

ORDINANCE NO. 457-X

AN ORDINANCE TO AMEND ORDINANCE NO. 394-X the 1980-81 BUDGET ORDINANCE TO PROVIDE SUPPLEMENTAL FUNDING FOR THE REMOVAL OF CHEMICAL WASTE LOCATED AT 420 SOUTH SUMMIT AVENUE.

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

Section 1. That the sum of \$2,842 is hereby transferred from the General Fund Contingency to account 504.199 Legal Department Miscellaneous Contractual Services. These funds will be used to finance a contract for the removal of hazardous waste material located at 420 Summit Avenue.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 14th day of July, 1980 the reference having been made in Minute Book 74 and is recorded in full in Ordinance Book 29 at Page 239.

Ruth Armstrong
City Clerk

ORDINANCE NO. 458

AMENDING CHAPTER 10

AN ORDINANCE AMENDING CHAPTER 10, ENTITLED "HEALTH AND
SANITATION," OF THE CODE OF THE CITY OF CHARLOTTE

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

Section 1. Chapter 10, Section 9, of the City Code shall be amended by the deletion in its entirety of the definition, (6) "Commercial establishment," and a new term and definition substituted in lieu thereof to read as follows:

"(6) City served nonresidential establishments includes any retail, manufacturing, wholesale, institutional, religious, governmental, or other nonresidential establishment. Each establishment, in order to be served by the City, cannot generate more garbage or trash than can be contained in eight (8) receptacles, each having a capacity of not more than thirty-two (32) gallons. Designated representatives of the Operations Department of the City shall have the authority to determine whether such an establishment is generating more than eight, 32-gallon refuse receptacles per collection and, if so, such establishment shall be denied City service. The intent of this section is to define City served nonresidential establishments in order to limit the category of establishments for which the City shall provide City served refuse collection based on the volume of refuse generated by the establishment per collection."

Section 2. Chapter 10, Section 9, of the City Code shall be amended by adding thereto a new definition, "(14.1) Non-City served establishments," to read as follows:

"(14.1) Non-City served establishments means any retail, manufacturing, wholesale, institutional, religious, governmental, or other nonresidential establishment, which is not included in the definition of City served nonresidential establishments because such establishment generates more garbage and refuse than eight 32-gallon refuse receptacles per collection."

Section 3. Chapter 10, Section 16, of the City Code shall be deleted in its entirety and a new section is substituted in lieu thereof to read as follows:

"Section 10-16. Maintenance of Litter-Free Premises: It shall be unlawful for any occupant or the owner of a single residential unit, multiple residential unit, City served nonresidential establishment, or non-City served establishment, each of which is defined by this code, to fail to store their refuse in containers as specified herein so as to eliminate wind-driven debris and unsightly litter in and about their premises or establishment or fail to have the necessary number of containers for the particular establishment in order to have a clean, neat, sanitary premise or fail to immediately clean up any spillage and overflow as it occurred. Approved methods of containerization include refuse receptacles, bulk containers, and detachable containers."

Section 4. Chapter 10, Section 22, Subsection (b), of the City Code shall be deleted in its entirety and a new section is substituted in lieu thereof to read as follows:

"Section 10-16. (b) City served nonresidential establishments. Service to City served nonresidential establishments shall be two (2) times each week, except that collections in the Central Business District shall be at least three (3) times each. Such collections shall be limited to a maximum of eight, 32-gallon refuse receptacles per collection; provided that in the Central Business District such collection shall also be limited to a maximum of eight refuse receptacles or their equivalence with plastic bags with closures per collection."

Section 5. Chapter 10, Section 22, of the City Code shall be amended by adding a new subsection, "(bb) Non-City served establishments," to be inserted between subsection "(b) City served nonresidential establishments" and subsection "(c) Bulk container" to read as follows:

"(bb) Non-City served establishments. The City shall not be responsible for and shall not provide refuse collection service to those establishments defined in Section 10-9, (14.1), as 'Non-City served establishments.' The occupant of the premises and the owner of the premises shall be responsible for collecting, removing, and properly disposing of any and all refuse, garbage, trash, etc. generated at such an establishment."

Section 6. Chapter 10, Section 22, Subsection (c), "Bulk Container," line 1, of that subsection, shall be amended by deleting the words "commercial establishment" and replacing "commercial establishment" with the words "multiple residential unit, hereinafter in this section referred to as establishment."

Section 7. Chapter 10, Section 22, Subsection (c), "Bulk container" shall be amended by inserting a new sentence after the second sentence of the subsection, and before the third sentence of that subsection, which inserted sentence shall read as follows:

"No new bulk containers shall be approved for service by the City for any establishment defined as a 'non-City served establishment' in Section 10-9 (14.1) upon the adoption of this ordinance."

Section 8. This ordinance shall be effective November 30, 1980, except for section 7 of this ordinance which shall become effective upon adoption.

Approved as to form:

Henry W. Underhill, Jr. by H. N. N. N. N.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 14th day of July, 1980 the reference having been made in Minute Book 74 and is recorded in full in Ordinance Book 29 at Pages 240-242.

Ruth Armstrong
City Clerk

ORDINANCE NO. 459

AMENDING CHAPTER 10

AN ORDINANCE AMENDING CHAPTER 10, ENTITLED "HEALTH AND SANITATION," OF THE CODE OF THE CITY OF CHARLOTTE

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

Section 1. Chapter 10, Section 13, Subsection (h), of the City Code shall be deleted in its entirety and a new section is substituted in lieu thereof to read as follows:

"(h) Special October 15 - January 15 Leaf Collection Practice:
Leaf Collection at curbside shall occur only from October 15 to January 15 on Wednesday and on the second backyard collection day of that week. Leaves picked up at curbside during the October 15-January 15 period must be in polyethylene plastic bags or two-ply Kraft paper bags. Such bags shall be in a good and serviceable condition and of such shape, size and weight that, when full, they are capable of being safely handled by the collection person. Leaves shall not be collected if the bags are not as described above.

Section 2. This ordinance shall be effective upon adoption.

