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ORDINANCE NO. 1535

AMENDING CHAPTER 8

AN ORDINANCE REWRITING THE FIRE CODE OF THE CITY OF CHARLOTTE

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

Section 1. Chapter 8 of the Code of the City of Charlotte is hereby rewritten to read as follows:

"Chapter 8

FIRE PROTECTION AND PREVENTION

Section 8-1. Adoption of the National Fire Prevention Code.

The Charlotte Fire Department's mission is to minimize the risk of fire and other hazards to the life and property of the citizens of Charlotte. To accomplish this mission, the Department shall provide effective fire prevention, rescue, fire suppression, fire investigation, arson mitigation, and first responder medical services.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, or exposure to hazardous materials, the City of Charlotte adopts the following fire code:

- (a) Pamphlet No. 1, Fire Prevention Code 1982 and Volumes 1-16, 1984 Edition, as prepared by the National Fire Protection Association (hereinafter referred to as the NFPA Code).
- (b) The NFPA Code is adopted in its entirety, including Annex A and Appendices A-K, as amended, save and except such portions as are hereinafter deleted, modified, or amended. A copy of the NFPA Code has been and is now on file in the Office of the Fire Marshal and in the Office of the City

Clerk, and the same is hereby adopted and incorporated as fully as if set out in length herein, including the amended portions set out below. From the date on which this section will take effect, the provisions thereof shall be controlling within the limits of the City.

Section 8-2. Amendments made in the NFPA Code.

The NFPA Code, Annex A, and the Appendices shall be amended and changed in the following respects:

- (a) Sections 1-3.4.1, 1-5, 1-5.1, 1-5.2, 1-5.3, and 1-5.4 of Pamphlet No. 1 are deleted in their entirety.
- (b) Section 1-7.2 of Pamphlet No. 1 is deleted in its entirety and the following substituted therefor:

Permit Required. In accordance with the detailed requirements of the City of Charlotte, a permit shall be obtained to conduct the following operations, or to store, handle, or use those hazardous materials which are considered to present an extra or unusual fire hazard to life or property.

- 1. Combustible dust producing operations
- 2. The storage, use, or handling of compressed or liquefied gases
- 3. The storage, use, or handling of explosive materials
- 4. The storage, use, or handling of flammable or combustible liquids
- 5. Flammable finishing
- 6. Welding, cutting, and other hot work
- 7. The storage, use, or handling of hazardous materials
- 8. Aerial display of fireworks
- 9. Special uses
- 10. Multi-use

A permit for 'special uses' listed above shall be valid only for the permitted event or occurrence, and a new permit shall be obtained for each event or occurrence.

Each person, firm or corporation conducting any of the

above operations, or storing or using any of the above materials shall be responsible for obtaining a permit before operations begin. Permits are not transferable to other locations or persons, firms, or corporations.

All occupancies existing at the time this code is adopted where hazardous materials are used, stored, or handled, or where operations using hazardous materials are conducted, must meet applicable fire code regulations before a permit will be issued or reissued.

Exceptions from permit requirements.

Exception No. 1.

A permit is not required for the storage, use, or handling of the following quantities of materials. However, any storage, use, or handling of these substances shall be according to the NFPA Code and other applicable codes.

A. Compressed Gases

- (1) For the storage, handling, and use of 2,000 cubic feet or less of a flammable compressed gas, or
- (2) For the storage, handling, and use of 6,000 cubic feet or less of a non-flammable compressed gas.
- (3) For the temporary use or installation of a flammable compressed gas less than 2½ gallons in a place of assembly.
- (4) For installation of liquefied petroleum gas or liquefied natural gas in containers 1,000 gallon water capacity or less (installations of LPG/LNG for motor fueling are subject to authority having jurisdiction).

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B. Flammable and Combustible Liquids

All occupancies:

Class I Liquid - 15 gallons or less inside building.

- 60 gallons or less outside building.

Class II or III Liquid - 25 gallons or less inside building.

- 60 gallons or less outside building.

C. Hazardous Materials

(1) Corrosive Liquids - less than 275 gallons.

(2) Oxidizing Material- Class 1 - 4,000 pounds, or less.

- Class 2 - 1,000 pounds, or less.

- Class 3 - 200 pounds, or less.

- Class 4 - 10 pounds, or less.

(3) Organic Peroxides - less than 10 pounds.

(4) Ammonium Nitrate - less than 1,000 pounds. (Mixture has to be more than 60%.)

(5) Pyroxylin Plastics - less than 25 pounds.

(6) Poisons - 5,000 pounds or less of material labelled "Caution".

- 1,000 pounds or less of material labelled "Warning".

- 100 pounds or less of material labelled "Danger".

- 5,000 pounds or less in combined quantities of the materials listed above.

(7) Flammable Solids - 2,500 pounds, or less.

Exception No. 2.

The amounts listed for each compressed gas, flammable or combustible liquid, or hazardous chemical that requires a permit to be issued may be reduced by the fire marshal in special circumstances due to the danger to life and/or property, where conditions warrant stricter criteria . . . in the opinion of the Fire Marshal.

- (c) Section 1-7.2.4 of Pamphlet No. 1 shall be deleted in its entirety and the following substituted therefor:

Consolidated Permit. Each permit category listed in Section 8-2(b) above shall be considered as a separate required permit. When a firm is required to obtain more than one permit, the permits may be consolidated onto one permit form. Such consolidated permit form shall list all the hazardous materials or operations covered by the separate permits. Revocation of any permit or permits shall not invalidate any other permits included within the consolidated permit form.

