

ORDINANCE NUMBER: 2225-X

0-41

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2091-X, THE 2002-2003 BUDGET
ORDINANCE, PROVIDING AN APPROPRIATION FOR 2002 STREET BOND PROJECTS.

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

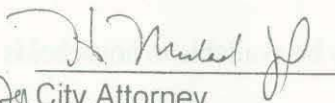
Section 1. That the sum of \$3,000,000 is hereby estimated to be available from 2002 Street Improvement Bonds.

Section 2. That the sum of \$3,000,000 is hereby appropriated to the General Capital Improvement Fund 2010; 249.00 - 2002 Street Bond Planning.

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 All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective immediately.

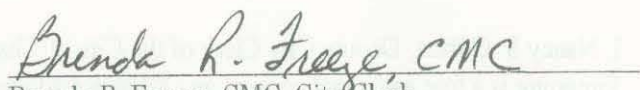
Approved as to Form:


Sr. City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 27th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Page 28.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of January, 2003.


Brenda R. Freeze, CMC, City Clerk

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Ordinance Book 52, Page 29

ORDINANCE NUMBER: 2226-X

0-42

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2091-X, THE FY2002-2003 BUDGET
ORDINANCE, ESTIMATING STATE GRANT REVENUES AND TRANSFERRING FUNDS
FOR THE AIR QUALITY REGIONAL MODEL.

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

Section 1. That the sum of \$366,698 is hereby available from the following sources:

Source	Amount
Transfer from Fund 2010; Center 481.03	\$ 122,500
North Carolina Department of Transportation	244,198
Total	\$ 366,698

That the sum of \$366,698 is hereby appropriated to the General Fund 0101;
522.05 - UPWP.

Section 2. That the sum of \$350,000 is hereby available from the following sources:

Source	Amount
Transfer from Fund 2098; Centers:	
894.03	\$ 70,000
894.04	70,000
894.05	70,000
894.06	70,000
894.07	70,000
Total	\$ 350,000

That the sum of \$350,000 is hereby appropriated to General Capital Improvement
Project 2010; 481.03 - Air Quality.

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

CERTIFICATION

I, Brenda R. Freeze, 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 27th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Pages 29-30.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of January, 2003.

Brenda R. Freeze, CMC
Brenda R. Freeze, CMC, City Clerk

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ORDINANCE NO. 2227

AN ORDINANCE AMENDING CHAPTER 10, ARTICLES II AND III OF THE CITY CODE

AN ORDINANCE TO TRANSFER ENFORCEMENT OF ARTICLES II AND III OF CHAPTER 10 OF THE CODE OF THE CITY OF CHARLOTTE ("THE CODE") FROM THE SOLID WASTE SERVICES KEY BUSINESS UNIT TO THE NEIGHBORHOOD DEVELOPMENT KEY BUSINESS UNIT AND TO REORGANIZE CHAPTER 10

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

Section 1. Section 10-17 of the Code shall be amended by the deletion therefrom of the definitions of *City*, *City-served non-residential unit*, *Contractor*, *Declared nuisance*, *Department and director*, *Establishments*, *Levy or levied*, *Non city-served non residential unit*, *Private property*, *Public property*, *Recyclables container*, *Responsible person*, *Small animals*, *Special Tax District #2*, *Special Tax District #3*, *Tax Administrator*, *Two-Ply polyethylene plastic bags*, and *Unit*.

Section 2. Section 10-17 of the Code shall be amended by the addition thereto, at the appropriate alphabetical positions, the following definitions:

Key Business Executive or KBE, when used in Article II or III, means the Director of the Solid Waste Services Key Business Unit or designee.

Neighborhood Development Code Enforcement Division shall mean the Administrative Unit of the City's Neighborhood Development Key Business Unit, or of any successor department of the City, that is charged by the Chief Executive of such Department with the responsibility for enforcing Articles II and III of this Chapter.

Neighborhood Development Code Enforcement Inspector or Inspector shall mean any person who is authorized by the Chief Executive of the City's Neighborhood Development Key Business Unit, or of any successor department of the City, to enforce the provisions of Articles II and III of this Chapter.

Nuisance is defined as something that is dangerous or prejudicial to the public health or public safety.

Residential Unit is defined as one (1) single family residence or an individual apartment or condominium in a multiple family residence, unless otherwise specified by the City.

Section 3. Section 10-17 of the Code shall be amended by rewriting the definition of *collection schedule* to read:

Collection schedule is defined as the days of collection being Monday, Tuesday, Wednesday, Thursday and Friday unless otherwise authorized by the Solid Waste Services Director. Solid Waste Services Key Business Executive.

Section 4. Section 10-17 of the Code shall be amended by rewriting the definition of *designated collection area(s)* to read:

Designated collection area(s) is defined as that geographic location ~~to which the contractor is responsible for providing solid waste collection services. Collection points shall be at the curb for rollout, yard waste and recyclables collection.~~ where solid waste collection services are provided.

Section 5. Section 10-17 of the Code shall be amended by rewriting the definition of *garbage* to read:

Garbage is defined as the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food or other matter which is subject to decomposition, decay, ~~petrification,~~ putrefaction, and/or the generation of noxious or offensive gases or odors, or which during and/or after any decay may serve as breeding or feeding material for flies, insects and/or animals.

Section 6. Section 10-17 of the Code shall be amended by deleting from the definition of *hazardous waste* the comma between the words "fecal" and "matter."

Section 7. Section 10-17 of the Code shall be amended by deleting from the definition of *heavily wooded lot* the word "scrubs" and by substituting therefor the word "shrubs".

Section 8. Section 10-17 of the Code shall be amended by rewriting the definition of *person* to read as follows:

Person is defined as any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant, lessee, tenant, or representative or group of individuals or entities of any kind, ~~and who owns a dwelling, building, or premise for (7) or more consecutive days.~~

Section 9. Section 10-17 of the Code shall be amended by rewriting the definition of *recyclables* to read as follows:

Recyclables is defined as newspapers and accompanying inserts, corrugated cardboard, glass food and beverage containers, plastic soft drink and liquor bottles, spiral paper cans, aluminum, bimetal cans, steel or tin cans, yard waste

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and other items determined to be recyclable by the Solid Waste Services Director.
Solid Waste Services Key Business Executive.

Section 10. Section 10-17 of the Code shall be amended by rewriting the definition of *recyclable bin* to read as follows:

Recyclables bin is defined as a ~~fourteen (14) gallon~~ plastic container furnished by the City and distributed for use in the ~~multi-residential-~~ residential recyclables collection program.

Section 11. Section 10-17 of the Code shall be amended by rewriting the definition of *wheeled container* to read as follows:

Wheeled container is defined as a plastic container of substantial construction having a capacity of not less than sixty-four (64) gallons used for the collection of recyclables from city-served multiple residential units. The container shall be designed so that it can be emptied mechanically by specially designed lift devices attached to the city or city authorized collection vehicles. Only wheeled containers having a capacity of sixty-four (64) gallons shall be used for the collection of recyclables from city-served multiple residential units as determined by the ~~Sanitation Division Manager or Solid Waste Services Director~~. Solid Waste Services Key Business Executive. Wheeled containers of sixty-four (64) gallons may also be used to store commercial trash and garbage.

Section 12. Division 2 of Article II of Chapter 10 of the Code shall be rewritten to read:

Division 2. Administration and Enforcement

Sec. 10-17.1. Generally.

- (a) — The administration and enforcement of the provisions of Articles II and III shall be the duty of the solid waste services department's community improvement division except as otherwise stated.
- (b) — A community improvement inspector shall have the authority to enter upon property, to obtain an administrative search warrant if necessary, to issue a notice of violation, to enter upon or authorize an agent to enter upon and clean up the premises if there is no compliance with the notice of violation.
- (c) — A community improvement division inspector shall have the authority to summarily remove, abate, or remedy everything in the city limits that is considered by ordinance to be either dangerous or prejudicial to the public health or which has been declared to be a nuisance.

Sec. 10-18. Interference with authorized personnel and authorized collector prohibited.

- (a) — It shall be unlawful for any person to interfere, harass, or otherwise impede a city community improvement inspector, solid waste collection crew and/or a city authorized solid waste collector who is carrying out or acting within the scope of his/her duties. A law enforcement official shall have the authority to arrest an individual in violation of this section.
- (b) — It shall be unlawful for any person to interfere, harass, or otherwise impede a community improvement inspector when conducting an investigation under the authority of a lawfully issued administrative search warrant or when otherwise carrying out the enforcement provisions of Articles II and III after a notice of violation has been issued and the time for compliance has expired.
- (c) — Penalty. A citation in the amount of fifty dollars (\$50.00) will be issued to any person in violation of this section.

Sec. 10-19. Receipts.

All proceeds received from the collection of penalties shall be deposited in the general fund.

Sec. 10-20. Violations and enforcement.

It shall be unlawful to violate any provisions of Articles II and III. The community improvement division may take one (1) or more of the following courses of action in enforcing any violation of this article:

- (1) — The city may issue written citations in accordance with the provisions of each section of Articles II and III.
- (2) — The violator may be charged with a misdemeanor and may be subject to any penalty prescribed by section 1-7.
- (3) — The city may apply to the appropriate court for an injunction and order of abatement which would require that a violator correct any unlawful condition relating to this article existing on the property.
- (4) — If after notice, as provided for in these articles, the property owner fails to correct existing violations, the community improvement division manager or his designee shall have the authority to order the work done by a contractor. Upon completion, community improvement may pay the contractor for the services performed and send the contractor's original invoice to the finance department to seek reimbursement from the property owner(s).

— The finance department shall bill the property owner(s) for costs incurred by the contractor and for community improvement's related investigative costs and administrative cost incurred by the finance department. In the event

the city is unable to collect these funds, the finance department shall levy a lien against the property owner(s) for the cost of removal of weeds, vegetation, and all other material constituting a violation of the of Articles II and III by city personnel or private contractor as provided by the authority of City Charter sections 6.103 and 6.104.

—The finance department shall be authorized to cancel any notice of lien filed pursuant to this article that has been satisfied or was placed against the property in error. A property owner(s) can challenge the filing of a lien by appeal to the finance department within sixty (60) days of receipt indicating that a lien has been placed against the property.

Sec. 10-21. Notice of violation.

- (a) — Failure of person(s) to comply with a notice of violation for weeds, grass, leaves and undergrowth; household trash, garbage, and junk within seven (7) days will be deemed to be a continuing violation of this article. When a person has failed to comply with a notice of violation as described above, the community improvement division shall not be required to provide further notices of violation to that person with regard to the same property before taking any of the enforcement actions authorized by section 10-20.
- (b) — Exceptions. No written notice will be given to persons placing solid waste and/or containers at curbside prior to the day preceding the scheduled curbside collection date or not removing solid waste and/or containers from curbside by midnight on the day of collection.
- (c) — Inspectors of the community improvement division are empowered to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of Articles II and III. Citations may be delivered in person to the violator, or if the violator cannot be readily found, the citation may be mailed. The citation shall direct the violator to appear before the violations bureau, located in the Charlotte-Mecklenburg Government Center, within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. Such violation must be corrected by the time the citation is paid; otherwise, another citation will be issued.
- (d) — If the violator does not appear before the violations bureau or does not pay the citation by mail within fifteen (15) days of its issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation and a notice thereof will be mailed to the violator. This notice shall inform the violator that a criminal summons will be issued if the citation and delinquency charge are not paid within five (5) days from the date of the delinquency notice.
- (e) — If a violator fails to respond to the citation and delinquency notice, then the manager of the community improvement division or designee shall have the

authority to file a civil complaint for the unpaid delinquency charge to be recovered by the city in a civil action in the nature of debt or, alternatively, to have a criminal summons issued against the offender.

- (f) All citation forms shall be serially numbered in triplicate. Records of all citations shall be maintained to account for all such forms. The city accountant, or designated city representative, shall periodically examine the records of the divisions for the purpose of determining the disposition of the citations.

Sec. 10-17.1. Generally.

- (a) The neighborhood development code enforcement division of the city's neighborhood development key business unit shall be responsible for the administration and enforcement of the provisions of Article II, except as otherwise stated. Nothing in Article II shall be construed to limit the legal authority of the officers of the city's police department to enforce ordinances or carry out their other duties.
- (b) A neighborhood development code enforcement inspector shall have the following authority:
1. to enter upon property;
 2. to obtain an administrative search and inspection warrant, if necessary, as provided in North Carolina General Statutes Section 15-27.2;
 3. to issue a notice of violation and impose civil penalties;
 4. to enter upon or authorize an agent to enter upon and clean up premises in violation of this article; and,
 5. to summarily remove, abate, or remedy everything in the city limits that is considered by ordinance to be either dangerous or prejudicial to the public health or which has been declared to be a nuisance.

Sec. 10-18. Interference with authorized personnel and authorized collector prohibited.

- (a) It shall be unlawful for any person to interfere, harass, or otherwise impede a city neighborhood development code enforcement inspector, solid waste collection crew and/or a city authorized solid waste collector who is carrying out or acting within the scope of his/her duties. A law enforcement official shall have the authority to arrest an individual in violation of this section.
- (b) It shall be unlawful for any person to interfere, harass, or otherwise impede a community improvement inspector when conducting an investigation under the authority of a lawfully issued administrative search warrant or when otherwise carrying out the enforcement provisions of Articles II and III after a notice of violation has been issued and the time for compliance has expired.

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(c) Civil Penalty. A civil penalty in the amount of fifty dollars (\$50.00) may be issued to any person in violation of this section.

Sec. 10-19. Responsibility of owners, agents, occupants, etc.

Except as specified in Section 10-81, the person owning the property, acting as manager or agent for the property, or in possession or control of the property, such as a tenant, occupant, or lessee, shall be responsible for complying with Article II and correcting any violation.

Sec. 10-20. Violations and enforcement.

It shall be unlawful to violate any provision of Article II. Any one (1) or more of the following enforcement actions may be taken for any violation of this article:

- (1) The city's law enforcement officers may issue a uniform citation;
- (2) The neighborhood development code enforcement division manager or designee may charge the violator with a misdemeanor and subject the violator to any penalty prescribed by § 1-7.
- (3) The neighborhood development code enforcement division manager or his designee may assess a civil penalty in the amount established in the specific provisions against the person responsible for the violation. A written notice of assessment shall be mailed or hand-delivered to the responsible person at the address listed in the Mecklenburg County property tax records unless the neighborhood development code enforcement division has knowledge that the person is residing at a different address. Service of notice is complete by depositing the notice in first class mail or by serving the notice by hand delivery.

Such penalty shall be due and payable to the city no later than fifteen (15) days after the notice of assessment has been served. Failure to pay the civil penalty or file an appeal within fifteen (15) days of service of the notice assessment shall result in an additional penalty of fifty dollars (\$50.00). The neighborhood development code enforcement division may collect civil penalties in a civil action in the nature of a debt.

- (4) The neighborhood development code enforcement division manager or his designee may apply to the appropriate court for an injunction and order of abatement which would require that a violator correct any unlawful condition relating to this article existing on the property.
- (5) The neighborhood development code enforcement division manager or his designee may hire a contractor to correct any condition existing upon real property in violation of any provision of this article. The costs resulting

therefrom, including the neighborhood development code enforcement division's investigative and administrative costs, may be assessed as a civil penalty in the manner described in 10-20(3), to the person responsible for the violation. Such penalty shall be due and payable to the city no later than fifteen (15) calendar days after the notice of assessment has been issued. Failure to pay the civil penalty or file an appeal within fifteen (15) calendar days of the notice of assessment shall result in an additional penalty of fifty dollars (\$50.00). The neighborhood development code enforcement division may pay the contractor for the services performed and send the contractor's original invoice to the finance department. If the civil penalty is not paid, the finance department shall levy a lien against the property in an amount equal to the civil penalty as provided by the authority of City Charter sections 6.103 and 6.104. The finance department shall provide notice, by regular mail, to the property owner within five (5) days of levying a lien on the property.

The finance department shall be authorized to cancel any lien filed pursuant to this article that has been satisfied or was placed against the property in error. A property owner(s) can challenge the filing of a lien by appeal to the finance department within sixty (60) days of the date the notice of lien filing was mailed by the finance department indicating that a lien has been placed against the property.

Sec. 10-21. Notice of violation.

- (a) Except as provided in subsection (c), the neighborhood development code enforcement division manager or his designee shall notify the person responsible for a violation of any provision of this Article and give the responsible person a specified time to correct the violation. If the violation is not corrected within the time specified, the neighborhood development code enforcement division manager or his designee shall initiate enforcement proceedings as described in Section 10-20.
- (b) Notice of a violation shall be given in writing and mailed or hand-delivered to the address listed for the responsible person in the Mecklenburg County property tax records, unless the community improvement division has actual knowledge that the person is residing at a different address. Service of any written notice is complete by hand delivering the notice or by depositing the notice in first class mail.
- (c) Exceptions.
- (1) No written notice will be given to persons placing solid waste and/or containers at curbside prior to the day preceding the scheduled curbside collection date or not removing solid waste and/or containers from curbside by midnight on the day of collection.
- (2) No written notice will be given when the community improvement division

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manager or his designee has the authority to summarily remove, abate, or remedy a violation of this article.

(3) When a person has failed to comply with a notice of violation as described above, the neighborhood development code enforcement division shall not be required to provide further notices of violation to that person with regard to the same property before taking any of the enforcement actions authorized by section 10-20.

Sec. 10-22. Adjudicatory hearing.

(a) Any person who has been assessed a civil penalty for a violation of this article may request a hearing with the Neighborhood Development Key Business Executive or his designee. Such request must be made in writing, filed with the Neighborhood Development Key Business Executive or his designee within fifteen (15) days of the notice of assessment, and state the reasons why the civil penalty should not have been assessed. Failure to request a hearing in the time and manner specified shall constitute a waiver of the right to contest the penalty.

(b) A person requesting a hearing must post a bond equal to the amount of the civil penalty before an appeal hearing will be scheduled. Once the bond is posted, the hearing will be scheduled within fifteen (15) business days.

(c) The Neighborhood Development Key Business Executive or his designee shall serve as the hearing officer. Any person against whom a decision of the hearing officer is made may seek judicial review of the decision by filing a written petition within thirty (30) calendar days after receipt of the notice of the decision, but not thereafter, with the Superior Court of the County of Mecklenburg. The proceedings in Superior Court shall be in the nature of certiorari.

Section 13. Division 3 of Article II of Chapter 10 of the Code shall be rewritten to read:

DIVISION 3. COLLECTION SERVICES

Sec. 10-29. Mandatory solid waste collection services.

(a) Solid waste collection is determined by ordinance. Collection services shall be applied consistently and uniformly to all citizens as specified herein.

(b) Each residential premises in the city shall be provided solid waste collection services at least once per week.

(c) No owner or occupant of a residential premises shall prohibit or prevent weekly solid waste collection services, including recyclables collection, at the premises.

Sec. 10-30. Ownership of materials.

