

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA
JUNE 3, 2013
7:00 P.M.**

CALL TO ORDER & WELCOME – CHAIRMAN MCINTYRE

INVOCATION – COMMISSIONER DUNEVANT

PLEDGE OF ALLEGIANCE

APPROVAL / ADJUSTMENTS TO THE AGENDA

SCHEDULED AGENDA ITEMS

1. RETIREMENT AWARD PRESENTATION

Mr. William “Ronnie” Stiller, Public Utilities

2. PUBLIC HEARING FOR THE FY 2013-2014 RECOMMENDED BUDGET

Presenter: Andy Lucas, County Manager

3. TAX ADMINISTRATION

Presenter: Melia Miller, Tax Administrator

A. Presentation of the resolution directing the Tax Administrator not to collect minimum ad valorem taxes in the amount of \$5.00 or less

B. Appointment to the Board of Equalization & Review

4. SENIOR SERVICES

Presenter: Becky Weemhoff, Senior Services Director

A. Appointments to Home and Community Block Grant (HCCBG) Board

B. Catering Contract Award for the Nutrition Program

5. CONTINUATION OF THE PROPOSED STANLY COUNTY ANIMAL CONTROL ORDINANCE

Presenter: Dennis Joyner, Health Director

Request the Board take action to approve, modify or deny the proposed ordinance.

6. BOARD & COMMITTEE APPOINTMENTS

Presenter: Andy Lucas, County Manager

- A. Centralina Workforce Development Board**
- B. Stanly Community College Board of Trustees**
- C. Nursing Homes Community Advisory Committee**

7. CONSENT AGENDA

- A. Minutes – Regular meeting of June 3, 2013**
- B. DSS – Budget amendment # 2013-40**
- C. Agri-Civic Center – Budget amendment # 2013-42**
- D. Sheriff's Dept. – Budget amendment # 2013-41**

PUBLIC COMMENT

GENERAL COMMENTS & ANNOUNCEMENTS

RECESS UNTIL _____ FOR A BUDGET WORKSHOP.

THE NEXT REGULAR MEETING IS SCHEDULED FOR MONDAY, JULY 8, 2013 AT 7:00 P.M.



Stanly County Board of Commissioners

Meeting Date: June 3, 2013

Presenter:

Consent Agenda | Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

Please Provide a Brief Description of your Presentations format: _____

* PC is equipped with Windows XP and Microsoft Office XP (including Word, Excel, and PowerPoint), Internet connectivity and Network connectivity for County Employees.

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*** You can bring in a laptop that will allow video out to be connected at the lectern – set display to 60Mhz.

ITEM TO BE CONSIDERED

RETIREMENT AWARD PRESENTATION FOR WILLIAM "RONNIE" STILLER

Subject

Requested Action

Signature: _____

Dept. _____

Date: _____

Attachments: Yes _____ No x

Review Process

Certification of Action

	Approved		Initials
	Yes	No	
Finance Director	___	___	
Budget Amendment Necessary	___	___	
County Attorney	___	___	
County Manager	___	___	
Other:	___	___	

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

Tyler Brummitt, Clerk to the Board Date



Stanly County Board of Commissioners

Meeting Date: June 3, 2013

Presenter: Andy Lucas

Consent Agenda | Regular Agenda

2

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

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ITEM TO BE CONSIDERED

PUBLIC HEARING FOR THE FY 2013-2014 RECOMMENDED BUDGET

Subject

Requested Action

- Hold the public hearing

Signature: _____

Dept. _____

Date: _____

Attachments: Yes No x

Review Process

Certification of Action

	Approved		Initials
	Yes	No	
Finance Director	___	___	
Budget Amendment Necessary	___	___	
County Attorney	___	___	
County Manager	___	___	
Other:	___	___	

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

Tyler Brummitt, Clerk to the Board Date



Stanly County Board of Commissioners

Meeting Date: June 3, 2013

Presenter: Melia M. Miller – Tax Administrator

_____	3A _____X_____
Consent Agenda	Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

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ITEM TO BE CONSIDERED

Subject

Resolution directing the Tax Administrator not to collect minimal ad valorem taxes charged on the tax records and receipts when the total original principal amount is \$5.00 or less.

Requested Action

I request the Board of Commissioners adopt the Resolution authorized by NC General Statute 105-321(f) as submitted.

Signature: Melia M. Miller

Dept. **Tax Administration**

Date: 6-3-2013

Attachments: Yes X No

Review Process

	Approved		
	Yes	No	Initials

Finance Director _____

Budget Amendment Necessary _____

County Attorney _____

County Manager _____

Other: _____

Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

Tyler Brummitt, Clerk to the Board Date

Machinery Act of North Carolina – Article 20

105-321. Disposition of tax records and receipts; order of collection.

- a. County tax records shall be filed in the office of the assessor unless the board of county commissioners shall require them to be filed in some other public office of the county. City and town tax records shall be filed in some public office of the municipality designated by the governing body of the city or town. In the discretion of the governing body, a duplicate copy of the tax records may be delivered to the tax collector at the time he is charged with the collection of taxes.
- b. Before delivering the tax receipts to the tax collector in any year, the board of county commissioners or municipal governing body shall adopt and enter in its minutes an order directing the tax collector to collect the taxes charged in the tax records and receipts. A copy of this order shall be delivered to the tax collector at the time the tax receipts are delivered to him, but the failure to do so shall not affect the tax collector's rights and duties to employ the means of collecting taxes provided by this Subchapter. The order of collection shall have the force and effect of a judgment and execution against the taxpayers' real and personal property and shall be drawn in substantially the following form:

State of North Carolina

County (or City or Town) of _____

To the Tax Collector of the County (or City or Town) of _____

_____: You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of _____ and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County (or City or Town) of _____, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law. Witness my hand and official seal, this ____ day of _____, _____

_____(Seal)

Chairman, Board of Commissioners of _____ County

(Mayor, City (or Town) of _____)

Attest: _____

Clerk of Board of Commissioners of _____

County (Clerk of the City (or Town) of _____)

- c. The original tax receipts, together with any duplicate copies that may have been prepared, shall be delivered to the tax collector by the governing body on or before the first day of September each year if the tax collector has made settlement as required by G.S. 105-352. The tax collector shall give his receipt for the tax receipts and duplicates delivered to him for collection.
 - d. Repealed by Session Laws 2006-30, s. 5, effective June 29, 2006.

- e. The governing body of a taxing unit may contract with a bank or other financial institution for receipt of payment of taxes payable at par and of delinquent taxes and interest for the current tax year. A financial institution may not issue a receipt for any tax payments received by it, however. Discount for early payment of taxes shall be allowed by a financial institution that contracts with a taxing unit pursuant to this subsection to the same extent as allowed by the tax collector. A financial institution that contracts with a taxing unit for receipt of payment of taxes shall furnish a bond to the taxing unit conditioned upon faithful performance of the contract in a form and amount satisfactory to the governing body of the taxing unit. A governing body of a taxing unit that contracts with a financial institution pursuant to this subsection shall publish a timely notice of the institution at which taxpayers may pay their taxes in a newspaper having circulation within the taxing unit. No notice is required, however, if the financial institution receives payments only through the mail.
- f. Minimal Taxes. – Notwithstanding the provisions of G.S. 105-380, the governing body of a taxing unit that collects its own taxes may, by resolution, direct its assessor and tax collector not to collect minimal taxes charged on the tax records and receipts. Minimal taxes are the combined taxes and fees of the taxing unit and any other units for which it collects taxes, due on a tax receipt prepared pursuant to G.S. 105-320 or on a tax notice prepared pursuant to G.S. 105-330.5, in a total original principal amount that does not exceed an amount, up to five dollars (\$5.00), set by the governing body. The amount set by the governing body should be the estimated cost to the taxing unit of billing the taxpayer for the amounts due on a tax receipt or tax notice. Upon adoption of a resolution pursuant to this subsection, the tax collector shall not bill the taxpayer for, or otherwise collect, minimal taxes but shall keep a record of all minimal taxes by receipt number and amount and shall make a report of the amount of these taxes to the governing body at the time of the settlement. These minimal taxes shall not be a lien on the taxpayer's real property and shall not be collectible under Article 26 of this Subchapter. A resolution adopted pursuant to this subsection must be adopted on or before June 15 preceding the first taxable year to which it applies and remains in effect until amended or repealed by resolution of the taxing unit. (1939, c. 310, s. 1103; 1971, c. 806, s. 1; 1973, c. 476, s. 193; c. 615; 1987, c. 45, s. 1; 1989, c. 578, s. 1; 1991, c. 584, s. 1; 1995, c. 24, s. 1; c. 329, ss. 1, 2; 1999-456, s. 59; 2006-30, s. 5.)

For reference:

105-380. No taxes to be released, refunded, or compromised.

- a. The governing body of a taxing unit is prohibited from releasing, refunding, or compromising all or any portion of the taxes levied against any property within its jurisdiction except as expressly provided in this Subchapter.
- b. Taxes that have been released, refunded, or compromised in violation of this section shall be deemed to be unpaid and shall be collectible by any means provided by this Subchapter, and the existence and priority of any tax lien on property shall not be affected by the unauthorized release, refund, or compromise of the tax liability.
- c. Any tax that has been released, refunded, or compromised in violation of this section may be recovered from any member or members of the governing body who voted for the release, refund, or compromise by civil action instituted by any resident of the taxing unit, and when collected, the recovered tax shall be paid to the treasurer of the taxing unit. The costs of bringing the action, including reasonable attorneys' fees, shall be allowed the plaintiff in the event the tax is recovered.
- d. The provisions of this section are not intended to restrict or abrogate the powers of a board of equalization and review or any agency exercising the powers of such a board. (1901, c. 558, s. 31; Rev., s. 2854; C.S., s. 7976; 1971, c. 806, s. 1; 1973, c. 564, s.

RESOLUTION

DIRECTING THE TAX ADMINISTRATOR NOT TO COLLECT MINIMAL AD VALOREM TAXES

WHEREAS, North Carolina General Statute 105-321(f) authorizes the governing body of a taxing unit that collects its own taxes to direct, by resolution, its tax administrator not to collect minimal taxes charged on the tax records and receipts; and

WHEREAS, minimal taxes are the combined taxes and fees of the taxing unit and any other units for which it collects taxes, due on a tax receipt or on a tax notice in a total original principal amount that does not exceed an amount, up to \$5.00, set by the governing body; and

THEREFORE BE IT RESOLVED by the Stanly County Board of Commissioners that the Tax Administrator is directed not to collect the combined taxes and fees of Stanly County and any other unit of government for which it collects taxes, due on a tax receipt prepared pursuant to G.S. 105-320 or on a tax notice prepared pursuant to GS 105-330.5, when the total original principal amount is \$5.00 or less; and

BE IT FURTHER RESOLVED that pursuant to NCGS 105-321(f) the Tax Administrator shall not bill the taxpayer for, or otherwise collect, such minimal taxes but shall keep a record of all such minimal taxes by receipt number and amount and shall make a report of the amount of these taxes to the Stanly County Board of Commissioners at the time of settlement; and

BE IT FURTHER RESOLVED that this resolution shall be in effect with respect to fiscal year 2013/2014 and shall remain in effect until amended or repealed by resolution of the Stanly County Board of Commissioners.

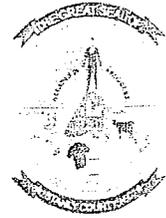
ADOPTED this the _____ day of June 2013.

Gene McIntyre, Chairman

Stanly County Board of Commissioners

OFFICE OF THE
TAX ADMINISTRATOR
PHONE (704) 986-3626
FAX (704) 986-3891

COUNTY OF STANLY
201 SOUTH SECOND STREET
ALBEMARLE, NORTH CAROLINA
28001



DATE: April 11, 2013
TO: Mr. Andy Lucas, County Manager
FROM: Melia M. Miller, Tax Administrator
RE: Minimal Tax Bill

I would like to request that the Board of County Commissioners consider a resolution to adopt a minimal tax bill. To be effective for 2013 billing, the resolution would need to be adopted prior to June 15, 2013. A minimal tax bill can be any amount up to \$5. Surrounding counties have adopted the following:

Cabarrus, Rowan, Union, Iredell	Minimal tax bill is \$5
Stanly County current cost to print (outsourced)	.12
Stanly County current postage – (quoted postage - outsourced)	.42

Applicable statutes and a sample resolution are attached.

SAMPLE

RESOLUTION

DIRECTING THE TAX ADMINISTRATOR NOT TO COLLECT MINIMAL AD VALOREM TAXES

WHEREAS, North Carolina General Statute 105-321(f) authorizes the governing body of a taxing unit that collects its own taxes to direct, by resolution, its tax administrator not to collect minimal taxes charged on the tax records and receipts; and

WHEREAS, minimal taxes are the combined taxes and fees of the taxing unit and any other units for which it collects taxes, due on a tax receipt or on a tax notice in a total original principal amount that does not exceed an amount, up to \$5.00, set by the governing body; and

WHEREAS, the Rutherford County Tax Administrator has determined that the estimated cost to Rutherford County of billing a taxpayer for the amounts due on a tax receipt or tax notice is \$5.00; now,

THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that the Tax Administrator is directed not to collect the combined taxes and fees of Rutherford County and any other unit of government for which it collects taxes, due on a tax receipt prepared pursuant to G.S. 105-320 or on a tax notice prepared pursuant to G.S. 105-330.5, when the total original principal amount is \$5.00 or less; and

BE IT FURTHER RESOLVED that pursuant to N.C.G.S. 105-321(f) the Tax Administrator shall not bill the taxpayer for, or otherwise collect, such minimal taxes but shall keep a record of all such minimal taxes by receipt number and amount and shall make a report of the amount of these taxes to the Rutherford County Board of Commissioners at the time of settlement; and

BE IT FURTHER RESOLVED that this resolution shall be in effect with respect to fiscal year 2005/06 and shall remain in effect until amended or repealed by resolution of the Rutherford County Board of Commissioners.

ADOPTED this the 6 day of June, 2005.



Charles H. Hill, Chairman
Rutherford County Board of Commissioners

ATTEST:



Hazel Haynes
Clerk to the Board



Stanly County Board of Commissioners

Meeting Date: June 3, 2013

Presenter: Melia Miller

Consent Agenda Regular Agenda **3B**

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

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ITEM TO BE CONSIDERED

APPOINTMENT TO THE BOARD OF EQUALIZATION & REVIEW

Subject
 Due to the recent resignation of board member Martha Cranford, it is requested the Board name a replacement to serve her unexpired term until 12/31/2013.
 Enclosed are two (2) applications for your consideration.

Requested Action
 Appoint a replacement to the Board of E & R to serve Martha Cranford's unexpired term until 12/31/2013.

Signature: _____

Date: _____

Dept. _____

Attachments: Yes _____ No x

Review Process

Certification of Action

Approved
 Yes No Initials

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

Finance Director _____

Budget Amendment Necessary _____

County Attorney _____

County Manager _____

Other: _____

 Tyler Brummitt, Clerk to the Board Date

From: Martha Cranford [<mailto:martha.cranford@rccc.edu>]

Sent: Thursday, May 30, 2013 11:56 AM

To: Melia Miller

Subject: RE: Board of Equalization and Review

Melia:

Due to unforeseen circumstances and current responsibilities at Rowan Cabarrus Community College, I respectfully resign my position on the Board of Equalization and Review. I sincerely appreciate the opportunity to serve on the board; but at this time I feel it necessary to resign.

Sincerely

Martha Cranford

Martha O. Cranford

Faculty, Accounting

PBL Advisor Igniting Innovation

Rowan Cabarrus Community College

704-216-3754

NEW EMAIL: martha.cranford@rccc.edu



Stanly County Board of Commissioners

Meeting Date: June 3, 2013
 Presenter: Becky Weemhoff

_____ | 4A
 Consent Agenda | Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

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ITEM TO BE CONSIDERED

Subject

The Home and Community Block Grant (HCCBG) Board has two vacancies. Sue Massey has moved out of town and Jackie Furr-Becker is unable to serve due to health problems. Both of these Board members have been on the HCCBG Board since 1996 when this Board was organized and have served faithfully for the seniors in Stanly County. Their service has been appreciated.

When there are vacancies on this Board, we attempt to replace each vacancy with someone who is from the same geographic location as the previous board member. I have two appointees that I am presenting tonight who are very willing to serve on this Board.

Replacing Sue Massey who lived in Albemarle is Roger Eudy. He is retired with 34 years with the State of NC, is active in the community in various civic groups and coordinates our Veteran's Club at the Sr. Center.

Replacing Jackie Furr-Becker is Kay Baucom from Locust. Kay is retired from banking and remains involved with her family's business in Locust.

Both of these appointees will bring experience, knowledge and skills to the Board and to the seniors of Stanly County.

Requested Action

Request that Roger Eudy from Albemarle and Kay Baucom from Locust be appointed to the HCCBG Board.

Signature: _____	Dept. Senior Services
Date: _____	Attachments: Yes No <u> x </u>
Review Process	
Approved	
	Yes No Initials
Finance Director	___ ___
Budget Amendment Necessary	___ ___
County Attorney	___ ___
County Manager	___ ___
Other:	___ ___
Certification of Action	
Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on	

Tyler Brummitt, Clerk to the Board	Date



Stanly County Board of Commissioners

Meeting Date: June 3, 2013
 Presenter: Becky Weemhoff

_____ | 4B
 Consent Agenda | Regular Agenda

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ITEM TO BE CONSIDERED

Our catering contract with Aramark for the Nutrition Program ends on June 30, 2013. In order to receive as many competitive bids as possible, twelve (12) companies inside and outside of the county were contacted regarding their interest in the program. Of these contacted, five (5) requested bid packets and two (2) bids were received at the bid opening:

	FY 13-14	FY 13-15
Aramark	\$4.19/meal	\$4.13/meal
Punchy's (Concord, NC)	\$4.45/meal	\$4.45/meal

Subject
 Since Aramark uses the county kitchen for the catering of our meals, the cost of the repair, maintenance and depreciation is not a part of their bid cost. This cost amounts to approximately \$0.22/meal. When added to Aramark's bid price above, the price for each caterer for FY 13-14 and for FY 14-15 is comparable.

After contacting Cabarrus County Nutrition Program, which has used Punchy's Diner as their caterer for the past 4 years and highly recommends them, we conducted a site visit to their diner and reviewed their health inspections for the past 12 months. We are convinced Punchy's Diner could provide quality food and service to the seniors in our Nutrition Program. We have also been told by AAA that the USDA reimbursement rate will be increased from \$.020 to \$0.25/meal next year which will mean an additional \$12,000 to \$15,000 in revenue over last year.

Requested Action
 Request the FY 13-14 and FY 14-15 catering contract for the Nutrition Program be awarded to Punchy's Diner in Concord, NC.

Signature: _____	Dept. Senior Services
Date: _____	Attachments: Yes X No _____
Review Process	
Approved	
Yes No Initials	
Finance Director _____	Certification of Action Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on _____
Budget Amendment Necessary _____	
County Attorney _____	



CABARRUS COUNTY
Department of Human Services

William Ben Rose
Director

John Kennedy
Board Chair

May 9, 2013

To whom it may concern:

I confirm that I have known Aaron Jordan, Punchy's Diner, for approximately 5 years. Punchy's Diner caters the congregate meals for Cabarrus County LunchPlus Clubs. At all times I have found Aaron to be extremely dependable, reliable, hard-working and a pleasure to work with. He corrects his mistakes and strives to please. Our LunchPlus Club participants enjoy the food because Aaron serves us the same quality of food that he serves at his restaurant. I'm happy to provide further information if needed.

