

ORDINANCE NO. 3469-X

AN ORDINANCE TO AMEND ORDINANCE NO. 3348-X, THE 1992-1993 BUDGET ORDINANCE, APPROPRIATING FUNDS FROM AUTHORIZED SEWER BONDS SCHEDULED FOR APPROPRIATION IN FY1994 FOR THE DESIGN OF A FORCE MAIN AND LIFT STATION ON NEAL BRANCH.

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

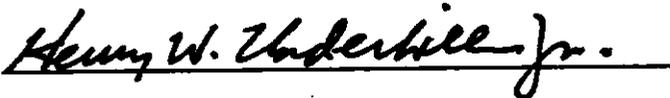
Section 1. That the sum of \$113,500 is hereby estimated to be available from authorized sewer bonds.

Section 2. That the sum of \$113,500 is hereby appropriated to Water & Sewer Capital Improvement Account 2071;633.83 - Neal Branch Lift Station and Trunk Main.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1992, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page(s)216.

Brenda R. Freeze  
City Clerk

ORDINANCE NO. 3470-X

AN ORDINANCE TO AMEND ORDINANCE NO. 3348-X, THE 1992-93 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR ACQUISITION OF CHURCH OF GOD, EAST COAST BIBLE COLLEGE THROUGH THE FAR PART 150 NOISE COMPATIBILITY PROGRAM.

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

Section 1. That the sum of \$12,049,500 is hereby estimated to be available from the Airport Pre-DBO Fund Balance. The City's Finance Director has been authorized to advance Airport Pre-DBO Fund Balance (7401) pending issuance of future Airport Debt Issues and future federal funding for the City's share of project cost. Airport Fund Balance will be reimbursed upon issuance of said debt and upon receipt of federal funding.

Section 2. That the sum of \$12,049,500 is hereby appropriated to Airport Capital Project Fund (2073).

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1992, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page(s) 217.

Brenda R. Freeze  
City Clerk

ORDINANCE NO. 3471 AMENDING CHAPTER 13

AN ORDINANCE TO AMEND CHAPTER 13 OF THE CITY CODE ENTITLED "LICENSES" TO CHANGE THE METHOD BY WHICH THOSE WHO QUALIFY WILL RECEIVE THE "PARTIAL REFUND FOR THE ELDERLY".

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

Section 1: Section 13-36(b) of the City code is hereby amended by deleting the words and figures "Any resident who is sixty-five (65) years or older prior to January 1st of each year may qualify, upon application, for a twelve dollar and fifty cent (\$12.50) reduction in the annual motor vehicle privilege license tax; provided, however, their disposable income does not exceed eleven thousand dollars (\$11,000.00)" and substituting in lieu thereof the following "Any resident who is sixty-five (65) years or older in the month in which his/her automobile registration expires may qualify, upon application, (within 30 days of tax due date) for a partial refund in the amount of twelve dollars and fifty cents (\$12.50), provided their disposable income does not exceed eleven thousand dollars (\$11,000). The qualifying disposable income will be adjusted automatically in the future to conform to any changes in the State of North Carolina's elderly exemption threshold. Qualified elderly residents are to pay initially the entire twenty-five dollars (\$25.00) tax per vehicle; processing of the refund by the Charlotte-Mecklenburg Tax Collector will result in a check in the amount of twelve dollars and fifty cents (\$12.50) per vehicle being mailed to qualified elderly residents."

Section 2: This ordinance shall become effective upon adoption and shall first apply to calendar year beginning January 1, 1993.

APPROVED AS TO FORM:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1992, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page(s) 218.

Brenda R. Freeze  
City Clerk

ORDINANCE NO. 3472-X

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE CITY OF CHARLOTTE, NORTH CAROLINA

WHEREAS, the City Council has adopted a resolution under G.S. 160A-31, as amended, stating its intent to annex the area described below; and

WHEREAS, a public hearing on the question of this annexation was held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 7:00 o'clock p. m. on October 12, 1992, after due notice; and

WHEREAS, the City Council finds that the proposed annexation meets the requirements of G.S. 160A-31, as amended;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the contiguous property owned by the City as described in Exhibit A (attached hereto and incorporated herein by reference) is hereby annexed and made part of the City of Charlotte.

Section 2. The Mayor of the City of Charlotte shall cause to be recorded in the office of the Register of Deeds of Mecklenburg County, and in the Office of Secretary of the State in Raleigh, North Carolina, an accurate map of the annexed property, along with a certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-228.1.

