

April 26, 1982
Ordinance Book 31 - Page 229

ORDINANCE 1169

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

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

Section 1. Chapter 10 of the City Code shall be amended by the deletion of Article II., "Collection and Disposal of Waste Matter" and Article IIB., "Community Improvement" in their entireties and substituting in lieu thereof a new Article II to read as follows:

"ARTICLE II. Community Improvement Litter Control Ordinance"

Sec. 10-8. Scope

"It shall be unlawful for any person to trespass on the rights of another through the neglect of property by causing or allowing unslightly litter, weeds and grass, foul odor, dead animals, junk, unsecured appliances, or potentially dangerous devices to remain on or to emanate from property, or to discard or abandon or cause such on public property, private property, vacant lots or any pond, stream or body of water or banks thereof within the limits of the City of Charlotte.

Refuse collection by the City is determined by Ordinance. Collection practices shall be applied consistently and uniformly to all citizens as specified herein.

Sec. 10-9. Definitions

For the purpose of this Article, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

The following definitions shall apply in the interpretation and the enforcement of this article.

(1) Areas, establishments and units

- (a) Central Business District means the section of the City bounded by Morehead Street on the south, the tracks of the Southern Railway on the west, Brookshire Freeway on the north, and McDowell Street on the east.

- (b) City-served non-residential establishment means any retail, manufacturing, wholesale, institutional, religious, governmental, or other non-residential 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 Sanitation Division shall have the authority to determine whether such an establishment is generating more than eight (8) thirty-two (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 non-residential 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.
- (c) Loading and unloading area means any loading or unloading space or area used by any moving vehicle for the purpose of receiving, shipping, and transporting goods, wares, commodities, and persons.
- (d) Multiple residential unit means any duplex, apartment, group of apartments, or condominium used for dwelling places of more than one family.
- (e) Non City-served establishment means any retail, manufacturing, wholesale, institutional, religious, governmental or other non-residential establishment, which is not included in the definition of "City-served non-residential establishments" because such establishment generates more garbage and refuse than eight (8) thirty-two (32) gallon refuse receptacles per collection.
- (f) Single residential unit means any dwelling place occupied by one family.
- (2) City means the City of Charlotte or the City's authorized agent.
- (3) Containers, receptacles
- (a) Bulk container means a metal container of not less than four (4) cubic yards nor larger than eight (8) cubic yards, made of watertight construction with doors opening on two (2) sides and top, and constructed so that it can be emptied mechanically by specifically equipped trucks. Containers shall be kept covered at all times.

- (b) Detachable container means a unit varying in capacity between fifteen (15) cubic yards and forty (40) cubic yards which is used for collecting, storing and transporting building materials, business trash, industrial waste, hazardous refuse, refuse, or yard trash. The unit may or may not use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of the detachable container is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to the disposal site.
- (c) Portable packing unit means a metal container not exceeding four thousand five hundred (4,500) pounds gross weight with a four (4) to six (6) cubic yard capacity that contains a packing mechanism and an internal or external power unit.
- (d) Refuse receptacle means a metal or plastic container for refuse, of substantial construction, with a tight-fitting lid, and provided with wheels and/or handles sufficient for safe and convenient handling. Such receptacles shall have a capacity of not less than ten (10) gallons nor more than thirty-two (32) gallons and shall be kept in serviceable condition at all times.
- (e) Yard trash containers means either refuse receptacles or two-ply Kraft paper bags meeting the standards set for refuse sacks by the technical association of pulp and paper industry and polyethylene plastic bags meeting the standards set for trash bags by the Society of Plastic Engineers. Such containers shall be in good shape, size and weight that, when full, they are capable of being safely handled by one man. Paper or plastic bags shall be closed by a tight-sealing method of suitable type, such as drawstring, wire tie, or multiple folds. Containers shall be kept covered or closed at all times.

(4) Declared nuisances means anything that causes injury or damage to the health or life of any other person or causes an offensive odor are declared nuisances, and it shall be unlawful for any person to create such a declared nuisance on his lot or a lot occupied by him, or to allow such a declared nuisance to remain on his lot or a lot occupied by him.

(5) Junk means any item, including but not limited to dilapidated furniture, appliance, machinery, equipment, building material, automobile parts, tires, or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition.

(6) Litter means all discarded man-made materials, including but not limited to waste materials, building materials, business trash, garbage, household trash, industrial waste, refuse, and yard trash as specified herein.

- (a) Building material means any materials or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.
- (b) Business trash means any accumulation of dust, paper and cardboard, excelsior, rags, or accumulations other than garbage or household trash, which are usually attendant to the operation of stores, offices, and similar businesses.
- (c) Foul odors mean odors emanating from garbage.
- (d) Garbage means the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.
- (e) Hazardous refuse means materials such as paint, poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.
- (f) Household trash means any waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.
- (g) Industrial waste means all waste, including solids, semi-solids, sludges and liquids, created by factories, processing plants or other manufacturing enterprises.
- (h) Refuse means solid waste accumulations consisting of garbage, household trash, yard trash, and business trash as herein drafted.

