

**REGULAR MEETING
ASHEBORO CITY COUNCIL
COUNCIL CHAMBER, MUNICIPAL BUILDING
THURSDAY, MARCH 8, 2012
7:00 p.m.**

This being the time and place for a regular meeting of the City Council, a meeting was held with the following officials and members present:

David H. Smith) – Mayor Presiding

Talmadge S. Baker)
Clark R. Bell)
Edward J. Burks)
Linda H. Carter) – Council Members Present
Michael W. Hunter)
Walker B. Moffitt)
Charles A. Swiers)

John N. Ogburn, III, City Manager
Dumont Bunker, P.E., City Engineer
Holly H. Doerr, CMC, City Clerk/Paralegal
John L. Evans, Senior Planner
Casandra M. Fletcher, Marketing Specialist
Justin T. Luck, Zoning Administrator/Planner
Bradley W. Morton, Planning Technician/Deputy City Clerk
R. Reynolds Neely, Jr., Community Development Director
Deborah P. Reaves, Finance Director
Michael D. Rhoney, Water Resources Director
Jeffrey C. Sugg, City Attorney
Rickey D. Wilson, Chief of Police

1. Call to order.

A quorum thus being present, Mayor Smith called the meeting to order for the transaction of business, and business was transacted as follows.

2. Silent prayer and pledge of allegiance.

After a moment of silence was observed in order to allow silent prayer or meditation, Mayor Smith asked everyone to stand and repeat the pledge of allegiance.

In addition to welcoming everyone in attendance, Mayor Smith recognized boy scouts from Troop 527 who were in attendance as a requirement for their citizenship badge.

3. Presentation by Candie Rudzinski, Executive Director of Randolph County Senior Adults Association.

Ms. Candie Rudzinski, Executive Director of Randolph County Senior Adults Association, Inc., requested that the city provide \$500,000.00 (\$100,000.00 per year for five (5) years) for assistance in a capital campaign, "Expanding Opportunities for Active Living," in order to provide funding for a new facility for the association. The funds raised through the campaign would be used to renovate and expand an existing downtown building currently owned by Acme-McCrary Corporation to serve as a multi-purpose senior adult center. According to the floor plan as presented by Ms. Rudzinski, the proposed 30,000-square-foot facility would allow for increased services and activities for senior adults within the community, including but not limited to, health clinics, group fitness classes, and computer classes.

Mr. Duffy Johnson and Mr. Bob Wilhoit, Co-Chairs of the Capital Campaign Committee, along with Mr. J.B. Davis presented comments in support of the request.

Mayor Smith expressed the Council's general support for this project. City funding for this project will be discussed by the Council during its 2012-2013 budget process. No formal action by the Council was taken on this matter.

4. Consent Agenda:

Upon motion by Mr. Baker and seconded by Mr. Burks, Council voted unanimously to adopt the following consent agenda items:

- (a) The minutes of the City Council's regular meeting on February 9, 2012.**
- (b) A resolution to award service side arms to retiring Asheboro Police Officers.**

11 RES 3-12

**RESOLUTION AWARDING SERVICE SIDE ARMS TO RETIRING OFFICERS
OF THE ASHEBORO POLICE DEPARTMENT**

WHEREAS, effective February 1, 2012, Master Police Lieutenant Billy Joe Maness, Jr. retired from employment with the City of Asheboro after rendering honorable and invaluable service to the City of Asheboro and its citizens over the course of an approximately 30-year career with the Asheboro Police Department; and

WHEREAS, effective May 1, 2012, Master Police Sergeant Mark Alan Hinshaw will retire from employment with the City of Asheboro after rendering honorable and invaluable service to the City of Asheboro and its citizens over the course of an approximately 25-year career with the Asheboro Police Department; and

WHEREAS, pursuant to and in accordance with G.S. 20-187.2, the Asheboro City Council wishes to honor and thank Mr. Maness and Mr. Hinshaw for their service to the city by awarding to them the service side arms that they carried at the time of their retirement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that, effective immediately, and in consideration of his dedicated service to the City of Asheboro, Billy Joe Maness, Jr. is awarded, at no charge and upon securing a permit as required by G.S. 14-402 et seq. or G.S. 14-409.1 et seq., his city-issued service side arm (a Glock 23 Generation 4 with serial no. SFS965 and three magazines); and

BE IT FURTHER RESOLVED that, effective May 1, 2012, and in consideration of his dedicated service to the City of Asheboro, Mark Alan Hinshaw is to be awarded, at no charge and upon securing a permit as required by G.S. 14-402 et seq. or G.S. 14-409.1 et seq., his city-issued service side arm (a Glock 23 Generation 4 with serial no. SFS915 and three magazines).

The Asheboro City Council adopted this resolution in open session during a regular meeting that was held on the 8th day of March, 2012.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

5. Public hearing (Community Development Division File No. RZ-12-01) on a request to rezone the property of Andrew J. Crofoot and Nikki C. Needham, which is located at 830 South Cox Street (Randolph County Parcel Identification Number 7750890391), from CUB2 (Conditional Use General Commercial) to OA6 (Office-Apartment).

Mayor Smith opened the public hearing on the following request.

The requested rezoning pertains to approximately 0.25 acres of land owned by Nikki Cherry Needham and Andrew Crofoot and located at 830 South Cox Street. This property, which is located inside the city's corporate limits, is more specifically identified by Randolph County Parcel Identification Number 7750890391.

Mr. Neely presented the Community Development Division staff's analysis of the request by Ms. Needham and Mr. Crofoot to rezone the above-described property from CU-B2 (Conditional Use General Commercial) to OA-6 (Office-Apartment). The Planning Board concurred with the following Community Development Division staff's analysis and recommended approval of the requested rezoning.

"The Land Development Plan map identifies the property as part of the city activity center which encourages a pedestrian friendly mix of land uses, including single and multi-family residential, office, and institutional. South Cox Street continues to serve as a transitional area between the more intensive commercial uses to the west along South Fayetteville Street (including property that directly abuts the subject property) and areas to the east that are primarily residential in character. The requested OA-6 zoning would accommodate residential uses while also allowing office and institutional uses that are of an appropriate scale for this type of transitional area.

Additionally, both multi-family residential uses and office and institutional uses are within close proximity to this property, making an OA-6 designation appropriate to the context of the area. Considering these factors, staff believes the request generally is consistent with the map, goals, and policies of the Land Development Plan and is generally within the public interest in supporting a reasonable use of property."

The applicant, Mr. Andrew Crofoot, presented comments in support of the requested rezoning.

There being no further comments and no opposition from the public, Mayor Smith closed the public hearing.

Upon motion by Mr. Bell and seconded by Ms. Carter, Council adopted the recommendation/analysis of the Community Development Division staff and the Planning Board and voted unanimously to approve the requested rezoning.

6. Consideration of a petition received from Nicholaus Wild and Shannon Pettine requesting contiguous annexation of 0.473 of an acre of land located at 1154 East Allred Street.

Mayor Smith opened the public hearing on the request for contiguous annexation of 0.473 of an acre of land located at 1154 East Allred Street. [The minutes of the February 9, 2012 meeting referenced the street address for this property as 1155 East Allred Street. Subsequent to the February meeting and prior to the Council's consideration of the following ordinance, the engineering department discovered the addressing error. The metes and bounds description of the area to be annexed was not impacted and the ordinance adopted on March 8, 2012 reflected the correct street address.]

There being no comments and no opposition from the public, Mayor Smith closed the public hearing.

Mr. Bunker presented and recommended adoption, by reference, of an ordinance to extend the corporate limits of the City of Asheboro.

Upon motion by Mr. Bell and seconded by Mr. Hunter, Council voted unanimously to adopt the following ordinance by reference.

