

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1667
Committee Substitute Favorable 6/12/00

Short Title: Charlotte Charter Consolidation.

(Local)

Sponsors:

Referred to:

May 23, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
3 CHARLOTTE.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the City of Charlotte is revised and consolidated to
6 read as follows:

7 **"THE CHARTER OF THE CITY OF CHARLOTTE.**

8 **"CHAPTER 1.**

9 **"ORGANIZATION AND POWERS.**

10 "Section 1.01. **Incorporation and Corporate Powers.** The City shall continue to be a
11 body politic and corporate by the name of "City of Charlotte."

12 "Section 1.02. **Existing Corporate Boundaries.** The corporate boundaries of the City
13 shall be those existing at the time of ratification of this Charter and as the same may be
14 altered from time to time in accordance with applicable laws.

15 **"CHAPTER 2.**

16 **"ELECTIONS.**

17 "Section 2.01. **Regular Municipal Elections; Conduct.** Regular municipal elections
18 shall be held in the City every two years in odd-numbered years, and shall be conducted

1 in accordance with the Uniform Municipal Elections Laws of North Carolina. The
2 Mayor and members of the Council shall be elected according to the partisan election
3 method authorized for municipalities.

4 "Section 2.02. **Election of the Mayor.** The Mayor shall be elected to serve a term of
5 two years. The Mayor shall be elected by the qualified voters of the City voting at large.

6 "Section 2.03. **Election of Council Members.** The Council shall consist of 11
7 members. The City shall be divided into seven single-member electoral districts; Council
8 members shall be apportioned to the districts so that each member represents the same
9 number of persons as nearly as possible, except for members apportioned to the City at
10 large. The qualified voters of each district shall nominate and elect candidates who
11 reside in the district for seats apportioned to that district, and all the qualified voters of
12 the City shall nominate and elect candidates apportioned to the City at large. There shall
13 be four at-large members of the City Council. All members of the Council shall serve a
14 term of two years.

15 "CHAPTER 3.
16 "GOVERNING BODY.

17 "Section 3.01. **Compensation of Mayor and Council members.** The salary of the
18 Mayor and each Council member shall be in such amounts as established by the Council
19 from time to time.

20 "Section 3.02. **Meetings.** Notwithstanding the provisions of general law, only the
21 Mayor, or in the absence of the Mayor, the Mayor Pro Tempore, or a majority of the
22 members of the Council may call special or emergency meetings.

23 "Secs. 3.03–3.22. Reserved.

24 "Section 3.23. **Quorum; Procedure; Voting.** (a) Six members of the Council shall
25 constitute a quorum. A member who has withdrawn from a meeting, whether excused or
26 not excused, shall be counted as present for purposes of determining a quorum.

27 (b) Its meetings shall be public and the Mayor, who shall be the official head of
28 the City, shall preside, if present, but shall have no vote except in case of a tie, or as
29 provided herein. Six affirmative votes of the Council members, or five of such
30 affirmative votes, together with the affirmative vote of the Mayor, in case of a tie vote,
31 shall be required for the passage of any motion, resolution, or ordinance. Motions,
32 resolutions, and ordinances granting special franchises and special privileges must be
33 voted on and passed at not less than two regular meetings of the Council. Except as
34 provided in this section, motions, resolutions, and ordinances will be deemed adopted if
35 passed upon one reading. Except for Council appointments to committees, boards, and
36 commissions; its employment of the City Manager, the City Attorney and the City Clerk;
37 its internal affairs and matters which must be approved by the voters, the Mayor may veto
38 any action adopted by the Council. The veto must be exercised at the meeting at which
39 the action was taken. An action vetoed by the Mayor shall automatically be on the agenda
40 at the next regular or special meeting of the Council, but shall not become effective
41 unless it was readopted by the Council with at least seven members voting in the
42 affirmative. In the absence of the Mayor, the Mayor Pro Tempore shall preside and, when
43 so presiding, shall have the right to vote upon all questions, but shall have no additional

1 vote in case of a tie, and shall not have veto power; and in the absence of both, a chair
2 Pro Tempore shall be chosen to preside at such meeting, and, when so presiding, he shall
3 have the right to vote upon all questions, but shall have no additional vote in case of a tie.
4 Provided further, however, the Mayor shall have a vote in the consideration of
5 amendments to zoning ordinances when said amendments are the subject of a valid
6 protest as defined by G.S. 160A-385. In voting on amendments to zoning ordinances, the
7 Mayor shall be deemed a member of the legislative body as that term is used in G.S.
8 160A-385. Provided further, however, the Mayor shall have a vote in the consideration of
9 the employment or dismissal of the City Manager, the City Attorney and the City Clerk.

10 "Section 3.24. **Powers and Duties of Mayor.** (a) The Mayor shall be ex officio
11 member of all boards or commissions elected or appointed by the Council or the Mayor,
12 and he shall serve upon the same in an advisory capacity only and shall not have a vote.

13 (b) In the absence or incapacity of the Mayor, all his duties, powers, and
14 obligations shall be vested in the Mayor Pro Tempore.

15 "CHAPTER 4.

16 "ADMINISTRATION.

17 "ARTICLE I. IN GENERAL.

18 "Section 4.01. **Form of Government.** The City shall operate under the Council-
19 Manager form of government.

20 "ARTICLE II. CITY MANAGER.

21 "Section 4.02. **Appointments by Council.** The Council shall appoint the City
22 Manager, City Clerk, and City Attorney, each of whom shall hold office during the
23 pleasure of the Council.

24 "Section 4.03. **Council-Manager Relationship.** The Council shall hold the City
25 Manager responsible for the proper management of the affairs of the City, and the City
26 Manager shall keep the Council informed of the conditions and needs of the City, and
27 shall make such reports and recommendations as may be requested by the Council or as
28 the City Manager may deem necessary. Neither the Mayor, the Council nor any member
29 thereof shall direct the conduct or activities of any City employee, directly or indirectly,
30 except through the City Manager.

31 "Section 4.04. **Acting City Manager.** The Council may from time to time designate a
32 department head or other City employee as acting City Manager who shall have the
33 authority, during any absence, illness, or other disability of the City Manager, or during
34 any temporary vacancy in the office of the City Manager, to exercise the powers and
35 duties of the City Manager, except as the Council may otherwise prescribe.

36 "Section 4.05. **Personnel Administration Standards.** The Council shall establish by
37 appropriate ordinances a system of personnel administration, not inconsistent with the
38 provisions for civil service hereinafter set forth, governing the appointment, promotion,
39 transfer, layoff, removal, discipline, and welfare of City employees. Such ordinances
40 shall be based upon the following general standards:

- 41 (1) Employment shall be based on merit without regard to race, creed,
42 color, sex, political affiliation, age, or physical defect or impairment of
43 the applicant unless the defect or impairment prevents the applicant

1 from performing, with reasonable accommodation, an essential function
2 of the employment sought. "Physical defect" or "impairment" shall be
3 defined to mean any physical disability, infirmity, malformation, or
4 disfigurement which is caused by bodily injury, birth defect, or illness
5 including epilepsy.

6 (2) Conditions of employment shall be maintained to promote efficiency
7 and economy in the operation of the City government.

8 (3) Position classification and compensation plans shall be established and
9 revised from time to time to meet changing conditions.

10 (4) Appointments and promotions shall be made solely on the basis of merit
11 and fitness, demonstrated by examination or other evidence of
12 competence.

13 (5) Tenure of employment shall be subject to satisfactory performance of
14 work, personal conduct compatible with the trust inherent in public
15 service, necessity for the performance of work, and availability of funds.

16 (6) Such ordinances shall also prescribe the details of personnel
17 organizations and procedures.

18 The City Council may, in its discretion, delegate all or any part of the authority
19 granted to it by G.S. 160A-162 to the City Manager.

20 "Section 4.06. **Optional Rights.** The City Manager may:

21 (1) Approve the:

22 a. Acquisition by the City of real property having a value of ten
23 thousand dollars (\$10,000) or less.

24 b. Acquisition or sale by the City of real property having a value of
25 more than ten thousand dollars (\$10,000), when the City
26 Manager certifies to the Council that the property is being
27 acquired or sold for the purpose of increasing the supply of
28 affordable housing available to low- or moderate-income
29 persons. The Manager shall, within 10 days of any transaction
30 authorized by this subdivision, report the details to the Council.

31 (2) Approve certain contracts as provided in Section 8.86 of this Charter.

32 (3) Approve agreements permitting encroachments into setbacks and rights-
33 of-way.

34 (4) Accept dedicated streets for City maintenance.

35 "Secs. 4.07–4.60. Reserved.

36 "ARTICLE III. CIVIL SERVICE.

37 "Section 4.61. **Civil service Board; Membership, Powers and Duties.** (a)

38 Establishment. There is hereby continued a civil service Board for the City of
39 Charlotte, to consist of five members and two alternates; three members and one alternate
40 to be appointed by the Council and two members and one alternate to be appointed by the
41 Mayor. Each member shall serve for a term of three years. In case of a vacancy on the
42 Board, the Council or the Mayor, as the case may be, shall fill such vacancy for the
43 unexpired term of said member. For the purposes of establishing a quorum of the Board,

1 any combination of Board members and alternates totaling three shall constitute a
2 quorum. All Board members and alternates shall attend regular meetings for the purposes
3 of meeting attendance policy and familiarity with Board business and procedures.
4 Alternates shall attend hearings when needed due to scheduling conflicts of regular Board
5 members and shall vote only when serving in the absence of a regular Board member.
6 Attendance at meetings and continued service on the Board shall be governed by the
7 attendance policies established by the Council. Vacancies resulting from a member's
8 failure to attend the required number of meetings or hearings shall be filled as provided
9 herein.

