

ORDINANCE NO. 955-X

AN ORDINANCE TO AMEND ORDINANCE 394-X, THE 1980-81 BUDGET ORDINANCE, ESTIMATING REVENUES AS A RESULT OF THE FEDERAL GRANT FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT - UDAG, A NORTH CAROLINA STATE GRANT FROM THE DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT, AND TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE POWELL BILL FUND AND THE UNAPPROPRIATED BALANCE OF THE WATER AND SEWER FUND TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR THE WOODLAND BUSINESS PARK.

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

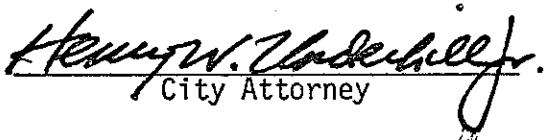
Section 1. That the sum of \$2,670,056 is hereby estimated to be available and is appropriated to the Woodland Business Park Account (Fund 2010: 276.00) in accordance with the following schedule:

<u>Source of Funds</u>	<u>Amount</u>
Department of Housing and Urban Development - UDAG	\$2,136,046
North Carolina Department of Natural Resources and Community Development	30,000
Powell Bill Unappropriated Fund Balance	272,165
Water and Sewer Operating Fund Balance	231,845
Total	\$2,670,056

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 11th day of May, 1981, the reference having been made in Minute Book 76, and recorded in full in Ordinance Book 30, at Page 355.

Ruth Armstrong
City Clerk

ORDINANCE NO. 956

AMENDING CHAPTER 13

AN ORDINANCE AMENDING CHAPTER 13, ENTITLED "NOISE," 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BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that Section 13-53.1 be repealed and be replaced with the following provisions:

Section 1. Chapter 13, "Noise" Section 53.1 of the City Code is amended as follows:

§13.53.1 Use of Sound Amplifying Equipment

- (1) Definitions. The following definitions shall apply in the interpretation and enforcement of this section and Section 13.53.2:
- (a) "A" weighting scale. The sound pressure level in decibels as measured with the sound level meter using the "A" weighted network (scale). The standard unit notation is dB(a).
 - (b) dB(A). Sound level in decibels determined by the "A" - weighting scale of the standard sound level meter having characteristics defined by the American National Standards Institute, Publication ASNI, S 1.4-1971, for a type 2 Instrument.
 - (c) Sound level. In decibels, a weighted sound pressure level determined by the use of a sound level meter whose characteristics and frequency weightings are specified in ANSI standards.
 - (d) Sound level meter. An instrument which includes an omnidirectional microphone, an amplifier, an output meter and frequency weighting network(s) for the measurement of sound level.
 - (e) Sound pressure level. In decibels, 20 times the logarithm to the base 10 of the ratio for the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is 0.0002 microbars.
 - (f) L_{10} level. The A-weighted sound level that is exceeded 10% of the time in any measurement period.
 - (g) Sound amplifying equipment. Sound amplifying equipment shall mean any machine or device for the electronic amplification of the human voice, music, or any other sound and shall include megaphones, amplifiers, radios, phonographs, tape recorders, walkie-talkies, amplifiers

on the front of business buildings, and all other electronic amplification devices. Sound amplifying equipment as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on trucks selling ice cream products on the streets to the consuming public.

(h) Public parks. A public park is property owned or leased by the City of Charlotte or property maintained and controlled by the City of Charlotte under agreement with the county of Mecklenburg or the Charlotte-Mecklenburg public schools which is devoted to active or passive recreation or leisure activities. It may include, but is not limited to, playground, community center, reservation, recreation center, stadium, nature preserve, Old Settlers Cemetery, and American Legion Memorial Stadium. It includes public parks, as so defined, under the operating authority of the Parks and Recreation Department of the City of Charlotte and under the operating authority of the Landscaping Division of the Operations Department of the City of Charlotte.

(i) Appropriate Administrator. For purposes of variances in public park as set out herein, appropriate administrator shall refer to either the director of Parks and Recreation (hereinafter "Director") or the superintendent of the Landscaping Division (hereinafter "Superintendent") depending on which one has authority over the particular public park.

(j) Private park or stadium. A private park or stadium is property not coming within the definition of public park which is nevertheless devoted to active or passive recreation and leisure and is available to members of the general public either with or without the payment of an admission fee.

(2) Public parks.

(a) Permissible time to use sound amplifying equipment.