- (i) Weeds and grass means weeds and grass in excess of 12" in height. Heavily wooded lots where equipment cannot maneuver on the lot because of the density are exempt from this Article.
- (j) Yard trash means waste accumulation of lawn, grass or shrubbery cuttings or clippings, bushes and dry leaf rakings free of dirt, rocks, large branches, and bulky or non-combustible material.

(7) Person means any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor administrator, fiduciary, occupant, lessee, tenant, or representative or group of individuals or entities of any kind and who occupies a dwelling, building or premise for seven (7) or more consecutive days.

(8) Premises means lots, sidewalks, alleys, rights-of way, grass strips, and curbs up to the edge of the pavement of any public street.

(9) Private property means property owned by any person as defined herein including but not limited to yards, grounds, driveways, entrance or passageways, parking areas, storage areas, vacant land, body of water and including sidewalks, grass strips, one-half of alleys, curbs or rights-of-way up to the edge of the pavement of any public street.

(10) Public property means any area that is used or held out to be used by the public, whether owned or operated by public interest, including but not limited to highways, streets, alleys, parks, recreation areas, sidewalks, grass strips, medians, curbs or rights-of-way up to the edge of the pavement of any public street or body of water.

(11) Responsible person for the purposes of this ordinance shall mean the driver of the vehicle in violation or his employer or the owner of the vehicle or the prime contractor for the construction site.

(12) Small dead animals means cats, dogs, small household pets, and other animals of similar size. Not included are animals in excess of 100 pounds in weight.

Sec. 10-10. Administration and Enforcement

The administration and enforcement of the provisions of this Article shall be the duty of the Community Improvement Division of the Operations Department of the City of Charlotte except as otherwise stated.

A Community Improvement Division Inspector shall have the authority to summarily remove, abate, or remedy everything in the City limits that is considered by ordinance to be either dangerous or prejudicial to the public health or which has been declared to be a nuisance.

Sec. 10-11. Receptacles and Containers Required

It shall be unlawful for any person in possession, charge, or control of any place in or from which litter is accumulated or produced to fail to provide, and at all times to keep in a suitable place readily accessible to the City collection crews or private collection agencies, adequate and suitable receptacles and containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections. A receptacle or container together with its contents may not exceed a weight of 75 pounds. All containers and receptacles as required shall be of safe construction and design and shall be maintained in good serviceable condition at all times. Any receptacles or containers which do not conform to the provisions of this Article, or which have ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents thereof or the public generally, shall be promptly replaced upon notice. If said container(s), after proper notice, has not been replaced, the Sanitation Division shall have the authority to remove said container(s) on the next scheduled service day as refuse. The Sanitation Division is designated as the agency to determine the quantity and location of said receptacles and to determine whether said receptacles and containers are serviceable.

Sunken receptacles will not be collected by the City, with the exception of those in existence before or on the first day of August, 1975.

Sec. 10-12. Precollection Practices

(1) Building materials will be collected provided they are a result of homeowner repair only and meet the following size limitations. Space heaters, lumber no longer than 5' in length and without nails; sinks, commodes, doors, windows; collapsed buildings with a maximum size limitation of 10' by 10' and capable of being handled by employees, and guttering in 10' lengths or less are eligible for collection. Fence wire, boards with nails, roofing, floor tile, ceramic tile, brick, rocks, sand, dirt, furnaces or carpeting installed by a contractor will be ineligible for collection.

(2) Household furniture and/or appliances cannot be placed at curbside except as herein stated. Upon request, the City may collect normal household discarded furniture and/or appliances, including, but not limited to sofas, chairs, beds, refrigerators, washers, dryers, hot water heaters, and similar items. Residents including tenants or lessees requesting this service of the Sanitation Division will be given a date when collection will occur. Items for collection shall be placed at curbside no earlier than noon on the day preceding the scheduled collection. This service shall be available to residential areas only. Should an occupant of a multiple residential unit request this collection service while said occupant is currently occupying the multiple residential unit or prior to vacating the unit, then the Sanitation Division will schedule their request for collection.

Otherwise, removal of any such household furniture or appliance shall become the responsibility of the rental agency or owner of the property.

(3) Dangerous trash items. It shall be unlawful to place dangerous trash items and all waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in containers unless they are securely wrapped and marked so as to prevent injury to the collection crews.

(4) Garbage. It shall be unlawful for anyone to place garbage that has not been drained of all free liquid, wrapped, bagged and enclosed in paper or plastic material in containers for collection.

(5) Hazardous refuse. It shall be unlawful to place hazardous refuse in any receptacle used for collection by the City.

(6) Household trash. It shall be unlawful to place household trash which has not been drained of all liquids in refuse receptacles. Household trash may be combined with garbage or yard trash. Any items of household trash which are too large for receptacles and cannot be reduced to a size which can be placed in a receptacle may be placed with yard trash no earlier than noon on the day preceding the collection date for such material, provided such items are covered or secured so as to avoid unsightly litter conditions. Any receptacle placed at curbside must be removed by midnight on the day of collection.

