

# Halifax County Board of Commissioners

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County Manager  
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Clerk to the Board  
M. Glynn Rollins, Jr.  
County Attorney

## Monday November 18, 2019 Regular Meeting 5:30 PM

Halifax County Historic Courthouse  
10 North King Street, Post Office Box 38, Halifax, North Carolina 27839  
252-583-1131/Fax: 252-583-9921  
[www.halifaxnc.com](http://www.halifaxnc.com)

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**The mission of the Halifax County Board of Commissioners is to provide leadership and support for an effective county government that seeks to enhance the quality of life for the people of Halifax County.**

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### Call to Order

**Chairman Vernon J. Bryant**

### Invocation and Pledge of Allegiance

### Adoption of the Agenda

### Conflict of Interest

**Chairman Vernon J. Bryant**

*In accordance with the Halifax County Board of Commissioners Rules of Procedures and N. C. G. S. Sec.153A-44, it is the duty of every member present to vote on all matters coming before the Board, unless there is a conflict of interest as determined by the Board or by law. Does any Board member have any known conflict of interest with respect to any matters coming before the Board today? If so, please identify the conflict and the remaining Board members will vote to consider the requested excuse.*

### 1. Consent Agenda

**County Commissioners**

- A. Ertie Boyd Warren Sain Memorial Fund
- B. State Library of NC Continuing Education Scholarship Grant Application

### 2. Agenda Items

- A. Amendments to the Animal Welfare Ordinance
- B. Award of Contract for JBB Packaging Rail Spur

**Bruce L. Robistow, Health Director**

**Cathy A. Scott, Economic Development Director**

### 3. Other Business

**County Commissioners**

### 4. Closed Session

**County Commissioners**

### 5. Adjourn

**County Commissioners**

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*Accommodations for individuals with disabilities may be arranged by contacting the County Manager's office at 252-583-1131 at least 48 hours prior to the meeting.*

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**AGENDA**  
**Halifax County Board of Commissioners**  
**Regular Meeting**

**TO:** Halifax County Board of Commissioners

**FROM:** Brenda Faithful

**SUBJECT:** Ertie Boyd Warren Sain Memorial Fund

**DATE:** November 18, 2019 Regular Meeting

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**SUPPORTING INFORMATION:**

Please see attached the Ertie Boyd Warren Sain Memorial Fund recipient letter as well as the grant terms and conditions.

**ATTACHMENTS:**

Description

- ▢ Ertie Boyd Warren Sain Memorial Fund recipient letter
- ▢ Grant Terms and Conditions

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**TOTAL COST:**\$2660.00

**COUNTY COST:**0.00

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**REQUEST:** Request permission to accept and spend \$2660.00 from the Ertie Boyd Warren Sain Memorial Fund to purchase children's books and children's resources for the Littleton Branch.

NORTH CAROLINA  
COMMUNITY FOUNDATION



October 25, 2019

Ms. Brenda Faithful  
Branch Director  
Halifax County Library  
PO Box 97  
33 South Granville Street  
Halifax, NC 27839

Dear Ms. Faithful:

We are pleased to inform you that your organization is the recipient of a grant from the ***The Ertie Boyd Warren Sain Memorial Fund***, a component fund of the North Carolina Community Foundation. Enclosed is a check in the amount of \$2,660.00 to purchase children's books and children's resources for the Littleton branch.

Please note that by accepting and depositing this grant check, you agree to the terms and conditions of the Foundation, printed on the back of this letter. Additionally, you, the grantee, certify that no tangible benefit (including dinners, tickets, or seating priority) was or will be received by any individual or entities connected with the Fund as a result of this grant. If you have any questions about these prohibited benefits, please feel free to contact Christopher Fipps, Grants Program Manager at (919) 256-6923 or [cfipps@nccommunityfoundation.org](mailto:cfipps@nccommunityfoundation.org).


You may wish to express your appreciation directly to those who recommended this grant:

Ms. Mary S. Burke  
PO Box 699  
Littleton, NC 27850-0699

The donors to this fund received full tax benefits and notification with their gift to the fund; therefore, your organization does not need to issue a tax receipt to the donors or to the Foundation.

The North Carolina Community Foundation is happy to provide this support to your organization.

Warm Regards,

  
Jennifer Tolle Whiteside  
President



## Grant Terms & Conditions

Organization Name/Grantee: **Halifax County Library**

Grant Purpose: **to purchase children's books and children's resources for the Littleton branch**

Amount Awarded: **\$2,660.00**

Grant date: **10/24/2019**

Fund Name: **The Ertie Boyd Warren Sain Memorial Fund**

**By depositing the enclosed grant check, grantee is agreeing to the following grant terms and conditions**

- Grantee certifies to the North Carolina Community Foundation ("Foundation") that it is an organization that is a government entity, religious organization, and/or an organization that is currently recognized by the IRS as a public charity under section 501(c)(3) of the Internal Revenue Code. If grantee has tax-exempt status through another section of the Code, documentation must be provided to the Foundation.
- Grantee agrees to notify the Foundation of any change in tax-exempt status or in its ability to execute the grant and use grant funds for the stated purpose of the grant.
- Grantee will utilize funding only for charitable purposes detailed above and/or in the grant award notification letter.
- Grantee certifies that this grant does not represent payment of a pledge or other personal financial obligation on behalf of any Fund representative(s), family members, or businesses they control.
- Grantee certifies that no tangible benefit, goods, or services (including dinners, tickets, seating priority, etc.) were or will be received by any individual or entities connected with the Fund.
- Grantee certifies this grant was not earmarked for lobbying, electioneering, or political activities of any kind.
- In compliance with Executive Order 13224 and the Patriot Act, grantee certifies that it is not a terrorist or terrorist-supporting organization and agrees not to promote or engage in violence, terrorism, or bigotry.
- Any unused portion of the Foundation grant funding must be returned to the Foundation upon completion of the grant term. (Unless otherwise specified, the grant term is one calendar year following the date of the grant check.)
- Grantees certify that the Foundation may publicly announce the award in any fashion. Grantees are also expected to acknowledge support from NCCF in all publicity, exhibits and publications resulting from this grant, which should be acknowledged as "support from ***The Ertie Boyd Warren Sain Memorial Fund***, a component fund of the North Carolina Community Foundation." Please refer to us as "North Carolina Community Foundation" in first reference. We also encourage you to link to our website from yours as appropriate. More detailed instructions on how to acknowledge this award can be found on our website.
- Grantee will promptly provide such additional information, reports, or documents as the Foundation may request.
- Grantee will promptly notify the Foundation if its contact information changes.
- The Foundation reserves the right to terminate this grant should the Grantee fail to comply with the terms and conditions of this agreement.





**AGENDA**  
**Halifax County Board of Commissioners**  
**Regular Meeting**

**TO:** Halifax County Board of Commissioners

**FROM:** Brenda Faithful

**SUBJECT:** State Library of NC Continuing Education Scholarship Grant Application

**DATE:** November 18, 2019 Regular Meeting

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**SUPPORTING INFORMATION:**

Please see attached the Scholarship Grant Application . Also, information on the Public Library Association conference for which the grant would be used to attend.

**ATTACHMENTS:**

Description

- ▯ State Library of NC Continuing Education Scholarship Grant Application and information on the Public Library Association conference

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**TOTAL COST:**\$2500.00

**COUNTY COST:**0.00

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**REQUEST:** Request permission to apply for the State Library of NC Continuing Education Scholarship Grant Application and spend the grant monies to attend the Public Library Association Conference in Nashville, Tennessee Feb. 25th-29th, 2020.

# State Library of North Carolina Continuing Education Scholarship Grant Application

*Applicant:* The eligible library applying for the grant award.

*Participant:* Individual(s) receiving the educational content. The participant must be an employee of the applicant library.

*Authorizing Official:* The person at the institution that is able to accept federal grant funds on the institutions behalf. This person is generally a county or city manager, governing board chair, dean, or CFO. In most cases the library director is NOT the authorizing official.

