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**Council Budget Workshop**  
**April 6, 2016**

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# 2017 Budget Workshops

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## City of Charlotte

April 6, 2016  
1:30 p.m. – 4:30 p.m.  
Room 267

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### Part 1

|   | Page |   |
|---|------|---|
| I. Introduction/Budget Committee Report |      | Council member Phipps<br>Budget Committee Chair |

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### Part 2

|  |    |                           |
|--|----|---------------------------|
| II. Enterprise Fund Overview                 | *  | Kim Eagle                 |
| III. Aviation FY2017 Budget                  | 3  | Brent Cagle               |
| IV. Charlotte Water FY2017 Budget            | 11 | Barry Gullet              |
| V. Solid Waste Multi-Family Service Delivery | 25 | Hyong Yi/Victoria Johnson |
| VI. Financial Partner Recommendations        | 33 | Kim Eagle                 |

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### Part 3

|   |   |                      |
|---|---|----------------------|
| VII. General Community Investment Plan Budget | * | Kim Eagle/Bill Parks |
|---|---|----------------------|

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### Part 4

|  |    |           |
|--|----|-----------|
| VIII. Introduction to General Fund Update & FY2016 Services Inventory/Base Budget Discussion                                     | *  | Kim Eagle |
| IX. Review of Budget Questions & Answers from March 16 <sup>th</sup> Budget Workshop and March 21 <sup>st</sup> Budget Committee | 47 | Kim Eagle |

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\*To be distributed April 6

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Distribution: Mayor and City Council  
Ron Carlee, City Manager  
City Manager's Executive Team  
City Manager's Executive Cabinet  
Strategy & Budget Staff

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# 2017 Budget Workshops

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## **Future Budget Workshops and Possible Topics**

Workshop formats will be adjusted as necessary to include time for strategic policy discussions, as discussed at the Council Retreat on January 28, 2016.

### April 20, 2016 Budget Workshop

- General Fund Update & FY2016 Services Inventory/Base Budget Discussion
- User Fees

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# **Enterprise Fund Overview**

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**Enterprise Fund Overview Materials to be distributed at  
Workshop**

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# Aviation FY2017 Budget

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## Airport Values

### **Vision:**

We will serve as an economic engine of the Carolinas, facilitating the movement of people and goods, creating jobs and enterprise and sustaining a higher quality of life.

### **Mission:**

We will be the preferred airport and airline hub by providing the highest quality product for the lowest possible cost.

### **Strategic Principles:**

- Safety & Security
- Customer Service
- Strategic Growth
- Value Employees
- Asset Preservation
- Strong Partnerships

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## CLT Fast Facts

- CLT National Rankings CY2014:
  - 6<sup>th</sup> in Movements/Operations
  - 8<sup>th</sup> in Passengers
- Served 44.9 million passengers in CY2015
- Over 122,950 passengers in the Terminal daily
- 543,944 aircraft operations in CY2015; 692 average daily departures

*CLT ranks as one of the most efficient, highly utilized airports in the world*

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CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT



## CLT Economic Benefits to Region

- CLT generates estimated annual economic impact of \$12.5 billion to region - over \$34m per day (according to 2006 study)
- In CY2014, \$32m in sales tax generated from Rental Car, Food & Beverage, and Retail concessions
- In CY2014, \$5.3m awarded to small and disadvantaged businesses working as subcontractors through CBI, DBE, and ACDBE programs
- Over 20,000 jobs on Airport property
  - Diverse employment options: service, skilled labor and trade, professional, executive
  - Approximately 10,000 jobs directly attributable to AA hub operations

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CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT



## FY17 Budget Priorities

- Budget designed around CLT's six strategic principles
- Aviation made a commitment to City Council and airline partners to keep growth between 3-5% for FY17
- Focused on converting high-priced contracts to permanent positions – better service and recognize savings
- Includes projects that support both CLT and airline objectives for future growth

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| CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT   |                      |
|---|----------------------|
|  |                      |
| <b>FY 2017 Operating Budget</b>   |                      |
| <b>Recommended Operating Budget</b>   | <b>FY17</b>          |
| Personnel (including additional position requests)                                  | \$40,035,587         |
| Maintenance & Operations  | 95,512,310           |
| Capital   | 1,160,700            |
| Grants & Contributions (including City-provided Services)                           | 17,044,791           |
| <b>Subtotal</b>   | <b>\$153,753,388</b> |
| <i>Charge Outs</i>  | <i>(4,045,913)</i>   |
| <b>TOTAL</b>  | <b>\$149,707,475</b> |

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| CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT   |                            |                                    |                      |                   |
|---|----------------------------|------------------------------------|----------------------|-------------------|
|  |                            |                                    |                      |                   |
| <b>FY17 Operating Budget</b>  |                            |                                    |                      |                   |
|   | <b>FY16</b>                | <b>FY17</b>                        | <b>Increase \$</b>   | <b>Increase %</b> |
| Operating Budget  | \$144,667,936              | \$149,707,475                      | \$5,039,539          | 3.5               |
| <b>Strategic Principles</b>   | <b>Requested Positions</b> | <b>Total Increase (Million \$)</b> | <b>% of Increase</b> |                   |
| Safety & Security   | 14                         | \$1.8                              | 36%                  |                   |
| Customer Service  | 6                          | \$1.6                              | 32%                  |                   |
| Strategic Growth  | 9                          | \$1.0                              | 20%                  |                   |
| Value Employees   | 10                         | \$0.3                              | 6%                   |                   |
| Asset Preservation  | 6                          | \$0.2                              | 4%                   |                   |
| Strong Partnerships   | 5                          | \$0.1                              | 2%                   |                   |
| <b>TOTAL</b>  | <b>50</b>                  | <b>\$5.0</b>                       | <b>100.0%</b>        |                   |

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CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT



## FY17 Budget Outcomes

- Additional security staff to meet needs of airport security plan and enhance EMT and security response
- Meet new TSA background requirements through additional staffing in credentialing office
- Modified terminal restroom attendant program to meet customer needs
- New City-managed airline gate management system will maximize efficiency of gate use and meet requirements of new airport use and lease agreement
- Anticipate additional utility expense due to new facilities
- Staff enhancement to ensure multiple projects in CIP remain on budget and on schedule Introduce employee apprentice program and formalize internship program

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CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT



## FY17 Budget Outcomes (continued)

- Repairs and preventative maintenance in the daily parking decks
- Additional airfield maintenance staff and landscaping staff to manage airfield lighting program and expanded grounds due to new projects
- Introduce employee apprentice program and formalize internship program
- Provide additional training opportunities to existing staff
- Enhanced communications with the community
- Expansion of business diversity program to ensure program meets the needs of the community

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CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT

## Capital Budget Priorities



Five-year \$1.6 billion Community Investment Program

Highlights:

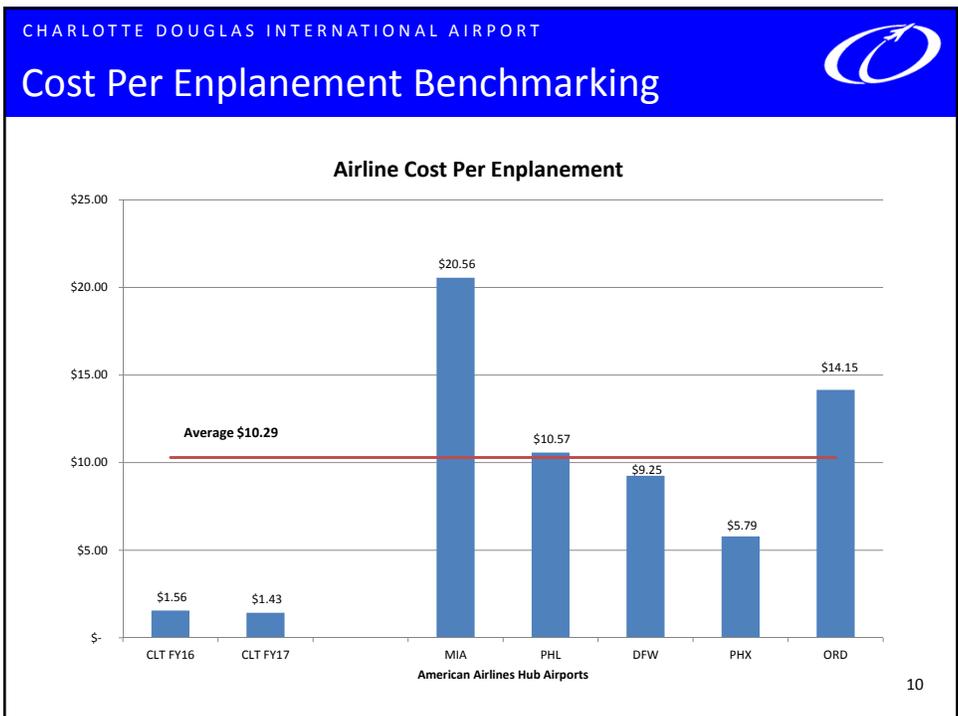
Terminal Projects

- Concourse A Expansion - \$146 million
- Terminal Rehabilitation Project - \$55 million
- Lobby and Baggage Claim Expansion - \$247 million

Airfield Projects

- West Ramp Expansion Phase I - \$45 million
- Environmental Impact Statement for 4<sup>th</sup> Parallel Runway Project - \$5 million

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# FY2017 Budget Overview

- **FY17 Operating Budget - \$149.7 million** (3.5% increase over FY16)
- **FY17-FY21 Capital Budget - \$1.6 billion**
  
- **Budget Considerations:**
  - Budget designed around CLT’s six guiding principles
  - Department made a commitment to City Council and airline partners to keep operating growth between 3-5% for FY17
  - Focused on converting contracts to permanent positions to provide better service and lower costs
  - Projected FY17 Cost Per Enplanement for airlines is \$1.43; down from FY16 Budget of \$1.56
  - Budget includes projects that support both CLT and the airline objectives for future growth
  - Focus on Airport’s \$1.6 billion five-year Community Investment Plan, including Concourse A Expansion, West Ramp Expansion Phase I, Lobby Expansion, Terminal Rehabilitation, and Environmental Impact Study for Fourth Parallel Runway
  
- **Strategic Principles:**

| Principle           | Overview  | Budget Increase | Positions Added |
|---------------------|---|-----------------|-----------------|
| Safety & Security   | Our first priority  | \$1.8m          | 14              |
| Strategic Growth    | Includes demand driven investment in development and engagement in economic development efforts | \$1.1m          | 9               |
| Asset Preservation  | Focused on proactively maintaining equipment and facilities to ensure reliable operations       | \$0.2m          | 6               |
| Valuing Employees   | Focused on development, education, and compensation   | \$0.3m          | 10              |
| Strong Partnerships | Partnering with business partners and the community   | \$0.1m          | 5               |
| Customer Focus      | Quality and customer satisfaction will be our competitive advantage in the aviation industry    | \$1.5m          | 6               |
| <b>Total</b>        |   | <b>\$5.0m</b>   | <b>50</b>       |

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# **Charlotte Water FY2017 Budget**

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**Topics**

- Overview & Performance
- Operational Issues
- Capital Issues
- Financial Planning
- Budget Summary



2

The slide has a blue header with the Charlotte Water logo on the right. Below the header, the word "Topics" is written in a bold, black, sans-serif font. A horizontal line separates the title from a bulleted list of five topics. To the right of the list is an aerial photograph of a water treatment facility, showing a large body of water, several buildings, and a sandy area. The number "2" is located in the bottom right corner of the slide.



## Charlotte Water

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- Provides drinking water and sanitary sewer service
- Does NOT include storm water
- Enterprise fund – No tax dollars
- Regional service
- AAA bond rating
- Nationally recognized, award winning utility & staff
- Continuous improvement – Best practices such as ISO (International Standards Organization) and Partnership for Safe Water

3



## Charlotte Water Serves the Community 24 x 7

| Quantity                | Service Provided                              |
|-------------------------|---|
| 3 Billion gallons       | Drinking water delivered each month           |
| 2.5 Billion gallons     | Wastewater recycled each month                |
| \$1.4 Million           | Power & chemical cost managed each month      |
| 270,000+ Meters & Bills | Water meters read and bills issued each month |
| 41,600 Calls            | Water/sewer calls responded to by 311         |
| 9,600 Homes             | Water services turned on/off each month       |
| 11 Leaks                | Repaired each day                             |
| 102 Leaks               | Repaired within 24 hours each month           |
| 19 Sewers spills        | Stopped & remediated each month               |
| 30 Minutes              | Average time to respond to sewer spill        |

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CHARLOTTE WATER

## Operational Issues

- Customer Confidence
- Resiliency
- Cost increases
- Growth
- Financial Planning



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CHARLOTTE WATER

## Critical Concerns

- Reduce Sewer Spills
- Increase Laboratory Capacity
- Improve Drinking Water Quality
- Maintain Aging Treatment Plans
- Accommodate Growth
- Improve Safety, Security, and Regulatory Compliance
- Maintain Efficient Operations and Administration

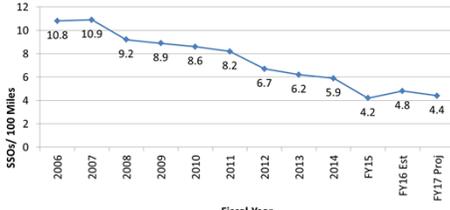
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CHARLOTTE  
**WATER**

## Reduce Sewer Spills

- Sewer spills violate the Clean Water Act and can damage the environment and public health
- Off-street cleaning requires different methods and equipment than on-street cleaning
- Need: Add 3 positions & equipment for off-street cleaning; fund contract cleaning; add 1 position related to commercial grease trap management/inspection
- Additional crew and contractor will clean additional 13 miles of sewers/year
- Addresses **resiliency, regulatory compliance, environmental protection**

**Overall Number of SSOs/100 Miles**  
Data through December, 2015

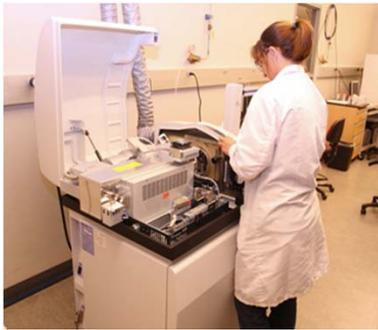


|   | FY15  | On Street | Off Street |
|---|-------|-----------|------------|
| <b>Number of Cleaning Crews</b>             | 15    | 4         |            |
| <b>Number of Sewer Spills (SSOs)</b>        | 73    | 104       |            |
| <b>Miles of Pipe</b>                        | 2,412 | 1,792     |            |
| <b>Number of SSOs per 100 Miles of Pipe</b> | 3.03  | 5.80      | 7          |

CHARLOTTE  
**WATER**

## Increase Laboratory Capacity

- Lab supports water, wastewater, City/County Storm Water, and County well-water programs
- Increased workload: new regulations, growth, customer requests
- 205,000 analyses performed per year; up 20-30% over recent years
- Lab is state and nationally accredited and certified
- Need: Add 3 positions for capacity, quality control and compliance
- Addresses **customer confidence, growth, regulatory compliance, public health, environmental protection**

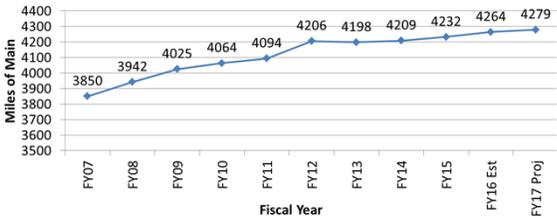


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## Improve Drinking Water Quality

System Growth: Miles of Water Main  
Through December, 2015




- Longer, larger pipes increase water travel time from plant to faucet
- Manage water age by strategic flushing from hydrants
- Regulatory changes, system growth require increased hydrant flushing
- Need: Add 2 positions for full time flushing crew
- Addresses **drinking water quality, customer confidence, regulatory compliance, public health**

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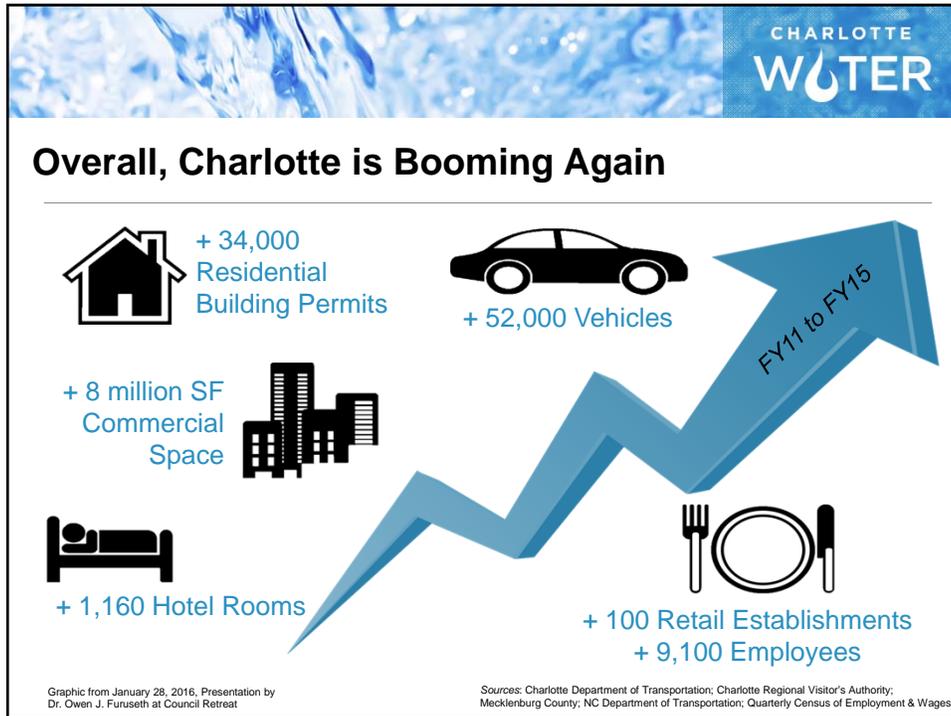


## Maintain Aging Treatment Plants

- Current plants are 18-94 years old
- Harsh environment, precision equipment
- 18,371 pieces of equipment
- 118 diesel driven generators and pumps
- Need: 4 positions to manage and maintain equipment
- Addresses **resiliency, public health, environmental protection, regulatory compliance**



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- CHARLOTTE WATER**
- ### Accommodate Growth
- **“Charlotte is booming again”**
  - Total number of water accounts increased by 10% [248,235 (June 2011) to 273,860 (June 2016 estimate)]
  - Number of “move-ins” increased from 41,589 in CY2011 to 51,874 in CY2015
  - Charlotte Water cut 45 positions in FY2012 to reflect recession, control costs
  - Restoring positions to respond to direct customer requests for service
  - Customer Service and plants are ISO certified for quality and best practices
  - Need: 3 positions to accommodate growth
  - Addresses **growth, responsiveness to customers, economic development**
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## Improve Safety, Security, Regulatory Compliance

