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The regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, March 29, 1944, at 4 o'clock P. M., with Mayor Baxter presiding, and all Councilmen being present.

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MINUTES APPROVED.

Upon motion of Councilman Albea, duly seconded by Councilman Hovis, the minutes of the previous meeting were approved as read.

TAX FORECLOSURE PROPERTY - ABBOTT REALTY COMPANY - REFERRED TO EVALUATION COMMITTEE FOR DECISION AS TO CITY RAISING BID ON PROPERTY.

In the foreclosure sale on March 20, 1944 by Mecklenburg County against Abbott Realty Company et al, being Tax Suit No. 547, the City has a claim for taxes amounting to approximately \$6,844.38. The City Manager requested that same be referred to the Evaluation Committee for the purpose of determining whether or not the City should raise the bid on said property. Mayor Baxter referred the matter to the Committee and requested that they report on it prior to April 13, 1944.

REPAIRS TO DAMAGED POLICE CAR AUTHORIZED.

The City Manager advised that a Police car had been damaged by another car running into it due to wet pavement and requested authority to pay James Garage \$114.55 for repairs. Councilman Hovis moved that payment be authorized. Motion seconded by Councilman Daughtry and carried.

CONTRACT AUTHORIZED WITH CREECH MOTORCYCLE COMPANY FOR FOUR MOTORCYCLES, LESS TRADE INS.

Upon motion of Councilman Albea, seconded by Councilman Daughtry contract was authorized with Creech Motorcycle Company for four new motorcycles, less trade in of the four motorcycles now in use, at a total delivered price of \$602.20.

RENOVATION OF HEALTH DEPARTMENT BUILDING AUTHORIZED.

Councilman Albea moved that \$3,000.00 be appropriated from the Emergency Fund to pay for the renovation of the Health Department Building, as outlined by the City Manager. Motion seconded by Councilman Hovis and carried.

SPECIAL OFFICER PERMIT GRANTED JOHN M. SCULLION.

Upon motion of Councilman Bullard, seconded by Councilman Albea, authority was given to appoint John M. Scullion, 1115 Kenilworth Avenue, as a Special Police Officer on the premises of Piedmont Fire Insurance Company, 218 South Tryon Street.

OFFICE SPACE IN CITY HALL ALLOTTED FOR WAR VETERANS REHABILITATION CENTER.

Mayor Baxter requested that office space in the City Hall be allotted for the War Veterans Rehabilitation Center, which is being organized in the city. Councilman Albea moved that space be designated for this purpose and that the Mayor and City Manager select the office to be used. Motion seconded by Councilman Painter and carried.

POSTPONEMENT OF AWARDED CONTRACT FOR IMPROVEMENT AND ENLARGEMENT OF SEWAGE FACILITIES.

Councilman Bullard moved that the City Manager be instructed to employ Lee Engineering Company and W. M. Piatt, J. N. Pease & Co. Inc., and M. Frank Wooten as Engineers for the project to improve and enlarge the sewage facilities. Motion seconded by Councilman Albea. Councilman Daughtry

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made a substitute motion that the matter be postponed until the next Council meeting. Motion seconded by Councilman Slye and carried.

CEMETERY DEEDS APPROVED FOR TRANSFER AND ISSUANCE OF PERPETUAL CARE DEEDS.

Councilman Alba moved that the following cemetery deeds be approved for transfer and that the following perpetual care deeds be issued: Motion seconded by Councilman Atkins and carried:

Mrs. Harold R. Wake, Lot 323, Section "Y", Elmwood Cemetery, \$35.00.  
Mrs. G. A. Link, North West 1/4 of Lot. 1, Section "X", Elmwood Cemetery, \$1.00.  
Mrs. G. A. Link to Mrs. Sara Link Wilkinson, Northeast 1/4 of Lot 1, Section "X", Elmwood Cemetery, \$1.00.  
Estate of W. T. Gilbert to Mrs. Nancy G. Parker, West Half of Lot 37-C, in Section "D-Annex", Elmwood Cemetery, \$1.00.  
L. W. Petrie, North Half Lot 113, in Section "X", Elmwood Cemetery, \$70.00.  
Perpetual Care on Lot of L. W. Petrie, North Half Lot 113, in Section "X", Elmwood Cemetery, \$60.00.  
Perpetual Care on Lot of Estate of Mrs. Lula Lee Turvey, North Half Lot 119, Section "S", Elmwood Cemetery, \$72.00.  
Perpetual Care on Lot of Mrs. Lenora Brandt & Mrs. Pauline Christian, being Lot 303, in Section "U", Elmwood Cemetery, \$50.00.  
Perpetual Care on lot of Mrs. Robert F. Morris, Sr. Admx. being Southwest 1/4 of Lot 31-B, in Section D-Annex, Elmwood Cemetery, \$33.75.

