



CITY OF HENDERSONVILLE
ANIMAL SERVICES ADVISORY COMMITTEE
Hendersonville Police Department
Tuesday, July 14, 2026 – 5:30 PM



AGENDA

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. NEW BUSINESS

- A. Animal Services Advisory Committee - *Why the ASAC??? What has the ASAC accomplished since Day 1*
- B. Introduction of New Committee Members - *Patricia MacDuff & Joan Odean*
- C. Elect Chair & Vice Chair
- D. Discuss & Set Meetings Calendar for 2026-2027

4. OTHER BUSINESS

- A. Code of Ethics Handout
- B. ASAC Charter & Rules of Procedure
- C. Boards & Commissions Video - <https://youtu.be/HFLbu17jChE>

5. ADJOURNMENT

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

Ordinance #O-23-47

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO READOPT
AND AMEND CHAPTER 10 OF THE CODE OF ORDINANCES FOR THE CITY OF
HENDERSONVILLE WITH RESPECT TO THE WELFARE OF ANIMALS**

WHEREAS, The Hendersonville City Council established the Animal Services Advisory Committee to provide input on the operations and policies of the Hendersonville Police Department regarding the enforcement of the Animal Ordinance; and

WHEREAS, The last significant amendment to Chapter 10 of the Code of Ordinances included the establishment of the Animal Services Advisory Committee and local enforcement of animal services; and

WHEREAS, The Animal Services Advisory Committee has spent significant time auditing and revising Chapter 10 of the Code of Ordinances to better reflect some of the unique needs of Hendersonville; and

WHEREAS, It is the intent of the City of Hendersonville to align its animal related regulations with applicable state laws in order to ensure the effective enforcement thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA THAT:

SECTION 1. Chapter 10 – ANIMALS of the Code of Ordinances of the City of Hendersonville is hereby readopted and amended to read as follows:

ARTICLE I. - GENERAL PROVISIONS

Sec. 10-1. Animal Control Ordinance Purpose

- (a) Pursuant to authority granted by the general assembly, this chapter is enacted to:
- (b) Regulate, restrict or prohibit, if necessary, animals;
- (c) Protect the public from unvaccinated, diseased, stray, roaming, dangerous, wild or exotic animals;
- (d) Make unlawful the acts of animals that interfere with the enjoyment of property or the peace and safety of the community;
- (e) Protect animals from abuse or conditions harmful to their well-being;
- (f) Carry out any other lawful duties authorized by state laws and applicable ordinances;
- (g) Provide peace and dignity of residents; and
- (h) The city council hereby finds that animals kept or allowed to be in violation of any of the sections of this chapter are detrimental to the health, safety, and welfare of the citizens of the city and jeopardize the peace and dignity of the town.

Sec. 10-2 Definitions

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Adequate food means the provision of and access to food that is sufficient in quantity, prepared and provided so that the animal can consume it, and provided in a manner that is sanitary for the animal.

Adequate shelter means shelter which meets all the following requirements:

- (a) Is constructed of solid wood or weather resistant material, with solid walls on all sides, that is wind and moisture proof, with a dry floor, a solid, water-proof roof sloped away from the entrance to protect from weather and extreme cold, and a covered entrance by flexible windproof material or a self-closing swinging door;
- (b) Has suitable bedding (hay, straw, cedar shavings, blankets, or the equivalent that is routinely changed to avoid the growth of bacteria) for insulation and protection against cold and damp sufficient for an animal to burrow to promote retention of body heat,
- (c) Is out of the direct path of wind;
- (d) Is free of waste or debris and is otherwise clean and sanitary;
- (e) Gives the animal the ability to walk, stand, turn, and lie down comfortably; and
- (f) Provides drainage to eliminate excess water and moisture, protection from rain, sleet, snow, hail, sun, and the adverse effects of heat and cold.
- (g) The following shall not constitute adequate shelter:
 - (1) Inside of vehicles; or
 - (2) Underneath vehicles; or
 - (3) Inside metal or plastic barrels or cardboard boxes; or
 - (4) Rooms, sheds or other buildings without windows or proper ventilation.

Adequate water means constant access to clean, fresh water provided in a sanitary manner and so that the animal can consume it. During extreme cold weather, the water must be changed frequently to prevent freezing. During extreme hot weather, the water must be changed frequently and served in a no-tipping, non-metal container to prevent heat-related injuries or death.

Animal means every non-human, animate being that is endowed with the power of voluntary motion, including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians, and fish.

Animal Services Center means any holding place or other facility designated by the City of Hendersonville for the detention of animals.

Animal Services Officer means any person properly appointed either by the City of Hendersonville, or any officer authorized to act within the City's jurisdiction due to an inter-local agreement, to enforce all sections of this chapter and applicable state laws and who are responsible for discharging such other duties and functions as may be prescribed by the City Council as set forward by this chapter or any other applicable ordinance or state law or pursuant to inter-local agreements.

Animal at large means any animal off the premises of its owner and not under sufficient physical restraint such as a leash, cage, bridle, or similarly effective device allowing the animal to be controlled. For purposes of this article, voice command is not recognized as sufficient physical restraint. This definition does not apply to any areas in the City that have been delineated by the City Council, such as dog parks.

Animal under restraint means any animal confined within a vehicle, confined within the real property limits of its owner, or secured by leash or lead.

Cat means a domestic feline of either sex.

Dangerous dog means any dog that:

- (a) Without provocation has killed or inflicted serious injury on a person; or
- (b) Is determined by the Chief of Police, their designee, or the Animal Services Advisory Committee to have engaged in one or more of the following behaviors:
 - (1) inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization, or
 - (2) has killed or inflicted severe injury upon a domestic animal when not on the owner's real property, or
 - (3) has approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack; or
- (c) Is owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

This definition shall not apply to: (1) a dog that has been subject to provocation, (2) any dog responding to a trespass upon the animal owner's premises, if the victim is the trespasser, or (3) dogs used by law enforcement agencies to carry out official law enforcement duties. Provocation must be clearly established.

Dog means a domestic canine of either sex.

Domesticated means those species of animals that normally and customarily share human habitat and are normally dependent on humans for food and shelter, such as, but not limited to, dogs, cats, cattle, horses, swine, fowl, sheep, goats, reptiles, amphibians, rabbits, and fish.

Harboring an animal means feeding or sheltering an animal for 14 days or more unless the animal is being boarded for a fee.

Holding facility means any pet shop, kennel, cattery, boarding facility, veterinary office, animal shelter, or combination thereof.

Owner means any person owning, keeping, harboring, possessing, or acting as custodian, however temporarily, of an animal; provided, however, that a person having temporary custody or possession of an animal for the sole purpose of turning over such animal to a member of the animal services division or other peace officer shall not be deemed the owner of the animal.

Pet means a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, fish, hamsters, mice, reptiles, domesticated wild animals and other animals associated with man's environment.

Pet shop means a commercial establishment, which offers for sale two (2) or more species of live animals with the intent that they be kept as pets.

Provocation means conduct or actions on the part of any person or animal that is likely to arouse a violent or aggressive response by an animal. This term does not include any action on the part of an individual or animal that pertains to reasonable efforts of self-defense.

Public nuisance animal means any animal or group of animals which:

- (a) Is found at large three or more times in a 12-month rolling period; or
- (b) Damages the property of anyone other than its owner; or
- (c) Is a Vicious Animal; or
- (d) Causes unsanitary condition of enclosures or surroundings; or
- (e) By virtue of number or type is offensive or dangerous to the public health, safety, or welfare; or
- (f) Is diseased and dangerous to the public health.

Serious injury means a physical injury resulting in broken bones, disfiguring lacerations, or requires cosmetic surgery or hospitalization.

Tether means tying out or fastening a dog outdoors on a rope, chain, or other line for restraining a dog. The term does not mean the restraint of a dog on an attended leash.

Vicious animal means any animal which constitutes a physical threat to human beings or other animals by virtue of attacks of such number and severity as to cause property damage or physical injury.

Secs. 10-3—10-30. – Reserved.

ARTICLE II. – ANIMAL SERVICES

Sec. 10-31 General Duties of Animal Services Officer.

The animal services officer shall be charged with the responsibility of:

- (a) Taking up and delivering any animal at large in violation of this chapter to the animal shelter.
- (b) Issuing appropriate permits, civil penalties, and notices required for the enforcement of this chapter.
- (c) Declaring an animal as a potentially dangerous animal, as defined in this chapter, if they determine such. Upon determining that an animal is a potentially dangerous animal, the Chief of Police shall notify the owner of the animal in writing, giving the reasons for the determination. The owner may appeal the determination by filing written objections with the Animal Services Advisory Committee established in this chapter.
- (d) Canvassing the city, including homes and businesses utilizing security animals as necessary to ascertain that all animals are currently vaccinated against rabies; to organize and carry out any such canvas, having sole and exclusive authority, control, and responsibility for such actions; and to ensure that the provisions of this chapter and state law related to animal control are adhered to.
- (e) Investigating complaints regarding animals.
- (f) Protecting animals from neglect or abuse and assist animal cruelty investigators as needed in enforcing state laws regarding cruelty.
- (g) Enforcing the laws regarding remedies for an owner's failure to obtain proper vaccination of animals against rabies.
- (h) Investigating all reported animal bites or other human physical contact with suspected rabid animals and submit bite reports and reports of human contacts to the county health director.

Except as may be otherwise provided by statute or local law or ordinance, no officer, agent, or employee of the city charged with the duty of enforcing the provisions of this chapter or other applicable law shall be personally liable for any damage that may accrue to persons or property because of any act required or permitted in the discharge of such duties.

Sec. 10-32. Animal Enforcement Authority

The animal services officer is hereby authorized to enforce the provisions of this chapter and any other regulation adopted in accordance with the provisions of this chapter.

Sec. 10-33. Inspection, interference, or concealment.

- (a) Inspections: Whenever necessary, inspections will be used to enforce the provisions of this chapter, or whenever the animal services officer has reasonable cause to believe that there exists in any household or upon any premises any violation of this chapter, the animal services officer is hereby empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon them by this chapter as follows:
 - (1) If such property is unoccupied, the animal services officer shall first make a reasonable effort to locate the owner or other person having control of the property;
 - (2) If such property is occupied, the animal services officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefore; and
 - (3) If such entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be located after due diligence, the animal services officer may seek an administrative search warrant.
- (b) Interference: It shall be unlawful for any person to interfere with, hinder, assault, molest, resist, or obstruct the animal services officer while the animal services officer is carrying out any duty created under this chapter.
- (c) Concealment of animal: It shall be unlawful for any person to conceal, for the purpose of evading the rabies inoculation requirement of state law, any uninoculated animal from the animal services officer, or to evade any other provision of this chapter.
- (d) In addition to any other remedy available, violation of this section shall constitute a misdemeanor as provided in Section 1-6.

Sec. 10-34. Animal Services Advisory Committee

The Animal Services Advisory Committee shall make recommendations to the City Council regarding animal-related ordinances, policies, and procedures. The Animal Services Advisory Committee may undertake the study of areas under their authority to advise City of Hendersonville staff and City Council.

The Animal Service Advisory Committee, or a duly appointed subcommittee thereof, shall act as the Animal Services Appellate Board and hear all appeals under this chapter when permitted by State law, including appeals of dangerous dog determinations.

The composition, rules of procedure, and all other matters shall be governed by the Animal Services Advisory Committee Charter and Rules of Procedure, as amended.

Secs. 10-34—10-60. – Reserved.

ARTICLE III – KEEPING ANIMALS

Sec. 10-61. – Keeping of certain animals prohibited

It shall be unlawful for any person to keep or maintain any oxen, bison, roosters, or wolf hybrids within the City.

Sec. 10-62. – Swine

It shall be unlawful for any person to keep any hogs or other swine within the city with the exception of miniature pigs weighing not more than 100 pounds kept as household pets. Only one such miniature pig shall be kept in any household. Such pigs shall be kept in a restrained area and shall not be permitted to run at large. Such pigs shall also be kept in accordance with Article V of this Chapter. Any outside area occupied by a miniature pig shall be regularly sanitized and kept free from waste. No such area shall be allowed to become muddy or unsanitary.

Sec. 10-63. – Keeping of other farm animals

Other farm animals may be kept within the City subject to applicable health statutes and regulations, and provided that: (1) none of the foregoing animals may not be kept or maintained within 150 of any building occupied or designated as a residence, except the residence of such animals owner; and (2) the forgoing animals shall be kept in accordance with Article V of this Chapter.

Sec. 10-64. – Keeping of poultry

- (a) It shall be unlawful to maintain a poultry flock of greater than 20 birds.
- (b) In accordance with Sec. 10-61 above, the keeping of roosters is prohibited.
- (c) The keeping of poultry shall be subject to all applicable health statutes and regulations.

Sec. 10-65. – Requirements for construction and maintenance of poultry enclosures.

In addition to the requirements of Article V of this Chapter, each person keeping poultry within the city shall comply with the following rules and regulations:

- (1) The poultry house and run must be fenced, and the birds shall kept within it at all times.
- (2) The poultry house must be used for poultry only and it must be well ventilated, with at least one square foot of window to 15 square feet of floor space.
- (3) The run must be well drained so there will be no accumulation of moisture.

Sec. 10-66. – Disposal of dead chickens and other poultry.

It shall be unlawful for any person to allow any dead chicken or poultry to remain on the premises, and disposal of any dead chicken or fowl may not be contrary to any methods approved by the county health department.

Secs. 10-67—10-90. – Reserved.**ARTICLE IV – OFFENSES AND MISCELLANEOUS****Sec. 10-91. – Animals at large**

- (a) It shall be unlawful for the owner of any domesticated animal to allow or permit such animal to be at large within the corporate limits of the city at any time upon any property not his own without the written permission of the owner of such property.
- (b) In addition to any other remedy available, permitting a dog that has been deemed dangerous to run at large is a misdemeanor as provided by Section 1-6.

Sec. 10-92. – Protection of Birds

- (a) The area embraced within the corporate limits of Hendersonville and all land owned or leased by the Hendersonville outside the corporate limits is hereby designated as a bird sanctuary.
- (b) It shall be unlawful intentionally to trap, hunt, kill, or otherwise take, within the sanctuary hereby established, any native wild bird except pursuant to a valid permit issued by the North Carolina Wildlife Resources Commission; provided, however, that this section shall not be deemed to protect any birds classed as a pest under Article 22A of Chapter 113 of the North Carolina General Statutes and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971.
- (c) In addition to any other remedy available, violation of this Section is also a misdemeanor as provided in Sec. 1-6.

