

ORDINANCE 229

**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 miles per hour speed limit on non-thoroughfare residential streets; 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,

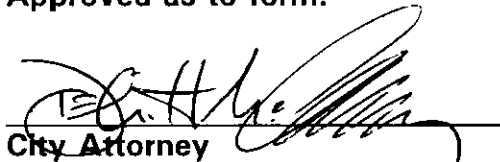
NOW THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte,

SECTION 1: That Schedule X referred to in Chapter 14-131(c) of the Charlotte City Code be amended by declaring a speed limit on the following City System street as described below:

**Cottonwood Street from Valleydale Road to dead end,
2,000 Feet from Level Creek Lane 25 MPH**

SECTION 2: Section 1 shall become effective upon adoption by Charlotte City Council 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:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of February 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46, at page(s) 231.

Nancy S. Gilbert
Deputy City Clerk

ORDINANCE NO. 230-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1320 FAIRMONT STREET 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 MAGGIE MOORE AND THERESA MARGARET MOORE RESIDING AT 201 W. 10TH STREET, APT. 509, CHARLOTTE, NC 28202.

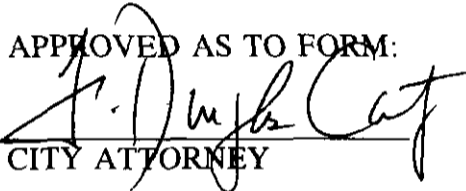
WHEREAS, the dwelling located at 1320 Fairmont Street in the City of Charlotte has been found by the Director of the Community Development Department to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant 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 owner(s) have failed to comply with said order served by registered mail on August 20, 1994 and September 24, 1994.

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 1320 Fairmont Street 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.

This Ordinance shall become effective upon its adoption.


APPROVED AS TO FORM:

an. best. 
CITY ATTORNEY

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of February, 1995, the reference having been made in Minute Book 107, and recorded in full in Ordinance Book 46, at Page(s) 232.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14th day of February, 1995.



Nancy S. Gilbert, Deputy City Clerk

ORDINANCE NO. 231-X

AN ORDINANCE TO AMEND ORDINANCE NO. 3890-X, THE 1994-95 BUDGET ORDINANCE, TO PROVIDE APPROPRIATIONS TO FUND THE UPTOWN CIRCUIT.

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

Section 1. That the sum of \$50,000 is hereby estimated to be available from the Public Transportation Fund fund balance (7801; 4110).

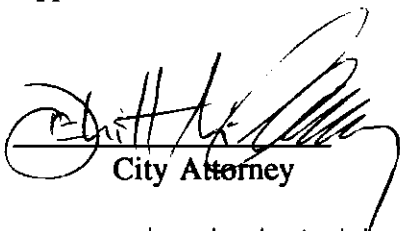
Section 2. That the sum of \$50,000 is hereby appropriated to the Public Transportation Fund - Uptown Circuit Program.

Section 3. This project is anticipated to remain in effect beyond the end of the fiscal year; therefore, this ordinance will remain in effect for its duration.

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

Section 5. It is the intent of this ordinance to be 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 13th day of February 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46, at page(s) 233.

Nancy S. Gilbert
Deputy City Clerk

ORDINANCE NO. 232-X

B-29

AN ORDINANCE TO AMEND ORDINANCE NO. 3890-X, THE 1994-95 BUDGET ORDINANCE, TO PROVIDE APPROPRIATIONS TO FUND THE CHARLOTTE-TO-ROCK HILL COMMUTER BUS SERVICE.

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

Section 1. That the sum of \$35,000 is hereby estimated to be available from the Public Transportation Fund fund balance (7801; 4110).

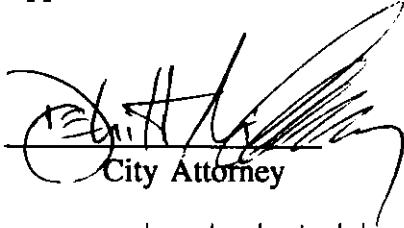
Section 2. That the sum of \$35,000 is hereby appropriated to the Public Transportation Fund - Rock Hill Commuter Service Program (7801; 829.00).

Section 3. This project is anticipated to remain in effect beyond the end of the fiscal year; therefore, this ordinance will remain in effect for its duration.

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

Section 5. It is the intent of this ordinance to be 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 13th day of February 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46, at page(s) 234.

