

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 2000-26
HOUSE BILL 1667

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
CHARLOTTE.

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF CHARLOTTE.

"CHAPTER 1.

"ORGANIZATION AND POWERS.

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

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

"CHAPTER 2.

"ELECTIONS.

"Section 2.01. **Regular Municipal Elections; Conduct.** Regular municipal elections shall be held in the City every two years in odd-numbered years, and shall be conducted in accordance with the Uniform Municipal Elections Laws of North Carolina. The Mayor and members of the Council shall be elected according to the partisan election method authorized for municipalities.

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

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

"CHAPTER 3.

"GOVERNING BODY.

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

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

"Secs. 3.03–3.22. Reserved.

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

(b) Its meetings shall be public and the Mayor, who shall be the official head of the City, shall preside, if present, but shall have no vote except in case of a tie, or as provided herein. Six affirmative votes of the Council members, or five of such affirmative votes, together with the affirmative vote of the Mayor, in case of a tie vote, shall be required for the passage of any motion, resolution, or ordinance. Motions, resolutions, and ordinances granting special franchises and special privileges must be voted on and passed at not less than two regular meetings of the Council. Except as provided in this section, motions, resolutions, and ordinances will be deemed adopted if passed upon one reading. Except for Council appointments to committees, boards, and commissions; its employment of the City Manager, the City Attorney and the City Clerk; its internal affairs and matters which must be approved by the voters, the Mayor may veto any action adopted by the Council. The veto must be exercised at the meeting at which the action was taken. An action vetoed by the Mayor shall automatically be on the agenda at the next regular or special meeting of the Council, but shall not become effective unless it was readopted by the Council with at least seven members voting in the affirmative. In the absence of the Mayor, the Mayor Pro Tempore shall preside and, when so presiding, shall have the right to vote upon all questions, but shall have no additional vote in case of a tie, and shall not have veto power; and in the absence of both, a chair Pro Tempore shall be chosen to preside at such meeting, and, when so presiding, he shall have the right to vote upon all questions, but shall have no additional vote in case of a tie. Provided further, however, the Mayor shall have a vote in the consideration of amendments to zoning ordinances when said amendments are the subject of a valid protest as defined by G.S. 160A-385. In voting on amendments to zoning ordinances, the Mayor shall be deemed a member of the legislative body as that term is used in G.S. 160A-385. Provided further, however, the Mayor shall have a vote in the consideration of the employment or dismissal of the City Manager, the City Attorney and the City Clerk.

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

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

"CHAPTER 4.
"ADMINISTRATION.

"ARTICLE I. IN GENERAL.

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

"ARTICLE II. City Manager.

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

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

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

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

- (1) Employment shall be based on merit without regard to race, creed, color, sex, political affiliation, age, or physical defect or impairment of the applicant unless the defect or impairment prevents the applicant from performing, with reasonable accommodation, an essential function of the employment sought. "Physical defect" or "impairment" shall be defined to mean any physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness including epilepsy.
- (2) Conditions of employment shall be maintained to promote efficiency and economy in the operation of the City government.
- (3) Position classification and compensation plans shall be established and revised from time to time to meet changing conditions.
- (4) Appointments and promotions shall be made solely on the basis of merit and fitness, demonstrated by examination or other evidence of competence.
- (5) Tenure of employment shall be subject to satisfactory performance of work, personal conduct compatible with the trust inherent in public service, necessity for the performance of work, and availability of funds.

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

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

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

- (1) Approve the:
 - a. Acquisition by the City of real property having a value of ten thousand dollars (\$10,000) or less.
 - b. Acquisition or sale by the City of real property having a value of more than ten thousand dollars (\$10,000), when the City Manager certifies to the Council that the property is being acquired or sold for the purpose of increasing the supply of affordable housing available to low- or moderate-income persons. The Manager shall, within 10 days of any transaction authorized by this subdivision, report the details to the Council.
- (2) Approve certain contracts as provided in Section 8.86 of this Charter.
- (3) Approve agreements permitting encroachments into setbacks and rights-of-way.
- (4) Accept dedicated streets for City maintenance.

"Secs. 4.07–4.60. Reserved.

"ARTICLE III. CIVIL SERVICE.

