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ORDINANCE NO. 1396-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1376-X, THE 1983-84 BUDGET ORDINANCE, TRANSFERRING FUNDS FROM AIRPORT FUND TRANSFERS TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR THE SETTLEMENT OF NOISE SUITS.

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

Section 1. That the sum of \$83,000 is hereby transferred from Airport Fund Transfers to the Airport Capital Improvement Fund Account 2073;562.04 - Noise Litigation Awards, to meet the costs of airport noise litigation settlements.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of August, 1983, the reference having been made in Minute Book 80, and is recorded in full in Ordinance Book 32 at Page 134.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1397-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1376-X, THE 1983-84 BUDGET ORDINANCE, TRANSFERRING FUNDS FROM AIRPORT FUND TRANSFERS TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR NOISE RELATED AND LITIGATION DEFENSE COSTS.

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

Section 1. That the sum of \$710,000 is hereby transferred from Airport Fund Transfers to the Airport Capital Improvement Fund Account 2073,562.60 - Avigation Easements - Noise Suits. These funds will increase and extend contractual agreements for airport litigation defense.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 8th day of August, 1983, the reference having been made in Minute Book 80 and is recorded in full in Ordinance Book 32 at Page 135.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1398-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1184-X, THE 1982-83 BUDGET ORDINANCE, ESTIMATING AND APPROPRIATING PRIOR GRANT AND LOCAL FUNDS FOR SUGAR CREEK AND IRWIN CREEK WASTEWATER TREATMENT PLANT ENGINEERING STUDY.

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

Section 1. That the sum of \$90,393 is hereby estimated to be available from the following sources:

<u>Source of Revenues</u>	<u>Amount</u>
Environmental Protection Agency Grant (C370377-01)	\$77,258
N. C. Natural Resources and Community Development Grant (WT-61-1ESR)	12,876
1970 Sewer Bond Fund Balance	259
Total	<u>\$90,393</u>

Section 2. That the sum of \$90,393 is hereby appropriated to the following accounts:

<u>Fund/Account</u>	<u>Amount</u>
2071; 632.18 Metro Charlotte Wastewater Facility	\$ 259
2071; 632.01 Irwin Creek Wastewater Treatment Plant Upgrading	45,067
2071; 632.11 Sugar Creek Wastewater Treatment Plant Upgrading	<u>45,067</u>
Total	<u>\$90,393</u>

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

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

Approved as to form:

Henry W. Zanderhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 8th day of August, 1983, the reference having been made in Minute Book 80, and is recorded in full in Ordinance Book 32 at Page 136.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1399-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1376-X, THE 1983-84 BUDGET ORDINANCE TRANSFERRING FUNDS TO PROVIDE APPROPRIATIONS FOR THE MANAGEMENT AND MAINTENANCE OF THE CHERRY, FIRST WARD, AND SCATTERED SITE HOUSING UNITS.

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

Section 1. That the sum of \$20,000 is hereby transferred from the Cherry Housing Fund Balance (0140) to the Cherry Community Housing Account (590.00) for management and maintenance of housing units in the Cherry Community.

Section 2. That the sum of \$198,000 is hereby transferred from the City Housing Fund Balance (0141) to the following accounts for the management and maintenance of housing units:

<u>Account No.</u>	<u>Title</u>	<u>Amount</u>
570.01	First Ward Housing Units - Rental	\$175,000
570.00	Scattered Site Housing	23,000
	Total	<u>\$198,000</u>

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

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

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, PAT SHARKEY, 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 8th day of August, 1983, the reference having been made in Minute Book 80, and recorded in full in Ordinance Book 32, at Page(s) 137.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of August, 1983.

PAT SHARKEY, CITY CLERK

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ORDINANCE NO. 1400-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1376-X, THE 1983-84 BUDGET ORDINANCE, TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE 1982 AIRPORT REVENUE BOND FUND TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO EXTEND THE EAST CONCOURSE FOR PIEDMONT AVIATION.

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

Section 1. That the sum of \$828,307 is hereby transferred from the unappropriated balance of the 1982 Airport Revenue Bond Fund (No.42210) to Airport CIP account 2073;562.76 Passenger Terminal Complex. These funds will be used to extend the East Concourse to accommodate Piedmont Aviation.

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 8th day of August, 1983, the reference having been made in Minute Book 80, and is recorded in full in Ordinance Book 32 at Page 138.

Pat Sharkey
City Clerk

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AMENDING CHAPTER 13

ORDINANCE 1401

AN ORDINANCE AMENDING CHAPTER 13, ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS", 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 13, Article III "Noise" of the City Code shall be deleted in its entirety and Chapter 13, Article III "Noise" is substituted in lieu thereof to read as follows"

ARTICLE III - NOISE

Section 13-52

It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the City.

Section 13-53.1

For the purpose of determining db(A)'s as referred to in this Article 3, the noise shall be measured on the "A" weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute and the L10 level shall be that db(A) reading which is exceeded for five (5) or more of any fifty (50) consecutive readings taken at ten-second intervals.

Section 13-53.2

Sounds impacting residential life.

It shall be unlawful to carry on the following activities in any residentially zoned area of the City or within 300 feet of any residentially occupied structure in any zone of the City.