- (d) Section 1-7.3.1 shall be deleted from Pamphlet No. 1 in its entirety and the following substituted therefor:

Application for permit. Applications for permits shall be made to the fire marshal on forms provided by the City of Charlotte and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as may be required by the fire marshal.

- (e) Section 1-7.3.2 of Pamphlet No. 1 shall be deleted in its entirety and the following substituted therefor:

Review, Issuance, Revocation and Fees.

- (1) Review and Issuance. The fire marshal shall review all applications submitted, determine compliance with applicable provisions of the code and assess permit fees as set out in subsection (2) below. If an application for a permit is rejected by the fire marshal, he shall advise the applicant, in writing, of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction

shall not be issued unless proof of required financial responsibility is furnished.

The fire marshal may revoke a permit upon his determination that the permit holder, or any of his agents or employees, has violated any provision of the NFPA Code or of this chapter, or any stated condition of the permit. The fire marshal shall advise the permit holder, in writing, of the reason for the revocation.

An applicant for a permit, or a permit holder, as appropriate, may appeal the fire marshal's refusal to issue, or revocation of, a permit. Appeals shall be to the fire chief, in writing, and shall be accomplished by the filing of a "Notice of Appeal" with the fire chief and the fire marshal within five working days after the fire marshal's action. Pending the fire chief's decision on an appeal, the fire marshal's revocation of a permit shall be stayed, unless the fire marshal certifies to the fire chief that there is a distinct fire hazard to life or property. After a full and complete hearing, the fire chief shall render his opinion in writing, either affirming, overruling or modifying the fire marshal's decision, within five working days.

2) Fees. The fee schedule for the permits required under Section 8-2(b) is as follows:

(A) For existing permits, a \$10.00 renewal fee for each permit with a maximum fee of \$40.00 for each consolidated permit holder.

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- (B) For new permits, a \$25.00 fee for each permit with a maximum fee of \$100.00 for each consolidated permit holder, except for aerial display of fireworks.
 - (C) For the aerial display of fireworks, the permit fee shall be \$100.00 for each occasion or event.
Application for such permits shall be made in writing at least 15 days in advance of the date of display.
 - (D) Printed schedules of the permit fees established by this chapter shall be available to the public at the fire marshal's office and the Treasurer's Office, First Floor, City Hall. The fire marshal is authorized to waive the permit fee for governmental, religious, or charitable organizations.
- (f) Chapter 2 - 'Definitions' of Pamphlet No. 1, NFPA Code shall be amended by the addition of the definitions of the following words and terms:
- (1) 'Special Use' - is defined as a one-time event involving any process known to be life-threatening or to constitute a fire hazard. A permit will be issued on an event-by-event basis upon demonstration of compliance with the applicable fire code regulations.
 - (2) 'Hazardous Materials' - shall include, but not be limited to, flammable solids, flammable or combustible liquids, pyroxylin plastics, combustible metals, oxidizing agents, organic peroxides, flammable and non-flammable gases, irritating materials, etiologic agents, and materials or mixtures of materials which are toxic, corrosive, poisonous, radioactive, or explosive, and other products

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that may be life-threatening or present an undue fire hazard as deemed by the fire marshal.

- (3) 'Toxic' - A substance that has the ability to cause damage to living tissue, when inhaled, ingested or absorbed via the skin.
- (4) 'Corrosive' - any liquid or solid that causes visible destruction or irreversible alterations in human skin tissue or a liquid that has a severe corrosion rate on steel.
- (5) 'Poison' - Any substance which, in small quantities, can cause illness or death.
- (6) 'Radioactive' - any material, or combination of materials, that spontaneously emits ionizing radiation, and having a specific activity greater than 0.002 microcuries per gram.
- (7) 'Container' - shall mean any bag, bottle, carton, can, pressurized container, drum, portable tank, or other closed vessel containing hazardous materials, flammable or combustible liquids, or compressed gases.
- (8) 'Approved' - shall mean approved by the Fire Marshal or other authority having jurisdiction.
- (9) 'Compressed gas' - any material or mixture having in the container a pressure exceeding 40 psia at 70° F., or a pressure exceeding 104 psia at 130° F., or any liquid flammable material having a vapor pressure exceeding 40 psia at 100° F.
- (10) 'Non-liquefied compressed gas' - a gas, other than gas in solution, which under the charged pressure is entirely gaseous at a temperature of 70° F.

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- (11) 'Liquefied compressed gas' - a gas, which, under the charged pressure, is partially liquid at a temperature of 70° F.
- (12) 'Compressed gas in solution' - a nonliquefied compressed gas which is dissolved in a solvent.
- (13) 'Flammable gas' - any compressed gas meeting the requirements for lower flammability limit, flammability limit range, flame projection, or flame propagation.
- (14) 'Nonflammable gas' - any compressed gas other than a flammable compressed gas.
- (15) 'Flammable solid' - any solid material, other than an explosive, which is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and when ignited, burns so vigorously and persistently as to create a serious hazard. Included in this class are spontaneously combustible and water-reactive materials.
- (16) 'Spontaneously combustible material (solid)' - a solid substance (including sludges and pastes) which may undergo spontaneous heating or self-ignition under conditions normally incident to transportation or which may, upon contact with the atmosphere, undergo an increase in temperature and ignite.
- (17) 'Water reactive material (solid)' - any solid substance (including sludges and pastes) which, by interaction with water, is likely to become spontaneously flammable or to give off flammable or toxic gases in dangerous quantities.