Thank you,

Cindy Hall
Nutrition Coordinator
Cabarrus County Dept of Human Services

Stanly County – Aramark Food Service Contract

Evaluation of Cost Benefit

Indirect Expense

1. Depreciation of Assets

- Straight line formula
 - 10 year depreciation per NC Dept. of Revenue
 - No salvage value used (conservative estimate)
- A. Total kitchen assets value = \$77,800
B. Cost – Salvage / Years $(\$77,800 - \$0) / 10$
C. Depreciation per year = \$7,780
D. Aramark's senior nutrition share per year (41.4%) = \$3,221

2. Lease of Space

- Market rate for uptown Albemarle = \$8 to \$10 per sq. foot
- A. Total square feet - jail kitchen facility = 2,580
B. Annual lease rate at \$9 per sq. foot = \$23,220
C. Aramark's senior nutrition share per year (41.4%) = \$9,613

Total Indirect Expense (Aramark's Senior Nutrition Share) = \$12,834

Approximate meals per year = 59,700

Indirect expense per meal = \$0.22

Total Jail Facility Meal Preparation

Senior nutrition meals per day
= 350 (41.4% of total)

Stanly County inmate meals per day
= 270 (31.9% of total)

Anson County inmate meals per day
= 225 (26.6% of total)



Stanly County Board of Commissioners

Meeting Date: June 3, 2013
 Presenter: Dennis Joyner

Consent Agenda | Regular Agenda

5

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

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ITEM TO BE CONSIDERED

CONTINUATION OF THE PROPOSED STANLY COUNTY ANIMAL CONTROL ORDINANCE

Subject

Requested Action

- Request the Board take action to approve, modify or deny the proposed ordinance.

Signature: _____		Dept.	
Date: _____		Attachments: Yes No <u> x </u>	
Review Process		Certification of Action	
	Approved Yes No Initials	Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on _____ Tyler Brummitt, Clerk to the Board Date	
Finance Director	____ ____		
Budget Amendment Necessary	____ ____		
County Attorney	____ ____		
County Manager	____ ____		
Other:	____ ____		

STANLY COUNTY ANIMAL CONTROL ORDINANCE

Adopted __/__/12

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STANLY COUNTY ANIMAL CONTROL ORDINANCE

ARTICLE I - AUTHORITY, PURPOSE, AND GENERAL PROVISIONS

SECTION 1

AUTHORITY. This ordinance is established pursuant to the following grants of statutory authority:

(A) North Carolina General Statute 153A-121 which delegates to counties the power to regulate by ordinance, acts, omissions, or conditions detrimental to the health, safety or welfare of their citizens and the peace and dignity of the county.

(B) North Carolina General Statute 153A-123, which authorizes counties to levy fines and penalties for violation of their ordinances and allows counties to secure injunction and abatement orders to further insure compliance with their ordinances.

(C) North Carolina General Statute 153A-127 which authorizes counties to define and prohibit the abuse of animals.

(D) North Carolina General Statute 153A-131 which authorizes counties to regulate, restrict or prohibit the possession or harboring of animals which are dangerous to persons or property.

(E) North Carolina General Statute 153A-442 which authorizes counties to establish, equip, operate and maintain animal shelters.

(F) North Carolina General Statute 153A-153 which authorizes counties to levy an annual license tax on the privilege of keeping dogs and other pets within the county.

(G) North Carolina General Statute 130A-192 which authorizes Animal Control Officers to determine if there are any dogs, cats, and ferrets not wearing valid rabies vaccination tags and to take appropriate action regarding said dogs, cats, and ferrets.

(H) North Carolina General Statute 67, Article 1A which authorizes Health Directors to declare a dog dangerous or potentially dangerous.

(I) North Carolina General Statute 130A-186 which authorizes the local health director to appoint one or more certified rabies vaccinators.

(J) North Carolina General Statute 14-4 which makes it a misdemeanor, unless otherwise specified, if any person shall be found guilty of violating an ordinance of the county.

SECTION 2

PURPOSE AND OBJECTIVE. This ordinance is established for the following purposes and objectives:

(A) ANIMAL CRUELTY: To define and prohibit the abuse of animals;

(B) RABIES: To protect citizens and animals of Stanly County from rabies transmitted by unconfined, uncontrolled, or unimmunized dogs, cats or ferrets;

- (9) Keep, or cause to be kept, accurate and detailed records of seizures, impoundments, and disposition of animals coming into the custody of Animal Control, bite cases, violations, complaints, investigations, and monies collected;
- (10) Be empowered to issue Notices of Violation and assess civil penalties for violations of this Ordinance;
- (11) Be empowered to go in the yard of animal owners to inspect the condition of animals;
- (12) Be empowered to make inspections of buildings or dwellings with the consent of the owner or occupant, or by administrative search warrant, or criminal search warrant when there is probable cause to believe that this Ordinance or state law is being violated; and
- (13) Be empowered to go upon private property to seize animals pursuant to the provisions of this Ordinance or Court Order.
- (14) Be authorized to carry such firearms as deemed necessary to perform the duties required by provisions of this ordinance and policies established by the Director of the Stanly County Health Department to ensure safety of Officers and the public. Animal Control Officers will exercise caution and prudence in the use and discharge of firearms within the County limits. Firearms may be used within the county if absolutely necessary and after other means of capture have been exhausted. Animal Control Officers will use due diligence and be aware of surroundings when using firearms. Each Animal Control officer shall complete an annual firearms certification course given by a Licensed Firearms Instructor in North Carolina. A passing score of 70% must be attained and a copy must be placed in the employee file upon receiving a passing score. Cost of this training will be covered by the County.
- (15) Provide notification to the public regarding adoptable and stray animals housed at the animal shelter to promote adoptions and to aid in reuniting lost animals with their owners.

(B) ANIMAL CONTROL DIRECTOR. The Animal Control Director shall be the Chief Animal Control Officer, be in charge of Animal Control, and supervise the Stanly County Animal Shelter. The Animal Control Director shall have the authority to delegate to his Animal Control Officers or Administrative Staff any of the powers granted him by this Ordinance. Any act done by an Animal Control Officer or a member of the Administrative Staff that is in compliance with or within the scope of this Ordinance, shall be considered the official act of the Animal Control Director.

(C) ANIMAL CONTROL OFFICER. All persons employed by the Animal Control Department shall be considered Animal Control Officers and shall have all rights, powers, and immunities granted under this Ordinance and by the general laws of this state to enforce the provisions of this Ordinance and the General Statutes of North Carolina as they relate to animal control and animal welfare.

(D) LICENSURE OF DOGS. No person shall own, keep, or harbor any dog four (4) months of age or older within the county limits unless it has been licensed as herein provided. Dogs shall be listed with the Stanly County Tax Assessor and the name and address of the owner provided. The fee for each tag shall be included on the annual tax bill. A numbered metallic tag shall be issued to the taxpayer. A fee will be paid at the rate set by the Commissioners of Stanly County, and tags must be purchased at the rate of one tag for each dog owned. If the county tag is lost, a duplicate may be obtained from the Stanly County Tax Assessor at a fee as provided by the Stanly County Board of Commissioners. It shall be unlawful for any person to use an issued tag for a dog other than the dog for which the tag was originally issued.

Every owner is required to assure that the County tag is securely fastened to his dog's chain, collar, or harness, which the dog must wear at all times unless it is accompanied by its owner or is engaged in hunting or other sport in which the tag might endanger its safety.

- (C) ANIMALS AT LARGE: To regulate, restrict or prohibit the running at large of any domestic animals;
- (D) STRAY ANIMALS: To regulate, restrict or prohibit the keeping of stray domestic animals;
- (E) ANIMAL NUISANCE: To regulate animals that may be a nuisance;
- (F) INHERENTLY DANGEROUS EXOTIC ANIMALS: To regulate, restrict or prohibit the harboring or keeping or ownership of, wild or exotic animals, poisonous reptiles and dangerous animals;
- (G) ANIMAL BITES: To establish rules and procedures for dealing with animal bites;
- (H) IMPOUNDMENT OF ANIMALS: To regulate the impoundment and confinement of animals;
- (I) REDEMPTION OF IMPOUNDED ANIMALS: To regulate and establish procedures and fees for redeeming impounded animals in the County's Animal Shelter; and
- (J) DESTRUCTION OF ANIMALS: To regulate and establish procedures for destroying diseased, stray, unwanted or unclaimed animals.

SECTION 3

GENERAL PROVISIONS. The following general provisions shall apply to this Ordinance:

(A) ANIMAL CONTROL. Authority is hereby granted to the Stanly County Animal Control Department to enforce this Ordinance. This Ordinance shall be enforced by all Animal Control Officers (as defined in Section 3(C), having all rights, powers and immunities granted in Section 3(a)(1)-(13). All employees of Animal Control are hereby granted the following rights, powers, and immunities and said employees, through Animal Control shall:

- (1) Have the responsibility, along with law enforcement agencies, to enforce all laws of North Carolina and all ordinances of Stanly County pertaining to animals and to cooperate with all law enforcement officers within Stanly County in fulfilling this duty except within townships and municipalities that have adopted their own animal-related ordinances that conflict with this Ordinance.
- (2) Enforce and carry out all laws of North Carolina and all ordinances of Stanly County pertaining to rabies control;
- (3) Be responsible for the investigation of all reported animal bites, for the quarantine of any dog, cat or ferret suspected of having rabies for a period of not less than ten (10) days, and for reporting to the local Health Director as soon as practical the occurrence of any such animal bite and the condition of any quarantined animal;
- (4) Be responsible for the operation of the animal shelter;
- (5) Be responsible for the seizure and impoundment, when necessary, of any animal in Stanly County involved in a violation of this or any other ordinance or state law;
- (6) Investigate cruelty or abuse of animals and protect animals from cruelty or abuse;
- (7) Be empowered to seize animals with the consent of an owner or occupant of the property, or as evidence if the animals are in "plain view," or by criminal or administrative search warrant if the animals are being cruelly treated or abused;
- (8) Patrol homes and businesses in the county as necessary for the purpose of ascertaining compliance with this ordinance or state statute;

deliver said animal within twenty four (24) hours to an approved location, the animal shall be picked up by an Animal Control Officer for transport to the County Animal Shelter. The animal shall be confined for observation for not less than ten (10) days. The owner shall be responsible for the cost of confinement at either place. The Animal Control Director shall have authority to order confinement of a dog, cat or ferret to the County's Animal Shelter or to a licensed veterinary hospital located in Stanly County. Final authority as to place of confinement rests with the County Health Director. After reviewing the circumstances of a particular case, the County Health Director may permit the animal to be confined on the premises of the owner, but only after an inspection and recommendation from the Animal Control Director and proof that the animal is current on vaccination against rabies. The Animal Control Officer's recommendation shall be based on the availability of a suitable secure enclosure on the owner's premises and whether or not other circumstances warrant confinement on the owner's premises.

An owner, harbinger or possessor of an animal which is suspected of having rabies shall immediately notify the Animal Control Department and shall, if safely possible, securely confine the animal until further instructed by the County Health Director or Animal Control Director.

(C) DESTRUCTION OF INFECTED DOGS, CATS, AND FERRETS. If a dog, cat or ferret, in or out of confinement, is suspected of having rabies, as determined by a licensed veterinarian, it shall be the duty of the owner to have such animal euthanized and sent for appropriate testing under the supervision of the Animal Control Director. Any dog, cat or ferret known to have been bitten by another animal which is known or proved to be rabid shall be euthanized immediately by the owner or by the Animal Control Director unless the dog, cat or ferret has been vaccinated against rabies more than 28 days prior to being bitten and is given a booster dose of rabies vaccine within 72 hours of the bite. As an alternative to euthanasia, the dog, cat or ferret may be quarantined at a facility approved by the local health director for a period up to six months, and under reasonable conditions imposed by the health director.

SECTION 4

SANCTIONS, PENALTIES, FINES, AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) FAILURE TO KEEP RABIES TAGS ON DOGS AND FAILURE TO KEEP RABIES TAGS OF CATS AND FERRETS READILY AVAILABLE AT ALL TIMES. It shall be a violation if a dog is observed by an Animal Control Officer not wearing a valid rabies tag, regardless of whether or not the dog is on or off the owner's property and regardless of whether or not the dog has been vaccinated. It shall be a violation of this Article if upon request of an Animal Control Officer, the owner of a cat or ferret cannot readily produce a valid rabies tag for said cat or ferret regardless of whether or not the cat or ferret is on or off the owner's property and regardless of whether or not the cat or ferret has been vaccinated.

(B) FAILURE TO PRODUCE PROOF OF VACCINATION AND/OR FAILURE TO HAVE ANIMAL VACCINATED WHEN THE OWNER IS KNOWN. In addition to any civil penalties that may be imposed for violation of subsection (A) above, the owner of a dog, cat, or ferret may be assessed a civil penalty for violation of this subsection, if he or she fails to produce proof of vaccination and/or fails to have the animal vaccinated within seventy-two (72) hours of the issuance of a written Notice of Violation of subsection (A) above. The Notice of Violation of subsection (A) above shall specify that the owner has seventy-two (72) hours to produce proof of vaccination and/or to have the animal vaccinated and failure to do so shall result in

SECTION 2

VACCINATION FOR RABIES. Owners of dogs, cats and ferrets shall comply with the provisions of this Section.

(A) **VACCINATION.** The owner of every dog, cat and ferret shall have the animal vaccinated against rabies at four (4) months of age, again at one (1) year after initial vaccination, and then every three (3) years by a licensed veterinarian or by a certified rabies vaccinator with a rabies vaccine approved by the United States Department of Agriculture and approved by the North Carolina Commission for Public Health for use in this State. A vaccine will be considered current more than 28 days after the vaccine is administered.

(B) **RABIES TAGS.** A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a dog, cat, or ferret shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words North Carolina or the initials "NC" and the words "rabies vaccine". The owner shall make sure that their dog wears the rabies tag at all times and the owner of a cat or ferret shall make sure that the rabies tag for the cat or ferret is readily available at all times.

(C) **RABIES VACCINATION CERTIFICATES.** The owner of a dog, cat or ferret must be able to produce a current rabies vaccination certificate. This certificate shall be issued by a licensed veterinarian or a certified vaccinator at the time the dog, cat or ferret is vaccinated. A copy of the certificate shall also be mailed or delivered to the Animal Control Director by the licensed veterinarian or certified rabies vaccinator within thirty (30) days of the animal being vaccinated. Stanly County residents who have their animals vaccinated outside of Stanly County are responsible for filing the rabies vaccination certificate within Animal Control within three (3) days of the inoculation or within three (3) days of their return to the local area. A vaccine must be given by a veterinarian or certified rabies vaccinator in the State of North Carolina.

(D) **NON-TRANSFERABLE.** Rabies tags cannot be transferred from animal to animal.

(E) **LOST, DESTROYED OR STOLEN RABIES TAGS.** If a rabies tag is lost, destroyed or stolen, a duplicate tag must be obtained from the veterinarian at a fee not to exceed the actual cost of the tag, link and rivets, plus transportation cost.

SECTION 3

BITES. In order that rabies may be controlled, all persons shall comply with the provisions of this Section.

(A) **PERSONS BITTEN.** Wounds inflicted by a potential carrier of rabies shall be reported immediately to the Animal Control Department by the person who has been bitten, or in case of a child, his or her parents or guardian or other responsible party. Any person who has knowledge of a potential carrier of rabies inflicting a wound shall immediately report the same to the Animal Control Department, and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved, if known. Every physician who treats a wound inflicted by a potential carrier of rabies shall report the incident to the Animal Control Department and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved, if known, within twenty-four (24) hours of rendering treatment.

(B) **CONFINEMENT OF BITING DOGS, CATS, AND FERRETS AND CONFINEMENT OF ANIMALS SUSPECTED OF HAVING RABIES.** Every dog, cat, or ferret that bites a human being shall be confined immediately. The animal shall be delivered by the owner within twenty four (24) hours of the incident to the County Animal Shelter or to a licensed veterinary hospital located in Stanly County. If the owner fails to

The following classifications of owners shall be exempt from this dog licensure requirement:

- An approved rescue, foster or humane organization in accordance with the policies of the Animal Control Department as long as the organization is the temporary custodian of the dog and seeking placement of the dog with a future owner.
- A governmental owner of a dog that is used in an official capacity

(E) ANIMAL CONTROL COMMITTEE. Review of contested decisions concerning the enforcement of this ordinance by the Animal Control Department shall be made by the Stanly County Board of Health.

ARTICLE II - RABIES CONTROL

SECTION 1

DEFINITIONS. As used in this Article the following terms are defined below:

(A) ANIMAL: Domestic dogs, cats, and ferrets.

(B) BITE: The act of an animal seizing flesh with its teeth or jaws so as to tear, pierce or injure the flesh.

(C) CATS: Any and all domestic felines.

(D) CONFINEMENT: Impoundment within the county's Animal Shelter or other appropriate facility.

(E) DOGS: Any and all domestic canines.

(F) HARBORER: Any person, group of persons, firm, partnership or corporation keeping, providing shelter or refuge, hiding, or concealing an animal or allowing an animal to remain on their property.

(G) OWNER: Any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on their property for more than one hundred twenty (120) hours.

(H) POTENTIAL CARRIER OF RABIES: Any wildlife or domestic animal known to harbor or carry the rabies virus;

(I) RABIES VACCINATOR: A person appointed and certified to administer rabies vaccine or a licensed veterinarian.

(J) RABIES VACCINE: An animal rabies vaccine approved by the United States Department of Agriculture for use in this State.

(K) VACCINATION: The administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

SECTION 2

EXEMPTIONS. This Article shall not apply to agencies conducting biomedical research or training, lawful activities for sport, the production of livestock or poultry for sale as a consumer product and the lawful destruction of any animal for the purpose of protecting livestock, poultry or humans.

SECTION 3

GENERAL CARE AND PROHIBITED ACTS. All animals shall be kept and treated under sanitary and humane conditions and failure of the owner or possessor of the animal to abide by the provisions listed below shall subject the owner or possessor to the sanctions described in Section 5.

(A) **FOOD, WATER AND SHELTER.** All animals in the possession of any persons shall be provided proper and adequate food and water. All animals, unless otherwise indicated in this Ordinance, shall be given at suitable intervals, not to exceed twenty-four (24) hours, a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a healthful level of nutrition. All animals shall have access to a constant supply of clean, fresh water. All animals shall be provided proper and adequate shelter from the weather at all times.

(B) **CLEAN SHELTER.** All shelter for animals and the area surrounding said shelter shall be kept clean and sanitary at all times. Unacceptable unsanitary conditions shall include, but not be limited to the accumulation of feces, urine, debris, plant overgrowth, and/or pest infestation within and/or around the area confining the animal.

(C) **MEDICAL TREATMENT.** All owners or possessors of animals shall provide proper medical attention for sick, diseased or injured animals. A sick animal shall go no longer than twenty-four (24) hours without veterinary care.

(D) **CRUELTY AND CRUEL TREATMENT.** No person shall beat, torment, overload, overwork, tease, molest or bait an animal or otherwise cruelly treat an animal as defined in Section 1(B) above. No person shall shoot a dog or any other animal, either on or off the owner's property, unless the animal is in the act of attacking a human being, sheep, cattle, hog, goat, or poultry or any domestic animal. This shall not apply to Animal Control Officers when in the performance of their duties.

(E) **ILLEGAL CONTEST OR COMBAT.** No person shall cause, permit or instigate any dogfight, cockfight, bullfight or other illegal contest or combat between animals or animals and humans.

(F) **POISONING OF ANIMALS.** No person shall expose any known poisonous substance or mix a poisonous substance with food, so that it will likely be eaten by any animal. This does not include acts or attempts of persons to rid their own property of rats and vermin.

(G) **CONFINING ANIMALS TO MOTOR VEHICLES OR TRANSPORTING ANIMALS.** No person shall leave an animal in a closed car, truck or other vehicle for such duration or at temperatures as an Animal Control Officer, in his sole discretion, deems harmful or potentially harmful to the animal. No person shall carry or cause to be carried in or upon any vehicle or other conveyance, any animal in a cruel or inhumane manner.

(H) **ABANDONMENT.** No person shall turn loose or discard any domesticated animal or pet. Any dog, cat, or ferret left without food, water, or shelter for 24 hours will be considered abandoned and may be seized by the Animal Control Department.

ARTICLE III - ANIMAL CRUELTY

SECTION 1

DEFINITIONS. As used in this Article the following terms are defined below:

(A) **ANIMAL:** Every non-human domestic species, livestock, or fowl.

