

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING AGENDA  
FEBRUARY 4, 2013  
7:00 P.M.**

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

**INVOCATION – VICE CHAIRMAN MORTON**

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

**SCHEDULED AGENDA ITEMS**

- 1. PROCLAMATION DECLARING THE WEEK OF FEBRUARY 11-15, 2013 AS NATIONAL FBLA-PBL WEEK**  
**Presenters: Courtney Seidenschmidt and Brandon Harkey,**  
**Representatives of the North Carolina State PBL from Stanly Community College**
  
- 2. TAX ADMINISTRATION**  
**Presenter: Melia Miller, Tax Administrator**
  
- 3. NCACC 2013-14 ADOPTED LEGISLATIVE GOALS & RESOLUTION OF SUPPORT**  
**Presenter: Andy Lucas, County Manager**
  
- 4. BOARD & COMMITTEE APPOINTMENTS**  
**Presenter: Andy Lucas, County Manager**
  - A. Planning Board**
  - B. Stanly County Community Advisory Committee**
  
- 5. FY 2013-14 BUDGET CALENDAR**  
**Presenter: Andy Lucas, County Manager**

**6. PRESENTATION OF THE REVISED ANIMAL CONTROL ORDINANCE**

- A. Hold the public hearing**
- B. Request the Board adopt, modify or deny the ordinance**

**7. CONSENT AGENDA**

- A. Minutes – Regular meeting of January 22, 2013**
- B. Senior Services – Budget amendment # 2013-25**
- C. Health Dept. – Budget amendment # 2013-26**

**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 REGULARLY SCHEDULED MEETING IS MONDAY, FEBRUARY 18, 2013.**



# Stanly County Board of Commissioners

Meeting Date: February 4, 2013  
 Presenter: Courtney

Consent Agenda	Regular Agenda
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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

### PROCLAMATION DECLARING FEBRUARY 11 – 15, 2013 AS NATIONAL FBLA-PBL WEEK (FUTURE BUSINESS LEADERS OF AMERICA – PHI BETA LAMBDA)

Subject

Representatives from the North Carolina State Phi Beta Lambda chapter from Stanly Community College, the SCC and Pfeiffer University Phi Beta Lambda chapters and the West Stanly High School Future Business Leaders of America chapter will be in attendance to present the enclosed proclamation for the Board's consideration.

Requested Action

Request Board consideration and approval of the enclosed proclamation.

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

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

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

Attachments:            Yes                            No      x  

#### Review Process

#### Certification of Action

	Approved Yes	No	Initials
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

## **Proclamation**

### ***National FBLA-PBL Week – February 11-15, 2013 (Future Business Leaders of America-Phi Beta Lambda)***

*WHEREAS, Phi Beta Lambda and Future Business Leaders of America develop competent, aggressive business leadership;*

*WHEREAS, PBL and FBLA strengthen the confidence of students in themselves and their work;*

*WHEREAS, PBL and FBLA encourage members in the development of individual projects which contribute to the improvement of home, business, and community;*

*WHEREAS, PBL and FBLA develop character, prepare students for useful citizenship, and foster patriotism;*

*WHEREAS, PBL and FBLA encourage efficient money management;*

*WHEREAS, PBL and FBLA encourage scholarship and promote school loyalty;*

*WHEREAS, PBL and FBLA assist students in the establishment of occupational goals;*

*WHEREAS, PBL and FBLA facilitate the transition from school to work;*

*BE IT RESOLVED that Stanly County, North Carolina, participate in the national designation of Phi Beta Lambda/Future Business Leaders of America Week. In doing so, the Commissioners applaud the aforementioned goals and recognize the continued contributions and successes of FBLA chapters at West Stanly High School and the Phi Beta Lambda chapters at Stanly Community College and Pfeiffer University. The Commissioners particularly recognize the SCC chapter as it celebrates its 2012 national awards in the Annual Business Report, Management Decision Making, and Parliamentary Procedures competition. The Commissioners also wish all the Stanly County FBLA and PBL members success as they prepare for participation in their up-coming state Leadership Conferences and Competitive Events. These chapters have conducted programs and projects that have benefited Stanly County. They have produced state and national officers and have won state and national competitive events that have brought attention to Stanly County. Most importantly, they have provided the opportunity for leadership development that has resulted in outstanding citizens and business leaders. The Commissioners congratulate Phi Beta Lambda and Future Business Leaders of America and are pleased to salute them publicly during this week of national emphasis.*

\_\_\_\_\_  
*Gene McIntyre, Chairman*

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*Josh Morton, Vice Chairman*

\_\_\_\_\_  
*Peter Ascitutto*

\_\_\_\_\_  
*Tony Dennis*

\_\_\_\_\_  
*Lindsey Dunevant*

**Board of Commissioners, Stanly County, North Carolina – February 4, 2013**



# Stanly County Board of Commissioners

Meeting Date: February 4, 2013  
 Presenter: Melia M. Miller – Tax Administrator

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 Consent Agenda | Regular Agenda

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

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## ITEM TO BE CONSIDERED

<b>Subject</b>	<p>According to GS105-369, the Tax Collector must report to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property. Upon receipt of the report, the governing body must order the tax collector to advertise the tax liens.</p>
<b>Requested Action</b>	<p>I request the Board of Commissioners issue an order to advertise these tax liens during the month of April 2013.</p>

Signature: _____	Dept. <b>Tax Administration</b>
Date: 1-30-2013	Attachments: Yes _____ No <u>X</u>
<b>Review Process</b>	
	Approved
	Yes    No    Initials
Finance Director	_____
Budget Amendment Necessary	_____
County Attorney	_____
County Manager	_____
Other:	_____
<b>Certification of Action</b>	
Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on	
_____	
Tyler Brummitt, Clerk to the Board	Date



# Stanly County Board of Commissioners

Meeting Date: February 4, 2013  
 Presenter: Andy Lucas, County Manager

\_\_\_\_\_ | 3  
 Consent Agenda | Regular Agenda

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## ITEM TO BE CONSIDERED

### NCACC 2013-14 ADOPTED LEGISLATIVE GOALS & RESOLUTION OF SUPPORT

Subject

For your consideration, attached is a copy of the adopted 2013-14 Legislative Goals and resolution of support for possible adoption as a show of support for the NCACC's county agenda.

Requested Action

Request Board consideration of the associated resolution as a show of support for the NCACC 2013-14 adopted Legislative Goals.

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

## **RESOLUTION**

### **IN SUPPORT OF LEGISLATIVE GOALS ADOPTED BY THE MEMBERSHIP OF THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS**

**WHEREAS**, the North Carolina Association of County Commissioners was founded in 1908 as a membership organization to represent the interests of counties before the General Assembly;

**WHEREAS**, all 100 counties are voluntary members of the North Carolina Association of County Commissioners, making the NCACC the official voice of North Carolina counties;

**WHEREAS**, every two years, the membership of the NCACC develops and approves a package of legislative proposals designed to protect and enhance the interests of county governments and the citizens who live in our 100 counties;

**WHEREAS**, the process to generate this package of legislative goals is deliberate and inclusive and provides extensive opportunities for counties to be involved;

**WHEREAS**, Stanly County is an active participant within the NCACC and participated in the process to develop these legislative proposals;

**WHEREAS**, more than 200 county officials representing 88 counties gathered in Durham County on Jan. 24-25, 2013, and debated and ultimately approved 60 proposals submitted by counties to be included in the legislative goals package;

**WHEREAS**, the attached proposals represent the collective wishes of all 100 counties;

**NOW, THEREFORE, BE IT RESOLVED** that the Stanly County Board of Commissioners adopts this resolution in support of the legislative proposals adopted by the NCACC membership at its 2013 Legislative Goals Conference;

**FURTHER BE IT RESOLVED** that copies of this resolution be transmitted to the members of the General Assembly representing Stanly County to let them know of our support for these issues.

**Adopted this the 4<sup>th</sup> day of February 2013.**

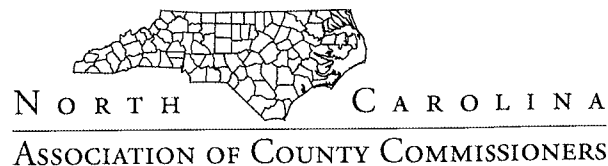
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**Gene McIntyre, Chairman**

**ATTEST:**

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**Tyler Brummitt, Clerk**



## Top Five Goals for 2013-14

1. Oppose shift of state transportation responsibilities to counties
2. Reinstate ADM and lottery funds for school construction.
3. Oppose unfunded mandates and shifts of state responsibilities to counties.
4. Ensure adequate mental health funding.
5. Preserve the existing local revenue base.

### Agriculture Legislative Goals

*AG-1: Adequately fund agricultural research and extension services.*

Support legislation to fund the agricultural and research extension offices through the University of North Carolina system, principally at N.C. State University and N.C. A&T State University. Extension offices are located throughout the state and facilitate programs that assist residents in a wide variety of programs focused on agricultural economic development. Adequate funding of these programs benefits the agriculture economy in every county.

*AG-2: Support and promote conservation of working lands and farmland preservation.*

Support legislation to promote and preserve working farmlands by including these lands in the state tourism plan, by retaining the current authority for the present use value system, by maintaining funding for the Ag Development and Farmland Preservation Trust, and by exploring the impacts of transfer of development rights.

### Environment Legislative Goals

*ENV-1: Restore state funding and responsibility for river basin monitoring, streamline rulemaking, and enhance regional cooperation.*

Support legislation to enhance monitoring for all river basins in North Carolina and review the rule-making process to enhance regional cooperation. Increased monitoring would allow jurisdictions to better assess compliance with water quality rules and, over time, allow the Division of Water Quality to make better decisions regarding future promulgation of water-quality rule making.