- Plants and facilities cover 100's of acres, 24 x 7 operation, minimal staffing present
- Incidents of intrusions, theft, trespassing are increasing
- Additional site security could protect employees, equipment, public
- Enhanced safety program to reduce injuries, losses
- Last year: 21 plant site intrusions/trespass, 10 theft incidents, 1 workplace violence incident, 8 other events
- Need: funding for security guard contract; 3 positions for record keeping and preventative safety compliance actions
- Addresses **safety, security, regulatory compliance**






## Maintain Efficient Operation and Administration



- Enhance web-based customer service capabilities
- Comply with records management statutes, policy
- Update and maintain standard operating procedures
- Reduce administrative workload for technical staff
- Need: 5 positions to support general operations and administration
- Reduces use of long term contract employees
- Addresses **effective utility management, resiliency, customer response, cost savings**

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## Capital Issues

- Aging Infrastructure – Rehabilitation and Replacement
- Regulatory Compliance
- Capacity for Growth
- Public Projects and Utility Operations



**Rehabilitation & Replacement:**  
\$217M



**Capacity for Growth:**  
\$190.9M



**Regulatory Requirements:**  
\$101.9M



**Commitment to Public Projects & Utility Operations:** \$128.6M

**5 Year Community Investment Plan**

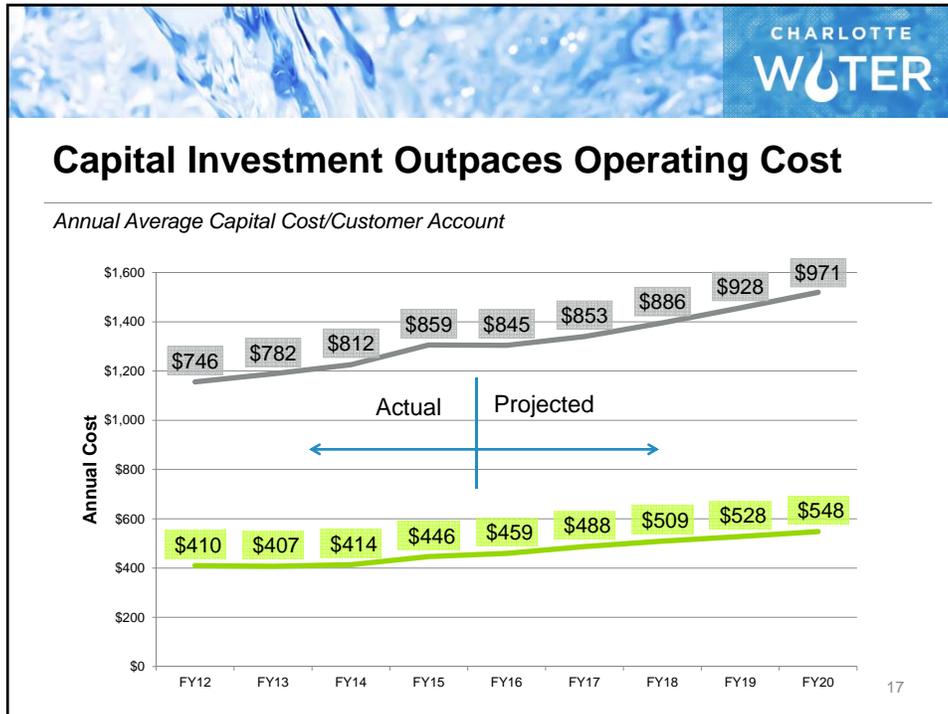
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## Capital Investment Examples

| Quantity       | Service Provided  |
|----------------|---|
| 54 Miles       | Pipe replaced or rehabilitated (July 2012 to June 2015)   |
| 4,888 Services | Water service connections replaced (2014 to present)  |
| 230 Miles      | New water/sewer pipe constructed (2012 to present)  |
| \$110 Million  | Dollars invested in wastewater treatment plant rehabilitation projects (completed/awarded since 2012) |
| \$64 Million   | Dollars invested in relocating water/sewer lines to support road/rail projects (July 2011 to present) |

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**Budget Summary**

- 10-Year planning horizon
- Rates driven by increasing capital investment costs, inflation
- Proposed FY17 rate increase estimated between \$2.40 and \$2.70 per month
- Proposed rate increase is to Fixed and Availability Fee only
- 24 positions needed
- Projected cost for Service Level Changes is \$0.125 per month per customer
- Satisfies financial goal targets for debt service coverage ratio, fund balance, PAYGO utilization

**Projected FY2017**

| Category     | Amount        | Percentage |
|--------------|---------------|------------|
| Total        | \$374,496,541 |            |
| Debt Service | \$155,266,602 | (41%)      |
| PAYGO        | \$87,000,000  | (24%)      |
| Operating    | \$132,229,939 | (35%)      |

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**Discussion**

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## Summary of Charlotte Water Budget

### City Council Budget Committee

March 21, 2016

#### SUMMARY

Charlotte Water is an enterprise department funded primarily with revenue from drinking water and sanitary sewer charges. Charlotte Water provides drinking water and sanitary sewer service to about 1,000,000 people in Charlotte, the six smaller towns in Mecklenburg County, and the unincorporated areas of the County. Charlotte Water's fee structure is based on the principle that customers should pay for the cost of the service they receive and that the fees are set to fully recover the cost to construct, operate, maintain, and sustain the Utility. User fees consist of fixed fees based on the cost to provide infrastructure and make service available (availability fee) and a tiered rate based on the amount of water used that also encourages water conservation.

#### CHALLENGES

- **Customer Confidence** – Local and national media attention toward drinking water quality is eroding confidence in the safety of drinking water. More work is needed to maintain customer confidence that contributes to quality of life, economic development and long-term sustainability of the water/sewer system.
- **Operational resiliency** - Ongoing costs for cleaning up the illegal discharge of PCB into the sewer system in 2014 are over \$10 Million in FY16/FY17.
- **Cost Increases** – Costs of constructing, operating, and maintaining water and sewer utilities are rising faster than general cost of living indices. Improvements in efficiency and cost savings are not enough to avoid the need for rate increases to sustain service levels.
- **Growth** - Economic development drives the need for more water and sewer system capacity. Growth also pressures natural resources including our source of water supply and the ability of streams to receive and assimilate wastewater treatment plant discharges.
- **Financial Planning** – A 10-year financial planning process projects the need for annual rate increases to sustain capital investments needed and to maintain the highest bond ratings to assure ready access to capital at lower interest rates.

#### FY2017 Operating Program

- FY16 total revenues are on budget. However, expenses due to PCB clean-up efforts are higher than projected. Charlotte Water expects it will end the fiscal year 2016 on budget.
- Operating budget drivers include power, chemicals, and the new hourly pay plan. Charlotte Water is also requesting 24 new positions– 4 to reduce sewer spills, 3 to increase laboratory capacity, 2 to improve water quality, 4 to maintain aging treatment plants, 3 to accommodate growth, 3 to improve safety, security, & regulatory compliance, and 5 to support general operations and administration
- Capital expenses are anticipated to increase from \$147.5 Million in FY16 to \$225.3 Million in FY17, which reflects increases in Debt Service and PAYGO required funding for investment in growth, commitment to public projects/utility operations, regulatory requirements, and system rehabilitation/replacement.

#### FY2016-17 Debt Service Management

- Debt Service Coverage ratio >2.0; PAYGO provides 39% of capital funding; Fund Balance maintained at target

#### FY2017-21 Community Investment Program

- Invest in **Rehabilitation & Replacement**: \$217M
- Invest in meeting **Regulatory Requirements**: \$101.9M
- Invest in **Capacity for Growth**: \$190.9M
- Invest in **Commitment to Public Projects & Utility Operations**: \$128.6M

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# **Solid Waste Multi-Family Service Delivery**

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## Solid Waste Services

Residential Solid Waste Collection Options

April 6, 2016



### Overview

- Policy Question
- Options with pros and cons
- Next Steps

2



### Policy Question

Are apartment buildings commercial entities that should handle waste collection independently?

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### Current Policy

- Solid Waste Services provides collection services for:
  - Single family residential
  - Multi-family residential (townhomes & condos)
  - Multi-family commercial (apartments)
  
- Collection methods include:
  - Roll out service (single family, multi-family < 30 units)
  - Contracted Dumpster/Compactor (multi-family ≥ 30 units)

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|  |                | Current Model |                     |                |               |
|---|----------------|---------------|---------------------|----------------|---------------|
| Multi-Family Unit Type  | Units          | Roll Out      | Dumpster/ Compactor | Private Hauler |               |
| Apartment   | 102,878        | 3,958         | 98,920              |                |               |
| Condo   | 24,122         | 6,079         | 18,043              |                |               |
| Townhouse   | 8,969          | 6,313         | 2,656               |                |               |
| Unknown   | 15,587         |               |                     |                | 15,587        |
| <b>Total</b>  | <b>151,556</b> | <b>16,350</b> | <b>119,619</b>      |                | <b>15,587</b> |
| Single Family   | Units          | Roll Out      | Dumpster/ Compactor | Private Hauler |               |
| Homes   | 197,670        | 197,670       |                     |                |               |
| <b>Anticipated increase of 5-10% in multi-family units in FY2017 and FY2018</b>   |                |               |                     |                |               |
|   |                |               |                     |                | 5             |

|   |  | Basis for new options for apartments |   |
|--|--|--------------------------------------|---|
| <ul style="list-style-type: none"> <li>• From Tax Assessor's Office           <ul style="list-style-type: none"> <li>- Multi-Family is a classification of housing where multiple separate housing units for residential purposes are contained within one building. Most of the time these are properties such as apartments, duplexes, triplexes etc.</li> <li>- Apartments are considered commercial projects by our office. The commercial real estate division is responsible for those valuations.</li> </ul> </li> <li>• Solid waste management is a <i>residential</i> service in most municipalities</li> <li>• Collecting commercial solid waste without full cost recovery is unique to Charlotte based on review of peer cities</li> </ul> |  |                                      |   |
|  |  |                                      | 6 |



## Options for Consideration

1. Stop solid waste services to multi-family commercial buildings (i.e., apartments)
2. Full Cost Recovery for solid waste services to multi-family commercial buildings
3. Franchise solid waste services to multi-family commercial buildings
4. Continue providing services in current form

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## 1. Stop Service

|                           |   |
|---------------------------|---|
| <b>How would it work?</b> | <ul style="list-style-type: none"> <li>Apartments, as commercial entities, would use the free market for waste collection services.</li> </ul>  |
| <b>Pros</b>               | <ul style="list-style-type: none"> <li>Eliminates subsidy to commercial buildings</li> <li>Increased market competition</li> <li>Improved alignment between SWS service provision and Tax Office property classification</li> </ul> |
| <b>Cons</b>               | <ul style="list-style-type: none"> <li>Potential impact on rents</li> <li>Potential impact on recycling</li> <li>Potential for multiple haulers and collection days</li> </ul>  |

| Impacted Units | Service Type       | Net Savings/<br>Cost Avoidance |
|----------------|--------------------|--------------------------------|
| 98,920         | Dumpster/Compactor | \$2.0M - \$2.5M                |
| 3,958          | Rollout            | \$104,000                      |

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## 2. Full Cost Recovery

|                           |  |
|---------------------------|--|
| <b>How would it work?</b> | <ul style="list-style-type: none"> <li>• Apartments, as commercial entities, would be billed a solid waste fee equal to the cost of waste collection incurred by Solid Waste Services.</li> </ul>  |
| <b>Pros</b>               | <ul style="list-style-type: none"> <li>• Eliminates subsidy to commercial buildings</li> <li>• Cost control for apartment owners/renters</li> <li>• Improved alignment between SWS service provision, Tax Office property classification, and small business solid waste services</li> </ul> |
| <b>Cons</b>               | <ul style="list-style-type: none"> <li>• Potential impact on rents</li> </ul>  |

| Impacted Units | Service Type       | Estimated Unit Cost | Current SW Fee Revenue | Estimated Additional Revenue |
|----------------|--------------------|---------------------|------------------------|------------------------------|
| 98,920         | Dumpster/Compactor | \$59                | \$2,473,000            | \$3,363,280                  |
| 3,958          | Rollout            | \$195               | \$98,950               | \$672,860                    |

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## 3. Franchise Model

|                           |  |
|---------------------------|--|
| <b>How would it work?</b> | <ul style="list-style-type: none"> <li>• A contracted arrangement for one or more haulers to provide service for group designated by the City at competitive rates. Service users pay the haulers directly.</li> </ul> |
| <b>Pros</b>               | <ul style="list-style-type: none"> <li>• Cost control for apartments/renters</li> <li>• Limits number of haulers and collection days</li> </ul>  |
| <b>Cons</b>               | <ul style="list-style-type: none"> <li>• Possible limited opportunities for small haulers</li> <li>• Possible enforcement, inspection, monitoring</li> </ul>   |

| Impacted Units | Service Type       | Net Savings/ Cost Avoidance |
|----------------|--------------------|-----------------------------|
| 98,920         | Dumpster/Compactor | \$2.0M - \$2.5M             |
| 3,958          | Rollout            | \$104,000                   |

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## 4. Continue Current Service

|                           |   |
|---------------------------|---|
| <b>How would it work?</b> | • No change to current services or fees.  |
| <b>Pros</b>               | • No change in service  |
| <b>Cons</b>               | <ul style="list-style-type: none"> <li>Continued taxpayer subsidy for commercial buildings</li> <li>Continued misalignment between SWS service provision and Tax Office property classification</li> <li>Budget impact from continued growth of apartments</li> </ul> |

| Unit Count | Service Type        | FY16 Projected Cost | FY17 Projected Cost | FY18 Projected Cost |
|------------|---------------------|---------------------|---------------------|---------------------|
| 119,619    | Dumpster/ Compactor | \$5.3M              | \$6.2M              | \$6.7M - \$7.7M     |

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## Next Steps

- Get feedback from Council on options
- Schedule Public Forum #3 to update residents
- Incorporate into Manager's Recommended FY2017 Budget (as needed)

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# Financial Partners Recommendations

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Financial Partner Funding Considerations

Council Budget Workshop

April 6, 2016



Financial Partners Funding Considerations:  
Funding Categories

Categories of Financial Partners:

- General Fund Discretionary
- General Fund Dedicated Revenue (Municipal Services Districts; Food & Beverage Tax; Occupancy Tax)
- 100% Federal Funding
- 100% PAYGO Funding
- PAYGO/Federal Share
- Out of School Time Partners (Federal & PAYGO funds)
- Additional Outside Agency Requests

1



**Financial Partners Funding Considerations:  
General Fund Discretionary**

| Agency                         | FY16 Budget        | FY17 Request       | FY17 Recommend     |
|--------------------------------|--------------------|--------------------|--------------------|
| Arts & Science Council*        | \$2,940,823        | \$3,240,823        | \$2,940,823        |
| Charlotte Regional Partnership | 141,008            | 151,881            | 151,881            |
| Community Building Initiative  | 50,000             | 50,000             | 50,000             |
| Safe Alliance                  | 333,977            | 333,977            | 333,977            |
| <b>TOTAL</b>                   | <b>\$3,465,808</b> | <b>\$3,776,681</b> | <b>\$3,476,681</b> |

\*The City of Charlotte remains committed to supporting the community’s vibrant cultural sector. Staff is recommending that funding levels for the Arts & Science Council remain flat until Mecklenburg County and the surrounding towns match the City’s current \$16 per capita contribution to the cultural sector.



**Financial Partners Funding Considerations:  
General Fund – Dedicated Revenue**

| Agency: Charlotte Center City Partners (CCCP) | FY16 Budget        | FY17 Revenue Projection |
|---|--------------------|-------------------------|
| Center City – MSD 1                           | \$1,257,608        | \$1,295,378             |
| Center City – MSD 2                           | 750,059            | 747,625                 |
| Center City – MSD 3                           | 1,197,654          | 1,214,321               |
| South End – MSD 4                             | 794,701            | 857,020                 |
| <b>TOTAL</b>                                  | <b>\$4,000,022</b> | <b>\$4,114,344</b>      |

| Agency: University City Partners (UCP) | FY16 Budget | FY17 Revenue Projection |
|--|-------------|-------------------------|
| University City-MSD 5                  | \$643,792   | \$745,370               |

A Municipal Service District is a defined area for which an additional property tax is levied in order to provide extra services. Final Municipal Service District funding is calculated based on actual property tax revenues.



**Financial Partners Funding Considerations:  
General Fund – Dedicated Revenue**

| Agency                                       | FY16 Budget         | FY17 Request        | New FY17 Revenue Projection |
|--|---------------------|---------------------|-----------------------------|
| Charlotte Regional Visitors Authority (CRVA) | \$13,597,941        | \$14,980,811        | \$14,980,811                |
| CRVA –Film Commission                        | 150,000             | 150,000             | 150,000                     |
| <b>TOTAL</b>                                 | <b>\$13,747,941</b> | <b>\$15,130,811</b> | <b>\$15,130,811</b>         |

Final funding depends on countywide occupancy tax and prepared food and beverage tax proceeds as calculated at year-end.

4



**Financial Partners Funding Considerations:  
100% Federal Funding**

| Agency                     | FY16 Budget        | FY17 Request       | FY17 Revenue Projection |
|----------------------------|--------------------|--------------------|-------------------------|
| Carolinas Care Partnership | \$1,640,862        | \$1,640,862        | \$1,640,862             |
| Charlotte Family Housing   | 330,000            | 400,000            | 330,000                 |
| <b>TOTAL</b>               | <b>\$1,970,862</b> | <b>\$2,040,862</b> | <b>\$1,970,862</b>      |

5



Financial Partners Funding Considerations:  
100% PAYGO Funded

| Agency                     | FY16 Budget      | FY17 Request     | FY17 Recommend   |
|----------------------------|------------------|------------------|------------------|
| Community Link             | \$450,000        | \$450,000        | \$450,000        |
| Crisis Assistance Ministry | 380,000          | 500,000          | 380,000          |
| <b>TOTAL</b>               | <b>\$830,000</b> | <b>\$950,000</b> | <b>\$830,000</b> |

6



Financial Partners Funding Considerations:  
Shared Federal/PAYGO Funded

75% Federal Share / 25% PAYGO Share

| Agency                    | FY16 Budget        | FY16 PAYGO       | FY17 Request       | FY17 Recommend     |
|---------------------------|--------------------|------------------|--------------------|--------------------|
| CMHP - Affordable Housing | \$1,960,000        | \$490,000        | \$2,058,000        | \$1,960,000        |
| CMHP - House Charlotte    | 231,000            | 57,750           | 258,131            | 231,000            |
| <b>TOTAL</b>              | <b>\$2,191,000</b> | <b>\$547,750</b> | <b>\$2,316,131</b> | <b>\$2,191,000</b> |

CMHP = Charlotte-Mecklenburg Housing Partnership

7



### Financial Partners Funding Considerations: Out of School Time Partners\*

| Agency   | FY16 Budget      | FY17 Budget      |
|--|------------------|------------------|
| Citizen Schools                                | \$200,000        | \$200,000        |
| Greater Enrichment Program                     | 200,000          | 200,000          |
| Police Activities League                       | 200,000          | 200,000          |
| YWCA Central Carolinas After School Enrichment | 200,000          | 200,000          |
| Behailu Academy                                | 66,000           | 66,000           |
| Bethlehem Center                               | 113,934          | 113,934          |
| <b>TOTAL</b>                                   | <b>\$979,934</b> | <b>\$979,934</b> |

- 83% Federal Funding (\$815,007)
- 17% PAYGO (\$164,927)

\*Out of School Time Partners are in the second year of the Council adopted two-year funding cycle. Funding levels and potential new partners will be considered in FY2018/FY2019.