Approved as to form:

Henry W. Underhill, Jr. by H. Neal
City Attorney

Read, approved and adopted by City Council of the City of Charlotte, North Carolina in regular session convened on the 14th day of July, 1980 the reference having been made in Minute Book 74 and is recorded in full in Ordinance Book 29 at Page 243.

Ruth Armstrong
City Clerk

AMENDING CHAPTER 11

ORDINANCE 460AN ORDINANCE AMENDING CHAPTER 11, "LICENSES", OF THE CITY CODE.

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

Section 1. Chapter 11 shall be amended by the deletion of classification (177) in its entirety and substituting in lieu thereof the following:

(177) DOG LICENSE TAG, not prorated:

Male and female 5.00

No license shall be issued to any person who has been twice convicted of a violation of Section 3-7 of this code within the two years preceding the request for the animal license. See 3-7.

Section 2. Chapter 11 shall be further amended by establishing a new classification to read as follows:

(408) CAT LICENSE TAG, not prorated:

Male and female 5.00

No license shall be issued to any person who has been twice convicted of a violation of Section 3-7 of this code within the two years preceding the request for the animal license. See 3-7.

Section 3. This ordinance shall become effective upon adoption.

Approved as to form:

Henry W. Chishell Sr by H. Nield Jr
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 14th day of July, 1980 the reference having been made in Minute Book 74 and is recorded in full in Ordinance Book 29 at Page 244.

Ruth Armstrong, City Clerk

ORDINANCE NO. 461-X

AN ORDINANCE TO AMEND ORDINANCE 394-X, THE 1980-81 BUDGET ORDINANCE, TO PROVIDE AN APPROPRIATION FOR THE CHARTER REVIEW COMMISSION.

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

Section 1. That the sum of \$3,000 is hereby transferred from the General Fund Contingency account (530.00) to the Charter Review Commission account (530.56). These funds will be used for expenses of the Charter Review Commission.

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. *by*
H. 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 14th day of July, 1980 the reference having been made in Minute Book 74 and is recorded in full in Ordinance Book 29 at Page 245.

Ruth Armstrong
City Clerk

ORDINANCE NO. 462-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING
AT 1102 Elm 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 Mildred Hackney Smith
RESIDING AT 1647 Hertford Rd., Charlotte, N. C.

WHEREAS, the dwelling located at 1102 Elm 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 4/9/80 and
4/24/80 : 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
1102 Elm 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:


City Attorney

Read, approved and adopted by the City Council of the City
of Charlotte, North Carolina, in regular session convened
on the 14th day of July, 1980
the reference having been made in Minute Book 74 , and
is recorded in full in Ordinance Book 29 , at Page 246.

Ruth Armstrong
City Clerk

ORDINANCE NO. 463-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING
AT 1403 N. Davidson 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 Frances Abrams
RESIDING AT 440 W. 24th Street, New York, N. Y.

WHEREAS, the dwelling located at 1403 N. Davidson 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 4/17/80 and
5/12/80: 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
1403 N. Davidson St. 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 14th day of July, 1980
the reference having been made in Minute Book 74, and
is recorded in full in Ordinance Book 29, at Page 247.

Ruth Armstrong
City Clerk

ORDINANCE NO. 464-X

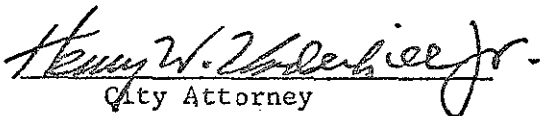
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING
AT 2616 Celia Avenue PURSUANT TO THE
HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6,
CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID
BUILDING BEING THE PROPERTY OF Margaret Outling, by will
RESIDING AT 1921 Terrybrook Lane, Apt. #1, Charlotte, N. C.

WHEREAS, the dwelling located at 2616 Celia 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 2/29/80 and
4/23/80 : 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
2616 Celia 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 14th day of July, 1980
the reference having been made in Minute Book 74 , and
is recorded in full in Ordinance Book 29 , at Page 248.

Ruth Armstrong
City Clerk

ORDINANCE NO. 465-X

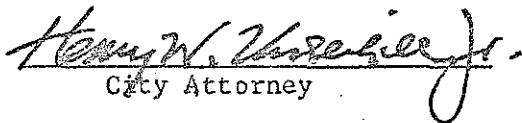
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING
AT 2625 Booker Ave. PURSUANT TO THE
HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6,
CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID
BUILDING BEING THE PROPERTY OF Mrs. M. Bertha Berry Bunch by ent.
RESIDING AT 1300 Fairmont Ave., Charlotte, N. C.

WHEREAS, the dwelling located at 2625 Booker 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 4/25/80 and
5/14/80: 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
2625 Booker Avenue 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 14th day of July, 1980
the reference having been made in Minute Book 74, and
is recorded in full in Ordinance Book 29, at Page 249.

Ruth Armstrong
City Clerk

ORDINANCE NO. 466-X

AN ORDINANCE ORDERING THE DWELLING AT 909-11 Parkwood 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
Thomas O. King & Wife, Dorothy A. RESIDING AT
1040 Log Cabin Road, Charlotte, N. C.

WHEREAS, the dwelling located at 909-11 Parkwood 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 1/30/79 and
2/22/79; 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 909-11 Parkwood 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. Zindler Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session convened on the 14th day of July, 1980
the reference having been made in Minute Book 74, and is recorded in full
in Ordinance Book 29, at Page 250

Ruth Armstrong
City Clerk

ORDINANCE NO. 467-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
Tax Code: 081-109-07
at (address) vacant lot left of 1705 Seigle Ave. has been found to be a
nuisance by the Supervisor of Community Improvement Division of the Operations
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 June 4, 1980: 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 con-
stitutes 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 Operations 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 pur-
suant 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:


Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session, convened on the 14th day of July, 1980
the reference having been made in Minute Book 74 and is recorded in full
in Ordinance Book 29 at Page 251.