Section 3. The effective date of annexation under this ordinance is December 14, 1992.

Adopted this 14th day of December, 1992.

ATTEST:

  
\_\_\_\_\_  
Mayor

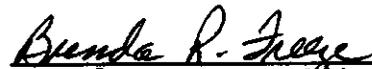
  
\_\_\_\_\_  
City Clerk

Approved as to form:

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

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 14th day of December, 1992, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page(s) 219-223.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of December, 1992.

  
Brenda Freeze, City Clerk

*EXHIBIT A*

VOLUNTARY ANNEXATION BY  
MECKLENBURG COUNTY OF HIGHWAY 51 PARK PROPERTY

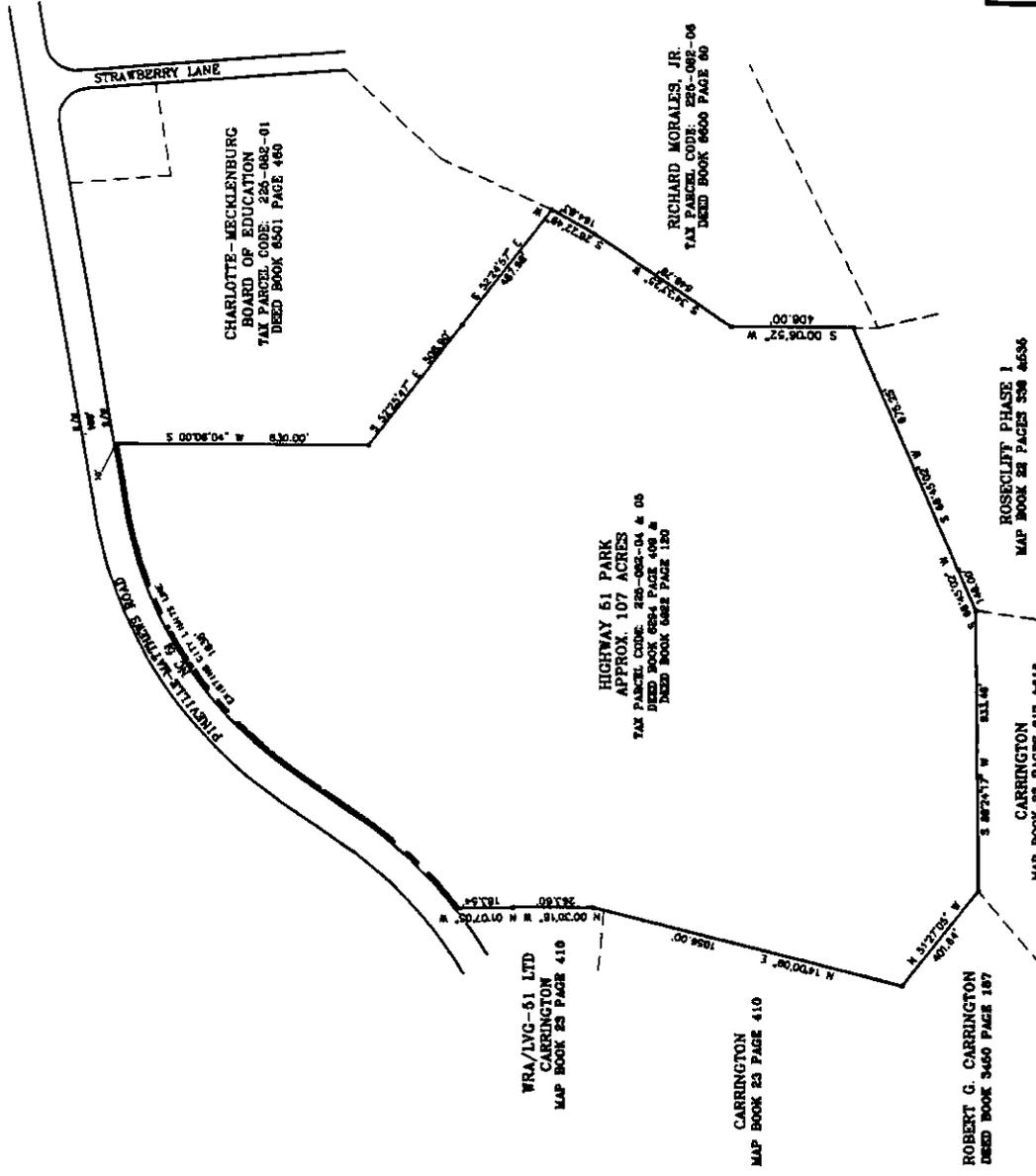
Beginning at a point in the present Charlotte City Limit line, said point being located 60 feet South of and normal to the centerline of Pineville-Matthews Road (NC 51), said point also being on the Westerly boundary of property as described in Deed Book 6294, Page 409; thence, in an Easterly direction following along a line approximately 60 feet normal to and parallel with the centerline of Pineville-Matthews Road (NC 51) for a distance of approximately 1,838 feet to a point; said point being located 60 feet South of and normal to the centerline of Pineville-Matthews (NC 51), said point also being located on the Easterly boundary of property as described in Deed Book 6703, Page 96; thence, in a Southerly direction following along the Westerly boundary of said property as described in said Deed Book 6703, Page 96 with a bearing and distance of South 00-06-04 West 830.0 feet to a point; said point being the Southwest most corner of said property; thence, in an Easterly direction with the Southerly boundary of said property as described in said deed having a bearing and distance of South 52-25-47 East 508.90 feet to a point; said point being the Northern most corner of property as described in Deed Book 6703, Page 98; thence, in an Easterly direction with the Northerly boundary of said property as described in said Deed Book 6703, Page 98 having a bearing and distance of South 52-24-57 East 487.98 feet to a point; said point being the Eastern most corner of said property; thence, in a Southwesterly direction following along the Southerly