"Section 4.61. **Civil service Board; Membership, Powers and Duties.** (a) Establishment. There is hereby continued a civil service Board for the City of Charlotte, to consist of five members and two alternates; three members and one alternate to be appointed by the Council and two members and one alternate to be appointed by the Mayor. Each member shall serve for a term of three years. In case of a vacancy on the Board, the Council or the Mayor, as the case may be, shall fill such vacancy for the unexpired term of said member. For the purposes of establishing a quorum of the Board, any combination of Board members and alternates totaling three shall constitute a quorum. All Board members and alternates shall attend regular meetings for the purposes of meeting attendance policy and familiarity with Board business and procedures. Alternates shall attend hearings when needed due to scheduling conflicts of regular Board members and shall vote only when serving in the absence of a regular Board member. Attendance at meetings and continued service on the Board shall be governed by the attendance policies established by the Council. Vacancies resulting from a member's failure to attend the required number of meetings or hearings shall be filled as provided herein.

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

(c) Examinations. The Board shall establish and fix requirements for applicants for employment in the fire and police departments. All applicants shall be subjected to examination by or at the direction of said Board. The examination shall be competitive

and free to all persons meeting the requirements of the Board, subject to reasonable limitations as to residence, age, health, and moral character; provided that:

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

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

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

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

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

(g) Restrictions. No officer or employee of the fire and police departments shall take any part in any election or political function while in uniform or on duty other than that of exercising his right to vote. Any officer or employee found by the Board to have violated this provision may be dismissed from service by the Board, or the Board may adjudge other punishment.

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

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

(j) Appeal Hearings. Upon receipt of a citation for termination from either chief or upon receipt of notice of appeal for a suspension from any civil service covered police officer or firefighter, the Board shall hold a hearing not less than 15 days nor more than 30 days from the date the notice of appeal, or the citation, is received by the Board, and shall promptly notify the officer of the hearing date. Termination hearings shall be held with a panel of five made up of any combination of available members or alternates, and suspension hearings shall be held with a panel of three made up of any combination of available members or alternates. In the event an officer desires a hearing at a date other than that set by the Board within the period set forth above, such officer may file a written request for a change of hearing date setting forth the reasons for such request, and the Chair of the Board is empowered to approve or disapprove such request; provided that such request must be received by the Board at least seven days prior to the date set for the hearing. For good cause, the Chair of the Board may set a hearing date other than within the period set forth above, or may continue the hearing from time to time. In the conduct of its hearing, each member of the Board shall have the power to subpoena witnesses, administer oaths, and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board may apply to the General Court of Justice, Superior Court Division, for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all parties. If any person, while under oath at a hearing of the Board, willfully swears falsely, such person shall be guilty of a Class 1 misdemeanor. Both the officer and the police or fire department shall have the right to present relevant evidence to the Board at its hearing. The officer must be furnished with a copy of the charges which have been brought against an officer and which will be heard by the Board. The officer shall be required to answer questions from members of the Board or the Board's counsel; however, the officer may refuse to answer any question where the answer might incriminate the officer with respect to any criminal violation of State or federal laws. The officer may be present at all evidentiary portions of the hearing, may retain counsel to represent the officer at the hearing, and

may cross-examine those witnesses who testify against the officer. The officer will be given the right to an open or closed hearing as he may elect. After the evidentiary portion of the hearing is concluded, the Board will consider the evidence in closed session, and the Board will make findings of facts which will be provided to the officer together with a statement of the action taken by the Board on the basis of its findings of fact.

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

- (1) An officer has not committed the offense or offenses with which such officer has been charged, the Board may restore such officer to full duty with reimbursement of any pay lost during the period the officer was suspended or relieved from duty.
- (2) An officer has committed the offense or offenses with which such officer has been charged, the Board may issue an order:
 - a. Dismissing such officer;
 - b. Suspending such officer, without pay, for a period not exceeding 90 days; or
 - c. Imposing such other lesser punishment as it deems just and proper.

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

(l) Appeal from Action of Board. Any officer may appeal from any order of the Board to the Superior Court of Mecklenburg County by giving notice of appeal, in writing, to the Superior Court within 10 days after the entry of the order. Assignments of error must be filed with the court and served upon the Board within 30 days after the entry of the order. The appeal to the Superior Court will be upon the record of the proceedings before the Board at its hearing.

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

(n) Power of the Board to Require Investigation. The Board may require the chief of the fire or police department to investigate any incident or circumstance involving

officers of such departments which shall come to the Board's attention; provided that a majority of the Board shall first determine that such an investigation is in the public's interest. The respective chief shall report the results of an investigation to the Board in writing within a time to be set by the Board.