Ordinance Number 05 ORD 3-12
ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF ASHEBORO, NORTH CAROLINA
(A Total of 0.473 of an Acre of Land Located at 1154 East Allred Street)

WHEREAS, pursuant to Section 160A-31 of the North Carolina General Statutes, a petition requesting annexation by the City of Asheboro of the territory described in Section 1 of this ordinance was presented to the Asheboro City Council on February 9, 2012; and

WHEREAS, this petition for annexation was signed by the owners of all of the real property for which annexation was requested; and

WHEREAS, by means of a duly adopted resolution (Resolution Number 09 RES 2-12), the Asheboro City Council directed the City Clerk to investigate the sufficiency of the petition, and the Clerk has certified the sufficiency of the said petition; and

WHEREAS, pursuant to instructions received from the Asheboro City Council, notice was published to the public on the 23rd day of February, 2012, in *The Courier-Tribune*, a newspaper having general circulation in the City of Asheboro, setting forth that a public hearing would be held during the Asheboro City Council's regular meeting at 7:00 o'clock p.m. on the 8th day of March, 2012, in the Council Chamber at Asheboro City Hall, to consider the adoption of an ordinance annexing the said area to the City of Asheboro; and

WHEREAS, the said public hearing was in fact held on the 8th day of March, 2012; and

WHEREAS, the Asheboro City Council has determined that the petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro, North Carolina as follows:

Section 1. By virtue of the authority granted in Section 160A-31 of the North Carolina General Statutes, the following described area is hereby annexed and made part of the City of Asheboro, North Carolina:

Asheboro Township, Randolph County, North Carolina:

BEGINNING at a 2-inch existing iron pipe/pin that is a control corner flush with the ground and found in the southeastern margin of the 60-foot public right-of-way for East Allred Street (North Carolina Secondary Road 2182) at the northwestern corner of Lot 6 as shown on Map 2 of the Hamlet Lakes Subdivision that is recorded in Plat Book 12, Page 60, Randolph County Public Registry, this control corner is located by means of the North Carolina Coordinate System at the coordinates of North 722,251.76 feet and East 1,764,651.41 feet (NAD 83); thence from the said beginning point following the southeastern margin of the public right-of-way for East Allred Street North 41 degrees 39 minutes 51 seconds East 119.76 feet to a bent 2-inch existing iron pipe/pin that is flush with the ground; thence departing from the southeastern margin of the public right-of-way for East Allred Street and proceeding along the boundary line of the Edward J. Griest property described in Deed Book 1765, Page 381, Randolph County Public Registry the following courses and distances: South 49 degrees 47 minutes 23 seconds East 180.31 feet to a ¾-inch existing iron pipe/pin with a pinched top that is up 0.4'; thence North 43 degrees 44 minutes 21 seconds East 89.70 feet to a 1-inch existing iron pipe/pin found flush with the ground at the corner of a chain link fence; thence departing from the Edward J. Griest property and proceeding South 49 degrees 49 minutes 35 seconds East 10.13 feet to a point not set (computed point) on the existing primary corporate limits line for the City of Asheboro at the corner of a chain link fence; then following the existing primary corporate limits line that is contiguous with the area proposed for annexation the following courses and distances: South 43 degrees 51 minutes 40 seconds West 25.14 feet to a point not set (computed point); thence South 43 degrees 51 minutes 40 seconds West 10.01 feet to a point; thence South 43 degrees 51 minutes 40 seconds West 54.85 feet to an existing iron pipe/pin with an angled point; thence South 43 degrees 50 minutes 08 seconds West 89.74 feet to a ¾-inch existing iron pipe/pin with a pinched top that is flush with the ground; thence departing from the existing primary corporate limits line and proceeding North 58 degrees 50 minutes 25 seconds West 189.95 feet along the northeastern boundary line of the Lloyd Hamlet property described in Deed Book 683, Page 138, Randolph County Public Registry to the point and place of BEGINNING, and containing 0.473 of an acre of land, more or less, to be annexed.

The above-listed description is in accordance with a plat of survey entitled "Annexation Survey City of Asheboro(;) Plat Prepared for Gary Logsdon." This plat was drawn under the supervision of Michael R. Stout, Professional Land Surveyor with Registration Number L-3492, from an actual survey made under his supervision. The job number listed on the plat is 11-LOGSDON-01. The said plat of survey is dated December 17, 2011, with revision dates of December 29, 2011, January 4, 2012, and January 17, 2012.

Section 2. Upon and after March 8, 2012, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheboro and shall be entitled to the same privileges and benefits as other parts of the City of Asheboro. Said territory shall be subject to municipal taxes according to Section 160A-58.10 of the North Carolina General Statutes.

Section 3. The Mayor of the City of Asheboro shall cause to be recorded in the office of the Register of Deeds of Randolph County, North Carolina, and in the office of the Secretary of State of North Carolina at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Randolph County Board of Elections, as required by Section 163-288.1 of the North Carolina General Statutes.

Section 4. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be in full force and effect upon and after the 8th day of March, 2012.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on the 8th day of March, 2012.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

Approved as to form:

/s/Jeffrey C. Sugg
Jeffrey C. Sugg, City Attorney

7. Public comment period.

Mayor Smith opened the floor for comments from the public, and none were offered.

There being no comments from the public, Mayor Smith closed the public comment period.

8. Public safety items:

(a) Asheboro Police Department Annual Report.

Mr. Rickey D. Wilson, Chief of Police, presented an overview of the Police Department's activities for 2011. A copy of the report presented by Chief Wilson is on file in the City Clerk's office.

(b) Final consideration of contracting with Randolph County for animal control field services:

(i) Resolution authorizing a contract with Randolph County and applying the Randolph County Animal Control Ordinance within the corporate limits of the City of Asheboro.

Mr. Sugg presented and recommended approval by reference, of a resolution permitting the animal control ordinance adopted by the Randolph County Board of Commissioners to be applicable within the City of Asheboro. Additionally, this resolution authorizes the city manager to sign, on behalf of the city, an agreement between the City of Asheboro and the Randolph County Health Department for the provision, by health department employees, of animal control field services within the city during the final quarter of the 2011-2012 fiscal year. The county animal control ordinance with animal control field services provided by the health department will become effective within the city limits on April 1, 2012.

(ii) Budget ordinance amendment to account for the expenditures associated with the animal control services contract.

Mr. Sugg reported that a budget ordinance amendment to account for the expenditures associated with the animal control contract will be presented for Council's consideration at its regular April meeting.

(iii) Ordinance updating Chapter 91 of the Code of Asheboro to reflect the changes in the city's animal control regulations and operations.

In addition to the resolution authorizing a contract with Randolph County and applying the Randolph County animal control ordinance within the city's corporate limits, Mr. Sugg presented and recommended adoption, by reference, of an ordinance rewriting Chapter 91 of the Code of Asheboro. This ordinance is necessary in order to address certain regulations that are unique within the city's corporate limits and are not addressed in the county's ordinance. City staff will be responsible for enforcing these regulations. These supplemental regulations will be effective as of April 1, 2012.

During discussion, Council Members noted that Section 91.09 of the proposed ordinance should be clarified in order to clearly identify the person who owns, operates, or maintains a stable as the party responsible for providing a bin, pit, or barrel for accumulated manure in a stable that is used for keeping horses, mules, donkeys, cows or goats. With this noted modification, and upon motion by Mr. Baker and seconded by Mr. Moffitt, Council voted unanimously to change the city's regulatory framework for animal control issues by adopting the following resolution and ordinance by reference.

A RESOLUTION PERMITTING THE RANDOLPH COUNTY ANIMAL CONTROL ORDINANCE TO BE APPLICABLE WITHIN THE CITY OF ASHEBORO

WHEREAS, the Randolph County Board of Commissioners has adopted an ordinance entitled "An Ordinance Governing the General Control of Animals in Randolph County" (hereinafter referred to as the "County Animal Control Ordinance"); and

WHEREAS, the Board of Commissioners adopted the County Animal Control Ordinance for the following purpose:

To provide for the orderly, humane treatment of domesticated animals, to control and prevent the spread of rabies and other communicable diseases, to regulate the possession or harboring of exotic reptiles and wild and dangerous animals, to provide for the operation of an animal shelter for such animals, to appoint animal control officers as well as animal cruelty investigators, and to promote the health, safety, and welfare of the citizens of Randolph County; and

WHEREAS, the Asheboro City Council has concluded that the County Animal Control Ordinance is a well reasoned legislative enactment that advances the public health, safety, and welfare; and

WHEREAS, the Asheboro City Council has also concluded that the animal control officers employed by the Randolph County Health Department perform their duties in an efficient and professional manner; and

WHEREAS, in consideration of the payment by the city of the sum of thirteen thousand three hundred fifty-eight and no hundredths dollars (\$13,358.00) for the cost of animal control field operations during the final quarter of the 2011-2012 fiscal year, the Randolph County Health Department will begin providing, within the corporate limits of the City of Asheboro, animal control field services as outlined in the County Animal Control Ordinance during this final quarter of the fiscal year and thereafter as contractually agreed upon by the parties; and

WHEREAS, a draft of the proposed agreement between the Randolph County Health Department and the City of Asheboro for the provision of animal control field services during the final quarter of the 2011-2012 fiscal year is attached to this resolution as EXHIBIT 1 and is hereby incorporated into this resolution by reference as if copied in its entirety herein; and

WHEREAS, Section 153A-122 of the North Carolina General Statutes provides that the governing board of a city may by resolution permit a county ordinance to be applicable within the city;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheboro that the ordinance entitled "An Ordinance Governing the General Control of Animals in Randolph County," which was adopted by the Randolph County Board of Commissioners on January 10, 2000, and as amended, is permitted, effective April 1, 2012, to be applicable within the corporate limits of the City of Asheboro; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign, on behalf of the City of Asheboro, the agreement between the City of Asheboro and the Randolph County Health Department that is attached hereto as EXHIBIT 1.

This resolution was adopted by the Asheboro City Council in open session during a regular meeting that was held on March 8, 2012.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

[Exhibit 1 that is referred to in the above resolution is attached to the original resolution on file in the City Clerk's office.]