Sec. 10-93. – Protections of Squirrels

- (a) The entire area embraced within the corporate limits of the city is hereby designated as a sanctuary for all species of squirrel (family Sciuridae), especially the Brevard White Squirrel.

It shall be unlawful for any person to hunt, kill, trap, or otherwise take any protected squirrels within the city limits except pursuant to a valid permit issued by the North Carolina Wildlife Resources Commission. This section shall not be deemed to protect any squirrels classified as a pest by the North Carolina General Statutes, except that the Brevard White Squirrel shall always be protected by this section.

Sec. 10-94. – Fouling public grounds.

It shall be unlawful for any owner, keeper, or walker of any animal to permit the discharge such animal's excreta upon any public or private property, other than the property of the owner within the city, if such owner, keeper, or walker does not immediately thereafter remove and clean up such animal's excreta from the public or private property.

Sec. 10-95. – Restraint of animals.

- (a) Physical restraint: It shall be unlawful for any Owner of any animal, excluding cats, to keep such animal on their own premises or off the premises, unless such animal is under sufficient physical restraint, such as a leash, cage, bridle or similar effective device which restrains and controls the animal, or within a vehicle or adequately contained by a fence on the premises or other secure enclosure. If the physical restraint used is a leash, bridle, or other device requiring a person to control the animal, the person using such restraint must be of sufficient age and physical size or ability to reasonably restrain the animal. If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence.
- (b) Tethering: Dogs may not be tethered to a stationary object unless a competent adult is in the immediate presence of the dog and the following conditions are met:
 - (1) A tether shall be equipped with a swivel on both ends.
 - (2) A tether shall be a minimum of ten feet in length and shall be made of either metal chain or coated steel cable.
 - (3) Tethers shall be attached to a buckle type collar or harness and under no circumstances shall the tether itself be placed directly around a dog's neck. Tethers shall not be used in conjunction with training collars such as choke or pinch-style collars.

- (4) The weight of the tether shall not exceed ten percent of the total body weight of the dog but shall be of sufficient strength to prevent breakage.
- (5) The tether by design and placement shall allow the dog a reasonable and unobstructed range of motion without the possibility of entanglement, strangulation, or other injury. The tether shall allow the dog access to adequate food, water, and shelter.
- (6) A dog must be four months of age or older to be tethered.
- (7) Only one dog shall be attached to a single tether.
- (8) Pulley systems, running lines and trolley systems may be used in conjunction with a tether.
- (9) Pulley systems, running lines or trolley systems shall be at least ten feet in length. and no more than seven feet above the ground.
- (10) The line of the pulley system, running line or trolley system to which, the tether is attached shall be made of coated steel cable.
- (11) No tether shall be affixed to a stationary object which would allow a dog to come within five feet of any property line.

Sec. 10-96. – Giveaways in Public Spaces.

It shall be unlawful to display any animal in a public place for the purpose of selling, trading, or giving the animal away or used as a prize or inducement. For this section, public place shall be defined as any place open to the public including but not limited to malls, supermarkets, parking lots, flea markets, farmers markets, road rights-of-way, and parks. This section does not apply to state regulated pet shops, commercial kennels, licensed animal shelters, veterinarian offices, licensed stockyards, or livestock auctions or 501(c)(3) non-profits who adopt out animals with proof of rabies vaccination and alteration

Sec. 10-97. – Excessive noises.

It shall be unlawful for any Owner to allow any Animal to excessively bark, howl, or make other loud noises continuously or intermittently for more than 30 minutes.

The Animal Services Officer shall only be required to investigate an alleged violation of this section upon the receipt of a complaint from two individuals.

Secs. 10-98—10-120. – Reserved.

ARTICLE V. – ANIMAL CRUELTY

Sec. 10-121. – Unlawful treatment.

It shall be unlawful for any Owner to fail to provide an animal with adequate food, water, shelter, necessary medical attention, and humane care and treatment.

Nothing in this section shall be construed to require a standard of care otherwise prohibited by G.S. 160A-203.1.

In addition to all other remedies available, violation of this Section is a misdemeanor as provided in Section 1-6.

Sec. 10-122. – Abandonment.

No owner of an animal shall abandon such animal except to relinquish the animal to the animal shelter during normal business hours. If the Animal Services Officer finds that an animal has been abandoned, the animal may be impounded. If an animal has been abandoned in a house or within a fenced area, the Animal Services Officer must make a reasonable effort to locate the owner or manager of the property. If the property owner or manager is not the animal owner, then the Animal Services Officer shall secure permission to remove the animal. If the property owner is also the animal owner and this individual cannot be located, the Animal Services Officer shall secure an appropriate warrant to seize the animal. An animal seized pursuant to this section shall be impounded for a period of ten days. If the animal is unclaimed by its owner after being held ten days, the animal shall be disposed of by adoption or humane euthanasia, or transferred to an Animal Services Center or other appropriate facility.

In addition to all other remedies available, violation of this Section is a misdemeanor as provided in Section 1-6.

Sec. 10-123. – Transport of Animals.

Animals transported in open truck beds on public roads shall be secured by cross tethering suitable and acceptable for the size of animal in such a manner that such animal cannot fall or jump over the side or contained in a properly secured and ventilated cage. This provision shall not be applicable to:

- (1) Law enforcement dogs, while being used for investigation, tracking and similar duties under the supervision of a certified law officer;
- (2) Search and rescue dogs, while being used for their intended purpose and under the control of a trained handler;
- (3) Hunting dogs, while being used in a legal hunt on private property, private roads or public secondary roads;
- (4) Farm dogs, while being used for agricultural purposes on private property or private roads; or
- (5) Farm dogs, while being used for agricultural purposes on secondary roads within one mile of property owned, leased, or otherwise used for farm purposes.

In addition to all other remedies available, violation of this Section is a misdemeanor as provided in Section 1-6.

Sec. 10-124. – Confinement of Animals in Motor Vehicles.

It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a vehicle, building, car, boat, or vessel of any kind under such conditions or for such a period as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability, or death.

- (1) When an animal is confined in violation this section, after making a reasonable effort to find the driver of a vehicle in which an animal is confined, the animal services officer, in the presence of a law enforcement officer, may use the least intrusive means to enter the vehicle if necessary to remove the animal, where reasonable cause exists to believe the animal may die if not immediately removed.
- (2) The animal services officer removing the animal shall then impound the animal and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed.

In addition to all other remedies available, violation of this Section is a misdemeanor as provided in Section 1-6.

Sec. 10-125. – Animals used in entertainment, shows, and for exhibition.

It shall be unlawful for any person to sponsor, promote, or train a wild or domestic animal to participate in any unnatural behavior in which the animal is wrestled, fought, harassed, or displayed in such a way that the animal is abused or stressed. This prohibition applies to events and activities taking place in either public or private facilities or property in the town and applies regardless of the purpose of the event or activities and whether a fee is charged to spectators.

In addition to all other remedies available, violation of this Section is a misdemeanor as provided in Section 1-6.

Secs. 10-126—10-150. – Reserved.

ARTICLE VI. – RABIES CONTROL

Sec. 10-151. – Vaccination of dogs and cats required.

It shall be unlawful for an Owner of any dog or cat four months of age or older to fail to provide current vaccination against rabies for such dog or cat.

Sec. 10-152. – Vaccination tag and certification.

