

ORDINANCE NO. 2832 A-X

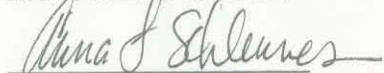
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1630 VAN BUREN AVE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF CHARLES H. PEARSON AND WIFE GERTRUDE H. PEARSON, 5917 CRESTWOOD DR, CHARLOTTE, N.C. 28216

WHEREAS, the dwelling located at 1630 Van Buren Ave 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; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

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 1630 Van Buren Ave in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its 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 13th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page 273A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14<sup>th</sup> day of December, 2004.

  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 2833-X

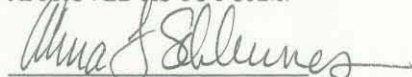
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1425 N. HOSKINS ROAD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF GLORIA ROZZELL (LIFE ESTATE) KASEEN DIGGS, EDDRENA DIGGS MORRIS AND VALNETTA VON DIGGS, EDWARD LEE DIGGS, 1425 N. HOSKINS ROAD , CHARLOTTE, N.C. 28216

WHEREAS, the dwelling located at 1425 N. Hoskins Road 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; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

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 1425 N. Hoskins Road in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its 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 13th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page 273B.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14<sup>th</sup> day of December, 2004.

  
Brenda R. Freeze, CMC, City Clerk

7

ORDINANCE NO. 2834-X

ORDINANCE NO. 2834-X


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 3620 HAVENWOOD ROAD 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 WADE DUKE SHERRILL AND WIFE BARBARA MARSHALL SHERRILL, 2801 GLENDALE ROAD, CHARLOTTE, N.C. 28209

WHEREAS, the dwelling located at 3620 Havenwood Road 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; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

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 3620 Havenwood Road in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

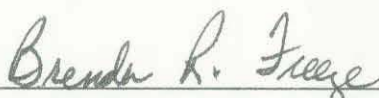
APPROVED AS TO FORM:

  
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 13th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page 274.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14<sup>th</sup> day of December, 2004.

  
Brenda R. Freeze, CMC, City Clerk



ORDINANCE NO. 2835-X


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 5610 HICKORY GROVE ROAD 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 GARRETT J. MOBLEY JR., 5610 HICKORY ROAD, CHARLOTTE, N.C. 28215

WHEREAS, the dwelling located at 5610 Hickory Grove Road 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; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

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 5610 Hickory Grove Road in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its 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 13th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page 275.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14<sup>th</sup> day of December, 2004.

  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 2836-X

ORDINANCE NO. 2836-X

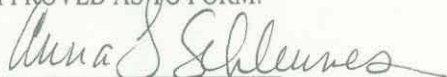
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 9314 SMITH DRIVE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF FRANCES CLARK A/K/A FRANCES B. CLARK, 9328 SMITH DRIVE, CHARLOTTE N.C. 28214.

WHEREAS, the dwelling located at 9314 Smith Drive 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; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

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 9314 Smith Drive in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

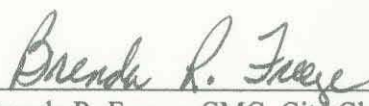
APPROVED AS TO FORM:

  
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 13th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page 276.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14<sup>th</sup> day of December, 2004.

  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 2837-X

O-47

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2620-X, THE 2004-2005 BUDGET  
ORDINANCE, APPROPRIATING CAPITAL PROJECT FUNDING FOR THE NEIGHBORHOOD  
IMPROVEMENT PROGRAM.

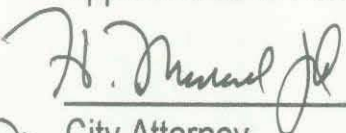
BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$2,500,000 is hereby available from 2004 Neighborhood Improvement Bonds and is appropriated to General Capital Investment Program 2010; 478.00 - Neighborhood Improvement Program.

Section 2. All ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall be effective immediately.


Approved as to Form:

  
Sr. Dep. 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 13th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page 277.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14<sup>th</sup> day of December, 2004.

  
Brenda R. Freeze, CMC, City Clerk



ORDINANCE NO. 2838-X

O-48

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2620-X, THE 2004-2005 BUDGET ORDINANCE, APPROPRIATING AIRPORT EXCLUDED CENTERS FUND BALANCE FOR THE INITIAL START-UP AND OPERATION OF WILSON AIR CENTER - CHARLOTTE LLC, THE AIRPORT'S FIXED BASE OPERATOR.

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

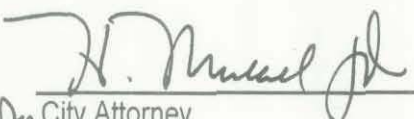
Section 1. That the sum of \$8,803,000 is available from Airport Excluded Centers Fund Balance. These funds will be repaid from revenue generated from the Fixed Base Operator facility operations.