(7) Refuse. It shall be unlawful for anyone to fail to place and maintain refuse in containers as specified herein. All containers shall be kept covered at all times with tight fitting covers.

(8) Yard trash. It shall be unlawful to store yard trash in receptacles or containers except as herein described. Yard trash may be combined in a receptacle for backyard collection provided the contents of such receptacles or containers shall not extend above the rim thereof, and shall be contained by tight fitting lids or sealed enclosure to prevent the carrying or depositing thereof by the elements upon any street, sidewalk, or public or private property. Total capacity collected in the backyard shall be limited to three (3) receptacles for a total capacity of sixty-four (64) gallons or one 80 gallon container provided all material is placed in plastic bags. Receptacles and containers of yard trash shall be placed at curbside for collection no earlier than noon on the day next preceding the collection date. Any receptacle placed at curbside must be removed by midnight on the day of collection.

(9) Tree and shrubbery trimmings. No tree trunks, branches, limbs or shrubbery larger than four (4) inches in diameter, longer than five (5) feet or heavier than seventy-five (75) pounds shall be collected by the City. Tree and shrubbery limbs shall have protruding branches trimmed and must be neatly stacked and placed in

an orderly manner at curbside. Unless such branches or limbs are of a size not to be blown about and scattered by the elements, they shall be effectively tied so as to avoid wind-driven debris and unsightly litter conditions. Thorny vegetation shall be placed near the curb in small neat piles.

Tree and shrubbery branches, limbs and trimmings cut by landscape or tree service contractors or other commercial workmen or resulting from land being cleared by a contractor shall not be collected by the City.

(10) Leaves. It shall be unlawful for any person to place or allow to be placed or to continue the accumulation of leaves from their premises to be on a public street, a sidewalk, the grass strip between a paved sidewalk and a street, or on an area that pedestrians would be expected to use to walk upon parallel to a public street, or a median strip within a public right-of-way. This section shall not apply to the accumulation of leaves along the curblin in the public right-of-way, placed there for the purpose of collection by a private leaf collecting contractor.

Sec. 10-13. Scattering, Storing or Littering Prohibited

(1) Appliances. It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator or container. This law shall not apply to any appliance, refrigerator or container which has been placed on or adjacent to the rear of the building and is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.

(2) Blockage of storm drains. It shall be unlawful for any person to place any refuse, trash, refuse receptacles or containers on, upon, or over any storm drain or so close thereto as to be drawn by the elements into the storm drain.

(3) Junk. It shall be unlawful for any person to have on their premises materials that would create a littered condition such as dilapidated furniture, appliances, machinery, equipment, building material, automobile parts, tires or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition, which are not completely enclosed within a building or dwelling. Automobile parts with the exception of four rimless tires, will not be collected by City Sanitation personnel, and therefore must be disposed of by the owner or occupant of the premises. After notice of violation of this section, it shall be unlawful to allow any such item(s) to remain on the property of the occupant or owner for any period longer than seven (7) days. This shall not apply to authorized junk dealers or establishments licensed to engage in the repair, rebuilding, reconditioning, or salvaging of equipment.

(4) Unauthorized accumulations. It shall be unlawful for any person to scatter, cast, throw, place, sweep or deposit anywhere within the City any litter in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property or private property. Any unauthorized accumulation of litter is hereby declared to be a public nuisance and is prohibited. Failure of owner or occupant to remove or correct any such accumulation of litter within seven (7) days after appropriate notice from the Community Improvement Division shall be a violation of this Article.

(5) Uncovered vehicles. It shall be unlawful for a responsible person (see definition) to operate a vehicle transporting loose materials within the City without a suitable cover. This section shall not apply to the transportation of poultry or livestock or silage or other feed grain used in the feeding of poultry or livestock. These being the only allowed exceptions, any other responsible person arriving at the City landfill and operating an uncovered vehicle in violation of the above, shall be allowed access to said landfill only after being issued a first notice of violation. All violations of this section following the first, shall be subject to a citation to be issued by the Community Improvement Division.

It shall be unlawful for any responsible person to operate, park, stand or use upon any public street any vehicle used to transport loose materials for a commercial purpose, unless the vehicle is properly identified by lettering on both sides indicating the name of the company or person.

(6) Collection and disposal. All collectors of refuse who desire to haul over the streets of the City shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being dropped, blown or spilled.

Sec. 10-14. Maintenance or Keeping Premises Litter Free

(1) Premises. It shall be unlawful for any person, as defined by this Article, occupying a single residential unit, multiple residential unit, city-served non-residential establishment, or non-city served establishment, each of which is defined by this Article, 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 establishments in order to have a clean, neat and sanitary premises or fail to immediately clean up any spillage and overflow as it occurs. Approved methods of containerization include refuse receptacles, bulk containers, and detachable containers.