AN ORDINANCE REWRITING CHAPTER 91 OF THE CODE OF ASHEBORO

WHEREAS, Chapter 91 of the Code of Asheboro prescribes animal control regulations that are applicable within the city's territorial jurisdiction; and

WHEREAS, the Randolph County Board of Commissioners has adopted an ordinance entitled "An Ordinance Governing the General Control of Animals in Randolph County" (hereinafter referred to as the "County Animal Control Ordinance"); and

WHEREAS, the Board of Commissioners adopted the County Animal Control Ordinance for the following purpose:

To provide for the orderly, humane treatment of domesticated animals, to control and prevent the spread of rabies and other communicable diseases, to regulate the possession or harboring of exotic reptiles and wild and dangerous animals, to provide for the operation of an animal shelter for such animals, to appoint animal control officers as well as animal cruelty investigators, and to promote the health, safety, and welfare of the citizens of Randolph County; and

WHEREAS, the Asheboro City Council has concluded that the County Animal Control Ordinance is a well reasoned legislative enactment that advances the public health, safety, and welfare; and

WHEREAS, the Asheboro City Council has also concluded that the animal control officers employed by the Randolph County Health Department perform their duties in an efficient and professional manner; and

WHEREAS, after developing certain supplemental regulations designed to address animal control issues that are unique to the more densely populated urban areas within the city, the Asheboro City Council has decided, with the cooperation and support of the Randolph County Health Director, to take the necessary steps to make the County Animal Control Ordinance applicable within the corporate limits of the City of Asheboro; and

WHEREAS, one of the necessary steps for updating and improving the city's animal control regulations and operations, specifically including implementation of the supplemental regulations referenced in the immediately preceding paragraph, is to rewrite Chapter 91 (Animals) of the Code of Asheboro;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as follows:

Section 1. Chapter 91 of the Code of Asheboro is hereby rewritten as follows:

~~§ 91.01 STOCK AND FOWL NOT TO RUN AT LARGE.~~

~~(A) It shall be unlawful for any person to allow any hogs, cattle or other stock to run at large.~~

~~(B) It shall be unlawful for any person to allow chickens, turkeys or other domestic fowl to run at large or to go upon the premises of others.~~

~~§ 91.02 KEEPING HOGS, PIGS OR SWINE PROHIBITED.~~

~~The keeping of hogs, pigs or swine in any building, pen, enclosure or other place within the city is hereby declared a nuisance and an injury to adjoining property owners and to the public, and the keeping of hogs, pigs or swine within the city is, for the protection of the public health, prohibited.~~

~~§ 91.03 KEEPING OF POULTRY REGULATED.~~

~~Any person who owns or maintains pens, enclosures, coops, or shelters in which chickens, turkeys, ducks or other fowl are kept shall maintain such pens, enclosures, coops, or shelters in a sanitary condition. Manure accumulating in such pens, enclosures, coops or shelters shall be placed daily in a bin which shall be watertight and so constructed that it is fly-proof, or in a watertight barrel with a tight-fitting lid, and shall be removed from the premises of the owner at least every five days. Effective fly control methods such as the use of approved insecticide shall be practiced during the fly-breeding period from April 15 to November 1 of each year.~~

~~§ 91.04 KEEPING OF HORSES, MULES, COWS AND GOATS REGULATED.~~

~~It shall be unlawful for any person who owns, operates or maintains a stable or enclosure in the city, in which horses, mules, cows or goats are kept, to keep such stable in an unclean or unsanitary condition. There shall be provided a bin or pit which shall be watertight and so arranged that it is fly-proof, or a~~

~~watertight barrel with a close-fitting lid. Manure accumulating in such stable shall be placed in the bin, pit or barrel each day and shall be removed from the premises of the owner at least every five days. Effective fly control methods such as the use of approved insecticide shall be practiced during the fly-breeding period from April 15 to November 1 of each year.~~

~~§ 91.05 LOCATION OF STABLES; TETHERING OF HORSES.~~

~~No person shall locate or maintain upon any lot within the city any cow, horse or mule stable nearer than 150 feet to any residence, dining room or sleeping apartment; nor shall any person tether or permit to graze or stand any cow, horse or mule within 50 feet of any such place.~~

~~§ 91.06 INSPECTIONS.~~

~~Employees of the city and employees of the county health department shall have the right to enter upon the premises of any owner for the purpose of inspection of such premises for the enforcement of §§ 91.01 to 91.05.~~

~~§ 91.07 DISPOSAL OF CARCASSES.~~

~~The bodies of dead sheep, goats, hogs, horses, mules and other animals, or any part of any animal, and all dead fish and dead fowl shall be removed from the city immediately or no later than 24 hours of known death and shall be disposed of by incineration, burial, or transported to a rendering plant. If a carcass is buried, it shall be buried at a depth of not less than three feet below the surface of the ground and shall not be buried within 300 feet of a stream or body of water.~~

~~§ 91.08 ACTS DECLARED PUBLIC NUISANCES.~~

~~The following acts are declared public nuisances. Animals may be impounded by the animal control officer for any of the following acts, subject to the redemption in the manner provided in this chapter:~~

- ~~(A) Any animal which habitually and repeatedly makes noises sufficient to interfere with neighboring residents' reasonable use of their property;~~
- ~~(B) Any animal which is offensive to others due to an odor caused by the animal;~~
- ~~(C) Any animal which repeatedly turns over garbage cans, damages flowers or vegetable gardens, or causes damage to property of others;~~
- ~~(D) A female dog in heat not in a building or secure enclosure in such a manner that she will not be in contact with another dog;~~
- ~~(E) Any dog off the premises of the custodian; or~~
- ~~(F) Any animal which unprovoked, chases or approaches a pedestrian, bicycle rider or vehicle in a menacing fashion or apparent attitude of attack.~~

~~§ 91.09 ANIMALS PROHIBITED AT RANDOLPH ARTS GUILD'S ANNUAL FALL FESTIVAL.~~

- ~~(A) Except as provided by this section, it shall be unlawful for any person to possess any animal(s) within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival. Furthermore, except as provided by this section, it shall be unlawful for any person to actively encourage or facilitate the entry or continued presence of any animal(s) within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival.~~
- ~~(B) The provisions of this section are not applicable to "assistance animals", "law enforcement agency animals", and animals allowed to participate in the Annual Fall Festival Parade.~~
- ~~(C) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~**ANIMAL.** As distinguished from human beings, one of the lower vertebrate animals. By way of illustration and not exclusion, the term includes dogs, cats, birds, reptiles, and fishes.~~

~~**ASSISTANCE ANIMALS.** An animal that is trained and may be used to assist a "handicapped person" as defined in G.S. § 168-1. The term "assistance animal" is not limited to a dog and includes any animal trained to assist a handicapped person as provided in G.S. Ch. 168, Art. 1.~~

~~**LAW ENFORCEMENT AGENCY ANIMALS.** An animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties.~~

~~**PUBLIC AREAS OF THE CITY THAT ARE ACTIVELY UTILIZED FOR THE RANDOLPH ARTS GUILD'S ANNUAL FALL FESTIVAL.** The streets, sidewalks, and public vehicular areas that fall within the perimeter demarcated by the closure, upon order of the city council, of Fayetteville Street from Salisbury Street to Kivett Street; North Street at Salisbury Street; Sunset Avenue at Church Street; Worth Street, Scarboro Street, East Academy Street, and Cranford Street at Cox Street; and West Academy Street at the entrance to the city parking lot.~~

~~(D) The prohibition of animals from public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival is only effective during those times when the Annual Fall Festival is scheduled to be in actual operation.~~

~~(E) The City Manager shall cause notices of the prohibition of animals from public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival to be prominently posted at the location of the street closures listed in division (C)(4) above.~~

~~§ 91.15 DEFINITIONS.~~

~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~**ANIMAL CONTROL OFFICER.** Person or persons properly appointed by the city to enforce all sections of this chapter and applicable state laws and who are responsible for discharging such other duties and functions as may be prescribed by the City Council or set forward by this chapter or any other applicable ordinance or state law.~~

~~**AT LARGE.** Off the premises of the owner and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.~~

~~**DOG.** Both male and female dogs more than four months of age.~~

~~**CUSTODIAN.** The person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal.~~

~~**FIERCE, DANGEROUS, or VICIOUS DOG.**~~

~~(1) Any dog which has been known or should be known by a reasonably prudent person to have the propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or other domestic animals;~~

~~(2) Any dog owned or harbored primarily or in part for the purpose of dog fighting, any dog trained for dog fighting, or any dog trained for fighting other animals.~~

~~**OWNER.** Any person or persons owning, keeping or harboring a dog.~~

~~**POUNDMASTER.** The officer designated by the county to serve in the capacity of pound master, regardless of his official title.~~

~~**CONTROL.** The owner shall have in his/her possession the leash to which the animal is attached.~~

~~§ 91.16 PROHIBITED ACTS.~~

~~(A) *Limitation on number.* It shall be unlawful for any owner to keep more than five dogs within the corporate limits of the city.~~

~~(B) *Vicious dogs.* It shall be unlawful for any owner to keep any vicious dog within the city limits.~~