*LSTA Library Services and Technology Act:* The federal program through which the State Library of NC (SLNC) receives funding for the Continuing Education Scholarship Grants. LSTA is a program of the Institute of Museum and Library Services (IMLS).

*IMLS:* Institute of Museum and Library Services. The federal agency that awards LSTA funds to SLNC for administering in the State of North Carolina.

## Contact Information

Name of Applicant Library:

Library Mailing Address:

Participant Name:

Participant Position Title:

Participant Email:

Participant Phone:

Library Director Name:

Library Director Email:

Authorizing Official Name:

Authorizing Official Email:

# Grant Application and Requirements

Please verify that you have completed the following:

Check the  
3 boxes

- ☐ I have reviewed the Continuing Education Grant Guide found on the SLNC website and understand the grant requirements and process details.
- ☐ I have discussed this Continuing Education event with SLNC's Continuing Education Consultant, as needed.
- ☐ I have discussed this application with my library director and he/she approves of my application for these grants funds.

## Grant Details

1. Name of Continuing Education Event:

2. Provide a Brief Description of the Continuing Education Event:

3. URL for the website or details:

4. Are you presenting at the Continuing Education Event:

5. Based on preliminary information available about the event at this time, please list 3- 4 sessions you plan to attend based on your library's needs.:

6. State event is occurring:

7. Event start date:

8. Event end date:



## Budget

In this section you will provide information regarding your estimated expenses to participate in the event outlined above. The budget table provided below lists allowable grant cost categories. Maximum grant award is \$1,000 for in-state conferences and \$2,500 for out-of-state conferences. There is a no match requirement.

Costs will be reviewed by the SLNC to determine if they are allowable, reasonable, and necessary. Care should be taken to plan for the most efficient and economical method of travel. If no expenses are estimated for a category, please enter 0.00

	Estimated Amount	Source for Estimate/Explanation
Conference Registration fee	\$ <input type="text" value="Enter expected cost"/>	<input type="text" value="ie. conference website"/>
Lodging	\$ <input type="text"/>	<input type="text" value="ie. conference/hotel website"/>
Airfare	\$ <input type="text"/>	<input type="text" value="ie. airline website"/>
Airfare baggage fee	\$ <input type="text"/>	<input type="text" value="ie airline website"/>
Airport-transportation fees	\$ <input type="text"/>	<input type="text" value="ie. transportation site"/>
Rental car/fuel charges	\$ <input type="text"/>	<input type="text" value="ie. rental agency site"/>
Mileage	\$ <input type="text"/>	<input type="text" value="ie. local mileage rate"/>

Total of Estimated Allowable Expenses: \$

Grant Request Amount: \$



# Impact Statement

Library Services and Technology Act (LSTA) funds are federal funds awarded to the State Library of North Carolina annually by the Institute of Museum and Library Services (IMLS). The funds are governed by the purposes and priorities set forth by the US Congress, in conjunction with the Office of Management and Budget's (OMB) Uniform Grant Guidance, for allowable uses of federal funds. The State Library of North Carolina Continuing Education Scholarship Grants utilize LSTA funds and must address one of the LSTA Priorities in order to be eligible for these grant funds.

1. Describe the knowledge, skills, or information the participant anticipates gaining as a result of attending this conference.

What will you learn by attending this conference?

2. Continuing Education Scholarship Grants funded by LSTA are meant to ultimately benefit the library's end users. What target audience/s will the participant be focusing on while attending the conference and how will that target audience benefit from participant's newly acquired knowledge and/or skills?

Who will benefit from what you learn and how will they benefit?

# Application Certification and Signatures

If awarded this CE Grant, do you agree to complete follow-up evaluations for State Library of North Carolina reporting on the impact of your experience? The first evaluation is with the initial funding reimbursement request, and a second is requested approximately 6 months after the conference.

You are electronically signing this application and certifying that all the information provided on this application is true and accurate to the best of your knowledge.

A copy of the application will be emailed to the participant and the library director listed above.

You will be asked  
to electronically  
sign here

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Participant Signature

---

Date Signed

---

Participant Name

Your library director will be  
asked to electronically  
sign here

---

Library Director Signature

---

Date Signed

---

Library Director Name



(<http://www.ala.org/pla/>)

**REGISTER NOW! (REGISTRATION.CFM)**

## Quick Links

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Register Now! ([registration.cfm](#))



Exhibit Now! ([forexhibitors\\_sponsors.cfm](#))



Schedule ([at\\_a\\_glance.cfm](#))



Programs & Handouts ([programs.cfm](#))



Venues ([venues.cfm](#))

## CONFERENCE SCHEDULE

This multi-day event will offer top-quality education programs, inspirational and entertaining speakers, social events that include author luncheons and networking receptions, and a bustling exhibits hall featuring the latest in products and services.

More than 120 programs—including full- and half-day preconferences—will highlight innovative work and ideas that address the core challenges facing public libraries and their communities today. Search programs ([programs.cfm](#)) by title, keyword, or the speaker's last name, and browse by session date or learning format. And download a copy of the



Preliminary Program (<http://pdf/191021-pla-preliminary-program-WEB.pdf>) (PDF) to share with your colleagues or supervisor.

## Conference At-a-Glance

Schedule is subject to change. (\$) indicates events requiring a separately priced admission.

Day, Date	Time	Event
Tuesday, February 25, 2020	7:30 AM–5:00 PM	Registration Open
	9:00 AM–5:00 PM	Full-Day Preconferences (preconferences.cfm) (\$)
	2:00 PM–5:00 PM	Half-Day Preconferences (preconferences.cfm) (\$)
Wednesday, February 26, 2020	7:30 AM–6:30 PM	Registration Open
	8:30 AM–1:00 PM	Day in the Community (whats_new.cfm) (\$)
	9:00 AM–12:00 PM	Half-Day Preconferences (preconferences.cfm) (\$)
	9:30 AM–10:30 AM	Book Buzz: Presented by Booklist
	10:45 AM–11:45 AM	Opening Program
	2:00 PM–3:30 PM	Opening Session with Stacey Abrams (opening_session.cfm)
	3:30 PM–6:30 PM	Exhibits Opening Reception (exhibits.cfm)
Thursday, February 27, 2020	7:00 AM–8:00 AM	Children's-Author Breakfast (childrens_breakfast.cfm) (\$) – <b>SOLD OUT</b>

7:30 AM–5:30 PM	Registration Open
8:00 AM–9:00 AM	Big Ideas with Dr. Bettina Love (bigideas_thursday.cfm)
9:00 AM–5:00 PM	Exhibits Open (exhibits.cfm)
9:00 AM–10:15 AM	Exhibits Coffee Break (exhibits.cfm)
10:15 AM–11:15 AM	Programs (programs.cfm)
11:30 AM–12:30 PM	Programs (programs.cfm)
12:30 PM–1:45 PM	Author Lunch (author_events.cfm) (\$)
2:00 PM–3:00 PM	Programs (programs.cfm)
3:00 PM–4:00 PM	Exhibits Coffee Break (exhibits.cfm)
4:00 PM–5:00 PM	Programs (programs.cfm)
5:15 PM–6:15 PM	Spark Talks (special_events.cfm)
6:30 PM–8:30 PM	Audio Publishers Association Dinner (apa_dinner.cfm) (\$)
<b>Friday, February 28, 2020</b>	7:30 AM–4:00 PM Onsite Registration
	8:00 AM–9:00 AM Big Ideas with Haben Girma (bigideas_friday.cfm)

9:00 AM–2:00 PM	Exhibits Open (exhibits.cfm)
9:00 AM–10:15 AM	Exhibits Coffee Break (exhibits.cfm)
10:15 AM–11:15 AM	Programs (programs.cfm)
11:30 AM–12:30 PM	Programs (programs.cfm)
12:30 PM–1:45 PM	Author Lunch (author_events.cfm) (\$)
1:30 PM–2:00 PM	Exhibits Closing Reception (exhibits.cfm)
2:15 PM–3:15 PM	Programs (programs.cfm)
3:30 PM–4:30 PM	Programs (programs.cfm)
4:45 PM–5:45 PM	Spark Talks (special_events.cfm)
6:00 PM–8:00 PM	All-Conference Reception (special_events.cfm)
8:00 AM–10:00 AM	Onsite Registration
8:15 AM–9:15 AM	Big Ideas (special_events.cfm)
9:30 AM–10:30 AM	Programs (programs.cfm)
10:45 AM–11:45 AM	Programs (programs.cfm)