- (a) — *Recyclables.* Recyclable materials which are properly placed by an owner or occupant of a property at curbside for collection, are deemed to be abandoned by such person(s) and become the property of the city or its authorized agent.
- (b) — *Yard waste.* Yard waste which is properly placed by an owner or occupant of a property at curbside for collection is deemed to be abandoned by such person(s) and become the property of the city or its authorized agent.
- (c) — *Bulky items.* Bulky items which are properly placed by an owner or occupant of a property at curbside for collection are deemed to be abandoned by such person(s) and become the property of the city or its authorized agent.

Sec. 10-31. Unauthorized collection prohibited.

It shall be unlawful for any person, firm or corporation not authorized by the city to collect, or pick up, or cause to be collected or picked up, any solid waste including recyclable, yard waste and/or bulky item materials.

Sec. 10-32. Physically disabled service.

- (a) — For physically disabled persons, rollout containers will be collected in the backyard on a scheduled curbside collection day provided that prior approval has been granted based upon a valid medical verification form submitted to the solid waste services department.
- (b) — The city shall reserve the right to verify the need for extending physically disabled services provided to residents that have been approved to receive such services. The city shall reserve the right to continue or discontinue service.

Sec. 10-33. Building materials.

- (a) — It shall be unlawful to place building material at curbside for collection except as follows:
 - (1) — Eligible items must be scheduled with the special services division for collection. A date will be given when collection will occur. Items for collection shall be placed at curbside no earlier than the day preceding the scheduled collection date. No materials resulting from work performed by a contractor working for a homeowner shall be collected. Building materials shall not be collected by the special services division for any multi-family residential unit except condominiums.

———— Building materials resulting from work performed by homeowner repair or renovating that will be collected from single, special residential and multiple residential units include large plumbing materials; space heaters;

hot water heaters; collapsed accessory buildings with a maximum size limitation of ten (10) feet by ten (10) feet and capable of being handled by two (2) individuals when collected; guttering no longer than eight (8) feet in length; doors; windows; and lumber. Lumber and boards that are eligible for collection shall be no longer than eight (8) feet; plywood, paneling and pressboard no wider than four (4) feet, no longer than eight (8) feet, and no thicker than one (1) inch. Landscape timbers are eligible for collection if they are no longer than eight (8) feet, no wider than four (4) inches or no thicker than four (4) inches. Carpet and padding shall be collected provided the carpeting is rolled and tied in sections no longer than eight (8) feet so that two (2) individuals can easily pick up the sections for disposal. Small gauge fence wire shall be in rolls and large gauge fence wire shall be in sections no longer than six (6) feet so that two (2) individuals can easily pick up the section for disposal. Any building materials collected that include glass, such as windows and mirrors, shall have the glass taped with an "X" mark so it will not shatter as the collectors handle it for disposal.

(2) — The city will not collect the following: dirt; rocks; nails; boards with nails protruding; propane and oxygen tanks; glass blocks; marble or simulated marble countertops; cross ties (ie., railroad ties); duct or sheet metal material; concrete blocks; brick; floor coverings except for carpeting, padding and rugs; fence or pipe posts with concrete adhered to them; sand; concrete; central air conditioning or heating units; pallets; ceramic tile; sheet rock; roofing or plaster resulting from homeowner repairs nor will the city collect any building materials resulting from contractual work or commercially related activities.

(b) — Penalty. Any person who places building materials at curbside prior to the day preceding the scheduled collection date or who fails to remove the items and/or containers the items were placed in from the curbside by midnight on the day of collection shall be issued a citation in the amount of twenty-five dollars (\$25.00) for the first offense; fifty dollars (\$50.00) for the second offense at the same location; and seventy-five dollars (\$75.00) for each subsequent offense at the same location. Any person who fails to properly prepare or containerize building materials for curbside collection shall be issued a citation in the amount of fifty dollars (\$50.00).

Sec. 10-34. Garbage.

(a) — It shall be unlawful for anyone receiving the city's solid waste collection service to place garbage in rollout containers at curbside for collection except as follows:

(1) — City-served residential curbside collection services will be provided once a week on a day designated for collection by the solid waste services director or designee.

- (2) — Garbage shall be drained of all free liquid, wrapped, bagged, and enclosed in plastic bags prior to placing in rollout containers.
 - (3) — Garbage shall not be placed at curbside prior to the day preceding the scheduled collection date. Any container placed at curbside shall be removed by midnight on the day of collection. Rollout containers shall be designed so that they can be emptied mechanically by specially designed lift devices attached to the city sanitation trucks or city authorized collection trucks.
 - (4) — Rollout containers will be collected from the curbside provided they are easily accessible to collection personnel without having to unlock or open a door, unlock a gate or similar obstacle, encounter a vicious animal, or otherwise be denied reasonable access by parked vehicles, equipment or other objects. City collection personnel shall not provide service if required to ascend or descend multiple steps to obtain access to rollout containers.
 - (5) — It shall be unlawful to place dangerous items and/or any waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in rollout containers for collection. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as defined in section 10-42.
- (b) — Penalty. Any customer who places solid waste at curbside prior to the day preceding the scheduled collection date or who fails to remove solid waste and/or containers from curbside by midnight on the day of collection shall be issued a citation in the amount of twenty-five dollars (\$25.00) for the first offense; fifty dollars (\$50.00) for the second offense at the same location; and seventy-five dollars (\$75.00) for each subsequent offense at the same location. Any customer who fails to properly prepare or containerize building materials for curbside collection shall be issued a citation in the amount of fifty dollars (\$50.00).

Sec. 10-35. Business trash.

- (a) — It shall be unlawful to place business trash (city-served nonresidential units) in containers for collection except as follows:
 - (1) — Business trash service will be collected by the city for those businesses outside the defined Special Tax District #1 area once a week on a day designated for collection by the special services division manager.
 - (2) — Business trash shall be placed in plastic bags or approved containers and securely tied. Such collection shall be limited to a maximum of five hundred twelve (512) gallons per week using no more than eight (8) approved containers.

No single container may weigh more than a maximum of seventy-five (75) pounds or exceed one hundred (100) gallons in volume when full.

- (3) Rollout containers will be collected provided they are easily accessible to collection personnel without having to unlock or open a door, unlock a gate or similar obstacle, encounter a vicious animal, or otherwise be denied reasonable access by parked vehicles, equipment or other objects. Collection personnel shall not provide service if required to ascend or descend multiple steps to obtain access to the containers.
- (4) The city does not provide the multi-material recycling collection service, yard waste collection service, or bulky item or junk collection for businesses nor does it provide the collection service for businesses outside Special Tax District #1.
 - (b) It shall be unlawful to place dangerous trash items and any waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in collection containers unless they are securely wrapped and marked so as to prevent injury to the collection personnel. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as defined in section 10-42.
 - (c) ~~Penalty. Any person who places solid waste at curbside prior to the day preceding the scheduled collection date or who fails to remove solid waste and/or containers from curbside by midnight on the day of collection shall be issued a citation in the amount of twenty-five dollars (\$25.00) for the first offense; fifty dollars (\$50.00) for the second offense at the same location; and seventy-five dollars (\$75.00) for each subsequent offense at the same location. Any person who fails to properly prepare or containerize solid waste for collection shall be issued a citation in the amount of fifty dollars (\$50.00).~~

Sec. 10-36. Yard waste.

- (a) Yard waste shall be separated from curbside trash at curbside in accordance with the requirements of this section.
- (b) The following regulations shall apply to yard waste collection:
 - (1) It is mandatory that yard waste be placed together to constitute a single, separate collection in order for the city and/or contractor to carry out its recyclables collection program. Yard waste collection shall be provided only to single-family, special residential units, and multiple residential units served by the city or its authorized collection agent. Yard waste collection shall be provided once a week on the same day as curbside collection service designated by the solid waste services director.

- (2) — Yard waste shall not be placed at curbside prior to the day preceding the collection date. Any container used to store yard waste placed at curbside for collection shall be removed by midnight on the day of collection. Collection forces shall collect an amount of yard waste that is customarily and reasonably associated with the residential unit(s) served and so long as it is properly prepared or containerized and in compliance with these regulations. The volume of yard waste placed at curbside for collection shall not exceed on any designated collection day an amount a reasonable person would expect two (2) individuals comprising the collection crew to load into the collection vehicle.
- (3) — Yard waste shall be collected at curbside provided that it is placed in plastic bags for collection. Such bags shall be clear or transparent, in good condition, and of size and weight that when full, do not weigh more than seventy five (75) pounds each and are such that one (1) individual can easily pick up each bag, one at a time, for disposal. Plastic bags containing yard waste shall not be secured at the top when placed at curbside for collection. Containers used for yard waste shall have all lids removed.
- (4) — Limbs collected by city collection forces shall be no larger than four (4) inches in diameter nor longer than five (5) feet. Tree shrubbery and limbs shall have all protruding branches trimmed. Limbs must be stacked in small, neat piles such that a reasonable person would expect one (1) individual to easily pick up each pile, one at a time, for disposal. Each pile shall weigh no more than seventy-five (75) pounds and shall not exceed four (4) feet in height nor five (5) feet in length.
- (5) — Tree trunks larger than four (4) inches in diameter will not be collected by city collection forces. Tree stumps will not be collected by city collection forces or its authorized agent.
- (c) — It shall be unlawful to allow accumulations of limbs on private property. This shall not include compost areas.
- (d) — The sanitation division shall have the authority to decline to collect any yard waste that is not ready for collection in accordance with these regulations or exceeds the maximum amount that a city collection crew can reasonably expect to load into the collection truck. The sanitation division shall have the authority to decline to collect any tree or tree limbs where the service has been performed for a fee by a commercial yard service other than the property owner.
- (e) — Penalty. Any person who places yard waste at curbside prior to the day preceding the scheduled collection date or who fails to remove yard waste from curbside by midnight on the day of collection shall be issued a citation in the amount of twenty five dollars (\$25.00) for the first offense; fifty dollars (\$50.00) for the

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second offense at the same location; and seventy-five dollars (\$75.00) for each subsequent offense at the same location. Any person who fails to properly prepare yard waste for collection shall be issued a citation in the amount of fifty dollars (\$50.00).

Sec. 10-37. Bulky/junk items.

- (a) — It shall be unlawful for anyone to place or leave bulky item(s) or junk at curbside for collection by the city except in accordance with the requirements of this section.
- (b) — Bulky/junk items shall be as defined in section 10-17.
- (c) — Special services collection for bulky and/or junk items and junk shall only be provided to single, special and multiple residential units, except for the Charlotte Housing Authority units, for the benefit of the occupant of the premises who might be currently residing on the premise or who might have recently voluntarily vacated the premises. The service is not available for:
- (1) — Renovations, building material, appliance and equipment changes that are commercially related. Such commercially related activities are the responsibility of the rental agent and/or owner of the property.
 - (2) — Items from business establishments operated from a residential unit.
 - (3) — Any bulky item or junk that pertains to any legal eviction or is the result of any other legal proceedings.
 - (4) — Items that are the consequence of a fire at a business or residential structure. The special services division manager shall have the authority to exercise discretion to provide special services collections when as a result of a fire there is only a single bulky item or what would otherwise be a normal collection amount as opposed to clearing the premise of burnt bulky or junk items.
 - (5) — Any bulky or junk item collected shall be of such weight or size that a person would reasonably expect two (2) individuals to easily pick each item up for disposal.
- (d) — The special services division manager shall have the discretion to determine if items constitute bulky items or junk as defined in section 10-17 and shall have the discretion to determine whether a request for service is consistent with the eligibility standards as described above. Special collection requirements for certain items are as follows:
- (1) — No bulky item or junk shall be collected if it is too large to be placed on the special services division collection vehicle.

- (2) — Fifty-five (55) gallon drums that are for personal use will be collected if both ends have been removed and the drum is flattened.
 - (3) — Wooden pallets will be collected only if they are broken into smaller pieces the size of boards or lumber with nails removed.
 - (4) — Any appliance accepted for collection must be empty of its contents.
 - (5) — Large furniture items, i.e., pool tables, cabinets, etc., shall be dismantled prior to collection such that a reasonable person can expect two (2) individuals to easily load them onto the special collection vehicle. The only exception to this policy is for pianos which do not have to be dismantled for such collections.
 - (6) — Gasoline and wheels must be removed from all lawn mowers prior to collection.
 - (7) — Tires must be removed from all bicycles prior to collection.
 - (8) — All glass in windows, doors, mirrors and other items with large expanses of glass must have the glass taped with an "X" mark so it will not shatter in the collection process.
- Items that will not be collected by the special services division as a bulky item or junk are: oxygen tanks and other medical equipment; propane tanks; large oil tanks used for household purposes; no parts of campers, boats, camper shells, trailers; automotive parts, including but not limited to motors, doors, fenders, car seats or batteries from a residentially used premises, etc.
- The special services division manager shall have the authority to require items to be prepared for ease of collection or and to ensure the safety of the employees performing the collection task. An item not prepared properly may be refused for collection at the division manager's discretion.
- (9) — It shall be unlawful to place dangerous items and/or any waste materials of injurious nature such as broken glass; light bulbs; sharp pieces of metal; fluorescent tubes and television tubes out for collection unless they are securely wrapped and marked so as to prevent injury to the collection personnel. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as defined in section 10-42.
- (e) — The bulky item and junk collection service is provided once a week on a day designated by the special services division manager. Eligible items must be scheduled with the special services division for collection and placed at curbside

prior to collection separate from any other items placed at curbside for city collection. A date will be given when collection will occur. Bulky items and junk shall not be placed at curbside for collection prior to the day preceding the collection date.

(f) — Tires.

(1) — Collection of rimless tires shall occur once a week on a day designated by the special services division for collection at curbside. A date will be given when the collection will occur. Tires shall not be placed at curbside for collection prior to the day preceding the collection date.

(2) — Tires shall be placed at curbside separate from other items placed at curbside for collection. The special services division will not collect tires from any premises that do not have a lawful residential use; and will not collect tires that are generated from any nonresidential and/or commercially related use as determined by the special services division manager.

(3) — Tires eligible for collection are those used on automobiles, motorcycles, large vans, mini vans, and small pick-up trucks. No large truck nor farm equipment tires shall be collected.

(g) — Penalty. Any customer who places bulky items at curbside prior to the day preceding the scheduled collection date or who fails to remove solid waste and/or containers from curbside by midnight on the day of collection shall be issued a citation in the amount of twenty-five dollars (\$25.00) for the first offense; fifty dollars (\$50.00) for the second offense at the same location; and seventy-five dollars (\$75.00) for each subsequent offense at the same location. Any person who fails to properly prepare a bulky item for collection shall be issued a citation in the amount of fifty dollars (\$50.00).

Sec. 10-38. Ashes.

(a) — It shall be unlawful to place ashes or live coals in rollout containers for collection unless said ashes or coals have been wetted, are cool to the touch, and have been enclosed in plastic bags and are securely tied prior to collection.

(b) — Penalty. A citation may be issued in the amount of fifty dollars (\$50.00) to any person who violates this section.

Sec. 10-39. Fifty-five gallon drums.

(a) — It shall be unlawful to use fifty-five (55) gallon drums as rollout, bulky/junk, yard waste or recyclables containers for collection by city collection forces or the city's authorized collection agent. It shall be the responsibility of the person in

possession, charge or control of the premises of where such container is being used for such purposes to discontinue such use.

(b) — Collection forces shall not collect whole fifty-five (55) gallon drums placed at curbside for disposal. The special services division will collect, as a part of their bulky item trash collection service, fifty-five (55) gallon drums placed at curbside for collection provided that correct preparation procedures are followed as defined in section 10-37(d)(2).

(c) — Penalty. A citation may be issued in the amount of fifty dollars (\$50.00) to any person who violates this section.

Sec. 10-40. Appliances.

(a) — It shall be unlawful to place junk appliances at curbside for collection except as stated under section 10-37. It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator or container without being strapped or locked so that it is impossible for a child to obtain access to it. Any appliance accepted for collection must be completely empty prior to collection.

(b) — Penalty. A citation in the amount of fifty dollars (\$50.00) will be issued to any person in violation of this section.

Sec. 10-41. Contagious disease material.

(a) — It shall be unlawful to remove clothing, bedding, mattresses, springs, or other solid waste from homes or other places where highly infectious diseases have occurred unless performed under the supervision and direction of the environmental health department. Such solid waste shall not be placed in rollout containers or at curbside for disposal by any city sanitation collection forces. Bulky item collection service shall not be provided for such items.

(b) — Where the local health director finds and declares the existence of an epidemic, or finds and declares that an epidemic is threatened, all solid waste collected by city authorized collection crews or its agents, which the local health director finds and declares to be dangerous to the public health, shall be taken by the collection crew(s) immediately to the disposal site and shall be disposed of as the local health director and solid waste services director may order.

(c) — Penalty. A citation in the amount of one hundred dollars (\$100.00) will be issued to any person in violation of this section.

Sec. 10-42. Hypodermic instruments.

- (a) — It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse without safeguarding the disposal thereof by placing in either a milk jug, coffee can with a lid or such similar containers so as to avoid the possibility of causing injury to the collection personnel.
- (b) — Penalty. A citation in the amount of one hundred dollars (\$100.00) will be issued to any person in violation of this section.

Sec. 10-43. Dead animals.

- (a) — It shall be unlawful to place dead animals at curbside prior to scheduling for collection by city forces. A request for this service shall be made to the special services division for scheduling the collection of the dead animal. This service is provided six (6) days a week during normal business hours. Dead animals weighing in excess of one hundred (100) pounds shall be removed by their owners if ownership has been established or will be removed by city collection forces at the discretion of the special services division manager. This collection service for dead animals is provided to veterinarians for a fee and must be scheduled at least one (1) day in advance with the special services division. Dead animals already in a street or on the edge of the street, where the owner is not identified, will be scheduled for collection by the city upon notification of their existence.
- (b) — Penalty. A citation in the amount of fifty dollars (\$50.00) will be issued to any person in violation of this section.

Sec. 10-44. Industrial waste.

- (a) — It shall be unlawful to place industrial waste in refuse rollout containers or at curbside for collection by city collection forces. Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant, or enterprise creating or causing the same.
- (b) — Penalty. A citation in the amount of one hundred dollars (\$100.00) will be issued to any person in violation of this section.

Sec. 10-45. Hazardous waste.

- (a) — It shall be unlawful to place hazardous waste in refuse any container for disposal except as follows:
- (1) — Paint cans shall have lids removed and contain no wet paint. Kitty litter or sand may be added to solidify material for collection.

- (2) — Soiled kitty litter shall be enclosed in double plastic bags and securely tied prior to placing the bag in containers at curbside for disposal.
- (3) — Soiled infant diapers shall be rinsed of human feces, placed inside double plastic bags and securely tied prior to placing the bag in containers at curbside for disposal.
- (b) — Penalty. A citation in the amount of one hundred dollars (\$100.00) will be issued to any person in violation of this section.

Sec. 10-46. Recyclables.

