



**AMENDMENT TO VANCE COUNTY CODE OF ORDINANCES -  
CHAPTER 90: ANIMALS**

**WHEREAS**, Vance County Board of Commissioners previously adopted Ordinances that are now codified as Chapter 90, Animals, of the Code of Ordinances, Vance County, North Carolina, which formally created the Animal Control Department and standards for care of animals and the enforcement thereof; and

**WHEREAS**, Animal Services serves a vital role in enforcing County Ordinances and related ordinance amendments and recommending such changes to the Board of Commissioners.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS**, that Chapter 90, Animals in the Code of Ordinances, Vance County, North Carolina be amended as follows (removed text shown as ~~striketroughs~~ and additions shown as underlined text):

1) Replace Animal Control, Animal Control Officer, or ACO with Animal Services, Animal Service Officer or ASO throughout the entire ordinance to match the department name.

2) AMEND Section 90.003 (A) as follows:  
Enforcing in ~~the~~ Vance County all Federal, State or County laws, ordinances and resolutions relating to ~~dogs and to the care,~~ treatment, custody and control of animals.

3) AMEND Section 90.004, Definitions by adding:  
**Vaccinated required animal.** Any animal listed in NCGS 130A-185 (a) as amended, updated and replaced, required to be vaccinated. (Currently these are a cat, dog or ferret over four months of age)

4) AMEND Section 90.005 as follows:

(A) It shall be unlawful for the owner of a ~~dog~~ vaccinated required animal listed in NCGS 130A-185 (a) over four (4) months of age to fail to comply with state laws relating to the control of rabies.

(B) Unless proof of vaccination is available, it shall be the duty of the ~~Animal Control~~ Services Department to give a rabies vaccination to every vaccinated required animal ~~dog or cat~~ four over six months of age or older adopted from the animal shelter.

5) AMEND Section 90.006 (B) as follows:

*Bite Cases: Duty of Owner:* Every vaccinated required animal which has bitten or scratched (per Health Director) any human or which shows signs of rabies shall be confined immediately and shall be promptly reported to the ~~Animal Control~~ Services Department in addition to the County Director of Public Health, by its owners or persons having the animal in charge, and thereupon shall be securely quarantined at the direction of the ~~Animal Control Department~~ County Director of Public Health for a period of ten (10) days, and shall not be released from such quarantine except by written permission from the Health Director and ~~Animal Control~~ Services Department.

The biting, and/or scratching animal and its records of vaccination and registration shall be inspected by the Animal ~~Control~~ Services Officer who will then observe the following policy:

- (1) A properly vaccinated ~~dog~~ animal may be confined on the owner's premises provided, however, that the owner has an adequate means of confinement upon ~~his~~ their own premises and the animal is subject to observation by the officer at any time during the 10-day period.
- (2) A ~~dog~~ vaccinated required animal not properly vaccinated, belonging to an owner, shall immediately be confined ~~in a veterinary hospital of~~ by the County Animal Shelter, in which case the expense shall be borne by the owner of the animal for the ten day confinement. The ~~dog~~ animal shall not be vaccinated during confinement.
- (3) Bite quarantined animals not reclaimed with seventy two hours (72) after the end of quarantine period will be considered abandoned and will be treated as a surrendered animal to the Animal Shelter immediately available for disposition.

6) AMEND Section 90.006 (E) as follows:

*Emergency Quarantine and Procedure:* When reports indicate a positive diagnosis of rabies, the County Director of Public Health may order an area-wide quarantine for a period as he or she deems necessary; and upon invoking such emergency quarantine by said Health Director, no animal shall run at large during such time. During such quarantine, no animal may be taken or shipped from the County without written permission from the animal ~~control~~ services department. No animal which has been impounded may be adopted from the Animal Shelter during the period of emergency rabies quarantine, except by special authorization of the public health officials. Animals bitten by a known rabid animal shall be immediately destroyed unless the owner agrees to strict isolation of the animal in the animal shelter or at a veterinary hospital for a period of ~~six (6) months~~ four (4) months; or provided however in the event said animal has a current rabies vaccination, and if given a booster vaccination it may be returned to its owner.