Ruth Armstrong
City Clerk

ORDINANCE NO. 468-X

AN ORDINANCE ORDERING THE Removal of weeds, grass, limbs, trash and rubbish
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, grass, limbs, trash and rubbish located on the premises
Tax Code: 083-137-08
at (address) vacant lot left of 1605 Parkwood has been found to be a
nuisance by the Supervisor of Community Improvement Division of the Operations
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

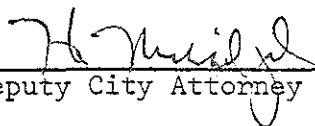
WHEREAS, the owner (s) or person (s) responsible for the maintenance of
these premises has/have failed to comply with the said order served by registered
mail on June 4, 1980: and

WHEREAS, The City Council, upon consideration of the evidence, finds as
a fact that the aforesaid premises are being maintained in a manner which con-
stitutes a public nuisance because of weeds, grass, limbs, trash and rubbish.

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 Operations Department, is hereby ordered to cause removal of weeds, grass,
limbs, trash and rubbish 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 pur-
suant 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:


Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session, convened on the 14th day of July, 1980
the reference having been made in Minute Book 74 and is recorded in full
in Ordinance Book 29 at Page 252.

Ruth Armstrong
City Clerk

ORDINANCE NO. 469-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
Tax Code: 081-191-59
at (address) vacant lot right of 1420 Parkwood Ave. has been found to be a
nuisance by the Supervisor of Community Improvement Division of the Operations
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

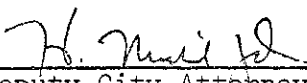
WHEREAS, the owner (s) or person (s) responsible for the maintenance of
these premises has/have failed to comply with the said order served by registered
mail on May 19, 1980: and

WHEREAS, The City Council, upon consideration of the evidence, finds as
a fact that the aforesaid premises are being maintained in a manner which con-
stitutes 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 Operations 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 pur-
suant 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:


Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session, convened on the 14th day of July, 1980
the reference having been made in Minute Book 74 and is recorded in full
in Ordinance Book 29 at Page 253.

Ruth Armstrong
City Clerk

ORDINANCE NO. 470-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
Tax Code: 081-095-04
at (address) 701 East 15th St. has been found to be a
nuisance by the Supervisor of Community Improvement Division of the Operations
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 May 21, 1980 : 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 con-
stitutes 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 Operations 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 pur-
suant 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:


Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session, convened on the 14th day of July, 1980
the reference having been made in Minute Book 74 and is recorded in full
in Ordinance Book 29 at Page 254.

Ruth Armstrong
City Clerk

ORDINANCE NO. 471-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
Hamorton & Landis, Tax Codes: 095-072-05,06,07
at (address) 3 vacant lots corner Hamorton & Firth & has been found to be a
nuisance by the Supervisor of Community Improvement Division of the Operations
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 May 20, 1980: 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 con-
stitutes 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 Operations 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 pur-
suant 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:



Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session, convened on the 14th day of July, 1980
the reference having been made in Minute Book 74 and is recorded in full
in Ordinance Book 29 at Page 255.

Ruth Armstrong
City Clerk

ORDINANCE NO. 472-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
Tax Code: 093-095-04
at (address) vacant lot adj. 3017 Georgia Ave. has been found to be a
nuisance by the Supervisor of Community Improvement Division of the Operations
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 May 20, 1980: 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 con-
stitutes 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 Operations 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 pur-
suant 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:

H. M. [Signature]
Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session, convened on the 14th day of July, 1980
the reference having been made in Minute Book 74 and is recorded in full
in Ordinance Book 29 at Page 256.

Ruth Armstrong
City Clerk

ORDINANCE NO. 473-X

AN ORDINANCE ORDERING THE Removal of weeds, grass, trash, rubbish and junk
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, grass, trash, rubbish and junk located on the premises
Tax Code: 095-071-09
at (address) 1509 & 11 Firth Court has been found to be a
nuisance by the Supervisor of Community Improvement Division of the Operations
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 May 29, 1980: 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 con-
stitutes a public nuisance because of weeds, grass, trash, rubbish and junk.

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 Operations Department, is hereby ordered to cause removal of weeds, grass,
trash, rubbish and junk 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 pur-
suant 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:


Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session, convened on the 14th day of July, 1980
the reference having been made in Minute Book 74 and is recorded in full
in Ordinance Book 29 at Page 257.

Ruth Armstrong
City Clerk

ORDINANCE NO. 474-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
Tax Code: 093-104-07
at (address) vacant lot near 3012 Florida Ave. has been found to be a
nuisance by the Supervisor of Community Improvement Division of the Operations
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 June 5, 1980: 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 con-
stitutes 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 Operations 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 pur-
suant 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:

76. Merrill J.
Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session, convened on the 14th day of July, 1980
the reference having been made in Minute Book 74 and is recorded in full
in Ordinance Book 29 at Page 258,

Ruth Armstrong
City Clerk

ORDINANCE NO. 475-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
Tax Code: 095-072-03 & 04
at (address) 2 vacant lots rear 2100 Randall (on Landis) has been found to be a
nuisance by the Supervisor of Community Improvement Division of the Operations
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 May 20, 1980: 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 con-
stitutes 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 Operations 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 pur-
suant 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:


Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session, convened on the 14th day of July, 1980
the reference having been made in Minute Book 74 and is recorded in full
in Ordinance Book 29 at Page 259.

Ruth Armstrong
City Clerk

ORDINANCE NO. 476-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
Tax Code: 103-132-01
at (address) vacant lot adjacent 6328 Barcliff has been found to be a
nuisance by the Supervisor of Community Improvement Division of the Operations
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 May 29, 1980: 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 con-
stitutes 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 Operations 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 pur-
suant 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:


Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session, convened on the 14th day of July, 1980
the reference having been made in Minute Book 74. and is recorded in full
in Ordinance Book 29 at Page 260.

Ruth Armstrong
City Clerk

ORDINANCE NO. 477

AMENDING CHAPTER 3

AN ORDINANCE AMENDING CHAPTER THREE, "ANIMALS" OF THE CITY CODE.