~~(C) *Running at large.* It shall be unlawful for any owner to allow any dog of his to run at large within the city limits. When walking dogs, they must be under leash or control, and the owner shall not permit such dog to enter on or disturb in any manner the property of others, even though under leash.~~

~~(D) *Female dogs in heat.* It shall be unlawful for the owner of any female dog in heat to keep the same within the city limits during such period, unless the animal is appropriately housed or secured in such a manner that she will not be in contact with another dog.~~

~~(E) *Barking dogs.* It shall be unlawful for any dog owner to keep or have within the city a dog that habitually or repeatedly barks in such manner or to such extent that it is a public nuisance.~~

~~(F) *Dogs which are nuisances.* It shall be unlawful for any owner to keep on his lot or premises any dog that causes unsanitary conditions, or barks, howls, fights or makes such other noises as to disturb the peace and quiet of the neighborhood or general public, and causes a neighborhood or public nuisance. Failure to abate any such nuisance upon warning from the Chief of Police or duly authorized representative shall be a misdemeanor subject to punishment.~~

~~§ 91.17 RESPONSIBILITY OF OWNER.~~

~~Owners of dogs are responsible for the acts of their dogs. The owner of any dog which is a nuisance on the property of another person, or which damages another person's property or person is fully responsible and accountable for these acts.~~

~~§ 91.18 TEASING, MOLESTING, ETC.~~

~~It shall be unlawful for any person to tease, molest, bait or in any way bother any dog not belonging to him or legally under his control.~~

~~§ 91.19 MAINTENANCE OF LOTS, PENS, ETC.~~

~~Every person who owns or maintains any pen, lot, shelter, electronic fence device or other place where dogs are kept shall maintain such place in a clean, sanitary condition, and in good working order, which include the drifting of odors beyond the boundaries of his own property; and such owner shall provide shelter from the inclement weather for the animals.~~

~~§ 91.20 IMPOUNDMENT.~~

~~It shall be the duty of every police officer or the Animal Control Officer to apprehend any dog found running at large and to impound such dog in the city pound or other suitable place. The pound master or some other designated official, upon receiving any dog, shall make a complete registry entering the breed, color and sex of such dog.~~

~~§ 91.21 REDEMPTION OF IMPOUNDED DOGS.~~

~~The owner of any dog impounded pursuant to this subchapter may reclaim such dog by proceeding as follows:~~

~~(A) The owner shall apply to the Police Department for a redemption certificate and pay to the Police Department a redemption fee of \$25.~~

~~(B) The owner shall then present the redemption certificate to the pound master and pay to the pound master any fees required by the animal shelter.~~

~~§ 91.22 DISPOSITION OF UNCLAIMED AND INFECTED DOGS.~~

~~(A) It shall be the duty of the pound master to keep all dogs impounded under the provisions of this subchapter, for a period of 72 hours from the time of impounding. If, at expiration of 72 hours, any such dog shall not have been redeemed, it may be destroyed. Any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released but may be forthwith destroyed.~~

~~(B) Whenever any hospital or reputable institution of learning shall apply to the City Manager for permission to use for research purposes in the study of prevention of disease or the betterment of mankind, any impounded dog remaining unclaimed, the City Manager shall direct the pound master to surrender to the institution or hospital such unclaimed dogs as it has requested, and they shall be so surrendered.~~

~~(C) Unclaimed dogs may be turned over by the pound master to any reputable citizen upon application and payment of all charges due on the dog.~~

~~§ 91.23 CONFINEMENT OF CERTAIN DOGS.~~

~~No dog of fierce, dangerous or vicious propensities and no female dog in heat, shall be allowed to run at large or upon the premises of one other than the owner. If any such dog is found running at large in violation of this section, it shall be taken up and impounded and shall not to be released except upon approval of a veterinarian after payment of the fees. If any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, such dog may be destroyed by any police officer or other person authorized by the City Manager.~~

~~§ 91.24 VACCINATIONS AGAINST RABIES.~~

~~It shall be unlawful for the owner of any dog or cat to keep, maintain or harbor such animal unless it shall have been vaccinated by a licensed veterinarian with anti-rabies vaccination as required by state law.~~

~~§ 91.25 KEEPING STRAYS; NOTIFICATION OF POLICE.~~

~~It shall be unlawful for any person in the city knowingly and intentionally to harbor, feed, keep in possession by confinement or otherwise any dog that does not belong to him unless he has within 48 hours from the time such dog came into his possession notified the Police Department. Upon receiving such notice, the City Animal Control Officer may take such dog and place it in the shelter.~~

~~§ 91.26 RABIES CONTROL GENERALLY.~~

~~Every dog that bites a human being shall be delivered within eight hours by the owner to a licensed veterinary hospital, where it shall be confined for observation for not less than ten days at the owner's expense. If the owner cannot be located, the dog shall be delivered to the County Animal Shelter. Wounds inflicted by dogs on human beings shall be reported immediately to the Health Department by the person who has been bitten by the dog, or in the cases of a child, by his or her parent or guardian, as specified in G.S. § 130A-198.~~

~~§ 91.27 ELECTRONIC FENCING.~~

~~No electronic fence device shall be used for a dog(s) of fierce, dangerous or vicious propensities.~~

~~§ 91.28 NOTIFICATION OF DOG OWNER.~~

~~(A) It shall be the responsibility of the owner of the dog(s) to contact the Randolph County Animal Shelter to determine if their dog(s) has been picked up and is now housed at the animal shelter.~~

~~(B) The Asheboro Animal Control Officer will attempt to notify by telephone the owner of any dog picked up which has a collar on same with the owner's telephone number engraved, etc.~~

~~§ 91.29 NOTIFICATION OF DOG OWNER; KEEPING OF RECORDS.~~

~~It shall be the duty of the Animal Control Officer to file an incident report for each complaint reported.~~

~~§ 91.30 INTERFERENCE, ETC. WITH ANIMAL CONTROL OFFICER.~~

~~It shall be unlawful for any person to interfere with, hinder or molest the City Animal Control Officer in the performance of any duty authorized by this subchapter, or to seek to release any animal in the custody of such officer.~~

~~§ 91.31 OFFICIAL RESPONSIBLE FOR POTENTIALLY DANGEROUS DOG DETERMINATIONS AND APPEALS.~~

~~Pursuant to G.S. § 67-4.1(c) and in order to fully enable the Randolph County Health Director to utilize within the corporate limits of the city the provisions pertaining to dangerous dogs that are prescribed by G.S. Chapter 67, Article 1A of, the Randolph County Health Director is hereby designated as the person responsible for determining when a dog is a "potentially dangerous dog" under G.S. § 67-4.1. Any appeal from a determination by the Randolph County Health Director that a dog is a "potentially dangerous dog" shall be made in accordance with G.S. § 67-4.1 the Dangerous Dog Appeal Board established by the Randolph County Animal Control Ordinance.~~

~~§ 91.35 SANCTUARY CREATED; AREA.~~

~~The area embraced within the corporate limits of the city and all lands owned or leased by the city outside the corporate limits is hereby designated as a bird sanctuary.~~

~~§ 91.36 PROHIBITED ACTIVITIES; EXCEPTIONS.~~

~~(A) Within the bird sanctuary established by § 91.35, it shall be unlawful for any person to hunt, kill, trap, or otherwise take any native wild birds.~~

~~(B) Notwithstanding division (A) above, the protection afforded to native wild birds within the established sanctuary does not extend to the following situations:~~

- ~~(1) No bird classed as a pest under G.S. Ch. 113, Art. 22A and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971 is protected.~~
- ~~(2) A person may hunt, kill, trap, or otherwise take any bird pursuant to a permit issued by the North Carolina Wildlife Resources Commission under G.S. § 113-274(c)(1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds within the city limits.~~
- ~~(3) The use of a firearm for hunting ducks and dark geese (includes Canada geese and white-fronted geese) is permitted at Lake Reese when such hunting is undertaken in compliance with §§ 91.37 and 91.45.~~

~~§ 91.37 USE OF FIREARMS AT LAKE REESE.~~

~~(A) In its discretion, the City Council may approve the date(s) and time(s) each year when the hunting of ducks and dark geese (include Canada geese and white-fronted geese) is allowed upon the waters of Lake Reese.~~

~~(B) During the date(s) and time(s) of the hunting season authorized by the City Council in accordance with division (A) above, the use of a gun for the limited purpose of hunting ducks and dark geese (including Canada geese and white-fronted geese) upon the waters of Lake Reese is permitted. Any guns and ammunition used for such hunting shall comply with all applicable state and federal regulations.~~

~~§ 91.38 SIGNS MAY BE ERECTED BY BIRD CLUBS.~~

~~Bird clubs in the city are hereby granted permission to erect artistic signs, giving notice of the regulations provided in this subchapter, at such places and of such design as may be approved by the Director of Public Works.~~

~~§ 91.45 HUNTING PROHIBITED ON CITY PROPERTY BEYOND CITY LIMITS.~~

~~(A) No person shall hunt, trap or snare, with or without firearms, any wild animals or birds, on any property owned by the city which is located outside the city limits.~~

