

AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO
COMPLY WITH SB 300, SL 2021-138, AND OTHER STATUTORY AMENDMENTS
Ordinance No:

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 5-21 is amended as follows:

Existing subsection (a) is deleted, and existing subsections (b) and (b1) are redennominated as (a) and (b).

Section 2. Section 7-34 is amended as follows:

Existing subsection (a) is deleted. The first sentence of existing subsection (b) is rewritten to say, “A violation of this Article IV shall subject the violator to a civil penalty of \$25.00; and the second sentence is retained.

Existing subsections (b) through (e) are redennominated (a) through (d).

Section 3. Chapter 8 is amended as follows:

In “Subchapter I – Privilege License Tax” is deleted in its entirety, and existing subheading, “Subchapter II – Regulation and Licensing of Businesses,” is redennominated as “Subchapter I-Regulation of Licensing Businesses;” and existing ARTICLES V through XI are redennominated ARTICLES I through VII.

In “Subchapter II – Regulation and Licensing of Businesses,” existing section 8-45(a) is deleted and subsections (b) through (e) are renumbered (a) through (d); existing subsection (b) is rewritten to says, “A violation of Section 8-41 shall subject the offender to a civil penalty of twenty five dollars (\$25.00). If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt.”

Existing section 8-51 is deleted, and the section is labelled “Reserved”.

In existing subsection 8-80(a), the first sentence is deleted; and in existing subsection 8-80(b), the first sentence is rewritten to say, “A violation of sections 8-41, 8-52, 8-53, 8-61(a), and 8-62(a) and (b) shall subject the offender to a civil penalty of twenty-five dollars (\$25.00).”

In Subchapter III – Anti-Discrimination in Places or Public Accommodations and in Employment” existing subsections 8-84(a) and (b) are deleted, and the text of Section 8-84 is rewritten to say: “Any person, firm or corporation violating any provisions of this Article may be subject to an enforcement action brought by the Town under G.S. 160A-175(d) and (e) for an appropriate equitable remedy, including but not limited to a mandatory or prohibitory injunction commanding the offender to correct the conduct prohibited under this Article.”

Section 4. Chapter 10 Animal Control is amended to add a new Article V – PENALTIES FOR VIOLATION to read as follows:

Section 10-6 Penalties

The following penalties shall pertain to violations of this Ordinance.

- (a) Enforcement of this Ordinance may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to North Carolina General Statutes § 160A-175 (d) and (e).

- (b) A violation of this Ordinance may subject the offender to the civil penalties hereinafter set forth.

(1) The Orange County Animal Services Director (or designee) may issue to the known Owner or Keeper of any animal, or to any other violator of the provisions of this Ordinance, a ticket or citation giving notice of the alleged violation(s) and of the civil penalty imposed. Tickets or citations so issued may be delivered in person or mailed by first class mail to the person charged if that person cannot readily be found. The following civil penalties shall be assessed for each violation of this Ordinance:

(i) Mistreatment of Animals (See Orange County Unified Animal Ordinance (UAO) Section 4-41) \$200.00. (ii) The civil penalty for a nuisance violation (UAO Section 4-45) shall be as follows:

Number of Prior Nuisance Violations	Amount
1	\$100.00
2	\$200.00
3 or more	\$400.00

(2) This civil penalty shall be paid to the Animal Services Director or his or her designee within 14 days of receipt. This civil penalty is in addition to any other fees, taxes, costs or fines imposed that are authorized by this Ordinance.

(3) In the event that 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 a criminal summons may be issued against the Owner or Keeper or other alleged violator of this Ordinance, and upon conviction, the Owner or Keeper shall be punished as provided by State law. Failure on the part of the Owner or Keeper of an animal or other alleged violator to pay the applicable civil penalty within the time period prescribed is unlawful and a violation of the Ordinance. Unless otherwise provided, the civil penalty for violation of this subsection is \$25.00, except where the original violation was for Failure to Vaccinate for Rabies in which case the civil Penalty for a violation of this subsection is \$100.00.

Section 10-7 Enforcement of the Display of Wild and Exotic Animals

Any person displaying or sponsoring a display of a wild or exotic animal at the date that the Orange County Unified Animal Control Ordinance (UAO) was adopted (Jan. 21, 2016) to prohibit such display shall comply with the UAO's prohibition on the display of wild or exotic animals within 30 days of the effective date of the UAO. (The Carrboro Town Council adopted a resolution authorizing enforcement of the UAO inside the Town limits.) No wild or exotic animals may be displayed that are not permitted by the United States Department of Agriculture nor shall any exotic or wild animal that has been designated a rabies vector species in North Carolina be displayed, except when approved by the Animal Services Director. Wild or Exotic animals designated as rabies vector species may only be displayed in a manner so as to not come into contact with the public.

(a) Investigations. The Orange County Animal Service Department shall investigate any complaints, reports, or information that wild or exotic animals are being displayed or will be displayed in Orange County in violation of the UAO to determine whether or not a violation has occurred.

(1) If the Orange County Animal Services Department determines that wild or exotic animals are being displayed in Orange County in violation of the UAO, the investigating officer(s) shall issue a written warning to the person displaying the wild or exotic animal(s). The written notice shall be delivered, via hand delivery to a responsible person or via posting at the site of the display.

(2) The person against whom the warning is issued shall desist all activities in violation of the UAO as of the business day the written notice is given.

(b) Penalties.

(1) Reserved.

(2) Civil Penalty. —A person who violates any of the provisions of the UAO shall be subject to a civil penalty of \$250.00 per animal for each day of the violation. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by letter. Each day of a continuing violation shall constitute a separate violation. The Administrator shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within 14 days after demand for payment is made, the matter may be referred to the County Attorney for institution of a civil action in the name of the County of Orange in the appropriate division of the general court of justice for recovery of the penalty.

(3) Injunctive Relief.

a. Whenever the Orange County Animal Services Department or the North Carolina Wildlife Resources Commission has cause to believe that any person is violating or threatening to violate the UAO, the agency shall report the violation or threatened violation to the Administrator. The Administrator may, either before or after the institution of any other action or proceeding authorized by this Section, institute a civil action in the name of the County of Orange for injunctive relief to restrain the violation of threatened violation.

b. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil penalty prescribed for violations of this Section.

Section 5. Section 11A-2 is amended to replace the reference to G.S. 160A-439 with “G.S. 160D-1119 et. seq.”

Section 6. Existing subsection 17-39(a) is deleted, and existing subsections (b) through (e) are redennominated (a) through(d).

Section 7. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 8. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 2022.

Ayes:

Noes:

Absent or Excused: