

Ordinance No. 2646-X

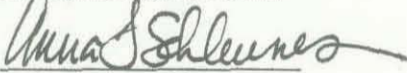
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2304 ROZZELLES FERRY RD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF JOHN M. SPENCER AND WIFE DEBRA D. SPENCER, 1025 W. 6TH ST, CHARLOTTE N.C. 28202

WHEREAS, the dwelling located at 2304 Rozzelles Ferry 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; 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 2304 Rozzelles Ferry Rd 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 26th day of July, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 915.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.


Brenda R. Freeze, CMC, City Clerk

Ordinance No. 2647-X

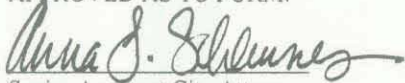
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2317 ROZZELLES FERRY RD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF ELAINE A. CLIFTON, 718 ARTWIN RD, CHARLOTTE N.C. 28213

WHEREAS, the dwelling located at 2317 Rozzelles Ferry 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; 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 2317 Rozzelles Ferry Rd. in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

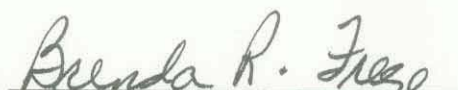
APPROVED AS TO FORM:


Senior Assistant City Attorney

CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.


Brenda R. Freeze, CMC, City Clerk

Ordinance No. 2648-X

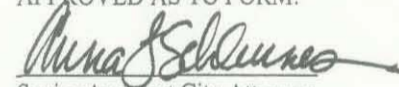
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1605 AKA 1607 DUCKWORTH AVE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF HATTIE MAE SINGLETARY AKA HATTIE MAE SINGLETON AND LOUIZER LILES , 1607 DUCKWORTH AVE, CHARLOTTE N.C. 28208

WHEREAS, the dwelling located at 1605 aka 1607 Duckworth 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 1605 aka 1607 Duckworth 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.

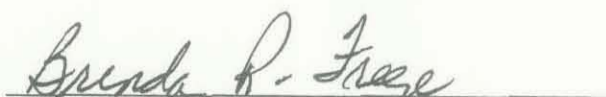
APPROVED AS TO FORM:


Senior Assistant City Attorney

CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.


Brenda R. Freeze, CMC, City Clerk

Ordinance No. 2649-X

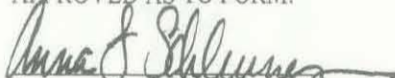
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1500 EFFINGHAM RD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF ABRAHAM WILLIAMS AND WIFE LUCY V. WILLIAMS, 1500 EFFINGHAM RD, CHARLOTTE N.C. 28208

WHEREAS, the dwelling located at 1500 Effingham 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; 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 1500 Effingham Rd in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

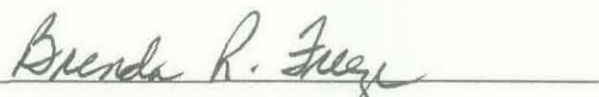
APPROVED AS TO FORM:


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 26th day of July, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 918.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.



Brenda R. Freeze, CMC, City Clerk

Ordinance No. 2650-X

O-2

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2620-X, THE 2004-2005 BUDGET ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION FOR THE SOUTH CORRIDOR PROJECT.

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

Section 1. That the sum of \$2,911,968 is hereby estimated to available from the following sources:

Source	Amount
NCDOT (50%)	\$1,455,984
CATS COPs	1,455,984
Total	\$2,911,968

Section 2. That the sum of \$2,911,968 is hereby appropriated to CATS Capital Project Fund 2098; 896.68 - Demolition.

Section 3. This ordinance estimates State grant participation in Section 1. Upon receipt of grant assistance, the sources and levels of funding for the project specified in Section 1, 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. If grant funding is not realized, the advance may be designated as the permanent source of funding. The total project appropriation level will not increase above that specified in Section 1, unless amended by subsequent ordinance.

Section 4. This ordinance shall be effective immediately.

Approved as to Form:

Hope A. Root
Asst. 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 26th day of July, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 919-920.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.

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

Ordinance No. 2651-X

O-3

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2620-X, THE 2004-2005 BUDGET
ORDINANCE, PROVIDING AN APPROPRIATION FOR SOUTH CORRIDOR PROJECTS.