Seek legislation to streamline local water supply reservoir permitting without sacrificing the scientific rigor of Environmental Impact Assessment and ensure adequate opportunities for public and local official comment. North Carolina is a fast-growing state that has already experienced drought-related challenges to its water supply, impacting both quantity and quality. It is likely that many new sources of drinking water will be needed to meet future demand, yet the timetable to bring a new water reservoir on line can take years, even decades, to satisfy all the environmental permitting requirements mandated by the state.



*ENV-2: Eliminate requirement for a 10-year solid waste management plan and add a requirement in the Solid Waste Management and Facilities annual report for long-term planning.*

Support legislation to eliminate the statutory provisions requiring units of local government to prepare 10-year solid waste management plans in order to simplify the process, reduce costs and produce results more relevant for local governments. Currently, a 10-year plan and any changes to it, including mandatory three-year updates, must often be approved by multiple units of government, even those that may not utilize local waste disposal facilities. The original and primary reason for requiring 10-year plans was to measure remaining landfill space to ensure future space availability. Other state rules require an annual survey of all landfill facilities to calculate remaining space and, with modern Geographical Information Systems, there is no need for the 10-year plan to duplicate this effort.

*ENV-3: Authorize some county oversight of bio-solids application.*

Support legislation that provides county governments some opportunity to regulate and/or have input into, but not prohibit, bio-solids application activities, including the acceptable “classes” of bio-solids for application and the prohibition of bio-solids application in certain environmentally sensitive areas such as critical watersheds. The appropriate application of bio-solids for agricultural use should be allowed with counties playing a role in the process.

*ENV-4: Modify spray irrigation systems classification for volunteer fire departments.*

Support legislation to change North Carolina Division of Water Quality (DWQ) wastewater system classification rules that currently classify a spray irrigation system such as one utilized by volunteer fire departments as “commercial.” When the flow generated by the system is domestic quality/non-industrial process wastewater, the system should be held to the same monitoring and testing standards as a residential wastewater system under DWQ jurisdiction. In the alternative, volunteer fire departments should also be excluded entirely from the “commercial” classification. The annual inspections and testing costs associated with a “commercial” designation for a spray irrigation system serving a volunteer fire department can be several thousands of dollars. Accounting for the type of flow actually treated by a system rather than assigning a blanket “commercial” designation to the system would significantly reduce volunteer the annual costs for fire departments across the state, saving taxpayer dollars supporting these services.

*ENV-5: Monitor and protect counties from negative fiscal and environmental impacts caused by natural resource extraction and oppose removal of Virginia's ban on uranium mining.*

Support state legislative and regulatory actions to protect county budgets and services from any negative impacts resulting from natural resource extraction. The state is moving forward in exploring new means of, and additional locations for, natural gas extraction. Such activities have the potential to affect county government operations and quality of life in impacted areas, and therefore could increase county service costs.

## Health & Human Services Legislative Goals

### *HHS-1: Ensure adequate mental health funding.*

Seek legislation to ensure that state-funded mental health, developmental disability, and substance abuse services are available, accessible and affordable to all residents and that sufficient state resources fund service provision costs inclusive of sufficient crisis beds and supportive housing. While North Carolina counties largely fund social services administration and health services, the state has been traditionally responsible for mental health expenses. The state is undertaking a massive restructuring of community mental health services, converting and merging existing local management entities into managed care organizations charged with overseeing a capitated model of funding. State budget cuts and federal policy changes have reduced statewide resources to support crisis services, chronic mental health management, and state psychiatric hospital capacity. Policy changes have shifted public guardianship responsibilities from LMEs to county social services staff.

The state has purchased local hospital beds set aside for the mentally ill, but additional funding is needed for increased bed capacity. Recent federal action to relocate adult care home residents suffering from mental illness to community-based housing will require increased and sustained state funding to build local supportive housing resources and wrap-around services.

### *HHS-2: Retain county management of nonemergency Medicaid transport.*

Seek legislation that allows counties to retain the management and coordination of Medicaid nonemergency medical transportation services. A special provision in the 2013 State Appropriations Act directed the N.C. Department of Health and Human Services to develop and issue a request for proposals to privatize the management of nonemergency medical transportation services for Medicaid recipients. A statewide transportation management brokerage firm could remove all coordination efforts currently in place to share transportation services costs amongst funding sources.

North Carolina is recognized nationally for its coordinated system of community human services transit systems. Largely managed by professional transit administrators under the oversight of county management, these coordinated systems provide efficient trip scheduling and travel for an array of human services clients including veterans, elderly citizens, children in daycare, and Medicaid recipients. Shared trips to the same geographic area equate to shared costs among the clientele, with cost efficiencies evidenced by North Carolina's cost-effective per member per month (pmpm) cost of \$2.45. Other states have pmpm costs averaging \$6 and above.

### *HHS-3: Preserve federal block grants and state aid to counties for county-administered programs and oppose unfunded workload mandates.*

Seek legislation and monitor state budget activities to ensure that federal block grant and state aid to counties funds, traditionally used to support county-administered social and health services, are not redirected to offset state administrative expenses. Support human services administrative simplification efforts and resist changes in state policies and procedures that add to county administrative costs.

Counties have already experienced an annual loss of \$36 million in federal welfare reform funds and looming federal deficit reduction measures are likely to compound these losses for health, social services, and mental health programs. The state has eliminated its \$5.4 million annual appropriation in state aid to counties for social services, although some state aid dollars remain

for county health expenses. The state has backfilled state budget cuts in childcare and other human services programs with federal dollars once designated for direct county programs. County budgets must be protected as the state continues to grapple with anemic revenue growth, and as fewer federal dollars are made available for community-based human services.

*HHS-4: Restore local autonomy to LME/MCO governance structure.*

Seek legislation to restore local autonomy to LME/MCO governance structure, to ensure that each county be allowed to appoint, at a minimum, one county commissioner to its local LME/MCO Board. S191, enacted in the 2012 legislative session, sets maximum size limitations of 21 members on LME/MCO boards, and stipulates board membership composition for 10 of these members to specific consumer, health, insurance and finance disciplines. Counties participating in an LME/MCO with at least 12 county members cannot be assured of appointing one of its county commissioners to represent its interests and that of its constituents on the LME/MCO governance board. LME/MCOs with population catchment areas of 1.25 million or more are exempt from these limitations.

*HHS-5: Oppose weakening of smoke-free restaurant and bars law.*

Oppose any bill or amendment that weakens current statutory regulations requiring smoke-free restaurants and bars. The 2004 General Assembly enacted a comprehensive ban on smoking in all restaurants and bars and set up a regulatory framework to ensure compliance with the smoke-free requirements.

*HHS-6: Increase Nursing Home Community Advisory Committee membership flexibility.*

Seek legislation to provide greater flexibility in the membership of Nursing Home Community Advisory Committees. Per G.S. 131E-128, every county having a nursing home within its boundaries must establish a nursing home advisory committee to monitor nursing home care and resolve grievances of nursing home residents. As a part of its monitoring responsibilities, each advisory committee must visit each nursing home within its jurisdiction at least four times per year. Counties with four or more nursing homes must appoint NHCA subcommittees to manage this on-site workload. Advisory committees and subcommittees cannot include any members who are persons or family members with a financial interest in a home served by the committee, an employee or governing board member of such a home, or an immediate family member of a nursing home resident. These exclusions limit the number of interested parties wishing to serve on an NHCA, and counties throughout the state are having difficulty identifying persons to serve on these committees.

*HHS-7: Increase childcare subsidies to reduce waiting lists and support funding for Smart Start and NC Pre-K.*

Support an increase in childcare subsidies to ensure access to affordable childcare and support funding for early childhood and pre-kindergarten programs. Continuing state budget challenges have diminished state resources to backfill one-time federal dollars for childcare expenses and offset state cuts in childcare subsidies Smart Start and N.C. Pre-K. As of July 2012, nearly 37,500 children were waiting for childcare services, likely preventing their parents from remaining in, or joining, the workforce. Smart Start and N.C. Pre-K faced 20 percent state budget cuts in 2011, despite continued growth in the Pre-K population.

*HHS-8: Increase Medicaid rates to cover costs.*

Support a rate increase for Medicaid services to at least cover cost of service. In an effort to curb Medicaid costs, legislative actions over the past 10 years routinely show a Medicaid service-provider rate reduction or a reduction in the inflationary increases for reimbursement rates, increases to keep pace with medical inflation. Despite a 50 percent plus increase in Medicaid clients, fewer physicians are choosing to treat Medicaid clients given lower reimbursement rates than that offered under private insurance plans.

*HHS-9: Support an increase in food and lodging inspection fees to cover costs.*

Seek legislation to increase food and lodging inspection fees or authorize county governments to charge cost-based fees for restaurant and facility inspections. Unlike other inspection fees such as building inspections fees that can be set to recover costs, food and lodging inspection fees are set statutorily and do not reflect county costs of inspections operations and administration. The state collects the current fee, which is set at \$75 per annual business inspection, and returns 66 percent of these revenues to the county of origin. Not only is this fee well below actual inspections costs, no additional fees are permitted should county inspectors need to revisit an individual business multiple times to ensure compliance with health and safety regulations.