boundary of said property as described in said deed with the following bearings and distances: South 28-22-49 West 164.83 feet and South 34-33-25 West 546.78 feet to a point; said point being on the Easterly boundary of property as described in Deed Book 5922, Page 120; thence, in a Southerly direction with the Easterly boundary of said property as described said Deed Book 5922, Page 120 having a bearing and distance of South 00-06-52 West approximately 406 feet to a point; said point being the Southeast most corner of said property; thence, in a Westerly direction with the Southerly boundary of said property as described in said deed having a bearing and distance of South 66-45-02 West 875.25 feet to a point; said point being the Southeast most corner of property as described in Deed Book 6294, Page 409; thence, in a Westerly direction with the Southerly boundary of said property as described in said Deed Book 6294, Page 409 with the following bearings and distances: South 66-45-02 West 148.0 feet, South 89-24-17 West 933.46 feet, and North 51-27-05 West 401.64 feet to a point; said point being the Western most corner of said property; thence, in a Northerly direction following along the Westerly boundary of said property as described in said Deed Book 6294, Page 409, with the following bearings and distances: North 14-00-09 East 1056.0 feet, North 00-30-16 West 263.60 feet, and North 01-07-05 West 183.54 feet to the point or place of beginning.

# EXHIBIT B

### NOTES

THIS PLAT WAS PREPARED FOR ANNEXATION PURPOSES ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN.



		JOB NO. SASSY
CHARLOTTE ENGINEERING DEPARTMENT		FILE NO. PARKS1
VOLUNTARY ANNEXATION BY MECKLENBURG COUNTY		SHEET 1
DRAWN BY CDB		PROJECT HIGHWAY 51 PARK PROPERTY
DATE 09-03-92		SCALE NTS

PREPARED BY  
 CITY OF CHARLOTTE  
 ENGINEERING DEPARTMENT  
 800 EAST FOURTH STREET  
 CHARLOTTE, NC 28202  
 704-336-2261

ORDINANCE NO. 3473-X

AN ORDINANCE TO AMEND ORDINANCE NO. 3348-X, THE 1992-93 BUDGET ORDINANCE, TRANSFERRING CAPITAL FUNDS TO ESTABLISH A NEIGHBORHOOD MATCHING GRANTS PROGRAM.

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

Section 1. That the sum of \$650,000 is hereby estimated to be available from the following sources:

<u>Source</u>	<u>Amount</u>
Fund 2010; 478.00 - Neighborhood Reinvestment	\$500,000
Fund 0141; 570.09 - Neighborhood Matching Grants	150,000
Total	\$650,000

Section 2. That the sum of \$650,000 is hereby transferred from the above accounts and appropriated to General Capital Improvement Fund 2010; 530.73 - Neighborhood Grants Program.

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:

76. Mural JP  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1992, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page(s) 224.

Brenda R. Freeze  
City Clerk

AMENDING CHAPTER 4

ORDINANCE 3473<sup>4</sup>

AN ORDINANCE TO AMEND CHAPTER 4, ARTICLE IV, ENTITLED AIRPORT CHARITABLE SOLICITATION CONTROL ORDINANCE

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

Section 1. Sec. 4-66 shall be amended by deleting the words "Douglas Municipal" from the second line.

