

July 14, 1986  
Ordinance Book 35 - Page 8

ORDINANCE NO. 1990-X

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

BILLY GRAHAM PARKWAY, WILMOUNT ROAD AREA  
AREA NO. 11

WHEREAS, the City Council of the City of Charlotte, North Carolina, has been petitioned under N.C.G.S. § 160A-31, as amended, to annex the area described herein, and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held in the Council Chamber, City Hall, 600 East Trade Street, Charlotte, North Carolina, at 3:00 o'clock P.M., on the 14th day of July, 1986, and

WHEREAS, the City council does hereby find as a fact that said petition meets the requirements of N.C.G.S. § 160A-31, as amended.

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

Section 1. By virtue of the authority granted by N.C.G.S. § 160A-31, as amended, the territory described in Exhibit A is hereby annexed and made part of the City of Charlotte, as of the 14th day of July, 1986.

Section 2. Upon and after the 14th day of July, 1986, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in ofrce in the City of Charlotte and shall be entitled to the same privileges and benefits as other parts of the City of Charlotte. Said territory shall be subject to municipal taxes in accordance with N.C.G.S. § 160A-58.10.

Section 3. The Mayor of the City of Charlotte shall cause to be recorded in the Office of the Register of Deeds of Mecklenburg County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section I hereof, together with a duly certified copy of this ordinance.

Adopted this 14th day of July, 1986.

Attest:

Pat Sharkey  
City Clerk

[Signature]  
Mayor

APPROVED AS TO FORM:

[Signature]  
City Attorney

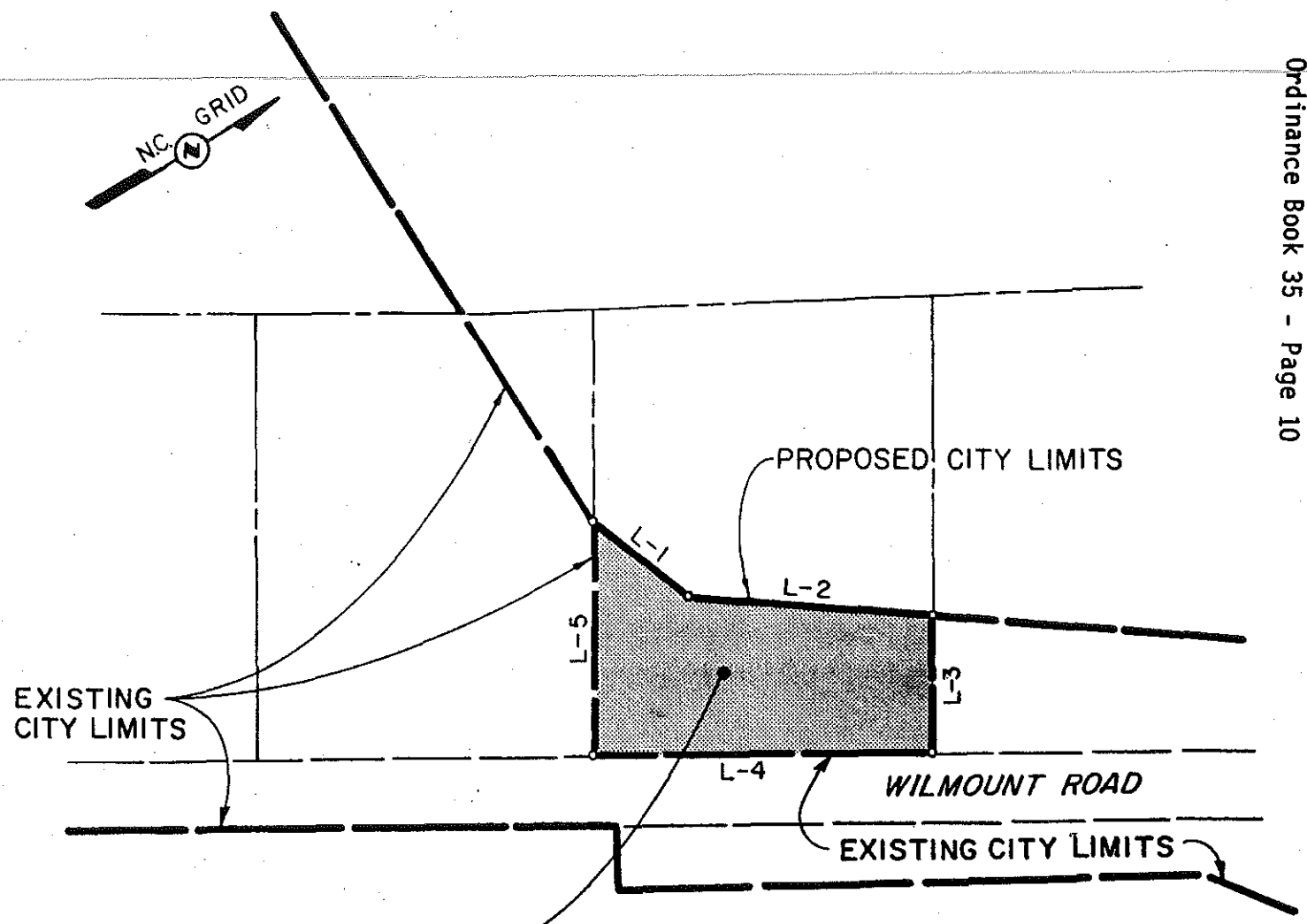
Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of July, 1986 the reference having been made in Minute Book 86, and is recorded in full in Ordinance Book 35 at pages 8-10.

