

March 24, 2003  
Ordinance Book 52, Page 155

ORDINANCE NO. 2256-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 13731-5A,5B,5C,5D RIVER SHORE DR. AKA WOODY POINT RD. PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF D R ROBERTSON ESTATE % ANTHONY R ROBERTSON RESIDING AT 1154 MOLOKAI DR, TEGA CAY, SC 29708.

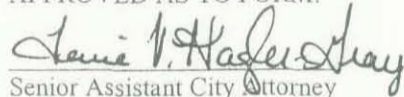
WHEREAS, the dwelling located at 13731-5A,5B,5C,5D River Shore Dr. in the Extra Territorial Jurisdiction of City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by certified mail on the 14th day of June, 2002 and by Certified mail on the 5th day August, 2002.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 13731-5A,5B,5C,5D River Shore Dr. in the Extra Territorial Jurisdiction of the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

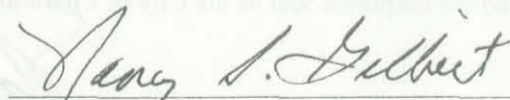
APPROVED AS TO FORM:

  
Senior Assistant City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 155.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

Parcel# 199-082-11

Case# H2002003010112: #H200200307004; #H200200301014; #H20020031101

March 24, 2003  
Ordinance Book 52, Page 156

ORDINANCE NO. 2257-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 13731-1 RIVER SHORE DR. AKA WOODY POINT RD. PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF D R ROBERTSON ESTATE % ANTHONY R ROBERTSON RESIDING AT 1154 MOLOKAI DR, TEGA CAY, SC 29708.

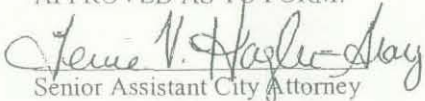
WHEREAS, the dwelling located at 13731-1 River Shore Dr. in the Extra Territorial Jurisdiction of City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by certified mail on the 14th day of June, 2002 and by Certified mail on the 5th day August, 2002.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 13731-1 River Shore Dr. in the Extra Territorial Jurisdiction of the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

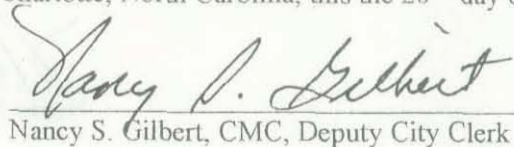
  
Senior Assistant City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 156.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

Parcel# 199-082-11  
Case# H20020228001

  
Nancy S. Gilbert, CMC, Deputy City Clerk



March 24, 2003  
Ordinance Book 52, Page 157

ORDINANCE NO. 2258-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 13731-2 RIVER SHORE DR. AKA WOODY POINT RD. PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF D R ROBERTSON ESTATE % ANTHONY R ROBERTSON RESIDING AT 1154 MOLOKAI DR, TEGA CAY, SC 29708.

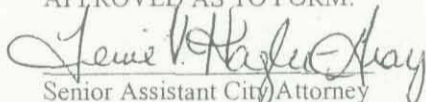
WHEREAS, the dwelling located at 13731-2 River Shore Dr. in the Extra Territorial Jurisdiction of City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by certified mail on the 14th day of June, 2002 and by Certified mail on the 5th day August, 2002.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 13731-2 River Shore Dr. in the Extra Territorial Jurisdiction of the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

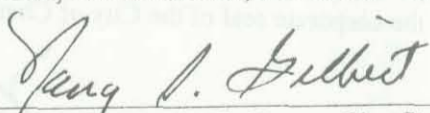
  
Senior Assistant City Attorney

#### CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 157.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

Parcel# 199-082-11  
Case# H200200301007

  
Nancy S. Gilbert, CMC, Deputy City Clerk

March 24, 2003  
Ordinance Book 52, Page 158

ORDINANCE NO. 2259-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 13731-3 RIVER SHORE DR. AKA WOODY POINT RD. PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF D R ROBERTSON ESTATE % ANTHONY R ROBERTSON RESIDING AT 1154 MOLOKAI DR, TEGA CAY, SC 29708.

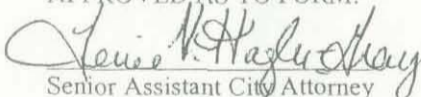
WHEREAS, the dwelling located at 13731-3 River Shore Dr. in the Extra Territorial Jurisdiction of City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by certified mail on the 14th day of June, 2002 and by Certified mail on the 5th day August, 2002.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 13731-3 River Shore Dr. in the Extra Territorial Jurisdiction of the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

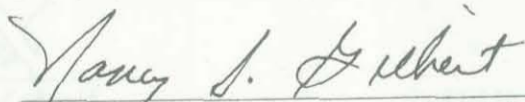
  
Senior Assistant City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 158.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

Parcel# 199-082-11  
Case# H200200301009

  
Nancy S. Gilbert, CMC, Deputy City Clerk



March 24, 2003  
Ordinance Book 52, Page 159

ORDINANCE NO. 2260-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 13731-4 RIVER SHORE DR. AKA WOODY POINT RD. PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF D R ROBERTSON ESTATE % ANTHONY R ROBERTSON RESIDING AT 1154 MOLOKAI DR, TEGA CAY, SC 29708.

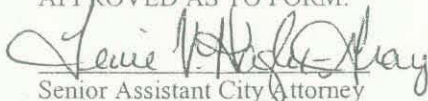
WHEREAS, the dwelling located at 13731-4 River Shore Dr. in the Extra Territorial Jurisdiction of City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by certified mail on the 14th day of June, 2002 and by Certified mail on the 5th day August, 2002.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 13731-4 River Shore Dr. in the Extra Territorial Jurisdiction of the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

  
Senior Assistant City Attorney

#### CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 159.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

Parcel# 199-082-11  
Case# H200200301010

  
Nancy S. Gilbert, CMC, Deputy City Clerk

March 24, 2003  
Ordinance Book 52, Page 160

ORDINANCE NO. 2261-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 237 NANCE RD. PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF ARDENIA BLACKMON RESIDING AT 807 SELDON DR. CHARLOTTE, NC 28216.