Section 2. That the sum of \$8,803,000 is hereby appropriated to the Airport Operating Fund 7402 - 576.99

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:

  
Sr. Asst. City Attorney

  
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 13th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page 278.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14<sup>th</sup> day of December, 2004.

  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 2839-X

0-49

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2620-X, THE 2004-2005 BUDGET  
ORDINANCE, ESTIMATING STATE GRANT FUNDING AND PROVIDING AN  
APPROPRIATION FOR THE CATS VEHICLE MAINTENANCE FACILITY.

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

Section 1. That the sum of \$27,050,000 is hereby estimated to be available from the following sources of revenue:

Source	Amount
NCDOT	\$13,525,000
CATS Certificates of Participation	13,525,000
<b>Total</b>	<b>\$27,050,000</b>

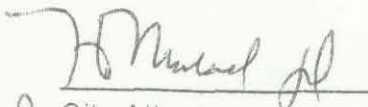
Section 2. That the sum of \$27,050,000 is hereby appropriated to the Rapid Transit Capital Project Fund (2098).

Section 3. This ordinance estimates state grant participation in Section 1. Upon receipt of the grant assistance, the sources and levels of funding for the project specified in Section 2, above, may be adjusted to reflect permanent financing. Until permanent financing is realized, 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 projects shall revert back to the Fund 7801 fund balance. If grant funding is not realized, the advance may be designated as the permanent source of funding. The total project appropriation level will not exceed the amount specified in Sections 1, unless amended by subsequent ordinance.

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

Section 5. 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 13th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 279-280.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14<sup>th</sup> day of December, 2004.

Amount  
\$13,528,000  
\$13,528,000  
\$27,056,000

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

Source  
WCDOT  
CATR  
Total

Section 2. That the sum of \$27,056,000 is hereby appropriated to the Rapid Transit Capital Project Fund (2008).

Section 3. The ordinance estimates state grant participation in Section 1. Upon receipt of the grant assistance, the source and level of funding for the project specified in Section 2 may be adjusted to reflect permanent financing. Until permanent financing is realized, the Finance Director is hereby authorized to advance funding from Fund 7801 fund balances to cover estimated grant revenue specified in Section 1 above. Upon receipt of grant revenues, funds advanced to the project shall revert back to the Fund 7801 fund balance. If grant funding is not realized, the advance may be designated as permanent source of funding. The total project participation level will not exceed the amount specified in Section 1, unless amended by subsequent ordinance.

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

Section 5. This ordinance shall be effective immediately.

Approved as to Form:  
[Signature]  
City Clerk

**ORDINANCE AMENDING CHAPTER 3 OF THE CHARLOTTE CITY CODE  
ENTITLED "ANIMALS"**

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

Section 1. Subsection (b)(2)(a) of Section 3-31 of Article II., entitled "Administration and Enforcement" of Chapter 3, "Animals," of the Charlotte City Code is amended to read as follows:

"a. Ascertaining that all dogs, cats and ferrets are properly licensed, if required;"

Section 2. Subsection (b) of Section 3-33 of Article II., entitled "Administration and Enforcement" of Chapter 3, "Animals," of the Charlotte City Code is amended to read as follows:

"(b) The penalties assessed by civil citations shall be in accordance with the escalating civil penalty table that follows. The civil penalty table applies to all violations that are enforced civilly, regardless of any other method of enforcement that may be additionally used. Each prior offense must be evidenced by the issuance of a civil citation or a criminal conviction arising from a prior offense before the next escalated penalty for subsequent offenses may be assessed. Penalties shall only escalate when the same offense has been committed by the same owner in the past. No offense occurring more than ten years before the current offense shall be considered.

If payment, or appeal, or payment after appeal, for any civil citation is not made within 30 calendar days of the issuance of a civil citation or of the issuance of the appeal decision, the monetary penalty shall be double that stated in the escalating civil penalty table that follows. Issuance or payment shall be considered made when deposited with proper postage in the United States mail or when received by the person being cited or the City. The Bureau Manager or their designee may waive the doubling of the monetary penalty upon a showing that the tardiness of payment was not due to willfulness or neglect on the part of the cited person."

