

ORDINANCE NO. 3721-X


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 3800 BARONWOOD LANE 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 JEANETTE JOHNSON AS CUSTODIAN FOR ERIN CLARK RUSSELL AND WILLIAM BRIAN RUSSELL % O NELL F. RUSSELL 1507 TYVOLA ROAD CHARLOTTE, NC 28210

WHEREAS, the dwelling located at 3800 Baronwood Lane 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 3800 Baronwood Lane 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, 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 22<sup>nd</sup> day of October, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 149.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24<sup>th</sup> day of October, 2007.

  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 3722-X


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2209 JULIA 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 ELOISE RHYNE 2219 CARMINE STREET CHARLOTTE, NC 28206

WHEREAS, the dwelling located at 2209 Julia 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 2209 Julia 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, 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 22<sup>nd</sup> day of October, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 150.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24<sup>th</sup> day of October, 2007.

  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 3723-X


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 4528 NEVIN 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 PINNACLE INVESTMENT & DEVELOPMENT CORPORATION 294 CHURCH STREET NORTH, CONCORD NC 28025

WHEREAS, the dwelling located at 4528 Nevin 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 4528 Nevin 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




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 22<sup>nd</sup> day of October, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 151.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24<sup>th</sup> day of October, 2007.

  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 3724-X

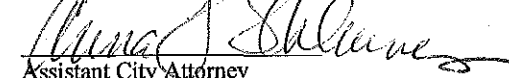
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1412 BEATTIES FORD ROAD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF WILVON LUIE COSTNER AND LORETTA CAMERON COSTNER SCOTT, HEIRS OF ROSENA HALL COSTNER, WILVON L. COSTNER EXECUTOR P.O BOX 16281 CHARLOTTE, NC 28297

WHEREAS, the dwelling located at 1412 Beatties Ford 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 1412 Beatties Ford 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:

  
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 22<sup>nd</sup> day of October, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 152.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24<sup>th</sup> day of October, 2007.

  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 3725-X

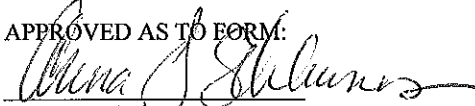
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2619 COLUMBUS CIRCLE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF HEIRS OF SARAH PAULINE NORWOOD JONES & HEIRS OF LEMUEL B. JONES % LINDA SUE JONES COOK 620 GLASGOW ROAD CHARLOTTE, NC 28214

WHEREAS, the dwelling located at 2619 Columbus Circle 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 2619 Columbus Circle in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

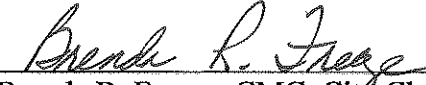
APPROVED AS TO FORM:

  
Assistant City Attorney

**CERTIFICATION**

I, 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 22<sup>nd</sup> day of October, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 153.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24<sup>th</sup> day of October, 2007.

  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 3726-X

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 409 STATE 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 CAROLINA INVESTMENTS 1, LLC 3305 CAMBRIDGE ROAD CHARLOTTE, NC 28209

WHEREAS, the dwelling located at 409 State 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 409 State 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, 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 22<sup>nd</sup> day of October, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 154.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24<sup>th</sup> day of October, 2007.

  
Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 3727-X

O-31

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X , THE 2007-2008 BUDGET ORDINANCE,  
APPROPRIATING \$1,060,000 FOR A CONTRACT WITH T.Y. LIN INTERNATIONAL/HJ ROSS OF CORAL  
GABLES, FL TO DESIGN TWO TAXIWAY BRIDGES.

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

Section 1. That the sum of \$1,060,000 is available from Discretionary Funds to be repaid with future General Airport Revenue Bond proceeds.

Section 2. That the sum of \$1,060,000 is hereby appropriated to the Airport Capital Project fund:  
2091 - 55407

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

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

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

Robert Phelan  
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 22<sup>nd</sup> day of October, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 155.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24<sup>th</sup> day of October, 2007.

