

ORDINANCE NO. 3042AMENDING CHAPTER 11, ARTICLE III, SECTION 11-35 OF THE CITY CODE

AN ORDINANCE AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR
TO RELEASE CIVIL PENALTIES IN RETURN FOR CONVEYANCES OF
DWELLINGS

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

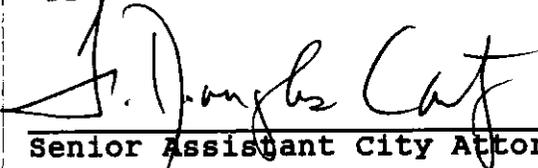
Section 1. Section 11-35 of the Code of the City of
Charlotte shall be amended by the addition thereto of a new
subsection, to be denominated subsection (c) and to read:

"The director, in his discretion, may agree, in writing only,
to release, in whole or in part, an owner from the civil
penalty imposed pursuant to subsection (b) of this subsection
if the owner voluntarily agrees, as consideration for the
release, to convey to the City of Charlotte the property from
which the civil penalty arose, upon such terms and conditions
as the owner and the director might agree."

Section 2. This ordinance shall become effective upon
adoption.

This the 13th day of November, 1990.

Approved as to form:



Senior Assistant City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North
Carolina, in regular session convened on the 13th day of November, 1990, the reference having
been made in Minute Book 97, and is recorded in full in Ordinance Book 39, at page(s) 246.

Pat Sharkey,
City Clerk

ORDINANCE NO. 3043-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2930-X, THE 1990-91 BUDGET
ORDINANCE, TRANSFERRING CAPITAL FUNDS AND PROVIDING A
SUPPLEMENTAL APPROPRIATION TO THE RAMA ROAD CAPITAL PROJECT.

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

Section 1. That the sum of \$75,000 is hereby
transferred from General Capital Improvement Fund 2010; 283.00 -
Delta Road Extension and is appropriated to General Capital
Improvement Fund 2010; 333.00 - Rama Road Widening.

Section 2. All ordinances or parts of ordinances in
conflict herewith are hereby repealed.

Section 3. 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 13th day of November, 1990, the reference having
been made in Minute Book 97, and is recorded in full in Ordinance Book 39, at page(s) 247.

Pat Sharkey,
City Clerk

ORDINANCE NO. 3044-X

AN ORDINANCE TO AMEND ORDINANCE NO. 2930-X, THE 1990-91 BUDGET ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION TO THE COMMUNITY RELATIONS DEPARTMENT TO PARTIALLY REIMBURSE THE CITY FOR ON-GOING EXPENSES ASSOCIATED WITH ADMINISTERING THE FAIR HOUSING ASSISTANCE PROGRAM.

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

Section 1. That the sum of \$15,250 is hereby available from the United States Department of Housing and Urban Development.

Section 2. That the sum of \$15,250 is hereby appropriated to the General Fund - Community Relations Department (0101; 104.00).

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 13th day of November, 1990, the reference having been made in Minute Book 97, and is recorded in full in Ordinance Book 39, at page(s) 248.

Pat Sharkey,
City Clerk

ORDINANCE NO. 3045

AMENDING CHAPTER 3

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

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

Section 1. Chapter 3 of the City Code of the City of Charlotte shall be amended as follows:

1. Amend § 3-3, "Definitions", by amending the definition of the word "Division" so as to read as follows:

"Division or Department: The Charlotte-Mecklenburg Division of Animal Control. Wherever the word 'Division' appears in this Chapter, it shall mean 'Department'. Wherever the word 'Department' shall appear, it shall mean Animal Control Department."

2. Amend § 3-3, "Definitions", by amending the definition of the word "Superintendent" to read as follows:

"Superintendent: The Superintendent of the Charlotte-Mecklenburg Animal Control Division. Wherever the word 'Superintendent' appears in this Chapter, it shall mean 'Director' and shall refer to the Director of the Animal Control Department. Such person shall have all powers conferred by State law upon a County dog warden or by this Chapter upon animal control officers or by any other applicable ordinances."

3. Amend § 3-27(e), "Owner's challenge to the written order", by deleting the sentence beginning with the words "The owner's written challenge" and ending with the words "written order." and substituting in lieu thereof the following new sentence to read as follows:

"The owner's written challenge must be received at the office of the Animal Control Department at 2700 Toomey Avenue, during normal working hours when the Department's office is open, five (5) days from the date of the written order, not counting the day of issuance of the written order."