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

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

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

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

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

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

(u) Promotions and Demotions. The chief of the police department and the chief of the fire department shall have authority to make all promotions of officers of their respective departments, subject to majority approval of the Civil Service Board. Promotions are probationary for six months from the date they become effective. Any demotions, except voluntary demotions, shall be made only after written charges are preferred and a hearing held before the Civil Service Board. Except as otherwise provided, demotions must be approved by a majority vote of the Board.

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

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

"CHAPTER 5.

"AUTHORITIES, BOARDS, AND COMMISSIONS.

"ARTICLE I. IN GENERAL.

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

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

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

- (1) The Auditorium-Coliseum-Civic Center Authority;
- (2) The Civil Service Board;
- (3) The Housing Authority; and
- (4) The Board of Adjustment.

"Secs. 5.02–5.20. Reserved.

"ARTICLE II. AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY.

"Section 5.21. **Continuation.** (a) The control, management, and operation of the property and improvements now or hereafter made or acquired by the City for auditorium, coliseum, civic center, and baseball stadium purposes shall continue to be vested in the authority to be known as the auditorium-coliseum-convention center authority. The authority shall continue to be composed of seven members, five members to be appointed by the Council and two members to be appointed by the Mayor. Each member shall serve a term of three years. No member shall serve more than two consecutive terms. In case any vacancy shall be created on said authority, the Council or the Mayor, as the case may be, shall appoint a member to fill the unexpired term. The members of the authority shall receive no compensation.

(b) Attendance of meetings and continued service on the authority shall be governed by the attendance policies established by the Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided herein.

"Section 5.22. **Officers and Funds.** The members of the authority shall elect annually from their body a chair, vice-chair, and a secretary and otherwise provide for the efficient administration of its affairs; provided, however, the finance officer of the City shall by virtue of his office be also the finance officer of the authority, and he shall serve as such finance officer without additional compensation. All funds of the authority shall be kept by its treasurer in a separate bank account or accounts from other funds of the City and shall be paid out only in accordance with procedures established by such authority. The net proceeds from the operation of the authority shall be used to pay the interest and retirement on the bonded debt of the City incurred in connection with such auditorium-coliseum-convention center-baseball stadium and shall not be used for any other purpose until said bonds, principal, and interest have been paid, except as may be otherwise approved by the Council for other uses of the authority. Quarterly operating statements of the authority and an annual audited statement shall be presented to the Council. The authority shall be deemed a "special district," as defined in G.S. 159-7, for purposes of the Local Government Budget and Fiscal Control Act and shall budget and administer its fiscal affairs according to the provisions of that act applicable to special districts.

"Section 5.23. **Powers and Duties.** (a) The authority shall operate the auditorium-coliseum-convention center-baseball stadium in a proper, efficient, economical, and business-like manner, to the end that such properties and facilities may effectively serve the public needs for which they were established at the least cost and expense to the City. The authority shall appoint a Manager of such auditorium-coliseum-convention center-baseball stadium properties, whose salary shall be fixed by the authority. Such Manager shall, in addition to other duties imposed upon him by the authority, be responsible for the collection of rents or fees for the use of the properties and facilities of the authority. The authority shall select such other personnel as it deems advisable to properly operate such properties. The authority shall have full and complete control of such auditorium-coliseum-convention center-baseball stadium properties and facilities; shall have full and complete control over granting and denying the use of, and establishing and collecting rents and fees for the use of, the properties and facilities; shall make all reasonable rules and regulations as it deems necessary for the proper operation and maintenance of such properties and facilities; may expend funds of the authority for the advertising and promotion of the use of the properties and facilities; and may sponsor and promote shows, events, games and activities involving the use of the properties and facilities and make reasonable charges therefor.

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

"CHAPTER 6.

"REGULATORY AND PLANNING FUNCTIONS.

"ARTICLE I. IN GENERAL.

"Secs. 6.01–6.10. Reserved.

"ARTICLE II. TRAFFIC AND PARKING.

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

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

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

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

"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.

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

"Secs. 6.83–6.100. Reserved.

"ARTICLE V. DRAINAGE AND SANITATION.

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

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

"Section 6.103. **Costs a Lien as for Taxes.** The costs to the City of any work performed under this Article shall constitute a lien upon the premises upon which the work is performed. The lien provided for herein shall have the same priority as the lien

for unpaid taxes and may be collected in the same manner as taxes upon real property. 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. 6.104–6.120. Reserved.

