

ORDINANCE NUMBER: 2459

AMENDING CHAPTER 19

ORDINANCE AMENDING THE CHARLOTTE CITY CODE

Section 1. Chapter 19 of the Charlotte City Code is amended by adding a new Article X to read as follows:

"ARTICLE X. PARADES

Sec. 19-281. Short title.

This article shall be known and cited as the "Parade Ordinance of the City of Charlotte."

Sec. 19-282. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this article:

Parade is any parade, march, ceremony, pageant, or procession of any kind moving upon any public street of the city.

Parade permit committee is the committee having the authority to issue permits under this section.

Sec. 19-283. Permit committee.

(a) *Created; composition.* There is hereby created a parade permit committee, which shall be composed of seven (7) members appointed as herein provided. One (1) member from each of the police and transportation department and special events coordinator shall be appointed by the city manager, and four (4) citizens from the community shall also be appointed, three (3) members by the city council and one (1) member by the mayor.

(b) *Terms.* All members, except special events coordinator, shall serve a term of three (3) years, and no member shall serve more than two (2) consecutive terms. By virtue of position, the special events coordinator shall have no term expiration.

(c) *Officers.* The city manager shall designate one of the members as chairman and another as vice-chairman.

(d) *Filling of vacancies.* When a vacancy occurs, a person to serve for the unexpired term of the vacant position shall be appointed as provided herein.

(e) *Quorum.* A majority of the members shall constitute a quorum.

(f) *Removal of members for absences.* Any member who fails to attend at least

seventy-five (75) percent of the regular and special meetings held by the committee during any one (1) year period shall be automatically removed from the committee. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as herein provided.

Sec. 19-284. Permit--Required; exceptions.

(a) No person shall engage or participate in, aid, form or start any parade unless a parade permit shall have been obtained from the parade permit committee. However, neighborhood parades requiring the basic level of service will be approved by the city manager's appointees.

(b) This section shall not apply to the following:

- (1) Funeral processions supervised by a licensed mortuary.
- (2) Picketing or other orderly processions on the sidewalks that do not violate any other city or state law.
- (3) A parade, as defined in this article, that is conducted on the property of or under the control of the city parks and recreation commission.

Sec. 19-285. Same--Application.

(a) *Generally.* A person seeking the issuance of a parade permit shall file an application with the parade permit chairman on forms provided by the parade permit committee. Upon receipt of an application, the city clerk shall notify the members of the committee who shall decide upon the application as expeditiously as possible.

(b) *Filing period.* An application shall be filed with the city clerk not less than thirty (30) days before the date on which the parade is to be conducted. However, where good cause is shown therefor, the committee shall have the authority to consider any application which is filed less than thirty (30) days before such parade is to be conducted.

(c) *Contents.* The application shall be signed by the applicant and notarized and shall include, but not be limited to, the following:

- (1) The name, address and telephone number of the person seeking to conduct such parade.
- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization.

- (3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
- (4) The date when the parade is to be conducted.
- (5) The route to be traveled, the starting point and the termination point.
- (6) The approximate number of persons, animals and vehicles participating in the parade; the type of animals and a description of the vehicles.
- (7) The hours when the parade will start and terminate.
- (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
- (9) The location by streets of any assembly areas for such parade
- (10) The time when units of the parade will begin to assemble at any such assembly area or areas.
- (11) If the parade is to be sponsored by, or on behalf of, any person other than the applicant, the applicant for such permit shall file with the parade permit committee, a communication in writing from the person proposing to hold the parade authorizing the applicant to apply for the permit on his behalf.
- (12) The applicant or parade sponsor will be required to provide off-duty police officer resources to secure the parade route. If the parade sponsor cannot afford such resources, the applicant may submit an affidavit of indigence along with a financial statement to the parade permit committee. The committee will determine whether the parade sponsor is indigent and will determine final route, date, and time of the indigent parade. The city will provide the necessary police resources for the Martin-Luther King, Veterans Day, Carrousel, and Shrine Bowl parades.

Sec. 19-286. Same--Fee.

A fee often dollars (\$10.00) shall be paid by the person applying for the permit required by this article at the time of application to cover expenses incidental to processing the application.

Sec. 19-287. Same--Standards for issuance; revocation.

(a) The parade permit committee shall issue a permit for a proposed parade unless it finds that:

- (1) The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or
- (2) The conduct of the parade will require the diversion of so great a number of police officers of the city to properly police the line of movement of the parade and of contiguous areas that adequate police protection cannot be provided the remainder of the city; or
- (3) The conduct of the parade will require the diversion of so great a number of ambulances that adequate ambulance service to portions of the city and contiguous areas not occupied by the parade will be impeded; or
- (4) The concentration of persons, animals and vehicles at assembly points of the parade will substantially interfere with adequate fire and police protection of, or ambulance service to, areas contiguous to such assembly areas; or
- (5) The conduct of the parade is reasonably likely to result in violence to persons or property causing serious harm to the public; or
- (6) The parade is to be held for the primary purpose of advertising a product, goods, or an event and is designed to be held primarily for private profit; or
- (7) The conduct of the parade will interfere with the movement of fire fighting equipment to such an extent that adequate fire protection cannot be provided to the city.
- (8) The route has been requested reoccurringly for running or jogging or similar events.

(b) Upon issuance of a parade permit, a copy thereof shall be sent to the city manager, fire chief, traffic engineer, and chief of police. The parade permit committee shall have the authority to revoke a parade permit issued under this article upon violation of the standards for issuance as herein set forth.

Sec. 19-288. Same--Notice of committee action on application; appeal procedure.

(a) The parade permit committee shall act upon the application for a permit required by this article as expeditiously as possible, notifying the applicant by registered mail of its decision. If the application is disapproved, the committee shall set out in written form the basic facts upon which it based its decision. If the committee disapproves the application on the grounds stated in section 19-287(a)(5), the decision of the committee must be ratified by the city council.

(b) Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council, and the council shall hear the appeal at its first regularly scheduled meeting after receipt of the appeal.

Sec. 19-289. Same--Alternative.

The parade permit committee in denying an application for a parade permit shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternative permit shall, within five (5) days after notice of the action of the parade permit committee, file a written notice of acceptance with the parade permit committee. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this article.

Sec. 19-290. Duties of permittee.

(a) A permittee under this article shall comply with all permit directions and conditions and with applicable laws and ordinances.

(b) The parade chairman or other person leading such activity shall carry the parade permit upon his person during the conduct of the parade.

Sec. 19-291. Public conduct.

(a) *Interference.* No person shall unreasonably hamper; obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in the parade.

(b) *Driving through parades.* No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) *Parking on parade route.* The parade permit committee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route of a parade. When necessary, the parade permit committee shall see that signs are posted to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.

Sec. 19-292. Dangerous weapons prohibited at parades and funeral processions.

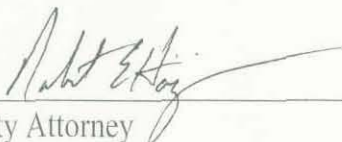
(a) It shall be unlawful for any person participating in a parade or funeral procession to carry, possess or have within his immediate access any dangerous weapon as defined in section 15-14(d) of this Code.

(b) It shall be unlawful for any person upon any street or sidewalk and-within three hundred (300) feet of a parade to carry, possess or have within his immediate access any dangerous weapon as defined in section 15-14(d) of this Code; provided, no person shall be guilty of violating this paragraph (b) unless he is first warned by a law enforcement officer that a parade is, or is expected to be in the vicinity and such person thereafter willfully fails or refuses to remove himself from within three hundred (300) feet of the parade.

(c) This section shall not apply to those persons and in those circumstances enumerated in section 15-14(b) of this Code."

Section 2. This ordinance shall become effective on January 1, 2004.

Approved as to Form:



SR. Asst. 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 8th day of December, 2003, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 597-602.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk

ORDINANCE NUMBER: 2460-X

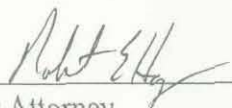
O-56

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2323-X, THE 2003-2004 BUDGET
ORDINANCE, PROVIDING AN APPROPRIATIONS FROM CHARLOTTE MECKLENBURG
DEVELOPMENT CORPORATION

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

- Section 1. That the sum of \$352,563.30 is hereby estimated to be available from the Charlotte Mecklenburg Development Corporation.
- Section 2. That the sum of \$352,563.30 is hereby appropriated for the repayment of an outstanding loan to the U.S. Department of Housing and Urban Development in fund 6807, cost center 90036.
- Section 4. All ordinances in conflict with this ordinance are hereby repealed.
- Section 5. It is the intent of this ordinance to be effective upon its adoption.

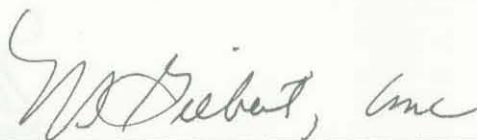
Approved as to form:


Sr. Ass't 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 8th day of December, 2003, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 603.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

December 8, 2003
Ordinance Book 52, Page 604

ORDINANCE NUMBER: 2461-X

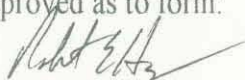
O-57

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2323-X, THE 2003-2004 BUDGET ORDINANCE, PROVIDING AN APPROPRIATIONS FROM THE U.S. DEPARTMENT OF JUSTICE AND FROM POLICE ASSETS FORFEITURE FUND

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

- Section 1. That the sum of \$1,052,452 is hereby estimated to be available from the U.S. Department of Justice.
- Section 2. That the sum of \$116,939 is hereby estimated to be available from Police assets Forfeiture Fund.
- Section 3. That the sum of \$1,169,391 is hereby appropriated to the Pubic Safety Grant Fund (0413) for the 2003 Local Law Enforcement Block Grant.
- Section 4. It is the intent of this ordinance to be effective upon its adoption.


Approved as to form:


SR. ASST. 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 8th day of December, 2003, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 604.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

ORDINANCE NUMBER: 2462-X

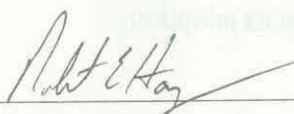
O-58

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2323-X, THE 2003-2004 BUDGET ORDINANCE, PROVIDING AN APPROPRIATIONS FROM LOCAL COMMUNITY COLLEGES

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

- Section 1. That the sum of \$4,654.50 is hereby estimated to be available from revenue received from local community colleges.
- Section 2. That the sum of \$4,654.50 is hereby appropriated to the Public Safety Grant Fund (0413), Regional Community Policing.
- Section 3. It is the intent of this ordinance to be effective upon its adoption.


Approved as to form:


Sr. Ass. 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 8th day of December, 2003, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 605.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

ORDINANCE NO. 2463-X

O-59

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2323-X, THE 2003-2004 BUDGET ORDINANCE, APPROPRIATING FUNDING FROM THE NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT TO DEVELOP A COMMUNITY EMERGENCY RESPONSE TEAM (CERT) PROGRAM FOR CHARLOTTE-MECKLENBURG.

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

Section 1. That the sum of \$10,000 is hereby estimated to be available from a grant from the North Carolina Division of Emergency Management.

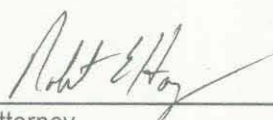
Section 2. That the sum of \$10,000 is hereby appropriated to the Public Safety Grants Fund (0413) Center 531.13

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:



Sr. Ass't 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 8th day of December, 2003, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 606.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk

ORDINANCE NO. 2464-X

O-60

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2323-X, THE 2003-2004 BUDGET ORDINANCE, APPROPRIATING FUNDING FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY TO PROVIDE TERRORISM PREPAREDNESS

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

Section 1. That the sum of \$668,728 is hereby estimated to be available from a grant from the U.S. Department of Homeland Security

Section 2. That the sum of \$668,728 is hereby appropriated to the Public Safety Grants Fund (0413) Center 531.14

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:



SAASS: 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 8th day of December, 2003, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 607.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk

Ordinance No. 2465-X O-61

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2323-X, THE 2003-2004 BUDGET ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION FOR THE VALVE REHABILITATION AND REPLACEMENT PROJECT

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

- Section 1. That the sum of \$400,000 is hereby estimated to be available from Water and Sewer Capital Investment Project Fund Balance (2071).
- Section 2. That the sum of \$400,000 is hereby appropriated to the Valve Rehabilitation and Replacement Project (637.81) in the Water and Sewer Capital Investment Project Fund (2071).
- Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 4. All ordinances in conflict with this ordinance are hereby repealed.
- Section 5. This ordinance shall be effective upon adoption.

Approved as to form:


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 8th day of December, 2003, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 608.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.


Nancy S. Gilbert, CMC, Deputy City Clerk

ORDINANCE NUMBER: 2466-X

O-62

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2323-X, THE 2003-2004 BUDGET ORDINANCE, ESTIMATING REVENUES AND PROVIDING AN APPROPRIATION TO ADD A REGIONAL PLANNER POSITION FOR AIR QUALITY CONFORMITY.

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

Section 1. That the sum of \$65,966 is hereby estimated to be available from the following sources:

Source	Amount
North Carolina Department of Transportation	\$ 40,000
South Carolina Department of Transportation	3,800
Gaston County MPO	4,163
Cabarrus-South Rowan MPO	3,388
Rock Hill-Fort Mill MPO	2,061
Lake Norman RPO	8,960
Rocky River RPO	3,594
Total	\$ 65,966

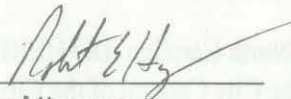
Section 2. That the sum of \$65,966 is hereby appropriated as follows:

Source	Amount
General Fund 0101; 522.05 - UPWP	\$ 6,041
General Capital Project Fund 2010; 481.03 - Air Quality	59,925
Total	\$ 65,966

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

Section 4. This ordinance shall be effective immediately.

Approved as to Form:

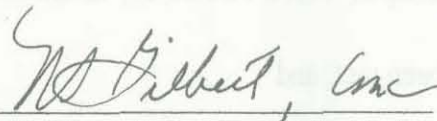

S.R. Assis City Attorney

December 8, 2003
Ordinance Book 52, Page 610

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 8th day of December, 2003, the reference having been made in Minute Book 120, and recorded in full in Ordinance Book 52, Page(s) 609-610.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of December, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk

Charlotte-Mecklenburg
City Clerk's Office
2101 Randolph Road
Charlotte, NC 28202