Section 2. Sec. 4-75(1) of the City Code shall be deleted in its entirety, and the following substituted in lieu thereof:

- (1) Location: Permittees soliciting charitable contributions or selling literature shall be restricted to the sidewalks outside the terminal building. Any such solicitation for funds or sale of literature or merchandise by permittees shall be prohibited within the terminal building. Permittees seeking only to distribute free literature may do so within the terminal building but shall be restricted to the public areas while in the terminal building, excluding the entrances to any leased areas. Distribution of free literature may also be conducted on the sidewalks outside the terminal building.

Section 3. Subsection 4(d) of Section 4-75 shall be amended by the insertion of the words "on the sidewalk" after the word "donations" on line one.

Section 4. Subsection 4(g) of Section 4-75 shall be amended by the addition of a new sentence at the end of said subsection to read as follows:

"No permittee shall conduct such activity directly in front of any entrance or exit door to the terminal building, or adjacent to the sidewalk passenger check-in counters."

Section 5. This ordinance shall become effective upon adoption.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1992, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page(s)

Brenda R. Freeze  
City Clerk

## AMENDING CHAPTER 18

**ORDINANCE** 3475**AN ORDINANCE TO AMEND CHAPTER 18 "SOIL EROSION AND SEDIMENTATION CONTROL" OF THE CITY CODE.**

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

**Section 1.** Chapter 18 of the City Code shall be amended by a new title, "Storm Water Management," and the addition of an Article to be entitled "Article I, Storm Water Services" at the beginning of the Chapter to read as follows:

**\*ARTICLE I: STORM WATER SERVICES****Section 18-1. Findings and Purpose**

The City Council makes the following findings:

- a. Storm water poses a serious threat to the public health, safety, and welfare. This threat cannot be eliminated entirely. Factors affecting this threat which are beyond the City's control include: frequency and intensity of precipitation events; the topography in and around the City; the types of soils and other geologic structures found in and around the City; body of law established under State and Federal authority concerning water rights generally and including but not limited to navigable and non-navigable waters, surface waters, and underground waters; unauthorized interference with the City's storm water drainage system; and the amount of impervious surfaces associated with a reasonable level of development.
- b. The management of storm water can reduce this threat through:
  - (1) Constructing, operating and maintaining needed facilities;
  - (2) Regulating and controlling the use and development of land to reduce the adverse effects of storm water; and
  - (3) Improvements to the quality of groundwater, streams, rivers, and lakes in and around the City.
- c.
  - (1) In order to provide an effective and long-term approach to storm water management, an adequate funding source must be identified.
  - (2) Equitable and adequate funding is provided by a system of charges that is related to the volume and quality of storm water runoff from developed land.

## **Section 18-2. Definitions**

As used in this Ordinance, unless the context clearly indicates otherwise, the following definitions apply:

- a. **Base rate charge** shall mean the fixed portion of storm water service charges applied to each storm water account to recover fixed costs such as billing and accounting for storm water service charges and other related expenses.
- b. **CMUD** shall mean the Charlotte-Mecklenburg Utility Department.
- c. **Committee** shall mean the Storm Water Services Citizens Advisory Committee as established by the joint resolution of the Council of the City of Charlotte and the Mecklenburg County Board of County Commissioners, together with any amendments thereto.
- d. **Customer** shall mean the person or firm to which a bill for storm water service charges is sent.
- e. **Detached dwelling unit** shall mean developed land containing one structure which is not attached to another dwelling unit and which contains one or more rooms with a bathroom and kitchen facilities designed for occupancy by one family and shall include houses, manufactured homes, and mobile homes located on individual lots or parcels of land. Developed land may be classified as a detached dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports or small storage buildings. Detached dwelling unit shall not include developed land containing: structures used primarily for non-residential purposes; manufactured homes and mobile homes located within manufactured home or mobile home parks; or other multiple unit properties.
- f. **Developed land** shall mean property altered from a natural state by construction or installation of more than 640 square feet of impervious surfaces.
- g. **Impervious surfaces** shall mean those areas within developed land which prevent or significantly impede the infiltration of storm water into the soil. Common impervious surfaces include, but are not limited to, roof tops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, brick or concrete pavers, and other surfaces which prevent or significantly impede the natural infiltration of storm water into the soil.
- h. **Manager** shall mean the manager of Storm Water Services or his designee.
- i. **Other residential and non-residential land** shall mean any developed land not fitting the definition of detached dwelling unit. Other residential and non-residential land shall include, but not be limited to, attached single-family houses, duplexes, townhouses, condominiums, and apartments, boarding

houses, hotels and motels, churches, commercial properties which include dwelling units, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, airports, agricultural uses involving impervious surfaces, water reservoirs, and water and wastewater treatment plants.

