

**MINUTES FROM A PUBLIC HEARING TO AMEND WARREN COUNTY'S ZONING ORDINANCE HELD BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF WARREN IN THE COUNTY COURTHOUSE ON FEBRUARY 2, 2004 AT 5:30 PM.**

The Public Hearing was called to order by Chairman Ulysses S. Ross. The following Commissioners were present: Clinton G. Alston, Weldon C. Capps, Jr., Janet Humphries, and H.E. Luke Lucas. Others in attendance were Loria D. Williams, County Manager and Susan W. Brown, Finance Officer.

Clerk to the Board, Angelena Kearney-Dunlap read aloud the Notice of Public Hearing. Citizen comments were as follows:

J.L. Gurley of Security-Mini-Storage, explained his desire to bring well maintained, mini-storage units to the area if rezoning request is approved.

Doug Kerr - declined his opportunity to speak.

Chairman Ross opened the floor for additional citizen comments, there were none.

Chairman Ross adjourned the public hearing at 5:45 pm.

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Angelena Kearney-Dunlap, Clerk

**MINUTES FROM A PUBLIC FORUM TO HEAR CITIZEN COMMENTS REGARDING PROPOSED WARREN COUNTY ADMINISTRATION FACILITY HELD BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF WARREN IN THE COUNTY COURTHOUSE ON FEBRUARY 2, 2004 AT 6:00 PM.**

The Public Forum was called to order by Chairman Ulysses S. Ross. The following Commissioners were present: Clinton G. Alston, Weldon C. Capps, Jr., Janet Humphries, and H.E. Luke Lucas. Others in attendance were Loria D. Williams, County Manager and Susan W. Brown, Finance Officer.

Clerk to the Board, Angelena Kearney-Dunlap read aloud the Notice of Public Forum.

Chairman Ross read the following statement:

**"I Call to order this public forum on county administration office space. This Board has tried hard this past year to involve the citizens in their government. We have for the first time allowed questions of the Commissioners during public hearings. This opportunity should not be abused by name-calling, inappropriate comments or personal attacks upon any member of this Board. I will rule out of order anyone engaged in such behavior. This is to be a frank and earnest discussion of one issue and one issue only. Although the final decision is up to your elected officials, your decent and thoughtful comments are welcome. All of us have opinions and viewpoints. Nothing can be accomplished through misinformation, hysteria or anger. Let's try to make this an informative time and hopefully we can have more of these forums. Thank you very much, we look forward to you working with us and willing to listen. Let's do things decent and in order."**

Citizen comments were as follows:

Charlie Edwards: We've been here before and there were a few lessons that most of us learned, 1st-governmental actions particularly in the form of building is not appropriate until there is a showing of need, not want. Need a true assessment of whether additional space is required. Old A&P building is good to be used as the Library, through either rehab or construction. Once Library

is moved to old A&P building, this frees up space near courthouse for Tax Collection, etc. There has been talk of building a parking deck in back of the County Manager's office and using the Armory for office space. If additional space is needed, courthouse square is available for rehabilitation. It is unfair to citizens of the County and merchants within the town to move any significant function of county government away from the county seat.

Carol Bland: Speaking for her mother (Margaret St. Sing Campbell, who worked for the county many years) and immediate family members, expressed opinion that county offices and facilities should remain within the town limits.

Will Perry of Hardware Café: Does not want to see county offices moved to another location other than downtown Warrenton. For 2002, Warren County was ranked 15th for tax rate. In North Carolina every man, woman and child is responsible for \$469 in tax revenue, in Warren County it's \$517, we are way above the average. I'm talking tax rate because it has a direct indication of what you are deciding to do for these buildings. I do not want to see further development of new departments, new revenue draining aspects of county government, we can not afford it. If we want growth, we need to see the tax rate come down, we need to find ways to decrease the tax rate. Service business thrives off the number of people in the county, so let's go after attracting people.

Ernest Fleming of Oakley Hall Antiques': relocated here in 1991 because county has so much potential. The best growth incentive is efficient government and the lowest tax rate in the state. You'll have people knocking people out of the way to come to this county. Look at long-range maintenance plan for all existing buildings to project future maintenance costs. Develop maintenance schedule to project repair needs, install efficient air conditioning and heating units, etc.

John T. Harris: long time county resident, added to Mr. Edwards comments. A&P building is easy to demolish, need to establish a foundation to build on.

Chairman Ross opened the floor for further comments:

Carolyn Bridgham of Milano's Restaurant (supplied a written statement which is on file in Clerk's office).

Elizabeth Weddington: questioned Board's credibility.

Commissioner Ross ruled Ms. Weddington out of order.

