

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING AGENDA  
OCTOBER 22, 2012  
7:00 P.M.**

**CALL TO ORDER & WELCOME – CHAIRMAN DUNEVANT**

**INVOCATION – CHAIRMAN DUNEVANT**

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

**SCHEDULED AGENDA ITEMS**

**1. TAX ADMINISTRATION**

**Presenter: Charles Johnson, Real Property Appraisal Supervisor  
Request Board approval of the 2013 Schedule of Values**

**2. BOARD & COMMITTEE APPOINTMENTS**

**Presenter: Andy Lucas, County Manager**

- A. Board of Adjustments**
- B. Economic Development Commission**
- C. Environmental Affairs Board**
- D. Gaston Community Action, Inc.**

**3. HEALTH DEPARTMENT**

**Presenter: Dennis Joyner, Health Director**

- A. Second public hearing on the proposed new Stanly County Animal Control Ordinance**
- B. Request the Board approve, modify or deny the ordinance**

**4. CONSENT AGENDA**

- A. Minutes – Regular meeting of October 1, 2012 and emergency meeting of October 9, 2012.**

**B. Finance – Request acceptance of the Monthly Financial Report for  
Three Months Ended September 30, 2012**

**PUBLIC COMMENT**

**GENERAL COMMENTS & ANNOUNCEMENTS**

**CLOSED SESSION: To consult with the County Attorney in accordance with G. S. 143-318.11(a)(3) to discuss the 401 water quality permit intervention and APGI's public records requests lawsuit.**

**ADJOURN**

**The next regular meeting is scheduled for Monday, November 5, 2012 at 7 p.m.**



# Stanly County Board of Commissioners

Meeting Date: October 22, 2012  
 Presenter: Charles Johnson

\_\_\_\_\_ |  X  /  
 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

Subject

The Market Value and Present-Use Value Schedules of Values, Standards and Rules with an effective date of January 1, 2013 were submitted to the Board on September 4<sup>th</sup> and a public hearing for the Schedules was held October 1<sup>st</sup>. I request the two schedules be adopted as presented. General Statute GS 105-317 requires the Order of Adoption to be published in the local newspaper for four consecutive weeks. Pending adoption of the Schedules, the process to publish will begin October 25, 2012 and end on November 15, 2012.

Requested Action

Board approval of the 2013 Schedules of Values.

Signature: Melia M. Miller *Melia M. Miller*

Dept. Tax Administration

Date: 10/09//2012

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

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

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



## **ORDER OF ADOPTION**

The Stanly County Board of Commissioners at its regularly scheduled meeting held on October 22, 2012 adopted both the Market Value and Present-Use Value Schedules of Values, Standards and Rules with an effective date of January 1, 2013.

A copy of each Schedule is available for public inspection in the office of the Stanly County Tax Administrator, 201 South Second Street, Albemarle, NC from 8:30 AM-5:00 PM Monday through Friday.

Any property owner who questions either of the 2013 Schedules may except to the Order of Adoption and appeal to the North Carolina Property Tax Commission within thirty (30) days of the date when the notice of the order adopting the Schedules of Values, Standards and Rules was first published.

Adopted this day the 22<sup>nd</sup> day of October, 2012.

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Lindsey Dunevant, Chairman  
Stanly County Board of Commissioners

Attest:

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Tyler Brummitt, Clerk to the Board



# Stanly County Board of Commissioners

Meeting Date: October 22, 2012  
 Presenter: Andy Lucas

Consent Agenda | Regular Agenda

2A

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

### BOARD OF ADJUSTMENT APPOINTMENTS

Subject

Board of Adjustment member Andrew Eades has resigned from the Board, see attached letter.

Board of Adjustment member Benton Payne's term has expired.

Enclosed is one application for your consideration.

Requested Action

It is requested that Benton Payne be reappointed to serve another term of 3 years.

It is requested that Kevin Brickman be moved from Alternate Member to Regular Member for a term of 3 years.

It is requested that an Alternate be appointed to replace Kevin Brickman for a 3 year term.

Signature: _____		Dept.	
Date: _____		Attachments:            Yes                            No <u>  </u> x <u>  </u>	
<b>Review Process</b>		<b>Certification of Action</b>	
	Approved	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	
	Yes    No            Initials		
Finance Director	___ ___		
Budget Amendment Necessary	___ ___		
County Attorney	___ ___		
County Manager	___ ___		
Other:	___ ___		



ENGINEERS

SURVEYORS

PLANNERS

October 15, 2012

Linda Evans  
Stanly County Planning and Zoning Department  
1000 North First Street  
Albemarle, NC 28001

Dear Linda,

Please accept this letter of resignation from my position on the Board of Adjustments. My residence has recently changed and I no longer reside in Stanly County. I appreciate your support and thank you for my time served. I apologize for any inconvenience this may cause.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Andrew Eades".

W. Andrew Eades, PLS  
Geomatics Regional Manager

8020 Tower Point Drive

Charlotte, NC 28227

704.241.2588

Fax 704.341.2567

[www.mckimcreed.com](http://www.mckimcreed.com)



# Stanly County Volunteer Application

## Volunteer Application Stanly County Boards and Commissions

NAME: E. STEPHEN WATSON

HOME ADDRESS: 11015 WILLOW OAK ROAD

CITY, STATE, ZIP: NORWOOD, NC 28128

TELEPHONE: CEU 704-576-8556 (H) 704-474-3509

FAX: 704-474-3909

DATE: 2/16/11

EMAIL: ESWATSON@WINDSTREAM.NET

PLACE OF EMPLOYMENT: SEMI RETIRED REAL ESTATE DEVELOPMENT

IN ORDER TO HELP US COMPLY WITH STATE REPORTING REQUIREMENTS, PLEASE COMPLETE THE FOLLOWING QUESTIONS:

SEX:  MALE  FEMALE RACE: CAUCASIAN

DATE OF BIRTH: (MM/DD/YYYY): 10/23/1946

PLEASE LIST IN ORDER OF PREFERENCE THE BOARDS/COMMISSIONS ON WHICH YOU WILL BE WILLING TO SERVE.

1. BOARD OF ADJUSTMENT
2. \_\_\_\_\_
3. \_\_\_\_\_

PLEASE LIST ANY VOLUNTEER, WORK, OR EDUCATION EXPERIENCE YOU WOULD LIKE US TO CONSIDER IN THE REVIEW OF YOUR APPLICATION. FEEL FREE TO ATTACH A RESUME.

WORK EXPERIENCE: CEO ENCORE BUILDERS, REAL ESTATE BROKER W/ NCO USMC

VOLUNTEER EXPERIENCE: VFW, MARINE CORPS LEAGUE, SENIOR GAMES (STATE)

EDUCATION: BS BUSINESS ADMINISTRATION

OTHER COMMENTS: SERVED ON STANLY COUNTY BOARD OF ADJUSTMENT 2003-2010. CHAIR '08-'10

Return to Tyler Brummitt, Clerk to the Board, 1000 N. First Street, Suite 10,  
Albemarle, NC 28001

**ADJUSTMENTS, BOARD OF**

Compensation: \$40/mtg

**G. S.** 153A-345**Local Ordinance:** Zoning Ordinance, Stanly County, Article XII, Section 120, Pg. 75**Date Established:** July 1972**Meeting Schedule:** 2<sup>nd</sup> Tuesday, Monthly at 7:30 p.m.**Members:** 7 Regular, 2 Alternate**Terms:** 3 years (No indication of validity of succeeding appointments)**Special Provisions:** All members shall be residents of Stanly County and shall be from different areas within the County's zoning jurisdiction. Alternate members while serving in the absence of any regular member, shall have and exercise all powers and duties of such regular member so absent.**Method of Appointment:** All are appointed by the Board of County Commissioners**Officers:** Board of Adjustments elects its own chairman and vice-chairman, who appoints a secretary and such other subordinates as may be authorized by Board of Commissioners.

<b>MEMBERS</b>	<b>APPOINTED</b>	<b>TERM EXPIRATION</b>
S. Todd Swaringen 12144 Cottonville Road Norwood, NC 28128	7/14/08	6/30/14
Richard Cosgrove P. O. Box 171 Richfield, NC 28137	10/6/08	6/30/13
Andrew Eades 801 Amanda Way Albemarle, NC 28001	10/1/07	6/30/13
Dr. John Eckman III 319 Harvard Drive Albemarle, NC 28001	7/14/08	6/30/14

**Adjustments, Board of (Cont'd)**

<b><u>MEMBERS</u></b>	<b><u>APPOINTED</u></b>	<b><u>TERM EXPIRATION</u></b>
Grover Stewart 46427 Sapona Lane Norwood, NC 28128	7/10/07	6/30/13
Rebecca Carter, Alternate P. O. Box 1119 Albemarle, NC 28002-1119	2010	6/30/13
Cathy Bennett P. O. Box 2464 Albemarle, NC 28002-2464	6/18/07	6/30/13
Benton Payne 1616 Bellamy Circle Albemarle, NC 28001	10/6/08	6/30/12
Kevin Brickman, Alternate 20604 NC Hwy 24/27 Oakboro, NC 28129	10/5/09	6/30/12
Linda Evans, Clerk to the Board (704) 986-3661		

Rev. March, 2010



## Tyler Brummitt

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**From:** webmaster@co.stanly.nc.us  
**ent:** Wednesday, August 29, 2012 2:10 PM  
**ro:** Tyler Brummitt  
**Subject:** Board Member Application

**Name:** Bryce Wilson Kimrey  
**Address:** 317 North First Street, PO Box 1764  
**City:** Albemarle  
**State:** NC  
**Zip:** 28001  
**HomePhone:** 7043225978  
**Work Phone:** 7044631000  
**Sex:** Male  
**Race:** White  
**DOB:** 09/10/1981  
**Boards:** Economic Development Commission  
**WorkExperience:** Albemarle Truck and Trailer, Inc Mar 2010-Present Dealer Sales Knowledge of All brands of Heavy Duty Trucks, Compile extensive list of Dealers throughout North America and Central America, Communicate by email, social network, and telephone inventory list to dealers, Set up delivery of sold units through third party transporters, assist in buying of local units and trades, daily inventory upgrades, revisit existing customers, promote business to new customers nationally. McCauley's GM Superstore Nov 2009-Mar 2010 Sales Consultant Assist Customers with Automobile Purchase, Knowledge of Automobile Specifics on All Models on General Motors, Chevrolet, and Buick, Assist in Internet Leads-Consulting Customer on Telephone Conversation, Continued Communication with Former Customers for Future Business Storm Technologies, Inc Nov 2007- April 2009 Combustion Specialist Perform Pulverizer Optimization and Performance Testing on Large Utility Boilers, Calibration of Testing Probes "K" Factor using wind tunnel technology, Knowledge of power plant operation, International Power Plant research for future proposals in China, Germany and Australia, Coal Fineness Analysis and Flyash Loss of Ignition, Shipping and Receiving-Domestic and International Bill of Lading Stanly County Economic Development Commission Jan 2007- Sept 2007 Coordinator Assisted with Existing Business and Retention Issues, Produced and Published News Releases for Economic Development Announcements, Research of Infrastructure Capabilities for Potential Industrial Customers, Assisted in Grant writing for North Carolina Dept of Commerce Grants, Rezoning of county land for Economic Development, Contract Review, Daily Accounting Summaries Hartsell Funeral Home, Albemarle, NC June 2004- Jan 2007 Funeral Assistant Assist in Funeral Services- Funerals and Visitations, Removal of Deceased, Assign Funeral Duties-make schedule of daily task for employees, Assist in Customer Service, Inventory Management-ordered all supplies for company with daily records of inventory Alexander Sosebee, Inc. Banner Elk, NC Apr 2003 to May 2004 Sales Associate – Second key holder Inventory Manager Co-managed and trained employees, Performed opening and closing duties, Maintained daily bookkeeping, Ran daily accounting reports and made bank deposits, Inventory receiving and data entry, Inventory accounting and updating on Point of Sale system The Christmas Market,

Blowing Rock, NC June 2002 to January 2003 Inventory Manager Managed extensive warehouse inventory by receiving merchandise, entering it into hand written inventory system, Priced inventory and delivered to retail store

**Volunteer Experience:** Stanly Regional Medical Center Foundation Forum June 2006-Present Foundation Forum Steering Committee April 2007- Oct 2008 Albemarle Downtown Development Commission Promotions Committee Jan 2007- Sept 2007 Jan 2012- Present Alive @ 5 Steering Committee May 2007- Sept 2007 Stanly County Winter Wine Festival Chair- Mar 2012-Present Co-Chair Mar 2012-Mar 2012 First Presbyterian Church Member Deacon - January 2011-Present Vice Chair of Diaconate Jan 2012-Present International Mission Work Zambia, Africa Mar 2010-Apr 2012 Montana de Luz, Honduras Aug 2011

**Education:** Appalachian State University May 2004 Bachelor of Science in Business Administration Major: Business Management Dean's List

**Comments:** A younger voice needs to be present in the decisions of the future of the economic prosperity of our county. New ideas and contacts come from the generations at need.



# Stanly County Volunteer Application

## Volunteer Application Stanly County Boards and Commissions

NAME: David Smith

HOME ADDRESS: 633 E. Cannon Avenue

CITY, STATE, ZIP: Albemarle, NC 28001

TELEPHONE: (W) Retired (H) \_\_\_\_\_

FAX: \_\_\_\_\_

DATE: September 2012

EMAIL: david.smith6347@gmail.com

PLACE OF EMPLOYMENT: Retired from Rexham Corp. in Matthews and also from Pfeiffer University

IN ORDER TO HELP US COMPLY WITH STATE REPORTING REQUIREMENTS, PLEASE COMPLETE THE FOLLOWING QUESTIONS:

SEX:  MALE  FEMALE RACE: White

DATE OF BIRTH: (MM/DD/YYYY): 12 / 5 / 1947

PLEASE LIST IN ORDER OF PREFERENCE THE BOARDS/COMMISSIONS ON WHICH YOU WILL BE WILLING TO SERVE.

1. Economic Development Commission
2. \_\_\_\_\_
3. \_\_\_\_\_

PLEASE LIST ANY VOLUNTEER, WORK, OR EDUCATION EXPERIENCE YOU WOULD LIKE US TO CONSIDER IN THE REVIEW OF YOUR APPLICATION. FEEL FREE TO ATTACH A RESUME.

WORK EXPERIENCE: Rexham Corporation and Pfeiffer University

VOLUNTEER EXPERIENCE: ADDC, previously served as President for the Chamber of Commerce and on EDC Board (Ex-Officio)

EDUCATION: Pfeiffer University

OTHER COMMENTS: \_\_\_\_\_

\_\_\_\_\_

Return to Tyler Brummitt, Clerk to the Board, 1000 N. First Street, Suite 10,  
Albemarle, NC 28001

## ECONOMIC DEVELOPMENT COMMISSION (EDC)

**G. S.** 158-21

**Local Act:** 1961 Sessions Laws, Chapter 141; Amendments 1965 Session Laws, Chapter 706, Chapter 355, 1975 Session Laws, as amended by Session Laws 1983, Chapter 237, as amended by 2009 Session Laws, Chapter 253, as amended by 2011 Session Laws Chapter 175

**Meeting Schedule:** Fourth Monday of each month at 6:00 p.m.

**Date Established:** February 13, 1962

**Members:** 12

**Terms:** 2 years. Chairman serves for term of elected office (serves at the pleasure of the BOCC effective December, 2010.)

