

ORDINANCE NO. 3643-X


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2400 & 2402 MARLOWE AVENUE 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 NICK ESPOSTI & LYNN ESPOSTI 7380 HIGHWAY 29 KELSEYVILLE, CA 95451

WHEREAS, the dwelling located at 2400 & 2402 Marlowe Avenue 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 2400 & 2402 Marlowe Avenue 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:

  
Assistant City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 1.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of July, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

ORDINANCE NO. 3644-X


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 4019-A GLENWOOD 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 OLLIE RUTH CANIPE 4019 GLENWOOD DRIVE CHARLOTTE, NC 28208

WHEREAS, the dwelling located at 4019-A Glenwood 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 4019-A Glenwood 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.

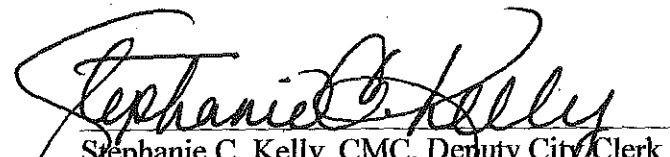
APPROVED AS TO FORM:

  
Assistant City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 2.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of July, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

ORDINANCE NO. 3645-X


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 4609 OLNEY STREET 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 HANNAH ATIASE 9612 WORLEY DRIVE CHARLOTTE, NC 28215

WHEREAS, the dwelling located at 4609 Olney Street 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 4609 Olney Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

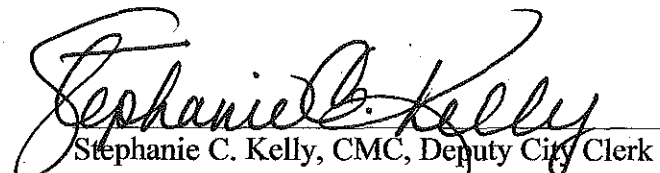
APPROVED AS TO FORM:

  
Assistant City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 3.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of July, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

ORDINANCE NO. 3646-X

O-2

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X, THE 2007-2008 BUDGET  
ORDINANCE, ESTIMATING AND APPROPRIATING NORTH CAROLINA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES GRANT FUNDING FOR FIRE EDUCATION MATERIALS.

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

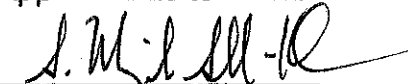
Section 1. That the sum of \$2,500 is hereby estimated to be available from the North Carolina Department of Health and Human Services.

Section 2. That the sum of \$2,500 is hereby appropriated to the Public Safety Grants Fund (0413); 40247 - Fire Arson Investigation.

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

Section 4. This ordinance shall be effective immediately.


Approved as to Form:

  
Asst. City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 4.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of July, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

ORDINANCE NO. 3647-X

O-3

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X, THE 2007-2008 BUDGET  
ORDINANCE, APPROPRIATING A GRANT FROM THE GOVERNOR'S CRIME COMMISSION  
FOR THE GANGNET REPLICATION PROJECT

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

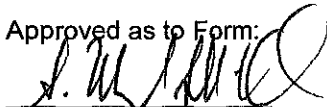
Section 1. That the sum of \$241,300 is hereby estimated to be available from a  
Governor's Crime Commission grant.

Section 2. That the sum of \$241,300 is hereby appropriated to the Public Safety Grant  
Fund (0413).

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

Section 4. This ordinance shall be effective immediately.


Approved as to Form:

*A. H.*  
  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 5.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of July, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

ORDINANCE NO. 3648-X

O-4

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X, THE 2007-2008 BUDGET  
ORDINANCE, APPROPRIATING A GRANT FROM THE GOVERNOR'S CRIME COMMISSION  
FOR THE FORENSIC MEDICINE PROGRAM

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

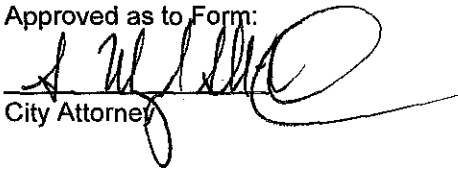
Section 1. That the sum of \$103,312.45 is hereby estimated to be available from a Governor's Crime Commission grant.

Section 2. That the sum of \$103,312.45 is hereby appropriated to the Public Safety Grant Fund (0413).

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

Section 4. This ordinance shall be effective immediately.