(2) Construction and demolition sites. It shall be unlawful for any construction and/or demolition contractor to fail to provide onsite refuse receptacles, bulk containers, or detachable containers

for loose debris, paper, building material waste, scrap building material, and other trash produced by those working on the site. All such material shall be containerized by the end of each day, and the site shall be kept in a reasonably clean and litter-free condition. The number of refuse receptacles, bulk containers or detachable containers shall be determined by the size of the job. Dirt, mud, construction materials or other debris deposited upon any public or private property as a result of the construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept clean and orderly at all times.

No person shall operate on any street, public property or private property a vehicle with mud, dirt, sticky substances, litter or foreign matter on its wheels or other parts if such operation results in the depositing or tracking of such mud, dirt, sticky substances, litter or foreign matter onto any street or public property, or private property. No person being owner of real property or a prime contractor in charge of a construction site shall maintain such property or construction site so that vehicles upon said property or construction site pick up mud, dirt, sticky substances, litter or foreign matter and deposit or track said mud, dirt, sticky substances, litter or foreign matter onto any street or public property or private property.

Where mud, dirt, concrete, sticky and other substances, litter or foreign matter have been tracked or deposited on any street, public property, or private property in violation of this section, it shall be immediately removed by person or persons responsible. The term responsible person used in this section shall mean the driver of the vehicle which deposited or tracked the mud, dirt, sticky substances, litter or foreign matter onto the street or his employer or the owner of the real property or prime contractor in charge of a construction site from where such originated. In addition to any other remedy, the Community Improvement Division is hereby empowered to issue a citation to violators of this section and in said citation shall assess a penalty of fifty dollars (\$50) and each, and every day during which a violation occurs shall be a separate and distinct offense, or civil penalty based on costs of clean-up as provided by N.C.G.S. 160A-175(c).

(3) Loading and unloading areas. It shall be unlawful for any person maintaining a loading or unloading area to fail to provide refuse receptacles for loose debris, paper, packaging materials and other trash. The number of containers necessary for each area shall be as required to maintain clean, neat and sanitary premises as directed by the Sanitation Division.

(4) Parking lots. All parking lots and establishments with parking lots shall provide refuse receptacles distributed within the parking area. The Sanitation Division shall have the authority to determine the number of receptacles necessary to provide proper containerization. Such receptacles shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner or the manager of the parking lot to collect the refuse and trash deposited in such containers and store this material in an approved location for collection. It shall be the obligation of all persons using parking lot areas to use such refuse receptacles or containers as hereinabove provided for the purposes intended, and it shall be unlawful for any person or persons to dump, scatter, or throw upon such parking lot area, any refuse, garbage, or trash of any kind.

Sec. 10-15. Weeds, leaves, grass and overgrowth

(1) It shall be unlawful for the owner and occupant of property to fail to cut grass, weeds, and other overgrowth vegetation on property when the grass, weeds, and other overgrowth vegetation is of a greater height than one foot on the average, or to permit the said property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, any one of which situation is declared to be a nuisance. It shall be the duty of the owner and occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of the City Code. Vacant lots adjacent to improved property shall be kept cut within 100' of such improved property and shall be cut at least three times per year, as required during the growing season (April - September).

(2) It shall be unlawful for any person to place or allow to be placed or to permit to continue the accumulation of leaves from their premises to be on a public street, sidewalk, grass strip between a paved sidewalk and street, or on an area that pedestrians would be expected to use to walk upon parallel to a public street, or a median strip within a public right-of-way. This section shall not apply to the accumulation of leaves along a public right-of-way for the purpose of collection by a private leaf collecting contractor.

(3) A Community Improvement Division officer shall have the authority to enter upon property, to obtain an administrative search warrant if necessary, to issue a notice of violation, to enter upon or authorize an agent to enter upon and clean up the premises if there is not compliance with the notice of violation, and to file a notice of lien against the property in the event that the City seeks to secure the cost of bringing the property into compliance with the code through the collection of the costs as unpaid taxes.

Sec. 10-16. Collection practices

(1) Building materials. The City shall not be responsible for the collecting or hauling of building materials originating from private property preliminary to, during or subsequent to the construction

of new buildings, alterations, or additions to existing buildings of whatsoever type or from demolition of existing structures. Such material shall be removed by the owner of the property or the contractor.

(2) Building materials that will be picked up are space heaters, lumber no longer than 5' in length and without nails, sinks, commodes, doors, windows, collapsed buildings with a maximum size limitation of 10' X 10' and capable of being handled by employees, guttering (10' lengths or less) when the homeowner makes repairs.

(3) Bulk container - non-city served. All containers and detachable units shall be at all times kept in a place easily accessible to private contractors and shall at all times be kept clean, neat, painted and in a good state of repairs. However, no bulk container or detachable unit shall be stored in front of a business, residence, in front of the building line closest to the street or on public right-of-way. Commercial establishments leasing said containers or units shall be responsible for notifying the company from whom they are leasing said containers or units that they are in need of repair. Owners or lessees of bulk containers or portable packing units shall be responsible for notifying their service contractor of any damaged conditions. Said containers and units shall be at all times kept in a place safely accessible to collection personnel and shall at all times be kept clean, neat, painted and in a good state of repair. All doors and lid springs must be in working condition. Container lids must be kept closed at all times. Cleaning up spilled materials shall be the responsibility of the property owner or occupant. Establishments using bulk containers will not receive City service for refuse receptacles.