The use of sound-amplifying equipment or devices at public parks shall be permitted, in accordance with the regulations of this subsection, between the hours of 8:00 a.m. and 10:30 p.m. except for Sunday when the use of sound-amplifying equipment shall be limited to the hours of 12 noon to 10:30 p.m. The use of sound-amplifying equipment shall be completely prohibited in public parks from 10:30 p.m. until 8:00 a.m. daily, except for Sunday, when it shall be completely prohibited from 10:30 p.m. Saturday evening until 12 noon Sunday.

(b) Decibel level for sound-amplifying equipment.

The decibel level of sound-amplifying equipment in public parks shall not exceed the L_{10} sound level equal to sixty (60) dB(A) as measured at any 10 point within the nearest residential property and shall not exceed the L_{10} sound level equal to ninety (90) dB(A) as measured fifty (50) feet from the equipment emitting the sound. The use of a radio, phonograph, or tape recorder in a public park shall not exceed the L_{10} sound level equal to sixty (60) dB(A) as measured fifty (50) feet from the radio, tape recorder, or phonograph.

(c) Designated areas.

The use of all sound-amplifying equipment in public parks except radios, phonographs, and tape recorders shall be limited to the following designated areas: the park band shelter at Freedom Park; the park amphitheaters at Coleman Park, at Freedom Park and at Midwood Park; the park enclosed picnic shelters at Freedom Park and at Veterans Park; Marshall Park; and American Legion Memorial Stadium. Radios, tape recorders, and phonographs shall be permitted at any location within a public park.

(d) Application seeking modification of sound-amplifying restrictions.

An applicant for use of sound-amplifying equipment in public parks may request modification of the time restrictions stated in paragraph 2(a) and/or the area restrictions stated in paragraph 2(c). In no case shall a modification permit the use of sound-amplifying equipment at a decibel level or time which would not be allowed under this ordinance if the event were being held in a private park or stadium. The application must be filed with the Director of Parks and Recreation at least 15 days before the requested date for use of the sound-amplifying equipment. If the application seeking modification pertains to a public park under the authority of the Landscaping Division, then the Director shall immediately refer the application to the Superintendent of the Landscaping Division who shall follow the same procedure described throughout this subsection. The application must include the following information: (i) name and address of applicant; (ii) name and address of the sponsor of the activity, if any; (iii) the date and hours for which the permit is desired; (iv) the reason for requesting a modification from the code provisions; (v) the park and the area thereof for which such modification is desired; (vi) an estimate of the anticipated attendance; (vii) any other information which the Director shall find necessary in order to determine whether a modification should be issued.

(e) Standard for issuance of a modification.

The appropriate administrator shall issue a modification hereunder when it is determined: (a) that the requested modification will not unreasonably interfere with or detract from other members of the general public in their enjoyment of the park; (b) that the requested modification will not unreasonably interfere with the use and enjoyment of the property of residents in close proximity to the requested event; (c) that the requested modification will not unreasonably interfere with public safety; (d) that the proposed modification will not entail unusual, extraordinary, or burdensome expense upon the city in maintaining appropriate control during the course of the event; (e) that the facilities desired have not been reserved for use on the date and hours required in the application.

The appropriate administrator shall state the specific reason(s) for refusing any requested modification. The statement of the reason(s) for refusing a modification shall identify the above specific standard(s) of issuance which constitute(s) the basis of the refusal. In addition to identifying this specific standard(s) of issuance, the appropriate administrator shall explain why the standard(s) has not been met.

(f) Appeal of denial for requested modification.

The applicant shall have an immediate right to appeal a denial by filing an appeal in writing within five (5) days of the denial to the City Manager. The City Manager, or his designee, shall arrange a meeting, if requested by the applicant, within five (5) days of a request to hear any statements from the applicant and from the appropriate administrator in order to make a decision on the appeal. The City Manager or his designee shall provide a written decision within five (5) days of the scheduled meeting or, if no meeting is requested by the applicant, within five (5) days of the applicant's waiver of a right to the requested meeting.

(g) Revocation of a permit.

The appropriate administrator shall have the authority to revoke a permit upon the finding of a violation of a provision of the permit or upon any good cause shown. In revoking a permit, the appropriate administrator shall state in writing the specific reason for the revocation of the permit. There shall be a right to appeal a revocation in accordance with the procedure stated above.

(3) Sound trucks and other use of sound-amplifying equipment.

The use of sound-amplifying equipment on a truck or other vehicle, whether motorized or not, on a public street or on publicly-owned grounds is prohibited. Emergency and utility vehicles are exempted from this provision.

(4) Commercial advertising from private property.

The use of sound-amplifying equipment on private property that produces a sound which is cast upon the public streets or sidewalks for the purpose of commercial advertising or attracting the attention of the public to any building or structure for commercial purposes is prohibited.