- 1) Dogs are required to wear a rabies vaccination tag at all times.
- 2) Cats are not required to wear rabies vaccination tag, but the owner of a cat shall maintain the tag, or the rabies vaccination certificates as written evidence to prove the cat has a current rabies vaccination.
- 3) It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than the one using the tag.
- 4) Enforcement: If an animal is found without a rabies tag, the owner shall have 5 calendar days to obtain proper proof of vaccination and present to the Animal Services Officer.
 - a. If after 5 days, there is still no proof of rabies vaccination, the Animal Services Officer may take any of the enforcement actions provided in this Chapter.
 - b. If an animal is found without a rabies tag off the owner's property, the animal shall be impounded for 72 hours for owner reclaim. Prior to release, the animal's vaccination history shall be verified, and rabies vaccine voucher shall be purchased if required.

Sec. 10-153. – Bite Notification

- (a) Reporting requirement: It shall be unlawful for: (1) any person bitten by a dog or cat, (2) their parent or guardian if such person is a minor, and (3) the person owning such animal or having such animal in his possession or under his control to fail to report, within 24 hours of a bite, to the Animal Services Officer that such animal has bitten a person. It shall be unlawful for any person to fail to inform the Animal Services Officer where an animal is located if the owner has given the animal away or caused in any way the animal to be taken from the owner's premises.
- (b) Confinement: All dogs or cats that bite human beings shall be immediately confined for ten days in a place designated by the Henderson County Health Director. If the Owner refuses to confine the animal as required by this section, the Animal Services Officer or the Henderson County

Health Director may order the seizure of the animal and its confinement for ten days at the expense of the owner. Following such ten-day confinement, the dog or cat may be released with the written permission of the Animal Services Officer or the Henderson County Health Director.

As provided in N.G.C.S. 130A-196(b), failure to comply with confinement requirements is a Class 2 misdemeanor.

Secs. 10-154—10-180. – Reserved.

ARTICLE VII. – PUBLIC NUISANCE AND DANGEROUS DOGS

Sec. 10-181. – Public Nuisance.

- (a) The keeping of a Public Nuisance Animal, as defined in this Chapter, is hereby prohibited.
- (b) Complaint and notice: Upon receipt of a complaint being made to the Police Department by any resident or residents that any person is keeping a Public Nuisance Animal as defined in this chapter, the Chief of Police shall cause the owner of the animal or animals in question to be notified that a complaint has been received and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating Animal Services Officer.
- (c) Abatement. If the written findings of the investigating officer indicate that the complaint is justified, then the Chief of Police shall cause the Owner of the animal or animals in question to be so notified in writing, by registered mail, return receipt requested, or by personal delivery, ordered to abate such nuisance within five days after notification, and issued a citation for the violation. In the event the Owner of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals shall be published within a local newspaper. In addition, any animal determined to be a nuisance under this section must be micro chipped at the owner's expense within ten days of the Public Nuisance Animal determination or appeal determination. Failure to comply within this time frame shall constitute a separate offense for each day thereafter.
- (d) Impoundment upon failure to abate. If any person receiving notice in the manner hereinabove described shall fail or refuse to abate the nuisance upon order of the Chief of Police within the specified time, the Chief of Police may cause the animal or animals in question to be apprehended and impounded.
- (e) Civil penalties. Additionally, if any person receiving notice in the manner hereinabove described shall fail or refuse to abate the nuisance upon order of the Chief of Police within the specified time, the Chief of Police may assess a civil penalty as provided in Section 1-6.
- (e) Right of appeal. Within seven days from receipt of their notification, the owner of the nuisance animal may appeal the findings of the Chief of Police by giving written notice of appeal to the Chief of Police. An appeal shall stay the abatement of the Public Nuisance Animal determination until a final determination by the Animal Services Advisory Committee.
- (f) Inspection. The Animal Services Officer is hereby permitted to make periodic inspections of animals deemed to be Public Nuisance Animals to ensure compliance with this Chapter.

Sec. 10-182. – Declaration of dangerous dogs.

The Chief of Police shall have the authority to declare a dog to be a dangerous dog. Any determination that a dog is a dangerous dog shall be made in writing, summarizing the available evidence. The letter shall be served by personal delivery or by certified or registered mail to the Owner. The written

determination shall order compliance with the appropriate provisions of this chapter and may impose reasonable conditions to maintain the public health and safety.

Sec. 10-183. – Dangerous dogs restricted.

It shall be unlawful for any person to own or in any way maintain or harbor a dog that has been deemed dangerous, except as provided in this chapter. Notwithstanding any enumerated exception in listed in Sec. 10-2, any dog which has killed a person shall be immediately euthanized.

Sec. 10-183. – Appeal.

Any person who owns a dog that has been declared a dangerous dog shall have the right to appeal the declaration to the Animal Services Advisory Committee as provided herein:

- (a) Manner of appeal. The Owner of a dangerous dog may request an appeal of the determination in writing. The written appeal must be submitted to the Chief of Police, must state the Owner's address, and must be received or postmarked within seven calendar days of the receipt by the Owner of notice of the declaration.
- (b) Pending the appeal, the Owner of a dangerous dog shall comply with the provisions of Section 10-184 herein.
- (c) Hearing procedures. Once properly appealed, the Animal Services Advisory Committee shall conduct a quasi-judicial hearing to determine whether the declaration of the dog as a dangerous dog should be upheld.
- (d) Outcome. If the dog is affirmed by the animal services advisory board as being a dangerous dog, then the Owner shall comply with the provisions of this Chapter. Any person who owns a dog upheld as a dangerous dog by the Animal Services Advisory Committee has the right to appeal this determination to the Henderson County Superior Court.

Sec. 10 –184. – Enclosures and control measures.

- (a) If a dog has been determined to be a dangerous dog, as specified in this section, the dog may be retained upon the Owner satisfying the following conditions:
 - (1) The Owner must always ensure that the dog on and off the Owner's property remains securely enclosed as per the ordinance or controlled and muzzled as described below.
 - a. Confine the dog within the owner's residence; or
 - b. Erect and confine the dog (except when muzzled and controlled as required below), within 30 days in a securely enclosed and padlocked pen with a concrete bottom and secure top. The structure must be at least 10x10 feet and be secured by a tamper-proof lock. Pending construction of such pen, the dog must be confined within the owner's residence; or
 - c. The animal must be muzzled and under restraint by a competent person who, by means of a leash, always has such animal firmly under physical restraint when not in a secure building or enclosure. The muzzle must be a basket muzzle.
 - d. Any dog deemed dangerous shall not be permitted in public recreation areas, including dog parks, parks, or greenways.