8



### Financial Partners Funding Considerations: Additional Outside Agency Requests

| Agency  | FY16 Budget      | FY17 Request       | FY17 Recommend  |
|---|------------------|--------------------|-----------------|
| TreesCharlotte Endowment                                      | \$0              | \$1,000,000        | \$0             |
| Foundation for the Carolinas: Economic Opportunity Task Force | 100,000          | 50,000             | 50,000          |
| <b>TOTAL</b>  | <b>\$100,000</b> | <b>\$1,050,000</b> | <b>\$50,000</b> |

- TreesCharlotte is creating an Endowment Fund with Foundation For The Carolinas, where the principal contribution would be preserved and the proceeds from the interest and dividends would be used to fund operations.
- The Economic Opportunity Task Force is focused on identifying solutions for increasing economic opportunity in Mecklenburg County.

9



Financial Partners Funding Considerations:  
Next Steps

Next Steps

- May 2<sup>nd</sup> – City Manager’s Budget Recommendation
- May 9<sup>th</sup> – Budget Public Hearing
- May 11<sup>th</sup> – Council Budget Adjustments
- May 25<sup>th</sup> – Council Straw Votes
- June 13<sup>th</sup> – Council Budget Adoption

10

**Financial Partner Funding Recommendation**

| General Fund Discretionary                              | FY2016 Budget       | FY2017 Request      | FY2017 Recommend    | FY2017 Diff. Recommend to Request | Agency Funding Description   |
|---|---------------------|---------------------|---------------------|-----------------------------------|--|
| Arts & Science Council                                  | \$2,940,823         | \$3,240,823         | \$2,940,823         | -\$300,000                        | Unrestricted operating funding for the appreciation, participation, and support for arts and culture; additional funding would be for neighborhood programming and cultural sector innovation.<br><br>The City remains committed to supporting the community's vibrant cultural sector. Staff is recommending that funding levels for the Arts & Science Council remain flat until Mecklenburg County and the surrounding towns match the City's current \$16 per capita contribution to the cultural sector |
| Charlotte Regional Partnership                          | 141,008             | 151,881             | 151,881             | 0                                 | Markets the Charlotte region throughout the world as a superior business location developing business prospects and assets to provide sustainable economic growth for the 16-county, two-state area  |
| Community Building Initiative                           | 50,000              | 50,000              | 50,000              | 0                                 | Works for access, inclusion, and equity in Charlotte-Mecklenburg; increase supports growing program, personnel, and operating expenses   |
| Safe Alliance   | 333,977             | 333,977             | 333,977             | 0                                 | Funds nine positions that work with CMPD to support victims of violent crime and their families by providing court accompaniment, assistance with restraining orders, and victim-focused case management; increase is for growth in current costs  |
| <b>TOTAL</b>  | <b>\$3,465,808</b>  | <b>\$3,776,681</b>  | <b>\$3,476,681</b>  | <b>-\$300,000</b>                 |  |
| Dedicated Revenue Sources                               | FY2016 Budget       | FY2017 Request      | FY2017 Recommend    | FY2017 Diff. Recommend to Request | Agency Funding Description   |
| Charlotte Center City Partners                          | \$4,000,022         | \$4,200,023         | \$4,114,344         | -\$85,679                         | Implements strategies promoting the economic, social, and cultural development of Charlotte's Center City; funding is based on Municipal Service Districts 1-4 tax revenue   |
| University City Partners                                | 643,792             | 659,887             | 745,370             | 85,483                            | Promotes, encourages, and coordinates University City's long-term economic vitality as a regional center for education, commerce, shopping, and entertainment; funding is based on Municipal Service District 5 tax revenue  |
| Charlotte Regional Visitors Authority                   | 13,597,941          | 14,980,811          | 14,980,811          | 0                                 | Encourages convention and visitor promotion to the Charlotte region as a travel and tourism destination and for business development activities associated with tourism; City funding derived from portion of proceeds from prepared food & beverage and occupancy taxes   |
| Charlotte Regional Visitors Authority - Film Commission | 150,000             | 150,000             | 150,000             | 0                                 | Promotes the Charlotte Region as a location for film and commercial/television productions; through the Charlotte Regional Film Commission, the CRVA provides site location, crew, equipment, stage, and support service information for commercials, independent films, television series, and still photography shoots   |
| <b>TOTAL</b>  | <b>\$18,391,755</b> | <b>\$19,990,721</b> | <b>\$19,990,525</b> | <b>-\$196</b>                     |  |
| 100% Federal Grant Funds                                | FY2016 Budget       | FY2017 Request      | FY2017 Recommend    | FY2017 Diff. Recommend to Request | Agency Funding Description   |
| Carolinas Care Partnership                              | \$1,640,862         | \$1,640,862         | \$1,640,862         | \$0                               | Provides housing resources for people living with HIV and AIDS. Funding determined and provided by U.S. Department of Housing and Urban Development  |
| Charlotte Family Housing                                | 330,000             | 400,000             | 330,000             | -70,000                           | Provides monthly rental subsidies to participating families in Charlotte Family Housing's permanent housing program. Funding provided by federal HOME Investment Partnership Program   |
| <b>TOTAL</b>  | <b>\$1,970,862</b>  | <b>\$2,040,862</b>  | <b>\$1,970,862</b>  | <b>-\$70,000</b>                  |  |
| 100% PAYGO Funds  | FY2016 Budget       | FY2017 Request      | FY2017 Recommend    | FY2017 Diff. Recommend to Request | Agency Funding Description   |
| Community Link  | \$450,000           | \$450,000           | \$450,000           | \$0                               | Provides homeownership training and counseling services that enable individuals to obtain and sustain safe, affordable housing. Funding provided by City Innovative Housing funding  |
| Crisis Assistance Ministry                              | 380,000             | 500,000             | 380,000             | -120,000                          | Funding for the City Energy Assistance Program and the Emergency Rental Assistance Program; additional funding will increase the amount of financial assistance available to help people experiencing a financial crisis pay their bills. Funding is provided by City Innovative Housing (PAYGO) funding   |
| <b>TOTAL</b>  | <b>\$830,000</b>    | <b>\$950,000</b>    | <b>\$830,000</b>    | <b>-\$120,000</b>                 |  |

**Financial Partner Funding Recommendation**

| 75% Federal & 25% PAYGO Funds  | FY2016 Budget      | FY2017 Request     | FY2017 Recommend   | FY2017 Diff. Recommend to Request | Agency Funding Description  |
|--|--------------------|--------------------|--------------------|-----------------------------------|---|
| Charlotte-Mecklenburg Housing Partnership, Inc. - Affordable Housing | \$1,960,000        | \$2,058,000        | \$1,960,000        | -\$98,000                         | Supports affordable housing program activities including mortgage delinquency prevention and foreclosure counseling, and the development, financing, and management of affordable apartments. Funding provided by federal HOME Investment Partnership Program and City Innovative Housing funding |
| Charlotte-Mecklenburg Housing Partnership, Inc. - House Charlotte    | 231,000            | 258,131            | 231,000            | -27,131                           | Supports homeownership counseling and down payment assistance. Additional funding requested will increase number of families benefitting from HouseCharlotte services. Funding provided by federal HOME Investment Partnership Program and City Innovative Housing funding                        |
| <b>TOTAL</b>   | <b>\$2,191,000</b> | <b>\$2,316,131</b> | <b>\$2,191,000</b> | <b>-\$125,131</b>                 |   |

| Out-of-School Time Partners | FY2016 Budget    | FY2017 Budget    | Agency Funding Description   |  |  |
|-----------------------------|------------------|------------------|--|--|--|
| Citizen Schools             | \$200,000        | \$200,000        | FY2017 represents the second year of a bi-annual funding process for Out-of-School Time Partners. FY2016 & FY2017 funded agencies include NC licensed after school providers, non-profit 501(c)(3) organizations, and Local Education Agency or faith-based organizations located in Charlotte. Agencies must have provided a continuous out-of-school program for a minimum of three years with at least one year in Charlotte, must serve at least 50 students, and administer a school-year or year-round out-of-school time program. Funded programs must operate five days a week at a minimum of three hours per day on each Charlotte Mecklenburg Schools (CMS) school day with or without a summer component that operates five days per week. The summer program must operate at a minimum of seven hours per day for at least six weeks during the CMS summer break. Eligible agencies must also maintain a maximum ratio of one adult to 20 students; and services must be accessible to all students regardless of their ability to pay. |  |  |
| Greater Enrichment Program  | 200,000          | 200,000          |  |  |  |
| Police Activities League    | 200,000          | 200,000          |  |  |  |
| YWCA                        | 200,000          | 200,000          |  |  |  |
| Bethlehem Center            | 113,934          | 113,934          |  |  |  |
| Behailu Academy             | 66,000           | 66,000           |  |  |  |
| <b>TOTAL</b>                | <b>\$979,934</b> | <b>\$979,934</b> |  |  |  |

| Additional Requests  | FY2016 Request   | FY2017 Request     | FY2017 Recommend | Agency Funding Description   |
|--|------------------|--------------------|------------------|--|
| Trees Charlotte Endowment                                    | new request      | \$1,000,000        | \$0              | TreesCharlotte is a non-profit agency focused on the preservation and expansion of Charlotte's tree canopy. TreesCharlotte's request is for the City to help seed an Endowment Fund with the Foundation For The Carolinas where the principal contribution would be preserved and only the proceeds from interest and dividends would be used to buy trees and fund organizational operations. TreesCharlotte is seeking additional funding from other partners with a total goal of creating a \$15 million Endowment |
| Foundation for the Carolinas Economic Opportunity Task Force | 100,000          | 50,000             | 50,000           | This initiative is borne out of a recent Harvard University study that ranked Charlotte at the bottom among the country's 50 largest cities for economic mobility. FY2017 funding will support the efforts of the Economic Opportunity Taskforce to broaden access to economic opportunity for all residents of Charlotte-Mecklenburg  |
| <b>TOTAL</b>   | <b>\$100,000</b> | <b>\$1,050,000</b> | <b>\$50,000</b>  |  |

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# **General Community Investment Plan Budget**

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**General Community Investment Plan Budget Materials to be  
Distributed at Workshop**

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# **Introduction to General Fund Update & FY2016 Services Inventory/Base Budget Discussion**

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**General Fund Materials to be distributed at Workshop**

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**Budget Questions & Answers  
from March 16<sup>th</sup> Budget  
Workshop and March 21<sup>st</sup>  
Budget Committee**

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# Questions and Answers

## From March 16<sup>th</sup> Budget Workshop

### General Fund Update

**Question 1:** *What reductions comprised the 4.8% decrease in Innovation & Technology's FY2016 budget?*

**Table 1** below summarizes the Innovation & Technology (I&T) Department's service reductions included in the FY2016 Adopted Budget. I&T's FY2016 service reductions total \$328,477 –representing 4.8% of the total \$6.7 million that was reduced from the General Fund.

**Table 1**

| FY2016 Innovation & Technology Service Reductions                            |                  |
|--|------------------|
| Reduction Item   | Financial Impact |
| Chief Operating Officer position (vacant)                                    | \$125,000        |
| Enterprise Resource Planning position (vacant)                               | 105,477          |
| Two Enterprise Resource Planning Support Center part-time positions (vacant) | 98,000           |
| <b>Total</b>   | <b>\$328,477</b> |

**Question 2:** *Please describe the maintenance agreement for state right-of-way located in the City of Charlotte.*

The maintenance services that the Charlotte Department of Transportation (CDOT) provides to North Carolina Department of Transportation (NCDOT) right-of-way are outlined in a series of Municipal Agreements. The Municipal Agreements with CDOT and NCDOT are similar in nature to other agreements signed between NCDOT and other jurisdictions across the state.

CDOT provides the following reimbursable maintenance services to NCDOT right-of-way:

- Sidewalks,
- Signage,
- Pavement Markings,
- Traffic Signals,
- Traffic Signal Timing and Operations, and
- Roads - Snow and Ice Removal (only select roads).

# Questions and Answers

## From March 16<sup>th</sup> Budget Workshop

**Question 3:** Please provide a detailed listing of the specific contracts that have escalations referenced in Slide 9 of the March 16<sup>th</sup> General Fund Update Presentation.

Slide 9 of The March 16<sup>th</sup> General Fund Update Presentation referenced contract escalations that will occur in FY2017. **Table 2** further describes the FY2017 contract increases.

**Table 2**

| Type        | Department              | Description  |
|-------------|-------------------------|--|
| Contractual | Solid Waste Services    | Solid Waste Disposal Fees                          |
| Contractual | Innovation & Technology | Help Desk contract                                 |
| Contractual | All                     | Telecommunications                                 |
| Contractual | Innovation & Technology | Internet Security                                  |
| Contractual | Fire                    | Technology contract previously funded by 911 funds |

**Question 4:** What is our current user fee policy, and what is the justification for the exceptions?

In FY2006, the City Council's current policy to recover 100% of the fully allocated costs of regulatory user fees went into effect. Regulatory user fees are associated with regulatory programs, such as land use permits, subdivision reviews, dance hall licenses, and hazardous chemical permits.

Due to the significant decline in development activity during the economic recession, regulatory user fees remained flat from FY2009 until FY2012. In response to improving economic conditions, the City began a multi-year process of gradually returning back to full cost recovery for regulatory user fees in FY2013.

During the FY2016 budget development process, substantial projected fee increases led to exceptions being granted to five frequently sited regulatory fees to minimize the potential impact to the development community. The five frequently sited fees were reduced to a recovery rate of 80%, with a total General Fund impact of \$155,135. The FY2016 total recovery rate for all regulatory user fees is 92.4%.

The five frequently sited fees include:

- Land Development Commercial Subdivision Fee;
- Land Development Residential Subdivision Fee;
- Transportation Commercial Site Permit;
- Transportation Major Rezoning; and
- Right-of-Way Permit for Large Festivals.

City Council adopted the FY2016 budget including the user fee exceptions on June 8, 2015, and during that meeting the further evaluation of the regulatory user fee policy was referred to the Economic Development & Global Competitiveness (ED&GC) Committee.

Following their evaluation, staff made a recommendation to the ED&GC Committee to continue implementation of the City Council's 100% regulatory user fee recovery rate policy and add a provision for the City Manager to recommend exceptions based on the following criteria:

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# **Questions and Answers**

## **From March 16<sup>th</sup> Budget Workshop**

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- Avoid a significant jump in price from year to year,
- Ensure regulatory compliance, and
- Recognize a greater benefit to the general public.

Feedback on staff's user fee policy recommendation has been gathered from the development community and will be presented to the ED&GC Committee on April 14, 2016. The policy revision will then be taken to the full Council for approval during the April 20, 2016, Budget Workshop.

### **Council Priorities**

**Question 5:** *Please provide a comparison of new requests to base budget requests along with a side-by-side analysis of the projected growth of revenue to the requested growth in expenses.*

Staff will include a detailed comparison of FY2017 base budget requests to requests for new services, positions, and programs in the April 20<sup>th</sup> Council Budget Workshop Packet. An analysis comparing FY2017 projected revenues and expenses will also be included in the April 20<sup>th</sup> workshop materials.

**Question 6:** *If the City Council approves funding for the FY2017 component of CMPD's phased approach to adding the 125 officers, are they automatically committing to fund the additional positions in FY2018? Please provide additional details clarifying the phased funding approach.*

The Charlotte-Mecklenburg Police Department (CMPD) recommends a two-year phased approach to add the requested 125 sworn officers and 80 civilian positions. The FY2017 phase includes 63 sworn officers and 43 civilian positions. An additional 62 sworn officers and 37 civilian positions would be added in the FY2018 phase.

Approval of the FY2017 staffing phase does not automatically commit the City Council to funding the FY2018 phase. The City Council will approve funding for each staffing phase separately as a part of the FY2017 and FY2018 budget adoption process.

# Questions and Answers

## From March 16<sup>th</sup> Budget Workshop

**Table 3** outlines CMPD's FY2017 and FY2018 phased approach for adding the 125 sworn officers and 80 civilian positions. The full cost of CMPD's phased staffing approach would not be recognized until FY2019.