*HHS-10: Restore state funding of public health accreditation.*

Seek legislation to restore state funding for the state-mandated accreditation program for county public health departments. G.S. 130A-34.1 requires all local public health departments to obtain and maintain accreditation, which examines a local health department's capacity to provide essential public health services, its facilities and administration, its staffs' competencies and training procedures or programs and its governance and fiscal management. The process includes a self-assessment, a site visit by a team of experts to clarify, verify, and amplify the information in the self-assessment and accreditation approval by the Local Health Department Accreditation Board, which is housed and staffed by UNC's Institute for Public Health. Failure to obtain and maintain accreditation by July 1, 2014, will jeopardize state and federal funding for public health services. The 2012 State Appropriations Act eliminated the \$300,000 in recurring funding to support UNC administration of the public health accreditation program.

## **Intergovernmental Relations Legislative Goals**

*IGR-1: Oppose any shift of state transportation responsibilities to counties.*

Oppose legislation to shift the state's responsibility for funding transportation construction and maintenance projects to counties. Counties cannot afford to assume costs for maintaining secondary roads and/or funding expansion projects. Unlike counties in other states, whose traditional funding responsibilities are secondary roads, North Carolina counties are responsible for the administration of local human services programs, and fund educational operating and capital expenses. The NCACC estimates that a transfer of secondary road maintenance responsibilities would cost counties more than \$500 million annually. Some of the more rural counties would have to increase property taxes by as much as 30 cents to generate the amount of revenue needed to maintain the same level of service.

*IGR-2: Allow more cost effective methods for second primary elections.*

Support legislation to authorize alternatives to second primary elections that minimize excessive costs while protecting the integrity of the electoral process. The costs for second primary elections can be very high, especially when compared to voter turnout. New and expanded alternatives, similar to one-stop voting or limited early voting sites and schedules, should be explored and piloted for second primaries and run-off elections.

*IGR-3: Maintain current requirements for county commission approval of Extraterritorial Jurisdictions (ETJ) designations and expansions.*

Support legislation that maintains the current requirements for county approval of ETJ changes. With recently enacted changes to the annexation laws, ETJ will certainly be a focus of planning and growth. In certain jurisdictions with higher populations, current law calls for Board of County Commissioner approval for ETJs beyond any one-mile expansion. Counties would like to maintain that level of input and make sure that the county voice is included in further ETJ expansion.

*IGR-4: Implement combined motor vehicle registration and property tax collection system by July 1, 2013.*

Support legislation to ensure that the combined motor vehicle registration and property tax collection system be implemented by its statutory deadline of July 1, 2013. In 2005, the NCACC included this issue in our legislative goals and supported its passage. Implementation of the combined motor vehicle registration/property tax system has been delayed several times given the complex automation systems needed for operations, but the program is still important to county governments. North Carolina is the only state that continues to collect motor vehicle property taxes in arrears of license plate registration and renewal. Property tax collection rates for motor vehicles alone are 10 percentage points below that of all other property. It is estimated that once this system is up and running, counties will reap more than \$50 million annually in currently uncollected property taxes on motor vehicles.

*IGR-5: Allow county participation in the State Health Plan.*

Support continued legislative action aimed at allowing optional participation by counties in the State Health Plan (SHP). Proposed language would allow counties to participate on a short-term basis in order for the State to determine the impacts from the Federal Affordable Health Care Act.

*IGR-6: Support legislation to grant counties the option to provide notice of public hearings and other legal notices through electronic means in lieu of required publication in any newspaper.*

Seek legislation to provide counties with options for notice of public hearings, notice of delinquent taxpayers, and other legal notices, through electronic means. Current statutes require counties to purchase expensive ads in local newspapers when announcing various public hearings, meetings or other items. With many more citizens now getting their news online instead of from traditional newspapers, allowing counties to post these notices on their county-owned Web sites will save taxpayers money and make it easier on taxpayers to find the information at their demand.

*IGR-7: Increase informal let bid threshold for NCDOT local projects.*

Support legislation that increases the informal bid limit of \$1.2 million for NCDOT projects. Current law permits local NCDOT divisions to approve projects that are less than \$1.2 million in scope instead of completing the more lengthy and cumbersome formal bidding process. Board of Transportation approval is still required, but this informal bid limit does help to streamline and expedite the building process. The \$1.2 million cap was established several years ago and has not been adjusted to compensate for increased construction costs involved in road construction.

*IGR-8: Oppose collective bargaining for public employees.*

Oppose legislation to authorize local governments to enter into collective bargaining agreements with public employees, or to mandate dues check-off programs. Salaries and benefits for public sector employees remain strong in North Carolina because different jurisdictions are competing over the same highly skilled and specialized employees, such as police, firefighters, emergency medical personnel and public school teachers. Lifting the state's ban on collective bargaining would require every county in the state to negotiate for salaries and benefits with groups representing local teachers, firefighters, sheriff's deputies, EMS employees and others that are unionized. Collective bargaining for public employees would neither improve county government efficiency nor result in improved services to citizens. The likelihood is that collective bargaining would increase operational costs for county governments, would create an adversarial relationship between management and employees, and would create two classes of employees – those in unions and those not in unions.

*IGR-9: Support maintaining local control of the NC ABC System and preservation of local ABC revenues.*

Support legislation to protect local control of the local ABC system, including all local revenue streams generated through local ABC store operations. Given the state's dire budget situation, legislative leaders have considered privatizing all or parts of the state's system of alcoholic beverage control to generate significant amounts of cash in the short term. Many counties recognize ABC revenues in their budgets. The loss of these revenues would create holes in county budgets. In addition, cities and counties are better suited to make decisions about alcoholic beverage distribution, including where to locate stores and whether to merge with other systems.

*IGR-10: Support release of Help America Vote Act (HAVA) funds to assist counties with election costs.*

Support legislation that provides the state maintenance-of-effort match to draw down the \$4 million in remaining federal HAVA funds. Counties use various county, state, and federal funds to operate election services. Taking advantage of Help America Vote Act (HAVA) funds would be very beneficial to ease funding pressures at the county level.

## **Justice & Public Safety Legislative Goals**

*JPS-1: Seek legislation to limit the amount that providers can charge counties for inmate medical care to no more than what is allowed by the Department of Correction.*

Seek legislation that would authorize medical care providers to charge counties for inmate medical services at a rate not to exceed the rates paid by the State Department of Public Safety to inmate medical providers. Counties are responsible for medical costs when inmates are incarcerated in county jails, and counties often pay full, non-negotiated rates for inmate medical care, resulting in great expense to counties. State reimbursement rates have been capped in recent state budget provisions, and counties seek the same cap on inmate medical expenses to save taxpayer dollars on these costs.

*JPS-2: Seek legislation to expand county governments' use of 911 funds, protect and enhance current funding streams and maintain full operational flexibility and autonomy.*

Seek legislation to protect and enhance current e911 funding streams, as well as increase flexibility in use of those funds for the betterment of county 911 systems. Significant strides were made in 2010 to revamp 911 laws and give counties greater flexibility in utilizing 911 funds. At the same time, the 911 Board was directed to adopt a funding model and standards. Counties have expressed concern about decisions made at the Board level related to the funding model, as well as the adoption of certain standards that would have negative economic impacts on county 911 systems.

*JPS-3: Oppose legislation that would limit a county's ability to operate a pretrial release program.*

Oppose legislation that would limit counties from operating pretrial programs. Such limitations would result in increased costs to counties and put additional burdens on county jails. Counties throughout the state operate pretrial programs that help to evaluate individuals awaiting trial in county jails. These programs assist the judicial system in determining if those individuals can safely be released, saving taxpayer dollars and saving space in county jails. In addition, many pretrial programs offer needed services to individuals awaiting trial in an effort to reduce recidivism rates.

*JPS-4: Support legislation to fully fund the Justice Reinvestment Act of 2011.*

Support increased funding for the Justice Reinvestment Act Initiatives. Last session, lawmakers approved a budget that fell short of fully funding the initiatives included in the legislation. Policies in the comprehensive criminal justice bill include new tools for probation officers to hold offenders accountable, longer sentences for individuals with repeat breaking and entering offenses, and increased funding for drug treatment programs in prison and in the community. Without adequate funding, the programs will not achieve the desired goals.

*JPS-5: Provide greater funding of state crime labs.*

Support legislation to increase state funding for state crime lab operations. Court officials throughout the state have noted that North Carolina's State Crime Laboratory now has fewer resources, money and personnel than in past years. That situation greatly impacts court proceedings by causing defendants and prosecutors to often wait a year or more for results. Without a substantive increase in funding for the lab, criminal court proceedings across the state

will continue to lag. These delays can cause overcrowding in county jails and the need for additional county resources as individuals await trial.

*JPS-6: Preserve current county authority for local electronic offender monitoring.*

Support legislation to maintain county authority for electronic monitoring. In 2011, a bill was passed authorizing counties to collect a fee from individuals ordered to be placed on electronic monitoring as a condition of the offender's bond or pretrial release. Utilization of electronic monitoring helps with county jail overcrowding and also reduces the amount of taxpayer dollars needed for incarceration. The fee allowed by law is capped and cannot be collected from those entitled to court-appointed counsel. Counties want to ensure that the authority for this fee is preserved.

*JPS-7: Provide funding for gang prevention, adolescent substance abuse and domestic violence prevention, intervention and treatment.*

Support legislation to provide state funding for gang prevention, adolescent substance abuse and domestic violence prevention, intervention and treatment. In past budget years, the state budget has included funds for these critical programs. These programs pay dividends because they help reduce criminal activity. Failure to fund these types of programs will result in significantly higher costs to the legal system.

