

AN ORDINANCE TO AMEND ORDINANCE NUMBER 857-X, THE 1997-1998 BUDGET ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION FOR THE SETTLERS' CEMETERY RECONSTRUCTION CAPITAL PROJECT.

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

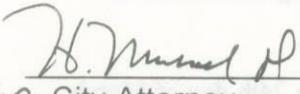
Section 1. That the sum of \$75,000 is hereby estimated to be available from the Pay-As-You-Go Fund fund balance (2011).

Section 2. That the sum of \$75,000 is hereby appropriated to the General Capital Project Fund 2010; 288.09 - Settlers' Cemetery Reconstruction.

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 All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective immediately.

Approved as to form:


dr. Dep City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of April, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 489.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of April, 1998.


Brenda R. Freeze, CMC, City Clerk

ORDINANCE NUMBER: 1026 AMENDING CHAPTER 10

**ORDINANCE AMENDING CHAPTER 10 OF THE CHARLOTTE CITY CODE
ENTITLED "HEALTH AND SANITATION"**

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

Section 1. Section 10-17, "**Definitions**," be amended by adding the following definition after the term "*Garbage*":

"*Graffiti*. Shall mean writings, drawings, inscriptions, figures or marks of paint, ink, chalk, dye or other similar substances on public or private buildings, structures or places which are not authorized or permitted by the property owner or possessor. For the purpose of this Chapter, graffiti shall include drawings, writings, markings or inscriptions regardless of the content or the nature of materials used in the commission of the act."

Section 2. Chapter 10 be amended by inserting a new section 10-83 to be entitled, "**Graffiti**," and by adding the following:

"(a) *Graffiti prohibited*. It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, structure or any other real or personal property. Any person convicted of a violation of this paragraph shall be fined not less than two hundred and fifty dollars (\$250.00) for a first offense, and five hundred dollars (\$500.00) for second and subsequent offenses.

Exemption: This paragraph shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, such as drawings or bases for stick ball, kick ball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other water soluble markings used in connection with any lawful business or public purpose or activity.

(b) *Removal of graffiti*. It shall be unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti upon such property. Any such person convicted of a violation of this paragraph shall be fined not more than one hundred dollars (\$100.00). In determining the fine to be imposed, the court may consider the efforts, if any, taken by the violator to remove or effectively obscure the graffiti during the preceding calendar year. The mandatory fine provided in this section shall not apply to a property owner, agent, manager, or possessor of property if such property owner, agent, manager or possessor has been victimized two or more times by graffiti within any calendar year and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.

(c) *Restitution.* In addition to any other punishment imposed, the court shall order the person convicted of a violation of this section to make restitution to the victim for the damage or loss suffered by the victim as a result of the offense. The court may determine the amount, terms, and conditions of the restitution.

(d) *Severability.* The provisions of this ordinance shall be deemed severable. If any portion of the ordinance is deemed unconstitutional it shall not affect the constitutionality of any other portion of this ordinance.”

Section 3. Chapter 10 be further amended by inserting a new section 10-84 to be entitled, **“Providing notice to property owners or their agents or managers.”**, and by adding the following:

“(a) *Notice.* Whenever the City becomes aware of the existence of graffiti on any property, the City is authorized to remove the graffiti as set forth in this section after giving, or causing to be given, written notice to remove or effectively obscure such graffiti to the property owner, such property owner’s agent or manager, or any other person in possession or control of the property. If the City intends to place a lien on the property, as provided in paragraph (b) of this section, it must also notify all other persons whose names appear on the tax rolls of Mecklenburg County as having an interest in the property. Notice shall be given by personal service or certified mail, except that notice may be given by first class mail to those persons, other than the property owner, whose names appear on the tax rolls of Mecklenburg County as having an interest in the property. All notices shall state the procedure for appeals under this section.

(b) *Costs and liens.* If the person owning the property, acting as manager or agent for the owner of the property, or in possession or control of the property fails to remove or effectively obscure the graffiti within seven (7) days from receipt of the notice described in paragraph (a) of this section, the City may cause the graffiti to be removed or effectively obscured and charge the property owner, or the property owner’s manager or agent, or the person in possession or control of the property, for the expenses incurred by the City in removing the graffiti. The City may sue in a court of competent jurisdiction to recover all such expenses, which shall include, but not be limited to, all administrative personnel costs, attorney’s fees and costs related to enforcing this section; and/or the City may record a lien in the public records of Mecklenburg County, which lien shall be for all such expenses, and the amount of the lien shall bear interest from the date of recording.

