

AMENDING CHAPTER 19

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

WHEREAS, the City Council finds that when appropriately designed and displayed, decorative signs serve to beautify and enhance the streetscape, and promote the City, its neighborhoods, civic institutions, and public activities and events in the City; and

WHEREAS, the Charlotte City Code currently allows decorative signs in the rights-of-way only in Municipal Service Districts 1, 2 and 3 (*i.e.*, downtown); and

WHEREAS, the Council sees the value in expanding the decorative sign program outside of the downtown area.

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

Section 1. Article VII of Chapter 19 of the Charlotte City Code is amended as follows:

**"ARTICLE VII. DECORATIVE SIGNS IN
MUNICIPAL SERVICE DISTRICTS 1, 2 AND 3**

Sec. 19-206. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~CCCP means Charlotte-Center City Partners.~~

Decorative sign means a pictorial representation, including illustrations, words, numbers, or decorations; emblem; flag; banner; pennant, that promotes or celebrates the city, its neighborhoods, civic institutions, or public activities or events in the city. Decorative signs may either be designed and displayed by the City directly, or may be donated to the City on a permanent basis or for a limited period of time.

Sec. 19-207. – Purpose.

This article is ~~intended to establish to regulate~~ provide for temporary and permanent decorative signs within public rights-of-way ~~in municipal service districts 1, 2, and 3~~ and to exempt such signs from the provisions contained in the zoning ordinance in appendix A to this Code. Decorative signs are regulated in accordance with these standards in order to:

- (1) Make it clear that decorative signs under this article constitute government speech and that the city does not intend to create a public forum for private speech;

- (2) Provide standards and guidelines regarding the donation and display of banners, flags, pennants and other decorative and informative signs on public rights-of-way; or public property in municipal service districts 1, 2, 3;
- (3) Restrict the display of decorative signs which:
 - a. Overloads the public's capacity to receive information;
 - b. Violates privacy; or
 - c. Increases the probability of accidents by distracting attention or obstructing vision;
- ~~(4) Provide opportunities for sponsors to promote events sanctioned by the city council or by the city manager or his designee;~~
- ~~(5) Provide an opportunity for the general business district to display decorative, seasonal banners on the Tryon Street Mall, Trade Street, and other streets within the central business district;~~
- (4) Establish guidelines which include, but are not limited to, size, materials, location, erection and removal of decorative signs. ~~within municipal service districts 1, 2, and 3; and~~
- ~~(5) Delegate an administrative procedure to Charlotte Center City Partners (CCCP) for applications for, issuance of approval and display of decorative signs within the municipal service districts 1, 2, and 3.~~

Sec. 19-208. - Prohibited sign devices.

No decorative sign ~~in municipal service districts 1, 2, and 3~~ may be lighted, may flash, or may make noise.

Sec. 19-209. - Location, size, and placement of signs.

- (a) Decorative signs are permitted to be displayed upon public street frontages ~~in municipal service districts 1, 2, and 3,~~ provided signs:
 - (1) Do not impede vehicular visibility;
 - (2) Do not obstruct regular building signs;
 - (3) Do not interfere with the display of windows on private property; and
 - (4) Otherwise comply with the applicable sections of this Code and provisions contained in this policy.

(b) When donated signs are placed on, in, or above public rights-of-way, written consent of the ~~city's director of the department of transportation, or his designee~~ director/engineer shall be required. Such consent shall be based on a review that will include, but not be limited to, sign design, location, placement, and safety.

(c) Decorative signs placed on property other than the city's (e.g., utility poles, pedestrian and railroad bridges) shall require the written consent of the property owner.

Sec. 19-210. - Erection and removal of signs.

For donated signs, erection and removal of a decorative sign ~~in municipal service districts 1, 2, and 3~~ is the responsibility of the ~~exhibitor/donor,~~ and all costs must be borne by the ~~exhibitor donor~~ or charged to the ~~exhibitor/donor~~ by the city, if the decorative sign is not removed within the prescribed time, and the city itself must remove the sign. The erection or removal of decorative signs that requires the closure of any street, travel lane, or sidewalk area requires prior approval by the city's ~~transportation engineering division,~~ department of transportation. All such closures must conform to the current edition of the department of transportation's Work Area Traffic Control Handbook (WATCH).