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

Section 1. That the sum of \$825,000 is hereby estimated to available from the following sources:

Source	Amount
NCDOT - South Corridor	\$362,500
CATS COPs - South Corridor	362,500
CATS Operating Fund (7801) fund balance (2078)	100,000
Total	\$825,000

Section 2. That the sum of \$825,000 is hereby appropriated to the following CATS capital projects:

Fund/Center/Title	Amount
2098/896.66/Archdale	\$500,000
2098/896.67/Traction Power	225,000
2078/538.51/Old Convention CTC	100,000
Total	\$825,000

Section 3. This ordinance estimates State grant participation in Section 1. Upon receipt of grant assistance, the sources and levels of funding for the project specified in Section 1, 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. If grant funding is not realized, the advance may be designated as the permanent source of funding. The total project appropriation level will not increase above that 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.

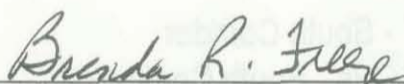
Approved as to Form:

Asst. Hope N. Root
City Attorney

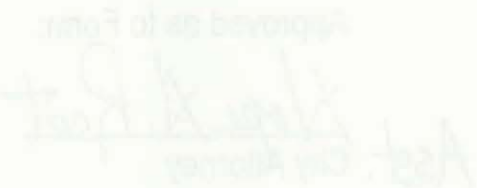
CERTIFICATION

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 26th day of July, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 921-922.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.



Brenda R. Freeze, CMC, City Clerk



Ordinance No. 2652-X

O-4

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2620-X, THE 2004-2005 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR CORRIDOR PROJECTS.

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

Section 1. That the sum of \$400,000 is hereby estimated to available from CATS Operating Fund (7801) fund balance.

Section 2. That the sum of \$400,000 is hereby appropriated to the following CATS capital projects:

Fund/Center/Title	Amount
2094/897.96/Northeast	\$80,000
2095/897.96/Center City	80,000
2096/897.96/US 74	80,000
2097/897.96/North	160,000
Total	\$400,000

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

Section 4. This ordinance shall be effective immediately.

Approved as to Form:

[Signature]
Sr. Asst 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 26th day of July, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 923.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.

[Signature]
Brenda R. Freeze, CMC, City Clerk

Ordinance No. 2653-X

O-5

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2620-X, THE 2004-2005 BUDGET
ORDINANCE, PROVIDING AN APPROPRIATION FOR THE NORTH CORRIDOR PROJECT.

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

- Section 1. That the sum of \$182,192 is hereby estimated to available from the City of
Moorseville.
- Section 2. That the sum of \$182,192 is hereby appropriated to CATS Capital Project
Fund 2097- North Corridor.
- Section 3. All ordinances in conflict with this ordinance are hereby repealed.
- Section 4. This ordinance shall be effective immediately.

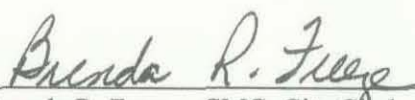
Approved as to Form:


Sr. Atty. 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 26th day of July, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 924.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.


Brenda R. Freeze, CMC, City Clerk

Ordinance No. 2654-X

O-6

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2620-X, THE 2004-2005 BUDGET ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION FOR THE McALPINE CREEK WASTEWATER MANAGEMENT FACILITY CONSOLIDATED INFLUENT PUMPING STATION FROM PROJECT SAVINGS

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

Section 1. That the sum of \$8,400,000 is available in the McAlpine Wastewater Treatment Plant Expansion Phase II Project balance in the Water and Sewer Capital Project Fund (2071.632.56).

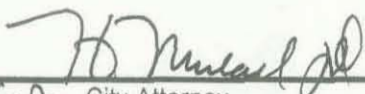
Section 2. That the sum of \$8,400,000 is hereby appropriated to the McAlpine Consolidated Pumping Station Project in the Water and Sewer Capital Project Fund (2071.637.99)

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

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

Section 4. This ordinance shall be effective upon adoption.

Approved as to form:

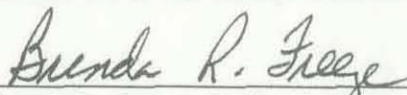


Sr. Dep. City Attorney

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 26th day of July, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 925.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.



Brenda R. Freeze, CMC, City Clerk

Ordinance No. 2655-X

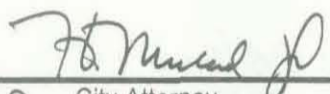
O-7

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2620-X, THE 2004-2005 BUDGET ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION FOR THE SEWER TO SERVE 2003 ANNEXATION AREAS FROM PROJECT SAVINGS

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

- Section 1. That the sum of \$2,000,000 is available in the Water to Serve 2003 Annexation Areas Capital Project in the Water and Sewer Capital Project Fund (2071.635.10)
- Section 2. That the sum of \$2,000,000 is hereby appropriated to the Sewer to Serve 2003 Annexation Areas Capital Project in the Water and Sewer Capital Project Fund (2071.631.70)
- Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 3. All ordinances in conflict with this ordinance are hereby repealed.
- Section 4. This ordinance shall be effective upon adoption.