- (2) The owner must post one or more warning signs provided by the city, which are to be visible to any adjoining property from each exposure of the residence or the structure in which the dangerous dog is confined. The city may charge a fee for each sign provided.
 - (3) The owner of a dangerous dog must maintain in full force and effect a liability insurance policy of at least \$100,000 for personal injury or death of any person resulting from an attack by such dangerous dog. The owner shall provide the Animal Services Officer with a certificate of insurance which shall require 30 days written notice by the insurer or owner in the event of cancellation, reduction or other modifications of coverage. In addition to the notice requirement above, owner shall provide the Animal Control Officer with immediate written notice of cancellation, reduction, or other modification of coverage of insurance.
 - (4) Within ten days of the determination or appeal determination, the owner of a dangerous dog must demonstrate to the Animal Services Officer that such dog had a microchip implanted.
 - (5) The Animal Services Officer may periodically inspect the premises where a dangerous dog is kept verifying compliance with the provisions of this chapter. The Owner must permit these inspections at any reasonable time without notice to the Owner from the Animal Enforcement Officer.
 - (6) All dogs deemed dangerous must be altered within 30 days of the determination.
 - (7) Control measures.
 - a. All control measures required by this section must be met immediately upon the determination that the dog is dangerous except for the construction of the enclosure discussed in the subsection of this provision. The owner has 30 days to construct the enclosure during which time the animal must be confined indoors and may only be permitted outside under the control of a competent person by leash and the animal must be muzzled.
 - b. If the owner has no place to keep the animal while the structure is being constructed, the animal may be kept at the Henderson County Animal Services Center or at a private establishment approved by the Animal Services Officer and Henderson County Animal Services at the owner's expense.
- (b) Notification within 24 Hours:
- (1) Change of address or ownership of a dangerous dog, the owner shall provide written notification of the change of address or ownership to the Chief of Police, stating the full name if there's a new owner, address, and location of the new owner of the dog.
 - (2) Of the death of a dangerous dog, the owner shall provide written notification of the dog's death to the Chief of Police.
- (c) Notification Prior to Transfer. Prior to any transfer to a new Owner (with or without consideration) of a dangerous dog, the owner must provide to the Chief of Police a written statement, signed before a notary by the transferee, indicating the transferee's understanding of the transferee's obligations hereunder as an owner of a dangerous dog. If the dangerous or dog is being transferred out of the City of Hendersonville, or out of North Carolina, the owner of the animal must notify the Chief of Police of the new jurisdiction to which the animal is being

moved that this dog has been deemed a dangerous dog. The Chief of Police also shall notify the new jurisdiction that the animal has been deemed dangerous and the circumstances surrounding the case. The Owner must comply with any local regulations regarding dangerous dogs in the new location. No dog deemed dangerous may be adopted pending the outcome of quasi-judicial hearing.

- (d) In addition to all other remedies available, violation of this Section is a misdemeanor as provided in Section 1-6.

Sec. 10-185. – Impoundment Authorized.

- (a) Immediate impoundment: Any dangerous dog may be immediately impounded if the animal is kept in violation of this section. Civil penalties may be imposed.
- (b) Cost of impoundment: Costs of impoundment shall be paid by the owner for the animal at a daily rate as determined by the impoundment facility. In instances where the animal must be impounded at a private facility or kennel, the person liable for the animal will pay the rate established by those facilities.
- (c) Release from impoundment:
 - (1) Dog deemed dangerous/potentially dangerous may only be released to owner if the following requirements have been satisfied
 - a. Proof of compliance submitted to Chief of Police, or
 - b. Approval of proof by the Chief of Police is submitted in writing to the impoundment facility.
 - (2) If criminal charges have been brought against the Owner for failure to comply with this Chapter, for interference with the operations of the Animal Services Officer, or criminal charges under N.C.G.S. Chapter 67 Article 1A, no dog deemed dangerous/potentially dangerous shall be released from the impoundment until determined by a court of competent jurisdiction. During this time while the dog is impounded, costs of impoundment shall continue to be charged to the Owner.

Sec. 10-186 – Destruction of animals that cannot be seized or confined by reasonable means.

- (a) Notwithstanding any other provision of this Chapter, an animal that cannot be seized by reasonable and normal means, trapped in a humane, live-capture animal trap, or tranquilized, alternative resources being exhausted, may be humanely destroyed in the field by animal services or other law enforcement officers.
- (b) Vicious, dangerous animals so designated, or wild animals, or an animal attacking a human being, domestic animal, livestock, or fowl another pet, or livestock may be immediately destroyed in the field, if such destruction is necessary for the protection of the public health and safety or that of city staff.

Secs. 10-187—10-210. – Reserved.

ARTICLE VIII. – ENFORCEMENT

Sec. 10-211. – Violations and penalties.

The following penalties shall pertain to violations of this chapter:

- (a) This chapter may be enforced by criminal penalty where specifically provided.
- (b) Enforcement may include any appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction pursuant to N.C.G.S. §160A-175(d) and (e).
- (c) Civil penalties. In addition to and independent of any criminal penalties and other sanctions provided in this article, violations of this article may also subject the offender to the civil penalties hereinafter set forth.
- (d) A combination of the forgoing and/or any other remedy available by law.

Sec. 10-212. – Civil Penalties

- (a) Generally: Any person who violates any provision of this chapter shall be subject to a civil penalty for each level of violation in accordance with subsection (d) of this section and the corresponding civil penalty in the Civil Penalty Schedule, Section 10-213. If the violation is continued, each day's violation shall constitute a separate offense. For the purposes of this chapter, repeat violations occur where the City has issued a civil penalty for the same offense within a 12-month period. Nothing in this section shall prevent the City from issuing warning violations.
- (b) Issuance of a citation: Issuance of a citation for violation of this chapter is directed toward and against the known owner. The purpose of the issuance of a citation is to affect the conduct of the owner by seeking to have the owner ensure compliance with this chapter. The issuance of a citation hereunder shall not affect the prosecution of a violation hereof as a misdemeanor as provided above. A citation shall:
 - (1) Give notice of the violation(s) alleged of the owner;
 - (2) State the civil penalties for such violation(s);
 - (3) State the date by which any penalties for such violation(s) must be paid; and
 - (4) State that the city may initiate after such date a civil action to collect the civil penalties which are and may become due.
- (c) If the owner of an animal or other alleged violator does not respond to the above-described citation, or the applicable 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. The city manager or his designee are expressly authorized to initiate and prosecute small claims actions in district court to collect civil penalties and fees due to the city under this Chapter.
- (d) Penalty severity: The severity of violations of the provisions of this chapter shall be as follows:
 - (1) Violation of the following shall constitute a level I violation:
 - a. Section 10-61. – Keeping of certain animals prohibited.
 - b. Section 10-62. – Swine.
 - c. Section 10-63. – Keeping of other farm animals.
 - d. Sec. 10-64. – Keeping of poultry.
 - e. Sec. 10-65. – Requirements for construction and maintenance of poultry enclosures.
 - f. Sec. 10-91. – Running at large.

- g. Sec. 10-94. – Fouling public grounds.
- h. Sec. 10-95. – Restraint of animals.
- i. Sec. 10-97. – Excessive noises.
- j. Sec. 10-123. – Transport of animals.
- k. Sec. 10-151. – Vaccination of dogs and cats required.
- l. Sec. 10-152. – Vaccination tag and certification.
- m. Violation of any provision of this Chapter not otherwise provided for in this subsection (d).

(2) Violation of the following shall constitute a level II violation:

- a. Section 10-66. – Disposal of dead chickens and other poultry.
- b. Sec. 10-92. – Protection of birds.
- c. Sec. 10-93. – Protection of squirrels.
- d. Sec. 10-96. – Giveaways in public spaces.
- e. Sec. 10-122. – Abandonment.
- f. Sec. 10-153. – Bite notification.
- g. Sec. 10-181. – Public nuisance.

(3) Violation of the following shall constitute a level III violation:

- a. Sec. 10-33. – Inspection, interference, or concealment.
- b. Sec. 10-121. – Unlawful treatment.
- c. Sec. 10-124. – Confinement of animals in motor vehicles.
- d. Sec. 10-125. – Animals used in entertainment, shows, and for exhibition.
- e. Sec. 10-184. – Enclosures and control measures.