(4) Central business district. Collection shall be limited to a maximum of eight (8) thirty-two (32) gallon refuse containers or the equivalent placed in securely tied 2-ply plastic bags. No containers, or bags of garbage or trash, shall be placed at curbside on weekends or before 4:00 p.m. Monday through Friday. All containers must be removed immediately after collection or before 9:00 a.m. the following day. All cardboard boxes and cartons must be collapsed.

(5) City served non-residential establishments. Service to City served non-residential establishments shall be two times a week. Such collections shall be limited to a maximum of eight (8) thirty-two (32) gallon refuse receptacles per collection.

(6) Dead animals. Small dead animals will be collected by the City during operating hours of the City landfill provided the body is in a location accessible to the collector. Dead animals weighing in excess of 100 pounds shall be removed and disposed of by its owner, if ownership has been established.

(7) Fifty-five (55) gallon drums. Fifty-five (55) gallon drums are prohibited from use as a receptacle for refuse collection by City personnel. It shall be the responsibility of the person in possession, charge or control of the premises where said container is being used for said purpose to discontinue such use.

(8) Hazardous, liquid, combustible wastes. Hazardous or liquid wastes or highly combustible industrial waste shall not be collected by the City.

(9) Industrial waste. Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant or enterprise creating or causing same.

(10) Multiple residential unit. Any multiple residential unit, hereinafter referred to as "establishment" that furnishes and maintains a bulk container or detachable container suitable for handling by private contractor under City contract, will be serviced twice a week, except during holiday schedules which may vary, provided that said container shall be of sufficient size as specified and be approved for collection. All new bulk containers for multiple family units and governmental agencies must be approved for service by the City. These containers shall be either portable packing units or bulk containers. Said containers and units shall be at all times kept in place safe and accessible to collection personnel and shall at all times be kept clean, neat, painted and in a good state of repair. Service shall be discontinued to establishments failing to maintain containers and units appropriately. No service will be given to those establishments permitting objects, obstructions, or vehicles to hinder in any way the servicing of the said container or unit. Container lids must be kept closed at all times. All doors and lid springs must be in working condition. Cleaning up spilled materials shall be the responsibility of the property owner or occupant. Establishments using bulk containers will not receive collection service of receptacles.

(11) 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(1)(e) 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.

(12) Residential. Garbage and household trash accumulated by residences shall be collected two times each week in the backyard of said residences. Such collections shall be limited to a maximum of three refuse receptacles or a total capacity of sixty-four (64) gallons per collection. Oversize household trash and yard trash shall be collected one time each week at curbside as specified herein. Service will be on regularly scheduled days except weekends. During weeks in which there is an official holiday, there will be no curbside collection. Refuse placed at curbside during the week in which there is an official holiday shall be a violation of this Article.

Refuse containers shall be placed for collection at ground level on the property and with access without the need for walking or carrying a refuse container over, under or around some yard or property obstacle. No refuse shall be collected where refuse containers cannot be reached by City Sanitation personnel without unlocking or opening a door, gate or any similar obstacle, encountering a dog, or otherwise being denied reasonable access by parked vehicles, yard tools and equipment or other similar objects. Refuse which is not inside a receptacle (when a residence is served by City Sanitation personnel) will not be collected.

No refuse receptacles or containers shall be stored in front of a home or in front of the building line closest to the street. The Sanitation Division shall have the authority to determine the proper receptacle or container location on private property.

Sec. 10-17. Special refuse disposal problems

(1) Ashes. It shall be unlawful to place ashes or live coals in containers unless said ashes or coals have been wetted and are cool to the touch prior to collection. Containers shall be of such size and weigh no more than 75 pounds and capable of being handled by one person.

(2) Cardboard boxes and cartons. It shall be unlawful for any person disposing of cardboard boxes, cartons, or crates to fail to collapse same prior to depositing refuse for collection.

(3) Contagious disease refuse. It shall be unlawful to remove clothing, bedding or other refuse from homes or other places where highly infectious diseases have prevailed unless performed under the supervision and direction of the County Health Department. Such refuse shall not be placed in containers for City collection.

(4) Hypodermic instruments: It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying, or otherwise rendering inoperable and incapable of reuse, such hypodermic syringe needle, instrument or device, and without safeguarding the disposal thereof, by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury to the collection personnel.

(5) Illegal dumping. It shall be unlawful to dispose or discard any litter on private property owned by someone else without their permission. Disposal of litter or refuse on public or private property is a misdemeanor and punishable by a fine not to exceed \$50 or imprisonment for not more than 30 days.

Sec. 10-18. Reserved

Sec. 10-19. Responsibility of owners and agents.

