

ORDINANCE NUMBER: 1150-X

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1059-X, THE 1998-1999 BUDGET ORDINANCE, TRANSFERRING AND APPROPRIATING STORM WATER FUNDING TO PROVIDE FOR COMPUTER MODELING.

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

Section 1. That the sum of \$1,240,000 is hereby estimated to be available from the following sources of funding:

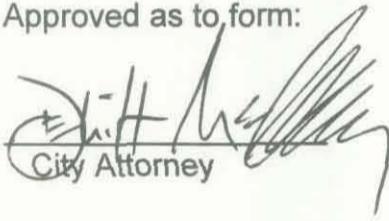
Fund	Amount
Storm Water Capital Project Fund (2701) fund balance	\$516,000
Storm Water Operating Fund (7701) fund balance	724,000
Total	\$1,240,000

Section 2. That the sum of \$1,240,000 is hereby transferred from the above fund balances listed in Section 1 and appropriated to Storm Water Operating Fund 7701; 671.01; 170 - Professional Services.

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective immediately.

Approved as to form:



City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of November, 1998, the reference having been made in Minute Book 112, and recorded in full in Ordinance Book 49, Page(s) 78.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 10th day of November, 1998.



Brenda R. Freeze, CMC, City Clerk

ORDINANCE NO. 1151

AMENDING CHAPTER 11, ARTICLE III, SECTION 11-35 OF THE CITY CODE

AN ORDINANCE AMENDING THE PENALTY PROVISION
OF THE HOUSING CODE OF THE CITY OF CHARLOTTE

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 rewritten to read as follows:

"Section 11-35. Violations; Penalty.

(a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same, upon order of the code enforcement official duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 11-28(b) of this chapter, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and removal or demolition, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(b) Any owner of a dwelling, except an owner who occupies the dwelling as his principal place of residence, who fails to comply with an order of the code enforcement official to repair, alter, or improve the dwelling, or to vacate and close and remove or demolish the dwelling, within the time specified in the order, shall be subject to a civil penalty in the amount of one hundred dollars for the first day of noncompliance and ten dollars for each day thereafter until the dwelling is brought into compliance with the order. The civil penalty may be recovered by the city in a civil action in the nature of debt if the owner does not pay the same within thirty days after the initial day of noncompliance.

(c) The code enforcement official in his discretion may agree in writing only to release, in whole or in part, an owner from liability for the civil penalty imposed pursuant to subsection (b) of this section if the owner voluntarily agrees as consideration for the release to convey to the city, or to some other person or organization, the property from which the civil penalty arose upon

such terms and conditions as the owner and the code enforcement official might agree.

(d) It shall be unlawful for the owner of a dwelling that is imminently dangerous to health or safety to collect rent from another person who occupied the dwelling at the time it became imminently dangerous to health or safety or to permit any other person to begin occupancy of such dwelling. A dwelling is "imminently dangerous to health or safety" if it is in violation of any one of the following minimum standards of fitness established by Article III below:

(1) rotted, fire damaged, or insect damaged steps, flooring, or structural supports [§§11-54(b) and 11-58(b)(1)].

(2) fire hazard in a chimney that is in use [§11-56].

(3) unsafe wiring [§11-57(e)].

(4) unsafe ceiling or roof [§§11-58(e)(1), 11-58(e)(7), 11-58(f)(1), 11-58(f)(5)].

(5) no potable water supply [§11-55(h)].

(6) no operable heating equipment, as required by §11-56(b), during November, December, January, February, or March.

(7) no operable sanitary facilities [§§11-55(i) and 11-55(j)].

(8) severe rat infestation where the dwelling is not impervious to pests [§11-59(c)].

(9) no safe, continuous, and unobstructed exit from the interior of the building to the exterior at street or grade level [§11-54(c)].

(10) no access provided to all rooms within a dwelling unit without passing through a public space [§11-52(1)].

(11) any window or door providing access to any dwelling unit lacking an operable lock or the owner failing to provide a change of locks or keys to a new tenant [§§11-52(n) and 11-53(g)].

(12) no operable smoke detector or alarm [§11-52(p)].

(e) It shall be unlawful for the owner of a dwelling who

(1) has received a complaint and notice authorized by §11-28(c) above with regard to the dwelling, or

(2) has gained knowledge by other means that the code enforcement official has issued such a complaint and notice regarding the dwelling.

to permit another person, other than a person who occupied the dwelling at the time of the issuance of the complaint and notice, to occupy the dwelling without first informing such person, in writing, of the issuance of the complaint and notice and providing him or her with a copy of such complaint and notice.

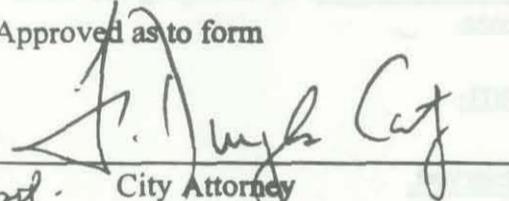
(f) It shall be unlawful for the owner of a dwelling who has received a final code enforcement order, after all periods for appeal to the Housing Appeals Board and petitions to the court have expired pursuant to Section 11-28 of this chapter, to fail to comply with such order: provided however, with respect to an order to vacate and close and remove or demolish the dwelling, no civil penalty shall accrue, notwithstanding the provisions of subsection(b) of this section, nor shall any criminal liability attached until thirty days (30) following the relocation of the occupants of said dwelling.

(g) In addition to any other penalty imposed by this Chapter, any person who violates subsection (d), subsection (e), or subsection (f) of this section shall be guilty of a misdemeanor and shall be punished as provided in section 1-7 of this code. Except as provided in this subsection (f), there shall not be any criminal liability for violation of any provision of this Chapter.

Section 2. This ordinance shall become effective upon adoption.

This the 9th day of November, 1998.

Approved as to form



City Attorney

CERTIFICATION

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Brenda R. Freeze, CMC, City Clerk