Nancy S. Gilbert
Deputy City Clerk

ORDINANCE NO. 233

AN ORDINANCE AMENDING CHAPTER 15 (OFFENSES AND MISCELLANEOUS PROVISIONS) OF THE CODE OF THE CITY OF CHARLOTTE BY THE ADDITION OF A NEW ORDINANCE CREATING A YOUTH PROTECTION ORDINANCE IMPOSING CERTAIN RESTRICTIONS UPON JUVENILES, PROHIBITING PARENTS AND COMMERCIAL ESTABLISHMENTS FROM KNOWINGLY PERMITTING A VIOLATION OF THIS ORDINANCE, PROVIDING FOR EXCEPTIONS AND DEFENSES, AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

WHEREAS, City Council finds that the protection of juveniles from harm is a matter of compelling governmental interest; and

WHEREAS, City Council finds that a Youth Protection Ordinance which is based upon a documented need, and is narrowly tailored, is currently necessary to protect juveniles from themselves, each other, and from adults; and

WHEREAS, City Council finds that this ordinance is enacted in recognition of the peculiar vulnerability of juveniles, their frequent inability to make critical decisions in an informed, mature manner; and

WHEREAS, a narrowly tailored ordinance that imposes reasonable time, place, and manner restrictions upon juveniles in an effort to reduce juvenile victimization and arrests would be in the best interest of the public health, safety, and general welfare of the citizens of Charlotte; and

WHEREAS, City Council finds that it is not necessary for a "state of emergency" to exist or be declared, for a municipality to impose reasonable time, place, and manner restrictions upon juveniles, when said restrictions are based upon a documented need and are imposed in an effort to protect said juveniles from potential harm; and

WHEREAS, City Council finds that the City has broad authority to adopt and enforce such an ordinance and that adoption and enforcement of a Youth Protection Ordinance is consistent with the broad authority that the City has to execute the powers, duties, and privileges conferred upon it by Chapter 160A of the North Carolina General Statutes and confirmed by the Supreme Court of North Carolina in Homebuilders Association of Charlotte v. City of Charlotte, 336 N.C. 37 (1994).

WHEREAS, approximately 217 of all arrestees in Charlotte in 1994, during the restricted hours as defined by the Youth Protection Ordinance, were juveniles; and

WHEREAS, City Council has heard testimony of officers of the Charlotte-Mecklenburg Police Department and City Council finds, based on this testimony, that juveniles in the City have been victimized during the restricted hours of the ordinance and that adoption of this ordinance will serve to assist the City in seeking to prevent such victimization; and

WHEREAS, City Council finds that delinquent and criminal activity by and against juveniles presents a clear and present danger to the citizenry, and to the public order and safety; and

WHEREAS, it is the responsibility of government to attempt to prevent crime, delinquency, and juvenile victimization whenever and wherever it is possible to do so; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, THAT THE FOLLOWING ORDINANCE BE ADOPTED:

ORDINANCE NO. ~~15-145~~ ^{# 233} AMENDING CHAPTER 15

AN ORDINANCE AMENDING CHAPTER 15 OF THE CITY CODE ESTABLISHING A YOUTH PROTECTION ORDINANCE IMPOSING CERTAIN RESTRICTIONS UPON JUVENILES DURING SPECIFIED HOURS.

BE IT ORDAINED by the City Council of the City of Charlotte:

Section 1. Chapter 15 of the Code of the City of Charlotte is hereby amended by adding a new Section 15-145 to read as follows:

Section 15-145(a) PURPOSE. The purpose of this ordinance is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of sixteen years in the City of Charlotte. The Youth Protection Ordinance is intended to reinforce and promote the role of the parent in raising and guiding children, and promote the health, safety, and welfare of both juveniles and adults by creating an environment offering better protection and security for all concerned.

(b) DEFINITIONS. For the purposes of this ordinance, the following words and phrases shall have the following meanings:

- (1) DIRECT ROUTE: The shortest reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way.
- (2) EMERGENCY: An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or death. This term also shall include any action that is reasonably necessary in order to respond to the medical needs of a family member of the

juvenile regardless of whether the juvenile's action is taken in order to prevent death or serious bodily injury.