Pat Sharkey  
City Clerk

Beginning at a point in the present northwesterly right-of-way margin of Wilmount Road, said point being located N. 58-31-21 W. 20.0 feet from the centerline of Wilmount Road, said point being in the southerly line of Lot "D" as shown on recorded Map Book 6, Page 885, and running thence with the southerly line of said Lot "D" N. 58-31-21 W., passing thru an iron pin at 11.03 feet, a total distance of 142.56 feet to a point in the proposed northerly right-of-way margin of Ramp "A" (Tyvola Road Extension) said margin also being the control of access line; thence with the proposed northerly right-of-way margin of Ramp "A" (Tyvola Road Extension with the control of access line N. 73-02-06 E. 73.63 feet to a point in the proposed northwesterly right-of-way margin of Wilmount Road and the control of access line; thence with the proposed northwesterly right-of-way margin of Wilmount Road and the control of access line N. 35-35-46 E. 144.89 feet to a point in the northerly line of Lot "D" as shown on said recorded Map Book 6, Page 885; thence with the northerly line of said Lot "D" S. 58-24-45 E. 82.49 feet to a point in the present northwesterly right-of-way margin of Wilmount Road; thence with the present northwesterly right-of-way margin of Wilmount Road S. 31-14-41 W. 199.45 feet to the point or place of beginning. Containing 19,213 square feet or 0.441 acres all as shown on a map prepared by Ralph Whitehead and Associates dated April 10, 1986.

| LINE | BEARING         | DISTANCE |
|------|-----------------|----------|
| L-1  | N 73°-02'-06" E | 73.63'   |
| L-2  | N 35°-35'-46" E | 144.89'  |
| L-3  | S 58°-24'-45" E | 82.49'   |
| L-4  | S 31°-14'-41" W | 199.45'  |
| L-5  | N 58°-31'-21" W | 142.56'  |

NOTE:  
THIS MAP WAS COMPILED FROM RIGHT-OF-WAY PLATS OF "TYVOLA ROAD EXTENSION".  
NO FIELD SURVEY WAS MADE ON THIS DATE.




PROPOSED AREA TO BE ANNEXED  
0.441 ACRE

**PRINTED**

APR 30 1986

RALPH WHITEHEAD & ASSOCIATES  
CONSULTING ENGINEERS

|  |              |                 |
|--|--------------|-----------------|
|  <b>CHARLOTTE</b><br>ENGINEERING DEPARTMENT |              | JOB NO.         |
| <b>ANNEXATION MAP</b><br>BILLY GRAHAM PARKWAY<br>WILMOUNT RD. AREA   |              | FILE NO.        |
| <b>AREA NO. II</b>   |              | SHEET           |
| DRAWN BY RW & A<br>CHECKED BY  |              | OF              |
| CITY ENGINEER  | DATE 4-10-86 | SCALE 1" = 100' |

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ORDINANCE NO 1991

AMENDING CHAPTER 18

AN ORDINANCE AMENDING CHAPTER 18, ENTITLED "SOIL EROSION AND  
SEDIMENTATION CONTROL" 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 18, "Soil Erosion and Sedimentation  
Control" of the City Code shall be repealed in its entirety.

Section 2. A new Chapter 18, "Soil Erosion and Sedimentation  
Control" shall be added as follows:

See "Soil Erosion and Sedimentation Control"  
Ordinance attached hereto and incorporated herein  
by reference.

Section 3. This ordinance shall be effective upon  
adoption.

Approved as to form:

*D. Quarta Scott*  
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, the regular session  
convened on the 14th day of July, 1986, and the reference  
having been made in Minute Book 86, and recorded in full in Ordinance  
Book 35 at Pages 11-26.

