

Council Members

Renee Castiglione, Mayor
Barry Kaufman, Vice Mayor
Weidner Abernethy
Carl Marquardt
Wendel Sauer



Town Manager

Tim H. Holloman

Town Attorney

Stacy C. Eggers IV

Ordinance No. 2018-04

TOWN OF BEECH MOUNTAIN

AN ORDINANCE TO AMEND §92.21 'ENFORCEMENT' FOR CONTINUOUSLY BARKING DOGS

WHEREAS, the Town of Beech Mountain is a resort and retirement community which has a number of residents, property owners, and renters; and

WHEREAS, the Town of Beech Mountain desires to maintain a high standard for the quality life; and

WHEREAS, noise disturbances caused by a continuously barking dog intrude upon the quality of life.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA, THAT:

SECTION I. Title IX: General Regulations § 92.21 *'Enforcement'* to include the following:

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§ 92.21 ENFORCEMENT.

(A) The owner of a dog that violates §§ [92.17](#), [92.18](#) or [92.19](#) hereof shall be issued a written warning by the town for the first violation. The owner of a dog who violates §§ [92.17](#), [92.18](#) or [92.19](#) hereof more than once shall be subject to a civil penalty in the amount of \$100 for each such violation to be recovered by the town.

(B) Any violation of § [92.20](#) shall subject the owner of the dog to a civil penalty in the amount of \$100, plus court costs and attorney's fees, to be recovered by the town.

(C) The owner of a dog that violates § 92.20 (D) hereof shall be issued a verbal or written warning by the town for the first and second violation. Upon third occurrence the owner of a dog who violates § 92.20 (D) hereof shall be subject to a civil penalty in the amount of \$100 for each such violation, plus court costs and attorney's fees, to be recovered by the town.

(CD) In the event that a violation of § [92.20](#) causes any type of physical injury to a person, the owner of the dog causing the injury shall be subject to a civil penalty

of \$500, plus court costs and attorney's fees, for each such violation, instead of the \$100 penalty per violation described in division (B) above, to be recovered by the town.

(DE) Any dog that is off the premises of his or her owner, and chases, snaps at or attacks a person; and causes physical injury to a person, more than once, shall be destroyed.

(EF) Notwithstanding divisions (A) through (D) above, this subchapter may be enforced by appropriate equitable remedies issued from a court of competent jurisdiction.

(FG) In the event it is necessary for the town to institute a civil action to collect a civil penalty for a violation of any provision of this subchapter, the offender shall pay all court costs and reasonable attorney's fees incurred by the town.
(Ord. passed 8-11-1992; Ord. passed 9-8-1992; Ord. passed 12-8-1992)

SECTION II. CODIFICATION. The provisions of Sections I of this Ordinance shall be published as appropriate in the Town of Beech Mountain Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of the Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Beech Mountain, North Carolina, at which a quorum was present and which was held on the _____ day of _____, 2018.

This Ordinance adopted the _____ day of _____, 2018.

Renee D. Castiglione, Mayor

Attest:

Jennifer L. Broderick, MMC
Town Clerk