Approved as to Form:

A, st.   
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 6.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of July, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

ORDINANCE NO. 3649-X

O-5

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X, THE 2007-2008 BUDGET ORDINANCE, APPROPRIATING \$11,132,191 IN FEDERAL AVIATION ADMINISTRATION (FAA) FUNDS AND \$455,818 IN DISCRETIONARY FUNDS FOR CONSTRUCTION OF THE THIRD PARALLEL RUNWAY, AND TRANSFERRING 6,025,000 OF SERIES D GENERAL AIRPORT REVENUE BONDS TO THE DEBT SERVICE FUND.

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

Section 1. That the sum of \$11,132,191 is available from FAA funds.

Section 2. That the sum of \$11,132,191 is hereby appropriated to the Airport Capital Projects Fund:

2087 - 528.21 = \$5,995,389

2090 - 540.14 = \$3,769,349

2091 - 554.05 = \$1,367,453

Section 3. That the sum of \$455,818 is available from discretionary fund balance to be repaid from future Airport General Revenue bonds.

Section 4. That the sum of \$455,818 is hereby appropriated to the Airport Capital Projects Fund:

2091 - 554.05

Section 5. That the sum of \$6,025,000 is available from Series D General Airport Revenue Bonds.

Section 6. That the sum of \$6,025,000 is hereby transferred to the Aviation Debt Service Fund.

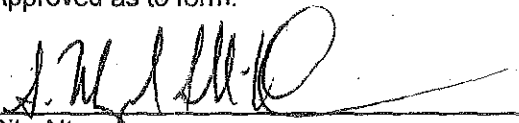
Section 7. That the existence of the project may extend beyond the end of the fiscal year.

Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 8. All ordinances in conflict with this ordinance are hereby repealed.

Section 9. This ordinance shall be effective upon adoption.


Approved as to form:

  
City Attorney

#### CERTIFICATION

I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 7.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of July, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

ORDINANCE NO. 3650-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 4019-B GLENWOOD 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 OLLIE RUTH CANIPE 4019 GLENWOOD DRIVE CHARLOTTE, NC 28208

WHEREAS, the dwelling located at 4019-B Glenwood 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 4019-B Glenwood 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:




Assistant City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 8.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of July, 2007.



Stephanie C. Kelly, CMC, Deputy City Clerk



ORDINANCE NO. 3651-X

O-6

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X, THE 2007-2008 BUDGET ORDINANCE, APPROPRIATING FUNDS FROM THE CHARLOTTE - MECKLENBURG POLICE FOUNDATION FOR A PILOT ELECTRONIC MONITORING PROGRAM FOR REPEAT OFFENDERS

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

Section 1. That the sum of \$255,000 is hereby estimated to be available from the Charlotte-Mecklenburg Police Foundation.

Section 2. That the sum of \$255,000 is hereby appropriated to the Public Safety Grant Fund (0413).

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

Section 4. This ordinance shall be effective immediately.

Approved as to Form:

*S. Williams*  
Asst. City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 9.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of July, 2007.

*Stephanie C. Kelly*  
Stephanie C. Kelly, CMC, Deputy City Clerk

APPROVED BY  
CITY COUNCIL  
JUL 23 2007

Petition No.2007-053  
Petitioner: The Ghazi Company

**ORDINANCE #3652-Z**

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

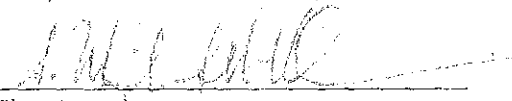
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

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 R-3 & R-8MF(CD) to UR-C(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.

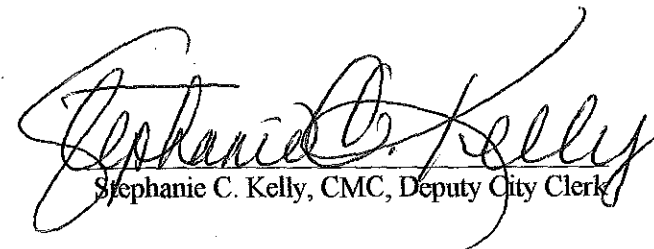
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page(s) 10-11.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10<sup>th</sup> day of August, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk

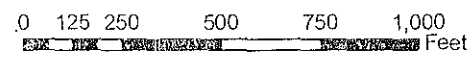
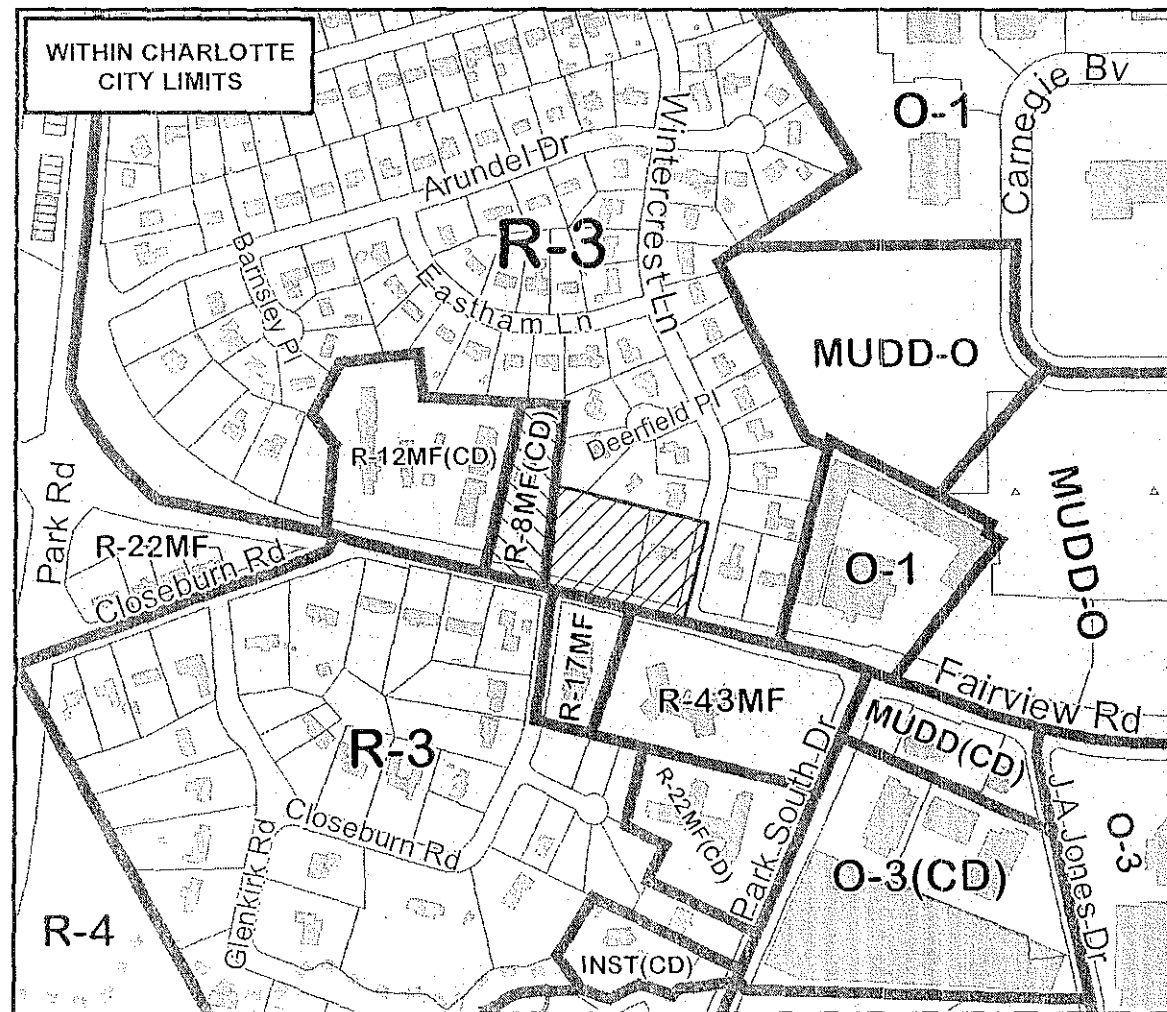
Petition #: **2007-053**

Petitioner: The Ghazi Company

Zoning Classification (Existing): R-3 and R-8MF(CD)  
 (Single-Family Residential, up to 3 dwelling units per acre and  
 Multi-Family Residential, up to 8 dwelling units per acre, Conditional)

Zoning Classification (Requested): UR-C(CD)  
 (Urban Commercial District, Conditional)

Acresage & Location : Approximately 3.00 acres located on the northwest  
 corner of Fairview Road and Wintercrest Lane.