(5) Private park or stadium.

(a) The use of sound-amplifying equipment in a private park or stadium shall not exceed the L_{10} sound level equal to sixty (60) dB(A) between the hours of 7:00 a.m. and 11:00 p.m. as measured at any point within the nearest residential property.

(b) The use of sound-amplifying equipment in a private park or stadium shall not exceed the L_{10} sound level equal to fifty (50) dB(A) between the hours of 11:00 p.m. and 7:00 a.m. of the following day as measured at any point within the nearest residential property.

(6) Private property.

(a) For purposes of this subsection 13-53.1(6) only, the definition of sound-amplifying equipment shall be extended to include the use, operation, or permitting to be played of non-electronically amplified musical instruments. This subsection 13.53.1(6) shall govern all use of sound-amplifying equipment within property not otherwise meeting the definition of public park or private park or stadium.

(b) The use of sound-amplifying equipment on private property shall not exceed the L_{10} sound level equal to fifty-five (55) dB(A) between the hours of 7:00 a.m. and 11:00 p.m. as measured at any point within the nearest residential property.

(c) The use of sound-amplifying equipment on private property shall not exceed the L_{10} sound level equal to fifty (50) dB(A) between the hours of 11:00 p.m. and 7:00 a.m. of the following day as measured at any point within the nearest residential property.

(d) The limitations set forth in this prohibition shall not operate to relieve the persons producing the noise from their general obligation not to disturb their neighbors or create a nuisance whenever such general obligation would require a lesser sound level than that set forth herein. Within apartment complexes and other closely grouped residential units under a common ownership, no sound-amplifying equipment shall be operated in a manner louder than necessary for the convenient hearing of the person or persons who are voluntary listeners thereto and such noise shall not be permitted to operate in such a way as to disturb the peace, quiet, and comfort of other inhabitants, residents, or occupants within the property lines of the use. Any noise between the hours of 11:00 p.m. and 7:00 a.m. that is plainly audible at a distance of fifty (50) feet from the building, room, structure, patio, vehicle, or other area from which the noise is coming shall be a prima facie evidence of a violation of this ordinance.

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:


City Attorney

Read, approved, and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 11th day of May, 1981, the reference having been made in Minute Book 76, and recorded in full in Ordinance Book 30, beginning at Page 356 and ending at Page 361.

Ruth Armstrong
City Clerk

ORDINANCE NO. 957-X

AN ORDINANCE ORDERING THE DWELLING AT 3061 Reid Ave.
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
Zelda Black and Geneal Frazier RESIDING AT
3104 Reid Avenue, Charlotte, N.C.

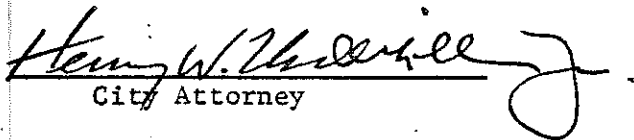
WHEREAS, the dwelling located at 3061 Reid Ave.

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 vacate and close said dwelling, all pursuant to the
Housing Code of the City of Charlotte and Article 19, Part 6, Chapter
160A of the General Statutes of North Carolina, and

WHEREAS, said owners have failed to comply with said order served
by registered mail on the 9/30/80 and
10/28/80 : 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 dwelling located at 3061 Reid Ave.
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:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session convened on the 11th day of May, 1981
the reference having been made in Minute Book 76 , and is recorded in full
in Ordinance Book 30 , at Page 362

Ruth Armstrong
City Clerk

ORDINANCE NO. 958

AMENDING CHAPTER 10A

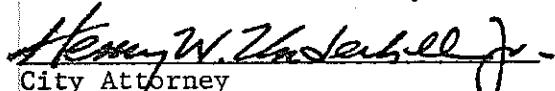
AN ORDINANCE AMENDING CHAPTER 10A OF THE CODE OF THE CITY OF CHARLOTTE

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

Section 1. Subsection (2)(e) of Section 10A-8 of the Code shall be amended by deleting the entire subsection and by adding in its place, "In bathrooms containing more than one water closet, window area shall be at least 3 square feet of glazed area. Where adequate windows cannot be provided, metal ducts with at least 72 square inches in open area and extending from the ceiling through the roof, or mechanical ventilation to the outside, shall be provided."

Section 2. This Ordinance shall become effective upon adoption.

Approved as to form:


City Attorney

Read, approved, and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 11th day of May, 1981, the reference having been made in Minute Book 76, and recorded in full in Ordinance Book 30, at Page 363.

Ruth Armstrong
City Clerk