10 (b) Qualifications; Removal. The members of the Civil Service Board shall be
11 registered voters of the City of Charlotte or County of Mecklenburg and shall take an
12 oath to faithfully perform their duties. The members of said Board shall be subject to
13 removal from office by a two-thirds vote of the Council, with or without cause.

14 (c) Examinations. The Board shall establish and fix requirements for applicants for
15 employment in the fire and police departments. All applicants shall be subjected to
16 examination by or at the direction of said Board. The examination shall be competitive
17 and free to all persons meeting the requirements of the Board, subject to reasonable
18 limitations as to residence, age, health, and moral character; provided that:

19 (1) Applicants for employment in the fire department shall be at least 18
20 years of age, and

21 (2) Applicants for employment in the police department shall be at least 20
22 years of age.

23 The Council may, by ordinance, at any time and from time to time, fix and establish
24 such lesser maximum age limits for applicants as may be consistent with the needs of the
25 respective departments. The examination for applicants shall be practical in character and
26 shall be limited to matters which fairly test the relative ability of the applicant to
27 discharge the duties of the position applied for and shall include tests of physical
28 qualifications and health, but no applicant shall be examined concerning his political or
29 religious opinions or affiliations.

30 (d) Notice. Notice of time and place of every examination shall be given by the
31 Board for one week preceding such examination in a newspaper published in the City,
32 and such notice shall be posted in a conspicuous place in the office of the Board, or its
33 designee, for at least two weeks preceding such examination.

34 (e) Register. The Board shall prepare and keep a register of persons passing the
35 examination, graded according to the respective showings upon the examination, which
36 register shall determine the appointments to be made in each of the departments under the
37 eligibility rules and regulations established by the Board.

38 (f) Definitions. The terms "officer or employee" or "officer," as used in this Article,
39 shall mean sworn officers with regard to the police department and shall mean uniformed
40 personnel with regard to the fire department.

41 (g) Restrictions. No officer or employee of the fire and police departments shall
42 take any part in any election or political function while in uniform or on duty other than
43 that of exercising his right to vote. Any officer or employee found by the Board to have

1 violated this provision may be dismissed from service by the Board, or the Board may
2 adjudge other punishment.

3 (h) Relieving a Member From Duty. The chief of either the fire or police
4 department, or the officer in charge in the absence of the chief, may relieve an officer or
5 employee of the respective departments of all duties, and the chief, or the officer in
6 charge in the absence of the chief, shall provide such officer or employee with a written
7 complaint setting forth the department rules or regulations the officer or employee is
8 charged with violating, along with a statement of the basic facts supporting the charge,
9 and the chief, or the officer in charge in the absence of the chief, shall simultaneously cite
10 such officer to the Board for an automatic hearing as set forth herein with a
11 recommendation that such officer be dismissed from the department. Any officer so
12 relieved of duty shall not receive any pay or be assigned any duties until the Board has
13 acted upon the charges at the conclusion of its hearing. In the alternative, the chief, or the
14 officer in charge in the absence of the chief, may cite such officer to the Board for an
15 automatic hearing in accordance with the foregoing procedure, but without relieving the
16 officer from duty.

17 (i) Dismissal or Suspension of Officer. The chief of either the fire or police
18 department, or the officer in charge in the absence of the chief, may suspend without pay
19 for a period not exceeding 30 days, any officer or employee of the respective
20 departments. In suspending such officer, the chief, or the officer in charge in the absence
21 of the chief, will provide such officer with a written complaint setting forth the
22 department rules or regulations the officer is charged with violating, along with a
23 statement of the basic facts supporting the charge. Any such officer so suspended may
24 appeal to the Board by giving written notice of appeal to the Board with a copy to the
25 chief of such officer's department. Such notice of appeal must be received by the Board
26 within a period of 15 days from the date of the officer's suspension, whereupon a hearing
27 before the Board on such appeal shall be conducted as provided in subparagraph (c). Any
28 officer suspended without pay shall receive no pay for the period of suspension unless the
29 officer is found by the Board not to have committed the offense, or unless the Board
30 adjudges a different period of suspension without pay, in which case the officer shall
31 receive no pay for such different period of suspension.

32 (j) Appeal Hearings. Upon receipt of a citation for termination from either chief or
33 upon receipt of notice of appeal for a suspension from any civil service covered police
34 officer or firefighter, the Board shall hold a hearing not less than 15 days nor more than
35 30 days from the date the notice of appeal, or the citation, is received by the Board, and
36 shall promptly notify the officer of the hearing date. Termination hearings shall be held
37 with a panel of five made up of any combination of available members or alternates, and
38 suspension hearings shall be held with a panel of three made up of any combination of
39 available members or alternates. In the event an officer desires a hearing at a date other
40 than that set by the Board within the period set forth above, such officer may file a
41 written request for a change of hearing date setting forth the reasons for such request, and
42 the Chair of the Board is empowered to approve or disapprove such request; provided
43 that such request must be received by the Board at least seven days prior to the date set

1 for the hearing. For good cause, the Chair of the Board may set a hearing date other than
2 within the period set forth above, or may continue the hearing from time to time. In the
3 conduct of its hearing, each member of the Board shall have the power to subpoena
4 witnesses, administer oaths, and compel the production of evidence. If a person fails or
5 refuses to obey a subpoena issued pursuant to this subsection, the Board may apply to the
6 General Court of Justice, Superior Court Division, for an order requiring that its
7 subpoena be obeyed, and the court shall have jurisdiction to issue these orders after
8 notice to all parties. If any person, while under oath at a hearing of the Board, willfully
9 swears falsely, such person shall be guilty of a Class 1 misdemeanor. Both the officer and
10 the police or fire department shall have the right to present relevant evidence to the Board
11 at its hearing. The officer must be furnished with a copy of the charges which have been
12 brought against an officer and which will be heard by the Board. The officer shall be
13 required to answer questions from members of the Board or the Board's counsel;
14 however, the officer may refuse to answer any question where the answer might
15 incriminate the officer with respect to any criminal violation of State or federal laws. The
16 officer may be present at all evidentiary portions of the hearing, may retain counsel to
17 represent the officer at the hearing, and may cross-examine those witnesses who testify
18 against the officer. The officer will be given the right to an open or closed hearing as he
19 may elect. After the evidentiary portion of the hearing is concluded, the Board will
20 consider the evidence in closed session, and the Board will make findings of facts which
21 will be provided to the officer together with a statement of the action taken by the Board
22 on the basis of its findings of fact.

23 (k) General Powers of the Board. If, at the completion of its hearing, the Board
24 shall find that:

25 (1) An officer has not committed the offense or offenses with which such
26 officer has been charged, the Board may restore such officer to full duty
27 with reimbursement of any pay lost during the period the officer was
28 suspended or relieved from duty.

29 (2) An officer has committed the offense or offenses with which such
30 officer has been charged, the Board may issue an order:

31 a. Dismissing such officer;

32 b. Suspending such officer, without pay, for a period not exceeding
33 90 days; or

34 c. Imposing such other lesser punishment as it deems just and
35 proper.

36 The Board may suspend its dismissal or suspension without pay and
37 place such officer on probation for a period not to exceed one year upon
38 such reasonable conditions as the Board may deem appropriate. The
39 Board may order the department to furnish to the Board, during the
40 period of probation, such information regarding the officer as the Board
41 deems necessary.

42 (l) Appeal from Action of Board. Any officer may appeal from any order of the
43 Board to the Superior Court of Mecklenburg County by giving notice of appeal, in

1 writing, to the Superior Court within 10 days after the entry of the order. Assignments of
2 error must be filed with the court and served upon the Board within 30 days after the
3 entry of the order. The appeal to the Superior Court will be upon the record of the
4 proceedings before the Board at its hearing.

5 (m) Incapability of performance. In those situations where the chief of the fire or
6 police department determines that an officer of the respective department is permanently
7 disabled, the chief may cite that officer to the Board with a statement of the facts relating
8 to the inability of such officer to perform his duties, and the Board shall, upon receipt of
9 any such citation, hold a hearing as provided for herein, and the Board may dismiss such
10 officer if it finds that such officer can no longer perform his duty. Permanently disabled,
11 as used in this paragraph, shall mean the continuing or enduring incapacity because of
12 physical injury, sickness, or mental illness as determined by competent medical authority,
13 to earn the wages which the officer was receiving at the time of the injury, sickness, or
14 determination of mental illness in the same or any other related employment.

15 (n) Power of the Board to Require Investigation. The Board may require the chief
16 of the fire or police department to investigate any incident or circumstance involving
17 officers of such departments which shall come to the Board's attention; provided that a
18 majority of the Board shall first determine that such an investigation is in the public's
19 interest. The respective chief shall report the results of an investigation to the Board in
20 writing within a time to be set by the Board.

21 (o) Annual Report. The Board shall make an annual report of its actions for the
22 preceding year, and said annual report shall be kept in the files of the Board, and a copy
23 delivered to the Council.