4. Amend § 3-27(e), by adding the following immediately after the last sentence of (e), which ends with "written material.", to read as follows:

"The person reviewing the challenge shall have the authority to make findings of fact and conclusions in respect to the written order. The decision, the writ-

ten order, and any findings of fact and conclusions shall be subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within five (5) working days after delivery of, or reasonable efforts to deliver, the decision to the owner or the owner's representative. The owner shall provide a cash bond as provided for in § 3-19(h) and shall provide for the cost of any transcript as provided for in § 3-19(h). If there is no appeal challenge to the protective measure order properly and timely filed, then the protective measure order shall be final and conclusive."

5. Amend § 3-34(b) by deleting the words in the third paragraph of subsection (b), "City's Director of Operations", and substituting in lieu thereof "Director of the Department."

6. Amend § 3-34(d) by adding the following words to read as follows:

"If the Department has lawfully acquired custody or control of an animal and the Department has reason to believe that the animal does not have the lawfully required inoculation against rabies and it is necessary for the Department to transport the animal to a veterinarian or a private kennel under contract with the City to keep such animals, then the Department shall have the authority to inoculate the animal against rabies. The owner of an animal shall not have the right to reclaim an animal until the owner has paid the City for the cost of the rabies inoculation."

7. Amend § 3-34.1(b) by deleting the words "pursuant to section 3-72" and in lieu thereof, after the word "dog", insert the words "by public sale, public auction, or by the human destruction of the dog."

8. Amend § 3-45(c), "Refunds", by deleting the words "The Director of the Operations Department ('Director') of the City" and substituting in lieu thereof the following words: "The Director of the Department."

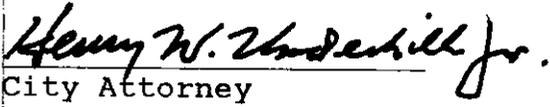
9. Amend § 3-49(c) by deleting the last three complete sentences of (c) beginning with the words "The challenge" and ending with the words "the owner." and in lieu thereof to substitute the following:

"The challenge must be submitted to the Director of the Department. The Director can handle the challenge in the same manner as provided for in Code § 3-27(e). The Department has the obligation to make reasonable efforts to notify the owner."

"The Director or person reviewing the challenge shall have the authority to make findings of fact and conclusions in respect to the written order. The decision, the written order, and any findings of fact and conclusions shall be subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within five (5) working days after delivery of, or reasonable efforts to deliver, the decision to the owner or the owner's representative. The owner shall provide a cash bond as provided for in § 3-19(h) and shall provide for the cost of any transcript as provided for in § 3-19(h)."

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 13th day of November, 1990, the reference having been made in Minute Book 97, and is recorded in full in Ordinance Book 39, at page(s) 249-251.

Pat Sharkey,
City Clerk

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ORDINANCE NO. 3046

AMENDING CHAPTER 3

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

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

Section 1. Chapter 3 of the City Code of the City of Charlotte shall be amended as follows:

1. Amend § 3-19, "Dangerous animals", by deleting the present Code § 3-19 in its entirety and substituting the new Code § 3-19 to read as follows:

"§ 3-19. Dangerous Animals

(a) Unlawful to have an animal subject to a notice of probable cause for declaring an animal dangerous. It shall be unlawful for any person to own or to in any way maintain or to harbor any animal cited and identified in a 'Notice of Probable Cause for Declaring an Animal Dangerous' as 'dangerous' is defined in 'Definitions' of this Chapter.

(b) Probable cause notice. The Director shall designate a Dangerous Animal Supervisor ('Supervisor') who shall have the Division's sole authority to determine whether there is probable cause for declaring an animal dangerous and shall have sole authority for the issuance of a 'Notice of Probable Cause for Declaring an Animal Dangerous' ('probable cause notice'). The probable cause notice shall state the specific reasons constituting probable cause for declaring the animal dangerous. The Supervisor shall also have the authority to authorize other supervisors ('supervisor') to exercise the authority under this section (b) under the sole supervision of the Supervisor. The Department shall notify the owner as soon as reasonably possible of the probable cause notice if the owner is known. If the owner is unknown, the Department shall make reasonable efforts to determine who the owner is and to try to notify the owner. The probable cause notice shall state that a prompt hearing to determine whether or not the animal is dangerous shall be held as soon as possible. If the Supervisor or any other supervisor has any communication with the Director about a particular situation, then the Supervisor or any supervisor must keep a written report of the date and the content of any such communication.