**Table 3**

| CMPD's Requests:                | FY2017<br>Quantity<br>Positions | FY2017              | FY2018<br>Quantity<br>Positions | FY2018              | FY2017 &<br>FY2018   | Total<br>Positions | Full Year<br>Cost - Carry<br>Over |
|---------------------------------|---------------------------------|---------------------|---------------------------------|---------------------|----------------------|--------------------|-----------------------------------|
| <b>Personnel Services</b>       |                                 |                     |                                 |                     |                      |                    |                                   |
| Officers                        | 63                              | \$ 1,876,844        | 62                              | \$ 1,916,152        | \$ 5,943,658         | 125                | \$ 7,995,935                      |
| Civilians                       |                                 |                     |                                 |                     |                      |                    |                                   |
| 911 Communicators               | 20                              | 959,694             | 19                              | 886,808             | 1,977,907            | 39                 | 2,110,896                         |
| Crime Scene                     | 4                               | 145,004             | 3                               | 122,262             | 207,114              | 7                  | 379,723                           |
| Crime Lab                       | 1                               | 70,818              | 3                               | 176,158             | 393,142              | 4                  | 319,729                           |
| Human Resources                 | 3                               | 149,888             | 2                               | 100,099             | 299,950              | 5                  | 352,158                           |
| Computer Technology Services    | 4                               | 229,863             | 3                               | 176,858             | 491,899              | 7                  | 315,279                           |
| Crime Analysis                  | 2                               | 163,854             | 1                               | 69,910              | 248,162              | 3                  | 262,015                           |
| Community Services              | 1                               | 67,119              | 2                               | 81,797              | 148,659              | 3                  | 182,131                           |
| Special Operations              | 1                               | 48,332              | 0                               | 0                   | 52,579               | 1                  | 52,579                            |
| Crime Reporting Unit            | 3                               | 161,107             | 2                               | 80,400              | 260,333              | 5                  | 281,408                           |
| Police Attorney                 | 2                               | 126,233             | 1                               | 40,474              | 215,298              | 3                  | 235,303                           |
| Training                        | 2                               | 124,743             | 0                               | 0                   | 157,443              | 2                  | 157,443                           |
| Fiscal Affairs                  | 0                               | 0                   | 1                               | 48,078              | 48,078               | 1                  | 71,841                            |
| <b>Total Personnel Services</b> | <b>106</b>                      | <b>\$ 4,123,501</b> | <b>99</b>                       | <b>\$ 3,698,997</b> | <b>\$ 10,444,222</b> | <b>205</b>         | <b>\$ 12,716,441</b>              |
| <b>Operating Expenses</b>       |                                 |                     |                                 |                     |                      |                    |                                   |
| Officers                        | 63                              | \$ 1,415,121        | 62                              | \$ 1,377,544        | \$ 2,792,665         | 125                | \$ 2,792,665                      |
| Civilians                       |                                 |                     |                                 |                     |                      |                    |                                   |
| 911 Communicators               | 20                              | 51,400              | 19                              | 48,830              | 100,230              | 39                 | 100,230                           |
| Crime Scene                     | 4                               | 6,000               | 3                               | 4,500               | 10,500               | 7                  | 10,500                            |
| Crime Lab                       | 1                               | 1,500               | 3                               | 4,500               | 6,000                | 4                  | 6,000                             |
| Human Resources                 | 3                               | 4,500               | 2                               | 3,000               | 7,500                | 5                  | 7,500                             |
| Computer Technology Services    | 4                               | 6,000               | 3                               | 4,500               | 10,500               | 7                  | 10,500                            |
| Crime Analysis                  | 2                               | 3,000               | 1                               | 1,500               | 4,500                | 3                  | 4,500                             |
| Community Services              | 1                               | 1,500               | 2                               | 3,000               | 4,500                | 3                  | 4,500                             |
| Special Operations              | 1                               | 1,500               | 0                               | 0                   | 1,500                | 1                  | 1,500                             |
| Crime Reporting Unit            | 3                               | 4,500               | 2                               | 3,000               | 7,500                | 5                  | 7,500                             |
| Police Attorney                 | 2                               | 3,000               | 1                               | 1,500               | 4,500                | 3                  | 4,500                             |
| Training                        | 2                               | 3,000               | 0                               | 0                   | 3,000                | 2                  | 3,000                             |
| Fiscal Affairs                  | 0                               | 0                   | 1                               | 1,500               | 1,500                | 1                  | 1,500                             |
| <b>Total Operating Services</b> | <b>106</b>                      | <b>\$ 1,501,021</b> | <b>99</b>                       | <b>\$ 1,453,374</b> | <b>\$ 2,954,395</b>  | <b>205</b>         | <b>\$ 2,954,395</b>               |
| <b>Capital Expenses</b>         |                                 |                     |                                 |                     |                      |                    |                                   |
| Marked Units                    | 32 units                        | \$ 928,480          | 32 units                        | \$ 928,480          | \$ 1,856,960         |                    |                                   |
| Crime Scene Van                 | 2 vans                          | 70,334              | 1 van                           | 35,167              | 105,501              |                    |                                   |
| <b>Total Capital Expenses</b>   |                                 | <b>\$ 998,814</b>   |                                 | <b>\$ 963,647</b>   | <b>\$ 1,962,461</b>  |                    |                                   |
| <b>TOTAL</b>                    |                                 | <b>\$ 6,623,336</b> |                                 | <b>\$ 6,116,018</b> | <b>\$ 15,361,078</b> |                    | <b>\$ 15,670,836</b>              |

# Questions and Answers

## From March 16<sup>th</sup> Budget Workshop

**Question 7:** *How does the number of trees that the City is planting compare to the number of trees that are being removed due to development?*

The City does not currently track the number of trees that are removed as a result of commercial and residential development. In calendar year 2015, over 1,500 acres were graded for development purposes, but the City does not have records on the exact canopy coverage that existed on those acres prior to grading.

Throughout calendar year 2015, an additional 2,000 trees were planted by developers to meet the City's tree ordinance requirements. City staff and Trees Charlotte (a non-profit organization focused on increasing the density of Charlotte's tree canopy coverage) will plant nearly 10,000 trees during the current planting season. Additionally, the City has purchased 60 acres of "treed" property - and has optioned an additional 70 acres - as part of the Tree Canopy Preservation Program. This is the program funded by mitigation fees paid by developers who cannot preserve trees located at development sites. The additional "treed" property contains approximately 5,000 trees.

**Question 8:** *Please provide a time table for the CIP projects listed in the priorities matrix. Also, please provide additional information on the funding for the Gateway Station.*

**Table 4** below shows the proposed 5-year spending schedule for capital investment projects under review for the FY2017-FY2021 General Community Investment Plan in support of the proposed Strategic Policy Objectives (City Council Priorities).

**Table 4**

| <b>Strategic Policy Objectives – Capital Funding Requests – 5-Year Time Table</b> |                     |                     |                     |                     |                     |                     |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Project</b>  | <b>FY2017</b>       | <b>FY2018</b>       | <b>FY2019</b>       | <b>FY2020</b>       | <b>FY2021</b>       | <b>Total</b>        |
| Infill Fire Station - Clanton and I-77  | \$2,950,000         | \$3,540,000         |                     |                     |                     | <b>\$6,490,000</b>  |
| Infill Fire Station - Selwyn & Colony   |                     | 6,790,000           | 3,850,000           |                     |                     | <b>10,640,000</b>   |
| Increased Purchase cost - South Division Office                                   | 550,000             |                     |                     |                     |                     | <b>550,000</b>      |
| Additional CNIP Area in South Charlotte   | 5,000,000           |                     | 5,000,000           |                     |                     | <b>10,000,000</b>   |
| Economic Development in Business Corridors  | 725,000             | 500,000             | 500,000             | 500,000             | 500,000             | <b>2,725,000</b>    |
| Cross Charlotte Trail Extension   | 3,000,000           |                     |                     |                     |                     | <b>3,000,000</b>    |
| South End Pedestrian/Bicycle Connector  | 2,000,000           |                     |                     |                     |                     | <b>2,000,000</b>    |
| Neighborhood Transportation Program   | 5,000,000           |                     |                     |                     |                     | <b>5,000,000</b>    |
| Charlotte Gateway Station   | 580,000             | 3,750,000           | 4,260,000           | 10,430,000          | 11,970,000          | <b>30,990,000</b>   |
| Increase Tree Plantings   | 625,000             | 625,000             | 625,000             | 625,000             | 625,000             | <b>3,125,000</b>    |
| TreesCharlotte Endowment  | 1,000,000           |                     |                     |                     |                     | <b>1,000,000</b>    |
| <b>Total Annual Request</b>   | <b>\$21,430,000</b> | <b>\$15,205,000</b> | <b>\$14,235,000</b> | <b>\$11,555,000</b> | <b>\$13,095,000</b> | <b>\$75,520,000</b> |

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# **Questions and Answers**

## **From March 16<sup>th</sup> Budget Workshop**

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**Question 9:** *What are the funding sources, outside the General Community Investment Plan, being pursued to fund the match required for the Charlotte Gateway Station?*

The North Carolina Department of Transportation (through its Rail Division) and the City have agreed to jointly implement the Charlotte Gateway Station (CGS) Project. Due to the availability of funds on the federal, state, and local levels, the CGS Project will need to be implemented in phases.

Phase 1 of the CGS Project is referred to as the Track, Structures & Signals (TS&S) Phase. Staff is currently reviewing the preliminary Phase 1 cost estimates of approximately \$62.5 million. As a result of the State's 2015 TIGER grant application, Phase 1 is anticipated to be funded in part by a TIGER grant of \$25 million. The City of Charlotte will be the recipient of the TIGER grant.

Based on the preliminary estimate, an additional \$37.5 million to complete funding of Phase 1 must be identified locally. The State has tentatively identified approximately \$5.5 million that could support the project, leaving an unfunded gap of approximately \$32 million. It should be noted that the availability of the State's funding is currently being reviewed by staff and could be adjusted.

Charlotte City staff has identified two possible sources other than the City's General Community Investment Plan to fund some portion of the remaining \$32 million needed for Phase 1 of the CGS Project:

- 1. State of North Carolina Strategic Transportation Investments (STI) Process –**  
The Charlotte Gateway Station project has a high score in the Regional Impact tier of the STI funding process. Successful approval of STI funding to support the CGS project will require support from both the Charlotte Regional Transportation Planning Organization (CRTPO) and the NCDOT Division 10 Engineer. The amount of potential funding support from this source is unknown at this time.
- 2. State Transportation Improvement Program – Direct Allocation (STP-DA) –**  
These are federal funds that are managed by CRTPO. Funds available from this direct allocation total approximately \$37 million. The City will submit an application to CRTPO for an allocation of this funding to support the CGS project, but will compete for these funds along with the other CRTPO member cities, towns and counties that may be seeking funds for other projects. With \$25 million in TIGER Grant funds already allocated to the CGS project, the maximum STP-DA funding that can be requested is \$25 million, but an award of the full \$25 million is probably unlikely. CRTPO is currently in the process of developing its selection criteria. Staff anticipates receiving word by late summer 2016 if the CGS project will be awarded funding from the STP-DA or STI programs.

Until decisions are made on the awarding of funds to the Charlotte Gateway Station project from these outside sources, staff recommends holding \$32 million of the City's available debt capacity in reserve as a potential funding source for the local contribution to the project. Whatever funds are approved from these outside sources will be applied to the CGS project, and the equivalent amount in the City's debt capacity can be released for potential use for other City capital needs.

# Questions and Answers

## From March 16<sup>th</sup> Budget Workshop

### Compensation & Benefits Update

**Question 10:** Please provide Council with retention rates of all positions impacted by the proposed Hourly Pay Plan.

Based on the City's 2015 employee data, employees eligible for the proposed Hourly Pay Plan are more likely to terminate within the first 5 years of City service. For service years 10-14, and 30-34, respectively, data trends indicate termination is more likely to occur due to the employees' eligibility for retirement.

**Table 5** below outlines non-exempt/hourly employee terminations in 2015 in relation to length of City service and the respective percent of total terminations.

**Table 5**

| 2015 City of Charlotte Hourly Employee Terminations |                        |                         |
|---|------------------------|-------------------------|
| Length of Service                                   | Number of Terminations | % of Total Terminations |
| <1 year   | 32                     | 10.7%                   |
| 1 year  | 70                     | 23.4%                   |
| 2 years   | 34                     | 11.4%                   |
| 3 years   | 18                     | 6.0%                    |
| 4 years   | 12                     | 4.0%                    |
| 5 years   | 18                     | 6.0%                    |
| 6 years   | 7                      | 2.3%                    |
| 7 years   | 14                     | 4.7%                    |
| 8 years   | 19                     | 6.4%                    |
| 9 years   | 7                      | 2.3%                    |
| 10-14 years   | 21                     | 7.0%                    |
| 15-19 years   | 7                      | 2.3%                    |
| 20-24 years   | 5                      | 1.7%                    |
| 25-29 years   | 13                     | 4.3%                    |
| 30-34 years   | 20                     | 6.7%                    |
| 35 > years  | 2                      | 0.7%                    |
| <b>Total Terminations</b>                           | <b>299</b>             |                         |

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# **Questions and Answers**

## **From March 21<sup>st</sup> Budget Committee**

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### **Solid Waste Services**

**Question 11:** *How does franchising work as an option for commercial multi-family collection and what are potential legal implications to the City?*

Franchising waste collection services for commercial multi-family properties would require the designation of one or more franchised haulers by the City. Selection of the hauler(s) would occur after a formal Request for Proposal (RFP) process is conducted by the City. The winning proposal(s) would set pricing for a fixed time period for service that the complexes would pay directly to the hauler. The franchises could be exclusive (requiring complexes to use the franchised hauler) or non-exclusive (allowing complexes the choice of any hauler).

If the City Council decides to move forward with franchising solid waste services for multi-family commercial buildings, the legal implications will be addressed in the franchise contract language.

**Question 12:** *How does the City ensure that properties going through the rezoning process are planned in such a way that it is possible for the City to provide refuse collection? How are residential uses specifically defined and separated during the rezoning process?*

Many proposed multi-family developments go through the conditional rezoning process, meaning that the petitioners prepare and submit site plans to the City for review and comment. These site plans are reviewed by several departments, including Solid Waste Services (SWS). As part of this review, SWS staff specifically verify that sufficient space exists on the site for dumpster pads and maneuvering space for trucks to serve the dumpsters. Periodically, developers specify on site plans that the proposed developments will be served by private waste haulers and roll-out containers. In this instance, Planning requests that developers include dumpster accommodations in the event that future owners of the multi-family development opt for dumpster service over (private) roll-out service.

Some proposed multi-family developments go through "straight up" rezonings, which means no site plan review is involved. Others are developed "by-right," meaning no rezoning is required. In these instances, Solid Waste Services staff works as part of the land development review process to ensure that site features can accommodate dumpster service.

For the purposes of reviewing solid waste needs during the rezoning process, a determination is made based on City Code as to the type of solid waste service the property is eligible to receive. This determination is currently made based upon unit count, not the type of residential unit. For complexes of more than 30 units, dumpster/compactor service is the type of service currently assigned regardless of complex type. For complexes of less than 30 units curbside rollout is assigned. For cases where private service, the site plan, if the rezoning is conditional, will be reviewed to ensure that there are feasible options available for collection.

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# **Questions and Answers**

## **From March 21<sup>st</sup> Budget Committee**

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**Question 13:** *What is contained in the current City Code of Ordinances for Solid Waste Services?*

Solid Waste Services are covered in the City Code of Ordinances beginning at Chapter 10, Article II. Section 10-31. A direct link to this section of the City Code of Ordinances is provided below. The full section is also available at the end of this packet.

Link to City Code on Solid Waste Services:

[https://www.municode.com/library/nc/charlotte/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_OR\\_CH10HESA\\_ARTIISOWASE](https://www.municode.com/library/nc/charlotte/codes/code_of_ordinances?nodeId=PTIICO_OR_CH10HESA_ARTIISOWASE)

**Question 14:** *What are the differences in the valuation methodology the County Tax Assessor uses for commercial apartments versus residential condos? What impact does the differing methodology have on the overall valuation for similar structures?*

The following response was provided by Mecklenburg County Tax Assessor, Ken Joyner:

There are three approaches to valuation: the cost, income, and sales comparison. The three approaches are the same for all property types.

The Mecklenburg County Tax Assessor's Office relies on the cost approach as the primary methodology on many property types within the county. The cost approach relies upon what it cost to build the property less any depreciation that exist as of the date of the appraisal. Our cost approach is a blending of the traditional cost and sales comparison approaches. This means that we calculate a price per square foot from properties that have sold and then use that amount in the cost approach valuation model.

Apartments like other commercial properties can be valued using a cost approach method. But apartments are primarily income generating properties and are many times valued utilizing the income approach when this information is made available. This has the appraiser looking at the property in a similar manner as the market does. This approach differs from a traditional residential condominium where you have individually owned residential units. The primary use of the condo is for owner occupancy. At times a unit may be sublet, but that income information is both sporadic and many times unavailable to the Assessor's Office. Our office will use the cost/sales comparison blended method mentioned above when valuing residential condos.

When applied properly an appraiser should come to a reasonable valuation conclusion, without extensive valuation variances, using any of the three approaches to value, thus limiting the impact between the different approaches to value.

**Question 15:** *What is the history of the Solid Waste Fee and how does it relate to the tipping fees charged at the landfill?*

In 1984, the City of Charlotte and Mecklenburg County entered into a solid waste interlocal agreement where the City became the lead agency charged with solid waste collections and Mecklenburg County took over disposal. This agreement included the transfer of City landfills to County ownership. As part of the original agreement, the County did not charge

# Questions and Answers

## From March 21<sup>st</sup> Budget Committee

the City for tipping fees (cost per ton to dump) and instead assessed a residential disposal fee, billed at the same time as the property tax, to cover the cost of the landfills.

In 1996, the original terms of the agreement ended. At that time, the County eliminated single-family and multi-family residential disposal fees and the City began to incur tipping fees. The City adopted the same annual residential disposal fee structure that was previously used by the County - \$38 per year for single family and \$23 per year for multi-family. The County retained a \$10 per year administrative fee for residential customers. The County fee is currently \$17 per year.

As a part of the FY2016 budget adoption process, changes were made to City Code related to the Solid Waste Fee. The changes renamed the fee from residential solid waste disposal fee to residential solid waste services fee, and redefined the purpose to cover the provision of solid waste services, not just disposal.

**Table 6** outlines the history of the Solid Waste Fee rate.

**Table 6**

| Changes to the Solid Waste Disposal Fee |               |                |
|---|---------------|----------------|
| Fiscal Year                             | Single Family | Multi Family   |
| FY1997                                  | \$38 per year | \$23 per year  |
| FY2001                                  | \$45 per year | \$27 per year  |
| FY2013                                  | \$47 per year | \$24 per year* |
| FY2016                                  | \$25 per year | \$25 per year  |

\*Decrease due to elimination of multi-family supplemental service

**Question 16:** *How will collection services be provided to condo and townhome complexes of more than 30 units currently receiving rollout service going forward?*

Based upon City Council direction, staff anticipates that condos and townhomes will continue to receive the same level of service they currently receive. This will provide flexibility based upon the differing and unique site considerations for each complex.

## Council Priorities

**Question 17:** *What are the turnover rates for staff from 2008 until 2015?*

The City's turnover data is calculated by calendar year (January – December). It includes retirements, as well as voluntary and involuntary separations. A voluntary separation is when an employee terminates employment with or without notice. An involuntary separation is when the employer terminates employment with an employee, normally due to an infraction of work rules, including unauthorized absences from work.

**Table 7** includes the City of Charlotte's turnover data for calendar years 2008 – 2015 for the Broadbanding and Public Safety Pay Plans (hourly employees are included in Broadbanding totals, the Hourly Pay Plan will go into effect in FY2017 pending Council approval).