Sec. 19-211. Insurance; liability.

~~(a) The CCCP or any~~ Any person or organization donating, installing, displaying, or dismantling decorative signs pursuant to this article shall save and hold harmless the city from any and all liability or damage to any person or property caused or occasioned by such process. ~~The CCCP or those~~ Those installing, displaying, or dismantling signs must obtain and provide evidence to the city's ~~risk management division, financing department,~~ department of transportation of comprehensive general liability insurance with ~~limits of not less than \$2,000,000.00~~ limits established by the city's risk management division per occurrence, annual aggregate on bodily injury and property damage to insure their liability. ~~The amount of insurance will be subject to future review and reasonable adjustment at the request of the city.~~ Such policy shall indemnify the city as provided in this subsection. A certificate of insurance shall be issued prior to the beginning of any work. The certificate of insurance shall be furnished to the city containing the provision that 30 days' written notice will be given to the city prior to cancellation or change to the required coverages and that failure to provide such notice shall impose an obligation and liability upon the issuing company, its agents, or representatives.

~~(b) The CCCP, in its administration of this article, may require any person installing, displaying, or dismantling decorative signs to also save and hold harmless the CCCP and any other person or organization, including, but not limited to, Norfolk Southern Corporation and Duke Power, that the CCCP requires to be held harmless as a condition of the installation, display, or dismantling of decorative signs. The CCCP also may require those installing, displaying, or dismantling decorative signs to obtain and provide evidence of comprehensive general liability insurance with limits of no less than \$2,000,000.00 per occurrence, annual aggregate on bodily injury and property damage, to insure their liability to the CCCP. The~~

~~amount of insurance will be subject to future review and reasonable adjustment at the request of the city.~~

Sec. 19-212. Administration.

~~(a) — Upon careful review and consideration of an application pursuant to this article, a recommendation regarding approval shall be forwarded by the CCCP to the city's special events coordinator or his designee. Final responsibility and authority for approval rests with the special events coordinator or his designee in accordance with this Code and policies and guidelines issued pursuant thereto. On review, the special events coordinator shall uphold, reject, or modify the CCCP's recommendation. The CCCP shall issue, deny, or modify the application consistent with the special events coordinator's directive.~~

~~(b) — The CCCP, as administrator, shall establish policies and guidelines for the administration of this article. Prior to their adoption, such policies and guidelines or amendments thereto shall be submitted to the city manager or his designee for approval. Pursuant to this process, the CCCP may establish policies or guidelines which are more restrictive than those contained in this article. The CCCP shall make available policies and guidelines for the display and approval of decorative signs in municipal service districts 1, 2, and 3 to the general public.~~

The director/engineer shall promulgate policies and guidelines governing the approval and display of decorative signs to ensure that signs appropriately promote or celebrate the city, its neighborhoods, civic institutions, or public activities or events in the city, and to protect public safety and welfare, including ensuring against hazards, traffic problems, and visual blight. Such policies and guidelines shall include, but are not limited to specifications as to the number, size, materials, printing processes, supporting structures, and hanging and removal. The director/engineer shall have the authority to waive specific rules when (1) the decorative sign substantially complies with the rules; and (2) the director/engineer determines that the waiver will not have any adverse effect on public safety and welfare. No decorative sign may be displayed without the prior approval of the director/engineer.

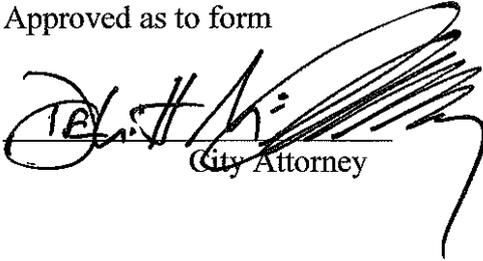
Sec. 19-213. - Unlawful acts.