Approved as to form:

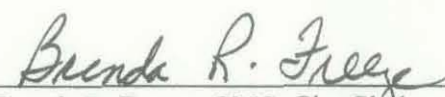


H. D. McNeal, City Attorney

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 26th day of July, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 926.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.



Brenda R. Freeze, CMC, City Clerk

Ordinance No. 2656-X

O-8

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2620-X, THE 2004-2005 BUDGET ORDINANCE, APPROPRIATING A UNITED STATES FIRE ADMINISTRATION (USFA) GRANT FOR THE FIRE PREVENTION AND ACCIDENT PREVENTION PROGRAM.

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

Section 1. That the sum of \$77,280 is hereby estimated to be available from a grant from the United States Fire Administration (USFA)

Section 2. That the sum of \$77,280 is hereby appropriated to the Public Safety Grants Fund (0413) Center 402.47

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

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

S. A. [Signature]
City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of July, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 927.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.

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

Ordinance No. 2657-X

O-9

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2620-X, THE 2004-2005 BUDGET ORDINANCE, APPROPRIATING A NORTH CAROLINA DEPARTMENT OF INSURANCE/OFFICE OF THE STATE FIRE MARSHAL GRANT FOR A PERMANENT CHILD SAFETY SEAT CHECKING STATION.

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

Section 1. That the sum of \$2,500 is hereby estimated to be available from a grant from the North Carolina Department of Insurance/Office of the State Fire Marshal

Section 2. That the sum of \$2,500 is hereby appropriated to the Public Safety Grants Fund (0413) Center 402.47

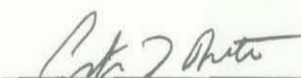
Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

Sr. Asst

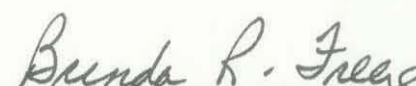


City Attorney

CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.



Brenda R. Freeze, CMC, City Clerk

Petition No. 2004-027
Petitioner: Raley Miller Properties and
B. L. Patch and Assoc. Inc.

ORDINANCE NO. 2658-Z

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

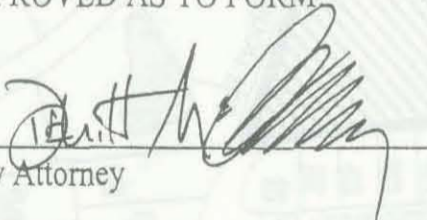
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 map from B-1(CD) to B-1(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, 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 26th day of July, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 929-930.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of September, 2004.


