appropriate the total supplemental EPA grant and interfund transfers of \$2,172,500 to Account 632.79 - North Mecklenburg 201 Wastewater Facilities Projects Construction Phase I.

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 of the City of Charlotte, North Carolina, in regular session convened on the 19th day of September, 1977, the reference having been made in Minute Book 66, and is recorded in full in Ordinance Book 24, at page 482.

Ruth Armstrong, City Clerk

ORDINANCE NO. 726-X

AN ORDINANCE TRANSFERRING FUNDS WITHIN THE UTILITIES CAPITAL IMPROVEMENT PROJECTS FUND TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR SEWER EXTENSIONS TO SERVE EXISTING DEVELOPMENT WITHIN THE CITY.

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

Section 1. That the sum of \$50,000 is hereby transferred from the Utilities Capital Improvement Project Account 631.17 - Campbell Creek Outfall to Account 633.50 - Sewer to Serve Area in City not now served. These funds will allow construction of several needed minor sewer extensions to serve existing development within the existing city limits.

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 19th day of September, 1977, the reference having been made in Minute Book 66, and is recorded in Ordinance Book 24, at page 483.

Ruth Armstrong
City Clerk

ORDINANCE NO. 727-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 II B SECTION 10-30 AND 10-31 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address)

Rear of 1616 Allen Street 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/have been ordered to remove the same, pursuant to Chapter 10, Article II B, Section 10-30 and 10-31 of the Code of the City of Charlotte; and

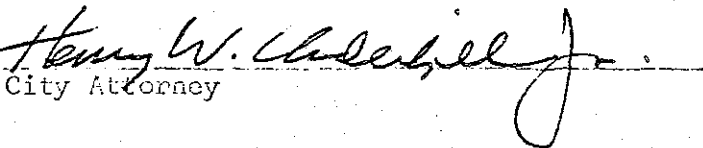
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on August 10, 1977: and

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 II B, Section 10-30 and 10-31 of the Code of the City of Charlotte.

Section 1. That this Ordinance shall become effective upon its 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 19th day of September, 1977, the reference having been made in Minute Book 66, and is recorded in full in Ordinance Book 24 at Page 484.

Ruth Armstrong
City Clerk

ORDINANCE NO. 728-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 II B SECTION 10-30 AND 10-31 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) rear of 2224 Randall St. v/lot 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/have been ordered to remove the same, pursuant to Chapter 10, Article II B, Section 10-30 and 10-31 of the Code of the City of Charlotte; and

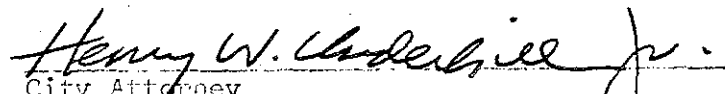
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on July 22, 1977: and

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 II B, Section 10-30 and 10-31 of the Code of the City of Charlotte.

Section 1. That this Ordinance shall become effective upon its 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 19th of September, 1977, the reference having been made in Minute Book 66 and is recorded in full in Ordinance Book 24 at Page 485.

Ruth Armstrong
City Clerk

ORDINANCE NO. 729-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 II B, SECTION 10-30 AND 10-31 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) vacant lot 2832 N. Graham St. 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/have been ordered to remove the same, pursuant to Chapter 10, Article II B, Section 10-30 and 10-31 of the Code of the City of Charlotte; and

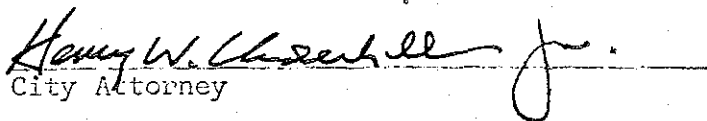
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on August 11, 1977: and

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 II B, Section 10-30 and 10-31 of the Code of the City of Charlotte.

Section 1. That this Ordinance shall become effective upon its 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 **19th of September, 1977**, the reference having been made in Minute Book 66 and is recorded in full in Ordinance Book 24 at Page 486.

Ruth Armstrong
City Clerk

ORDINANCE NO. 730-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 II B SECTION 10-30 AND 10-31 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, weeds and grass located on the premises at (address) Rear of 2553 Arnold Drive 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/have been ordered to remove the same, pursuant to Chapter 10, Article II B, Section 10-30 and 10-31 of the Code of the City of Charlotte; and

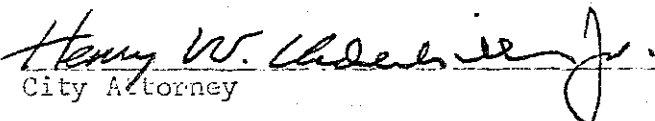
WHEREAS, the owner (s) or person (s) responsible for the maintenance of these premises has (have) failed to comply with the said order served by registered mail on July 21, 1977: and

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 II B, Section 10-30 and 10-31 of the Code of the City of Charlotte.

Section 1. That this Ordinance shall become effective upon its 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 19th of September, 1977, the reference having been made in Minute Book 66 and is recorded in full in Ordinance Book 24 at Page 487.

Ruth Armstrong
City Clerk