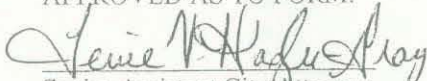
WHEREAS, the dwelling located at 237 Nance Rd. in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by Certified Mail on the 4th day of April, 2002 and on the 9th day May, 2002.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 237 Nance Rd. in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

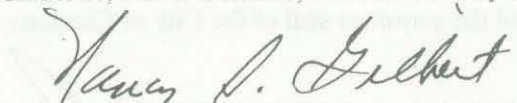
APPROVED AS TO FORM:

  
Senior Assistant City Attorney

#### CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 160.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

Parcel# 055-101-14  
Case# H20020114014



March 24, 2003  
Ordinance Book 52, Page 161

ORDINANCE NO. 2262-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 621 BRADFORD DR. PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF SECRETARY OF HOUSING & URBAN DEVELOPMENT AT 2306 W. MEADOWVIEW RD. GREENSBORO, NC 27407-3707

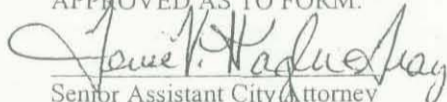
WHEREAS, the dwelling located at 621 Bradford Dr. in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by Certified Mail on the 12th day of March, 2001 and on the 7th day May, 2001.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 621 Bradford Dr. in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

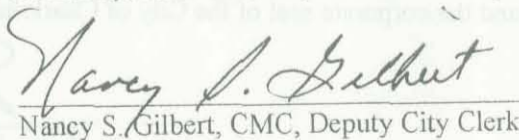
APPROVED AS TO FORM:

  
Senior Assistant City Attorney

#### CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 161.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

Parcel# 063-037-06  
Case# H20010119003

March 24, 2003  
Ordinance Book 52, Page 162

ORDINANCE NO. 2263-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2736-38 CAPITOL DR. PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF MATTIE MYRTLE RUSSEL, WARREN LEE JAMES AND RONALD LAWRENCE BELTON RESIDING AT 4318 ROLLING HILL DR. CHARLOTTE, NC 28213

WHEREAS, the dwelling located at 2736-38 Capitol Dr. in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by Certified Mail on the 19th day of July, 2001 and on the 2nd day September, 2002.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 2736-38 Capitol Dr. in the City of Charlotte in accordance with the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:



**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 162.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk

Parcel# 115-031-12  
Case# H20010606003/H20010514008



March 24, 2003  
Ordinance Book 52, Page 163

ORDINANCE NO. 2264-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 3234 GRANT ST. PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY DAVID LUCKY AND EQUATOR LUCKY RESIDING AT 804 E. 18<sup>TH</sup> ST. CHARLOTTE N C 28205.

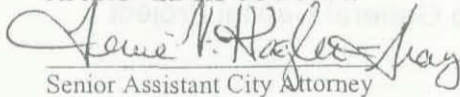
WHEREAS, the dwelling located at 3234 Grant St. in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling, all pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, said owner(s) have failed to comply with said order served by hand delivery on the 5th day of September 2001 and by Certified mail on the 13th day October 2001.

NOW, THEREFORE, ~~BE~~ IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 3234 Grant St. in the City of Charlotte in accordance with the *Housing Code of the City of Charlotte* and Article 19, Part 6, Chapter 160A of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

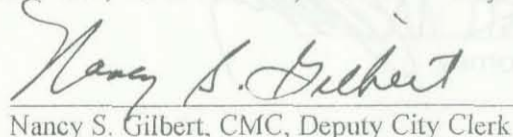
APPROVED AS TO FORM:

  
Senior Assistant City Attorney

CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

Parcel# 065-114-01  
Case# H20010605004

March 24, 2003  
Ordinance Book 52, Page 164

ORDINANCE NUMBER: 2265-X

0-57

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2091-X, THE 2002-2003 BUDGET  
ORDINANCE, TRANSFERRING CAPITAL FUNDS.

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

Section 1. That the sum of \$1,027,245 is hereby estimated to be available from the following sources:

Source	Amount
2010; 331.00 - Sidewalk Program	\$ 862,245
2010; 474.76 -Bicycle Facilities	165,000
<b>Total</b>	<b>\$ 1,027,245</b>

Section 2. That the sum of \$1,027,245 is hereby appropriated to General Capital Project Fund 2010; 474.32 - Pense Road Streetscape.

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, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 164.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

  
Nancy S. Gilbert, CMC, Deputy City Clerk



March 24, 2003  
Ordinance Book 52, Page 165

ORDINANCE NUMBER: 2266-X

0-58

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2091-X, THE 2002-2003 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR A U.S. DEPARTMENT OF JUSTICE WEED AND SEED INITIATIVE GRANT.

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

- Section 1. That the sum of \$175,000 is hereby estimated to be available from the U.S. Department of Justice for Charlotte Weed and Seed.
- Section 2. That the sum of \$175,000 is hereby appropriated to the Neighborhood Development Grant Fund 6807, Center 90039, Line Item 199.
- Section 3. That the existence of this program 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. It is the intent of this ordinance to be effective upon its adoption.

Approved as to form:

  
City Attorney

#### CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 165.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

ORDINANCE NUMBER: 2267-X

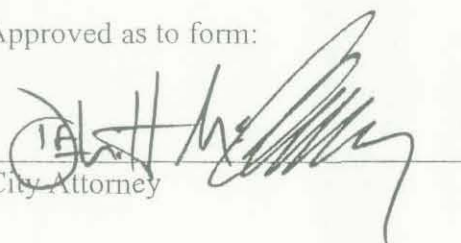
0-59

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2091-X, THE 2002-2003 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR A NORTH CAROLINA HOUSING FINANCE AGENCY URGENT REPAIR PROGRAM GRANT.

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

- Section 1. That the sum of \$75,000 is hereby estimated to be available from the North Carolina Housing Finance Agency Urgent Repair Program.
- Section 2. That the sum of \$75,000 is hereby appropriated to the Neighborhood Development Grant Fund 6807.
- Section 3. That the existence of this program 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. It is the intent of this ordinance to be effective upon its adoption.

Approved as to form:

  
City Attorney

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 166.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

  
Nancy S. Gilbert, CMC, Deputy City Clerk



ORDINANCE NUMBER: 2268-X

0-60

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2091-X, THE 2002-2003 BUDGET ORDINANCE ESTIMATING FEDERAL AND STATE GRANT REVENUES AND PROVIDING APPROPRIATIONS FOR CHARLOTTE AREA TRANSIT SYSTEM CAPITAL PROJECTS.

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

Section 1. That the sum of \$42,073,315 is hereby estimated to be available from the following sources of revenue:

<u>Sources of Revenue</u>		<u>Amount</u>
FTA Grants	\$	20,665,036
NCDOT Grants		10,692,080
CATS		10,716,199
<b>Total</b>	<b>\$</b>	<b>42,073,315</b>

Section 2. That the sum of \$42,073,315 is hereby appropriated as follows:

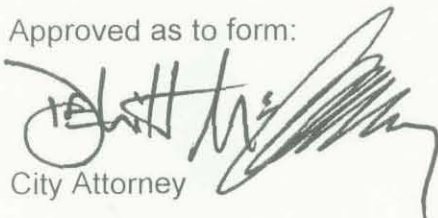
<u>Fund</u>		<u>Amount</u>
2078 - Public Transportation Capital Project Fund	\$	2,686,737
2098 - Rapid Transit Capital Project Fund		39,386,578
<b>Total</b>	<b>\$</b>	<b>42,073,315</b>

Section 3. This ordinance estimates Federal and State grant participation in several projects. Upon receipt of grant award, the sources and levels of funding for the projects specified in Section 2 above may be adjusted to reflect permanent financing. Until permanent financing is achieved, the Finance Director is hereby authorized to advance funding from Fund 7801 fund balance to cover estimated grant revenues specified in Section 1 above. Upon receipt of grant revenues, funds advanced to the project shall revert back to the Fund 7801 fund balance. The total project appropriation level will not increase above that specified in Section 2, unless adjusted by subsequent ordinance.