- (3) ESTABLISHMENT: Any privately owned place of business operated for profit to which the public has access or is invited including but not limited to any place of amusement or entertainment.
- (4) GUARDIAN: A person who is court-appointed to be the guardian of a juvenile.
- (5) JUVENILE: Any person under the age of 16 years.
- (6) OWNER/OPERATOR: Any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment, including the employees, members or partners of an association or partnership and the officers of a corporation.
- (7) PARENT: A person who is a natural parent, adoptive parent, foster parent or step-parent of another person, or a person to whom legal custody has been given by court order.
- (8) PUBLIC PLACE: Any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including but not limited to, streets, sidewalks, highways, alleys, rights of way, public vehicular areas and parking lots, transportation facilities, theaters, restaurants, shops, bowling alleys, schools and school grounds, places of business and amusement, playgrounds, parks, similar areas that are open to the public, and other common areas open to or accessible to the public.
- (9) REMAIN: To linger or stay in a public place, or to fail to leave the premises when requested to do so by a police officer, or to fail to leave the premises of an establishment when requested to do so by the owner/operator or employee of the premises.
- (10) RESTRICTED HOURS. The time of night referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the City of Charlotte, North Carolina. Restricted hours shall mean:
 - (A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and

(B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(c) OFFENSES. Except as provided by subsection (d), the following offenses constitute a violation of this ordinance:

- (1) A juvenile commits an offense by being present in or remaining in any public place or on the premises of any establishment within the city during the restricted hours.
- (2) A parent or guardian of a juvenile commits an offense if he knowingly permits, or by insufficient control, allows the juvenile to remain in any public place or on the premises of any establishment within the city during the restricted hours. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.
- (3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours. The term "knowingly" includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment. The standard for "knowingly" shall be applied through an objective test: whether a reasonable person in the operator's or employee's position should have known that the patron was a juvenile in violation of this Ordinance.
- (4) It shall be a violation of this ordinance for any person 16 years of age or older to aid or abet a juvenile in the violation of subsection (c)(1).
- (5) It shall be a violation of this ordinance for a parent or guardian to refuse to take custody during the restricted hours of a juvenile for whom the parent or guardian is responsible.

(d) EXCEPTIONS. A juvenile who is in a public place or establishment during the restricted hours shall not be in violation of this ordinance if the juvenile is:

- (1) accompanied by his parent or guardian.
- (2) accompanied by an adult 18 years of age or older authorized by the parent or guardian of such juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area.
- (3) on an errand, using a direct route, at the direction of the juvenile's parent or guardian until the hour of 12:30 a.m.
- (4) in a motor vehicle with parental consent engaged in interstate travel through the City or originating or terminating in the City.
- (5) traveling in a motor vehicle with a parent or guardian, or traveling in a motor vehicle with an adult 18 years of age or older authorized by the parent or guardian of such juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area.
- (6) engaged in a lawful employment activity, or using a direct route to or from a place of employment.
- (7) reacting or responding to an emergency.
- (8) attending or traveling to or from, by direct route, an official school, religious, or recreational activity that is supervised by adults and sponsored by a public or private school, the City of Charlotte or other governmental entity, a civic organization, or another similar entity that accepts responsibility for the juvenile.
- (9) exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech, and the right of assembly.
- (10) married or emancipated.
- (11) when authorized, by special permit from the Chief of Police or his designee carried on the person of the juvenile thus authorized, as follows. When necessary nighttime activities of a juvenile may be inadequately provided for by other provisions of this Ordinance, then recourse may be had to the Chief of Police, or his designee, either for a regulation as provided in subsection (d)(12) or for a special permit as the circumstances warrant. Upon the findings of reasonable necessity

for the use of a public place to the extent warranted by a written application signed by a juvenile, and by a parent of the juvenile, if feasible, stating (1) the name, age and address of the juvenile; (2) the name, address, and telephone number of a parent thereof; (3) the height, weight, sex, color of eyes and hair and other physical characteristics of the juvenile; (4) the necessity that requires the juvenile to remain upon a public place during the restricted hours otherwise applicable; (5) the public place; and (6) the beginning and ending of the period of time involved by date and hour, the Chief of Police or his designee may grant a permit in writing for the juvenile's use of a public place at such hours as in the opinion of the Chief of Police may reasonably be necessary and consistent with the purposes of this Ordinance.

- (12) When authorized, by regulation issued by the Chief of Police or his designee in other similar cases of reasonable necessity, similarly handled as set forth in subsection (d)(11) but adapted to reasonably necessary nighttime activities of more juveniles than can readily be dealt with on an individual special permit basis. Normally such regulation by the Chief of Police or his designee permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the public places permitted, the period of time involved not to extend more than one (1) hour beyond the time for termination of the activity, and the reason for finding that the regulation is reasonably necessary and is consistent with the purposes of this Ordinance.

(e) DEFENSE: It is a defense to prosecution under subsection (c)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during the restricted hours and refused to leave.