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

ORDINANCE NO. 3728-X

O-32

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X, THE 2007-2008 BUDGET  
ORDINANCE, APPROPRIATING A DONATION FROM THE WACHOVIA CHAMPIONSHIP  
FOR VARIOUS FIRE AND POLICE PROJECTS

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

Section 1. That the sum of \$300,000 is hereby available from a donation from the Wachovia Championship.

Section 2. That the sum of \$300,000 is hereby appropriated to the Public Safety Grant Fund (0413) to be shared between Fire and Police as follows:

	Amount
Fire	\$150,000
Police	<u>150,000</u>
	\$300,000

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

Section 4. This ordinance shall be effective immediately.

Approved as to Form:

  
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 22<sup>nd</sup> day of October, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 156.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24<sup>th</sup> day of October, 2007.

  
Brenda R. Freeze, CMC, City Clerk



ORDINANCE NO. 3729-X

O-33

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X, THE 2007-2008 BUDGET ORDINANCE  
PROVIDING AN APPROPRIATION FOR TRAFFIC SIGNAL INSTALLATION AND IMPROVEMENTS

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

Section 1. That the sum of \$307,200 is hereby estimated to be available from the following private development sources:

Crescent Resources, LLC	\$ 20,500
Ashley Park, LLC	\$ 184,500
Perimeter Woods Development, LLC	\$ 102,200

Section 2. That the sum of \$307,200 is hereby appropriated in the General Capital Investment Fund (2010) to the Developer Contributions Project (281.52).

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 5. All ordinances in conflict with this ordinance are hereby repealed.

Section 6. This ordinance shall be effective upon adoption.

Approved as to form:

*Asst. City Attorney* Robert Phoca  
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 22<sup>nd</sup> day of October, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 157.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24<sup>th</sup> day of October, 2007.

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

AMENDING CHAPTER 19

AN ORDINANCE AMENDING CHAPTER 19 OF THE CHARLOTTE CITY CODE  
ENTITLED "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES"

Section 1. Chapter 19 of the Charlotte City Code is amended by adding a new Article XII to read as follows:

**"ARTICLE XII. UTILITY RIGHT-OF-WAY USE**

**Division 1. Generally**

**Sec. 19-321. Purpose.**

The purpose of this article is to provide for the proper management of the public rights-of-way in order to preserve the health, safety, and welfare of the citizens of Charlotte. Specifically, this article is intended to provide for the reasonable regulation of the owners of public and private utility facilities located in the public rights-of-way, and the time, place and manner in which such utility facilities are located and worked upon.

**Sec. 19-322. Definitions.**

"Utility" means a company that owns and provides services to customers through utility facilities located in the right-of-way. This definition shall include the City for purposes of the City's ownership of water, waste water, and stormwater utility facilities.

"Utility facility" means a pole, tower, water main or line, sanitary sewer pipe or line, stormwater pipe or structure, gas pipe or gas line, telecommunications line or equipment, power line, conduit, or any like structure.

**Secs. 19-323 to -325. Reserved.**

**Division 2. Standards and Permits.**

**Sec. 19-326. Utility Right-of-Way Master Permit Required.**

- (a) It shall be unlawful to own any utility facility located in, on, under, or above the right-of-way without a valid and un-expired utility right-of-way master permit issued by the City. A utility right-of-way master permit shall, among other things:
- (i) grant to the holder of the permit the general right to have utility facilities in the right-of-way provided, however, that the master permit does not constitute a permit for any particular installation, maintenance, repair, or removal of a utility facility;
  - (ii) specify the term of the permit (which term shall typically be for the one-year period, or portion of a one-year period, the expires on June 30);
  - (iii) provide for the removal of abandoned utility facilities;