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

  
City Attorney

March 24, 2003  
Ordinance; Book 52, Page 168

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Pages 167-168.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

  
\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk



March 24, 2003  
Ordinance Book 52, Page 169

AMENDING CHAPTER 23

ORDINANCE NO. 2269

AN ORDINANCE AMENDING CHAPTER 23 ENTITLED "WATERS, SEWERS AND SEWAGE DISPOSAL" OF THE CODE OF THE CITY OF CHARLOTTE.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1. Amend Section 23-103, subsection (c)(14), by adding the following words after *with*:  
*or without.*

Section 2. Amend Section 23-104, subsection (b)(5) by deleting that subsection in its entirety and by renumbering the remaining subsections accordingly.

Section 3. Amend Section 23-100 by adding the following definition:

*Existing hazard:* An actual contamination of the public water system or a customer's potable water system that could cause illness or death or damage to the physical components comprising the public water system.

Section 4. Amend Section 23-100 by adding the following to the end of the last sentence of the definition of *Reduced Pressure Principle Assembly*:

*or an existing hazard .*

Section 5. Amend Section 23-102, by deleting in its entirety the second paragraph of text beginning *Notwithstanding the foregoing*, and substituting the following in lieu thereof:

Notwithstanding the foregoing, the director may require the installation of the required backflow prevention assembly immediately or within a shorter time period than specified above in order to protect the public water system from an existing, an imminent hazard or from any other condition posing as unreasonable threat of contamination or pollution to the public water system.

Section 6. Amend Section 23-105 by adding the following at the end of the catchline of that section:

*; existing hazard .*

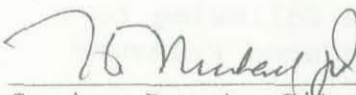
March 24, 2003  
Ordinance Book 52, Page 170

Section 7. Amend Section 23-105 by designating the current provisions of that Section as subsection (a) and by adding the following as a new subsection (b):

(b) If the director determines that a customer's private water system constitutes an existing hazard or is a source of contamination in the public water system, the director may terminate water service to the customer immediately without notice until the customer installs such backflow-prevention assembly as may be specified by the director. The director shall notify the customer as soon as reasonably possible of such determination, the termination of water service and the assembly that must be installed before water service can be restored.

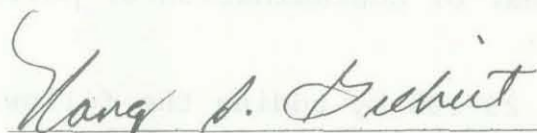
Section 8. This ordinance shall become effective upon adoption.

Approved as to form:

  
Senior Deputy City Attorney

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 42, at pages 169-170.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25th day of March, 2003.

  
Nancy S. Gilbert, CMC, Deputy City Clerk



March 24, 2003  
Ordinance Book 52, Page 171

ORDINANCE NO. 2270-X 0-61

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2091-X, THE 2002-2003 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR ELECTRICAL MODIFICATIONS TO THREE LOADING BRIDGES ON CONCOURSE E.

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

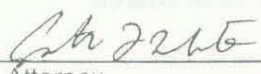
Section 1. That the sum of \$56,846.63 is available from Airport Discretionary Funds. These funds will be repaid from the proceeds of future General Airport Revenue Bonds.

Section 2. That the sum of \$56,846.63 is hereby appropriated to the Aviation Capital Projects Fund (2087-529.42)

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

Section 4. This ordinance shall be effective upon adoption.

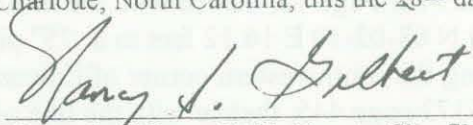
Approved as to form:

  
City Attorney

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 171.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

Returned to customer

ORDINANCE NO. 2271-X

Peachtree Hills Phase II

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

WHEREAS, the City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Meeting Chamber of the Charlotte Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on March 24, 2003 after due notice by The Charlotte Observer on March 3, 2003; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory, is hereby annexed and made part of the City of Charlotte as of March 24, 2003.

**LEGAL DESCRIPTION**

To locate the point and place of Beginning, begin at a set iron rod being NC State Plane Coordinates (NAD 83) N=567,575,4157 E=1,437,850,4001 and being the southwestern corner of Dean A. & Hazel Robbins (now or formerly), see Deed Book 5446 at Page 746; thence along and with the line of Dean A. & Hazel Robbins N 68-03-06 E 257.30 feet to an existing iron rebar being the southwestern corner of Glenn A. & Karen Dedrick (now or formerly), see Deed Book 5168 Page 718; thence along and with the line of Glenn A. & Karen Dedrick N 67-52-29 E 19.36 feet to a set iron rod, being the POINT AND PLACE OR BEGINNING; thence continuing with the line of Glenn A. & Karen Dedrick the following two calls (1) N 67-52-29 E 162.94 feet to an existing iron rebar; (2) N 00-09-14 E 65.20 feet to a set pk nail in the right-of-way of Beam Lake Drive; thence with the Haddock line, see Deed Book 6294 Page 15, S 43-32-02 E 64.95 feet to a set iron rod, being the southwestern corner of Pamela B. Haddock (now or formerly), see Deed Book 6294 at Page 15, thence with the line of Pamela B. Haddock the following two calls; (1) N 68-02-10 E 16.12 feet to a .75" pipe; (2) N 68-09-57 E 215.06 feet to a ½" pipe, being the southwestern corner of Edward Gale Robinson (now or formerly), see Deed Book 5373 page 445; thence with the line of Edward Gale Robinson N 68-09-11 E 71.70 feet to an existing iron pin, being the northwestern corner of John G. Cloer (now or formerly), see Deed Book 4734 Page 533; thence with the line of John G. Cloer S 00-31-