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(18) 'Organic peroxide' - an organic compound containing the bivalent -O-O structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms has been replaced by organic radicals.

(19) 'Oxidizer' - a substance such as chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

(20) 'Irritating material' - a liquid or solid substance which, upon contact with fire or when exposed to air, gives off dangerous or intensely irritating fumes, but not including any poisonous material.

(21) 'Etiologic agent' - a viable micro-organism, or its toxin, which causes, or may cause, human disease.

(g) Chapter 2 - 'Definitions' shall be further amended by the deletion of the definition and reference to 'Board of Appeals.'

(h) Chapter 3 of Pamphlet No. 1 of the NFPA Code shall be amended by the addition of new sections to read as follows:

(1) 'Section 3-5.4.1. Testing of Equipment. In order to assure proper maintenance, all equipment identified in Section 3-5.4 shall be tested by qualified persons at least annually. Results of such tests shall be forwarded to the Fire Marshal.'

(2) 'Section 3-5.5.1. Available Water Supply. The available water supply for new occupancies shall be sufficient for firefighting operations, as determined by the Fire Marshal, using the Insurance Services Office procedures for needed fire flow, 1980 Edition, as a guideline.'

- (3) 'Section 3-5.5.2. Water Demand. The water demand for sprinkler systems and/or standpipe systems shall not be greater than ninety per cent of the water supply available.'
- (4) 'Section 3-9.5.1. Careless Discharge of Hazardous Materials. No person shall deliberately, or through carelessness or negligence, cause the spill, discharge, breakage, or leak of any hazardous materials, or flammable or combustible liquids in such a manner as to endanger the safety of any person or property.'
- (i) Chapter 3 of Pamphlet No. 1 of the NFPA Code shall be amended by modifications to the following sections:
- (1) Section 3-1.1.11, 'Smoking,' shall be modified by changing references to 'No Smoking' signs to 'Smoking Prohibited by Law' signs.
- (2) Section 3-1.1.6, 'Posting of Fire Safety Regulations,' shall be modified by the addition of the following sentence. 'Owners, operators, tenants, administrators, or managers of existing high-rise buildings shall submit evacuation plans to the Fire Marshal as required by Section 1008 of the State Building Code, Volume I.'
- (3) Section 3-5.3. 'Standpipes Required,' shall be modified by deleting the sentence: 'Exception: This paragraph shall not apply to industrial process structures where life or property is not imperiled by fire or explosion.'
- (4) Section 3-9.3, 'Storage of Hazardous Materials' shall be modified to read as follows:

'Hazardous Materials which, when mixed, react violently or evolve toxic vapors or gases or which, in combination, become hazardous by reason of toxicity, oxidizing power, flammability or other properties shall be stored according to the following table:

| | |
|----------------------------------|-----------------|
| Storage Distance to Walls | 2 Feet Minimum |
| Height Limit | 12 Feet Maximum |
| Distance to Incompatible Storage | 15 Feet Minimum |

(j) The following standards of the NFPA Code, Phamphlet No. 1 shall be amended in the following manner:

(1) The following standards shall be deleted from Annex A:

- NFPA 87 - 1980 - Standard for the Construction and Protection of Piers and Wharves
- NFPA 1221 - 1980 - Standard for the Installation, Maintenance and Use of Public Fire Service Communications
- NFPA 1231 - 1975 - Standard on Water Supplies for Suburban and Rural Fire Fighting
- NFPA 1961 - 1979 - Standard for Fire Hose

(2) The following standards shall be added to those already listed in Annex A:

- NFPA 43C - 1980 - Code for the Storage of Gaseous Oxidizing Materials
- NFPA 43D - 1980 - Code for the Storage of Pesticides in Portable Containers
- NFPA 45 - 1982 - Standard on Fire Protection for Laboratories Using Chemicals
- NFPA 56G³ - 1980 - Standard for the Use of Inhalation Anesthetics in Ambulatory Care Facilities
- NFPA 85G - 1980 - Standard for the Prevention of Furnace Implosions in Multiple Burner Boiler Furnaces
- NFPA 86D - 1979 - Standard for Industrial Furnaces Using Vacuum as an Atmosphere
- NFPA 231 - 1980 - Standard for Storage of Rubber Tires
- NFPA 1123- 1982 - Standard for Public Display of Fireworks

NFPA 253 - 1978 - Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source

NFPA 258 - 1982 - Standard Research Test Method for Determining Smoke Generation of Solid Materials

NFPA 259 - 1982 - Standard Test Method for Potential Heat of Building Materials

1978 Edition of the North Carolina Building Code

L.P. Standards of the North Carolina Department of Agriculture

- (3) Annex A shall be further amended by the deletion of Chapter 3, Section 312 - 'Installation of Containers 3210(G) of NFPA #58 - Standard for the Storage and Handling of Liquefied Petroleum Gases,' and the following substituted in lieu thereof:

Minimum Protection for Containers.

Crash posts, guard rails or fencing in place for protection from vehicular damage.

Commercial gauge chain link fencing at least four (4) feet high with one gate is required for the installation of two 1,000 gallon or larger tanks. Protective posts of 4-inch iron pipe filled with concrete may be required for single tank installations. The above are minimum requirements. Due to location and amount of storage, the protection guidelines shall be as required by the fire marshal.