- (iv) acknowledge the City's right to require the removal or relocation of utility facilities when necessitated by a public need;
  - (v) provide for the defense and indemnification of the City, its officers, and employees for claims and suits arising out of the use of the right-of-way;
  - (vi) require proof of suitable levels of insurance coverage;
  - (vii) state the rights, if any, to assign or transfer rights or obligations without the prior consent of the City;
  - (viii) acknowledge the City's full retention of its police power;
  - (ix) provide for the registration of all contractors who work in the right-of-way on behalf of the owner; and
  - (x) provide for the preparation, maintenance and maps of utility facilities located within the City.
- (b) Exceptions. The holder of an unrevoked and unexpired franchise issued by the City shall not be required to obtain a utility right-of-way master permit for purposes of the utility facilities located in the rights-of-way that are used for the purpose authorized by the franchise. This section shall not apply to the City of Charlotte.

**Sec. 19-327. Powers Reserved.**

A utility right-of-way master permit does not constitute a grant of all governmental approval necessary for the use and enjoyment of utility facilities located in the rights-of-way. A utility right-of-way master permit is not a franchise. With respect to the holder of a utility right-of-way master permit, the City fully retains its franchising and police power authority and the holder of a utility right-of-way master permit is not relieved of its obligation to obtain all necessary franchises and permits and to comply with all other legal requirements.

**Sec. 19-328. Utility Facility Installation, Maintenance, Repair, and Removal.**

- (a) The Key Business Executive of the Department of Transportation is authorized to adopt, amend, and repeal standards and provisions governing the installation, maintenance, repair, and removal of utility facilities in, on, under, and over the rights-of-way. The standards and provisions shall, among other things, specify those types of activities that: (i) require a utility work permit; (ii) do not require a utility work permit but must be done in accordance with the standards set forth in the standards and provisions; and (iii) are exempt. The standards and provisions shall also address emergency situations and activities.
- (b) It shall be unlawful to install, maintain, repair, or remove any utility facility in the right-of-way in violation of the standards and provisions adopted pursuant to subsection (a).

- (c) It shall be unlawful to install, maintain, repair, or remove any utility facility in the right-of-way without a utility work permit if the standards and provisions adopted pursuant to subsection (a) require a utility work permit for such activities.
- (d) Any owner of utility facilities located in the right-of-way shall maintain a map of such facilities.

**Sec. 19-329. Utility Pavement/Sidewalk Cuts.**

- (a) The Key Business Executive of the Department of Transportation is authorized to adopt, amend, and repeal standards and provisions governing the making, excavation, filling, repair, and closing of a utility pavement/sidewalk cut. The standards and provisions may provide that certain activities may be undertaken only in accordance with a utility work permit issued pursuant to such standards and provisions. The standards and provisions shall also address emergency situations and activities.
- (b) It shall be unlawful to make, excavate, fill, repair, or close a utility pavement cut in violation of the standards and provisions adopted pursuant to subsection (a).
- (c) It shall be unlawful to make, excavate, fill, repair, or close a utility pavement cut without a utility work permit if the standards and provisions adopted pursuant to subsection (a) require a permit for such activities.

**Sec. 19-330. Lane Closure/Traffic Control.**

- (a) The Key Business Executive of the Department of Transportation is authorized to adopt, amend, and repeal standards and provisions governing the closing of any portion of the right-of-way to vehicular, pedestrian or other traffic, including standards and requirements for warning and controlling traffic including, but not limited to, development and enforcement of a Work Area Traffic Control Handbook (WATCH). The standards and provisions may provide that certain closings or traffic warning and control activities may be undertaken only in accordance with a utility work permit issued pursuant to such standards and provisions. The standards and provisions shall also address emergency situations and activities.
- (b) It shall be unlawful for any person to close any portion of the right-of-way to vehicular, pedestrian, or other traffic in violation of the standards and provisions adopted pursuant to subsection (a).
- (c) It shall be unlawful for any person to close any portion of the right-of-way to vehicular, pedestrian, or other traffic without a utility work permit if the standards and provisions adopted pursuant to subsection (a) require a utility permit for such closing.