### **Special Provisions:**

The appointments shall be made so as to maintain at all times an equal balance of membership in so far as political party affiliation is concerned. For clarification, a Democrat and Republican from the following areas of Stanly County are appointed by the Board of County Commissioners: North, South, East, and West, Central, and two seats "At Large." The BOCC shall also designate an alternate member to attend and vote if the original appointee as chairman is unable to attend or is unable to vote.

### **Method of Appointment:**

Stanly County Board of Commissioners

### **Officers:**

Commissioner who is duly appointed to the board shall serve as chairman of EDC for four (4) years or for his term of elected office (serves at the pleasure of the BOCC effective December 6, 2010). The County Manager and County Attorney shall also, by virtue of their respective offices serve in a non-voting ex-officio capacity of the EDC. The EDC elects a vice chairman and secretary from its membership. By –laws indicate chairman, vice chairman, secretary, executive director and other members (as appointed by the chairman) shall make up the executive committee. Chairman has no vote except in the case of a tie.

<b>MEMBERS</b>	<b>REPRESENTING</b>	<b>INITIAL APPT</b>	<b>TERM EXPIRES</b>
Tony M. Dennis, Chairman 46417 Sapona Lane Norwood, NC 28128 H(704)474-7571; C (704)985-5170 Email: <a href="mailto:tdennis8401@aol.com">tdennis8401@aol.com</a>	BOCC		Term of Office
Nancy Lipe 37767 Pauls Crossing Road New London, NC 28127 H(704)463-4336 Email: <a href="mailto:nancy-lipe@carolina.rr.com">nancy-lipe@carolina.rr.com</a>	North – Democrat	2007	1/31/13
Dr. Surendrapal Mac 816 N. 3 <sup>rd</sup> Street Albemarle, NC 28001 W(704)983-3314 Email: <a href="mailto:surmac@gmail.com">surmac@gmail.com</a>	North – Republican	2009	1/31/13
Walter L. Davis, Jr. 483 Lakehurst Farm Road Norwood, NC 28128 Email: <a href="mailto:wdavis104@carolina.rr.com">wdavis104@carolina.rr.com</a>	South – Democrat	2010	1/31/13
Grover Stewart 46427 Sapona Lane Norwood, NC 28128 H (704) 474-7246 Email: <a href="mailto:gstewart20@carolina.rr.com">gstewart20@carolina.rr.com</a>	South – Republican	2011	1/31/13
Charles Brown P. O. Box 400 Albemarle, NC 28002 Brown, Brown & Brown Attorneys W (704) 982-2141 Email: <a href="mailto:brownlaw28001@ctc.net">brownlaw28001@ctc.net</a>	East – Democrat	2011	1/31/13
Bill Lawhon, Jr. 49295 Swift Water Road Albemarle, NC 28001 Bank of Stanly W (704) 983-6181 Email: <a href="mailto:blawhon@uwharrie.com">blawhon@uwharrie.com</a>	East – Republican	2010	1/31/13

Larry Baucom P. O. Box 310 Locust, NC 28097 Tarheel Auto Sales W(704) 888-0621 Email: <a href="mailto:larrybaucom@hotmail.com">larrybaucom@hotmail.com</a>	West – Democrat	2003	1/31/13
Ed Shimpock 441 Lindsey Lane Oakboro, NC 28129 H (704) 485-8370; W (704) 485-2014 Email: <a href="mailto:eshimpock@sevenoakshardware.com">eshimpock@sevenoakshardware.com</a>	West – Republican	2011	1/31/13
Paul Childress 1712 Bellamy Circle Albemarle, NC 28001 Bear Insurance Co. W (704) 982-1156 Email: <a href="mailto:pchildress@vnet.net">pchildress@vnet.net</a>	Central – Democrat (Served the unexpired term of Eston West until 12/31/11; reappointed to a two year term on 1/23/12)	2003	1/31/14
Gerald W. Poplin 504 Muirfield Drive Albemarle, NC 28001 W (704) 322-9400; H (704) 982-6130 Email: <a href="mailto:Gerald.Poplin@pfeiffer.edu">Gerald.Poplin@pfeiffer.edu</a>	Central – Republican	2011	1/31/13
Joe R. Kluttz, Jr. 1121 Pee Dee Avenue Albemarle, NC 28001 Albemarle Insurance Agency H (704) 618-8538; W (704) 983-1161 Email: <a href="mailto:joek@albemarle-insurance.com">joek@albemarle-insurance.com</a>	At-Large -Democrat	2011	1/31/13
Cindy Beane 960 Shankle Street Albemarle, NC 28001 W (704) 982-0126 Email: <a href="mailto:cindy@beanswaringen.com">cindy@beanswaringen.com</a>	At-Large – Republican	2006	1/31/14

Matt Smith – 2012 Chamber Representative  
Stanly Communications / Radio Stations WSPC and WZKY  
P. O. Box 549  
Albemarle, NC 28002-0549  
W (704) 983-1580  
Fax (704) 983-1436  
Email: [mattsmith@ctc.net](mailto:mattsmith@ctc.net)

Alternate Designee: Jann Lowder, Commissioner  
20130 NC 138 Hwy  
Albemarle, NC 28001  
H(704) 983-1465; C(704)438-2447  
Email: [tkg@vnet.net](mailto:tkg@vnet.net)

Andy Lucas, County Manager (Ex- Officio Non-Voting Member)  
W (704) 986-3600  
Email: [alucas@co.stanly.nc.us](mailto:alucas@co.stanly.nc.us)

Jenny Furr, County Attorney (Ex-Officio Non-Voting Member)  
W (704) 986-3603  
Email: [jfurr@co.stanly.nc.us](mailto:jfurr@co.stanly.nc.us)

Paul Stratos, EDC Director  
W (704) 986-3683  
Email: [pstratos@stanly.edc.org](mailto:pstratos@stanly.edc.org)



# Stanly County Board of Commissioners

Meeting Date: October 22, 2012

Presenter: Andy Lucas

2c

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

### ENVIRONMENTAL AFFAIRS BOARD APPOINTMENTS

Subject

The following EAB Board members' terms have expired earlier this year: Dale Burris, Franklin Lee, Lisa Myers and Mark Dry.

It is requested that the following members be reappointed to serve three year terms:

Franklin Lee, Agriculture

Dale Burris, Industry

Mark Dry, At Large

There is one (1) remaining vacancy for the Industry category. Enclosed are two (2) applications for your consideration at this time.

Requested Action

- Reappoint Franklin Lee, Dale Burris and Mark Dry, each to serve a three (3) year term.
- Appoint one (1) member to fill an Industry vacancy also for a three (3) year term.

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

## Tyler Brummitt

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**From:** webmaster@co.stanly.nc.us  
**Sent:** Sunday, April 29, 2012 11:53 PM  
**To:** Tyler Brummitt  
**Subject:** Board Member Application

**Name:** Ronny Couick  
**Address:** 44063 Bowers Rd  
**City:** Norwood  
**State:** NC  
**Zip:** 28128  
**HomePhone:** 7042196817  
**Work Phone:** 7044740250  
**Sex:** Male  
**Race:** White  
**DOB:** 09/16/1960  
**Boards:** Agri-Civic Center Advisory Committee, Airport Authority, Economic Development Commission, Environmental Affairs Board, Extraterritorial Jurisdictions, Greater Badin Water & Sewer, Industrial Facilities & Pollution Control  
**WorkExperience:** City of Monroe Waste Treatment Plant - Senior Lab Technician - Grade 1 waste water certification 1979-1981 Teledyne Allvac Senior Rotary Forge Operator, Special Shapes- Technician 1981-2011 Awards- Cornerstone of Quality, Six Sigma Yellow Belt. Couicks Small Engine - Co-owner 1981-2003 Yard Works Landscapes - Owner 2003-2008 Yard Works Power Equipment - Co-Owner 2011-current  
**VolunteerExperience:** Always working so little time to volunteer. But this will be a start.  
**Education:** High School Fluent in Microsoft Excel, Comfortable in Autocadd, Word, PowerPoint. Briggs & Stratton Master-mechanic, Kohler Expert Mechanic.  
**Comments:** I have training in real estate, and several people recognize me as a problem solver. I guess thats why I fix things.



## Stanly County Volunteer Application

### Volunteer Application Stanly County Boards and Commissions

NAME: Robert L Garmon Jr. (Bob)  
HOME ADDRESS: 1201 Mt. Creek Rd  
CITY, STATE, ZIP: Alb. NC 28001  
TELEPHONE: (W) 704 984 6555 (H) 704 985 2741  
FAX: 704 984 6558  
DATE: 8/28/12  
EMAIL: bgarmon.64@garmonmechanical.com  
PLACE OF EMPLOYMENT: Self Employed Garmon Mech. Service Inc

IN ORDER TO HELP US COMPLY WITH STATE REPORTING REQUIREMENTS, PLEASE COMPLETE THE FOLLOWING QUESTIONS:

SEX:  MALE  FEMALE RACE: white

DATE OF BIRTH: (MM/DD/YYYY): 11/19/64

PLEASE LIST IN ORDER OF PREFERENCE THE BOARDS/COMMISSIONS ON WHICH YOU WILL BE WILLING TO SERVE.

- Environmental Board
- 
- 

PLEASE LIST ANY VOLUNTEER, WORK, OR EDUCATION EXPERIENCE YOU WOULD LIKE US TO CONSIDER IN THE REVIEW OF YOUR APPLICATION. FEEL FREE TO ATTACH A RESUME.

WORK EXPERIENCE: 12 yrs Cabarrus County School / 17 yr. self employed  
VOLUNTEER EXPERIENCE: 2 yrs PTA President Aqua. Sch. / Chamber Commerce Board (Present)  
2 yrs Stanly County Mowg. Assoc. (Present)  
EDUCATION: 1-12 2yr Tech School

OTHER COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

Return to Tyler Brummitt, Clerk to the Board, 1000 N. First Street, Suite 10,  
Albemarle, NC 28001

Rev. 7/96

## ENVIRONMENTAL AFFAIRS BOARD

**G.S.:** Chapter 153A-76  
**Local Ordinance:**  
**Date Established:** April 1990  
**Meeting Schedule:** Quarterly – 3<sup>rd</sup> Tuesday at 7:00 a.m. at Stanly Regional Medical Center cafeteria  
**Members:** 9 regular; 4 Ex-Officio  
**Terms:** Three (3) initial appointments shall be for one-year terms, three (3) for two year terms, and three (3) for three year terms. Thereafter, all appointments shall be for three year terms, each member being subject to reappointment and the privilege of serving consecutive terms.  
**Special Provisions:** Individuals will represent the following categories: Municipal – 1, At-Large Citizens – 3, Industry – 3, Agriculture – 1, Education – 1.  
**Method of Appointment:** All appointed by the Board of County Commissioners  
**Officers:** Members elect a Chairman and Vice Chairman

<u>MEMBERS</u>	<u>AREA OF REPRESENTATION</u>	<u>INITIAL APPT</u>	<u>TERM EXPIRES</u>
Mark McCarter 9540 Richard Sandy Road Oakboro, NC 28129 Work (704) 984-4817 Home (704) 485-8148 Email: MMCCARTER@PERFORMED.COM	Industry	2011	3/31/14
Conrad Carter P. O. Box 1760 Albemarle, NC 28002-1760 (704) 983-2302	At-Large	2007	3/31/2013
Steve Megson (Chairman) 227 N. Third Street Albemarle, NC 28001 (704) 787-4610 Email: <a href="mailto:smegson@carolina.rr.com">smegson@carolina.rr.com</a>	At-Large	4/1/2010	3/31/2013
Larry Baucom P. O. Box 310 (719 N. Central Avenue) Locust, NC 28097 Work (704) 888-0621	Municipal	4/1/2010	3/31/2013

Home (704) 888-2914  
Email: [larrybaucom@hotmail.com](mailto:larrybaucom@hotmail.com)

Dale Burris 301 Yadkin Street Albemarle, NC 28001 (704) 984-4347	Industry	2004	3/31/2012
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Franklin Lee 40645 Mt. Zion Church Rd. Norwood, NC 28128 (704) 474-4764	Agriculture	2004	3/31/2012
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Billy Josey 630 N. Eighth Street Albemarle, NC 28001 Work (704) 983-5151	Education	2007	3/31/2013
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Lisa Myers 3974 Love Joy Road Troy, NC 27371 Work (704) 474-7760 Home (910) 572-4763 Email: <a href="mailto:lisa.jones@us.michelin.com">lisa.jones@us.michelin.com</a>	Industry	10/4/2010*	3/31/2012
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\*Serving the unexpired term of Don Matthews

Mark Dry 33173 Old Salisbury Road Albemarle, NC 28001 Work (704) 982-3511 Home (704) 983-3333 Email: <a href="mailto:markdry@dunritecleaners.com">markdry@dunritecleaners.com</a>	At-Large	10/4/2010*	3/31/2012
--	----------	------------	-----------

\*Serving the unexpired term of David Alexander

**Ex-Officio Members**

Dennis Joyner, Health Director  
Brian Simpson, EMS Director  
Steve Lemons, Ag Extension Representative  
Jerry Morton, Solid Waste Director  
Irene Huneycutt, Clerk / Administrative Support

\*Notice of meetings will be sent to the County Manager's office.



# Stanly County Board of Commissioners

Meeting Date: October 22, 2012  
 Presenter: Andy Lucas

\_\_\_\_\_ | 20  
 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

### GASTON COMMUNITY ACTION BOARD APPOINTMENT

Subject

Please see the attached letter concerning an appointment to this Board.

Requested Action

Request the Board appoint a representative for Stanly County to the Gaston Community Action Board.

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



# Gaston Community Action, Inc.

---

LOUIS BROWN, JR.  
Board President

JOSEPH W. DIXON  
Executive Director

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

Subject: Stanly – County Board Replacement

Dear Mr. Lucas,

In order to provide continuous representation for Stanly County on our Board, we would like to request that Ms. Deloris Chambers be appointed by the Stanly County Commissioners to replace Mr. Dexter Townsend. Mr. Dexter Townsend resigned as a member of the Board of Directors, on October 2, 2012, because of other obligations and commitments in other areas.

Mr. Deloris Chambers is a resident of Stanly County and has informed us that she is willing to serve on our Board of Directors. If Ms. Chambers is selected to serve on the Board she can be reached at the following: 214 Lincoln Street, Badin, NC 28009

Thank you in advance for your consideration of our request.