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- (k) NFPA Code, Pamphlet No. 1 shall be amended by the deletion of Section 16 of Appendix C, and Appendices F and I in their entirety. Section 4 of Appendix C shall be amended by the deletion of 'installation and' from numbered paragraph 3, 'and regulation' from numbered paragraph 4, and 'means and adequacy' from numbered paragraph 5, which shall be replaced by 'maintenance.' Section 3-5.4 of Appendix D shall be amended by substituting 'shall be' for 'should be.'
- (l) NFPA Code Standard No. 30, "Flammable and Combustible Liquid" shall be modified as follows:
1. Section 4-4.1.7 shall have the following added thereto:
'The height limits of table 4-4.2.7 shall apply an unprotected inside storage rooms for containers 30 gallons or less individual capacity. The height limits of table 4-6.1(a) are table 4-6.1(b), whichever is applicable, shall apply in protected inside storage rooms.'
 2. Section 4-5.5.4 shall be rewritten to read:
'Containers shall not be stacked more than three feet or two containers high, whichever is the greater, unless on fixed shelving. In unprotected mercantile occupancies and retail stores and other related areas accessible to the public, the combined height(s) of containers and fixed shelving shall be limited to the height limits of table 4-4.2.7. In protected mercantile occupancies and retail stores and related areas accessible to the public, the combined height(s) of containers and fixed shelving shall be limited to the height limits of table 4-6.1(a) or table 4-6.1(b), whichever is applicable.'

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3. Section 4-6.1(a) shall have the following added at the end thereof:

'Except in mercantile occupancies, and retail stores and other related areas accessible to the public.'

Section 8-3. Conflicting provisions of other codes.

Whenever provisions of the NFPA Fire Prevention Code are in direct conflict with a provision of the North Carolina State Building Code, then the jurisdiction and authority of the North Carolina State Building Code shall supersede the provisions of the NFPA Fire Prevention Code.

Section 8-4. Penalties.

- (a) Any person, firm, or corporation who shall violate or fail to comply with any provision of this chapter or of the NFPA Code as adopted, amended, or augmented by this chapter, or who shall violate or fail to comply with any order made under this chapter or the NFPA Code, or who shall build in violation of any detailed statement of specifications or plans submitted under this chapter or the NFPA Code or any certificate or permit issued thereunder, shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such violations shall be corrected within the time specified pursuant to Section 8-14(b) of this chapter.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 8-5. Definitions.

- (a) Wherever the word 'municipality' is used in the NFPA Code, it shall be held to mean the City of Charlotte.
- (b) Wherever the term 'corporation counsel' is used in the NFPA Code, it shall be held to mean the Charlotte city attorney.
- (c) Wherever the term 'NFPA' is used in the NFPA Code, it shall be held to mean the National Fire Protection Association.

Section 8-6. Establishment and duties of bureau of fire prevention.

The NFPA Code and this chapter shall be enforced by the bureau of fire prevention in the fire department of the city, which is hereby established and which shall be operated under the supervision of the chief of the fire department. The fire marshal in charge of the bureau of fire prevention shall be appointed by the chief of the fire department, who may also detail such members of the department as inspectors as shall from time to time be necessary.

Section 8-7. Modifications.

The fire marshal shall have power to modify any of the provisions of the NFPA Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Section 8-8. Obstructing, crowding, and interfering at a fire site.

It shall be unlawful for persons to congregate in the streets, lanes, alleys, or squares adjacent to a fire so as to interfere with the operations of the fire department.

Section 8-9. Fire department right-of-way.

It shall be the duty of all railroads and railway companies, and the engineers, and employees of the same, when any engine, car or train of cars is across or on any street, upon the approach of fire apparatus to disconnect or move said cars or trains and clear the street crossing immediately and allow the firefighters and vehicles to pass without delay.

Section 8-10. Hazardous materials disclosure.

Any individual or business which manufactures, handles, uses, stores, or transports hazardous materials, as defined in Section 8-2(f)(2), is required to disclose, in writing, the presence of such materials to the fire prevention bureau at least 15 days prior to the beginning of such manufacturing, handling, use, storage, or transportation. This information shall be stored by the fire department for use in emergencies. When changes occur in the storage, handling, manufacturing, use or transportation of hazardous materials, the Fire Marshal shall be notified in writing, at least 15 days prior to such change. Hazardous materials shall be manufactured, handled, used, stored, or transported in accordance with the NFPA Code or other applicable regulations.

Section 8-11. Smoking prohibited in specified public places.

(a) No person shall smoke or carry a lighted cigar, cigarette, pipe or match, or use any spark, flame or fire-producing device not specially authorized for use in such place by the fire

inspector, in any of the following places:

- (1) Retail stores. Retail stores designed and arranged to accommodate more than two hundred (200) persons, or in which more than twenty-five (25) persons are regularly employed.

Exception for approved areas. The prohibition of (1) above shall not apply to smoking rooms, rest rooms, restaurants, executive offices or beauty parlors in retail stores when specifically approved by the fire inspector by written order to the person having control of the premises upon a finding that such use therein does not constitute a fire hazard.

- (2) Elevators. Elevators, regardless of capacity, in any public place.

- (3) Public and private hospitals.

Smoking is permitted only in waiting rooms, lounge areas, offices and restaurants; smoking also may be allowed in a patient's room with permission of the attending physician.

- (b) Violation by persons having control. It shall be unlawful for any person, or his agent, having control of any premises or place to knowingly permit violation of this section.