Brenda R. Freeze, CMC, City Clerk

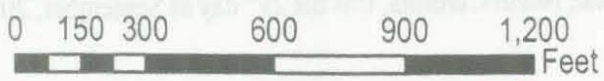
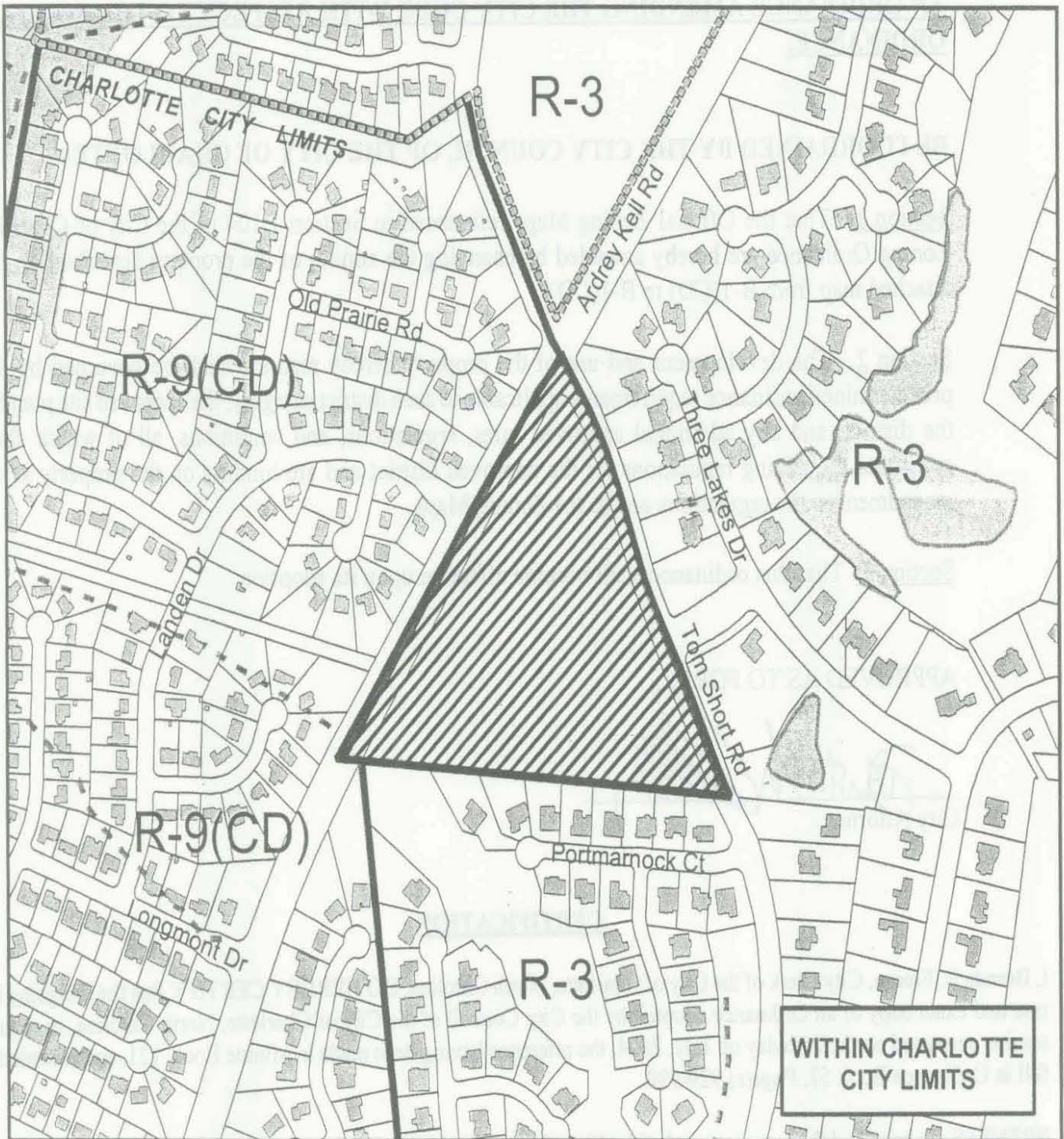
Petition #: **2004-027**

Petitioner: Raley Miller Properties and B.L. Patch & Associates, Inc.

Zoning Classification (Existing): B-1(CD)
(Neighborhood Business, Conditional)

Zoning Classification (Requested): B-1(CD) S.P.A.
(Neighborhood Business, Conditional, Site Plan Amendment)

Acres & Location : Approximately 11.97 acres located between Ardrey Kell Road and Tom Short Road



Zoning Map #(s) **181**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
04-20-2004



	Requested B-1(CD) S.P.A. from B-1(CD)		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

ORDINANCE NUMBER: 2659 AMENDING CHAPTER 6

**ORDINANCE AMENDING CHAPTER 6 OF THE CHARLOTTE CITY CODE ENTITLED
"BUSINESSES and TRADES"**

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

Section 1. Subsection (a) of Section 6-563 of Article XI., entitled "Trespass towing of vehicles from private parking lots; signs required." of Chapter 6, "Businesses and Trades," of the Charlotte City Code is amended to read as follows:

- "(a) No vehicle, of any size or weight, shall be towed from a private parking lot for designated parking violations unless a sign is conspicuously posted and clearly visible from all vehicle and pedestrian entrances to the property. The sign must clearly provide the following information:
- (1) The property is a private tow-away zone and that a vehicle not authorized to park on the property will be towed away at the owner's expense.
 - (2) The telephone number of the person from whom a towed-away vehicle can be recovered.
 - (3) A statement that the vehicle may be recovered from 7:00 a.m. to 7:00 p.m.
 - (4) The universal symbol that indicates parking is not permitted."

Section 2. Subsection (b) of Section 6-563 of Article XI., entitled "Trespass towing of vehicles from private parking lots; signs required." of Chapter 6, "Businesses and Trades," of the Charlotte City Code is amended to read as follows:

- "(b) The posting of a sign is not required by a property owner or lessee of a family residence to remove a vehicle from the driveway, lawn or what is commonly understood to be the yard. In addition, a sign is not required where the vehicle blocks a private entrance, exit, drive or loading area, or in which a vehicle is abandoned on private property for at least 72 continuous hours, or is disabled to such an extent that it is not capable of moving under its own power."