(f) ENFORCEMENT:

- (1) Before taking any enforcement action under this ordinance, a police officer shall ask the apparent offender's age and reason for being in the public place or establishment during restricted hours.
- (2) The officer shall not prepare a juvenile arrest report, issue a citation, or make an arrest under

this ordinance unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception or defense in subsection (d) or (e) is present.

(g) PENALTIES:

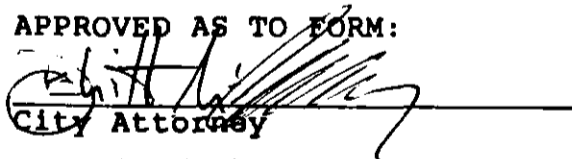
- (1) A juvenile who violates any provision of this ordinance is subject to being adjudicated delinquent. The Court may, in its discretion, impose any dispositional alternative(s) that are provided in the North Carolina Juvenile Code for any juvenile who is delinquent.
- (2) Any person other than a juvenile who violates any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$100.00, and imprisonment in the discretion of the court in accordance with N.C.G.S. §14-4.

(h) SEVERABILITY: If any section, subsection, sentence, term, or exception of this ordinance, or any application thereof to any person or circumstance is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of any remaining portion of this ordinance or its application to any other person or circumstance. The City Council does not intend a result through the enforcement of this Ordinance that is absurd, impossible of execution or unreasonable. Council intends that the Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional under the Constitution of the State of North Carolina or under the Constitution of the United States of America.

(i) EXPIRATION: This ordinance shall be null and void after June 30, 1997 unless City Council votes to extend the effective date of the ordinance. This provision, commonly known as a "sunset provision," is included in this Ordinance to ensure that the Ordinance, its effectiveness and its necessity, will be reviewed by City Council within a reasonable time after its adoption.

Section 2. This ordinance shall become effective at 11:00 p.m. on the first Monday that is at least 60 days after the date of 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 13th day of February 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46, at page(s) 235-242.

Nancy S. Gilbert
Deputy City Clerk

AN ORDINANCE TO AMEND ORDINANCE NO. 3890-X, THE 1994-95 BUDGET ORDINANCE, TO APPROPRIATE \$907,500 FOR THE CONSTRUCTION OF THE BETHLEHEM CENTER PROJECT HEAD START FACILITY.

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

Section 1. That the sum of \$907,500 is available from the following sources and is hereby appropriated for transfer to Fund 2010.

Municipal Debt Service Fund (5101) Fund Balance	\$764,129
Community Development Fund Project Head Start (6911; 958.97)	143,371
Total	\$907,500

Section 2. That the sum of \$907,500 is hereby appropriated to General Capital Projects Fund -- Bethlehem Head Start Facility (2010; 376.00).

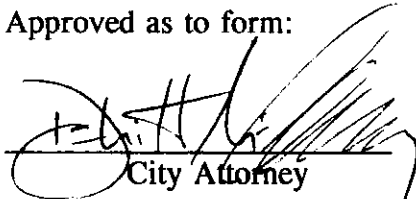
Section 3. The funds provided by the Municipal Debt Service Fund in Section 1 are to be repaid from the proceeds of the sale of the facility to the Bethlehem Center at completion of the Project.

Section 4. The funds provided by the Community Development Fund in Section 1 may be repaid from proceeds of the sale of the facility. Any shortfall between the \$143,371 and actual sale proceeds shall become a permanent source of financing for this project.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. It is the intent of this ordinance to be 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 13th day of February 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46, at page(s) 243.

Nancy S. Gilbert
Deputy City Clerk

AN ORDINANCE TO AMEND ORDINANCE NO. 3890 – X, THE 1994–95 BUDGET ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION FOR THE CONVENTION CENTER CAPITAL PROJECT.

BE IT ORDAINED by the City Council of the City of Charlotte;

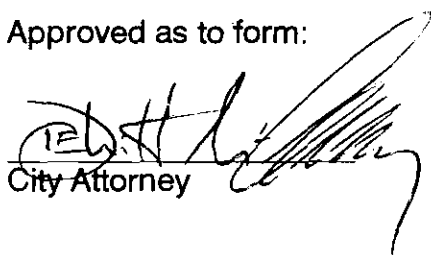
Section 1. That the sum of \$3,000,000 is hereby estimated to be available from interest earnings in the Convention Center Construction Fund (2013).

Section 2. That the sum of \$3,000,000 is hereby appropriated to the Convention Center Construction Fund 2013;371.00 – Convention Center.

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective immediately.

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 13th day of February 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46, at page(s) 244.

Nancy S. Gilbert
Deputy City Clerk