- (c) Placarding required. Every person, or his agent, having control of premises upon which smoking or the carrying of lighted objects is prohibited by or under the authority of this section, shall conspicuously display upon the premises signs reading 'SMOKING PROHIBITED BY LAW.' Said signs must

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be of standard size and lettering approved by the fire inspector. The fire inspector shall also have the authority to designate the location of these signs.

- (d) Violation of sign. No person shall smoke in any properly placarded place, nor shall any person remove any placard required to be erected by or under the authority of this section.

Section 8-12. Repeal of conflicting ordinances.

All former ordinances or parts thereof which conflict or are inconsistent with the provisions of this ordinance or the code hereby adopted are repealed.

Section 8-13. Warning signs required in coin-operated drycleaning establishments.

Each coin-operated drycleaning establishment shall display prominently upon or near each dry cleaning machine a sign warning the public of the danger of excessive solvent vapor inhalation or prolonged or repeated contact with skin or eyes of the drycleaning solvent known as 'Perchloroethylene.'

Section 8-14. Issuance of notice of violations by designated officers and fire inspectors.

- (a) Fire inspectors of the bureau of fire prevention, and fire officers of the rank of captain or above, are empowered to issue notices of violation when such fire inspector or officer has reasonable cause to believe that any person has violated any provision of the NFPA Code or of this chapter. The notice of violation may be delivered in person to the violator, or, if the violator cannot be readily found, the notice of violation may be mailed. The notice of violation

shall specify the penalty to be imposed upon the violator and shall direct the violator to appear before the City's violations office within fifteen days to pay the penalty or, alternatively, to pay the penalty by mail. The penalty imposed shall be \$100.00 for violations of pamphlet 101, 'Life Safety,' of the NFPA Code, as the same may be modified by this chapter, and \$25.00 for other violations of the NFPA Code or of this chapter.

- (b) The notice of violation may specify a period during which the violator must correct the violation. If the violation is not corrected within the specified time, the violator shall be guilty of a new and separate offense.
- (c) If the violator does not pay the penalty within fifteen days after issuance of the notice of violation, a delinquency charge of \$10.00 shall be added to the amount specified in the notice of violation and notice of the delinquency charge shall be mailed to the violator. The delinquency notice shall also inform the violator that a criminal summons will be issued against him if the specified penalty and the delinquency charge are not paid within five days after the date of the delinquency notice.
- (d) If the penalty and delinquency charge are not paid within the time allowed, the fire marshal may have a criminal summons issued against the violator for the violation of the NFPA Code or of this chapter. Upon conviction, the violator shall be subject, in addition to any criminal penalty the court may impose pursuant to Section 8-4 of this chapter, to the penalty specified in the notice of violation and the delinquency charge.

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(e) Nothing in this section shall preclude the issuance of an arrest warrant where appropriate.

Section 8-15. Right of Entry.

To the full extent permitted by law, any fire official engaged in fire prevention and inspection work is authorized at all reasonable times to enter and examine any building, vehicle, or premises for the purpose of making fire safety inspections. Before entering a private building or dwelling, the fire official shall obtain the consent of the occupant thereof or obtain a search warrant authorizing his entry for the purpose of inspection. The fire official may enter without a warrant when he or she has probable cause to believe that circumstances exist in the building which reasonably may constitute immediate and substantial danger to life or property."

Section 2. 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 11th day of June, 1984, the reference having been made in Minute Book 82, and is recorded in full in Ordinance Book 33, at Pages 96-116.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1536-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1376-X, THE 1983-84 BUDGET ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION TO THE PLANNING DEPARTMENT FOR CONSULTANT SERVICES IN THE DEVELOPMENT OF THE 2005 PLANNING PROCESS.

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

Section 1. That the sum of \$80,000 is hereby estimated to be available to contract assumption and data base development of the 2005 Plan from the following sources:

| <u>Source</u> | <u>Amount</u> |
|----------------------------|---------------|
| General Fund Contingency | \$40,000 |
| <u>County Contribution</u> | <u>40,000</u> |
| Total | \$80,000 |

Section 2. That the sum of \$80,000 is hereby appropriated to the General Fund Planning Department (0101; 114.00.199).

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 11th day of June, 1984, the reference having been made in Minute Book 82, and is recorded in full in Ordinance Book 33 at Page 117.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1537-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1376-X, THE 1983-84 BUDGET ORDINANCE, ESTIMATING STATE REVENUES AND PROVIDING A SUPPLEMENTAL APPROPRIATION FOR THE BRIDGE REPLACEMENT PROGRAM.

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

Section 1. That the sum of \$115,479.34 is hereby estimated to be available from the North Carolina Department of Transportation for the construction of a culvert on Little Sugar Creek at 36th Street.

Section 2. That the sum of \$115,479.34 is hereby appropriated to General Capital Improvement account 2010; 248.00 - Bridge Replacement 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:

Henry W. Lindbergh Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 11th day of June, 1984, the reference having been made in Minute Book 82, and is recorded in full in Ordinance Book 33 at Page 118.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1538

AMENDING CHAPTER 3

AN ORDINANCE AMENDING CHAPTER 3, ENTITLED "ANIMALS", OF THE CODE OF THE CITY OF CHARLOTTE.