- j. Service rate charge shall mean the portion of storm water service charges applicable to a parcel of developed land which is generally reflective of a parcel's impact on the cost of providing services and facilities to properly control storm water runoff quantity and quality. The service rate charge will vary from one parcel of developed land to another based upon the amount of impervious surfaces.
- k. Undeveloped land shall mean land that does not meet the definition of developed land.

### **Section 18-3. Systems Operation**

Storm water service charges will be determined and modified from time to time so that the total revenues generated by said charges will be used to pay the principal of and interest on the debt incurred for storm water purposes and such expenses as are reasonably necessary or convenient in the construction, operation, and maintenance of the storm water system.

### **Section 18-4. Storm Water Service Charges**

- a. Storm water service charges shall accrue beginning on January 1, 1993, and shall be billed periodically thereafter to customers for all developed land in the City, except as specific exemptions and adjustments may apply. The storm water service charges shall be established by City Council. Storm water service charges shall include a service rate charge and a base rate charge.
- b. Payment will be applied to a customer's bill in the following order: delinquent fees for water and/or sewer; storm water; and water and/or sewer.

### **Section 18-5. Exemptions and Credits Applicable to Service Charges**

Except as provided in this Section, no public or private property shall be exempt from storm water service charges or receive a credit or offset against such service charges. No exemption or reduction in storm water service charges shall be granted based on the age, tax or economic status, race, or religion of the customer, or other condition unrelated to the cost of providing storm water services and facilities.

- a. The following exemptions shall be allowed:
  - (1) Undeveloped land shall be exempt from storm water service charges.

- (2) Public road rights-of-way which have been conveyed to and accepted for maintenance by the State of North Carolina and are available for use in common by the general public for motor vehicle transportation shall be exempt from storm water service charges. This exemption shall not apply to any other uses of developed land for public purposes such as, but not limited to: public street rights-of-way conveyed to and accepted for maintenance by the City of Charlotte; offices; airports; maintenance yards; water and wastewater treatment plants, and water reservoirs; parking lots or garages; parks; recreation facilities; libraries; schools; colleges; universities; social service centers; public housing; hospitals; convalescent centers; and other developed land used for public purposes. This exemption shall not apply to internal site roadways within such public facilities. This exemption shall not apply to private roads or drives, or to internal roads, drives, and parking areas in privately owned properties.
- (3) Railroad tracks shall be exempt from storm water service charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges.

b. The following credits shall be allowed:

- (1) Other residential and non-residential land, and residential homeowners associations which provide measures to mitigate the impacts of runoff on the storm water system will be eligible for one or more credits to the service rate charge, proportional to the extent those measures address the impacts of peak discharge, total runoff volume, and annual pollutant loading from the site. Portions of the service rate charge are available for credit as follows:
  - a. peak discharge 50%
  - b. total runoff volume 25%
  - c. annual pollutant loading (water quality) 25%
- (2) The Credit Application Instruction Manual ("Manual") is approved by the City Council and on file with the City Clerk, and shall be followed in establishing applicable credits to a customer's service rate charge.
- (3) Each customer maintaining an approved National Pollutant Discharge Elimination System (NPDES) permit for storm water from the State of North Carolina or the United States Environmental Protection Agency (EPA) for any developed land will receive full credit for the water quality portion of the charge.
- (4) Each credit allowed against the service rate charge is conditioned on continuing compliance with the City's performance standards as set forth

in the Manual and/or the Charlotte-Mecklenburg Land Development Standards Manual existing at the time of construction of such facilities, and may be rescinded for non-compliance with these standards.

- (5) Each credit for which a customer applies shall be subject to review and approval by the Manager. The Manager may approve or reject any application for a credit in whole or in part.
- (6) If 100% credit is given for the service rate charge, no storm water service charges will be levied for the affected property.

#### **Section 18-6. Bills Mailed or Delivered**

A storm water bill will either be sent through the United States mail or delivered by an alternate method, notifying all customers of the amount of the bill, the date the payment is due and the date when past due. Failure to receive a bill is not justification for non-payment. The owner of each parcel of developed land shall be ultimately obligated to pay such fee.