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

Section 1. Chapter Three of the City Code shall be deleted in its entirety and the following substituted in its place:

Sec. 3-1. Division of Animal Control created; composition; responsibility.

The presence of animals at large, stray animals, nuisance animals, and diseased animals within the corporate limits of the city are hereby declared to be a public nuisance. Such animals are a threat to the health of the community and to the safety of persons and property alike. In order to abate and control this nuisance, there is hereby created within the Department of Operations of the city an animal control division which shall be composed of a superintendent who shall be appointed by and serve at the pleasure of the City Manager, or his agent, and other such employees as the City Council deems necessary.

Nothing in Chapter 3 shall be construed to prevent law enforcement officers from enforcing any of the provisions of Chapter 3 or from exercising their authority as law enforcement officers.

Sec. 3-2 Duties, personal liability.

- (a) The division shall be charged with the responsibility of:
- (1) Supervising and being in charge of the city's animal shelter;
 - (2) Seeing that all dogs and cats in the city are duly licensed and adequately inoculated against rabies;
 - (3) Seeing that all equine animals are duly licensed;
 - (4) Seeing that the owners of all cloven-hooved animals or other livestock, excluding equines, and all chickens, turkeys, ducks, guineas, geese, pheasants, pigeons, or other domestic fowl and all wild animals have obtained a permit to maintain such animals;

- (5) Cooperating with the health director and county health officers and assisting in the enforcement of the North Carolina laws with regard to the control of animals and especially with regard to vaccination of dogs and cats against rabies;
- (6) Investigating all complaints concerning violations of this chapter;
- (7) Making canvasses in the city, including the homes, for the purpose of ascertaining that all dogs, cats and equine animals are properly licensed, that all dogs and cats are vaccinated against rabies, and that the provisions of this chapter are being followed;
- (8) Protecting animals from neglect and abuse;
- (9) Receiving applications for and issuing licenses for all dogs, cats and equine animals. Also issuing licenses to city approved North Carolina licensed veterinarians doing business in Mecklenburg County. Such veterinarians shall inoculate a dog or cat at the time of sale of the city license tax tag.
- (10) Enforcing within the city all of the state laws and city ordinances concerning the care, control and custody of animals.

(b) Except as may otherwise be provided by state or local law, no officer, agent, or employee of the city charged with enforcing the provisions of this chapter or other applicable law shall be personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of such duties unless such person acts or fails to act because of actual fraud, corruption, or malice; or when self-indulgence substantially impairs his judgment, or when such person acts contrary to instructions from his superior or the City Attorney, or acts or fails to act in such a manner as to constitute a criminal act.

Sec. 3-3. Uniforms; use of firearms.

(a) Every employee of the division while performing these respective duties shall wear a uniform and badge of a design to be determined by the superintendent.

(b) The employees of the division shall not carry on their person any firearms of any kind unless specifically authorized by the superintendent. However, employees of the division may store at the Animal Shelter or carry in division vehicles firearms, including tranquilizer guns, approved for use by the superintendent. Such firearms may be used when necessary to enforce sections of this chapter or other applicable law for the control of wild, vicious, diseased, or potentially dangerous animals when the superintendent deems the action necessary. While acting in their official capacity, employees of the division shall be exempt from the provisions of Sec. 13-38 of this code.

(c) It shall be unlawful for any person to interfere with, hinder, molest, resist, or obstruct employees of the division while they are carrying out any duty created under this chapter or other applicable law. It shall be unlawful for any person to conceal or secrete intentionally, for the purpose of evading the licensing requirements of this chapter or chapter 11, any unlicensed animal from any employee of the division.

Sec. 3-4. Definitions.

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

- (a) Animal. Any living vertebrate, domestic or wild, excluding humans.
- (b) Computation of time. In computing any period of time, any day which the division is open shall be counted. This includes Saturdays, Sundays, and legal holidays.
- (c) Division. The Division of Animal Control.
- (d) Domesticated. Those species of animals that generally live in or about the habitation of humans, including, but not limited to dogs, cats, cows, horses, fowl, sheep, goats and pigs.
- (e) Impounded. Any animal which is received into custody by any employee of the division.
- (f) Inoculation. The vaccination of a dog or cat with antirabic vaccine approved by the United States Bureau of Animal Industry, the North

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

- (g) Owner. Any person, partnership, or corporation having a license for, or legal title to an animal or feeding, having charge of, harboring, keeping, possessing, sheltering or taking care of any animal for seven (7) or more consecutive days unless the animal is being boarded for a fee. If a commercial kennel is involved for breeding, then ownership shall be indicated by the kennel operator by showing the registration of the animal in the name of the actual owner of the animal.
- (h) Pasture. An auxiliary fenced area with sufficient grass for grazing.
- (i) Vicious. Any animal that attacks a person by biting or in any manner causing injury or the reasonable likelihood of injury; or, one who habitually or repeatedly attacks livestock of other domestic animals. However, this provision shall not apply to any animal that bites, attacks or attempts to attack any person or animal unlawfully upon its owner's or keeper's premises or which is provoked to attack.
- (j) Wild Animal. Any animal which can normally be found in a wild state. Those feral, exotic, dangerous or non-domestic animals which generally do not live in or about the habitation of humans such as monkeys, raccoons, skunks, squirrels, deer, tigers, lions and the like.

Sec. 3-5. Nuisance defined; actions constituting a nuisance.

(1) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

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

- (a) Failure to exercise sufficient restraint necessary to control an animal as required by Section 3-11.
- (b) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
- (c) Maintaining a vicious animal as described in Section 3-4(i).
- (d) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.
- (e) Maintains his or her property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property.
- (f) Allowing or permitting an animal to bark, whine, howl, crow or cackle in an excessive, continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
- (g) Maintaining an animal that is diseased and dangerous to the public health.
- (h) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicycles or vehicles.
- (i) Failure to confine a female dog while in heat in a building or secure enclosure in such a manner that she will not be in contact with another dog, or create a nuisance by attracting other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal which is being bred.

Sec. 3-6 Inspections.