Sincerely,

Joseph W. Dixon  
Executive Director



# Stanly County Board of Commissioners

Meeting Date: October 22, 2012  
 Presenter: Dennis Joyner

\_\_\_\_\_ | 3  
 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

### SECOND PUBLIC HEARING FOR THE PROPOSED STANLY COUNTY ANIMAL CONTROL ORDINANCE

Subject

Requested Action

Request the Board hold the public hearing and consider adoption of the revised Stanly County Animal Control Ordinance.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Dept. \_\_\_\_\_

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 ANIMAL CONTROL ORDINANCE

Adopted \_\_/\_\_/12

## TABLE OF CONTENTS

	<u>Page</u>
<u>ARTICLE I - AUTHORITY, PURPOSE AND GENERAL PROVISIONS</u> .....	4
Section 1- AUTHORITY	
Section 2- PURPOSE AND OBJECTIVE	
Section 3- GENERAL PROVISIONS	
<u>ARTICLE II - RABIES CONTROL</u> .....	7
Section 1- DEFINITIONS	
Section 2- VACCINATION FOR RABIES	
Section 3- BITES	
Section 4- SANCTIONS, PENALTIES, ETC.	
<u>ARTICLE III - ANIMAL CRUELTY</u> .....	11
Section 1- DEFINITIONS	
Section 2- EXEMPTIONS	
Section 3- GENERAL CARE AND PROHIBITED ACTS	
Section 4- FAILURE TO REPORT ANIMAL CRUELTY	
Section 5- SANCTIONS, PENALTIES, ETC.	
<u>ARTICLE IV - DOGS AT LARGE AND CONFINEMENT OF DOG IN ESTRUS</u> .....	15
Section 1- DEFINITIONS	
Section 2- DOGS AT LARGE	
Section 3- FEMALE DOG IN ESTRUS	
Section 4- SANCTIONS, PENALTIES, ETC.	
<u>ARTICLE V – DOG NUISANCE</u> .....	18
Section 1- DEFINITIONS	
Section 2- DOG CREATING A NUISANCE	
Section 3- DOG WITHIN LESS THAN 15 FEET OF PUBLIC WAY	
Section 4- INTENTIONALLY OR WILLFULLY CAUSING A DOG TO VIOLATE THIS ARTICLE	
Section 5- SANCTIONS, PENALTIES, ETC.	
<u>ARTICLE VI - CATS AS PUBLIC NUISANCE AND CONFINEMENT OF CATS IN ESTRUS</u> .....	20
Section 1- DEFINITIONS	
Section 2- CAT NUISANCE	
Section 3- FEMALE CATS IN ESTRUS	
Section 4- SANCTIONS, PENALTIES, ETC.	
<u>ARTICLE VII - KEEPING STRAY ANIMALS</u> .....	22
Section 1- DEFINITIONS	
Section 2- KEEPING STRAY ANIMALS	
Section 3- REFUSAL TO SURRENDER A STRAY ANIMAL	

Section 4- SANCTIONS, PENALTIES, ETC.

ARTICLE VIII - DANGEROUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL .....23

Section 1- DEFINITIONS

Section 2- EXEMPTIONS

Section 3- DETERMINATION OF DANGEROUS

Section 4- CONFINEMENT AND RESTRAINT

Section 5- TRANSFER OF OWNERSHIP

Section 6- SANCTIONS, PENALTIES, ETC.

ARTICLE IX - INHERENTLY DANGEROUS EXOTIC ANIMALS .....27

Section 1- DEFINITIONS

Section 2- PROHIBITION

Section 3- EXEMPTIONS

Section 4- IMPOUNDMENT

ARTICLE X - INTERFERENCE .....29

INTERFERENCE

ARTICLE XI - TRAPPING OF DOGS AND CATS .....29

Section 1- TRAPPING

Section 2- DAMAGE, DESTRUCTION, AND/OR THEFT OF ANIMAL CONTROL PROPERTY

ARTICLE XII - IMPOUNDMENT OF ANIMALS .....30

Section 1- DEFINITIONS

Section 2- IMPOUNDMENT

Section 3- FERAL CATS

Section 4- NOTICE

Section 5- BOARDING FEES

ARTICLE XIII - CIVIL PENALTIES .....31

CIVIL PENALTIES

ARTICLE XIV - REDEMPTION OF ANIMALS .....32

REDEMPTION OF ANIMALS

ARTICLE XV - DISPOSITION AND ADOPTION .....33

Section 1- DISPOSITION OF IMPOUNDED ANIMALS

Section 2- ADOPTION FEES

Section 3- RECOVERY OF ADOPTED ANIMALS

ARTICLE XVI - SERVICE AND RETURN OF SERVICE .....33

METHOD OF SERVICE AND RETURN

ARTICLE XVII - APPEALS AND REQUEST FOR REVIEW OF CIVIL CITATIONS .....34

Section 1- APPEAL PROCEDURE

Section 2- APPEAL HEARING

ARTICLE XVIII - GENDER .....34  
GENDER STATEMENT

ARTICLE XIX - SEVERABILITY .....34  
SEVERABILITY

ARTICLE XX - ENFORCEMENT AND EFFECT OF THIS ORDINANCE .....35  
Section 1- ENFORCEMENT  
Section 2- EFFECTIVE DATE  
Section 3- EFFECT ON PRIOR ORDINANCE

# 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;

- (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;

(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.

(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 or older within the county limits unless it has been 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 or harborer and the name, breed, color, age and sex of each dog. The fee for each tag shall be paid when the application is made. A numbered receipt will be given to the applicant, and a numbered metallic tag shall be issued to the applicant. A fee will be paid at the rate set by the Commissioners of Stanly County and must be purchased at the rate of one tag for each dog owned. If the county tag is lost, a duplicate may be procured from the Stanly County Tax Collector at a fee as provided by the Stanly County Board of Commissioners. It shall be unlawful for any person to use a receipt and/or an issued license tag for a dog other than the dog for which the receipt and license tag were originally issued.

(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 or by a designated Animal Control Committee. If such a committee is designated, it shall be comprised of the

Veterinarian, Physician, and Chairperson representatives of the Board of Health or other members so designated by the 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 seventy-two (72) 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) RESTRAINT: The owner of an animal shall keep the animal on his property or under restraint at all times. An animal is under restraint if it is:~~

- ~~(1) inside a secure enclosure with a minimum dimension of 10 feet by 10 feet and 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 animal 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 animal 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 animal is in the act of hunting; an animal is in the act of hunting when, during a season designated for the hunted game, the Owner of the animal holds a hunting license as required by the State of North Carolina, and the animal is in fact hunting for said game; or~~  
~~(7) participating in an animal show, competition or field trial.~~

~~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 animal.~~

~~Use of tethering by means of chains, ropes, cables or like devices is not allowed unless approved by an Animal Control Officer on a case-by-case basis where existing secure enclosures or electronic fencing devices are being repaired. Owners using tethering as a means of restraint at the time of the adoption of this ordinance shall have six (6) months from the date of the adoption of this ordinance to comply with the aforementioned restraint requirements.~~

~~Voice command is not recognized as adequate restraint.~~

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

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

## **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 Health Services 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. The Animal Control Director may implement another method for collecting vaccination certificates. 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 ~~and treated~~, 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 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. Stanly County Animal Control may waive the cost of confining the animal at the shelter if the bite occurred on the owner's premises and the animal was provoked. 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 of this Article 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 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's Animal Control Committee shall convene within ten (10) days of the receipt of said request. The Board of Health's Animal Control Committee 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 Animal Control Committee 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 Committee'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, CATS, AND FERRETS WITHOUT VALID RABIES TAGS AND THE OWNER IS UNKNOWN. If a dog, cat, or ferret 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 animal. Written notice of impoundment shall be posted at the Animal Shelter for a minimum of three (3) days. If the animal has not been redeemed by the owner after three (3) days, the animal shall become the property of Stanly County to be disposed of according to this Ordinance. If the owner is found, the animal 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 animal 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.

### **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 or allowing an animal to remain on their property for more than seventy-two (72) hours.

(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 or plastic barrels or
- (5) inside cardboard boxes.

## **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. No animals shall be allowed to ride in the back of an open truck bed, without the animal being restrained in the truck in a safe manner to prevent the animal from jumping over the sides or out of the vehicle.

(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.

(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. The owner or lessee of real property who fails to report acts of animal cruelty shall be subject to the appropriate sanctions described in Section 5 below.

#### **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 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) and/or issue written Notices of Violation to the Owner. Should the Notice(s) of Violation require the Owner to correct the condition or problem within seventy two (72) hours or the Owner or possessor of the animal fails to cease or desist from the cruel treatment or fails to adequately provide for the animal, the Animal Control Officer may institute seizure and/or criminal proceedings, if he has not done so already.

(A) VIOLATION OF SECTION 3, SUBSECTION (A) FOOD, WATER AND SHELTER, (C) MEDICAL TREATMENT, (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 (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.

#### **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 2 (G), 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 seventy two (72) 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: ~~The owner of a dog shall keep the dog on his property or under restraint at all times.~~ A dog is under restraint if it is:

- (1) inside a secure enclosure with a minimum dimension of 10 feet by 10 feet and 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; a dog is in the act of hunting when, during a season designated for the hunted game, the Owner of the dog holds a hunting license as required by the State of North Carolina, and the dog is in fact hunting for said game; 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 greater than 1 acre 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.

~~Use of tethering by means of chains, ropes, cables or like devices is not allowed unless approved by an Animal Control Officer on a case-by-case basis where existing secure enclosures or electronic fencing devices are being repaired. Owners using tethering as a means of restraint at the time of the adoption of this ordinance shall have six (6) months from the date of the adoption of this ordinance to comply with the aforementioned restraint requirements.~~

~~Voice command is not recognized as adequate restraint.~~

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 ~~on his property or~~ 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~~ 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 three (3) days. If the owner fails to redeem the dog within three (3) days, 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 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 seventy-two (72) 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 three (3) days, 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 three (3) days, 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 three (3) days 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 three (3) days 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 three (3) days 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 three (3) days the dog shall become the property of Stanly County to be disposed of according to this Ordinance.

(D) INTENTIONALY 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.

(E) 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."

(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 than seventy two (72) 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 ~~may shall~~ issue a written ~~or verbal~~-warning to the owner. If Animal Control ~~received-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 ~~may shall~~ issue a written ~~Declaration of Nuisance~~Notice of Public Nuisance to the owner. ~~If, while Animal Control is investigating the second complaint, the cat is physically caught on the property of another, it may be returned to its owner, if known, if the owner is at home. If the owner is known but not at home or if the owner is unknown, the cat may be impounded. The owner shall have three (3) days to redeem the cat. The owner must pay all boarding fees in order to redeem the cat. If the owner fails to redeem the cat within three (3) days, the cat shall become the property of Stanly County and may be disposed of according to this Ordinance. No civil penalty shall be issued for the cat or the owner allowing the cat to be a nuisance at this time.~~

~~If a second complaint is substantiated, the Animal Control Officer may issue or have issued a Declaration of Nuisance. The Declaration of Nuisance~~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 ~~Declaration of Nuisance~~Notice of Public Nuisance, the Animal Control Officer shall issue a Notice of Violation and Civil Penalty ~~for the first offense and additional penalties for each subsequent offense.~~

If, after the issuance of a ~~Declaration of Nuisance~~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 three (3) days. 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 three (3) days, 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.** It shall be unlawful for any person to harbor, feed, or keep in possession by confinement or otherwise any stray animal which does not belong to him or her. Any person harboring, feeding, keeping in his or her possession by confinement or otherwise any stray animal which does not belong to him or her must notify Animal Control within seventy two (72) hours from the time such animal came into his or her possession. It shall be unlawful for any person to fail to notify Animal Control within seventy two (72) hours from the time a stray animal comes into his or her possession.

### **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.

### **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 three (3) days, 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 seventy two (72) 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, ~~tying-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 or his designee. The Health Director or his designee shall make a determination as to whether the animal is dangerous or potentially dangerous. The Health Director or his designee must issue a written determination within three (3) days of learning about the dangerous propensity of the animal. Whatever determination Animal Control 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 or his designee 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 his designee. The animal shall be impounded until such time as the Health Director or his designee 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 Animal Control Department's 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's Animal Control Committee within three (3) days of receiving the written decision. The Board of Health's Animal Control Committee shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Board of Health's Animal Control Committee 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 Animal Control Committee'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's Animal Control Committee. 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's Animal Control Committee within three (3) working days of receiving the written decision. The Board of Health's Animal Control Committee shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Board of Health's Animal Control Committee 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's Animal Control Committee 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's Animal Control Committee. 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 Animal Control Committee'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's Animal Control Committee within three (3) working days of receiving the written decision. The Board of Health's Animal Control Committee shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Board of Health's Animal Control Committee 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's Animal Control Committee 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's Animal Control Committee. 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 Animal Control Committee'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) reptiles, insects, or arachnids, which are venomous, or a constrictor greater than 5 feet in length 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.

**TEMPORARY GRANDFATHER CLAUSE:** 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 three (3) days, unless otherwise specified by this Ordinance, for redemption by the owner. Any animal not redeemed within three (3) days 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 three (3) working days for redemption by a possible owner. If the feral cat is not redeemed within three (3) working days, 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 Wear 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 <sup>st</sup> Time	\$50.00
2 <sup>nd</sup> Time	\$75.00
3 <sup>rd</sup> Time	\$100.00
4 or More Times	Court Proceedings
Failure to Confine Dog/Cat in Estrus	\$75.00
Animal Public Nuisance	
1 <sup>st</sup> Time	\$50.00
2 <sup>nd</sup> Time	\$75.00
3 <sup>rd</sup> Time	\$100.00
4 or More Times	Court proceedings
Harboring Stray Animals	\$50.00
Dangerous Animal Violations	\$500.00
Violation of Exotic Animal Ordinance	\$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 three (3) days 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:

- 1<sup>st</sup> Redemption by owner \$75.00 + Boarding Fee + Civil Penalty
- 2<sup>nd</sup> Redemption by owner \$100.00 + Boarding Fee + Civil Penalty
- 3<sup>rd</sup> Redemption by owner \$150.00 + Boarding Fee + Civil Penalty
- 4<sup>th</sup> 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 ~~the day~~ 30 days after its adoption.

**SECTION 3**

**EFFECT ON PRIOR ORDINANCE.** All prior animal control ordinances are hereby repealed the day ~~after the adoption of~~ this Ordinance takes effect.

Adopted by the Stanly County Commissioners the \_\_\_\_ day of \_\_\_\_\_, 2012.

Attest:

Stanly County Commissioners

\_\_\_\_\_

\_\_\_\_\_

Clerk to the Board

Chair



**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
OCTOBER 1, 2012**

**COMMISSIONERS PRESENT:** Lindsey Dunevant, Chairman  
Gene McIntyre, Vice Chairman  
Tony Dennis  
Jann Lowder  
Josh Morton

**COMMISSIONERS ABSENT:** None

**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, October 1, 2012 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Dunevant called the meeting to order and Vice Chairman McIntyre gave the invocation.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

With no adjustments made to the agenda, Commissioner Lowder moved to accept the agenda as presented. His motion was seconded by Commissioner Dennis and passed by unanimous vote.

**ITEM # 1- LAKE TILLERY MARINA NO-WAKE ZONE**

**Presenter: Andy Lucas, County Manager**

During the September 4<sup>th</sup> meeting, Devon Morton sought the Board's support in having an area around the Lake Tillery Marina designated as a no-wake zone. As a show of support, the Board held a public hearing and then adopted the associated resolution in support of the Mortons' application to the NC Wildlife Resources Commission.

Chairman Dunevant declared the public hearing open. Having no one come forward to speak, the public hearing was then closed.

By motion, Vice Chairman McIntyre moved to approve the resolution in support of the no-wake zone. The motion was seconded by Commissioner Morton and passed by unanimous vote.

Below is the resolution as approved:

**North Carolina  
County of Stanly**

**RESOLUTION OF  
THE BOARD OF COMMISSIONERS OF STANLY COUNTY**

**WHEREAS** under authority of North Carolina General Statutes Section 75A-15(a) any subdivision of the State of North Carolina may at any time, after public notice, make formal application to the Wildlife Resources Commission for special rules and regulations with reference to the safe and reasonable operation of vessels on any water within its territorial limits.