Sec 10-213. – Civil penalty schedule

Civil Penalty Schedule				
	First Violation	Second Violation	Third Violation	Additional Violations
Level I	Warning	\$50	\$100	\$200
Level II	\$100	\$150	\$200	\$400
Level III	\$200	\$300	\$500	\$500

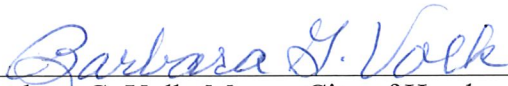
SECTION 2. If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

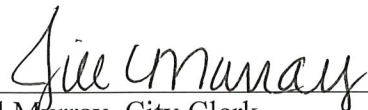
SECTION 3. It is the intention of the city council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 4. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 9th day of August, 2023.

Attest:


Barbara G. Volk, Mayor, City of Hendersonville


Jill Murray, City Clerk

Approved as to form:


Angela S. Beeker, City Attorney

Resolution #R-22-31

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ESTABLISHING A CODE OF ETHICS AND ATTENDANCE POLICY FOR MEMBERS OF ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES OF THE CITY OF HENDERSONVILLE

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics and, pursuant to Section 160A-86, the City Council has previously adopted a Code of Ethics Resolution #10-1151 on December 4, 2010 for the Mayor and City Council; and

WHEREAS, it is appropriate that members of City advisory boards, commissions, and committees as well as Mayoral and City Council appointees to non-city bodies (hereinafter "Advisory Board Members"), also adhere to a Code of Ethics; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Hendersonville, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we do hereby adopt the following General Principles and Code of Ethics & Attendance Policy to guide Advisory Board Members in their lawful decision-making.

GENERAL PRINCIPLES AND CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for advisory board members and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a member's best judgment.

The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

Advisory board members must be able to act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent and must always remain aware that they may, at various times, play different roles:

- As advisors, who balance the public interest and private rights in considering and recommending, among other things, ordinances, policies, and decisions.
- As decision-makers, who arrive at fair and impartial determinations.

Advisory board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

Advisory board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the Mayor and City Council and the citizens of the City of Hendersonville.

Each board member must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

Section 1

Advisory board members should obey all laws applicable to their official actions. Advisory board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, advisory board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. However, in doing so, advisory board members:

- (a) shall be mindful that they were appointed by the Mayor or City Council, or by another appointing authority to a City board, commission, or committee and, therefore, if they are advising or advocating a position that is contrary to a Council policy, that they notify the Mayor and City Council of such as soon as practicable;
- (b) who serve in an advisory capacity shall be mindful that their chief responsibility is to advise the Mayor and City Council or other decision-making body rather than to advocate to the public at large, particularly when the position of advocacy is contrary to a Council policy;
- (c) shall understand that they hold a position of trust on behalf of the City and its citizens;
- (d) shall assert policy positions and opinions on matters within or related to the jurisdiction and subject matter of the body on which they serve only through the transparency of official proceedings of the body or in a capacity and manner appropriate for a member of such body. Advisory board members shall not represent their individual views as being representative of the full body unless they have been formally authorized by the body to do so.
- (e) shall faithfully attend regular and special meetings of the body.

These guidelines are especially important to Chairpersons who must recognize that they are often viewed as speaking for the body.

To declare that an advisory board member is behaving unethically because one disagrees with that official on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 2

Advisory board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner

- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- For advisory board members who act in a quasi-judicial capacity, disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other board members, staff and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that individual advisory board members are not generally allowed to act on behalf of the body but may only do so if the body specifically authorizes it, and that the body must take official action as a body

Section 3

Advisory board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinions may vary about what behavior is inappropriate, the Mayor and City Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the advisory board member's action would conclude that the action was inappropriate.

If an advisory board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the staff liaison who will confer with his or her department supervisor and/or the City Attorney who will consider the facts of the situation and the steps necessary to resolve it.

Section 4

Advisory board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned. Advisory board members should be willing to bear their fair share of the body's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

Section 5

Advisory board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to them or city employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and City Council have made it clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should take deliberate steps to make certain that any meetings held by the body are lawfully conducted and that such meetings do not stray from the purposes for which they are called.

Section 6**ATTENDANCE POLICY**

Advisory board members should faithfully attend and adhere to the following attendance policy.

In order for an advisory board, commission, or committee to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attentive to the business of the body. Therefore the Mayor and City Council may dismiss any member who misses three consecutive meetings or one-half of the meetings held in a calendar year without good cause (such as temporary severe illness of a member or of a member of such member's family, or overriding but temporary business concerns). Such dismissal may be considered upon or complaint by the chairperson, a member of the advisory board, staff liaison, or on the City Council's own motion.

On January 1st of each year, a member of any advisory board appointed by the Mayor or City Council may be automatically removed from said body for failure to attend at least one half of all regular and special meetings of the body held during the immediately preceding calendar year.

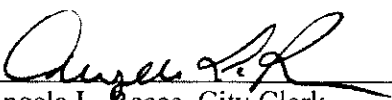
Sanctions

In the event that a member of an advisory board fails to comply with the code of ethics or attendance policy the chairperson or staff liaison shall notify the City Clerk in writing, of the policy violation and to request that said member to be replaced. The City Clerk will forward the complaint to the Mayor and City Council for review. Following the review of an allegation against a member of a city advisory board, the City Council may sanction the member who was the subject of the review. Potential sanctions include removal of the member, adoption of a resolution of censure, and any other lawful sanction within the City Council's power.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3RD day of March 2022.

Attest:


Barbara G. Volk, Mayor, City of Hendersonville


Angela L. Reece, City Clerk

CITY COUNCIL:
 BARBARA G. VOLK, Mayor
 LYNDSEY SIMPSON,
 Mayor Pro Tem
 JR. JENNIFER HENSLEY
 DEBBIE O'NEAL-ROUNDTREE
 JERRY A. SMITH, JR.

CITY OF HENDERSONVILLE

The City of Four Seasons

OFFICERS:
 JOHN F. CONNET
 City Manager
 ANGELA S. BEEKER
 City Attorney
 ANGELA L. REECE
 City Clerk

OFFICE OF THE MAYOR
 BARBARA G. VOLK

March 4, 2022

City of Hendersonville
 Advisory Boards Commissions Committee Members

Dear Board Members:

On behalf of the Hendersonville City Council, I would like to thank you for serving on the City's advisory boards, commissions, and committees. The stability and proper operation of our City's government depends on public confidence in the integrity and responsible exercise of the trust conferred by the people upon their elected officials. Decisions and policy must be made and implemented through proper channels and processes of the governmental structure. Advisory board members must be able to act in a manner that maintains their integrity and independence yet are responsive to the interests of those they represent. Advisory board members are sometimes advisors and sometimes decision-makers and must be able to determine when each role is appropriate and act accordingly. The City Council values open, transparent communication and trust with the community and believes that services should be delivered at a high level. In order to ensure these values and beliefs are met, Council has adopted a code of ethics and attendance policy as well as an advisory board handbook to assist advisory board members and staff with understanding their obligations to conform their procedures and behaviors to standards of ethical conduct that warrant the trust of the Mayor and Council.

We sincerely appreciate your willingness to serve the citizens of Hendersonville and hope that you will find the information helpful. Please feel free to contact the staff liaison assigned to your board or the City Clerk if you have any questions.

Thank you for everything you do for our city.