- a. Operate a front-end loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m.
- b. Operate construction machinery between the hours of 9:00 p.m. and 7:00 a.m.
- c. Operate garage machinery between the hours of 9:00 p.m. and 7:00 a.m.

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- d. Operate lawn mowers and other domestic tools out of doors between 9:00 p.m. and 7:00 a.m.

This section 13-53.2 shall not apply to operations which are carried on in such a manner or in such a location as not to create sounds exceeding 60 db(A) at the L10 level 50 feet from the source of such sound and shall not apply to emergency operations designed to protect the public health and safety.

Section 13-53.3

Amplified Sound.

It shall be unlawful to:

- a. Operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) at the L10 level between 9:00 a.m. and 11:00 p.m. or 50 db(A) at the L10 level between 11:00 p.m. and 9:00 a.m. as measured anywhere within the boundary line of the nearest residentially occupied property except in accordance with a permit obtained from the City Clerk.
- b. As to multifamily structures including apartments, condominiums, or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) at the L10 level between 9:00 a.m. and 11:00 p.m. or 50 db(A) at the L10 level between 11:00 p.m. and 9:00 a.m. as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property except in accordance with a permit obtained from the City Clerk.
- c. As to places of public entertainment having a capacity of 1,000 or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than 65 db(A) at the L10 level between 9:00 a.m. and 11:00 p.m. or 50 db(A) at the L10 level between 11:00 p.m. and 9:00 a.m. as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the City Clerk.
- d. Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than 60 db(A) at or on the boundary of the nearest public right-of-way or park.

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- e. Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than 60 db(A) at the L10 level 50 feet or more from any electro-mechanical speaker between the hours of 9:00 a.m. and 11:00 p.m. or 50 db(A) at the L10 level 50 feet or more from any electro-mechanical speaker between the hours of 11:00 p.m. and 9:00 a.m.
- f. The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency circumstances.

Section 13-53.4

- a. The application for a permit for additional amplification under Section 13-53.3 shall be submitted to the City Clerk at least fifteen (15) working days in advance of the planned use except in case of emergency. The application shall designate an individual person or persons who shall be in control of the sound amplification equipment and assure that its use complies with the terms of the permit.
- b. If the permit is tentatively approved, the applicant shall be responsible for mailing or otherwise delivering to each property owner as shown on the tax records of Mecklenburg County having property within a 1,000 foot radius of the facility for which the permit has been granted a notice on a form provided by the City Clerk showing the time and date of the event for which the permit is being sought. The permit shall not be actually granted and issued until the applicant submits an affidavit to the City Clerk that such notices have actually been mailed or otherwise delivered.
- c. No permits shall be issued which shall have the effect of allowing more than 20 hours of excess amplification per year at any place of public entertainment having a capacity of 1,000 or more persons or 10 hours of excess amplification at any other location. Permits shall be tentatively approved and subsequently granted by the City Clerk in the order of receipt unless permits for 20 or more hours have previously been issued for the same or other locations within a 1,000 foot radius of the facility in the same calendar year in which event the applicant shall elect whether to limit his request so as to keep the year's accumulated hours of excess amplification in that location below 20 hours or select another location.

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- d. In no event shall a permit be granted which allows the creation of sounds registering more than 70 db(A) at the L10 level anywhere within the boundary line of the nearest residentially occupied property.
- e. If an applicant has been denied a permit under this Section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the City Manager. The City Manager shall have the discretion to grant an exceptional permit waiving locational, time, and/or db(A) requirements upon his determination that the applicant has made a substantial showing of legal entitlement. Any such exceptional permit shall be promptly reported to City Council.

Section 13-53.5

It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal, or bird(s) which, by frequent or habitually howling, yelping, barking, or otherwise cause loud noises, produce seriously annoying disturbance to any person or to the neighborhood.

Section 13-53.6

Motor Vehicles.

It shall be unlawful to operate or allow the operation of any motor vehicle in the City of Charlotte:

- a. Which has had its muffler/exhaust and/or other noise control equipment removed, altered, or maintained in such disrepair as to create unreasonably loud and disturbing noises.
- b. By engaging in jack rabbit starts, spinning tires, racing engines, or other operations which create unreasonably loud and disturbing noises.
- c. Off the boundaries of a public street for racing or other sporting purposes between the hours of 9:00 p.m. and 7:00 a.m.

Section 13-54

Enforcement and Penalties.

Where there is a violation of any provision of this chapter, the City, at its discretion, may take one or more of the following enforcement actions. Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.

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- a. A police officer, noise control officer, or animal control officer may issue a citation as provided in City Code § 1-6(c) subjecting the violator to a \$10 civil penalty which penalty may provide for a \$15 delinquency charge upon nonpayment and which penalty and delinquency charge may be recovered by the City in a civil action.
- b. A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. Misdemeanors shall be punishable by a fine of up to \$500 and/or imprisonment for up to thirty days.
- c. A civil action seeking a penalty of \$500 per day of violation plus injunction and order of abatement may be directed toward any person creating or allowing the creation of any unlawful noise including the owner or person otherwise having legal or actual control of the premises from which it emanates.

Section 2. This ordinance shall be effective upon adoption.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, PAT SHARKEY, 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 8th day of August, 1983, the reference having been made in Minute Book 80, and recorded in full in Ordinance Book 32, at Page(s) 139-143.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of August, 1983.

PAT SHARKEY, CITY CLERK