#### **Section 18-7. Delinquent Fees and Charges; Conditions; Notice**

- a. Current charges are due when billed and are considered delinquent if not paid within twenty-five (25) days of the billing date.
- b. If, at the time of next billing, the account has an unpaid balance:
  - (1) A one and one-half (1.5) percent late charge will be assessed against the unpaid balance. This charge shall be called a late payment-variable charge.
  - (2) If the customer does not inform the Revenue Division, Billing Center of any complaint concerning accuracy of the bill(s) constituting the past due balance, and if the customer does not pay the past due balance within ten (10) days from the most recent billing date, the account is delinquent and the City may pursue such remedies as are available.

#### **Section 18-8. Complaints Regarding Bill**

- a. A customer having a grievance or complaint that a bill is excessive must file written or verbal notice with the Revenue Division, Billing Center. If it is determined that the bill is in error, an adjustment will be made accordingly.
- b. No adjustment will be made for more than a three-year period.

#### **Section 18-9. Backbilling**

If a customer is underbilled or if no bill is sent for developed land, the City may backbill

up to three years.

#### **Section 18-10. Charge and Duties of the Committee**

The Committee shall have the following charge and duties:

- a. **Policy.** The Committee shall review and recommend to the City Council storm water management policies, policy changes, long range plans, and their budgetary and rate impacts.
- b. **Capital Improvements & Operations Program.** The Committee shall review and comment to the City Council on the annual capital improvement program and operating budget, and review and make comments on proposed mid-year changes to the program.
- c. **Appeals.** The Committee shall hear appeals and reach decisions on service charges, credits and adjustments; and hear appeals and make recommendations to the City Council on application, modification, and enforcement of storm water policies.
- d. **Council and Staff Resource.** The Committee shall respond to the City Council and City staff requests for advice on matters related to storm water services.
- e. **Reporting.** The Committee shall present the City Council with an annual report of key actions and issues.

#### **Section 18-11. Appeal**

Any customer who believes the provisions of this Article have been applied in error may appeal in the following manner:

- a. An appeal must be filed in writing with the Manager. At the discretion of the Manager, the appeal shall include a survey prepared by a registered land surveyor and such other information that show the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.
- b. Using the information provided, the Manager shall conduct a technical review based on the general criteria contained in the Manual. The Manager may adjust the service rate charge as long as the adjustment is in conformance with the general purpose and intent of the Manual including an adjustment to the charge for a detached dwelling unit. At the conclusion of the review, the Manager shall issue a written determination stating whether an adjustment to the service rate charge is appropriate, and if so the amount of such adjustment. If the adjustment is for 100% of the service rate charge, no storm water service charges will be levied for affected property.

- c. An appeal may be taken from any decision of the Manager which is adverse to the customer by giving notice of appeal to the Manager within thirty (30) days after service of the Manager's written decision on the customer. Notice of appeal shall be given by the customer by delivery of a written statement to the Manager stating the grounds for the appeal. The Manager shall transmit to the Committee and the customer all documents constituting the record upon which the Manager's decision was made along with the notice of appeal. When an appeal is from a decision authorizing an adjustment to the customer's bill, the Manager's decision shall remain in effect until and unless reversed or otherwise modified by the Committee. The Committee shall fix a reasonable time for the hearing of an appeal, shall give due notice of such hearing to the customer and the Manager, and shall render its decision within a reasonable time. The customer and the Manager may appear in person or by agent or attorney before the Committee and present evidence. The Committee may reverse or affirm, wholly or partly, or may modify the decision of the Manager and may make such decision as in its opinion ought to be made in the matter. To this end, the Committee shall have all the powers of the Manager. When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this Article, the Committee shall have the power in passing upon appeals to vary or modify any of the provisions of this Article so that the spirit of this Article shall be observed, public safety and welfare secured, and substantial justice done. The Committee shall keep accurate records of all of its proceedings. Either the customer or the Manager may seek the review of any decision by the Committee in proceedings in the nature of certiorari initiated within fifteen (15) days after service of the decision of the Committee.
- d. All decisions of the Manager and the Committee shall be served on the customer personally or by registered or certified mail. Service shall be based upon the billing address of the customer.
- e. No adjustment to a customer's bill may be made by the Manager or the Committee for more than the three-year period immediately preceding the date that the customer's appeal is received by the Manager.