Sincerely,

Barbara G. Volk, Mayor
 City of Hendersonville

Cc: Hendersonville City Council

160 Sixth Ave. E.
 Hendersonville, NC
 28792

bvolk@hvlnc.gov
 www.hvlnc.gov

Phone:
 828.697.3000
 Fax:
 828.697.3014

ANIMAL SERVICES ADVISORY COMMITTEE

CHARTER AND RULES OF PROCEDURE

The Animal Services Advisory Committee (ASAC) shall assist the Hendersonville City Council by providing input on the operations and policies of the Hendersonville Police Department regarding the enforcement of the Animal Ordinance. This may include efforts such as collaborating with staff on operating procedures or providing expertise and recommendations regarding the Animal Ordinance. This Committee shall also hear dangerous dog appeals in a quasi-judicial format. The terms of the charter shall govern the activities of the Committee. However, to the extent that this Charter conflicts with North Carolina Law, North Carolina shall control.

ARTICLE I. NAME. Animal Services Advisory Committee (ASAC).

ARTICLE II. PURPOSE. The purpose of this Committee is to make recommendations to the City Council a staff regarding the Animal Ordinance, policies and procedures, and any other issues requested by the City Council. This Committee shall also hear dangerous dog appeals.

ARTICLE III. JURISDICTION. The Committee shall exercise its purpose with regards to matters and issues within the corporate limits of the City of Hendersonville.

ARTICLE IV. MEMBERSHIP AND DUTIES

Section 1. Membership and Appointment. All appointments shall be made by the City of Hendersonville City Council. The Committee shall consist of eight (8) members: Seven (7) members from the general public with various affiliations and diverse background and one (1) veterinarian. The City Manager shall appoint a staff liaison from the City of Hendersonville Police Department to the Committee who shall assist the Committee with carrying out their duties and responsibilities.

Section 2. Terms of Service. Committee members shall be appointed to staggered three-year terms by the City Council annually in June. No member shall serve more than two consecutive full three-year terms. Members shall serve without compensation.

Section 2. Attendance. Any member who misses more than three consecutive regular meetings or more than one-half the regular meetings actually held in a calendar year may be subject to removal by City Council.

Section 4. Vacancies and Reasons for Dismissal. All members serve at the pleasure of the City of Hendersonville City Council. Members may be dismissed for any reason, with or without cause. Vacancies shall be filled at the earliest convenience of the City Council. A vacancy of the chair or vice chair shall be elected by a majority of the Committee at the next regularly scheduled meeting. Notwithstanding the foregoing, at any meeting where both the Chair and Vice Chair are absent, the Committee shall elect from those members present a member to preside at that meeting.

Section 5. Resignations. Any member who feels they can no longer serve or otherwise fulfil the duties of a member may resign from the committee. Such resignation must be in writing and delivered to the secretary. The secretary shall promptly send a copy of the written resignation to the City Clerk.

Section 6. Compliance with Animal Ordinance. All members must comply with the City of Hendersonville Animal Ordinance, and local, state and federal law as applies to animals. Failure to comply with this provision may result in the immediate dismissal from the Committee by City Council.

ARTICLE V. MEETINGS

Section 1. Meetings to Be Open to the Public. All meetings of the Committee shall be open to the public, and any person may attend its meetings. Except as permitted below, all meetings of the Committee shall be open to the public and any person may attend its meetings. For purposes of these rules, a meeting of the Committee occurs whenever a majority of the Committee's members gather, either in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the Committee's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half. No meeting shall occur except as part of a duly called and advertised meeting. For the avoidance of doubt informal gatherings of a majority of the members where business of the committee is discussed are strictly prohibited.

Section 2. Closed Session. The Committee may enter a closed session from which the public is excluded on any of the grounds listed in G.S. 143-318.11(a).

- a) **Motion to Enter Closed Session.** The Committee may hold a closed session only upon a motion duly made and adopted in open session. The motion to enter closed session shall cite one or more of the permissible bases listed in G.S. 143-318.11(a) for closed sessions. For a closed session held under G.S. 143-318.11(a)(1) (prevent disclosure of privileged or confidential information or information not considered public record), the motion shall name or cite the law that renders the information confidential or privileged. For a closed session called pursuant to G.S. 143-318.11(a)(3) (attorney consultation and preservation of attorney-client privilege), the motion shall name the parties to any pending lawsuit that the Committee's attorney plans to discuss in the closed session.
- b) **Closed-Session Participants.** Aside from the Committee members themselves, only those individuals invited by the Committee may participate in a closed session. The Committee will invite only those individuals whose presence is reasonably necessary to aid the Committee in its closed-session deliberations.
- c) **Motion to Return to Open Session.** Upon completing its closed-session business, the Committee shall return to open session.

Section 3. Regularly Scheduled Meetings. The Committee shall hold regular meetings at least quarterly of the Animal Services Advisory Committee. The Committee shall annually adopt a regular meeting schedule showing the dates, times and places of its regular meetings for the year.

- a) **Notice of Regular Meeting Schedule.** The Committee shall ensure that a copy of its current regular meeting schedule, complete with the date, time, and place of each regular meeting, is filed with the City Clerk and posted on the City's website, and the Committee's webpage if they have one.
- b) **Change to Regular Meeting Schedule.** The Committee may revise its regular meeting schedule to change the date, time or place of a particular regular meeting or all regular meetings within a specified period. The Committee shall ensure that the revised regular meeting schedule is filed with the City Clerk at least seven (7) consecutive calendar days before the first meeting held pursuant to the revised schedule. The Committee shall also have the revised schedule posted on the City's website and the Committee's webpage if they have one.

Section 4. Special Meetings. The chair or the majority of the members of the Committee may at any time call a special meeting of the Committee by signing a notice stating the date, time and place of the special meeting and the subjects to be considered. Alternatively, a special meeting may be called by vote of the

Committee in open session during a regular meeting or another duly called special meeting if on the special meeting agenda.

- 1) **Notice to the public.** At least 48 hours before a special meeting, the Committee shall cause written notice of the meetings date, time, place and purpose(s) to be:
 - i Posted on the Committee's principal bulletin Committee or, if the Committee has no such bulletin Committee, at the door of the Committee's usual meeting room.
 - ii Mailed or delivered to each newspaper, wire service, radio station and television station and person who has filed a written request for notice with the secretary;
- 2) **Notice to Committee Members.** For all meetings called by the chair, or a majority of the members, notice of the meeting date, time, place and purpose(s) shall be mailed, emailed, or delivered to all members of the Committee at least 48 hours before the meeting. If the special meeting was called at another duly held meeting of the committee, and one or more members were absent, the chair shall ensure that notice of the meeting's date, time, place, and purpose(s) is mailed, emailed, or delivered to any absent member(s) a minimum of forty-eight hours in advance of the special meeting.
- 3) **Business Conducted at a Special Meeting.** Only the business that is specified in the notice of the meeting may be transacted during a special meeting.

Section 5. Organizational Meeting. On the date and at the time of the regular meeting in January, the committee shall elect a chair and vice chair as its first order of business. The second order of business shall be to adopt an annual scheduled of meetings for the upcoming calendar year. Newly appointed and reappointed members must have taken their oath prior to the start of the organizational meeting.

Section 6. Electronic Committee Meetings and Member Participation. No member who is not physically present may participate in a meeting of the Committee by electronic means except in accordance with this rule.