March 24, 2003  
Ordinance Book 52, Page 173

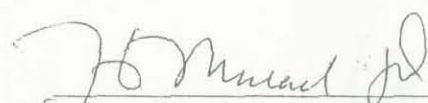
21-E 1016.82 feet to a 1" pipe, being the easternmost corner of Charles Thomas Pressley, Jr. (now or formerly), see Deed Book 5890 at Page 548; thence with the line of Charles Thomas Pressley, Jr., N 45-50-58 W 809.73 feet to a set iron rod; thence with a new line the following ten calls, (1) N 67-00-04 E 170.36 feet to a set iron rod; (2) N 73-31-34 E 65.26 feet to a set iron rod; (3) N 16-07-28 W 7.99 feet to a set iron rod; (4) N 73-52-32 E 123.00 feet to a set iron rod; (5) thence N 16-11-10 W 142.43 feet to a set iron rod; (6) thence with a curve to the right having a radius of 20 feet, an arc distance of 36.86 feet and chord bearing S 34-40-24 W a chord distance of 31.86 feet to a set iron rod; (7) thence S 87-28-33 W 101.80 feet to a set iron rod; (8) thence with a curve to the left having a radius of 190 feet, an arc of 21.11 feet a chord bearing S 84-17-33 W a chord distance of 21.10 feet to a set iron rod; (9) thence S 81-06-33 W 45.70 feet to a set iron rod; (10) thence N 22-07-31 W 39.67 feet to a set iron rod, being the point and place of BEGINNING and being 6.2561 acres as shown on that plat dated January 13, 1999, prepared by East Coast Surveyors, P.A. entitled "Subdivision Boundary & Physical Survey of 5331 Beam Lake Dr."

Section 2. Upon and after March 24, 2003, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Charlotte and shall be entitled to the same privileges and benefits as other parts of the City of Charlotte. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Charlotte shall cause to be recorded in the office of the Register of Deeds of Mecklenburg County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 24th day of March, 2003.

APPROVED AS TO FORM:

  
J. H. Munnick, Jr.  
City Attorney



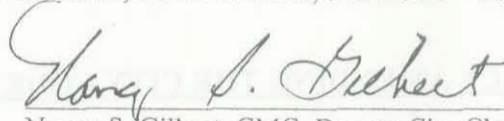


March 24, 2003  
Ordinance Book 52, Page 175

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Pages 172-175.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk

March 24, 2003  
Ordinance Book 52, Page 176

Petition No. 2003-002  
Petitioner: Ray Lewis Wilson

ORDINANCE NO. 2272-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

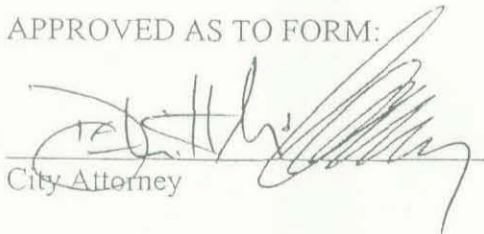
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached site plan from R-4 to R-4(CD), R-5(CD), R-6(CD) and R-8(CD).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

Section 3. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

  
City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Pages 176-177.

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

  
Nancy S. Gilbert, CMC, Deputy City Clerk,



Petition #: 2003-002

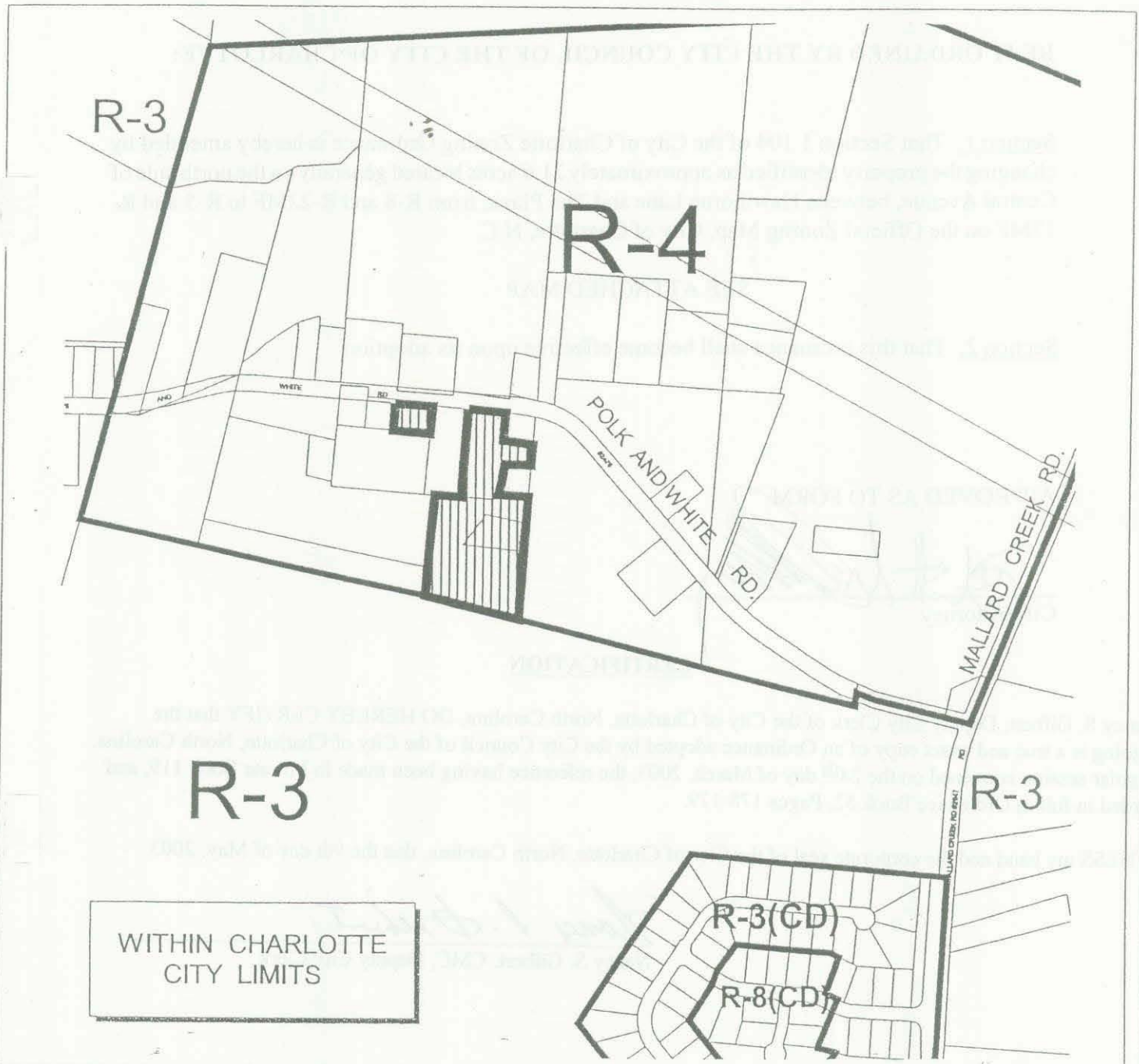
Petitioner: Ray L. Wilson

Hearing Date: February 17, 2003

Zoning Classification (Existing): R-4

Zoning Classification (Requested): R-5(CD), R-6(CD) and R-8(CD)