The owner, agent, person as herein defined, tenant, occupant, or lessee of all residential, commercial, industrial, institutional or governmental establishments shall be responsible for compliance with this Article. Owner, agent, person, occupant, tenant, or lessee as herein stated shall mean anyone occupying a dwelling, building or premise for seven (7) or more consecutive days and thus also shall be responsible for correcting the violation.

Sec. 10-20. Interference with personnel.

It shall be unlawful for any person to interfere, harass, or otherwise impede a Community Improvement Inspector(s) carrying out their duties when the Community Improvement Inspector(s) is acting within the scope of their duties, when a Community Improvement Inspector has authority to conduct an investigation under the authority of a lawfully issued administrative search warrant and when carrying out the enforcement provisions of this Article after a notice of violation has been issued and the time for compliance has expired.

Sec. 10-21. Receipts.

All proceeds received from the collection of penalties shall be deposited into the general fund..

Sec. 10-22. Violations and enforcement.

It shall be unlawful to violate any provision of this Article. The Community Improvement Division may take one or more of the following courses of action in enforcing any violation of this Article:

(1) A penalty of \$25.00 may be levied against any person who violates any section of this Article (with the exception of Sec. 10-11, 12, 14 and 17) and who has been issued a citation in accordance with Section 10-23. A penalty of \$10.00 may be levied against any person who violates Section 10-11 "receptacles and containers required" and Sec. 10-12 "precollection procedures". A penalty of \$50.00 may be levied for any violation of Sec. 10-14(b) "construction and demolition sites". A penalty of \$50.00 may be levied against any person in violation of Sec. 10-17(5) "illegal dumping".

(2) The violator may be charged with a misdemeanor and be subject to any penalty prescribed by Sec. 1-6; or

(3) 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 Article existing on his or her property; or

(4) A lien will be levied against the property owner for the cost of removal of trash, weeds or grass by City personnel or private contractor as provided by the authority of City Charter Sec. 6.103 and 6.104.

(5) If the owner fails to pay the bill within thirty (30) days, then the supervisor of the Community Improvement Division is hereby ordered to place a statutory notice of lien against the property for the cost of bringing the property into compliance with the Article as herein stated above. The format for the notice of lien has been approved by the City Council and a copy of the said format is available at the office of the City Clerk. The supervisor of the Community Improvement Division shall also be authorized to cancel any notice of lien filed pursuant to this Article that has been satisfied or is a clerical error. A property owner can challenge the filing of a lien by appeal to the City Council within thirty days of receipt of the written notice of violation. The City Council has the authority to order the supervisor of Community Improvement to cancel the lien, if the City Council finds that the alleged violation of the specific City Code provision causing the filing of the lien did not exist.

Sec. 10-23. Notice of violation

(1) A written notice will be delivered or sent by certified mail in the event that the person (as herein defined in this Article) that has allowed to accumulate the trash, garbage, refuse, leaves, weeds, grass or overgrowth on said property shall upon receipt of the notice fail to comply within seven (7) days. Such failure will be deemed to be in violation of this Article.

(2) Inspectors of the Community Improvement 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 Article. 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 violation bureau, located in City Hall, within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. Said violation must be corrected by the time the citation is paid. Otherwise, another citation will be issued.

(3) 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 dollars (\$10) 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

April 26, 1982
Ordinance Book 31 - Page 245

17

are not paid within five (5) days from the date of the delinquency notice.

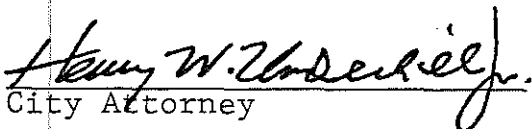
(4) If a violator fails to respond to the citation and delinquency notice, the supervisor shall have a criminal summons issued against the violator. The summons shall be for the violation of the section of a specific provision of this Article. Upon conviction, the violator shall be subject not only to the citation and delinquent charge prescribed by the citation, but also to any criminal penalty the court may impose pursuant to Section 1-6 and to court costs.

(5) 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 City representative, shall periodically investigate the records of the Division for the purpose of determining the disposition of the citations."

Section 2. This ordinance shall become effective July 1, 1982.

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 26th day of April, 1982, the reference having been made in Minute Book _____ and is recorded in full in Ordinance Book 31 at Pages 229-245.

Ruth Armstrong
City Clerk

April 26, 1982
Ordinance Book 31 - Page 246

ORDINANCE NO. 1170-X

AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE "EXTERIOR OF THE ATHERTON MILL HOUSE" AND THE LAND ASSOCIATED THEREWITH AS HISTORIC PROPERTY, AT 2005 CLEVELAND AVENUE, CHARLOTTE, NORTH, AND RECORDED ON PARCEL NUMBER 121-067-11 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all the prerequisites to the adoption of this ordinance prescribed in Part 3B, Article 19, Chapter 160A, as amended, of the general Statutes of North Carolina have been met; and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at the joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 5th day of April, 1982, on the question of designating the property known as the "exterior of the Atherton Mill House" and the land associated therewith as historic property; and

WHEREAS, the Atherton Mill House was designed and built in 1893 by the D. A. Tompkins Company; and

WHEREAS, the Atherton Mill House was a prototype for mill houses built throughout the South; and

WHEREAS, the Atherton Mill House is the best surviving element of the Atherton Mill Village; and

WHEREAS, the Atherton Mill House is one of the oldest houses in Dilworth; and

WHEREAS, the grounds of the Atherton Mill House retain their original ambience; and

WHEREAS, the property known as the "exterior of the Atherton Mill House" and the land associated therewith is vested in fee simple to Ms. Ruth Anthony Purser.