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

Section 1. Chapter 3, § 24, "Redemption fees; adoption fees; spay/neuter services", of the City Code of the City of Charlotte shall be amended by adding thereto a new last paragraph following the words ". . . the administration of this chapter.", to read as follows:

"The Director of the Operations Department (Director) of the City of Charlotte shall have the discretionary authority to grant a refund of money paid pursuant to this section for the cost of spay/neuter services when the animal has died before such services can be performed, or if it is subsequently determined that such surgery is unnecessary or inappropriate, or for some other exceptional reason which would make it unjust for the City to retain the cost for the spay/neuter services paid to the City of Charlotte and a refund would be appropriate. This is discretionary authority for the Director and the Director may decline to exercise such authority for any reason whatsoever. If such discretionary authority is exercised, then the Finance Department will be authorized, pursuant to a written memorandum from the Director of the Operations Department to the Director of the Finance Department, to refund such money with whatever appropriate documentation is required by the Finance Department.

If the discretionary authority is not exercised by the Director or if an individual remains dissatisfied with the decision of the Director, then the individual must file a notice of claim with the office of City Manager for any further review of such a request".

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

J. B. Muehl, Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 11th day of June, 1984, the reference having been made in Minute Book 82, and is recorded in full in Ordinance Book 33 at Page 119.

Pat Sharkey
City Clerk

ORDINANCE NO. 1539

AMENDING CHAPTER 4

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE AVIATION
ORDINANCE.

Be it ordained by the City Council of the City of Charlotte,
North Carolina, that:

Chapter 4, Article II, Section 4-14, is hereby amended by
deleting it in its entirety and substituting in lieu thereof
the following:

"Sec. 4.14.1

"Definitions.

The following terms shall have the meanings set forth
below when used in Sections 4.14.2 and 4.14.3.

- "a). 'Airport' shall mean the facility now known as
'Charlotte/ Douglas International Airport'.
- "b). 'Airport Use Agreement' shall mean any agreement,
including but not limited to the 'Agreement for Use
of Public Aircraft Facility' adopted by the City
Council in August 1978 (hereafter 'Standard Agree-
ment'), between the City and persons, firms or
corporations who operate aircraft at the Airport
which they offer for hire, including but not
limited to, scheduled passenger and cargo airlines
and charter businesses (hereafter 'Commercial
Operators'), which provides for the payment by the
Commercial Operator of landing fees to the City.
- "c). 'Public Aircraft Facility(ies)' (hereafter 'P.A.F.')
- means those portions of the Airport now existing
and hereafter provided for the landing, takeoff and
taxiing of aircraft, including but not limited to
navigational aids, hazard designation and warning
devices, airfield security roads and fencing
lighting and clear zone areas, pursuant to the
provisions of the Standard Agreement.
- "d). 'Public General Aviation Facilities' shall mean
those portions of the Airport now or hereafter made
available for general use in the 'General Aviation
Cost Center' as that area is defined and designated
from time to time pursuant to the terms of the
Standard Agreement.

"Sec. 4.14.2

"Landing Fee.

"Landing fees are hereby established for the use by Commercial Operators of the P.A.F.

- "a). Every Commercial Operator shall pay to the City a landing fee as hereafter determined.
- "b). This landing fee shall be based upon the maximum gross landing weight, as certified by the Federal Aviation Administration (hereafter 'FAA'), for each and every aircraft landed at the Airport by a Commercial Operator.
- "c). The amount of the landing fee per thousand pounds shall be established pursuant to the provisions of the Standard Agreement.
- "d). Every Commercial Operator shall furnish to the City a complete and accurate report compiled monthly of its operations at the Airport in a form satisfactory to the Airport Manager including at a minimum the total number of landings for the month by type of aircraft, the maximum gross certified landing weight of each aircraft type, the total number of enplaning and deplaning passengers in the month, the amount of cargo, freight and mail loaded and unloaded in each month, which report shall be delivered to the office of the Airport Manager no later than the 10th day of the following month.

"Sec. 4.14.3

"Fuel Flowage Fee.

"A fuel flowage fee is hereby imposed upon each gallon of aviation fuel delivered at the Airport into an aircraft that is not being operated by a Commercial Operator at the time of the delivery.

- "a). Permit Required. It shall be unlawful for any person, firm or corporation either to engage in the delivery of aviation fuel into aircraft at the Airport or to maintain fuel storage facilities on the Airport without having received and obtained a permit from the City, which, subject to safety and other operational limitations, shall be issued by the Airport Manager without charge upon submission of an application that may be obtained by request to the Airport Manager's office.

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"b). Payment of Fuel Flowage Fee. The holders of permits issued under this Section shall be responsible for the collection and remittance of the fuel flowage fee imposed by this Section. Payment shall be made by delivery to the Airport Manager's office no later than the 15th day of the month following the month during which the delivery giving rise to the fee occurred.

"c). Amount of Fuel Flowage Fee. The amount of the fuel flowage fee shall be \$0.065 per gallon for the fiscal period beginning on July 1, 1984 and ending on June 30, 1985. Thereafter, the fuel flowage fee for each gallon to which the fuel flowage fee is applicable shall be determined by the Airport Manager for each fiscal year, July 1 through June 30, until changed by City Council, based upon the following formula, to-wit:

"(1) A contribution to the cost of providing the P.A.F. consisting of--

"(i) Fifty (50%) percent of total operations at the Airport by general aviation aircraft during the previous fiscal period, July 1 -- July 30 (taken from FAA Form 7230-1 'Airport Traffic Record', compiled by the FAA Air Traffic Control Tower at the Airport or successor documents maintained by the FAA to record a compilation of aircraft operations at the Airport); multiplied by