ADOPTION OF AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE ADOPTED JANUARY 10, 1940, AS AMENDED.

Upon motion of Councilman Daughtry, duly seconded by Councilman Painter, the following ordinance was adopted:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

Section 1. That the traffic ordinance adopted the 10th day of January, 1940, appearing in Book of Ordinances 8, at page 181, and pages following, and subsequently from time to time amended, be and the same is further amended by adding at the end of same the following:

ARTICLE 9.

Duties of the Traffic Division.

Sec. 87. Duty of traffic division. It shall be the duty of the traffic division and other police officers of this city to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city. Officers of said division are hereby authorized to direct all traffic in conformance with traffic laws, provided that, in the event of a fire or to expedite traffic or to safeguard pedestrians, officers of the police or fire departments may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

Sec. 88. Procedure when ordinances are violated. (a) When the violation of the State Vehicle Law or a section of the City's traffic ordinance, or the Revenue Ordinance relating to the display of the city license tag, or the ordinance creating parking meter zones is detected, where no recklessness or serious injury to person or property occurs, or where the violator is not intoxicated, the officer detecting same is authorized to take the violator's name, address, operator's license number and the registration number of the motor vehicle involved and issue to him in writing, on a citation form provided by the City, a notice to answer the charge against him within twenty-four (24) hours before the Desk Officer on duty at the Police Station. The said officer shall send a copy of the citation to the Captain of the Traffic Division and shall retain one copy for himself.

(b) Whenever any motor vehicle without a driver is found parked or stopped in violation of any section of the State Vehicle Law or City's ordinances, the officer finding such vehicle shall take its registration

number and any other information displayed on the vehicle which may serve to identify its user, and shall conspicuously affix to such vehicle a citation in writing, on a form provided by the city, for the driver to answer the charge against him within 24 hours before the Desk Officer on duty at the Police Station. The officer shall send one copy of such citation to the Captain of the Traffic Division and shall retain one copy for himself.

Sec. 89. Forms for Citations to Appear. The Chief of Police shall cause all citation forms to be serially numbered in triplicate and shall cause the records, with respect to said citations and the disposition of the same to be so maintained as that all such forms shall be capable of being accounted for. The City Accountant or his representative shall periodically investigate the records of the Police Department for the purpose of determining the disposition of the said citation forms and shall report the result of such investigation to the City Manager. For the purpose of making this investigation he shall have access to the necessary records of the Police Department. The City Accountant's reports to the City Manager shall be public records.

Sec. 90. Records of traffic violations. (a) The Record Division shall keep a record of all violations of the traffic ordinances of this city or of the State vehicle act of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate until a three-year period is covered and from that time on the record shall be maintained complete for the most recent three-year period.

(b) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(c) All such records and reports shall be available for use and study by the city traffic engineer.

Sec. 91. Police to investigate accidents and receive accident reports. (a) It shall be the duty of the traffic division to investigate traffic accidents and to arrest and obtain prosecution of those persons guilty of violations of law causing or contributing to such accidents.

(b) The Record Division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer.

(c) Whenever the accidents at any particular location become numerous, the Traffic Division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures.

(d) The Record Division shall receive and properly file all accident reports made to it under the State law or under any ordinance of this city.

Sec. 92. Record Division to keep and use a drivers file.

(a) The Record Division shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints, in which the same shall be filed alphabetically under the name of the driver concerned.

(b) The Traffic Division shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or frequently involved in traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent the same or have the licenses of such persons suspended or revoked.

(c) Said records shall accumulate until a three-year period is covered and thereafter such records shall be maintained complete for the most recent three-year period.

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Sec. 93. Traffic Division to submit annual traffic safety report. The Traffic Division shall annually prepare a traffic report to the Chief of Police to contain information on traffic matters in this city as follows:

1. The number of traffic accidents, the number of persons killed or injured and other pertinent traffic accident data;
2. The number of traffic accidents investigated, the number of drivers with bad records interrogated and other pertinent data on the safety activities of the police;
3. The plans and recommendations of the division for future traffic safety activities.

#### ARTICLE 10.

##### Duties of City Traffic Engineer.

Sec. 94. Official traffic control devices. (a) The City Manager shall cause to be placed and maintained traffic control devices when and as required under the traffic ordinances of this city, the orders of the Council and the laws of the State.