Acresage & Location Approximately 4.6 acres located on the south side of Polk and White Road, west of Mallard Creek Road



Zoning Map #(s); 42

Map Legend

	ETJ		Floodplain
	Alfmo		County Line
	Watershed		City Limit
	Historic District		

5/2/03

CITY ZONE CHANGE

Petition No. 2003-006  
Petitioner: Asele A. Carlisle

ORDINANCE NO. 2273-Z

ZONING REGULATIONS

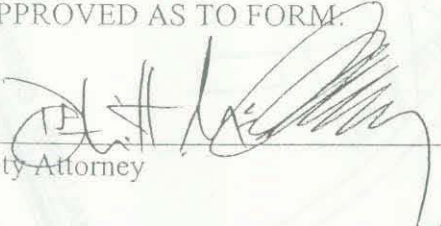
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified as approximately 21.6 acres located generally on the north side of Central Avenue, between Hawthorne Lane and The Plaza, from R-8 and R-22MF to R-5 and R-17MF on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

Section 2. That this ordinance shall become effective upon its adoption.


APPROVED AS TO FORM.

  
\_\_\_\_\_  
City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Pages 178-179.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9<sup>th</sup> day of May, 2003.

  
\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk



March 24, 2003  
Ordinance Book 52, Page 179  
Hearing Date: June 16th, 2003

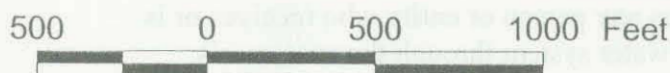
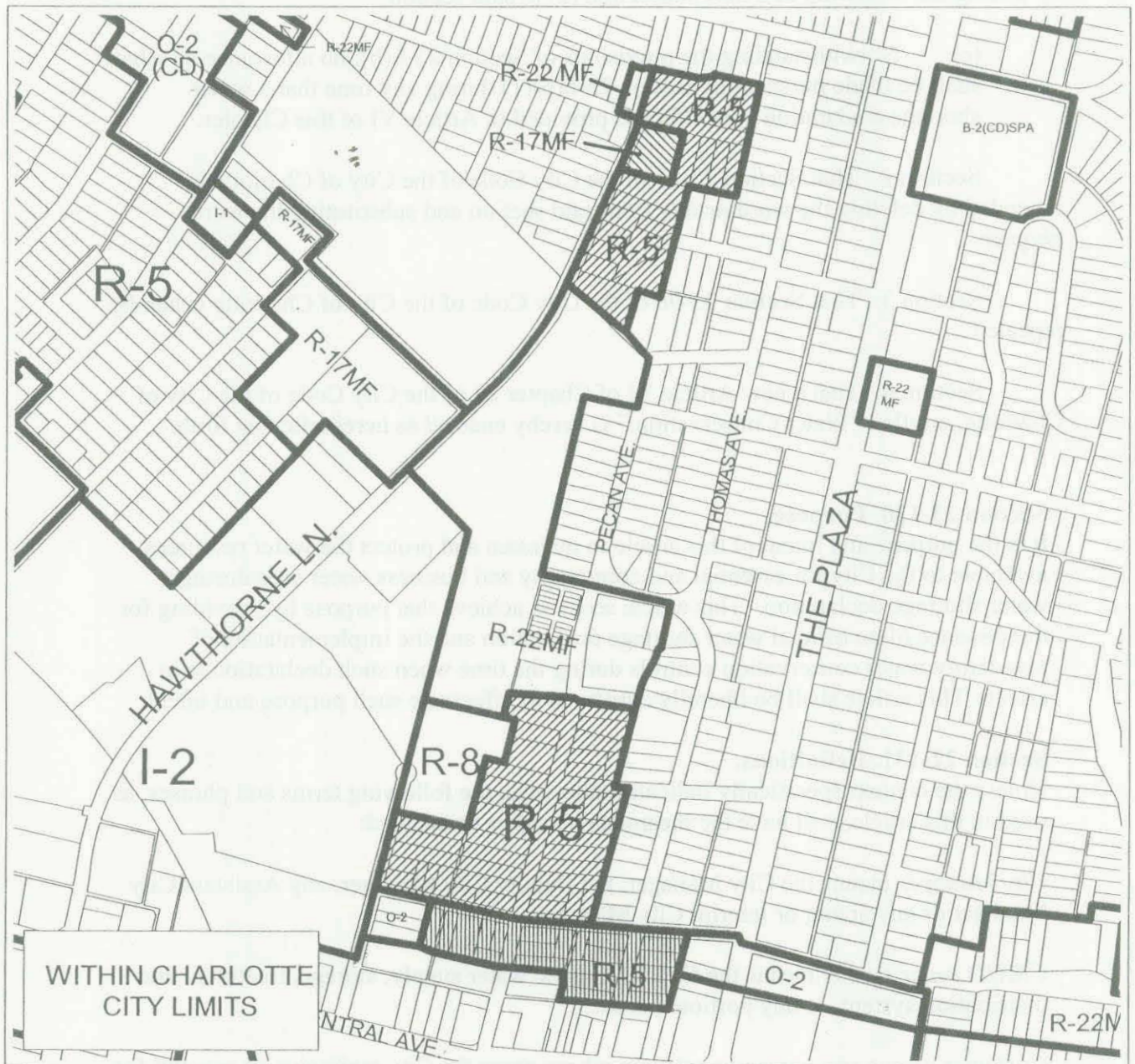
Petition #: **2003-06**

Petitioner: Asele A. Carlisle

Zoning Classification (Existing): R-22MF, R-8




Zoning Classification (Requested): R-5 and R-17MF

Acreage & Location: Approximately 21.6 acres located on the north side of Central Avenue, between Hawthorne Lane and The Plaza



Zoning Map #(s): **101**

Approved Zoning Changes

-  From R-22MF to R-17MF
-  From R-8 to R-5
-  From R-22MF to R-5

March 24, 2003



ORDINANCE NO. 2274

AN ORDINANCE AMENDING CHAPTER 23 OF THE CODE OF THE CITY OF CHARLOTTE AND CREATING A NEW ARTICLE VI IN SAID CHAPTER, ENTITLED "WATER CONSERVATION."

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

Section 1. That Section 23-6 of the City Code of the City of Charlotte is amended by adding the following as a new subsection (c) to said section:

(c) Notwithstanding the provisions of Section 23-6(b), no allowance or rebate shall be made pursuant to Section 23-6(b)(1) during any time that a water shortage declaration is in effect as provided in Article VI of this Chapter.

Section 2. That Section 23-91 of the City Code of the City of Charlotte is amended by deleting the word *article* from said section and substituting the word *chapter*.

Section 3. That Section 23-96 of the City Code of the City of Charlotte is hereby repealed.