(a) Whenever it is necessary to make an inspection to enforce any of the provisions of this chapter, or other applicable law, or whenever an employee of the division has reasonable cause to believe that there exists in any

building or upon any premises any violation of this chapter or other applicable law, the employees of the division are empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon them by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or an administrative search warrant is obtained as follows:

- (1) If such property is occupied, the employee of the division shall first present credentials to the occupant and request entry, explaining the reasons therefor; and
- (2) If such property is unoccupied, the employee of the division shall first make a reasonable effort to locate the owner or other persons having control of the property, present proper credentials and request entry, explaining the reasons therefor; and
- (3) If such entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be found after due diligence, an employee of the division may obtain an administrative search warrant to conduct a search or inspection of the property.

(b) Notwithstanding any other provision of this chapter, an employee of the division shall have the authority to enter upon any property to enforce the provisions of this chapter or other applicable law if a violation of such law is being committed in the presence of the employee.

Sec. 3-7. Cruelty to animals.

(a) It shall be unlawful for any person to wilfully and unjustifiably overdrive, overwork, wound, injure, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate, poison, abandon, kill or subject to conditions detrimental to its health or general welfare any animal. However, this shall not be construed to prohibit the division or veterinarians from destroying dangerous, unwanted, or injured animals in a humane manner; nor to prohibit slaughterhouses or medical hospitals from the proper and humane carrying out of their duties.

(b) It shall be unlawful for any person to set free any rabbit, hare, or other animal in the city for the purpose of chasing or having a race thereafter.

(c) It shall be unlawful for any person to tease, molest, bait or in any way bother any animal.

(d) It shall be unlawful for any person to promote, stage, hold, manage, conduct, carry on, or attend any game, exhibition, contest, fight, or combat between one or more animals or between animals and humans.

(e) It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions or to fail to provide proper food, water, shelter, or reasonably clean quarters, or to fail to provide proper medical attention for sick, diseased or injured animals.

(f) It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle under such conditions or for such period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink or such other conditions as may reasonably be expected to cause suffering, disability or death. Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry, or other livestock in trailers or other vehicle designed, constructed and adequate for such purpose.

After making a reasonable effort to find the driver of a vehicle in which an animal is confined, an employee of the division in the presence of a police officer, or a police officer, may use the least intrusive means to break and enter the vehicle if necessary to remove the animal where reasonable cause exists to believe that the animal is in the vehicle in violation of this subsection. The officer removing the animal shall then impound it and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed. The officer may also issue a citation for a violation of this subsection.

So long as an animal is within sight of an employee of the division or a police officer, Section 3-6 shall not be interpreted to require that any warrant be obtained before removing the animal.

(g) If a person has been convicted twice of a violation of this section and those two convictions have both occurred within the last two years preceding the request for animal licenses or permit, then the animal licenses or permit shall be refused. In that situation, the person shall receive an animal license or a permit two years after the date of the last violation.

Sec. 3-8. Animal or fowl banned from sale; artificially coloring prohibited.

(a) It shall be unlawful for any person, partnership, or corporation to sell, barter or give away baby chickens, ducklings, or other fowl under four (4) weeks of age or rabbits under two (2) months of age. This section shall not apply to breeders, hatcheries, or stores engaged in the business of selling for purposes of commercial breeding and raising, nor shall it prohibit nature museums from placing such animals and fowl in foster homes.

(b) It shall also be unlawful to color, dye, stain or otherwise change the natural color of baby chickens, other fowl or rabbits.

Sec. 3-9. Keeping stray animals.

It shall be unlawful for any person, without the consent of the owner, to intentionally harbor, feed, keep in possession by confinement or otherwise have any animal which does not belong to him unless such person notifies the division within twenty-four (24) hours that the animal has come into his possession. Upon receiving such notice, the division may take the animal and deal with it as provided in Section 3-21.

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

Sec. 3-10. Disposing of dead animals.

(a) It shall be unlawful for any person to leave or place the carcass of any animal which he owns upon any street, alley or lot or to allow the animal to remain on his property. This shall not be construed to prohibit the placing of a carcass of a small animal on the edge of the right of way, or within six (6) feet thereof, for pickup by the Sanitation Division.

(b) The owner of any large animal which dies shall, within twenty-four (24) hours after he has learned of its death, have it buried in a pet cemetery, bury it at least three (3) feet beneath the surface of the ground and not closer than three hundred (300) feet to any flowing stream or public body of water or otherwise have it removed from his property. The owner of any small animal which dies may follow one of the above alternatives or he may notify the Sanitation Division to arrange for its removal.

Sec. 3-11. Restraint of animals.

It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, excluding cats, to keep such animal upon his own premises

or off the premises unless such animal is under sufficient physical restraint such as a leash, cage, bridle, or similar effective device to allow the animal to be controlled or within a vehicle or adequately contained by a fence on the premises or other secure enclosure. If a responsible adult is physically outside on the land with the dog, on the land where the owner of the dog resides, then this section shall not apply during the duration of time the dog is in the company and under the control of that adult and the dog is on the premises. Adult is defined as 18 years of age or older.

Sec. 3-11.1. Leash requirement and penalty in city parks.

It shall be unlawful for any person owning or having possession, charge, custody or control of any dog to take the dog into or allow the dog to enter any public park in the city without being at all times under restraint of a leash. The penalty for violating this provision shall be \$20.00 and a notice of such \$20.00 fine shall be posted in each public park.

Sec. 3-11.2. Dogs prohibited in certain areas of city parks.

Dogs, whether on a leash or not on a leash, shall be completely prohibited from picnic areas, pond areas, and play areas for children and the prohibition of dogs in those areas shall be designated by signs. This shall not apply to guide dogs in the company of a blind person.

Sec. 3-12. Vicious animals prohibited.

(a) It shall be unlawful for any person to own or in any way maintain a vicious animal. If an animal either attacks a person by biting or in any manner causing injury or who habitually or repeatedly attacks livestock or other domestic animals without provocation, it shall be prima facie evidence that the animal is vicious. After a determination by the Superintendent of the division that the animal is vicious, the owner or keeper of such animal shall have it humanely destroyed or shall turn it over to the division for humane destruction.