(B) **CRUELTY AND CRUEL TREATMENT:** Every act, omission, or act of neglect whereby unjustifiable, pain, suffering or death is caused or permitted, or attempted to be caused or permitted, against animals, as well as acts or attempted acts of teasing, molesting, baiting or trapping animals unlawfully. By way of example and not limitation, the following acts or conditions shall constitute prima facie evidence of animal cruelty:

- (1) a collar, rope or chain embedded in or causing injury to an animal's neck;
- (2) dogs or cats left out in the rain, snow, extreme heat or cold without shelter (this includes not providing shelter from the elements when using a humane trap for lawfully capturing an animal);
- (3) animals that have not been fed or watered adequately;
- (4) intentionally allowing animals to engage in a fight;
- (5) allowing animals to live in unsanitary conditions;
- (6) allowing animals to live under crowded conditions; and
- (7) failure or refusal of an owner to obtain medical treatment for an animal when in an Animal Control Officer's opinion such treatment is needed.

(C) **OWNER:** Any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal.

(D) **PERSON:** Any human being, firm, partnership or corporation including any nonprofit corporation.

(E) **ADEQUATE SHELTER:** An enclosure of at least four (4) sides, a roof, and a floor that provides adequate protection from the elements, including but not limited to heat, cold, rain, wind, and snow. The enclosure should be large enough to allow the dog to freely and comfortably stand up and turn around, but small enough to enable the dog to retain body heat. The enclosure shall have a slanted, waterproof roof to allow the elements to run off. If the house is made of wood, it shall be raised off the ground at least two (2) inches in order to prevent the rotting of the floor. The door shall be just large enough to allow the dog to enter easily. Clean, dry bedding, such as hay, straw, or cedar shavings, shall be provided. The bedding shall be changed as often as necessary to keep it sanitary. During warmer months, the dog shall be provided with shade from the sun. Shade may be provided via a tree or a tarp at a minimum. Anytime the dog is outside, the water should be provided in a container secured in a manner to prevent spilling. During colder months, the outside container(s) of water shall be monitored to prevent freezing.

The following methods of housing/sheltering animals are considered inadequate:

- (1) underneath outside steps, decks and stoops; or
- (2) inside of vehicles; or
- (3) underneath vehicles; or
- (4) inside metal barrels or
- (5) inside cardboard boxes.

the assessment of a civil penalty for violation of this subsection. If the owner presents proof of vaccination within seventy-two (72) hours of the Issuance of the Notice of Violation of subsection (A) above, a civil penalty for violation of this subsection shall not be assessed. Having the animal vaccinated or showing proof of vaccination shall not discharge any civil penalties previously assessed for violation of subsection (A) above.

If the animal is not vaccinated and/or the civil penalty/penalties is/are not paid within seventy-two (72) hours, Animal Control shall have the authority to summarily seize the animal. The owner shall have three (3) days from the date of seizure to redeem the animal. The owner may redeem the animal by paying the civil penalty/penalties, the redemption fee and all boarding fees. If the owner wishes to request a review of the seizure of the animal, the owner must file a written request with the Stanly County Health Director within three (3) days of the seizure. If a timely request is filed, the Board of Health shall convene within ten (10) days of the receipt of said request. The Board of Health shall hear the case and render a written decision within three (3) days after the hearing and serve the same on the owner. If the owner disagrees with the Board of Health's decision, the owner must seek a review by the Stanly County Superior Court within ten (10) days of the issuance of the Board Committee's written decision. If the owner fails to redeem the animal, or fails to timely request a review of the seizure, or fails to timely appeal the Board's written decision, the animal shall become the property of Stanly County and shall be disposed of according to this Ordinance.

The Animal Control Officer may, in addition, issue a criminal summons or warrant, pursuant to G.S. 130A-25 for the owner's violation of the North Carolina General Statute 130A-185 or 130A-192. Any owner, if convicted, shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.

(C) DOGS WITHOUT VALID RABIES TAGS AND THE OWNER IS UNKNOWN. If a dog is observed not wearing a valid rabies vaccination tag and the owner is unknown and cannot be found, the Animal Control Director or his designee may impound the dog. Written notice of impoundment shall be posted at the Animal Shelter for a minimum of one hundred twenty (120) hours from time of impoundment. If the dog has not been redeemed by the owner after one hundred twenty (120) hours, the dog shall become the property of Stanly County to be disposed of according to this Ordinance. If the owner is found, the dog shall be released upon payment of all redemption fees and a civil penalty for failure to wear a valid rabies vaccination tag. The owner may also be subject to other appropriate penalties described in Article IV, such as a civil penalty for the dog being at large.

(D) FAILURE TO PROVIDE ANIMAL CONTROL WITH RABIES VACCINATION CERTIFICATES. Any veterinarian or certified rabies vaccinator, who willfully refuses to turn over rabies vaccination certificates to Animal Control pursuant to N.C. General Statute 130A-189, shall be subject to the issuance of a criminal summons or warrant or the filing of a civil action to obtain the certificates.

(E) FAILURE TO NOTIFY THE ANIMAL CONTROL DEPARTMENT OF A BITING INCIDENT AND FAILURE TO CONFINE BITING DOGS, CATS, AND FERRETS. If the owner of a dog, cat, or ferret, or the person being bitten, or the parent of a child or other legal guardian or person standing in loco parentis of the person, fails to notify the Animal Control Department and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved in a biting incident; or the owner, who has knowledge of a dog, cat, or ferret biting incident, fails to confine the animal pursuant to Article II, Section 3, an Animal Control Officer or Health Director may seek the issuance of a criminal summons or warrant charging the person with a violation of North Carolina General Statute 130A-196.

(D) VIOLATION OF SECTION 3, SUBSECTIONS (K) OR (L); (ANIMALS AS PRIZES AND PUBLIC EXHIBITS OF ANIMALS). Any person who violates Section 3, Subsection (K) shall be subject to the issuance of a criminal warrant or summons and, if convicted, shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisoned for not more than six (6) months. Any person who fails or refuses to close down an exhibit, function or activity after being instructed to do so by Animal Control shall be subject to the issuance of a criminal warrant or summons and, if convicted, shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.

ARTICLE IV - DOGS AT LARGE AND CONFINEMENT OF DOGS IN ESTRUS

SECTION 1

DEFINITIONS. As used in this Article, the following terms shall have the meanings set forth below:

(A) **DOG:** Any and all domestic canines.

(B) **AT LARGE:** Any dog out of compliance with Section 1 (H), and not under physical restraint.

(C) **IN ESTRUS:** A female dog in what is commonly called "heat."

(D) **NIGHTTIME:** The time from one-hour after sunset until one hour before sunrise.

(E) **OWNER:** Any person, group of persons, firm, partnership or corporation owning, keeping, having charge or taking care of any animal or allowing any animal to remain on their property for one hundred twenty (120) hours.

(F) **OWNER'S PROPERTY:** The owner's property is that area described in a deed of conveyance or the area described in a lease. In a situation involving townhouses or condominiums, Animal Control will treat the "Common Areas" as being owned by the Homeowner's Association. In a situation involving leased apartments, Animal Control will treat the "Common Areas," as being owned by the Lessor/Property Owner.

(G) **PRIOR COMPLAINTS:** For purposes of this Ordinance, any prior verbal or written complaint to Animal Control about a specific dog being at large, or any verbal or written complaint about any dogs of an owner being at large, shall constitute a prior complaint.

(H) **RESTRAINT:** A dog is under restraint if it is:

- (1) inside a secure enclosure that is size appropriate for the dog contained with sides of sufficient height and depth to prevent the animal from jumping, climbing or digging out of the enclosure; or
- (2) inside the primary residence of the owner/harbinger when on the owner's/harbinger's property; or
- (3) controlled by a leash of sufficient means to restrain the dog and under control of a competent person when outside a secure enclosure or home; or
- (4) inside an area on the owner's property secured by a functional, properly maintained electronic fencing device; or
- (5) within the passenger area of a vehicle, restrained in a safe manner to prevent the dog from jumping over the sides or out of an open bed truck, or in a secure enclosure on a vehicle or trailer; or
- (6) under the control of a licensed hunter while said dog is in the act of hunting or training for hunting as regulated by the N.C. Wildlife Resources Commission; or

problem which gives rise to inadequate care or cruel treatment can be corrected immediately or within a short period of time, not to exceed seventy two (72) hours, he may issue a written Notice of Violation requesting the Owner or possessor of the animal to cease and desist or to correct the problem within seventy two (72) hours. If the condition or problem is not corrected within seventy two (72) hours or the Owner or possessor of the animal fails to cease or desist from cruel treatment or fails to adequately provide for the animal, the Animal Control Officer may institute seizure and/or criminal proceedings.

(A) VIOLATION OF SECTION 3, SUBSECTION (D) CRUELTY AND CRUEL TREATMENT, (E) ILLEGAL CONTEST OR COMBAT, (F) POISONING OF ANIMALS, (G) CONFINING ANIMALS TO MOTOR VEHICLES OR TRANSPORTING ANIMALS, (H) ABANDONMENT, OR (I) DISPOSING OF DEAD ANIMALS. When it has been determined by an Animal Control Officer that there has been a violation of one (1) or more of the following subsections: (D), (E), (F), (G), (H), or (I) he may initiate the issuance of a criminal summons or warrant for violating the following criminal statutes:

N.C. General Statute 14-360, Cruelty to Animals

N.C. General Statute 14-361.1, Abandonment of Animals

N.C. General Statute 14-362 and 14-362.1, Cockfighting and Animal Fights and Baiting, Other Than Cock Fights, Dog Fights, and Dog Baiting

N.C. General Statute 14-363, Conveying Animals In A Cruel Manner

N.C. General Statute 14-401, Putting Poisonous Foodstuffs, Antifreeze, etc. In Certain Public Places, Prohibited

N.C. General Statute 106-403 and 106-405, Disposition of Dead Domesticated Animals and Prohibited Acts, Penalties

Any person found guilty under any of the above criminal statutes shall be subject to the penalty therein prescribed, or if no penalty is therein prescribed, then according to N.C. General Statute 14-4.

(B) VIOLATION OF SECTION 3 SUBSECTION (B); (CLEAN SHELTER). Notwithstanding the other provisions and sanctions of this Article, when it has been determined by an Animal Control Officer that animals have been allowed to live in unsanitary conditions, and that said conditions resulted from the owner's unwillingness or inability to clean the area where animals are housed or that the conditions resulted from the number of animals involved, Animal Control may seize the animals pursuant to applicable laws. Before the animals are seized, the Animal Control Director or Health Director shall issue a Declaration of Unsanitary Conditions and Notice of Seizure to the owner. If the owner wishes to request a review of the seizure of the animals, the owner must file a written request with the Board of Health within one hundred twenty (120) hours of the seizure. If a timely request is filed, the Board of Health shall convene within ten (10) days of the filing of said request. If the owner disagrees with the Board of Health's decision, the owner must seek a review by the Stanly County Superior Court within ten (10) days of the issuance of the Board's written decision. If the owner fails to timely request a review of the seizure or fails to timely appeal the committee's written decision, the animal shall become the property of Stanly County and shall be disposed of according to this Ordinance.

(C) VIOLATION OF SECTION 3, SUBSECTION (J) REPORTING INJURED OR KILLED DOMESTIC ANIMALS. When it has been determined by an Animal Control Officer that a domesticated animal has been injured or killed, as a result of coming into contact with an automobile, motorcycle, bicycle or other vehicle, and the person operating said conveyance fails to report the same, and the operator can be identified by an eyewitness or physical evidence, the Animal Control Officer may issue a written Notice of Violation and Civil Penalty to the operator.

Any Owner or lessee of real property who fails to report the existence of an injured or suffering domesticated animal on his property as required by Section 3, Subsection (J) above, may be issued a written Notice of Violation and Civil Penalty.

(I) DISPOSING OF DEAD ANIMALS. All possessors or owners of animals that die, from any cause, shall bury the dead animal to a depth of at least three (3) feet beneath the surface of the ground on his or her leased or owned property. No animal shall be buried within three hundred (300) feet of any flowing stream or public body of water. In the alternative, said animal shall be completely burned or otherwise disposed of in a manner approved by the State Veterinarian or N.C Department of Agriculture. In any event, all dead animals shall be disposed of within twenty-four (24) hours after knowledge of the death. No possessor or owner of a dead animal shall remove the carcass of a dead animal from his premises to the premises of another person without written permission of the person having charge of such premises and without burying said carcass as provided above.

(J) REPORTING INJURED OR KILLED DOMESTIC ANIMALS. All persons who injure or kill a domesticated animal by running over, into, or otherwise coming in contact with such an animal with an automobile, motorcycle, bicycle or other vehicle shall notify the owner of the animal immediately. If the owner is not known, the person who injured or killed the animal shall immediately notify the Animal Control Department or the Police Department if the injury or death occurred in the city or the Sheriff's Department if the injury or death occurred in the county. The person who injured or killed the animal shall give his or her name and address to the appropriate authority. An owner or lessee of real property who finds an injured or suffering domesticated animal on his property shall report the same to Animal Control as soon as the animal is discovered on the real property.

(K) ANIMALS GIVEN AWAY AS PRIZES. No live animal shall be given away, raffled or offered as a prize, premium or advertising device for, or as an inducement to enter, any contest, game or other competition involving skill or chance.

(L) PUBLIC EXHIBITS OF ANIMALS. Animal Control shall have the authority to inspect public exhibits of animals which are a part of fairs, carnivals, festivals, fund raising events, petting zoos and any other activity or function carried on in Stanly County. Stanly County Animal Control shall have the authority to close down any exhibit, function or activity if it is determined that animals are being cruelly treated or animals run the risk of causing injury or harm to the public or run the risk of being injured or harmed themselves. Animal Control, the Health Department nor Stanly County accept any liability for any injury, damage of property or loss visiting or monitoring public exhibits of animals.

SECTION 4

FAILURE TO REPORT ANIMAL CRUELTY. An owner or lessee of property who knows, or based on facts and circumstances should know, that animals are being or have been cruelly treated on the owner's or lessee's real property, shall report said act or acts of cruelty to the Animal Control Department.

SECTION 5

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4, G.S. 14-360, and/or G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s). Whenever it has been determined by an Animal Control Officer that the Owner of an animal, possessor of an animal or any person is in violation of any of the provisions found in Section 3, in addition to the aforementioned criminal and civil remedies, the Officer may seize the animal(s), pursuant to applicable laws, and/or issue written Notices of Violation. If it is determined by an Animal Control Officer that an animal is not in immediate danger, or the condition or

- (7) participating in an animal show, competition or field trial; or
- (8) sufficiently near the owner or a competent handler on the owner's property to be under his/her direct control while playing with or socializing with the dog and the dog is obedient to that person's commands; or
- (9) tethered by means of a size appropriate chain, cable or like device not less than 8 feet in length with swivel fasteners at both ends of the tether. Tethers shall be fastened to a collar (not choke or pinch collar) or harness on the dog and attached to a D-Ring on the collar or harness. It shall be unlawful to tether a dog in such a manner as to cause injury or pain, or not permit it to reach shelter, food and water; or
- (10) on the owner's property that is one (1) acre or greater and remains under the control of their owner on that parcel of land. Under these conditions, the dog does not have to be actively restrained by means of a fence, tether, or other secure enclosure if control can be maintained and the dog restricted to the owner's property.

An animal control officer may, at their discretion, order a more restrictive restraint requirement if circumstances require and it is not detrimental to the health, safety or welfare of the dog.

Exemptions: Law enforcement working canines, service dogs, search and rescue dogs, HRD (Human Remains Detection) dogs.

SECTION 2

DOGS AT LARGE. The owner of a dog shall keep the dog under restraint at all times as specified in Section 1 Subsection (H) above.

SECTION 3

FEMALE DOG IN ESTRUS. An owner shall secure a female dog in estrus within a building or secure enclosure.

SECTION 4

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) **DOG AT LARGE.** If Animal Control receives a "first time" at large complaint and an Animal Control Officer does not personally observe the dog at large, the officer shall investigate said complaint. The Animal Control Officer shall have authority to go on and about private property to investigate said complaint. Upon a finding of probable cause to believe the dog was at large he may issue a written Notice of Violation and Civil Penalty. If an Animal Control Officer observes a dog at large or not appropriately under restraint as required by this article, he may impound the dog even on a "first time" complaint.

The owner of a dog deemed at large may be issued a written notice of violation and assessed a civil penalty for the first violation and additional civil penalties for each subsequent violation. If the dog is impounded, the owner must redeem the dog within one hundred twenty (120) hours. If the owner fails to redeem the dog within one hundred twenty (120) hours, the dog shall become the property of Stanly County and may be disposed of according to this Ordinance. To redeem the dog the owner must pay the civil penalty, all boarding fees and the redemption fee.

When the same dog has been impounded three (3) times or the owner has been cited three (3) times for his dog(s) being at large, the Animal Control Director shall declare the dog(s) a public nuisance and/or cite the owner for maintaining a public nuisance. The dog(s) shall then be housed or confined according to the instructions of the Animal Control Officer. If the dog(s) is/are subsequently found at large or the owner is subsequently cited for his dog(s) being at large, the Animal Control Officer may impound the dog(s) due to the owner's failure to abate the nuisance.

The owner of a dog, which is involved in the unprovoked bite of another person, while the dog is running at large, shall be assessed a civil penalty for the unprovoked bite in addition to a civil penalty for the dog running at large.

(B) DOG AT LARGE AT NIGHT. When the Animal Control Officer has probable cause to believe that a dog was or is at large at night, he may initiate the issuance of a criminal summons or warrant charging the owner with a violation of North Carolina General Statute 67-12. Any person convicted under North Carolina General Statute 67-12 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months. The owner of a dog that allows same to run at large at night shall also be liable in damages to any person injured or suffering lost to his property or chattels.

(C) FAILURE TO CONFINE FEMALE DOG IN ESTRUS. When the Animal Control Officer has probable cause to believe that an owner has failed or refused to confine a female dog in estrus (heat) in a building or secure enclosure, he shall initiate the issuance of a criminal summons or warrant charging the owner with a violation of North Carolina General Statute 67-2. Any person convicted under G.S. 67-2 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months.

(D) PRIVATE REMEDIES. Nothing in this Article shall prevent a private citizen from suing the owner of a dog, which has caused injury to said private citizen or his property for damages or any other loss resulting from a dog being at large.

ARTICLE V - DOG NUISANCE

SECTION 1

DEFINITIONS. As used in this Article the following terms shall have the meanings set forth below:

(A) DOG: Any and all domestic canines.

(B) DOG NUISANCE: The owner shall be responsible for any dog creating a nuisance. The following qualifying act(s) or conditions described in numbers one (1) through eight (8) shall be deemed prima facie evidence of an animal nuisance.

- (1) is at large off of the premises of its owner and not under restraint of a person; or
- (2) chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers or farm stock or domestic animals; or
- (3) gets into or turns over garbage pails; or
- (4) damages gardens or other foliage or other real or personal property; or
- (5) habitually or continuously loiters on school grounds or official County parks or recreation areas

twenty (120) hours, the dog shall become the property of Stanly County and can be disposed of according to this Ordinance.

(D) DOG HOUSED OR RESTRAINED LESS THAN 15 FEET FROM PUBLIC WAY. Notwithstanding the other sanction mentioned above, when it has been determined by an Animal Control Officer that a dog has been housed or restrained within fifteen (15) feet of a public street, road or sidewalk, and the dog poses a threat to the public, but the dog is not in the street, road or on the sidewalk, he shall issue a warning to the owner requesting the owner to move the dog. If the owner refuses to move the dog, the Animal Control Officer shall issue a Notice of Violation and Civil Penalty for the first offense and additional penalties for each subsequent offense. After the second offense, the Animal Control Officer may impound the dog. He must leave a Notice of Impoundment with the owner or affix the notice to the premises. The owner shall have one hundred twenty (120) hours to redeem the dog. The owner must pay any and all outstanding civil penalties, redemptions fees, and boarding fees in order to redeem the dog. If the owner fails to redeem the dog within one hundred twenty (120) hours the dog shall become the property of Stanly County to be disposed of according to this Ordinance.

If a dog is housed or restrained within fifteen (15) feet of a public street, road or sidewalk and the dog poses a threat to the public, and it is found in the public street, road or on the sidewalk and the owner is not at home or refuses to remove said dog from the public street, road or sidewalk, the Animal Control Officer may impound the dog. He must leave a Notice of Impoundment with the owner or affix the notice to the premises. The Animal Control Officer may issue a Notice of Violation and Civil Penalty for a first offense and additional penalties for each subsequent offense. The owner shall have one hundred twenty (120) hours to redeem the dog. The owner must pay any and all outstanding civil penalties, redemptions fees, and boarding fees in order to redeem the dog. If the owner fails to redeem the dog within one hundred twenty (120) hours the dog shall become the property of Stanly County to be disposed of according to this Ordinance.