# Questions and Answers

## From March 21<sup>st</sup> Budget Committee

**Table 7**

| Calendar Year 2015  |            |           |             |        |
|---------------------|------------|-----------|-------------|--------|
| Category            | Retirement | Voluntary | Involuntary | Total* |
| Broadbanding Total  | 2.2%       | 6.1%      | 1.9%        | 10.2%  |
| Public Safety Total | 2.8%       | 3.0%      | 0.1%        | 5.9%   |
| Total               | 2.5%       | 4.8%      | 1.1%        | 8.4%   |
| Calendar Year 2014  |            |           |             |        |
| Category            | Retirement | Voluntary | Involuntary | Total  |
| Broadbanding Total  | 1.9%       | 5.6%      | 1.8%        | 9.3%   |
| Public Safety Total | 2.7%       | 2.3%      | 0.1%        | 5.1%   |
| Total               | 2.2%       | 4.2%      | 1.1%        | 7.5%   |
| Calendar Year 2013  |            |           |             |        |
| Category            | Retirement | Voluntary | Involuntary | Total  |
| Broadbanding Total  | 2.5%       | 6.0%      | 2.0%        | 10.5%  |
| Public Safety Total | 2.4%       | 1.3%      | 0.1%        | 3.9%   |
| Total               | 2.5%       | 4.0%      | 1.2%        | 7.6%   |
| Calendar Year 2012  |            |           |             |        |
| Category            | Retirement | Voluntary | Involuntary | Total  |
| Broadbanding Total  | 2.0%       | 5.2%      | 1.9%        | 9.1%   |
| Public Safety Total | 2.2%       | 1.3%      | 0.2%        | 3.7%   |
| Total               | 2.1%       | 3.5%      | 1.2%        | 6.7%   |
| Calendar Year 2011  |            |           |             |        |
| Category            | Retirement | Voluntary | Involuntary | Total  |
| Broadbanding Total  | 2.2%       | 4.2%      | 1.9%        | 8.3%   |
| Public Safety Total | 1.7%       | 1.7%      | 0.2%        | 3.7%   |
| Total               | 2.0%       | 3.1%      | 1.2%        | 6.3%   |
| Calendar Year 2010  |            |           |             |        |
| Category            | Retirement | Voluntary | Involuntary | Total  |
| Broadbanding Total  | 2.6%       | 3.8%      | 2.1%        | 8.5%   |
| Public Safety Total | 1.8%       | 1.5%      | 0.2%        | 3.6%   |
| Total               | 2.3%       | 2.8%      | 1.3%        | 6.3%   |
| Calendar Year 2009  |            |           |             |        |
| Category            | Retirement | Voluntary | Involuntary | Total  |
| Broadbanding Total  | 2.0%       | 3.2%      | 2.9%        | 8.1%   |
| Public Safety Total | 1.9%       | 1.2%      | 0.4%        | 3.5%   |
| Total               | 1.9%       | 2.3%      | 1.9%        | 6.1%   |
| Calendar Year 2008  |            |           |             |        |
| Category            | Retirement | Voluntary | Involuntary | Total  |
| Broadbanding Total  | 1.6%       | 5.4%      | 3.1%        | 10.1%  |
| Public Safety Total | 1.6%       | 1.9%      | 0.2%        | 3.8%   |
| Total               | 1.6%       | 4.0%      | 1.9%        | 7.5%   |

\*Total is the number of terminations divided by number of active employees for the category

# Questions and Answers

## From March 21<sup>st</sup> Budget Committee

**Question 18:** *What is the current vacancy rate for each department?*

The vacancy rate as of March 1, 2016 for the City's General Fund Departments was 6.3 percent and 7.2 percent for Enterprise Fund Departments. When considering vacancies, the following internal (City) and external attributes provide useful context when reviewing City Departments' vacancy trends:

Internal (City)

- Length of recruitment – On average, the City's recruitment cycle is 60-90 days. The recruitment cycle consists job posting, evaluation of applications, interviewing, and administration functions associated with final candidate selection.
- Budget Process – For the City's annual budget process, the City Council may approve full-time equivalent positions presented as part of the Manager's Recommended Budget. The majority of positions are effective at the beginning of the fiscal year, July 1<sup>st</sup>.
- Organizational Restructuring – The City has undergone several organizational restructures to better respond to a growing community.

External

- Economic indicators
- Industry market changes

**Table 8** below shows vacancies by Department as of March 1, 2016.

**Table 8**

| Department                        | Full-Time Equivalent Positions | Vacant Positions | Vacancy Rate |
|-----------------------------------|--------------------------------|------------------|--------------|
| <b>General Fund</b>               |                                |                  |              |
| City Attorney                     | 27                             | 2                | 7.4%         |
| Transportation                    | 408.8                          | 36               | 8.8%         |
| City Clerk                        | 6                              | 0                | 0.0%         |
| City Manager                      | 153.3                          | 5                | 3.3%         |
| Engineering & Property Management | 325                            | 27               | 8.3%         |
| Fire                              | 1,166                          | 47               | 4.0%         |
| Human Resources                   | 36                             | 0                | 0.0%         |
| Innovation & Technology           | 130                            | 24               | 18.5%        |
| Mayor & City Council              | 21                             | 3                | 14.3%        |
| Management & Financial Services   | 265                            | 18               | 6.8%         |
| Neighborhood & Business Services  | 136                            | 10               | 7.4%         |
| Planning                          | 56                             | 7                | 12.5%        |
| Police                            | 2,310.5                        | 151*             | 6.5%         |
| Solid Waste Services              | 302                            | 21               | 7.0%         |
| <b>Total General Fund</b>         | <b>5,342.5</b>                 | <b>338</b>       | <b>6.3%</b>  |

\*136 of the current Police vacancies are Police Officer recruit positions

# Questions and Answers

## From March 21<sup>st</sup> Budget Committee

| Enterprise Fund              | Full-Time<br>Equivalent<br>Positions | Vacant<br>Positions | Vacancy<br>Rate |
|------------------------------|--------------------------------------|---------------------|-----------------|
| Aviation                     | 503.0                                | 70.0                | 13.9%           |
| CATS                         | 415.8                                | 51.5                | 12.4%           |
| Risk Management              | 28.0                                 | 0.0                 | 0.0%            |
| Storm Water                  | 124.0                                | 17.0                | 13.7%           |
| Charlotte Water              | 822.0                                | 45.0                | 5.5%            |
| <b>Total Enterprise Fund</b> | <b>1,892.8</b>                       | <b>183.5</b>        | <b>9.7%</b>     |
| <b>Total All Funds</b>       | <b>7,235.3</b>                       | <b>521.5</b>        | <b>7.2%</b>     |

**Question 19:** *How does the City ensure that hiring practices create applicant pools reflect the community?*

The City utilizes the strategies outlined in the City of Charlotte's Affirmative Action Policy to recruit persons from underrepresented groups, as defined by the policy. Efforts to address underutilization include recruitment at minority and women's colleges and universities, targeted recruitment campaign efforts such as the current CMPD campaign highlighting women in law enforcement, and participation in job fairs and youth employment initiatives throughout the community.

The City regularly works to ensure no employment practices are used which would have an adverse impact on any population group protected by applicable law, and that employment practices are based upon consideration of factors clearly related to job performance, valid job qualifications, and merit. The City achieves this through:

- Establishment of job qualifications: Human Resources continually reviews job descriptions, minimum experience and training requirements, and any written/oral tests currently being used by departments.
- Open posting of vacancy announcements: Vacancies for positions in the City will be openly posted at places that are prominently visible to all. The posting period will be of sufficient duration to allow time for interested personnel to apply to the vacancy.
- Broad public announcement of vacancies: Affirmative action recruitment efforts will include public announcements in such media as help-wanted columns of major and minority newspapers, professional journals, and publications specifically serving minorities and women.
- Recruitment at minority and women's colleges and universities: Colleges and Universities whose enrollments are predominately minorities or women will be included in the recruitment process for positions.
- Development of search strategies for qualified minorities and women for appointments: This will be a continuing function of Human Resources in consultation with the Department executives or the Department representatives.

# Questions and Answers

## From March 21<sup>st</sup> Budget Committee

### Aviation

**Question 20:** *What are the sources of Aviation revenues by percentage?*

Aviation's primary revenue sources include Airline lease agreements and ancillary operating fees, concession agreements, parking and ground transportation fees, fuel sales, hangar rentals, and service fees for Fixed Base Operation (corporate and private planes) and General Aviation, facility rent for cargo, and interest income/other revenues.

**Table 9** below outlines the Airport's projected FY2017 revenues by category:

**Table 9**

| Revenue Type                              | FY2017 Amount        | Percent of Total |
|---|----------------------|------------------|
| Airline Revenue                           | \$63,195,906         | 31%              |
| Concession Revenue                        | 58,642,292           | 29%              |
| Parking and Ground Transportation Revenue | 57,167,184           | 28%              |
| Fixed Base Operation and General Aviation | 14,718,352           | 7%               |
| Cargo                                     | 7,083,830            | 3%               |
| Interest Income and Other Revenues*       | 4,537,263            | 2%               |
| <b>Total</b>                              | <b>\$205,344,827</b> | <b>100%</b>      |

\*Other revenues include agreements for distributed antenna rental for cellular service providers, Intermodal Facility lease, employee badging services for concessionaires, and other income-producing arrangements.

## ARTICLE II. - SOLID WASTE SERVICES<sup>[2]</sup>

Footnotes: --- (2) ---

**State Law reference**— Solid waste management, G.S. 130A-290 et seq.; authority to regulate the placing of trash and refuse within the municipal limits, G.S. 160A-303.1.

### DIVISION 1. - GENERALLY

#### Sec. 10-31. - Purpose; conflicts.

This article is determined and declared to be a health, sanitary, and safety measure necessary for the promotion, protection, and preservation of the health, safety, and general welfare of the people of the city. Whenever this article conflicts with any other portion of the city Code, this article shall prevail with respect to any matters relating to solid waste services.

(Code 1985, § 10-16)

#### Sec. 10-32. - Definitions.

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

**Building material** means but is not limited to lumber, brick, stone, carpet, plumbing materials, plaster, concrete, roofing, floor coverings, gutters or other materials or substances accumulated as a result of construction, repairs, or additions to existing structures or accessory structures or demolition of such.

**Bulk container** means a metal container of not less than two cubic yards nor larger than eight cubic yards, made of watertight construction with doors opening on two sides and top, constructed so that it can be emptied mechanically by specially equipped trucks.

**Bulky items** means but is not limited to, items such as household furnishings, household appliances, mattresses, box springs, lawn equipment, i.e., mowers, sidewalk vacuums, rototillers, wheelbarrows and similar household items.

**Business trash** means any accumulation of paper, cardboard, packaging materials, rags, or accumulations of incidental garbage other than household trash, which is associated with the operation of stores, offices, and commercial establishments.

**Collection schedule** means the days of collection; being Monday, Tuesday, Wednesday, Thursday and Friday unless otherwise authorized by the solid waste services key business executive.

**Designated collection area** means that geographic location where solid waste collection services are provided.

**Detachable container** means a unit varying in capacity between 15 cubic yards and 40 cubic yards which is used for collecting, storing and transporting solid waste, building materials, commercial trash, industrial waste and/or hazardous waste. The unit may or may

not use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of the detachable container is that it is picked up by a specially equipped truck for transporting the waste materials to the disposal site.

**Fee means** the residential solid waste fee imposed by the city council, which is adopted from time to time.

**Foul odors** means offensive odors emanating from, but not limited to, garbage.

**Garbage** means the by product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food or other matter which is subject to decomposition, decay, putrefaction, and/or the generation of noxious or offensive gases or odors, or which during and/or after any decay may serve as breeding or feeding material for flies, insects and/or animals.

**Graffiti** means writings, drawings, inscriptions, figures or marks of paint, ink, chalk, dye or other similar substances on public or private buildings, structures or places which are not authorized or permitted by the property owner or possessor. For the purpose of this article, graffiti includes drawing, writings, markings or inscriptions regardless of the content or the nature of materials used in the commission of the act.

**Hazardous waste** is defined as published in the North Carolina Hazardous Waste Management Law adopted from the federal Environmental Protection Agency (EPA). For the purposes of this article, the definition of "hazardous waste" has been condensed. The items defined are not inclusive of all items specified by the EPA regulations. Hazardous waste is defined as potentially dangerous byproducts of our highly industrialized society which can not be handled, treated, or disposed of without special precautions. It includes ignitable, corrosive, reactive, and toxic wastes such as acetone, gasoline and industrial alcohols, alkaline cleaners, acids, cyanide, and chlorine, arsenic, pesticide wastes, paint, caustics, infected materials, offal, fecal matter (human and animal) and explosives.

**Heavily wooded lots** means lots densely wooded with trees, shrubs and overgrowth where equipment cannot maneuver because of the density of the area.

**Household trash** means any waste accumulation of paper, sweepings, rags, bottles, cans, or other matter of any kind, other than garbage, which is usually attendant to housekeeping, except recyclables.

**Industrial waste** means all waste, including solids, semisolids, sludges and liquids, created by factories, processing plants or other manufacturing enterprises.

**Junk** means any item creating a littered condition, including but not limited to dilapidated furniture, appliances, machinery, equipment, building material, automotive parts, tires, or other similar items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition and are not completely enclosed in a building or dwelling.

**Key business executive and KBE, when used in article II or III of this chapter, mean the director of the solid waste services key business unit or designee.**

**Litter** means all discarded manmade materials, including, but not limited to, solid waste materials, building materials, industrial materials, and hazardous waste.

**Loading and unloading areas** means any loading or unloading space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons.

**Mobile home** means a structure, transportable in one or more sections, which in the traveling is eight feet or more in width or is 40 feet or more in length or, when erected on site, is more than 320 square feet and which is built on a permanent chassis and used or designed for use as a residence, with or without a permanent foundation, when connected to the required utilities.

**Multiple residential unit** means any apartment, group of apartments, or condominiums used for dwelling places of more than four families.

**Neighborhood development code enforcement division** means the administrative unit of the city's neighborhood development key business unit, or of any successor department of the city, that is charged by the chief executive of such department with the responsibility for enforcing articles II and III of this chapter.

**Neighborhood development code enforcement inspector** means any person who is authorized by the chief executive of the city's neighborhood development key business unit, or of any successor department of the city, to enforce the provisions of articles II and III of this chapter.

**Nonresidential unit** means any retail, manufacturing, wholesale, institutional, religious, nonprofit organization, government, or other nonresidential units.

**Nuisance** means something that is dangerous or prejudicial to the public health or public safety.

**Person** means any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant, lessee, tenant, or representative or group of individuals or entities of any kind.

**Physical disability** means a medical condition, verified by a registered physician, that makes an individual either physically unable to bring a rollout container to the curbside for collection and/or undertaking such an act would clearly and seriously threaten that person's health.

**Portable packing unit** means a metal container not exceeding 4,500 pounds gross weight with a four-to-eight cubic yard capacity that contains a packing mechanism and an internal or external power unit.

**Premises** means lots, sidewalks, rights-of-way, grass strips, or curbs up to the edge of the pavement of any public street.

**Public rights-of-way** means land that is dedicated or otherwise legally established for public use.

**Recyclables** means newspapers and accompanying inserts, corrugated cardboard, glass food and beverage containers, plastic soft drink and liquor bottles, spiral paper cans, aluminum, bimetal cans, steel or tin cans, yard waste and other items determined to be recyclable by the solid waste services key business executive.

**Recyclables bin** means a plastic container furnished by the city and distributed for use in the residential recyclables collection program.

**Residence** means property used or, if vacant, designed to be used as a residential dwelling for one or more persons, whether or not the property is also used for other nondwelling purposes. The term includes mobile homes, single-family, multi-family, and other structures used or designed to be used as residential dwellings. There can be multiple residences within a single structure, such as apartments, duplexes, townhouses, or condominiums. The term does not include hotels, motels, inns, tourist camps, or other similar places that are required to collect a room occupancy tax.

**Residential solid waste** means garbage and trash, and may include glass jars, bottles, aluminum cans, steel cans, plastic soda and liquor bottles, newspapers and inserts, plastic milk and water jugs, spiral paper cans, and other solid waste, including yard waste. Residential solid waste shall not include discarded building materials, trees, brush and other material resulting from the activities of building contractors, lawn services, larger quantities of sod, dirt and trash from land clearing and other material requiring special handling.

**Residential unit** means one single-family residence or an individual apartment or condominium in a multiple-family residence, unless otherwise specified by the city.

**Rollout container** means the authorized wheeled garbage disposal container approved by the city for use by the residents for garbage collection services.

**Single residential unit** means any dwelling place occupied by one family.

**Solid waste** means accumulations consisting of any combination of business trash, garbage, household trash, bulky items, yard waste, recyclables and junk and shall be collected through curbside trash, rollout, recyclables, yard waste, bulky items, or business trash collection activities.

**Special residential unit** means any duplex, triplex, or quadruplex.

**Special tax district #1** means a section of the city bounded by I-77, Brookshire Freeway, and the John Belk Freeway (I-277).

**Tryon Street Mall (mall)** means the area of Tryon Street beginning at Stonewall Street and extending to Eighth Street, including the blocks designated as the 100 blocks of East and West Trade Street, including both sides of Tryon Street and Trade Street as described in this definition.

**Weeds and grass** means weeds, grass and other vegetation in excess of 12 inches in height.

**Wheeled container** means a plastic container of substantial construction having a capacity of not less than 64 gallons used for the collection of recyclables from city-served multiple residential units. The container shall be designed so that it can be emptied mechanically by specially designed lift devices attached to the city or city-authorized collection vehicles. Only wheeled containers having a capacity of 64 gallons shall be used for the collection of recyclables from city-served multiple residential units as determined by the solid waste services key business executive. Wheeled containers of 64 gallons may also be used to store commercial trash and garbage.

**Yard waste** means grass, weeds, leaves, tree trimmings, plants, shrubbery prunings, and such other similar materials which are generated in the maintenance of yards and gardens, which are separated from other solid waste materials and placed in a designated recycling collection area. Yard waste shall not include trees, tree limbs, brush and other material resulting from commercial tree trimmers and/or commercial lawn care services.

**(Code 1985, § 10-17)**

**Cross reference—** Definitions generally, § 1-2.

**Secs. 10-33—10-60. - Reserved.**

**DIVISION 2. - ADMINISTRATION AND ENFORCEMENT**<sup>[31]</sup>

Footnotes: --- (3) ---

Cross reference— Administration, ch. 2.

**Sec. 10-61. - Authority.**

- (a) The neighborhood development code enforcement division of the city's neighborhood development key business unit shall be responsible for the administration and enforcement of the provisions of this article, except as otherwise stated. Nothing in this article shall be construed to limit the legal authority of the officers of the city's police department to enforce ordinances or carry out their other duties.
- (b) A neighborhood development code enforcement inspector shall have the following authority:
  - (1) To enter upon property;
  - (2) To obtain an administrative search and inspection warrant, if necessary, as provided in G.S. 15-27.2;
  - (3) To issue a notice of violation and impose civil penalties;
  - (4) To enter upon or authorize an agent to enter upon and clean up premises in violation of this article; and
  - (5) To summarily remove, abate, or remedy everything in the city limits that is considered by ordinance to be either dangerous or prejudicial to the public health or which has been declared to be a nuisance.

(Code 1985, § 10-17.1)

**Sec. 10-62. - Interference with authorized personnel and authorized collector prohibited.**

- (a) It shall be unlawful for any person to interfere, harass, or otherwise impede a city neighborhood development code enforcement inspector, solid waste collection crew and/or a city authorized solid waste collector who is carrying out or acting within the scope of his/her duties. A law enforcement official shall have the authority to arrest an individual in violation of this section.
- (b) It shall be unlawful for any person to interfere, harass, or otherwise impede a community improvement inspector when conducting an investigation under the authority of a lawfully issued administrative search warrant or when otherwise carrying out the enforcement provisions of this article and article III of this chapter after a notice of violation has been issued and the time for compliance has expired.
- (c) A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-18)

**Sec. 10-63. - Responsibility of owners, agents, occupants, etc.**

Except as specified in section 10-212, the person owning the property, acting as manager or agent for the property, or in possession or control of the property, such as a tenant, occupant, or lessee, shall be responsible for complying with this article and correcting any violation.