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

1. That the property known as the "exterior of the Atherton Mill House" and the land associated therewith is hereby designated as historic property pursuant to Part 3B, Article 19, Chapter 160A, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being

situated on a tract of property at 2005 Cleveland Avenue, Charlotte, North Carolina, as recorded on Parcel Number 121-067-11 in the Tax Office of Mecklenburg County, North Carolina.

2. That said designated property may be materially altered, restored, moved, or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An Application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign shall be placed on said property. If the owner objects, the sign shall be placed on a nearby right-of-way.

5. That the owners and occupants of the property known as the "exterior of the Atherton Mill House" and land associated therewith be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and

April 26, 1982
Ordinance Book 31 - Page 248

-3-

indexed in the offices of the City Clerk, Building Inspection Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill, Jr.
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of April, 1982, the reference having been made in Minute Book _____ and recorded in full in Ordinance Book 31 at Pages 246-248.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of April, 1982.

Ruth Armstrong, City Clerk

April 26, 1982
Ordinance Book 31 - Page 249

ORDINANCE NO. 1171-X

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE
REVISING THE BUDGETARY ACCOUNTS AND APPROPRIATING FUNDS IN THE PRINT SHOP.

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

Section 1. That the following revisions are made to the FY 82
Print Shop budget (515.00).

	<u>FY 82 Budget</u>	<u>Revised Budget</u>
Budget Authorization	\$ 261,433	\$ 326,857
Departmental Charge	<u>(261,433)</u>	<u>(283,857)</u>
Appropriation	\$ -0-	\$ 43,000

Section 2. That the \$43,000 appropriation to the Print Shop (515.00)
is hereby provided from the General Fund Unappropriated Fund balance.

Section 3. All ordinances or parts of ordinances in conflict herewith
are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Approved as to form:



City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session convened on the 26th day of April, 1982,
the reference having been made in Minute Book _____ and is recorded in full
in Ordinance Book 31 at Page 249.

Ruth Armstrong
City Clerk

April 26, 1982
Ordinance Book 31 - Page 250

ORDINANCE NO. 1172-X

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, TO PROVIDE AN APPROPRIATION FOR THE RECONCILIATION OF THE CITY SPONSORED CETA 1974-75 SUMMER PROGRAM AUDIT.

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

Section 1. That the sum of \$356,911 is estimated to be available in FY 82 to provide temporary jobs for CETA eligible persons to reconcile the audit of the City sponsored CETA funded summer program from the following sources:

<u>Source</u>	
General Revenue Sharing Fund Balance	\$291,000
Engineering	1,599
Park and Recreation - Recreation	24,479
Park and Recreation - Operations	28,523
Park and Recreation - Cemetery	2,195
Park and Recreation - Golf Course	2,195
Community Development	320
Employee Related Costs	6,600
Total	<u>\$356,911</u>

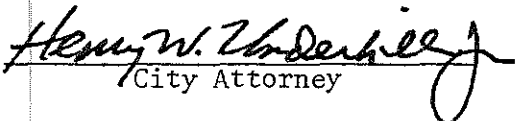
Section 2. That the sum of \$356,911 is hereby appropriated to Temporary Salaries CETA Eligible (119.00).

Section 3. It is anticipated that this project will extend beyond the FY 82 budget ordinance and will remain in effect for the duration of the project.

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

Section 5. 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 26th day of April, 1982, the reference having been made in Minute Book ____ and is recorded in full in Ordinance Book 31 at Page 250.

Ruth Armstrong
City Clerk

April 26, 1982
Ordinance Book 31 - Page 251

ORDINANCE NO. 1173-X

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR THE CONSTRUCTION OF FIRE STATION NO. 2.

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

Section 1. That the sum of \$386,747 is hereby estimated to be available from the following sources for the construction of Fire Station No. 2:

<u>Source</u>	<u>Amount</u>
Nalle Clinic	\$350,000
GRS Fund Balance	36,747
Total	<u>\$386,747</u>

Section 2. That the sum of \$386,747 is hereby appropriated to Fire Station No. 9 Relocation Account (483.00).

Section 3. That the Finance Director or his designee is hereby authorized to advance \$350,000 from the General Revenue Sharing Fund Balance to the Fire Station No. 9 Relocation account (483.00), which shall be reimbursed by the Nalle Clinic upon completion of Fire Station No. 2.

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

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

Approved as to form:

H. Marshall
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of April, 1982, the reference having been made in Minute Book _____ and is recorded in full in Ordinance Book 31 at Page 251.