(E) INTENTIONALLY OR WILLFULLY CAUSING A DOG TO VIOLATE THIS ARTICLE. If Animal Control finds that there is probable cause to believe that a person has intentionally or willfully caused or enticed a dog to be in violation of this Article, it may initiate the issuance of a criminal summons or warrant. Any person found guilty of Section 4 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.

(F) PRIVATE REMEDIES. Nothing in this Article shall prevent a private citizen from suing the owner of a dog with has caused injury to said private citizen or his property for damages or any other loss resulting from an animal being a nuisance.

ARTICLE VI - CATS AS PUBLIC NUISANCE AND CONFINEMENT OF CATS IN ESTRUS

SECTION 1

DEFINITIONS. As used in this Article the following terms shall have the meanings set forth below:

(A) CATS: Any and all domestic felines.

(B) IN ESTRUS: A female cat in what is commonly called "heat."

- or City parks or recreation areas (applicable in the City only if the enforcement of this Ordinance is adopted by a city in Stanly County by resolution); or
- (6) is a dangerous animal as defined in Article VIII; or
- (7) is maintained in an unsanitary condition as to be offensive to sight or smell; or
- (8) is diseased and dangerous to the health of the public.

(C) OWNER: Any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on their property for more than one hundred twenty (120) hours.

SECTION 2

DOG CREATING A NUISANCE. The owner shall be responsible for any dog creating a nuisance, and it shall be a violation of this Article if a dog engages in any of the acts mentioned in Section 1, Subsection (B) above, or Section 3 below.

SECTION 3

DOG HOUSED OR RESTRAINED LESS THAN 15 FEET FROM PUBLIC WAY. Any dog housed or restrained less than fifteen (15) feet from public street, road or sidewalk may be deemed a public nuisance if, in the discretion of Animal Control, the dog poses a threat to the general safety, health and welfare of the general public.

SECTION 4

INTENTIONALLY OR WILLFULLY CAUSING A DOG TO VIOLATE THIS ARTICLE. It shall be a violation of this ordinance for a person to intentionally or willfully cause a dog to be a public nuisance.

SECTION 5

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) WARNINGS. When an Animal Control Officer determines that a violation of Section 3 of this Article has occurred, he may issue a written Warning of Violation and Notice of Public Nuisance, which shall be served on the owner. The owner shall be responsible for abating the nuisance within seventy-two (72) hours by making sure his dog does not engage in any further act or acts which may constitute a nuisance.

(B) FAILURE TO ABATE THE NUISANCE. If the dog engages in any further act(s) or if the owner of the dog fails to abate the condition which constitutes the nuisance within seventy (72) hours, the Animal Control Officer may issue a Notice of Violation and Civil Penalty for the first offense and additional penalties for any subsequent offense. If the owner fails to abate the nuisance after the second civil penalty, Animal Control may seize and impound the dog. If the dog is seized, the Animal Control Officer must post a notice of seizure and impoundment with the owner. The owner may reclaim the dog upon payment of civil fees, redemption fees and boarding fees. If the dog is not reclaimed within one hundred twenty (120) hours, it shall become the property of Stanly County Animal Control and shall be disposed of according to this ordinance.

(C) OWNER UNKNOWN. In situations where the owner of a dog is unknown and the dog is a nuisance, the Animal Control Officer shall impound the dog. If the owner does not redeem the dog within one hundred

(C) NUISANCE: The owner shall be responsible for any cat(s) creating a nuisance. The commission on more than one (1) occasion of any of the following qualifying act(s) or conditions described in numbers one (1) through seven (7) shall be deemed prima facie evidence of a cat nuisance:

- (1) gets into or turns over garbage pails; or
- (2) walks on, sleeps on or scratches an automobile of another; or
- (3) damages gardens or other foliage or other real or personal property; or
- (4) is found on the property of another; or
- (5) roams; or
- (6) is maintained in an unsanitary condition so as to be offensive to sight or smell; or
- (7) in estrus is not confined to a building or secure enclosure.

(D) OWNER: Any person, group of persons, firm, partnership or corporation owning, keeping, having charge or taking care of any cat or allowing any cat to remain on their property for one hundred twenty (120) hours or more.

(E) OWNER'S PROPERTY. The owner's property is that area described in a deed of conveyance or the area described in a lease. In a situation involving townhouses or condominiums, Animal Control will treat the "Common Areas" as being owned by the Homeowner's Association. In a situation involving leased apartments, Animal Control will treat the Common Areas" as being owned by the Lessor/Property Owner.

(F) PRIOR COMPLAINTS. Any verified verbal or written complaint to Animal Control about a specific cat being a nuisance or any verified verbal or written complaint about an owner allowing his cat or cats to be a nuisance shall constitute a prior complaint.

(G) STRAY CATS AT LARGE: Animal Control will NOT routinely pick up stray cats but will assist residents to trap and seize these animals

SECTION 2

CAT NUISANCE. It shall be a violation of this Ordinance for an owner to allow his cat(s) to engage in any of the acts listed in Section 1, Subsection (C) above on more than one (1) occasion. The owner and the cat shall be subject to the sanctions, penalties, fines and remedies stated in Section 4.

SECTION 3

FEMALE CATS IN ESTRUS. Any owner who fails to secure a female cat in estrus (heat) within a building or secure enclosure shall be in violation of this Article.

SECTION 4

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) CAT NUISANCE. Upon receiving a first complaint about a cat or cat owner and after finding probable cause to believe that the cat or cat owner has committed one or more acts listed in Section 1, Subsection (C) above, Animal Control shall issue a written warning to the owner. If Animal Control receives a second complaint about a cat and after investigating said complaint there is probable cause to believe that a cat or the

owner has again engaged in one (1) or more acts described in Section 1, Subsection (C) above, the Animal Control Officer shall issue a written Notice of Public Nuisance to the owner.

The Notice of Public Nuisance shall inform the owner that a civil penalty will be issued if the cat or any other cat owned by him is found to be in violation of this Article again. If this Article is violated after the issuance of the Notice of Public Nuisance, the Animal Control Officer shall issue a Notice of Violation and Civil Penalty.

If, after the issuance of a Notice of Public Nuisance, a cat is physically caught off of the owner's property, the cat may be impounded. A Notice of Impoundment and Notice of Violation and Civil Penalty shall be left with the owner or affixed to the owner's premises. The owner must redeem the cat within one hundred twenty (120) hours. The owner must pay all outstanding civil penalties, redemption fees, and boarding fees in order to redeem the cat. If the owner fails to redeem the cat within one hundred twenty (120) hours, the cat shall become the property of Stanly County and shall be disposed of according to this Ordinance.

When the same cat has been impounded three (3) times or the owner has been cited three (3) times for his being a nuisance, the Animal Control Officer may issue a Notice of Abatement which contains specific written instructions as to how the cat(s) must be confined to the owner's property. If the cat(s) is/are subsequently found to be a nuisance or the owner is subsequently cited for allowing his cat(s) to be a nuisance, Animal Control may impound the cat(s) and the Animal Control Officer shall initiate an action in District Court for custody of the cat(s) based on the owner's failure to abate the nuisance.

(B) FAILURE TO CONFINE A FEMALE CAT IN ESTRUS. When the Animal Control Officer has probable cause to believe that an owner has failed or refused to confine a female cat in heat in a building or secure enclosure, he may initiate the issuance of a civil penalty as provided under this ordinance.

(C) PRIVATE REMEDIES. Nothing in this Article shall prevent a private citizen from suing the owner of a cat, which has caused injury to said private citizen or his property for damages or any other loss resulting from a cat being a public nuisance.

ARTICLE VII - KEEPING STRAY ANIMALS

SECTION 1

DEFINITIONS. As used in this Article the following terms shall have the meanings set forth below:

(A) ANIMAL: domestic animals such as dogs, cats, and ferrets.

(B) STRAY: An animal within the County wandering at large or lost without evidence of the identification of an owner, or any animal within the County whose owner, if determinable, has failed to pay for and procure a license or vaccination tag, shall be deemed a stray.

SECTION 2

KEEPING STRAY ANIMALS.

Persons who harbor, feed, keep in possession by confinement or otherwise, any stray animal which does not belong to him or her, are to notify Animal Control within seventy-two (72) hours from the time such animal came into his or her possession to aid in reuniting the animal with their owner. Any person coming into possession of an animal that does not belong to him or her, shall be deemed the temporary custodian of said

animal and after one hundred twenty (120) hours of coming into possession of the animal shall be subject to compliance with all provisions of this Ordinance.

SECTION 3

REFUSAL TO SURRENDER A STRAY ANIMAL. It shall be unlawful for any person to refuse to surrender a stray animal to Animal Control upon demand in order to reunite the animal with their owner.

SECTION 4

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) **KEEPING STRAY ANIMALS.** When the Animal Control Officer has determined that a person has violated Section 2 above, he may issue a written Notice of Violation and Civil Penalty to the person in violation. Once Animal Control takes possession of a stray animal, it shall be placed in the County's Animal Shelter for redemption by the Owner.

If the Owner is not found or the animal is not redeemed after one hundred twenty (120) hours, the animal shall become the property of Stanly County and may be disposed of according to this Ordinance.

(B) **REFUSAL TO SURRENDER STRAY ANIMAL.** Any person who fails or refuses to surrender a stray animal to Animal Control after demand, if convicted, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

ARTICLE VIII - DANGEROUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL

SECTION 1

DEFINITIONS. As used in this Article the following terms shall have the meanings set forth below:

(A) **ANIMAL:** Domestic dogs, cats, and ferrets.

(B) **AT LARGE:** When any previously determined dangerous animal is off of the property of its owner and not under restraint or when any previously determined dangerous animal is not confined to a secure enclosure while on the property of its owner, it shall be deemed at large.

(C) **DANGEROUS ANIMAL:**

(1) An animal that:

- (a) without provocation has killed or inflicted severe injury on a person, or
- (b) is determined by the Animal Control Department to be potentially dangerous because the animal has engaged in one or more of the behaviors listed in the definition of a potentially dangerous animal; or
- (c) is owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting.

(D) **POTENTIALLY DANGEROUS ANIMAL:** An animal that has been determined to have:

- (1) Inflicted a bite on a person that resulted in any of the following: broken bones, disfiguring lacerations or injuries requiring cosmetic surgery, hospitalization, or other medical care.
- (2) Killed or inflicted severe injury upon a domestic animal, when not on the owner's real property.
- (3) Approached a person (if the person was not trespassing on the owner's property) in a vicious or terrorizing manner in an apparent attitude of attack. (NCGS 67-4.1(2))

(E) OWNER: Any person, group of persons, firm, partnership or corporation owning, keeping, harboring, having charge of or taking care of a dangerous or potentially dangerous animal or allowing a dangerous or potentially dangerous animal to remain on their property for one hundred twenty (120) hours.

(F) OWNER'S PROPERTY: Any real property owned or leased by the owner of a dangerous animal, not including any public right-of-way or the common areas of a condominium, apartment complex or townhouse development.

(G) RESTRAINT: A dangerous or potentially dangerous animal is restrained if it is in a secure enclosure or firmly under the control of a competent person. When the animal is not in a secure enclosure on the owner's property, it shall be securely muzzled and under restraint by a competent person who by means of a non-retractable appropriately sized leash, not to exceed six (6) feet in length, has such animal firmly under control at all times. For purposes of this section, tethering a dangerous or potentially dangerous animal to a stake, pipe, tree or any other stationary object shall not constitute restraint. When the animal is not under the control of a competent person, restraint shall mean confinement to a secure enclosure deemed appropriate by the Animal Control Director or his designee.

(H) SECURE ENCLOSURE: An enclosure, the specifications of which are listed below, from which a dangerous animal or potentially dangerous animal cannot escape unless freed by an owner. The secure enclosure shall be enclosed as a permanent structure with dimensions of at least 10x10x6 feet with at least 6-gauge wire and S-20 framing at the top, sides, and bottom of the structure. If the structure does not have a concrete floor, it shall have vertical sides made of a least 6-gauge wire that are at least eight (8) feet tall with at least six (6) feet above ground and at least two (2) feet buried underground. The door or doors of the secure enclosure must have secure locks on them at all times the animal is within the structure and not under control of its owner as outlined in item F of this section. The Animal Control Officer may approve in writing other structures that will appropriately confine the animal. Human dwelling units shall not be approved as enclosures for dangerous animals.

SECTION 2

EXEMPTION. This Article shall not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties, or a dog being used in a lawful hunt, or a dog used as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, or a dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

SECTION 3

DETERMINATION OF DANGEROUSNESS. If the Animal Control Department or Health Director receives information that an animal has exhibited or committed any of the acts described in the dangerous animal or potentially dangerous animal definitions above, the animal shall be immediately impounded by the Animal Control Department at the Stanly County Animal Shelter or other facility approved by the Health

Director. The Health Director shall make a determination as to whether the animal is dangerous or potentially dangerous. The Health Director must issue a written determination within one hundred twenty (120) hours of learning about the dangerous propensity of the animal. Whatever determination the Health Director makes must be placed in writing. The written decision must contain his reasons for declaring or not declaring the animal potentially dangerous. If the animal is declared potentially dangerous, specific instructions in accordance with Section 4 of this Article and any other controls as deemed as necessary by the Health Director shall be given. These instructions must be followed during the pendency of any appeal filed by the owner and at all times thereafter unless the owner prevails on appeal. Animals declared dangerous or potentially dangerous shall remain impounded at the Stanly County Animal Shelter or other facility approved by the Health Director or Animal Control Director. The animal shall be impounded until such time as the Health Director is satisfied that a secure enclosure is constructed by the owner and all the aforementioned instructions and controls have been met; however, dangerous animals or potentially dangerous animals not reclaimed by the owner within thirty (30) days of being deemed dangerous shall become property of Stanly County and be humanely destroyed except in cases in which there are pending appeals. All fines, penalties and fees shall be paid by the owner of the dangerous animal or potentially dangerous animal prior to the animal being reclaimed. The written decision shall be served on the owner of the animal. If the owner of the animal agrees with the decision, he shall go to the Animal Control Department during its normal operating hours to meet with an Animal Control Officer and review applicable confinement information/ documents within 72 hours of receiving the written decision. If the owner of the animal disagrees with the Animal Control Department's decision, he must file a written Appeal and Request for Hearing with the Board of Health within three (3) days of receiving the written decision. The Board of Health shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Board of Health shall render a written decision within three (3) days after the hearing and serve the same on the owner. The owner may appeal the Board of Health's decision to the Superior Court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the Board of Health. The appeal shall be heard de novo in Superior Court pursuant to N.C. General Statute 67-4.1(c). If the owner of the animal has no contact with the Animal Control Department within 72 hours of receiving the written decision, the animal will be disposed of in accordance with this Ordinance. If the owner so chooses at any time during the determination of dangerousness process, he may surrender the animal.

SECTION 4 CONFINEMENT AND RESTRAINT OF A DANGEROUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL.

The owner of a dangerous animal or potentially dangerous animal shall keep the animal within a secure enclosure, as defined in Section 1 of this Article, on his property. When the animal is not in a secure enclosure on the owner's property, it shall be securely muzzled and under restraint by a competent person who by means of a non-retractable, appropriately sized leash, not to exceed six (6) feet in length, has such animal firmly under control at all times. The owner shall notify Animal Control immediately of an escape by the animal.

All dangerous animals and potentially dangerous animals must be microchipped for identification by a licensed Veterinarian within twenty (20) days at the owner's expense and Animal Control provided with the identification number.

All owners of dangerous animals and potentially dangerous animals must post a sign that states "DANGEROUS DOG," if the animal is a dog, or "DANGEROUS ANIMAL," if the animal is not a dog, at the common entrance(s) to the property and post same on the enclosure where said animal is confined. The Animal Control Department may use their discretion in requiring additional, non-English languages or pictures on signs.

The Animal Control Department shall have the authority to require the owner of a dangerous or potentially dangerous animal to procure, and provide proof of liability insurance in the amount of at least \$100,000 at the owner's expense and to require the owner to have the insurer notify the department of any change in the insurance or policy.

SECTION 5

TRANSFER OF OWNERSHIP OF A DANGEROUS ANIMAL. If the owner of a dangerous animal or potentially dangerous animal transfers ownership or possession of the animal to another person, the owner shall provide the Animal Control Department with written notice prior to the transfer of ownership or possession. Minimally, said written notice shall contain the anticipated date of transfer and the name, address, and telephone number of the new owner or person taking possession. Additionally, the owner shall provide written notice to the new owner or person taking possession that the animal is dangerous or potentially dangerous, as defined in this Article. If the new owner or person taking possession of the animal resides in Stanly County, then the new owner or person taking possession of the animal shall be subject to the same confinement restrictions as the prior owner. The Animal Control Department shall verify the new owner's or new person taking possession's ability to comply with the confinement restrictions prior to the actual transfer of the animal. If the new owner or person taking possession of the animal does not reside in Stanly County, then the Animal Control Department shall notify the County of residence of the new owner or person taking possession of the animal of the animal's location, dangerousness, and/or potential dangerousness.

Should a Stanly County resident come into ownership or possession of an animal previously declared dangerous or potentially dangerous by another County, Stanly County shall give full faith and credit to the other County's deeming of the animal as dangerous or potentially dangerous. Stanly County shall require the animal and its owner/possessor to comply with the dangerous and/or potentially dangerous requirements contained in this Ordinance.

SECTION 6

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) DANGEROUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL FOUND AT LARGE.

If a previously determined dangerous or potentially dangerous animal is found at large and an Animal Control Officer is unsuccessful in catching the animal, the animal may be tranquilized or humanely destroyed at the Animal Control Officer's discretion with or without prior notice to the owner. If an Animal Control Officer does tranquilize or humanely destroy such an animal, he shall submit a written report of the incident to the Animal Control Director within seventy-two (72) hours of the incident and shall make a good faith attempt to notify the owner of the incident.

If a previously determined dangerous or potentially dangerous animal is determined by an Animal Control Officer to pose immediate danger to the health and safety of any person or animal, the dangerous animal or potentially dangerous animal may be tranquilized or humanely destroyed at the Animal Control Officer's discretion, with or without prior notification to the owner. In the event the Animal Control Officer does tranquilize or humanely destroy such animal, he shall submit a written report of the incident to the Animal

Control Director within seventy-two (72) hours of the incident and shall make a good faith attempt to notify the owner of the incident.

If a dangerous animal or potentially dangerous animal is caught while at large or seen at large, it may be impounded and humanely destroyed. Animal Control may go upon private property to seize the animal. The Health Director may issue a Notice of Intent to Destroy the Animal to the owner. The owner may appeal this intended action by filing a written request with the Board of Health within three (3) working days of receiving the written decision. The Board of Health shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Board of Health shall hear the appeal and render a final written decision within three (3) working days after the hearing and serve the same on the owner. The owner may appeal the Board of Health decision to the Superior Court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the Board of Health. If the owner fails to seek a timely review of the Animal Control Director's Notice of Intent to Destroy the Animal or if he fails to file a timely appeal of the Board of Health's decision, Animal Control may humanely destroy the animal.

If the owner of a dangerous or potentially dangerous animal has failed to adhere to the written instructions provided by the Health Director, the Health Director may issue an Order of Seizure with Intent to Destroy the Animal to the owner. The owner may appeal this intended action by filing a written request with the Board of Health within three (3) working days of receiving the written decision. The Board of Health shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Board of Health shall hear the appeal and render a final written decision within three (3) working days after the hearing and serve the same on the owner. The owner may appeal the Board of Health decision to the Superior Court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the Board of Health. If the owner fails to seek a timely review of the Health Director's Notice of Intent to Destroy the Animal or if he fails to file a timely appeal of the Board of Health's decision, Animal Control may humanely destroy the animal.