Zoning Map #(s) **135**

Map Produced by the  
 Charlotte-Mecklenburg Planning Department  
 02-22-2007



	Requested UR-C(CD) from R-3		FEMA flood plain
	Requested UR-C(CD) from R-8MF(CD)		Watershed
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

ORDINANCE NO. 3653

AMENDING CHAPTER 5

**ORDINANCE AMENDING CHAPTER 5 OF THE CHARLOTTE CITY CODE  
ENTITLED "BUILDINGS AND BUILDING REGULATIONS"**

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WHEREAS, North Carolina General Statute 160A-174 allows a city by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens; and

WHEREAS, the City Council reviewed information provided by the Neighborhood Development Department and information gathered at a public hearing regarding boarded up residences, as well as a review of laws in place in other jurisdictions; and

WHEREAS, there is convincing evidence that boarded up residences within the City limits are a threat to the public health and safety, causing, among other adverse secondary effects, attraction to vagrants, children, vermin and increased crime; and

WHEREAS, the City Council desires to minimize and control the adverse secondary effects caused by boarded up residences and thereby protect the health, safety, and welfare of the citizens.

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

Chapter 5, "Buildings and Building Regulations" of the Charlotte City Code is amended by creating Article 1, entitled "Regulation of Boarded Up Residential Structures," to read as follows:

**"ARTICLE 1. REGULATION OF BOARDED UP RESIDENTIAL STRUCTURES"**

**Sec. 5-1. Purpose and authority.**

(a) It is the purpose of this article to promote the health, safety and welfare of the citizens of the City of Charlotte by establishing reasonable regulations for boarded up residential structures in order to prevent their detrimental effects in the City's neighborhoods.

(b) The Department's Code Enforcement Official shall be responsible for the administration and enforcement of the provisions of this article. The Code Enforcement Official or designee(s)

shall have the following authority:

- (1) to inspect the properties;
- (2) to obtain administrative search and inspection warrants, if necessary, as provided in G.S. 15-27.2; and
- (3) to issue notices of violation and impose civil penalties.

**Sec. 5-2. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Board Up* means the boarding up of any means of egress and ingress, including, without limitation, windows and doors, to an unoccupied residential structure.
- (b) *Code Enforcement Official* means the person who has been designated, in writing, by the city manager to enforce this article.
- (c) *Department* means the Neighborhood Development Department, Code Enforcement Division.
- (d) *Owner* means the holder of title in fee simple.
- (e) *Residential Structure* means any building, structure, manufactured home or mobile home, or part thereof, intended to be used for human habitation and includes any appurtenances therewith.
- (f) *Unoccupied* means a residential structure that is not occupied or that is occupied by unauthorized persons. In the case of a multi-unit residential structure, unoccupied means when any one unit is unoccupied or occupied by unauthorized persons.

**Sec. 5-3. Requirements; Time Limit.**

(a) An owner who registers a boarded up residential structure pursuant to Sec. 5-5 of this article must comply with the guidelines for boarding up residential structures established from time to time by the Department.

(b) An owner's registration of a boarded up residential structure shall expire six (6) months from the date of registration with the Department and may not be renewed.

**Sec. 5-4. Grace Period.**

Any owner who has boarded up a residential structure prior to the effective date of this ordinance shall comply with the regulations contained herein within six (6) months after the effective date of this ordinance. If after six (6) months, an owner has failed to register the structure, the owner shall be in violation of this article.

**Sec. 5-5. Registration.**

- (a) No owner shall board up a residential structure without registering the structure with the Department no later than 48 hours after boarding it up.
- (b) An application for registration must be made by the owner of the boarded up residential structure on a form prescribed by the Department, and submitted to the Department. The completed registration form shall contain at a minimum the following information:
  - (1) The full true name and mailing address of the owner;
  - (2) The full true address and tax parcel number of the residential structure to be boarded;
  - (3) An accurate telephone number at which the owner may be reached;
  - (4) If the owner is a partnership or corporation, the owner shall designate one of its general partners or officers to act as its agent and provide the present residence and business addresses and telephone numbers for the agent;
  - (5) The owner's plan for the occupancy, repair or demolition of the residential structure;
  - (6) The owner's plan for regular maintenance during the period the residential structure is boarded up; and
  - (7) Such other information as the Department shall from time to time deem necessary.
- (c) The owner, under this section, shall have a continuing duty to promptly supplement registration information required by this section in the event that said information changes in any way from what is stated on the original registration.
- (d) Registration of a boarded up residential structure does not excuse the owner from compliance with any other applicable ordinance, regulation, or statute, including, without limitation, Chapter 11 of the Charlotte City Code. By accepting an owner's registration, the Department has not determined that the residential structure being registered is in compliance with any applicable local or state regulation or law.