*JPS-8: Request the reduction of detention center space requirements in existing and new detention center facilities in all counties in North Carolina, consistent with the language in N.C. G.S. 153A-221.*

Seek legislation to provide all counties with the authority to house 64 inmates in each county detention dormitory, as permitted for counties with populations in excess of 300,000. Counties with populations of less than 300,000 can only house up to 56 inmates in each dormitory. The same minimum space requirements still apply to these additional inmates. Allowing all counties to have this same authority will make the law consistent for all 100 counties and allow for cost-savings when constructing new jail facilities.

*JPS-9: Restore state funding for Drug Treatment Court (added at Legislative Goals Conference).*

Seek legislation to restore funding to Drug Treatment Courts in North Carolina. In 2011, the General Assembly eliminated all state funding for Drug Treatment Courts. These courts were created by the General Assembly in 1995 and have been utilized across the state to address substance abuse issues in the criminal justice system, reduce alcohol and drug-related caseloads, and promote effective use of resources for substance abuse treatment. Without funding for these courts, many counties have lost a valuable resource for managing judicial caseloads and addressing substance abuse issues.



*PE-4: Restore local control of school calendar.*

Support legislation to restore control of the local school calendar to local boards of education. The General Assembly enacted H1464 in 2004, which restricted a local board of education's ability to open schools prior to Aug. 25 or to close schools prior to June 10. It is believed that the Legislature was reacting to concerns by resort communities regarding earlier school openings, which in turn shortened the summer vacation season and reduced the teen labor force for the service industries. The State Board of Education was authorized to grant waivers based on the number of weather-related closures historically experienced or for good cause based on educational purposes. In 2012, the General Assembly further restricted LEA school calendar control, by eliminating start/end date waivers based on educational purposes.

*PE-5: Authorize the option for counties to acquire, own and construct traditional public school sites and facilities. (added at Legislative Goals Conference).*

Support legislation to authorize counties the option to acquire, own and construct traditional public school sites and facilities. N.C. counties are statutorily responsible for funding the construction, renovation, and maintenance of all school facilities, but schools retain title and ownership of school facilities. This divergence of funding versus ownership requires administrative work-arounds to obtain sales tax refunds on school construction materials and results in an imbalance of liabilities to assets, as county-issued school debt shows as a liability on the county's financial statement, while the building increases the LEA's assets.

## **Tax & Finance Legislative Goals**

*TF-1: Preserve the existing local revenue base.*

Support legislation that recognizes the importance of county revenues and ensures that the existing tax base is maintained and preserved. During the current recession, one of the means used by the General Assembly to balance the state budget has been to shift some local funds to state use and make cuts in some county programs. For example, in 2009-10, the General Assembly diverted to the state's general fund the portion of the Corporate Income Tax that was dedicated to school construction, costing counties approximately \$200 million for the biennium. For 2010-11, the General Assembly reduced the county share of lottery proceeds by \$63 million. Counties also saw numerous state cuts to county programs approaching \$75 million in 2009-10 alone. Counties face similar revenue declines as that experienced by the state and cannot afford to sacrifice any additional revenues to the state.

*TF-2: Oppose unfunded mandates and shifts of state responsibilities to counties.*

Oppose legislation that establishes new or expanded state mandates without a commensurate increase in state resources to support service provision. A continuing difficult state financial status may increase the likelihood of attempts to balance the state budget by shifting more responsibilities to counties without corresponding funds.

*TF-3: Authorize local revenue options.*

Seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum, any or all revenue options from among those that have been authorized for any other county. Several counties have access to certain revenues, such as prepared meals taxes, occupancy taxes, and land transfer taxes, that are not available to other

## **Public Education Legislative Goals**

### *PE-1: Reinstate ADM and lottery funds for school construction.*

Seek legislation to fully reinstate the Average Daily Membership funds and Lottery proceeds to the Public School Building Capital Fund. The Public School Building Capital Fund is housed in the N.C. Department of Public Instruction and is comprised of two sources of revenue: a set-aside from the corporate income tax, known as the ADM fund, which is allotted based on average daily membership (ADM) in each county; and 40 percent of the net proceeds from the N.C. Education lottery. Counties have relied on these funds to repay debt service for public school construction and renovation.

Since 2009, the General Assembly has redirected the ADM Fund's corporate income tax proceeds to offset state dollars for public school operations, costing counties from \$50 to \$100 million each year. Since 2010, the legislature has set the county lottery appropriation below the statutory 40 percent of net lottery proceeds, with the 2012 allocation appropriated at \$100 million or 22.7 percent of expected net proceeds. The total loss for the past two biennia amount to nearly half a billion dollars in school construction funds. Counties are forced to delay school construction projects, use their emergency fund balances to make up the debt service losses, or reduce funding for other essential services.

### *PE-2: Maintain state responsibility for replacement and risk management exposures for operation of school buses.*

Seek legislation to ensure that the state retains responsibility for the purchase, repair and replacement of school buses, and to preserve state insurance coverage under the State Tort Claims Act for school bus accidents and other school bus risk management exposures. North Carolina counties are financially responsible for the initial purchase of new school buses, either to service new schools or new routes. Since the 1930s and per G.S. 115C-240(e)(f), the state is financially responsible for school bus replacement, generally based on mileage (250,000 miles) or age (20 years or older). The state's tort claims act has traditionally covered school bus driver negligence. In 2011, in an effort to manage growing state budget deficits, Governor Bev Perdue proposed shifting school bus replacement and tort claim coverage to counties, costing counties \$57 million and \$4.6 million, respectively, for these new responsibilities. While the House rejected these proposals outright, the Senate initially considered the school bus cost shift to counties. The adopted budget retained state responsibility for both school bus replacement and school bus risk management exposure.

### *PE-3: Provide sufficient funds for community college workforce training programs.*

Support legislation to restore and maintain state funding for workforce development training and programs through the community college system. State budget cuts over the past two biennia have reduced community college funding for classroom operations by \$83 million. New tuition fee increases have helped minimize the impact of these losses, and several new programs such as non-recurring funds for N.C. Back to Work, a \$5 million retaining program for long-term unemployed, have been authorized. Continuing and increased state investments are needed to provide community colleges with 21st century equipment to support training that leads to third party credentials in career areas such as advanced manufacturing and STEM (science, technology, engineering and math).

counties. Granting counties the authority to implement these revenue options would lessen the reliance on property tax and give counties more flexibility in designing a revenue system that reflects their community's preferences and is best suited for their tax base.

*TF-4: Protect county revenues in tax reform consideration.*

Support legislation that recognizes the importance of county revenues and secures existing county resources as the state considers tax reform strategies. The General Assembly will be considering comprehensive tax reform this legislative session. Specifics of these changes to tax statutes are uncertain and likely to be fluid throughout the session. County revenues should be protected in any final outcome.

*TF-5: Repeal moratorium on contingency fee audits.*

Seek legislation to repeal the moratorium on contingency fee tax audits beginning July 1, 2013. Allow counties the flexibility to contract for tax audit services by fee-based or contingency-based arrangements. If a repeal of the moratorium is unviable, work with the state Department of Revenue on alternative solutions.

*TF-6: Improve and maintain incentive programs, workforce development and job creation programs, NC's tax credit programs, and increase access to tax credit financing for smaller economic development projects.*

Support legislation to defend and maintain the state's tax credit programs to help stimulate economic development activity in rural and economically distressed counties. In an era of fiscal constraint and economic challenges, North Carolina's legislators may be tempted to terminate the state's tax credit programs in an effort to increase tax revenues. However, these programs – including Historic Preservation Tax Credits, the Renewable Energy Tax Credits, and the Article 3J Tax Credits – stimulate investment and business growth that otherwise might not take place in our state. These tools are particularly important to stimulating economic development in rural and Tier One counties.

Support legislation to improve access to tax credit financing for smaller economic development projects. In order to finance commercial projects, businesses frequently benefit from being able to attract investors who can utilize the tax credits generated by the project to offset their own tax liabilities. However, it is difficult for small business owners to identify investors who may be interested in their tax credits, and it is often prohibitively complicated and costly to broker tax credit finance deals. Furthermore, tax credit investors are typically only interested in multi-million dollar projects – a threshold that excludes many potentially eligible economic development projects, especially in small rural counties. As a result, many tax credit-eligible projects do not move forward because they are not able to access the potential equity generated by their tax credits. The Legislature could help make this process less complicated and more accessible to small businesses by: 1) enabling the “bundling” of multiple smaller projects into projects that are large enough to attract investors; 2) establishing a central tax credit “exchange” that brings tax credit-eligible projects together with potential investors; and 3) supporting increased technical assistance and training in the utilization of tax credits.

*TF-7: Explore and authorize use of alternate, sustainable revenue options and funding sources for beach, inlet and waterway maintenance.*

Support legislation to explore and authorize use of alternate, sustainable revenue options or funding sources like licenses, taxes and/or fees for beach, inlet and waterway maintenance (as proposed via 2009 CRC and CRAC resolution for Trust Fund; Senate DRS85164-SB-12 Beach Management Study Commission Section 2.2 (3) Trust Fund, 2012 Session H1181 Study Municipal Local Option Sales Tax, and 2004 Session H142 Dare County Sale Tax).

*TF-8: Replace current non-profit sales tax refund process with a revenue-neutral exemption.*  
Support legislation to eliminate the requirement for tax-exempt non-profit corporations to pay sales tax. The current burdensome process, which requires the eligible non-profits to pay sales taxes and then seek a refund from the State has resulted in significant negative impacts upon county budgets. Sales tax revenues received by the local governments that include payments from tax-exempt corporations overstate the amount of funding actually available to the local government, and state audit adjustments result in unpredictable repayment obligations over which the local government has no control.