7) AMEND Section 90.009 (B) as follows:

Any citizen in violation of Chapter 90 shall be guilty of cruel treatment and subject to prosecution and/or a citation. ~~by the County Animal Control Officer~~

8) AMEND Section 90.010 (B) as follows:

An animal may not be restricted or confined in such a way that it cannot seek relief from extreme temperatures, the sun, and/or the elements. All ~~dogs and cats~~ animals under the care, custody or control of an owner shall be given adequate food, water, shelter from winter weather, and shade in summer.

- (1) All water receptacles shall be kept clean and free of contaminants and be positioned or affixed to minimize spillage.
- (2) Animals are to be fed daily or as recommended. Feed shall be provided in sufficient quantity and be of appropriate and sufficient nutritional value (wholesome, palatable, and free from contamination such as feces, mold, mildew, insects, and other contaminating substances).

9) AMEND Section 90.010 (D) as follows:

No animal shall be tied with less than 10 feet of unrestricted area. Animals over 12 weeks of age, except females with litters, housed in enclosures must be provided a minimum floor space for that animal determined as follows; (length of animal in inches plus 6) x (length of animal in inches plus 6) divided by 144 = minimum enclosure floor space in square feet required for each animal in an enclosure. The animal shall be measured from the tip of the nose to the base of its tail.

10) AMEND Section 90.010 (E) as follows:

No animal shall be confined to an area that does not provide space for exercise as necessary to reduce stress and maintain good physical condition. Space and provision for exercise must be appropriate and sufficient for age, breed/type, quality, condition, and size of the animal and at a minimum shall provide two times the minimum enclosure floor space required in Section 90.010(D) for each animal.

11) ADD Section 90.010 (G) as follows:

(G) All animals will be afforded immediate veterinary care at the expense of the owner or caretaker if there is a known or suspected injury or illness that should require professional medical treatment.

12) AMEND Section 90.011 (E) as follows:

*Other Diseased or Injured Animals:* Any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification and is not adoptable, shall be destroyed or otherwise disposed of immediately in a humane manner. If the animal has identification, the Animal Control Services Department shall attempt to notify the owner before disposing of such animal; but if the owner cannot be reached readily, and the animal is suffering, the Animal Control Services Department may destroy or dispose of the animal at its discretion in a humane manner. As used herein, *otherwise disposed* may include giving the animal to rescue group who the Animal Services Department reasonably believes has the necessary resources and medical ability to provide care for the animal.

13) AMEND Section 90.012 (A) as follows:

When any animal has been impounded at the Animal Shelter, notice thereof shall be given to the owner if known or reasonably able to be determined; or if the owner is unknown, then notice and picture thereof shall be posted for three (3) days, or until the animal is disposed of, on a bulletin board at the Animal Shelter, and the time and place of taking said animal, together with the time and date of posting the notice. The time for redemption of the animal, as herein above provided, shall not begin to run until such notice has been given or posted. Except as otherwise provided in State law, a person who comes to an animal shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject to rules providing for such viewing during at least four hours a day, three days a week. If the shelter is housing animals that must be kept apart from the general public for health reasons, public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter shall make reasonable arrangements that allow pet owners to determine whether their lost pets are among those animals. If the shelter is housing animals in foster care at least one photograph depicting the head and face of the animal shall be displayed at the shelter in a conspicuous location that is available to the general public during hours of operation, and that photograph shall remain posted until the animal is disposed of as allowed herein.

14) AMEND Section 90.012 (B) as follows:  
Owners shall be entitled to resume possession of their animal except as hereinbefore provided upon compliance with State law, provision of required identification, the provisions of this subchapter and the payment of shelter fees incurred. ~~The shelter fees shall be as follows:~~

~~Adoption Fees:~~

~~Redemption Fees:~~

~~Equine Citation~~

~~Fees: Vaccination~~

~~Fee Rescued Pull~~

~~Fee Miscellaneous~~

~~Fees Citation Fees~~

1<sup>st</sup> citation for violation of ordinance ~~\$25~~ \$50

2<sup>nd</sup> citation for violation of ordinance (within one year period) ~~\$50~~ \$75

3<sup>rd</sup> and subsequent citations for violation of ordinance (within one year period) ~~\$75~~ \$100

15) AMEND Section 90.017 as follows:  
A dog not under direct control of its owner and determined to be at large by an Animal ~~Control~~ Services Officer can be picked up by that office and the owner may be subject to a ~~fine~~ citation and fee as set forth under Section 90.012.