Section 3. Subsection (b)(1) of Section 3-101 of Article IV., entitled "Licensing and Permits" of Chapter 3, "Animals," of the Charlotte City Code is amended to read as follows:

"(b) *License fee.*



(1) Licenses shall be renewed annually from the date of issuance, except for sterile dogs or cats, which may have a three-year renewal term. The failure of any owner to renew a license by the 30<sup>th</sup> calendar day after such license is due for renewal shall result in an additional \$10.00 late renewal fee. The license fee for all dogs, guard dogs, cats, and ferrets shall be as follows:"

Dogs	Fertile	\$30.00
	Sterile	\$10.00/1 year, \$25.00/3 years
Guard dogs		\$30.00
Cats	Fertile	\$30.00
	Sterile	\$10.00/1 year, \$25.00/3 years
Ferrets	Fertile	\$30.00
	Sterile	\$10.00

Section 4. Subsection (a) of Section 3-102 of Article IV., entitled "Licensing and Permits" of Chapter 3, "Animals," of the Charlotte City Code is amended to read as follows:

"(a) *Required.* It shall be unlawful for any person to own, keep, have, or maintain any equine animals, cloven-hoofed animals or other livestock or any chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl in the city without first receiving from the bureau a permit to do so or to continue to have any of such animals or fowl after a permit has been denied.

This section shall not apply to, and no permit shall be required for, any agricultural operation within G.S. 106-700, which pertains to nuisance liability of agricultural operation, or to any rabbit that is kept exclusively inside its owner's residence. The permit shall be valid for one year from the date of issuance and shall be renewed annually. The annual fee for such permit shall be \$40.00 per household. The application shall list all such animals and fowl on the premises. Before a permit is issued, an employee of the bureau shall inspect the premises to determine if the keeping of the animals or fowl on the premises will endanger or is likely to endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business."



Section 5. Section 3-103 of Article IV., entitled "Licensing and Permits" of Chapter 3, "Animals," of the Charlotte City Code is amended to be entitled as and read as follows:

"Sec. 3-103. Permit for three or more dogs or cats kept outside.

- (a) It shall be unlawful for any person to own, to keep custody of or to take care of three or more dogs or cats or any combination of three dogs and cats or more, four months or older, which are frequently outside on the premises, unless the person has a special permit issued by the animal control bureau.
- (b) If a person has three or more dogs or cats frequently outside on the premises, the bureau manager or his designee must make the following five findings in order to issue a special permit:
  - (1) Noise from the dogs or cats will not interfere with an abutting occupant's use and peaceful enjoyment of the property.
  - (2) Any odor or unsanitary conditions caused by the dogs or cats will not interfere with an abutting occupant's use and peaceful enjoyment of the property.
  - (3) Three or more dog runs or other dog-related structures or any combination thereof shall not be permitted if the structures can be seen from an abutting occupant's property in a residentially zoned district.
  - (4) There is no evidence that the dogs or cats pose any health problem or disease exposure for abutting occupants.
  - (5) The dogs or cats do not interfere in some other similar manner with the peaceful use and enjoyment of abutting property.

If the bureau manager or his designee denies a person a special permit, the bureau manager or his designee must state the reasons for the denial in writing. If the bureau manager or his designee has any recommendations or conditions that would enable the person to be in compliance with the standards, the bureau manager or his designee must state those recommendations or conditions in writing. The bureau manager or his designee is authorized to issue a special permit with specific conditions attached to the permit. The bureau manager or his designee shall have the authority to charge a reasonable administrative fee for the necessary review and issuance of the permit.

- (c) The fee for a permit shall be \$40.00 and the permit shall remain valid as long as the person is in compliance with the terms and conditions, if any, of the permit. If any of the circumstances change, such as, but not limited to, more animals, different breed for a particular dog, new structures or other such similar change that might reasonably violate the five standards set forth in subsection (b) of this section, the permit shall automatically terminate and be null and void. The person must secure a new permit, or the person shall be in violation of this section.



- (d) The bureau manager or his designee shall have the authority to revoke the permit at any time if there is a violation of the standards stated in subsection (b) of this section, for a violation of any term or condition of the permit if there has been any misrepresentation, or for any other similar reason. The bureau manager or his designee shall state in writing the basis of the revocation.

Section 6. Subsection (k) of Section 3-133 of Article V., entitled "Impoundment, Seizure/Forfeiture, Containment, Spay/Neuter Services and Disposition of Animals" of Chapter 3, "Animals," of the Charlotte City Code is amended to read as follows:

"(k) *Appeal to superior court.* The decision of the bureau manager or of the city manager or his designee shall be subject to review by the superior court by proceedings in the nature of certiorari. Any petition for writ of certiorari for review by the superior court shall be filed with the clerk of superior court within 30 days after delivery of or reasonable efforts to deliver the decision to the owner or the owner's representative. Prior to the filing of the petition for writ of certiorari with the clerk of superior court, a cash bond must be provided to the city for all costs incurred thus far by the city's retention of the animal and for an approximate time for the course of the appeal, as well as for the cost of the transcript prepared for the court. The city shall reimburse the petitioner for the cost of the petitioner's transcript and the court's transcript if the court reverses the decision and determines that the animal is not dangerous. If a petition for writ of certiorari is filed in superior court, the animal shall be confined at the animal shelter or at a location solely acceptable to the bureau. Appeal shall not toll compliance with any written or containment order pending the hearing of such appeal."