**Sec. 5-6. Violations.**

- (a) It shall be unlawful for the owner of a boarded up residential structure to fail to register such structure with the Department as required by Sec. 5-5 of this article, except as otherwise provided in this article.
- (b) It shall be unlawful for an owner who has registered a boarded up residential structure to

leave the structure boarded up after the expiration of the registration as set forth in Sec. 5-3 of this article.

- (c) It shall be unlawful for an owner to board up a residential structure in a manner that does not comply with the Department's guidelines unless the owner has obtained the Department's prior written approval for an alternative method of boarding up a residential structure.

**Sec. 5-7. Not an Infraction or Misdemeanor.**

A violation of any provision of this article shall not constitute an infraction or misdemeanor punishable under G.S. 14-4 and 14-188.

**Sec. 5-8. Notice of violation; Penalties.**

Except as otherwise provided in this article, the Code Enforcement Official or designee(s) shall notify the owner of a boarded up residential structure of a violation of any provision of this article and the owner shall have ten (10) days from the date of the Notice of Violation to correct the violation. Any owner who fails to correct the violation within the time specified shall be subject to a civil penalty in the amount of \$500.00 for the first day of noncompliance and \$50.00 for each day thereafter until the owner complies. The civil penalty may be recovered in the nature of a debt if the owner does not pay the penalty within 30 days of assessment of the civil penalty.

**Sec. 5-9. Notices.**

Any notice required or permitted to be given by the Department under this article to the owner may be given either by personal delivery or by first class United States mail, postage prepaid, to the most current address as specified in the registration which has been received by the Department or to the address listed for the responsible person in the county property tax records if an owner has not registered with the Department. Notices mailed as above shall be deemed given upon their deposit in the United States mail and shall be deemed to have been received on the third regular postal delivery day thereafter.

**Sec. 5-10. Adjudicatory Hearing.**

- (a) An owner who has been assessed a civil penalty for a violation of this article may request a hearing with the Department's key business executive or his designee. Such request must be made in writing, filed with the Department within 10 days of the notice of assessment, and state the reasons why the civil penalty should not have been assessed. Failure to request a hearing in the time and manner specified shall constitute a waiver of the right to contest the penalty.

- (b) An owner requesting a hearing must post a \$500.00 bond with the Department before an appeal hearing will be scheduled. Once the bond is posted, the hearing will be scheduled within 15 business days.
- (c) The Department's key business executive or his designee shall serve as the hearing officer. Any owner against whom a decision of the hearing officer is made may seek judicial review of the decision by filing a written petition within 30 calendar days after receipt of the notice of the decision, but not thereafter, with the superior court of the county. The proceedings in superior court shall be in the nature of certiorari.

Section 2. This ordinance shall become effective on \_\_\_\_\_.


Approved As to Form:

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

**CERTIFICATION**

I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Pages (12-16)

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of July, 2007.

  
Stephanie C. Kelly, CMC, Deputy City Clerk



ORDINANCE NO. 3654-X

O-7

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X, THE 2007-2008 BUDGET  
ORDINANCE, ESTIMATING REVENUES AND PROVIDING A SUPPLEMENTAL  
APPROPRIATION FOR THE I-277 AND CALDWELL STREET INTERCHANGE PROJECT.

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

Section 1. That the sum of \$1,000,000 is hereby estimated to be available from utility companies in association with the construction of I-277/Calwell Interchange.

Section 2. That the sum of \$1,000,000 is hereby appropriated to General Capital Investment Fund 2010; 33700 - I-277 Realignment.

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

Section 4. This ordinance shall be effective immediately.

Approved as to Form:

*A. M. J. M. C.*  
A. M. J. M. C.  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 17

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of July, 2007.

*Stephanie C. Kelly*  
Stephanie C. Kelly, CMC, Deputy City Clerk

AMENDING CHAPTERS 10, 14, & 15

ORDINANCE NO. 3655

**AN ORDINANCE AMENDING CHAPTER 10 "HEALTH AND SANITATION,"  
CHAPTER 14 "MOTOR VEHICLES AND TRAFFIC," AND CHAPTER 15  
"OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CHARLOTTE  
CITY CODE.**

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**WHEREAS**, the City of Charlotte is authorized to establish and operate a public transportation system and has a significant governmental interest in, and full authority to, protect and regulate the public transportation system; and

**WHEREAS**, the City of Charlotte has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving the public order; and

**WHEREAS**, the City of Charlotte has a significant governmental interest in maintaining the free flow of traffic on public streets and sidewalks, preserving access to the public transportation system, public places and buildings, and protecting such property; and

**WHEREAS**, the City of Charlotte may impose reasonable and constitutional regulations for the use of the public transportation system.