On motion of Commissioner Capps, which was seconded by Commissioner Humphries, the County Administration Facility Public Forum was adjourned at 6:45 pm.

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Angelena Kearney-Dunlap, Clerk

**MINUTES FROM THE REGULAR MONTHLY MEETING HELD BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF WARREN IN THE COUNTY COURTHOUSE ON FEBRUARY 2, 2004 AT 7:00 PM.**

The meeting of the Board of County Commissioners was called to order by Chairman Ulysses S. Ross. The following Commissioners were present: Clinton G. Alston, Weldon C. Capps, Jr., Janet Humphries, and H.E. Luke Lucas. Others in attendance were Loria D. Williams, County Manager, Charles T. Johnson, Jr., County Attorney and Susan W. Brown, Finance Officer.

A moment of silence was followed by rules for citizen comments read by Angelena Kearney-Dunlap, Clerk to the Board. Citizen Comments were as follows:

Wally Allen: Complaint regarding Tax Assessor's office.

Bob Dangora: Voiced concerns regarding Noise Control Ordinance.

Betsy Weddington: Spoke in reference to proposed County Administrative Building and Recreational Complex. (Statement on file in Clerk's office.)

Raymond Adcock: voiced concern that items can be added to meeting agenda without prior notice. Opposed some items included in proposed Animal Control Ordinance. Hunting Clubs in the County are organizing to address issues regarding firearms and safety.

Russ Wunker from the Drewry area, commended Board for actions in Buck Springs Project. Warren County does not need an extensive building program, instead modify existing buildings, agreed with costing out building proposals before adopting them.

Daria Holcomb: Commended Commissioners Capps & Humphries for their willingness to reimburse commissioner stipends to support needed recreational plans.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to add Item # 18 - Mental Health Office Relocation to the February 2, 2004 Suggested Agenda.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries, it was ordered to add Closed Session - Information Technology Director Appointment to the February 2, 2004 Suggested Agenda.

Votes were as follows:           Ayes: Lucas, Humphries & Ross  
  Nays: Alston & Capps

Motion carried.

On motion of Commissioner Capps, which was seconded by Commissioner Alston and duly carried by unanimous vote, it was ordered to:

Move Consent Agenda Item 5G2 - Resolution in Support of Statewide Initiative for Legislative Funding Support for Enhanced and Improved Passenger Rail Service to Regular Agenda Item # 19.

Move Consent Agenda Item 5E - Board of Health appointments: K. Hawkins, M. Hargrove & Dr. O'Malley to Regular Agenda Item # 20

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to approve February 2, 2004 Suggested Agenda as amended.

On motion of Commissioner Lucas, which was seconded by Commissioner Capps and duly carried by unanimous vote, it was ordered to approve Consent Agenda Item 5A, minutes of:

January 5, 2004 - Public Hearing to Amend Warren County CDBG Grant # 02-C-0969

January 5, 2004 - Public Hearing to Amend Warren County Addressing & Road Naming Ordinance

January 5, 2004 - Regular Board Meeting

On motion of Commissioner Lucas, which was seconded by Commissioner Capps and duly carried by unanimous vote, it was ordered to approve Consent Agenda Item # 5B - Tax Collector's & Interest Income Reports, submitted by Finance Officer Susan W. Brown.

On motion of Commissioner Lucas, which was seconded by Commissioner Capps and duly carried by unanimous vote, it was ordered to approve Consent Agenda Item 5C Tax Releases Over \$100, submitted by Tax Assessor Linda T. Jones.

County Manager approved Tax Releases Under \$100 were presented for Board's information.

On motion of Commissioner Lucas, which was seconded by Commissioner Capps and duly carried by unanimous vote, it was ordered to appoint Dr. Merwin R. Dieckmann, MD to the Board of Health to fill the unexpired term of Dr. Coffman. Term expiration - December 2004.

On motion of Commissioner Lucas, which was seconded by Commissioner Capps and duly carried by unanimous vote, it was ordered to appoint Warren County Middle School students: Maurice A. Ruffin and Malcolm L. Williams to the Juvenile Crime Prevention Council. Term expiration - January 2006.

On motion of Commissioner Lucas, which was seconded by Commissioner Capps and duly carried by unanimous vote, it was ordered to adopt the following resolutions:

1. Preserving Nature at Area Lakes
2. Federal Recognition for Haliwa-Saponi Indian Tribe
3. Support for Special Session of the State Legislature to Restore States Rights Under US Constitution and Oppose Outlying Landing Fields at Any Site that is Unacceptable to the State of NC

On motion of Commissioner Capps, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to adopt Amendment # 5 to the FY 2003-04 Warren County Budget Ordinance.