- (a) — The following regulations shall govern those persons in city served residential units who are eligible to voluntarily participate in the city's recyclables collection program.
 - (1) — All recyclables except yard waste as defined in section 10-17 shall be placed in a city authorized recyclables container with the overflow being permitted in a brown kraft paper bag placed on top or beside the recyclables container.
 - (2) — Recyclables collection service will be provided once per week on the same day as designated by the solid waste services director or designee for curbside collection service. The recyclables container and any overflow materials shall be placed at curbside separate from other items.
 - (3) — It shall be unlawful to place the recyclables container at curbside for collection prior to the day preceding the collection date and fail to remove the container by midnight on the day of collection.
 - (4) — Penalty. Any customer who places a recyclables container at curbside for collection prior to the day preceding the collection date and fails to remove the container by midnight on the day of collection shall be issued a citation in the amount of twenty-five dollars (\$25.00) for the first offense; fifty dollars (\$50.00) for the second offense at the same location; and seventy-five dollars (\$75.00) for each subsequent offense at the same location. Any person who fails to properly prepare or containerize recyclables for collection shall be issued a citation in the amount of fifty dollars (\$50.00).
- (b) — The following regulations shall govern those persons in multiple residential units receiving service provided by the city under contract with private companies who are eligible to voluntarily participate in the city's recyclables collection program.
 - (1) — All recyclables except yard waste as defined in section 10-17 shall be placed in centralized wheeled recyclables containers authorized by the city and provided by the private contractor. An overflow is permitted when the

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~~excess recyclable materials are on top or beside the wheeled recyclables container in a brown kraft paper bag.~~

- ~~(2) — Each multiple-residential unit is eligible to receive one individual recyclables bin. Recyclables bins shall be delivered upon request from the private contractor.~~
- ~~(3) — Recyclables collection service will be provided once per week on a day specified by the solid waste services director or designee. Should the volume of materials dictate, the city may authorize the private company to provide collection service more frequently than once per week.~~
- ~~(4) — The wheeled recyclables container and any overflow materials shall be segregated from all other solid waste at the collection location.~~
- ~~(5) — Wheeled recyclables containers placed at multiple residential units are the responsibility of the private company to maintain or replace.~~
- ~~(6) — Penalty. Any customer who repeatedly refuses to properly segregate recyclable materials after all reasonable efforts have been exhausted by the contractor and the city to ensure compliance, will have their recyclables collection service suspended and their wheeled/individual recyclables containers returned to the private company.~~

Sec. 10-47. Residential solid waste disposal fee.

- ~~(a) — *Relationship to Machinery Act.* The fee shall be billed with property taxes payable in the same manner as property taxes and collected in any manner by which delinquent personal or real property taxes can be collected, all as provided in Subchapter II, Chapter 105, of the North Carolina General Statutes.~~
- ~~(b) — *Administration.* The Mecklenburg County Tax Administrator will levy and collect the fee and may promulgate additional rules and regulations necessary for the implementation of this section not inconsistent with the specific provisions set forth herein.~~
- ~~(c) — *Property affected.* The fee is imposed upon all property in the City of Charlotte which is a residence. The fee is imposed on each separate residence.~~
- ~~(d) — *Date as of which ownership and eligibility for imposition of the fee is to be determined.* The ownership of property subject to the fee shall be determined as of January 1, 1996, for the fiscal year beginning July 1, 1996, and as of January 1 of each year thereafter for each successive fiscal year for which the fee is imposed. If any property subject to the fee as of January 1 is destroyed, demolished, removed, become uninhabitable, or otherwise loses its eligibility for the fee prior to July 1 and remains as such as of July 1 of that calendar year, the property will~~

not be subject to the fee. A change of ownership of the property between January 1 and July 1 will not cause the property to lose its eligibility for imposition of the fee. A residence which is vacant due to being partially completed as of January 1 shall not be subject to the fee, even though it is fully completed as of July 1. A residence which is vacant due to being renovated as of January 1 shall be subject to the fee, provided the residence is occupied or available for occupancy as of July 1.

- (e) — *Exclusion of the fee.* For the first fiscal year in which the fee is imposed (July 1, 1996, through June 30, 1997), the fee shall not be imposed on any residence which, at all times from July 1, 1996, through December 31, 1996, (i) has its waste collected by a private contractor who disposes of the solid waste at a solid waste facility provided by the private contractor and (ii) does not use any of the county's solid waste services (including landfills, incinerators, yard waste sites, or recycling facilities, including drop sites). For subsequent fiscal years, the fee shall not be imposed on any residence which, at all times from January 1 of the calendar year in which the fiscal year opens through December 31 of said calendar year, meets the same requirements as set forth in (i) and (ii) of this paragraph.
- (f) — *Assessment procedure.* The tax administrator shall determine on which properties the fee shall be levied and shall include the amount of the fee on the tax bill of the owner of the property as of January 1. The fee imposed on a residence which is not assessed for property taxes by the tax administrator in connection with or as a part of a specific parcel of land shall be billed by a separate bill to the owner of the residence. Residences which are exempt from property taxation, but which are subject to the fee shall be billed by a separate bill to the owner of the residence.
- (g) — *Late levy of the fee.* If the tax administrator fails to levy the fee on one or more residences in the city during the normal billing period due to inadvertence or other good reason, the fee may be levied at any time during the applicable fiscal year or the next succeeding fiscal year. For purposes of determining the due date and applicability of interest, the late levy shall be deemed to be a fee for the fiscal year beginning on July 1 of the calendar year in which the fee is levied.
- (h) — *Due dates; interest for nonpayment.* The fee is due September 1, 1997, and September 1 of each successive year for which the fee is imposed. The fee is payable at par if paid before January 6 following the opening of the fiscal year. Any portion of the fee not paid on or before January 6 is delinquent and interest will accrue as follows: For the period January 6 to February 1, interest accrues at the rate of two (2) percent, and for the period February 1 until the principal amount of the fee and the accrued interest is paid, interest accrues at the rate of three-fourths of one percent of a month or fraction thereof.
- (i) — *Appeals.* The owner of property upon which a fee is levied by the tax administrator shall have the right to file a notice of exception with the tax

administrator at any time prior to the date the fee becomes delinquent, unless the notice of the fee is mailed less than thirty (30) days prior to the delinquent date, in which event the owner shall have thirty (30) days after the date of mailing in which to file a notice of exception. Upon receipt of a timely exception, the tax administrator shall arrange a conference with the owner to afford him an opportunity to present any evidence or argument he may have regarding the fee, and the tax administrator shall have the authority to authorize a rebate or refund of the fee if he concludes the fee is not owed. Within fifteen (15) days after the conference the tax administrator shall give written notice to the owner of his final decision. In a case in which an agreement is not reached, the owner shall have fifteen (15) days from the date the notice is mailed to appeal the tax administrator's decision to the Mecklenburg County Waste Management Advisory Board ("board"). The board shall have the right to appoint a special committee consisting of at least five (5) persons from the board to hear the appeals. Notwithstanding any pending exceptions by the owner to the tax administrator or appeal to the board, the owner shall pay the fee prior to the date interest accrues, subject to refund, without interest, if the final appeal is decided in the owner's favor. If a fee is refunded, the city finance director shall issue the refund.

- (j) — *Liens.* The fee shall be a lien on real and personal property under the same rules as set forth in North Carolina General Statutes, Section 105-355, and other sections of the Machinery Act.
- (k) — *Partial payments.* The tax administrator shall be entitled to collect partial payments of the fee. If a bill from the tax administrator includes a combination of property taxes or other assessments with the fee, the tax administrator shall apply any partial payments in the order in which such payments are now applied under the hierarchy utilized by the office of the tax administrator, with the fee to be applied at the lowest priority of the hierarchy existing as of the date of this section.
- (l) — *Imposition of fee against owned and listed by multiple owners.* If there are multiple owners of property on which the fee is imposed and such multiple owners are assessed separately for the property taxes, the fee shall be levied on a ratable basis in accordance with the percentage of interest owned by the multiple owners.
- (m) — *Adjustment of fee.* In the event that the city council determines that a fee has been levied against a type or types of residence(s) in an amount which is in excess of the fee which should have been levied, the city council shall have the authority to direct the Mecklenburg County Tax Administrator and/or the city finance director to refund, rebate, or credit an appropriate amount to the affected property owners either in the fiscal year for which the fee was levied or in the next fiscal year. If a portion of a fee is refunded, rebated, or credited, the adjustment of the fee shall be from funds administered by the city's finance director.

Sec. 10-29. Mandatory solid waste collection services.

- (a) Solid waste collection is determined by ordinance.
- (b) Each residential premise in the city shall be provided solid waste collection services. Collection schedules shall be determined by the Solid Waste Services Key Business Executive. Collection schedules may be altered to observe holidays or to meet emergency situations.
- (c) No owner or occupant of a residential premises shall prohibit or prevent solid waste collection services, including recyclables collection, at the premises.

Sec. 10-30. Ownership of materials.

- (a) Recyclables. Recyclable materials which are properly placed by an owner or occupant of a property at curbside for collection, are deemed to be abandoned by such person(s) and become the property of the city or its authorized agent.
- (b) Yard waste. Yard waste which is properly placed by an owner or occupant of a property at curbside for collection is deemed to be abandoned by such person(s) and become the property of the city or its authorized agent.
- (c) Bulky items. Bulky items which are properly placed by an owner or occupant of a property at curbside for collection are deemed to be abandoned by such person(s) and become the property of the city or its authorized agent.

Sec. 10-31. Unauthorized collection prohibited.

It shall be unlawful for any person, firm or corporation not authorized by the city to collect, or pick up, or cause to be collected or picked up, any solid waste including recyclable, yard waste and/or bulky items.

Sec. 10-32. Rollout container collection service.

- (a) Rollout container collection service shall be provided to single residential units and special residential units, provided such special residential units are not part of a multi-family complex containing thirty or more units.
- (b) Except as provided in Section 10-33, rollout containers will be collected from the curb. Containers must be placed at ground level, within two (2) feet of the curb and at least three (3) feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, bulky items etc., or in a location

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specified by the solid waste service key business executive or his designee. Rollout containers should not block sidewalks. Service may be denied to (i) any improperly placed container, (ii) any container that is not accessible to solid waste services personnel without having to unlock or open a door, ascend or descend multiple steps, unlock or open a gate or similar obstacle, or encounter a vicious animal, and (iii) any container rendered inaccessible by parked vehicles, equipment or other objects.

(c) Rollout containers shall be placed at the curb no earlier than the day before the collection day and shall be removed by midnight on the collection day.

(d) Garbage shall be drained of all liquid and enclosed in securely tied plastic bags prior to being placed in rollout containers.

(e) It shall be unlawful to place dangerous items and/or any waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in rollout containers for collection. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as defined in section 10-44.

(f) Civil Penalty. Any customer who places solid waste at curbside prior to the day before the scheduled collection date or who fails to remove solid waste and/or containers from curbside by midnight on the day of collection may be issued a civil penalty the amount of fifty dollars (\$50.00). Any person who fails to properly prepare or containerize solid waste for curbside collection may be issued a civil penalty in the amount of fifty dollars (\$50.00).

Sec. 10-33. Physically disabled service.

(a) For physically disabled persons, rollout containers will be collected in the backyard on a scheduled curbside collection day provided that prior approval has been granted based upon a valid medical verification form submitted to the solid waste services key business unit.

(b) The city shall reserve the right to verify the need for extending physically disabled services provided to residents that have been approved to receive such services. The city shall reserve the right to continue or discontinue service.

Sec. 10-34. Stationary container collection service.

(a) Any multiple-residential units and/or city governmental agency, hereinafter referred to as "unit," that furnishes and maintains a bulk container, detachable container or portable packing container will be eligible to receive service provided by the city's private contractor. Eligibility for

service provision will be determined by the solid waste services key business executive or his designee after an analysis of the need of the requesting unit. The container shall be of sufficient size as determined and approved by the solid waste services key business executive or his designee and must be suitable for handling by a private contractor.

- (b) Such containers shall at all times be kept clean, neat, painted, in a good state of repair and easily accessible to collection personnel. Service shall be discontinued to units failing to maintain containers properly. No service will be given to those units permitting objects, obstructions, or vehicles to hinder in way the servicing of such container. Container lids shall be kept closed at all times. All doors and lid springs shall be in working condition. Cleaning up spilled materials shall be the responsibility of the property owner or occupant.
- (c) Units using bulk containers will not receive residential, curbside, yard waste or recyclables collection services by city collection forces. However, they are eligible for recyclables collection as offered by the private contractor under contract to the city and to receive Christmas tree collection by the city's collection forces or authorized agent as agreed upon with the complex management if the trees are placed in a designated location as determined by the solid waste service key business executive or his designee. Commercial establishments leasing such containers shall be responsible for notifying their service contractor of any damaged conditions. Bulky item collection will be provided for tenants at a site designated by the solid waste services key business executive or his designee.
- (d) All garbage shall be drained of all liquid and enclosed in securely tied plastic bags prior to placing in containers.
- (e) It shall be unlawful to place dangerous items and/or any waste material of injurious nature, such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in bulk containers. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as provided in section 10-44.
- (f) Any person who fails to properly containerize solid waste for collection may be issued a civil penalty in the amount of fifty dollars (\$50.00).

Sec. 10-35. Non-residential collection service.

- (a) Except as provided in Section 10-36, non-residential (business trash) collection service shall be limited to non residential units generating a maximum of five hundred and twelve (512) gallons per week using no

more than eight (8) approved containers. No single container may weigh more than seventy-five (75) pounds or exceed one hundred gallons in volume when full. Designated representatives of the solid waste services key business unit shall have the authority to determine whether a unit is generating more than the maximum capacity per collection and if so, such units shall be denied city service. The city shall not be responsible for and shall not provide any collection service to nonresidential units generating more than five hundred and twelve (512) gallons of solid waste per week. The occupant and/or owner of the premises shall be responsible for collecting, removing and properly disposing of all solid waste from those premises.

- (b) Containers shall be placed curbside for collection. Containers will be collected provided they are easily accessible to collection personnel without having to unlock or open a door, unlock a gate or similar obstacle, encounter a vicious animal, or otherwise be denied reasonable access by parked vehicles, equipment or other objects. Collection personnel shall not provide service if required to ascend or descend multiple steps to obtain access to the containers.
- (c) All garbage shall be drained of all liquid and enclosed in securely tied plastic bags prior to placing in containers.
- (d) It shall be unlawful to place dangerous trash items and any waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in collection containers unless they are securely wrapped and marked so as to prevent injury to the collection personnel. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as provided in section 10-44.
- (e) The city does not provide the multi-material recycling collection service, yard waste collection service, or bulky item or junk collection for businesses.
- (f) Civil Penalty. Any person who places solid waste at curbside any earlier than the day before the scheduled collection date or who fails to remove solid waste and/or containers from curbside by midnight on the day of collection may be issued a civil penalty in the amount of (\$50.00) Any person who fails to properly prepare or containerize solid waste for non-residential collection may be issued a civil penalty in the amount of fifty dollars (\$50.00).

Sec. 10-36. Special Tax District #1 and Tryon Street Mall.

- (a) Collection in Special Tax District #1 and on the Mall shall be limited to a maximum of five hundred twelve gallons (512) of solid waste per week placed in securely tied two-ply plastic bags, in cardboard boxes or in solid waste containers. Containers, cardboard boxes, or bags of solid waste shall be placed at the designated location, as determined by the solid waste services key business executive or designee, between 7:00 a.m. and 10:00 a.m., Monday through Friday. Any containers left at curbside shall be removed within one (1) hour after collection. Notwithstanding the above provisions, the containers, cardboard boxes, etc. shall be placed at curbside for collection on the Mall only between 7:00 a.m. and 9:00 a.m., Monday through Friday and shall be removed from the curbside within one (1) hour after collection. The solid waste KBE or his designee may require that solid waste be placed at curbside during other hours in order to provide the collection service.
- (b) All garbage shall be drained of all liquid and enclosed in securely tied plastic bags prior to placing in containers.
- (c) It shall be unlawful to place dangerous trash items and an waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in collection containers unless they are securely wrapped and marked so as to prevent injury to the collection personnel. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed or except as provided in section 10-44.
- (d) Recyclables, yard waste and bulky item collection services will not be provided in this area.
- (e) Nothing in this section shall mandate or imply that a city served nonresidential unit is entitled to same-day multiple collection or more than once per day collection service by simply adhering to the above time parameters.
- (f) Civil Penalty. Any person who places solid waste at curbside prior to the specific times scheduled in section 10-36(a) or who fails to remove solid waste and/or containers from curbside within the required time period on the day of collection may be issued a citation in the amount of fifty dollars (\$50.00). Any person who fails to properly prepare or containerize solid waste for collection may be issued a citation in the amount of fifty dollars (\$50.00).

Sec. 10-37. Building materials.

- (a) It shall be unlawful to place building material at curbside for collection except as follows:

(1) Residential units eligible for bulky items collection per section 10-39 are also eligible for collection services under this section.

(2) Collection of eligible items must be scheduled with the solid waste services key business unit. A date will be given when collection will occur. Items for collection shall be placed at curbside no earlier than the day preceding the scheduled collection date. No materials resulting from work performed by a contractor working for a homeowner shall be collected.

Building materials resulting from work performed by homeowner repair or renovating that will be collected from single, special residential and multiple residential units include large plumbing materials; space heaters; hot water heaters; collapsed accessory buildings with a maximum size limitation of ten (10) feet by ten (10) feet and capable of being handled by two (2) individuals when collected; guttering no longer than five (5) feet in length; doors; windows; and lumber. Lumber and boards that are eligible for collection shall be no longer than five (5) feet; plywood, paneling and pressboard no wider than five (5) feet, no longer than five (5) feet, and no thicker than one (1) inch. Landscape timbers are eligible for collection if they are no longer than five (5) feet, no wider than four (4) inches or no thicker than four (4) inches. Carpet and padding shall be collected provided the carpeting is rolled and tied in sections no longer than five (5) feet so that two (2) individuals can easily pickup the sections for disposal. Small gauge fencewire shall be in rolls and large gauge fence wire shall be in sections no longer than five (5) feet so that two (2) individuals can easily pick up the section for disposal. Any building materials collected that include glass, such as windows and mirrors, shall have the glass taped with an "X" mark so it will not shatter as the collectors handle it for disposal.

(3) The city will not collect the following: dirt; rocks; nails; boards with nails protruding; propane and oxygen tanks; glass blocks; marble or simulated marble countertops; cross ties (ie., railroad ties); duct or sheet metal material; concrete blocks; brick; floor coverings except for carpeting, padding and rugs; fence or pipe posts with concrete adhered to them; sand; concrete; central air conditioning or heating units; pallets; ceramic tile; sheet rock; roofing or plaster resulting from homeowner repairs nor will the city collect any building materials resulting from contractual work or commercially related activities.

(b) Civil Penalty. Any person who places building materials at curbside earlier than the day before the scheduled collection date or who fails to remove

the items and/or containers the items were placed in from the curbside by midnight on the day of collection may be issued a civil penalty in the amount of fifty dollars (\$50.00). Any person who fails to properly prepare or containerize building materials for curbside collection or who places materials that are not eligible for collection may be issued a civil penalty in the amount of fifty dollars (\$50.00).