(B) FAILURE TO CONFINE OR RESTRAIN A DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL AND FAILURE TO PROVIDE NOTICE OF TRANSFER. Any owner who fails to confine or restrain a dangerous animal or any owner who fails to provide the written notices described in Section 5 above or violates any provisions of this Article shall be subject to the sanctions, fines, penalties and remedies mentioned above, as well as being subject to the issuance of a criminal warrant or summons. If convicted, the owner shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or both (N.C.G.S. 67-4.2) (c)).

ARTICLE IX - INHERENTLY DANGEROUS EXOTIC ANIMALS

SECTION 1

DEFINITIONS.

(A) INHERENTLY DANGEROUS EXOTIC ANIMAL: An animal which falls within any of the following categories:

- (1) a non-human primate;
- (2) Canidae, including any member of the dog (Canid) family not customarily domesticated by man, or any hybrids thereof, including but not limited to wolves and wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*);

(3) Felidae, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, and any hybrids thereof, but not including domestic cats (*Felis catus*);

(4) Ursidae, including any member of the bear family, or any hybrids thereof;

(5) Venomous reptiles, insects, or arachnids not indigenous to Stanly County.

(B) OWNER: Any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on their property for more than seventy-two (72) hours. As used with Inherently Dangerous Exotic Animals, "Owner" also includes one who allows an inherently dangerous exotic animal to remain in, be lodged, fed, given shelter or refuge within the Owner's home, store, yard, enclosure, out-building, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

SECTION 2

PROHIBITION. It shall be unlawful to own, possess, keep, or harbor an inherently dangerous exotic animal, as defined in this Ordinance, within Stanly County. Upon Animal Control's discovery of the owning, possessing, keeping, or harboring of an inherently dangerous exotic animal, as defined in this Ordinance, within Stanly County, the Owner of said animal shall have 72 hours to remove said animal from Stanly County. The Owner shall provide the Animal Control Department with written notice containing the name, address, and telephone number of the new owner or person taking possession of said animal. Additionally, the Owner shall provide written notice to the new owner or person taking possession that the animal is inherently dangerous. The Animal Control Department shall notify the County of residence of the new owner or person taking possession of the animal of the animal's location and inherent dangerousness.

Should the Owner not remove the inherently dangerous exotic animal from the County within 72 hours of discovery, the Animal Control Department shall institute seizure of said animal and any and all costs of seizure shall be paid by the Owner.

An Owner who owned, possessed, kept or harbored such inherently dangerous exotic animal on or before the effective date of this Ordinance shall remove said animal(s) from the County within six (6) months following the adoption of this Ordinance.

SECTION 3

EXEMPTIONS.

This Article IX shall not apply to:

- A. Veterinary clinics in possession of such animals for treatment or rehabilitation purposes;
- B. Institutions regulated by the USDA;
- C. Institutions accredited by the American Zoo and Aquarium Association;
- D. Registered non-profit humane societies;
- E. Animal Control authority or law enforcement officers acting under authority of this Act;
- F. Any wildlife rehabilitator licensed by the State;
- G. Non-resident circuses for no longer than one 7-day period for separate locations where such circuses are held within the County per calendar year;

- H. Non-resident carnivals for no longer than one 7-day period for separate locations where such carnivals are held within the County per calendar year;
- I. Persons temporarily transporting such animals through the County, providing that such transport shall not be longer than 24 hours.
- J. Any licensed or accredited research or medical institution or educational institution.

**SECTION 4
IMPOUNDMENT.**

Disposition of Impounded Animals:

- A. Any inherently dangerous exotic animal which is kept by any person in violation of this Ordinance may be taken and impounded by the Animal Control Officer for the protection of the animal, the public, or both. Whenever possible, the Animal Control Officer shall take and impound the animal in the presence of its owner; however, if such is not practical, the Animal Control Officer may take and impound such animal consistent with the provisions of this Ordinance.
- B. If an inherently dangerous exotic animal is impounded pursuant to this Ordinance, the Owner of the animal shall be notified by the Animal Control Officer in person or by certified mail.
- C. Any inherently dangerous exotic animal impounded pursuant to this Ordinance will be held three (3) days for the Owner to reclaim same, but if the animal cannot be taken and impounded safely by the Animal Control Officer, or if proper and safe housing cannot be found for the animal, the Animal Control Officer may immediately destroy the animal.
- D. The Owner of the inherently dangerous exotic animal can reclaim the animal if he or she can satisfy the Animal Control Officer that the safe transfer of the animal to an appropriate location outside the County has been arranged.
- E. If the Owner cannot be located, or has not claimed the inherently dangerous exotic animal within three (3) days after taking and impoundment, the Animal Control Officer shall have the discretion to sell, adopt or euthanize the animal.
- F. All costs of taking, impoundment and care of the inherently dangerous exotic animal will be charged to the Owner regardless of whether the animal is claimed by or returned to said Owner. Such costs, along with any applicable civil penalties, fines, and fees, must be paid in full by the owner prior to the animal being reclaimed.

ARTICLE X - INTERFERENCE

INTERFERENCE. It shall be unlawful for any person to interfere with, hinder, or molest an employee of Animal Control or any other person duly authorized by this Ordinance while in the performance of duty. It shall also be unlawful for any person to seek release, or attempt to release, or to release any animal in the custody of Animal Control, except as otherwise specifically provided in this Ordinance. The Animal Control Officer may initiate the issuance of a criminal warrant for any person violating this Article. If convicted, the person shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

ARTICLE XI - TRAPPING OF DOGS AND CATS

SECTION 1

TRAPPING. It shall not be a violation of this Ordinance for a person to apprehend an animal on his property by trap or by hand; however, the person must call Animal Control within twelve (12) hours of catching the animal. It shall be unlawful for any person to go on the property of another and release a dog or cat from a trap set by Animal Control or from a trap set by the property owner(s). The Animal Control Officer may initiate the issuance of a criminal summons or warrant for any person violating this Article. If convicted, the person shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

At the request of a responsible adult, and if a trap is available and deemed an appropriate measure by an Animal Control Officer, the Stanly County Animal Control Department may place and set an animal trap upon property located in Stanly County that is owned or controlled by the individual making the request for said trap. The person making the request will be required to sign a written agreement authorizing the Animal Control Department personnel to enter the property at all reasonable hours for the purpose of placing or setting the trap, retrieving trapped animals from the trap, and removing trap from property. The person requesting and/or signing for the trap will be responsible for any damage to or loss of the trap. Animal traps will not be set on the property of another and traps are not to be removed from the county

SECTION 2

DAMAGE, DESTRUCTION, AND OR THEFT OF COUNTY ANIMAL CONTROL PROPERTY.

It shall be unlawful for any person to damage, destroy, or steal property belonging to the Stanly County Animal Control Department. Violators will be cited and fined in accordance with this ordinance, to include the cost of replacement or repair of the lost, damaged, destroyed, or stolen property, or criminally charged and prosecuted pursuant to the applicable North Carolina General Statutes.

A citizen may petition the Stanly County Board of Health for a hearing to determine the circumstances for the loss or damage of a trap. The Board of Health may determine the extent of non-intentional loss, destruction, or damage to traps. The Board may relieve the citizen of any financial responsibility; however, the burden of proof will be upon the citizen to show the loss was not caused by intentional loss, damage, or destruction. The citizen may appeal any decision of the Board to the Stanly County Board of Commissioners within ten (10) days for a hearing de novo. Any person assessed a monetary obligation regarding the loss of a trap must provide the monetary restitution within twenty (20) days to the Stanly County Animal Control Department. Any violator will be cited and fined in accordance with this ordinance.

ARTICLE XII - IMPOUNDMENT OF ANIMALS

SECTION 1

DEFINITIONS. As used in this Article, the following terms shall have the meanings set forth below:

(A) ANIMAL: Domestic dog, cat and ferret; includes other wildlife only in case of rabies exposure to human(s) or unvaccinated domestic animal(s).

(B) FERAL CAT: A domestic cat which has adapted to survive in the wild, is homeless and ownerless, and may having descended from stray cats and possibly generations of abandoned house pets.

(C) **IMPOUNDMENT:** Possession or seizure of an animal by Stanly County Animal Control for placement in the County's Animal Shelter or any other appropriate facility.

SECTION 2

IMPOUNDMENT. Not inconsistent with the preceding Articles of this Ordinance, any healthy animal, which appears to be lost, strayed or unwanted, or any dog, cat or ferret which is found not wearing a current valid rabies vaccination tag, may be confined to the Animal Shelter for a minimum period of one hundred twenty (120) hours from time of impoundment, unless otherwise specified by this Ordinance, for redemption by the owner. Any animal not redeemed within one hundred twenty (120) hours shall become the property of Stanly County and shall be disposed of pursuant to this Ordinance. Stanly County Animal Control is authorized to obtain suitable board, maintenance and care from any available source for any impounded animal for which the Animal Shelter is not equipped to care. The owner of any animal impounded and cared for under this provision of the Ordinance may redeem the animal upon payment of all costs for maintenance, transportation and care plus regular redemption fees provided in Article XII.

SECTION 3

FERAL CATS. A feral cat shall be held for one hundred twenty (120) hours for redemption by a possible owner. If the feral cat is not redeemed within one hundred twenty (120) hours, it may be euthanized pursuant to this Ordinance.

SECTION 4

NOTICE. A good faith effort shall be made to notify known owners of impounded animals. If the owner is known, a written Notice of Impoundment shall be served on the owner or affixed to the owner's premises. The written notice shall describe the animal, state the date, time and place the animal was picked up and inform the owner of the conditions whereby the animal may be redeemed. Instructions on how to determine if an animal has been impounded shall be posted at the Animal Shelter. The posting of these instructions at the Animal Shelter shall constitute adequate notice to an unknown owner.

SECTION 5

BOARDING FEES. Pursuant to conditions of this ordinance, the Animal Control Director, with the assistance of Animal Shelter personnel, shall charge to the owner the following fees, which must be paid before an animal may be redeemed:

Per Day Boarding Fee for dogs	\$15.00
Per Day Boarding Fee for cats	\$15.00
Per Day Boarding fee for all other animals kept at the Animal Shelter	\$15.00
Per Day Boarding fee for all other animals not kept at the Animal Shelter	Actual amount charged by the caretaker or boarder of the animal
Non-Routine Charge for transporting the animal	Actual amount charged by the person providing the transportation

The above fees are in addition to the Redemption fees set forth in Article XIV and are subject to adjustment or change by the Stanly County Board of County Commissioners at any time.

ARTICLE XIII - CIVIL PENALTIES

CIVIL PENALTIES. Animal Control is authorized to assess civil penalties for violations of this Ordinance. Animal Control may attempt to collect any assessed civil penalty that is not paid within 20 days of its issuance via the filing of a civil action and/or the use of a collection agency to the extent permitted by applicable law(s). Civil penalties shall be assessed on a per animal, per occurrence basis.

Failure to Provide County Dog Tag	\$50.00
Failure to Wear Rabies Tag	\$50.00
Failure to Vaccinate	\$100.00
Failure to Notify, or Provide Information of a Bite	\$100.00
Manner of Keeping and Treating Animals	\$100.00
Failure to Give Notice of Injuring Animal	\$100.00
Failure to Give Notice of Injured Animal On Property	\$100.00
Unprovoked Dog Bite While Running at Large	\$500.00 plus at- large citation
Animals Running at Large	
1 st Time	\$50.00
2 nd Time	\$75.00
3 rd Time	\$100.00
4 or More Times	Court Proceedings
Failure to Confine Dog/Cat in Estrus	\$75.00
Animal Public Nuisance	
1 st Time	\$50.00
2 nd Time	\$75.00
3 rd Time	\$100.00
4 or More Times	Court proceedings
Dangerous Animal Violations	\$500.00
Violation of Inherently Dangerous Exotic	
Animal Article	\$500.00 plus costs of seizure, if applicable
Interference with Officer	\$500.00
Interference with Trap or Cage	\$100.00
Damage or Neglect to Dog Trap	\$250.00
Damage or Neglect to Cat Trap	\$150.00
Unspecified Violations of the Ordinance (Each)	\$50.00

ARTICLE XIV - REDEMPTION OF ANIMALS

REDEMPTION OF ANIMALS. An owner of an animal, which has been impounded by Animal Control, may resume possession of the animal, except as provided in other Articles of this Ordinance, upon compliance with the following provisions:

(A) **PROOF AND ACKNOWLEDGEMENT OF OWNERSHIP.** Any person attempting to redeem an impounded animal shall present proof sufficient to satisfy Shelter personnel of ownership of the animal. Evidence of ownership may include but is not limited to any of the following:

- (1) License tag from another county;
- (2) Rabies tag for the animal;
- (3) Ownership documents, pedigree papers, bill of sale and any other document identifying the

- person as owner of the animal;
- (4) Photographs of the animal with the owner or other family members; or
- (5) Affidavit from two people in the community stating that the animal has been seen in the presence or possession of the person attempting to resume possession.

Any person attempting to redeem an animal on behalf of an owner shall present proof sufficient to satisfy Shelter personnel that he or she is acting as agent for the owner.

(B) TIME OF REDEMPTION. Any person attempting to redeem an animal must make contact with the Animal Shelter within one hundred twenty (120) hours of the animal being impounded at the Animal Shelter. After making contact, that person shall be given a reasonable amount of time, not to exceed three (3) additional days, to prove ownership and redeem the animal. Boarding fees begin 24 hours after notification.

(C) PAYMENT OF REDEMPTION FEES, BOARDING FEES AND CIVIL PENALTIES. The owner of an impounded animal must pay all redemption fees, boarding fees and civil penalties assessed against the animal before it can be released from the shelter. Any person, after presenting sufficient proof of ownership, may redeem the animal after paying the following fees and costs:

- 1st Redemption by owner \$75.00 + Boarding Fee + Civil Penalty
- 2nd Redemption by owner \$100.00 + Boarding Fee + Civil Penalty
- 3rd Redemption by owner \$150.00 + Boarding Fee + Civil Penalty
- 4th and Subsequent Redemption Contingent upon Court Orders

These amounts may be changed by the Stanly County Board of Commissioners at any time. If the owner has failed to pay all amounts due and if the appropriate holding period has passed, the animal shall then become the property of Stanly County and be disposed of as provided by this Ordinance.

ARTICLE XV - DISPOSITION AND ADOPTION OF IMPOUNDED ANIMALS

SECTION 1

DISPOSITION OF IMPOUNDED ANIMALS. If an animal is not redeemed by its owner within the allowed time for redemption, the animal shall become the property of Stanly County without any further notice to the owner. Once the animal becomes the property of Stanly County, the Animal Control Director is authorized to adopt the animal out or euthanize it. Any sick or diseased animal, which appears to be lost, strayed or unwanted and is found not wearing a rabies vaccination tag or any other form of identification may be euthanized immediately by order of the Animal Control Director. Any sick or diseased animal, with proof of ownership, confined in the County Animal Shelter, may be euthanized by order of the Animal Control Director. All animals released for adoption shall be spayed or neutered and provided appropriate preventive care by a veterinarian as outlined in the Animal Control Department's Adoption Agreement.

SECTION 2

ADOPTION FEES. Fees for animals released for adoption from the Stanly County Animal Shelter shall be set by the Board of County Commissioners.

SECTION 3

BONAFIDE RESCUE GROUPS. Adoptable animals may be transferred at no charge to bonafide nonprofit animal rescue groups that provide their own veterinarian care services in compliance with this ordinance. Said rescue groups must provide documentation of the aforesaid to Animal Control.

SECTION 4

RECOVERY OF ADOPTED ANIMAL. If the adopting party violates the terms of the adoption agreement, the Animal Control Department is authorized to recover, reclaim or repossess an animal and dispose of the animal in accordance with this Ordinance.

ARTICLE XVI - SERVICE AND RETURN OF SERVICE

METHOD OF SERVICE AND RETURN. Unless otherwise specified in this Ordinance, all notices or citations required to be sent or delivered pursuant to this Ordinance shall be served and return of service made as follows:

(A) **PERSONAL SERVICE.** The Animal Control Department or Animal Control Officer may personally deliver notices or citations to all persons due a notice or citation pursuant to this Ordinance. If he does so, he must get the person to sign a certificate verifying that the notice or citation was in fact received, and the Animal Control Director or Animal Control Officer shall sign a return of service certificate verifying that he in fact served the notice or citation. If the person being served refuses to sign the notice or citation verifying receipt of the same, the person making service shall write in the appropriate space "refused to sign." The person's refusal shall not invalidate the service. The Animal Control Director or Animal Control Officer may leave the notice or citation with anyone of suitable age and discretion at the residence or place of business of the person being served. The person serving said notice or citation shall have the recipient sign the service certificate.

(B) **REGISTERED OR CERTIFIED MAIL.** The Animal Control Officer may serve notices or citations by registered or certified mail, return receipt requested.

ARTICLE XVII - APPEALS AND REQUESTS FOR REVIEW OF CIVIL CITATIONS

SECTION 1

APPEAL PROCEDURE. All civil citations may be appealed in writing. The notice of appeal must be addressed to Stanly County Health Department, Attention: Health Director, 1000 North First Street, Suite 3, Albemarle, NC 28001 and postmarked or personally delivered within five (5) days of receipt of the citation.

SECTION 2

APPEAL HEARING. Appeals of Animal Control Civil Citations shall be heard within ten (10) days of the Notice of Appeal, unless a continuance is mutually agreed upon. The Appeal Hearing shall be held by the Health Director or his designee. All testimony offered in a hearing held pursuant to this Article shall be given under oath and recorded by tape recording or any other reasonable manner. The hearing shall be open to the public. The person requesting the hearing may be represented by an attorney. The Animal Control Officer shall have the burden of proving that this Ordinance has been violated and that the proposed sanction is in accordance with the Ordinance. The person requesting the hearing will then be given the opportunity to prove that this Ordinance has not been violated and/or that the sanction is not in compliance with the Ordinance. The person requesting the hearing may admit the violation and confine his proof to showing that the sanction is not in accordance with the Ordinance. The Animal Control Director will then be given the opportunity to address any conflicts or inconsistencies created by the evidence or statements.

The Health Director or his designee will render a Decision and a Notice of Decision will be furnished to all parties concerned (appellant, bite victim, animal owner, etc.) If the sanctions/penalties are upheld, the animal owner will have twenty (20) days to pay any fines or fees before collection efforts are initiated. The animal

owner may further appeal the decision of the Health Director or his designee to Stanly County Superior Court within ten (10) days of the service of the Notice of Decision.

ARTICLE XVIII - GENDER

GENDER STATEMENT. In this Ordinance, words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders, words importing the singular number shall include the plural number, and vice versa.

ARTICLE XIX - SEVERABILITY

SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional in any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE XX - ENFORCEMENT AND EFFECT OF THIS ORDINANCE

SECTION 1

ENFORCEMENT. The Animal Control Director or any other person duly authorized to initiate legal action on behalf of Stanly County may take necessary legal steps to enforce this Ordinance. This Ordinance shall be enforced by imposing the specific sanctions, penalties, fines and other remedies described herein, by seeking injunctive relief, orders of abatement, orders of custody and any other means prescribed by statute or common law. Any violation of this Ordinance, which does not carry a specific sanction, penalty or fine, shall be punishable as a general criminal misdemeanor to the extent permitted by applicable North Carolina law.

SECTION 2

EFFECTIVE DATE. Unless specifically indicated within subsections, the provisions of this Ordinance shall take effect 30 days after its adoption.

SECTION 3

EFFECT ON PRIOR ORDINANCE. All prior animal control ordinances are hereby repealed the day this Ordinance takes effect.

Adopted by the Stanly County Commissioners the ____ day of _____, 2013.

Attest:

Stanly County Commissioners

Clerk to the Board

Chair

ORDINANCE 82-4

STANLY COUNTY ANIMAL CONTROL ORDINANCE

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF STANLY, THIS FIRST DAY OF AUGUST, 1982, REVISED JUNE, 1987, JANUARY, 1993, JULY, 1999, AND JANUARY, 2001 THAT:

ARTICLE I

SECTION 1. DEFINITIONS AND PROCEDURES

As used in this ordinance, the following words mean:

ANIMAL SHELTER: Any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this ordinance.

AT LARGE: Any animal shall be deemed to be at large when he is off the property of his owner and not under the control of a competent person.