It shall be unlawful for anyone to place or cause to be placed a decorative sign within public rights-of-way in municipal service districts 1, 2, and 3 without complying with the following:

- (1) This article;
- (2) The policies and guidelines for the display and approval of decorative signs in municipal service districts as adopted by the CCCP; and
- (3) Any other requirements or conditions stated in a written approval for a decorative sign.”

Section 2. This ordinance shall be effective upon adoption.

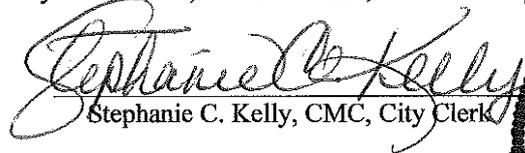
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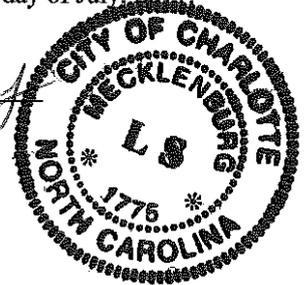

City Attorney

CERTIFICATION

I, Stephanie C. Kelly, 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 27th day of June, 2011 the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Pages (162-166).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 5th day of July, 2011


Stephanie C. Kelly, CMC, City Clerk



ORDINANCE NO. 4688-X

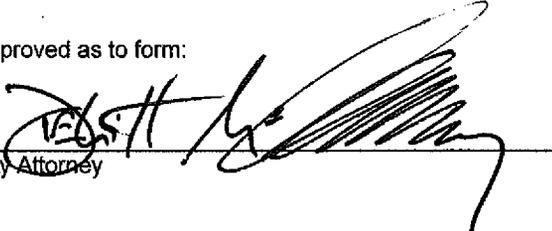
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AN ORDINANCE TO AMEND ORDINANCE NUMBER 4682-X, THE 2011-2012 BUDGET ORDINANCE ESTIMATING REVENUES TO BE RECEIVED FROM MECKLENBURG COUNTY FOR THE PROVISION OF FIRE SERVICES PREVIOUSLY PROVIDED BY MALLARD CREEK AND NEWELL VOLUNTEER FIRE DEPARTMENTS

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

- Section 1. That the sum of \$610,062 is hereby estimated to be available from Mecklenburg County for Fire Protection Services for the period July 1, 2011 through June 30, 2012 in the Newell and Mallard Creek Volunteer Fire Department areas.
- Section 2. That the sum of \$610,062 is hereby deposited to General Fund (0101) fund balance.
- Section 3. All ordinances in conflict with this ordinance are hereby repealed.
- Section 4. This ordinance shall be effective upon adoption.

Approved as to form:

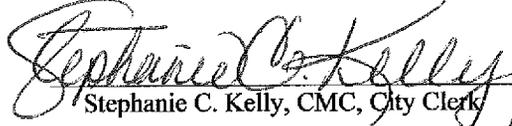


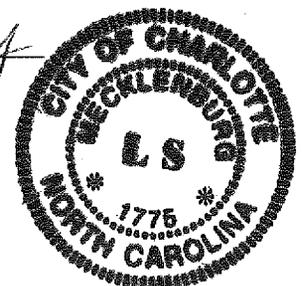
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Stephanie C. Kelly, CMC, City Clerk



ORDINANCE NO. 4689-X

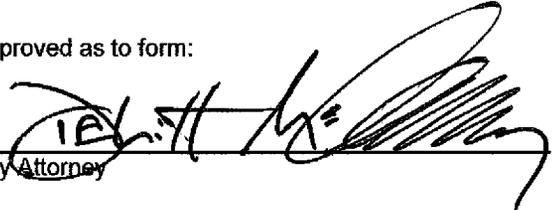
0-65

AN ORDINANCE TO AMEND ORDINANCE NUMBER 4450-X, THE 2010-2011 BUDGET ORDINANCE APPROPRIATING FUNDS FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) AND THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE (UNCC) FOR CONSTRUCTION OF THE UNIVERSITY CITY BOULEVARD BICYCLE AND PEDESTRIAN PATH

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

- Section 1. That the sum of \$400,000 is hereby estimated to be available from a Congestion Mitigation & Air Quality (CMAQ) Grant from the North Carolina Department of Transportation (NCDOT)
- Section 2. That the sum of \$50,000 is hereby estimated to be available from the University of North Carolina at Charlotte (UNCC)
- Section 3. That the sum of \$450,000 is hereby appropriated in the General Capital Investment Fund (2010) to the University City Blvd SW Project Center (0331034).
- Section 4. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 5. All ordinances in conflict with this ordinance are hereby repealed.
- Section 6. This ordinance shall be effective upon adoption.