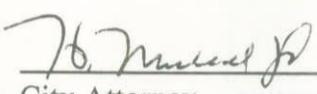
(c) *Appeal procedure.* Appeals may be taken to City Council or its designee by the person owning the property, acting as manager or agent for the property, or in possession or control of the property to prevent the removal of any graffiti, within seven (7) days of having received notice from the City that the graffiti must be removed. Appeals shall be in writing and shall state the reasons for the appeal. If the party filing the appeal requests a hearing, such hearing shall be held at the next scheduled business meeting of the City Council. If, on appeal, the City Council or its designee determines that the graffiti must be removed, Council or its designee may set a new deadline date for compliance or authorize the City to proceed to remove or obscure the graffiti. The City shall not remove or obscure any graffiti during the pendency of an appeal.

(d) *Emergency removal.* If the City determines that any graffiti is a danger to the health, safety, or welfare of the public, and is unable to provide notice by personal service after at least two attempts to do so, then, forty-eight (48) hours after either (1) the mailing of the notice described in paragraph (a) by certified and first class mail to the person owning the property, acting as agent or manager for the owner of such property, or in possession or control of such property, or (2) the posting of the notice in a conspicuous place on the property, the City may remove or cause the graffiti to be removed at its expense.

(e) *Repair/restoration.* In no case shall the City paint or repair any area obscured by graffiti more extensively than where the graffiti itself is located. The City shall not be required to restore the obscured area to its original condition (i.e., color, texture, etc.)."

Section 4. This ordinance shall take effect upon adoption.

Approved as to form:


Sr. Atty. City Attorney



CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of April, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 490-492.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of April, 1998.


Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 1027-X

0-33

AN ORDINANCE TO AMEND ORDINANCE NO. 857-X, THE 1997-98 BUDGET ORDINANCE, TO PROVIDE ADDITIONAL APPROPRIATION TO FUND GRAFFITI REMOVAL AND ENFORCEMENT OF GRAFFITI ORDINANCE.

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

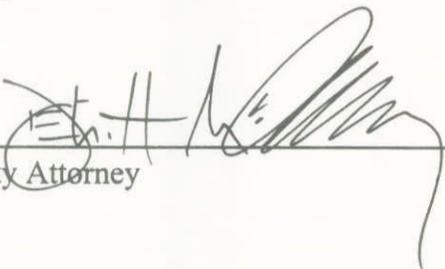
Section 1. That the sum of \$47,467 is available from the General Fund (0101) Fund Balance.

Section 2. That the sum of \$47,467 is hereby appropriated to the General Fund (0101)-Solid Waste Services.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Approved as to form:

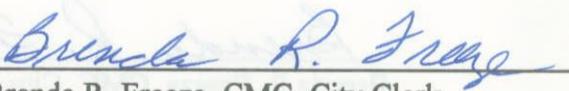


City Attorney

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I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of April, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 48, Page(s) 493.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of April, 1998.



Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 1028-X

0-34

AN ORDINANCE TO AMEND ORDINANCE NO. 857-X, THE 1997-98 BUDGET ORDINANCE, TO PROVIDE AN APPROPRIATION TO CONTRACT WITH THE FERGUSON GROUP FOR WASHINGTON REPRESENTATION.

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

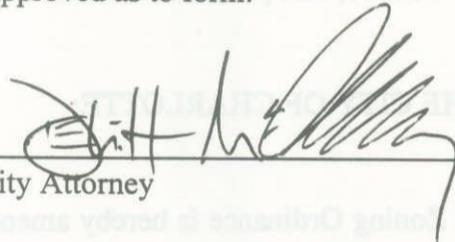
Section 1. That the sum of \$100,000 is available from the General Fund (0101) Council Contingency (530.00).

Section 2. That the sum of \$100,000 is hereby appropriated to the General Fund (0101)-Federal Program Representation (530.42).

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Approved as to form:

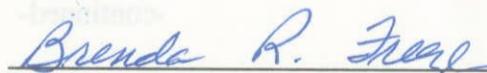


City Attorney

CERTIFICATION

I, **Brenda R. Freeze**, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of April, 1998, the reference having been made in Minute Book 112 and recorded in full in Ordinance Book 48, Page(s) 494.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of April, 1998.



Brenda R. Freeze, CMC, City Clerk