24 (p) Secretary. The City Clerk shall act as secretary to the Board and shall keep the
25 minutes of its meetings and shall be custodian of all papers and records pertaining to the
26 business of said Board and shall perform such other duties as the Board may require.

27 (q) Accommodations. The Council shall provide suitable rooms for the Board and
28 shall provide sufficient reasonable use of public buildings for meetings and hearings of
29 said Board as may be necessary.

30 (r) Compensation. The members of said Board shall serve without compensation.

31 (s) City Finance. Nothing in this Article shall be so construed as to deprive the
32 Council of its control of the finances of said City.

33 (t) Exceptions. The provisions of this Article pertaining to civil service coverage
34 of officers and employees of the fire and police departments shall not apply to the chief
35 of the fire department or the chief of the police department and shall not apply to an
36 officer of the police or fire department until he or she has been an officer of the
37 respective department for at least 12 months. During such 12-months' probationary
38 period, he or she shall be subject to discharge by the chief of such department under rules
39 promulgated with respect thereto, such rules to be approved by the Council.

40 (u) Promotions and Demotions. The chief of the police department and the chief of
41 the fire department shall have authority to make all promotions of officers of their
42 respective departments, subject to majority approval of the Civil Service Board.
43 Promotions are probationary for six months from the date they become effective. Any

1 demotions, except voluntary demotions, shall be made only after written charges are
2 preferred and a hearing held before the Civil Service Board. Except as otherwise
3 provided, demotions must be approved by a majority vote of the Board.

4 (v) Wartime Emergency. Notwithstanding any other provisions of this Article,
5 during any wartime emergency and for six months thereafter, officers of the fire
6 department and police department may be employed on a temporary basis, and such
7 temporarily employed officers may be discharged by the City Manager without the
8 preferment of charges.

9 (w) Auxiliary Officers. The Council may authorize the City Manager to appoint
10 auxiliary officers of the fire and police departments without previous examinations by the
11 Civil Service Board, who, subject to such rules and conditions as the chiefs of their
12 respective departments shall prescribe, shall have all the powers and duties of regular
13 members of the police and fire departments. Such auxiliary officers of the said
14 departments shall be subject to discharge by the City Manager, with or without cause, and
15 without a hearing before the Civil Service Board.

16 "CHAPTER 5.

17 "AUTHORITIES, BOARDS, AND COMMISSIONS.

18 "ARTICLE I. IN GENERAL.

19 "Section 5.01. **Powers of Mayor and Council.** (a) In addition to any authorities,
20 Boards or commissions now, or hereafter created and established by or pursuant to
21 general, local, or special law, or this Charter, the Council may create and establish, by
22 ordinance or resolution, such other authorities, boards, and commissions as it may deem
23 necessary or appropriate to the administration, regulation, and operation of services,
24 activities, and functions which the City is authorized by law to perform, regulate, and
25 carry on. It is desirable that in appointing persons to boards, commissions, and
26 authorities, the appointing authority should attempt to secure reasonable representation
27 on each such body of all sexes, races, geographic sections of the City, and political
28 parties. Provided, however, that such representation shall not be required, and the validity
29 of any appointment may not be challenged on grounds that such representation has not
30 been achieved.

31 (b) Any authority, board, commission, or other agency to which the Mayor or
32 Council appoints members or appropriates money is hereby required to furnish to the
33 Mayor and Council, upon request, such information as the Mayor and Council may deem
34 relevant to the affairs of any such authority, board, commission, or other agency. The
35 duty to provide such information is mandatory and may be enforced by an action for
36 mandamus in the Superior Court of Mecklenburg County.

37 (c) The Mayor and Council may develop a plan and adopt such ordinances or
38 resolutions as may be necessary to provide that the Mayor shall appoint one-third of the
39 membership, and the Council shall appoint two-thirds of the membership of the following
40 boards, commissions, and authorities:

- 41 (1) The Auditorium-Coliseum-Civic Center Authority;
- 42 (2) The Civil Service Board;
- 43 (3) The Housing Authority; and

1 advisable to properly operate such properties. The authority shall have full and complete
2 control of such auditorium-coliseum-convention center-baseball stadium properties and
3 facilities; shall have full and complete control over granting and denying the use of, and
4 establishing and collecting rents and fees for the use of, the properties and facilities; shall
5 make all reasonable rules and regulations as it deems necessary for the proper operation
6 and maintenance of such properties and facilities; may expend funds of the authority for
7 the advertising and promotion of the use of the properties and facilities; and may sponsor
8 and promote shows, events, games and activities involving the use of the properties and
9 facilities and make reasonable charges therefor.

10 (b) The authority may, in its discretion, lease or rent auditorium-coliseum-
11 convention center-baseball stadium properties and facilities for such terms and upon such
12 conditions as the authority may determine but not for longer than 10 years. Leases and
13 rentals for terms of more than one year may be executed only after 10 days' public notice
14 by publication describing the property to be leased or rented, stating the annual lease or
15 rental payments and announcing the authority's intent to authorize the lease or rental at its
16 next meeting. No public notice or resolution of the authority is required with respect to
17 leases and rentals for terms of one year or less.

18 "CHAPTER 6.

19 "REGULATORY AND PLANNING FUNCTIONS.

20 "ARTICLE I. IN GENERAL.

21 "Secs. 6.01–6.10. Reserved.

22 "ARTICLE II. TRAFFIC AND PARKING.

23 "Section 6.11. **Parking Regulations and Violations.** (a) The Council may provide
24 by ordinance that each hour a vehicle remains illegally parked in an on-street parking
25 space is a separate offense, and the violator may be given a ticket for each offense.

26 (b) The Council may provide by ordinance that any vehicle that has been towed
27 for a parking violation is to be held until the towing fee and any related parking tickets
28 and penalties are paid in full, or a bond is posted in the amount of the towing fee and any
29 related parking tickets and penalties. Payment of the towing fee and any related parking
30 tickets and penalties or posting of a bond shall not constitute a waiver of a person's right
31 to contest the towing or any related parking tickets and penalties.

32 "Section 6.12. **Fire Safety Parking Regulations.** Notwithstanding the provisions of
33 Chapter 20 of the General Statutes or any other public or local laws to the contrary, the
34 Council may adopt ordinances that prohibit parking or standing of motor vehicles within
35 15 feet in either direction of a fire hydrant or entrance to a fire station or within any area
36 designated as a fire lane. Any ordinances adopted pursuant to this act may be enforced by
37 authorized municipal authorities, including the Charlotte Fire Department, whether or not
38 the vehicle is parked on public or private property, in the same manner that is used to
39 enforce other parking laws and ordinances.

40 "Section 6.13. **Speed Limits.** The director of transportation may establish speed
41 limits, as required by G.S. 20-141, on streets within the City of Charlotte, on behalf of the
42 local governing body, the Charlotte City Council.

43 "Secs. 6.14–6.60. Reserved.

"ARTICLE III. UNSAFE BUILDINGS.**"Section 6.61. Power to Inspect and Condemn Unsafe and Dangerous Buildings.**

The Council may provide by ordinance for the inspection, condemnation, and removal of unsafe and dangerous buildings. Such ordinance may provide for the entry in and upon all premises, buildings, and structures within the jurisdiction of the City, to inspect and discover whether the same are unsafe and dangerous to life or property on account of defects or dilapidation, and to cause all unsafe and dangerous conditions to be repaired or removed, and all filth and trash in and around the same to be removed. Such ordinance may also provide for the condemnation, as unsafe and dangerous to life or property, of any such building or structure and to prohibit further use or occupancy thereof. If the owner of any such building or structure which has been so condemned, fails or refuses, after notice, hearing, and order, to repair or remove the unsafe and dangerous building or structure pursuant to such order, he shall be guilty of a Class 3 misdemeanor punishable as for a violation of any municipal ordinance. A copy of such notice and order shall be certified by the City Clerk and filed for recording in the office of the Clerk of Superior Court for Mecklenburg County in the Record of Lis Pendens and from the date or dates of recording of such notice and order, they shall be binding upon the successors and assigns of the owner. In addition, if the owner fails or refuses as aforesaid, or, if the owner cannot, after reasonable and diligent search and notice by publication, be located or found, then the City may enter upon such premises and remedy such unsafe and dangerous condition or demolish and remove such building or structure if necessary, and to charge the costs thereof against the owner of said premises, and the same shall be and remain a lien against the said premises until such costs are paid in full, and the lien herein provided shall have the same priority as the lien for unpaid taxes and may be collected in the same manner as taxes upon real property and the City, its agents, servants, employees, and contractors, shall not be liable in any manner, civilly or criminally, for carrying out the terms and provisions of this section or any ordinance adopted pursuant hereto. The term "costs", as used in this section, shall include interest at the rate of not less than six percent (6%) per annum until said lien is paid, nor more than twelve percent (12%) per annum until said lien is paid; the rate of interest to be determined by the Council on an annual fiscal year basis. Provided, that if the Council should fail to set a rate of interest in any fiscal year, the rate of interest in effect for the preceding fiscal year shall continue in effect.

"Secs. 6.62–6.80. Reserved.

"ARTICLE IV. FIRE PROTECTION.