(Code 1985, § 10-19)

**Sec. 10-64. - Violations; enforcement articles.**

It shall be unlawful to violate any provision of this article. Any one or more of the following enforcement actions may be taken for any violation of this article:

- (1) The city's law enforcement officers may issue a uniform citation.
- (2) The neighborhood development code enforcement division manager or designee may charge the violator with a misdemeanor and subject the violator to any penalty prescribed by § 2-21.
- (3) The neighborhood development code enforcement division manager or his designee may assess a civil penalty in the amount established in the specific provisions against the person responsible for the violation. A written notice of assessment shall be mailed or hand delivered to the responsible person at the address listed in the county property tax records unless the neighborhood development code enforcement division has knowledge that the person is residing at a different address. Service of notice is complete by depositing the notice in first class mail or by serving the notice by hand delivery.

Such penalty shall be due and payable to the city no later than 30 days after the notice of assessment has been served. Failure to pay the civil penalty or file an appeal within 30 days of service of the notice assessment shall result in an additional penalty of \$50.00. The neighborhood development code enforcement division may collect civil penalties in a civil action in the nature of a debt.

- (4) The neighborhood development code enforcement division manager or his designee may apply to the appropriate court for an injunction and order of abatement which would require that a violator correct any unlawful condition relating to this article existing on the property.
- (5) The neighborhood development code enforcement division manager or his designee may hire a contractor to correct any condition existing upon real property in violation of any provisions of this article. The costs resulting therefrom, including the neighborhood development code enforcement division's investigative and administrative costs, may be assessed as a civil penalty in the manner described in subsection (3) of this section, to the person responsible for the violation. The neighborhood development code enforcement division may pay the contractor for the services performed and send the contractor's original invoice to the finance department. If the civil penalty is not paid, the finance department shall levy a lien against the property in an amount equal to the civil penalty as provided by the authority of Charter section 6.103. The finance department shall provide notice, by regular mail, to the property owner within five days of levying a lien on the property.

The finance department shall be authorized to cancel any lien filed pursuant to this article that has been satisfied or was placed against the property in error. A property owner can challenge the filing of a lien by a written appeal to the finance department within 60 days of the date the notice of lien filing was made by the finance department indicating that a lien has been placed against the property.

(Code 1985, § 10-20; Ord. No. 2447, §§ 3, 4, 11-24-2003; Ord. No. 2562, § 1, 3-22-2004)

**Sec. 10-65. - Notice of violation.**

- (a) Except as provided in subsection (c) of this section, the neighborhood development code enforcement division manager or his designee shall notify the person responsible for a violation of any provision of this article and give the responsible person a specified time to correct the violation. If the violation is not corrected within the time specified, the neighborhood development code enforcement division manager or his designee shall initiate enforcement proceedings as described in section 10-64.
- (b) Notice of a violation shall be given in writing and mailed or hand delivered to the address listed for the responsible person in the county property tax records, unless the community improvement division has actual knowledge that the person is residing at a different address. Service of any written notice is complete by hand delivering the notice or by depositing the notice in first class mail.
- (c) Exceptions.
  - (1) No written notice will be given to persons placing solid waste and/or containers at curbside prior to the day preceding the scheduled curbside collection date or not removing solid waste and/or containers from curbside by midnight on the day of collection.
  - (2) No written notice will be given when the community improvement division manager or his designee has the authority to summarily remove, abate, or remedy a violation of this article.
  - (3) When a person has failed to comply with a notice of violation as described above, the neighborhood development code enforcement division shall not be required to provide further notices of violation to that person with regard to the same property before taking any of the enforcement actions authorized by section 10-64.

(Code 1985, § 10-21)

**Sec. 10-66. - Adjudicatory hearing.**

- (a) Any person who has been assessed a civil penalty for a violation of this article may request a hearing with the neighborhood development key business executive or his designee. Such request must be made in writing, filed with the neighborhood development key business executive or his designee within 30 days of the notice of assessment, and state the reasons why the civil penalty should not have been assessed. Failure to request a hearing in the time and manner specified shall constitute a waiver of the right to contest the penalty.
- (b) A person requesting a hearing must post a bond equal to the amount of the civil penalty before an appeal hearing will be scheduled. Once the bond is posted, the hearing will be scheduled within 15 business days.

- (c) The neighborhood development key business executive or his designee shall serve as the hearing officer. Any person against whom a decision of the hearing officer is made may seek judicial review of the decision by filing a written petition within 30 calendar days after receipt of the notice of the decision, but not thereafter, with the superior court of the county. The proceedings in superior court shall be in the nature of certiorari.

(Code 1985, § 10-22; Ord. No. 2447, § 5, 11-24-2003)

**Secs. 10-67—10-95. - Reserved.**

### **DIVISION 3. - COLLECTION SERVICES**

**Sec. 10-96. - Mandatory solid waste collection.**

- (a) Solid waste collection is determined by ordinance.
- (b) Each residential premises in the city shall be provided solid waste collection services. Collection schedules shall be determined by the solid waste services key business executive. Collection schedules may be altered to observe holidays or to meet emergency situations.
- (c) No owner or occupant of a residential premises shall prohibit or prevent solid waste collection services, including recyclables collection, at the premises.

(Code 1985, § 10-29)

**Sec. 10-97. - Ownership of materials.**

- (a) Recyclables. Recyclable materials which are properly placed by an owner or occupant of a property at curbside for collection are deemed to be abandoned by such person and become the property of the city or its authorized agent.
- (b) Yard waste. Yard waste which is properly placed by an owner or occupant of a property at curbside for collection is deemed to be abandoned by such person and become the property of the city or its authorized agent.
- (c) Bulky items. Bulky items which are properly placed by an owner or occupant of a property at curbside for collection are deemed to be abandoned by such person and become the property of the city or its authorized agent.

(Code 1985, § 10-30)

**Sec. 10-98. - Unauthorized collection prohibited.**

It shall be unlawful for any person not authorized by the city to collect, or pick up, or cause to be collected or picked up, any solid waste including recyclables, yard waste and/or bulky items.

(Code 1985, § 10-31)

**Sec. 10-99. - Rollout container collection service.**

- (a) Rollout container collection service shall be provided to single residential units and special residential units, provided such special residential units are not part of a multifamily complex containing 30 or more units. The approval of development configurations, lot lines, phase lines, or variations in forms or timing of ownership that may be approved under any provisions of the city subdivision ordinance and/or the city zoning ordinance after initial approval of development configurations, lot lines, phase lines, or variations in forms or timing of ownership, will not exempt the development or any portions of the development from the applicable provisions of this section.
- (b) Except as provided in section 10-100, rollout containers will be collected from the curb. Containers must be placed at ground level, within six feet of the curb and at least three feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, bulky items, trees, etc., or in a location specified by the solid waste service director or director's designee. A customer should use reasonable care and caution when placing a rollout container along the curb and should avoid interfering with the access to or denying the use of a sidewalk by others. Service may be denied to:
  - (1) Any improperly placed container;
  - (2) Any container that is not accessible to solid waste services personnel without having to unlock or open a door, ascend or descend multiple steps, unlock or open a gate or similar obstacle, or encounter a vicious animal; and
  - (3) Any container rendered inaccessible by parked vehicles, equipment or other objects.
- (c) Rollout containers shall be placed at the curb no earlier than the day before the collection day and shall be removed by midnight on the collection day
- (d) Garbage shall be drained of all liquid and enclosed in securely tied plastic bags prior to being placed in rollout containers.
- (e) It shall be unlawful to place dangerous items and/or any waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in rollout containers for collection. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as provided in section 10-111.
- (f) Civil penalty. Any customer who places solid waste at curbside prior to the day before the scheduled collection date or who fails to remove solid waste and/or containers from curbside by midnight on the day of collection may be issued a civil penalty the amount of \$50.00. Any person who fails to properly prepare or containerize solid waste for curbside collection may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-32; Ord. No. 2760, § 1, 10-11-2004; Ord. No. 5090-X, § 1(Exh. A), 4-22-2013)

**Sec. 10-100. - Service for physically disabled persons.**

- (a) For physically disabled persons, rollout containers will be collected in the backyard on a scheduled curbside collection day provided that prior approval has been granted based upon a valid medical verification form submitted to the solid waste services key business unit.

- (b) The city shall reserve the right to verify the need for extending physically disabled services provided to residents that have been approved to receive such services. The city shall reserve the right to continue or discontinue service.

(Code 1985, § 10-33)

**Sec. 10-101. - Stationary container collection service.**

- (a) Any multiple-residential units and/or city governmental agency, referred to in this division as "unit," that furnishes and maintains a bulk container, detachable container or portable packing container will be eligible to receive service provided by the city's private contractor. Eligibility for service provision will be determined by the solid waste services key business executive or his designee after an analysis of the need of the requesting unit. The container shall be of sufficient size as determined and approved by the solid waste services key business executive or his designee and must be suitable for handling by a private contractor.
- (b) Such containers shall at all times be kept clean, neat, painted, in a good state of repair and easily accessible to collection personnel. Service shall be discontinued to units failing to maintain containers properly. No service will be given to those units permitting objects, obstructions, or vehicles to hinder in way the servicing of such container. Container lids shall be kept closed at all times. All doors and lid springs shall be in working condition. Cleaning up spilled materials shall be the responsibility of the property owner or occupant.
- (c) Units using bulk containers will not receive residential, curbside, yard waste or recyclables collection services by city collection forces. However, they are eligible for recyclables collection as offered by the private contractor under contract to the city and to receive Christmas tree collection by the city's collection forces or authorized agent as agreed upon with the complex management if the trees are placed in a designated location as determined by the solid waste service key business executive or his designee. Commercial establishments leasing such containers shall be responsible for notifying their service contractor of any damaged conditions. Bulky item collection will be provided for tenants at a site designated by the solid waste services key business executive or his designee.
- (d) All garbage shall be drained of all liquid and enclosed in securely tied plastic bags prior to placing in containers.
- (e) It shall be unlawful to place dangerous items and/or any waste material of injurious nature, such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in bulk containers. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as provided in section 10-111.
- (f) Any person who fails to properly containerize solid waste for collection may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-34)

**Sec. 10-102. - Nonresidential collection service.**

- (a) Except as provided in section 10-103, nonresidential (business trash) collection service shall be limited to nonresidential units generating a maximum of 512 gallons per week using no more than eight approved containers. No single container may weigh more than 75 pounds or exceed 100 gallons in volume when full. Designated representatives of the solid waste services key business unit shall have the authority to determine whether a unit is generating more than the maximum capacity per collection and if so, such units shall be denied city service. The city shall not be responsible for and shall not provide any collection service to nonresidential units generating more than 512 gallons of solid waste per week. The occupant and/or owner of the premises shall be responsible for collecting, removing and properly disposing of all solid waste from those premises.
- (b) Containers shall be placed curbside for collection. Containers will be collected provided they are easily accessible to collection personnel without having to unlock or open a door, unlock a gate or similar obstacle, encounter a vicious animal, or otherwise be denied reasonable access by parked vehicles, equipment or other objects. Collection personnel shall not provide service if required to ascend or descend multiple steps to obtain access to the containers.
- (c) All garbage shall be drained of all liquid and enclosed in securely tied plastic bags prior to placing in containers.
- (d) It shall be unlawful to place dangerous trash items and any waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in collection containers unless they are securely wrapped and marked so as to prevent injury to the collection personnel. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as provided in section 10-111.
- (e) The city does not provide the multimaterial recycling collection service, yard waste collection service, or bulky item or junk collection for businesses.
- (f) Civil penalty. Any person who places solid waste at curbside any earlier than the day before the scheduled collection date or who fails to remove solid waste and/or containers from curbside by midnight on the day of collection may be issued a civil penalty in the amount of \$50.00. Any person who fails to properly prepare or containerize solid waste for nonresidential collection may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-35)

**Sec. 10-103. - Special tax district #1 and Tryon Street Mall.**

- (a) Collection in Special Tax District #1 and on the Tryon Street Mall shall be limited to a maximum of 512 gallons of solid waste per week placed in securely tied two-ply plastic bags, in cardboard boxes or in solid waste containers. Containers, cardboard boxes, or bags of solid waste shall be placed at the designated location, as determined by the solid waste services key business executive or designee, between 7:00 a.m. and 10:00 a.m., Monday through Friday. Any containers left at curbside shall be removed within one hour after collection. Notwithstanding the above provisions, the containers, cardboard boxes, etc., shall be placed at curbside for collection on the Mall only between 7:00 a.m. and 9:00 a.m., Monday through Friday, and shall be removed from the curbside within one hour after collection. The solid waste Key business executive or

his designee may require that solid waste be placed at curbside during other hours in order to provide the collection service.

- (b) All garbage shall be drained of all liquid and enclosed in securely tied plastic bags prior to placing in containers.
- (c) It shall be unlawful to place dangerous trash items and any waste materials of injurious nature such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes in collection containers unless they are securely wrapped and marked so as to prevent injury to the collection personnel. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as provided in section 10-111.
- (d) Recyclables, yard waste and bulky item collection services will not be provided in this area.
- (e) Nothing in this section shall mandate or imply that a city-served nonresidential unit is entitled to same-day multiple collection or more than once per day collection service by simply adhering to the time parameters in subsection (a) of this section.
- (f) Civil penalty. Any person who places solid waste at curbside prior to the specific times scheduled in subsection (a) of this section or who fails to remove solid waste and/or containers from curbside within the required time period on the day of collection may be issued a citation in the amount of \$50.00. Any person who fails to properly prepare or containerize solid waste for collection may be issued a citation in the amount of \$50.00.

(Code 1985, § 10-36)

**Cross reference**— Tryon Street Mall vendors, 6-511 et seq.

**Sec. 10-104. - Building materials.**

- (a) It shall be unlawful to place building material at curbside for collection except as follows:
  - (1) Residential units eligible for bulky items collection per section 10-106 are also eligible for collection services under this section.
  - (2) Collection of eligible items must be scheduled with the solid waste services key business unit. A date will be given when collection will occur. Items for collection shall be placed at curbside no earlier than the day preceding the scheduled collection date. No materials resulting from work performed by a contractor working for a homeowner shall be collected.
  - (3) Building materials resulting from work performed by homeowner repair or renovating that will be collected from single, special residential and multiple residential units include large plumbing materials; space heaters; hot water heaters; collapsed accessory buildings with a maximum size limitation of ten feet by ten feet and capable of being handled by two individuals when collected; guttering no longer than five feet in length; doors; windows; and lumber. Lumber and boards that are eligible for collection shall be no longer than five feet; plywood, paneling and pressboard no wider than five feet, no longer than five feet, and no thicker than one inch. Landscape timbers are eligible for collection if they are no longer than five feet, no wider than four inches or no thicker than four inches. Carpet and padding shall be collected provided the carpeting is rolled and tied in

sections no longer than five feet so that two individuals can easily pickup the sections for disposal. Small gauge fencewire shall be in rolls and large gauge fence wire shall be in sections no longer than five feet so that two individuals can easily pick up the section for disposal. Any building materials collected that include glass, such as windows and mirrors, shall have the glass taped with an "X" mark so it will not shatter as the collectors handle it for disposal.

- (4) The city will not collect the following: dirt; rocks; nails; boards with nails protruding; propane and oxygen tanks; glass blocks; marble or simulated marble countertops; cross ties (i.e., railroad ties); duct or sheet metal material; concrete blocks; brick; floor coverings except for carpeting, padding and rugs; fence or pipe posts with concrete adhered to them; sand; concrete; central air conditioning or heating units; pallets; ceramic tile; sheet rock; roofing or plaster resulting from homeowner repairs; nor will the city collect any building materials resulting from contractual work or commercially related activities.
- (b) Civil penalty. Any person who places building materials at curbside earlier than the day before the scheduled collection date or who fails to remove the items and/or containers the items were placed in from the curbside by midnight on the day of collection may be issued a civil penalty in the amount of \$50.00. Any person who fails to properly prepare or containerize building materials for curbside collection or who places materials that are not eligible for collection may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-37)

**Cross reference—** Buildings and building regulations, ch. 5.

**Sec. 10-105. - Yard waste.**

- (a) Yard waste shall be separated from other solid waste at the curbside in accordance with the requirements of this section.
- (b) The following regulations shall apply to yard waste collection:
- (1) It is mandatory that yard waste be placed together to constitute a single, separate collection in order for the city and/or contractor to carry out its recyclables collection program. Yard waste collection shall be provided only to residential units receiving rollout container service.
  - (2) Yard waste shall not be placed at curbside any earlier than the day before the collection date. Any container used to store yard waste placed at curbside for collection shall be removed by midnight on the day of collection. Collection forces shall collect an amount of yard waste that is customarily and reasonably associated with the residential unit served and so long as it is properly prepared or containerized and in compliance with these regulations. The volume of yard waste placed at curbside for collection shall not exceed on any designated collection day an amount a reasonable person would expect two individuals comprising the collection crew to load into the collection vehicle.
  - (3) Yard waste shall be collected at curbside provided that it is placed in open containers or plastic bags for collection. Such bags shall be in good condition; and of size and weight that when full do not weigh more than 75 pounds each and are such that one individual can easily pick up each bag, one at a time, for disposal. Plastic bags containing yard waste shall not be secured at the top when placed at curbside for collection. Containers used for yard waste shall have all lids removed.

- (4) Limbs collected by city collection forces shall be no larger than four inches in diameter nor longer than five feet. Tree shrubbery and limbs shall have all protruding branches trimmed. Limbs must be stacked in small, neat piles such that a reasonable person would expect one individual to easily pick up each pile, one at a time, for disposal. Each pile shall weigh no more than 75 pounds and shall not exceed four feet in height nor five feet in length.
- (5) Tree trunks larger than four inches in diameter will not be collected by city collection forces. Tree stumps will not be collected by city collection forces or its authorized agent.
- (c) It shall be unlawful to allow accumulations of limbs on private property. This shall not include compost areas.
- (d) The solid waste service key business unit shall have the authority to decline to collect any yard waste that is not ready for collection in accordance with these regulations or exceeds the maximum amount that a city collection crew can reasonably expect to load into the collection truck. The solid waste service key business unit shall have the authority to decline to collect any tree or tree limbs where the service has been performed for a fee by a commercial yard service other than the property owner.
- (e) Civil penalty. Any person who places yard waste at curbside earlier than the day before the scheduled collection date or who fails to remove yard waste from curbside by midnight on the day of collection may be issued a civil penalty in the amount of \$50.00. Any person who fails to properly prepare yard waste for curbside collection or who places yard waste that is not eligible for collection at the curbside may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-38)

**Sec. 10-106. - Bulky and junk items.**

- (a) It shall be unlawful for anyone to place or leave bulky items or junk at curbside for collection by the city except in accordance with the requirements of this section.
- (b) Bulky and junk items shall be as defined in section 10-32.
- (c) Collection for bulky and/or junk items shall only be provided to single, special and multiple residential units, except for the Charlotte Housing Authority units, for the benefit of the occupant of the premises who might be currently residing on the premises or who might have recently voluntarily vacated the premises. The service is not available for:
  - (1) Renovations, building material, appliance and equipment changes that are commercially related. Such commercially related activities are the responsibility of the rental agent and/or owner of the property.
  - (2) Items from business establishments operated from a residential unit.
  - (3) Any bulky item or junk that pertains to any legal eviction or is the result of any other legal proceedings.
  - (4) Items that are the consequence of a fire at a business or residential structure. The solid waste services key business executive or his designee shall have the authority to exercise discretion to provide collections when as a result of a fire there is only a single bulky item or what would otherwise be a normal collection amount as opposed to clearing the premises of burnt bulky or junk items.