~~(B) Exceptions. Duck and dark geese (including Canada geese and white-fronted geese) hunting will be permitted upon the waters of Lake Reese only during the date(s) and time(s) established by the City Council prior to the season opening each year. Additionally, city employees and/or contractors may hunt, trap, or snare wild animals or birds in compliance with the adopted rules and regulations of the North Carolina Wildlife Resources Commission when such action is deemed necessary by the City Manager in order to ensure the safe and efficient operation of city-owned infrastructure.~~

~~§ 91.55 DEFINITIONS.~~

~~For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~**ANIMAL CONTROL OFFICER.** A city or county employee whose responsibility includes animal control.~~

~~**CAT.** A domestic feline of the genus and species *Felis catus*.~~

~~**CERTIFIED RABIES VACCINATOR.** A person appointed and certified to administer rabies vaccine to animals in accordance with this subchapter.~~

~~**DOG.** A domestic canine of the genus, species, and subspecies *Canis lupus familiaris*.~~

~~**FERAL.** An animal that is not socialized.~~

~~**FERRET.** A domestic mammal of the genus, species, and subspecies *Mustela putorius furo*.~~

~~**RABIES VACCINE.** An animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in this state by the State Commission for Health Services.~~

~~**STATE PUBLIC HEALTH VETERINARIAN.** A person appointed by the secretary to direct the state public health veterinary program.~~

~~**VACCINATION.** The administration of rabies vaccine by a person authorized to administer it under G.S. § 130A-185.~~

~~§ 91.56 VACCINATION REQUIRED.~~

~~(A) *Vaccination required.* The owner of an animal listed in this subsection over four months of age shall have the animal vaccinated against rabies:~~

- ~~(1) Cat.~~
- ~~(2) Dog.~~
- ~~(3) Ferret.~~

~~(B) *Vaccination.* Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by the Commission shall be used on animals in this state. A rabies vaccine may only be administered by one or more of the following:~~

- ~~(1) A licensed veterinarian.~~
- ~~(2) A registered veterinary technician under the direct supervision of a licensed veterinarian.~~
- ~~(3) A certified rabies vaccinator.~~

~~§ 91.57 RABIES VACCINATION CERTIFICATES AND TAGS.~~

~~(A) A person who administers a rabies vaccine shall complete a rabies vaccination certificate. The Commission shall adopt rules specifying the information that must be included on the certificate. An original rabies vaccination certificate shall be given to the owner of the animal that receives the rabies vaccine. A copy of the rabies vaccination certificate shall be retained by the licensed veterinarian or the certified rabies vaccinator. A copy shall also be given to the county agency responsible for animal control.~~

~~(B) — A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a dog or cat shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "rabies vaccine." Dogs and cats shall wear rabies vaccination tags at all times. However, cats may be exempted from wearing the tags by the city, if the city so decides by ordinance.~~

~~§ 91.58 ANIMALS NOT WEARING REQUIRED RABIES VACCINATION TAGS.~~

~~The Animal Control Officer shall canvass the city to determine if there are any animals not wearing the required rabies vaccination tag. If an animal required to wear a tag is found not wearing one, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the city, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within this state registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association. The Animal Control Officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released.~~

~~§ 91.59 VACCINATION AND CONFINEMENT OF ANIMALS BROUGHT INTO THIS CITY.~~

~~(A) — *Vaccination required.* An animal brought into this city that is required to be vaccinated under this subchapter shall immediately be securely confined and shall be vaccinated against rabies within one week after entry. The animal shall remain confined for two weeks after vaccination.~~

~~(B) — *Exceptions.* The provisions of division (A) shall not apply to:~~

- ~~(1) An animal brought into this city for exhibition purposes if the animal is confined and not permitted to run at large.~~
- ~~(2) An animal brought into this city accompanied by a certificate issued by a licensed veterinarian showing that the animal is apparently free from and has not been exposed to rabies and that the animal is currently vaccinated against rabies.~~

~~§ 91.60 QUARANTINE OF AREAS INFECTED WITH RABIES; DESTROYING STRAYS.~~

~~(A) — An area may be declared under quarantine against rabies by the city when the disease exists to the extent that the lives of persons are endangered. When quarantine is declared, each animal in the area that is required to be vaccinated under this subchapter shall be confined on the premises of the owner or in a veterinary hospital unless the animal is on a leash or under the control and in the sight of a responsible adult.~~

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

~~§ 91.61 NOTICE AND CONFINEMENT OF ANIMALS.~~

~~(A) — *Notice.* When a person has been bitten by an animal required to be vaccinated under this subchapter, the person or parent, guardian or person standing in loco parentis of the person, and the person owning the animal or in control or possession of the animal shall notify the County Health Director immediately and give the name and address of the person bitten and the owner of the animal. If the animal that bites a person is a stray or feral animal, the local agency responsible for animal control shall make a reasonable attempt to locate the owner of the animal. If the owner cannot be identified within 72 hours of the event, the local health director may authorize the animal to be euthanized, and the head of the animal shall be immediately sent to the State Laboratory of Public Health for rabies diagnosis. If the event occurs on a weekend or state holiday the time period for owner identification shall be extended 24 hours. A physician who attends a person bitten by an animal known to be a potential carrier of rabies shall report the incident within 24 hours to the local health director. The report must include the name, age and sex of the person.~~

~~(B) — *Confinement.* When an animal required to be vaccinated under this subchapter bites a person, the animal shall be immediately confined for ten days in a place designated by the County Health Director. The County Health Director may authorize a dog trained and used by the city Police Department to be released from confinement to perform official duties upon submission of proof that the dog has been vaccinated for rabies in compliance with this subchapter. After reviewing the circumstances of the~~

particular case, the County Health Director may allow the owner to confine the animal on the owner's property. An owner who fails to confine an animal in accordance with the instructions of the County Health Director shall be prosecuted by the state under G.S. § 130A-196. If the owner or the person who controls or possesses the animal that has bitten a person refuses to confine the animal as required by this section, the County Health Director may order seizure of the animal and its confinement for ten days at the expense of the owner.

~~§ 91.62 INFECTED ANIMALS TO BE DESTROYED; PROTECTION OF VACCINATED ANIMALS.~~

~~When the local Health Director reasonably suspects that an animal required to be vaccinated under this subchapter has been exposed to the saliva or nervous tissue of a proven rabid animal or animal suspected of having rabies that is not available for laboratory diagnosis, the animal shall be considered to have been exposed to rabies. An animal exposed to rabies shall be destroyed immediately by its owner, the County Animal Control Officer or a peace officer unless the animal has been vaccinated against rabies in accordance with G.S. §§ 130A-184 et seq. (Part 6 of Article 6 of Chapter 130A), and the rules of the State's Commission for Health Services more than 28 days prior to being exposed, and is given a booster dose of rabies vaccine within five days of the exposure. As an alternative to destruction, the animal may be quarantined at a facility approved by the County Health Director for a period up to six months, and under reasonable conditions imposed by the County Health Director.~~

~~§ 91.63 CONFINEMENT.~~

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

~~§ 91.64 RABID ANIMALS TO BE DESTROYED; HEADS TO BE SENT TO STATE LABORATORY OF PUBLIC HEALTH.~~

~~An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its head sent to the State Laboratory of Public Health. The heads of all animals that die during a confinement period required by this subchapter, shall be immediately sent to the State Laboratory of Public Health for rabies diagnosis.~~

~~§ 91.99 PENALTY.~~

- ~~(A) Whoever violates any provision of this chapter, for which no penalty is otherwise specifically provided, shall be subject to the penalty set forth in § 10.99.~~
- ~~(B) The issuance of a citation for a violation of § 91.08 may be directed toward and against the custodian of a dog. The purpose of the issuance of a citation pursuant to this section is to effect the conduct of the custodian of the dog by seeking to have a custodian responsibly maintain a sufficient restraint and confinement of a dog. A custodian of a dog shall be subject to escalating penalties for each violation of § 91.08 by the custodian whether the dog is the same dog, a different dog, or various dogs belonging to the custodian. Each violation of § 91.08 shall subject the custodian to an increased citation penalty:~~

(1) Offense	Penalty
1st	Written Warning
2nd	\$35 fine
3rd	\$50 fine
4th	\$100 fine
5th	\$150 fine

- ~~(2) The animal control officer will issue a citation setting forth the offense and penalty to the custodian for the violation. Citations may be delivered in person or sent by registered mail to the custodian, if that person can not readily be found. The citation issued shall impose upon the custodian a civil penalty corresponding to the escalating penalty stated in subdivision (1) above. The violator may pay the citation at the Records Division of the Asheboro Police Department, Monday - Friday, 8:30 a.m. until 5:00 p.m. The payment of the citation is due within 15 days of receipt in full satisfaction of the assessed civil penalty.~~

- ~~(2) It shall be unlawful for a custodian to fail to appear in response to the citation or to pay the penalty set forth in the citation within 15 days after receipt. In the event that the custodian does not appear in response to the described citation or the civil penalty is not paid within the period prescribed, a criminal summons may be issued against the custodian for violation of the section and upon conviction, the custodian shall be punished as provided by state law.~~

§ 91.01 Definitions

Unless otherwise specifically provided or unless otherwise clearly required by the context, the following words and phrases shall have the meaning indicated when used in this Chapter:

- (1) Code Enforcement Officer. Any person or persons designated by the city manager of the City of Asheboro to perform the responsibilities assigned by this chapter to the "Code Enforcement Officer."
- (2) County Animal Control Ordinance. The ordinance entitled "An Ordinance Governing the General Control of Animals in Randolph County," as adopted by the Randolph County Board of Commissioners on January 10, 2000, and as amended on June 5, 2000, September 5, 2000, March 11, 2002, July 7, 2003, August 4, 2003, October 4, 2004, January 7, 2008, July 7, 2008, July 11, 2011, and including any future amendments thereto by the Randolph County Board of Commissioners.

§ 91.02 Adoption of Animal Control Ordinance

Pursuant to Section 153A-122 of the North Carolina General Statutes and Asheboro City Council Resolution Number ____ RES ____, the County Animal Control Ordinance, as defined in Section 91.01 of this Code, is applicable within the corporate limits of the City of Asheboro. A copy of the County Animal Control Ordinance shall be kept on file in the Office of the City Clerk.

§ 91.03 Administration of Animal Control Regulations

- (A) Delegation to County. The Asheboro City Council hereby expressly authorizes the Randolph County Health Director and animal control officers working under the direction of the Randolph County Health Director to enforce the County Animal Control Ordinance within the corporate limits of the city.
- (B) Enforcement by City Employees. The supplemental animal control laws prescribed by this Chapter that are more specific to the City of Asheboro than the provisions of the County Animal Control Ordinance defined in Section 91.01 of this Code may be enforced by any employee of the City of Asheboro that has been designated as a Code Enforcement Officer by the city manager.
- (C) Asheboro Police Department. The Asheboro Police Department shall provide support to county animal control officers and to Code Enforcement Officer(s) when enforcement actions are needed.

§ 91.04 Integration with Animal Control Ordinance

All definitions and provisions of the County Animal Control Ordinance shall apply in the city except where provisions of this Chapter are inconsistent with the provisions of the County Animal Control Ordinance, the provisions of this Chapter are more specific, and the provisions of this Chapter prescribe regulatory action that is to be taken by city employees.

§ 91.05 Maximum Number of Dogs on Premises

- (A) It shall be unlawful for any person to keep or maintain more than two (2) dogs per household on any lot or parcel of land having less than thirty thousand (30,000) square feet, and an additional seven thousand (7,000) square feet shall be required for each additional dog. A total of no more than five (5) dogs per household shall be allowed on any lot or parcel of land within the city limits regardless of square footage.
- (B) The limitation prescribed by this Section on the number of dogs per household on a single lot or parcel of land shall not apply to dogs that are less than six (6) months of age.
- (C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional dogs that would increase or perpetuate the noncompliance of a household with this Section may be kept or maintained in a household, any dog lawfully kept or maintained as part of a household prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the dog's life.

§ 91.06 Maximum Number of Cats on Premises

- (A) It shall be unlawful for any person to keep or maintain more than two (2) cats per household on any lot or parcel of land having less than thirty thousand (30,000) square feet, and an additional seven thousand (7,000) square feet shall be required for each additional cat. A total of no more than five (5) cats per household shall be allowed on any lot or parcel of land within the city limits regardless of square footage.
- (B) The limitation prescribed by this Section on the number of cats per household on a single lot or parcel of land shall not apply to cats that are less than six (6) months of age.
- (C) Notwithstanding the preceding provisions, and subject to the limitation that, on or after April 1, 2012, no new or additional cats that would increase or perpetuate the noncompliance of a household with this Section may be kept or maintained in a household, any cat lawfully kept or maintained as part of a household prior to April 1, 2012 may continue to be kept or maintained as part of the same household for the remainder of the cat's life.

§ 91.07 Keeping Swine

- (A) Except as provided in Subsection (B) of this Section, it shall be unlawful for any person to keep any hogs, pigs, or swine within the city limits.
- (B) A person may have or keep no more than two (2) miniature or potbellied pigs per household within the corporate limits of the city if the following conditions are satisfied:
 - (1) The miniature or potbellied pig(s) must be provided with adequate shelter to protect it from the elements.
 - (2) Any and all miniature or potbellied pigs kept or maintained in the City of Asheboro must be spayed or neutered.
 - (3) The owner of the miniature or potbellied pig(s) shall provide the pig(s) with access to food and clean water. Active measures shall be taken to limit the availability of this food and water to rodents, wild birds, and predators.
 - (4) If an outdoor pen or enclosure is utilized, the dimensions of such a pen or enclosure must be no less than ten feet by twelve feet (10' X 12') for one (1) pig or no less than sixteen feet by sixteen feet (16' X 16') for two (2) pigs.
 - (5) No outdoor pen or enclosure, including without limitation fencing, used for sheltering or confining a miniature or potbellied pig is permitted within thirty feet (30') of any property line or public street right-of-way line, and no such outdoor pen or enclosure may be located within one hundred feet (100') of a hospital, school, eating establishment, or dwelling other than the dwelling of the owner of the miniature or potbellied pig. These separation requirements are in addition to and not in lieu of the land use regulations prescribed by the Asheboro Zoning Ordinance. No provision in this Chapter shall be construed or interpreted in any manner that preempts or impacts the application of the land use regulations found in the Asheboro Zoning Ordinance.
 - (6) A pen or enclosure used for sheltering or confining a miniature or potbellied pig shall be kept clean, sanitary, and free from accumulations of animal excrement that cause an objectionable odor. Such a pen or enclosure shall be cleaned at least twice each week. All waste material removed from a pen or enclosure used to shelter the miniature or potbellied pig shall be disposed of in a manner that is lawful, does not attract flies, and prevents any detectable odor at the property or street right-of-way line.
 - (7) All food kept for feeding the miniature or potbellied pig(s) shall be kept and stored in rat-free and rat proof containers, compartments, or rooms unless kept in a rat proof building.

§ 91.08 Keeping of Fowl

- (A) Up to two (2) chicken hens or other fowl may be kept by a household within the corporate limits of the City of Asheboro so long as the fowl do not, by reason of noise, odor, or attraction of flies, become a nuisance or health hazard.
- (B) Between three (3) and eight (8) chicken hens or other fowl may be kept on any single lot or parcel in the city if the following conditions are satisfied:
 - (1) The fowl shall not be permitted to run at large and must be maintained in a coop or enclosure of suitable construction and size for the number of fowl maintained in the enclosure.
 - (2) The fowl must be provided with adequate shelter for protection from the elements.
 - (3) The owner of the fowl shall provide the animal with access to food and clean water. Active measures shall be taken to limit the availability of this food and water to rodents, wild birds, and predators.
 - (4) No outdoor coop or enclosure used for keeping fowl is permitted within thirty feet (30') of any property line or public street right-of-way line, and no such outdoor coop or enclosure may be located within one hundred feet (100') of a hospital, school, eating establishment, or dwelling other than the dwelling of the owner of the fowl. These separation requirements are in addition to and not in lieu of the land use regulations prescribed by the Asheboro Zoning Ordinance. No provision in this Chapter shall be construed or interpreted in any manner that preempts or impacts the application of the land use regulations found in the Asheboro Zoning Ordinance.
 - (5) A coop or enclosure used for keeping fowl shall be kept clean, sanitary, and free from accumulations of animal excrement that cause an objectionable odor. Such a pen or enclosure shall be cleaned at least twice each week. All waste material removed from a pen or enclosure used for keeping fowl shall be disposed of in a manner that is lawful, does not attract flies, and prevents any detectable odor at the property or street right-of-way line.
 - (6) All food kept for feeding the fowl shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-proof building.
- (C) Due to the excessive noise created by the following animals, the keeping of roosters and geese is prohibited within the corporate limits of the City of Asheboro.

§ 91.09 Keeping of Horses, Mules, Donkeys, Cows, and Goats Regulated

It shall be unlawful for any person who owns, operates, or maintains a stable or enclosure in the city, in which horses, mules, donkeys, cows, or goats are kept, to keep such stable in an unclean or unsanitary condition. The person who owns, operates, or maintains such a stable or enclosure shall be responsible for providing for use within the stable or enclosure a bin or pit, which shall be watertight and so arranged that it is fly-proof, or, alternatively, shall provide a watertight barrel with a close-fitting lid. Manure accumulating in such stable shall be placed in the bin, pit, or barrel each day and shall be removed from the premises of the owner at least every five days. Effective fly control methods such as the use of approved insecticide shall be practiced during the fly-breeding period from April 15 to November 1 of each year. All food kept for feeding the livestock shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-proof building.