(b) All traffic control devices shall conform to the specifications approved by the State Highway Commission or resolution adopted by the Council of this city. All traffic control devices so erected and not inconsistent with the provisions of State law or this ordinance shall be official traffic control devices.

Sec. 95. City traffic engineer to establish and maintain crosswalks and mark traffic lanes. The city traffic engineer is hereby directed: (a) To establish and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where the Council directs.

(b) To establish and maintain on street pavements at such places as the Council may direct.

Sec. 96. City traffic engineer to place markers indicating method of turns. The City Traffic Engineer is authorized to place markers, buttons, or signs within, or adjacent to, intersections indicating the course to be traveled by vehicles turning at such intersections, where directed to do so by the Council.

Sec. 97. Zones of quiet. The city traffic engineer shall have authority temporarily to establish a zone of quiet upon any street where a person is seriously ill, if requested so to do by the written statement of at least one licensed physician certifying to its necessity. Said temporary zone of quiet shall embrace all territory within a radius of 200 feet of the building occupied by the person named in the request of said physician. Said temporary zone of quiet, and any other zone of quiet declared by any ordinance of this city, shall be designated by the city traffic engineer by placing at a conspicuous place in the street a sign or marker bearing the words "Quiet Zone".

Sec. 98. Play street. The city traffic engineer shall have authority to designate any street, or part thereof, a "play street", and to place appropriate signs or devices in the roadway indicating and helping to protect the same, where directed to do so by the Council.

Sec. 99. City traffic engineer to mark certain parking limitations. The city traffic engineer is hereby authorized to establish and maintain proper signs at places where the Council finds that the stopping or parking of vehicles would create an especially hazardous condition, or would cause unusual delay to traffic.

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Sec. 100. City traffic engineer to erect signs on through highways and to mark stop and reduced-speed intersections.

(a) Whenever any ordinance of this city designates and describes a through street, it shall be the duty of the city traffic engineer to place and maintain a stop sign on each and every street intersecting such through street, or that portion thereof described and designated as such by any ordinance of this city.

(b) When the Council designates intersections where particular hazard exists upon other than through streets, and determines that vehicles shall stop at one or more entrances to any such intersection, the City Traffic Engineer shall erect and maintain a stop sign at every such place where a stop is so required. When the Council determines that reduced speed rather than a stop is adequate for safe operation at any such intersection and shall so order, the city traffic engineer shall erect signs upon the approaches to such intersection giving notice of such speed.

(c) Every such stop sign shall bear the word "Stop" in letters of not less than six inches in height, which shall be provided with reflector buttons or shall be self-illuminated at night. Every stop sign shall be located as near as practical to the property line extended of the street at the entrance to which the stop must be made or at the nearest line of the crosswalk there at, or if none, at a limit line to be indicated by the city traffic engineer.

Sec. 101. City traffic engineer to erect additional signs.

Whenever by any ordinance of this city a one-way street is described or any time-limit parking is imposed, it shall be the duty of the city traffic engineer to erect appropriate signs giving notice thereof, and no such regulations shall be effective until said signs are erected.

Sec. 102. Emergency and experimental regulations. (a) The city traffic engineer, when directed to do so by the Council, is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary regulations to cover emergencies or special conditions.

Sec. 103. Temporary Rules. The city traffic engineer when directed to do so by the Council, may make temporary rules regulating traffic or test traffic control devices under actual conditions of traffic.

ARTICLE 11.

Procedure and Penalties.

Sec. 104. Appointment of Desk Officers. The Chief of Police shall designate or appoint a sufficient number of desk officers so that there shall be on duty at the Police Station one Desk Officer at all times. The Desk Officer on duty at the time when any violator of a section of the City's ordinances referred to in this Article shall deal with the said violator and his citation in accordance with the provisions of this Article, being careful to make it appear to said violator that the procedure under this Article is wholly for the convenience of the said violator, that he is at perfect liberty to decline to be dealt with under this Article and to have his matter presented to the Recorder's Court, and that his case will, in no manner whatsoever, be prejudiced by reason of his unwillingness to have the matter dealt with hereunder.

Sec. 105. Duties of Desk Officer. The following duties are hereby imposed upon the Desk Officer:

1. He shall accept designated penalties, issue receipts and perform such other duties as are imposed upon him by this Article, and the Chief of Police.

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2. If a violator of the restrictions on stopping or parking under the traffic ordinances of this city or the State vehicle law does not appear in response to a notice affixed to the motor vehicle involved within a period of twenty-four (24) hours after the affixing of the said notice, the Desk Officer shall send to the registered owner of the motor vehicle to which the notice was affixed a notice informing him of the violation and warning him that he will be held responsible for the appearance of the offender, and that in the event such notice is disregarded for a period of 5 days, a complaint will be filed and warrant of arrest issued.

