

CITY OF CHARLOTTE

AD HOC CODE ENFORCEMENT COMMITTEE

Recommendation to Council - Ordinances

September 1, 2021

Summary

The Code Enforcement Ad Hoc Committee was formed by Council via resolution 2021-20 to undertake an evaluation of the City's current code enforcement policies, practices, and methods and make a recommendation to Council. The Committee's assignment was extended to allow time to review the current ordinances and make recommendations for areas of future improvement. Below is a list of the recommended chapters that Council may want to consider for future discussion, along with a brief synopsis of the regulation and rationale for review. In addition, there were two situations that the City reports receiving routine complaints where there is not a current City code or regulation in place. The Committee has suggested those two areas be discussed for consideration of the addition of regulations.

Findings and Recommendations

The Committee recommends the following two areas be evaluated for future regulations:

- Commercial vehicles in residential areas, specifically whether overnight parking and/or storage of equipment, large commercial vehicles, etc should be permitted in residential areas. The current ordinances do not address these types of vehicles or equipment storage.
- Home auto repairs; the ordinances do not adequately regulate at-home auto repairs to provide clear guidelines for what is/is not allowable.

The Committee also recommends the following chapters/sections be reviewed for potential update, clarification, or modification, listed numerically.

- Chapter 10
 - Section 10-4 Domestic Animals and Fowl, (B) allows specifically for dogs, cats, birds and animals commonly classified as household pets to be kept within the city. **The Committee recommends that we evaluate the types of animals allowed to be kept as pets, as well as regulations on the number of animals permitted.**
- Chapter 15:
 - Section 15-75; commercial marihuana restrictions. **The Committee concurs with the Council decision to continue discussion on commercial marihuana regulations.**
- Chapter 34
 - Section 34-06 Fortune Telling. This section prohibits fortune telling, and similar activities. **The Committee recommends elimination of this section as it may not be enforceable.**

- Section 34-106 Fees. The section title has a differing amount from the section text. **The Committee recommends this section be corrected so the title and text are consistent.**
- Section 34-188 Jostling/Crowding in Public. This section prohibits certain behaviors in public places. **The Committee recommends input from the Police Chief regarding this section.**
- Division III, Sections 34-266 thru 34-271 Gambling. This section prohibits gambling activities. **The Committee recommends input from the City Attorney regarding this section and others within Chapter 34 that are duplicative of state laws.**
- Chapter 38
 - Section 38-4: Ball Games. This section regulates where sports activities are permitted at city parks. **The Committee recommends input from the Parks Board regarding this section.**
 - Section 38-5 Hours. This section lists park hours from 6 a.m. to 10 p.m. but signage says 'dawn to dusk'. **The Committee recommends input from the Parks Board regarding this section, and/or updates to signage to be consistent with ordinance language.**
- Chapter 50: Solid Waste
 - Section 50-8(b)2 Responsibility of Property Owner or Occupant. This subsection requires cleaning of receptacle after emptying.
 - Sections 50-8(d)3 Responsibility of Property Owner or Occupant. This subsection requires a person to wrap moist waste prior to disposal.
 - **The Committee recommends review of this language for necessity.**
 - Section 50-40 Hours of Operations. This section limits hours of collection no earlier than 7 am and completion by 5 pm with a provision for extension by the City Manager. **The Committee recommends review of the hours of operation for appropriateness and discussion on enforcement of early pickup concerns.**
- Chapter 52: Property Maintenance and Nuisance Abatement
 - **The Committee recommends the City update to the 2018 International Property Maintenance Code, currently the 2006 edition.**
 - Clarify Section 52-72 Enumeration of Specific Offenses. This section lists noises that are deemed a public nuisance. **The Committee recommends review of the language for appropriateness and enforceability of regulations.**
- Chapter 58: Streets, Sidewalks, and other Public Places
 - Section 58-116 Clearing of Sidewalks. This section requires sidewalks be kept free and clear of ice and snow. **The Committee recommends the City consider regulations to keep sidewalks clear of other hazardous debris and conditions.**
- Chapter 7: Vehicles for Hire
 - Article II Taxicabs. This article enumerates the regulations for taxicabs. **The Committee recommends the City consider whether to include regulations for other transportation models, such as uber or lyft, or for-call services like door dash.**

- Chapter 82: Zoning - **The Michigan Zoning Enabling Act requires all amendments to the City Zoning Ordinance be upon the review and recommendation of the Planning Commission, who is the city's zoning commission.**
 - Section 82-462 Exterior Lighting (A) This section requires all outdoor lighting in all use districts to be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences. **The Committee recommends the City consider whether this is appropriate in all zoning districts.**
 - ARTICLE V. R-1 AND R-2 ONE-FAMILY RESIDENTIAL DISTRICTS, Section 82-107 PRINCIPAL PERMITTED USES. (4) Home occupation
 - This section lists the allowable home occupations and related standards for those uses. **The Committee recommends the City modernize this language for applicable uses that are related to current home occupation uses and standards.**
 - Section 82-461 Signs
 - **The Committee recommends the City review its regulations for Temporary signs for commercial uses to determine whether certain types and locations of temporary signs are appropriate.**
 - **The Committee noted language on signage for home occupations conflicts with current home occupation restrictions as follows and recommends review for consistency:**
 - 82-107 (4) (a) 1. States no changes to outside of house but 82-461 SIGNS. (B) (2) (j) details sign regulations for home occupations.
 - **The Committee recommends that the city review and update the entire sign ordinance for consistency with the Supreme Court ruling, Reed v Town of Gilbert.**

Conclusion

The Committee noted there are a significant number of sections that may need an in-depth evaluation; therefore the members did not prioritize any particular section. This is a recommendation and the decision as to which sections to address, and in what order, belong to the City Council.

Respectfully submitted,

Ann Sovey, Chairperson

Tammy Weissenborn, Vice-chairperson

Daryl Baker, Member

Christopher Lake, Member

Jo Vanderstelt, Member

Bryan Myrkle, Ex-Officio Member