§91.10 Location of Stables; Tethering of Horses, Mules, Donkeys, Cows, or Goats

No person shall locate or maintain upon any lot within the city any horse, mule, donkey, cow, or goat stable nearer than one hundred fifty feet (150') to any hospital, school, eating establishment, or dwelling; nor shall any person tether or permit to graze or stand any horse, mule, donkey, cow, or goat within fifty feet (50') of any such place.

§ 91.11 Disposal of Carcasses

The bodies of dead sheep, goats, hogs, horses, mules, donkeys, and other animals, or any part of any animal, and all dead fish and dead fowl shall be removed from the city immediately or no later than 24 hours of known death and shall be disposed of by incineration, burial, or transportation to a rendering plant. If a carcass is buried, it shall be buried at a depth of not less than three feet (3') below the surface of the ground and shall not be buried within three hundred feet (300') feet of a stream or body of water.

§ 91.12 Responsibility for Animals on Public Rights-of-Way and Property

It shall be unlawful for the owner or custodian of any animal to fail to remove feces deposited by the animal on any public street, sidewalk, gutter, park, or other publicly owned property.

§ 91.13 Bird Sanctuary Created

The area embraced within the corporate limits of the city and all lands owned or leased by the city outside the corporate limits is hereby designated as a bird sanctuary.

§ 91.14 Prohibited Activities; Exceptions

- (A) Within the bird sanctuary established by Section 91.12 of the Code of Asheboro, it shall be unlawful for any person to hunt, kill, trap, or otherwise take any native wild birds.
- (B) Notwithstanding subsection (A), the protection afforded to native wild birds within the established sanctuary does not extend to the following situations:
 - (1) No bird classed as a pest under Article 22A of Chapter 113 of the General Statutes and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971 is protected.
 - (2) A person may hunt, kill, trap, or otherwise take any bird pursuant to a permit issued by the North Carolina Wildlife Resources Commission under G.S. 113-274(c)(1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds within the city limits.
 - (3) The use of a firearm for hunting ducks and dark geese (includes Canada geese and white-fronted geese) is permitted at Lake Reese when such hunting is undertaken in compliance with Section 91.14 and Section 91.15 of the Code of Asheboro.

§ 91.15 Use of Firearms at Lake Reese

- (A) In its discretion, the City Council may approve the date(s) and time(s) each year when the hunting of ducks and dark geese (including Canada geese and white-fronted geese) is allowed upon the waters of Lake Reese.
- (B) During the date(s) and time(s) of the hunting season authorized by the City Council in accordance with subsection (A), the use of a gun for the limited purpose of hunting ducks and dark geese (including Canada geese and white-fronted geese) upon the waters of Lake Reese is permitted. Any guns and ammunition used for such hunting shall comply with all applicable state and federal regulations.

§ 91.16 Hunting Prohibited on Property beyond City Limits

- (A) No person shall hunt, trap or snare, with or without firearms, any wild animals or birds, on any property owned by the city which is located outside the city limits.

- (B) Exceptions. Duck and dark geese (including Canada geese and white-fronted geese) hunting will be permitted upon the waters of Lake Reese only during the date(s) and time(s) established by the City Council prior to the season opening each year. Additionally, city employees and/or contractors may hunt, trap, or snare wild animals or birds in compliance with the adopted rules and regulations of the North Carolina Wildlife Resources Commission when such action is deemed necessary by the City Manager in order to ensure the safe and efficient operation of city-owned infrastructure.

§ 91.17 Signs Erected by Bird Clubs

Bird clubs in the city are hereby granted permission to erect artistic signs, giving notice of the regulations provided in this Chapter, at such places and of such design as may be approved by the Public Works Director.

§ 91.18 Animals Prohibited at Randolph Arts Guild's Annual Fall Festival

- (A) Except as provided by this Section, it shall be unlawful for any person to possess any animal(s) within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival. Furthermore, except as provided by this Section, it shall be unlawful for any person to actively encourage or facilitate the entry or continued presence of any animal(s) within the public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival.
- (B) The provisions of this Section are not applicable to "assistance animals," "law enforcement agency animals," and animals allowed to participate in the Annual Fall Festival Parade.
- (C) For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:
- (1) Animal. As distinguished from human beings, one of the lower vertebrate animals. By way of illustration and not exclusion, the term includes dogs, cats, birds, reptiles, and fishes.
 - (2) Assistance Animals. An animal that is trained and may be used to assist a "handicapped person" as defined in G.S. § 168-1. The term "assistance animal" is not limited to a dog and includes any animal trained to assist a handicapped person as provided in G.S. Ch. 168, Art. 1.
 - (3) Law Enforcement Agency Animals. An animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties.
 - (4) Public Areas of the City that Are Actively Utilized for the Randolph Arts Guild's Annual Fall Festival. The streets, sidewalks, and public vehicular areas that fall within the perimeter demarcated by the closure, upon order of the city council, of Fayetteville Street from Salisbury Street to Kivett Street; North Street at Salisbury Street; Sunset Avenue at Church Street; Worth Street, Scarboro Street, East Academy Street, and Cranford Street at Cox Street; and West Academy Street at the entrance to the city parking lot.
- (D) The prohibition of animals from public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival is only in effect during those times when the Annual Fall Festival is scheduled to be in actual operation.
- (E) The City Manager shall cause notices of the prohibition of animals from public areas of the city that are actively utilized for the Randolph Arts Guild's Annual Fall Festival to be prominently posted at the location of the street closures listed in division (C)(4) above.

§ 91.19 REMEDIES AND PENALTIES

- (A) Any person who violates the provisions of this Chapter is guilty of a misdemeanor as provided by Section 14-4 of the North Carolina General Statutes and shall be fined not more than five hundred dollars (\$500.00). Each day's violation of this Chapter is a separate offense.
- (B) Enforcement of the provisions found in this Chapter may include any appropriate equitable remedy, injunction, or order of abatement issuing from a court of competent jurisdiction.
- (C) In addition to or in lieu of any criminal penalties and other sanctions provided in this Chapter, a violation of the provisions found in this Chapter may also subject the offender to the civil penalties hereinafter set forth:
- (1) The Code Enforcement Officer may issue to the owner or possessor of any animal, or any other alleged violator of this Chapter, a written warning or a civil penalty citation giving notice of the alleged violation(s). Written warnings or civil penalty citations may be served on the person charged with a violation by means of personal delivery by the Code Enforcement Officer, mailed by certified or registered mail to the last known address of the person charged, or delivered by a designated delivery service to the person charged. The first civil penalty citation issued to a violator during a rolling 12-month period shall result in the imposition of a civil penalty in the amount of fifty dollars (\$50.00) for each violation of this Chapter. The second citation issued to an offender for an uncorrected violation or for a second violation of this Chapter within a rolling 12-month period shall result in the imposition of a civil penalty in the amount of one hundred dollars (\$100.00) for each violation of this

- Chapter. The third citation for an uncorrected violation or the issuance of citation for the third time, or more, within a rolling 12-month period shall result in the imposition of a civil penalty in the amount of one hundred fifty dollars (\$150.00) for each violation of this Chapter.
- (2) Each day that any violation exists after the violator receives a written warning or civil penalty citation identifying the unlawful conduct shall be considered a separate offense for purposes of this Section.
 - (3) Assessed civil penalties shall be paid by the violator or his/her designee in good funds to the City of Asheboro Finance Department within fourteen (14) business days of the receipt of the civil penalty citation that gives notice of the fact that the stated civil penalty is due and payable.
 - (4) In the event the owner or possessor of an animal, or other violator of this Chapter, does not pay the assessed civil penalty within the prescribed time period, a civil action in the nature of a debt may be commenced by the City of Asheboro to recover the assessed civil penalty and costs associated with the collection effort.
 - (5) The issuance of a written warning or civil penalty citation by the Code Enforcement Officer may be appealed to the city manager or his/her designee in accordance with the provisions of this Section. An appeal is taken by filing a written notice of appeal with the Code Enforcement Officer. The notice of appeal shall identify the written warning or civil penalty citation from which an appeal is taken and shall also state the basis for the appeal. This notice of appeal must be filed within ten (10) business days of the date upon which the written warning or civil penalty citation was served on the violator. Until a final decision is issued by the city manager or his/her designee, a properly filed appeal stays all efforts to collect an assessed civil penalty and/or stays any further enforcement actions conducted under the authority of this Chapter by the Code Enforcement Officer. The city manager or his/her designee shall hear the appeal at the earliest practicable date. Due notice of the date and time of the appeal hearing shall be given to the individual who received the written warning or civil penalty citation and to any individual who has filed a complaint with the Code Enforcement Officer about the condition that formed the basis for the issuance of a written warning or civil penalty citation. After conducting the hearing and considering the available information, the city manager or his/her designee may reverse or affirm, in whole or in part, the Code Enforcement Officer's issuance of a written warning or civil penalty citation. The city manager or his/her designee may also modify the enforcement action(s) taken by the Code Enforcement Officer and, to this end, the city manager or his/her designee shall have all of the powers conferred by this Chapter on the Code Enforcement Officer. The city manager or his/her designee's decision is final, and there shall be no appeal from the decision of the city manager or his/her designee to the City Council.
- (D) This Chapter may be enforced by any one, all, or a combination of the remedies authorized and prescribed herein.