"ARTICLE VI. UTILITIES REGULATION.

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

"Secs. 6.122–6.150. Reserved.

"ARTICLE VII. FAIR HOUSING.

"Section 6.151. **Equal Housing.** (a) The Council may adopt ordinances prohibiting discrimination on the basis of race, color, sex, religion, handicap, familial status, or national origin in real estate transactions. Such ordinances may regulate or prohibit any act, practice, activity, or procedure related, directly or indirectly, to the sale or rental of public or private housing, which affects or may tend to affect the availability or desirability of housing on an equal basis to all persons; may provide that violations constitute a criminal offense; may subject the offender to civil penalties; and may provide that the City may enforce the ordinances by application to the Superior Court Division of the General Court of Justice for appropriate legal and equitable remedies, including, but not limited to, mandatory and prohibitory injunctions and orders of abatement, attorneys' fees, and punitive damages, and the court shall have jurisdiction to grant such remedies.

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

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

- (1) The rental of a housing accommodation in a building containing accommodations for not more than four families living independently of each other if the lessor or a member of his family resides in one of those accommodations.

- (2) The rental of a room or rooms in a housing accommodation by an individual if he or a member of his family resides there.
- (3) With respect to discrimination based on sex, the rental or leasing of housing accommodations in single-sex dormitory property.
- (4) With respect to discrimination based on religion to housing accommodations owned and operated for other than a commercial purpose by a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, the sale, rental, or occupancy of such housing accommodation being limited or preference being given to persons of the same religion, unless membership in such religion is restricted because of race, color, national origin, or sex.
- (5) Any person, otherwise subject to its provisions, who adopts and carries out a plan to eliminate present effects of past discriminatory practices or to assure equal opportunity in real estate transactions, if the plan is part of a conciliation agreement entered into by that person under the provisions of the ordinance.

"Section 6.153. **Enforcement.** The Council may create or designate a committee to assume the duty and responsibility of enforcing ordinances adopted pursuant to this article. Such committee may be granted any authority deemed necessary by the Council for the proper enforcement of any fair housing ordinance, including, but not limited to, the power to:

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

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

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

"Secs. 6.156–6.182. Reserved.

"ARTICLE VIII. ZONING REGULATION.

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

"Section 6.184. **Zoning Board of Adjustment.** (a) Members shall be appointed for a term of three years, and no member shall serve more than two full consecutive terms. The board of adjustment shall have and exercise all of the powers, duties, and functions enumerated in G.S. 160A-388; provided, however, that a majority vote of the members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official charged with enforcement of the zoning ordinance or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance or to effect any variation from the provisions of the ordinance.

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

"Secs. 6.185–6.201 Reserved.

"ARTICLE IX. SUBDIVISION REGULATION.

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

"Section 6.203. **Acceptance of and Improvements in Unapproved Streets.** The City shall not accept for maintenance, lay out, open, improve, grade, pave, or light any street or authorize the laying of water mains, sewer connections, or other facilities or

utilities in any street within its territorial jurisdiction, (i) unless such street shall have been accepted or opened as, or shall have otherwise received the legal status of a public street prior to the said attachment of the City's subdivision jurisdiction, or (ii) unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Charlotte-Mecklenburg Planning Commission, or (iii) unless such street be accepted as a public street by the City Manager.

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

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

"Secs. 6.206–6.220. Reserved.

"ARTICLE X. TREES.

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

"CHAPTER 7.

"CITY SERVICES AND FACILITIES.

"ARTICLE I. IN GENERAL.

"Secs. 7.01–7.20. Reserved.

"ARTICLE II. WATER AND SEWER.

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

"Section 7.22. **Dedication of Water and Sewer Lines.** Should any person, firm, or corporation connect any privately owned water or sewer line or lines without first dedicating, giving, granting, and conveying same to the City, the act of connecting shall

be deemed a dedication, gift, grant, and conveyance of such lines to the City, and the City may accept same or may order the disconnection of such lines.

"Secs. 7.23–7.40. Reserved.

"ARTICLE III. REFUSE DISPOSAL.

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

"Secs. 7.42–7.70. Reserved.

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

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

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

"Secs. 7.73–7.80. Reserved.

"ARTICLE V. EMINENT DOMAIN.