AND WHEREAS Stanly County has given public notice of its intention to make formal application to the Wildlife Resources Commission for special rules and regulations with reference to the safe and reasonable operation of vessels on Lake Tillery within the territorial limits of Stanly County, and for the implementation of the Uniform Waterway Marker System in all the waters of the County.

BE IT RESOLVED that in accordance with G. S. 75A – 15, the Board of Commissioners of Stanly County requests the North Carolina Wildlife Resources Commission to promulgate special rules and regulations with reference to safe and reasonable operation of vessels on the waters of Lake Tillery located in said County.

BE IT FURTHER RESOLVED that the said Board of Commissioners requests the said Commission to promulgate regulations fully implementing the Uniform Waterway Marker System in all of the waters of the said County.

**CERTIFICATION**

This is to certify that the above is a true and exact copy of a resolution adopted by the Stanly County Board of Commissioners at a regular meeting held in the Commissioners Meeting Room, Stanly Commons on Monday, October 1, 2012.

(Seal)

\_\_\_\_\_  
Tyler Brummitt, Clerk to the Board  
Stanly County Commissioners

**ITEM # 2 – PRESENTATION OF TWO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATIONS**

**Presenter: Michael Walser, Carolina Governmental Services, LLC**

**A. Public Hearing for the Scattered Site Housing Application**

The purpose of the public hearing was to receive public comment regarding the submission of an application for funds through the CDBG Scattered Site Housing grant and for approval of the associated resolution. The application will be submitted to the NC Division of Community Assistance for \$225,000 and will aid in the rehabilitation of owner occupied, low to moderate income households in the county.

Chairman Dunevant declared the public hearing open. With no one coming forward, the hearing was closed.

By motion, Commissioner Dennis moved to approve submission of the grant application and the associated resolution. The motion was seconded by Vice Chairman McIntyre and carried with a 5 – 0 vote.

**B. PUBLIC HEARING FOR THE 2012 ECONOMIC CATALYST GRANT APPLICATION**

The purpose of the public hearing was to receive public comment concerning the submission of an application for funds under the 2012 Economic Catalyst grant and approval of the associated resolution. The county will apply for these funds in an amount not to exceed \$500,000 for improvements to the Stanly County Senior Center.

Chairman Dunevant declared the public hearing open. Having no one come forward, the hearing was closed.

By motion, Vice Chairman McIntyre moved to approve the application and the associated resolution. His motion was seconded by Commissioner Morton and passed with a 5 – 0 vote.

**ITEM # 3 – TAX ADMINISTRATION – PUBLIC HEARING FOR THE PROPOSED 2013 SCHEDULE OF VALUES**

**Presenters: Melia Miller, Tax Administrator**

**Leigh Ann Lowder, Present Value Specialist**

**Charles Johnson, Real Property Appraisal Supervisor**

Pursuant to G.S. 105-317, a public hearing is required for the proposed Schedules of Values which must be held at least seven (7) days prior to adoption of the final Schedules.

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

No further action was required of the Board at this time.

#### **ITEM # 4 – PLANNING & ZONING**

**Presenter: Michael Sandy, Planning Director**

##### **A. ZA 12-02 – Rezoning request for Terry F. Hinson on behalf of Mary B. Hinson**

Ms. Hinson submitted a request to have a 1.37 acre parcel of land located at 17202 Frog Pond Road (tax record number 11506) rezoned from RA to R-20. The purpose of the amendment is to reduce the minimum lot size requirement to 15,000 square feet, which will allow the property owner to divide the property.

Chairman Dunevant asked if the resulting two lots would be buildable, to which the Planning Director answered yes.

Chairman Dunevant declared the public hearing open. Terry Hinson, son of Mary B. Hinson, came forward to speak in favor of the request stating his mother wants to subdivide the parcel of land and give him one portion of it as his inheritance. With no one else coming forward, the hearing was closed.

By motion, Commissioner Dennis moved to approve ZA 12-02 and was seconded by Commissioner Lowder. The motion passed by unanimous vote.

##### **B. ZA 12-03 – Rezoning request for Gus Schad**

Mr. Schad requested a 16.31 acre parcel (tax record number 17649) on South Highway Business 52, approximately 375 feet south of the intersection of Ross Drive, be rezoned from R-20 to R-8. The purpose of the request is to allow for multi-family dwellings.

Chairman Dunevant clarified the request further by stating the Board was voting on the rezoning of the property only and not the site plan for the development itself, to which the Planning Director stated yes.

Chairman Dunevant declared the public hearing open. During this time, James Schad came forward to speak in favor of the rezoning. Mr. Schad stated their goal is to build senior apartments on the property which will offer something the county does not currently have.

With no one else coming forward, the public hearing was closed.

Commissioner Dennis moved to approve ZA 12-03 and was seconded by Commissioner Morton. The motion was carried by a 5 – 0 vote.

**C. Public Hearing for Consideration of Adoption of a Minimum Housing Ordinance for Stanly County**

At the previous meeting, the Planning Director presented the proposed minimum housing ordinance for the Board's review and consideration. It was now requested the Board hold the public hearing and thereafter approve, modify or deny the proposed ordinance. If approved, the ordinance would become effective January 1, 2013.

The County Attorney stated that she and the Planning Director had made a few minor changes to clarify particular areas of the ordinance, but otherwise it is the same. Vice Chairman McIntyre asked if Section IX, Item number 9 also included mowing the state right-of-way, to which the Planning Director answered yes.

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

By motion, Vice Chairman McIntyre moved to approve the ordinance and associated resolution with one modification to Section IX, Item number 9 regarding tall grass. He requested the tall grass of a residential/commercial/industrial structure be kept to no more than twelve (12) inches instead of eighteen (18) inches as written in the new ordinance. Commissioner Lowder seconded the motion with the requested amendment. The motion carried unanimously.

**ITEM # 5 – AWARD OF THE ADMINISTRATIVE SERVICES CONTRACTS FOR THE 2012 URGENT REPAIR PROGRAM, 2011 SINGLE FAMILY REHABILITATION PROGRAM AND THE DUKE HOME ENERGY LOAN POOL PROGRAM**

**Presenter: Andy Lucas, County Manager**

After an evaluation and review of the bids received, staff requested the administrative services contracts for the above three (3) grants be awarded to Carolina Governmental Services LLC.

Commissioner Dennis moved to approve the award of the contracts as recommended to Carolina Governmental Services, LLC. His motion was seconded by Vice Chairman McIntyre and passed with a vote of 5 – 0.

## **ITEM # 6 – WEST STANLY SEWER CONTRACT SUB-COMMITTEE**

**Presenter: Andy Lucas, County Manager**

By motion, Commissioner Lowder moved to appoint Chairman Dunevant and Commissioner Dennis to the sub-committee. The motion was then seconded by Vice Chairman McIntyre and carried by unanimous vote.

## **ITEM # 7 - CONSENT AGENDA**

- A. Minutes – Regular meeting of September 4, 2012 and special meeting of September 18, 2012
- B. E-911 – Request approval of budget amendment # 2013-07
- C. Tax – Refund request for BAC Tax Services Corporation
- D. Finance – Acceptance of the Monthly Financial Report for Two Months Ended August 31, 2012
- E. Library – Request Board approval to dispose of the attached list of books

Commissioner Dennis moved to approve the consent agenda as presented and was seconded by Vice Chairman McIntyre. The motion was passed by unanimous vote.

## **PUBLIC COMMENT**

None

## **GENERAL COMMENTS & ANNOUNCEMENTS**

Chairman Dunevant requested the Board's consideration in changing the date for the second commissioners meeting in October from the 15<sup>th</sup> to the 22<sup>nd</sup>. Vice Chairman McIntyre moved to approve the change and was seconded by Commissioner Dennis. The motion carried with a 5 – 0 vote.

Chairman Dunevant reminded everyone that early voting begins on Thursday, October 18<sup>th</sup> and encouraged all citizens to participate.

There were no other comments.

## **CLOSED SESSION**

Commissioner Dennis moved to recess the meeting to closed session in order to consult with the County Attorney in accordance with G. S. 143-318.11(a)(3) to discuss the 401 water quality permit intervention, APGI's public records requests lawsuit, a potential lawsuit and economic development in accordance with G. S. 143-318.11(a)(4). The motion was seconded by Vice Chairman McIntyre and passed by unanimous vote at 7:31 p.m.

**ADJOURN**

There being no further business presented, Vice Chairman McIntyre moved to adjourn the meeting and was seconded by Commissioner Morton. The motion carried by unanimous vote at 8:17 p.m.

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Lindsey Dunevant, Chairman

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Tyler Brummitt, Clerk

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
EMERGENCY MEETING MINUTES  
OCTOBER 9, 2012**

**COMMISSIONERS PRESENT:** Lindsey Dunevant, Chairman  
 Gene McIntyre, Vice Chairman  
 Tony Dennis  
 Jann Lowder  
 Josh Morton

**STAFF PRESENT:** Andy Lucas, County Manager  
 Jenny Furr, County Attorney  
 Tyler Brummitt, Clerk to the Board

**CALL TO ORDER**

Chairman Dunevant called the emergency meeting of the Stanly County Board of Commissioners (the "Board") to order on Tuesday, October 9, 2012 at 2:00 p.m. in the Manager's Conference Room, Stanly Commons.

**CLOSED SESSION**

By motion, Commissioner Dennis moved to recess the meeting into closed session to consult with the County Attorney in accordance with G. S. 143-318.11(a)(3) to discuss the 401 water quality permit intervention and APGI's public records requests lawsuit. The motion was seconded by Vice Chairman McIntyre and passed by a 5 – 0 vote at 2:01 p.m.

**ADJOURN**

There being no further discussion, Vice Chairman McIntyre moved to adjourn the meeting and was seconded by Commissioner Lowder. The motion passed unanimously at 3:45 p.m.

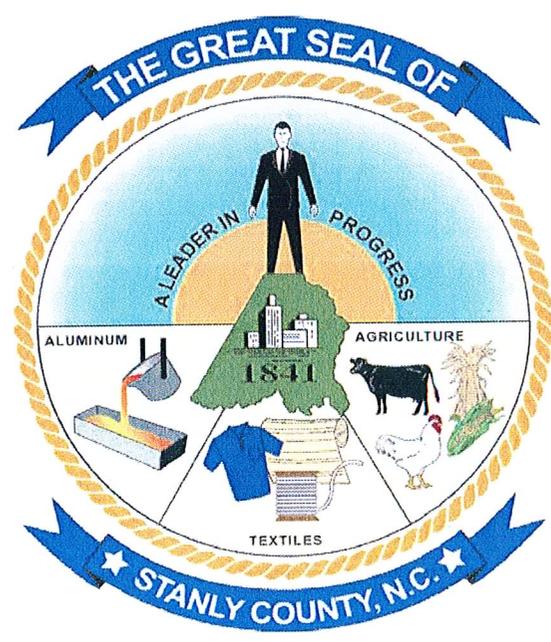
\_\_\_\_\_  
Lindsey Dunevant, Chairman

\_\_\_\_\_  
Tyler Brummitt, Clerk

**STANLY COUNTY  
NORTH CAROLINA**

**MONTHLY  
FINANCIAL REPORT**

**For Three Months Ended  
September 30, 2012**



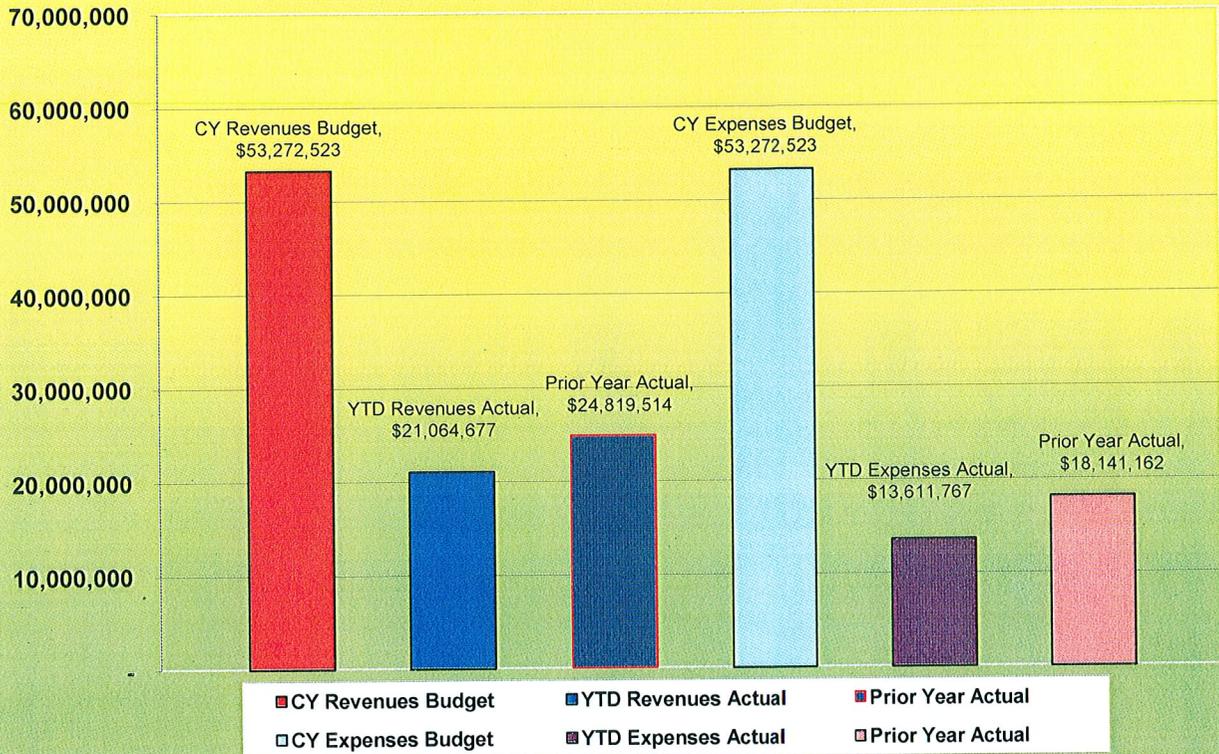
**Prepared and Issued by:  
Stanly County Finance Department**

**STANLY COUNTY, NORTH CAROLINA  
FISCAL YEAR 2012-2013**

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	Page
<b>MONTHLY FINANCIAL REPORTS</b>	
General Fund:	
Revenue and Expense Graphic - Comparative FY 2012 with FY 2013	1
Revenue Graphic by Source - Comparative FY 2012 with FY 2013	2
Revenue Graphic by Source - Compared to Amended Budget 2013	3
Expense Graphic by Function - Comparative FY 2012 with FY 2013	4
Expense Graphic by Function - Compared to Amended Budget 2013	5
All Fund Financial Information:	
Financial information - All Operating Funds	6-9
Financial information - Project Funds	10-11
General Fund:	
Comparative Cash Position - Five years	12
Investment Report	13
General Fund:	
Fund Balance Calculation	14