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

Section 1. Subsection (c) of Section 10-1 of Chapter 10 of the Charlotte City Code is amended to read as follows:

"(c) No person shall smoke in a nonsmoking area in a city-owned or -leased building or smoke in any city-owned or -leased vehicle in violation of subsection (c) of this section. Any person who continues to smoke in any nonsmoking area or in any city-owned or -leased vehicle in violation of subsection (c) of this section following notice by the person in charge or his designee that smoking is not permitted shall be subject to a civil penalty in the amount of \$50.00. If the penalty is not paid or appealed within 30 days of its issuance, a delinquency charge of \$25.00 shall be added to the amount of the penalty. This civil penalty and delinquency charge may be recovered by the city in a civil action in the nature of a debt if the violator does not pay the full amount within 15 days after the imposition of the delinquency charge. This subsection shall not apply to public transportation vehicles, which shall be governed by section 15-272 of this Code."

Section 2. Section 14-1 of Chapter 14 of the Charlotte City Code is amended by altering the definition of *Railroad* to read as follows:

"*Railroad* means a carrier, including the city, of persons or property upon cars, other than streetcars, operated upon stationary rails."

Section 3. Section 14-2 of Chapter 14 of the Charlotte City Code is amended to read as follows:

**"Sec. 14-2. Emergency vehicles; exemptions.**

(a) The sections of this chapter regulating the operation, parking, and standing of vehicles shall not apply to:

(1) Police, fire department and fire patrol vehicles, or ambulances and rescue squad emergency service vehicles, or public transportation vehicles when an exemption from such sections is reasonably necessary in the actual discharge of official duties and responsibilities; or

(2) Vehicles of public service corporations when an exemption from such sections is reasonably necessary in the actual installation or repair to public service equipment on or above streets and sidewalks.

(b) This section shall not operate to relieve the driver of any such vehicle from the duty to drive with due regard for the safety of all persons and property using the streets, nor shall this section protect the driver of any such vehicle from the consequences of his reckless disregard of the safety of others."

Section 4. Section 14-312 of Chapter 14 of the Charlotte City Code is amended to read as follows:

**"Sec. 14-312. ~~Speed Limit.~~ Applicability.**

~~The speed of railway trains in the city shall not exceed 25 miles per hour. Sections 14-313 through 14-323 of this code shall not apply to any railroad operated by the city."~~

Section 5. Subsections (a), (b), and (d) of Section 15-3 of Chapter 15 of the Charlotte City Code are amended to read as follows:

*"(a) Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Beer* means the same as the term "malt beverage," as defined by G.S. ch. 18B.

*Open container* means a container that has a broken seal or a container other than the manufacturer's unopened original container.

*Public street* means any highway, road, street, avenue, boulevard, or other way within and under the control of the city and open to public use, including the sidewalks of any such street.

*Rapid transit rail platform* has the meaning set forth in section 15-270 of this Code.

*Wine* means the same as the term "unfortified wine," as defined by G.S. ch. 18B."

"(b) *Consumption in public.* Except as permitted in chapter 19, article IX, of this Code and subsection (f) of this section, no person shall consume any beer or wine upon or within the limits of any public street or sidewalk in the city or upon any rapid transit rail platform."

"(d) *Possession of open container in public.* Except as permitted in chapter 19, article IX, of this Code and subsection (f) of this section, it shall be unlawful for any person to possess an open container of beer or wine upon or within the limits of any public street or sidewalk in the city or upon any rapid transit rail platform."

Section 6. Section 15-4 of Chapter 15 of the Charlotte City Code is repealed.

"Sec. 15-4. Public transportation vehicles; acts prohibited; rules of conduct. Reserved.

Section 7. Section 15-16 of Chapter 15 of the Charlotte City Code is amended to read as follows:

**"Sec. 15-16. Littering public places.**

(a) *Prohibited.* It shall be unlawful for any person to throw, scatter, place, drop, or otherwise dispose of any litter, garbage, refuse, grass, shrubbery, tree clippings, bottles, cans or containers of any kind, cigarette butts, cigars, drink containers, gum or candy wrapper paper or plastic products, discarded fruit, or other similar items upon any sidewalk, median strip, alleyway, street or street right-of-way, or grass strip of the city or upon the floors of any public halls, theaters, auditoriums or arenas, or public transportation vehicles, rapid transit rail platforms, or any portion of the public transportation system as defined in section 15-4(a)270 of this Code. However, this section does not apply to those materials required to be placed for collection on the grass strip or curbside by chapter 10 of this Code.