Sec. 10-38. Yard waste.

- (a) Yard waste shall be separated from other solid waste at the curbside in accordance with the requirements of this section.
- (b) The following regulations shall apply to yard waste collection:
 - (1) It is mandatory that yard waste be placed together to constitute a single, separate collection in order for the city and/or contractor to carry out its recyclables collection program. Yard waste collection shall be provided only to residential units receiving rollout container service.
 - (2) Yard waste shall not be placed at curbside any earlier than the day before the collection date. Any container used to store yard waste placed at curbside for collection shall be removed by midnight on the day of collection. Collection forces shall collect an amount of yard waste that is customarily and reasonably associated with the residential unit(s) served and so long as it is properly prepared or containerized and in compliance with these regulations. The volume of yard waste placed at curbside for collection shall not exceed on any designated collection day an amount a reasonable person would expect two (2) individuals comprising the collection crew to load into the collection vehicle.
 - (3) Yard waste shall be collected at curbside provided that it is placed in open containers or plastic bags for collection. Such bags shall be in good condition; and of size and weight that when full, do not weigh more than seventy-five (75) pounds each and are such that one (1) individual can easily pick up each bag, one at a time, for disposal. Plastic bags containing yard waste shall not be secured at the top when placed at curbside for collection. Containers used for yard waste shall have all lids removed.
 - (4) Limbs collected by city collection forces shall be no larger than four (4) inches in diameter nor longer than five (5) feet. Tree shrubbery and limbs shall have all protruding branches trimmed. Limbs must be stacked in small, neat piles such that a reasonable person would expect one (1) individual to easily pick up each pile, one at a time,

for disposal. Each pile shall weigh no more than seventy-five (75) pounds and shall not exceed four (4) feet in height nor five (5) feet in length.

- (5) Tree trunks larger than four (4) inches in diameter will not be collected by city collection forces. Tree stumps will not be collected by city collection forces or its authorized agent.
- (c) It shall be unlawful to allow accumulations of limbs on private property. This shall not include compost areas.
- (d) The solid waste service key business unit shall have the authority to decline to collect any yard waste that is not ready for collection in accordance with these regulations or exceeds the maximum amount that a city collection crew can reasonably expect to load into the collection truck. The solid waste service key business unit shall have the authority to decline to collect any tree or tree limbs where the service has been performed for a fee by a commercial yard service other than the property owner.
- (e) *Civil Penalty.* Any person who places yard waste at curbside earlier than the day before the scheduled collection date or who fails to remove yard waste from curbside by midnight on the day of collection may be issued a civil penalty in the amount of fifty dollars (\$50.00). Any person who fails to properly prepare yard waste for curbside collection or who places yard waste that is not eligible for collection at the curbside may be issued a civil penalty in the amount of fifty dollars (\$50.00).

Sec. 10-39. Bulky/junk items.

- (a) It shall be unlawful for anyone to place or leave bulky item(s) or junk at curbside for collection by the city except in accordance with the requirements of this section.
- (b) Bulky/junk items shall be as defined in section 10-17.
- (c) Collection for bulky and/or junk items shall only be provided to single, special and multiple residential units, except for the Charlotte Housing Authority units, for the benefit of the occupant of the premises who might be currently residing on the premise or who might have recently voluntarily vacated the premises. The service is not available for:
 - (1) Renovations, building material, appliance and equipment changes that are commercially related. Such commercially related activities are the responsibility of the rental agent and/or owner of the property.

- (2) Items from business establishments operated from a residential unit.
 - (3) Any bulky item or junk that pertains to any legal eviction or is the result of any other legal proceedings.
 - (4) Items that are the consequence of a fire at a business or residential structure. The solid waste services KBE or his designee shall have the authority to exercise discretion to provide collections when as a result of a fire there is only a single bulky item or what would otherwise be a normal collection amount as opposed to clearing the premise of burnt bulky or junk items.
 - (5) Other items that will not be collected as a bulky item or junk are: oxygen tanks and other medical equipment; propane tanks; large oil tanks used for household purposes; parts of campers, boats, camper shells, trailers; automotive parts, including but not limited to motors, doors, fenders, car seats or batteries from a residentially used premises, etc.
- (d) The solid waste services key business executive shall have the discretion to determine if items constitute bulky items or junk as defined in section 10-17 and shall have the discretion to determine whether a request for service is consistent with the eligibility standards as described above. The solid waste services key business executive shall have the authority to require items to be prepared for ease of collection or and to ensure the safety of the employees performing the collection task. An item not prepared properly may be refused for collection at the discretion of the solid waste services key business executive. Special collection requirements for certain items are as follows:
- (1) No bulky item or junk shall be collected if it is too large to be placed on the collection vehicle or if its size or weight is such that two (2) individuals could not be reasonably expected to pick it up.
 - (2) Fifty-five (55) gallon drums that are for personal use will be collected if both ends have been removed and the drum is flattened.
 - (3) Wooden pallets will be collected only if they are broken into smaller pieces the size of boards or lumber with nails removed.
 - (4) Any appliance accepted for collection must be empty of its contents.
 - (5) Large furniture items shall be dismantled prior to collection such that a reasonable person can expect two (2) individuals to easily load them onto the special collection vehicle.

- (6) Gasoline and wheels must be removed from all lawn mowers prior to collection.
- (7) Tires must be removed from all bicycles prior to collection.
- (8) All glass in windows, doors, mirrors and other items with large expanses of glass must have the glass taped with an "X" mark so it will not shatter in the collection process.
- (9) It shall be unlawful to place dangerous items and/or any waste materials of injurious nature such as broken glass; light bulbs; sharp pieces of metal; fluorescent tubes and television tubes out for collection unless they are securely wrapped and marked so as to prevent injury to the collection personnel. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as defined in section 10-44.
- (e) Tires.
- (1) The solid waste services key business unit will not collect tires from any premises that do not have a lawful residential use and will not collect tires that are generated from any nonresidential and/or commercially related use as determined by the solid waste services KBE.
- (2) Tires eligible for collection are those used on bicycles, automobiles, motorcycles, large vans, mini vans, and small pick-up trucks. No large truck nor farm equipment tires shall be collected.
- (f) Eligible bulky or junk items must be scheduled with the solid waste services key business unit for collection and placed at curbside prior to collection separate from any other items placed at curbside for city collection. A date will be given when collection will occur. Bulky items and junk shall not be placed at curbside for collection any earlier than the day before the collection date.
- (g) Civil Penalty. Any customer who places bulky/junk items at curbside prior to the day before the scheduled collection date or who fails to remove bulky/junk items and/or containers from curbside by midnight on the day of collection may be issued a civil penalty in the amount of fifty dollars (\$50.00). Any person who fails to properly prepare a bulky/junk item for curbside collection or who places ineligible items for collection may be issued a civil penalty in the amount of fifty dollars (\$50.00).

Sec. 10-40. Ashes.

- (a) It shall be unlawful to place ashes or live coals in rollout containers for collection unless said ashes or coals have been wetted, are cool to the touch, and have been enclosed in plastic bags and are securely tied prior to collection.
- (b) Civil Penalty. A civil penalty may be issued in the amount of fifty dollars (\$50.00) to any person who violates this section.

Sec. 10-41. Fifty-five gallon drums.

- (a) It shall be unlawful to use fifty-five (55) gallon drums as rollout, bulky/junk, yard waste or recyclables containers for collection by city collection forces or the city's authorized collection agent. It shall be the responsibility of the person in possession, charge or control of the premises of where such container is being used for such purposes to discontinue such use.
- (b) Collection forces shall not collect whole fifty-five (55) gallon drums placed at curbside for disposal. The solid waste services key business unit will collect, as a part of their bulky item trash collection service, fifty-five (55) gallon drums placed at curbside for collection provided that correct preparation procedures are followed as defined in section 10-39(d)(2).
- (c) Civil Penalty. A civil penalty may be issued in the amount of fifty dollars (\$50.00) to any person who violates this section.

Sec. 10-42. Appliances.

- (a) It shall be unlawful to place appliances at curbside for collection except as stated under section 10-39. It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator or container without being strapped or locked so that it is impossible for a child to obtain access to it. Any appliance accepted for collection must be completely empty prior to collection.
- (b) Civil Penalty. A civil penalty in the amount of fifty dollars (\$50.00) may be issued to any person in violation of this section.

Sec. 10-43. Contagious disease material.

- (a) It shall be unlawful to remove clothing, bedding, mattresses, springs, or other solid waste from homes or other places where highly infectious diseases have occurred unless performed under the supervision and direction of the environmental health department. Such solid waste shall not be placed in rollout containers or at curbside for disposal by any city

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sanitation collection forces. Bulky item collection service shall not be provided for such items.

(b) Where the local health director finds and declares the existence of an epidemic, or finds and declares that an epidemic is threatened, all solid waste collected by city authorized collection crews or its agents, which the local health director finds and declares to be dangerous to the public health, shall be taken by the collection crew(s) immediately to the disposal site and shall be disposed of as the local health director and solid waste services director may order.

(c) Civil Penalty. A civil penalty in the amount of one hundred dollars (\$100.00) may be issued to any person in violation of this section.

Sec. 10-44. Hypodermic instruments.

(a) It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse and safeguarding the disposal thereof by placing in either a milk jug, coffee can with a lid or such similar containers so as to avoid the possibility of causing injury to the collection personnel.

(b) Civil Penalty. A civil penalty in the amount of one hundred dollars (\$100.00) may be issued to any person in violation of this section.

Sec. 10-45. Dead animals.

(a) It shall be unlawful to place dead animals at curbside prior to scheduling for collection by city forces. A request for this service shall be made to solid waste services for scheduling the collection of the dead animal. Dead animals weighing in excess of one hundred (100) pounds shall be removed by their owners if ownership has been established or will be removed by city collection forces at the discretion of the solid waste services key business executive. This collection service for dead animals is provided to veterinarians for a fee and must be scheduled at least one (1) day in advance with the special services division. Dead animals already in a street or on the edge of the street, where the owner is not identified, will be scheduled for collection by the city upon notification of their existence.

(b) Civil Penalty. A civil penalty in the amount of fifty dollars (\$50.00) may be issued to any person in violation of this section.

Sec. 10-46. Industrial waste.

- (a) It shall be unlawful to place industrial waste in refuse rollout containers or at curbside for collection by city collection forces. Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant, or enterprise creating or causing the same.
- (b) Civil Penalty. A civil penalty in the amount of one hundred dollars (\$100.00) may be issued to any person in violation of this section.

Sec. 10-47. Hazardous waste.

- (a) It shall be unlawful for any person to dispose of hazardous waste or to hire or otherwise arrange for a person to dispose of hazardous waste upon another person's property without the consent of the owner of that property, and such person shall be strictly liable, without regard to fault or negligence, for damages or for any equitable remedies to persons or property, including the cost of the removal of such hazardous waste to a lawfully designated disposal site, resulting from such unlawful disposal of hazardous waste.
- (b) It shall be unlawful to place hazardous waste in any refuse container for disposal except as follows:
 - (1) Paint cans shall have lids removed and contain no wet paint. Kitty litter or sand may be added to solidify material for collection.
 - (2) Soiled kitty litter shall be enclosed in double plastic bags and securely tied prior to placing the bag in containers at curbside for disposal.
 - (3) Soiled infant diapers shall be rinsed of human feces, placed inside double plastic bags and securely tied prior to placing the bag in containers at curbside for disposal.
- (c) Civil Penalty. A civil penalty in the amount of one hundred dollars (\$100.00) may be issued to any person in violation of this section.

Sec. 10-48. Recyclables.

- (a) The following regulations shall govern those persons in city-served residential units who are eligible to voluntarily participate in the city's recyclables collection program.
 - (1) All recyclables except yard waste as defined in section 10-17 shall be placed in a container marked "recyclables."

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- (2) The recyclables container shall be placed at curbside separate from other items.
- (3) Recyclables containers shall be placed at the curb no earlier than the day before the collection day and shall be removed by midnight on the collection day.
- (4) Civil Penalty. Any person who places a recyclables container(s) at curbside earlier than the day before the scheduled collection date or who fails to remove the container(s) from curbside by midnight on the day of collection may be issued a civil penalty in the amount fifty dollars (\$50.00). Any person who fails to properly prepare or containerize recyclables for curbside collection may be issued a civil penalty in the amount of fifty dollars (\$50.00).
- (b) The following regulations shall govern those persons in multiple-residential units receiving service provided by the city under contract with private companies who are eligible to voluntarily participate in the city's recyclables collection program:
 - (1) All recyclables except yard waste shall be placed in centralized wheeled recyclables containers authorized by the city and provided by the private contractor.
 - (2) Each multiple-residential unit is eligible to receive one individual recyclables bin to transport recyclables to the centralized container. Recyclables bins shall be delivered upon request from the private contractor.
 - (3) The wheeled recyclables container and any overflow materials shall be segregated from all other solid waste at the collection location.
 - (4) Wheeled recyclables containers placed at multiple-residential units are the responsibility of the private company to maintain or replace.
 - (5) Penalty. Any customer who repeatedly refuses to properly segregate recyclable materials after all reasonable efforts have been exhausted by the contractor and the city to ensure compliance, will have their recyclables collection service suspended and their wheeled/individual recyclables containers returned to the private company.

Section 14. Division 4 of Article II of Chapter 10 of the Code shall be rewritten to read as follows:

DIVISION 4. ESTABLISHMENTS FEES.

Sec. 10-50. City-served nonresidential units.

- (a) Service to city-served nonresidential units shall be once a week. Such collection shall be limited to a maximum of five hundred twelve (512) gallons per week from no more than eight (8) containers with a maximum weight of seventy-five (75) pounds each when full.
- (b) The requirements of this section shall not apply to special tax district #1 or the "mall." Designated representatives of the special services division shall have the authority to determine whether a unit is generating more than the maximum capacity per collection and if so, such units shall be denied city service.

Sec. 10-51. Multiple-residential units and city governmental agencies.

- (a) Any multiple-residential units and/or city governmental agency, herein after referred to as "unit," that furnishes and maintains a bulk container, detachable container or portable packing container will be eligible to receive service provided by the city's private contractor. Eligibility for service provision will be determined by the solid waste services director or designee after an analysis of the need of the requesting unit. Services will be provided twice per week except during holiday schedules, which may vary. The container shall be of sufficient size as determined and approved by the solid waste services director and must be suitable for handling by a private contractor.
- (b) Such containers shall at all times be kept clean, neat, painted, in a good state of repair and easily accessible to collection personnel. Service shall be discontinued to units failing to maintain containers properly. No service will be given to those units permitting objects, obstructions, or vehicles to hinder in way the servicing of such container. Container lids shall be kept closed at all times. All doors and lid springs shall be in working condition. Cleaning up spilled materials shall be the responsibility of the property owner or occupant.
- (c) Units using bulk containers will not receive residential, curbside, yard waste or recyclables collection services by city collection forces. However, they are eligible for recyclables collection as offered by the private contractor under contract to the city and to receive Christmas tree collection by city's collection forces or authorized agent as agreed upon with the complex management if the trees are placed in a designated location as determined by the sanitation division manager or his designee. Commercial establishments leasing such containers shall be responsible for notifying their service contractor of any damaged conditions. Bulky item

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collection will be provided for tenants at a site designated by the special services division manager.

Sec. 10-52. Noncity-served nonresidential units.

The city shall not be responsible for and shall not provide any collection service to those units defined in section 10-17 "noncity-served nonresidential units." The occupant and/or owner of the premises shall be responsible for collecting, removing and properly disposing of all solid waste from those premises.

Sec. 10-53. Single and special residential units.

Service to single and special residential units for collection by the city will be once per week from curbside rollout containers. Bulky item and junk collection services are provided by appointment only as described in section 10-37.

Sec. 10-54. Special Tax District #1 and Tryon Street Mall.

- (a) For purposes of this section, Special Tax District #1 refers to the area of the city bounded by I-77, Brookshire Freeway and the John Belk Freeway (I-277).
- (b) "Tryon Street Mall (mall)" refers to the area of Tryon Street beginning at Stonewall Street and extending to Eighth (8th) Street, including the blocks designated as the 200 blocks of East and West Trade Street, and includes both sides of Tryon Street and Trade Street as described above.
- (c) Collection in Special Tax District #1 and on the mall shall be limited to a maximum of five hundred twelve gallons (512) of solid waste per week placed in securely tied two-ply plastic bags, in boxes or in solid waste containers. Containers, cardboard boxes, cartons or bags of garbage or trash shall be placed at the designated location as determined by the special services division manager between 7:00 a.m. and 10:00 a.m., Monday through Friday. Any containers left at curbside shall be removed within one (1) hour after collection. The same (i.e. containers, cardboard boxes, etc.) shall be placed at curbside for collection on the mall only between 8:30 a.m. and 9:00 a.m., Monday through Friday and shall be removed from the curbside by 10:30 a.m. The special services division manager may require that solid waste be placed at curbside during other hours in order to provide the collection service. Recyclables and yard waste collection services will not be provided in this area.

- (d) ~~Nothing in this section shall mandate or imply that a city served nonresidential unit is entitled to same-day multiple collection or more than once per day collection service by simply adhering to the above time parameters.~~
- (e) ~~Penalty. Any person who places solid waste at curbside prior to the specific times scheduled in section 10-54 (c) or who fails to remove solid waste and/or containers from curbside within the required time period on the day of collection shall be issued a citation in the amount of twenty-five dollars (\$25.00) for the first offense; fifty dollars (\$50.00) for the second offense at the same location; and seventy-five dollars (\$75.00) for each subsequent offense at the same location. Any person who fails to properly prepare or containerize solid waste for collection shall be issued a citation in the amount of fifty dollars (\$50.00).~~

Sec. 10-50. Residential solid waste disposal fee.