Finance Officer Susan W. Brown by memo, presented: "North Carolina General Statute 105-369 states that each year the Tax Collector shall report to the Board of Commissioners the total amount of unpaid taxes for the current fiscal year that are liens on real property, and that the Board shall thereupon order the Collector to advertise such tax liens. The Total amount of unpaid taxes, which constitute a lien on real property, is \$1,146,509. Upon your order, these liens will be advertised in the month of March. A detail listing is available for your inspection if you so wish."

On motion of Commissioner Capps, which was seconded by Commissioner Alston and duly carried by unanimous vote, Warren County Finance Officer was authorized and ordered to advertise unpaid 2003 taxes that are liens on real property.

Having held a required public hearing on Monday, February 2, 2004 at 5:30 pm to hear citizen comments regarding a request to amend Warren County's Zoning Ordinance:

- 1) add - "Office/Institutional District - O & I" to the Warren County Zoning Ordinance
- 2) amend - Ordinance to include "Neighborhood Business District" to allow for mini-storage units

The following actions were taken:

On motion of Commissioner Lucas, which was seconded by Commissioner Capps and duly carried by unanimous vote, it was ordered to table addition of "Office/Institutional District - O & I" to the Warren County Zoning Ordinance.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to amend the Zoning Ordinance to include "Neighborhood Business District" to allow for mini-storage units.

Neil Mallory, Executive Director, Kerr Tar Regional Council of Governments appeared before the Board to make presentation on Mini-Hub Project. (Presentation on file in Clerk's office.)

Motion was made by Commissioner Capps to allocate \$5,000 toward Mini-Hub project development.

Motion died for lack of second.

Mike Hicks, Director of KLRWS, Mark Warren, Assistant Henderson City Manager, John Wester, Henderson City Council, Dean Ramsey of EE&T Engineering Firm, and Bernard Alston, City Council presented a Regional Water System Update.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, County Manager Williams was ordered to give official notification to the Town of Warrenton of Warren County's intent to operate Warren County's Water System.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, Board of Election's request was approved to upgrade Board of Elections Administrative Assistant position from part-time to full-time at a salary grade 12 - \$19,243, Effective February 2, 2004.

On motion of Commissioner Lucas, which was seconded by Commissioner Capps and duly carried by unanimous vote, it was ordered to reallocate Health Department Public Health Nurse II position (grade 23) to a Social Worker II position (grade 19).

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to reallocate Sheriff's Office positions as follows:

\* Delete: Captain position from the Job Classification Schedule

\* Increase: Lieutenants to two (2) positions (grade 21)

1-Lieutenant Investigations Division

2-Lieutenant Uniform Division

Bids were received for E-911 communications equipment as follows:

Sprint: \$124,288 plus tax (1 yr warranty)

Radio Communications Co.: \$80,670.50 (1 yr warranty)

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to reject both bids received for E-911 communications equipment and reopen bidding process.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to place "Liquor by the Drink" on the Primary Elections ballot.

Votes were as follows:           Ayes: Lucas, Humphries, Ross, Capps  
  Nays: Alston

Motion carried.

Liquor by the Drink was referred for discussion to the February 18, 2004 Board of Commissioner's work session.

On motion of Commissioner Capps, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to adopt the following:

**AN ORDINANCE REGULATING  
PLACES OF AMUSEMENT & ENTERTAINMENT**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF WARREN:**

**Section 1.       Purpose and Objective**

To define, regulate, prohibit, or abate acts or conditions detrimental to the health, safety, or welfare of the citizens of Warren County, or to the peace and dignity of the County, the Commissioners of Warren County do enact this ordinance regulating places of amusement and entertainment in accordance with G.S. 153A-135.

**Section 2.       Applicability**

Places of amusement and entertainment include cocktail lounges, nightclubs, beer halls, and similar establishments as set forth in G.S. 153A-135.

**Section 3.       Hours of Operation**

Places of amusement and entertainment must cease all operations and close its doors by 2:00 a.m. and clear the parking lot by 2:30 a.m.

#### **Section 4. Posting of Licenses, Certificates and Permits**

All state and locally issued licenses, certificates and/or permits must be displayed in a prominent place at all On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to amend 1st sentence in Section V - Relation to Hunting Laws as follows:

#### **Section 5. Inspection**

The Sheriff or any member of his department may inspect all places of amusement and entertainment during hours of operation.

#### **Section 6. Coverage**

This ordinance shall apply to all areas in Warren County outside of the corporate limits of the municipalities located therein unless adopted by the municipality pursuant to NC General Statute 153A-122.

