

April 22, 1985
Ordinance Book 33 - Page 450

ORDINANCE NO. 1701-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1542-X, THE 1984-85 BUDGET ORDINANCE, APPROPRIATING FUNDS FOR THE MAJOR WATER FEED TO SOUTHEAST CHARLOTTE PROJECT AND ADVANCING FUNDS FROM THE UNAPPROPRIATED UTILITY OPERATING FUND BALANCE.

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

Section 1. That the sum of \$600,000 is available from 1984 Water Bonds for planning and design of a major water feed to Southeast Charlotte.

Section 2. That the sum of \$600,000 is hereby appropriated to the Water and Sewer Capital Improvement Fund 2071;636.46--Major Water Feed to Southeast Charlotte.

Section 3. That the Finance Director or his designee is hereby authorized to lend the sum of \$600,000 from the unappropriated Utility Operating Fund Balance to the Water and Sewer Capital Improvement Fund 2071;636.46--Major Water Feed to Southeast Charlotte until 1984 Water Bonds are issued. Upon issuance of these bonds, the funds will be repaid to the Utility Operating Fund balance.

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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

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 22nd day of April, 1985, the reference having been made in Minute Book 84, and is recorded in full in Ordinance Book 33 at Page 450.

Pat Sharkey, City Clerk

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ORDINANCE NO. 1702

AMENDING CHAPTER 3

AN ORDINANCE AMENDING CHAPTER 3, ENTITLED "ANIMALS"
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 3, § 24, ¶ 9, beginning with the
words "The director of the operations department . . ." and
ending with the words " . . . for any further review of such a
request" shall be deleted in its entirety and a new section is
substituted in lieu thereof to read as follows:

"The director of the operations department (director)
of the City of Charlotte shall have the discretionary
authority to grant a refund of money paid for the cost of
spay/neuter services, or for City license tags, or for
adoption fees, when the animal has died before spay/neuter
services can be performed, or if it is subsequently
determined that such surgery is unnecessary or inappropriate,
or for some other exceptional reason which would make it
unjust for the City to retain the monies received for
City license tags, for spay/neuter services, or for adoption
fees paid to the City of Charlotte and a refund would be
appropriate. This is discretionary authority for the
director and the director may decline to exercise such
authority for any reason whatsoever. If such discretionary
authority is exercised, then the finance department will be
authorized pursuant to a written memorandum from the director
of the operations department to the director of the finance
department, to refund such money with whatever appropriate
documentation is required by the finance department.
If the discretionary authority is not exercised by the
director or if an individual remains dissatisfied with
the decision of the director, then the individual must
file a notice of claim with the Office of the City
Manager for any further review of such a request."

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Section 2. This ordinance shall become 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, in meeting held on the 22nd day of April, 1985, and recorded in full in Ordinance Book 33, beginning on page 451.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24th day of April, 1985.

Pat Sharkey, City Clerk

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ORDINANCE NO. 1703

AMENDING CHAPTER 11

AN ORDINANCE AMENDING CHAPTER 11, ENTITLED "LICENSES",
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 11, Article II, "LICENSE SCHEDULE",
§ 11-18, "License tax schedule", (177) "DOG LICENSE TAG" of the
City Code of the City of Charlotte shall be deleted in its entirety
and a new (177) section is substituted in lieu thereof to read
as follows:

(177) Reserved.

Section 2. This ordinance shall become effective upon
adoption.

Approved as to form:

Henry W. Claderhill 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, in meeting held on the 22nd day of April,
1985., and recorded in full in Ordinance Book 33, beginning on
page 453.

WITNESS my hand and the corporate seal of the City of
Charlotte, North Carolina, this the 24th day of April, 1985.

Pat Sharkey, City Clerk

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Amending Chapter 20

ORDINANCE 1704

AN ORDINANCE AMENDING CHAPTER 20 OF THE CITY CODE OF THE CITY OF CHARLOTTE (TRAFFIC)

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

Section 1. Section 20-15.1 shall be amended by deleting subsections (a), (b), (c), (d), (e), (f), and (g) in their entirety, and substituting in lieu thereof the following:

"(a) In order to promote and conserve the public health and safety and pursuant to the police powers of the city and the power to prevent and abate public nuisances as conferred upon the city by the General Statutes of North Carolina, it is hereby declared to be a public nuisance for a person owning and/or having the legal control of any land within the corporate limits of the city to maintain or permit upon any such land any fence, sign, billboard, shrubbery, bush, tree, mailbox or other object, or any combination thereof, which obstructs the view of motorists using any street or approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety.