	12:00 PM–1:00 PM	Closing Session with Samantha Bee (closing_session.cfm)
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(<http://www.ala.org/pla/>)

A division of the American Library Association (<http://www.ala.org/>)

50 E Huron Chicago, IL 60611

pla@ala.org | 1-800-545-2433 x5PLA

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**AGENDA**  
**Halifax County Board of Commissioners**  
**Regular Meeting**

**TO:** Halifax County Board of Commissioners

**FROM:** Bruce L. Robistow, Health Director

**PRESENTER:** Bruce L. Robistow, Health Director

**SUBJECT:** Amendments to the Animal Welfare Ordinance

**DATE:** November 18, 2019 Regular Meeting

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**SUPPORTING INFORMATION:**

1. Attached is the 3<sup>rd</sup> revision of the amendments to the Animal Welfare ordinance. As a key please note the following:
  - a. Yellow highlights indicate original changes
  - b. Green highlights indicate no effect on active hunting dogs
  - c. Teal highlights indicate most recent revisions made (pages 3,8 & 13).
2. The actual Resolution to Amend Article I, Chapter 14 of the Halifax County Code of Ordinances, entitled "Animals" with the proposed revisions.
3. Communication/implementation timeline.

**ATTACHMENTS:**

Description

- ▢ Amendments to Animal Welfare Ordinance
- ▢ RESOLUTION Amendments to Animal Welfare Ordinance
- ▢ Halifax County no tethering ordinance implementation plan

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**TOTAL COST:**

**COUNTY COST:**

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**REQUEST:** Approve the revision of the amendments to the Animal Welfare Ordinance effective January 1, 2020.

## ARTICLE I. - IN GENERAL

### Sec. 14-1. - Definitions.

For the purpose of this article, the following definitions shall apply:

Adequate food means the provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition for the animal.

Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, , provides a solid surface, resting platform, that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner.

Adequate water means access at suitable intervals to a supply of clean, fresh water provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

Adult means a person 18 years of age or older who has not been judicially declared incompetent.

Ambient temperature means the temperature surrounding the animal.

Animal means every living creature, domestic or nondomestic, but does not include humans and does not include invertebrates.

Animal bite means an animal bite occurs when the teeth of the biting animal breaks the skin of a human being, regardless of location of the bite on the body.

Animal control officers means any animal control officer employed by the jurisdiction.

Animal control supervisor means the officer placed in supervision of the animal control officers, activities of the jurisdiction.

Animal control unit means the animal control component of the department that includes the animal control function for the jurisdiction, however denominated.

Animal cruelty investigators means all persons appointed by the board of county commissioners as county animal cruelty investigators under G.S. chapter 19A.

Animal shelter means the animal shelter, or any other designated facilities, operated and maintained by Halifax County for the purpose of impounding animals under the authority of this chapter or the general statutes for care, confinement, return to owner, adoption or euthanasia.

Cat means a domestic feline of either sex.

Competent person means a person of suitable age and discretion to keep an animal under sufficient control in order to prevent harm to the animal, humans, other animals or property.

County means Halifax County exclusive of territory under the jurisdiction of municipalities.

Dangerous/potentially dangerous dog means any animal whose behavior constitutes a risk of severely injuring or killing a human or domestic animal or which, by nature, is commonly accepted as dangerous. The following criteria shall be used in identifying a "dangerous dog":

- (1) A dog that, without provocation, has killed or inflicted severe injury on a person. Any dog which has killed a person shall be immediately euthanized by the animal control unit.
- (2) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.



- (3) A dog that is determined by the person or board designated by the county or municipal authority responsible for animal control to be "potentially dangerous" because the dog has engaged in one or more behaviors listed below. The following criteria shall be used in identifying a "potentially dangerous dog":
- a. A dog that has inflicted a bite on a person that resulted in broken bones, disfiguring lacerations, or requiring surgery or hospitalization.
  - b. A dog that has killed or inflicted severe injury upon a domestic animal when not on the owner's real property.
  - c. A dog that has approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
- (4) An animal shall not be deemed dangerous solely because it bites, attacks, or menaces:
- a. Anyone assaulting the owner or trespassing on the owner's property;
  - b. Any person or other animal that has tormented or abused it; or
  - c. While protecting or defending its young.

Day means a period of 24 hours, including Saturdays, Sundays, and holidays.

Department means the Halifax County Department of Health.

Dog means a domestic canine of either sex.

Domesticated means any animal kept, cared for, sheltered, fed, or harbored for use as a pet, labor, or as a source of food or income.

Exotic animals means wild predatory carnivorous animals including, but not limited to: bobcats, lions, tigers, cougars, lynxes, ocelots, and hybrids thereof.

Exposed to rabies means any animal or human bitten by or exposed to the saliva or neural tissue of any animal known or suspected to have been infected with rabies.

Euthanize means to cause painless death.

Fence means any enclosed area of sufficient height and fabric to securely confine a pet.

Health director means the director of the Halifax County Department of Health.

Humanely clean conditions means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

Hunting dogs means a pack of dogs (2 or more) of a breed commonly known to be used for hunting, who are kept by an owner/keeper/harbinger who possesses a valid hunting license for lawful hunting purposes and specifically excluding pit bull type dogs.

Impoundment means the placement of an animal in the custody of the animal control unit or person duly authorized by ordinance of the board of county commissioners or by the general statutes for such purposes.

Incorporated area means property within the cities of Enfield, Halifax, Hobgood, Littleton, Roanoke Rapids, Scotland Neck, or Weldon.

Kennel means a commercial establishment wherein any person buys, sells, boards, breeds, grooms, lets for hire, or trains dogs.

Neutered male means any male dog or cat which has been rendered sterile by a surgical procedure.

Penned area means an outside area enclosed by a fence of height and material sufficient to keep a dog from escaping the enclosed area. For dogs that weigh less than 30 pounds, the enclosed area shall have a minimum enclosed space of not less than 6 feet by 6 feet, and a height of not less than 5 feet. For dogs that weigh 30 pounds or more, the enclosed area shall have a minimum enclosed space of not less than 10 feet by 10 feet, and a height of not less than 6 feet. Except for hunting dogs, for each additional dog there shall be an additional 50 square feet of space of penned area.

Owner/keeper/harbinger means any person, group of persons, firm, partnership, corporation, organization, or association, owning, keeping, or harboring, or any person having charge of sheltering, feeding, or taking care of and animal for seven or more consecutive days an animal unless such animal is being boarded for a fee. The owner/keeper/harbinger is responsible for the care, actions and behavior of his/her animals.

Owner's real property means any real property owned or leased by the owner of the animal, but does not include any public right-of-way or common area.

Public nuisance means a public nuisance is that which annoys and disturbs the rights and privileges common to the public or to all the people of the community, rendering their ordinary use or occupation of their property physically uncomfortable to them, or constituting a health hazard to any person.

Secured enclosure means a padlocked pen, with a concrete bottom and a secured top and/or a locked home or locked outbuilding with a concrete bottom, all having minimum space of not less than 10 feet by 10 feet and used to contain one dog only.

Security dog means a dog that is trained and certified to attack or otherwise respond aggressively with or without command when on owner's real property.

Severe injury means any injury that results in broken bones or lacerations, or requires cosmetic surgery or hospitalization.

Spayed female means a female dog or cat which has been rendered sterile by a surgical procedure.

Stray means any dog or cat within the county wandering at large or lost or which does not bear evidence of the identification of any owner or any dog or cat within the county whose owner, if determinable, has failed to pay for and procure a county license and rabies vaccination tag.

Suspected of having rabies means an animal which has bitten or exposed to saliva or neural tissue a person or another animal or a wild animal which has bitten a person or domestic animal.

Trespass means wrongful invasion of the property of the owner.

Unincorporated area means any area of Halifax County not within an "incorporated area" as defined above. This term shall also apply to areas within the corporate limits of any town or municipality in the county if the governing body of such town or municipality adopts a resolution indicating that it is to be treated as an unincorporated area under this chapter.

Vaccination means the administration of rabies vaccine as required by G.S. chapter 130A-185.

Veterinarian consultant means a licensed veterinarian who will provide veterinarian services.

Wildlife means any non-domesticated native mammal which can normally be found in the wild state, particularly those feral, dangerous or nondomestic animals which generally do not live in or about the habitation of humans, including, but not limited to, deer, lions, racoons, skunks, snakes, squirrels, etc.

(Ord. of 1-7-02)

Sec. 14-2. - Territorial application.

This chapter shall be effective within the unincorporated areas of the county.

(Ord. of 1-7-02)

Sec. 14-3. - Animal control advisory committee/apellate board.

The county board of health, or duly appointed subcommittee thereof, as determined by the board, shall act as the animal control advisory committee and appellate board.

(Ord. of 1-7-02)

Sec. 14-4. - General duties of animal control unit.

The animal control unit is charged with the responsibility of:

- (1) Enforcing all general statutes, county ordinances, and public health laws relating to the care, custody and control of domestic animals, especially with regard to vaccination of dogs and cats against rabies and the secure confinement or leashing and muzzling of dangerous animals within the jurisdiction. Notwithstanding the foregoing, reference is made to G.S. chapter 67 and 130A-184 et seq.
- (2) Making canvasses of the county, including homes and businesses, as necessary, for the purpose of ensuring compliance with this chapter or the general statutes.
- (3) Investigating all reported animal bites or other human physical contact with a suspected rabid animal, enforcing quarantine ordered of any dog or cat involved, and submitting bite reports and reports of human contacts to the health director.
- (4) Investigating complaints of county residents with regard to domestic animals exclusive of barking dogs.
- (5) Protecting animals from neglect and abuse. Investigating cruelty or animal abuse with regard to dogs, cats and other animals and enforcement of state law and county ordinances regarding cruelty.
- (6) Investigating all reports or observations of incidents of harassment or of injuries to domesticated livestock caused by animals.
- (7) Seizing and arranging for impoundment, where deemed necessary, of any dog or cat involved in a violation of this chapter or the general statutes.
- (8) Operating the county animal shelter pursuant to policies adopted by the board of health.
- (9) Keeping, or causing to be kept, accurate and detailed records of:
  - a. Seizure, impoundment, and disposition of all animals coming into custody of the animal control unit.
  - b. Bite cases, violations and complaints, and investigation of same, including names and addresses of persons bitten, date, circumstances, and breed.
  - c. All monies collected as fees and penalties.
  - d. Any other matters deemed necessary by the animal control supervisor.
- (10) The animal control supervisor, officers, sheriff, and sheriff's deputies of the jurisdiction are hereby empowered to issue citations to any person if there is probable cause to believe that such person has violated provisions of this chapter.
- (11) Animal control officers are duly authorized by the health director to store at the animal shelter or carry in departmental vehicles firearms approved for use and use such firearms when necessary to enforce sections of this chapter or other applicable laws for control of wild, exotic, dangerous, or diseased animals.

(Ord. of 1-7-02)



Sec. 14-5. - Interference or concealment.

- (a) Interference. It shall be unlawful for any person to interfere with, hinder, molest, resist or obstruct animal control officers, agents, or veterinarians in the performance of any duty authorized by law or ordinance, or to seek to release any domestic animal in the custody of such agents (including from traps, cages, or other enclosures) except as specifically provided or authorized by the department.
- (b) Concealment of dogs and cats. It shall be unlawful for any person to conceal, for the purpose of evading the rabies vaccination requirement of the law, any unlicensed or unvaccinated dog or cat from any employee of the department.

(Ord. of 1-7-02)

Sec. 14-6. - Public nuisances prohibited.

It shall be unlawful for any person to own, keep, or maintain a domestic animal in such a manner as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner/keeper of an animal are hereby declared to be a public nuisance and are therefore unlawful:

- (1) Having a domestic animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of one's property.
- (2) Allowing or permitting an animal to injure or kill a domestic animal or damage the property of anyone other than its owner or possessor, including, but not limited to, turning over garbage containers, or damaging gardens, flowers, or vegetables, or defecating upon the property of another.
- (3) Maintaining domestic animals in an unsanitary environment which results in offensive odors or is dangerous to the animal or the public health, safety or welfare, or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease.
- (4) Maintaining the owner's property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of domestic animals on the property.
- (5) Maintaining a domestic animal that is diseased and a hazard to public health.
- (6) Maintaining domestic animals that chase, snap at, or attack pedestrians, joggers, animals walked on a leash by owners, bicycles or other vehicles.

In addition to any other enforcement remedies available under this chapter, if the animal control supervisor declares an animal to be a nuisance under this section, then the animal control supervisor has the authority to order the owner to confine the animal in accordance with the animal control supervisor's instructions. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order.

Owners or keepers of domestic animals determined to be nuisances shall be notified and ordered to abate such nuisance within 48 hours by whatever means necessary. Failure to comply within the designated time frame shall constitute a separate offense for each day the violation continues thereafter.

(Ord. of 1-7-02)

Sec. 14-7. - Confinement of female dog or cat during estrous.

Any owner/keeper of a female dog or cat during its estrous period shall confine such animal in a building or secure enclosure in such a manner that the dog or cat will not be in contact with male dogs or

cats, or attract other animals. This section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of the animal which is being bred.

(Ord. of 1-7-02)

Sec. 14-8. - Dangerous/potentially dangerous dogs restricted.

(a) General provisions. It shall be unlawful for any person to own or in any way maintain or harbor a dog which is dangerous/potentially dangerous, except as provided in this chapter.

(b) Exemptions. The provisions of this chapter do not apply to dogs causing injuries when used accordingly:

(1) By law enforcement agencies to carry out official law enforcement duties;

(2) Functioning lawfully as hunting or herding dogs, or as in controlling predators on the property of, or under control of, the owner/keeper when performing duties appropriate to such functions;

(3) Protecting the owner's/keeper's property from trespassers and other criminal perpetrators;

(4) Protecting itself from assault, tormenting, or abuse.

(c) Enforcement. If the board of determination composed of the animal control officer(s), supervisor, and health director, has determined that a dog is dangerous/potentially dangerous, the owner shall then be notified immediately in writing. The owner shall surrender the dog to the county animal shelter within 24 hours of such notification. After five working days, the county animal shelter shall have the authority, subject to the provisions of subsection (f) of this section, to dispose of the dog by euthanasia.

(d) Appeal. Any person who owns a dog that has been declared dangerous/potentially dangerous shall have the right to appeal this decision to board of health or its designee. The owner of a dog declared dangerous shall have the right to request a hearing contesting that determination by submitting a written request to the health director within five working days of the determination that the animal is dangerous.

(e) Hearing procedures. The board of health or its designee shall conduct a hearing to determine whether the board of determination's designation of the animal as dangerous/potentially dangerous is correct. If the dog is judged not to be dangerous/potentially dangerous it shall be returned to the owner without charge. If the dog is determined to be dangerous/potentially dangerous, then the county animal shelter shall dispose of the dog according to subsection (c) of this section. Any person who owns a dog affirmed dangerous/potentially dangerous by the board of health or its designee shall have the right to appeal this decision to superior court. In the event of an appeal to the courts of the decision of the board of health, the dog shall be confined at the county animal shelter. The dog owner shall be responsible for paying all boarding and other associated expenses incurred during the appeal process.

(f) Enclosures for dangerous/potentially dangerous dogs. If a dog has been determined to be dangerous/potentially dangerous, as specified in this section, the owner may retain the dog upon satisfying the following conditions:

(1) Within 30 days the owner must erect and confine the dog in a secured enclosure, as defined in Section 14-1 of this Article.