WITNESS my hand and corporate seal of the City of Charlotte, North Carolina,  
this the 16th day of July, 1986.

Pat Sharkey, City Clerk

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SOIL EROSION AND  
SEDIMENTATION CONTROL ORDINANCE

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

Section 1 Title

This ordinance may be cited as the City of Charlotte Soil Erosion and Sedimentation Control Ordinance.

Section 2 Purpose

This ordinance is adopted for the purposes of:

- a. regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and
- b. by establishing procedures through which these purposes can be fulfilled.

Section 3 Definitions

As used in this ordinance, unless the context clearly indicates otherwise, the following definitions apply. It is to be noted that amendments to this ordinance have resulted in additional definitions for this ordinance and such additional definitions have been designated by (aa), (bb), etc.

- a. Accelerated Erosion - means any increase over the rate of natural erosion as a result of land-disturbing activities.
- b. Act - means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.
- c. Adequate Erosion Control Measure, Structure or Device - means one which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.
- d. Borrow - means fill material which is required for on-site construction and is obtained from other locations.
- e. Buffer Zone - means the strip of land adjacent to a lake or natural watercourse, the width of which is measured from the edge of the water to the nearest edge of the

disturbed area, with the twenty-five percent (25%) of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

- f. District - means the Mecklenburg Soil and Water Conservation District created pursuant to Chapter 139, North Carolina General Statutes.
- g. Erosion - means the wearing away of land surface by the action of wind, water, gravity or any combination thereof.
- h. Ground Cover - means any natural vegetative growth including trees or other material which renders the soil surface stable against accelerated erosion.
- i. Lake or Natural Watercourse - means any swale, wet weather ditch, stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.
- j. Land-Disturbing Activity - means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.
- k. Local Government means any county, incorporated village, town, or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of this Article.
- l. Natural Erosion - means the wearing away of the earth's surface by water, wind or other natural agents under natural environmental conditions undisturbed by man.
- m. Person - means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
- n. Person Responsible for the Violation - as used in this Ordinance, and G.S. 113A-64, means:
  - (a) the developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity; and
  - (b) the landowner, lessee, or other person in possession or control of the land when he has directly or indirectly

allowed the land-disturbing activity, or benefitted from it, has failed to comply with any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act as imposes a duty upon him.

- o. Person Conducting Land-Disturbing Activity - means any person who may be held responsible for a violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.
- p. Phase of Grading - means one of two types of grading, rough or fine.
- q. Plan - means erosion and sedimentation control plan.
- r. Sediment - means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.
- s. Sedimentation - means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.
- t. Siltation - means sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.
- u. Storm Water Runoff - means the direct runoff of water resulting from precipitation in any form.
- v. Tract - means all contiguous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership being developed as a unit, although not necessarily all at one time.
- w. Uncovered - means the removal of ground cover from, on, or above the soil surface.
- x. Undertaken - means the initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.
- y. Waste - means surplus materials resulting from on-site construction and disposed of at other locations.
- z. Working Days - means days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

- (aa) City Engineer - means the Charlotte City Engineer, or any of his authorized representatives.
- (bb) Energy Dissipator - means a structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.
- (cc) Storm Drainage Facilities - means the system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.
- (dd) Ten-Year Storm - means the surface runoff resulting from a rainfall of an intensity expected to be equalled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.
- (ee) Velocity - means the average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

## Section 4

Scope of Exclusions

This ordinance shall apply to land-disturbing activities undertaken by any person, with the following exclusions:

- a. Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; and
- b. Those undertaken on forest land for the production and harvesting of timber and timber products; and
- c. Activity undertaken by persons as defined in G.S. 113A-52(8) who are otherwise regulated by the provisions of the Mining Act of 1971, G.S. 74-46 through G.S. 74-68; and
- d. Land-disturbing activity over which the State by statute, has exclusive regulatory jurisdiction, which are those:



- (1) Conducted by the State,
- (2) Conducted by the United States,
- (3) Conducted by persons having the power of eminent domain,
- (4) Conducted by local governments,
- (5) Licensed by the State or the United States,
- (6) Funded in whole or in part by the State or the United States.

Section 5 General Requirements

- a. Plan Required - No person shall initiate or conduct any land-disturbing activity which uncovers more than one contiguous acre without having an erosion control plan approved by the City Engineer.
- b. Protection of Property- Persons conducting land disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.
- c. More Restrictive Rules Shall Apply - Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

Section 6 Basic Control Objectives

The basic control objectives which are to be considered in developing and implementing an erosion and sedimentation control plan are to:

- a. Identify Critical Areas - On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.
- b. Limit Time of Exposure - All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time.
- c. Limit Exposed Areas - All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.
- d. Control Surface Water - Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure.
- e. Control Sedimentation - All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.
- f. Manage Storm Water Runoff - When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated

erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

Section 7

Mandatory Standards for Land-Disturbing Activity

No land-disturbing activity subject to the control of this ordinance shall be undertaken except in accordance with the following mandatory standards:

- a. Buffer Zone - No land-disturbing activity shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearer the land-disturbing activity, provided, that this subsection (a) shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.
- b. Graded Slopes and Fills - The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 30 working days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.
- c. Ground Cover - Whenever land-disturbing activity is undertaken on a tract comprising more than one acre, if more than one contiguous acre is uncovered, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development within 30 working days or 120 calendar days following completion, whichever period is shorter.
- d. Prior Plan Approval- No person shall initiate any land-disturbing activity if more than one contiguous acre is to be uncovered unless, thirty or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by the City Engineer and a grading permit issued by the City Engineer for the land disturbing activity. Should the erosion control plan be approved and a grading permit be issued in less than 30 days from the filing of the plan, the land-disturbing activity may commence.

- e. The person(s) conducting land-disturbing activity or an agent of that party shall contact the City Engineer 48 hours before, or no more than 48 hours after commencement of the land disturbing activity for the purpose of arranging an on-site meeting with the City Engineer or his representative to review and discuss the approved erosion control plan and the proposed land disturbing activity. Failure to do so shall constitute a violation of this ordinance.

Section 8 Design and Performance of Control Measures

Erosion and sedimentation control measures, structures, and devices shall be so planned, designed and constructed as to provide protection from the calculated maximum peak rates of runoff from the ten-year frequency storm. Runoff rates shall be calculated using the procedures in the USDA Soil Conservation Service's "National Engineering Field Manual for Conservation Practices", or other calculation procedures acceptable to the City Engineer.

Section 9 Permanent Downstream Protection of Stream Banks and Channels

- a. Intent - Streambanks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity.
- b. Performance Standard - The land-disturbing activity shall be planned and conducted such that the velocity of storm water runoff in the receiving watercourse at the point of discharge resulting from a ten-year storm after development shall not exceed the greater of:
- (1) the velocity as determined from the table in paragraph (e) of this rule, or
  - (2) the velocity in the receiving watercourse determined for the ten-year storm prior to development.

If conditions (1) or (2) of this Paragraph cannot be met, the channel below the discharge point shall be designed and constructed to withstand the expected velocity.

- c. Acceptable Management Measures - Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. It is recognized that the management of storm water runoff to minimize or

control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives are to:

- (1) avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious,
  - (2) avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections,
  - (3) provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities at the point of discharge. These may range from simple riprapped sections to complex structures,
  - (4) protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.
- d. Exceptions - This rule shall not apply where it can be demonstrated that stormwater discharge velocities will not create an erosion problem in the receiving watercourse.
- e. The following is a table for maximum permissible velocity for storm water discharges:

| <u>Material</u>                        | <u>Maximum Permissible Velocities for</u> |            |
|--|---|------------|
|  | <u>FPS</u>                                | <u>MPS</u> |
| Fine sand (noncolloidal)               | 2.5                                       | .8         |
| Sandy loam (noncolloidal)              | 2.5                                       | .8         |
| Silt loam (noncolloidal)               | 3.0                                       | .9         |
| Ordinary firm loam                     | 3.5                                       | 1.1        |
| Fine gravel                            | 5.0                                       | 1.5        |
| Stiff clay (very colloidal)            | 5.0                                       | 1.5        |
| Graded, loam to cobbles (noncolloidal) | 5.0                                       | 1.5        |
| Graded, silt to cobbles (colloidal)    | 5.5                                       | 1.7        |
| Alluvial silts (noncolloidal)          | 3.5                                       | 1.1        |
| Alluvial silts (colloidal)             | 5.0                                       | 1.5        |
| Coarse gravel (noncolloidal)           | 6.0                                       | 1.8        |
| Cobbles and shingles                   | 5.5                                       | 1.7        |
| Shales and hard pans                   | 6.0                                       | 1.8        |

Source - Adapted from recommendations by Special Committee On Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for

slightly sinuous channels, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

Section 10 Borrow and Waste Areas

When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the Department of Human Resources, Division of Health Services, shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

Section 11 Access and Haul Roads

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

Section 12 Operations in Lakes or Natural Watercourses

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided.