(b) The restrictions set forth in this Section 20-15.1 shall apply to both of the following triangles of land:

(i) That triangle bounded by the curb edges (or edges of pavement where there is no curb), measured along the curb edge (or edge of pavement where there is no curb) fifty feet from the mid point of the radius of the curb edge (or edge of pavement where there is no curb) in each direction and the diagonal line connecting the further ends of such fifty foot lengths, and

(ii) That triangle bounded by the right-of-way lines measured thirty-five feet from the point of their intersection in each direction and the diagonal line connecting the further ends of such thirty-five foot lengths.

(c) Within said triangles, and except as provided in subsection (d) below, it shall be unlawful to install, set out or maintain, or allow the installation, setting out, or maintenance of, any sign, hedge, shrubbery,

tree, natural growth, earthen berme, or other object of any kind which obstructs cross-visibility at a level between thirty (30) inches and seventy-two (72) inches above the level of the center of the adjacent intersection.

(d) The foregoing provisions of subsection (c) shall not apply to:

- (1) Permanent buildings.
- (2) Existing natural grades which, by reason of natural topography, rise thirty (30) or more inches above the level of the center of the adjacent intersection.
- (3) Trees having limbs and foliage trimmed in such manner that no limbs or foliage extend into the area between thirty (30) inches and seventy-two (72) inches above the level of the center of the adjacent intersection.
- (4) Fire hydrants, public utility poles, street markers, governmental signs, and traffic control devices.

(e) Where compliance with this section in the foregoing described triangles or at the heights described alone is insufficient to prevent a dangerous condition, the City Transportation Director may designate further measures which must be taken by the owner or other responsible person to eliminate such dangerous condition. Such measures shall be designed to provide an adequate sight and stopping distance for persons approaching the intersection at prevailing speeds and may include the removal of obstructions at different heights or in areas outside the triangles established in Section 20-15.1(b).

(f) If the provisions of any other law, ordinance or regulation of the City or of the State of North Carolina shall be in conflict with the provisions of this section, the more stringent provision shall control.

(g) The administration of this section shall be under the direction of the City Transportation Director who shall investigate violations, issue such notices and orders as are required herein, and perform such other duties as may be necessary to the enforcement hereof.

(h) Any obstruction to cross-visibility maintained in violation of this section shall be deemed to be a public nuisance inconsistent with and detrimental to the public safety and shall be abated in accordance with the following procedure:

(1) The City Transportation Director shall cause to be served by certified mail a written notice and order of abatement upon the owner, tenant and/or person having legal control of the premises upon which such obstruction exists.

(2) Such obstruction shall be removed within ten (10) days from the date of receipt of such notice and order.

(3) Any person receiving such notice and order may, within ten (10) days from receipt thereof, request in writing a hearing before the City Manager or his designee. If any person receiving such notice and order does not comply with the order and does not request in writing a hearing before the City Manager or his designee within said ten (10) day period, the City Transportation Director may request in writing that the City Manager or his designee fix the date of hearing and notify the person upon whom the notice and order has been served of the time and place of such hearing. If, after such hearing, the City Manager or his designee finds that the obstruction in question does in fact constitute a public nuisance, the City Manager or his designee shall order that such nuisance be abated within ten (10) days from the date of such order. Upon failure by any person to comply with such order of the City Manager or his designee, the City Transportation Director shall cause the removal of such obstruction by City forces and/or an independent contractor. The cost of such removal shall be billed to the owner and/or person having legal control of the land. If unpaid for more than thirty (30) days, such cost shall become a lien against the property from which such obstruction is removed. The City Transportation Director shall have authority to file the lien on the public records of Mecklenburg County and to cancel the lien when paid.

(i) In addition to the other remedies provided herein, the City shall be entitled to seek a judicial injunction and order of abatement or other equitable remedy to secure the enforcement of this ordinance, regardless of

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whether the City Manager has held or been requested to hold a hearing or the Manager or City Council has declared the condition a nuisance.

