

September 26, 1988
Ordinance Book 37 - Page 211

ORDINANCE NO. 2513

AMENDING CHAPTER 10

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

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

Section 1. Chapter 10 of the City Code of the City of Charlotte shall be amended as follows:

1. Amend "Art. III" of the index caption on page 1025 by deleting the index caption:

"Art. III. Removal and Disposition of Abandoned and Junked Motor Vehicles and Vehicles Declared to be a Health and Safety Hazard §§ 10-136 - 10-160"

and substituting in lieu thereof a new index caption to read as follows:

"Art. III Removal and Disposition of Abandoned Vehicles, Hazardous Vehicles, and Junked Motor Vehicles §§ 10-136 -10-160"

2. Amend the title caption for "ARTICLE III" on page 1043 by deleting the title caption for "ARTICLE III" on page 1043 and substituting in lieu thereof the following new title caption:

"ARTICLE III. REMOVAL AND DISPOSITION OF ABANDONED VEHICLES, HAZARDOUS VEHICLES, AND JUNKED MOTOR VEHICLES."

3. Amend § 10-23, "Violations and enforcement", by the deletion of the first paragraph beginning with the words, "It shall be unlawful" and ending with the words "any violation of this article:", and the deletion of (1) that begins with the words, "A citation", and ends with, "through 10-91;" and in lieu thereof substitute the following:

"§ 10-23. Violations and enforcement.

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

(1) A citation may be issued to any person for the violation of any provision of this chapter in the amount of twenty-five dollars (\$25.00), unless a different, specific, citation penalty is stated in a specific section, and subsequent citations can be issued for a continuing violation."

4. Amend § 10-137, "Definitions", by the deletion of the words , "Abandoned vehicle. One that:", and in lieu thereof substitute the following:

"Abandoned vehicle. As authorized and defined in G.S. § 160A-303, an abandoned motor vehicle is one that:".

5. Amend § 10-137, "Definitions", by the deletion of subsection (2) and (3) under the definition of "Abandoned vehicle" and in lieu thereof substitute a new (2) and (3) under "Abandoned vehicle" to read as follows:

"(2) Is left on property owned or operated by the city for longer than 24 hours; or

(3) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than 2 hours."

6. Amend § 10-137, "Definitions", by the deletion of the entire definition of "Junked motor vehicle." and in lieu thereof substitute the following:

"A junked motor vehicle means a vehicle that does not display a current and valid license plate lawfully upon that vehicle and that:

(1) Is partially dismantled or wrecked; or

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or

September 26, 1988
Ordinance Book 37 - Page 213

(3) Is more than five years old and appears to be worth less than one hundred dollars (\$100).

7. Amend § 10-137, "Definitions", by the deletion of the caption, "Hazardous vehicle.", and the paragraph beginning with the words, "A vehicle" and ending with the words "when the vehicle is found to be:", and substituting in lieu thereof the following:

"Hazardous vehicle. Any junked or abandoned motor vehicle on private or public property that is declared to be a health or safety hazard by a duly authorized community improvement division employee when the vehicle is found to be:"

8. Amend § 10-137, "Definitions", by the adding of a new definition for the word, "Owner", to be placed after the definition of "Motor vehicle", and before the definition of "Supervisor", to read as follows:

"Owner. An individual, firm, partnership, association, corporation, governmental agency, or any combination thereof, holding and presenting the legal certificate of title to the particular vehicle."

9. Amend § 10-145, "Article exception", by deleting entirely § 10-145 and in lieu thereof substitute the following new § 10-145 to read as follows:

"§ 10-145. Article exception.

This article shall not apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

A lawful place and manner shall include, but not be limited to, strict compliance with the city's Zoning Ordinance. That a vehicle is necessary to the operation of a business enterprise shall mean, but not

September 26, 1988
Ordinance Book 37 - Page 214

be limited to, the clear, active use or involvement of the vehicle in the operation of the business enterprise. Mere storage or idle standing of a vehicle does not constitute a vehicle necessary to the operation of the business."

10. Amend Chapter 10, Article III, by adding a new § 10-146, entitled "Regulation and removal of junked motor vehicles", to read as follows:

"§ 10-146. Regulation of junked motor vehicles.

(a) Purpose: N.C. Gen. Stat. § 160A-303.2 authorizes the City of Charlotte to regulate and to prohibit junked motor vehicles on public grounds and on private property. Pursuant to that authority, the City Council finds that such regulation, restraint, or prohibition is necessary and desirable to promote or enhance:

- (1) the quality of urban attractiveness and aesthetic appearance of the City,
- (2) the protection of property values throughout the City,
- (3) the preservation of the liveability and attractiveness of neighborhoods,
- (4) the promotion of tourism, conventions, and other opportunities for economic development for the City,
- (5) the attractiveness of the City's thoroughfares and commercial roads which present the primary, public visibility to visitors and to passers-by of the City, and
- (6) the promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles.

(b) Junked motor vehicle: A junked motor vehicle is defined in § 10-137, "Definitions".

In determining whether a vehicle constitutes a junked motor vehicle, a community improvement officer, in applying the specific criteria in the definition of a junked motor vehicle shall take into consideration, but not be limited to, whether the vehicle has a valid inspection decal as evidence of the stationary character

of the vehicle, whether the tires, wheels and other essential parts of the vehicle are present for the operation of the vehicle, flat tires, removed parts, condition of the exterior, or any other specific evidence that would support a finding that the vehicle violates this section. If such a determination is made, then the inspector shall state that basis in writing.

(c) Exception: Section 10-146 shall not require the removal or disposal: (i) of a motor vehicle kept or stored as a bona fide, 'automobile graveyard' or 'junkyard' as defined in N.C. Gen. Stat. § 136A-143, in accordance with the 'Junkyard Control Act', N.C. Gen. Stat. §§ 136-141, et seq., or (ii) of any motor vehicle that is used on a regular basis for business or personal use, or (iii) of any vehicle, in a 'Junkyards and auto wrecking', as authorized in, and in compliance with, Code § 3073, no. 24.

(d) Unlawful act:

(1) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property and that single, permitted junked motor vehicle must strictly comply with the locational and concealment requirements of this section.

(2) It shall be unlawful for anyone to fail to comply with the locational requirements or the concealment requirements of this section.

(e) Permitted concealment or enclosures of junked motor vehicle:

(1) One junked motor vehicle. One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the City's zoning ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable canvas covering.

The Community Improvement Division has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The canvas covering must remain in good repair and must not be allowed to deteriorate. The canvas covering or enclosure must be compatible with the objectives stated in (a), (1)-(6), above.

(2) More than one junked motor vehicle. Any other junked motor vehicle must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s)

September 26, 1988
Ordinance Book 37 - Page 216

cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and has been constructed in accordance with all zoning and Building Code regulations.

(f) Administrative search and inspection warrant:

The Community Improvement Division is authorized to secure an administrative search and inspection warrant as provided by N.C. Gen. Stat. § 15-27.2 in order to conduct any necessary inspection of premises and to obtain evidence to determine whether there is any violation of any provisions of Chapter 10 for which the Community Improvement Division has the duty to enforce Code provisions.

(g) Notice and removal of vehicles: The provisions of Code §§ 10-140, 10-141, 10-142, 10-143, and 10-144 shall be applicable in respect to the notification, removal, right of hearing, and disposition of junked motor vehicles.

Section 2. This ordinance shall become effective thirty

(30) days after its adoption.

Approved as to form:


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 meeting held on the 26th day of September, 1988, and recorded in full in Ordinance Book 37, beginning on page 211.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of September, 1988.

Pat Sharkey, City Clerk

September 26, 1988
Ordinance Book 37 - Page 217

ORDINANCE NO. 2514-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2428-X, THE 1988-89 BUDGET ORDINANCE, TO ESTABLISH APPROPRIATIONS FOR THE PURCHASE OF AN AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM.

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

Section 1. That the sum of \$1,101,851 is hereby estimated from the following sources:

<u>Source</u>	<u>Amount</u>
General Fund - Unappropriated Fund Balance - U. S. Treasury Receipts - Drug Forfeitures	\$ 400,000
Capital Equipment Fund (2014) Unappropriated Fund Balances	603,151
Transfer from Police Property Control Bureau (0101;401.51.548)	73,500
Transfer from Police Communications Bureau (0101;401.54.548)	25,200
	<u>\$1,101,851</u>

Section 2. That the sum of \$1,101,851 is hereby appropriated to the Police Records Bureau (0101;401.53.549) for the purchase of an Automated Fingerprint Identification System.

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

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of September, 1988, the reference having been made in Minute Book 91, and is recorded in full in Ordinance Book 37, at page(s) 217.

Pat Sharkey
City Clerk

September 26, 1988
Ordinance Book 37 - Page 218 (a)

ORDINANCE NO. 2515-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2428-X, THE 1988-89 BUDGET ORDINANCE, ESTIMATING FEDERAL GRANT REVENUES AND PROVIDING AN APPROPRIATION FOR CONCOURSE "B" RAMP EXPANSION, TAXIWAY CONSTRUCTION, AND REIMBURSEMENT FOR LAND PURCHASES.

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

Section 1. That the sum of \$6,605,476 is hereby estimated from the Federal Aviation Administration as the City's FY88 entitlement through the Airport Improvement Program.

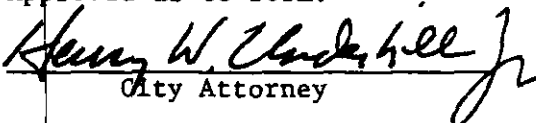
Section 2. That the sum of \$6,605,476 is hereby appropriated to the following Airport Capital Project Funds as follows:

<u>Fund/Center Number</u>	<u>Amount</u>
2080; 521.09 - Airfield Improvements 1989	\$4,242,570
2077; 562.12 - Land Acquisition	650,186
2073; 562.49 - Besser Drive Land	<u>1,712,720</u>
Total	\$6,605,476

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

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of September, 1988, the reference having been made in Minute Book 91, and is recorded in full in Ordinance Book 37, at page(s) 218.

Pat Sharkey
City Clerk