(b) Any person who owns an animal that has been declared vicious by the Superintendent shall have the right to appeal this decision to the City Manager. The City Manager, or his representative shall conduct a hearing to determine if the animal is vicious. If the animal is judged not be vicious, it shall be returned to the owner. In the event of an appeal to the courts from the City Manager's or his representative's decision, pending the appeal, the animal shall be confined at the Animal Shelter.

Sec. 3-13. Permits required for keeping certain animals.

It shall be unlawful for any person to own, keep, have or maintain any cloven hooved animal or other livestock, excluding equines, or any chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl or any wild animal without first applying to and receiving from the division a permit to do so. This section shall not apply to, and no permit shall be required for, any agricultural operation as defined and covered by N.C.G.S. §106-700, "Nuisance Liability of Agricultural Operations," which pertains to agricultural operations which have been in existence for more than one year, operate for commercial purposes, and existed outside of the city limits at the time of the adoption of the statute. Application for a permit shall be made upon the effective date of the adoption of this ordinance and thereafter on July 1st of each year and the annual fee shall be five (\$5.00) dollars per household. The application shall list all such animals and fowl on the premises.

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

When a permit is denied for any reason, the applicant shall be given a written explanation of the reason for denial. Any person who is denied a permit shall have the right to appeal the decision to the City Manager, or his representative. The City Manager, or his representative shall conduct a hearing to determine if the permit should be denied.

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

- (a) Chickens, turkeys, ducks, guineas, geese, pheasants, or other domestic fowl or rabbits:
- (1) Such animals must be confined in a coop, fowl house, or rabbit hutch not less than eighteen (18) inches in height. The fowl must be kept within the coop or fowl house and the rabbits in the hutch at all times.
 - (2) The coop or fowl house must be used for fowl only, and the hutch for rabbits only, and both must be well ventilated.

- (3) The coop, fowl house or hutch shall have a minimum of four (4) square feet of floor area for each fowl or rabbit.
- (4) The run must be well drained so there is no accumulation of moisture.
- (5) The coop, fowl house or hutch shall be kept clean, sanitary and free from accumulations of animal excrement and objectionable odors. It shall be cleaned daily and all droppings and body excretion shall be placed in a fly-proof container. However, such refuse shall not be placed in containers for city collection.
- (6) The coop, fowl house or hutch shall be a minimum of twenty-five (25) feet from any property line.
- (7) No more than twenty (20) such fowl or rabbits shall be kept or maintained per acre. The number of fowl or rabbits should be proportionate to the acreage.

(aa) Pigeons:

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

(b) Cloven hooved animals, equines and other livestock:

- (1) Such animals must be provided with adequate shelter to protect them from the elements.
- (2) The shelter shall be kept clean, sanitary, and free from accumulations of animal excrement and objectionable odors.
- (3) The shelters for cows and other large livestock, excluding equines which are covered by the zoning ordinance, shall be kept at a minimum of seventy-five (75) feet from any property line. The shelters for goats and other small livestock shall be kept at a minimum of twenty-five (25) feet from any property line.
- (4) Each cow or other large livestock, excluding equines, shall have a minimum pasture area of two (2) acres. Each goat, sheep or other small livestock shall have a minimum pasture area of one-fourth (1/4) acre.

(c) Wild animals.

Employees of the division shall inspect the premises where any wild animals are to be kept to determine if the animal may be kept or maintained without menacing the health, safety, peace, quiet, comfort, or enjoyment of any persons or property. The division may require that any wild animal be caged or secured or make any additional rules regulating the keeping of wild animals.

(d) Time for compliance.

Persons who possess and maintain animals and fowl described in this section on the effective date of the ordinance have ninety (90) days to bring their property in compliance with the above provisions. New annexees have ninety (90) days from the date of annexation to bring their property into compliance. However, nothing in this section shall be construed to conflict with N.C.G.S. 106-701 et seq., "Nuisance liability of agricultural operations," which is described in more detail in sec. 3-13. Nothing made lawful by that state statute shall be made unlawful by this chapter.

Sec. 3-14. Swine prohibited in city limits; limited in newly annexed areas.

It shall be unlawful for any person, firm or corporation to keep or maintain hogs or pigs within the boundaries of the city limits as of July 30, 1979; provided, however, those hogs and pigs already owned and maintained by persons before annexation shall be permitted after annexation unless it is determined the hogs or pigs are a nuisance or likely to become a nuisance as defined in Sec. 3-5. After the adoption of this ordinance, however, no annexee shall be permitted to add additional hogs or pigs to his existing stock. A permit will be required for such animals maintained at the time of annexation.

Sec. 3-15. Revocation of permit.

(1) The division may revoke any permit issued in accordance with Sec. 3-13 for a violation of any of the provisions of this chapter, or when, in the opinion of the superintendent, the health, safety, welfare of any person or property is menaced by the keeping of such animals or when the animals become a nuisance. If a permit is revoked, the applicant shall be given a written explanation of the reasons for the revocation. Upon the determination of a violation, the owner shall have thirty (30) days in which to bring the property or condition into compliance with this chapter or to remove the animals from the premises.

(2) Any person who has a permit revoked shall have right to appeal this decision to the City Manager. The City Manager, or his representative, shall conduct a hearing to determine if the permit should be revoked.

Sec. 3-16. Injuring animals; notice required.

Any person injuring or killing a domestic animal by striking it with an automobile or other vehicle shall make a reasonable effort to notify the owner of the animal, and shall notify the division.

Sec. 3-17. Keeping and displaying regulated.

(a) It shall be unlawful for any person in the city to exhibit, keep, or display pets, animals, birds, or fowl of any kind in glass show windows for a period longer than six (6) hours per day.

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

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

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

Sec. 3-18. Reckless riding and driving.

It shall be unlawful for any person to run, drive or ride any animal in a reckless, disorderly or careless manner through or over any of the streets of the city.