Section 4. That a new Article VI of Chapter 23 of the City Code of the City of Charlotte, entitled "Water Conservation," is hereby enacted as hereinafter set forth:

**Section 23-130. Purpose.**

It is the purpose and intent of this article to maintain and protect the water resources available to the City for essential and community and business water uses during a water shortage declaration. This article seeks to achieve that purpose by providing for the issuance of an official water shortage declaration and the implementation of mandatory water conservation controls during the time when such declaration is in effect. This article shall be liberally construed to effectuate such purpose and intent.

**Section 22-131. Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, will have the meanings hereafter designated:

*City Manager* means the City Manager, the Deputy City Manager, any Assistant City Manager or any acting or interim City Manager.

*CMUD water system* means the CMUD potable water supply, storage, treatment and distribution system, or any portion thereof.

*Customer* means any person or entity in whose name the City maintains an account for water use. *Customer* also means and includes any person or entity who receives or is capable of receiving water from the CMUD water system through the customer's

private water system or by any other means, without regard to whether CMUD is aware of the existence of such customer.

*Community and business water use* means any use of water from the CMUD water system that meets either of the following criteria with special emphasis on those uses which substantially minimize water use through recycling or other means: critical to an institution's or business's function and such use or function has a significant impact upon the economy of Mecklenburg County or any municipality located therein; or critical to recreational or other facilities operated or maintained for community use. Examples of community and business water uses may be set forth in the water shortage management plan and include but are not limited to: watering stock or inventory at plant nurseries, garden centers or tree farms; watering fairways, tees and greens on golf courses; washing vehicles at commercial car washes; commercial pressure washing; commercial, agricultural applications; commercial manufacturing; fire hydrant and water line flushing; complying with applicable law for earth disturbing activity using no more water than is reasonably necessary; and other similar uses as determined by CMUD.

*Discretionary water use* means any use of water from the CMUD water system that is elective and is not a community and business or essential water use. Examples of discretionary water uses may be set forth in the water shortage management plan and include but are not limited to: lawn/turf irrigation, residential car washing, non-commercial pressure washing, ornamental pools or fountains and other similar uses as determined by CMUD.

*Emergency conditions* means any condition posing a substantial and immediate threat to the ability of CMUD to meet actual or anticipated demand for community and business and/or essential water uses and requiring the immediate implementation of mandatory water conservation measures in order to protect the public health and safety, including without limitation a major disruption or failure in any portion of said system or contamination of the water in any portion of said system or of the raw water supply.

*Essential water use* means any use of water from the CMUD water system that is necessary to maintain public health and safety. Examples of essential water uses may be set forth in the water shortage management plan and include but are not limited to: sustaining human life, fighting fires, testing for public safety standards, patient care and rehabilitation, maintaining pressure in the CMUD water system, maintaining operation of the CMUD water system and other similar uses as determined by CMUD.

*Irrigation service connection* means a service connection by which a customer receives water from the CMUD water system for the sole purpose of watering vegetation and is not connected directly or indirectly to any plumbing system that discharges into the publicly operated treatment works.



*Service connection* means the terminal end of a complete service connection or, in the absence of a complete service connection, the point at which water leaves the CMUD water system and enters a customer's water system.

**Section 23-132. Imposition of mandatory water conservation controls.**

- (a) The City Manager is authorized to impose mandatory water conservation controls as authorized by this article on the usage of water obtained directly or indirectly from the CMUD water system by declaring a water shortage. After receiving written recommendations from CMUD, the City Manager may impose such controls, upon consideration of the following factors:
- (1) Pressure at monitoring locations of the CMUD water system;
  - (2) Ability to re-fill water storage tanks of the CMUD water system;
  - (3) Ability to maintain an amount of water in the ground level storage tanks at CMUD's water treatment plants which is adequate for fire protection purposes;
  - (4) Ability to maintain adequate water pressure in every portion of the CMUD water system;
  - (5) Adequacy of the CMUD water supply in terms of quantity and/or quality for the foreseeable future to satisfy the anticipated demand for water;
  - (6) Conditions downstream of the CMUD water intakes;
  - (7) Regulatory requirements affecting the operation, repair or maintenance of any portion of the CMUD water system;
  - (8) Such factors as are identified in a water shortage management plan adopted by CMUD pursuant to this article; and
  - (9) Such other factors as may affect CMUD's ability to supply, treat and/or distribute water through its water system.
- (b) CMUD's recommendation to the City Manager on the issuance, amendment or termination of a water shortage declaration shall set forth the basis for such recommendation, including the factors leading to such recommendation.
- (c) CMUD is authorized to adopt a water shortage management plan, which shall be consistent with and guide CMUD in the implementation and enforcement of the provisions of this article.

**Section 23-133. Procedure for issuance of water shortage declaration.**

- (a) The City Manager may issue a water shortage declaration by signing a notice of water shortage declaration. A water shortage declaration will take effect on the effective date and time specified in said notice. A water shortage declaration, including any amendment thereto, may be issued for the entire CMUD water distribution system or for any designated portion(s) thereof. Upon issuance, a water shortage declaration shall remain in effect until amended or terminated in accordance with this article.

- (b) A water shortage declaration may be amended or terminated by the issuance of a notice of such action signed by the City Manager and posted in accordance with this section. Water conservation controls imposed pursuant to this article and/or the portion of the CMUD water distribution system subject to an existing water shortage declaration may be revised by amending such a declaration. The termination of any water shortage declaration will automatically terminate all mandatory water conservation controls imposed pursuant to this article.
- (c) A notice required by this article must specify the effective date and time of said notice and be publicly posted in the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina or any other place designated by law or the city council for the posting of public notices for at least twelve (12) hours before taking effect; provided that, the City Manager may determine that the following notices need not be posted for any minimum period of time: a notice of termination of a water shortage declaration; a notice of amendment of a water shortage declaration that reduces the portion of the CMUD water distribution system subject to said declaration and/or the mandatory water conservation controls in effect; and a notice of a water shortage declaration or amendment thereto under emergency conditions as set forth therein. All notices posted pursuant to this article shall state the date and time of posting.

**Section 23-134. Phases of water conservation.**

- (a) Any one of the following phases of water conservation may be implemented by the issuance of a water shortage declaration or amendment of a previously issued declaration:
  - (1) Phase I, restricted;
  - (2) Phase II, banned; and
  - (3) Phase III, emergency.
- (b) A water shortage declaration, including without limitation an amendment thereto, imposing Phase I, II or III water conservation controls shall specify the controls imposed by such declaration. Customers and users shall comply with such mandatory controls as are specified in a water shortage declaration, including any amendment thereto, issued pursuant to this article. Violation of any mandatory control specified in a declaration issued pursuant to this article shall be subject to such enforcement action as is set forth in this article.
- (c) No mandatory control imposed by a water shortage declaration shall apply to any public or volunteer fire department while fighting a fire.
- (d) The water shortage management plan adopted pursuant to this article may include classifications of the uses made of water from the CMUD water system as discretionary, community and business and essential and take such classifications into account in determining the water conservation controls that may be imposed pursuant to this article.