#### **Section 7. Violation a Misdemeanor**

If any person or persons shall willfully or intentionally violate this ordinance he or she shall be guilty of a misdemeanor and shall be punished by a fine of two hundred fifty (\$250.00) dollars or imprisonment for not more than three (3) days or by both fine and imprisonment. Each separate violation shall constitute a separate offense.

**Adopted this the 2<sup>nd</sup> day of February 2004.**

Ulysses S. Ross, Chairman  
Warren County Board of Commissioners

Proposed Animal Control Ordinance was presented for Board's consideration and adoption.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to amend:

- \* 1st sentence in Section V - Relation to Hunting Laws: "Nothing contained in this ordinance **shall be** in conflict with the laws of the state of North Carolina..."
- \* add text at end of Section VI - Animals Creating Nuisance, (e) ... "or a person as designated by the Health Director"

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to insert text into last paragraph as follows: "Upon determination by the Animal Control Officer **that the animal is a nuisance**, the owner or keeper shall have forty-eight (48) hours to abate said nuisance."

On motion of Commissioner Alston, which was seconded by Commissioner Lucas and duly carried by unanimous vote, it was ordered to increase fine in Section XII - Penalties and Equitable Remedies, (b) from \$100 to **\$500**.

On motion of Commissioner Alston, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to add text to Section XII - Penalties and Equitable Remedies, (b) ... "and may be subject to a **fine of not more than \$500** or imprisonment."

On motion of Commissioner Humphries, which was seconded by Commissioner Lucas and duly carried by unanimous vote, it was ordered to adopt the Animal Control Ordinance as amended:

### **WARREN COUNTY ANIMAL CONTROL ORDINANCE**

#### **Section I. Warren County Animal Control Department**

Authority is hereby granted to the Warren County Animal Control Department to establish and maintain an animal control program, to employ animal control officers and such other employee(s) as shall be determined necessary by the County, and to appoint and compensate animal control officers and such other employees in accordance with policies of the County of Warren.

#### **Section II. Animal Control Advisory Board**

There is hereby created an Advisory Board composed of five (5) members to be appointed by the Board of County Commissioners. The members of the Board shall serve terms as established by the Board of County Commissioners. The functions of the Animal Control Advisory Board shall be to:

- (a) Hear appeals and offer findings of dangerous/vicious animal declarations enacted by the county;
- (b) Recommend options for managing animal control issues; and
- (c) Ensure that the county animal control practices are consistent with the standard.

### **Section III. Duties – Animal Control Department**

- (a) Enforcing in Warren County all State or County laws, ordinances and resolutions relating to dogs, cats, or the care, custody and control of animals;
- (b) Cooperating with the Health Director and assisting in the enforcement of the laws of the State of North Carolina with regard to animals and especially with regard to vaccination of dogs and cats against rabies and the confinement or leashing of dangerous and potentially dangerous animals (without limiting the foregoing), reference is particularly made to the state laws as set out and contained in the General Statutes of North Carolina;
- (c) Investigating cruelty or animal abuse with regard to dogs, cats and other animals;
- (d) Operating the county animal shelter;
- (e) Seizing, humanely trapping, impounding, where deemed necessary, of any dog, cat or any other animal in the county involved in violation of this ordinance or any other county ordinance or state law;
- (f) Investigating all reported animal bites, for the quarantine of any dog or cat involved and suspected of having rabies, for a period of not less than ten (10) days, and for reporting to the Health Director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal.
- (g) Canvassing the county as necessary for the purpose of ascertaining compliance with this ordinance or state statute.

### **Section IV. Record Keeping**

It shall be the duty of the animal control department to keep or cause to be kept accurate and detailed records of:

- (h) Seizure, impoundment, and disposition of all animals coming into the custody of the animal control program;
- (i) Bite cases, violations and complaints, and investigation of same;
- (j) All monies belonging to the county that were derived from impoundment fees, penalties, boarding fees and vaccination fees or other sources.

### **Section V. Relation to Hunting Laws**

Nothing contained in this ordinance shall be in conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this exception applies only while the dogs are in the presence of the owner, keeper, or competent person, and are actually lawfully being used for hunting or training for hunting and in compliance with applicable statutes, regulations or ordinances. This ordinance shall be read and enforced consistently with any such law.

### **Section VI. Animals Creating Nuisance**

It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a nuisance.

