

ORDINANCE NO. 5005-X

O-25

AN ORDINANCE TO AMEND ORDINANCE NUMBER 4910-X, THE 2012-2013 BUDGET ORDINANCE
PROVIDING AN APPROPRIATION FOR TRAFFIC SIGNAL IMPROVEMENTS

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

Section 1. That the sum of \$246,000 is hereby estimated to be available from the following development sources:

Singh Development, LLC	\$ 34,500
The Bissell Companies, Inc	\$ 96,500
The Bissell Companies, Inc	\$ 37,000
SCP LPA Ardrey Kell, LLC	\$ 78,000

Section 2. That the sum of \$246,000 is hereby appropriated in the General Capital Investment Fund (2010) Developer Contributions Project (28152)

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 All ordinances in conflict with this ordinance are hereby repealed.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:

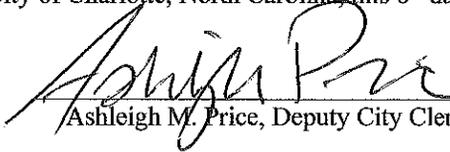


City Attorney

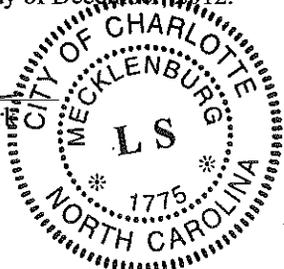
CERTIFICATION

I, Ashleigh M. Price, Deputy 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 26th day of November, 2012, the reference having been made in Minute Book 134, and recorded in full in Ordinance Book 57, Page 913.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 6th day of December, 2012.



Ashleigh M. Price, Deputy City Clerk



The seal is circular with the text "CITY OF CHARLOTTE" at the top, "MECKLENBURG" on the left, "NORTH CAROLINA" at the bottom, and "1775" at the bottom center. In the center of the seal, the letters "LS" are prominently displayed.

ORDINANCE NO. 5006

AMENDING CHAPTER 23

AN ORDINANCE AMENDING CHAPTER 23 ENTITLED "WATERS, SEWERS AND INDUSTRIAL WASTE DISCHARGE RESTRICTIONS" OF THE CODE OF THE CITY OF CHARLOTTE (MISCELLANEOUS AMENDMENTS).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Amend Article IV of Chapter 23 by inserting the following new section 23-132.1:

Section 23-132.1. Separate meter for in-ground irrigation systems.

(a) The following phrases, when used in this section, shall have the meanings ascribed to them in this sub-section:

(1) *Subject lot* means a lot that is platted and recorded in the office of the register of deeds in the county or counties in which the real property is located after July 1, 2009;

(2) *Non-compliant irrigation system* means an irrigation system installed in violation of the requirements of this section;

(3) *Subsection (d) civil penalty* means a civil penalty assessed pursuant to subsection (d) of this section; And

(4) *Billing period* means the time period during which a customer's water usage is regularly determined and associated charges are billed to the customer.

(b) No portion of an in-ground irrigation system using water from the CMU water distribution system may be installed or operated unless said irrigation system is connected to the CMU water distribution system through a separate meter authorized by CMU that only serves said irrigation system. CMU shall not be required to furnish water service to any non-compliant irrigation system.

(c) Each owner of a subject lot shall be responsible for complying with the requirements of this section for any irrigation system installed on such lot.

(d) Installation of a non-compliant irrigation system shall subject each owner of a subject lot on which such a system has been installed to a civil penalty of \$100. Each day that such system remains in place shall not be considered a continuing violation or a separate and distinct violation.

(e) Each owner of a subject lot who has been assessed a subsection (d) civil penalty shall be subject to an additional civil penalty of \$50 for each billing period beginning at least 30 days after receipt of a subsection (d) civil penalty during which said owner fails to:

(1) Permanently and completely disconnect the non-compliant irrigation system from any plumbing system receiving water in any manner from the CMU water distribution system; or

(2) Apply for a separate meter and, if applicable, service connection for the in-ground irrigation system associated with the subsection (d) civil penalty and pay all applicable CMU fees and charges for the installation of said meter and, if applicable, service connection.

If the owner of a subject lot is not the customer who is billed for water usage at said lot, the billing period associated with water usage at said lot shall apply for purposes of assessing additional civil penalties under this subsection.