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

(b) The City shall have the power of eminent domain to acquire property to provide housing for low- and moderate-income persons but only to acquire: (i) vacant structures Boarded up as a result of housing code violations; (ii) structures that have been found to contain housing code violations that the property owner has failed or refused to correct within a reasonable time; and (iii) vacant properties rendered vacant as a result of a housing code enforcement demolition order. Provided that in the exercise of its authority of eminent domain to acquire property to provide housing for low- and

moderate-income persons, the City shall follow the procedures prescribed in Chapter 40A of the General Statutes. Vesting of title to the property taken under this subsection, and right to possession shall occur pursuant to the provisions of G.S. 40A-42(b). The City may not file an eminent domain action to acquire property described in clauses (i) or (ii) of this subsection until the property owner has had 150 days from the date of the order finding violations of the City housing code to correct the violations. The Council must adopt a plan to use condemned property for low- or moderate-income housing prior to exercising the powers under this subsection.

"Secs 7.82–7.103. Reserved.

"ARTICLE VI. LOCAL IMPROVEMENTS.

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

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

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

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

- (1) Street improvements and/or curb and gutter. When, in the judgment of the Council, any street or part of a street is unsafe; or, the improvement of a street or part of a street not more than three blocks in length is necessary to connect streets already paved; or, the improvement of a street or part of a street is necessary to connect a paved street, or portion thereof, with a paved highway; or, the improvement of a street or part of a street is necessary to provide a paved approach to a railroad or street grade separation or any bridge; or, any street or part of a street should be widened to accommodate present and anticipated volumes of traffic thereon.
- (2) Water main improvements. When, in the judgment of the Council, any street or part of a street, or any property within the City, is without a public water supply and can be served, and water service should be provided in the public interest.

- (3) Sanitary sewer improvements. When, in the judgment of the Council, any street or part of a street, or any property within the City, is without a public sanitary sewer system and can be served, and sanitary sewer service should be provided in the public interest.
- (4) Storm sewer or other surface drainage improvements. When, in the judgment of the Council, any street or part of a street, or any property within the City, is without storm sewer or other surface drainage improvements, and can be served, and storm sewer or other surface drainage should be provided in the public interest.
- (5) Sidewalk improvements. When, in the judgment of the Council, any street or part of a street is without sidewalks and sidewalks should be provided in the public interest.

(e) Whenever the Council finds that public interest requires a sidewalk or sidewalks or portion of driveways within the public right-of-way be repaired, the total cost of such repairs may be assessed against the property abutting the sidewalk or driveway repaired. Before an assessment may be made against abutting property for a sidewalk or driveway repair, at least 30 days' written notice must be given to the abutting property owner personally or by registered or certified mail to his last known address or as shown on the tax records, that he is required to make the designated repairs at his own cost and expense in conformity with the sidewalk standards adopted by the City, and if he shall fail to make such repairs within 30 days after notice served upon him, the City may thereupon make said repairs and assess the cost thereof. Provided, however, if the Council finds that any sidewalk or driveway is in need of immediate repair, the Council may adopt a resolution setting out such finding and directing that such repair be made immediately by the City and that the cost thereof be assessed against the property abutting without notice to the property owner affected.

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

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

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

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

"ARTICLE VII. UPTOWN DEVELOPMENT PROJECTS.

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

(b) Authorization. If the Council finds that it is likely to be of significant economic benefit to the area of the City in which the project is located, the City may acquire, construct, own, and operate or participate in the acquisition, construction, ownership, and operation of a public-private development project or of specific facilities within such a project. The City may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating such a project. Such a contract shall among other provisions, specify the following:

- (1) The property interest of both the City and the developer or developers in the project.
- (2) The responsibilities of the City and the developer or developers for construction of the project.
- (3) The responsibilities of the City and the developer or developers with respect to financing the project.
- (4) The responsibilities of the City and the developer or developers with respect to the operation of the project.

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

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

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

(e) Construction of the Project. The contract between the City and the developer or developers may provide that the developer or developers shall be responsible for construction of the entire public-private development project. If so, the contract shall include such provisions as the City Council deems sufficient to assure that the public facility or facilities included in the project meet the needs of the City and are

constructed at a reasonable price. A project constructed pursuant to this paragraph is not subject to Article 8 of Chapter 143 of the General Statutes as long as City funds constitute not more than fifty percent (50%) of the total costs of the project.

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

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

"CHAPTER 8.

"MISCELLANEOUS.

"ARTICLE I. IN GENERAL.