(c) Unlawful to fail to surrender animal.

The owner shall turn the animal over to the Department immediately upon receiving a probable cause notice. The Department shall have the authority to seize immediately any animal for whom there is probable cause to believe that the animal is dangerous. It shall be unlawful for the owner or occupant of premises to fail to give an animal to the Department immediately upon presentment of a probable cause notice. The Supervisor shall have the authority to authorize that an animal may remain on the premises or elsewhere, if the Supervisor is satisfied that the confinement shall be adequate for protecting the public and for the well-being of the animal. The Department shall always have the authority to summarily seize an animal, with the probable cause notice being delivered after the seizing of the animal, if the Department deems the animal dangerous or prejudicial to the public health or safety.

(d) Request for a hearing.

The owner of an animal subject to a probable cause notice shall have the right to a hearing to determine whether or not the animal shall be declared dangerous as defined in this Chapter. The owner of the animal shall request a hearing by submitting a written request during normal working hours to the Department within five (5) working days after delivery of, or all reasonable efforts to deliver ("delivery"), the probable cause notice to the owner.

(e) Failure to request a hearing.

If the owner fails to properly file a timely request for a hearing, the Director shall determine whether the animal is dangerous. The Director shall make findings of fact to support the determination and the determination shall be conclusive. The Director may dispose of the animal as provided for in (i) below.

(f) Director as hearing officer.

The Director shall be the hearing officer and conduct a hearing to determine whether the animal shall be declared dangerous or not. If the Director has acquired any knowledge about the particular situation, then the Director shall determine whether it is necessary for the Director to withdraw as a possible hearing officer, in which event, the hearing officer shall be designated by the City Manager. The Director shall disclose any facts, knowledge, or any information known by the Director about the particular situation for the record at the very beginning of the hearing. The Director shall respond to any questions about any past knowledge about the particular situation. The appellant shall have the right to state for the record

any specific findings of fact about the particular situation that the appellant believes precludes the Director from conducting an impartial hearing of the case.

(g) Hearing and decision. The Supervisor shall present whatever evidence the Supervisor has that the animal should be declared dangerous. The owner shall be entitled to present whatever evidence the owner wishes and to have legal representation. All testimony before the hearing officer shall be sworn testimony.

The hearing officer's decision shall be supported by specific findings of fact and specific conclusions based upon the findings of fact. The Director shall make specific findings of fact and conclusions if the appellant alleges that the Director cannot be an impartial hearing officer for that particular case. The findings of fact must be supported by competent and material evidence in the record.

(h) Appeal to Superior Court: The decision of the Director or of the City Manager or his designee shall be subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for writ of certiorari for review by the Superior Court shall be filed with the Clerk of Superior Court within ten (10) days after delivery of, or reasonable efforts to deliver, the decision to the owner or the owner's representative. In the event of the filing of a petition for writ of certiorari in Superior Court, the animal shall be confined at the Animal Shelter, or at a location solely acceptable to the Director, and, at the time of the filing of petition for writ of certiorari, a cash bond must be provided to the City for all costs incurred thus far by the City's retention of the animal and for an approximate time for the course of the appeal. The petitioner, who has filed a petition for writ of certiorari, shall bear the cost of the transcript prepared for the Court. The City shall reimburse the petitioner for the cost of the petitioner's transcript and the Court's transcript if the Court reverses the decision and determines that the animal is not dangerous.

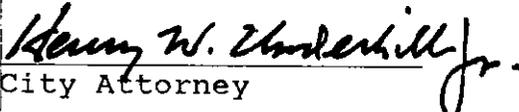
(i) Disposition of the animal. The Director shall have the discretion to dispose of an animal in one (1) of only two (2) specific ways:

- (1) By humane destruction of the animal; or
- (2) By giving the animal to an individual or an organization, subject to the protective and inspection conditions required by the Director

for the well-being of the animal for the protection of the public and for the purpose of preserving and taking care of the animal. An animal declared to be dangerous by the Director shall not be disposed of for research or experimental purposes."

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 13th day of November, 1990, the reference having been made in Minute Book 97, and is recorded in full in Ordinance Book 39, at page(s) 252-255..

Pat Sharkey,
City Clerk

ORDINANCE NUMBER: 3047

AMENDING CHAPTER 14, ARTICLE II,
SECTION 14-81

AN ORDINANCE TO INCREASE THE CIVIL PENALTIES FOR UNAUTHORIZED PARKING
IN A HANDICAPPED PARKING SPACE OR OBSTRUCTING A CURB RAMP OR CURB CUT
FOR HANDICAPPED PERSONS.

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

Section 1. Subsections (a)(18) and (a)(19) of section
14-81, Article II, Chapter 14 of the Code of the City of Charlotte
shall be amended by increasing the penalty from \$50.00 to \$100.00 as
authorized by North Carolina General Statute 20-37.6(f)(1).

Section 2. This ordinance shall become effective
immediately 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 13th day of November, 1990, the reference hav-
been made in Minute Book 97, and is recorded in full in Ordinance Book 39, at page(s) 256.

Pat Sharkey,
City Clerk

ORDINANCE NO. 3048-X

AN ORDINANCE ORDERING THE DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT TO CAUSE THE DWELLING LOCATED AT 2208 ROZZELLES FERRY ROAD IN THE CITY OF CHARLOTTE TO BE REPAIRED, ALTERED OR IMPROVED, SAID BUILDING BEING THE PROPERTY OF ROSALIND B. DUNCAN RESIDING AT 2111 NORWICH PLACE, CHARLOTTE NORTH CAROLINA, 28208.

WHEREAS, the dwelling located at 2208 Rozzells Ferry Road in the City of Charlotte has been found by the Director of the Community Development Department to be unfit for human habitation;

WHEREAS, said dwelling was occupied/unoccupied at the time of the initial inspection in which violations of the Housing Code of the City of Charlotte were found to exist; and

WHEREAS, said dwelling is located in the Census Tract 45; a depressed area, under the current Housing Assistance Plan; and

WHEREAS, pursuant to the provisions of Section 160A-443 of the North Carolina General Statutes and Section 11-28 of the Housing Code of the City of Charlotte, the owner(s) of said dwelling have been ordered by the Director of the Community Development Department to repair, alter or improve said dwelling; and

WHEREAS, the owner(s) of said dwelling has failed to comply with said order to repair, alter or improve said dwelling; served upon them by Certified Mail on January 4, 1990 ; and

WHEREAS, among the Housing Code violations existing in and upon said dwelling is a violation of Section(s) 11-53C and 11-56A.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Charlotte, North Carolina that the Director of the Community Development Department is hereby ORDERED to cause the dwelling at 2208 Rozzelles Ferry Road in the City of Charlotte to be repaired, altered or improved as provided in the Order of the Director dated January 3, 1990 and all other repairs necessary to bring said dwelling into compliance with the Housing Code of the City of Charlotte, and to cause a lien in the amount of cost incurred in making such repairs, alterations or improvement to be placed against the real property at said location, pursuant to the provisions of Section 160A-443 of the North Carolina General Statutes and Sections 11-28 and 11-31 of the Charlotte City Code.

This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

CITY ATTORNEY

Henry W. Underhill Jr.

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 the 13th day of November, 19 90, the reference having been made in Minute Book 97, and recorded in full in Ordinance Book 39, at Page(s) 257.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of November, 19 90.

PAT SHARKEY, CITY CLERK

ORDINANCE 3049

Amending Chapter 14

AN ORDINANCE AMENDING CHAPTER 14 ENTITLED "MOTOR VEHICLES", 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 14, Section 131, Subsection (c) shall be amended by repealing and deleting only those City speed limit ordinances in Schedule X, which Schedule X is incorporated by reference in Section 14-131(c), as listed below, that pertain to City speed limits on the following City system street:

Sardis Road from Rama Road to 2,000 feet north of corporate limit approximately 394 feet north of Morningdale Road.....45 MPH

Section 2. Chapter 14, Section 131, Subsection(c) shall be amended by adding to Schedule X, which Schedule X is incorporated by reference in Section 14-131(c), as listed below, that pertains to a City speed limit on City system streets:

Sardis Road from Rama Road to corporate limit approximately 394 feet north of Morningdale Road.....45 MPH

Section 3. Section 1 of this ordinance shall become effective upon adoption by the City Council, and after existing signs are removed. Section 2 of this ordinance shall become effective upon adoption by City Council, and after signing identifying the new speed limits are posted.

Section 4. 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 13th day of November, 1990, the reference having been made in Minute Book 97, and is recorded in full in Ordinance Book 39, at page(s) 258.

Pat Sharkey,
City Clerk