"Section 6.81. Power to Destroy Property. The chief of the fire department or the officer in charge at the scene of a fire may order the blowing up, tearing down, or other destruction of any building, property, or structure when it is deemed necessary for the protection of life and property to stop the progress of a fire. No person shall be held liable, civilly or criminally, for acting in obedience to orders thus given, nor shall the chief or officer giving such order be held liable, civilly or criminally, for the giving of such order or for damages to property destroyed pursuant to order.

1 "Section 6.82. **Power of Arrest.** The fire chief and his assistants, while on duty
2 during fires, shall have the powers conferred upon police officers of the City to make
3 arrests, and may make arrests without warrants for interference with or obstruction to
4 their operations.

5 "Secs. 6.83–6.100. Reserved.

6 "ARTICLE V. DRAINAGE AND SANITATION.

7 "Section 6.101. **Drainage of Premises.** The Council may require that all property
8 owners provide adequate drainage facilities to the end that their premises be free from
9 standing water and permit the natural flow of water thereon to be taken care of, and to
10 provide that in case of failure on the part of such owner or owners to so provide the same,
11 to go upon their premises and construct the necessary facilities and to charge the costs
12 thereof against the premises so improved.

13 "Section 6.102. **Weeds and Overgrowth.** The Council may require the owner or
14 owners of all premises, vacant or improved, to keep same free from trash, obnoxious
15 weeds, or overgrowth as they may be ordered and to provide that in case of failure on the
16 part of such owner or owners to comply with any such order, to go upon their premises
17 and perform such work as may be necessary to comply with such order, and to charge the
18 cost thereof against the premises upon which such work is performed.

19 "Section 6.103. **Costs a Lien as for Taxes.** The costs to the City of any work
20 performed under this Article shall constitute a lien upon the premises upon which the
21 work is performed. The lien provided for herein shall have the same priority as the lien
22 for unpaid taxes and may be collected in the same manner as taxes upon real property.
23 The term "costs", as used in this section, shall include interest at the rate of not less than
24 six percent (6%) per annum until said lien is paid, nor more than twelve percent (12%)
25 per annum until said lien is paid; the rate of interest to be determined by the Council on
26 an annual fiscal year basis. Provided, that if the Council should fail to set a rate of interest
27 in any fiscal year, the rate of interest in effect for the preceding fiscal year shall continue
28 in effect.

29 "Secs. 6.104–6.120. Reserved.

30 "ARTICLE VI. UTILITIES REGULATION.

31 "Section 6.121. **Power to Regulate; Franchises.** The Council may regulate and
32 supervise the operation of all public utilities and quasi-public utilities operating or doing
33 business within the City to the end that all citizens of the City shall receive from said
34 public utilities and quasi-public utilities, equal treatment, good service, and just and
35 reasonable rates, and to grant or refuse franchises or privileges to such utilities and to
36 regulate the erection and location of all poles in the City and to require that all wires,
37 pipes, and conduits be placed underground and to regulate the same; provided that such
38 regulations shall not be in contravention of the general laws of North Carolina applicable
39 to such utilities, as the same are now or may hereafter be enacted.

40 "Secs. 6.122–6.150. Reserved.

41 "ARTICLE VII. FAIR HOUSING.

42 "Section 6.151. **Equal Housing.** (a) The Council may adopt ordinances prohibiting
43 discrimination on the basis of race, color, sex, religion, handicap, familial status, or

1 national origin in real estate transactions. Such ordinances may regulate or prohibit any
2 act, practice, activity, or procedure related, directly or indirectly, to the sale or rental of
3 public or private housing, which affects or may tend to affect the availability or
4 desirability of housing on an equal basis to all persons; may provide that violations
5 constitute a criminal offense; may subject the offender to civil penalties; and may provide
6 that the City may enforce the ordinances by application to the Superior Court Division of
7 the General Court of Justice for appropriate legal and equitable remedies, including, but
8 not limited to, mandatory and prohibitory injunctions and orders of abatement, attorneys'
9 fees, and punitive damages, and the court shall have jurisdiction to grant such remedies.

10 (b) The Council also may amend any ordinance adopted pursuant to the provisions
11 contained in subsection (a) of this section to ensure that such ordinance remains
12 substantially equivalent to the federal Fair Housing Act (41 U.S.C.S. § 3601, et seq.).
13 Any ordinance enacted pursuant to section 6.151(a) prohibiting discrimination on the
14 basis of familial status shall not apply to housing for older persons as defined in the
15 federal Fair Housing Act (41 U.S.C.S. § 3601, et seq.).

16 "Section 6.152. **Exemptions.** Any ordinance enacted pursuant to this Article may
17 provide for exemption from its coverage:

- 18 (1) The rental of a housing accommodation in a building containing
19 accommodations for not more than four families living independently of
20 each other if the lessor or a member of his family resides in one of those
21 accommodations.
- 22 (2) The rental of a room or rooms in a housing accommodation by an
23 individual if he or a member of his family resides there.
- 24 (3) With respect to discrimination based on sex, the rental or leasing of
25 housing accommodations in single-sex dormitory property.
- 26 (4) With respect to discrimination based on religion to housing
27 accommodations owned and operated for other than a commercial
28 purpose by a religious organization, association, or society, or any
29 nonprofit institution or organization operated, supervised, or controlled
30 by or in conjunction with a religious organization, association, or
31 society, the sale, rental, or occupancy of such housing accommodation
32 being limited or preference being given to persons of the same religion,
33 unless membership in such religion is restricted because of race, color,
34 national origin, or sex.
- 35 (5) Any person, otherwise subject to its provisions, who adopts and carries
36 out a plan to eliminate present effects of past discriminatory practices or
37 to assure equal opportunity in real estate transactions, if the plan is part
38 of a conciliation agreement entered into by that person under the
39 provisions of the ordinance.

40 "Section 6.153. **Enforcement.** The Council may create or designate a committee to
41 assume the duty and responsibility of enforcing ordinances adopted pursuant to this
42 article. Such committee may be granted any authority deemed necessary by the Council

1 for the proper enforcement of any fair housing ordinance, including, but not limited to,
2 the power to:

- 3 (1) Promulgate rules for the receipt, initiation, investigation, and
4 conciliation of complaints of violations of the ordinance.
- 5 (2) Require answers to interrogatories, the production of documents and
6 things, and the entry upon land and premises in the possession of a party
7 to a complaint alleging a violation of the ordinance; compel the
8 attendance of witnesses at hearings, administer oaths, and examine
9 witnesses under oath or affirmation.
- 10 (3) Apply to the Superior Court of the General Court of Justice, upon the
11 failure of any person to respond to or comply with a lawful
12 interrogatory, request for production of documents and things, request to
13 enter upon land and premises, or subpoena, for an order requiring such
14 person to respond or comply.
- 15 (4) Upon finding reasonable cause to believe that a violation of the
16 ordinance has occurred, to petition the General Court of Justice for
17 appropriate civil relief on behalf of the aggrieved person or persons.

18 "Section 6.154. **Complaints and Other Records.** The Council may provide that
19 neither complaints filed with any committee pursuant to the ordinance nor the results of
20 the committee's investigations, discovery, or attempts at conciliation, in whatever form
21 prepared and preserved, shall be subject to inspection, examination, or copying under the
22 provisions of what is now Chapter 132 of the General Statutes.

23 "Section 6.155. **Committee Meetings.** The Council may provide that the statutory
24 provisions relating to meetings of governmental bodies, presently embodied in Article
25 33C of Chapter 143 of the General Statutes, shall not apply to the activity of any
26 committee authorized to enforce the ordinance, to the extent that said committee is
27 receiving a complaint or conducting an investigation, discovery, or conciliation
28 pertaining to a complaint filed pursuant to the ordinance.

29 "Secs. 6.156–6.182. Reserved.

30 "ARTICLE VIII. ZONING REGULATION.

31 "Section 6.183. **Amendments to Zoning Ordinances.** As a part of, and not in
32 limitation of, the powers granted by general laws to enact amendments to zoning
33 ordinances, whenever the Council is petitioned to enact an amendment changing the
34 zoning of a particular area, it shall have and may exercise the power to amend by
35 changing the existing zoning classification of the area covered by the petition, or any part
36 or parts thereof, to the classification requested or to a higher classification or
37 classifications, without the necessity of withdrawal or modification of the petition;
38 provided that notices of hearings on such amendments shall inform the public that such
39 action may be taken. If the Council desires to exercise the power granted herein, it shall,
40 for the purposes of this section, provide by ordinance for the classification of zoning
41 districts from highest to lowest classification.

42 "Section 6.184. **Zoning Board of Adjustment.** (a) Members shall be appointed for a
43 term of three years, and no member shall serve more than two full consecutive terms. The

1 board of adjustment shall have and exercise all of the powers, duties, and functions
2 enumerated in G.S. 160A-388; provided, however, that a majority vote of the members of
3 the board shall be necessary to reverse any order, requirement, decision or determination
4 of any administrative official charged with enforcement of the zoning ordinance or to
5 decide in favor of the applicant any matter upon which it is required to pass under any
6 ordinance or to effect any variation from the provisions of the ordinance.

7 (b) The board of adjustment shall have the power, upon an appeal filed with it by
8 the owner of the property, to vary or modify the regulations of the zoning ordinance, as
9 they apply to a particular piece of property, in accordance with G.S. 160A-388(d).
10 Where such relief is granted, the board may impose reasonable and appropriate
11 conditions and safeguards for the protection of the public interest and of neighboring
12 properties.