Section 2. This ordinance shall become effective upon adoption.

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of April, 1985, the reference having been made in Minute Book 84, and is recorded in full in Ordinance Book 33 at Pages 454-457.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1705-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1542-X, THE 1984-85 BUDGET ORDINANCE, TRANSFERRING FUNDS FROM THE ADDITIONS TO HOSKINS WATER PLANT PROJECT AND APPROPRIATING FUNDS FOR RAILROAD CROSSING REPAIRS.

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

Section 1. That the sum of \$35,000 in local funds is hereby transferred from Additions To Hoskins Water Plant project, account 2071 - 634.01, and appropriated to Railroad Crossing Repairs, account 2071 - 635.15, for repairs to the City-owned railroad crossing which serves the Franklin Water Treatment Plant on Highway 16.

Section 2. That any remaining funds in the Additions To Hoskins Water Plant account be returned to the original source of funds.

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 22nd day of April, 1985, the reference having been made in Minute Book 84, and is recorded in full in Ordinance Book 33 at Page 458.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1706-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1542-X, THE 1984-85 BUDGET ORDINANCE, ESTIMATING FEDERAL AND STATE GRANT REVENUES AND PROVIDING AN APPROPRIATION FOR THE PURCHASE OF PUBLIC TRANSPORTATION CAPITAL EQUIPMENT.

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

Section 1. That the sum of \$686,340 is hereby estimated to be available for the purchase of public transportation capital equipment from the following sources:

<u>Source</u>	<u>Amount</u>
Urban Mass Transportation Administration Grant (N.C.-90-X020)	\$547,472
N.C. Department of Transportation Grant	68,434
1975 Public Transportation Bonds	68,434
Sale of Vehicles	<u>2,000</u>
TOTAL	\$686,340

Section 2. That the sum of \$686,340 is hereby appropriated to Public Transportation Capital Improvement Fund account 2078; 852.10 - FY85 Transit Capital Purchases - Phase II.

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. Chisholm Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of April, 1985, the reference having been made in Minute Book 84, and is recorded in full in Ordinance Book 33 at Page 459.

Pat Sharkey, City Clerk

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ORDINANCE NO. 1707-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1542-X, THE 1984-85 BUDGET ORDINANCE, APPROPRIATING FUNDS FOR UPGRADING MCALPINE CREEK WASTEWATER TREATMENT PLANT AND ADVANCING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE UTILITIES OPERATING FUND.

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

Section 1. That the sum of \$500,000 is available from 1983 Sewer Bonds for upgrading the McAlpine Creek Wastewater Treatment Plant.

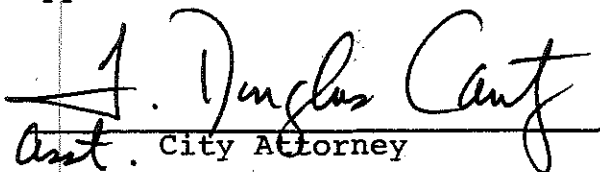
Section 2. That the sum of \$500,000 is hereby appropriated to the Water and Sewer Capital Improvement Fund 2071;636.25--McAlpine Creek Wastewater Treatment Plant Improvements.

Section 3. That the Finance Director or his designee is hereby authorized to lend the sum of \$500,000 from the unappropriated Utility Operating Fund Balance to the Water and Sewer Capital Improvement Fund 2071;636.25--McAlpine Creek Wastewater Treatment Plant Improvements until 1983 Sewer Bonds are issued. Upon issuance of these bonds, the funds will be repaid to the Utility Operating Fund Balance.

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:


Asst. City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of April, 1985, the reference having been made in Minute Book 84, and is recorded in full in Ordinance Book 33 at Page 460.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1708-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1542-X, THE 1984-85 BUDGET
ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION FOR CONSTRUCTION
OF ADDITIONAL EXHIBIT SPACE AT DISCOVERY PLACE.

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

Section 1. That the sum of \$575,871 is hereby
estimated to be available to construct a 10,000 square foot
exhibit space addition at Discovery Place from the following
sources:

<u>Source</u>	<u>Amount</u>
Science Museums of Charlotte, Inc.	\$475,871.00
General Capital Improvement Project 2010; 381.00 - Discovery Place Construction	14,958.06
General Capital Improvement Project 2010; 261.00 - Science Museum Improvement	<u>85,041.94</u>
TOTAL	\$575,871.00

Section 2. That the sum of \$575,871 is hereby
appropriated to General Capital Improvement Fund Account
2010; 261.02 - Discovery Place Exhibit Space.