Section 7. Subsection (b)(1) of Section 3-135 of Article V., entitled "Impoundment, Seizure/Forfeiture, Containment, Spay/Neuter Services and Disposition of Animals" of Chapter 3, "Animals," of the Charlotte City Code is amended to read as follows:

"(1) Appropriate, specific preventive measures which might include, but are not limited to, the following: necessary repairs for any fence or enclosure, measures to ensure that a gate will remain closed, a fence or secure fence as described in this subsection or any other similar device that would provide greater assurance for the confinement of the animal, all of which are subject to being specifically approved for their adequacy by the bureau.

A fence shall be at least a minimum of four feet high and shall constitute a secure-enough enclosure sufficient to contain the animal at all times. The minimum size of the enclosure may be at least 150 square feet. If the animal is over 15 inches at the shoulder or is deemed capable of climbing a standard four-foot fence, the animal control supervisor may require a six-foot fence. A secure fence means a fence, as immediately described above, that may also be enclosed on all six sides, including the top. The bottom must be concrete, unless the sides of the fence are buried one foot deep in a hard-packed soil. Any reference to "fence" or "secure fence" shall be defined as stated in this subsection. Preventive measures may also specifically include mandatory spay/neuter for any animal that has been declared dangerous by the Bureau."



Section 7. Subsection (a) of Section 3-136 of Article V., entitled "Impoundment, Seizure/Forfeiture, Containment, Spay/Neuter Services and Disposition of Animals" of Chapter 3, "Animals," of the Charlotte City Code is amended to read as follows:

"(a) *Generally.* The bureau shall charge and collect fees from owners or possessors who redeem their animals. The following services and fees for those services are hereby authorized. The city manager or his designee shall have the authority to establish a fee schedule for the following services and categories:

(1) *Impounding.* Any animal that is taken into custody by the bureau pursuant to this Code or state statute.

(2) *Boarding.* Dog per day, cat per day, large animals (e.g., equines, bovines, sheep, goat, swine, etc.) per day, small animals (e.g., rabbits, birds, poultry, hamsters, etc.) per day. Any animal not deemed to fit in a particular enumerated category shall be considered a large animal.

(3) *Adoption.* Large animals; dog, puppy, cat or other small animal; pick up a special service fee; replacement fee for metal tags.

(4) *Electronic tagging.* The bureau is hereby authorized to, and may without the consent of the animal's owner or possessor, humanely implant any animal lawfully impounded with an electronic tagging device similar to a micro-chip that will allow the animal to be positively identified. The cost shall be deferred by the owner or possessor prior to the animal being released back into their custody.

The fees shall be reviewed annually, and the city manager or his designee is authorized to make such adjustments in such fees as deemed appropriate. The city manager or his designee shall have the authority to establish animal categories and to set escalating impoundment fees for animals for recurring violations by the same owner. An accurate copy of the fee schedule shall be posted in a conspicuous place in the office of the animal control bureau, and a copy shall also be filed with the city clerk's office.

The fees in this subsection do not include applicable charges for any license or inoculation that may be required by this chapter or other applicable law. If the animal to be redeemed is not licensed, permitted, or inoculated as required by law, the owner must have the dog or cat inoculated and obtain a proper license or permit before release of the animal.

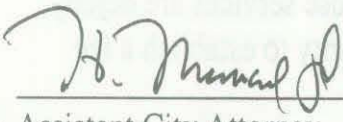
No fees whatsoever shall be charged or collected on any animal which has been unlawfully impounded. Any such animal shall immediately be delivered upon demand to the owner or person entitled to the custody of the animal.

If the owner of a dog or cat pays for spay/neuter services for that person's animal impounded by the bureau before the release of the animal to the owner, the owner shall receive a \$100.00 credit towards any redemption fees, including the impounding fee but excluding the electronic tagging fee, as stated in this subsection."



Section 3. This ordinance shall become effective when adopted.

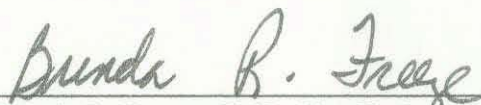
Approved as to Form:

  
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 13th day of December, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 53, Page(s) 281-286.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 14<sup>th</sup> day of December, 2004.

  
Brenda R. Freeze, CMC, City Clerk