13 "Secs. 6.185–6.201 Reserved.

14 "ARTICLE IX. SUBDIVISION REGULATION.

15 "Section 6.202. **Recording of Plats.** No one shall file or record in the Mecklenburg
16 County Register of Deeds a plat of a subdivision of land located within the City's
17 territorial jurisdiction without the approval of the Charlotte-Mecklenburg Planning
18 Commission as required by this Article. The filing or recording of a plat of a subdivision
19 without the approval of the Charlotte-Mecklenburg Planning Commission, as required by
20 this Article, shall be null and void.

21 "Section 6.203. **Acceptance of and Improvements in Unapproved Streets.** The City
22 shall not accept for maintenance, lay out, open, improve, grade, pave, or light any street
23 or authorize the laying of water mains, sewer connections, or other facilities or utilities in
24 any street within its territorial jurisdiction, (i) unless such street shall have been
25 accepted or opened as, or shall have otherwise received the legal status of a public street
26 prior to the said attachment of the City's subdivision jurisdiction, or (ii) unless such street
27 corresponds in its location and lines with a street shown on a subdivision plat approved
28 by the Charlotte-Mecklenburg Planning Commission, or (iii) unless such street be
29 accepted as a public street by the City Manager.

30 "Section 6.204. **Approval of Plats.** The City Council may enact an ordinance
31 providing that no plat of a subdivision of land lying within the corporate limits of the City
32 of Charlotte or within the perimeter area shall be filed or recorded until it shall have been
33 submitted to and approved by the Charlotte-Mecklenburg Planning Commission in
34 accordance with regulations adopted under authority of this Article and such approval
35 entered in writing on the plat by the Secretary of the Commission.

36 "Section 6.205. **Change or Modification of Street Names.** The Charlotte
37 Department of Transportation may hear and approve requests to change or modify street
38 names within the City of Charlotte. Any person dissatisfied with a decision of the
39 Department may appeal to the City Council. In the event of an appeal, the City Council
40 may affirm, modify, or overturn the decision of the department. The decision of the City
41 Council on appeal shall be final.

42 "Secs. 6.206–6.220. Reserved.

43 "ARTICLE X. TREES.

1 "Section 6.221. **Removal, Replacement, and Preservation of Trees.** The Council
2 may adopt ordinances, only after holding public hearings, to regulate the removal of trees
3 from public and private property within the City in order to preserve, protect, and
4 enhance one of the most valuable natural resources of the community and to protect the
5 health, safety and welfare of its citizens.

6 **"CHAPTER 7.**

7 **"CITY SERVICES AND FACILITIES.**

8 **"ARTICLE I. IN GENERAL.**

9 "Secs. 7.01–7.20. Reserved.

10 **"ARTICLE II. WATER AND SEWER.**

11 "Section 7.21. **Remedies for Collection of Charges.** In addition to the remedies
12 provided by general law for the collection of charges for water and sewerage services,
13 both within and without the corporate limits, if any such charge is not paid within 10 days
14 after it becomes due, the same shall become a lien upon the property served or in
15 connection with which the service or facility is used and said shall have the same priority
16 as the lien for unpaid taxes and may be collected in the same manner as taxes upon real
17 property. The Council may also require the payment of reasonable deposits by owners or
18 tenants as a condition precedent to the furnishing of water or sewerage services, or both.
19 Such deposits may be retained by the City as assurance for the payment of charges and
20 may be refunded, without interest, upon such terms and conditions as the Council may
21 establish.

22 "Section 7.22. **Dedication of Water and Sewer Lines.** Should any person, firm, or
23 corporation connect any privately owned water or sewer line or lines without first
24 dedicating, giving, granting, and conveying same to the City, the act of connecting shall
25 be deemed a dedication, gift, grant, and conveyance of such lines to the City, and the City
26 may accept same or may order the disconnection of such lines.

27 "Secs. 7.23–7.40. Reserved.

28 **"ARTICLE III. REFUSE DISPOSAL.**

29 "Section 7.41. **Disposition of Disposal Sites.** The Council may in its discretion lease
30 or sell, at private sale, any lands now or hereafter owned or acquired by the City, to any
31 person, firm, or corporation contracting with the City for disposal of municipally
32 collected refuse, for use as a plant site or sites, upon such terms and considerations as the
33 Council may prescribe.

34 "Secs. 7.42–7.70. Reserved.

35 **"ARTICLE IV. SPAY/NEUTER CLINIC AND DIFFERENTIAL LICENSE TAX.**

36 "Section 7.71. **Spay/Neuter Clinic.** The City may establish, equip, operate and
37 maintain a spay/neuter clinic for cats and dogs, employ personnel for this clinic and
38 appropriate and expend tax and nontax funds, including property taxes, for those
39 purposes. In lieu of the City itself operating the spay/neuter clinic, the City is further
40 authorized to contract with any individual, corporation, nonprofit corporation,
41 governmental body, or any other group for the purpose of operating a spay/neuter clinic,
42 or for providing spay/neuter services for dogs and cats within the City. The City may

1 appropriate and expend tax and nontax funds, including property taxes, for these
2 purposes.

3 "Section 7.72. **Differential Licensing Tax.** The City may levy an annual differential
4 license tax on the privilege of keeping a dog or cat within the City. The Council may levy
5 a lower annual license tax for spayed or neutered dogs and cats than for nonspayed and
6 nonneutered dogs and cats within the City.

7 "Secs. 7.73–7.80. Reserved.

8 "ARTICLE V. EMINENT DOMAIN.

9 "Section 7.81. **Powers and Procedures.** (a) Notwithstanding the provisions of G.S.
10 40A-1, in the exercise of its authority of eminent domain for the acquisition of property
11 to be used for streets and highways, water supply and distribution systems, sewage
12 collection and disposal systems, and airports, the City is hereby authorized to use the
13 procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes, as
14 now or hereafter amended; provided further, that whenever therein any reference is made
15 to the State of North Carolina or any agency thereof, such reference shall be deemed to
16 include the City, and whenever therein any reference is made to any official of the state
17 of North Carolina, such reference shall be deemed to include the City Manager; provided
18 further that nothing herein shall be construed to enlarge the power of the City to condemn
19 property already devoted to public use.

20 (b) The City shall have the power of eminent domain to acquire property to
21 provide housing for low- and moderate-income persons but only to acquire: (i) vacant
22 structures Boarded up as a result of housing code violations; (ii) structures that have been
23 found to contain housing code violations that the property owner has failed or refused to
24 correct within a reasonable time; and (iii) vacant properties rendered vacant as a result of
25 a housing code enforcement demolition order. Provided that in the exercise of its
26 authority of eminent domain to acquire property to provide housing for low- and
27 moderate-income persons, the City shall follow the procedures prescribed in Chapter 40A
28 of the General Statutes. Vesting of title to the property taken under this subsection, and
29 right to possession shall occur pursuant to the provisions of G.S. 40A-42(b). The City
30 may not file an eminent domain action to acquire property described in clauses (i) or (ii)
31 of this subsection until the property owner has had 150 days from the date of the order
32 finding violations of the City housing code to correct the violations. The Council must
33 adopt a plan to use condemned property for low- or moderate-income housing prior to
34 exercising the powers under this subsection.

35 "Secs 7.82–7.103. Reserved.

36 "ARTICLE VI. LOCAL IMPROVEMENTS.

37 "Section 7.104. **Alternative Procedures.** (a) Upon receipt of a petition from an owner
38 or owners representing fifty percent (50%) or less of the total street frontage where fifty
39 percent (50%) or more of the total street frontage is in one ownership, the Council may
40 order the making of any local improvement and assess the cost against the abutting
41 property in the same manner and following the same procedures as set forth in the
42 general laws of North Carolina for the making of special assessments against property
43 benefitted by local improvements.

1 (b) The Council may order the making of any local improvements and assess the
2 cost thereof, except the City's portion, against only a limited number of abutting
3 properties upon receipt of a petition from all such property owners asking that the
4 improvement be made and that the total amount to be assessed for the improvement be
5 assessed only against their properties.

6 (c) No petition shall be necessary for the making of any local improvements for
7 which the City bears the entire cost without assessment.

8 (d) If, in the judgment of the Council, the abutting property to be assessed will be
9 benefitted in an amount at least equal to the assessment, and such judgment shall be
10 conclusive, no petition for local improvements shall be necessary and the Council may
11 order the making of any local improvements and assess the cost thereof against abutting
12 properties in the following cases:

13 (1) Street improvements and/or curb and gutter. When, in the judgment of
14 the Council, any street or part of a street is unsafe; or, the improvement
15 of a street or part of a street not more than three blocks in length is
16 necessary to connect streets already paved; or, the improvement of a
17 street or part of a street is necessary to connect a paved street, or portion
18 thereof, with a paved highway; or, the improvement of a street or part of
19 a street is necessary to provide a paved approach to a railroad or street
20 grade separation or any bridge; or, any street or part of a street should be
21 widened to accommodate present and anticipated volumes of traffic
22 thereon.

23 (2) Water main improvements. When, in the judgment of the Council, any
24 street or part of a street, or any property within the City, is without a
25 public water supply and can be served, and water service should be
26 provided in the public interest.