Sec. 3-19. Driving loose or unhaltered horse, mule or cow upon the streets.

It shall be unlawful for any person to drive or cause to be driven through the streets of the city any loose or unhaltered horse, mule or cow; nor shall the keeper of any such animal knowingly permit any loose or unhaltered horse, mule, or cow to be driven from his stable into the streets of the city.

Sec. 3-20. Impounding - duty of the division and police.

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

Sec. 3-21. Impounding - sale or destruction.

(a) The division shall hold any stray horse, mule, burro, cattle, goat, sheep, and other livestock or large animal for eight (8) days. If the owner of the animal can be identified he or she shall be immediately notified and allowed to redeem the animal upon payment of any applicable fees. As soon as possible after any such animal is impounded, a written notice stating that the animal is in the division's possession and will be sold at public auction if not redeemed by the owner within the applicable period of redemption, shall be posted in a prominent location at the Animal Shelter and on the bulletin board of the Mecklenburg County Courthouse. This notice shall also contain a description of the animal, the date and time of the posting of the notice, and the time, date and place of the public auction if the animal is not redeemed.

(b) The division shall hold any stray dog, cat, rabbit, bird, poultry and other small animals for three (3) days. If the owner of the animal can be identified, he or she shall be immediately notified and allowed to redeem the animal upon payment of any applicable fees.

(c) If a stray animal is not redeemed by the owner during the applicable period of redemption, the animal shall be disposed of as follows:

- (1) Animals described in subsection (a) shall be held until such time as they can be sold at public auction. The auction shall be at least eight (8) days after the posting of the notice describing the animal. The animal shall be sold at the Animal Shelter by an employee of the division to the member of the public who enters the highest bid.
- (2) Animals described in subsection (b) shall be offered for sale after they have been held for seventy-two (72) hours and are unclaimed to the first member of the public paying the applicable fee. Unclaimed animals also may be humanely destroyed at the discretion of the division. Sale may be refused to anyone who, in the opinion of the superintendent, is unqualified to own the animal due to drunkenness, a record of cruelty to animals, youth or any other incapacity.

- (3) The division shall accept any animal which the owner wishes to donate to the division. The owner shall sign a donation card and thereby all rights and title to the animal shall be vested in the division. All donated animals shall immediately be available for public sale or humane destruction as the division deems appropriate.
- (4) An employee of the division shall execute a bill of sale to the purchaser of any animal sold and thereupon the title to such animal shall be vested in the purchaser.
- (5) It shall be the duty of the division to carry out the humane destruction of any animal lawfully taken into custody by the division which is affected with any dangerous, painful, incurable or communicable disease, or which is incurably crippled after reasonable effort has been made to notify the owner.

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

(e) Any animal which appears to be suffering from rabies or is affected with hydrophobia shall not be redeemed or sold but shall be kept under observation for ten (10) days. If it is determined that the animal is affected by such disease, the animal shall be destroyed by the division in a humane manner. Otherwise it shall be subject to redemption or sale as provided above. Any animal which is suffering from any infectious, contagious or dangerous disease shall not be sold but may be redeemed by the owner to provide proper treatment for such animal.

Sec. 3-22. Impounding - disposition of uncared for animals.

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

(b) If the division finds that an animal has been abandoned, the animal may be impounded.

(c) Any animal which has been impounded under subsections (a) and (b) and is not reclaimed for ten (10) days may be disposed of by the division pursuant to Sec. 3-21,

except that the animal may be sold immediately after the expiration of ten (10) days from the time of impounding without the posting of any notice whatsoever.

(d) If the owner of the animal notifies the superintendent of the animal control shelter of the owner's intent to claim the animal but will not be able to until after the ten day impoundment period, the superintendent shall have the authority to grant up to five days, or any lesser amount, when the superintendent has concluded, after investigating the request, that the owner or an agent for the owner is not able to reclaim the animal within the ten day period specified in (c) above. The owner shall be charged double the redemption fee stated in section 3-24, if the animal is claimed after the ten day period when permission has been granted to claim the animal after the ten day period. If the animal superintendent has concluded that the owner or an agent is in a position to reclaim the animal then the superintendent can inform the owner or agent that the request is denied and proceed to dispose of the animal in accordance with the provisions of this chapter.

Sec. 3-23. Records of impounded animals.

The division shall keep a record of each animal impounded. These records shall include the date of the receipt of the animal and the date and manner of its disposition. If the animal is redeemed or sold, the name and address of the person who redeemed or bought the animal along with the amount of fees collected shall be recorded. If the animal is licensed, the date and number of the tag shall also be recorded.

Sec. 3-24. Redemption fees.

The division shall charge and collect the following fees from owners who redeem their animals:

Impounding each dog	\$15.00
Impounding each equine, cow or other large animal	\$25.00
Impounding each sheep, lamb, hog or goat	\$15.00
Impounding each other animal	\$ 5.00
For boarding each dog per day	\$ 3.00
For boarding each horse, mare, colt, mule, bovine animal, jack, jenny, calf, sheep, lamb, goat, hog and other large animal per day	\$ 4.00
For boarding each cat per day	\$ 1.00
For boarding rabbits, birds, poultry or other small animals per day	\$ 1.00
For adopting each dog	\$10.00
For adopting each puppy	\$ 5.00
For adopting each cat or other small animal	\$ 2.00
Replacement fee for metal tags	\$ 1.00

The above fees do not include applicable charges for any license or inoculation that may be required by this chapter or other applicable law. If the animal to be redeemed is not licensed or inoculated as required by law, the owner shall have the dog or cat inoculated and obtain a proper license.

For each dog, sheep, lamb, goat, or hog, the impounding fee shall be twenty-five (\$25.00) dollars if the animal is impounded a second time within a twelve (12) month period. The fee shall be fifty (\$50.00) dollars for the third and each subsequent impoundment. For each equine, cow or other large animal, the impounding fee shall be increased by ten (\$10.00) dollars for each subsequent impoundment within a twelve-month period up to a maximum of forty-five (\$45.00) dollars.