*TF-9: Replace current refund sales tax process for public institutions with a revenue-neutral exemption.*  
Seek legislation that streamlines the sales tax refund regulatory process by exempting public institutions (counties, cities, school boards, community colleges, local utility authorities, etc.) from payment of state and local sales taxes on purchases within the state and thereby diminish the administrative burden on the local and state level to pursue/account for/recoup sales tax proceeds.

*TF-10: Extend Article 44 hold harmless.*  
Seek legislation that extends hold harmless payments for local governments whose expected Article 44 receipts do not replace their repealed state reimbursements. The 2004 Appropriations Act (H1414) amended G.S. 105-521 by guaranteeing hold harmless payments through 2012 for local governments. The 2012-13 payment is scheduled to be the last unless additional legislation is passed. The Article 44 hold harmless payments are approximately \$15 million, and these funds are an important source of revenue for the economically distressed counties and municipalities that receive them.

*TF-11: Allow counties to provide triple credit toward renewable energy portfolios.*  
Support legislation similar to legislation passed in 2010 (Cleanfields of 2010) to allow counties to provide triple credit toward renewable energy portfolios.

*TF-12: Authorize greater county oversight of legal electronic gaming operations and support legislation to authorize counties to levy privilege license taxes on these operations.*  
Support legislation to authorize counties to levy privilege license taxes on internet sweepstakes businesses. Counties do not have the same authority as municipalities to levy a privilege license tax on video sweepstakes businesses, and this disparity may create an incentive for such businesses to locate in rural areas outside the corporate limits of municipalities. Seek legislation similar to H1180 from the 2011-12 session that would give counties and municipalities the same authority to levy privilege license taxes on internet sweepstakes businesses in order to discourage the proliferation of those businesses in rural areas outside corporate limits.

*TF-13: Promote county property tax system modernization.*

Seek legislation that enhances the county property tax system through effective modernization strategies.

*TF-14: Authorize design build option for all counties.*

Seek legislation to authorize for all counties the option of using the “Design Build” process to construct and/or renovate public facilities. A number of counties in North Carolina have special legislation allowing the “Design Build” method, which allows the bidding of design and construction of a project in the same package, often resulting in cost and time savings. The “Design Build” option should be made available as an alternative process for construction/renovation of county facilities and schools statewide.

*TF-15: Require payment of property taxes on manufactured homes and other titled properties before transfer of title.*

Seek legislation to require that all taxes levied on manufactured homes be paid before the home may be moved, repossessed or sold on site. County property tax collection efforts for delinquent taxes on manufactured homes are often hampered by ownership and location transfers.

*TF-16: Clarify centralized listing and assessing of cellular and cable companies.*

Seek legislation to implement the central listing and assessment of cellular and cable companies. The Department of Revenue’s Local Government Division would manage the listing and assessment process, similar to its assessment of other utilities such as telephone, power and railroad. DoR supports this change.

*TF-17: Support local county law enforcement and rehabilitation services through an increase in the beer and wine tax revenues.*

Support an increase in the excise tax on beer and wine by 10 cents or 20 cents with the total increased amount distributed to counties. For each 10 cent increase, 7 cents would be dedicated to law enforcement and 3 cents would be dedicated to rehabilitation purposes.

*TF-18: Preserve scrap tire disposal tax proceeds.*

Oppose the use of Scrap Tire Disposal Tax Proceeds for other than what is allowed by current statute (G.S. 105-187.19).

*TF-19: Compensate counties for property acquired by the state and removed from the ad valorem tax base.*

Develop state Payment in Lieu of Taxes (PILT) for game lands or other revenue sharing in lieu of taxes on state-owned wildlife/gamelands. Large portions of some counties are not subject to property taxes because they are owned by the State. Most of these lands are wildlife or game lands. In addition, the state continues to buy land using conservation funds. The lands purchased are already being used for agriculture or timber and therefore require a low level of service. Although transferring the lands to state control does not affect the levels of service provided by counties, it does force the tax burden onto a smaller population.



# Stanly County Board of Commissioners

Meeting Date: February 4, 2013  
 Presenter: Andy Lucas, County Manager

4A

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

### PLANNING BOARD APPOINTMENTS

Subject

**Planning Board members whose terms will expire February 28, 2013:**

**Marvin Smith  
 Allan McGuire  
 William B. Lilly, Jr.**

**Each board member has served one term of 3 years. Allan McGuire and William B. Lilly, Jr. have declined reappointment.**

**Included are 3 volunteer applications for your consideration.**

Requested Action

**It is requested that Marvin Smith be reappointed to serve a second term of 3 years to expire on February 28, 2016.**

**It is recommended that Terry Smith, who previously served on the Planning Board but not in the last year, be appointed to a 3 year term to expire on February 28, 2016.**

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

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

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

Attachments: Yes No  x

#### Review Process

#### Certification of Action

Approved  
 Yes No Initials

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

Finance Director \_\_\_\_\_

Budget Amendment Necessary \_\_\_\_\_

County Attorney \_\_\_\_\_

County Manager \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_  
 Tyler Brummitt, Clerk to the Board Date



## Stanly County Volunteer Application

### Volunteer Application Stanly County Boards and Commissions

NAME: Ronald Glenn Couick (Ronny)

HOME ADDRESS: 4406.3 Bowers Rd.

CITY, STATE, ZIP: Norwood, NC 28128

TELEPHONE: (W) 704-219-6817 (H) 704-474-9033

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

DATE: 2-7-11

EMAIL: Ronny Couick @ yahoo . com

PLACE OF EMPLOYMENT: Yard Works Power Equipment (Owner)

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): 09/16/1960

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

- Planning
- Water and Sewer
- Airport Authority

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: Forge Operator 29 yrs, ATI Allvac, Mechanic/Business owner

VOLUNTEER EXPERIENCE: \_\_\_\_\_

EDUCATION: Some college

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

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



## Stanly County Volunteer Application

### Volunteer Application Stanly County Boards and Commissions

NAME: Terry L. Smith  
HOME ADDRESS: 28216 Austin Road  
CITY, STATE, ZIP: Albemarle N.C. 28001  
TELEPHONE: (W) 704 982 6258 (H) 704 986 0351  
FAX: 704 982 6124  
DATE: 1-08-2013  
EMAIL: T.D.Smith96@yahoo.com  
PLACE OF EMPLOYEMENT: Self

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): 6/24/54

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

- Planning & Zoning
- 
- 

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: Terry Smith Construction

VOLUNTEER EXPERIENCE: Previously served on Planning Board

EDUCATION: \_\_\_\_\_

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

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



Ronald Glenn Couick  
44063 Bowers Road  
Norwood, NC 28128  
704-219-6817

### Employment History

Monroe Hardware Company - Warehouse  
1978 – 1979

Responsibilities: Returned Goods / Warranty Claims, Receiving, Order Puller

City of Monroe – Waste Treatment Plant  
1979 – 1981

Responsibilities: Plant Maintenance, Lab Technician, Senior Lab Tech  
Certifications – NC Grade 1 Wastewater Treatment Certificate

ATI Allvac Inc.

1981 – present

Responsibilities: Forge Operator, Furnace Operator, Crane Operator, Saw Operator,  
Stepped Shapes Technician ( in charge of manufacturing near net shapes for turbine  
engines for the airline and land-based turbine engines).

Proficient in Excel, Word, Autocadd, MiniTab( Statistical Analysis)

Certifications – Allvac Cornerstone of Quality Honorable Mention, Allvac Cornerstone  
of Quality Award, General Electric Six Sigma Certification – Green Belt Level  
Training in Lean Manufacturing, Standard Work, Smed system, Toyota Production  
Systems.

Couicks Small Engine Repair – Co-Owner, Sales and service of outdoor power  
equipment.

1983-2003

Yard Works Landscaping and Lawn Maintenance – Owner  
2004-2008

Yard Works Power Equipment – Norwood – Co-Owner  
New Business opening April 2001



## Stanly County Volunteer Application

### Volunteer Application Stanly County Boards and Commissions

NAME: Nina L Underwood  
HOME ADDRESS: 32201 Old Parker Rd  
CITY, STATE, ZIP: Albemarle NC 28001  
TELEPHONE: (W) 704-984-9667 (H) 704-982-4638  
FAX: 704-986-6127  
DATE: 12-29-2011  
EMAIL: ngodwin61@aol.com nunderwood@ci.albemarle.nc.us  
PLACE OF EMPLOYMENT: City of Albemarle

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): 04/05/1961

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

1. Planning Board
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: City of Albemarle - Asst Public Works Director (29 years)

VOLUNTEER EXPERIENCE: St. Co. United Way Board of Directors; St. Co. Chamber of Commerce;

EDUCATION: SCC (Business)

*Keep Stanly Beautiful*

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

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

## PLANNING BOARD

**G. S.** 153A-321

**Local Resolution:** Minute Book 9, pp. 480-481

**Local Act:** 1945 Session Laws, C. 1040-exception - Stanly County et al

**Meeting Schedule:** Second Monday, monthly at 7:00 p.m.

**Date Established:** August 5, 1963

**Members:** 7 (no less than 3)

**Terms:** By resolution of the Board of County Commissioners on 2/21/77, one for a term of one (1) year, two for a term of two (2) years, and two for a term of three (3) years. Successive terms – 3 years.