27 (3) Sanitary sewer improvements. When, in the judgment of the Council,
28 any street or part of a street, or any property within the City, is without a
29 public sanitary sewer system and can be served, and sanitary sewer
30 service should be provided in the public interest.

31 (4) Storm sewer or other surface drainage improvements. When, in the
32 judgment of the Council, any street or part of a street, or any property
33 within the City, is without storm sewer or other surface drainage
34 improvements, and can be served, and storm sewer or other surface
35 drainage should be provided in the public interest.

36 (5) Sidewalk improvements. When, in the judgment of the Council, any
37 street or part of a street is without sidewalks and sidewalks should be
38 provided in the public interest.

39 (e) Whenever the Council finds that public interest requires a sidewalk or
40 sidewalks or portion of driveways within the public right-of-way be repaired, the total
41 cost of such repairs may be assessed against the property abutting the sidewalk or
42 driveway repaired. Before an assessment may be made against abutting property for a
43 sidewalk or driveway repair, at least 30 days' written notice must be given to the abutting

1 property owner personally or by registered or certified mail to his last known address or
2 as shown on the tax records, that he is required to make the designated repairs at his own
3 cost and expense in conformity with the sidewalk standards adopted by the City, and if he
4 shall fail to make such repairs within 30 days after notice served upon him, the City may
5 thereupon make said repairs and assess the cost thereof. Provided, however, if the
6 Council finds that any sidewalk or driveway is in need of immediate repair, the Council
7 may adopt a resolution setting out such finding and directing that such repair be made
8 immediately by the City and that the cost thereof be assessed against the property
9 abutting without notice to the property owner affected.

10 "Section 7.105. **Planting Strip and Driveway Maintenance.** It shall be the
11 responsibility of the abutting property owner to maintain any property or driveway
12 between the property line and the curb of a paved street.

13 "Section 7.106. **Corner Lot Exemption.** The Council may determine the amount and
14 applicability of assessment exemptions for corner lots. Provided, exemptions for corner
15 lots shall apply to only one side of each such lot and the amount of the exemption shall
16 not exceed seventy-five percent (75%) of the frontage of that side. If the corner formed
17 by the two intersecting streets is rounded into a curve or is foreshortened for the purpose
18 of providing sight distance or for any other purpose of construction, the frontage for
19 assessment purposes shall be calculated to the midpoint of the curve or foreshortened
20 corner.

21 "Section 7.107. **Exchange of Property.** In connection with street widening, the City
22 may purchase with any available funds, property immediately adjacent to property
23 located on a street corner; provided, in the opinion of the Council, the value of such
24 inside lands does not exceed the value of the corner property needed for street-widening
25 purposes, and may convey and transfer such inside lands to the owner of the corner
26 property in exchange for property needed for street-widening purposes, at private sale.

27 "Section 7.108. **Water and Sewer Facilities; Additional Authority.** In the
28 construction, reconstruction, or extension of the water and sewerage systems, or either of
29 them in whole or in part, the City shall have, in addition to all other authority now or
30 hereafter granted, the authority to specially assess the costs thereof in accordance with the
31 procedures and authority prescribed for counties by Article 9 of Chapter 153A of the
32 General Statutes, as the same may be amended from time to time.

33 "ARTICLE VII. UPTOWN DEVELOPMENT PROJECTS.

34 "Section 7.109. **Public-Private Development Projects.** (a) Definition. In this
35 Article, public-private development projects means a capital project located: (i) in the
36 City's central business district, as defined by the Council; (ii) in or along a major
37 transportation corridor; or (iii) in a development zone designated pursuant to G.S. 105-
38 129.3A; comprising one or more buildings or other improvements and including both
39 public and private facilities. By way of illustration but not limitation, such a project
40 might include a single building comprising a publicly owned parking structure and
41 publicly owned convention center and a privately owned hotel or office building.

42 (b) Authorization. If the Council finds that it is likely to be of significant
43 economic benefit to the area of the City in which the project is located, the City may

1 acquire, construct, own, and operate or participate in the acquisition, construction,
2 ownership, and operation of a public-private development project or of specific facilities
3 within such a project. The City may enter into binding contracts with one or more private
4 developers with respect to acquiring, constructing, owning, or operating such a project.
5 Such a contract shall among other provisions, specify the following:

- 6 (1) The property interest of both the City and the developer or developers in
7 the project.
- 8 (2) The responsibilities of the City and the developer or developers for
9 construction of the project.
- 10 (3) The responsibilities of the City and the developer or developers with
11 respect to financing the project.
- 12 (4) The responsibilities of the City and the developer or developers with
13 respect to the operation of the project.

14 Such a contract may be entered into before the acquisition of any real property
15 necessary to the project.

16 (c) Property Acquisition. A public-private development project may be
17 constructed on property acquired by the developer or developers or on property directly
18 acquired by the City by any means.

19 (d) Property Disposition. In connection with a public-private development project,
20 the City may lease or convey interests in property owned by it, including air rights over
21 public facilities, by private negotiation or sale, and Article 12 of Chapter 160A of the
22 General Statutes does not apply to such dispositions.

23 (e) Construction of the Project. The contract between the City and the developer
24 or developers may provide that the developer or developers shall be responsible for
25 construction of the entire public-private development project. If so, the contract shall
26 include such provisions as the City Council deems sufficient to assure that the public
27 facility or facilities included in the project meet the needs of the City and are constructed
28 at a reasonable price. A project constructed pursuant to this paragraph is not subject to
29 Article 8 of Chapter 143 of the General Statutes as long as City funds constitute not more
30 than fifty percent (50%) of the total costs of the project.

31 (f) Operation. The City may contract for the operation of any public facility or
32 facilities included in a public-private development project by a person, partnership, firm,
33 or corporation, public or private. Such a contract shall include provisions sufficient to
34 assure that any such facility or facilities are operated for the benefit of the citizens of the
35 City.

36 (g) Grant Funds. To assist in the financing of its share of a public-private
37 development project, the City may apply for, accept, and expend grant funds from the
38 federal or State governments.

39 "CHAPTER 8.

40 "MISCELLANEOUS.

41 "ARTICLE I. IN GENERAL.

42 "Secs. 8.01–8.20. Reserved.

43 "ARTICLE II. SALE OF PROPERTY.

1 "Section 8.21. **Personal Property.** The City may sell any and all personal property
2 belonging to the City at private sale, and without resorting to public outcry and sale.

3 "Section 8.22. **Real Property.** (a) Whenever a disposition of an interest in real
4 property is authorized by the City, the instrument conveying such interest may be
5 executed by the Mayor or the Mayor's designee and attested by the City Clerk or Deputy
6 City Clerk, with the corporate seal of the City attached. In the sale of real estate, the City
7 may execute deeds in the usual form and containing full covenants of warranty.

8 (b) The City may convey interests in real property owned by it by private
9 negotiation or sale, with respect to parcels of property having a fair market value of ten
10 thousand dollars (\$10,000) or less, and Article 12 of Chapter 160A of the General
11 Statutes shall not apply to such dispositions. The City Manager may approve such
12 dispositions.

13 (c) The City may, in addition to other authorized means, convey real property
14 owned by it to persons of low- or moderate-income for residential purposes using the
15 negotiated offer, advertisement, and upset bid process and requirements established by
16 G.S. 160A-269, provided, however, the City may lower the bid deposit requirement to an
17 amount not less than one percent (1%) of an offeror's bid.

18 (d) When the Council determines that a sale or disposition of property will
19 advance or further any Council-adopted economic development, transportation, urban
20 revitalization, community development, or land-use plan or policy, the City may, in
21 addition to other authorized means, sell, exchange, or transfer the fee or any lesser
22 interest in real property, either by public sale or by negotiated private sale. The City may
23 attach to the transfer and to the interest conveyed such covenants, conditions, or
24 restrictions (or a combination of them) the City deems necessary to further such adopted
25 policies or plans. The consideration received by the City, if any, for such conveyance,
26 may reflect the restricted use of the property resulting from such covenants, conditions,
27 or restrictions. An interest in property pursuant to this subsection may be conveyed only
28 pursuant to resolution of the Council authorizing the conveyance. Notice of the proposed
29 transaction shall be given at least 10 days prior to adoption of the resolution by
30 publication in a newspaper of general circulation, generally describing:

31 (1) The property involved;

32 (2) The nature of the interest to be conveyed; and

33 (3) All of the material terms of the proposed transaction, including any
34 covenants, conditions, or restrictions which may be applicable.

35 The notice shall give the time and place of the Council meeting where the proposed
36 transaction will be considered and shall announce the Council's intention to authorize the
37 proposed transaction. Notwithstanding the foregoing, the City may not sell the land or
38 buildings located at 100 Paul Buck Boulevard by private sale.

39 "Secs. 8.23–8.80. Reserved.

40 "ARTICLE III. CONTRACTS AND PURCHASES.

41 "Section 8.81. **Bid Deposits.** The City may, in connection with bids on purchases and
42 contracts to the City, accept as a bid deposit: cash; a cashier's check issued by or certified
43 check drawn on a bank insured by the Federal Deposit Insurance Corporation; a United

1 States money order payable to the City of Charlotte; or a bid bond issued by an insurance
2 company authorized to engage in such business in North Carolina.