Section 3. Subsection (a) of Section 6-564 of Article XI., entitled "Establishment of rates for trespass towing." of Chapter 6, "Businesses and Trades," of the Charlotte City Code is amended to read as follows:

- "(a) The maximum rate for the trespass towing and storage for a class A vehicle from a private parking lot when the point of origin of the tow is within the city limits shall be as follows:
- (1) For any class A vehicle \$120.00. The storage fee shall be \$15.00 a day, which shall accrue after the vehicle has been stored on the lot for 24 hours.
 - (2) For vehicles that have a gross weight over 9,000 pounds, the fee for towing and storage shall be established by the towing service.
 - (3) The maximum rates established in subsection (a)(1) of this section shall be a flat fee which shall be inclusive of all towing charges. A towing charge includes any fees for:

- a. special equipment such as, but not limited to, a double hook-up, vehicle entry when locked, dropping transmission linkage, axle or drive shaft removal, dollies, skates, trailer or flatbed, lift, slimjims, go jacks, removing bumpers, airing up brakes, and mileage.
 - b. Time spent on the scene of the tow.
 - c. Gate fees, and fees for returning to the location where the vehicle is stored in order to release.
- (4) No fee, other than the above enumerated fees for towing and storage, shall be assessed as a condition for release of a class A vehicle to the vehicle owner or authorized driver."

Section 4. Subsection (b) of Section 6-564 of Article XI., entitled "Establishment of rates for trespass towing." of Chapter 6, "Businesses and Trades," of the Charlotte City Code is amended to read as follows:

"(b) The maximum fees set forth in this section shall be effective until the later of 1 August 2005 or until the fees have been adjusted as authorized by this section. The maximum fees set forth in this section shall be reviewed annually and properly adjusted to reflect the fair market value of the service by the Chief of Police or his or her designee. If the Chief of Police or his or her designee adjusts the fees set forth in this section, a schedule of the adjusted fee amounts shall be available for inspection at the office of the city clerk. No adjustment to the fee amounts shall be effective until such time as a schedule of the adjusted fee amount shall be available for inspection at the office of the city clerk."

Section 5. Subsection (a) of Section 6-565 of Article XI., entitled "Return of a class A vehicle to owner prior to a trespass tow." of Chapter 6, "Businesses and Trades," of the Charlotte City Code is amended to read as follows:

"(a) No towing service operating within the city shall tow a vehicle or charge for its services where the registered owner or other legally authorized person in control of the vehicle arrives at the scene prior to towing, unless the registered owner or other legally authorized person in control of the vehicle refuses to remove the vehicle, or unless the registered owner or other legally authorized person in control of the vehicle refuses to provide to the lot owner or its agent the information required by subsection (b)."

Section 6. Subsection (a) of Section 6-569 of Article XI., entitled "Booting of vehicles on private parking lots; signs required." of Chapter 6, "Businesses and Trades," of the Charlotte City Code is amended to read as follows:

- "(a) No booting service shall boot a vehicle, of any size or weight, on a private parking lot unless a sign is conspicuously posted and clearly visible from all vehicle and pedestrian entrances to the property. The sign must clearly provide the following information:
- (1) The property is a private lot and that a vehicle not authorized to park on the property will be booted at the owner's expense;
 - (2) The name, telephone number, and address of the person or company that is authorized to remove the boot;
 - (3) A statement that the boot may be removed at anytime, day or night, upon payment not to exceed the amount specified in section 6-570."

Section 7. Section 6-572 of Article XI., entitled "Civil Injunction." of Chapter 6, "Businesses and Trades," of the Charlotte City Code is amended to be entitled and read as follows:

"Sec. 6-572. Civil Penalty and Injunction.

- (a) In addition to the issuance of a notice of a violation, any person who violates this article may be subject to all civil and equitable remedies stated in G.S. 160A-175.
- (b) A violation of any provision of this article may be enforced by the issuance of a civil penalty in the amount of \$100.00. If payment, or appeal, or payment after appeal, is made within 30 days of the issuance of a civil citation or of the issuance of the appeal decision, the penalty of \$100.00 shall be reduced to \$50.00. Payment shall be considered made when deposited with proper postage in the United States mail or when received by the City.

Section 8. Section 6-573 of Article XI., entitled "Effective date; sunset provision." of Chapter 6, "Businesses and Trades," of the Charlotte City Code is deleted.

Section 9. 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 26th day of July, 2004, the reference having been made in Minute Book 121, and recorded in full in Ordinance Book 52, Page(s) 931-933.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 30th day of July, 2004.



Brenda R. Freeze, CMC, City Clerk