



City of Boiling Spring Lakes
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Boiling Spring Lakes, NC 28461

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Planning Board
July 8, 2014
7:00 P.M.
City Hall

CALL TO ORDER:

The regular monthly Planning Board meeting was held at City Hall on July 8, 2014. Chairman Bill Clark called the meeting to order at 7:00p.m.

ATTENDANCE: ~

Members Present ~

Bill Clark, Chairman Ray Rumsey Gene Fiorvante Jeremy Sexton
Bill Sraver ~ 1st Alternate Nancy Crawford ~ 2nd Alternate

Members Absent ~

Tom Von Voigt ~ Excused Absence 1st Alternate Bill Sraver filled Tom Von Voigt's seat.

Staff Present ~

Police Chief Brad Shirley
Maggie Della Badia ~ Administrative Assistant

AGENDA ~

The Planning Board members agreed on the agenda unanimously.

Vote Carried 5-0

MINUTES ~

A motion was made by Ray Rumsey and seconded by Jeremy Sexton to approve the minutes for the June 12, 2014 Planning Board Meeting as written.

Motion Carried 5-0

PUBLIC COMMENT~ No Public in attendance.

OLD BUSINESS ~

1. Develop Dog Ordinance

Bill Clark asked Chief Brad Shirley to speak on this topic. Chief Shirley explained the main citizen complaint received in animal control is dogs running at large.

Ordinance Section 3-55 ~ Running at large.

Letter A is not clear about what "under owners control" requires.

Ordinance Article 5 ~ Potentially dangerous or vicious dogs.

Chief Shirley explained ~ the Animal Control position was part time but the Board of Commissioners have approved a full time officer position. Animal control is inspected annually by the state. He explained he has been through two inspections and they have passed both successfully. Inspections include: the vehicle, kennels, holding area and paperwork. Part of compliance was the vehicle had to have a fan, forced air that moves through the kennel. The Police Department is looking to add cat boxes to the kennels.

Bill Clark questioned if it is within the authority of the Planning Board to recommend changes to the Code of Ordinance, as the Planning Board is specifically for zoning issues. He was unsure if the Planning Board is authorized to review the ordinance. He did not realize there was an ordinance in place he expected this to go in the UDO. Bill Clark explained looking at other cities ordinances it appears the Board of Commissioners would be the ones that make changes. They may do it upon recommendation but he was unsure if it was in the Planning Boards jurisdiction to work on this ordinance. Jeremy Sexton explained there are issues that may fall under the UDO.

The Planning Board and Chief Shirley reviewed the current ordinance for dogs.

Chief Shirley explained sometimes when people move into the area they do not realize they have to register their dog with the city. One of the main benefits of having dogs registered is if the dog gets lost they can look in their data base to get lost animals back to their owners. The Police Department does have a scanner if a pet has a microchip but that is as good as the information on the chip. The chip would need to be updated by the owners.

Bill Clark explained~ he called the Mayor to ask about the Planning Boards jurisdiction and the Mayor told him as far as he knew the Planning Board can make recommendations and the Board will take it under consideration. This is for the Code of Ordinances.

Bill Sraver explained the dangerous dog ordinance tells what to do after a dog is considered dangerous but not what happens to the dog during the time between the complaint and the time the determination is made. Jeremy Sexton asked Chief Shirley if a dog with no ID bites a person and it gets picked up is it taken to the county? Chief Shirley explained Boiling Spring Lakes can only hold them for seventy two hours and will try to identify an owner. The owner has to show

vaccination records. It has to be reported to the health department and they do a bite investigation. Boiling Spring Lakes does transport the dogs to the county and lets them know the dog needs to be held for observation because of a bite.

Chief Shirley explained he would like to see the Running At Large ordinance have a better clarification of what "under the owner's control" is.

Suggested changes ~

Part II ~ Code of Ordinances

Chapter 3 ~ Animals

Section 3-55 Running at large ~

Letter (a) change to ~

It shall be unlawful for any owner of a dog to allow it to be off the premises of the owner unless such pet is wearing a collar with a rabies tag and a dog tax tag. If any dog leaves the premises of the owner, it must be on a leash and under physical restraint.

Section 3-1 Definitions ~

Change ~ Definition of Owner to ~

For purposes of this chapter, an owner is hereby defined as any person, group of persons, firm, partnership, corporation or other entity owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on his premises or property.

Section 3-31 Animal control supervisor ~ appointment; scope.

Change to ~

3-31 Animal Control Department ~ scope

Remove original (a) line, (b) becomes (a) ~

(a) The operation of this chapter and the animal control program shall be under the jurisdiction of the Boiling Spring Lakes Police Department.

Section 3-1 Definitions ~

Remove definition of Animal Control Supervisor.

Change definition of Animal Control Officer to ~

Animal Control Officer means the person or persons employed or designated by the city as its enforcement officer or officers empowered to carry the operation of the Animal Control Department.

Section 3-32 Powers and duties

(a) Change "supervisor" to "Animal Control Officer"

Change "shall not have the power of arrest" to "shall have the power of arrest"

(b) Change "supervisor" to "Animal Control Officer"

Part II Code of Ordinances ~ Chapter 3 ~ Article V. Potentially Dangerous Or Vicious Dogs

Suggested addition in ***bold italic*** ~

(e) Appeals from determinations. The owner, keeper or harbinger of a dog determined hereby to be dangerous, potentially dangerous, or vicious, or any person bitten or attacked by a dog determined hereby not to be dangerous, potentially dangerous, or vicious, or the owner of a domestic animal injured by such dog may appeal such determination, in writing, within three (3) days, to the commissioners or to such appeals board as the commissioners may, by resolution, appoint to hear such appeals. ***Add ~ The appeals board shall hold a hearing within ten (10) days.*** Membership on an appeals board shall include, but not be limited to, persons with knowledge and experience in the matter of dog behavior, such as law enforcement officers, veterinarians, veterinarian technicians, private breeders, dog trainers, or private dog owners. The ruling of the commissioners or appointed appeals board shall be final, subject only to a petition for certiorari to the Superior Court of Brunswick County, filed within ten (10) days of the date of the final determination by the commissioners or the appeals board. ***Add ~ In accordance with Chapter 67 Article 1A ~NCGS 67-4.1 Definitions and procedures.***

Nancy Crawford explained some cities give a discount on dog tags if your dog is altered and vaccinated. Chief Shirley explained dogs have to be vaccinated to be registered.

Add new section ~

Section 3-56 Cleaning up after dogs and cats ~

Any person owning, keeping or harboring any dog or cat shall promptly remove and dispose of all feces left by the dog or cat on public property and on any private property not owned or lawfully occupied by such person within the city.

A motion was made by Jeremy Sexton and seconded by Bill Sraver to accept these changes and have them published at their next meeting.

Motion Carried 5-0

NEW BUSINESS ~ None

OTHER BUSINESS ~ None

NEXT MONTH'S AGENDA ITEM'S:

1. Review suggested changes to the Dog Ordinance from the July 2014 Meeting
2. Review civil penalties for Animal Control in the Boiling Spring Lakes Fee Schedule.
3. Review Section 3.52 Registration Fees in the Boiling Spring Lakes Code of Ordinances.

AJOURNMENT:

A motion was made by Bill Sraver and seconded by Gene Fiorvante to adjourn the meeting at 9:15 p.m.

Motion Carried 5-0

Respectfully Submitted by,
Maggie Della Badia ~ Administrative Assistant