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 22nd day of April, 1985,
the reference having been made in Minute Book 84, and is recorded in full
in Ordinance Book 33 at Page 461.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1709-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1542-X, THE 1984-85 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION TO FUND SURVEY CONTRACTS FOR FIVE FY86-90 CAPITAL IMPROVEMENT PROGRAM CITY ROADWAY PROJECTS.

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

Section 1. That the sum of \$128,800 is hereby available from 1985 Two-Thirds Bonds to contract for survey service for City roadway projects.

Section 2. That the sum of \$128,800 is hereby appropriated to General Capital Improvement Fund account 2010; 264.00 - FY90 City Roadway Projects.

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 22nd day of April, 1985, the reference having been made in Minute Book 84, and is recorded in full in Ordinance Book 33 at Page 462.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1710-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2028 Kennesaw Drive 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 Baxter L. Starnes and Wife, Ruby P. RESIDING AT Route 1, Waxhaw, N. C. 28173

WHEREAS, the dwelling located at 2028 Kennesaw Drive in the City of Charlotte has been found by the Director of the Community Development Department to be unfit for human habitation and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina, and

WHEREAS, said owners have failed to comply with said order served by registered mail on the 12/4/84 and 1/30/85: NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Director of the Community Development Department is hereby ordered to cause the demolition and removal of the dwelling located at 2028 Kennesaw Drive in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

APPROVED AS TO FORM:

Henry W. Clendenen Jr.
CITY ATTORNEY

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of April, 1985, the reference having been made in Minute Book 84, and is recorded in full in Ordinance Book 33, at Page 463.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1711-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1018 Patch Ave. PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF Hill Miller and Wife, Ella Mae RESIDING AT 635 Echodale Drive, Charlotte, N. C.

WHEREAS, the dwelling located at 1018 Patch Ave. in the City of Charlotte has been found by the Director of the Community Development Department to be unfit for human habitation and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina, and

WHEREAS, said owners have failed to comply with said order served by registered mail on the 8/2/84 and 11/20/84 :
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Director of the Community Development Department is hereby ordered to cause the demolition and removal of the dwelling located at 1018 Patch Ave. in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

APPROVED AS TO FORM:

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 22nd day of April, 1985, the reference having been made in Minute Book 84, and is recorded in full in Ordinance Book 33, at Page 464.

Pat Sharkey
City Clerk

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ORDINANCE 1712

AN ORDINANCE AMENDING CHAPTER 20, SECTION 86 OF THE CHARLOTTE CITY CODE

WHEREAS, on May 14, 1984, the Charlotte City Council approved a policy to provide for a 25 mile per hour speed limit on non-thoroughfare residential streets; and

WHEREAS, the residents of certain streets have submitted a petition signed by at least 75 percent of the residents of the streets affected; and

WHEREAS, it has been determined, upon the basis of an engineering and traffic investigation, that the speed limit on certain streets of the City of Charlotte should be established; and

WHEREAS, G. S. 20-141 (speed restrictions) requires adoption of a speed limit ordinance to amend Chapter 20, Section 86(c) of the Charlotte City Code,

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

SECTION 1: That Schedule 10 referred to in Chapter 20-86(c) of the Charlotte City Code be amended by declaring speed limits on the following City System streets as described below:

<u>STREET AND DESCRIPTION</u>	<u>SPEED LIMIT</u>
1. Charter Place between Thermal Road and cul-de-sac (1300 block)	25
2. Forest Way Drive between Monroe Road and Old Post Road	25
3. Ideal Way between Park Road and Charlotte Drive	25
4. Knickerbock Drive between Monroe Road and Knell Drive	25
5. Ledgewood Lane between Dilworth Road and Charlotte Drive	25
6. McLaughlin Drive between Monroe Road and Coatbridge Lane	25
7. Old Post Road between Monroe Road and McLaughlin Drive	25

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of April, 1985, the reference having been made in Minute Book 84, and is recorded in full in Ordinance Book 33 at Page 465.

Pat Sharkey, City Clerk