(2) A warning sign of at least 120 square inches must be visible from each exposure of the structure which is visible to any adjoining property. Each sign must have a graphic representation of an appropriate animal such that the dangerousness of the animal is communicated to those who cannot read, including young children.

- (3) The owner of the dog shall be responsible to ensure that the secured enclosure is maintained in such a condition as to meet the requirements of this chapter. Failure to maintain the enclosure shall subject the owner to penalty under this chapter.

(g) Confinement, muzzling and control of dangerous/potentially dangerous dogs. It shall be unlawful for any owner or person to keep any dangerous/potentially dangerous dog within the county unless it is confined within a secured enclosure or unless it is securely muzzled and under restraint by a competent person who, by means of a leash or chain, has such animal firmly under physical restraint at all times.

(h) Tattooing/microchip. Within seven days of meeting the requirements as set forth in this section, the owner of a dangerous/potentially dangerous dog must have such dog tattooed on the inside of the right hind leg with an identification number or micro-chip identification as directed by the animal control unit.

(i) Notification. Within 72 hours of:

- (1) Change of address or ownership of a dangerous/potentially dangerous dog, the owner shall provide written notification of the change of address or ownership to the animal control unit stating the full name, address, and location of the new owner or possessor of the dog.
- (2) Death of a dangerous/potentially dangerous dog, the owner shall provide written notification of the dog's death to the animal control unit. If the dog's body is not available, the notification shall fully identify the dog and bear the notarized signature of the owner and a licensed veterinarian attesting to the death of the dog.

(Ord. of 1-7-02)

Sec. 14-9. - Collection of dogs and cats for resale prohibited.

- (a) Collection for resale prohibited. It shall be unlawful for any person to collect any dog or cat within the county for the purpose of resale. This shall include but is not limited home solicitations or the setting of traps on any land within the county for the purpose of reselling animals.
- (b) Exemption. At the discretion of the board of health, the animal control unit may, out of necessity, sell euthanized dogs or cats to approved third parties for disposition.

(Ord. of 1-7-02)

Sec. 14-10. - Exotic animals prohibited.

- (a) Exotic animals prohibited. 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 the county, any non-indigenous predatory carnivores such as but not limited to:
  - (1) Lions, tigers, leopards, ocelots, jaguars, cheetahs, wolves and hybrids thereof; or
  - (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 the general statutes regulations.

(Ord. of 1-7-02)

Sec. 14-11. - Animal fighting and baiting prohibited.

- (a) Causing, instigating or permitting. No person shall bait, cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between an animal and a human.
- (b) Facilities and equipment. It shall be unlawful for any person to maintain, own, or possess facilities or equipment for the purpose of training animals with the intent that the animal be used in fighting or baiting of such animal or any other animal. All equipment possessed with the intent to violate this chapter shall be contraband and seized whenever found, and be destroyed upon conviction of the possessor or owner under this chapter. This chapter does not prohibit the possession of facilities or equipment for the training of animals by kennels or animal obedience schools if such kennels or schools are registered with the state department of agriculture.
- (c) Transportation. It shall be unlawful for any person to transport an animal with the intent that the animal be used in fighting or baiting of such animal or any other animal.
- (d) Transfer. It shall be unlawful for any person to buy, sell, give transfer, or deliver an animal to another with the intent that the animal be used in fighting or baiting of such animal or any other animal.

(Ord. of 1-7-02)

#### Sec. 14-12. - Mistreatment of animals prohibited.

It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or deprive or cause to be deprived any domestic animal of adequate food, water, and necessary medical attention. Adequate shelter, protection from the weather, or humane, clean conditions shall be provided for dogs and cats.

- (1) Adequate food and water. No person owning or responsible for any domestic animal may fail to supply the animal with adequate food and water defined in this Section 14-1 of this Article.
- (2) Necessary medical attention. No person owning or responsible for any domestic animal shall fail to supply the animal with necessary medical attention when the animal suffers from illness, injury, or disease.
- (3) Adequate shelter, protection from the weather and humanely clean conditions. No persons owning or responsible for any dog or cat shall fail to provide the animal with adequate shelter in humanely clean conditions as those terms are defined in Section 14-1 of this Article.
  - a. When confinement prohibited. No animal may be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or cold will be harmful to its health.
  - b. Prohibition Against Tethering of Dogs. It shall be unlawful to tether an unattended dog outdoors, including hunting dogs. When on the property of the dog owner, dogs may run loose when attended by a responsible person who can control the dogs either by voice commands or by a leash. When on the property of the dog owner, dogs may run unattended if kept in a penned area, secured enclosure or an area surrounded by an effectively operating electronic fence. The prohibition regarding when or where dogs may run loose shall not apply to hunting dogs when they are being used for lawful hunting purposes. For the first six months following the effective date of this subsection, only warning citations shall be issued for violations.
- (4) Properly fitted collars required. An owner/keeper of a dog or cat shall not permit injury or inflict pain upon such animal from an improperly fitting or embedded collar.

(Ord. of 1-7-02)

#### Sec. 14-13. - Cruel treatment prohibited.



- (a) Molestation, torture, etc., prohibited. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat or treat, needlessly 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" and the term "cruelly beat or treat" shall be held to include any act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit an animal control officer, or veterinarians from euthanizing dangerous, unwanted, or injured animals in a humane manner. Violations of this subsection shall be designated a Class I misdemeanor.
- (b) Luring, enticing, seizing, molesting or teasing an animal. It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper, or while the animal is on the property of its owner or keeper. Such actions of luring, enticing and seizing shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulations of this chapter by duly authorized animal control officers.
- (c) Abandonment. It shall be unlawful for any owner or person responsible for any domestic animal to drop or leave such animal on a street, road, highway, or in a public place or on private property with intent to abandon without provision for its continuous care, sustenance and shelter. No owner of a domestic animal shall abandon such animal except to relinquish the animal to the animal shelter. If the animal control unit finds that a domestic animal has been abandoned, the animal may be impounded. If the domestic animal has been abandoned in a house or within a fenced area, the animal control unit must make a reasonable effort to locate the owner or manager of the property. If the property owner or manager is not the animal owner, then the animal control unit shall secure permission to remove the animal. If the property owner is also the animal owner and this individual cannot be located, the animal control unit shall post notice on the door of the individual's residence for the period of 72 hours. An animal seized pursuant to this section shall be impounded for a period of five days. If the owner contacts the animal control unit to reclaim the animal, an explanation for the animal's abandonment must be provided to the satisfaction of the animal control supervisor before the animal is allowed to be reclaimed. If the animal is unclaimed by its owner after five days, the animal shall be placed for adoption or euthanized.
- (d) Transport of animals. It shall be unlawful for any person to transport an animal in the trunk of a vehicle, or closed compartment vehicle or trailer, or in a truck or the back of a truck in such a way as to cause pain, suffering, or death to the animal. Nothing in this section shall be deemed to prohibit the humane transportation of horses, cattle, sheep, poultry or other livestock in trailers or other vehicles designed, constructed, and adequate for the size and number of animals being transported.
- (e) Inspection of pet stores. Animal control officers shall have the authority to conduct inspections of pet stores, to the extent not pre-empted by state law, in order to determine if there is abuse of animals. Abuse of animals shall include any act described in this section or any other act which is detrimental to the well-being of the animal. It shall be unlawful for any pet store employee or owner to violate this section.
- (f) Authority to use force against animals. Nothing in this section shall prohibit the use of force against an animal which is in the act of attacking a human or domestic animal.

(Ord. of 1-7-02)

Sec. 14-14. - Destruction of animals that cannot be seized by reasonable means.

Notwithstanding any other provision of this chapter, a dog or cat that cannot be seized by reasonable and normal means, trapped in a humane, live-capture animal trap, or tranquilized, may be humanely destroyed in the field by the responding officer upon the authorization by the animal control supervisor. Vicious or dangerous/potentially dangerous animals so designated, or an animal attacking a human being, another pet, or livestock may be immediately destroyed if, in the opinion of the animal control officer, such destruction is necessary for the protection of the public health and safety.