Ruth Armstrong
City Clerk

ORDINANCE NO. 1176-X

AN ORDINANCE ORDERING THE SUPERINTENDENT OF THE BUILDING INSPECTION DEPARTMENT TO CAUSE THE DWELLING LOCATED AT 2453 Julia Ave. IN THE CITY OF CHARLOTTE TO BE REPAIRED, ALTERED OR IMPROVED, SAID BUILDING BEING THE PROPERTY OF B. M. Huffman & Wife, Ruby P. & John W. Huffman RESIDING AT 13227 Woody Point Rd., Charlotte, N.C.

WHEREAS, the dwelling located at 2453 Julia Avenue in the City of Charlotte has been found by the Superintendent of Building Inspection to be unfit for human habitation; and

WHEREAS, said dwelling was occupied at the time of the initial inspection in which violations of the Housing Code of the City of Charlotte were found to exist; and

WHEREAS, said dwelling is located in Marginal Area, Census 51 under the current Housing Assistance Plan; and

WHEREAS, pursuant to the provisions of Section 160A-443 of the North Carolina General Statutes and Section 10A-12 of the Housing Code of the City of Charlotte, the owner (s) of said dwelling have been ordered by the Superintendent of Building Inspection to repair, alter or improve or to vacate and close said dwelling; and

WHEREAS, the owner (s) of said dwelling has failed to comply with said order to repair, alter or improve or to vacate and close said dwelling, served upon them by 7/17/80 - Certified Mail on 8/5/80 - Certified Mail; and

WHEREAS, the cost of repairs necessary to bring said dwelling into compliance with requirements of the Housing Code is less than 50% of the fair market value of the dwelling; and

WHEREAS, among the Housing Code violations existing in and upon said dwelling is a violation of Section (s) 10A8-7a6, 10A-2c.

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 2453 Julia Ave. in the City of Charlotte to be repaired, altered or improved as provided in the Order of the Superintendent dated 7/17/80 & 8/5/80, and all other repairs necessary to bring said dwelling into compliance with the Housing Code of the City of Charlotte, and to cause a lien in the amount of the cost incurred in making such repairs, alterations or improvements to be placed against the real property at said location, pursuant to the provisions of Section 160A-443 of the North Carolina General Statutes and Sections 10A-12 and 10A-15 of the Charlotte City Code.

This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Henry W. Chaderjian
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of April, 1982, the reference having been made in Minute Book , and is recorded in full in Ordinance Book 31 , at Page 254.

Ruth Armstrong
City Clerk

ORDINANCE NO. 1177-X

AN ORDINANCE ORDERING THE SUPERINTENDENT OF THE BUILDING INSPECTION DEPARTMENT TO CAUSE THE DWELLING LOCATED AT 2425-27-29 Carmine Street IN THE CITY OF CHARLOTTE TO BE REPAIRED, ALTERED OR IMPROVED, SAID BUILDING BEING THE PROPERTY OF B. M. Huffman and Wife, Ruby P. and John W. Huffman RESIDING AT 13227 Woody Point Rd., Charlotte, N. C.

WHEREAS, the dwelling located at 2425-27-29 Carmine Street in the City of Charlotte has been found by the Superintendent of Building Inspection to be unfit for human habitation; and

WHEREAS, said dwelling was occupied at the time of the initial inspection in which violations of the Housing Code of the City of Charlotte were found to exist; and

WHEREAS, said dwelling is located in Marginal Area (Census 51) under the current Housing Assistance Plan; and

WHEREAS, pursuant to the provisions of Section 160A-443 of the North Carolina General Statutes and Section 10A-12 of the Housing Code of the City of Charlotte, the owner (s) of said dwelling have been ordered by the Superintendent of Building Inspection to repair, alter or improve or to vacate and close said dwelling; and

WHEREAS, the owner (s) of said dwelling has failed to comply with said order to repair, alter or improve or to vacate and close said dwelling, served upon them by 2/12/81 -Certified on 3/16/81 - Certified; and
Mail Mail

WHEREAS, the cost of repairs necessary to bring said dwelling into compliance with requirements of the Housing Code is less than 50% of the fair market value of the dwelling; and

WHEREAS, among the Housing Code violations existing in and upon said dwelling is a violation of Section (s) 10A7-H1 and 10A1-K.

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 2425-27-29 Carmine Street in the City of Charlotte to be repaired, altered or improved as provided in the Order of the Superintendent dated 2/12/81 & 3/16/81, and all other repairs necessary to bring said dwelling into compliance with the Housing Code of the City of Charlotte, and to cause a lien in the amount of the cost incurred in making such repairs, alterations or improvements to be placed against the real property at said location, pursuant to the provisions of Section 160A-443 of the North Carolina General Statutes and Sections 10A-12 and 10A-15 of the Charlotte City Code.

This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

Henry W. Chaswell Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of April, 1982, the reference having been made in Minute Book , and is recorded in full in Ordinance Book 31 , at Page 255.

Ruth Armstrong
City Clerk