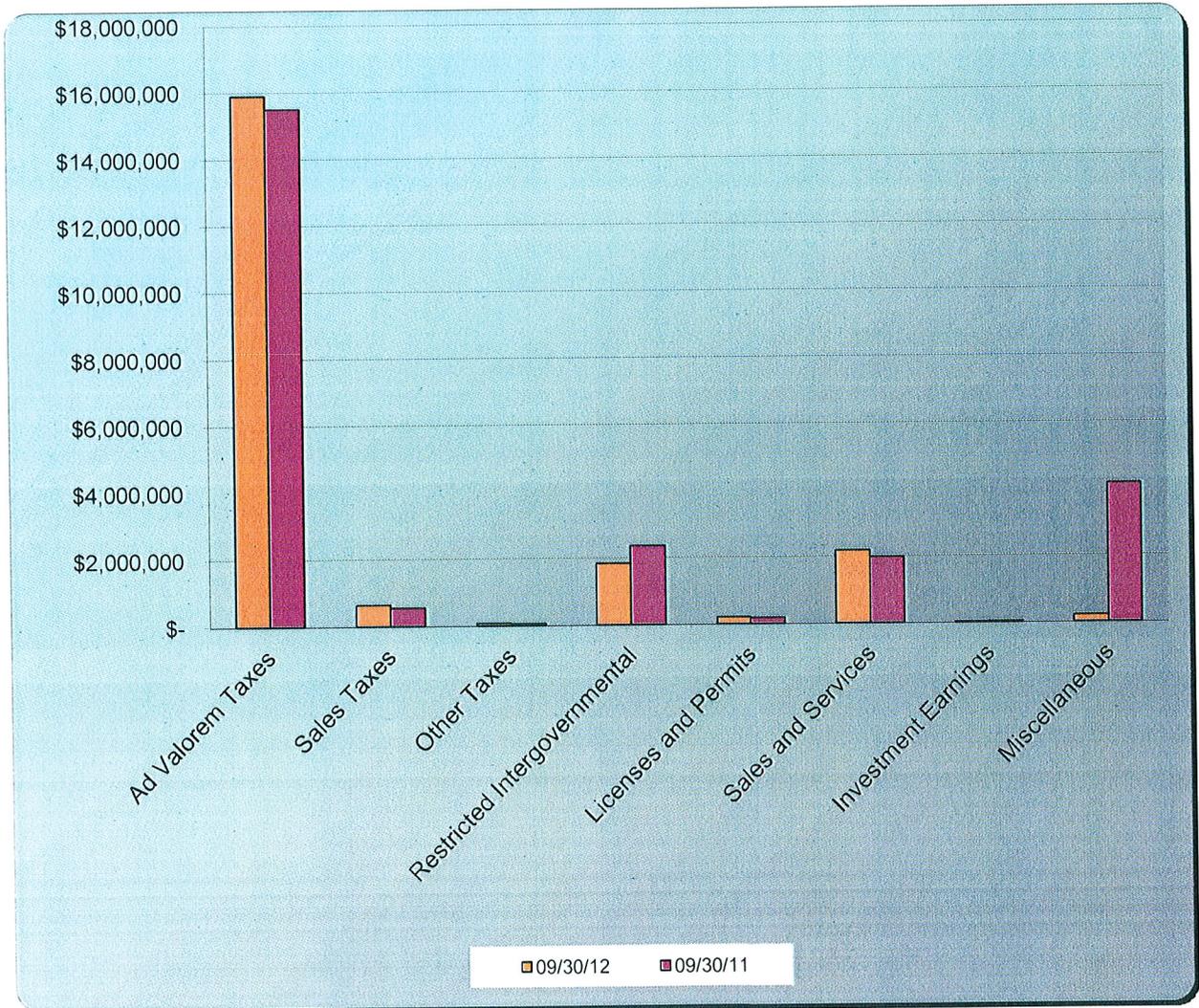
## General Fund Revenues and Expenses Actual vs Budget Fiscal Year 2013



**Stanly County**  
**General Fund Revenues by Source**  
**For the Three Months Ended September 30, 2012**  
**with Comparative September 30, 2011**

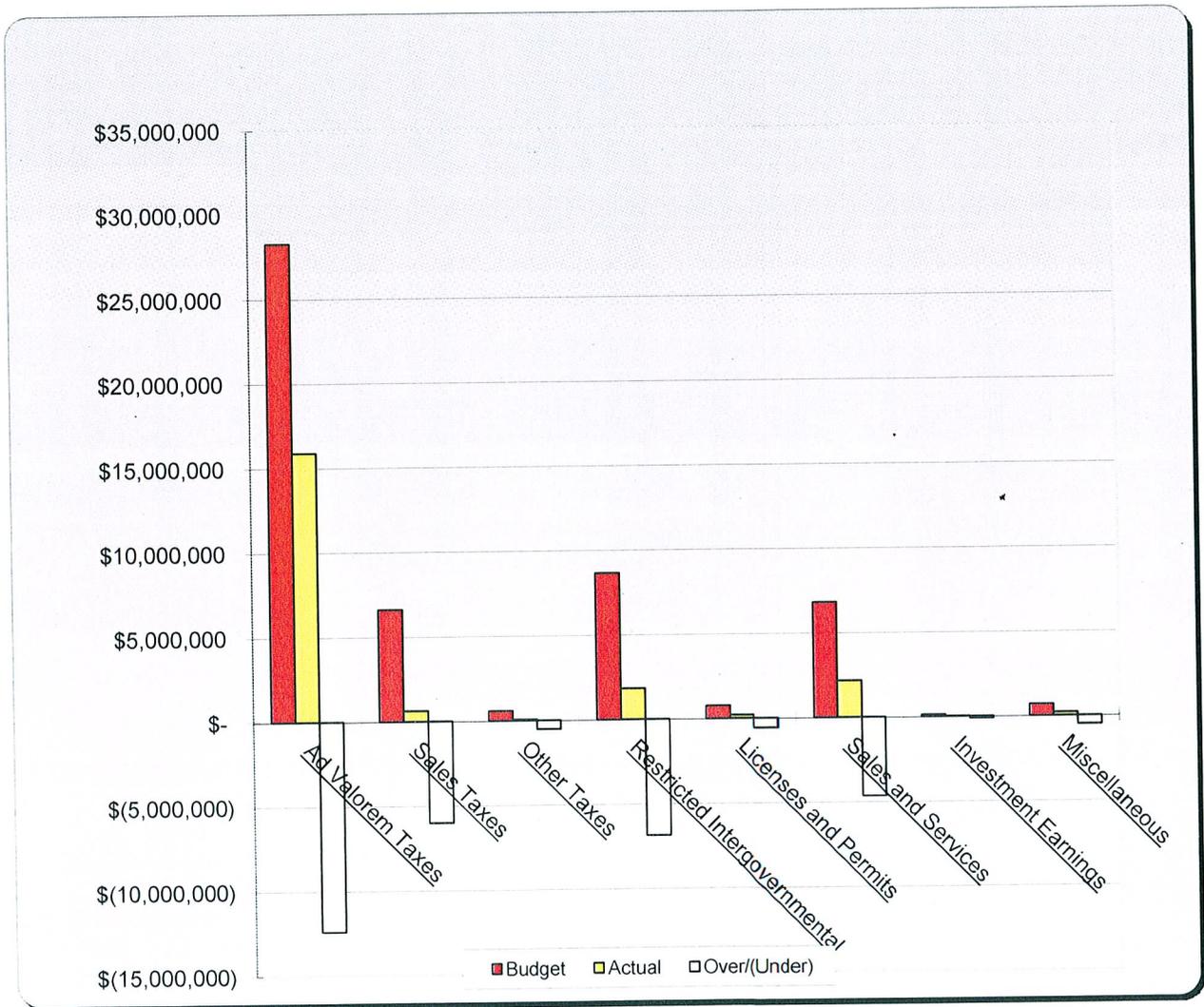
REVENUES:

	<u>09/30/12</u>	<u>09/30/11</u>	<u>Variance</u>	<u>Percent</u>
Ad Valorem Taxes	\$ 15,896,572.94	\$ 15,502,176.21	\$ 394,396.73	102.54%
Sales Taxes	640,902.45	548,143.58	92,758.87	116.92%
Other Taxes	73,195.97	64,214.12	8,981.85	113.99%
Restricted Intergovernmental	1,839,217.23	2,366,335.26	(527,118.03)	77.72%
Licenses and Permits	203,914.97	184,241.18	19,673.79	110.68%
Sales and Services	2,183,805.51	1,985,096.59	198,708.92	110.01%
Investment Earnings	20,574.56	21,558.30	(983.74)	95.44%
Miscellaneous	<u>206,493.57</u>	<u>4,147,749.18</u>	<u>(3,941,255.61)</u>	<u>4.98%</u>
<b>Totals</b>	<b><u>\$ 21,064,677.20</u></b>	<b><u>\$ 24,819,514.42</u></b>	<b><u>\$ (3,754,837.22)</u></b>	<b><u>84.87%</u></b>



**Stanly County**  
**General Fund Budget by Source Compared to Actual Revenues**  
**For the Three Months Ended September 30, 2012**

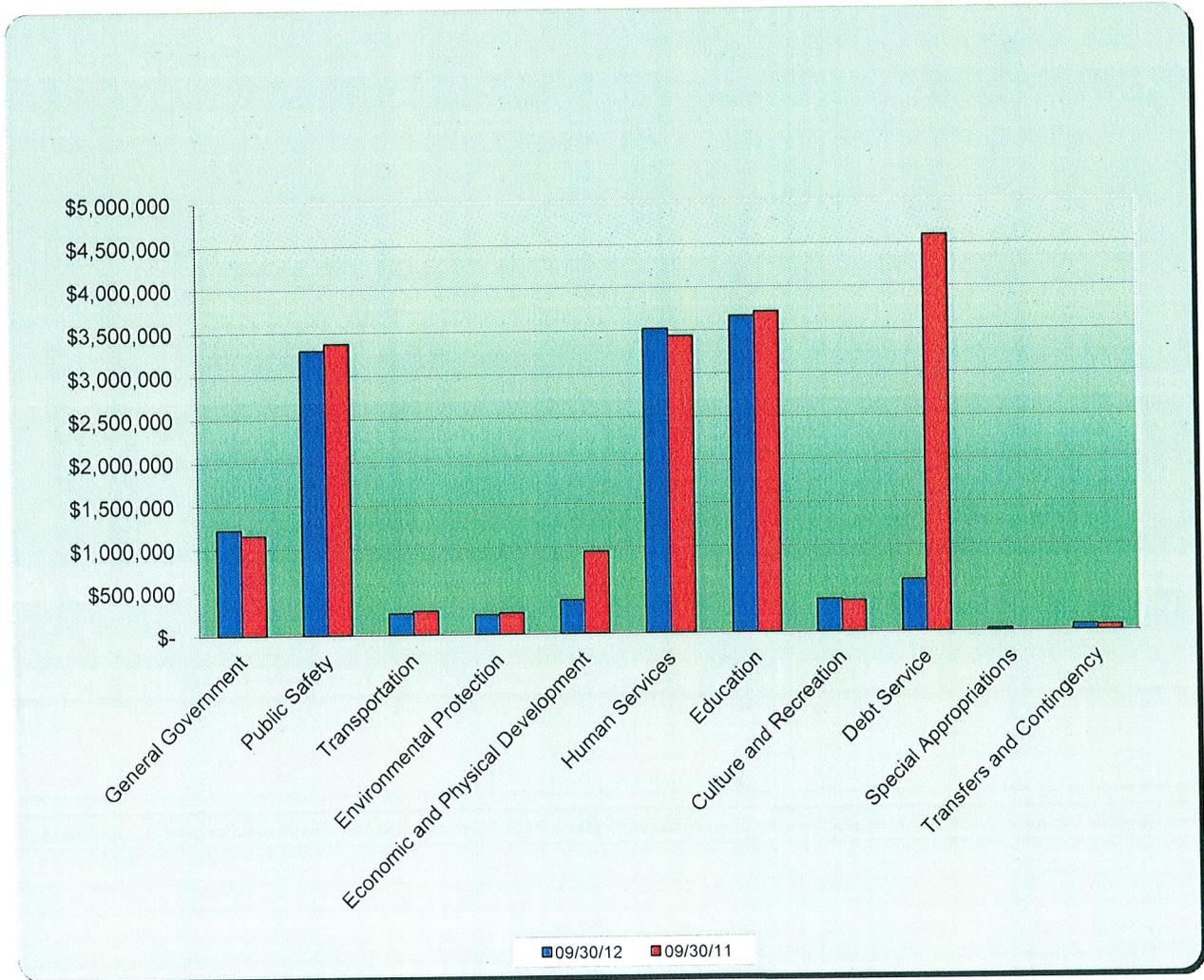
REVENUES:	Amended Budget	Actual	Actual Over/(Under)	Percent Collected
Ad Valorem Taxes	\$ 28,288,502.00	\$ 15,896,572.94	\$ (12,391,929.06)	56.19%
Sales Taxes	6,625,000.00	640,902.45	(5,984,097.55)	9.67%
Other Taxes	580,200.00	73,195.97	(507,004.03)	12.62%
Restricted Intergovernmental	8,675,467.00	1,839,217.23	(6,836,249.77)	21.20%
Licenses and Permits	763,859.00	203,914.97	(559,944.03)	26.70%
Sales and Services	6,822,782.00	2,183,805.51	(4,638,976.49)	32.01%
Investment Earnings	125,000.00	20,574.56	(104,425.44)	16.46%
Miscellaneous	696,239.00	206,493.57	(489,745.43)	29.66%
Fund Balance Appropriated	695,474.00	-	(695,474.00)	0.00%
<b>Totals</b>	<b>\$ 53,272,523.00</b>	<b>\$ 21,064,677.20</b>	<b>\$ (32,207,845.80)</b>	<b>39.54%</b>



**Stanly County**  
**General Fund Expenses**  
**For the Three Months Ended September 30, 2012**  
**with Comparative September 30, 2011**

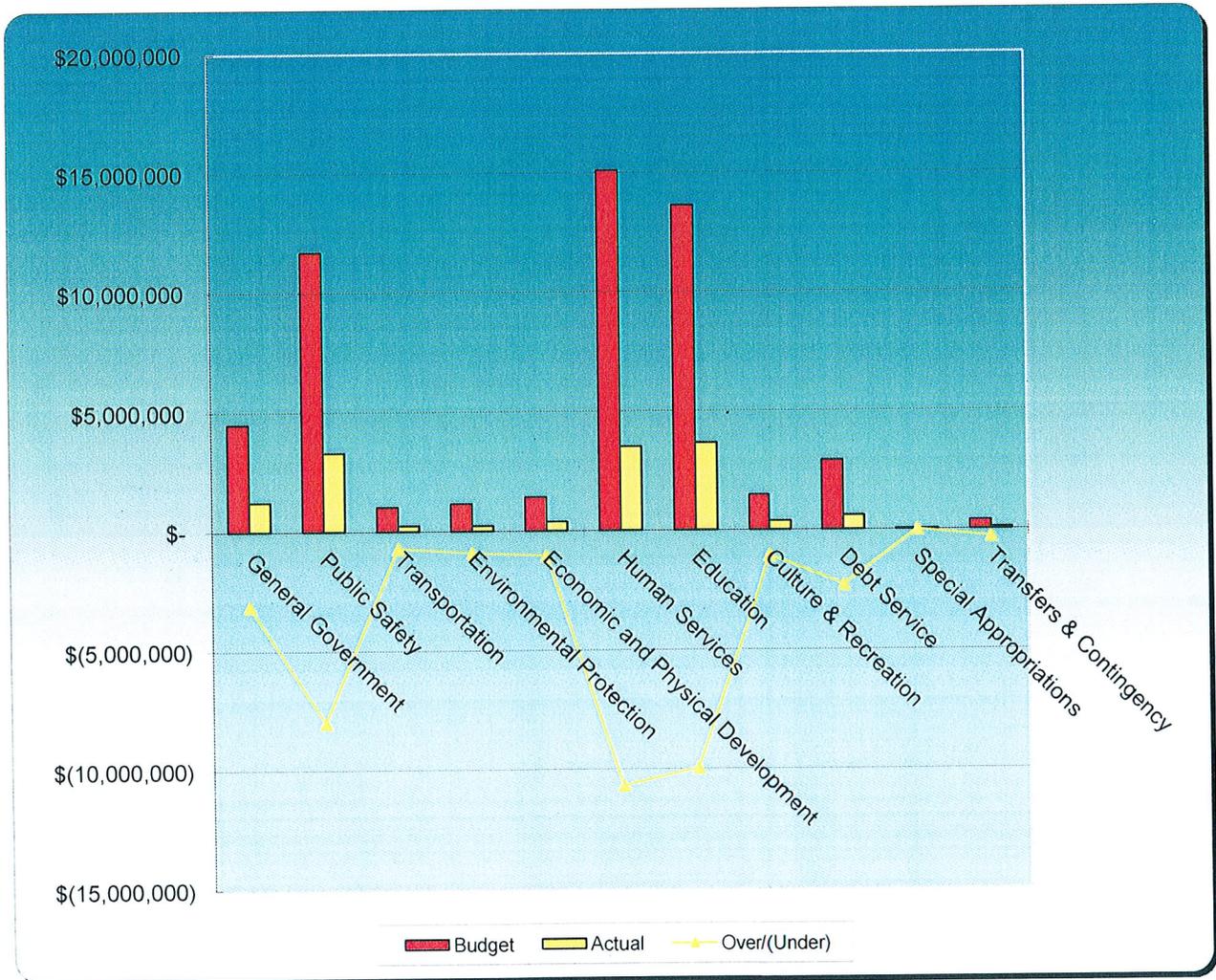
EXPENSES:

	<u>09/30/12</u>	<u>09/30/11</u>	<u>Variance</u>	<u>Percent</u>
General Government	\$ 1,223,964.84	\$ 1,157,253.63	\$ 66,711.21	105.76%
Public Safety	3,292,716.93	3,369,192.78	(76,475.85)	97.73%
Transportation	245,913.33	271,654.73	(25,741.40)	90.52%
Environmental Protection	223,549.57	244,023.84	(20,474.27)	91.61%
Economic and Physical Development	383,987.35	948,802.63	(564,815.28)	40.47%
Human Services	3,517,787.50	3,432,882.34	84,905.16	102.47%
Education	3,659,917.03	3,710,498.57	(50,581.54)	98.64%
Culture and Recreation	374,636.43	360,074.17	14,562.26	104.04%
Debt Service	597,169.04	4,589,945.46	(3,992,776.42)	13.01%
Special Appropriations	25,000.00	-	25,000.00	0.00%
Transfers and Contingency	67,125.00	56,834.00	10,291.00	118.11%
<b>Totals</b>	<b>\$ 13,611,767.02</b>	<b>\$ 18,141,162.15</b>	<b>\$ (4,529,395.13)</b>	<b>75.03%</b>



**Stanly County**  
**General Fund Budget by Function Compared to Actual Expenses**  
**For the Three Months Ended September 30, 2012**

EXPENSES:	Amended <u>Budget</u>	<u>Actual</u>	<u>Over/(Under)</u>	Percent <u>Expended</u>
General Government	\$ 4,490,292.00	\$ 1,223,964.84	\$ (3,135,453.03)	30.17%
Public Safety	11,693,624.00	3,292,716.93	(8,020,906.23)	31.41%
Transportation	1,024,213.00	245,913.33	(726,095.67)	29.11%
Environmental Protection	1,151,301.00	223,549.57	(917,432.13)	20.31%
Economic and Physical Development	1,421,603.00	383,987.35	(1,036,990.99)	27.05%
Human Services	15,092,624.00	3,517,787.50	(10,698,295.22)	29.12%
Education	13,621,142.00	3,659,917.03	(9,961,224.97)	26.87%
Culture & Recreation	1,469,494.00	374,636.43	(1,072,990.09)	26.98%
Debt Service	2,904,730.00	597,169.04	(2,307,560.96)	20.56%
Special Appropriations	25,000.00	25,000.00	-	100.00%
Transfers & Contingency	378,500.00	67,125.00	(311,375.00)	17.73%
<b>Totals</b>	<b>\$ 53,272,523.00</b>	<b>\$ 13,611,767.02</b>	<b>\$ (38,188,324.29)</b>	<b>28.32%</b>



**Stanly County**  
**Comparative Monthly Financial Report**  
**For the Three Months Ended September 30, 2012**

		AMENDED	*Y-T-D	UNCOLLECTED	%	LAST
		BUDGET	TRANSACTIONS	REVENUE OR	COLLECTED	YEAR'S Y-T-D
				APPROPRIATIONS	OR EXPENDED	TRANSACTIONS
				REMAINING		
<b>GENERAL FUND 110</b>						
<b>REVENUES:</b>						
Depart 3100-	Ad Valorem Taxes	\$ 28,288,502.00	\$ 15,896,572.94	\$ 12,391,929.06	56.19%	\$ 15,502,176.21
Depart 3200-	Other Taxes	7,115,200.00	714,098.42	6,401,101.58	10.04%	612,357.70
Depart 3320-	State Shared Revenue	744,685.00	211,138.00	533,547.00	28.35%	280,735.00
Depart 3323-	Court	130,000.00	21,329.27	108,670.73	16.41%	33,207.97
Depart 3330-	Intergovt Chg for Services	177,274.00	101,277.40	75,996.60	57.13%	101,381.96
Depart 3340-	Building Permits	374,400.00	103,177.28	271,222.72	27.56%	87,287.32
Depart 3347-	Register of Deeds	262,009.00	69,830.45	192,178.55	26.65%	66,168.20
Depart 3414-	Tax And Revaluation	1,900.00	923.00	977.00	48.58%	772.00
Depart 3417-	Election Fees	500.00	327.15	172.85	65.43%	663.35
Depart 3431-	Sheriff	374,615.00	243,461.72	131,153.28	64.99%	243,901.57
Depart 3432-	Jail	158,900.00	43,173.95	115,726.05	27.17%	13,972.40
Depart 3433-	Emergency Services	43,074.00	13,073.01	30,000.99	30.35%	645.58
Depart 3434-	FIRE	-	-	-	N/A	-
Depart 3437-	EMS-Ambulance	2,150,750.00	621,025.87	1,529,724.13	28.87%	551,672.96
Depart 3439-	Emergency 911	-	-	-	N/A	-
Depart 3450-	Transportation	833,562.00	164,427.21	669,134.79	19.73%	142,932.86
Depart 3471-	Solid Waste	945,154.00	461,903.53	483,250.47	48.87%	454,571.41
Depart 3490-	Central Permitting	10,000.00	2,715.70	7,284.30	27.16%	2,260.26
Depart 3491-	Planning and Zoning	77,900.00	11,054.48	66,845.52	14.19%	8,502.96
Depart 3492-	Rocky River RPO	104,625.00	20,924.99	83,700.01	20.00%	20,924.99
Depart 3494-	EDC	-	-	-	N/A	-
Depart 3495-	Cooperative Extension	39,192.00	8,321.94	30,870.06	21.23%	9,063.97
Depart 3500-	Health Department	3,589,775.00	735,594.07	2,854,180.93	20.49%	702,304.60
Depart 3523-	Juvenile Justice	89,785.00	22,446.00	67,339.00	25.00%	20,415.00
Depart 3530-	Social Services	5,777,999.00	1,144,933.41	4,633,065.59	19.82%	1,017,412.86
Depart 3538-	Senior Services	140,480.00	25,713.40	114,766.60	18.30%	38,900.78
Depart 3586-	Aging Services	612,609.00	102,372.63	510,236.37	16.71%	26,349.04
Depart 3587-	Veteran Service	-	-	-	N/A	-
Depart 3611-	Stanly County Library	134,900.00	36,091.07	98,808.93	26.75%	35,902.83
Depart 3613-	Recreation Plan	-	-	-	N/A	-
Depart 3614-	Historical Preservation	1,200.00	115.62	1,084.38	9.64%	368.01
Depart 3616-	Civic Center	42,500.00	6,682.75	35,817.25	15.72%	12,381.70
Depart 3831-	Investments	125,000.00	20,574.56	104,425.44	16.46%	21,558.30
Depart 3834-	Rent Income	170,395.00	52,739.90	117,655.10	30.95%	32,512.25
Depart 3835-	Sale of Surplus Property	20,000.00	155.40	19,844.60	0.78%	79.92
Depart 3838-	Loan Proceeds	-	-	-	N/A	3,980,951.83
Depart 3839-	Miscellaneous	99,164.00	183,502.08	(84,338.08)	185.05%	772,178.63
Depart 3980-	Transfer From Other Funds	100,000.00	25,000.00	75,000.00	25.00%	25,000.00
Depart 3991-	Fund Balance	536,474.00	-	536,474.00	N/A	-
<b>TOTAL REVENUES</b>		<b>53,272,523.00</b>	<b>21,064,677.20</b>	<b>32,207,845.80</b>	<b>39.54%</b>	<b>24,819,514.42</b>
<b>GENERAL FUND 110</b>						
<b>EXPENSES:</b>						
Depart 4110-	Governing Body	171,397.00	68,099.70	103,297.30	39.73%	70,575.60
Depart 4120-	Administration	368,797.00	105,270.71	263,526.29	28.54%	102,361.59
Depart 4130-	Finance	403,494.00	99,394.68	303,430.07	24.80%	117,585.07
Depart 4141-	Tax Assessor	803,581.00	209,523.04	593,411.30	26.15%	207,325.58
Depart 4143-	Tax Revaluation	377,926.00	92,635.01	285,290.99	24.51%	91,694.42
Depart 4155-	Attorney	185,562.00	55,650.03	129,911.97	29.99%	48,422.64
Depart 4160-	Clerk	10,775.00	298.00	10,477.00	2.77%	101.66
Depart 4163-	Judge's Office	6,000.00	40.12	5,959.88	0.67%	343.06
Depart 4164-	District Attorney	-	-	-	N/A	-
Depart 4170-	Elections	351,138.00	118,029.87	209,716.15	40.28%	66,249.28
Depart 4180-	Register of Deeds	299,691.00	58,883.03	240,807.97	19.65%	56,137.28
Depart 4210-	Info Technology	565,283.00	192,111.29	371,005.94	34.37%	152,603.98
Depart 4260-	Facilities Management	946,648.00	224,029.36	618,618.17	34.65%	243,853.47
<b>Total General Government</b>		<b>4,490,292.00</b>	<b>1,223,964.84</b>	<b>3,135,453.03</b>	<b>30.17%</b>	<b>1,157,253.63</b>

\* Y-T-D Transactions column does not include encumbrances.

**Stanly County**  
**Comparative Monthly Financial Report**  
**For the Three Months Ended September 30, 2012**

		AMENDED BUDGET	*Y-T-D TRANSACTIONS	UNCOLLECTED REVENUE OR APPROPRIATIONS REMAINING	% COLLECTED OR EXPENDED	LAST YEAR'S Y-T-D TRANSACTIONS
Depart 4310-	Sheriff	6,262,580.00	1,688,884.06	4,284,073.77	31.59%	1,769,535.99
Depart 4321-	Juvenile Justice	191,070.00	42,121.06	148,948.94	22.04%	43,949.51
Depart 4325	Criminal Justice Partnership	-	-	-	N/A	918.41
Depart 4326	JCPC	-	-	-	N/A	-
Depart 4330-	Emergency Services	3,544,761.00	1,112,096.42	2,369,974.67	33.14%	1,118,962.61
Depart 4350-	Inspections	307,776.00	85,208.95	222,567.05	27.69%	89,450.48
Depart 4360-	Medical Examiner	33,150.00	4,000.00	29,150.00	12.07%	1,600.00
Depart 4380-	Animal Control	321,012.00	86,602.66	225,036.68	29.90%	84,103.75
Depart 4395-	911 Emergency	1,033,275.00	273,803.78	741,155.12	28.27%	260,672.03
	<b>Total Public Safety</b>	<b>11,693,624.00</b>	<b>3,292,716.93</b>	<b>8,020,906.23</b>	<b>31.41%</b>	<b>3,369,192.78</b>
Depart 4540-	<b>Total Transportation</b>	<b>1,024,213.00</b>	<b>245,913.33</b>	<b>726,095.67</b>	<b>29.11%</b>	<b>271,654.73</b>
Depart 4710-	Solid Waste	966,107.00	186,349.44	769,438.26	20.36%	208,476.10
Depart 4750-	Fire Forester	79,337.00	7,854.67	71,482.33	9.90%	5,733.76
Depart 4960-	Soil & Water Conservation	105,857.00	29,345.46	76,511.54	27.72%	29,813.98
	<b>Total Environmental Protection</b>	<b>1,151,301.00</b>	<b>223,549.57</b>	<b>917,432.13</b>	<b>20.31%</b>	<b>244,023.84</b>
Depart 4902-	Economic Development	456,158.00	165,805.41	290,352.59	36.35%	748,632.64
Depart 4905-	Occupancy Tax	152,200.00	34,181.45	118,018.55	22.46%	29,884.13
Depart 4910-	Planning and Zoning	267,135.00	70,799.48	196,335.52	26.50%	66,389.22
Depart 4911-	Central Permitting	183,113.00	43,650.52	139,462.48	23.84%	43,440.88
Depart 4912-	Rocky River RPO	104,625.00	31,048.17	73,576.83	29.68%	29,397.32
Depart 4950-	Cooperative Extension	258,372.00	38,502.32	219,245.02	15.14%	31,058.44
	<b>Total Economic Development</b>	<b>1,421,603.00</b>	<b>383,987.35</b>	<b>1,036,990.99</b>	<b>27.05%</b>	<b>948,802.63</b>
Depart 5100-	Health Department	4,874,892.00	1,109,702.55	3,102,328.29	36.36%	1,123,233.72
Depart 5210-	Piedmont Mental Health	202,160.00	49,607.01	152,552.99	24.54%	49,560.46
Depart 5300-	Dept of Social Services	8,662,334.00	2,099,172.90	6,542,253.63	24.47%	1,985,096.81
Depart 5380-	Aging Services	929,209.00	166,492.34	575,719.01	38.04%	195,862.13
Depart 5381-	Senior Center	369,496.00	76,491.74	287,629.26	22.16%	63,345.23
Depart 5820-	Veterans	54,533.00	16,320.96	37,812.04	30.66%	15,783.99
	<b>Total Human Services</b>	<b>15,092,624.00</b>	<b>3,517,787.50</b>	<b>10,698,295.22</b>	<b>29.12%</b>	<b>3,432,882.34</b>
Depart 5910-	Stanly BOE	12,190,182.00	3,304,662.58	8,885,519.42	27.11%	3,354,887.89
Depart 5920-	Stanly Community College	1,430,960.00	355,254.45	1,075,705.55	24.83%	355,610.68
	<b>Total Education</b>	<b>13,621,142.00</b>	<b>3,659,917.03</b>	<b>9,961,224.97</b>	<b>26.87%</b>	<b>3,710,498.57</b>
Depart 6110-	Stanly Library	1,172,790.00	310,748.35	847,674.15	27.72%	283,219.25
Depart 6135-	Recreation	-	-	-	N/A	-
Depart 6140-	Historical Preservation	-	-	-	N/A	-
Depart 6160-	Agri Center	296,704.00	63,888.08	225,315.94	24.06%	76,854.92
	<b>Total Culture and Recreation</b>	<b>1,469,494.00</b>	<b>374,636.43</b>	<b>1,072,990.09</b>	<b>26.98%</b>	<b>360,074.17</b>
Depart 9000-	<b>Total Special Appropriations</b>	<b>25,000.00</b>	<b>25,000.00</b>	<b>-</b>	<b>100.00%</b>	<b>-</b>
Depart 9100-	<b>Total Debt Service</b>	<b>2,904,730.00</b>	<b>597,169.04</b>	<b>2,307,560.96</b>	<b>20.56%</b>	<b>4,589,945.46</b>
Depart 9800-	Transfers	268,500.00	67,125.00	201,375.00	25.00%	56,834.00
Depart 9910-	Contingency	110,000.00	-	110,000.00	0.00%	-
	<b>Total Transfers and Contingency</b>	<b>378,500.00</b>	<b>67,125.00</b>	<b>311,375.00</b>	<b>17.73%</b>	<b>56,834.00</b>
	<b>TOTAL EXPENSES</b>	<b>53,272,523.00</b>	<b>13,611,767.02</b>	<b>38,188,324.29</b>	<b>28.32%</b>	<b>18,141,162.15</b>
	<b>OVER (UNDER) REVENUES</b>	<b>\$ -</b>	<b>\$ 7,452,910.18</b>	<b>\$ (5,980,478.49)</b>	<b>N/A</b>	<b>\$ 6,678,352.27</b>