The action of an animal constitute a nuisance when an animal disturbs the personal property rights of, threatens the safety of, or damages a member of the general public. However, the barking of dogs, regardless of the manner or repetition of the barking, is specifically excluded as a nuisance under the purview of this section. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a nuisance and are therefore unlawful:

- (a) Maintaining an animal that habitually causes damage to real or personal property such as garden, dwellings or parts thereof.
- (b) Failing to confine in a building or secure enclosure a female dog while in estrus.
- (c) Maintaining an animal that repeatedly or persistently chases, snaps at, attack or otherwise molests pedestrians, bicyclists, motor vehicle passengers or farm stock or domestic animals.
- (d) Maintaining an animal that habitually or continuously loiters on public or private places.
- (e) Maintaining an animal that is diseased and dangerous to the health of the public unless under the care of a licensed veterinarian or a person as designated by the Health Director.

When the Animal Control Officer or duly authorized personnel observes a violation or upon receipt of an oral or written complaint from any person or persons, that any other person is maintaining a public nuisance the Animal Control Department shall cause the owner or keeper of the animal or animals in question to be notified that a complaint has been made or received and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing. Upon determination by the Animal Control Officer that the animal is a nuisance, the owner or keeper shall have forty-eights (48) hours to abate said nuisance. Non-abatement may result in a citation by the Animal Control Officer signifying a violation of this ordinance.

## **Section VII. Animal Cruelty**

It is the purpose of this section to supplement Article 47 of the North Carolina General Statutes G.S. 14-360-14-363.2, and all other state laws regarding animals for which the Animal Control Department has enforcement authority pursuant to this ordinance.

- A. It shall be unlawful for any person to abuse, molest, maim, disfigure, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful shooting of birds, deer and other game for human food; not to prohibit an animal's owner, a veterinarian, the Health Director or Animal Control Department agents from destroying dangerous, unwanted or injured animals in a humane manner, nor to prohibit the lawful use of animals in scientific research.
- B. The Chief Animal Control Officer serves as the animal cruelty investigator and is empowered with the duties and powers described by N.C.G.S. 19A-45-49.

## **Section VIII. Dangerous/Vicious Dogs**

An animal may be determined by the Animal Control Officer to be potentially dangerous/vicious when it commits any of the following acts:

- (a) Attack a person causing bodily harm without being teased, molested, provoked, beaten, tortured or otherwise harmed; (130A-200)
- (b) Kill or inflict severe injury upon a domestic animal when not on the owner's real property; (67-4.1)
- (c) Approach a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack (67-4.1)

Upon determining that an animal is potentially dangerous/vicious, the Animal Control Officer must notify the owner in writing of such determination, before the dog may be considered potentially dangerous under this section. The Animal Control Officer shall make a good-faith attempt to obtain the owner's written acknowledgement of such determination. However, such acknowledgment shall not constitute a necessary element for a violation by the owner of this section. The determination by the Animal Control Officer that an animal is potentially dangerous/vicious may only be appealed to the Animal Control Advisory Board.

The Owner may appeal the determination by filing written objections with the Animal Control Advisory Board within seven (7) calendar days. The Animal Control Advisory Board shall schedule a hearing within ten (10) days of the filing of the objections. Any appeal from the final decision of such Board shall be taken to the Superior Court by filing notice of appeal and a petition for review within 10 days of the final decision of the Board.

If an animal has been determined by the Animal Control Officer to be potentially dangerous/vicious it shall be unlawful for the owner to:

- (a) Permit the animal to run at large;
- (b) Permit the animal to Leave the owner's property unless under restraint or the direct control of the owner or his agent. If an animal has been determined to be potentially dangerous/vicious by virtue of having bitten any person so as to cause abrasions or break the skin, the owner:
- (c) Shall be required to maintain the animal at all times in a secure enclosure on the owner's property;
- (d) Or with consent, on the property of another, unless the animal is under restraint.

If an animal has been determined to be potentially dangerous/vicious by virtue of having bitten any person, and is found to be at large, it may be tranquilized or humanely destroyed by an animal control officer with or without prior notification to the owner, only after unsuccessful attempts to catch it and authorization is obtained by the Chief Animal Control Officer. If an animal control officer does humanely destroy such an animal, he shall submit a written report of the incident to the County Manager within 48 hours of the incident, and shall make a good-faith attempt to notify the owner of the incident.

## **Section IX. Rabies Control - § 130A-184 thru 201**

Definitions.

The following definitions shall apply throughout this Part:

- (1) Animal Control Officer - a city or county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control.
- (2) Cat - a domestic feline.
- (3) Certified rabies vaccinator - a person appointed and certified to administer rabies vaccine to animals in accordance with this Part.
- (4) Dog - means a domestic canine.
- (5) Rabies vaccine - an animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in this State by the Commission.
- (6) State Public Health Veterinarian - a person appointed by the Secretary to direct the State public health veterinary program.

- (7) Vaccination - the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

#### **Vaccination of all dogs and cats**

The owner of every dog and cat over four months of age shall have the animal vaccinated against rabies. Rabies vaccine shall be administered only by a licensed veterinarian or by a certified rabies vaccinator. Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by the State of North Carolina shall be used on animals.