(Ord. of 1-7-02)

Sec. 14-15. - Setting humane animal traps and authority to received trapped animals.

The animal control unit is authorized to place, upon request, live-capture animal traps on private or public property to trap and remove stray, at large, unwanted, or nuisance dogs or cats. It is unlawful for any person other than an animal control officer to remove any dog or cat from the trap or to damage, destroy, move, or tamper with the trap. The animal control unit is authorized to receive and impound animals that are trapped by other agencies or persons.

(Ord. of 1-7-02)

Sec. 14-16. - Impoundment.

- (a) In general. Any dog or cat found being mistreated or kept under unsanitary or inhumane conditions, as provided in section 14-12; any dog or cat found to be cruelly treated, as provided in section 14-13; any dog or cat found to be a public nuisance, as provided in section 14-6; any dog not under control in violation of section 14-6 [14-7]; or any dog or cat which appears to be lost, stray or unwanted, or any dog or cat is found to be not wearing a currently valid license or rabies vaccination tag as required, shall be seized, impounded, and confined by the animal control officer and confined in the animal shelter in a humane manner. Impoundment of such dog or cat shall not relieve the owner thereof of any penalty which may be imposed for violation of any provision of this chapter.
- (b) Notice to owner. Immediately upon impounding a dog or cat, the animal control officer shall make reasonable effort to notify the owner and inform such owner of the conditions whereby the animal may be redeemed.
- (c) Redemption by owner. The owner of a dog or cat impounded under this chapter may redeem the animal and regain possession thereof in accordance with the rules and fees set by the board of county commissioners in the policies for operation of the county animal shelter and by complying with all applicable provisions of this chapter and by paying all fees and penalties due. Fee rates shall be available for public inspection in the office of the clerk to the board of county commissioners and at the county animal shelter.
- (d) Adoption or euthanasia of unredeemed dog or cat.
  - (1) If any impounded dog or cat is not redeemed by the owner within the period prescribed in the policies for operation of the county animal shelter, filed as stated in subsection (c) above, then such animal may be offered for adoption or destroyed in a humane manner in accordance with such policies.
  - (2) No animal owner may be permitted to claim her/his animal under the provisions of this section unless and until s/he shall comply with the provisions of the policies for operation of the county animal shelter for same.
  - (3) All unsterilized dogs and cats adopted from the animal shelter shall be either spayed or neutered in accordance with the policies for operation of the county animal shelter. Written veterinary proof of sterilization shall be promptly provided by the adopter to the animal control unit. If the person adopting the unsterilized animal fails to cause the animal to be sterilized within the time prescribed by the animal shelter, such failure shall constitute a violation of this chapter and shall subject such person to a civil penalty.
- (e) Suspected rabid dogs or cats not to be redeemed or adopted. Notwithstanding any other provision of this chapter, dogs or cats impounded which appear to be suffering from rabies shall not be redeemed or adopted but shall be dealt with in accordance with G.S. chapter 130A.
- (f) Immediate placement for adoption or euthanasia of animals surrendered by owner. An dog or cat, or unweaned animal surrendered by its owner to the animal control unit may be immediately placed

for adoption or humanely destroyed at the discretion of the animal control supervisor without compliance with requirements of this section when the owner transfers ownership of such animal to the animal control unit.

(Ord. of 1-7-02)

Sec. 14-17. - Redemption of unvaccinated animal.

- (a) Proof of vaccination. Unless proof of a current rabies vaccination can be furnished, every person who redeems a dog or cat at the animal shelter must obtain and submit the fee for a rabies vaccination to be administered at the time of redemption, or receive a citation for failure to vaccinate.
- (b) Payment. Payment for the rabies vaccination provided for this section will be the responsibility of the person redeeming the dog or cat.

(Ord. of 1-7-02)

Sec. 14-18. - Euthanasia of wounded, diseased, and unweaned animals.

Notwithstanding any other provision of this chapter, any dog or cat impounded which is badly wounded or diseased (not rabies suspect) and has no identification shall be destroyed immediately in a humane manner upon approval of the animal control supervisor or his/her designee. If the dog or cat has identification, the animal shelter shall attempt to notify the owner or keeper before euthanizing such animal. The animal control unit shall have no liability for euthanizing wounded or diseased animals.

(Ord. of 1-7-02)

Sec. 14-19. - Handling of stray dogs and cats by the public.

It shall be unlawful for any person, without the consent of the owner or keeper, knowingly and intentionally to harbor, keep in possession by confinement or otherwise any dog or cat that does not belong to him/her. Any person in possession of a stray dog or cat shall contact the animal control unit within three days to arrange for impoundment or advertise such stray animal in the local media for three consecutive days. Should the harboring of the stray animal select to advertise the animal, and the owner of such animal does not respond by the tenth day following the initial appearance of such stray dog or cat, the individual who has advertised shall be deemed the legal owner and shall abide by rules set forth within this chapter and the general statutes.

(Ord. of 1-7-02)

Sec. 14-20. - Relation to hunting laws.

Nothing in this chapter is intended to be in conflict with the general statutes regulating, restricting, authorizing or otherwise affecting dogs while used in lawful hunting.

(Ord. of 1-7-02)

Sec. 14-21. - Penalties.

The following penalties shall pertain to violations of this chapter:

- (1) Misdemeanor. The violation of any provision of this chapter shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4 or other applicable law. Each day's violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes or fees imposed under this chapter.
- (2) Enforcement. Enforcement of this chapter may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d) and (e).
- (3) Issuance of a citation. Issuance of a citation for violation of this chapter is directed toward and against the owner and/or possessor of an animal. The purpose of the issuance of a citation is to affect the conduct of the owner of an animal by seeking to have an owner responsibly maintain sufficient restraint and confinement of his/her animal. An owner of an animal shall be subject to escalating penalties for each violation of the section, whether the animal is the same animal or any different animals belonging to the owner.
- (4) Civil penalties. In addition to and independent of any criminal penalties and other sanctions provided in this chapter, violation of this chapter may also subject the offender to the civil penalties hereinafter set forth.
  - a. The animal control supervisor, officers, sheriff, or sheriff's deputies may issue to the known owner/keeper of any animal, or to any other violator of the provisions of this chapter, a ticket or citation giving notice of the alleged violation(s). Tickets or citations so issued may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot be readily found. The ticket or citation shall impose upon the violator a minimum civil penalty of \$25.00 or such greater amounts for offenses as may be set by ordinance. The imposed civil penalty shall be paid in full to the animal control unit within 14 days of receipt of the citation assessing the civil penalty. This civil penalty is in addition to other fees or costs authorized by this chapter.
  - b. In the event that the owner or keeper of an animal or other alleged violator does not appear in response to the above described ticket or citation, or the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty, and/or criminal summons may be issued against the owner or keeper or other alleged violator of this chapter, and upon conviction, the owner shall be punished as provided by state law. The animal control supervisor is expressly authorized to initiate and prosecute small claims actions in district court to collect civil penalties and fees due the department and may call on the jurisdiction's attorney for assistance as needed.
  - c. The following civil penalties are hereby established and subject to revision by the board of county commissioners for each incident violation of this chapter:

#### Animal Control Civil Penalty Schedule

Section Violation	Description	Penalty
14-5(A)	Interference of animal control officer, agent, or trap .....	250.00
14-5(B)	Concealment of animal to evade ordinance .....	100.00
14-6	Public nuisance:	



	First violation .....	25.00
	Second violation .....	50.00
	Subsequent violations .....	100.00
14-8	Keeping dangerous/potentially dangerous animal:	
	Unattended/Loose/Unrestrained .....	500.00
	Failure to tatoo/microchip .....	500.00
	Failure to notify of change of address or death .....	500.00
14-9	Collection of dogs and cats for resale .....	500.00
14-10	Keeping exotic animal .....	500.00
14-11	Animal fighting and baiting .....	500.00
14-12	Mistreatment of animals .....	500.00
14-12(3)(b)	Unattended tethering	150.00
14-13	Cruel treatment of animals .....	500.00
14-19	Keeping stray animal .....	50.00
14-27	Failure to obtain rabies vaccination .....	100.00
14-34	Release of suspected rabid animal .....	500.00
14-35	Rabies quarantine, failure to surrender .....	250.00

(Ord. of 1-7-02)

Secs. 14-22—14-26. - Reserved.