**Stanly County**  
**Comparative Monthly Financial Report**  
**For the Three Months Ended September 30, 2012**

		AMENDED	*Y-T-D	UNCOLLECTED	%	LAST
		BUDGET	TRANSACTIONS	REVENUE OR	COLLECTED	YEAR'S Y-T-D
				APPROPRIATIONS	OR EXPENDED	TRANSACTIONS
				REMAINING		
<b>EMERGENCY TELEPHONE E-911 260</b>						
<b>REVENUES:</b>						
Depart 3439-	Surcharge	\$ 274,682.00	\$ 45,780.34	\$ 228,901.66	16.67%	\$ 50,180.34
Depart 3831-	Investment Earnings	2,000.00	227.94	1,772.06	N/A	486.49
Depart 3991-	Fund Balance	110,733.00	-	110,733.00	N/A	-
	<b>TOTAL REVENUES</b>	<b>387,415.00</b>	<b>46,008.28</b>	<b>341,406.72</b>	<b>11.88%</b>	<b>50,666.83</b>
<b>EXPENSES:</b>						
Depart 4396-	E-911 Operations	387,415.00	130,735.87	207,916.59	46.33%	97,395.08
	<b>TOTAL EXPENSES</b>	<b>387,415.00</b>	<b>130,735.87</b>	<b>207,916.59</b>	<b>46.33%</b>	<b>97,395.08</b>
	<b>OVER (UNDER) REVENUES</b>	<b>\$ -</b>	<b>\$ (84,727.59)</b>	<b>\$ 133,490.13</b>	<b>N/A</b>	<b>\$ (46,728.25)</b>
<b>FIRE DISTRICTS 295</b>						
<b>REVENUES:</b>						
Depart 3100-	Ad Valorem Taxes	\$ 1,998,825.00	\$ 1,059,763.33	\$ 939,061.67	53.02%	\$ 1,033,100.61
	<b>TOTAL REVENUES</b>	<b>1,998,825.00</b>	<b>1,059,763.33</b>	<b>939,061.67</b>	<b>53.02%</b>	<b>1,033,100.61</b>
<b>EXPENSES:</b>						
Depart 4100-	Comm 1.5 % Admin	27,500.00	14,850.50	12,649.50	54.00%	15,085.14
Depart 4340-	Fire Service	1,971,325.00	926,457.60	1,044,867.40	47.00%	914,813.34
	<b>TOTAL EXPENSES</b>	<b>1,998,825.00</b>	<b>941,308.10</b>	<b>1,057,516.90</b>	<b>47.09%</b>	<b>929,898.48</b>
	<b>OVER (UNDER) REVENUES</b>	<b>\$ -</b>	<b>\$ 118,455.23</b>	<b>\$ (118,455.23)</b>	<b>N/A</b>	<b>\$ 103,202.13</b>
<b>GREATER BADIN OPERATING 611</b>						
<b>REVENUES:</b>						
Depart 3710-	Operating Revenues	\$ 445,509.00	\$ 86,767.40	\$ 358,741.60	19.48%	\$ 117,200.51
Depart 3991-	Fund Balance Appropriated	-	-	-	N/A	-
	<b>TOTAL REVENUES</b>	<b>445,509.00</b>	<b>86,767.40</b>	<b>358,741.60</b>	<b>19.48%</b>	<b>117,200.51</b>
<b>EXPENSES:</b>						
Depart 7110-	Administration	91,460.00	17,285.41	74,174.59	18.90%	18,637.30
Depart 7120-	Operations	309,049.00	77,332.17	229,716.83	25.67%	69,023.84
Depart 9800-	Transfer to Other Funds	45,000.00	11,250.00	33,750.00	25.00%	10,000.00
	<b>TOTAL EXPENSES</b>	<b>445,509.00</b>	<b>105,867.58</b>	<b>337,641.42</b>	<b>24.21%</b>	<b>97,661.14</b>
	<b>OVER (UNDER) REVENUES</b>	<b>\$ -</b>	<b>\$ (19,100.18)</b>	<b>\$ 21,100.18</b>	<b>N/A</b>	<b>\$ 19,539.37</b>
<b>PINEY POINT OPERATING 621</b>						
<b>REVENUES:</b>						
Depart 3710-	Operating Revenues	\$ 136,100.00	\$ 29,809.08	\$ 106,290.92	21.90%	\$ 37,769.87
	<b>TOTAL REVENUES</b>	<b>136,100.00</b>	<b>29,809.08</b>	<b>106,290.92</b>	<b>21.90%</b>	<b>37,769.87</b>
<b>EXPENSES:</b>						
Depart 7110-	Administration	75,000.00	18,750.00	56,250.00	25.00%	18,932.00
Depart 7120-	Operations	51,100.00	21,015.58	30,084.42	41.13%	14,208.58
Depart 9800-	Transfer to Other Funds	10,000.00	2,500.00	7,500.00	25.00%	5,000.00
	<b>TOTAL EXPENSES</b>	<b>136,100.00</b>	<b>42,265.58</b>	<b>93,834.42</b>	<b>31.05%</b>	<b>38,140.58</b>
	<b>OVER (UNDER) REVENUES</b>	<b>\$ -</b>	<b>\$ (12,456.50)</b>	<b>\$ 12,456.50</b>	<b>N/A</b>	<b>\$ (370.71)</b>

**Stanly County**  
**Comparative Monthly Financial Report**  
**For the Three Months Ended September 30, 2012**

		AMENDED BUDGET	*Y-T-D TRANSACTIONS	UNCOLLECTED REVENUE OR APPROPRIATIONS REMAINING	% COLLECTED OR EXPENDED	LAST YEAR'S Y-T-D TRANSACTIONS
<b>STANLY COUNTY UTILITY 641</b>						
<b>REVENUES:</b>						
Depart 3710-	Grants	\$ -	\$ -	\$ -	N/A	\$ -
Depart 3712-	Operating Revenues	2,484,790.00	425,935.85	2,058,854.15	17.14%	647,711.74
TOTAL REVENUES		<u>2,484,790.00</u>	<u>425,935.85</u>	<u>2,058,854.15</u>	17.14%	<u>647,711.74</u>
<b>EXPENSES:</b>						
Depart 7110-	Administration	371,963.00	99,913.74	269,815.96	27.46%	98,175.52
Depart 7120-	Operations	2,067,827.00	665,999.16	1,370,725.62	33.71%	433,002.49
Depart 9800-	Transfers	45,000.00	11,250.00	33,750.00	25.00%	10,000.00
TOTAL EXPENSES		<u>2,484,790.00</u>	<u>777,162.90</u>	<u>1,674,291.58</u>	32.62%	<u>541,178.01</u>
OVER (UNDER) REVENUES		<u>\$ -</u>	<u>\$ (351,227.05)</u>	<u>\$ 384,562.57</u>	N/A	<u>\$ 106,533.73</u>
<b>AIRPORT OPERATING FUND 671</b>						
<b>REVENUES:</b>						
Depart 3453-	Airport Operating	\$ 556,187.00	\$ 99,757.69	\$ 456,429.31	17.94%	\$ 103,194.36
Depart 3980-	Transfer from General Fund	268,500.00	67,125.00	201,375.00	25.00%	56,834.00
TOTAL REVENUES		<u>824,687.00</u>	<u>166,882.69</u>	<u>657,804.31</u>	20.24%	<u>160,028.36</u>
<b>EXPENSES:</b>						
Depart 4530-	Airport Operating	824,687.00	229,749.40	585,702.80	28.98%	224,923.51
TOTAL EXPENSES		<u>824,687.00</u>	<u>229,749.40</u>	<u>585,702.80</u>	28.98%	<u>224,923.51</u>
OVER (UNDER) REVENUES		<u>\$ -</u>	<u>\$ (62,866.71)</u>	<u>\$ 72,101.51</u>	N/A	<u>\$ (64,895.15)</u>
<b>GROUP HEALTH &amp; WORKERS' COMPENSATION 680</b>						
<b>REVENUES:</b>						
Depart 3428-	Group Health Fees	\$ 4,757,448.00	\$ 1,175,282.92	\$ 3,582,165.08	24.70%	\$ 1,246,414.96
Depart 3430-	Workers Compensation	449,536.00	438,774.18	10,761.82	97.61%	421,378.16
TOTAL REVENUES		<u>5,206,984.00</u>	<u>1,614,057.10</u>	<u>3,592,926.90</u>	31.00%	<u>1,667,793.12</u>
<b>EXPENSES:</b>						
Depart 4200-	Group Health Costs	4,757,448.00	1,007,147.55	\$ 3,750,300.45	21.17%	1,299,361.23
Depart 4220-	Workers Compensation	449,536.00	187,820.42	261,715.58	41.78%	129,719.43
TOTAL EXPENSES		<u>5,206,984.00</u>	<u>1,194,967.97</u>	<u>4,012,016.03</u>	22.95%	<u>1,429,080.66</u>
OVER (UNDER) REVENUES		<u>\$ -</u>	<u>\$ 419,089.13</u>	<u>\$ (419,089.13)</u>	N/A	<u>\$ 238,712.46</u>

Stanly County  
Comparative Monthly Financial Report  
Project Funds  
For the Three Months Ended September 30, 2012

		PROJECT AUTHORIZATION	PROJECT TO DATE	PROJECT AMOUNT REMAINING
<b>DUKE HELP GRANT 239</b>				
<i>REVENUES:</i>				
Depart 3330-	Grant	\$ -	\$ 10,000.00	\$ (10,000.00)
	TOTAL REVENUES	-	10,000.00	(10,000.00)
<i>EXPENSES:</i>				
Depart 4931-	Duke HELP	-	10,000.00	(10,000.00)
	TOTAL EXPENSES	-	10,000.00	(10,000.00)
	OVER (UNDER) REVENUES	\$ -	\$ -	\$ -
<b>COMMUNITY GRANT (Infrastructure Hook Up) 253</b>				
<i>REVENUES:</i>				
Depart 3493-	Grant	\$ 309,837.00	\$ 216,708.30	\$ 93,128.70
	TOTAL REVENUES	309,837.00	216,708.30	93,128.70
<i>EXPENSES:</i>				
Depart 4930-	CDBG - Hook Up	309,837.00	200,222.80	109,614.20
	TOTAL EXPENSES	309,837.00	200,222.80	109,614.20
	OVER (UNDER) REVENUES	\$ -	\$ 16,485.50	\$ (16,485.50)
<b>COMMUNITY GRANT (Single Family) 254</b>				
<i>REVENUES:</i>				
Depart 3493-	Grant	\$ 160,000.00	\$ 19,024.74	\$ 140,975.26
	TOTAL REVENUES	160,000.00	19,024.74	140,975.26
<i>EXPENSES:</i>				
Depart 4930-	CDBG - Single Family	160,000.00	669.66	159,330.34
	TOTAL EXPENSES	160,000.00	669.66	159,330.34
	OVER (UNDER) REVENUES	\$ -	\$ 18,355.08	\$ (18,355.08)
<b>COMMUNITY GRANT (Urgent Repair Program) 255</b>				
<i>REVENUES:</i>				
Depart 3493-	Grant	\$ 75,000.00	\$ 37,500.00	37,500.00
Depart 3831-	Investment Earning	-	30.91	(30.91)
	TOTAL REVENUES	75,000.00	37,530.91	37,469.09
<i>EXPENSES:</i>				
Depart 4930-	CDBG - Single Family	75,000.00	139.72	74,860.28
	TOTAL EXPENSES	75,000.00	139.72	74,860.28
	OVER (UNDER) REVENUES	\$ -	\$ 37,391.19	\$ (37,391.19)
<b>COMMUNITY GRANT (2011 Infrastructure) 256</b>				
<i>REVENUES:</i>				
Depart 3493-	Grant	75,000.00	-	75,000.00
	TOTAL REVENUES	75,000.00	-	75,000.00
<i>EXPENSES:</i>				
Depart 4930-	CDBG - Single Family	75,000.00	-	75,000.00
	TOTAL EXPENSES	75,000.00	-	75,000.00
	OVER (UNDER) REVENUES	\$ -	\$ -	\$ -

Stanly County  
 Comparative Monthly Financial Report  
 Project Funds  
 For the Three Months Ended September 30, 2012

