

AN ORDINANCE AMENDING CHAPTERS 90, 91, 92, AND 130 OF THE CHATHAM COUNTY CODE OF ORDINANCES

WHEREAS, Part XIII of S.L. 2021-138 provides that, effective December 1, 2021, a violation of a county ordinance may be a misdemeanor as provided by G.S. 14-4 only if the county specifies such in the ordinance; and

WHEREAS, prior to December 1, 2021, state law provided that the violation of a county ordinance is a misdemeanor unless the board of commissioners otherwise provides; and

WHEREAS, the Chatham County Board of Commissioners intends for certain ordinance violations to continue to be punishable as a misdemeanor; and

WHEREAS, the amendments to the Chatham County Code of Ordinances set forth in this ordinance are policy neutral.

NOW, THEREFORE, BE IT ORDAINED that:

Section 1. Chapter 90 of the Chatham County Code of Ordinances is amended as follows:

§ 90.01 FISHING FROM CERTAIN BRIDGES.

...

(D) A violation of this section is punishable as a misdemeanor.

...

§ 90.99 PENALTY.

Any violation of a section of this chapter that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor and any person convicted of the violation shall be punishable as provided in G.S. § 14-4. Violation of § 90.01 shall constitute a misdemeanor punishable by a fine not to exceed \$50 or imprisonment for 30 days or both in the discretion of the court.

Section 2. Chapter 91 of the Chatham County Code of Ordinances is amended as follows:

§ 91.005 INTERFERENCE WITH ENFORCEMENT.

...

(F) A violation of this section is punishable as a misdemeanor.

§ 91.007 INJURING, MOLESTING, TORMENTING ANIMALS; NOTICE REQUIRED.

It shall be unlawful for any person to intentionally injure, molest, or torment any animal by running over, into, coming into contact with or chasing it with a vehicle. It shall be unlawful for any person to fail to immediately notify the owner of the animal, the Animal Services Division, or the police department if in a municipality, or the Sheriff's Department if in the county when an animal has been injured by contact with any vehicle. A violation of this section is punishable as a misdemeanor.

§ 91.008 KEEPING STRAY ANIMALS; NOTICE REQUIRED.

...

(C) A violation of this section is punishable as a misdemeanor.

§ 91.009 KEEPING OF NON-DOMESTIC ANIMALS PROHIBITED.

...

(C) A violation of this section is punishable as a misdemeanor.

§ 91.010 INTERFERENCE WITH OWNED ANIMAL.

It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner, or to seize, molest, or tease any animal while the animal is held or controlled by its owner or while the animal is on the property of its owner. A violation of this section is punishable as a misdemeanor.

§ 91.021 ABUSE, NEGLECT, AND MISTREATMENT OF ANIMALS UNLAWFUL.

...

(C) A violation of this section is punishable as a misdemeanor.

§ 91.035 UNLAWFUL TO MAINTAIN A PUBLIC NUISANCE.

It shall be unlawful for any owner to allow his or her animal or animals to create a public nuisance, or to maintain a public nuisance created by his or her animal or animals. A violation of this section is punishable as a misdemeanor.

§ 91.036 ANIMALS RUNNING AT LARGE PROHIBITED.

...

(F) A violation of this section is punishable as a misdemeanor.

§ 91.038 FAILURE TO ABATE.

It shall be unlawful and punishable as a misdemeanor for any person to fail or refuse to abate the nuisance as required by this chapter. Each day that the nuisance continues shall constitute a separate violation pursuant to § 91.999. Further, a public nuisance, as defined in § 91.001 shall be subject to the penalties provided by this chapter.

§ 91.050 RABIES CONTROL.

It shall be unlawful and a violation of this chapter for any animal owner or other person to fail to comply with the laws of the state relating to the control of rabies. A violation of this section is punishable as a misdemeanor.

§ 91.051 BITES.

...

(I) A violation of this section is punishable as a misdemeanor.

§ 91.053 FAILURE TO SURRENDER ANIMAL FOR CONFINEMENT OR DESTRUCTION.

It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required by state law and this chapter. A violation of this section is punishable as a misdemeanor.

§ 91.070 IMPOUNDMENT GENERALLY.

...

(D) A violation of this section is punishable as a misdemeanor.

§ 91.075 RABIES VACCINATION REQUIRED FOR REDEMPTION OR ADOPTION OF UNVACCINATED DOGS OR CATS.

...

(F) A violation of this section is punishable as a misdemeanor.

§ 91.091 BITING OR ATTACKING ANIMALS.

It shall be unlawful for an animal, which has bitten or attacked a human or another animal, to remain at large. An Animal Services Officer or member of the Animal Services Division, upon the issuance of a proper warrant, shall have the authority to enter upon private property, including entry into a dwelling unit or other similar building, provided the same is authorized by warrant, to impound an animal which has been observed to bite or attack, or which is reliably believed to have bitten or attacked, in violation of this section. A violation of this section is punishable as a misdemeanor.

§ 91.999 PENALTY.

(A) Generally.

(1) The violation of any provision of this chapter which is specifically designated as a misdemeanor shall be a Class 3 misdemeanor and any person convicted of the violation shall be punishable as provided in G.S. § 14-4. Each day's violation of ~~this chapter~~ such a provision shall be a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this division does not relieve a person of his or her liability for registration or fees imposed under or pursuant to this chapter.

Section 3. Chapter 92 of the Chatham County Code of Ordinances is amended as follows:

§ 92.02 NOISE; GENERALLY.

Unreasonably loud and disturbing noises prohibited. It shall be unlawful for any person or persons to make, permit, continue or cause to be made or to create any unreasonably loud and disturbing noise in the county regardless of its source. A violation of this section is punishable as a misdemeanor.

§ 92.04 MAXIMUM PERMISSIBLE STANDARDS BY RECEIVING LAND.

...

(C) A violation of this section is punishable as a misdemeanor.

§ 92.07 PERMIT TO EXCEED MAXIMUM PERMISSIBLE STANDARDS.

...

(C) A violation of this section is punishable as a misdemeanor.

§ 92.99 PENALTY.

...

(B) Criminal penalties. Any person who violates any provision of this chapter ~~shall be guilty of a misdemeanor punishable by imprisonment not to exceed 30 days~~ which is specifically designated as a misdemeanor shall be a Class 3 misdemeanor and any person convicted of the violation shall be punishable as provided in G.S. § 14-4, or a fine not to exceed \$500 in accordance with G.S. § 153A-123, or both. Each day of a continuing violation shall constitute a separate offense under this chapter.

Section 4. Chapter 130 of the Chatham County Code of Ordinances is amended as follows:

§ 130.01 HUNTING/POSSESSING A LOADED FIREARM ON COUNTY-OWNED PROPERTY.

...

(C) A violation of this section is punishable as a misdemeanor.

§ 130.02 WEAPONS PROHIBITED IN COUNTY BUILDINGS HOUSING ANY COURT OF THE GENERAL COURT OF JUSTICE OR ANY COUNTY LAW ENFORCEMENT ACTIVITY.

...

(F) A violation of this section is punishable as a misdemeanor.

§ 130.99 PENALTY.

...

(B) Any violation of a provision of this chapter which is specifically designated as a misdemeanor crime shall be a Class 3 misdemeanor and any person convicted of the violation

shall be punishable as provided in G.S. § 14-4. § 130.01(A) shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed \$50 or imprisonment for not to exceed 30 days.

Section 5. This ordinance shall become effective December 1, 2021.