KENNEL, DEALER, BREEDER OR PET SHOP: Any person, group of persons, partnership or corporation engaged in buying, selling, breeding or boarding animals.

OWNER: Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions, and behavior of his animals.

PET: A domesticated animal kept for pleasure rather than utility.

RESTRAINT: An animal is under restraint within the meaning of this ordinance if it is (a) controlled by means of chain, leash, or other like device; (b) sufficiently near the owner or handler to be under his direct control and is obedient to that person's commands; (c) on or within a vehicle being driven or parked; (d) within a secure enclosure; or (e) within the property limits of its owner or keeper.

STRAY: Any domestic animal not under restraint and found off the property of his owner.

VICIOUS ANIMAL: Any animal that has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts of the skin; or, one who habitually or repeatedly attacks farm stock or other pets.

POTENTIALLY VICIOUS ANIMAL: Any animal, which has engaged in one or more of the following behaviors:

- A. Killed or inflicted serious injuries on a domestic animal, livestock, or fowl when not on the owner's property.
- B. Approached a person(s), when not on the owner's property, in a vicious or terrorizing manner.
- C. Repeatedly chase, snaps at, or harasses pedestrians, bicyclists or vehicles.
- D. In situations where the animal is tied within 30 feet of pedestrians and the animal lunges, snaps or gives other evidence of attempting to attack humans.

ACTS DEEMED PUBLIC NUISANCE: Any dog that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicyclists, or vehicles, or turns over garbage pails, or damages ornamental gardens, or vegetable gardens, plan beds, or livestock, or other personal property, or a female dog which runs at large during the erotic stage of estrus.

ANIMAL WARDEN: The person or persons employed by the county, as its animal control enforcement officer(s). The term animal control officer is synonymous with the term animal warden as used in this ordinance.

PROCEDURE FOR DETERMINING A VICIOUS OR POTENTIALLY VICIOUS ANIMAL: The Animal Control Department or any employee thereof designated by the Animal Warden shall be responsible for determining when an animal is a "vicious animal" or a "potentially vicious animal." The Animal Control Department must notify the owner in writing giving the reasons for the determination, before the dog may be considered vicious or potentially vicious. The owner may appeal the determination by the Animal Control Department by filing written objection with the Stanly County Board of Health or a committee designated by the Board of Health (The Appellate Board) within (3) days. The Stanly County Board of Health or committee shall schedule a hearing within ten (10) days of the filing of the objection. Any appeal from the final decision of the Stanly County Board of Health or committee shall be taken to the Superior Court by filing Notice of Appeal and a Petition for Review within ten (10) days of the final decision of the Stanly County Board of Health with all cost borne by the appealing party. The appeal shall be heard de novo before a Superior Court judge sitting in the County of Stanly. The decision of the Superior Court Judge shall be final. Any reference to a designated time period shall be calendar days. Should the last calendar day fall on a Saturday, Sunday or a National, State or County Holiday, the first business day thereafter shall be considered the last day.

**SECTION 2. ESTABLISHMENT AND COMPOSITION OF THE ANIMAL CONTROL DEPARTMENT;
APPOINTMENT AND COMPENSATION OF DEPARTMENT EMPLOYEES**

There is hereby created an Animal Control Department of the county, which shall be composed of such employees as shall be determined by the Board of County Commissioners. The Animal Control Department and its employees shall be under the supervision of the Director of the Stanly County Health Department. Such employees shall be appointed by the Director and compensated in accordance with the personnel policies of Stanly County.

SECTION 3. ENFORCEMENT

- A. The provisions of this ordinance shall be enforced by the Animal Warden(s) of the County of Stanly and the Sheriff, Sheriff's deputies, and other police officials of the municipalities of Stanly County, which do not have specific animal control ordinances.
- B. To discharge the duties as imposed by this ordinance and to enforce its provisions the County Animal Warden(s) or police officials as provided in subsection where a dog or cat is being kept or harbored and may require the dog's owner to show its license and proof of rabies vaccination.

SECTION 4. LICENSING

- A. No person shall own, keep, or harbor any dog over the age of four (4) months within the county limits unless it is licensed as herein provided. Written application for the license shall be made to the County Tax Collector and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The license fee shall be paid when the application is made. A numbered receipt shall be given to the applicant, and a numbered metallic tag shall be issued to the owner.
- B. The yearly license fee shall be required for each dog over four (4) months of age and the fee shall be as approved by the Board of County Commissioners.
- C. Every kennel shall pay an annual license fee as established by the Board of County Commissioners with the exception that any person who operates such a kennel may elect to license individual dogs as provided in subsection (b) of Section 4 of this ordinance.
- D. All dog and kennel licenses shall be issued for one year beginning with the first day of January and shall be valid for the twelve-month period thereafter.
- E. If the metallic tag issued for the dog is lost, the owner may obtain a duplicate tag from the County Tax Collector's office for a fee as provided by the Board of County Commissioners.
- F. If the ownership of a dog or kennel changes during the licensing year, the new owner may have the current license transferred to his name for a transfer fee as approved by the Board of County Commissioners.
- G. It shall be unlawful for any person to use a license receipt or license tag issued for a different dog.

SECTION 5. TAG AND COLLAR

- A. When he has complied with the provisions of Section 4 of this ordinance, the owner shall be issued a numbered metallic tag, stamped with the number and year for which issued. The shape or design of this tag may be changed from year to year.
- B. Every owner is required to see that the tag is securely fastened to his dog's chain, collar, or harness, which the dog must wear at all times unless it is accompanied by its owner or is engaged in hunting or other sport in which a collar might endanger its safety.

SECTION 6. RESTRAINT

The owner shall keep his dog under restraint at all times and shall not permit the dog to be at large. Restraint is defined in **SECTION 1** of this ordinance.

SECTION 7. MUZZLES REQUIRED

The owner of every vicious or potentially vicious dog shall confine the dog within a building or secure enclosure and not take it out of the building or secure enclosure unless it is securely muzzled.

SECTION 8. IMPOUNDMENT

- A.** Unlicensed dogs, dogs found running at large, and dogs in violation of any part of this ordinance shall be taken by the Animal Warden and impounded in shelter designated as the County Animal Shelter.
- B.** As soon as he impounds a licensed dog or any other dog whose owner is known to the Animal Warden, the Animal Warden shall notify the owner, or make a reasonable attempt to do so, within twenty-four hours during regular working hours or during the next regular work day in the case of holidays or weekends, informing him that his dog has been impounded and how he may regain custody of the dog.
- C.** The Animal Control Department will not routinely pick up stray cats, however attempts will be made to seize or trap these stray cats upon request.
- D.** Impounded stray dogs shall be confined in a humane manner for not less than three (3) days and if not claimed by the owner, thereafter be disposed of in a humane manner as prescribed by the Head of the Veterinary Public Health Branch of the North Carolina Department of Environment, Health and Natural resources.

SECTION 9. REDEMPTION OF IMPOUNDED ANIMALS

- A.** The owner may reclaim his impounded dog when he complies with the licensing procedures of **SECTION 4** of this ordinance and pays the impoundment fees as approved by the Board of County Commissioners.
- B.** After the animal's owner is contacted, he shall have 24 hours to claim the animal.

SECTION 10. ADOPTION OF IMPOUNDED ANIMALS

- A.** If an impounded dog is not redeemed by its owner within the period prescribed in **SECTION 9** of this ordinance, it may be offered for adoption by a responsible adult, who pays the adoption fee established by the Board of County Commissioners. The Animal Control Department will determine whether the person requesting adoption of a dog is a responsible adult and is likely to provide appropriate care for the animal. All animals released for adoption shall be spayed or neutered and provided appropriate preventive care by a veterinarian prior to being released from the Animal Control Department to the new owner.
- B.** The Stanly County Animal Warden is authorized to charge a fee as approved by the Board of County Commissioners for all impounded cats claimed by owners or adopted by a responsible adult. The Animal Control Department will determine whether the person requesting adoption of a cat is a responsible adult who is likely to provide appropriate care for the animal. All animals released for adoption shall be spayed or neutered and provided appropriate preventive care by a veterinarian prior to being released from the Animal Control Department to the new owner.
- C.** The Animal Warden is authorized to sell unclaimed animals following the expiration of the redemption period to an agency doing official research in the State of North Carolina or a biological supply company which is licensed by the U.S. Department of Agriculture for a fee as approved by the Board of County Commissioners.

SECTION 11. HUMANE CARE OF DOGS AND CATS

- A.** The owner of a dog or cat shall provide it with humane shelter from heat, cold, rain, wind, and snow, and shall give it food and water adequate to keep the animal in good health and comfort. Housing for dogs and cats should be soundly constructed, dry, and provided with clean bedding in cold weather. Dogs and cats should be given the opportunity to exercise and must be provided by their owner with veterinary care when needed to prevent suffering. Arrangements shall be made for care and feeding of dogs and cats during owner's absence.
- B.** When the animal is confined to a lot or building, the lot or building shall be at least 100 square feet (10x10).
- C.** When the animal is tied, the chain or cord must be at least eight feet long.
- D.** Any dog or cat that is left without food, water, shelter for 24 hours or more shall be regarded as abandoned and may be seized by the Animal Control Department.
- E.** Dog fighting is not permitted, the Animal Control Department shall seize any dog found to be participating in a dog-fighting event.

SECTION 12. UNWANTED ANIMALS

If an animal(s) is surrendered by its owner to the Animal Control Department after proof or attesting of ownership, it may be placed for adoption as set forth in **SECTION 10** of this ordinance without waiting three (3) days or it may be disposed of in a humane manner without waiting three (3) days. Abandoning animals in Stanly County is unlawful and persons doing so are guilty of a misdemeanor.

SECTION 13. DESTRUCTION OF WOUNDED OR DISEASED ANIMALS

Notwithstanding any other provisions of this article, any animal impounded which is badly wounded, diseased, or seriously ill (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the Animal Control Department shall attempt to notify the owner before disposing of such animal, but if the owner cannot be reached readily, and the animal is suffering, the Animal Control Department may destroy the animal at its discretion in a humane manner.

SECTION 14. RABIES CONTROL OFFICER

The Animal Warden is hereby designated as the Rabies Control Officer for Stanly County and shall have such powers, duties, and responsibilities as are provided by the provisions of the North Carolina General Statutes. However, such powers, duties, and responsibilities as the Rabies Control Officer shall not conflict with or supersede the powers, duties, and responsibilities of the Director the Stanly County Health Department or rabies inspectors appointed under the provisions of the North Carolina General Statutes.

SECTION 15. RABIES VACCINATION REQUIRED

- A.** No person shall own, keep, or harbor any dog over the age of four (4) months within the county limits unless it has a current vaccination against rabies (hydrophobia).
- B.** A rabies vaccination shall be deemed current if a dog over four (4) months old has received at least one rabies vaccination and the next rabies vaccination shall be given within twelve (12) months and shall be valid for three (3) years thereafter.
- C.** Upon complying with the provisions of this section, there shall be issued to the owner of the dog inoculated a numbered metallic tag, stamped with the number and the year for which issued, and indicating the dog has been inoculated against rabies. The metallic tag shall be affixed to the dog's collar.
- D.** It shall be unlawful for any person to use for any dog a rabies inoculation tag issued for a dog other than the one using the tag.

SECTION 16. REPORT AND CONFINEMENT OF ANIMALS BITING PERSONS OR SHOWING SYMPTOMS OF RABIES

- A.** Every dog or cat which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall promptly be reported to the Animal Control Department, and there upon shall be securely quarantined, at the direction of the Animal Control Department, for a period of ten (10) days, and shall not be released from such quarantine except by written permission from the Animal Control Department.
- B.** Dogs and cats quarantined under this section shall be confined in a veterinary hospital, boarding kennel, or the county animal shelter, at the expense of the owner; provided, however, that if an animal warden determines that the owner of an animal which must be quarantined has adequate confinement facilities upon his own premises, the animal warden may authorize the animal to be confined on the owner's premises provided the owner has secure building with locks or a fenced-in area on his premises and the fenced-in area has no entrances or exists that are not locked, and the animal is currently vaccinated against rabies and has a license tag as required by **SECTION 4** of this ordinance. If the animal is confined on the owner's premises, an animal warden shall revisit the premises for inspection purposes at approximately the middle of the confinement period and again at the end of the confinement period. If the ten (10) day confinement period expires on a holiday or weekend day the period shall be extended to the next regular workday.
- C.** Any person owning an unvaccinated animal that exposes another person or animal to rabies shall be responsible for all costs incurred relating to required medical treatment of exposed humans and confinement of exposed animals.

SECTION 17. VICIOUS OR POTENTIALLY VICIOUS ANIMALS

- A.** It shall be unlawful for any owner to keep any vicious or potentially vicious animal within the County unless it is confined within a secure building or enclosure or unless it is securely muzzled and under restraint by a competent person who, by means of a leash, chain or rope, has such animal firmly under control at all times.

- B. The secure building or enclosure shall be enclosed as a permanent structure with dimensions of at least 10x 10 feet designed to restrain the vicious or potentially vicious animal. Or the secure building or enclosure may be an outside lot or pen with dimensions of at least 10x10x6 feet with at least 6-gauge wire and S-20 framing at the top, sides, and bottom of the structure. Or if the structure doesn't have a bottom, it shall have at least 6-gauge wire buried at least two feet underground from the sides of the pen or lot. The door or doors of the secure building or enclosure must have secure locks on them at all times the animal is within the structure and not under control of it's owner as outlined in item A. of this section. The Animal Control Officer may approve in writing other structures that will appropriately confine the animal.
- C. The owner of any animal determined to be vicious or potentially vicious pursuant to this ordinance shall have 30 days from the date of notification by the Animal Control Officer to provide a humane and secure enclosure as defined in item B. of this section. During this period the animal shall be under the constant restraint on the owner's property as defined in item A. of this section.
- D. If the owner of any animal determined to be vicious or potentially vicious pursuant to this ordinance transfers ownership of the animal, the original owner shall give written notice of the transfer to the Animal Control Department and shall, prior to the transfer, inform the new owner that the animal has been declared to be vicious or potentially vicious by the Animal Control Department.

SECTION 18. TEASING AND MOLESTING

It shall be unlawful for any person to tease, bait, or in any manner antagonize any dog or other pet not belonging to him or under his legal control.

SECTION 19. ANIMALS CREATING A PUBLIC NUISANCE

- A. It shall be unlawful for any owner to permit an animal to run at large, if such animal is reported as creating a public nuisance and an animal warden determines after investigation, that the report is supported by the evidence. The owner must keep the animal that has been found to be creating a public nuisance on his property at all times, unless the animal is under restraint as provided by **SECTION 1** and **6** of this ordinance.
- B. For the purposes of this section, public nuisance includes, without limitation, the following: Animals that habitually or repeatedly chase, snap at, attack, barks at or harass pedestrians, bicyclists or vehicles, or tip over garbage pails, or damage gardens, flowers, or vegetables, or in the case of a female animal, one that is allowed to run at large during estrus.
- C. The owner shall confine any female dog in estrus within a building, lot or enclosed area in such manner that the dog will not be accessible to other dogs except for planned breeding and will not attract male dogs.
- D. It shall be unlawful for any dog owner in the county to keep or have a dog that habitually or repeatedly barks in such a manner or to such an extent that it is a public nuisance. Person(s) lodging such complaints will be responsible for filing the complaint with the appropriate judicial authority.

SECTION 20. USE AND DISCHARGE OF FIREARMS BY COUNTY ANIMAL WARDENS

- A. Animal Warden(s) is authorized to carry such firearms as may be deemed necessary to perform the duties required by provisions of this ordinance and policies established by the Director of the Stanly County Health Department.
- B. Animal Warden(s) shall exercise due caution and prudence in the use and discharge of firearms within the county limits. Firearms may be used within the county limits by Animal Wardens to capture or destroy an animal only after all other reasonable means have been exhausted. Animal Warden(s) shall not discharge firearms in the direction of dwellings, people, livestock, highways, street, or thoroughfares.
- C. Each Animal Warden assigned to the Stanly County Animal Control Department shall complete an eight hour firearms qualification course as soon as practical after appointment and annually thereafter. The senior animal warden assigned to the Animal Control Department shall be responsible for maintaining liaison with the County Sheriff's Department in arranging for this training. A passing score of seventy (70) shall be required of each animal warden. A copy of evident of satisfactory completion of this course shall be placed in each animal warden's personnel file. Cost of the course including tuition, supplies, travel and lodging will be paid by the county.

SECTION 21. INTERFERENCE WITH ENFORCEMENT

- A. The County Animal Warden(s) shall be sworn officers and shall be responsible for the enforcement of this ordinance within Stanly County.

- B. It shall be unlawful for any person to interfere with, hinder, or molest any employee of the Animal Control Department or its agents or animal warden(s) or veterinarians in the performance of any duty authorized by the provisions of this ordinance, or to seek to release any animal in the custody of such agents, except as otherwise specifically provided.

SECTION 22. DAMAGE, DESTRUCTION, AND/OR THEFT OF COUNTY ANIMAL CONTROL PROPERTY

- A. It shall be unlawful for any person to damage, destroy, or pilfer property belonging to the Stanly County Animal Control Department. Violators will be cited and fined in accordance with the provisions of **SECTION 27** of this ordinance to include the cost of replacement or repair of the damaged, destroyed, or stolen property.
- B. The County Animal Warden(s) may upon the request of a responsible adult, place and set an animal trap upon property located within the county which is owned or controlled by the individual making the request, if the trap is available and is deemed to be an appropriate measure by the animal warden(s). The persons requesting the animal trap will be required to sign a written agreement authorizing the Animal Control Department personnel to enter the property at all reasonable hours for the purpose of placing and setting the trap; retrieving trapped animals from the trap; and removing the trap from the property. The person requesting the animal trap will be responsible for damage to or loss of the trap. No animal trap will be placed upon property located within the county without the written consent of the owner or person in control of the property.
- C. A citizen may petition the Stanly County Board of Health for a hearing to determine the circumstances regarding an exemption of payment for the loss or damage of animal traps. The Board of Health may determine the extent of non-intentional loss, destruction or damage to traps, including any lack of negligence. The Board may relieve the citizen of any financial responsibility, the burden of proof however, will be upon the citizen to show that the loss was not the result of negligence or intentional loss, damage or destruction. The citizen may appeal any adverse decision of the Board of Health within ten (10) days to the Stanly County Board of Commissioners for a hearing de novo. Any person assessed a monetary obligation regarding the loss of a trap must provide the required monetary restitution within thirty (30) days of the written demand by the Stanly County Animal Control Department. Any violator will be cited and fined in accordance with the provision of **SECTION 27** of this ordinance to include the assessed monetary restitution.
- D. The County Animal Warden(s) shall not place or set animal traps for normally feral animals.

SECTION 23. SCHEDULE OF FEES FOR THE STANLY COUNTY ANIMAL SHELTER

- A. In order to avoid costly revisions of this ordinance, animal taxes and the fees applicable to the various sections of this ordinance shall be prepared and listed on a separate schedule as approved by the Board of County Commissioners. A copy of the approved fees and animal tax schedule will be available for review at the Stanly County Animal Shelter, the Stanly County Health Department, and the Stanly County Tax Collector's Office. A copy of the approved animal tax and Stanly County Animal Control Department fee schedule may also be obtained at the above places during normal working hours.
- B. The Director of the Stanly County Health Department will review the fees authorized at least annually and will make recommendations for changes to the Board of Health for consideration by the Board of County Commissioners.

SECTION 24. RECORDS TO BE MAINTAINED BY ANIMAL WARDEN

- A. The Animal Warden shall keep or cause to be kept accurate and detailed records of the licensing, impoundment, and disposition of all animals that come into his custody.
- B. The Animal Warden shall keep or cause to be kept accurate and detailed records of all bite cases reported to him and his investigation of these bites.
- C. The Animal Warden shall keep or cause to be kept accurate and detailed records of all monies collected by him under **SECTION 4** and **25** of this ordinance. A prenumbered receipt will be issued for all monies collected and a duplicate of the receipt will be maintained for inspection and audit purposes. These records shall be open to inspection at reasonable times by whoever is responsible for similar records in the County of Stanly and shall be audited by the County of Stanly annually in the manner as other county records are audited, as may be prescribed by competent authority.