A RESOLUTION TO AMEND ARTICLE I, CHAPTER 14, OF THE HALIFAX COUNTY CODE  
OF ORDINANCES ENTITLED “ANIMALS”

IT IS HEREBY RESOLVED that Article I, Chapter 14, of the Halifax County Code of Ordinances, entitled “Animals” is amended in the following manner:

1. Under Section 14-1, “Definitions”:

a. The definition of *adequate shelter* is re-written to read:

*Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, provides a solid surface, resting platform, that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner.*

b. The definition of *adequate water* is re-written to read:

*Adequate water means access at suitable intervals to a supply of clean, fresh water provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.*

c. After the definition of *health director* the following definitions of *humanely clean conditions* and *hunting dogs* are added:

*Humanely clean conditions means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.*

*Hunting dogs means a pack of dogs (2 or more) of a breed commonly known to be used for hunting, who are kept by an owner/keeper/harbinger who possesses a valid hunting license for lawful hunting purposes and specifically excluding pit bull type dogs.*

d. After the definition of *neutered male* the following definition of *penned area* is added:

*Penned area means an outside area enclosed by a fence of height and material sufficient to keep a dog from escaping the enclosed area. For dogs that weigh less than 30 pounds, the enclosed area shall have a minimum enclosed space of not less than 6 feet by 6 feet, and a height of not less than 5 feet. For dogs that weigh 30 pounds or more, the*

*enclosed area shall have a minimum enclosed space of not less than 10 feet by 10 feet, and a height of not less than 6 feet. Except for hunting dogs, for each additional dog there shall be an additional 50 square feet of space of penned area.*

e. The definition of *secure enclosure* is deleted and replaced with the following definition of *secured enclosure*:

*Secured enclosure means a padlocked pen, with a concrete bottom and a secured top and/or a locked home or locked outbuilding with a concrete bottom, all having minimum space of not less than 10 feet by 10 feet and used to contain one dog only.*

2. Subsection 14-4 (9) c. is amended to read as follows:

*c. All monies collected as fees and penalties.*

3. Subsection 14-8 (f)(1) is amended to read as follows:

*(1) Within 30 days the owner must erect and confine the dog in a secured enclosure, as defined in Section 14-1 of this Article.*

4. Subsection 14-8(g) is amended to read as follows:

*(g) Confinement, muzzling and control of dangerous/potentially dangerous dogs. It shall be unlawful for any owner or person to keep any dangerous/potentially dangerous dog within the county unless it is confined within a secured enclosure or unless it is securely muzzled and under restraint by a competent person who, by means of a leash or chain, has such animal firmly under physical restraint at all times.*

5. Subsection 14-12(1) pertaining to adequate food and water is amended by deleting subparts a. and b. and amending the text of subsection (1) to read as follows:

*(1) Adequate food and water. No person owning or responsible for any domestic animal may fail to supply the animal with adequate food and water defined in this Section 14-1 of this Article.*

6. Subsection 14-12(3) pertaining to adequate shelter is amended to read as follows:

*(3) Adequate shelter, protection from the weather and humanely clean conditions. No persons owning or responsible for any dog or cat shall fail to provide the animal with adequate shelter in humanely clean conditions as those terms are defined in Section 14-1 of this Article.*

7. Subsection 14-12(3), subpart b., pertaining to “standards for chaining” is deleted in its entirety and replaced with the following:

*b. Prohibition Against Tethering of Dogs. It shall be unlawful to tether an unattended dog outdoors, including hunting dogs. When on the property of the dog owner, dogs may run loose when attended by a*

*responsible person who can control the dogs either by voice commands or by a leash. When on the property of the dog owner, dogs may run unattended if kept in a penned area, secured enclosure or an area surrounded by an effectively operating electronic fence. The prohibition regarding when or where dogs may run loose shall not apply to hunting dogs when they are being used for lawful hunting purposes. For the first six months following the effective date of this subsection, only warning citations shall be issued for violations.*

8. Subsection 14-13 (a) is amended by deleting the word “intentionally” in the first sentence of that subsection.

9. The table entitled "Animal Control Civil Penalty Fee Schedule" under Section 14-21 is amended by changing the title of the table to "Animal Control Civil Penalty Schedule" and by adding a civil penalty for violation of Subsection 14-12(3)(b), unattended tethering, in the amount of \$150.00.

This ordinance amendment shall become effective upon adoption by unanimous vote on first reading, or by majority vote upon second reading.

[ ] Adopted unanimously upon first reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

[ ] Adopted by majority vote upon second reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Vernon J. Bryant, Chairman  
Halifax County Board of Commissioners

ATTEST:

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Andrea H. Wiggins, Clerk to the Board



## 2020: No Tethering Implementation Plan

**Goals for public:** 1. Ensure that the community is aware of the no tethering ordinance 2. Empower citizens to be a positive part of compliance

[illegible]



**AGENDA**  
**Halifax County Board of Commissioners**  
**Regular Meeting**

**TO:** Halifax County Board of Commissioners

**FROM:** Cathy A. Scott, Economic Development Director

**PRESENTER:** Cathy A. Scott, Economic Development Director

**SUBJECT:** Award of Contract for JBB Packaging Rail Spur

**DATE:** November 18, 2019 Regular Meeting

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**SUPPORTING INFORMATION:**

Attached please find the Bid Tabulation and Letter of Recommendation from CivilSmith LLC, engineers for the JBB Packaging Rail Spur Project, recommending award of the rail spur construction contract to STX Corporation at a price of \$529,220.

Halifax County's funding for this project is from NC Railroad (\$400,000) and the NC Department of Transportation (\$200,000) totaling \$600,000. We have an executed contract with CivilSmith for engineering, design, and construction administration/observation for \$74,260, resulting in a potential \$3,480 shortfall in total project funding. JBB Packaging has agreed to cover the anticipated shortfall and will provide a letter of commitment to Halifax County prior to the meeting on October 21. An Amended Project Budget Ordinance has been prepared to reflect this change and is attached.

**ATTACHMENTS:**

Description

- ▢ JBB Rail Spur Bid Tabulation
- ▢ JBB Rail Spur Recommendation Letter
- ▢ Amended Grant Project Ordinance - JBB

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**TOTAL COST:**\$529,220

**COUNTY COST:**0

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**REQUEST:** Approve the Amended Project Budget Ordinance

Award the contract for construction of the JBB Packaging Rail Spur to STX Corporation for \$529,220.00