"Secs. 8.01–8.20. Reserved.

"ARTICLE II. SALE OF PROPERTY.

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

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

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

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

(d) When the Council determines that a sale or disposition of property will advance or further any Council-adopted economic development, transportation, urban revitalization, community development, or land-use plan or policy, the City may, in addition to other authorized means, sell, exchange, or transfer the fee or any lesser interest in real property, either by public sale or by negotiated private sale. The City may attach to the transfer and to the interest conveyed such covenants, conditions, or restrictions (or a combination of them) the City deems necessary to further such adopted policies or plans. The consideration received by the City, if any, for such conveyance, may reflect the restricted use of the property resulting from such covenants, conditions, or restrictions. An interest in property pursuant to this subsection may be conveyed only pursuant to resolution of the Council authorizing the conveyance. Notice of the

proposed transaction shall be given at least 10 days prior to adoption of the resolution by publication in a newspaper of general circulation, generally describing:

- (1) The property involved;
- (2) The nature of the interest to be conveyed; and
- (3) All of the material terms of the proposed transaction, including any covenants, conditions, or restrictions which may be applicable.

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

"Secs. 8.23–8.80. Reserved.

"ARTICLE III. CONTRACTS AND PURCHASES.

"Section 8.81. **Bid Deposits.** The City may, in connection with bids on purchases and contracts to the City, accept as a bid deposit: cash; a cashier's check issued by or certified check drawn on a bank insured by the Federal Deposit Insurance Corporation; a United States money order payable to the City of Charlotte; or a bid bond issued by an insurance company authorized to engage in such business in North Carolina.

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

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

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

- (1) Highly complex and innovative nature of telecommunications, data processing, and data communications equipment, supplies and services; and

- (2) Desirability of a single point of responsibility for the development of contracts for products and services which include in their scope, combinations of design, installation, operation, management, and service and maintenance responsibilities over prolonged periods of time.

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

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

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

- (1) By mailing notice of request for proposals a minimum of 10 days prior to the time specified for opening of said proposal to suppliers represented on the City's current relevant bid list; and
- (2) By advertisement at least one week before the time specified for the opening of said proposals in a newspaper having general circulation in the City. The advertisement shall state the time and place where the request for proposals may be had, and the time and place for opening of said proposals, and shall reserve to the City the right to reject any or all such proposals.

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

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

- (1) Shall include:
 - a. Information relating to the experience of the proposer on the basis of which said proposer purports to be qualified to carry out all work required by a proposed contract;
 - b. The ability of the proposer to secure adequate financing;
 - c. Proposals for project staffing, implementation of work tasks, and the carrying out of all responsibilities required by a proposed contract;
- (2) Language clearly identifying and specifying all elements of cost which would become charges to the City, in whichever form, in return for the fulfillment by the proposer of all tasks and responsibilities established by the request for the proposal for the full lifetime of a proposed

contract, including, as appropriate, but not limited to, (i) the cost of purchase or lease of equipment, (ii) the cost of design, installation, operation, management, and maintenance of any system, and (iii) the cost of any services performed by proposer; and

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

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

(e) The City may make a contract award to any responsible proposer selected pursuant to this section based on a determination that the selected proposal is more responsive to the request for proposals and may thereupon negotiate a contract with said proposer for the purchase and/or lease of equipment and performance of the services set forth in the request for proposals and the response thereto. Such determination is conclusive.

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

- (1) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.
- (2) "Sludge management" means purposeful, systematic control of the generation, storage, collection, transport, treatment, processing, recovery, and disposal of sludge.
- (3) "Sludge management facility" means land, personnel, and equipment used in sludge management.
- (4) "Storage" means the containment of sludge in a manner which does not constitute disposal.
- (5) "City" means the City of Charlotte.

(b) To acknowledge the highly complex and innovative nature of sludge management technology for processing sludge, the relatively limited availability of existing and proven proprietary technology involving sludge management facilities, the desirability of a single point of responsibility for the development of facilities, and the economic and technical utility of contracts for sludge management which include in their scope combinations of design, construction, operation, management, and maintenance responsibilities over prolonged periods of time and that in some instances it may be beneficial to the City to award a contract on the basis of factors other than cost alone, including, but not limited to, facility design, operational experience, system reliability, long-term operational costs, compatibility with sludge production facilities, environmental impact, and operation guarantees, this section establishes special procedures for the construction, design, and operation of sludge management facilities.