**Special Provisions:** None

**Method of Appt:** All by the Board of County Commissioners

**Officers:** Planning Board elects its own chairman, vice chairman and secretary

<b>MEMBERS</b>	<b>INITIAL APPOINTMENT</b>	<b>TERM EXPIRES</b>
Robert L. Davis 1622 Polk Ford Road Stanfield, NC 28163 H (704)888-0146 W (704) 333-5390 Email: <a href="mailto:lds38@bellsouth.net">lds38@bellsouth.net</a>	2-2012	2-2015
Marvin Smith 622 E. Oakwood Avenue Albemarle, NC 28001 H (704) 982-6143 W (704) 983-5142	2-2010	2-2013
Allan McGuire 12143 St. Martin Road Stanfield, NC 28163 H (704) 485-4683 W (704) 375-9950	2-2010	2-2013

<b>MEMBERS</b>	<b>INITIAL APPOINTMENT</b>	<b>TERM EXPIRES</b>
Bob Loflin, Jr. 368 Random Drive New London, NC 28127 H (704) 463-5279 W (336)751-7340 Email: bobloflin@windstream.net	2-2012	2-2015
William Lilly, Jr. 12500 Mary Branch Road Norwood, NC 28128 H (704) 474-3894 (W) 704-985-9300 Email: will@ironhorseauction.com	2-14-2011	2-2013
Brenda Hunter 960 N. Tenth Street Albemarle, NC 28001 H (704) 986-0700 W (704) 983-3363 C (704) 704-244-9633	2-16-2008 Reapptd to 2 <sup>nd</sup> term on 2/14/2011	2-2014
Billy Franklin Lee 40645 Mt. Zion Church Road Norwood, NC 28128 H (704) 474-4764 C (704) 985-6721	2-02-2009	2-2015

**Board members are appointed by the Stanly County Board of Commissioners in February. Election of officers held in July for a term of three (3) years.**

**Clerk to the Board:  
Michael Sandy**



# Stanly County Board of Commissioners

Meeting Date: February 4, 2013  
 Presenter: Andy Lucas, County Manager

\_\_\_\_\_ | 4B  
 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

### STANLY COUNTY COMMUNITY ADVISORY COMMITTEE APPOINTMENT

Subject

Please see the attached letter from the CAC requesting a replacement be named for Mr. Roy Still. Included is one volunteer application for your consideration.

Requested Action

Request the Board appoint a replacement for Mr. Roy Still to serve his unexpired term until February 28, 2014.

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

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

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

Attachments: Yes \_\_\_\_\_ No \_\_\_\_\_x\_\_\_\_\_

#### Review Process

#### Certification of Action

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

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

\_\_\_\_\_

Tyler Brummitt, Clerk to the Board Date \_\_\_\_\_



Nursing Home  
Community  
Advisory Committee

"TO CREATE THE BEST QUALITY OF LIFE FOR OUR NURSING HOME RESIDENTS IN NORTH CAROLINA"

Memo:

To - Stanly County Commissioners  
From - Stanly County Community Advisory Committee  
Date - January 15, 2013  
Re: Replacement of Roy Still

Due to the recent death of Roy Still whose term expires February 28, 2014, the CAC would like to submit Sarah J. Grantier's name as his replacement. She has been screened by the committee and is willing to serve if appointed. Enclosed is a copy of her Volunteer Application.

Sarah J. Grantier (ally)  
522 Arondale Ave.  
Albemarle, N.C. 28001

704-982-7611

See Imer  
Secretary

Enclosure



## Stanly County Volunteer Application

### Volunteer Application

#### Stanly County Boards and Commissions

NAME: Sarah J. Grantier (Sally)

HOME ADDRESS: 522 Avondale Ave.

CITY, STATE, ZIP: Albemarle, N.C. 28001

TELEPHONE: (W) \_\_\_\_\_ (H) 704-982-7611

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

DATE: \_\_\_\_\_

EMAIL: sgrantier@windstream.net

PLACE OF EMPLOYMENT: Retired

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): 12/30/38

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

- SCCAC
- \_\_\_\_\_
- \_\_\_\_\_

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: Teacher

VOLUNTEER EXPERIENCE: Hospital - Cheer Shop

EDUCATION: BS Education

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

Return to  
Sue H. Turner  
1063 Austin Rd.  
New London, NC 28127

**NURSING HOMES COMMUNITY ADVISORY COMMITTEE &  
DOMICILIARY HOME COMMUNITY ADVISORY COMMITTEE**

**G. S.** House Bill 1015, 1977

**Local Act:** Minutes of November 20, 1978

**Date Established:** November 20, 1978 (Meeting of August 17, 1992)

**Meeting Schedule:** Second Thursday of every month at 12:00 p.m.

**Members:** 8

**Terms:** First time appointments will serve for one (1) year; thereafter, will serve a three (3) year term, successive appointments permitted.

**Special Provisions:**

**Method of Appt:** Appointed by the Board of Commissioners

**Officers:** To be elected by members.

<b>MEMBERS</b>	<b>INITIAL APPOINTMENT</b>	<b>TERM EXPIRES</b>
Janelle Hawkins 36401 Old Salisbury Road New London, NC 28127	1990	2/28/2014
Gene McIntyre 44074 Catfish Road New London, NC 28127	Commissioner	Term of Office
Marilyn A. Morton 24250 St. Martin Road Albemarle, NC 28001 H (704) 982-0061	2007	2/28/2014
William Rigsbee, Jr. 25666 Preston Lane Albemarle, NC 28001	2011 *Serving the unexpired term of Janet Pickler	2/28/2014
Roy Still 393 Park Road Albemarle, NC 28001	1998	2/28/2014



Nursing Homes Comm. Adv. Committee – Pg. 2

<b>MEMBERS</b>	<b>INITIAL APPOINTMENT</b>	<b>TERM EXPIRES</b>
Hilda W. Lee 48154 Allenton Street Norwood, NC 28128	1993	2/28/2016
Sue Turner 1063 Austin Road New London, NC 28127	1998	2/28/2014
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New London, NC 28127  
(H) 704-463-5303

Notify Centralina COG – Patricia Cowan of any appointments or reappointments at  
[pcowan@centralina.org](mailto:pcowan@centralina.org)  
Revised 11/95



# Stanly County Board of Commissioners

Meeting Date February 4, 2013

Presenter: Andy Lucas

Consent Agenda	Regular Agenda
	5

## ITEM TO BE CONSIDERED

### FY 2013-2014 Budget Calendar

The FY 2013-2014 budget process informally began back in mid-January 2013 with a review of expense and revenue projections. The attached budget calendar for FY 2013-2014 will formalize many of the target dates and provide guidance to staff.

Subject

Requested Action

**Review, consider and approve the attached budget calendar for FY 2013-2014.**

Date: <u>02/4/2013</u>	Dept: <u>Central Administration</u>
	Attachments: <input checked="" type="checkbox"/> yes <input type="checkbox"/> no

#### Review Process

#### Certification of Action

	Approved		Initials
	Yes	No	
Finance Director	<input type="checkbox"/>	<input type="checkbox"/>	
Budget Amendment Necessary	<input type="checkbox"/>	<input type="checkbox"/>	
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	
County Manager	<input type="checkbox"/>	<input type="checkbox"/>	
Other:	<input type="checkbox"/>	<input type="checkbox"/>	

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  
FY 2013-2014 Budget Manual  
Budget Calendar**

The County will utilize the following schedule in preparing the budget for fiscal year 2013-2014. Dates are subject to change:

<b>Dates</b>	<b>Activity</b>	<b>Description</b>
December 2012- January 2013	Budget Process Development	County Manager and Finance begin development and revision of forms and process for FY 2013-2014
January 2013	Pre-Budget Assessment	Finance, HR and County Manager begin preparing the system for budget data entry
February 22, 2013	Board Strategic Planning Conference	Board develops goals and sets priorities for Fiscal Year 2013-2014
March 14, 2013	Budget Kick-Off (Departments)	Departments begin developing operating and capital improvement budget requests and key information into the budget system
April, 2013 <b>*specific dates to be determined</b>	Possible Joint BOCC, SCC Trustees and Board of Education Meetings	Discuss goals, priorities, and budget planning for Fiscal Year 2013-2014
April 12, 2013	Dept. Requests Due	Department operating and capital improvement budget requests are due to the County Manager's Office
May 20, 2013	Manager's Recommended Budget Presentation	Place and Time: Stanly Commons, Board Meeting Room at 7:00 PM
June 3, 2013	Public Hearing	Public hearing for FY 13-14 operating budget
June 10, 2013* June 13, 2013 * June 17, 2013*	Budget Workshop(s) <b>* dates subject to change if conflicts arise</b>	Workshops to discuss FY 13-14 budget
June 20, 2013	Budget Adoption	Board approves FY 2013-2014 Budget Ordinance



# Stanly County Board of Commissioners

Meeting Date: February 4, 2013  
 Presenter: Dennis Joyner, Health Director

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

### THIRD PUBLIC HEARING ON THE REVISED STANLY COUNTY ANIMAL CONTROL ORDINANCE

Subject

The Stanly County Health Department and Stanly County Board of Health request consideration and adoption of a newly revised animal control ordinance.

Requested Action

- Conduct the public hearing and consider adoption of the new Stanly County Animal Control Ordinance.

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

The Stanly News & Press  
P.O. Box 488  
Albemarle, NC 28002  
(704) 982-2121

# AFFIDAVIT OF INSERTION

DATE: 1 / 22 / 13

CLASSIFICATION	START	EDITIONS	SIZE	TOTAL CHARGES
Local Display	1-20-13	1-20-13	244	\$ 79.84

Stanly County  
1000 N. 1st St.  
Ste. 10  
Albemarle, NC 28001

## NORTH CAROLINA, STANLY COUNTY AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified and authorized by law to administer oaths, personally appeared; Sandy Selvy, who being first duly sworn, deposes and says; that she is Publisher of a newspaper known as THE STANLY NEWS AND PRESS, published, issued, and entered as second class mail in the City of Albemarle, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in THE STANLY NEWS AND PRESS on the dates specified on the copy attached and that the said newspaper in which such notice, paper, document or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 or the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

  
Sandy Selvy  
Publisher

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Stanly County Board of Commissioners will hold a third public hearing on Monday, February 4, 2013 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons located at 1000 N. First Street, Albemarle, North Carolina.