Item No.	Description	Units	Est. Quantity	Contractor					
				Civil Works Contracting		STX Corporation		Tarheel Railroad Construction Co.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization	LS	1	\$26,510.00	\$26,510.00	\$25,000.00	\$25,000.00	\$15,000.00	\$15,000.00
2	CONSTRUCTION STAKEOUT	LS	1	\$5,555.00	\$5,555.00	\$5,000.00	\$5,000.00	\$7,000.00	\$7,000.00
3	F & I 6” layer of compacted sub-ballast(CABC stone) on top of prepared track roadbed subgrade.	TN	900	\$45.50	\$40,950.00	\$21.00	\$18,900.00	\$45.00	\$40,500.00
4	F & I Track – Complete: <u>Min.</u> 115# Jtd. Rail, Grade 4/5 Timber Ties, Ballast.	TF	1,063	\$223.50	\$237,580.50	\$155.00	\$164,765.00	\$159.70	\$169,761.10
5	F & I Track Materials for Upgrading the Portion of existing Track #1 from Sta.1+50 to 9+80 to Include: 115# min. Rail, OTM, Grade 4/5 Ties, Surfacing Ballast. Includes Removal of 90# Rail, OTM, and Ties from the Site. 45% Tie Replacement with Light Surfacing	TF	830	\$187.50	\$155,625.00	\$125.00	\$103,750.00	\$134.00	\$111,220.00
6	Existing Track #1 Demolition: 90# Jtd. Rail, OTM, Timber Ties, fouled ballast. Removed from site. (Sta.9+80 to 16+75)	TF	695	\$23.50	\$16,332.50	\$22.00	\$15,290.00	\$5.00	\$3,475.00
7	F & I Walkway Stone within rail unloading areas. Gradation shall generally match “3/4 inch” washed aggregate.	TN	300	\$57.00	\$17,100.00	\$35.00	\$10,500.00	\$33.35	\$10,005.00
8	F & I No. 8 Turnout – Complete: Min. 115# - Per CSX Diagram 2247 with Sampson switch points and stock rails, SMSG frog, bow handle throw, timber switch ties.	EA	1	\$74,000.00	\$74,000.00	\$55,000.00	\$55,000.00	\$65,000.00	\$65,000.00
9	F & I Vertical Lift Derail – Min. 115#, Timber Ties. Install into existing lead track Station 2+50 per CSX Diagram 2252.	EA	1	\$27,000.00	\$27,000.00	\$25,000.00	\$25,000.00	\$0.00	\$0.00
10	F & I Hayes Type WG Bumping Posts - Complete on Timber Ties.	EA	2	\$6,850.00	\$13,700.00	\$4,100.00	\$8,200.00	\$3,200.00	\$6,400.00
11	Earthwork – Cut and Use Onsite for Fill, Haul away surplus Offsite (Approximately 3,150 CY Unclassified Excavation)	LS	1	\$130,500.00	\$130,500.00	\$53,000.00	\$53,000.00	\$77,000.00	\$77,000.00
12	Clearing & Grubbing	AC	0.9	\$31,500.00	\$28,350.00	\$5,500.00	\$4,950.00	\$11,500.00	\$10,350.00
13	Vegetation Control - Remove overhanging tree limbs, brush, and weeds along Existing Track #1 from Sta. 1+50 to 9+80 to Provide 15 feet Clearance from C/L of Track from T/R to 25’ above T/R. Remove from site.	LS	1	\$8,200.00	\$8,200.00	\$1,700.00	\$1,700.00	\$9,500.00	\$9,500.00
14	Undercut Excavation (Off-Site Disposal) and Replace with Select Backfill (In Place Off Site Structural Fill)	CY	500	\$87.00	\$43,500.00	\$17.00	\$8,500.00	\$50.00	\$25,000.00
15	Track Roadbed Repair – At Sta.3+16, repair bad footing area with rip-rap stone and #5 Ballast (20 Tons +/- aggregate)	LS	1	\$4,600.00	\$4,600.00	\$1,700.00	\$1,700.00	\$1,500.00	\$1,500.00
16	Removed existing pile of old timber ties near Sta.11+00 from site. (150 ties +/-)	LS	1	\$2,220.00	\$2,220.00	\$2,800.00	\$2,800.00	\$2,500.00	\$2,500.00
17	12” CMP (Temporary for Construction Exit)	LF	20	\$88.00	\$1,760.00	\$25.00	\$500.00	\$18.00	\$360.00
18	Dust Control	LS	1	\$12,300.00	\$12,300.00	\$5,000.00	\$5,000.00	\$25,000.00	\$25,000.00
19	Check Dam	EA	12	\$467.00	\$5,604.00	\$250.00	\$3,000.00	\$385.00	\$4,620.00
20	Construction Entrance/Exit	EA	1	\$3,481.00	\$3,481.00	\$3,000.00	\$3,000.00	\$7,500.00	\$7,500.00
21	Silt Fence	LF	700	\$4.25	\$2,975.00	\$6.00	\$4,200.00	\$12.00	\$8,400.00
22	Temporary Seeding & Mulching	AC	1.3	\$3,425.00	\$4,452.50	\$1,500.00	\$1,950.00	\$4,500.00	\$5,850.00
23	Construction Road Stabilization	SF	320	\$6.25	\$2,000.00	\$7.00	\$2,240.00	\$16.00	\$5,120.00
24	Grass Lined Channel	LF	1,300	\$6.75	\$8,775.00	\$2.50	\$3,250.00	\$10.00	\$13,000.00
25	Permanent Seeding & Mulching	AC	0.75	\$4,000.00	\$3,000.00	\$2,700.00	\$2,025.00	\$5,500.00	\$4,125.00
TOTAL BASE BID					\$876,070.50		\$529,220.00		\$628,186.10

I hereby certify that this bid tabulation is a true and accurate representation of all bids received on October 10th, 2019.

Tara L. Maner

Tara L. Maner NC PE # 034648  
CivilSmith, PLLC NC Firm # P-0761

Contractor used Add Alternate for this item that was not approved prior to bid submittal.



October 11, 2019

Ms. Cathy A. Scott  
Executive Director  
Halifax County Economic Development Commission  
260 Premier Boulevard  
Roanoke Rapids, NC 27870

**Re: Proposed Track Rehabilitation and Construction to Serve JBB Packaging, LLC  
Bid Recommendation**

Dear Ms. Scott:

Bids for the above mentioned project were received by the Halifax County Office of the County Manager at 2:00 pm on Thursday, October 10, 2019. The bid prices for each bidder are shown below. Itemized unit prices are listed in the attached Bid Tabulation.

Civil Works Contracting LLC	\$876,070.50
STX Corporation	\$529,220.00
Tarheel Railroad Construction Company, Inc.	\$628,186.10

The bid of STX Corporation is considered to be competitive and in line with present rail construction pricing levels. STX Corporation is considered to be the lowest responsible Bidder. Therefore, it is recommended that the contract should be awarded to STX Corporation.

Thank you for your consideration of this recommendation,

CivilSmith, PLLC

Tara L. Maner, P.E.

Attachment

Cc: distributed via email  
Dave Cron, JBB Packaging, LLC  
Robert J. Maner, CivilSmith, PLLC  
Glynn Rollins, Halifax County

ph. 423.624.1187

info@civilsmithllc.com  
civilsmithllc.com

PO Box 8634  
Chattanooga, TN 37414

Proposed Track Rehabilitation and Construction to Serve JBB Packaging, LLC, Halifax County, NC



**AMENDED Grant Project Ordinance  
JBB Packaging Rail Spur Project  
Halifax County, North Carolina**

Be it ordained by the Board of Commissioners of Halifax County that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Ordinance is hereby adopted:

**Section 1:** The project authorized is the JBB Packaging Rail Spur Project.

**Section 2:** The officers of this unit of government are hereby directed to proceed with the grant project within the terms of the grant agreements, the rules and regulations of North Carolina Railroad Company and the North Carolina Department of Transportation, and the budget contained herein.

**Section 3:** The following revenues are anticipated to be available to complete this project:

North Carolina Railroad Company (NCRR) Grant	\$400,000.00
NC Department of Transportation (NCDOT) Rail Access Funds	\$200,000.00
JBB Packaging LLC	\$ 3,480.00
<b>Total</b>	<b>\$603,480.00</b>

**Section 4:** The following expenditure are anticipated for this project:

Rail Spur Construction	\$529,220.00
Rail Engineering & Construction Administration/Observation	\$ 74,260.00
<b>Grand Total</b>	<b>\$603,480.00</b>

**Section 5:** The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient detailed account to provide the accounting to the North Carolina Railroad Company and North Carolina Department of Transportation required by the Grant Agreements and other state or federal regulations.

**Section 6:** If all grant agreements identified in this project ordinance are in proper order, funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests will be made to the grant agencies in a timely and effective manner, with immediate repayment to the General Fund upon receipt.

**Section 7:** Copies of this Grant Project Ordinance shall be entered into the minutes of the governing board within five days after adoption and be filed with the Finance Director, Budget Officer, County Manager, and the Clerk to the Board.

Adopted this 21<sup>st</sup> Day of October, 2019.

ATTEST:

\_\_\_\_\_  
Vernon J. Bryant, Chairman

\_\_\_\_\_  
Mary Anderson- Faison, Deputy Clerk to the Board