"(ii) The then applicable fee per thousand pounds as established pursuant to the Standard Agreement; multiplied by

"(iii) An assumed average landing weight for general aviation aircraft of 8,694 pounds, subject to the discretion of the Airport Manager to adjust said assumed average landing weight based upon periodic surveys indicating a material change in the mix of general aviation aircraft using the Airport; plus

"(2) A contribution to the cost of providing Public General Aviation Facilities consisting of --

"(i) A return to the City sufficient to amortize the City's cost of providing Public General Aviation Facilities over twenty (20) years at ten (10%) percent, including an amount attributable to land value equal to the then fair rental of the acreage within the General Aviation Cost Center as the same may be designated from time to time pursuant to the provisions of the Standard Agreement; plus

"(ii) That part of the cost incurred during the previous fiscal period of maintaining and operating the City's Public General Aviation Facilities that is not otherwise recouped by the City from users; plus

"(iii) That part of the cost during the previous fiscal period of providing general 'Airport Services' as that term is defined in the Standard Agreement, attributed to the General Aviation Cost Center as that area is designated from time to time pursuant to the terms of the Standard Agreement; divided by

"(iv) The total number of gallons of aviation fuel with respect to which a fuel flowage fee was paid during the previous fiscal period.

"d). Records Sufficient to Determine Fuel Flowage Fee.

Each holder of a permit under this Article shall be responsible for maintaining records sufficient to determine the obligation to collect fuel flowage fees imposed by this Section in the form required by regulations established in writing by the Airport Manager's Office. All records of each license holder shall be made available on the Airport during regular business hours upon five (5) days prior written request by the Airport Manager's Office.

Section 2. This ordinance shall become effective July 1, 1984.

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 11th day of June, 1984, the reference having been made in Minute Book 82, and is recorded in full in Ordinance Book 33 at Pages 120-123.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1540-X

AMENDMENT TO ORDINANCE NO. 1522-X TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE, NORTH CAROLINA TO INCLUDE A PORTION OF THE IRWIN CREEK TREATMENT PLANT PROPERTY.

WHEREAS, the Council has adopted Ordinance No. 1522-X to extend the corporate limits of the City of Charlotte to include a portion of the Irwin Creek Treatment Plant Property; and

WHEREAS, the description of the annexed property described in Exhibit A of said ordinance was based in large measure upon a map prepared by the City of Charlotte, dated June 30, 1943, revised November 4, 1982; and

WHEREAS, an actual field survey has been completed which describes this same property without including any property which was not described in the original annexation petition described in Ordinance No. 1522-X; and

WHEREAS, a description of the property annexed by Ordinance No. 1522-X which is based upon said field survey is attached hereto as Exhibit A and is a more accurate description of the annexed property than the exhibit attached to Ordinance No. 1522-X.

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

Section 1. Exhibit A to Ordinance No. 1522-X is deleted in its entirety and Exhibit A hereto is substituted in lieu thereof.

Section 2. Except as expressly set forth herein, Ordinance No. 1522-X shall continue to be in full force and effect from and after its adoption.

Adopted this 11th day of June, 1984.

CITY OF CHARLOTTE

BY:

Mayor

ATTEST:

Pat Sharkey
City Clerk

APPROVED AS TO FORM:

Henry W. Zanderhill Jr.
City Attorney

CERTIFICATION

I, PAT SHARKEY, 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 11th day of June, 1984, the reference having been made in Minute Book 82, and recorded in full in Ordinance Book 33, at Page(s) 124-127.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of June, 1984.

EXHIBIT A

TRACT I

BEGINNING at a point in the easterly right-of-way margin of Wilmont Road (60' right-of-way), said point being located where the southerly right-of-way margin of the Southern Railway Crossline Railroad (200' right-of-way) intersects with the easterly right-of-way margin of Wilmont Road, said point also being in the present Charlotte City Limit Line, and running thence with the southerly right-of-way margin of the Southern Railway Crossline Railroad and the present Charlotte City Limit Line S. 09-21-30 E., 1,332.79 feet to an old iron; thence leaving the present Charlotte City Limit Line and running with a portion of the northerly boundary line of the F. L. Shoaf property N. 37-50-30 W., 427.05 feet to a point; thence with the easterly and northerly boundary line of G. T. King property in two (2) courses as follows: (1) N. 36-41-30 E., 157.78 feet to a point; (2) N. 40-50-00 W., 561.52 feet to a point in the easterly right-of-way margin of Wilmont Road; thence with the easterly right-of-way margin of Wilmont Road N. 36-43-30 E., 532.04 feet to the point or place of BEGINNING. Containing 5.472 acres all as shown on a map prepared by the City of Charlotte Engineering Department, dated May 9, 1984.