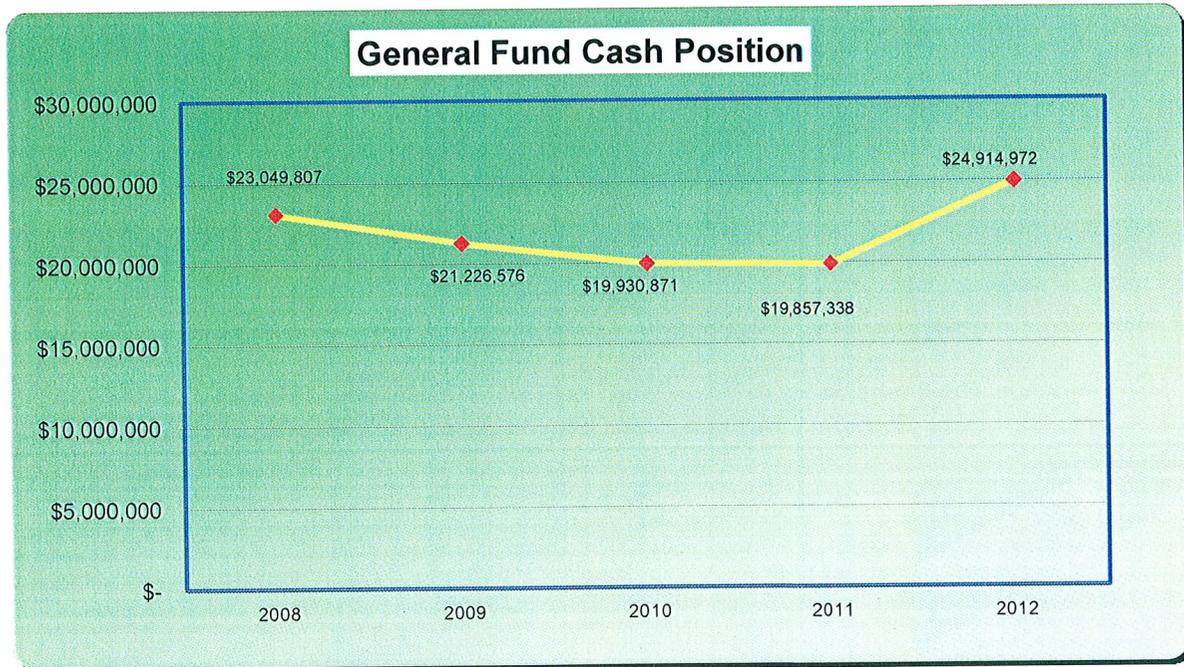
		PROJECT AUTHORIZATION	PROJECT TO DATE	PROJECT AMOUNT REMAINING
<b>UTILITY ENDY SEWER PROJECT 652</b>				
<i>REVENUES:</i>				
Depart 3980-	Transfer from Other Funds	\$ 2,600,000.00	\$ 66,231.00	\$ 2,533,769.00
	TOTAL REVENUES	<u>2,600,000.00</u>	<u>66,231.00</u>	<u>2,533,769.00</u>
<i>EXPENSES:</i>				
Depart 7174-	Endy Sewer Project	2,600,000.00	66,231.00	2,533,769.00
	TOTAL EXPENSES	<u>2,600,000.00</u>	<u>66,231.00</u>	<u>2,533,769.00</u>
	OVER (UNDER) REVENUES	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<b>UTILITY ARRA WATER STORAGE 654</b>				
<i>REVENUES:</i>				
Depart 3720-	Grants	\$ 310,743.00	\$ 196,818.00	\$ 113,925.00
	TOTAL REVENUES	<u>310,743.00</u>	<u>196,818.00</u>	<u>113,925.00</u>
<i>EXPENSES:</i>				
Depart 7120-	Water Systems	310,743.00	191,302.00	\$ 119,441.00
	TOTAL EXPENSES	<u>310,743.00</u>	<u>191,302.00</u>	<u>119,441.00</u>
	OVER (UNDER) REVENUES	<u>\$ -</u>	<u>\$ 5,516.00</u>	<u>\$ (5,516.00)</u>
<b>UTILITY HWY 200 WATER PROJECT 656</b>				
<i>REVENUES:</i>				
Depart 3720-	Commercial Loan	\$ 1,500,000.00	\$ -	\$ 1,500,000.00
Depart 3980-	Transfer	156,500.00	156,500.00	-
	TOTAL REVENUES	<u>1,656,500.00</u>	<u>156,500.00</u>	<u>1,500,000.00</u>
<i>EXPENSES:</i>				
Depart 7120-	Water Systems	1,656,500.00	159,673.63	\$ 1,496,826.37
	TOTAL EXPENSES	<u>1,656,500.00</u>	<u>159,673.63</u>	<u>1,496,826.37</u>
	OVER (UNDER) REVENUES	<u>\$ -</u>	<u>\$ (3,173.63)</u>	<u>\$ 3,173.63</u>
<b>UTILITY AIRPORT CORRIDOR PROJECT 657</b>				
<i>REVENUES:</i>				
Depart 3710-	Water and Sewer	\$ 40,000.00	\$ -	\$ 40,000.00
Depart 3980-	Transfer	40,000.00	-	40,000.00
	TOTAL REVENUES	<u>80,000.00</u>	<u>-</u>	<u>80,000.00</u>
<i>EXPENSES:</i>				
Depart 7120-	Water Systems	80,000.00	-	\$ 80,000.00
	TOTAL EXPENSES	<u>80,000.00</u>	<u>-</u>	<u>80,000.00</u>
	OVER (UNDER) REVENUES	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Stanly County  
Comparative Monthly Financial Report  
Project Funds  
For the Three Months Ended September 30, 2012

		PROJECT AUTHORIZATION	PROJECT TO DATE	PROJECT AMOUNT REMAINING
<b>AIRPORT TERMINAL IMPROVEMENT PROJECT 675</b>				
<i>REVENUES:</i>				
Depart 3453-	Grants	\$ 1,959,395.00	\$ 1,730,322.18	\$ 229,072.82
Depart 3980-	Transfer from Other Funds	1,341,004.00	235,747.96	1,105,256.04
TOTAL REVENUES		<u>3,300,399.00</u>	<u>1,966,070.14</u>	<u>1,334,328.86</u>
<i>EXPENSES:</i>				
Depart 4531-	Terminal Improvement	3,300,399.00	3,130,898.76	169,047.37
TOTAL EXPENSES		<u>3,300,399.00</u>	<u>3,130,898.76</u>	<u>169,047.37</u>
OVER (UNDER) REVENUES		<u>\$ -</u>	<u>\$ (1,164,828.62)</u>	<u>\$ 1,165,281.49</u>
<b>AIRPORT RUNWAY EXTN DESIGN PROJECT 676</b>				
<i>REVENUES:</i>				
Depart 3453-	Grants	\$ 715,000.00	\$ 553,253.98	\$ 161,746.02
Depart 3980-	Transfer from Other Funds	296,000.00	235,410.56	60,589.44
TOTAL REVENUES		<u>1,011,000.00</u>	<u>788,664.54</u>	<u>222,335.46</u>
<i>EXPENSES:</i>				
Depart 4531-	Terminal Improvement	1,011,000.00	984,098.79	26,901.21
TOTAL EXPENSES		<u>1,011,000.00</u>	<u>984,098.79</u>	<u>26,901.21</u>
OVER (UNDER) REVENUES		<u>\$ -</u>	<u>\$ (195,434.25)</u>	<u>\$ 195,434.25</u>
<b>AIRPORT RUNWAY PAVEMENT PROJECT 678</b>				
<i>REVENUES:</i>				
Depart 3453-	Grants	\$ 6,336,703.00	\$ 4,177,919.40	\$ 2,158,783.60
Depart 3980-	Transfer from Other Funds	247,778.00	-	247,778.00
TOTAL REVENUES		<u>6,584,481.00</u>	<u>4,177,919.40</u>	<u>2,406,561.60</u>
<i>EXPENSES:</i>				
Depart 4530-	Repavement Operating	6,584,481.00	4,815,187.46	1,769,293.54
TOTAL EXPENSES		<u>6,584,481.00</u>	<u>4,815,187.46</u>	<u>1,769,293.54</u>
OVER (UNDER) REVENUES		<u>\$ -</u>	<u>\$ (637,268.06)</u>	<u>\$ 637,268.06</u>
<b>AWOS &amp; ILS UPGRADE PROJECT 679</b>				
<i>REVENUES:</i>				
Depart 3453-	Grants	\$ 112,500.00	\$ 64,052.31	\$ 48,447.69
Depart 3980-	Transfer from Other Funds	12,500.00	9,505.47	2,994.53
TOTAL REVENUES		<u>125,000.00</u>	<u>73,557.78</u>	<u>51,442.22</u>
<i>EXPENSES:</i>				
Depart 4530-	AWOS & ILS Upgrade	125,000.00	115,663.69	9,336.31
TOTAL EXPENSES		<u>125,000.00</u>	<u>115,663.69</u>	<u>9,336.31</u>
OVER (UNDER) REVENUES		<u>\$ -</u>	<u>\$ (42,105.91)</u>	<u>\$ 42,105.91</u>

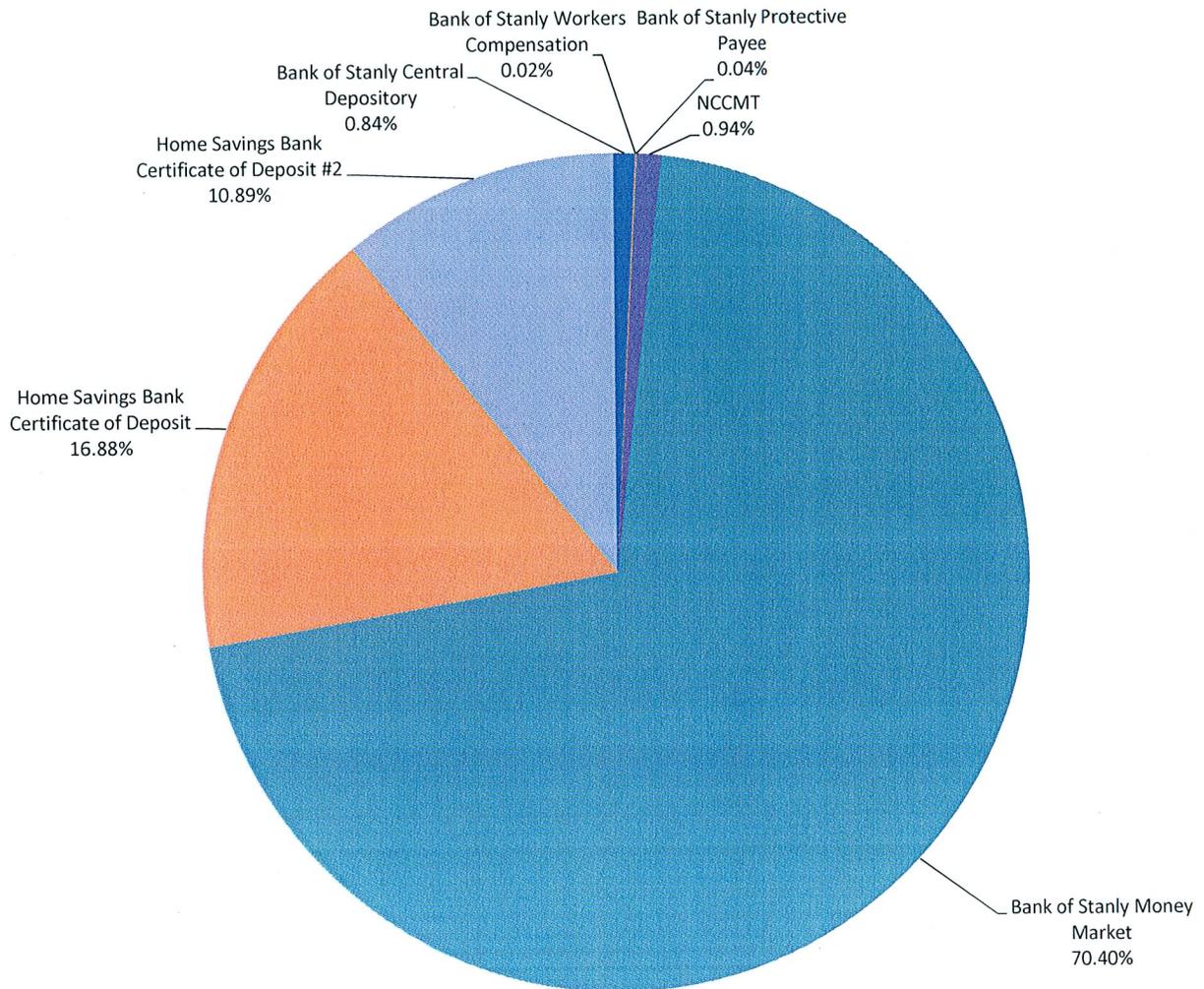
**Stanly County**  
**Comparative Cash Position Report**  
**September 30, 2012 Compared with September 30, 2011**

	Current 9/30/2012	Prior 9/30/2011	Increase (Decrease)
110 General Fund	\$ 24,914,971.71	\$ 19,857,338.20	\$ 5,057,633.51
239 Duke Help	-	-	-
251 Community Grant (CDBG) 2009 Scattered Site	-	-	-
253 Community Grant (CDBG) Infrastructure Hook	16,485.50	-	16,485.50
254 Community Grant (CDBG) Single Family Rehab 2011	18,355.08	-	18,355.08
255 Community Grant (CDBG) 2011 Urgent Repair	37,391.19	-	37,391.19
260 Emergency Telephone E-911	241,651.38	418,455.95	(176,804.57)
295 Fire Districts	118,455.23	103,202.13	15,253.10
611 Greater Badin Operating	255,694.51	206,023.38	49,671.13
621 Piney Point Operating	203,926.75	210,012.77	(6,086.02)
641 Utility Operating	601,757.94	762,314.38	(160,556.44)
646 Utility-Highway 24/27 Upgrade Project	-	153,331.03	(153,331.03)
654 Utility- ARRA Water Storage Tank	5,516.00	1,436.00	4,080.00
655 Utility- Tyson Village Rolling Hills	-	(105,687.92)	105,687.92
656 Utility- Hwy 200 Water Project	(3,173.63)	(2,547.38)	(626.25)
671 Airport Operating	194,159.72	245,988.43	(51,828.71)
675 Airport Terminal Improvement Project	(1,164,828.62)	(1,611,098.89)	446,270.27
676 Airport Runway Extn	(195,434.25)	(142,099.12)	(53,335.13)
678 Airport Runway Pavement	(637,268.06)	(1,198.92)	(636,069.14)
679 AWOS & ILS Upgrade Project	(42,105.91)	-	(42,105.91)
680 Group Health Fund	3,116,806.42	2,879,566.52	237,239.90
730 Deed of Trust Fund	3,372.80	815.00	2,557.80
740 Sheriff Court Executions	806.11	19,443.86	(18,637.75)
760 City and Towns Property Tax	713,603.65	293,775.57	419,828.08
770 3% Vehicle Property Tax	2,036.87	2,479.52	(442.65)
	<u>\$ 28,402,180.39</u>	<u>\$ 23,291,550.51</u>	<u>\$ 5,110,629.88</u>



**Stanly County  
Investment Report  
For the Three Months Ended September 30, 2012**

BANK:	Balance per Bank at 9/30/12	% of investment	Purchase Date	Maturity Date	% Yield	Time of Certificate of Deposit
Bank of Stanly Central Depository	\$ 235,978.21	0.84%			0.13%	
Bank of Stanly Workers Compensation	5,000.00	0.02%			N/A	
Bank of Stanly Protective Payee	11,707.18	0.04%			N/A	
NCCMT	263,052.36	0.94%			0.05%	
Bank of Stanly Money Market	19,723,054.68	70.40%			0.25%	
Home Savings Bank Certificate of Deposit	4,728,946.59	16.88%	9/16/2012	3/17/2013	0.75%	6 months
Home Savings Bank Certificate of Deposit #2	3,049,727.03	10.89%	4/14/2012	10/11/2012	0.75%	6 months
<b>Totals</b>	<b>\$ 28,017,466.05</b>					



**Stanly County**  
**Fund Balance Calculation**  
**As of September 2012**

**Available Fund Balance**

Cash & Investments	\$	24,919,479
Liabilities (w/out deferred revenue)		1,060,151
Deferred Revenue (from cash receipts)		(2,060)
Encumbrances		1,472,432
Due to Other Governments		9,931
		9,931
<b>Total Available</b>	<b>\$</b>	<b>22,379,025</b>

**General Fund Expenditures**

Expenditures	\$	52,961,615
Transfers Out to Other Funds		268,500
		268,500
<b>Total Expenditures</b>	<b>\$</b>	<b>53,230,115</b>

**Total Available for Appropriation**

Total Available	\$	22,379,025
Total Expenditures		53,230,115
<b>Available for Appropriation</b>		<b>42.04%</b>