- (5) Other items that will not be collected as a bulky item or junk are: oxygen tanks and other medical equipment; propane tanks; large oil tanks used for household purposes; parts of campers, boats, camper shells, trailers; automotive parts, including but not limited to motors, doors, fenders, car seats or batteries from a residentially used premises, etc.
- (d) The solid waste services key business executive shall have the discretion to determine if items constitute bulky items or junk as defined in section 10-33 and shall have the discretion to determine whether a request for service is consistent with the eligibility standards as described in this section. The solid waste services key business executive shall have the authority to require items to be prepared for ease of collection and/or to ensure the safety of the employees performing the collection task. An item not prepared properly may be refused for collection at the discretion of the solid waste services key business executive. Special collection requirements for certain items are as follows:
- (1) No bulky item or junk shall be collected if it is too large to be placed on the collection vehicle or if its size or weight is such that two individuals could not be reasonably expected to pick it up.
  - (2) Fifty-five-gallon drums that are for personal use will be collected if both ends have been removed and the drum is flattened.
  - (3) Wooden pallets will be collected only if they are broken into smaller pieces the size of boards or lumber with nails removed.
  - (4) Any appliance accepted for collection must be empty of its contents.
  - (5) Large furniture items shall be dismantled prior to collection such that a reasonable person can expect two individuals to easily load them onto the special collection vehicle.
  - (6) Gasoline and wheels must be removed from all lawn mowers prior to collection.
  - (7) Tires must be removed from all bicycles prior to collection.
  - (8) All glass in windows, doors, mirrors and other items with large expanses of glass must have the glass taped with an "X" mark so it will not shatter in the collection process.
  - (9) It shall be unlawful to place dangerous items and/or any waste materials of injurious nature such as broken glass; light bulbs; sharp pieces of metal; fluorescent tubes and television tubes out for collection unless they are securely wrapped and marked so as to prevent injury to the collection personnel. Hypodermic syringes, hypodermic needles or any instrument or device for making hypodermic injections shall not be disposed of except as provided in section 10-111.
- (e) Tires.
- (1) The solid waste services key business unit will not collect tires from any premises that do not have a lawful residential use and will not collect tires that are generated from any nonresidential and/or commercially related use as determined by the solid waste services key business executive.
  - (2) Tires eligible for collection are those used on bicycles, automobiles, motorcycles, large vans, mini vans, and small pickup trucks. No large truck or farm equipment tires shall be collected.

- (f) Eligible bulky or junk items must be scheduled with the solid waste services key business unit for collection and placed at curbside prior to collection separate from any other items placed at curbside for city collection. A date will be given when collection will occur. Bulky items and junk shall not be placed at curbside for collection any earlier than the day before the collection date.
- (g) Civil penalty. Any customer who places bulky/junk items at curbside prior to the day before the scheduled collection date or who fails to remove bulky/junk items and/or containers from curbside by midnight on the day of collection may be issued a civil penalty in the amount of \$50.00. Any person who fails to properly prepare a bulky/junk item for curbside collection or who places ineligible items for collection may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-39)

**Sec. 10-107. - Ashes.**

- (a) It shall be unlawful to place ashes or live coals in rollout containers for collection unless the ashes or coals have been wetted, are cool to the touch, and have been enclosed in plastic bags and are securely tied prior to collection.
- (b) Civil penalty. A civil penalty may be issued in the amount of \$50.00 to any person who violates this section.

(Code 1985, § 10-40)

**Sec. 10-108. - Fifty-five-gallon drums.**

- (a) It shall be unlawful to use fifty-five-gallon drums as rollout, bulky/junk, yard waste or recyclables containers for collection by city collection forces or the city's authorized collection agent. It shall be the responsibility of the person in possession, charge or control of the premises where such container is being used for such purposes to discontinue such use.
- (b) Collection forces shall not collect whole fifty-five-gallon drums placed at curbside for disposal. The solid waste services key business unit will collect, as a part of their bulky item trash collection service, fifty-five-gallon drums placed at curbside for collection provided that correct preparation procedures are followed as provided in subsection 10-106(d)(2).
- (c) Civil penalty. A civil penalty may be issued in the amount of \$50.00 to any person who violates this section.

(Code 1985, § 10-41)

**Sec. 10-109. - Appliances.**

- (a) It shall be unlawful to place appliances at curbside for collection except as stated under section 10-106. It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator or container without it being strapped or locked so that it is impossible for a child to obtain access to it. Any appliance accepted for collection must be completely empty prior to collection.

- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-42)

**Sec. 10-110. - Contagious disease material.**

- (a) It shall be unlawful to remove clothing, bedding, mattresses, springs, or other solid waste from homes or other places where highly infectious diseases have occurred unless performed under the supervision and direction of the environmental health department. Such solid waste shall not be placed in rollout containers or at curbside for disposal by any city sanitation collection forces. Bulky item collection service shall not be provided for such items.
- (b) Where the local health director finds and declares the existence of an epidemic, or finds and declares that an epidemic is threatened, all solid waste collected by city authorized collection crews or its agents, which the local health director finds and declares to be dangerous to the public health, shall be taken by the collection crews immediately to the disposal site and shall be disposed of as the local health director and solid waste services director may order.
- (c) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-43)

**Sec. 10-111. - Hypodermic instruments.**

- (a) It shall be unlawful for any person to dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering such device inoperable and incapable of reuse and safeguarding the disposal thereof by placing such device in either a milk jug, coffee can with a lid or such similar containers so as to avoid the possibility of causing injury to the collection personnel.
- (b) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-44)

**Sec. 10-112. - Dead animals.**

- (a) It shall be unlawful to place dead animals at curbside prior to scheduling for collection by city forces. A request for this service shall be made to solid waste services for scheduling the collection of the dead animal. Dead animals weighting in excess of 100 pounds shall be removed by their owners if ownership has been established or will be removed by city collection forces at the discretion of the solid waste services key business executive. This collection service for dead animals is provided to veterinarians for a fee and must be scheduled at least one day in advance with the special services division. Dead animals already in a street or on the edge of the street, where the owner is not identified, will be scheduled for collection by the city upon notification of their existence.

- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-45)

**Cross reference—** Animals, ch. 3.

**Sec. 10-113. - Industrial waste.**

- (a) It shall be unlawful to place industrial waste in refuse rollout containers or at curbside for collection by city collection forces. Industrial waste shall be collected, removed and disposed of by the operator of the factory, plant, or enterprise creating or causing the same.
- (b) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-46)

**Sec. 10-114. - Hazardous waste.**

- (a) It shall be unlawful for any person to dispose of hazardous waste or to hire or otherwise arrange for a person to dispose of hazardous waste upon another person's property without the consent of the owner of that property, and such person shall be strictly liable, without regard to fault or negligence, for damages or for any equitable remedies to persons or property, including the cost of the removal of such hazardous waste to a lawfully designated disposal site, resulting from such unlawful disposal of hazardous waste.
- (b) It shall be unlawful to place hazardous waste in any refuse container for disposal except as follows:
  - (1) Paint cans shall have lids removed and contain no wet paint. Kitty litter or sand may be added to solidify material for collection.
  - (2) Soiled kitty litter shall be enclosed in double plastic bags and securely tied prior to placing the bag in containers at curbside for disposal.
  - (3) Soiled infant diapers shall be rinsed of human feces, placed inside double plastic bags and securely tied prior to placing the bag in containers at curbside for disposal.
- (c) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-47)

**Sec. 10-115. - Recyclables.**

- (a) The following regulations shall govern those persons in city-served residential units who are eligible to voluntarily participate in the city's recyclables collection program.
  - (1) All recyclables except yard waste shall be placed in a container marked "recyclables."

- (2) The recyclables container shall be placed at curbside separate from other items.
  - (3) Recyclables containers shall be placed at the curb no earlier than the day before the collection day and shall be removed by midnight on the collection day.
  - (4) Civil penalty. Any person who places a recyclables container at curbside earlier than the day before the scheduled collection date or who fails to remove the container from curbside by midnight on the day of collection may be issued a civil penalty in the amount \$50.00. Any person who fails to properly prepare or containerize recyclables for curbside collection may be issued a civil penalty in the amount of \$50.00.
- (b) The following regulations shall govern those persons in multiple-residential units receiving service provided by the city under contract with private companies who are eligible to voluntarily participate in the city's recyclables collection program:
- (1) All recyclables except yard waste shall be placed in centralized wheeled recyclables containers authorized by the city and provided by the private contractor.
  - (2) Each multiple-residential unit is eligible to receive one individual recyclables bin to transport recyclables to the centralized container. Recyclables bins shall be delivered upon request from the private contractor.
  - (3) The wheeled recyclables container and any overflow materials shall be segregated from all other solid waste at the collection location.
  - (4) Wheeled recyclables containers placed at multiple-residential units are the responsibility of the private company to maintain or replace.
  - (5) Penalty. Any customer who repeatedly refuses to properly segregate recyclable materials after all reasonable efforts have been exhausted by the contractor and the city to ensure compliance will have his recyclables collection service suspended and wheeled/individual recyclables containers returned to the private company.

(Code 1985, § 10-48)

**Secs. 10-116—10-140. - Reserved.**

#### **DIVISION 4. - FEES**

##### **Sec. 10-141. - Residential solid waste services fee.**

- (a) Purpose. This fee is for the provision of solid waste services.
- (b) Levying and billing. The solid waste fee levied against residential properties shall be billed with property taxes, payable in the same manner as property taxes, and collected in any manner by which delinquent personal or real property taxes can be collected, all as provided in G.S. 105-271 et seq.
- (c) Administration. The county tax administrator will levy and collect the fee and may promulgate additional rules and regulations necessary for the implementation of this section not inconsistent with the specific provisions set forth in this in this section.
- (d) Residential property affected. The solid waste fee levied against residential properties is imposed upon all property in the city which is a residence. The fee is imposed on each separate residence.

- (e) Date as of which ownership and eligibility for imposition of the solid waste fee levied against residential properties is to be determined. The ownership of property subject to the solid waste fee levied against residential properties shall be determined as of January 1, 1996, for the fiscal year beginning July 1, 1996, and as of January 1 of each year thereafter for each successive fiscal year for which the fee is imposed. If any property subject to the solid waste fee levied against residential properties as of January 1 is destroyed, demolished or removed, becomes uninhabitable, or otherwise loses its eligibility for the fee prior to July 1 and remains as such as of July 1 of that calendar year, the property will not be subject to the solid waste fee levied against residential properties. A change of ownership of the property between January 1 and July 1 will not cause the property to lose its eligibility for imposition of the solid waste fee levied against residential properties. A residence which is vacant due to being partially completed as of January 1 shall not be subject to the solid waste fee levied against residential properties, even though it is fully completed as of July 1. A residence which is vacant due to being renovated as of January 1 shall be subject to the solid waste fee levied against residential properties, provided the residence is occupied or available for occupancy as of July 1.
- (f) Exclusion of the solid waste fee levied against residential properties. For the first fiscal year in which the solid waste fee levied against residential properties is imposed (July 1, 1996, through June 30, 1997), the solid waste fee levied against residential properties shall not be imposed on any residence which, at all times from July 1, 1996, through December 31, 1996: (i) has its waste collected by a private contractor who disposes of the solid waste at a solid waste facility provided by the private contractor; and (ii) does not use any of the county's solid waste services (including landfills, incinerators, yard waste sites, or recycling facilities, including drop sites). For subsequent fiscal years, the solid waste fee levied against residential properties shall not be imposed on any residence which, at all times from January 1 of the calendar year in which the fiscal year opens through December 31 of the calendar year, meets the same requirements as set forth in (i) and (ii) of this subsection.
- (g) Assessment procedure. The tax administrator shall determine which properties to assess the solid waste fee levied against residential properties and shall include the amount of the solid waste fee levied against residential properties on the tax bill of the owner of the property as of January 1. If the solid waste fee levied against residential properties is imposed on a residence which is not assessed for property taxes by the tax administrator in connection with or as a part of a specific parcel of land, then the solid waste fee levied against residential properties shall be billed by a separate bill to the owner of the residence. Residences which are exempt from property taxation but which are subject to the solid waste fee levied against residential properties shall be billed by a separate bill to the owner of the residence.
- (h) Late assessment of the solid waste fee levied against residential properties. If the tax administrator fails to assess the solid waste fee levied against residential properties on one or more residences in the city during the normal billing period due to inadvertence or other good reason, the solid waste fee levied against residential properties may be assessed at any time during the applicable fiscal year or the next succeeding fiscal year. For purposes of determining the due date and applicability of interest, the late assessment shall be deemed to be the fiscal year beginning on July 1 of the calendar year in which the solid waste fee levied against residential properties is assessed.
- (i) Due dates; interest for nonpayment. The solid waste fee levied against residential properties is due September 1, 1997, and September 1 of each successive year for which the solid waste fee levied against residential properties is imposed. The solid

waste fee levied against residential properties is payable at par if paid before January 6 following the opening of the fiscal year. Any portion of the solid waste fee levied against residential properties not paid on or before January 6 is delinquent and interest will accrue as follows: For the period January 6 to February 1, interest accrues at the rate of two percent, and for the period February 1 until the principal amount of the fee and the accrued interest is paid, interest accrues at the rate of three-fourths of one percent per month or fraction thereof.

- (j) Appeals. The owner of property upon which a solid waste fee levied against residential properties is assessed by the tax administrator shall have the right to file a notice of exception with the tax administrator at any time prior to the date the solid waste fee levied against residential properties becomes delinquent, unless the notice of the solid waste fee levied against residential properties is mailed less than 30 days prior to the delinquent date, in which event the owner shall have 30 days after the date of mailing in which to file a notice of exception. Upon receipt of a timely exception, the tax administrator shall arrange a conference with the owner to afford an opportunity to review any evidence or argument the owner may have regarding the solid waste fee levied against residential properties, and the tax administrator shall have the authority to authorize a rebate or refund of the solid waste fee levied against residential properties if the tax administrator concludes the solid waste fee levied against residential properties is not owed. Within 15 days after the conference the tax administrator shall give written notice to the owner of his final decision. In a case in which an agreement is not reached, the owner shall have 15 days from the date the notice is mailed to appeal the tax administrator's decision to the city manager or designee of the city manager. Notwithstanding any pending exceptions by the owner to the tax administrator or appeal to the city manager or designee of the city manager, the owner shall pay the solid waste fee levied against residential properties prior to the date interest accrues, subject to refund, without interest, if the final appeal is decided in the owner's favor. If a solid waste fee levied against residential properties is refunded, the city shall issue the refund.
- (k) Liens. The solid waste fee levied against residential properties shall be a lien on real and personal property under the same rules as set forth in G.S. 105-355, and other sections of the Machinery Act.
- (l) Partial payments. The tax administrator shall be entitled to collect partial payments of the solid waste fee levied against residential properties. If a bill from the tax administrator includes a combination of property taxes or other assessments with the solid waste fee levied against residential properties, the tax administrator shall apply any partial payments in the order in which such payments are now applied under the hierarchy utilized by the office of the tax administrator, with the solid waste fee levied against residential properties to be applied at the lowest priority of the hierarchy existing as of the date of this section.
- (m) Imposition on multiple owners. If there are multiple owners of property on which the solid waste fee levied against residential properties is imposed and such multiple owners are assessed separately for the property taxes, the solid waste fee levied against residential properties shall be levied on a ratable basis in accordance with the percentage of interest owned by the multiple owners.
- (n) Adjustment of solid waste fee levied against residential properties. If the city council determines that a solid waste fee levied against residential properties has been assessed against a type of residence in an amount which is in excess of the solid waste fee levied against residential properties, the city council shall have the authority to direct the county tax administrator and/or the city finance director to refund, rebate, or

credit an appropriate amount to the affected property owners either in the fiscal year for which the solid waste fee levied against residential properties was levied or in the next fiscal year. If a portion of a solid waste fee levied against residential properties is refunded, rebated, or credited, the adjustment of the solid waste fee levied against residential properties shall be from funds administered by the city's finance director.

(Ord. No. [5950](#), 6-8-2015)

**Editor's note— Ord. No. [5950](#), adopted June 8, 2015, amended section 10-141 in its entirety to read as herein set out. Formerly, section 10-141 pertained to residential solid waste disposal fee, and derived from the Code of 1985, § 10-50.**

**Sec. 10-142. - Nonresidential solid waste services fee.**

- (a) Purpose. This fee is for the provision of solid waste services.
- (b) Billing. The solid waste fee levied against commercial properties shall be billed to commercial properties meeting the requirements of subsection (d) below.
- (c) Administration. The city manager or a designee of the city manager will bill and collect the solid waste fee levied against commercial properties and may promulgate additional rules and regulations necessary for the implementation of this section not inconsistent with the specific provisions set forth in this section.
- (d) Commercial property affected. The solid waste fee levied against commercial properties is imposed upon any commercial property which is provided solid waste services by the city. The fee shall be imposed on each separate commercial property.

(Ord. No. [5950](#), 6-8-2015)

***Secs. 10-143—10-170. - Reserved.***

**DIVISION 5. - CONTAINERS**

**Sec. 10-171. - Bulk containers.**

- (a) It shall be unlawful to fail at all times to keep bulk containers clean, neat, painted, and in a good state of repair, including all doors and lid springs being in working condition. They shall be located in a place easily accessible to private contractors with container lids closed. No bulk containers shall be stored in front of a business, or residence, in front of the building line closest to the street or on public rights-of-way. Commercial establishments leasing such containers shall be responsible for notifying their service contractor of any damaged conditions. Cleaning up spilled materials shall be the responsibility of the property owner or occupant and shall occur immediately after any such spillage or overflow occurs.
- (b) The solid waste services key business executive or his designee shall have the authority to determine the quantity and location of bulk containers and to determine whether such containers are serviceable. The solid waste services key business executive or his designee shall also have the authority to require the owner or lessee to relocate a bulk container for such reasons as odor or litter problems.

- (c) Civil penalty. A civil penalty in the amount of \$25.00 may be issued to any person in violation of this section.