**Section 23-135. Phase I, restricted.**

- (a) A water shortage declaration, including an amendment thereto, may impose Phase I water conservation controls at any time that, based upon a recommendation from CMUD, the City Manager determines that CMUD may not be able to meet all demand for discretionary, community and business and essential water uses based on any one or more of the factors set forth in Section 23-132(a).
- (b) A water shortage declaration imposing Phase I water conservation controls may include: restrictions on the manner, day of the week, and/or time of day of one or more discretionary water uses; and/or complete prohibitions on one or more of such uses.
- (c) Community athletic associations, golf courses and similar customers whose use of water to irrigate large areas is a community and business water use may submit a plan for approval by CMUD allowing alternatives to the water conservation controls imposed by a water shortage declaration. Approval of alternatives shall be limited to a customer's community and business water uses and shall require such customers to comply with substantially equivalent controls on water usage. Violation of any portion of a customer's approved plan shall be considered as a violation of a water conservation control and subject to the provisions of Section 23-141 in the same manner as any other violation of a water conservation control imposed pursuant to this article.

**Section 23-136. Phase II, banned.**

- (a) A water shortage declaration, including an amendment thereto, may impose Phase II water conservation controls at any time that, based upon a recommendation from CMUD, the City Manager determines that CMUD may not be able to meet all demand for community and business and essential water uses based on any one or more of the factors set forth in Section 23-132(a).
- (b) A water shortage declaration imposing Phase II water conservation controls may include: restrictions on the manner, day of the week, and/or time of day of one or more discretionary or community and business water uses; and/or complete prohibitions on one or more of such uses.

**Section 23-137. Phase III, emergency.**

- (a) A water shortage declaration, including an amendment thereto, may impose Phase III water conservation controls at any time that, based upon a recommendation from CMUD and the City Manager, the City Council determines that CMUD may not be able to meet all demand for essential water uses based on any one or more of the factors set forth in Section 23-132(a); provided that, the City Manager may impose Phase III water conservation controls without the approval of the City Council at any time that, based upon a recommendation from CMUD, the City Manager,



determines that CMUD may not be able to meet all demand for essential water uses based on any one or more of the factors set forth in Section 23-132(a) and also finds that emergency conditions exist. If the City Manager imposes Phase III water conservation controls pursuant to this section, such controls shall be subject to amendment or termination by the City Council.

(b) A water shortage declaration imposing Phase III water conservation controls may include: restrictions on the manner, day of the week, and/or time of day of one or more discretionary, community and business or essential water uses; and/or complete prohibitions on one or more of such uses.

(c) The City Manager, based upon a recommendation from CMUD, shall determine the specific water conservation controls included in a water shortage declaration imposed pursuant to this section. The provisions of Section 23-137(a) shall not be construed under any circumstances to limit the authority of the City Manager under this article to issue, amend or terminate a water shortage declaration or to require approval of the City Council in order for the City Manager to amend or terminate any water shortage declaration imposing Phase III water conservation controls, including without limitation amending a water shortage declaration to revise Phase III water conservation controls or to impose Phase I or II water conservation controls.

(d) In addition to the controls authorized by Section 23-137(b), the City Manager shall also be authorized, based upon a recommendation from CMUD, to take such actions as may be reasonably necessary or convenient to ration water among CMUD customers, including without limitation, suspending water service to customers pursuant to a plan approved by the City Council.

**Section 23-138. Termination for leak in customer's plumbing.**

It shall be unlawful for any customer or owner of a plumbing system receiving water from the CMUD water system to fail to repair a leak in such plumbing system within a reasonable time while a water shortage declaration is in effect. Any customer or owner who fails to repair a leak in such plumbing system within five (5) calendar days after notice to do so from CMUD shall be subject to a civil penalty of \$100, termination of service or both.

**Section 23-139. Permits for hydrant usage.**

(a) CMUD may issue permits to any customer with a qualifying need during a water shortage declaration authorizing water to be used from fire hydrants that are a part of the CMUD water system, so long as such water is used in accordance with all water conservation controls imposed by such declaration. Any permit to use water from such a fire hydrant issued prior to a water shortage declaration shall be subject to such declaration and the water conservation controls imposed by such declaration.

- (b) In any permit issued pursuant to this section, CMUD may impose such conditions and restrictions as are appropriate to require that water used from the CMUD water system be minimized to the extent practical.
- (c) Unless otherwise expressly provided in a permit, any permit subject to this section shall automatically terminate upon the effective date and time of the imposition of Phase III water conservation controls.
- (d) Any person or entity receiving a permit subject to this section that violates the terms thereof shall be subject to a civil penalty pursuant to Section 23-141(e) and to the revocation of the permit. Any person who has violated the term of any permit subject to this section, any variance issued pursuant to this article or any mandatory water conservation control imposed pursuant to this article may be denied a permit, notwithstanding any provision of this section to the contrary.

**Section 23-140. Variances.**

- (a) CMUD is authorized to issue a variance in accordance with this article permitting any customer satisfying the requirements of this article to use water for a purpose that would otherwise be prohibited by water conservation controls then in effect.
- (b) During any time that Phase I water conservation controls have been imposed pursuant to this article and except as otherwise provided in this article, CMUD shall issue variances under the following circumstances: A customer with a new lawn and/or landscape installed within 30 days of the application for a variance (but not during any time when Phase II or Phase III water conservation controls were in effect) may be permitted to water such newly installed landscaping on the date of installation and for up to 30 days after the date of installation and, during such time period, shall not be subject to restrictions on the days of the week, but shall be subject to any restrictions on the times of the day, when outdoor vegetation may be watered in accordance with the water conservation controls otherwise in effect. A variance issued pursuant to this subsection may be extended by CMUD under such terms and conditions as are set forth in the water shortage management plan.
- (c) During any time that Phase II water conservation controls have been imposed pursuant to this article and except as otherwise provided in this article, CMUD shall issue variances for the following uses: A customer with a new lawn and/or landscape installed within 30 days prior to the implementation of Phase II water conservation controls (but not during any time when Phase II or Phase III water conservation controls were in effect) may be permitted to water such newly installed landscaping on the date of installation and for up to 30 days after the date of installation and during such days of the week and times of the day as designated in the variance.
- (d) During any time that Phase I or Phase II water conservation controls have been imposed pursuant to this article, CMUD shall issue variances for the following uses:



- (1) A public or volunteer fire department during any training exercise using water from the CMUD water system under circumstances when such training is reasonably necessary to maintain effective fire fighting capabilities;
  - (2) Any customer or user undertaking any activity required by applicable law; and
  - (3) Any person or entity proposing to eliminate or reduce unsanitary conditions that pose a substantial risk of injury or disease.
- (e) During any time that Phase III water conservation controls have been imposed pursuant to this article, CMUD may, but shall be under no obligation to, issue variances for the uses listed in Section 23-140(d).
- (f) In any variance issued pursuant to this section, CMUD may impose such conditions and restrictions as are appropriate to require that water used from the CMUD water system be minimized to the extent practical.
- (g) Unless otherwise expressly provided in a variance, any variance issued pursuant to this section shall automatically terminate upon the effective date and time of the imposition of Phase III water conservation controls.
- (h) Any person or entity receiving a variance pursuant to this section that violates the terms thereof shall be subject to a civil penalty pursuant to Section 23-141(e) and to the revocation of the variance. Any person who has violated the term of any permit subject to this article, any variance issued pursuant to this section or any mandatory water conservation control imposed pursuant to this article may be denied a variance, notwithstanding any provision of this section to the contrary.