**Sec. 19-331. Additional violations.**

- (a) Except in an emergency, it shall be unlawful to authorize a contractor to perform work regulated by this Article without first registering such contractor with the City.

- (b) If a contractor is performing work on a utility facility in the right-of-way, it shall be unlawful for the contractor to fail or refuse to properly identify the Utility on whose behalf the contractor is performing the work when requested to do so by the director/engineer.
- (c) If a subcontractor is performing work on a utility facility in the right-of-way, it shall be unlawful for the subcontractor to fail or refuse to properly identify the contractor on whose behalf the subcontractor is performing the work when requested to do so by the director/engineer.

**Sec. 19-332. Fees and deposits.**

Permit and other regulatory and nonregulatory use fees, including but not limited to utility right-of-way master permit fees, utility work permit fees, street cut patch fees, and pavement degradation fees, to be charged for the governmental activities undertaken pursuant to this division shall be established and revised in accordance with Sec. 2-1 of the City Code.

A cash deposit, letter of credit or warranty bond may be required in an amount prescribed by the City to guarantee the completion of work in accordance with all rules and regulations.

**Sec. 19-333. Process for Amending Rules and Regulations.**

Prior to amending the standards and provisions authorized in Sections 19-328, -329, and -330, the Key Business Executive of the Department of Transportation shall provide written notice of such proposed amendments to all utilities that hold a valid and unexpired utility right-of-way master permit and provide a reasonable opportunity to comment at least thirty (30) days before the effective date of such amendments.

**Secs. 19-334 to -335. Reserved.**

**Division 3. Enforcement and Appeals**

**Sec. 19-336. Administration and enforcement.**

- (a) This Article shall be administered and enforced by the director/engineer.
- (b) A violation of this Article shall not constitute a misdemeanor or infraction punishable under N.C. Gen. Stat. 14-4. Any person who violates this article may be subject to all civil and equitable remedies stated in North Carolina General Statute 160A-175. Notwithstanding the foregoing, the violation of a stop work order issued pursuant to Section 19-338 shall constitute a misdemeanor punishable under N.C. General Statute 14-4.

The following civil penalties are established:

- (a) Violation of Section 19-328(b) = \$100.00
- (b) Violation of Section 19-328(c) = \$1,000.00
- (c) Violation of Section 19-329(b) = \$100.00
- (d) Violation of Section 19-329(c) = \$1,000.00
- (e) Violation of Section 19-330(b) = \$100.00
- (f) Violation of Section 19-330(c) = \$1,000.00
- (g) Violation of Section 19-331(a) = \$100.00

Civil penalties authorized by this section may be assessed against the utility on whose behalf work is being performed and against the contractor or subcontractor who is performing such work.

Billings not paid within 30 days will be assessed a late fee of 1% of the unpaid balance per month.

**Sec. 19-338. Administrative Enforcement**

- (a) Stop Work Orders. A stop work order shall be in writing, state the work to be stopped, state the reasons therefore, and state the conditions under which the work may be resumed. A stop work order may be issued for:
  - a. Working in the right-of-way without a valid and unexpired utility right-of-way master permit or unrevoked and unexpired franchise issued by the City as required by Section 19-326;
  - b. Use of a contractor that has not been registered with the City other than in an emergency;
  - c. Violation of Section 19-328(c);
  - d. Violation of Section 19-330(c);
  - e. Failure to comply with Section 19-328(b) within a reasonable period of time after notification of such non-compliance;
  - f. Failure to comply with Section 19-330(b) within a reasonable period of time after notification of such non-compliance;
  - g. Violation of Section 19-331(b);
  - h. Violation of Section 19-331(c).
- (b) Permit Denials. The City may refuse to issue utility work permits required by this Article to a utility that does not possess a valid and unexpired utility right-of-way master permit or unrevoked and unexpired franchise as required by Section 19-326 or to a utility that is in violation of the terms and conditions of a utility right-of-way master permit or franchise.