EXHIBIT A (continued)

TRACT II

BEGINNING at a point in the westerly right-of-way margin of Disposal Plant Road (60' right-of-way), said point being located where the westerly right-of-way margin of Disposal Plant Road intersects with the southerly right-of-way of the Southern Railway Crossline Railroad (200' right-of-way), said point also being in the present Charlotte City Limit Line; thence leaving the present Charlotte City Limit Line and running with the westerly right-of-way margin of Disposal Plant Road in two (2) courses as follows: (1) S. 05-25-47 W., 81.64 feet to a point; (2) S. 43-20-29 W., 169.46 feet to a point in the northerly right-of-way margin of the Billy Graham Parkway; thence with the northerly right-of-way margin of the Billy Graham Parkway in four (4) courses as follows: (1) N. 68-37-13 W., 993.17 feet to a point; (2) With a spiral curve to the right, having a chord bearing and distance of N. 68-22-02 W., 193.50 feet to a point; (3) With a circular curve to the right, having a radius of 7,392.35 feet, an arc distance of 3,356.23 feet to a concrete monument; (4) N. 06-25-13 W., 38.11 feet to a concrete monument; thence with the easterly right-of-way margin of Wilmont Road, N. 31-37-20 E., 87.74 feet to a point; thence N. 58-22-40 W., 37.66 feet to a point; thence with the westerly boundary line of the Irwin Creek Disposal Plant property in fifteen (15) courses as follows: (1) N. 76-09-47 E., 152.74 feet to a point; (2) N. 68-30-47 E., 389.17 feet to a point; (3) S. 68-22-13 E., 160.96 feet to a point; (4) S. 13-12-43 E., 401.96 feet to a point; (5) N. 50-37-47 E., 678.05 feet to an old iron; (6) N. 56-38-04 E., 152.76 feet to an old iron; (7) N. 56-39-57 E., 134.08 feet to an old iron; (8) N. 03-28-27 E., 107.80 feet to an old iron; (9) N. 07-56-33 W., 262.70 feet to an old iron; (10) S. 41-52-13 E., 52.70 feet to an old iron; (11) N. 31-27-37 E., 216.96 feet to an old iron; (12) N. 32-01-57 E., 75.75 feet to an old iron; (13) N. 31-45-39 E., 438.46 feet to an old iron; (14) N. 31-43-54 E., 209.20 feet to an old iron; (15) N. 31-47-47 E., 276.09 feet to an old iron in the southerly right-of-way margin of the Southern Railway Crossline Railroad (200' right-of-way), said point also being in the present Charlotte City Limit Line; thence with the southerly right-of-way margin of the Southern Railway Crossline Railroad and the present Charlotte City Limit Line in four (4) courses as follows: (1) S. 09-21-30 E., 2,020.26 feet to a point; (2) With a spiral curve to the left, having a chord bearing and distance of S. 10-37-20 E., 306.48 feet to a point; (3) With a circular curve to the left having a radius of 2,392.01 feet, an arc distance of 2,171.27 feet to a point; (4) With a spiral curve to the left, having a chord bearing and distance of S. 65-51-53 E., 79.04 feet to the point or place of BEGINNING. Containing 110.662 acres all as shown on a map prepared by the City of Charlotte Engineering Department, dated May 9, 1984.

EXHIBIT A (continued)

TRACT III

BEGINNING at a point in the easterly right-of-way margin of Disposal Plant Road (60' right-of-way), said point being located where the southerly right-of-way margin of the Southern Railway Crossline Railroad (200' right-of-way) intersects with the easterly right-of-way margin of Disposal Plant Road, said point also being in the present Charlotte City Limit Line, and running thence with the southerly right-of-way margin of the Southern Railway Crossline Railroad and the present Charlotte City Limit Line with a spiral curve to the left, having a chord bearing and distance of S. 68-31-11 E., 164.96 feet to a point; thence continuing with the southerly right-of-way margin of the Southern Railway Crossline Railroad and the present Charlotte City Limit Line S. 68-52-00 E., 327.89 feet to a point; thence leaving the present Charlotte City Limit Line and running with the westerly boundary line of the Lambs Chapel property S. 38-52-00 W., 246.84 feet to a point in the northerly right-of-way margin of the Billy Graham Parkway; thence with the northerly right-of-way margin of the Billy Graham Parkway N. 68-37-13 W., 222.15 feet to a point; thence with the easterly right-of-way margin of Disposal Plant Road in two (2) courses as follows: (1) N. 24-28-40 W., 249.84 feet to a point; thence N. 05-25-47 E., 62.72 feet to the point or place of BEGINNING. Containing 2.014 acres all as shown on a map prepared by the City of Charlotte Engineering Department, dated May 9, 1984.

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ORDINANCE 1541-X

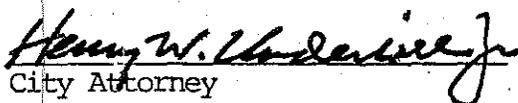
ORDINANCE OF THE CITY COUNCIL RESCINDING THE CLOSING AND DEMOLITION OF A DWELLING BELONGING TO Glenn I. McLaughlin & Carolyn B. LOCATED AT 1929 Woodcrest Avenue IN THE CITY OF CHARLOTTE.

WHEREAS, on 7/12/82 The City Council enacted Ordinance 1207-X ordering the closing and demolition of a dwelling located at 1929 Woodcrest Avenue, Charlotte, N.C. as unfit for human habitation, said dwelling being the property of Glenn I. McLaughlin and Carolyn B.

WHEREAS, it has been determined by the Director of the Community Development Department that 65% of the structural violations of this dwelling has now been repaired to satisfy the motion passed by the City Council on 7/12/82, and there is no longer a need for the closing and demolition of the dwelling located at 1929 Woodcrest Avenue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte in a regularly scheduled meeting on July 12, 1982 that Ordinance 1207-X recorded in Ordinance Book 31, Page 312 in the City Clerk's Office and registered in Deed Book 4585 at Page 0571 in the office of the Register of Deeds for Mecklenburg County is now hereby rescinded.

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 11th day of June, 1984, the reference having been made in Minute Book 82, and is recorded in full in Ordinance Book 33, at Page 128.

Pat Sharkey
City Clerk