Section 13 Responsibility for Maintenance

The person engaged in or conducting the land-disturbing activity shall be responsible for installing and maintaining all temporary and permanent erosion and sedimentation measures and facilities during the development of a site as required by the approved plan or any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act. The responsibility for maintaining all permanent erosion and sedimentation control measures and facilities after site development is completed shall lie with the landowner or person in possession or control except facilities and measures installed within road or street right-of-way or easements accepted for maintenance by a governmental agency.

Section 14 Additional Measures

Whenever the City Engineer determines that significant sedimentation is occurring as a result of land-disturbing activity,

despite application and maintenance of protective practices, the person conducting the land-disturbing activity or the person responsible for maintenance will be required to and shall take additional protective action.

Section 15 Existing Uncovered Areas

- a. All uncovered areas existing on the effective date of this ordinance which resulted from land-disturbing activity, and exceed one contiguous acre, and are subject to continued accelerated erosion, and are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.
- b. The City Engineer will serve upon the person(s) responsible for the violation written notice of violation by registered or certified mail, return receipt requested, or other means. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits for compliance.
- c. The City Engineer shall have the right to require preparation and approval of an erosion control plan in any instance wherein extensive control measures are required.

Section 16 Permits

- a. No person shall undertake any land-disturbing activity subject to this ordinance without first obtaining a permit therefor from the City Engineer, except that no permit shall be required for any land-disturbing activity:
  - (1) for the purpose of fighting fires; or
  - (2) for the stock piling of raw or processed sand, stone or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damages; or
  - (3) that does not exceed one acre in surface area. In determining the area, contiguous lands under one or diverse ownership being developed as a unit will be aggregated. Although a permit is not required for activity comprising less than one acre, such activity is subject to all other requirements and penalties imposed by this Ordinance to the full extent of Section 5 (b) and (c) and penalties described herein.

- b. The City Engineer shall charge and collect fees for each plan review and grading permit issued under the provision of this ordinance in accordance with a schedule established by City Council.
- c. The City Engineer shall have the power to revoke said permit if the persons conducting the land-disturbing activity do not follow the approved erosion and sedimentation control plan, and do not maintain adequate protection.

Section 17 Erosion and Sedimentation Control Plans

- a. Person(s) conducting land-disturbing activity shall be responsible for preparing an erosion control plan for all land-disturbing activities subject to this ordinance whenever the proposed activity is to be undertaken on a tract comprising more than one acre, if more than one contiguous acre is to be uncovered. Copies of the plan shall be filed with the City Engineer and the Mecklenburg Soil and Water Conservation District.
- b. Persons conducting land-disturbing activity which covers one or more contiguous acres shall file copies of the erosion control plan with the City Engineer and secure a grading permit before the land disturbing activity shall commence. A copy of the approved erosion control plan and grading permit shall be maintained on the job site by the persons conducting the land-disturbing activity. If the City Engineer, either upon additional review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the City Engineer will require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority.
- c. Erosion control plans shall be accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land disturbing activity or authorized agent. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents.
- d. The Mecklenburg Soil and Water Conservation District within 20 days of the receipt of any plan, or within such additional time as may be prescribed by the City Engineer, shall review such plan and submit its comments and recommendations to the City Engineer. Failure of the Soil and Water Conservation District to submit its comments and recommend-

ations to the City Engineer within twenty days or within the prescribed additional time will not delay final action on the plan.

- e. The City Engineer will review each plan submitted and within 30 days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Failure to approve or disapprove a complete erosion and sedimentation control plan within 30 days of receipt shall be deemed approval. Denial of a plan must specifically state in writing the reasons for denial. The City Engineer must approve or deny a revised plan within 15 days of receipt, or it is deemed to be approved. If, following commencement of a land-disturbing activity pursuant to an approved plan, the City Engineer determines that the plan is inadequate to meet the requirements of this ordinance, the City Engineer may require such revisions as are necessary to comply with this ordinance.
- f. The plan required by this section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation may be obtained from the City Engineer on request.
- g. Application for amendment of an erosion control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the City Engineer, the land-disturbing activity shall not proceed except in accordance with the erosion control plan as originally approved.
- h. Any person engaged in land-disturbing activity who fails to file a plan in accordance with this ordinance, or who fails to maintain permanent erosion and sedimentation control measures and facilities after site development is completed or who conducts a land-disturbing activity except in accordance with provisions of this ordinance shall be deemed in violation of this ordinance.

Section 18 Appeals

- a. The disapproval or modification of any proposed erosion control plan by the City Engineer entitles the person submitting the plan to a public hearing if such person submits written demand for a hearing within 15 calendar days after receipt of written notice of disapproval or modification.