(Code 1985, § 10-60)

**Sec. 10-172. - Rollout containers.**

- (a) It shall be unlawful for any person in possession, charge, or control of any place in or from which litter is accumulated or produced to fail to provide, and at all times to keep in a suitable place readily accessible to city's collection personnel or authorized collection agent, adequate and suitable rollout containers capable of holding all such waste materials which would ordinarily accumulate between the times of successive collections.
- (b) Rollout containers used in the residential garbage collection program are property of the city.
- (c) A rollout container, when completely full, shall not exceed 200 pounds (excluding the weight of the container). All rollout containers, as required, shall be of approved construction and design and shall be maintained in good serviceable condition at all times. Any rollout container which does not conform to the provisions of this article, or which has ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents thereof or the public generally, shall be promptly replaced upon notice. If such rollout container, after proper notice, has not been replaced, the solid waste services key business executive or his designee shall have the authority to remove for disposal such rollout container on the next scheduled collection service day.
- (d) Spilled materials or overflow caused by the property owner or occupant shall be cleaned up immediately after such spillage or overflow occurs.
- (e) The solid waste services director or his designee shall have the authority to determine the proper location of rollout containers on private property.
- (f) No rollout containers shall be stored in front of a home or in front of the building line closest to the street.
- (g) The city will not collect from sunken containers.
- (h) Civil penalty. A civil penalty in the amount of \$25.00 may be issued to any person who violates this section.

(Code 1985, § 10-61)

**Sec. 10-173. - Unauthorized use of containers prohibited.**

- (a) No person shall use or permit the use of any rollout container, recyclables container, wheeled container or recyclables bin provided by the city or the city's authorized collection agent except for such container's intended use.
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person who violates this section.

(Code 1985, § 10-62)

**Sec. 10-174. - Additional rollout container requests.**

Requests for additional rollout containers at the same property address shall be reviewed on a case-by-case basis. Approval of additional containers shall be contingent on an investigation by the city to determine whether an actual need exists. The rollout container's purchase price shall be no higher than the city's per unit purchase cost.

(Code 1985, § 10-63)

**Secs. 10-175—10-200. - Reserved.**

## **DIVISION 6. - MAINTENANCE OF PREMISES AND LITTER CONTROL**

### **Sec. 10-201. - Unauthorized accumulations.**

- (a) It shall be unlawful for any person to scatter, cast, throw, blow, place, sweep, or deposit anywhere within the city any litter in such a manner that it may be carried or deposited upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property or private property. Any unauthorized accumulation of litter is hereby declared to be a public nuisance and is prohibited.
- (b) Civil penalty. Any person in violation of this section may be issued a civil penalty in the amount of \$50.00.

(Code 1985, § 10-70)

### **Sec. 10-202. - Neglect of property prohibited.**

- (a) It shall be unlawful for any person to trespass on the rights of another through the neglect of property by causing or allowing unsightly litter, weeds and grass, yard waste, foul odor, dead animals, junk, unsecured appliances, or potentially dangerous devices to remain on or emanate from property, or to discard or abandon or cause such on public property, private property, vacant lots or any pond, stream, or body of water or banks thereof within the city limits.
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-71)

### **Sec. 10-203. - Dilapidated condition on premises.**

- (a) It shall be unlawful for any person to have on their premises material that creates a littered condition, such as dilapidated furniture, appliances, machinery, equipment, building materials, automotive parts, tires, or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition which are not completely enclosed within a building or dwelling. This section shall not apply to authorized junk dealers or establishments licensed to engage in repair, rebuilding, reconditioning, or salvaging of equipment.
- (b) Civil penalty. A civil penalty may be issued in the amount of \$50.00 to any person who violates this section.

(Code 1985, § 10-72)

**Sec. 10-204. - Uncovered vehicles.**

- (a) It shall be unlawful for a person to operate a vehicle transporting loose materials within the city without a suitable cover. This section shall not apply to the transportation of poultry or livestock or silage or other feed grain used in the feeding of poultry or livestock. It shall be unlawful for any person to operate, park, stand or use upon a public street any vehicle used to transport loose materials for commercial purposes, unless the vehicle is properly identified by lettering on both sides indicating the name of the company or person.
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-73)

**Sec. 10-205. - Equipment requirements for solid waste collectors.**

- (a) It shall be unlawful for any solid waste collector to transport solid waste over the streets of the city, unless a watertight vehicle equipped with a tight cover is provided so that it operates to prevent offensive odors escaping therefrom and solid waste from being dropped, blown or spilled.
- (b) Pursuant to chapter 15, article III, it shall be unlawful for any collection vehicle to exceed a noise level of 60 decibels during the stationary compaction process.
- (c) Civil penalty. A citation in the amount of \$75.00 may be issued to any person in violation of this section.

(Code 1985, § 10-74)

**Sec. 10-206. - Illegal dumping.**

- (a) It shall be unlawful to dispose of or discard any litter on private or public property without the owner's permission.
- (b) Civil penalty. A civil penalty in the amount of \$500.00 may be issued to any person in violation of this section.

(Code 1985, § 10-75)

**Sec. 10-207. - Construction and demolition sites.**

- (a) It shall be unlawful for any construction and/or demolition contractor to fail to provide on-site containers for loose debris, paper building material waste, scrap building material, and other trash produced by those working on the site. All such material shall be kept in a reasonably clean and litter-free condition. The solid waste services key business executive or his designee shall have the authority to determine the number of containers necessary to provide proper containerization. Dirt, mud, construction materials, or other debris deposited upon any public or private property as a result of the construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept clean and orderly at all times.

- (b) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-76)

**Cross reference—** Buildings and building regulations, ch. 5.

**Sec. 10-208. - Vehicles.**

- (a) It shall be unlawful for any person to operate on any street, public or private property a vehicle with mud, dirt, sticky substances, litter or foreign matter on its wheels or other parts if such operation results in the depositing or tracking of such mud, dirt, sticky substances, litter or foreign matter onto any street or public property, or private property. No person being an owner of real property or a prime contractor in charge of a construction site shall operate a vehicle so that the vehicles from the property or construction site shall pick up mud, dirt, sticky substances, litter or foreign matter and deposit or track such mud, dirt, sticky substances, litter or foreign matter onto any street or public property or private property. Where mud, dirt, concrete, sticky and other substances, litter or foreign matter have been tracked or deposited on any street, public property, or private property in violation of this section, it shall be immediately removed by the person responsible. The term "responsible person," as used in this section, shall mean the driver of the vehicle which deposited or tracked the mud, dirt, sticky substances, litter or foreign matter onto the street or his employer or the owner of the real property or prime contractor in charge of a construction site from where such originated. Each and every day during which a violation occurs shall be a separate and distinct offense as provided by the G.S. 160A-175.
- (b) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-77)

**Cross reference—** Motor vehicles and traffic, ch. 14.

**Sec. 10-209. - Loading and unloading areas.**

- (a) It shall be unlawful for any person maintaining a loading or unloading area to fail to provide solid waste receptacles for loose debris, paper, packaging materials and other trash. The solid waste services key business executive or his designee shall have the authority to determine the number of containers necessary to provide proper containerization.
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-78)

**Sec. 10-210. - Parking lots.**

- (a) It shall be unlawful for all commercial parking lots and establishments with parking areas to fail to provide containers distributed within the parking areas. The solid waste services key business executive or his designee shall have the authority to determine the number of containers necessary to provide proper containerization. Such containers shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner, tenant, or manager of the parking lot to collect the solid waste deposited in such containers and store this material in an approved location for collection. It shall be the obligation of all persons using the parking lot areas to use such containers as provided for the purposes intended, and it shall be unlawful for any person to dump, scatter or throw upon such parking lot area litter of any kind.
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-79)

**Sec. 10-211. - Obstruction of rights-of-way.**

- (a) It shall be unlawful to allow shrubbery or tree limbs on private property to protrude or hang so as to obstruct the safe passage of pedestrians or motor vehicles. This section shall not apply to the removal of fallen trees, dead trees, shrubbery, bushes, etc., on private property where such do not protrude into the pedestrian/motor vehicle passageway.
- (b) It shall be unlawful to park a vehicle upon a street at any time or for a limited time during restricted collection times as posted by the city department of transportation and referred to in section 14-216.
- (c) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-80)

**Sec. 10-212. - Signs within public rights-of-way and on public property.**

- (a) Restricted. It shall be unlawful for any person to attach, place, paint, write, stamp or paste any sign, handbill, advertisement or other matter within 11 feet of the edge of the pavement of any road, roadway, street, or alley, or within any public rights-of-way as defined in section 10-32, or upon any post, pole, tree, tree stake or guard, shrub, fire hydrant, or upon anything else within 11 feet of the edge of the public rights-of-way or upon any bridge or overpass within the city limits or upon other public property including, but not limited to, traffic medians, except as provided in subsection (b).
- (b) Exceptions. This section shall not apply to the following signs:
  - (1) Signs regulating traffic.
  - (2) Signs required to be posted by law.
  - (3) Warning signs and no trespassing signs.
  - (4) Signs indicating bus stops, taxi stands and similar transportation facilities.

- (5) Signs not exceeding four square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities.
  - (6) Signs established by governmental agencies.
  - (7) Signs permitted by the state board of transportation along state-mandated streets. Proof of permission must be shown upon request.
  - (8) Nothing in this section shall apply to the painting of house numbers on curbs done with the prior approval of the engineering department.
  - (9) Nothing in this section shall apply to the installation of a plaque, plate, statue, or monument on public property with the approval of the city council.
- (c) Responsible person. The person responsible for any signs, handbills or advertisements in violation of subsection (a) is defined as follows:
- (1) In the case of a sign, handbill, or advertisement advertising a service, product, dwelling, or event: the person, business, company, or other entity hosting or organizing the event advertised or selling the services, dwellings, products, or events advertised, or the person, business, company or other entity responsible for attaching, placing, painting, writing, stamping or pasting any sign, handbill, or advertisement shall be deemed the responsible person. That is, unless such person, business, company, or other entity notifies the code enforcement division manager of another person, business, company, or other entity who is responsible. In such case the person shall provide the name, address, and signed consent of such other responsible person, business, company, or other entity within seven calendar days after a citation is issued.
  - (2) In the case of a campaign sign for political office, the individual whose candidacy the sign supports shall be deemed the responsible person for posting campaign signs, unless he or she notifies the code enforcement division manager of another person, business, company, or other entity who is responsible, in the manner described in subsection (1). The code enforcement division manager may determine that the responsible person under this section is a committee or group supporting the individual candidate and affiliated with the individual candidate.
  - (3) In the case of a campaign sign regarding a ballot measure, the president or chief officer of the committee or group supporting or opposing such ballot measure shall be deemed the person responsible for posting campaign signs, unless he or she first notifies the code enforcement division manager of another person, business, company, or other entity who is responsible, in the manner described in subsection (1).
  - (4) In the case of any other sign, handbill or advertisement not described in subsections (1)–(3), the responsible person shall be deemed to be the person, business, company, or other entity who is named on the sign, handbill, or advertisement, or whose phone number, web site address, physical address, or electronic mail ("e-mail") address appears on the sign, handbill, or advertisement, unless such person, business, company, or other entity notifies the code enforcement division manager of another person, business, company, or other entity who is responsible, in the manner described in subsection (1).
- (d) Removal of signs. In addition to the enforcement described above, neighborhood development code enforcement division personnel or their designees shall have the

authority to summarily remove any notice, sign, or written material found in violation of this section.

- (e) Penalty. Violation of this section shall subject the responsible person who placed the signs, handbills, advertisements or other matter or caused them to be placed (in accordance with subsection (c)) to a civil penalty as follows:

For the first through fifth violations by the responsible person, \$100.00 per sign, handbill, advertisement or other matter in violation;

For the sixth through tenth violations by the responsible person, \$500.00 per sign, handbill, advertisement or other matter in violation; and

For eleventh and all future violations by the responsible person, \$1,000.00 per sign, handbill, advertisement or other matter in violation.

The issuance of citations shall be in accordance with section 10-65. If a violator has removed the sign, handbill, advertisement or other matter within seven days of receipt of a citation, then the neighborhood development code enforcement division shall have the authority to declare the citation null and void. In addition, any person shall be subject to all applicable punishment, penalties, and equitable relief provided for in G.S. 160A-175. However, a violation of any provision of this section shall not constitute an infraction or misdemeanor punishable under G.S. 14-4. Each and every violation shall constitute a separate and distinct offense. It is not a violation of this section for any person to remove an illegally placed sign, handbill, advertisement or other matter which is in violation of this section.

(Code 1985, § 10-81; Ord. No. 2562, § 2, 3-22-2004; Ord. No. 3733, § 1, 11-12-2007)

### **Sec. 10-213. - Graffiti.**

- (a) Graffiti prohibited. It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, structure or any other real or personal property. Any person convicted of a violation of this paragraph shall be fined not less than \$250.00 for a first offense and \$500.00 for second and subsequent offenses.
- (b) Exemption. Subsection (a) of this section shall not be construed to prohibit temporary, easily removable chalk or other water-soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, such as drawings or bases for stickball, kickball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other water soluble markings used in connection with any lawful business or public purpose or activity.
- (c) Removal of graffiti. It shall be unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti upon such property. Any such person convicted of a violation of this paragraph shall be fined not more than \$100.00. In determining the fine to be imposed, the court may consider the efforts, if any, taken by the violator to remove or effectively obscure the graffiti during the preceding calendar year. The mandatory fine provided in this section shall not apply to a property owner, agent, manager, or possessor of property if such property owner, agent, manager or possessor has been victimized two or more times by graffiti within any calendar year

and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.

- (d) Restitution. In addition to any other punishment imposed, the court shall order the person convicted of a violation of this section to make restitution to the victim for the damage or loss suffered by the victim as a result of the offense. The court may determine the amount, terms, and conditions of the restitution.

(Code 1985, § 10-82)

**Sec. 10-214. - Removal of graffiti by city.**

- (a) Notice. Whenever the city becomes aware of the existence of graffiti on any property, the city is authorized to remove the graffiti as set forth in this section after giving, or causing to be given, written notice to remove or effectively obscure such graffiti to the property owner, such property owner's agent or manager, or any other person in possession or control of the property. If the city intends to place a lien on the property, as provided in subsection (b) of this section, it must also notify all other persons whose names appear on the tax rolls of the county as having an interest in the property. Notice shall be given by personal service or certified mail, except that notice may be given by first class mail to those persons, other than the property owner, whose names appear on the tax rolls of the county as having an interest in the property. All notices shall state the procedure for appeals under this section.
- (b) Costs and liens. If the person owning the property, acting as manager or agent for the owner of the property, or in possession or control of the property fails to remove or effectively obscure the graffiti within seven days from receipt of the notice described in subsection (a) of this section, the city may cause the graffiti to be removed or effectively obscured and charge the property owner, or the property owner's manager or agent, or the person in possession or control of the property, for the expenses incurred by the city in removing the graffiti. The city may sue in a court of competent jurisdiction to recover all such expenses, which shall include, but not be limited to, all administrative personnel costs, attorney's fees and costs related to enforcing this section; and/or the city may record a lien in the public records of the county, which lien shall be for all such expenses, and the amount of the lien shall bear interest from the date of recording.
- (c) Appeal procedure. Appeals may be taken to the city council or its designee by the person owning the property, acting as manager or agent for the property, or in possession or control of the property to prevent the removal of any graffiti, within seven days of having received notice from the city that the graffiti must be removed. Appeals shall be in writing and shall state the reasons for the appeal. If the party filing the appeal requests a hearing, such hearing shall be held at the next scheduled business meeting of the city council. If, on appeal, the city council or its designee determines that the graffiti must be removed, the council or its designee may set a new deadline date for compliance or authorize the city to proceed to remove or obscure the graffiti. The city shall not remove or obscure any graffiti during the pendency of an appeal.
- (d) Emergency removal. If the city determines that any graffiti is a danger to the health, safety, or welfare of the public and is unable to provide notice by personal service after at least two attempts to do so, then 48 hours after either (i) the mailing of the notice described in subsection (a) of this section by certified and first class mail to the person owning the property, acting as agent or manager for the owner of such property, or in

possession or control of such property, or (ii) the posting of the notice in a conspicuous place on the property, the city may remove or cause the graffiti to be removed at its expense.

- (e) Repair/restoration. In no case shall the city paint or repair any area obscured by graffiti more extensively than where the graffiti itself is located. The city shall not be required to restore the obscured area to its original condition (i.e., color, texture, etc.).

(Code 1985, § 10-83)

**Secs. 10-215—10-240. - Reserved.**

## **DIVISION 7. - WEEDS, GRASS, LEAVES AND UNDERGROWTH**

### **Sec. 10-241. - Duty of owners and occupants to cut and remove.**

- (a) It shall be unlawful for the owner and/or occupant of a property to fail to cut grass, weeds, and other overgrowth vegetation on property when the grass, weeds, and other overgrowth vegetation is of a greater height than one foot on the average. It shall be the duty of the owner and occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this Code.
  - (1) Vacant lots adjacent to improved property, except as defined as heavily wooded, shall be cut in their entirety at least three times per year, as required during the mowing season (April through September).
  - (2) Vacant lots over one acre and adjacent to improved properties shall be cut within 100 feet of such improved property and shall be cut at least three times per year, as required during the growing season (April through September).
  - (3) Vacant lots over one acre and not adjacent to improved properties shall have a 100-foot buffer area cut adjacent to the nearest properties and shall be cut at least three times per year, as required during the growing season (April through September).
- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-90)

### **Sec. 10-242. - Accumulation of leaves, grass clippings, etc., on public ways.**

- (a) It shall be unlawful for any person to blow, place or allow to be placed or to permit to continue the accumulation of leaves, grass clippings, or any other debris from his premises on a public street, sidewalk, grass strip between a paved sidewalk and street, or on an area that pedestrians would be expected to use to walk upon parallel to a public street, or a median strip within a public right-of-way. This section shall not apply to the accumulation of leaves along a curbline of a public right-of-way for the purpose of collection by a private leaf-collecting contractor.

- (b) Civil penalty. A civil penalty in the amount of \$50.00 may be issued to any person in violation of this section.

(Code 1985, § 10-91)

**Sec. 10-243. - Heavily wooded lots.**

- (a) It shall be unlawful for the owner of property on which is located a heavily wooded lot to fail to remove overgrowth and cut trees, weeds and grass to improve visibility, when such lot is used for the purpose of assignation, prostitution, gambling, illegal possession or sale of alcoholic beverages, illegal possession or sale of narcotic drugs as defined in the North Carolina Controlled Substances Act, or whereon such lot are carried on or conducted repeated acts which create and constitute a breach of the peace. It shall be the duty of the owner to cut and remove all trees, grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this Code.
- (b) This section shall apply only to heavily wooded lots that are located in residentially zoned districts of the city, including the single-family, multifamily, urban residential, and UMUD zoning districts. The purpose of this section is to address conditions that are detrimental to the health, safety, and welfare of citizens in their living environments, which are critical to the peace, dignity, and well-being of the city.
- (c) Civil penalty. A civil penalty in the amount of \$100.00 may be issued to any person in violation of this section.

(Code 1985, § 10-92)

**Secs. 10-244—10-270. - Reserved.**