(b) *Citation and civil penalty.* A citation for a civil penalty of \$2550.00 shall be issued for a violation of this section. ~~The citation shall be subject to a delinquent penalty of~~

\$10.00 if the citation is not paid. If such civil penalty is not paid or appealed within 30 days from the date of issuance, an additional late fee civil penalty in the amount of \$50.00 shall apply. A violation enforced through the issuance of a civil penalty may be appealed pursuant to section 2-25 of this Code.

Section 8. Chapter 15 of the Charlotte City Code is amended to add sections 15-261 through 15-269, which shall be placed immediately following section 15-260, and shall read as follows:

**“Secs. 15-261 --- 15-269. Reserved.”**

Section 9. Chapter 15 of the Charlotte City Code is amended to add Article XII. “Public Transportation System,” which shall include the several sections as herein follow that shall be placed immediately following the last section of Chapter 15 Article XI “Prostitution-Exclusion Zones,” and shall read as follows:

**“ARTICLE XII. PUBLIC TRANSPORTATION SYSTEM**

**Sec. 15-270. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Proof of fare payment* means the ticket or receipt, if any, valid for the status of the passenger and the time of use, given to a person by the city upon the tender of the proper fare for a specific public transportation service.

*Public transportation system* means any property, real or personal, owned, leased, or controlled by the city and used to operate, maintain or provide public transportation services by rail, motor vehicle, or any other means of conveyance. “Public transportation system” shall also include any property, real or personal, owned, leased, or controlled by the city and used to operate, maintain or provide rapid transit services.

*Public transportation vehicle* means any vehicle operated as part of the city's public transportation system including, but not limited to, buses, special transportation vehicles, trolleys, and passenger rail vehicles. For the purposes of this section, the term "public transportation vehicle" does not include any van operated as a part of the city's commuter vanpool program.

*Rapid transit rail platform* means real property owned or controlled by the city that is generally open for public use as an embarkation/disembarkation area or waiting area for any rail component of the public transportation system, including adjoining stairways, ramps, elevators, and attached equipment or fixtures.

**Sec. 15-271. Proper fare and proof of fare payment.**

(a) *Proper Fare.* It shall be unlawful for any person to enter any public transportation vehicle for the purpose of riding therein and fail or refuse to pay the usual and proper fare.

(b) *Proof of Fare Payment.* It shall be unlawful for any person to fail to provide proof of fare payment while upon a public transportation vehicle when proof is requested by an authorized employee of the city, an authorized agent of the city, or a peace officer.

**Sec. 15-272. Public transportation vehicles; acts prohibited; rules of conduct.**

(a) *Acts prohibited.* It shall be unlawful for any person to commit any of the following acts while in or on any public transportation vehicle anywhere within North Carolina:

- (1) Smoke or carry a lighted cigar, cigarette, pipe, or spit the residue of any other tobacco product including chewing tobacco;
- (2) Consume any alcoholic beverage, as defined by G.S. ch. 18B, or possess an open container of any alcoholic beverage;
- (3) Engage in any behavior that is disruptive, disturbing or exceeds a reasonable tolerance for the vehicle, including the use of profanity or abusive language that is likely to cause an immediate breach of the peace, or operate a digital or other audio device used to receive and amplify or reproduce sound, unless the device is connected to an earphone or earphones;
- (4) Take any animal onto the vehicle or allow any animal under his or her control to enter the vehicle; provided that this subsection (a)(4) does not apply to an assistance animal, especially trained for that purpose, while being so employed by a person with a disability or in training activities;
- (5) Carry, possess, or have within his or her immediate access any dangerous weapon as established in section 15-14(a); this subsection (a)(5) shall not apply to those persons listed in section 15-14(c);
- (6) Possess or transport gasoline, kerosene, propane, or similar flammable liquid or combustible material or other dangerous substances;
- (7) Litter, as defined and prohibited by section 15-16;
- (8) Vandalize the vehicle by writing, marking, or scribbling upon or otherwise defacing or causing destruction of the vehicle in any manner;
- (9) Beg, solicit or panhandle as defined and prohibited by section 15-15;

(10) Excrete any bodily fluid or matter, including projecting spittle.

(b) *Application.* Pursuant to G.S. 160A-312(b), the provisions of this section shall apply to public transportation vehicles operated anywhere within North Carolina.