- b. Hearings held pursuant to this section shall be conducted by the Charlotte-Mecklenburg Planning Commission. A simple majority of the members of the Commission shall constitute a quorum. The Commission shall give notice of the time, place and subject of each hearing to the appellant. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question and the absence or failure of any member to vote. The final disposition of each appeal shall be by resolution indicating the reasons of the board therefore based on findings of fact and conclusions of law, all of which shall be a public record. The resolution shall be immediately forwarded to the City Engineer.
- c. The person submitting the erosion control plan shall have 15 days following the disapproval or modification of a proposed erosion control plan to appeal the Charlotte-Mecklenburg Planning Commission's decision to the North Carolina Sedimentation Control Commission pursuant to Title 15, Chapter 4B Section .0018(b) of the North Carolina Administrative Code and G.S. 113A-61(c)

#### Section 19

#### Inspections and Investigations

- a. Agents and authorized representatives of the City Engineer will periodically inspect the sites of land-disturbing activity for which permits have been issued to determine whether the activity is being conducted in accordance with the plan and to determine whether the measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity.
- b. If, through inspection, it is determined that a person engaged in land-disturbing activity has failed to comply with the approved plan, a notice of violation shall be served upon that person by registered or certified mail or by other means. The notice shall set forth the measures necessary to achieve compliance with the plan, specify a reasonable time period within which such measures must be completed, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. If the person engaged in land-disturbing activity fails to comply within the time specified, enforcement action shall be initiated.
- c. The City Engineer shall have the power to conduct such investigations as he may reasonably deem necessary to carry out his duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing

activity. No person shall refuse entry or access to any authorized representative or agent of the City Engineer who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with such representative while in the process of carrying out his official duties.

- d. The City Engineer shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land-disturbing activities.

Section 20

Penalties

a. Civil Penalties

- (1) Any person who violates any of the provisions of this ordinance, or rules or orders adopted or issued pursuant to this ordinance, or who initiates or continues a land-disturbing activity for which an erosion control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, or who fails to maintain permanent erosion and sedimentation control measures and facilities after site development is completed shall be subject to civil penalty of not more than \$100. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested or other means. The notice shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. Each day of continuing violation shall constitute a separate violation.
- (2) The City Engineer of the City of Charlotte shall determine the amount of the civil penalty to be assessed under this subsection and shall make written demand for payment upon the person in violation, and shall set forth in detail a description of the violation for which the penalty has been imposed. In determining the amount of the penalty, the degree and extent of the harm caused by the violation and cost of rectifying the damage shall be considered. If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to the City Attorney for institution of a civil action in the name of the City of Charlotte, in the appropriate division of the General Court of Justice, for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this ordinance.

b. Criminal Penalties

Any person who knowingly or willfully violates any provision of this ordinance, or rule or order adopted or issued pursuant to this ordinance, or who knowingly or willfully initiates or continues a land-disturbing activity for which an erosion control plan is required except in accordance with the terms, conditions, and provisions of the approved plan, shall be guilty of a misdemeanor punishable by imprisonment not to exceed 90 days, or by a fine not to exceed \$5,000, or by both, in the discretion of the court.

- c. Violation of this ordinance shall subject the violator to civil penalties only and not to criminal prosecution as for a misdemeanor or infraction pursuant to N.C.G.S. 14-4 or City Code Sec. 1-7 unless the additional elements of knowledge or willfulness required by Sec. 20B are demonstrated.

Section 21 Injunctive Relief

- a. Whenever the City Engineer has reasonable cause to believe that any person is violating or threatening to violate this ordinance, or any term, condition, or provision of an approved erosion control plan, he may, either before or after the institution of any other action or proceeding authorized by this ordinance, authorize the City Attorney to institute a civil action in the name of the City of Charlotte, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Mecklenburg County.
- b. Upon determination of a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgements as are necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this ordinance.

Section 22 Severability

If any section or sections of this ordinance is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

Section 23 Effective Date  
This Ordinance shall be effective upon adoption.

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ORDINANCE NO. 1992-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1956-X, THE 1986-87 BUDGET ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION TO UPGRADE THE EROSION CONTROL PROGRAM.

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

Section 1. That the sum of \$78,070 is hereby estimated to be available from Erosion Control Program revenue to upgrade the enforcement of the Erosion Control Ordinance.