The City may refuse to issue utility work permits required by this Article to a utility that has not paid civil penalties within forty-five (45) days after the date the penalties were assessed if the company has not appealed the assessment, or within forty-five (45) days of a final decision on appeal.

The City may refuse to issue utility work permits required by this Article to a utility that has not paid costs assessed pursuant to subsection (c) within forty-five (45) days of the assessment.

- (c) Cost of Remediation. In the event that a utility fails to properly repair and restore the right-of-way as required by this Article, the City may provide of the repair and restoration and charge the cost to the utility.

**Sec. 19-339. Appeals**

(a) Any person whose utility work permit application has been denied or who has been assessed a civil penalty may appeal such decision within ten (10) days after notice of such denial or civil penalty assessment. A utility that has been charged repair and restoration costs pursuant to Section 19-338(c) may appeal such decision within ten (10) days after the City invoices such charge. Appeals shall be heard by the city manager or the city manager's designee who shall not be an employee of the Department of Transportation. The appellant shall have the right to present evidence at said hearing.

(b) A ruling on appeal is subject to review in the Superior Court of Mecklenburg County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the Clerk of Superior Court within thirty (30) days after notice of the decision has been sent to the appellant."

Section 2. The heading of Article V of Chapter 19 of the Charlotte City Code is amended as follows:

"ARTICLE V. ~~NON-UTILITY UTILITIES~~, STREET CUTS AND LANE CLOSURES"

Section 3. Section 19-136 of the Charlotte City Code is amended to read:

**"Sec. 19-136. Utility Exception.**

The provisions of this Article shall not apply to a Utility as defined in Sec. 19-322 or a person acting on behalf of a Utility. A Utility is instead subject to Article XII of this Chapter."

Section 4. Section 19-137 of the Charlotte City Code is amended as follows:

**"Sec. 19-137. Permit required.**

No person shall dig or make any excavation in or close or fill in any city street or sidewalk for any purpose whatever, without first making an application for and obtaining the written permission of the city manager or his representative. ~~The permit shall be applied for by and issued to the owner of the property to be served, or his authorized agent, except for a public utility or if the pipe laid is not the property of the property owner."~~

October 22, 2007

Ordinance Book 55, Page 164

Section 5. Section 19-140 of the Charlotte City Code is amended as follows:

**"Sec. 19-140. Inspection by city engineer.**

All work done and performed in opening or excavating and refilling and repairing any street or sidewalk opened or excavated under this ~~chapter~~ article shall be subject to the inspection of the city engineer or his assistants. The work shall be done in accordance with specifications to be furnished by him and shall not be considered as completed, nor shall such licensee or permittee be released from his liability to restore the street or sidewalk to the condition in which it was before such work or excavation was commenced, until its final condition is approved by the city engineer and the city council."

Section 6. This ordinance shall become effective January 1, 2008.

Approved as to Form:

*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 22<sup>nd</sup> day of October, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Pages (158-164).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 24<sup>th</sup> day of October, 2007.

  
Brenda R. Freeze, CMC, City Clerk



ORDINANCE NO. 3731-X

O-34

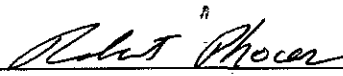
AN ORDINANCE TO AMEND ORDINANCE NUMBER 3606-X, THE 2007-2008 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FOR START UP COSTS FOR THE UTILITY RIGHT OF WAY (ROW) MANAGEMENT PROGRAM

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

- Section 1. That the sum of \$200,000 is hereby available from the General Fund (0101) fund balance
- Section 2. That the sum of \$200,000 is hereby appropriated in the General Fund (0101) Center 522.00 Account 102
- 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:

*Asst. City Attorney*   
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 22<sup>nd</sup> day of October, 2007, the reference having been made in Minute Book 125, and recorded in full in Ordinance Book 55, Page 165.

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Brenda R. Freeze, CMC, City Clerk