SECTION 25. VIOLATION AND PENALTY

- A. Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and may be punished by a fine not to exceed \$100 and/or up to thirty (30) days in jail for each violation and may be required to pay taxes and applicable fees, and such penalties and/or court costs as may be imposed by the court. If the violation is continued, each day's violation shall be a separate offense.

- B. Any animal warden, sheriff, deputy sheriff, police officer or other law enforcement officer of Stanly County jurisdiction is empowered to secure an arrest warrant against the person and to issue written notices of violation of this ordinance. (Except when required by North Carolina General Statutes, and when violators are involved in abuse, cruelty or neglect of animals or damage to personal property, a notice of violation or warning shall not be required and shall not be deemed a condition precedent to securing an arrest warrant.)
- C. A written notice may be delivered in person or mailed to the person alleged to be in violation of this ordinance. Such written notice shall state the specific violation(s) of this ordinance or other applicable law and shall direct the violator to provide proof of compliance with this ordinance to the Stanly County Animal Warden within seventy-two (72) hours after the time the notice is issued or by the next regular workday if the period ends on a holiday or weekend. If the violator does not correct said violations and provide proof of such compliance with this ordinance within said seventy-two (72) hour period, the Animal Warden or other law enforcement agent may secure an arrest warrant against such person for violation of this ordinance.

SECTION 26. EXEMPTIONS

- A. The licensing requirements of this ordinance shall not apply to any dog that belongs to a nonresident of this county and kept within the County limits for not longer than thirty (30) days, if it is at all times kept within a building, enclosure or vehicle, or under the restraint by the owner as provided in **SECTION 1** and **SECTION 6** of this ordinance.
- B. Hospitals or clinics and other facilities operated by veterinarians licensed in North Carolina for the care and treatment of animals are exempt from the provisions of this ordinance, however, full cooperation from these professionals is expected in any case involving rabies or suspected rabies.
- C. Dogs that are being used for law enforcement purposes—carring out official duties—shall not be considered vicious or potentially vicious animals.

SECTION 27. REPEALS

All other ordinances of Stanly County in conflict herewith are repealed to the extent of such conflict.

SECTION 28. SEVERABILITY

If any part of this ordinance is held void, it shall be deemed severable and the validity thereof shall not affect the remaining parts of this ordinance.

SECTION 29. EFFECTIVE DATE

This ordinance passed on first reading, **July 6, 1982**; passed on second reading, **July 19, 1982**; and to become effective **August 1, 1982**. Revised June **22, 1987**, **January 18, 1993**, **July 1, 1999**, and **January 22, 2001**.



Stanly County Board of Commissioners

Meeting Date: June 3, 2013
 Presenter: Andy Lucas

_____ | **LA**
 Consent Agenda | Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

Please Provide a Brief Description of your Presentations format: _____

* PC is equipped with Windows XP and Microsoft Office XP (including Word, Excel, and PowerPoint), Internet connectivity and Network connectivity for County Employees.

** If you have need to use the Document Camera and zoom into a particular area, if possible please attach a copy of the document with the area indicated that you need to zoom into. A laser light is available to pinpoint your area of projection.

*** You can bring in a laptop that will allow video out to be connected at the lectern – set display to 60Mhz.

ITEM TO BE CONSIDERED

APPOINTMENTS TO THE CENTRALINA WORKFORCE DEVELOPMENT (WDB) BOARD

Subject
 Please see the attached information requesting the reappointment of Sharon Scott (Social Services) and appointment of Paul Stratos (Economic Development) to the Centralina WDB.

Requested Action

- Request that Sharon Scott be reappointed and Paul Stratos appointed, each to serve a two (2) year term until June 30, 2015.

Signature: _____

Dept. _____

Date: _____

Attachments: Yes _____ No x

Review Process

	Approved		Initials
	Yes	No	
Finance Director	___	___	
Budget Amendment Necessary	___	___	
County Attorney	___	___	
County Manager	___	___	
Other:	___	___	

Certification of Action

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

Tyler Brummitt, Clerk to the Board Date _____

Tyler Brummitt

From: David Hollars [DHollars@centralina.org]
Sent: Friday, May 17, 2013 3:00 PM
To: Tyler Brummitt; Andy Lucas
Cc: Sharon Scott; Tom Ramseur; Paul Stratos
Subject: Request for Appointments to Centralina Workforce Development Board - Stanly County
Attachments: WDB Appointment Request Letter to Stanly County - 05-17-2013.doc; Centralina WDB - General Information -2013.doc

Dear Tyler,

I hope that you are doing well today.

Please find attached a request from the Centralina Workforce Development Board for the reappointment of Sharon Scott to the Board and the request for nominations for an Economic Development Representative (to replace Tom Ramseur) as representatives for Stanly County. We ask that the County Commissioners consider this request at their next scheduled meeting.

Let me know when this action takes place.

Call or e-mail if you have any questions.

Thank you for your assistance and your support.

Sincerely,

David

David L. Hollars
Executive Director
Centralina Workforce Development Board
525 North Tryon Street / 12th Floor
Charlotte, NC 28202
Phone: (704) 348-2717
FAX: (704) 347-4710
E-Mail: dhollars@centralina.org
Website: www.centralinaworks.com



*Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.*

Pursuant to North Carolina General Statutes, Chapter 132, email correspondence to and from this address may be considered public record under the NC Public Records Law and maybe disclosed to third parties.

Centralina
WORKFORCE
Development
Board

The Competitive Force in our Global Economy

525 North Tryon Street, 12th Floor
Charlotte, North Carolina 28202
(704) 348-2717 Fax: (704) 347-4710
E-Mail: dhollars@centralina.org

May 17, 2013

Mr. Andy Lucas
Stanly County Manager
1000 North First Street, Suite 10
Albemarle, NC 28001

Dear Mr. Lucas:

The purpose of this letter is to give you notice of appointments needed from the Stanly County Commissioners to the **Centralina Workforce Development Board (WDB)**.

The information attached describes the appointments needed at this time.

We ask that Stanly County complete the necessary actions for appointment or reappointment as requested under the "*Specific Requests*" section as soon as possible but no later than July 1, 2013. ***Please inform me as soon as possible of your decision(s).***

If you have any questions, please contact me at (704) 348-2717 or by e-mail at dhollars@centralina.org. Thank you for your continued support.

Sincerely,



David L. Hollars, Executive Director
Centralina Workforce Development Board

Attachments

C: Gene McIntyre, Stanly County Commission Chair
Tyler Brummitt, Stanly County Clerk

WDB Appointment Request Letter to Stanly County 05-17-2013



Centralina Workforce Development Board, Inc.

Serving – Anson, Cabarrus, Iredell, Lincoln, Rowan, Stanly, and Union Counties

Equal Opportunity/Affirmative Action Employer/Program

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CENTRALINA WORKFORCE DEVELOPMENT BOARD

(WDB)

General Information

The Centralina Workforce Development Board (WDB), in partnership with the local elected officials on the Centralina Workforce Development Consortium, establishes workforce investment policies and develops the local comprehensive workforce development plan for the region. The WDB initiates planning, negotiation, and integration of various workforce preparedness services at the local level, in addition to coordinating workforce investment activities with economic development strategies. The Workforce Development Board plays a key role in designing a workforce development system to better meet the needs of dislocated workers, welfare clients, and others seeking to enter or re-enter the labor force as well as the needs of employers.

Among the duties of the WDB, the chartering of JobLink Career Centers is one of the most important since these “one-stop” centers have direct, daily contact with citizens in the counties. The WDB is also responsible for assuring local JobReady (School-To-Work), Work First (welfare reform), and Workforce Investment Act (WIA) programs and services are properly coordinated in a seamless delivery system throughout the region.

The Workforce Development Board replaces separate governing boards for individual federally funded programs. The Centralina WDB also makes decisions about the allocation of funds, provision of services through local JobLink Career Centers, monitoring activities, and coordination of various local job training and education efforts under the Workforce Investment Act (WIA) to further workforce preparedness in the county.

The core functions of the Centralina WDB are *policy guidance* (strategic planning and establishing local objectives); *coordination and negotiation* (connecting and brokering activities; coordinating workforce investment activities with economic development strategies; negotiating local performance measures); and *program oversight* (program planning, labor market information, career center chartering, youth activities oversight, plan review, and evaluation/monitoring).

Membership

The membership of the **Centralina Workforce Development Board (WDB)** must meet the requirements of the Workforce Investment Act (WIA). While other individuals may be appointed to replace current members whose terms are expiring, they must be selected from and according to the conditions for the categories listed below.

A majority of members of the Workforce Development Board must be from the private sector. **The Chairperson of the Workforce Development Board shall be a Private Sector member.** **Private Sector** representatives shall be selected from among individuals nominated by general purpose business organizations in the county. The number of nominations shall be at least 150 percent of the number of private sector individuals to be appointed in the county. Such nominations, and the individuals selected from such nominations, shall reasonably represent the industrial and demographic composition of the business community. All private sector

representatives must be active with their company or business (non-retiree). Private sector representatives, who shall constitute a majority of the membership of the WDB, shall be owners of business concerns, chief executive officers, chief operating officers, or other private sector executives who have substantial management, recruitment, hiring authority, or policymaking responsibility. Whenever possible, at least one-half of such business and industry representatives shall be representatives of small business (500 or fewer employees), including minority business.

Education representatives shall be selected from among individuals nominated by local educational agencies, vocational education institutions, institutions of higher education, or general organizations of such agencies and institutions, and by private and proprietary schools or general organizations of such schools in the county.

Labor representatives shall be selected from individuals recommended by recognized State and local labor federations.

The remaining members of the WDB (**Vocational Rehabilitation, Public Assistance, Economic Development, and Public Employment Service**) shall be selected from individuals recommended by interested organizations.

Representatives of **Organized Labor and Community-Based Organizations** (including organizations representing individuals with disabilities and veterans) shall constitute not less than 15 percent of the membership of the board (total for all 7 Centralina WDB counties).

Responsibilities of a Member

The responsibilities of a WDB member are very similar to a member of any Board of Directors. The overall responsibility is to use the member's knowledge, experience, insight, and influence to help achieve the purpose of the Board. For a responsive workforce system – the Board's mission – there are several areas in which knowledge and insight are needed:

- What are the barriers faced by workers and jobs seekers in obtaining and maintaining employment that provides an adequate income?
- What are the hiring requirements of employers who have employment opportunities, and what challenges are being faced by employers in finding and retaining a sufficient number of skilled workers to sustain and grow their businesses?
- What are effective strategies for bridging the skills gaps that exist between available workers and employers?
- What are the resources that are available to help bridge existing skills gaps and other barriers?

Members of the Board are selected because they have specialized knowledge/insight in one or more of these areas and they are in a position to influence the actions of other key decision-makers in the community. Members are also selected because they are executives or senior managers in their respective organizations. They will have skills and experience in long-range planning, group problem-solving, capital investment strategies, and organization/business development. Members will be expected to bring their expertise in these areas to bear on the effective performance of the functions of the Board and the management of the workforce system.

The Board is a decision-making, not advisory body. It has direct and final authority regarding the use of almost \$7 million dollars in annual funding. It has significant influencing authority regarding more than \$6 million in additional public funding. As the implementation of the Workforce Investment Act evolves, the power and the scope of this influencing authority will grow.

Expectations of a Member

Each member is expected to be an active participant in the Board's proceedings. In addition to participation at regular Board meetings, each member is expected to be a member of at least one of the permanent committees or subcommittees of the Board. These committees will meet at least once between each regularly scheduled meeting of the Board. Committees meet to review information presented or requested and to prepare recommendations for board approval. Each member is also expected to participate in an open, honest, respectful, and non-serving manner in all deliberations of the Board. Finally, each member is expected to be an agent of change within their own organizations/system and community in helping to achieve the goals of the Board.

Board Meeting Schedule

The Centralina Workforce Development Board meets every month. **The Centralina WDB meeting is generally held the second Tuesday of the meeting month at 4:30 PM.** The meeting place is generally a central location in the region (such as Stanly CC in Locust or Rowan-Cabarrus Community College in Kannapolis). WDB members receive a notice and agenda of the meetings at least 10 days prior to the scheduled meeting date. The meeting place will be posted on the meeting notice. A quorum (majority of members either present or represented by proxy) is required for voting on issues at the meetings

- February 12, 2013 - Centralina WDB/Consortium meeting – Stanly Community College – Crutchfield Campus (Locust) - 4:30 PM*
- April 16, 2013 - Centralina WDB/Consortium Meeting – Rowan-Cabarrus CC – NCRC-Kannapolis – 4:30 PM*
- June 11, 2013 - Centralina WDB/Consortium Meeting – Location TBA – 4:30 PM*
- August 13, 2013 - Centralina WDB/Consortium Meeting – Location TBA – 4:30 PM*
- October 8, 2013 - Centralina WDB/Consortium Meeting – Location TBA – 4:30 PM*
- December 10, 2013 - Centralina WDB/Consortium Meeting – Location TBA – 4:30 PM*

Board Staff

The Centralina Workforce Development Board has four individuals who serve as administrative staff to the Board:

Centralina Workforce Development Director - David L. Hollars
Phone: (704) 348-2717; Fax (704) 347-4710;
e-mail: dhollars@centralina.org

Centralina Workforce Development Staff: Patricia White
Phone: (704) 348-2718; Fax (704) 347-4710;
e-mail: pwhite@centralina.org

Centralina Workforce Development Staff: Emily Clamp
Phone: (704) 348-2732; Fax (704) 347-4710;
e-mail: eclamp@centralina.org

Centralina Workforce Development Staff: Vail Carter
Phone: (704) 348-2710; Fax (704) 347-4710;
e-mail: vcarter@centralina.org

Centralina Workforce Development Staff: Natasha Pender
Phone: (704) 348-2725; Fax (704) 347-4710;
e-mail: npender@centralina.org

Please feel free to contact David Hollars if you have any questions or concerns related to the Centralina Workforce Development Board. The Board has also developed and has implemented a Strategic Plan for Workforce Development. Please contact David Hollars for a copy of this plan.

Additional information regarding the Centralina Workforce Development Board is available on the Board's website – www.centralinaworks.com.

Tyler Brummitt

From: David Hollars [DHollars@centralina.org]
Sent: Thursday, May 23, 2013 10:48 AM
To: Tyler Brummitt; Andy Lucas
Cc: Tom Ramseur; Paul Stratos
Subject: RE: Request for Appointments to Centralina Workforce Development Board - Stanly County

Tyler,

Paul Stratos (Stanly County Economic Development) has confirmed that he would like to be considered for nomination to the Centralina WDB as the county's Economic Development representative.

Please call or e-mail if you have any questions.

Thanks.

David

David L. Hollars
Executive Director
Centralina Workforce Development Board
525 North Tryon Street / 12th Floor
Charlotte, NC 28202
Phone: (704) 348-2717
FAX: (704) 347-4710
E-Mail: dhollars@centralina.org
Website: www.centralinaworks.com



*Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.*

Pursuant to North Carolina General Statutes, Chapter 132, email correspondence to and from this address may be considered public record under the NC Public Records Law and maybe disclosed to third parties.

PLEASE NOTE

**Centralina WDB offices have moved to a new location
525 North Tryon Street, 12th Floor, Charlotte, NC 28202
Our telephone numbers and email addresses remain the same**



Stanly County Board of Commissioners

Meeting Date: June 3, 2013
 Presenter: Andy Lucas

Consent Agenda | Regular Agenda

KB

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

Please Provide a Brief Description of your Presentations format: _____

* PC is equipped with Windows XP and Microsoft Office XP (including Word, Excel, and PowerPoint), Internet connectivity and Network connectivity for County Employees.

** If you have need to use the Document Camera and zoom into a particular area, if possible please attach a copy of the document with the area indicated that you need to zoom into. A laser light is available to pinpoint your area of projection.

*** You can bring in a laptop that will allow video out to be connected at the lectern – set display to 60Mhz.

ITEM TO BE CONSIDERED

APPOINTMENTS TO THE STANLY COMMUNITY COLLEGE BOARD OF TRUSTEES

Subject

Please see the attached letter from Dr. Kays notifying the Board of the two (2) members of the SCC Board of Trustees (Tom Hawkins and Elbert L. Whitley) whose terms will expire June 30, 2013. It is requested the Board appoint/reappoint two members, each to serve a four (4) year term.

Enclosed are four (4) applications for your consideration.

Requested Action

- Request the Board appoint/reappoint two (2) members to the Stanly Community College Board of Trustees, each to serve a four (4) year term until June 30, 2017.

Signature: _____	Dept. _____
Date: _____	Attachments: Yes No <input checked="" type="checkbox"/> x
Review Process	
	Approved Yes No Initials
Finance Director	___ ___
Budget Amendment Necessary	___ ___
County Attorney	___ ___
County Manager	___ ___
Other:	___ ___
Certification of Action	
Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on	

Tyler Brummitt, Clerk to the Board	Date



141 College Drive, Albemarle, NC 28001

April 30, 2013

www.stanly.edu

Telephone (704) 982-0121
FAX (704) 982-0819

Mr. Andy Lucas
County Manager
1000 North First Street
Suite 10
Albemarle, NC 28001

Mr. Lucas:

Please be advised that two members of the Stanly Community College Board of Trustees have terms of service that will expire as of June 30, 2013:

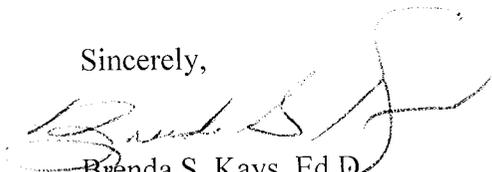
1. Mr. Tom Hawkins, appointed by the Stanly County Board of Commissioners
2. Mr. Elbert L. Whitley appointed by the Stanly County Board of Education

According to the current Stanly Community College Board of Trustees Bylaws, both individuals are eligible for reappointment. For your convenience, I have included the guidelines established by GS (General Statute) 115D-12 regarding Trustee selection.

- (a) Trustees shall be residents of Stanly County or of contiguous counties, except for the ex-officio member (GS 115D-12).
- (b) No person who has been employed full-time by Stanly Community College within the prior five years and no spouse or child of a person currently employed full-time by the college shall serve on the board of trustees (GS 115D-12).

I appreciate both the Commissioners' and your consideration of this matter. Please contact me if I may provide additional information. Thank you.

Sincerely,



Brenda S. Kays, Ed.D.
President



Stanly County Board of Commissioners

Meeting Date: June 3, 2013
 Presenter: Andy Lucas

_____ | *AL*
 Consent Agenda | Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

Please Provide a Brief Description of your Presentations format: _____

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*** You can bring in a laptop that will allow video out to be connected at the lectern – set display to 60Mhz.

ITEM TO BE CONSIDERED

NURSING HOMES COMMUNITY ADVISORY COMMITTEE & DOMICILIARY HOME COMMUNITY ADVISORY COMMITTEE

Subject

Due to Rick Russell's wife recently becoming employed with one of the long term care facilities in Stanly County, he is ineligible to continue to serve on this committee. It is requested a replacement be named for Mr. Russell to serve his unexpired term until 2/28/2014.

No volunteer applications are on file at this time.

Requested Action

- Name a replacement to serve Mr. Russell's unexpired term on the CAC until 2/28/2014.

Signature: _____

Dept. _____

Date: _____

Attachments: Yes No x

Review Process

Certification of Action

Approved		Initials
Yes	No	
Finance Director	___	___
Budget Amendment Necessary	___	___
County Attorney	___	___
County Manager	___	___
Other:	___	___

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

Finance Director

Budget Amendment Necessary

County Attorney

County Manager

Other:

 Tyler Brummitt, Clerk to the Board Date

Tyler Brummitt

From: Patricia Cowan [PCowan@centralina.org]
Sent: Saturday, May 11, 2013 2:09 PM
To: Tyler Brummitt; Rick Russell
Cc: Patricia Cowan; Debi Lee
Subject: CAC Volunteer has a spouse employed in a long term care facility

Hi,
Tyler,
Recently Mr. Rick Russell a member of the Community Advisory Committee informed me that his wife is employed in a long term care facility in Stanly county .Mr. Russell is a loyal member of the committee but agreed not to visit the facility until this issue was resolved. Please review the information in the CAC Essential Guide see page 4 for clarification and advise Mr. Russell and I on the next steps. The Ombudsman Program is only required to provide training and technical assistance to all CAC members and the county commissioners are responsible for appointing and removing members. Mr. Russell serves at the pleasure of the Stanly County Board of Commissioners and ultimately have the final decision. I will be out of the office in training next week and returning on Thursday, May 16, 2013, but will be checking and responding to emails daily.

http://www.ncdhhs.gov/aging/ombud/cac/CAC_Essential_Guide.pdf

Take Care,

**Patricia Garner Cowan, Regional Ombudsman CIRS-A
Centralina Council of Governments**

525 North Tryon St.
Charlotte, N.C 28202
pcowan@centralina.org
www.centralinaaging.org
1-800-508-5777 ext:6503
704-688-6503
704-779-8583
704-347-4710 (fax)

Pursuant to North Carolina GS Chapter 132, email correspondence to and from this address may be considered public record under the NC Public Records Law and may be disclosed third parties.