(f) The violation of any provision of this section may be enforced by all remedies authorized by law for noncompliance with municipal ordinances, including the assessment of a civil penalty and action for injunction, order of abatement or other equitable relief; provided that, no violation of any provision of this section shall be a basis for imposing any criminal remedy.

(g) Each civil penalty assessed pursuant to this section may be added to any water bill of the owner and shall be paid in the same manner as set forth in this chapter for the payment of water bills. Failure to pay all or any portion of a water bill, including any civil penalty assessed pursuant to this section, in a timely manner may result in the termination of water service from CMU.

(h) The director may consider petitions for remission of civil penalties assessed pursuant to this section. A petition for remission shall be in writing, signed by the person against whom the civil penalty was assessed and submitted to the director within thirty (30) days after receipt of the assessment of the civil penalty. The petition shall include a waiver of any and all rights of the petitioner to a hearing and judicial review of the assessment, and a stipulation that the facts are correct as set forth in the documents assessing the civil penalty. The decision of the director on the petition shall be final and shall not be subject to further administrative or judicial review.

(1) In determining whether a petition for remission will be approved, the director shall consider the following factors:

(i) Whether the petitioner has taken action to permanently and completely disconnect the non-compliant irrigation system from any plumbing system receiving water in any manner from the CMU water distribution system;

(ii) Whether the petitioner has applied for a separate meter and service connection for the in-ground irrigation system associated with the subsection (d) civil penalty and paid all applicable CMU fees and charges for the installation of said meter and service connection;

(iii) Whether the petitioner has been assessed a civil penalty for any prior violation of this section;

(iv) Whether the petitioner has paid all outstanding invoices to petitioner for water and/or sewer service from CMU,

with the sole exception of the civil penalty that is the subject of the petition for remission.

2) After submitting a petition for remission, the petitioner shall provide such additional information and records as may be reasonably necessary or convenient to the director's consideration of the petition. The director may remit the entire amount of a civil penalty only when the petitioner has not been assessed civil penalties for any prior violation of this section.

Section 2. Amend Section 23-174, subsection (c) (1), by deleting the following phrase from said subsection:

, except as provided in section 23-175 (b) (3) .

Section 3. Amend Section 23-174 by deleting section 23-174 (c) (12) in its entirety and substituting the following in lieu thereof:

Fire sprinkler system or standpipe system with any one or more of the following: chemical additive, booster pump or fire department connection (FDC).

Section 4. Amend Section 23-175 by deleting section 23-175 (b) (3) in its entirety and substituting the following in lieu thereof:

Fire sprinkler system or standpipe system without any of the following: chemical additive, booster pump or fire department connection (FDC).

Section 5. Amend Section 23-211 by deleting the following phrase at the end of the definition of *CMU water or sewer system*:

, pumping stations and force mains .

Section 6. Amend Section 23-211 by inserting the following definitions:

CMU, when such term is not used as part of a defined term, means the Charlotte-Mecklenburg Utility Department, or, if a permit required by this Article is pending before an appropriate agency of the State of North Carolina, such agency.

Non-CMU facility standards refers to the document entitled "CMU Standards for Private Water Design and Construction," as prepared, published and amended from time to time by CMU in accordance with section 23-212(d).

Non-CMU water facility means a water system subject to the provisions of GS 130A-317 which is connected to or proposed to be connected to the CMU water system.

Section 7. Amend Section 23-212, subsection (a), by inserting the following phrase immediately after the word *concerning*:

a non-CMU water facility .

Section 8. Amend Section 23-212 by deleting sections 23-212 (c) and 23-212 (d) in their entirety and inserting the following in lieu thereof:

(c) All water or sewer facilities proposed for inclusion in CMU water and sewer system and all proposed modifications to any existing portion of CMU water or sewer system shall be designed, constructed and installed in conformance with applicable provisions of CMU standards.

(d) All non-CMU water facilities, and modifications thereto, shall be designed, constructed and installed in conformance with applicable provisions of non-CMU facility standards.

