

**AMENDMENT
TO THE MACON COUNTY ANIMAL CONTROL ORDINANCE
(CHAPTER 90 OF THE CODE OF MACON COUNTY)
BOARD OF COMMISSIONERS
COUNTY OF MACON**

WHEREAS, the Macon County Board of Commissioners duly adopted the *Macon County Animal Control Ordinance* (hereinafter the “Ordinance”) on October 13, 2008, with an effective date of April 6, 2009; and

WHEREAS, the County has built a county animal shelter and established an animal control program for enforcement of the Ordinance; and

WHEREAS, pursuant to North Carolina General Statutes Section 153A-123, a county may provide for fines and penalties for violation of its ordinances; and

WHEREAS, the Ordinance provides that for violations a schedule of civil penalties, costs and fees shall be adopted by the Board pursuant to Sec. 90-20(3) a; and

WHEREAS, the county manager has recommended a schedule of civil penalties for violations of the Ordinance;

NOW, THEREFORE, the Board of Commissioners of the County of Macon doth **ORDAIN** that the *Macon County Animal Control Ordinance* Sec. 90-20(3) is hereby amended as follows, effective upon adoption:

(3) In addition to and independent of any criminal penalties and other sanctions provided in this chapter, a violation of this chapter may also subject the offender to civil penalties, costs and fees as follows:

a. Unless otherwise provided for in a particular section, animal control is authorized to assess civil penalties in the following manner:

1. A civil penalty of \$25.00 shall be assessed for the first violation of any provision of this chapter.

2. A civil penalty of \$50.00 shall be assessed for each second or subsequent violation of this chapter.

b. Civil penalties may be assessed for each violation of this chapter. The animal control director shall issue to the known owner of any animal, or to any other violator of the provisions of this chapter, a ticket or citation giving notice of the alleged violation 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. This civil penalty shall be paid to the animal control director or his designee within 14 days of receipt of the ticket or citation. This civil penalty

is in addition to any other fees, costs or fines imposed that are authorized by this chapter.

c. Failure on the part of the owner of an animal or other alleged violator to pay the applicable civil penalty within the time period prescribed is unlawful and a violation of this chapter. If an assessed 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.

This the _____ day of January, 2010.

Ronnie Beale, Chairman
Board of Commissioners

ATTEST:

(SEAL)

Clerk to the Board