- (a) Relationship to Machinery Act. The fee shall be billed with property taxes payable in the same manner as property taxes and collected in any manner by which delinquent personal or real property taxes can be collected, all as provided in Subchapter II, Chapter 105, of the North Carolina General Statutes.
- (b) Administration. The Mecklenburg County Tax Administrator will levy and collect the fee and may promulgate additional rules and regulations necessary for the implementation of this section not inconsistent with the specific provisions set forth herein.
- (c) Property affected. The fee is imposed upon all property in the City of Charlotte which is a residence. The fee is imposed on each separate residence.
- (d) Date as of which ownership and eligibility for imposition of the fee is to be determined. The ownership of property subject to the fee shall be determined as of January 1, 1996, for the fiscal year beginning July 1, 1996, and as of January 1 of each year thereafter for each successive fiscal year for which the fee is imposed. If any property subject to the fee as of January 1 is destroyed, demolished, removed, become uninhabitable, or otherwise loses its eligibility for the fee prior to July 1 and remains as such as of July 1 of that calendar year, the property will not be subject to the fee. A change of ownership of the property between January 1 and July 1 will not cause the property to lose its eligibility for imposition of the fee. A residence which is vacant due to being partially completed as of January 1 shall not be subject to the fee, even though it is fully completed as of July 1. A residence which is vacant due to being

- renovated as of January 1 shall be subject to the fee, provided the residence is occupied or available for occupancy as of July 1.
- (e) *Exclusion of the fee.* For the first fiscal year in which the fee is imposed (July 1, 1996, through June 30, 1997), the fee shall not be imposed on any residence which, at all times from July 1, 1996, through December 31, 1996, (i) has its waste collected by a private contractor who disposes of the solid waste at a solid waste facility provided by the private contractor and (ii) does not use any of the county's solid waste services (including landfills, incinerators, yard waste sites, or recycling facilities, including drop sites). For subsequent fiscal years, the fee shall not be imposed on any residence which, at all times from January 1 of the calendar year in which the fiscal year opens through December 31 of said calendar year, meets the same requirements as set forth in (i) and (ii) of this paragraph.
- (f) *Assessment procedure.* The tax administrator shall determine on which properties the fee shall be levied and shall include the amount of the fee on the tax bill of the owner of the property as of January 1. The fee imposed on a residence which is not assessed for property taxes by the tax administrator in connection with or as a part of a specific parcel of land shall be billed by a separate bill to the owner of the residence. Residences which are exempt from property taxation, but which are subject to the fee shall be billed by a separate bill to the owner of the residence.
- (g) *Late levy of the fee.* If the tax administrator fails to levy the fee on one or more residences in the city during the normal billing period due to inadvertence or other good reason, the fee may be levied at any time during the applicable fiscal year or the next succeeding fiscal year. For purposes of determining the due date and applicability of interest, the late levy shall be deemed to be a fee for the fiscal year beginning on July 1 of the calendar year in which the fee is levied.
- (h) *Due dates; interest for nonpayment.* The fee is due September 1, 1997, and September 1 of each successive year for which the fee is imposed. The fee is payable at par if paid before January 6 following the opening of the fiscal year. Any portion of the fee not paid on or before January 6 is delinquent and interest will accrue as follows: For the period January 6 to February 1, interest accrues at the rate of two (2) percent, and for the period February 1 until the principal amount of the fee and the accrued interest is paid, interest accrues at the rate of three-fourths of one percent of a month or fraction thereof.
- (i) *Appeals.* The owner of property upon which a fee is levied by the tax administrator shall have the right to file a notice of exception with the tax administrator at any time prior to the date the fee becomes delinquent, unless the notice of the fee is mailed less than thirty (30) days prior to the

delinquent date, in which event the owner shall have thirty (30) days after the date of mailing in which to file a notice of exception. Upon receipt of a timely exception, the tax administrator shall arrange a conference with the owner to afford him an opportunity to present any evidence or argument he may have regarding the fee, and the tax administrator shall have the authority to authorize a rebate or refund of the fee if he concludes the fee is not owed. Within fifteen (15) days after the conference the tax administrator shall give written notice to the owner of his final decision. In a case in which an agreement is not reached, the owner shall have fifteen (15) days from the date the notice is mailed to appeal the tax administrator's decision to the Mecklenburg County Waste Management Advisory Board ("board"). The board shall have the right to appoint a special committee consisting of at least five (5) persons from the board to hear the appeals. Notwithstanding any pending exceptions by the owner to the tax administrator or appeal to the board, the owner shall pay the fee prior to the date interest accrues, subject to refund, without interest, if the final appeal is decided in the owner's favor. If a fee is refunded, the city finance director shall issue the refund.

- (j) *Liens.* The fee shall be a lien on real and personal property under the same rules as set forth in North Carolina General Statutes, Section 105-355, and other sections of the Machinery Act.
- (k) *Partial payments.* The tax administrator shall be entitled to collect partial payments of the fee. If a bill from the tax administrator includes a combination of property taxes or other assessments with the fee, the tax administrator shall apply any partial payments in the order in which such payments are now applied under the hierarchy utilized by the office of the tax administrator, with the fee to be applied at the lowest priority of the hierarchy existing as of the date of this section.
- (l) *Imposition of fee against owned and listed by multiple owners.* If there are multiple owners of property on which the fee is imposed and such multiple owners are assessed separately for the property taxes, the fee shall be levied on a ratable basis in accordance with the percentage of interest owned by the multiple owners.
- (m) *Adjustment of fee.* In the event that the city council determines that a fee has been levied against a type or types of residence(s) in an amount which is in excess of the fee which should have been levied, the city council shall have the authority to direct the Mecklenburg County Tax Administrator and/or the city finance director to refund, rebate, or credit an appropriate amount to the affected property owners either in the fiscal year for which the fee was levied or in the next fiscal year. If a portion of a fee is refunded, rebated, or credited, the adjustment of the fee shall be from funds administered by the city's finance director.

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Section 15. Division 5 of Article II of Chapter 10 of the Code shall be amended to read as follows:

DIVISION 5. CONTAINERS

Sec. 10-60. Bulk containers.

- (a) — It shall be unlawful to fail at all times to keep bulk containers clean, neat, painted, and in a good state of repair, including all doors and lid springs being in working condition. They shall be located in a place easily accessible to private contractors with container lids closed. No bulk containers shall be stored in front of a business, residence, in front of the building line closest to the street or on public rights-of-way. Commercial establishments leasing such containers shall be responsible for notifying their service contractor of any damaged conditions. Cleaning up spilled materials shall be the responsibility of the property owner or occupant and shall occur immediately after any such spillage or overflow occurs. Units using bulk containers will not receive services provided by city collection forces, i.e. curbside trash collection, yard waste or recyclables collection.
- (b) — The solid waste services director or his designee shall have the authority to determine the quantity and location of bulk containers and to determine whether such containers are serviceable. The solid waste services director or his designee shall also have the authority to require the owner or lessee to relocate a bulk container for such reasons as odor or litter problems.
- (c) — Penalty. A citation in the amount of twenty-five dollars (\$25.00) will be issued to any person in violation of this section.

Sec. 10-61. Rollout containers.

- (a) — It shall be unlawful for any person in possession, charge, or control of any place in or from which litter is accumulated or produced to fail to provide, and at all times to keep in a suitable place readily accessible to city's collection personnel or authorized collection agent adequate and suitable rollout containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections.
- (b) — Rollout containers used in the residential garbage collection program are property of the city.
- (c) — A rollout container, when completely full, shall not exceed two hundred (200) pounds (excluding the weight of the container). All rollout containers, as required, shall be of approved construction and design and shall be

maintained in good serviceable condition at all times. Any rollout container which does not conform to the provision of this article, or which has ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents thereof or the public generally, shall be promptly replaced upon notice. If such rollout container, after proper notice, has not been replaced, the solid waste services director or his designee shall have the authority to remove for disposal such rollout container on the next scheduled collection service day.

- (d) Spilled materials or overflow caused by the property owner or occupant shall be cleaned up immediately after such spillage or overflow occurs.
- (e) Spilled solid waste materials caused by city collection crews or the city's authorized collection agent shall be cleaned up immediately after such spillage occurs.
- (f) The solid waste services director or his designee shall have the authority to determine the proper location of rollout containers on private property.
- (g) It shall be unlawful to place rollout containers for collection by the city except as follows:
 - (1) Containers shall be placed for collection at ground level on property and be accessible without the need for walking or carrying a container over, under or around a yard or property obstacle.
 - (2) No solid waste shall be collected where containers cannot be reached by city collection personnel without unlocking or opening a door, unlocking a gate or any similar obstacle, encountering a vicious animal, or otherwise being denied reasonable access by parked vehicles.
 - (3) No solid waste shall be collected where city collection personnel are required to ascend or descend multiple steps to obtain access to the rollout containers.
 - (4) No rollout containers shall be stored in front of a home or in front of the building line closest to the street.
- (h) The city will not collect from sunken containers.
- (i) Penalty. A citation in the amount of twenty-five dollars (\$25.00) will be issued to any person who violates this section.

Sec. 10-62. Unauthorized use of containers prohibited.

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No person shall use, nor permit the use of any rollout container, recyclables container, wheeled container or recyclables bin provided by the city or the city's authorized collection agent except for such container's intended use.

Sec. 10-63. Additional rollout container requests.

Requests for additional rollout containers at the same property address shall be reviewed on a case-by-case basis. Approval of additional container(s) shall be contingent on an investigation by the city to determine whether an actual need exists. The rollout container's purchase price shall be no higher than the city's per unit purchase cost.

Sec. 10-60. Bulk containers.

- (a) It shall be unlawful to fail at all times to keep bulk containers clean, neat, painted, and in a good state of repair, including all doors and lid springs being in working condition. They shall be located in a place easily accessible to private contractors with container lids closed. No bulk containers shall be stored in front of a business, residence, in front of the building line closest to the street or on public rights-of-way. Commercial establishments leasing such containers shall be responsible for notifying their service contractor of any damaged conditions. Cleaning up spilled materials shall be the responsibility of the property owner or occupant and shall occur immediately after any such spillage or overflow occurs.
- (b) The solid waste services key business executive or his designee shall have the authority to determine the quantity and location of bulk containers and to determine whether such containers are serviceable. The solid waste services key business executive or his designee shall also have the authority to require the owner or lessee to relocate a bulk container for such reasons as odor or litter problems.
- (c) Civil Penalty. A civil penalty in the amount of twenty-five dollars (\$25.00) may be issued to any person in violation of this section.

Sec. 10-61. Rollout containers.

- (a) It shall be unlawful for any person in possession, charge, or control of any place in or from which litter is accumulated or produced to fail to provide, and at all times to keep in a suitable place readily accessible to city's collection personnel or authorized collection agent adequate and suitable rollout containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections.

- (b) Rollout containers used in the residential garbage collection program are property of the city.
- (c) A rollout container, when completely full, shall not exceed two hundred (200) pounds (excluding the weight of the container). All rollout containers, as required, shall be of approved construction and design and shall be maintained in good serviceable condition at all times. Any rollout container which does not conform to the provision of this article, or which has ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents thereof or the public generally, shall be promptly replaced upon notice. If such rollout container, after proper notice, has not been replaced, the solid waste services key business executive or his designee shall have the authority to remove for disposal such rollout container on the next scheduled collection service day.
- (d) Spilled materials or overflow caused by the property owner or occupant shall be cleaned up immediately after such spillage or overflow occurs.
- (e) The solid waste services director or his designee shall have the authority to determine the proper location of rollout containers on private property.
- (f) No rollout containers shall be stored in front of a home or in front of the building line closest to the street.
- (g) The city will not collect from sunken containers.
- (h) *Civil Penalty.* A civil penalty in the amount of twenty-five dollars (\$25.00) may be issued to any person who violates this section.

Sec. 10-62. Unauthorized use of containers prohibited.

- (a) No person shall use, nor permit the use of any rollout container, recyclables container, wheeled container or recyclables bin provided by the city or the city's authorized collection agent except for such container's intended use.
- (b) *Civil Penalty.* A civil penalty in the amount of fifty dollars (\$50.00) may be issued to any person who violates this section.

Sec. 10-63. Additional rollout container requests.

Requests for additional rollout containers at the same property address shall be reviewed on a case-by-case basis. Approval of additional container(s) shall be contingent on an investigation by the city to determine whether an actual need exists. The rollout container's purchase price shall be no higher than the city's per unit purchase cost.

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Section 16. Division 6 of Article II of Chapter 10 of the Code shall be rewritten to read:

DIVISION 6. MAINTENANCE OF PREMISES AND LITTER CONTROL

Sec. 10-70. Unauthorized accumulations.

- (a) ~~It shall be unlawful for any person to scatter, cast, throw, blow, place, sweep, or deposit anywhere within the city any litter in such a manner that it may be carried or deposited upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property or private property. Any unauthorized accumulation of litter is hereby declared to be a public nuisance and is prohibited. Failure of the owner or occupant to remove or correct any such accumulation of litter within seven (7) days after appropriate notice from the community improvement division shall be a violation of this article.~~
- (b) ~~Penalty. Any person in violation of this section shall be issued a citation in the amount of fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense at the same location; and one hundred dollars (\$100.00) for each subsequent offense at the same location.~~

Sec. 10-71. Uncovered vehicles.

- (a) ~~It shall be unlawful for a person, as defined in Article II and III, to operate a vehicle transporting loose materials within the city without a suitable cover. This section shall not apply to the transportation of poultry or livestock or silage or other feed grain used in the feeding of poultry or livestock. It shall be unlawful for any person to operate, park, stand or use upon a public street any vehicle used to transport loose materials for commercial purpose, unless the vehicle is properly identified by lettering on both sides indicating the name of the company or person.~~
- (b) ~~Penalty. A citation in the amount of fifty dollars (\$50.00) will be issued to any person in violation of this section.~~

Sec. 10-72. Equipment requirements for solid waste collectors.

- (a) ~~It shall be unlawful for any solid waste collector to transport solid waste over the streets of the city, unless a watertight vehicle equipped with a tight cover is provided so that it operates to prevent offensive odors escaping therefrom and solid waste from being dropped, blown or spilled.~~

- (b) Pursuant to Chapter 15, Article III of the Code, it shall be unlawful for any collection vehicle to exceed a noise level of sixty (60) decibels during the stationary compaction process.
- (c) Penalty. A citation in the amount of seventy-five dollars (\$75.00) will be issued to any person in violation of this section.

Sec. 10-73. Illegal dumping.

- (a) It shall be unlawful to dispose of or discard any litter on private or public property without the owner's permission.
- (b) Penalty. A citation in the amount of five hundred dollars (\$500.00) will be issued to any person in violation of this section.

Sec. 10-74. Construction and demolition sites.

- (a) It shall be unlawful for any construction and/or demolition contractor to fail to provide on site containers for loose debris, paper building material waste, scrap building material, and other trash produced by those working on the site. All such material shall be kept in a reasonably clean and litter-free condition. The solid waste services director or his designee shall have the authority to determine the number of containers necessary to provide proper containerization. Dirt, mud, construction materials, or other debris deposited upon any public or private property as a result of the construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept clean and orderly at all times.
- (b) Penalty. A citation in the amount of one hundred dollars (\$100.00) will be issued to any person in violation of this section.

Sec. 10-75. Vehicles.

- (a) It shall be unlawful for any person to operate on any street, public or private property a vehicle with mud, dirt, sticky substances, litter or foreign matter on its wheels or other parts if such operation results in the depositing or tracking of such mud, dirt, sticky substances, litter or foreign matter onto any street or public property, or private property. No person being owner of real property or a prime contractor in charge of a construction site shall operate a vehicle so that said vehicles from their property or construction site shall pick up mud, dirt, sticky substances, litter or foreign matter and deposit or track such mud, dirt, sticky

substances, litter or foreign matter onto any street or public property or private property. Where mud, dirt, concrete, sticky and other substances, litter or foreign matter have been tracked or deposited on any street, public property, or private property in violation of this section, it shall be immediately removed by the person responsible. The term "responsible person," as used in this section, shall mean the driver of the vehicle which deposited or tracked the mud, dirt, sticky substances, litter or foreign matter onto the street or his employer or the owner of the real property or prime contractor in charge of a construction site from where such originated. In addition to any other remedy, the community improvement division is hereby empowered to issue a citation to violators of this section and in such citation shall assess a penalty of one hundred dollars (\$100.00). Each and every day during which a violation occurs shall be a separate and distinct offense or civil penalty based on costs of clean up as provided by the North Carolina General Statutes, Section A-175.

- (b) — Penalty. A citation in the amount of one hundred dollars (\$100.00) will be issued to any person in violation of this section.

Sec. 10-76. Loading and unloading areas.

- (a) — It shall be unlawful for any person maintaining a loading or unloading area to fail to provide solid waste receptacles for loose debris, paper, packaging materials and other trash. The solid waste services director or his designee shall have the authority to determine the number of containers necessary to provide proper containerization.

- (b) — Penalty. A citation in the amount of fifty dollars (\$50.00) will be issued to any person in violation of this section for the first offense; seventy-five dollars (\$75.00) for the second offense at the same location; and one hundred dollars (\$100.00) for each subsequent offense at the same location.

Sec. 10-77. Parking lots.

- (a) — It shall be unlawful for all commercial parking lots and establishments with parking areas to fail to provide containers distributed within the parking areas. The solid waste services director or his designee shall have the authority to determine the number of containers necessary to provide proper containerization. Such containers shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner, tenant, or manager of the parking lot to collect the solid waste deposited in such containers and store this material in an approved location for collection. It shall be the obligation of all person(s) using the

parking lot areas to use such containers as herein provided for the purposes intended, and it shall be unlawful for any person(s) to dump, scatter or throw upon such parking lot area(s) litter of any kind.

- (b) — Penalty. A citation in the amount of fifty dollars (\$50.00) will be issued to any person in violation of this section for the first offense; seventy-five dollars (\$75.00) for the second offense at the same location; and one hundred dollars (\$100.00) for each subsequent offense at the same location.

Sec. 10-78. Obstructions; rights-of-way.

- (a) — It shall be unlawful to allow shrubbery or tree limbs on private property to protrude or hang so as to obstruct the safe passage of pedestrians or motor vehicles. This section shall not apply to the removal of fallen trees, dead trees, shrubbery, bushes, etc. on private property where such do not protrude into the pedestrian/motor vehicle passageway.

- (b) — It shall be unlawful to park a vehicle upon a street at any time or for a limited time during restricted collection times as posted by the Charlotte Department of Transportation and referred to in section 14-175.

- (c) — Penalty. A citation in the amount of fifty dollars (\$50.00) will be issued to any person in violation of this section for the first offense; seventy-five dollars (\$75.00) for the second offense at the same location; and one hundred dollars (\$100.00) for each subsequent offense at the same location.

Sec. 10-79. Signs within public rights-of-way and on public property.

- (a) — *Restricted.* It shall be unlawful for any person to attach, place, paint, write, stamp or paste any sign or advertisement or other matter within eleven (11) feet of the edge of any public rights-of-way as defined in section 10-17, or upon any post, pole, tree, tree stake or guard, shrub, fire hydrant, or upon anything else within eleven (11) feet of the edge of the public rights-of-way or upon any bridge or overpass within the city limits except as provided in paragraph (b) of this section.

- (b) — *Exceptions.* This section shall not apply to the following signs:

- (1) — Signs regulating traffic.
- (2) — Signs required to be posted by law.
- (3) — Warning signs and no trespassing signs.