The purpose of this public hearing will be to discuss adoption of a new Animal Control Ordinance as recommended by the Stanly County Board of Health.

Copies of the new ordinance draft may be reviewed at the following:


Stanly County Governmental Website  
(<http://www.co.stanly.nc.us/>)  
Stanly County Animal Shelter  
Stanly County Health Department  
Stanly County Manager's Office  
Stanly County Public Libraries

Persons wishing to speak either in favor of or in opposition to this issue will be heard.

Please contact the Clerk's Office at (704) 986-3600 or at 1000 N. First Street, Suite 10, Albemarle for special accommodations at least 48 hours prior to the hearing.

69079

Sworn to and subscribed to before me this  
22 day of January, 2013.

  
Sherry Nance, Notary Public  
My commission expires July 14, 2016

# STANLY COUNTY ANIMAL CONTROL ORDINANCE

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

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# STANLY COUNTY ANIMAL CONTROL ORDINANCE

## ARTICLE I - AUTHORITY, PURPOSE, AND GENERAL PROVISIONS

### SECTION 1

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

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

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

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

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

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

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

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

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

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

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

### SECTION 2

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

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

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

- (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 harbinger 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.~~

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

(C) DESTRUCTION OF INFECTED DOGS, CATS, AND FERRETS. If a dog, cat or ferret, in or out of confinement, is suspected of having rabies, as determined by a licensed veterinarian, it shall be the duty of the owner to have such animal euthanized and sent for appropriate testing under the supervision of the Animal Control Director. Any dog, cat or ferret known to have been bitten by another animal which is known or proved to be rabid shall be euthanized immediately by the owner or by the Animal Control

Director unless the dog, cat or ferret has been vaccinated against rabies more than 28 days prior to being bitten and is given a booster dose of rabies vaccine within 72 hours of the bite. As an alternative to euthanasia, the dog, cat or ferret may be quarantined at a facility approved by the local health director for a period up to six months, and under reasonable conditions imposed by the health director.

#### **SECTION 4**

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

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

(B) **FAILURE TO PRODUCE PROOF OF VACCINATION AND/OR FAILURE TO HAVE ANIMAL VACCINATED WHEN THE OWNER IS KNOWN.** In addition to any civil penalties that may be imposed for violation of subsection (A) above, the owner of a dog, cat, or ferret may be assessed a civil penalty for violation of this subsection, if he or she fails to produce proof of vaccination and/or fails to have the animal vaccinated within seventy-two (72) hours of the issuance of a written Notice of Violation of subsection (A) above. The Notice of Violation of subsection (A) above shall specify that the owner has seventy-two (72) hours to produce proof of vaccination and/or to have the animal vaccinated and failure to do so shall result in 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, possessor of an animal or any person is in violation of any of the provisions found in Section 3, in addition to the aforementioned criminal and civil remedies, the Officer may seize the animal(s), pursuant to applicable laws, and/or issue written Notices of Violation ~~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. If it is determined by an Animal Control Officer that an animal is not in immediate danger, or the condition or problem which gives rise to inadequate care or cruel treatment can be corrected immediately or within a short period of time, not to exceed seventy two (72) hours, he may issue a written Notice of Violation requesting the Owner or possessor of the animal to cease and desist or to correct the problem within seventy two (72) hours. If the condition or problem is not corrected within seventy two (72) hours or the Owner or possessor of the animal fails to cease or desist from cruel treatment or fails to adequately provide for the animal, the Animal Control Officer may institute seizure and/or criminal proceedings.~~

(A) VIOLATION OF SECTION 3, SUBSECTION ~~(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 (B); (CLEAN SHELTER). Notwithstanding the other provisions and sanctions of this Article, when it has been determined by an Animal Control Officer that animals have been allowed to live in unsanitary conditions, and that said conditions resulted from the owner's unwillingness or inability to clean the area where animals are housed or that the conditions resulted from the number of animals involved, Animal Control may seize the animals pursuant to applicable laws. Before the animals are seized, the Animal Control Director or Health Director shall issue a Declaration of Unsanitary Conditions and Notice of Seizure to the owner. If the owner wishes to request a review of the seizure of the animals, the owner must file a written request with the Board of Health's Animal Control Committee within five (5) 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 filing of said request. 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 timely request a review of the seizure or fails to timely appeal the committee's written decision, the animal shall become the property of Stanly County and shall be disposed of according to this Ordinance.

(BC) 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.

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

guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.

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

### **SECTION 1**

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

(A) DOG: Any and all domestic canines.

(B) AT LARGE: Any dog out of compliance with Section 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 1 acre or greater and remains under the control of their owner on that parcel of land. Under these conditions, the dog does not have to be actively restrained by means of a fence, tether, or other secure enclosure if control can be maintained and the dog restricted to the owner's property.

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

~~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 ~~received~~ 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, keep in possession by confinement or otherwise any stray animal which does not belong to him or her, unless he or she has, within seventy two (72) hours from the time such animal came into his or her possession, notified Animal Control. 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 CERITIFIED 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

Meeting Date: February 4, 2013  
 Presenter: Chairman McIntyre

7

Consent Agenda | Regular Agenda

Presentation Equipment:  Lectern PC\*  Lectern VCR  Lectern DVD  Document Camera\*\*  Laptop\*\*\*  
 Please Provide a Brief Description of your Presentations format: \_\_\_\_\_  
 \* PC is equipped with Windows XP and Microsoft Office XP (including Word, Excel, and PowerPoint), Internet connectivity and Network connectivity for County Employees.  
 \*\* 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

<b>Subject</b>	<p><b>CONSENT AGENDA</b></p> <p><b>A. Minutes – Regular meeting of January 22, 2013</b></p> <p><b>B. Senior Services – Budget amendment # 2013-25</b></p> <p><b>C. Health Dept. – Budget amendment # 2013-26</b></p>
<b>Requested Action</b>	<p><b>Request approval of the above items as presented.</b></p>

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

**STANLY COUNTY  
BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
JANUARY 22, 2013**

**COMMISSIONERS PRESENT:** Gene McIntyre, Chairman  
Peter Ascitutto  
Tony Dennis  
Lindsey Dunevant

**COMMISSIONERS ABSENT:** Josh Morton, Vice Chairman

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

**CALL TO ORDER**

The Stanly County Board of Commissioners (the "Board") met in regular session on Tuesday, January 22, 2013 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman McIntyre called the meeting to order and gave the invocation.

**APPROVAL / ADJUSTMENTS TO THE AGENDA**

Chairman McIntyre requested that an Economic Development Commission appointment be added as Item # 2 and the consent agenda changed to Item #3. Commissioner Dennis moved to approve the agenda as amended and was seconded by Commissioner Ascitutto. The motion carried by unanimous vote.

**ITEM # 1 – APPOINTMENTS TO THE STANLY COUNTY COMMUNITY ADVISORY COMMITTEE**

**Presenter: Andy Lucas, County Manager**

By motion, Commissioner Dennis moved to reappoint Ms. Hilda Lee and Ms. Hazel Lefler each to serve a three (3) year term beginning March 1, 2013 – February 28, 2016. His motion was seconded by Commissioner Dunevant and passed by unanimous vote.

**ITEM # 2 – APPOINTMENT TO THE ECONOMIC DEVELOPMENT COMMISSION**

**Presenter: Tony Dennis, EDC Chairman**

Commissioner Dennis moved to appoint Mr. Terry Whitley to the EDC Board (Southern District) for a two (2) year term to replace Mr. Grover Stewart beginning February 1, 2013 until January 31, 2015. The motion was seconded by Commissioner Dunevant and carried with a 4 – 0 vote.

**ITEM # 3 – CONSENT AGENDA**

**Presenter: Chairman McIntyre**

- A. Minutes - Emergency meeting of December 28, 2012 and regular meeting of January 7, 2013
- B. IT Dept. – Request approval to auction the attached list of surplus items
- C. Health Dept. – Request approval to receive funds from NACCHO and appropriation of these funds into Environmental Health’s FY 2012-13 budget
- D. Finance – Request acceptance of the Monthly Financial Report for Six Months Ended December 31, 2012
- E. Social Services – Budget amendment # 2013-24
- F. Tax – Request approval of the enclosed tax refunds

Commissioner Dennis moved to approve the consent agenda items as presented and was seconded by Commissioner Ascutto. The motion carried by unanimous vote.

**PUBLIC COMMENT**

None

**GENERAL COMMENTS & ANNOUNCEMENTS**

Commissioner Ascutto noted several meetings and events he recently attended including the Albemarle Downtown Development Commission meeting and the Martin Luther King Breakfast. He also noted that beginning next week he will begin spending one day a month with each of the county departments to learn more about their day-to-day operations. The first department he plans to visit will be Animal Control. Also to date, the County has spent \$5,059,248 on the 401 relicensing issue.

Commissioner Dunevant stated his plans to attend the Legislative Goals Conference on Thursday and Friday and requested the Board forward any feedback or information to him that they would like presented on the county’s behalf.