#### **Section 18-12. Limitations of Responsibility**

- a. The City shall be responsible only for the portions of the drainage system which are in City maintained street rights-of-way and permanent storm drainage easements conveyed to and accepted by the City. Repairs and improvements to the drainage system shall be in accordance with established standards, policies, and schedules.
- b. The City's acquisition of storm drainage easements and/or the construction or repair by the City of drainage facilities does not constitute a warranty against storm water hazards, including, but not limited to, flooding, erosion, or standing water.

**Section 18-13. Unlawful to Obstruct Flow of Storm Water Runoff**

It shall be unlawful for any person to place, cause to be placed or permit to be placed any obstruction on or within any portion of the City's storm water drainage system. For purposes of this section, "obstruction" shall mean any thing which, by itself or in conjunction with any other thing or things, impede or tend to impede the flow of storm water.

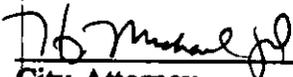
**Section 18-14. Severability**

If any Section or Sections of this Chapter is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and remain in effect."

**Section 2.** This Article shall become effective on January 1, 1993.

**Section 3.** The remainder of this Chapter beginning with the present Section 18-1 and ending with Section 18-24 shall become "Article II." However, Sections 18-1 through 18-24 shall be renumbered accordingly.

Approved as to Form:

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

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1992, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page(s) 226-233

Brenda R. Freeze  
City Clerk

ORDINANCE 3476AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 23 OF THE CITY CODE.

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

Section 1. Subsections (b) and (c) of Section 23-2 of the City Code shall be amended by deleting those subsections in their entirety, and substituting the following in lieu thereof:

(b) In the event that any user fails to pay the amount due for water and/or sewer service, according to the requirements of Section 23-5, or for stormwater service, according to the requirements of Article I of Chapter 18 of the Code, then the City shall have the right without further notice to the user to discontinue water and/or sewer service to the user and charge against the deposit the amount due.

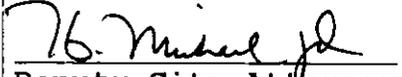
(c) Any deposit will be held by the City to the credit of the customer, making the deposit as a guarantee that the bills will be paid for water and/or sewer services and for stormwater service as set forth in Article I of Chapter 18 of the Code. The deposit will be applied to the depositor's account balance(s) in the order listed in Section 23-3(6).

Section 2. Section 23-3 of the City Code shall be amended by adding the following as a new subsection (6):

(6) Payment will be applied to a customer's bill in the following order: delinquent fees for water and/or sewer; stormwater; and water and/or sewer.

Section 3. This ordinance shall become effective  
January 1, 1993.

Approved as to form:

  
Deputy City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1992, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page(s) 234-235.

Brenda R. Freeze  
City Clerk

**ORDINANCE NO.** 3477-X

**AN ORDINANCE TO ESTABLISH MONTHLY STORM WATER SERVICE CHARGES FOR PROPERTIES WITHIN THE CITY OF CHARLOTTE.**

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

**Section 1.** Storm water service charges shall consist of a service rate charge and a base rate charge, and shall be billed to all properties in the City on a monthly basis, except as specific exemptions and adjustments pursuant to Chapter 18 of the City Code may apply.

**Section 2.** The service rate charge, as defined in Chapter 18, shall be billed in accordance with the following:

- a. Detached dwelling units with less than 2,000 square feet of impervious surfaces:  
\$ 1.42 per month.
- b. Detached dwelling units with 2,000 or more square feet of impervious surfaces:  
\$ 2.12 per month.
- c. Other residential or non-residential land:  
\$ 35.34 per month for each acre of impervious surfaces.

**Section 3.** The base rate charge, as defined in Chapter 18, shall be \$ 0.48 per month for each storm water account.

**Section 4.** This ordinance shall be effective January 1, 1993.

Approved as to form:



City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1992, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page(s) 236.

Brenda R. Freeze  
City Clerk

**ORDINANCE NO. 3478-X**

**AN ORDINANCE TO ESTABLISH THE PROCEDURE FOR APPLYING STORM WATER SERVICE CHARGE CREDITS TO STORM WATER BILLS.**

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

**Section 1.** Chapter 18 of the City Code allows credits to the service rate charge for qualifying applicants. Credit applications received on or before April 30, 1993 shall be eligible for retroactive credits for the period from January 1, 1993 to the date of application, provided the qualifying storm water controls were existing prior to January 1, 1993.