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

All fees under this chapter shall be reviewed July 1 of each year and the City Manager shall have the authority to increase the fees based on documentation supplied by the Department of Operations showing cost increases for the care and maintenance of animals and the administration of this chapter.

Sec. 3-25. Tags, license and rabies vaccination.

It shall be unlawful for any dog, cat or equine animal owner to fail to provide any dog or cat over four (4) months of age or equine animal over six (6) months of age with a current city license tag as provided in Chapter 11 of this code. The owner of any dog or cat over four (4) months of age must also have a current rabies vaccination tag showing that such animals have been vaccinated. No license will be issued unless proof of inoculation is shown. Any dog, cat or equine animal owner who moves into the city for the purpose of establishing residency or who becomes a resident as a result of annexation shall have thirty (30) days in which to obtain the license.

Sec. 3-26. License Fees and remuneration to veterinarians.

North Carolina licensed veterinarians shall inoculate dogs and cats. No veterinarian shall inoculate a dog or cat belonging to residents of the city unless the owner has or purchases a current city annual license tax tag at the time of inoculation. The dog or cat license fee shall be five (\$5.00) dollars. Veterinarians shall be remunerated one (\$1.00) dollar for each dog or cat tag issued to cover the necessary expense involved in their issuing these tags and sending verification of the sale and inoculation to the division.

Sec. 3-27. Duty of owner or custodian of an animal which bites a person or shows symptoms of rabies; confinement, observation, disposition of animal.

(a) Any domestic animal which shows symptoms of rabies or which has bitten a person shall be immediately confined by its owner and the division shall be notified immediately. The animal shall be confined for not less than ten (10) days in a place approved by the division. Confinement shall be at a licensed veterinarian hospital, at the City Animal Shelter, or at the owner's premises if it can be kept so as not to come into contact with other animals and so the animal will not escape from confinement. The animal control superintendent or designee shall make the final decision about suitable confinement for the animal.

(b) If it is reported to the division that an animal has symptoms of rabies or hydrophobia or has bitten a person and the owner cannot be found, the division may enter upon private property to impound the animal for confinement and shall notify the owner of its action as soon as possible.

An administrative inspection search warrant shall be secured unless the time necessary to secure the administrative inspection search warrant would jeopardize the likelihood of getting the animal showing symptoms of rabies or hydrophobia and such animal, therefore, might not be still on the property when the police officer returns with the administrative inspection search warrant.

Sec. 3-28. Animals - exception.

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

Sec. 3-29. Public Spay and Neuter Clinic.

(a) Authority for clinic and fees. A clinic may be established at which members of the public may have dogs and cats spayed or neutered in a humane manner. The fee shall be set by the City Manager based upon the costs of the clinic.

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

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

(c) Boarding charge. The division shall establish a return date by which persons submitting animals for the above operation shall pick up the animal or be subject to a reasonable boarding fee to commence the date after such return date. Failure to pick up the animal by the seventh (7th) day after the return date shall be deemed abandonment of the animal and the division may then dispose of it by sale or destruction.

Sec. 3-30. Receipts.

All proceeds received by the division shall be turned over to the City Treasurer daily for deposit into the General Fund.

Sec. 3-31. License; penalties - right to sue.

The amount of any license tax or penalty imposed by this chapter shall be a debt to the city. Any person owning, having or keeping any animal which requires a license or permit without having obtained such license or permit shall be liable to an action in the name of the city in any court of competent jurisdiction for the amount of any license tax or penalty imposed and required by this chapter. The superintendent is authorized to cause a complaint to be filed against any person violating any of the provisions of this chapter and to cause an action to be brought against any person failing to pay any license tax or penalty required by this chapter. Such action shall be cumulative and shall not be deemed as a bar to or a waiver of the right to institute any other civil or criminal proceeding for a violation of this chapter.

Sec. 3-32. Enforcement.

When there is a violation of any provision of this chapter, the division at its discretion shall take one

or more of the following courses of action:

- (a) A penalty of ten (\$10.00) dollars may be levied against any person who violates any section of this chapter and who has been issued a citation as specified by Sec. 3-33. A penalty of twenty (\$20.00) dollars may be levied against any person who violates section 3-11.1, "Leash requirement and penalty in city parks." A penalty of twenty-five (\$25.00) dollars may be levied against any person who owns or keeps a dog or cat that is not inoculated; or
- (b) The violator may be charged with a misdemeanor and be subject to any penalty prescribed by Sec. 1-6; or
- (c) The city may apply to the appropriate court for an injunction and order of abatement which would require that a violator correct any unlawful condition relating to this chapter existing on his or her property.

Sec. 3-33. Notice of violation.

(a) Members of the division are empowered to issue citations to any person if there is reasonable cause to believe that the person has violated any provision of this chapter. These citations may be delivered in person to the violator or, if the violator cannot be readily found, the citation may be mailed. The citation shall direct the violator to appear before the Violations Bureau within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail.

(b) If the violator does not appear before the Violations Bureau or does not pay the citation by mail within fifteen (15) days of its issuance, a delinquency charge of ten (\$10.00) dollars shall be added to the amount shown on the citation and a notice thereof will be mailed to the violator. This notice shall inform the violator that a criminal summons will be issued if the citation and delinquency charge is not paid within five (5) days from the date of the delinquency notice.

(c) If a violator fails to respond to the citation and delinquency notice, the superintendent shall have a complaint entered against the violator and have a criminal summons issued. The summons shall be for the violation of the section of this chapter or other applicable law charged in the citation. Upon conviction, the violator shall be subject not only to the citation and delinquent charge prescribed by the citation, but also to any criminal penalty the court may impose pursuant to Sec. 1-6 and to court costs.

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

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

Nothing in this section shall preclude the issuance of an arrest warrant when appropriate."

Sec. 2. This ordinance shall become effective

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 14th day of July, 1980, the reference having been made in Minute Book 74, and recorded in full in Ordinance Book 29, at page s 261-281.

Ruth Armstrong, City Clerk