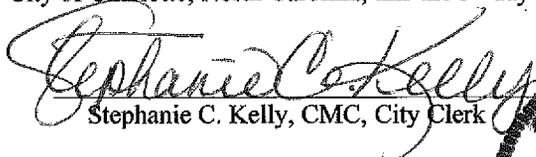
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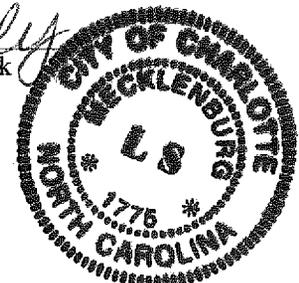

City Attorney

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I, Stephanie C. Kelly, 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 27th day of June, 2011 the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Page 168.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 5th day of July, 2011.


Stephanie C. Kelly, CMC, City Clerk



ORDINANCE NO. 4690-X

0-66

AN ORDINANCE TO AMEND ORDINANCE NUMBER 4450-X, THE 2010-2011 BUDGET ORDINANCE APPROPRIATING A CONGESTION MITIGATION & AIR QUALITY (CMAQ) GRANT AWARD FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) FOR THE GRAHAM STREET SIDEWALK PROJECT

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

- Section 1. That the sum of \$187,500 is hereby estimated to be available from the North Carolina Department of Transportation (NCDOT)
- Section 2. That the sum of \$187,500 is hereby appropriated in the General Capital Investment Fund (2010) to the Graham at I-85 SW project Center (0331032).
- Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 4. All ordinances in conflict with this ordinance are hereby repealed.
- Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

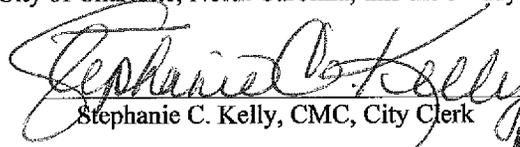


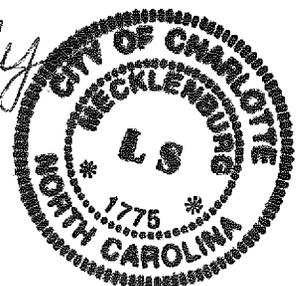
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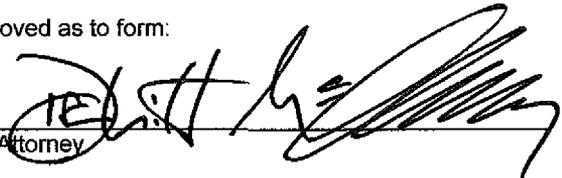
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AN ORDINANCE TO AMEND ORDINANCE NUMBER 4450-X, THE 2010-2011 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FROM NORTH CAROLINA WATER RESOURCES DEVELOPMENT PROJECT GRANT PROGRAM FOR CONSTRUCTION OF THE BETTY COLEMAN POND WATER QUALITY ENHANCEMENT PROJECT

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

- Section 1. That the sum of \$200,000 is hereby estimated to be available from the North Carolina Water Resources Development Project Grant Program
- Section 2. That the sum of \$200,000 is hereby appropriated in the Stormwater Capital Investment Fund (2701) to the Stormwater Pollution Control Program (358.70)
- Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 4. All ordinances in conflict with this ordinance are hereby repealed.
- Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

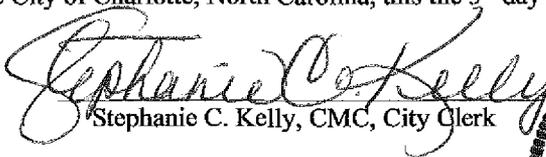


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