Chairman McIntyre thanked Commissioner Dunevant for attending the conference in his place as he continues to recover from his recent accident. The Chairman also noted the absence of Commissioner Morton who is currently in Africa with his daughter and son-in-law who are relocating there.

**CLOSED SESSION**

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 Commissioner Ascitutto and passed by unanimous vote at 7:08 p.m.

**ANNOUNCEMENT**

Chairman McIntyre stated that during the closed session, the Board was introduced to Attorney Chuck Kitchen who was recently hired to help with the public records requests lawsuit and then received an update on the 401 case.

**ADJOURN**

There being no further discussion, Commissioner Dennis moved to adjourn the meeting and was seconded by Commissioner Ascitutto. The motion carried with a 4 – 0 vote at 7:25 p.m.

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Gene McIntyre, Chairman

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Tyler Brummitt, Clerk

**STANLY COUNTY-BUDGET AMENDMENT**

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

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

<u>FUND/DEPART NUMBER</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGETED AMOUNT</u>	<u>INCREASE (DECREASE)</u>	<u>AS AMENDED</u>
110.5381	550.000	Other Equipment	\$ -	\$ 29,583	\$ 29,583
TOTALS			<u>\$ -</u>	<u>\$ 29,583</u>	<u>\$ 29,583</u>

This budget amendment is justified as follows:

To increase the budget for a commitment of funds by the Friends of the Senior Center to upgrade audio and sound equipment.

This will result in a net increase of \$ 29,583 in expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will be increased. These revenues have already been received or are verified they will be received in this fiscal year.

<u>FUND/DEPART NUMBER</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGETED AMOUNT</u>	<u>INCREASE (DECREASE)</u>	<u>AS AMENDED</u>
110.3538	840.10	Donations	\$ 2,500	\$ 29,583	\$ 32,083
TOTALS			<u>\$ 2,500</u>	<u>\$ 29,583</u>	<u>\$ 32,083</u>

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Verified by the Clerk of the Board \_\_\_\_\_

Becky Weemhoff \_\_\_\_\_ 1-29-13  
 Department Head's Approval Date

John R. Hanson \_\_\_\_\_ 1-29-13  
 Finance Director's Approval Date

\_\_\_\_\_  
 County Manager's Approval Date

Posted by
Journal No.
Date

# Friends of the Senior Center



To: Andy Lucas, Stanly County Manager  
From: Ron Crawley, President, Friends of the Sr. Center  
Date: Jan. 24, 2012  
Re: Commitment of funds for the Sr. Center upgrade of audio and sound equipment

A handwritten signature in blue ink, which appears to read "Ron Crawley", is positioned to the right of the "From:" line in the header.

This letter is to show the Friends of the Stanly County Senior Center's financial commitment for the funds required for the upgrade of the Sr. Center's audio and sound equipment.

The cost of this project has been estimated to be \$30,453.00.

If you have questions, please contact me at 704-463-1313.



# Stanly County Board of Commissioners

Meeting Date: February 4, 2013  
 Presenter: Dennis Joyner

7c  
 \_\_\_\_\_  
 Consent Agenda | Regular Agenda

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

Please Provide a Brief Description of your Presentations format: \_\_\_\_\_

\* 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

<b>Subject</b>	<p>The Stanly County Health Department has received notification of a grant award from the Cannon Foundation in the amount of \$75,000. These funds will be used to purchase equipment for the Dental Clinic's addition/renovation of two clinic rooms and a consultation room. Plans for the renovation and associated up-fit costs are being finalized and the dental clinic fund-balance will be used for structural renovation expenses. At this time, we request the appropriation of the Cannon Foundation grant funds to proceed with the purchase of dental operatory equipment.</p>
<b>Requested Action</b>	<p>Request appropriation of grant funds in the amount of \$75,000 from the Cannon Foundation to the Health Department's FY 2012-13 Dental Clinic budget.</p>

Signature: <u><i>Dennis R Joyner</i></u> Date: 1/29/13	Dept. Public Health Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>																												
<b>Review Process</b>	<b>Certification of Action</b>																												
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 15%; text-align: center;">Approved</th> <th style="width: 15%;"></th> <th style="width: 10%; text-align: center;">Initials</th> </tr> <tr> <th></th> <th style="text-align: center;">Yes</th> <th style="text-align: center;">No</th> <th></th> </tr> </thead> <tbody> <tr> <td>Finance Director</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> <td></td> </tr> <tr> <td>Budget Amendment Necessary</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> <td></td> </tr> <tr> <td>County Attorney</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> <td></td> </tr> <tr> <td>County Manager</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> <td></td> </tr> <tr> <td>Other:</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> <td></td> </tr> </tbody> </table>		Approved		Initials		Yes	No		Finance Director	—	—		Budget Amendment Necessary	—	—		County Attorney	—	—		County Manager	—	—		Other:	—	—		<p style="text-align: center;">Certified to be a true copy of the action taken by the Stanly County Board of Commissioners on</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Tyler Brummitt, Clerk to the Board      Date</p>
	Approved		Initials																										
	Yes	No																											
Finance Director	—	—																											
Budget Amendment Necessary	—	—																											
County Attorney	—	—																											
County Manager	—	—																											
Other:	—	—																											



**STANLY COUNTY-BUDGET AMENDMENT**

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

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

<u>FUND/DEPART NUMBER</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGETED AMCUNT</u>	<u>INCREASE (DECREASE)</u>	<u>AS AMENDED</u>
110.5158	530.000	Medical Equipment	\$ 7,600	\$ 75,000	\$ 82,600
TOTALS			<u>\$ 7,600</u>	<u>\$ 75,000</u>	<u>\$ 82,600</u>

This budget amendment is justified as follows:

To appropriate Cannon Foundation grant funds for equipment to expand the Dental Clinic.

This will result in a net increase of \$ 75,000 in expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will be increased. These revenues have already been received or are verified they will be received in this fiscal year.

<u>FUND/DEPART NUMBER</u>	<u>ACCOUNT NUMBER</u>	<u>ACCOUNT DESCRIPTION</u>	<u>CURRENT BUDGETED AMOUNT</u>	<u>INCREASE (DECREASE)</u>	<u>AS AMENDED</u>
110.3500	840.18	Donations - Dental	\$ 10,000	\$ 75,000	\$ 85,000
TOTALS			<u>\$ 10,000</u>	<u>\$ 75,000</u>	<u>\$ 85,000</u>

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Verified by the Clerk of the Board \_\_\_\_\_

*Dennis R. Joyce* 1-29-13  
 Department Head's Approval Date

*John R. Vinson* \_\_\_\_\_  
 Finance Director's Approval Date

\_\_\_\_\_  
 County Manager's Approval Date

Posted by
Journal No.
Date

THE CANNON FOUNDATION, INC.

WWW.CANNONFOUNDATION.ORG

POST OFFICE BOX 548

CONCORD, NORTH CAROLINA 28026-0548

704-786-8216

December 4, 2012

Mr. Dennis R. Joyner, Health Director  
Stanly County Health Department  
1000 N. First St., Suite 3  
Albemarle, North Carolina 28001

Dear Mr. Joyner:

The Cannon Foundation, Inc. is pleased to inform you that its Board of Directors has approved a grant in the amount of \$75,000.00 in response to your recent proposal, for the purpose stated below:

Dental Operatory Equipment

In keeping with our past procedures, and in order to comply with regulations applicable to foundations such as ours, all grants will be made only to organizations which are exempt from taxes under Internal Revenue Code Section 501(c)(3) and which have been determined by the Internal Revenue Service to be "not private foundations" within the meaning of Code Section 509(a).

In order that the Foundation may comply with all Internal Revenue Code Regulations and other requirements, we ask that you indicate your agreement to follow the terms stated below by signing the enclosed copy of this letter in the space provided and promptly returning it to our office:

1. Applicant agrees to expend the funds from this grant only for the purposes stated above and in accordance with Section 501(c)(3), Section 4945 and other applicable provisions of the Internal Revenue Code.
2. Directors of The Cannon Foundation, Inc. may monitor and conduct an evaluation of operations under this grant, including full and complete access to your files and financial records relating to the grant or your tax status, upon a reasonably timely request therefor.
3. We require notification of any change in your Federal tax status before or during the period the grant funds are being spent.
4. It is understood that grant payments which are yet to be made by the Foundation may be discontinued, modified, or withheld if, in our sole judgment, such action is necessary to comply with the requirements of the law.

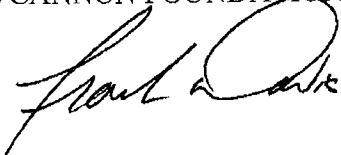
5. Periodic reports should be submitted on the progress of the project or program, with a final accounting when all of the funds provided have been expended, including an evaluation report of what the grant funds accomplished.
6. Any portion of the grant funds not used in accordance with the terms hereof, will be repaid to The Cannon Foundation, Inc. No funds from this grant will be used to carry on propaganda, or otherwise to attempt to influence legislation, to influence the outcome of any specific public election or to carry on directly or indirectly any voter registration drive.
7. The acceptance of the grant and the terms and conditions of the grant is signed by an authorized officer of the organization.

You understand that The Cannon Foundation, Inc., considers each request on an individual basis, and that this grant is not to be construed as establishing a precedent for further support.

Please sign in the space provided on the enclosed copy of this letter and return it to our office promptly, indicating your acceptance of the terms and conditions stated therein.

Sincerely,

THE CANNON FOUNDATION, INC.

A handwritten signature in black ink, appearing to read "Frank Davis", written over a large, faint circular stamp or watermark.

Frank Davis  
Executive Director

FD: elh

Enclosure