3. In the event any person fails to comply with a notice as provided in the preceding paragraph or fails to make appearance pursuant to a citation directing an appearance before the Desk Officer within the time stated in the notice or citation, the Desk Officer shall forthwith have a complaint entered against such person and secure and issue warrant for his arrest.

Sec. 106. For the violation of the following named sections of this ordinance the following civil penalties are hereby fixed:

<u>Section number</u>	<u>Title of Section</u>	<u>Penalty</u>
Sec. 20	Obedience to traffic control devices ..	\$ 3.50
Sec. 21	Obedience to No Turn signs and turning markers .....	3.50
Sec. 22	Zone of Quiet .....	3.50
Sec. 25	Traffic control signal legend: For proceeding straight thru in violation of light .....	3.50
	For making left turn in violation of light .....	3.50
	For making right turn in violation of light .....	3.50
Sec. 31	Parking adjacent to schools .....	1.00
Sec. 33	Parking prohibited at all times in designated places .....	1.00
Sec. 34	Parking prohibited during certain hours in designated places .....	1.00
Sec. 36	Standing for loading and unloading passengers and materials .....	1.00
Sec. 37	Standing or parking close to curb .....	1.00
Sec. 40 (a) 12	Double parking .....	1.00
Sec. 41	Stop before entering a Thru street ....	3.50
Sec. 42	Stop when traffic obstructed .....	2.00
Sec. 46	Limitation of turning around .....	2.00
Sec. 48	Emerging from alley or private driveway..	2.00
Sec. 49	Vehicles shall not be driven on sidewalk	3.50
Sec. 74 & 74 (a)	Pedestrians subject to traffic control signals .....	1.00

Sec. 107. For the violation of Sections 4 and 5 of the ordinance creating parking meter zones, adopted the 18th day of March 1942, and subsequently amended from time to time, the following civil penalty is fixed .....

\$1.00

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Sec. 108. For the violation of the section of the Revenue Ordinance, in force when the violation occurs, which requires the display of the City license tag, there is hereby fixed a penalty of \$2.00.

Sec. 109. The procedure outlined in this Article shall not be available or made use of either (a) when the person charged has, with the six months preceding a given violation, twice been convicted of the violation of any section or sections listed in Sections 106,107,108 and/or has pleaded guilty to such violation and/or has paid civil penalties for such violations, or (b) when there was, in connection with the violation involved, injury to person or property or the person charged was guilty of the reckless operation of a motor vehicle or intoxicated at the time of such violation.

Sec. 110. Except as provided in Section 109, when a person charged with the violation of any of the ordinances referred to in Sections 106,107,108 above, appears before the Desk Officer on duty at the Police Station in response to a traffic citation, such Desk Officer is authorized, if said person desires to do so, to allow him or her to sign the Docket hereinafter provided for and pay the civil penalty above stated; upon such payment the Desk Officer shall give to him or her a receipt for the money paid, showing what it was paid for and shall deliver such amount to the Collector of Revenue of the City of Charlotte.

Sec. 111. The Police Department shall establish and keep a Traffic Violations Docket which shall contain the following language: "I hereby plead guilty to the charge and waive issuance of the Summons. I hereby deposit the amount of the penalty and do this voluntarily for my own convenience", together with a place for the signature of the person charged; opposite the place provided for such signature and on a line with some shall appear sufficient date to identify the person charged and show the date of the charge, the waiver number, citation number, name and address of the person charged, the officer or officers making the charge, a description of the charge, the number of the receipt issued to the person charged, and the amount of the penalty paid.

Sec. 112. Intention of Council. It is the intention of the Council that if any provision of this ordinance, or the application thereof, to any person, firm, corporation or circumstance is held invalid, the remainder of this ordinance and the application of such provisions to persons, firms, corporations or circumstances, other than these to which it is held invalid, shall not be affected thereby.

Sec. 113. Effective Date: The provisions of this ordinance shall become and be effective on and after the date of its adoption.

Sec. 114. Publication of Ordinance: The City Clerk shall certify to the passage of this ordinance and cause the same to be published.

APPROVED AS TO FORM:

C. W. Tillett, City Attorney

Read, approved and adopted and declared by the Mayor to be an ordinance of the City of Charlotte, this 29th day of March, 1944.

Lillian R. Hoffman, City Clerk

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Ward, the meeting was adjourned.

*Lillian R. Hoffman*  
City Clerk