**Section 23-141. Enforcement.**

- (a) The use of water from the CMUD water system in violation of any mandatory water conservation control imposed pursuant to this article, the term of any permit subject to Section 23-139 or the term of any variance issued pursuant to Section 23-140 is unlawful. Further, the refusal or failure of a customer or other person acting on the customer's behalf to cease immediately a violation of a water conservation control, after being directed to do so by a person authorized to enforce the provisions of this article, is unlawful. Each customer is responsible for any use of water that passes through the service connection associated with the customer's account or otherwise passes through the customer's private water system.
- (b) Any customer who violates or permits the violation of any mandatory water conservation control imposed pursuant to section 23-135 shall be subject to a civil penalty according to the following schedule of penalties:

	1½" service connection or smaller	2" service connection or larger
First offense	\$100	\$200
Second offense	\$200	\$400
Third and subsequent offenses	\$300	\$600



(c) Any customer who violates or permits the violation of any mandatory water conservation control imposed pursuant to Sections 23-136 or 23-137 shall be subject to a civil penalty according to the following schedule of penalties:

	1½" service connection or smaller	2" service connection or larger
First offense	\$200	\$400
Second offense	\$400	\$800
Third and subsequent offenses	\$600	\$1,200

(d) Any customer who violates or permits the violation of any term of a permit subject to Section 23-139 or a variance issued pursuant to Section 23-140 shall be subject to a civil penalty of \$500.

(e) Any customer or other person acting on behalf of the customer who refuses or otherwise fails to cease immediately a violation of a water conservation control after being directed to do so by a person authorized to enforce the provisions of this article shall be subject to a civil penalty equal to twice the amount of the civil penalty applicable to the violation which such customer or person was directed to cease.

(f) In addition to the payment of any civil penalty assessed pursuant to this section, a customer shall be subject to termination of water service through any irrigation service connection used to violate any water conservation controls imposed pursuant to this article during any period of time during which a water shortage declaration is continuously in effect under the following circumstances:

- (1) Five (5) or more violations of any water conservation control, including without limitation the terms of any variance or permit issued pursuant to this article; or
- (2) Two (2) or more violations of any Phase II or Phase III water conservation control, including without limitation the terms of any variance or permit issued pursuant to this article.

In the discretion of CMUD, termination of such service may include one or more of the following actions: turnoff, meter removal, yoke removal and turnoff at main. Water service will not be restored at such service connection until the customer agrees to such terms as CMUD determines are reasonably necessary or advisable to assure the customer's compliance with such water conservation controls as are then in effect or may be imposed pursuant to this article and the payment of all the customer's obligations, including without limitation all outstanding charges for water service, civil penalties and all other fees, amounts and penalties charged in accordance with the provisions of this chapter. If a customer violates such a term or condition, the customer shall be subject to a civil penalty of up to \$1,000 in addition to any other remedy that may be authorized by law or

agreement and termination of water service through such serviced connection for up to a minimum period of 15 days. Service may be restored thereafter in accordance with the provisions of this section.

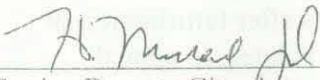
- (g) A customer whose water service is terminated pursuant to Section 23-141(f) shall not be entitled to notice and an opportunity for a hearing in advance of such termination. Notice of such termination shall be given as soon as reasonably possible after a decision is made by CMUD to terminate such service, but service of such notice and an opportunity for a hearing shall not be conditions precedent to such termination. A customer whose service is terminated pursuant to this section or who receives notice of such a termination shall have five (5), calendar days after termination of service or receipt of notice of termination, whichever is later, to appeal such termination to the Director of CMUD, or his/her designee, by delivering a written notice of appeal. A hearing shall be held on such appeal within three (3) business days of receipt of the notice of appeal, or by such other date as approved by the Director of CMUD, or his/her designee, and the customer.
- (h) The violation of any water conservation control or provision of this article may be enforced by all remedies authorized by law for noncompliance with municipal ordinances, including the assessment of a civil penalty and action for injunction, order of abatement or other equitable relief; provided that, except as provided in Section 23-141(i), no violation of any water conservation control or provision of this article shall be a basis for imposing any criminal remedy.
- (i) The violation of Sections 23-91 and 23-94 during any time while a water shortage declaration is in effect shall be punishable in accordance with applicable law for a criminal misdemeanor, including without limitation a fine of \$500.00.
- (j) Each civil penalty assessed against a customer pursuant to this article shall be added to said customer's water bill and shall be paid in the same manner as set forth in this chapter for the payment of water bills. Failure to pay all or any portion of a water bill, including any civil penalty assessed pursuant to this article, in a timely manner may result in the termination of water service from CMUD.
- (k) Except as provided in this subsection, each day that a violation of a mandatory water conservation control occurs shall be considered to be a separate violation.
  - (1) If a customer or other person acting on behalf of the customer refuses or otherwise fails to cease immediately a violation of a water conservation control after being directed to do so by a person authorized to enforce the provisions of this article, such failure shall constitute a separate violation; and
  - (2) After receiving a notice of violating a water conservation control and ceasing such violation, a customer who resumes the violation of said water conservation control on the same day shall be guilty of a separate violation.



- (l) CMUD and any other City employees or persons designated by the City Manager shall be authorized to enforce the provisions of this article.

Section 4. This ordinance is effective upon adoption.

APPROVED AS TO FORM:

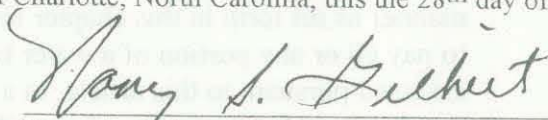


Senior Deputy City Attorney

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24<sup>th</sup> day of March, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Pages 180-190.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of March, 2003.



Nancy S. Gilbert, CMC, Deputy City Clerk