3 "Section 8.82. **Contract Specification Requirements.** The Council may establish
4 minimum Minority and/or Women's Business Enterprise participation (M/WBE)
5 requirements and in that event shall include such requirements in the specifications for
6 City contracts. In addition, in construction and repair contracts under which subcontracts
7 are customarily awarded by that primary contractor, the Council may establish
8 specifications requiring bidders to subcontract a certain designated percentage of the
9 construction and repair work amount; provided, that nothing in the specifications or
10 requirements developed shall be construed to require that the award of subcontracts be
11 made to subcontractors who do not submit the lowest responsible sub-bid and do not
12 meet the bonding requirements otherwise required by law. Notwithstanding the
13 provisions of G.S. 143-129 and G.S. 143-131, the Council may consider a bidder's
14 compliance with specifications containing M/WBE or subcontracting requirements in its
15 award of contracts, and may, in its discretion, refuse to award a contract to a bidder if it
16 determines that the bidder has failed to make a good faith effort to comply with said
17 requirements.

18 "Section 8.83. **Public Contracts.** G.S. 143-129 as it applies to the City is amended to
19 provide that the City Manager or his designee may waive the requirement for a bid bond
20 or deposit for the purchase of apparatus, supplies, material, or equipment where the
21 successful bidder does not have any past experience of nonperformance with the City.
22 The Council may consider a bid for the purchase of apparatus, supplies, materials, or
23 equipment and award a contract on such bid notwithstanding the fact that the proposal is
24 not accompanied by a bid deposit with the City.

25 "Section 8.84. Exemption from Certain Purchasing Requirements. (a) Because of
26 the:

- 27 (1) Highly complex and innovative nature of telecommunications, data
28 processing, and data communications equipment, supplies and services;
29 and
- 30 (2) Desirability of a single point of responsibility for the development of
31 contracts for products and services which include in their scope,
32 combinations of design, installation, operation, management, and
33 service and maintenance responsibilities over prolonged periods of time.

34 In some instances it may be beneficial to the City to award a contract on the basis of
35 factors other than cost alone, including, but not limited to, (i) system design, (ii)
36 operation experience, (iii) system reliability, (iv) long-term operational costs, (v)
37 compatibility with existing equipment, and (vi) emerging technology. Therefore,
38 notwithstanding the provisions of Article 8 of Chapter 143 of the General Statutes, or any
39 other general, special, or local law, a contract entered into between the City and any
40 person selected as a responsible proposer pursuant to this section may be awarded,
41 negotiated, and entered into in accordance with the following provisions for the award of
42 a contract based upon an evaluation of proposals submitted in response to a request for
43 proposal prepared by or for the City.

1 (b) This section establishes special procedures for the purchase and lease of
2 telecommunications, data processing and data communications equipment, supplies and
3 services, and applies only to those purchases and leases.

4 (c) The City shall give notice that it is requesting proposal as follows:

5 (1) By mailing notice of request for proposals a minimum of 10 days prior
6 to the time specified for opening of said proposal to suppliers
7 represented on the City's current relevant bid list; and

8 (2) By advertisement at least one week before the time specified for the
9 opening of said proposals in a newspaper having general circulation in
10 the City. The advertisement shall state the time and place where the
11 request for proposals may be had, and the time and place for opening of
12 said proposals, and shall reserve to the City the right to reject any or all
13 such proposals.

14 All proposals shall be opened in public. Proposal shall be sealed if the invitation to
15 propose so specifies.

16 (d) The City shall require in its request for proposals that each proposal to be
17 submitted:

18 (1) Shall include:

19 a. Information relating to the experience of the proposer on the
20 basis of which said proposer purports to be qualified to carry out
21 all work required by a proposed contract;

22 b. The ability of the proposer to secure adequate financing;

23 c. Proposals for project staffing, implementation of work tasks, and
24 the carrying out of all responsibilities required by a proposed
25 contract;

26 (2) Language clearly identifying and specifying all elements of cost which
27 would become charges to the City, in whichever form, in return for the
28 fulfillment by the proposer of all tasks and responsibilities established
29 by the request for the proposal for the full lifetime of a proposed
30 contract, including, as appropriate, but not limited to, (i) the cost of
31 purchase or lease of equipment, (ii) the cost of design, installation,
32 operation, management, and maintenance of any system, and (iii) the
33 cost of any services performed by proposer; and

34 (3) Shall include such other information as the City may determine to have
35 a material bearing on its ability to evaluate any proposal in accordance
36 with this section.

37 The City may prescribe the form and content of such proposal and, in any event, the
38 proposer must submit sufficiently detailed information to permit a fair and equitable
39 evaluation of such proposal. The City may evaluate such proposals based on one or more
40 of the factors set forth above as the City determines to be appropriate.

41 (e) The City may make a contract award to any responsible proposer selected
42 pursuant to this section based on a determination that the selected proposal is more
43 responsive to the request for proposals and may thereupon negotiate a contract with said

1 proposer for the purchase and/or lease of equipment and performance of the services set
2 forth in the request for proposals and the response thereto. Such determination is
3 conclusive.

4 "Section 8.85. **Construction, Design, and Operation of Sludge Management**
5 **Facilities.** (a) Unless a different meaning is required by the context, the following
6 definitions shall apply throughout this section:

7 (1) "Sludge" means any solid, semisolid, or liquid waste generated from a
8 municipal, commercial, institutional, or industrial wastewater treatment
9 plant, water supply treatment plant, or air pollution control facility, or
10 any other waste having similar characteristics and effects.

11 (2) "Sludge management" means purposeful, systematic control of the
12 generation, storage, collection, transport, treatment, processing,
13 recovery, and disposal of sludge.

14 (3) "Sludge management facility" means land, personnel, and equipment
15 used in sludge management.

16 (4) "Storage" means the containment of sludge in a manner which does not
17 constitute disposal.

18 (5) "City" means the City of Charlotte.

19 (b) To acknowledge the highly complex and innovative nature of sludge
20 management technology for processing sludge, the relatively limited availability of
21 existing and proven proprietary technology involving sludge management facilities, the
22 desirability of a single point of responsibility for the development of facilities, and the
23 economic and technical utility of contracts for sludge management which include in their
24 scope combinations of design, construction, operation, management, and maintenance
25 responsibilities over prolonged periods of time and that in some instances it may be
26 beneficial to the City to award a contract on the basis of factors other than cost alone,
27 including, but not limited to, facility design, operational experience, system reliability,
28 long-term operational costs, compatibility with sludge production facilities,
29 environmental impact, and operation guarantees, this section establishes special
30 procedures for the construction, design, and operation of sludge management facilities.
31 Accordingly, and notwithstanding the provisions of Article 8 of Chapter 143 of the
32 General Statutes, or any general, special, or local law, a contract entered into between the
33 City and any person pursuant to this section may be awarded in accordance with the
34 following provisions for the award of a contract based upon an evaluation of proposals
35 submitted in response to a request for proposals prepared by or for the City.

36 The City shall give notice that it is requesting proposals as follows: Proposals shall be
37 invited by advertisement at least one week before the time specified for the opening of
38 said proposals in a newspaper having general circulation in the City. The advertisement
39 shall state the time and place where the request for proposals may be had, and the time
40 and place for opening of the proposals, and shall reserve to the City the right to reject any
41 or all such proposals. All proposals shall be opened in public. Proposals shall be sealed if
42 the invitation to propose so specifies. Nothing in this paragraph limits the City from
43 publicizing the request for proposals by other means or from directly soliciting proposals.

1 (c) The City shall require in its request for proposals that each proposal to be
2 submitted shall include:

3 (1) Information relating to the experience of the proposer on the basis of
4 which said proposer purports to be qualified to carry out all work
5 required by a proposed contract; the ability of the proposer to secure
6 adequate financing; and proposals for project staffing, implementation
7 of work tasks, and the carrying out of all responsibilities required by a
8 proposed contract;

9 (2) A proposal clearly identifying and specifying all elements of cost which
10 would become charges to the City, in whatever form, in return for the
11 fulfillment by the proposer of all tasks and responsibilities established
12 by the request for the proposal for the full lifetime of a proposed
13 contract, including, as appropriate, but not limited to, the cost of
14 planning, design, construction, operation, management, and/or
15 maintenance of any facility; provided, that the City may prescribe the
16 form and content of such proposal and that, in any event, the proposer
17 must submit sufficiently detailed information to permit a fair and
18 equitable evaluation of such proposal; and

19 (3) Such other information as the City may determine to have a material
20 bearing on its ability to evaluate any proposal in accordance with this
21 section.

22 (d) Proposals received in response to such request for proposals may be evaluated
23 on the basis of a technical analysis of facility design, operational experience of the
24 technology to be utilized in the proposed facility, system reliability and availability,
25 efficiency, environmental impact and protection, required staffing level during operation,
26 projection of anticipated revenues from the materials produced by the facility, net cost to
27 the City for operation and maintenance of the facility for the duration of time to be
28 established in the request for proposals, and upon such other factors and information as
29 the City determined to have a material bearing on its ability to evaluate any proposal,
30 which factors were set forth in said request for proposal.