Section 2. That the sum of \$78,070 is hereby appropriated to:

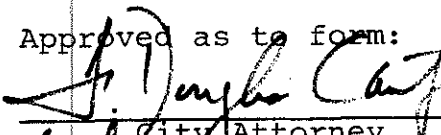
|   |   |               |
|---|---|---------------|
| Fund 0101; Account 512.00 - Engineering       | - | \$45,572      |
| Fund 0101; Account 501.00 - City Attorney     | - | 20,758        |
| Fund 0101; Account 530.00 - Employee Benefits | - | <u>11,740</u> |
|   |   | \$78,070      |

Section 3. That the Table of Organization of the Engineering Department and City Attorney's Office is hereby amended to reflect the addition of the following positions:

| <u>Account</u> | <u>Class Number</u> | <u>Class Title</u>         | <u>Salary Range No.</u> | <u>Number of Positions</u> |
|----------------|---------------------|----------------------------|-------------------------|----------------------------|
| 512            | 2393                | Engineering Assistant      | 18                      | 1                          |
| 512            | 2361                | Engineering Clerk II       | 10                      | 1                          |
| 501            | 2005                | Administrative Assistant I | 14                      | 1                          |

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 14th day of July, 1986, the reference having been made in Minute Book 86, and is recorded in full in Ordinance Book 35 at page 27.

Pat Sharkey  
City Clerk

July 14, 1986  
Ordinance Book 35 - Page 28

ORDINANCE NO. 1993-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1956-X, THE 1986-87 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR THE CONSTRUCTION OF A PIEDMONT AIRLINES CARGO/CATERING FACILITY.

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

Section 1. That the sum of \$3,700,000 is hereby estimated to be available from 1986 Airport Revenue Bonds for the construction of a Piedmont Airlines cargo/catering facility.

Section 2. That the sum of \$3,700,000 is hereby appropriated to Airport Capital Improvement Fund account 2073;562.80 Piedmont Airlines Air Cargo Facility.

Section 3. That the Finance Director or his designee is hereby authorized to advance \$3,700,000 from the unappropriated fund balance of the Airport Fund (7401) until such time that the 1986 Airport Revenue Bonds are issued.

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 14th day of July, 1986 the reference having been made in Minute Book 86, and is recorded in full in Ordinance Book 35 at page 28.

Pat Sharkey, City Clerk

July 14, 1986  
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ORDINANCE NO. 1994-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1956-X, THE 1986-87 BUDGET ORDINANCE, ESTIMATING FEDERAL GRANT REVENUES AND PROVIDING AN APPROPRIATION FOR CONCOURSE "D" RAMP EXPANSION AT THE AIRPORT.

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

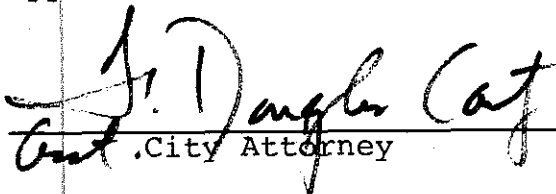
Section 1. That the sum of \$3,679,500 is hereby estimated to be available from the Federal Aviation Administration for Concourse "D" Ramp Expansion.

Section 2. That the sum of \$3,679,500 is hereby appropriated to the 1985 Construction Fund 2077;562.65-Airfield Improvements FY87.

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 14th day of July, 1986, the reference having been made in Minute Book 86, and is recorded in full in Ordinance Book 35 at page 29.

Pat Sharkey  
City Clerk

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ORDINANCE NO. 1995-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1956-X, THE 1986-87 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 \$2,320,910 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 | \$1,856,728    |
| N.C. Department of Transportation Grant        | 232,091        |
| 1981 Transit Bonds                             | <u>232,091</u> |
| Total  | \$2,320,910    |

Section 2: That the sum of \$2,320,910 is hereby appropriated to the following Public Transportation Capital Improvement Fund center numbers according to the federal matching funds formula (80 percent Federal, 10 percent State, and 10 percent City):

| <u>Center Title and Number</u>                          | <u>Amount</u> |
|---|---------------|
| FY87 Transit Capital Purchases<br>N.C.-90-X037 (855.00) | \$2,320,910   |

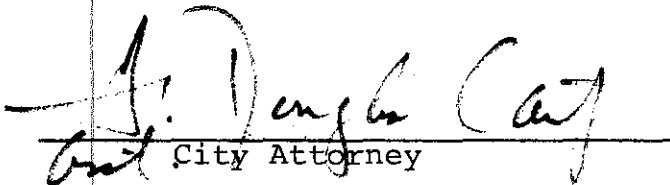
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|                       |                    |
|-----------------------|--------------------|
| N.C.-90-X037 (855.01) | \$1,605,150        |
| N.C.-90-X037 (855.02) | 23,760             |
| N.C.-90-X037 (855.03) | 16,200             |
| N.C.-90-X037 (855.04) | 32,400             |
| N.C.-90-X037 (855.05) | 33,640             |
| N.C.-90-X037 (855.06) | 108,000            |
| N.C.-90-X037 (855.07) | 347,760            |
| N.C.-90-X037 (855.08) | 54,000             |
| N.C.-90-X037 (855.09) | 100,000            |
|                       | <u>\$2,320,910</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:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of July, 1986, the reference having been made in Minute Book 86, and is recorded in full in Ordinance Book 35 at pages 30-31.