#### **Appointment and certification of certified rabies vaccinator**

In those counties where licensed veterinarians are not available to participate in all scheduled county rabies control clinics, the local health director shall appoint one or more persons for the purpose of administering rabies vaccine to animals in that county. Whether or not licensed veterinarians are available, the local health director may appoint one or more persons for the purpose of administering rabies vaccine to animals in their county and these persons will make themselves available to participate in the county rabies control program. The State Public Health Veterinarian shall provide at least four hours of training of those persons appointed by the local health director to administer rabies vaccine. Upon satisfactory completion of the training, the State Public Health Veterinarian shall certify in writing that the appointee has demonstrated a knowledge and procedure acceptable for the administration of rabies vaccine to animals. A certified rabies vaccinator shall be authorized to administer rabies vaccine to animals in the County until the appointment by the local health director has been terminated.

#### **County rabies vaccination clinics**

The local health director shall organize or assist other county departments to organize at least one countywide rabies vaccination clinic per year for the purpose of vaccinating dogs and cats. Public notice of the time and place of rabies vaccination clinics shall be published in a newspaper having general circulation within the area.

#### **Fee for vaccination at county rabies vaccination clinics**

The county board of commissioners is authorized to establish a fee to be charged at all of the county rabies vaccination clinics. The fee shall include an administrative charge not to exceed four dollars (\$4.00) per vaccination, and a charge for the actual cost of the vaccine, the vaccination certificate, and the rabies vaccination tag.

#### **Rabies vaccination certificates**

The licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a dog or cat shall complete a three-copy rabies vaccination certificate. The original rabies vaccination certificate shall be given to the owner of each dog or cat that receives rabies vaccine. One copy of the rabies vaccination certificate shall be retained by the licensed veterinarian or the certified rabies vaccinator. The other copy shall be given to the county agency responsible for animal control, provided the information given to the county agency shall not be used for commercial purposes.

#### **Rabies vaccination tags**

A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a dog or cat 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 "N.C." and the words "rabies vaccine." Dogs and cats shall wear rabies vaccination tags at all times. However, cats may be exempted from wearing the tags by local ordinance.

#### **Possession and distribution of rabies vaccine**

It shall be unlawful for persons other than licensed veterinarians, certified rabies vaccinators and persons engaged in the distribution of rabies vaccine to possess rabies vaccine. Persons engaged in the distribution of vaccines may distribute, sell and offer to sell rabies vaccine only to licensed veterinarians and certified rabies vaccinators.

#### **Dogs and cats not wearing required rabies vaccination tags**

The Animal Control Officer shall canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal.

The duration of impoundment of these animals shall be established by the County Board of Commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within this State registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by the American Veterinary Medical Association, The Humane Society of the United States or of the American Humane Association. The Animal Control Officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released.

#### **Vaccination and confinement of dogs and cats brought into this state**

A dog or cat brought into this State shall immediately be securely confined and shall be vaccinated against rabies within one week after entry. The animal shall remain confined for two weeks after vaccination.

The aforementioned shall not apply to:

- (a) A dog or cat brought into this State for exhibition purposes if the animal is confined and not permitted to run at large:

- (b) A dog or cat brought into this State accompanied by a certificate issued by a licensed veterinarian showing that the dog or cat is apparently free from and has not been exposed to rabies and that the dog or cat has received rabies vaccine within the last year or three (3) years which ever applicable.

#### **Quarantine of districts infected with rabies**

An area may be declared under quarantine against rabies by the local health director when the disease exists to the extent that the lives of persons are endangered. When quarantine is declared, each dog and cat in the area shall be confined on the premises of the owner or in a veterinary hospital. However, dogs and cats on a leash or under the control and in the sight of a responsible adult may be permitted to leave the premises of the owner or the veterinary hospital.

#### **Destroying stray dogs and cats in quarantine districts**

When quarantine has been declared and dogs and cats continue to run uncontrolled in the area, any peace officer or Animal Control Officer shall have the right, after reasonable effort has been made to apprehend the animals, to destroy the uncontrolled dogs and cats and properly dispose of their bodies.