**Sec. 15-273. Rapid transit rail platforms and other public transportation system related property.**

It shall be unlawful for any person to commit any of the following acts while in or on any rapid transit rail platform:

(1) Lie or sleep in a prone position on seats, tables or benches located on any rapid transit rail platform;

(2) Stand, sit, lie, or be within two (2) feet of the rail side edge of the platform at anytime except when actually embarking or disembarking from a public transportation rail vehicle. This prohibition shall not apply to Charlotte Area Transit System (CATS) agents or employees in the discharge of their duties;

(3) Consume any alcoholic beverage, as defined by G.S. ch. 18B, or possess an open container of any alcoholic beverage;

(4) Engage in any behavior that is disruptive, disturbing or exceeds a reasonable tolerance in a manner that obstructs the public's access or use of the public transportation system;

(5) Litter, as defined and prohibited by section 15-16;

(6) Vandalize the platform by writing, marking, or scribbling upon or otherwise defacing or causing destruction of the platform in any manner;

(7) Beg, solicit or panhandle as defined and prohibited by section 15-15;

(8) Excrete any bodily fluid or matter, including projecting spittle;

(9) Ride upon any vehicle or device, including skates and skateboards, in a manner so as to place any person or property, including the rider, at an appreciable risk of injury;

**Sec. 15-274. Other public transportation system related property.**

It shall be unlawful for any person to commit any of the following acts while in or on any part of the public transportation system other than public transportation vehicles or rapid transit rail platforms:

- (1) Enter or be present upon any areas not open to the public (generally or at that time) and posted as such, without proper authorization and purpose;
- (2) Consume any alcoholic beverage, as defined by G.S. ch. 18B, or possess an open container of any alcoholic beverage;
- (3) Engage in any behavior that is disruptive, disturbing or exceeds a reasonable tolerance in a manner that obstructs the public's access or use of the public transportation system;
- (4) Litter, as defined and prohibited by section 15-16;
- (5) Vandalize the property by writing, marking, or scribbling upon or otherwise defacing or causing destruction of the property in any manner.
- (6) Beg, solicit or panhandle as defined and prohibited by section 15-15;
- (7) Excrete any bodily fluid or matter, including projecting spittle (except in toilet facilities) ;
- (8) Ride upon any vehicle or device, including skates and skateboards, in a manner so as to place any person or property, including the rider, at an appreciable risk of injury;

**Sec. 15-275. Enforcement and Penalties.**

(a) Any person violating any section of this Article shall be guilty of a class 3 misdemeanor. Additionally, a violation of any section of this article may be enforced by the issuance of a civil penalty in the amount of \$50.00. If such civil penalty is not paid or appealed within 30 days from the date of issuance, an additional late fee civil penalty in the amount of \$50.00 shall apply. A violation enforced through the issuance of a civil penalty may be appealed pursuant to section 2-25 of this Code.

(b) *General rules of conduct.* Nothing in this Article is intended to limit or restrict the city's authority to establish other customary and usual rules of conduct to promote the safety and welfare of or enhance the comfort and enjoyment of the public transportation system's users. The Charlotte Area Transit System (CATS) key business unit shall be responsible for promulgating general rules of conduct as herein authorized. The failure to abide by any such rule may be deemed a trespass pursuant to subsection (c) of this section.

(c) *Notice of violation; trespassing.* An authorized employee or agent of the city or a peace officer shall issue a warning to any person violating any general rule of conduct established in accordance with subsection (b) of this section. A person's continued violation of any general rule of conduct after having received the above warning shall constitute the crime of trespass.



**Sec. 15-276. Administration.**

The Charlotte Area Transit System (CATS) key business unit shall be responsible for the administration and enforcement of the provisions of this Article and may duly authorize city employees and agents to request proof of fare payment.”

Section 10. This ordinance shall become effective October 1, 2007.

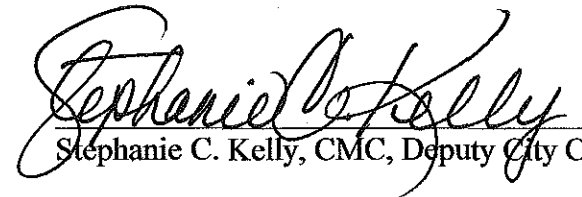
Approved as to Form:

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City Attorney

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I, Stephanie C. Kelly, 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 23<sup>rd</sup> day of July, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Pages (18-25).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 25<sup>th</sup> day of July, 2007.

  
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Stephanie C. Kelly, CMC, Deputy City Clerk