Pat Sharkey  
City Clerk



July 14, 1986  
Ordinance Book 35 - Page 32

ORDINANCE NO. 1996-X

**AN ORDINANCE ORDERING THE DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT TO CAUSE THE DWELLING LOCATED AT 1529 Hawthorne Lane IN THE CITY OF CHARLOTTE TO BE REPAIRED, ALTERED OR IMPROVED, SAID BUILDING BEING THE PROPERTY OF Samuel L. Council RESIDING AT 2615 Rea Road, Matthews, NC 28105**

WHEREAS, the dwelling located at 1529 Hawthorne Lane in the City of Charlotte has been found by the Director of the Community Development Department 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 Census Tract #8, A Depressed Area under the current Housing Assistance Plan; and  
 WHEREAS, pursuant to the provisions of Section 160A-443 of the North Carolina General Statutes and Section 11-28 of the Housing Code of the City of Charlotte, the owner(s) of said dwelling have been ordered by the Director of the Community Development Department 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 Certified Mail on 1/28/86; and  
 WHEREAS, the cost of repairs necessary to bring said dwelling into compliance with requirements of the Housing Code is less than 65% 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) 11-58-a7 and 11-56-a & b  
 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 dwelling located at 1529 Hawthorne Lane in the City of Charlotte to be repaired, altered or improved as provided in the Order of the Directed dated 1/28/86 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 provision of Section 160A-443 of the North Carolina General Statutes and Sections 11-28 and 11-31 of the Charlotte City Code.

PROVIDED, if, prior to the vacating and closing of said unit pursuant to this Ordinance, it shall be determined by the Director of the Community Development Department that the unit has been repaired and meets the Minimum Housing Standards of the Housing Code and Chapter 160A of the North Carolina General Statutes, and there is no longer a need for the vacating and closing of the dwelling; then this Ordinance shall be vacated upon the recording in the Mecklenburg County Register of Deeds' Office of an Affidavit by the Director of the Community Development Department certifying such compliance with the Minimum Housing Standards, without any further action being taken by this body.

**THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ITS ADOPTION.**

Approved as to form:

Henry W. Claderhiser Jr.  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of July, 1986, the reference having been made in Minute Book 86, and is recorded in full in Ordinance Book 35 at page 32.

Pat Sharkey  
City Clerk

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Ordinance Book 35 - Page 33

ORDINANCE 1997

AN ORDINANCE AMENDING CHAPTER 14, SECTION 131 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 a lowered speed limit on certain streets of the City of Charlotte is not inappropriate; and

WHEREAS, G. S. 20-141 (speed restrictions) requires adoption of a speed limit ordinance to amend Chapter 14, Section 131(c) of the Charlotte City Code,

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

SECTION 1: That Schedule X referred to in Chapter 14-131(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. Chilton Place between Sharon Road and Queens Road East       | 25                 |
| 2. Folger Drive between Lansing Drive and Providence Road       | 25                 |
| 3. Grier Avenue between Fairmont Avenue and Vinton Street       | 25                 |
| 4. Lake Forest Drive East between Albemarle Road and cul-de-sac | 25                 |
| 5. Lansdowne Road between Sardis Road and Providence Road       | 25                 |
| 6. Stoneface Road between Sullins Road and cul-de-sac           | 25                 |

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- |   |    |
|---|----|
| 7. Wingrave Drive between Sardis Road and Folger Drive      | 25 |
| 8. Temple Lane between Central Avenue and cul-de-sac        |    |
| 9. Renfrow Lane between Berry Ridge Drive and City Limits   | 25 |
| 10. Ashton Drive between Glenfall Avenue and Riverbend Road | 25 |

SECTION 2: Section 1 shall become effective upon adoption and after signs are erected giving notice of the speed limits, as required by N.C.G.S. Section 20-141.

Approved as to form:

*Henry W. Underhill* City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of July, 1986, the reference having been made in Minute Book 86, and is recorded in full in Ordinance Book 35 at pages 33-34.

Pat Sharkey  
City Clerk