#### **Confinement of all biting dogs and cat; notice to local health director; reports by physicians; certain dogs exempt.**

When a person has been bitten by a dog or cat, the person or parent, guardian or person standing in *loco parentis* of the person, and the person owning the animal or in control or possession of the animal shall notify the local health director immediately and give the name and address of the person bitten and the owner of the animal. All dogs and cats that bite a person shall be immediately confined for 10 days in a place designated by the local health director. However, the local health director may authorize a dog trained and used by a law enforcement agency to be released from confinement to perform official duties upon submission of proof that the dog has been vaccinated for rabies in compliance with this Part. After reviewing the circumstances of the particular case, the local health director may allow the owner to confine the animal on the owner's property. An owner who fails to confine his animal in accordance with the instructions of the local health director shall be guilty of a Class 2 misdemeanor. If the owner or the person who controls or possesses a dog or cat that has bitten a person refuses to confine the animal as required by this section, the local health director may order seizure of the animal and its confinement for 10 days at the expense of the owner. A physician who attends a person bitten by an animal known to be a potential carrier of rabies shall report within 24 hours to the local health director the name, age and sex of that person.

#### **Infected dogs and cats to be destroyed; protection of vaccinated dogs and cats**

When the local health director reasonably suspects that a dog or cat has been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the dog or cat shall be considered to have been exposed to rabies. A dog or cat exposed to rabies shall be destroyed immediately by its owner, the county Animal Control Officer or a peace officer unless the dog or cat has been vaccinated against rabies in accordance with this Part and the rules of the Commission more than three weeks prior to being exposed, and is given a booster dose of rabies vaccine within three days of the exposure. As an alternative destruction, the dog or cat 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 local health director.

#### **Confinement**

A person who owns or has possession of an animal which is suspected of having rabies shall immediately notify the local health director or county Animal Control Officer and shall securely confine the animal in a place designated by the local Health director. Dogs and cats shall be confined for a period of 10 days. Other animals may be destroyed at the discretion of the State Public Health Veterinarian.

#### **Rabid animals to be destroyed; heads to be sent to State Laboratory of Public Health**

An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its head sent to the State Laboratory of Public Health. The heads of all dogs and cats that die during the 10 day confinement period required by G.S. 130A-196, shall be immediately sent to the State Laboratory for Public Health for rabies diagnosis.

#### **Rabies Emergency**

A local health director in whose county or district rabies is found in the wild animal population as evidenced by a positive diagnosis of rabies in the past year in any wild animal, except a bat, may petition the State Health Director to declare a rabies emergency in the county or district. In determining whether a rabies emergency exists, the State Health Director shall consult with the Public Health Veterinarian and the State Agriculture Veterinarian and may consult with any other source of veterinary expertise the State Health Director deems advisable. Upon finding that a rabies emergency exists in a county or district, the State Health Director shall petition the Executive Director of the Wildlife Resources Commission to develop a plan pursuant to G.S. 113-291.2(a1) to reduce the threat of rabies exposure to humans and domestic animals by foxes, raccoons, skunks, or bobcats in the county or district. Upon determination by the State Health Director that the rabies emergency no longer exists for a county or district, the State Health Director shall immediately notify the Executive Director of the Wildlife Resources Commission.

#### **Section X. Unlawful removal or destruction dog collars**

- (a) It is unlawful to intentionally remove or destroy electronic/tracking/identification collars or other electronic devices placed on a dog by its owner to maintain control of the dog.
- (b) A first conviction for a violation of this section is a Class 3 misdemeanor. A second or subsequent conviction for a violation of this section is a Class 2 misdemeanor.
- (c) This act is enforceable by officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and animal control officers with general subject matter jurisdiction.

#### **Section XI. Exotic Animals Prohibited**

- (a) It shall be unlawful for any person, firm or corporation to import, sell, possess, transport or participate in importation, for the purpose of selling or possession, into Warren County, any non-indigenous predatory carnivores such as but not limited to:

- (1) Lions, tigers, leopards, ocelots, jaguars, cheetah, wolves or hybrids thereof.
  - (2) Any dangerous animal, which by its physical characteristics and natural instincts is capable of causing death or serious bodily injury to persons.
- (b) Exemption: This section shall not apply to traveling circuses or other exhibits permitted by federal and/or state laws.