31 (e) The City may make a contract award to any responsible proposer selected
32 pursuant to this section based upon a determination that the selected proposal is more
33 responsive to the request for proposals and may thereupon negotiate a contract with said
34 proposer for the performance of the services set forth in the request for proposals and the
35 response thereto. Such determination shall be deemed to be conclusive. Notwithstanding
36 other provisions of Article 8 of Chapter 143 of the General Statutes, or any other general,
37 local, or special law, a contract may be negotiated and entered into between a City and
38 any person selected as a responsible proposer hereunder which may provide for, but not
39 be limited to, the following:

40 (1) A contract, lease, rental, license, permit, or other authorization to
41 design, construct, operate, and maintain such a sludge management
42 facility, upon such terms and conditions for such consideration and for

1 such term or duration, not to exceed 40 years, as may be agreed upon by
2 the City and such person;

3 (2) Payment by the City of a fee or other charge to such person for
4 acceptance, processing, management, and disposal of sludge;

5 (3) An obligation on the part of the City to deliver or cause to be delivered
6 to a sludge management facility, guaranteed quantities of sludge; and

7 (4) The sale, utilization, or disposal of any form of material or residue
8 resulting from the operation of any sludge management facility.

9 (f) The construction work for any facility or structure which is ancillary to the
10 sludge management facility and which does not involve storage and processing of sludge
11 or the recovery of useful or marketable forms of materials from sludge at the sludge
12 management facility, shall be procured through competitive bidding procedures as
13 described in Article 8 of Chapter 143 of the General Statutes. Such ancillary facilities
14 shall include, but shall not necessarily be limited to, the following: roads, water and
15 sewer lines to the facility limits, transfer stations, scale house, administration buildings,
16 and residue and bypass disposal sites.

17 "Sec. 8.86. **Award and Approval of Certain Contracts.** The City Manager or the
18 City Manager's duly authorized designee may award, approve, and execute contracts or
19 agreements of any kind or nature on behalf of the City when the amount of such contract
20 or agreement does not exceed fifty thousand dollars (\$50,000); provided that the City
21 Council shall have approved a sufficient appropriation in the annual budget for the
22 current fiscal year for the general purpose specified in the contract or agreement. In
23 addition, the City Manager or the City Manager's duly authorized designee may approve
24 or execute amendments to contracts or agreements, including contracts initially approved
25 by the City Council, when the amount in question does not exceed fifty thousand dollars
26 (\$50,000). Furthermore, the City Manager or the City Manager's duly authorized
27 designee may award, approve, and execute contracts for the construction and installation
28 of water and sewer lines that will eventually become a part of the City utility system,
29 regardless of the amount, where the construction and installation is the sole responsibility
30 and is at the sole expense of another person, firm, or corporation.

31 "Secs. 8.87–8.100. Reserved.

32 "ARTICLE IV. CONFLICT OF INTEREST.

33 "Section 8.101. **Penalty.** It shall be unlawful for the Mayor or any member of the
34 Council, or other officer or employee of the City, directly or indirectly, to become an
35 independent contractor for work done by the City, or to become directly or indirectly
36 financially interested in, or receive profits from, any purchase by the City. Any such
37 person or persons violating this provision shall be guilty of a Class 1 misdemeanor.

38 "Secs. 8.102–8.120. Reserved.

39 "ARTICLE V. JOINT PERFORMANCE OF FUNCTIONS, 40 ACTIVITIES, AND SERVICES.

41 "Section 8.121. **Purpose and Power.** For the purpose of enabling the more efficient
42 and/or economical administration and performance of functions, activities, and services,
43 the City of Charlotte and the County of Mecklenburg may, whenever it is deemed in the

1 best interests of their citizens, enter into written agreements for the joint performance of
2 any and all functions, activities, and services which each is now or hereafter authorized to
3 undertake, perform, and carry on. Such joint performance may be carried on through
4 consolidation of existing agencies or departments or through the creation and
5 establishment of new agencies or departments and may include institutions or buildings
6 now existing or hereafter constructed, owned, and operated, either singly or jointly.

7 "Section 8.122. **Provisions of Agreements.** Such written agreements shall set forth:
8 the functions, activities, and services to be thus jointly carried on; the manner of
9 administration thereof; the manner in which the expenses thereof shall be apportioned;
10 and the manner in which any fees or revenues derived therefrom shall be apportioned.
11 Such agreements may specify the term thereof and they may be terminated by either party
12 thereto upon one-year's written notice to the other party of intention to terminate, and
13 such agreements may be amended from time to time upon the mutual consent of the City
14 and the County. Upon the ratification of such agreements by the governing bodies of the
15 City and the County, they shall be spread upon their respective minutes.

16 "Section 8.123. **Effect of Agreements.** Whenever any such agreement has been
17 ratified, then the consolidated agency, department, or institution designated or created to
18 carry on such joint performance, shall be vested with all the powers, rights, duties,
19 functions, and jurisdiction pertaining to the function, activity, or service to be jointly
20 performed, theretofore existing or thereafter granted by law and vested in the City, the
21 County, or both, and in the agencies, departments, or institutions so consolidated or
22 created.

23 "Section 8.124. Agreements With Other Governmental Agencies.

24 The City may enter into similar written agreements as provided hereinabove, with any
25 other governmental agency having similar authority.

26 "Secs. 8.125–8.130. Reserved.

27 "ARTICLE VI. LEASE OF PROPERTY.

28 "Section 8.131. **Generally.** Notwithstanding the provisions of G.S. 160A-272, the
29 Council may, in its discretion, lease City-owned property for such terms and upon such
30 conditions as the Council may determine, including terms of more than 10 years without
31 the necessity of following any procedures other than those required by G.S. 160A-272 for
32 leases of 10 years or less."

33 Section 2. The purpose of this act is to revise the Charter of the City of
34 Charlotte and to consolidate certain acts concerning the property, affairs, and government
35 of the City. It is intended to continue without interruption those provisions of prior acts
36 which are expressly consolidated into this act, so that all rights and liabilities which have
37 accrued are preserved and may be enforced.

38 Section 3. This act does not repeal or affect any acts concerning the property,
39 affairs, or government of public schools or any acts validating official actions,
40 proceedings, contracts, or obligations of any kind.

41 Section 4.(a) The following acts, having served the purposes for which they
42 were enacted or having been consolidated into this act, are expressly repealed:
43

	YEAR	CHAPTER
1		
2	1965	711
3	1965	713, Sections 1 and 2 only
4	1967	216
5	1967	290
6	1967	730
7	1967	740
8	1967	840
9	1969	65
10	1969	133
11	1969	333
12	1969	384
13	1969	916
14	1971	48
15	1971	49
16	1971	92
17	1971	97
18	1971	140
19	1971	414
20	1971	903, Section 1 only
21	1973	309
22	1973	332
23	1973	432
24	1973	481
25	1973	841
26	1973	901
27	1973	968
28	1973	980
29	1973	1045
30	1973	1046
31	1975	58
32	1975	85
33	1975	115
34	1975	424
35	1977	140
36	1977	141
37	1977	1161
38	1979	390
39	1979	391
40	1979	446
41	1981	55
42	1981	61
43	1981	363

1	1981	365
2	1981	366
3	1981	441
4	1981	1135
5	1981	1136
6	1981	1137
7	1981	1138
8	1981	1140
9	1981	1167
10	1983	71, as to the City of Charlotte only
11	1983	92
12	1983	437
13	1983	954
14	1983	956
15	1983	1008
16	1985	343
17	1985	345
18	1985	346
19	1985	347
20	1985	370, except for Sections 7, 8, and 9
21	1985	388
22	1987	191
23	1987	344
24	1987	1026
25	1989	31
26	1989	149
27	1989	170
28	1989	184
29	1989	185
30	1989	220
31	1993	60
32	1993	171
33	1993	196
34	1993	229, except for Section 2
35	1993	708
36	1995	23
37	1995	170
38	1995	623
39	S.L. 1997-45	
40	S.L. 1997-107	
41	S.L. 1997-127	
42	S.L. 1997-264	
43	S.L. 1997-305, Sections 1 and 2 only	

1 S.L. 1999-88

2 S.L. 1999-99

3 S.L. 1999-456, Section 46 only.

4 Section 4.(b) Notwithstanding any other provision of this act, the following act
5 (including any amendment thereto) is not repealed and the provisions of that act remain
6 effective as to the City of Charlotte as if this act had not been enacted:

7 YEAR CHAPTER

8 1993 417.

9 Section 4.(c) This act does not repeal by implication any local acts otherwise
10 applicable to the City of Charlotte.

11 Section 5. The Mayor and Council members serving on the date of ratification
12 of this act shall serve until the expiration of their terms or until their successors are
13 elected and qualified.

14 Section 6. This act does not affect any rights or interests which arose under
15 any provisions repealed by this act.

16 Section 7. All existing ordinances, resolutions, and other provisions of the
17 City of Charlotte not inconsistent with the provisions of this act shall continue in effect
18 until repealed or amended.

19 Section 8. No action or proceeding pending on the effective date of this act by
20 or against the City or any of its departments or agencies shall be abated or otherwise
21 affected by this act.

22 Section 9. Whenever a reference is made in this act to a particular provision of
23 the General Statutes, and such provision is later amended, superseded, or recodified, the
24 reference shall be deemed amended to refer to the amended General Statute, or to the
25 General Statute which most clearly corresponds to the statutory provision which is
26 superseded or recodified.

27 Section 10. This act is effective when it becomes law.