16) Delete Section 90.018

17) AMEND Section 90.067 (A) as follows:  
As a condition precedent to the keeping, sheltering or harboring of any wild, vicious or exotic animal, the owner shall make advance written application for and receive from the County Animal ~~Control~~ Services Officer (hereinafter referred to as ASO) a permit and authorization to keep any such animal.

18) Delete Section 90.067 (14) as follows: ~~Submission of a \$50 permit fee.~~

B. The above amendments are effective upon adoption of this ordinance.

**Adopted this 19<sup>th</sup> day of August, 2020.**

**ATTEST:**

**Gordon Wilder (signed)  
Gordon Wilder, Chairman  
Vance County Board of Commissioners**

**Kelly H. Grissom (signed)  
Kelly H. Grissom  
Clerk to the Board**

• • • • •

*Public Hearing – Building Reuse Grant.* As advertised, a public hearing was held to receive public input on a proposed economic development incentive expenditure to be considered for the location of a new company and provide a Building Reuse Grant in the amount of \$500,000 over the next three years. As there was no one from the public who wished to speak on this matter, Chairman Gordon Wilder declared the public hearing closed.

*Public Hearing – Local Incentive Agreement.* As advertised, a public hearing was held to receive public input on a proposed economic development expenditure to be considered for the location of a new company and provide an incentive agreement in an amount not to exceed

\$95,231. As there was no one from the public who wished to speak on this matter, Chairman Gordon Wilder declared the public hearing closed.

County Manager Jordan McMillen stated that the county has worked with the state and other partners to recruit Select Products Holdings to the former Staples Distribution facility. Select Products Holdings is currently located in New York and Pennsylvania and manufactures and distributes paper products for major private label retailers. The company intends to invest \$5,060,000 and create 73 jobs with an average wage of \$45,541 over the next three years. The governor has already announced approval of a \$350,000 OneNC grant and we anticipate approval of a \$500,000 building reuse grant from the state tomorrow. The county economic development incentive necessary to attract the company would provide a maximum total grant of \$95,231 over the first five years of operation. This grant is only paid out after investments are made and taxes are paid on the new investments and the agreement includes standard clawback provisions if employment benchmarks are not met. Additionally the county has committed to providing a 5% (or \$25,000) match which is required for the building reuse grant. Recommendation: Approve local economic development incentive agreement with Select Products Holdings, LLC and Select Tissue of North Carolina, LLC, subject to final attorney review.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Carolyn Faines, vote unanimous, to approve the local economic development incentive agreement with Select Products Holdings, LLC and Select Tissue of North Carolina, LLC, subject to final attorney review.

*Justice Assistance Grant.* Mr. McMillen stated that the Vance County Sheriff's Office and the Henderson Police Department jointly receive federal funds from the Edward Byrne Memorial Justice Assistance Grant Program (JAG) to purchase equipment. The City submits the application and conducts the required due diligence. The distribution of funds is 60% City (\$10,523) and 40% County (\$7,015). The two governing bodies must enter into a Memorandum of Understanding (Inter-local Agreement) in order to receive and utilize the federal funds.

Motion was made by Commissioner Carolyn Faines to approve the inter-local agreement between the City and County for the purpose of receiving and using federal JAG funds in the amount of \$7,015. This motion was seconded by Commissioner Leo Kelly, Jr. and unanimously approved.

Motion was made by Commissioner Archie B. Taylor, Jr., seconded by Commissioner Carolyn Faines, vote unanimous, to enter into closed session to discuss a personnel matter.

Upon return to open session, motion was made by Commissioner Dan Brummitt, seconded by Commissioner Carolyn Faines, vote unanimous, that the meeting be adjourned.

Approved and signed September 8, 2020.

---

Chairman