Accordingly, and notwithstanding the provisions of Article 8 of Chapter 143 of the General Statutes, or any general, special, or local law, a contract entered into between the City and any person pursuant to this section may be awarded in accordance with the following provisions for the award of a contract based upon an evaluation of proposals submitted in response to a request for proposals prepared by or for the City.

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

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

- (1) Information relating to the experience of the proposer on the basis of which said proposer purports to be qualified to carry out all work required by a proposed contract; the ability of the proposer to secure adequate financing; and proposals for project staffing, implementation of work tasks, and the carrying out of all responsibilities required by a proposed contract;
- (2) A proposal clearly identifying and specifying all elements of cost which would become charges to the City, in whatever form, in return for the fulfillment by the proposer of all tasks and responsibilities established by the request for the proposal for the full lifetime of a proposed contract, including, as appropriate, but not limited to, the cost of planning, design, construction, operation, management, and/or maintenance of any facility; provided, that the City may prescribe the form and content of such proposal and that, in any event, the proposer must submit sufficiently detailed information to permit a fair and equitable evaluation of such proposal; and
- (3) Such other information as the City may determine to have a material bearing on its ability to evaluate any proposal in accordance with this section.

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

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

- (1) A contract, lease, rental, license, permit, or other authorization to design, construct, operate, and maintain such a sludge management facility, upon such terms and conditions for such consideration and for such term or duration, not to exceed 40 years, as may be agreed upon by the City and such person;
- (2) Payment by the City of a fee or other charge to such person for acceptance, processing, management, and disposal of sludge;
- (3) An obligation on the part of the City to deliver or cause to be delivered to a sludge management facility, guaranteed quantities of sludge; and
- (4) The sale, utilization, or disposal of any form of material or residue resulting from the operation of any sludge management facility.

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

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

"Secs. 8.87–8.100. Reserved.

"ARTICLE IV. CONFLICT OF INTEREST.

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

"Secs. 8.102–8.120. Reserved.

"ARTICLE V.

JOINT PERFORMANCE OF FUNCTIONS, ACTIVITIES, AND SERVICES.

"Section 8.121. **Purpose and Power.** For the purpose of enabling the more efficient and/or economical administration and performance of functions, activities, and services, the City of Charlotte and the County of Mecklenburg may, whenever it is deemed in the best interests of their citizens, enter into written agreements for the joint performance of any and all functions, activities, and services which each is now or hereafter authorized to undertake, perform, and carry on. Such joint performance may be carried on through consolidation of existing agencies or departments or through the creation and establishment of new agencies or departments and may include institutions or buildings now existing or hereafter constructed, owned, and operated, either singly or jointly.

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

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

"Section 8.124. **Agreements With Other Governmental Agencies.**

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

"Secs. 8.125–8.130. Reserved.

"ARTICLE VI. LEASE OF PROPERTY.

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

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

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

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

YEAR	CHAPTER
1965	711
1965	713, Sections 1 and 2 only
1967	216
1967	290
1967	730
1967	740
1967	840
1969	65
1969	133
1969	333
1969	384
1969	916
1971	48
1971	49
1971	92
1971	97
1971	140
1971	414
1971	903, Section 1 only
1973	309
1973	332
1973	432
1973	481
1973	841
1973	901
1973	968
1973	980
1973	1045
1973	1046
1975	58
1975	85
1975	115

1975	424
1977	140
1977	141
1977	1161
1979	390
1979	391
1979	446
1981	55
1981	61
1981	363
1981	365
1981	366
1981	441
1981	1135
1981	1136
1981	1137
1981	1138
1981	1140
1981	1167
1983	71, as to the City of Charlotte only
1983	92
1983	437
1983	954
1983	956
1983	1008
1985	343
1985	345
1985	346
1985	347
1985	370, except for Sections 7, 8, and 9
1985	388
1987	191
1987	344
1987	1026
1989	31
1989	149
1989	170
1989	184
1989	185
1989	220
1993	60
1993	171
1993	196
1993	229, except for Section 2

1993 708
1995 23
1995 170
1995 623
S.L. 1997-45
S.L. 1997-107
S.L. 1997-127
S.L. 1997-264
S.L. 1997-305, Sections 1 and 2 only
S.L. 1999-88
S.L. 1999-99
S.L. 1999-456, Section 46 only.

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

YEAR	CHAPTER
1993	417.

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

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 29th day of June, 2000.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives