

Chapter 2

ADMINISTRATION*

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***Cross references**—Any ordinance or resolution promising or guaranteeing the payment of money for the county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness saved from repeal, § 1-10(2); any contract or obligation assumed by the county saved from repeal, § 1-10(3); any ordinance fixing the salary of any county officer or employee saved from repeal, § 1-10(4); any appropriation ordinance saved from repeal, § 1-10(7); any ordinance related to social security and retirement benefits for county officers and employees saved from repeal, § 1-10(11); any ordinance levying or imposing taxes or fees, charges, etc., not included in this Code saved from repeal, § 1-10(12); any personnel ordinance saved from repeal, § 1-10(14); inspection department for building regulations, § 6-111 et seq.; library, ch. 14; library board of trustees, § 14-36 et seq.; planning and development, ch. 20; planning board, § 20-31 et seq.; administration and enforcement of watershed protection, § 20-176 et seq.; administration of zoning regulations, § 28-41 et seq.; zoning board of adjustment, § 28-66 et seq.

ARTICLE I. IN GENERAL

Secs. 2-1—2-30. Reserved.

ARTICLE II. COUNTY PROPERTY

Sec. 2-31. Firearms and deadly weapons prohibited on county property.

(a) *Prohibition against concealed handguns.*

- (1) No person shall carry a concealed handgun in county-owned buildings or on the appurtenant premises of those buildings.
- (2) No person shall carry a concealed handgun in county recreational facilities as defined by G.S. 14-415.23. The county-owned recreational facilities shall be set out in a master list which shall be updated as necessary and retained permanently in the office of the director of parks and recreation.
- (3) Nothing in this section shall prohibit a concealed handgun permittee from securing the handgun within an enclosed compartment of a locked motor vehicle.
- (4) Posting of signs required. The county manager is hereby ordered to post conspicuous signage on or within each recreational facility and each building and the grounds and parking areas of such buildings, as well as any other appurtenant premises to such buildings, indicating that all concealed handguns are prohibited therein and thereon unless specifically permitted or authorized by state law or county ordinance. The county manager shall exercise discretion in determining the necessity and appropriate location for such signs.

(b) *Prohibition against firearms.*

- (1) No person shall display any firearm in county-owned buildings, on the grounds or parking areas of those buildings, or in county parks and recreation areas. On all other public property within the county, display of firearms shall comply with the following:
 - a. No firearms other than handguns, as defined in G.S. 14-409.39, may be displayed;

- b. The handgun shall be clearly visible and not concealed or partially concealed;
- c. The handgun shall be holstered in a manner rendering the weapon unable to be fired;
- d. Display of handguns shall be prohibited during the time in which a person has consumed alcohol or controlled substances or when alcohol or controlled substances remain in the person's system. However, no violation of this subsection shall occur if such controlled substance was lawfully obtained and taken in therapeutically appropriate amounts according to a physician's instructions.

- (2) This section is not applicable to concealed handguns, as allowed by North Carolina law.
- (3) Posting of signs required. The county manager is hereby ordered to post conspicuous signage on each county-owned building, on the grounds or parking areas of those buildings, and in all public parks and recreations areas, indicating that, pursuant to the authority of G.S. 14-269, 14-409.40 and Lee County Code of Ordinances, all visibly displayed handguns and all deadly weapons are prohibited therein, and violators will be prosecuted to the fullest extent of the law. Such signs shall be visibly posted on the exterior of each entrance by which the general public can access the building, appurtenant premises or park. The county manager shall exercise discretion in determining the necessity and appropriate location for other signs posted on the interior of the building, appurtenant premises or park.

(c) *Prohibition against deadly weapons.* No person shall display or bring, whether openly or concealed, any deadly weapon into any county-owned building, on the grounds or parking areas of those buildings, in any county-owned parks and recreation areas, or on any other public property within the county. Deadly weapons include, but are not limited to, bowie knives, dirks, daggers, slingshots, loaded

canes, metallic knuckles, razors, shurikins, stun guns or other deadly weapons of like kind, as defined by G.S. 14-269.

(d) *Exceptions.* The possession or display of a firearm or other weapon is exempt from the provisions of this section in the following situations:

- (1) During the temporary transport of a firearm or other weapon and such transportation was not in violation of existing law;
- (2) If authorized by the sheriff as part of an official program sponsored or sanctioned by the county;
- (3) In the legitimate and lawful exercise of a person's right to self-defense or the defense of others;
- (4) By individual(s) authorized by law to carry and display such items as part of their official duties;

(e) *Violation.* The violation of any of the provisions of this section shall constitute a misdemeanor and subject any violator(s) so convicted to such penalties as may be imposed by the court.

(Ord. of 11-6-95, §§ 1, 2; Res. of 12-15-14, §§ 1, 2)

Editor's note—A resolution adopted Dec. 15, 2014, §§ 1, 2, changed the title of § 2-31 from "Concealed handguns prohibited on county property" to read as herein set out.

Secs. 2-32—2-50. Reserved.

ARTICLE III. USE OR SMOKING OF TOBACCO PRODUCTS IN COUNTY GOVERNMENT BUILDINGS AND VEHICLES AND ON COUNTY GOVERNMENT GROUNDS*

Sec. 2-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Editor's note**—An ordinance adopted Nov. 16, 2015, repealed the former Art. III, §§ 2-51—2-53, and enacted a new Art. III as set out herein. The former Art. III pertained to use or smoking of tobacco

County government building means any building that is either owned by the county or is leased by the county as lessor, or any area in a building leased by the county as lessee and is occupied by the county.

County government grounds means the unenclosed area owned, leased, or occupied by the County of Lee, including, but not limited to, county-owned areas around county government buildings, county-owned parks and recreational areas, and all other county-owned property.

County vehicle means a passenger-carrying vehicle owned, leased, or otherwise controlled by local government and assigned permanently or temporarily by local government to local government employees, agencies, institutions, or facilities for official local government business.

Smoking or smoke means the use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

Tobacco products means any product that contains tobacco and is intended for human use or consumption. For purposes of this section, the term includes a tobacco-derived product, e-cigarette, vapor product, or components of a vapor product.

(Ord. of 11-16-2015)

Section 2-52. Areas where smoking and use of tobacco products is prohibited.

Smoking and the use of tobacco products is prohibited:

- (a) In any county government building;
- (b) In any county vehicle owned, leased, or operated by Lee County;
- (c) On any county grounds that are owned, leased, occupied, or operated by Lee County, except in specific areas upon such grounds which may be designated by the county manager, adjoining a local government building, to serve as the smoking area for those buildings in which smoking may be permitted.

(Ord. of 11-16-2015)

in county government buildings or vehicles and derived from an ordinance adopted Sept. 15, 2008, §§ 1—3.

Sec. 2-53. Enforcement and penalties.

(a) Employees who violate this article may be subject to sanctions consistent with the county's personnel policies, in addition to the punishment for the infraction.

(b) Employees and others who violate the provisions of this article are punishable for an infraction.

(c) Anyone found responsible for an infraction as a result of violation of this article shall for pay a penalty of \$50.00.

(d) *Remedies.* This article may be enforced by equitable remedies in accordance with North Carolina General Statutes Section 153A-123.
(Ord. of 11-16-2015)

Sec. 2-54. Signage.

The county manager shall direct that appropriate signage be posted in areas where smoking is prohibited pursuant to this article.
(Ord. of 11-16-2015)

Sec. 2-55. Conflict of laws.

If any portion of this article or the enforcement thereof is found to be preempted by state or federal law, such preemption shall not operate to invalidate the rest of the ordinance from which this article derived and same shall remain in full force and effect. All ordinances or parts of ordinances in conflict with this article are hereby repealed.
(Ord. of 11-16-2015)

Sec. 2-56. Effective date.

This article shall be effective upon adoption.
(Ord. of 11-16-2015)

- (5) The owner of any animal determined to be dangerous is required to purchase a sign from animal services stating "Dog Deemed Dangerous by Lee County" and post the sign at the entrance to the secure enclosure in a manner that is visible to persons outside the enclosure.

(g) Animal services may inspect a secure enclosure at any time to ensure it complies with section 4-63.

(Ord. of 7-18-2011)

Sec. 4-44. Failure to report certain acts by dangerous animals.

The owner of a dangerous animal shall inform animal services no later than 24 hours after the occurrence of any of the following:

- (1) An assault, attack or biting upon any human being by such animal in the owner's care or control.
- (2) An attack or biting upon any domesticated animal or pet while the animal is off the owner's property.
- (3) The running at large or escape of any animal required to be restrained or confined to a secure enclosure.

(Ord. of 7-18-2011)

Sec. 4-45. Operating attack training facilities restricted.

It shall be unlawful for any person, group of persons, partnership or corporation to operate any attack training facility as defined in this article.

(Ord. of 7-18-2011)

Sec. 4-46. Failing to provide proper shelter for equine and dogs.

(a) It shall be unlawful for any owner to fail to provide for each equine or dog in his care proper shelter as described herein.

- (1) Reserved.
- (2) Proper shelter for a dog shall have a roof, a solid floor, and at least three sides sufficient to prevent exposure to the elements. All shelters must be large enough to allow the dog to lie comfortably and contain dry bedding at

all times. During the daytime in April thru October, the shelter must provide a cooler temperature inside than the ambient outside temperature.

(b) The area underneath exterior steps decks and stoops; inside of vehicles; underneath vehicles; inside barrels or cardboard boxes; inside rooms, and sheds or other buildings that do not provide windows or adequate ventilation shall not be considered proper shelter.

(Ord. of 7-18-2011; Ord. of 11-2-2015)

Sec. 4-47. Signage required for animals used for sentry or guard duty.

A sign warning that there is a guard or sentry animal on the premises shall be visible to persons outside the premises.

(Ord. of 7-18-2011)

Sec. 4-48. Interference with enforcement of chapter.

It shall be unlawful for any person to interfere with, hinder, obstruct or delay, or assault an officer or agent of animal services or veterinarians in the performance of any duty authorized by this chapter, or to seek to release any animal in the custody of such persons.

(Ord. of 7-18-2011)

Secs. 4-49—4-60. Reserved.

DIVISION 3. STANDARDS

Sec. 4-61. Tethering.

(a) If an owner chooses to tether an animal, the following requirements and standards will apply:

- (1) The animal must not be tethered for more than 12 hours in any 24-hour period.
- (2) If fixed tethering is utilized, the animal must be tethered to a ground anchor by a coated cable wire not shorter than 15 feet. Chains and ropes shall not be used as a tether line.
- (3) If running tethering is utilized, the animal must be tethered to a coated cable runner wire not shorter than 15 feet and the runner wire must be firmly secured to two fixed

anchor points, e.g., posts, trees, or fences. The running tether must be attached to a runner wire and have a swivel connector to prevent entanglement.

- (4) All tethers must be attached to a properly fitting and secure nylon or leather collar. Wire or choke collars are not permitted as collars. All tethers must have swivels attached at both ends to prevent entanglement. The tether must be arranged so as to clear any obstacle that may limit the length of the tether. Adequate shade, protection from precipitation, and access to drinking water must be within reach of a tethered animal.

(b) Animal services is authorized to impound or, in the alternative, request the general court of justice to issue a seizure order, for any animal for which there is probable cause to believe has not been tethered as required by this Section.
(Ord. of 7-18-2011)

Sec. 4-62. Enclosures.

(a) Dogs are not required to be contained in a pen.

(b) However, if an individual owner chooses to contain a dog in a pen, the following requirements will apply:

- (1) An enclosure for one dog must provide a minimum of 100 square feet surface area with sides that are a minimum of six feet high.
- (2) If two or more dogs are contained in an enclosure, the minimum square feet surface area must be 100 square feet plus an additional one square foot for each pound that the total weight of all dogs exceeds 100 pounds.
- (3) Enclosures utilized by government agencies are exempt.
- (4) Individual owners may receive a temporary exemption from the requirements of subparagraphs (1) and (2) for up to 30 days once

every six months upon inspection and approval of the pen by an animal services representative.

(Ord. of 7-18-2011)

Sec. 4-63. Secure enclosures.

(a) A secure enclosure must be at least 100 square feet for each dangerous animal. It must have a concrete floor. The sides of the enclosure must be at least six feet high and constructed of at least 16-gauge wire with openings no greater than 1" x 1". The sides must be securely anchored to the roof and to the floor in a manner that will prevent the animal from escaping. Any entrance to the enclosure must be kept locked when the animal is in the enclosure.

(b) Animal services must approve the secure enclosure before it may be used.

(c) The animal must be muzzled at all times when it exits the enclosure and must be on a leash.
(Ord. of 7-18-2011)

Secs. 4-64—4-90. Reserved.

DIVISION 4. RABIES CONTROL

Sec. 4-91. Compliance with state law required.

It shall be unlawful for any person to fail to comply with G.S. 130A-184 through 130A-201 relating to rabies control.

(Ord. of 7-18-2011)

Secs. 4-92—4-120. Reserved.

DIVISION 5. IMPOUNDMENT, REDEMPTION, AND ADOPTION OF ANIMALS

Sec. 4-121. Impoundment.

Animals may be impounded as provided for in this chapter. Impoundment of an animal shall not prevent animal services from using any other remedy provided by this chapter.

(Ord. of 7-18-2011)

Sec. 4-122. Notice of impoundment.

Immediately upon impounding an animal, animal services shall make reasonable effort to notify the