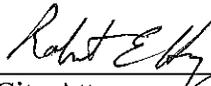
(e) The plans and specifications for facilities and modifications described in section 23-212 (c) or (d) shall be prepared by or under the direct supervision of an engineer licensed to practice in the state. CMU shall maintain a copy of the current CMU standards and non-CMU facility standards for public inspection. CMU shall have full authority to modify CMU standards and non-CMU facility standards, except for CMU extension policy which shall require council approval for any change. CMU shall make such changes in CMU standards and non-CMU facility standards, except in CMU extension policy, as may be necessary to maintain certification from appropriate agencies of the state under G.S. 130A-317(d) and G.S. 143-215.1(f) and applicable rules and regulations implementing the provisions thereof and any changes thereto. No modification to CMU standards shall be effective until approved in writing by the state department of environment and natural resources. The acquisition and connection to CMU water or sewer system of all or any portion of a water or sewer system owned or operated by any city, county or water or sewer authority as defined in G.S. ch. 162A or by a public utility under the jurisdiction of the state utilities commission shall not be subject to this section, provided that under no circumstances shall the city be required to acquire or otherwise permit the connection of such a system to CMU water or sewer system except under such terms and conditions as the city may determine to be acceptable in its sole and absolute discretion.

(f) The denial of an application for a permit subject to this section shall be made in writing and shall contain each reason for the denial and CMU's estimate of the changes in the applicant's proposed activities or plan which will be required in order that the applicant may obtain a permit. Nothing in such estimate shall preclude or otherwise bar CMU from denying a permit which incorporates such changes, based upon changed circumstance or information not previously known by CMU.

(g) Notwithstanding any other provision of this Article, if a permit otherwise required by this Article is approved by an appropriate agency of the State of North Carolina, approval by CMU shall not be required.

Section 9. This ordinance shall become effective upon adoption.

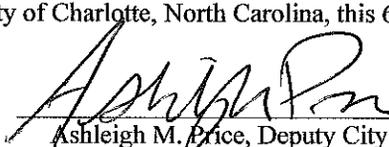
Approved as to form:

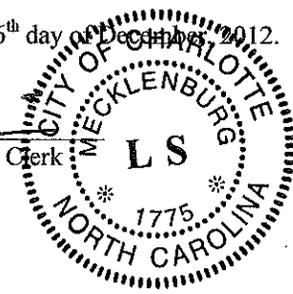

City Attorney

CERTIFICATION

I, Ashleigh M. Price, Deputy 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 26th day of November, 2012, the reference having been made in Minute Book 134, and recorded in full in Ordinance Book 57, Pages (914-918).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 6th day of December, 2012.


Ashleigh M. Price, Deputy City Clerk



ORDINANCE NO. 5007

AMENDING CHAPTER 23

AN ORDINANCE AMENDING CHAPTER 23 ENTITLED "WATERS, SEWERS AND INDUSTRIAL WASTE DISCHARGE RESTRICTIONS" OF THE CODE OF THE CITY OF CHARLOTTE (REVENUE MANUAL).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. The Charlotte-Mecklenburg Utility Department Revenue Manual dated November 26, 2012 is hereby approved and adopted.

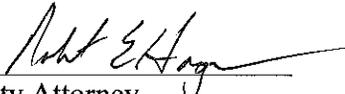
Section 2. Amend Section 23-129 by deleting section 23-129 (a) in its entirety and substituting the following in lieu thereof:

The charges for making service connections of sizes four inches or smaller shall be arrived at in accordance with the water and sewer rate methodology set forth in the Charlotte-Mecklenburg Utility Department Revenue Manual dated November 26, 2012, which is on file with the city clerk. The above documents shall be referred to as the "Revenue Manual." Such rates, fees and charges as are determined in accordance with the Revenue Manual and any modifications thereto and any other CMU water or sewer rates, fees or charges determined in accordance with applicable law are referred to as the "schedule of current rates, fees and charges" in this chapter. The charges for making partial service connections of three-quarter-inch size shall be calculated and applied in the same manner.

Section 3. Amend Chapter 23 by deleting the phrase "water and sewer rate methodology documents" wherever such phrase appears and substituting the following words in lieu thereof:
Rate Manual.

Section 4. This ordinance shall become effective upon adoption.

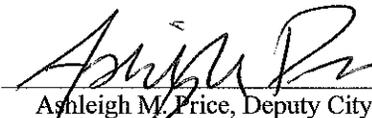
Approved as to form:


City Attorney

CERTIFICATION

I, Ashleigh M. Price, Deputy 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 26th day of November, 2012, the reference having been made in Minute Book 134, and recorded in full in Ordinance Book 57, Pages (919-920).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 6th day of December, 2012.


Ashleigh M. Price, Deputy City Clerk