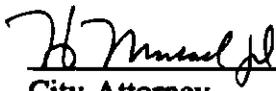
**Section 2.** After receipt of a proper and complete credit application, the Manager, as defined in Chapter 18, shall estimate the available credit. The estimated credit shall be applied to the next monthly storm water bill. The Manager shall review the engineering analysis submitted as part of the credit application. Only after a complete and thorough review of the credit application shall any retroactive credits be applied.

**Section 3.** The applicant is responsible for submitting a revised credit application within 30 days of receiving City review comments. Failure to comply will result in the monthly credit being rescinded and any past credited amounts becoming due and payable with the next monthly bill.

**Section 4.** After a complete and thorough review of the credit application, the Manager shall determine the adjustment, if any, to be made to the next monthly storm water bill. Any undercharged amount shall be due and payable with said bill. Any overcharged amount shall be posted as a credit to the storm water account.

**Section 5.** This ordinance shall be effective January 1, 1993.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1992, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page(s) 237.

Brenda R. Freeze  
City Clerk

ORDINANCE NO. 3479-X

AN ORDINANCE TO AMEND ORDINANCE NO. 3348-X, THE 1992-93 BUDGET ORDINANCE, ESTIMATING STORM WATER REVENUES AND EXPENDITURES, REVISING APPROPRIATION LEVELS IN THE GENERAL FUND, AND AUTHORIZING AN ADVANCE OF FUNDING TO STORM WATER FOR CONSTRUCTION PURPOSES.

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

Section 1. That the sum of \$4,932,128 is hereby estimated to be available for Storm Water Services from the following sources:

<u>Source</u>	<u>Amount</u>
Storm Water Fees (includes City Storm Water Fee)	\$3,691,229
One-Half Cent of Property Tax Rate	1,240,899
Total	\$4,932,128

Section 2. That the sum of \$4,925,415 is hereby estimated as expenditures for Storm Water Services:

<u>Expenditures</u>	<u>Amount</u>
Storm Water Operating Fund (7701) (includes existing City activities)	\$3,425,398
Storm Water Capital Project Fund (2701)	1,000,000
Contribution to the General Fund	500,017
Total	\$4,925,415

Section 3. That the sum of \$1,000,000 is hereby available from the Storm Water Operating Fund (7701) and is hereby appropriated to the Storm Water Capital project Fund (2701).

Section 4. That the sum of \$662,572 is hereby estimated to be available to the General Fund (according to the schedule below) from the Storm Water Operating Fund.

Stormwater Cost Allocation	\$ 69,500
Finance-Revenue Collection	<u>593,072</u>
Total	\$662,572

Section 5. That the General Fund Non-Departmental FICA and Retirement accounts are hereby decreased by \$26,546.

Section 6. That the following General Fund departmental transfers are hereby increased:

Transportation	\$1,666,982
Engineering	39,000
Non Departmental	<u>89,185</u>
	\$1,795,167

Section 7. That the General Fund Engineering Department (517.00) is decreased by \$173,496.

Section 8. That the sum of \$250,017 is hereby estimated to be available from the Stormwater Operating Fund.

Section 9. That the General Fund - Finance Revenue Division FY93 appropriation is hereby increased by \$416,899.

Section 10. That the sum of \$2,490,899 is hereby appropriated in the General Fund Non-Departmental.

Section 11. That the Finance Director or his designee is hereby authorized to advance up to \$251,000 from the Municipal Debt Service Fund to the Storm Water Services Capital Project Fund. Repayment of this advance will be on July 1, 1993.

Section 12. All sections of this ordinance are to be effective immediately.

Section 13. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 14. This ordinance shall become effective upon its adoption.

Approved as to form:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1992, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page(s) 238-240.

Brenda R. Freeze  
City Clerk

ORDINANCE NO. 3480-X

AN ORDINANCE TO AMEND ORDINANCE NO. 3348-X, THE 1992-1993 BUDGET ORDINANCE, APPROPRIATING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE WATER & SEWER FUND TO PURCHASE A PRIVATE WATER & SEWER SYSTEM FROM THE BURNETT CONSTRUCTION COMPANY.

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

Section 1. That the sum of \$1,600,000 is hereby estimated to be available from the unappropriated balance of the Water & Sewer Operating Fund.

Section 2. That the sum of \$1,600,000 is hereby appropriated to Water & Sewer Capital Improvement Account 2071;637.21 - Purchase of Brightmore Water System.

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:

Henry W. Underhill Jr.

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1992, the reference having been made in Minute Book 100, and is recorded in full in Ordinance Book 41, at page(s) 241.

Brenda R. Freeze  
City Clerk