## **Section XII. Penalties and Equitable Remedies**

- (a) This chapter may be enforced by an appropriate equitable remedy issuing from court of competent jurisdiction.
- (b) Notwithstanding any civil penalties outlined in the chapter, any person violating the provisions of this ordinance may be found guilty of a misdemeanor under G.S. 14-4 and G.S. 153A-123, and may be subject to a fine of not more than \$500.00 or imprisonment. For a continuing violation, each day's violation may be deemed to be a separate offense.
- (c) In addition to the other remedies for violation of this ordinance, an animal control officer may issue to the known owner, or person having custody or control of such animal, a ticket giving notice of the violation. Any such official shall be authorized to secure the name and address of the owner or person in control of the animal in violation. Tickets so issued may be delivered in person or mailed by registered or certified mail to the person charged if he cannot otherwise be readily located. Any such ticket issued shall impose upon the owner a civil penalty as listed in the county fee schedule. These fees shall increase for each subsequent offense as shown in the county fee schedule. Such penalties must be paid within 20 days to the Chief Animal Control Officer or any person authorized by him to receive such funds. If the owner of the animal or other violator does not appear in response to such ticket, or if the applicable penalty is not paid within the time prescribed, a criminal summons shall be issued against the violator or owner or person having custody of the animal in violation of this section, and upon conviction, the violator or owner or person having custody of the animal shall be in addition to penalties prescribed for violation of this ordinance be punished as the court prescribes for failure to pay the civil penalties imposed by this ordinance.
- (d) The Animal Control Officer shall cause all tickets to be serially numbered in duplicate and shall cause the records of the issuance and disposition of such tickets to be maintained so that an accounting can be made.

**Adopted this the 2nd day of February, 2004.**

**Ulysses S. Ross, Chairman  
Warren County Board of Commissioners.**

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to approve "Resolution of the Warren County Board of Commissioners Acceptance and Execution of Grant Agreement and Funding Approval for Housing Development Project Community Development Block Grant Program", approving "Ephraim Place" Community Development Block Grant No 03-C-1187 in the amount of \$190,000.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to adopt "Resolution of the Board of Commissioners of the County of Warren, North Carolina Authorization to Sign Community Development Block grant Housing Development Project Requisition Forms", authorizing County Manager, Finance Officer and Chairman of the Board to sign documentation related to CDBG Grant # 03-C-1187.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to schedule a public hearing to hear citizen comments regarding "six mile extension of fire service districts" for Monday, March 8, 2004 at 6:45 pm.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to re-allocate \$25,000 set aside for the establishment of the Sheriff's Office Satellite Station at Lake Gaston to be used to: 1) purchase a patrol vehicle at \$20,000 and 2) hire a part-time employee at \$5,000.

On motion of Commissioner Capps, which was seconded by Commissioner Alston and duly carried by unanimous vote, it was ordered to allocate \$2,000 to the NC Wildlife Resources Commission, Beaver Management Program.

On motion of Commissioner Capps, which was seconded by Commissioner Lucas and duly carried by unanimous vote, it was ordered to terminate lease agreement with Department of Health and Human Services for Mental Health Service Provider office space, effective February 29, 2004.

On motion of Commissioner Capps, which was seconded by Commissioner Lucas and duly carried by unanimous vote, it was ordered to delete the following wording from a Resolution in Support of a Statewide Initiative for Legislative and Funding Support for Enhanced and Improved Passenger Rail Service for the State of North Carolina. "... by reducing the impact of truck traffic on North Carolina's highways and by reducing harmful emissions; and,"

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to adopt a "Resolution in Support of a Statewide Initiative for Legislative and Funding Support For Enhanced & Improved Passenger Rail Service for the State of North Carolina."

On motion of Commissioner Capps, which was seconded by Commissioner Alston, it was ordered to appoint the following to serve a three-year term on the Board of Health.

<u>Appointee</u>	<u>Replacing</u>	<u>Term Expiration</u>
Kimberly L. Hawkins, Public Member	Daria Holcomb	December 2006
Mary J. Hargrove, Public Member	Elizabeth King-Alston	December 2004
Dr. Amy E. O'Malley, Veterinarian	Dr. Sherry Perkinson	December 2006

Votes were as follows:     Ayes:    Capps, Alston, & Ross  
                                       Nays:    Lucas & Humphries

Motion carried.

County Manager's report was given by memo and was approved by consensus.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried by unanimous vote, it was ordered to enter into closed session in accordance with GS 143-318.11(a) for the discussion of personnel matters - appointment of Information Technology Director.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries and duly carried, it was ordered to return to the regular meeting.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries, it was ordered to add Appointment of Information Technology Director to the agenda.

Votes were as follows:     Ayes:    Lucas, Humphries, & Ross  
                                       Nays:    Alston & Capps

Motion carried.

Commissioner Capps voiced his opposition to making such a hasty decision regarding such an important issue as the selection of the Information Technology Director, sufficient time was not given in order to review qualifications.

On motion of Commissioner Lucas, which was seconded by Commissioner Humphries, Human Resource Manager Katherine Williamson was ordered to make employment offer for the position of Information Technology Director to Edward Koziel, Jr.

Votes were as follows:     Ayes:    Lucas, Humphries, & Ross  
                                       Nays:    Alston & Capps

Motion carried.

With no further business to discuss and on motion of Commissioner Humphries, which was seconded by Commissioner Lucas, the regular meeting was adjourned.