3. Who cannot serve as a community advisory committee member?

- No person or immediate family member* with a financial interest in a facility served or employee or governing board member of a facility served.
- Immediate family member* of a resident in a facility.
- * ✖ ■ Whenever an immediate family member of a current advisory committee member becomes a resident in a facility visited by the committee, that advisory committee member immediately becomes ineligible to serve on the committee.
- Immediate relative of an employee or owner/operator of a facility served by the community advisory committee.
- See G. S. 131D-31() and G.S. 131E-128(f).
**Immediate family member is defined as mother, father, sister, brother, spouse, child, grandmother, grandfather, and in-laws.*

4. How are community advisory committee members appointed?

- Each County Board of Commissioners is responsible for making appointments to community advisory committees. *G.S. 131D-31(b) (4) and G.S.131E-128(b) (3)*
- Each committee member shall serve an initial term of one year; persons reappointed to a second or subsequent term shall serve a two-or three-year term at the county commissioners' discretion. *G.S. 131E-128 (c) Nursing Home Community Advisory Committee G.S. 131D-31(d) Adult Care Home and Joint Community Advisory Committee*
- The appointee and regional ombudsman should be notified in a timely manner, in writing of appointment or reappointment by county commissioners.

QUESTION 3:

N. C. General Statute 131D-31(g) and 131E-128 (f)	Appendix A
Model pre-screening tool for CAC applicants	Appendix E

QUESTION 4:

Example letter for newly appointed CAC members	Appendix F
Example regional ombudsman welcome letter	Appendix G
Example of committee bylaws	Appendix H



Stanly County Board of Commissioners

Meeting Date: June 3, 2013
 Presenter:

7

Consent Agenda Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

Please Provide a Brief Description of your Presentations format: _____

* PC is equipped with Windows XP and Microsoft Office XP (including Word, Excel, and PowerPoint), Internet connectivity and Network connectivity for County Employees.

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ITEM TO BE CONSIDERED

Subject	<p>CONSENT AGENDA</p> <p>A. Minutes – Regular meeting of June 3, 2013</p> <p>B. DSS – Budget amendment # 2013-40</p> <p>C. Agri-Civic Center – Budget amendment # 2013-42</p> <p>D. Sheriff's Dept. – Budget amendment # 2013-41</p>
Requested Action	<p>Request approval of the above items as presented.</p>

Signature: _____	Dept. _____
Date: _____	Attachments: Yes No <u> </u> x <u> </u>
Review Process	
	Approved
	Yes No Initials
Finance Director	___ ___
Budget Amendment Necessary	___ ___
County Attorney	___ ___
County Manager	___ ___
Other:	___ ___
Certification of Action	
Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on	

Tyler Brummitt, Clerk to the Board	Date _____

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
MAY 20, 2013**

COMMISSIONERS PRESENT: Josh Morton, Vice Chairman
Peter Ascitutto
Tony Dennis
Lindsey Dunevant

COMMISSIONERS ABSENT: Gene McIntyre, Chairman

STAFF PRESENT: Andy Lucas, County Manager
Jenny Furr, County Attorney
Tyler Brummitt, Clerk

CALL TO ORDER

The Stanly County Board of Commissioners (the "Board") met in regular session on Monday, May 20, 2013 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Vice Chairman Morton called the meeting to order, gave the invocation and led the pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

It was requested that a discussion of a personnel issue be added to the closed session in accordance with G. S. 143-318.11(a)(6). By motion, Commissioner Dennis moved to approve the agenda as amended and was seconded by Commissioner Ascitutto. The motion carried by unanimous vote.

ITEM # 1 – ALBEMARLE ECONOMIC DEVELOPMENT TASK FORCE PRESENTATION

Presenter: Russ Sharples

On behalf of the Albemarle Economic Development Task Force, Mr. Sharples presented information based on data obtained through a countywide survey completed earlier in the year. The survey noted the county's current strengths, weaknesses, opportunities and threats as well as the need for new business development to aid in job creation and the need to support existing businesses. Some of the recommendations submitted by the task force as a means to accomplish these goals included the use of an outside firm to complete a branding exercise to better market the county, establishment of a new EDC staff position to support existing

business, creation of a City Public Information Officer position, and completion of a feasibility study to consider a small business incubator.

The presentation was given for the Board's information only and required no action.

ITEM # 2 – PUBLIC HEARING FOR THE PROPOSED ANIMAL CONTROL ORDINANCE

Presenter: Conrad Carter, Vice Chairman for the Board of Health

Mr. Carter stated the purpose of the public hearing was to receive comments on the proposed animal control ordinance and amendments that have been made since the last hearing on February 4, 2013.

Commissioner Ascitutto expressed his appreciation for the Board of Health's work on the ordinance and that he feels all the previous concerns have now been addressed. Commissioner Dunevant reiterated Commissioner Ascitutto's comments and requested the Board consider delaying a vote on the ordinance due to the absence of Chairman McIntyre.

Vice Chairman Morton declared the public hearing open. With no one coming forward to speak, the hearing was closed.

Commissioner Dennis expressed his concerns with the section concerning the keeping of stray animals (Article VII, Section 2) and the requirement that Animal Control be notified within seventy-two (72) hours if a person harbors, feeds or keeps a stray animal. Mr. Carter and Commissioner Ascitutto explained the purpose of notifying Animal Control is to aid in reuniting the animal with their owner. If after one hundred twenty (120) hours the animal is unclaimed, the person caring for the animal will be allowed to keep it if they choose to do so. During that time, it is not required that the animal be turned over to Animal Control.

By motion, Commissioner Ascitutto moved to table the vote until the next meeting on June 3, 2013 and was seconded by Commissioner Dunevant. The motion carried with a 3 – 1 vote.

Ayes: Vice Chairman Morton, Commissioner Ascitutto and Commissioner Dunevant

Nos: Commissioner Dennis

ITEM # 3 – PROCLAMATION DECLARING MAY 2013 AS MOTORCYCLE SAFETY & AWARENESS MONTH

Presenter: Commissioner Ascitutto

Commissioner Ascitutto presented the proclamation for the Board's consideration and by motion moved to approve its acceptance. His motion was seconded by Commissioner Dennis and carried by unanimous vote.

ITEM # 4 – PRESENTATION OF THE FY 2013-2014 MANAGER’S RECOMMENDED BUDGET

Presenter: Andy Lucas, County Manager

The County Manager provided an overview of the recommended budget for next fiscal year which places an emphasis on the Board’s prioritized core services of education, public safety, health and human services, and facility maintenance. Some of the items noted during the presentation included:

- The FY 2013-14 Recommended Budget provides more than \$55,063,658.00 in total funding which 3.48% increase from the previous year.
- A recommended property tax rate of \$0.6785 per \$100 of valuation
- Of the total recommended budget, 82% has been appropriated for mandated services such as social services, public health, debt service, law enforcement and education
- Several of the major expenditures noted (\$50,000 or more) include: an employee cost of living allowance (COLA) of 1.5% for \$295,000.00, increase in funding for the Stanly County Schools of \$193,506.00, increase in group health insurance premiums of \$185,705.00, an annualized merit increase from the previous year of \$110,000.00, increase for vehicle tax collection fees via the State of \$60,000.00, and increase for the employee merit of \$50,000.00 and reduction in school debt payments of \$99,251.00.
- In the area of human capital management, it is recommended that three (3) positions (Librarian, Telecommunicator III, Administrative Support Specialist) previously frozen will continue to be frozen, the elimination of one (1) Customer Service Representative in Tax Administration due to the county no longer being required to collect motor vehicle taxes effective November 1, 2013, three (3) new positions are recommended in the EMS department to enhance services in western Stanly County, and reclassification of one position (1) in Social Services and one (1) position in Tax Administration.
- Several of the recommended capital improvement projects included vehicle replacement for the Sheriff’s Department, EMS, Animal Control, Inspections and Social Services, replacement of two EMS defibrillator heart monitors and replacement of a mower at the Airport.
- The only recommended fee increases / decreases for the next fiscal year are those mandated by the State for environmental health.
- A five percent (5%) increase is recommended for the water and sewer rates due to the proposed rate increases from the City of Albemarle and the Town of Norwood.

The presentation was given for information only and required no action by the Board. A public hearing on the proposed budget was scheduled for Monday, June 3, 2013.

ITEM # 5 – CONSENT AGENDA

- A. Minutes – Special meeting and Regular meetings of May 6, 2013
- B. Finance – Request acceptance of the Monthly Financial Report for Ten Months Ended April 30, 2013

- C. Museum – Request the attached list of items be declared surplus and donated to the Historical Society for disposal

Commissioner Dennis moved to approve the consent agenda as presented and was seconded by Commissioner Ascitutto. The motion carried with a 4 – 0 vote.

PUBLIC COMMENT

None

GENERAL COMMENTS & ANNOUNCEMENTS

Commissioner Dunevant stated he had recently attended a meeting sponsored by the Institute on Emerging Issues which focused on manufacturing and had received a lot of good information concerning economic development. He also encouraged everyone to buy from local farmers as a way to support the local economy as well.

Commissioner Ascitutto stated he had received several calls regarding an ad he had recently placed in the newspaper noting his concerns about the decisions being made by the school board. With the county funding a portion of the school system's budget, he is concerned with how these monies are being spent. He also voiced concerns related to the number of students leaving the school system to attend charter or private schools or to be home schooled.

Vice Chairman Morton thanked the local media and newspaper for their continued support. He also noted that he had recently participated in the Raleigh trip sponsored by the Chamber of Commerce to meet with local legislators.

CLOSED SESSION

By motion, Commissioner Dunevant moved to recess into closed session to discuss economic development in accordance with G. S. 143-318.11(a)(4) and a personnel issue in accordance with G. S. 143-318.11(a)(6). The motion was seconded by Commissioner Ascitutto and passed with a vote of 4 – 0 at 8:30 p.m.

ADJOURN

There being no further discussion, Commissioner Dennis moved to adjourn the meeting and was seconded by Commissioner Ascitutto. The motion carried by unanimous vote at 8:50 p.m.

Gene McIntyre, Chairman

Tyler Brummitt, Clerk



Stanly County Board of Commissioners

Meeting Date: June 3, 2013
 Presenter:

7B

Consent Agenda Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

Please Provide a Brief Description of your Presentations format: _____

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ITEM TO BE CONSIDERED

Subject

The Work First Employment Program provides services to adults receiving a Work First Payment to enable the adult to become self sufficient. Since the completion and approval of the 2012/2013 Budget, the Agency has received a funding authorization indicating that additional funding is available to Stanly County. The Agency is in need of a portion of this available funding to provide employment services for the remainder of the 2012/2013 year. The Agency is requesting that an additional \$22,300 be added to the Work First Expenditure line. These funds are 100% Federal and state funds.

Requested Action

The Agency is requesting that the expenditures line item 110.5300.5310.699.004 be increased from \$30,000 to \$52,300. The Agency is also requesting that the revenue line item 110-3530-5310-330.45 be increased from \$3,217,167 to \$3,239,467.

Signature: Sharon J. Scott

Dept. Social Services

Date: 5-28-13

Attachments: Yes No

Review Process

Certification of Action

	Approved		Initials
	Yes	No	
Finance Director	—	—	
Budget Amendment Necessary	—	—	
County Attorney	—	—	
County Manager	—	—	
Other:	—	—	

Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on

 Tyler Brummitt, Clerk to the Board Date



STANLY COUNTY-BUDGET AMENDMENT

BE IT ORDAINED by the Stanly County Board of Commissioners that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2013:

To amend the Fund 110, the expenditures are to be changed as follows:

FUND/DEPART NUMBER	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT BUDGETED AMOUNT	INCREASE (DECREASE)	AS AMENDED
110.5300.5310	699.004	Work First Program Expendi	\$ 30,000	\$ 22,300	\$ 52,300
TOTALS			<u>\$ 30,000</u>	<u>\$ 22,300</u>	<u>\$ 52,300</u>

This budget amendment is justified as follows:

To increase funding for Work First Program Expenditures. These funds are 100% reimbursed.

This will result in a net increase of \$ 22,300 in expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will be increased. These revenues have already been received or are verified they will be received in this fiscal year.

FUND/DEPART NUMBER	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	CURRENT BUDGETED AMOUNT	INCREASE (DECREASE)	AS AMENDED
110.3530.5310	330.45	Social Services Admin	\$ 3,217,167	\$ 22,300	\$ 3,239,467
TOTALS			<u>\$ 3,217,167</u>	<u>\$ 22,300</u>	<u>\$ 3,239,467</u>

SECTION 2. Copies of this amendment shall be furnished to the Clerk of the Board of Commissioners, Budget Officer, and to the Finance Director.

Adopted this _____ day of _____, 20____

Verified by the Clerk of the Board _____

Sharon Scott _____ 5-28-13
 Department Head's Approval Date

John R. Vinson _____ 5-28-13
 Finance Director's Approval Date

 County Manager's Approval Date

Posted by
Journal No.
Date



Stanly County Board of Commissioners

Meeting Date: June 3, 2013
 Presenter:

X-7C

Consent Agenda | Regular Agenda

Presentation Equipment: Lectern PC* Lectern VCR Lectern DVD Document Camera** Laptop***

Please Provide a Brief Description of your Presentations format: _____

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ITEM TO BE CONSIDERED

Subject	<p>The Stanly County Youth Livestock Council has voted to provide funding in the amount of \$1,500 for an artistic rendering of the proposed livestock arena on the grounds of the Agri-Civic Center.</p>
Requested Action	<p>Accept funding from the Youth Livestock Council for an artistic rendering to be created of the proposed livestock arena and amend Agri-Civic budget to reflect \$1,500 in revenue and \$1,500 in expenses for the project.</p>

Signature: <u>Candice B. Moffitt</u>	Dept. Agri-Civic Center
Date: _____	Attachments: yes <u>X</u> No

Review Process				Certification of Action	
	Approved				
	Yes	No	Initials		
Finance Director	—	—		Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on _____ Tyler Brummitt, Clerk to the Board Date	
Budget Amendment Necessary	—	—			
County Attorney	—	—			
County Manager	—	—			
Other:	—	—			

Stanly County Center
26032-E Newt Road
Albemarle, NC 28001

Phone: 704.983.3987
Fax: 704.983.3303
<http://stanly.ces.ncsu.edu>

May 29, 2013

The Stanly County Youth Livestock & Poultry Council in cooperation with the Stanly County Cattlemen's Association serves as an educational resource for youth interested in livestock and poultry production. Youth are the future of agriculture in rural North Carolina.

We are excited about the partnership with Stanly County in building a livestock arena that can serve our communities in agriculture education for youth and adults alike. Hopefully this facility will help sustain agricultural enterprises and our rural way of life here in Stanly County.

At our meeting on May 28, 2013, the Stanly County Youth Livestock & Poultry Council voted to appropriate \$1500.00 for an artistic rendering of the proposed livestock arena. The renderings will be used as a means of introducing the project to potential sponsors, raising awareness of the project, and in other fundraising efforts.

Sincerely,



Steve C. Lemons
Extension Agent, Livestock
Stanly County Youth Livestock Representative
NCCES, Stanly County

STANLY COUNTY-BUDGET AMENDMENT

BE IT ORDAINED by the Stanly County Board of Commissioners that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2013:

To amend the General Fund, the expenditures are to be changed as follows:

<u>FUND/DEPART NUMBER</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGETED AMOUNT</u>	<u>INCREASE (DECREASE)</u>	<u>AS AMENDED</u>
110.6160	190.000	Professional Services	\$ -	\$ 1,500	\$ 1,500
TOTALS			<u>\$ -</u>	<u>\$ 1,500</u>	<u>\$ 1,500</u>

This budget amendment is justified as follows:

To increase Agri-civic Center's budget to accept funding from the Youth Livestock Council for an artistic rendering of the proposed livestock arena on the grounds of the Agri-civic Center.

This will result in a net increase of \$ 1,500 in expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will be increased. These revenues have already been received or are verified they will be received in this fiscal year.

<u>FUND/DEPART NUMBER</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGETED AMOUNT</u>	<u>INCREASE (DECREASE)</u>	<u>AS AMENDED</u>
110.3616	840.10	Donations	\$ -	\$ 1,500	\$ 1,500
TOTALS			<u>\$ -</u>	<u>\$ 1,500</u>	<u>\$ 1,500</u>

SECTION 2. Copies of this amendment shall be furnished to the Clerk of the Board of Commissioners, Budget Officer, and to the Finance Director.

Adopted this _____ day of _____, 20____

Verified by the Clerk of the Board _____

Department Head's Approval	Date	Posted by
<i>John R. Vinson</i>	5-29-13	
Finance Director's Approval	Date	Journal No.
County Manager's Approval	Date	Date

STANLY COUNTY-BUDGET AMENDMENT

BE IT ORDAINED by the Stanly County Board of Commissioners that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2013:

To amend the Sheriff's budget, the expenditures are to be changed as follows:

<u>FUND/DEPART NUMBER</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGETED AMOUNT</u>	<u>INCREASE (DECREASE)</u>	<u>AS AMENDED</u>
110.4310.4310.	540.000	Motor Vehicles	\$ 172,340	\$ 11,374	\$ 183,714
TOTALS			<u>\$ 172,340</u>	<u>\$ 11,374</u>	<u>\$ 183,714</u>

This budget amendment is justified as follows:

To replace a detective's vehicle lost in an accident on 5/8/13 with a used car and purchase a used vehicle for SERT with additional revenue from Insurance Settlement Funds collected and Drug Seizure Funds.

This will result in a net increase of \$ 11,374 in expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will be increased. These revenues have already been received or are verified they will be received in this fiscal year.

<u>FUND/DEPART NUMBER</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGETED AMOUNT</u>	<u>INCREASE (DECREASE)</u>	<u>AS AMENDED</u>
110.3839	580.10	Insurance Settlements	\$ 95,138	\$ 8,374	\$ 103,512
110.3431	310.24	Drug Seizure Funds	13,500	3,000	16,500
TOTALS			<u>\$ 108,638</u>	<u>\$ 11,374</u>	<u>\$ 120,012</u>

SECTION 2. Copies of this amendment shall be furnished to the Clerk of the Board of Commissioners, Budget Officer, and to the Finance Director.

Adopted this _____ day of _____, 20____

Verified by the Clerk of the Board _____

	<u>5/28/13</u>	Posted by Journal No. Date
Department Head's Approval	Date	
	<u>5-28-13</u>	
Finance Director's Approval	Date	
_____	Date	
County Manager's Approval	Date	

Beg Bal Spent Rec'd Int End Bal

FY 2011/2012					
110.3431.230.35 & .36	Federal Forfeited	32,761.33		0.00	32,761.33
110.3431.310.24	State Drug Seizure	29,059.26		10,852.44	39,911.70

FEDERAL & STATE CERTIFICATION PROPOSED REPORT

FY 2012/2013						
110.3431.230.35 & .36	Federal Forfeited	32,761.33	19,000.00		13,761.33	
		Vigilant Canine Svcs Intern'l-\$19,000				BA2013-03
110.3431.310.24	State Drug Seizure	39,911.70	3,680.18		36,231.52	
		Stallings Salvage-\$465.30				BA2013-03
		Ace Hardware-\$586.88				BA2013-03
		Ray Allen-\$2,628				BA2013-03

Expensed items listed indicate description and amount.