- (4) — Signs indicating bus stops, taxi stands and similar transportation facilities.
- (5) — Signs not exceeding four (4) square feet in area giving information concerning the location of use of accessory off-street parking facilities or loading and unloading facilities.
- (6) — Signs established by governmental agencies.
- (7) — Temporary decorative signs erected in accordance with section 3053.7.1 et seq of the zoning ordinance.
- (8) — Signs permitted by the state board of transportation along state-mandated streets. Proof of permission must be shown upon request.
- (9) — Nothing in this section shall apply to the painting of house numbers on curbs done with the prior approval of the engineering department.
- (10) — Nothing in this section shall apply to the installation of a plaque, plate, statue, or monument on public property with the approval of the city council.
- (c) — *Removal of signs.* In addition to the enforcement described above, community improvement division personnel or their designed shall have the authority to summarily remove any notice, sign, or written material found in violation of this section.
- (d) — *Penalty.* Violation of this section shall subject the person responsible for placing the sign(s) or causing them to be placed to a penalty of twenty-five dollars (\$25.00) for each sign in violation. The issuance of citations shall be in accordance with section 10-25(c) of this Code. If a violator has removed the sign within seven (7) days of receipt of a citation, then the community improvement division shall have the authority to declare the citation null and void. In addition, any person shall be subject to all applicable punishment, penalties, and equitable relief provided for in section 160A-175 of the general statutes. Each and every violation shall constitute a separate and distinct offense. Nothing in this section shall preclude the issuance of an arrest warrant when appropriate.

Sec. 10-80. Neglect of property prohibited.

- (a) — It shall be unlawful for any person to trespass on the rights of another through the neglect of property by causing or allowing unsightly litter, weeds and grass, yard waste, foul odor, dead animals, junk, unsecured appliances, or potentially dangerous devices to remain on or emanate

from property, or to discard or abandon or cause such on public property, private property, vacant lots or any pond, stream, or body of water or banks thereof within the city limits.

- (b) — Penalty. A citation in the amount of fifty dollars (\$50.00) will be issued to any person in violation of this section.

Sec. 10-81. Responsibility of owners and agents.

The owner, agent, person as herein defined, tenant, occupant, or lessee of all residential, commercial, industrial or governmental establishments shall be responsible for compliance with this article. "Owner, agent, person, tenant, occupant, or lessee," as used in this section, shall mean anyone owning or occupying a dwelling, building, or premise for seven (7) or more consecutive days, and who is, thus also responsible for correcting the violation.

Sec. 10-82. Dilapidated condition on premises.

- (a) — It shall be unlawful for any person to have on their premises material that creates a littered condition, such as dilapidated furniture, appliances, machinery, equipment, building materials, automotive parts, tires, or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition which are not completely enclosed within a building or dwelling. After notice of violation of this section, it shall be unlawful to allow any such item(s) to remain on the property of the occupant or owner for a period longer than seven (7) days. This shall not apply to authorized junk dealers or establishments licensed to engage in repair, rebuilding, reconditioning, or salvaging of equipment.
- (b) — Penalty. A citation may be issued in the amount of fifty dollars (\$50.00) to any person who violates this section.

Sec. 10-83. Graffiti.

- (a) — *Graffiti prohibited.* It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, structure or any other real or personal property. Any person convicted of a violation of this paragraph shall be fined not less than two hundred fifty dollars (\$250.00) for a first offense and five hundred dollars (\$500.00) for second and subsequent offenses.

Exemption: This paragraph shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on public or private sidewalks,

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streets or other paved surfaces which are used in connection with traditional children's activities, such as drawings or bases for stick ball, kick ball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other water soluble markings used in connection with any lawful business or public purpose or activity.

(b) — *Removal of graffiti.* It shall be unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti upon such property. Any such person convicted of a violation of this paragraph shall be fined not more than one hundred dollars (\$100.00). In determining the fine to be imposed, the court may consider the efforts, if any, taken by the violator to remove or effectively obscure the graffiti during the preceding calendar year. The mandatory fine provided in this section shall not apply to a property owner, agent, manager, or possessor of property if such property owner, agent, manager or possessor has been victimized two (2) or more times by graffiti within any calendar year and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.

(c) — *Restitution.* In addition to any other punishment imposed, the court shall order the person convicted of a violation of this section to make restitution to the victim for the damage or loss suffered by the victim as a result of the offense. The court may determine the amount, terms, and conditions of the restitution.

(d) — *Severability.* The provisions of this section shall be deemed severable. If any portion of this section is deemed unconstitutional, it shall not affect the constitutionality of any other portion of this section.

Sec. 10-84. Providing notice to property owners or their agents or managers.

(a) — *Notice.* Whenever the city becomes aware of the existence of graffiti on any property, the city is authorized to remove the graffiti as set forth in this section after giving, or causing to be given, written notice to remove or effectively obscure such graffiti to the property owner, such property owner's agent or manager, or any other person in possession or control of the property. If the city intends to place a lien on the property, as provided in paragraph (b) of this section, it must also notify all other persons whose names appear on the tax rolls of Mecklenburg County as having an interest in the property. Notice shall be given by personal service or certified mail, except that notice may be given by first class mail to those persons, other than the property owner, whose names appear on the tax

rolls of Mecklenburg County as having an interest in the property. All notices shall state the procedure for appeals under this section.

- (b) *Costs and liens.* If the person owning the property, acting as manager or agent for the owner of the property, or in possession or control of the property fails to remove or effectively obscure the graffiti within seven (7) days from receipt of the notice described in paragraph (a) of this section, the city may cause the graffiti to be removed or effectively obscured and charge the property owner, or the property owner's manager or agent, or the person in possession or control of the property, for the expenses incurred by the city in removing the graffiti. The city may sue in a court of competent jurisdiction to recover all such expenses, which shall include, but not be limited to, all administrative personnel costs, attorney's fees and costs related to enforcing this section; and/or the city may record a lien in the public records of Mecklenburg County, which lien shall be for all such expenses, and the amount of the lien shall bear interest from the date of recording.
- (c) *Appeal procedure.* Appeals may be taken to city council or its designee by the person owning the property, acting as manager or agent for the property, or in possession or control of the property to prevent the removal of any graffiti, within seven (7) days of having received notice from the city that the graffiti must be removed. Appeals shall be in writing and shall state the reasons for the appeal. If the party filing the appeal requests a hearing, such hearing shall be held at the next scheduled business meeting of the city council. If, on appeal, the city council or its designee determines that the graffiti must be removed, council or its designee may set a new deadline date for compliance or authorize the city to proceed to remove or obscure the graffiti. The city shall not remove or obscure any graffiti during the pendency of an appeal.
- (d) *Emergency removal.* If the city determines that any graffiti is a danger to the health, safety, or welfare of the public and is unable to provide notice by personal service after at least two (2) attempts to do so, then forty-eight (48) hours after either (1) the mailing of the notice described in paragraph (a) by certified and first class mail to the person owning the property, acting as agent or manager for the owner of such property, or in possession or control of such property, or (2) the posting of the notice in a conspicuous place on the property, the city may remove or cause the graffiti to be removed at its expense.
- (e) *Repair/restoration.* In no case shall the city paint or repair any area obscured by graffiti more extensively than where the graffiti itself is located. The city shall not be required to restore the obscured area to its original condition (i.e., color, texture, etc.).

Sec. 10-70. Unauthorized accumulations.

- (a) It shall be unlawful for any person to scatter, cast, throw, blow, place, sweep, or deposit anywhere within the city any litter in such a manner that it may be carried or deposited upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property or private property. Any unauthorized accumulation of litter is hereby declared to be a public nuisance and is prohibited.
- (b) Civil Penalty. Any person in violation of this section may be issued a civil penalty in the amount of fifty dollars (\$50.00).

Sec. 10-71. Neglect of property prohibited.

- (a) It shall be unlawful for any person to trespass on the rights of another through the neglect of property by causing or allowing unsightly litter, weeds and grass, yard waste, foul odor, dead animals, junk, unsecured appliances, or potentially dangerous devices to remain on or emanate from property, or to discard or abandon or cause such on public property, private property, vacant lots or any pond, stream, or body of water or banks thereof within the city limits.
- (b) Civil Penalty. A civil penalty in the amount of fifty dollars (\$50.00) may be issued to any person in violation of this section.

Sec. 10-72. Dilapidated condition on premises.

- (a) It shall be unlawful for any person to have on their premises material that creates a littered condition, such as dilapidated furniture, appliances, machinery, equipment, building materials, automotive parts, tires, or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition which are not completely enclosed within a building or dwelling. This section shall not apply to authorized junk dealers or establishments licensed to engage in repair, rebuilding, reconditioning, or salvaging of equipment.
- (b) Civil Penalty. A civil penalty may be issued in the amount of fifty dollars (\$50.00) to any person who violates this section.

Sec. 10-73. Uncovered vehicles.

- (a) It shall be unlawful for a person to operate a vehicle transporting loose materials within the city without a suitable cover. This section shall not apply to the transportation of poultry or livestock or silage or other feed grain used in the feeding of poultry or livestock. It shall be unlawful for any

person to operate, park, stand or use upon a public street any vehicle used to transport loose materials for commercial purpose, unless the vehicle is properly identified by lettering on both sides indicating the name of the company or person.

- (b) Civil Penalty. A civil penalty in the amount of fifty dollars (\$50.00) may be issued to any person in violation of this section.

Sec. 10-74. Equipment requirements for solid waste collectors.

- (a) It shall be unlawful for any solid waste collector to transport solid waste over the streets of the city, unless a watertight vehicle equipped with a tight cover is provided so that it operates to prevent offensive odors escaping therefrom and solid waste from being dropped, blown or spilled.
- (b) Pursuant to Chapter 15, Article III of the Code, it shall be unlawful for any collection vehicle to exceed a noise level of sixty (60) decibels during the stationary compaction process.
- (c) Civil Penalty. A citation in the amount of seventy-five dollars (\$75.00) may be issued to any person in violation of this section.

Sec. 10-75. Illegal dumping.

- (a) It shall be unlawful to dispose of or discard any litter on private or public property without the owner's permission.
- (b) Civil Penalty. A civil penalty in the amount of five hundred dollars (\$500.00) may be issued to any person in violation of this section.

Sec. 10-76. Construction and demolition sites.

- (a) It shall be unlawful for any construction and/or demolition contractor to fail to provide on site containers for loose debris, paper building material waste, scrap building material, and other trash produced by those working on the site. All such material shall be kept in a reasonably clean and litter-free condition. The solid waste services key business executive or his designee shall have the authority to determine the number of containers necessary to provide proper containerization. Dirt, mud, construction materials, or other debris deposited upon any public or private property as a result of the construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept clean and orderly at all times.
- (b) Civil Penalty. A civil penalty in the amount of one hundred dollars (\$100.00) may be issued to any person in violation of this section.

Sec. 10-77. Vehicles.

(a) It shall be unlawful for any person to operate on any street, public or private property a vehicle with mud, dirt, sticky substances, litter or foreign matter on its wheels or other parts if such operation results in the depositing or tracking of such mud, dirt, sticky substances, litter or foreign matter onto any street or public property, or private property. No person being owner of real property or a prime contractor in charge of a construction site shall operate a vehicle so that said vehicles from their property or construction site shall pick up mud, dirt, sticky substances, litter or foreign matter and deposit or track such mud, dirt, sticky substances, litter or foreign matter onto any street or public property or private property. Where mud, dirt, concrete, sticky and other substances, litter or foreign matter have been tracked or deposited on any street, public property, or private property in violation of this section, it shall be immediately removed by the person responsible. The term "responsible person," as used in this section, shall mean the driver of the vehicle which deposited or tracked the mud, dirt, sticky substances, litter or foreign matter onto the street or his employer or the owner of the real property or prime contractor in charge of a construction site from where such originated. Each and every day during which a violation occurs shall be a separate and distinct offense as provided by the North Carolina General Statutes, Section 160A-175.

(b) Civil Penalty. A civil penalty in the amount of one hundred dollars (\$100.00) may be issued to any person in violation of this section.

Sec. 10-78. Loading and unloading areas.

(a) It shall be unlawful for any person maintaining a loading or unloading area to fail to provide solid waste receptacles for loose debris, paper, packaging materials and other trash. The solid waste services key business executive or his designee shall have the authority to determine the number of containers necessary to provide proper containerization.

(b) Civil Penalty. A civil penalty in the amount of fifty dollars (\$50.00) may be issued to any person in violation of this section.

Sec. 10-79. Parking lots.

(a) It shall be unlawful for all commercial parking lots and establishments with parking areas to fail to provide containers distributed within the parking areas. The solid waste services key business executive or his designee shall have the authority to determine the number of containers necessary to provide proper containerization. Such containers shall be weighted or

attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner, tenant, or manager of the parking lot to collect the solid waste deposited in such containers and store this material in an approved location for collection. It shall be the obligation of all person(s) using the parking lot areas to use such containers as herein provided for the purposes intended, and it shall be unlawful for any person(s) to dump, scatter or throw upon such parking lot area(s) litter of any kind.

- (b) Civil Penalty. A civil penalty in the amount of fifty dollars (\$50.00) may be issued to any person in violation of this section.

Sec. 10-80. Obstructions; rights-of-way.

- (a) It shall be unlawful to allow shrubbery or tree limbs on private property to protrude or hang so as to obstruct the safe passage of pedestrians or motor vehicles. This section shall not apply to the removal of fallen trees, dead trees, shrubbery, bushes, etc. on private property where such do not protrude into the pedestrian/motor vehicle passageway.
- (b) It shall be unlawful to park a vehicle upon a street at any time or for a limited time during restricted collection times as posted by the Charlotte Department of Transportation and referred to in section 14-175.
- (c) Civil Penalty. A civil penalty in the amount of fifty dollars (\$50.00) may be issued to any person in violation of this section.

Sec. 10-81. Signs within public rights-of-way and on public property.

- (a) Restricted. It shall be unlawful for any person to attach, place, paint, write, stamp or paste any sign or advertisement or other matter within eleven (11) feet of the edge of any public rights-of-way as defined in section 10-17, or upon any post, pole, tree, tree stake or guard, shrub, fire hydrant, or upon anything else within eleven (11) feet of the edge of the public rights-of-way or upon any bridge or overpass within the city limits except as provided in paragraph (b) of this section.
- (b) Exceptions. This section shall not apply to the following signs:
- (1) Signs regulating traffic.
 - (2) Signs required to be posted by law.
 - (3) Warning signs and no trespassing signs.
 - (4) Signs indicating bus stops, taxi stands and similar transportation facilities.

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- (5) Signs not exceeding four (4) square feet in area giving information concerning the location of use of accessory off-street parking facilities or loading and unloading facilities.
 - (6) Signs established by governmental agencies.
 - (7) Temporary decorative signs erected in accordance with section 3053.7.1 et seq of the zoning ordinance.
 - (8) Signs permitted by the state board of transportation along state-mandated streets. Proof of permission must be shown upon request.
 - (9) Nothing in this section shall apply to the painting of house numbers on curbs done with the prior approval of the engineering department.
 - (10) Nothing in this section shall apply to the installation of a plaque, plate, statue, or monument on public property with the approval of the city council.
- (c) Removal of signs. In addition to the enforcement described above, neighborhood development code enforcement division personnel or their designees shall have the authority to summarily remove any notice, sign, or written material found in violation of this section.
- (d) Penalty. Violation of this section shall subject the person responsible for placing the sign(s) or causing them to be placed to a penalty of twenty-five dollars (\$25.00) for each sign in violation. The issuance of citations shall be in accordance with section 10-25(c) of this Code. If a violator has removed the sign within seven (7) days of receipt of a citation, then the neighborhood development code enforcement division shall have the authority to declare the citation null and void. In addition, any person shall be subject to all applicable punishment, penalties, and equitable relief provided for in section 160A-175 of the general statutes. Each and every violation shall constitute a separate and distinct offense. Nothing in this section shall preclude the issuance of an arrest warrant when appropriate.

Sec. 10-82. Graffiti.

- (a) Graffiti prohibited. It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, structure or any other real or personal property. Any person convicted of a violation of this paragraph shall be fined not less than two hundred fifty dollars (\$250.00) for a first offense and five hundred dollars (\$500.00) for second and subsequent offenses.

Exemption: This paragraph shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, such as drawings or bases for stick ball, kick ball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other water soluble markings used in connection with any lawful business or public purpose or activity.

(b) Removal of graffiti. It shall be unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti upon such property. Any such person convicted of a violation of this paragraph shall be fined not more than one hundred dollars (\$100.00). In determining the fine to be imposed, the court may consider the efforts, if any, taken by the violator to remove or effectively obscure the graffiti during the preceding calendar year. The mandatory fine provided in this section shall not apply to a property owner, agent, manager, or possessor of property if such property owner, agent, manager or possessor has been victimized two (2) or more times by graffiti within any calendar year and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.

(c) Restitution. In addition to any other punishment imposed, the court shall order the person convicted of a violation of this section to make restitution to the victim for the damage or loss suffered by the victim as a result of the offense. The court may determine the amount, terms, and conditions of the restitution.

(d) Severability. The provisions of this section shall be deemed severable. If any portion of this section is deemed unconstitutional, it shall not affect the constitutionality of any other portion of this section.

Sec. 10-83. Providing notice to property owners or their agents or managers.

(a) Notice. Whenever the city becomes aware of the existence of graffiti on any property, the city is authorized to remove the graffiti as set forth in this section after giving, or causing to be given, written notice to remove or effectively obscure such graffiti to the property owner, such property owner's agent or manager, or any other person in possession or control of the property. If the city intends to place a lien on the property, as provided in paragraph (b) of this section, it must also notify all other persons whose names appear on the tax rolls of Mecklenburg County as having an interest in the property. Notice shall be given by personal service or certified mail, except that notice may be given by first class mail to those persons, other than the property owner, whose names appear on the tax

rolls of Mecklenburg County as having an interest in the property. All notices shall state the procedure for appeals under this section.

- (b) Costs and liens. If the person owning the property, acting as manager or agent for the owner of the property, or in possession or control of the property fails to remove or effectively obscure the graffiti within seven (7) days from receipt of the notice described in paragraph (a) of this section, the city may cause the graffiti to be removed or effectively obscured and charge the property owner, or the property owner's manager or agent, or the person in possession or control of the property, for the expenses incurred by the city in removing the graffiti. The city may sue in a court of competent jurisdiction to recover all such expenses, which shall include, but not be limited to, all administrative personnel costs, attorney's fees and costs related to enforcing this section; and/or the city may record a lien in the public records of Mecklenburg County, which lien shall be for all such expenses, and the amount of the lien shall bear interest from the date of recording.
- (c) Appeal procedure. Appeals may be taken to city council or its designee by the person owning the property, acting as manager or agent for the property, or in possession or control of the property to prevent the removal of any graffiti, within seven (7) days of having received notice from the city that the graffiti must be removed. Appeals shall be in writing and shall state the reasons for the appeal. If the party filing the appeal requests a hearing, such hearing shall be held at the next scheduled business meeting of the city council. If, on appeal, the city council or its designee determines that the graffiti must be removed, council or its designee may set a new deadline date for compliance or authorize the city to proceed to remove or obscure the graffiti. The city shall not remove or obscure any graffiti during the pendency of an appeal.
- (d) Emergency removal. If the city determines that any graffiti is a danger to the health, safety, or welfare of the public and is unable to provide notice by personal service after at least two (2) attempts to do so, then forty-eight (48) hours after either (1) the mailing of the notice described in paragraph (a) by certified and first class mail to the person owning the property, acting as agent or manager for the owner of such property, or in possession or control of such property, or (2) the posting of the notice in a conspicuous place on the property, the city may remove or cause the graffiti to be removed at its expense.
- (e) Repair/restoration. In no case shall the city paint or repair any area obscured by graffiti more extensively than where the graffiti itself is located. The city shall not be required to restore the obscured area to its original condition (i.e., color, texture, etc.).

Section 17. Division 7 of Article II of Chapter 10 of the Code shall be rewritten to read:

DIVISION 7. WEEDS, GRASS, LEAVES AND UNDERGROWTH

~~Sec. 10-90. Duties of owners and occupants; cutting and removal.~~

(a) ~~It shall be unlawful for the owner and/or occupant of a property to fail to cut grass, weeds, and other overgrowth vegetation on property when the grass, weeds, and other overgrowth vegetation is of a greater height than one (1) foot on the average, or to permit the property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, any one (1) of which situations is declared to be a nuisance. It shall be the duty of the owner and occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this Code.~~

(1) ~~Vacant lots adjacent to improved property, except as defined as heavily wooded, shall be cut in their entirety at least three (3) times per year, as required during the mowing season (April through September).~~

(2) ~~Vacant lots over one acre and adjacent to improved properties shall be cut within one hundred (100) feet of such improved property and shall be cut at least three (3) per year, as required during the growing season (April through September).~~

(3) ~~Vacant lots over one acre and not adjacent to improved properties shall have a one hundred (100) foot buffer area cut adjacent to the nearest properties and shall be cut at least three (3) times per year, as required during the growing season (April through September).~~

(b) ~~Penalty. A citation in the amount of fifty dollars (\$50.00) will be issued to any person in violation of this section.~~

~~Sec. 10-91. Allowing accumulation of leaves on streets, etc. prohibited.~~

(a) ~~It shall be unlawful for any person to blow, place or allow to be placed or to permit to continue the accumulation of leaves, grass clippings, or any other debris from their premises on a public street, sidewalk, grass strip between a paved sidewalk and street, or on an area that pedestrians would be expected to use to walk upon parallel to a public street, or a median strip within a public rights-of-way. This section shall not apply to the accumulation of leaves along a curblin~~e~~ of a public rights-of-way for the purpose of collection by a private leaf-collecting contractor.~~

(b) ~~Penalty. A citation in the amount of fifty dollars (\$50.00) will be issued to any person in violation of this section.~~

Sec. 10-92. Heavily wooded lots.

(a) ~~It shall be unlawful for the owner of property on which is located a heavily wooded lot, as defined in section 10-17, to permit the property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, any one of which situations is declared to be a nuisance. It shall be the duty of the owner to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with the provisions of this Code.~~

(b) ~~It shall be unlawful for the owner of property on which is located a heavily wooded lot, as defined in section 10-17, to fail to remove overgrowth and cut trees, weeds and grass to improve visibility, when such lot is used for the purpose of assignation, prostitution, gambling, illegal possession or sale of alcoholic beverages, illegal possession or sale of narcotic drugs as defined in the North Carolina Controlled Substances Act, or whereon such lot are carried on or conducted repeated acts which create and constitute a breach of the peace. It shall be the duty of the owner to cut and remove all trees, grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this Code.~~

(c) ~~This section shall apply only to heavily wooded lots that are located in residentially zoned districts of the city, including the single-family, multifamily, urban residential, and UMUD zoning districts. The purpose of this section is to address conditions that are detrimental to the health, safety, and welfare of citizens in their living environments, which are critical to the peace, dignity, and well-being of the city.~~

(d) ~~Penalty. A citation in the amount of one hundred dollars (\$100.00) may be issued to any person in violation of this section.~~

Sec. 10-90. Duties of owners and occupants; cutting and removal.

(a) It shall be unlawful for the owner and/or occupant of a property to fail to cut grass, weeds, and other overgrowth vegetation on property when the grass, weeds, and other overgrowth vegetation is of a greater height than one (1) foot on the average. It shall be the duty of the owner and occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this Code.

- (1) Vacant lots adjacent to improved property, except as defined as heavily wooded, shall be cut in their entirety at least three (3) times per year, as required during the mowing season (April through September).
 - (2) Vacant lots over one acre and adjacent to improved properties shall be cut within one hundred (100) feet of such improved property and shall be cut at least three (3) per year, as required during the growing season (April through September).
 - (3) Vacant lots over one acre and not adjacent to improved properties shall have a one hundred (100) foot buffer area cut adjacent to the nearest properties and shall be cut at least three (3) times per year, as required during the growing season (April through September).
- (b) Civil Penalty. A civil penalty in the amount of fifty dollars (\$50.00) may be issued to any person in violation of this section.

Sec. 10-91. Allowing accumulation of leaves on streets, etc. prohibited.

- (a) It shall be unlawful for any person to blow, place or allow to be placed or to permit to continue the accumulation of leaves, grass clippings, or any other debris from their premises on a public street, sidewalk, grass strip between a paved sidewalk and street, or on an area that pedestrians would be expected to use to walk upon parallel to a public street, or a median strip within a public rights-of-way. This section shall not apply to the accumulation of leaves along a curblane of a public rights-of-way for the purpose of collection by a private leaf-collecting contractor.
- (b) Civil Penalty. A civil penalty in the amount of fifty dollars (\$50.00) may be issued to any person in violation of this section.

Sec. 10-92. Heavily wooded lots.

- (a) It shall be unlawful for the owner of property on which is located a heavily wooded lot, as defined in section 10-17, to fail to remove overgrowth and cut trees, weeds and grass to improve visibility, when such lot is used for the purpose of assignation, prostitution, gambling, illegal possession or sale of alcoholic beverages, illegal possession or sale of narcotic drugs as defined in the North Carolina Controlled Substances Act, or whereon such lot are carried on or conducted repeated acts which create and constitute a breach of the peace. It shall be the duty of the owner to cut and remove all trees, grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this Code.

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(b) This section shall apply only to heavily wooded lots that are located in residentially zoned districts of the city, including the single-family, multifamily, urban residential, and UMUD zoning districts. The purpose of this section is to address conditions that are detrimental to the health, safety, and welfare of citizens in their living environments, which are critical to the peace, dignity, and well-being of the city.

(c) Civil Penalty. A civil penalty in the amount of one hundred dollars (\$100.00) may be issued to any person in violation of this section.

Section 18. Article III of Chapter 10 of the Code shall be rewritten to read:

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

Sec. 10-136. Administration.

The community improvement division of the city's solid waste services department shall be responsible for the administration and enforcement of this article. Nothing in this article shall be construed to limit the legal authority of the powers of officers of the city's police department in enforcing any other laws or in any other way in carrying out their duties.

Sec. 10-137. Definitions.

For the purpose of this article, except as otherwise provided, the following terms, phrases, words, and their derivatives shall apply:

- (1) *Abandoned vehicle* is authorized and defined in G.S. Section A-303, an "abandoned motor vehicle" is one that:
 - a. Is left on any public street or highway for longer than seven (7) days but has not been towed and impounded in accordance with Chapter 22, Article III of this Code; or
 - b. Is left on property owned or operated by the city for longer than twenty-four (24) hours; or,
 - c. Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two (2) hours.
- (2) *City* is defined as the City of Charlotte, North Carolina and the city's authorized agent.
- (3) *Community improvement division* is defined as the manager and employees duly authorized to carry out the provisions of this article

of the community improvement division of the solid waste services department of the city or the authorized agents of the manager of that division.

(4) — *Division* is defined as the community improvement division.

(5) — *Junked motor vehicle*. A vehicle that: does not display a current and valid license plate lawfully upon that vehicle and that:

- a. — Is partially dismantled or wrecked; or
- b. — Cannot be self-propelled or moved in the manner which it originally was intended to move; or
- c. — Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

(6) — *Hazardous vehicle* is defined as 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:

- a. — A breeding ground of harbor for mosquitoes or other insects, snakes, rats, or other pests; or
- b. — A point of weed growth and/or other vegetation over twelve (12) inches in height; or
- c. — A point of collection for pools or ponds of water; or
- d. — A point of concentration of gasoline, oil or other flammable or explosive materials; or
- e. — So located that there is a danger of the vehicle falling or turning over; or
- f. — A place in which debris, bottles or other solid waste is discarded and is present within the vehicle; or
- g. — A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass or other rigid materials; or
- h. — The creation of another similar condition(s) or circumstance(s) which exposes the general public to safety or health hazards.

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(7) — *Motor vehicle* is defined as all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

(8) — *Owner* is defined as 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) — *Manager* is defined as the manager of the community improvement division or his designated agent.

Sec. 10-138. Abandoned vehicle.

It shall be unlawful for any person to leave a vehicle:

- (1) — On any public street or highway longer than seven (7) days; or
- (2) — On property owned or operated by the city for longer than twenty-four (24) hours; or
- (3) — On private property without the consent of the owner, occupant or lessee thereof for longer than two (2) hours.

Sec. 10-139. Hazardous vehicle.

It shall be unlawful for the owner of a motor vehicle or for the owner, lessee or occupant of the real property upon which the motor vehicle is located to leave or allow to remain on the property any motor vehicle which is a hazardous vehicle, as defined in section 10-137.

Sec. 10-140. Notice prior to removal.

Any junked or abandoned motor vehicle or hazardous vehicle found to be in violation of this article may be removed to a storage area. When an abandoned or junked motor vehicle or hazardous vehicle is removed, the city shall give notice to the owner as required by General Statutes Section 20-219.11 (a) and (b)

Sec. 10-141. Removal of vehicle.

- (a) — ~~The division shall have the authority to remove or enter into a contract to have removed abandoned vehicles and motor vehicles declared to be a health or safety hazard, after notice in compliance with section 10-140, to a storage garage or area.~~
- (b) — ~~Notice after removal and before disposing of vehicle and cost for repossession. When any junked motor vehicle, abandoned motor vehicle, or hazardous motor vehicle is removed, the community improvement division shall provide in its notice the information required by General Statutes Sections 44A-4(f), 20-114(c) and 44A-4(c). An individual reclaiming a towed vehicle shall make payment at the collections division of the city's finance department. When an individual presents payment to reclaim a vehicle, the finance department shall not accept such payment until and unless the individual signs a form that states that the individual understands that the vehicle must be removed on the release date shown on the receipt. If the individual wishes to pay for additional days of storage beyond the date of payment, then the individual shall be permitted to do that and such payment for additional days shall be nonrefundable. An individual shall not be permitted to reclaim a vehicle after the release date shown on the receipt. If an individual has not reclaimed the vehicle by the release date, then the individual shall have to return to the collections division and make further payment for the days of storage beyond the release date shown on the receipt. Upon presentation of a paid receipt from the collections division and a registration card or proof of title to a towing contractor with the city by an individual, the towing contractor shall be authorized to release the motor vehicle to that person if the individual is reclaiming the vehicle on or before the release date shown on the paid receipt.~~
- (c) — ~~Indemnity. A person requesting the city to remove a junked or abandoned motor vehicle or hazardous vehicle from private property shall indemnify the city against any loss, expense or liability incurred because of the removal, storage or sale thereof.~~

Sec. 10-142. Disposition of abandoned motor vehicles and junked motor vehicles.

- (a) — ~~The city shall have the authority to authorize the disposition of abandoned motor vehicles, junked motor vehicles, and hazardous motor vehicles by a sales procedure as provided in General Statutes Section 44A-4(c) and, as applicable, General Statutes Sections 44A-5 and 44A-6, except that no hearing in addition to a probable cause hearing is required. If no one purchases the vehicle at the sale, and if the value of the vehicle is less than the amount of the lien, the city may authorize the destruction of the vehicle.~~

(b) — The community improvement division shall have the authority to authorize the disposition of a motor vehicle immediately if the owner of the vehicle signs a consent form authorizing the community improvement division to sell or to dispose of the vehicle immediately without complying with any statutory requirements pertaining to the disposition of such vehicles.

Sec. 10-143. Right to hearing before sale or final disposition of vehicle.

(a) — Before the sale or disposition of an unclaimed abandoned motor vehicle, an unclaimed abandoned junked vehicle, or a vehicle determined to be a health or safety hazard, the manager shall notify by certified letter the last registered owner of the vehicle of his right to a hearing.

(b) — If the registered owner desires a hearing, then the registered owner must inform the manager of the community improvement division of the request for a hearing by registered or certified mail (or by hand delivery) within ten (10) days from the date of receipt of the certified letter to the last registered owner of the vehicle of the right to a hearing as referred to in section (a) above. Failure to notify the manager of the community improvement division, as provided by this section, shall be deemed a waiver of the right to a hearing. When an individual requests a hearing, a statement shall be sent stating the time and place for the hearing. In addition, the statement shall inform the owner of the specific grounds for the classification of the vehicle as an abandoned vehicle, a junked vehicle, or a vehicle declared to be a health or safety hazard, or the rules and regulations for the hearing, of the opportunity to present evidence in order to show cause why the sale or disposition of the vehicle should not occur in accordance with this article, and of the right to have counsel present at the hearing.

(c) — The director of the solid waste services department or his designee, shall serve as the hearing officer, shall conduct the hearing in accordance with the procedures stated in this section, and shall prepare a written report within five (5) days of the hearing stating his conclusion concerning whether the vehicle was in violation of this article and the reasons and evidence upon which the conclusion has been based.

(d) — The written report of the hearing officer shall determine that the vehicle shall either be disposed of in accordance with this article or be immediately returned to the registered owner. If the hearing officer determines that the vehicle was not in violation of this article, then it must be immediately returned to the registered owner and the owner not be charged with the cost of the removal expenses. A copy of the hearing

officer's report shall be mailed to the registered owner and the original report shall be filed in the division.

- (e) The owner, the person who requested the hearing if someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing.
- (f) The owner, the tower, the person who authorized the towing and any other interested parties may present evidence at the hearing. The person authorizing the towing and the tower may submit an affidavit in lieu of appearing personally, but the affidavit does not preclude that person from also testifying.
- (g) The only issue at this hearing is whether or not probable cause existed for the towing. If the hearing officer finds that probable cause did exist, the charge for towing and storage continues. If the hearing officer finds that probable cause did not exist, the charge for towing and storage is rescinded.
- (h) Any aggrieved party may appeal to district court from that hearing.

Sec. 10-144. Protection against criminal or civil liability.

No person shall be held to answer to any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost or stolen vehicle, for disposing of such vehicle as provided in this article.

Sec. 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. "A vehicle is necessary to the operation of a business enterprise" shall mean, but not 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 enterprise."

Sec. 10-146. Junked motor vehicles.

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(a) — *Purpose.* North Carolina General Statutes Section 160A-303.2 authorizes the city 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 the:

- (1) — Quality of urban attractiveness and the aesthetic appearance of the city;
- (2) — Protection of property values throughout the city;
- (3) — Preservation of the liveability and the attractiveness of neighborhoods;
- (4) — Promotion of tourism, conventions and other opportunities for economic development for the city;
- (5) — Attractiveness of the city's thoroughfares and commercial roads which present the primary, public visibility to visitors and to passersby of the city;
- (6) — Promotion of the comfort, happiness and emotional stability of the occupants of property in the vicinity of junked motor vehicles.

(b) — *Junked motor vehicle.* A junk motor vehicle is defined in section 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, the 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 of:

- (1) — A motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard," as defined in North Carolina General Statutes Sections 136 through 141 et seq; or

(d) — *Unlawful act.*

- (1) — It shall be unlawful to have more than one (1) 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 (1) junked motor vehicle. One (1) 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 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. A 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) through (6) above.~~

~~(2) More than one (1) junk 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) 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 North Carolina General Statutes Section 15-27.2, in order to conduct any necessary inspection of the 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 sections 10-140 through 10-144, inclusive, shall be applicable in respect to the notification, removal, right of hearing and disposition of junked motor vehicles.~~

Sec. 10-136. Administration.

The code enforcement division of the city's neighborhood development key business unit shall be responsible for the administration and enforcement of this article. Nothing in this article shall be construed to limit the legal authority of the officers of the city's police department to enforce ordinances and carry out their other duties.

Sec. 10-137. Definitions.

For the purpose of this article, except as otherwise provided, the following terms, phrases, words, and their derivatives shall apply:

- (1) *Abandoned motor vehicle* means a vehicle that:
 - a. Is left on any public street or highway for longer than seven (7) days but has not been towed and impounded in accordance with Chapter 22, Article III of this Code; or
 - b. Is left on property owned or operated by the city for longer than twenty-four (24) hours; or
 - c. Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two (2) hours.
- (2) *Code enforcement division* is defined as the manager and employees duly authorized by the neighborhood development key business executive to carry out the provisions of this article or the authorized agents of the manager of the code enforcement division.
- (3) *Division* is defined as the neighborhood development code enforcement division.
- (4) *Junked motor vehicle* means a vehicle that does not display a current and valid license plate lawfully upon that vehicle and that:
 - a. Is partially dismantled or wrecked; or
 - b. Cannot be self-propelled or moved in the manner which it originally was intended to move; or
 - c. Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).
- (5) *Hazardous motor vehicle* is defined as any motor vehicle on private or public property that is declared to be a health or safety hazard by a duly authorized neighborhood development code enforcement division employee when the vehicle is found to be:

- a. A breeding ground of harbor for mosquitoes or other insects, snakes, rats, or other pests; or
- b. A point of weed growth and/or other vegetation over twelve (12) inches in height; or
- c. A point of collection for pools or ponds of water; or
- d. A point of concentration of gasoline, oil or other flammable or explosive materials; or
- e. So located that there is a danger of the vehicle falling or turning over; or
- f. A place in which debris, bottles or other solid waste is discarded and is present within the vehicle; or
- g. A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass or other rigid materials; or
- h. The creation of another similar condition(s) or circumstance(s) which exposes the general public to safety or health hazards.

(6) Highway is defined, pursuant to G.S. 20-4.01(13), as the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway" and "street" and their cognates are synonymous.

(7) Motor vehicle is defined as all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

(8) Owner is defined as 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) Manager is defined as the manager of the neighborhood development division or his designated agent.

Sec. 10-138. Abandoned vehicles.

January 27, 2003
Ordinance Book 52, Page 105

It shall be unlawful for any person to leave a vehicle:

- (1) On any public street or highway longer than seven (7) days; or
- (2) On property owned or operated by the city for longer than twenty-four (24) hours; or
- (3) On private property without the consent of the owner, occupant or lessee thereof for longer than two (2) hours.

Sec. 10-139. Hazardous vehicle.

It shall be unlawful for the owner of a motor vehicle or for the owner, lessee or occupant of the real property upon which the motor vehicle is located to leave or allow to remain on the property any motor vehicle which is a hazardous motor vehicle, as defined in section 10-137.

Sec. 10-140. Junked motor vehicles.

(a) Purpose. North Carolina General Statutes Section 160A-303.2 authorizes the city 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 the:

- (1) Quality of urban attractiveness and the aesthetic appearance of the city;
- (2) Protection of property values throughout the city;
- (3) Preservation of the liveability and the attractiveness of neighborhoods;
- (4) Promotion of tourism, conventions and other opportunities for economic development for the city;
- (5) Attractiveness of the city's thoroughfares and commercial roads which present the primary, public visibility to visitors and to passersby of the city;
- (6) Promotion of the comfort, happiness and emotional stability of the occupants of property in the vicinity of junked motor vehicles.

(b) *Junked motor vehicle.* A junk motor vehicle is defined in section 10-137, definitions.

In determining whether a vehicle constitutes a "junked motor vehicle," a neighborhood development division 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, the 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) *Unlawful act.*

(1) It shall be unlawful to have more than one (1) 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.

(d) *Permitted concealment or enclosures of junked motor vehicle.*

(1) *One (1) junked motor vehicle.* One (1) 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 by an acceptable canvas covering.

The neighborhood development code enforcement division has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. A 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) through (6) above.

(2) *More than one (1) junk 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) 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.

Sec. 10-141. Notice prior to removal; pre-tow notice.

Any junked, abandoned or hazardous motor vehicle found to be in violation of this article may be removed to a storage area. Such motor vehicle shall be towed after notice is provided by the division by posting a

warning notice on the vehicle. Such notice shall be affixed to the windshield or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the city on a specified date, no sooner than seven (7) days after the notice is affixed to the vehicle, unless the vehicle is brought into compliance by the owner or legal possessor prior to that time.

The requirement that notice be affixed to an abandoned, hazardous or junked motor vehicle at least seven (7) day prior to removal may be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare.

Sec. 10-142. Post-tow notice and probable cause hearing.

- (a) When an abandoned, junked, or hazardous motor vehicle is removed, the city shall give notice to the registered owner as required by General Statutes Section 20-219.11 (a) and (b). Such notice shall inform the owner of his right to a probable cause hearing.
- (b) The owner or any other person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. Such request must be made to the manager of the neighborhood development code enforcement division by registered or certified mail (or by hand delivery) within ten (10) days from the date of receipt of the notice referred to in section (a) above. Failure to notify the manager of the neighborhood development code enforcement division, as provided by this section, shall be deemed a waiver of the right to a hearing. The owner and any other person who requested the hearing, if someone other than the owner, shall be notified of the time and place for the hearing, the specific grounds for the classification of the vehicle as an abandoned vehicle, a junked vehicle, or a vehicle declared to be a health or safety hazard, the rules and regulations for the hearing, the opportunity to present evidence, and the right to have counsel present at the hearing.
- (c) The neighborhood development key business executive or his designee, shall serve as the hearing officer, shall conduct the hearing in accordance with the procedures stated in this section, and shall prepare a written report within five (5) days of the hearing stating his conclusion concerning whether the vehicle was in violation of this article and the reasons and evidence upon which the conclusion has been based.
- (d) The written report of the hearing officer shall determine that the vehicle shall either be disposed of in accordance with this article or be immediately returned to the registered owner. If the hearing officer determines that the vehicle was not in violation of this article, then it must

- be immediately returned to the registered owner and the owner not be charged with the cost of the removal expenses. A copy of the hearing officer's report shall be mailed to the registered owner and the original report shall be filed in the division.
- (e) The owner, the person who requested the hearing if someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing.
- (f) The owner, the tower, the person who authorized the towing and any other interested parties may present evidence at the hearing. The person authorizing the towing and the tower may submit an affidavit in lieu of appearing personally, but the affidavit does not preclude that person from also testifying.
- (g) The only issue at this hearing is whether or not probable cause existed for the towing. If the hearing officer finds that probable cause did exist, the charge for towing and storage continues. If the hearing officer finds that probable cause did not exist, the charge for towing and storage is rescinded.
- (h) Any aggrieved party may appeal to district court from that hearing.

Sec. 10-143. Removal of vehicle.

- (a) The division shall have the authority to remove or enter into a contract to have removed abandoned, junked or hazardous motor vehicles after notice in compliance with section 10-141, to a storage garage or area.
- (b) When any junked motor vehicle, abandoned motor vehicle, or hazardous motor vehicle is removed, the neighborhood development code enforcement division shall provide in its notice the information required by General Statutes Sections 44A-4(f), 20-114(c) and 44A-4(c). An individual reclaiming a towed vehicle shall make payment for the costs of removal and storage at the collections division of the city's finance department. When an individual presents payment to reclaim a vehicle, the finance department shall not accept such payment until and unless the individual signs a form that states that the individual understands that the vehicle must be removed on the release date shown on the receipt. If the individual wishes to pay for additional days of storage beyond the date of payment, then the individual shall be permitted to do that and such payment for additional days shall be nonrefundable. An individual shall not be permitted to reclaim a vehicle after the release date shown on the receipt. If an individual has not reclaimed the vehicle by the release date, then the individual shall have to return to the collections division and make further payment for the days of storage beyond the release date shown on

the receipt. Upon presentation of a paid receipt from the collections division and a registration card or proof of title to a towing contractor with the city by an individual, the towing contractor shall be authorized to release the motor vehicle to that person if the individual is reclaiming the vehicle on or before the release date shown on the paid receipt.

- (c) Indemnity. A person requesting the city to remove a junked, abandoned, or hazardous motor vehicle from private property shall indemnify the city against any loss, expense or liability incurred because of the removal, storage or sale thereof.

Sec. 10-144. Disposition of abandoned motor vehicles and junked motor vehicles.

- (a) The city shall have the authority to authorize the disposition of abandoned motor vehicles, junked motor vehicles, and hazardous motor vehicles by a sales procedure as provided in General Statutes Section 44A-4(c) and, as applicable, General Statutes Sections 44A-5 and 44A-6, except that no hearing in addition to a probable cause hearing is required. If no one purchases the vehicle at the sale, and if the value of the vehicle is less than the amount of the lien, the city may authorize the destruction of the vehicle.
- (b) The neighborhood development code enforcement division shall have the authority to authorize the disposition of a motor vehicle immediately if the owner of the vehicle signs a consent form authorizing the neighborhood development code enforcement division to sell or to dispose of the vehicle immediately without complying with any statutory requirements pertaining to the disposition of such vehicles.

Sec. 10-145. Protection against criminal or civil liability.

No person shall be held to answer to any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost or stolen vehicle, for disposing of such vehicle as provided in this article.

Sec. 10-146. Article exception.

This article shall not apply to:

- (1) 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. "A vehicle is necessary to the operation of a business enterprise" shall mean, but not 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 enterprise."

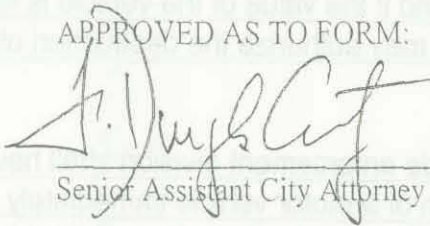
(2) A motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard," as defined in North Carolina General Statutes Sections 136 through 141 et seq.

Sec. 10-147. Administrative search and inspection warrants.

The neighborhood development code enforcement division is authorized to secure an administrative search and inspection warrant, as provided by North Carolina General Statutes Section 15-27.2, in order to conduct any necessary inspection of the premises on which an abandoned motor vehicle, junked motor vehicle, or hazardous motor vehicle may be located and to obtain evidence to determine whether there is any violation of any provisions of Article III.

Section 19. This ordinance shall become effective upon adoption.

APPROVED AS TO FORM:

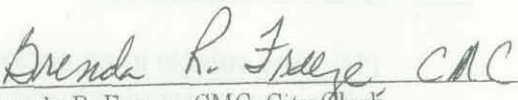


Senior Assistant City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 27th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Pages 31-110.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of January, 2003.



Brenda R. Freeze, CMC, City Clerk

January 27, 2003
Ordinance Book 52, Page 111

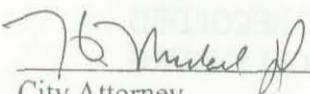
ORDINANCE NUMBER: 2228-X 0-43

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2091-X, THE 2002-2003 BUDGET ORDINANCE, PROVIDING FOR THE TRANSFER OF APPROPRIATION FROM THE GENERAL FUND (0101) TO THE NEIGHBORHOOD DEVELOPMENT FUND (6806).

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

- Section 1. That the sum of \$1,226,903 is hereby available from the General Fund (0101).
- Section 2. That the sum of \$1,226,903 is hereby appropriated to the Neighborhood Development Fund.
- Section 3. It is the intent of this ordinance to be effective upon its adoption.

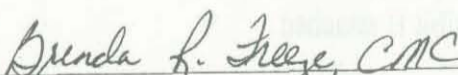
Approved as to form:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 27th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Page 111.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of January, 2003.


Brenda R. Freeze, CMC, City Clerk

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2003 FEB 06 03:03 PM
BOOK 14800 PAGE 18-22 FEE \$21.00
INSTRUMENT # 2003025128

ORDINANCE NO. 2229

**AMENDMENT TO ORDINANCE DESIGNATING RATCLIFFE
FLORIST SHOP AS AN HISTORIC PROPERTY
RECORDED IN BOOK 4965, PAGE 260, IN THE OFFICE OF THE
MECKLENBURG COUNTY REGISTER OF DEEDS**

THIS AMENDMENT TO ORDINANCE DESIGNATING RATCLIFFE FLORIST SHOP AS AN HISTORIC PROPERTY RECORDED IN BOOK 4965, PAGE 260, IN THE OFFICE OF THE MECKLENBURG COUNTY REGISTER OF DEEDS ("Amendment") is made and entered into effective as of the 27th day of January, 2003 by the CITY OF CHARLOTTE (the "City") in favor of 425 SOUTH TRYON STREET, LLC, a North Carolina limited liability company ("Owner") and Owner's successors, assigns, tenants and their respective lenders.

BACKGROUND AND STATEMENT OF PURPOSE:

(1) On January 21, 1985, the City Council of the City of Charlotte adopted as Ordinance No. 1653-X:

"AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "RATCLIFFE FLORIST SHOP" (THE EXTERIOR AND THE INTERIOR OF THE BUILDING AND THE LAND UPON WHICH THE BUILDING SITS) AS HISTORIC PROPERTY, SAID PROPERTY LOCATED AT 431 SOUTH TRYON STREET, IN CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 125-052-12, IN THE MECKLENBURG COUNTY TAX OFFICE"

which was recorded in Minute Book 83 and recorded in Ordinance Book 33 at Pages 333-335 and also recorded in Book 4965, Page 260, in the Office of the Mecklenburg County Register of Deeds (the "Ordinance"). The Ordinance designated the "Ratcliffe Florist Shop" including the "exterior and the interior of the building and the land upon which the building sits" (collectively "Ratcliffe Florist Shop" or "Ratcliffe Flower Building") located at 431 South Tryon Street, Charlotte, North Carolina and designated (at the time) as Tax Parcel Number 125-052-12 ("Original Location") as an historic property.

(2) The Historic Landmarks Commission issued Certificate of Appropriateness number 99-23 on August 10, 1999.

(3) Owner is the current owner in fee simple of land which includes the Original Location of the Ratcliffe Florist Shop and the location to which the Ratcliffe Florist Shop has been moved in accordance with the Certificate of Appropriateness and where it is currently located ("Current Location"). The Current Location is more particularly shown and/or described on Exhibit B attached.

(4) The purpose of this Amendment is to clarify that the Ordinance applies to and encumbers only the Current Location of the Ratcliffe Florist Shop and only to the extent of the

Return To:

Charlotte Mecklenburg
Historic Landmarks Com.
2100 Randolph Road
Charlotte, NC 28207

air space occupied by the current physical improvements of the frontage (on South Tryon Street) and the interior of the Ratcliffe Florist Shop and does not apply to or encumber any of the following: (i) the air space above or beneath the current Ratcliffe Florist Shop improvements at the Current Location, (ii) any side or rear wall, the roof or floor or other components of the Ratcliffe Florist Shop to the extent not visible to persons outside of or within the customer areas inside the Ratcliffe Florist Shop or (iii) the Original Location of the Ratcliffe Florist Shop.

NOW THEREFORE, BE IT ORDAINED, CERTIFIED AND DECLARED by the City Council of Charlotte, North Carolina that the Ordinance is hereby amended as follows:

(1) The Ordinance applies to and encumbers only the Current Location of the Ratcliffe Florist Shop and only to the extent of the air space occupied by the current physical improvements of the frontage (on South Tryon Street) and the interior of the Ratcliffe Florist Shop and does not apply to or encumber any of the following: (a) the air space above or beneath the current Ratcliffe Florist Shop improvements at the Current Location, (b) any side or rear wall, the roof or floor or other components of the Ratcliffe Florist Shop to the extent not visible to persons outside of or within the customer areas inside the Ratcliffe Florist Shop or (c) the Original Location of the Ratcliffe Florist Shop.

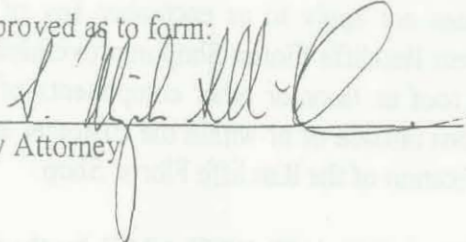
(2) Except as amended, supplemented or clarified hereby, the Ordinance shall remain in full force and effect.

(3) The owners and occupants of the property known as the "Ratcliffe Florist Shop" shall be given notice of this Amendment as required by applicable law and copies of this Amendment shall be filed and indexed in the offices of the City Clerk, Building Inspection Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law. The Tax Supervisor shall amend the tax records to show the Ratcliffe Florist Shop as an historic landmark at the Current Location and remove the historic landmark (property) designation from the Original Location.

(4) That which is designated as historic landmark shall be subject to Chapter 160A, Article 19, Part 3C, and any amendments to it and any amendments hereinafter adopted.

This 27th day of January, 2003.

Approved as to form:

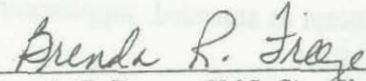


City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 27th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Pages 112-115.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of January, 2003.



Brenda R. Freeze, CMC, City Clerk

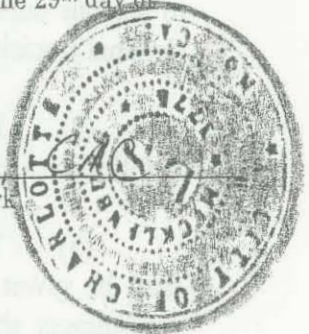


Exhibit B

Legal Description
0.0438 Acre Parcel

Being all that certain tract or parcel of land situated, lying and being in the County of Mecklenburg, State of North Carolina, and being more particularly described as follows:

BEGINNING at a point in the southeasterly margin of S. Tryon Street (variable width public right-of-way), said point being located along said margin of S. Tryon Street from the westerly most corner of the CK-Three Tower Center, LLC property as described in Deed Book 9205, Page 439 of the Mecklenburg County Registry South 51-23-16 West 4.44 feet to the point of **BEGINNING**; and, furthermore said point of **BEGINNING** being located along said margin of S. Tryon Street from the intersection of the southwesterly margin of E. Second Street and the southeasterly margin of S. Tryon Street with two (2) courses and distances as follows: 1) South 51-18-48 West 197.84 feet to an existing nail; 2) South 51-23-16 West 4.44 feet to the true point of **BEGINNING**, and ~~runs~~ thence with three (3) new courses and distances as follows: 1) South 42-47-58 E. 89.57 feet to a point; 2) S. 47-12-02 West 21.11 feet to a point; 3) North 42-47-58 West 91.12 feet to a point in the southeasterly margin of S. Tryon Street; thence with the southeasterly margin of S. Tryon Street North 51-23-16 East 21.16 feet to the point and place of **BEGINNING**; containing 1,907 square feet or 0.0438 acre of land and being a portion of that certain tract or parcel of land conveyed to 425 South Tryon Street, LLC as described in Deed Book 9146, Page 840 of said Registry and as shown on a survey prepared by R.B. Pharr & Associates, P.A. dated May 11, 2001. (R.B. Pharr & Associates Job No. 53622)

ORDINANCE NO. 2230-X

0-44

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2091-X, THE 2002-2003 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR THE RELOCATION OF WEST BOULEVARD.

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

Section 1. That the sum of \$759,000 is available from Airport Discretionary Funds. These funds will be repaid from the proceeds of future General Airport Revenue Bonds.

Section 2. That the sum of \$759,000 is hereby appropriated to the Aviation Capital Projects Fund (2087-529.49)

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 program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

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:

L. D. [Signature]
City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 27th day of January, 2003, the reference having been made in Minute Book 118, and recorded in full in Ordinance Book 52, Page 116.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of January, 2003.

Brenda R. Freeze, CMC
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 2231-X

0-45

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2091-X, THE 2002-2003 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR THE ESTABLISHMENT OF THE SMALL BUSINESS DEVELOPMENT DIVISION OF THE CITY MANAGER'S OFFICE BY TRANSFERRING TWO POSITIONS' SALARIES AND ASSOCIATED BENEFITS FROM THE NEIGHBORHOOD DEVELOPMENT FUND (6806) TO THE CITY MANAGER'S OFFICE IN THE GENERAL FUND.

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

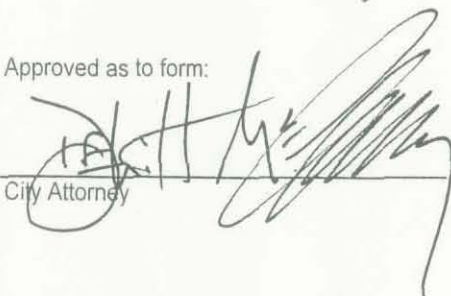
Section 1. That the sum of \$133,232 is hereby estimated to be available from the the Neighborhood Development Fund (6806) in Housing Services/Code Enforcement (90056.011).

Section 2. That the sum of \$133,232 is hereby appropriated to the General Fund (0101) for the Small Business Development Division of the City Manager's Office (center 105.01).

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

Section 4. This ordinance shall be effective upon adoption.

Approved as to form:

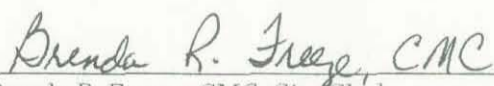


City Attorney

CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of January, 2003.



Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 2232-X

0-46

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2091-X, THE 2002-2003 BUDGET ORDINANCE, APPROPRIATING CITY COUNCIL CONTINGENCY FUNDS FOR THE THIRD WARD AREA VISION PLAN.

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

Section 1. That the sum of \$50,000 is hereby available from the General Fund Council Contingency. (0101.530.00)

Section 2. That the sum of \$50,000 is hereby appropriated in the General Fund Planning Commission (0101.114.00.199) for the City's share of costs for the Third Ward Area Vision Plan.

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

Section 4. This ordinance shall be effective upon adoption.

Approved as to form:

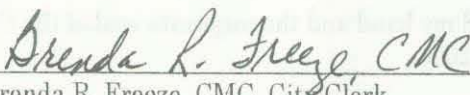


City Attorney

CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of January, 2003.



Brenda R. Freeze, CMC, City Clerk