§ 91.20 Exceptions to Supplemental Animal Control Regulations

Veterinary clinics and retail pet stores are not subject to the supplemental animal control regulations prescribed in Sections 91.05 through 91.09 of this Chapter. The inapplicability of the supplemental regulations found in this Chapter to these businesses does not impair or impact to any degree the applicability to these businesses of any other federal, state, or local law, ordinance, or regulation, including by way of illustration and not limitation the County Animal Control Ordinance and the Asheboro Zoning Ordinance.

Section 2. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after April 1, 2012.

Section 4. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this ordinance shall be abated or otherwise affected by the adoption of this ordinance.

This ordinance was adopted by the Asheboro City Council in open session during a regular meeting held on March 8, 2012.

/s/David H. Smith
David H. Smith, Mayor

ATTEST:

/s/Holly H. Doerr
Holly H. Doerr, CMC, City Clerk

EXHIBIT 1

<u>Manufacturer</u>	<u>Model</u>	<u>Serial No.</u>
1. Glock	23	PDT822
2. Glock	23	HKY535
3. Glock	23	HKY521
4. Glock	23	HKY527
5. Glock	23	HKY519
6. Glock	23	HKY498
7. Glock	23	HKY528
8. Glock	23	DUB951
9. Glock	23	HKY504
10. Glock	23	HKY532
11. Glock	23	PDT818
12. Glock	23	HKY503
13. Glock	23	PDT820
14. Glock	23	PDT823
15. Glock	23	DUB946
16. Glock	23	HKY502
17. Glock	23	HKY526
18. Glock	23	HKY543
19. Glock	23	DUB942
20. Glock	23	HKY515
21. Glock	23	HKY534
22. Glock	23	HKY524
23. Glock	23	HKY510
24. Glock	23	DUB940
25. Glock	23	DUB947
26. Glock	23	HKY501
27. Glock	23	HKY496
28. Glock	23	DUB950
29. Glock	23	DUB945
30. Glock	23	DUB938
31. Glock	23	HKY512
32. Glock	23	DUB948
33. Glock	23	HKY541
34. Glock	23	HKY500
35. Glock	23	HKY508

36.	Glock	23	HKY525
37.	Glock	23	HKY531
38.	Glock	23	HKY507
39.	Glock	23	HKY506
40.	Glock	23	DUB941
41.	Glock	23	HKY542
42.	Glock	23	HKY536
43.	Glock	23	HKY494
44.	Glock	23	DUB953
45.	Glock	23	HKY514
46.	Glock	23	HKY518
47.	Glock	23	HKY505
48.	Glock	23	HKY537
49.	Glock	23	HKY517
50.	Glock	23	HKY540
51.	Glock	23	HKY522
52.	Glock	23	HKY499
53.	Glock	23	HKY544
54.	Glock	23	HKY547
55.	Glock	23	HKY545
56.	Glock	23	HKY546
57.	Glock	23	HKY553
58.	Glock	23	HKY495
59.	Glock	23	HKY511
60.	Glock	23	HKY556
61.	Glock	23	HKY555
62.	Glock	23	HKY551
63.	Glock	23	HKY509
64.	Glock	23	HKY532
65.	Glock	23	HKY538
66.	Glock	23	DUB949
67.	Glock	23	HKY497
68.	Glock	23	HKY549
69.	Glock	23	MBU128
70.	Glock	23	MBU129
71.	Glock	23	HKY550
72.	Glock	23	HKY554

73.	Glock	23	MBU132
74.	Glock	23	MBU131
75.	Glock	23	PDT819
76.	Glock	23	HKY538
77.	Glock	23	PDT815
78.	Glock	23	PDT821
79.	Glock	23	HKY552
80.	Glock	23	HKY548
81.	Glock	23	HKY520
82.	Glock	23	MBU130
83.	Glock	23	DUB954
84.	Glock	23	HKY529
85.	Glock	23	HKY513
86.	Glock	23	DUB944
87.	Glock	23	DUB939
88.	Glock	23	PDT817
89.	Glock	23	PDT816
90.	Glock	23	DUB822
91.	Glock	23	HKY539

9. Announcement of an award presented by the N.C. Division of Water Resources Public Water Supply Section to the Asheboro Water Plant.

Mr. Rhoney reported to the Council that the Asheboro Water Plant had received an award from the North Carolina Division of Water Resources Public Water Supply Section as part of the Area Wide Optimization Program.

The Asheboro water system was one of only 25 systems out of 165 in North Carolina recognized for the system's low turbidity levels. Turbidity is the cloudiness of water caused by particles that are typically invisible to the naked eye. The lower the level, the fewer particles are in the water. The state's turbidity level limit is set at .30 NTU (Nephelometric Turbidity Units). Receiving the award, means that Asheboro has kept the water turbidity level at .10 NTU or below 95% of the time, and never went over a .30 NTU level.

10. Asheboro Regional Airport Items:

- (a) Consideration of Amendment No. 13.1 to the Contract for Professional Services with W.K. Dickson & Co., Inc. of Charlotte, N.C. increasing the engineering contract amount for the Airport/Tot Hill Farm Water and Sewer Project by \$12,290 to \$246,890 for additional engineering services required to relocate 1,186 feet of the sewer force main due to rock encountered boring across N.C. Highway 49 South.**

Mr. Bunker presented a request from W.K. Dickson & Company, Inc. to amend the Contract for Professional Services for the Airport/Tot Hill Farm Water and Sewer Project. This amendment reflects an increase in the engineering contract amount by \$12,290.00 to \$246,890.00 for additional engineering services required to relocate 1,186 feet of the sewer force main due to rock encountered boring across North Carolina Highway 49 South.

Upon motion by Mr. Moffitt and seconded by Mr. Burks, Council voted unanimously to approve the above-referenced Amendment No. 13.1 to the Contract for Professional

Services with W.K. Dickson & Company, Inc. for Airport/Tot Hill Farm Water and Sewer Project.

A copy of the amendment submitted by W.K. Dickson & Company, Inc. is on file in the City Clerk's office.

- (b) Consideration of Change Order No. 2 on the Airport Sewage Pump Station/Force Main – Contract B Project (Terry's Plumbing and Utilities, Inc.) increasing the construction contract amount by \$53,265.00 to \$831,130.99 for additional work required to relocate 1,186 feet of the sewer force main due to rock encountered boring across N.C. Highway 49 South, and extending the contract time by 183 calendar days to June 30, 2012.**

Mr. Bunker presented the Change Order No. 2 on the Airport Sewage Pump Station/Force Main – Contract B Project from Terry's Plumbing and Utilities, Inc. This change order reflects an increase in the construction contract amount by \$53,265.00 to \$831,130.99 for additional work required to relocate 1,186 feet of the sewer force main due to rock encountered boring across North Carolina Highway 49 South. Additionally, the contract will be extended by 183 calendar days to June 30, 2012.

Upon motion by Mr. Hunter and seconded by Mr. Swiers, Council voted unanimously to adopt the Change Order No. 2 on the Airport Sewage Pump Station/Force Main – Contract B Project.

A copy of the above-referenced Change Order is on file in the City Clerk's office.

- (c) Consideration of Change Order No. 2 on the Airport Water and Sewer Improvements – Contract A Project (Terry's Plumbing and Utilities, Inc.) extending the construction contract time by 183 calendar days to June 30, 2012, as the sewer pump station in Contract B must be operational before Contract A can be completed.**

Mr. Bunker presented the Change Order No. 2 on the Airport Water and Sewer Improvements – Contract A Project from Terry's Plumbing and Utilities, Inc. This change order will extend the construction contract time by 183 calendar days to June 30, 2012. The sewer pump station in Contract B must be operational before Contract A can be completed.

Upon motion by Mr. Burks and seconded by Mr. Baker, Council voted unanimously to adopt the Change Order No. 2 on the Airport Water and Sewer Improvements – Contract A Project.

A copy of the above-referenced Change Order is on file in the City Clerk's office.

11. Initial consideration of applicants for an open seat on the Asheboro Planning Board.

Mr. Neely presented a resolution requesting recommendations for an open seat on the City of Asheboro Planning Board. Pursuant to the framework that was adopted by the City Council on February 9, 2012 for considering appointments to city authorities, boards, commissions, and committees, city staff has compiled a list of applicants for the city resident vacancy on the Planning Board. The following individuals have submitted applications for appointment to the open seat on the Planning Board:

1. Ritchie A. Buffkin
2. Lynette S. Garner
3. Kenneth L. Powell
4. Ronald D. Powell
5. Phillip Skeen
6. Wayne D. Thomas

By adopting this resolution, the City Council is requesting that the Planning Board conduct a review of the above-listed applicants and transmit to the City Council a minimum of two applicants that the Planning Board recommends to the Council as well suited for appointment to a full term on the Planning Board.

After some discussion and upon motion by Mr. Burks and seconded by Ms. Carter, Council voted unanimously to adopt the following resolution.