- 1) **Electronic Meetings Generally.** Provided a quorum is present, in person, at a meeting, Committee members may participate in a meeting electronically provided the meeting does not involve a quasi-judicial matter. All members participating in a quasi-judicial hearing must attend in person. Any member wishing to participate electronically in a meeting not involving a quasi-judicial matter shall be required to give the Chair and the Secretary at least thirty-six (36) Hours before the start of the meeting. When one or more members are participating remotely, the following rules shall apply:

(a) *Member Identification.* Each member who attends by electronic means shall identify himself or herself in each of the following situations:

- i when roll is taken or the meeting begins;
- ii before taking part in deliberations, including making any motions, proposing any amendments, or raising any points of order; and
- iii before voting.

(b) *Method of Electronic Participation.* Any member who attends electronically shall use a means of communication that enables the member

- i to hear what is said by other Committee members and any person who addresses the Committee and
- ii to be heard by other Committee members.

(c) *Voting.* The Committee shall conduct all votes by roll call. It may not vote by secret or written ballots. The votes of any member who attends by electronic means shall be counted as if the member were physically present, but only while the Committee maintains electronic communication with that member.

(d) *Minutes.* The minutes shall which members took part electronically, and when such members joined or left the electronic meeting.

- 2) **Electronic Meetings During a State of Emergency Declared by the Governor or General Assembly.** During any state of emergency declared by the Governor or General Assembly pursuant to G.S. 166A-19.20, a meeting of the Committee shall comply with the requirements of this paragraph if the Committee falls within the emergency area and at least one Committee member attends the meeting by conference call, conference video, or other electronic means.

(a) *Notice.* The public notice for any regular, special, emergency, or recessed meeting that is subject to this paragraph shall specify how the public can access the electronic meeting in real time.

(b) *Member Identification.* Each member who attends by electronic means shall identify himself or herself in each of the following situations:

- i when roll is taken or the meeting begins;
- ii before taking part in deliberations, including making any motions, proposing any amendments, or raising any points of order; and
- iii before voting.

(c) *Meeting Materials.* All documents considered during the meeting shall be furnished to each Committee member.

(d) *Method of Electronic Participation.* Any member who attends electronically shall use a means of communication that enables the member

- i to hear what is said by other Committee members and any person who addresses the Committee and
- ii to be heard by other Committee members.

(e) *Quorum.* A member who attends by electronic means counts as present for quorum purposes, but only while the Committee maintains electronic communication with that member.

(f) *Voting.* The Committee shall conduct all votes by roll call. It may not vote by secret or written ballots. The votes of any member who attends by electronic means shall be counted as if the member were physically present, but only while the Committee maintains electronic communication with that member.

(g) *Acting by Reference.* The Committee shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document unless copies of the agenda or document are available for public inspection at the meeting and so worded that persons in attendance can understand what is being deliberated or acted upon.

(h) *Minutes.* The minutes shall indicate that the meeting was conducted by electronic means, which members took part electronically, and when such members joined or left the electronic meeting.

(i) *Live Streaming.* The meeting shall be streamed live online so that live audio (and video, if any) are available to the public. If the Committee meets by conference call, the public shall have an opportunity to dial in or stream the audio live and listen to the electronic meeting.

(j) *Public Hearings.* Although it may conduct any public hearing mandated or permitted by law, the Committee shall allow the public to submit written comments on the hearing's subject matter between the publication of any required notice and twenty-four hours after the hearing.

Section 7. Cancellation of Meetings. Whenever there is no business for the committee the chair may cancel a meeting by giving reasonable notice to all members before the time set for the meeting. However, in the case of a special meeting called by a majority of the Committee, the chair may cancel the meeting only upon the concurrence of a majority of the Committee. The majority concurring in the cancellation need not be the same majority that called the special meeting.

Section 8. Recessed Meetings

(a) *Calling Recessed Meetings.* When conducting a properly called regular, special, or emergency meeting, the Committee may recess the meeting to another date, time, or place by a procedural motion made and adopted in open session, as provided in Article XI, Section 5 (Motion 3). The motion shall state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will resume.

(b) *Notice of Recessed Meetings.* If the Committee's website is maintained by one or more Committee employees, notice of the recessed meeting's date, time, and place shall appear on the website prior to the meeting. No further notice of a properly called recessed meeting is required.

Section 9. Order of Business Items shall be placed on a regular-meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- adoption of the agenda,
- approval of the previous meeting minutes,
- public comment,
- public hearings,
- administrative reports,
- committee reports,
- unfinished business, and
- new business.

Without objection, the chair may call agenda items in any order most convenient for the dispatch of business.

Section 10. Agenda Items from Members of the Public. If a member of the public wishes to request that the Committee include an item on its regular-meeting agenda, the individual shall submit the request in writing to the Committee's secretary at least five working days before the meeting date. The committee shall decide whether or not to add any agenda items submitted by the public at the adoption of the agenda. The committee is not obligated to place an item on the agenda merely because such a request has been received.

Section 11. Meeting Minutes. Minutes Required for All Meetings. The Committee shall keep full and accurate minutes of its meetings, including any closed sessions. To be "full and accurate," the minutes must record all actions taken by the Committee, as well as the Committee's compliance with any applicable procedural requirements. The minutes should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record Committee member discussions, though the Committee in its discretion may decide to incorporate such details into the minutes.

- a) Record of "Ayes" and "Noes." At the request of any member, the minutes shall indicate how each member voted by name on a particular matter.
- b) General Accounts of Closed Sessions. In addition to minutes, the Committee shall keep a general account of each closed session. The general account shall be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The Committee may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken, and the level of detail required for a general account.
- c) Sealing Closed-Session Records. Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Committee or in accordance with instructions adopted by competent authority. The sealed minutes and general account of any closed session may be withheld from public inspection, so long as public inspection would frustrate the purposes of the closed session.

Section 12. Public Input. Public input at all Committee meetings that are not quasi-judicial in nature shall have a three-minute limit per speaker. The Chair reserves the right to alert time limits for public comment periods.

Section 13. Broadcasting and Recording Meetings. Any person may photograph, film, tape-record, or otherwise reproduce any part of a Committee meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a Committee meeting.

- a) Advance Notice. Any radio or television station that plans to broadcast any portion of a Committee meeting shall so notify the secretary no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a Committee meeting.
- b) Equipment Placement. The Committee chair or an appropriate staff member may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a Committee meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the Committee chair or staff member determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative

meeting room is not readily available, the chair or staff member may require the pooling of the equipment and the personnel operating it.

- c) **Alternative Meeting Site.** If the news media request an alternative meeting site to accommodate news coverage, and the Committee grants the request, the news media making the request shall pay the costs incurred by the local government unit in securing an alternative meeting site.

Section 14. VOTING

- a) **Duty to vote.** It is the duty of each member, including the chair, to vote unless otherwise excused. The Committee may excuse members from voting on any matter involving their own financial interest, official conduct, or when a member has indicated an inability to be impartial in any quasi-judicial matter before the Committee.
- b) **Abstentions.** Should a member fail to vote on any matter before the Committee, without having been excused from such vote, such abstention will count as an affirmative vote.

ARTICLE VI. QUASI-JUDICIAL HEARINGS

Section 1. Appeals. All quasi-judicial public hearings heard by the Committee pursuant to the Chapter 10 of the City of Hendersonville Code, Article III, Dogs, Section 10-110, Dangerous/Potentially Dangerous Dogs Restricted, shall be conducted in accordance with the Rules provided below. All such hearings shall be scheduled as special-called meetings and shall be held within ten (10) days of receipt of the written appeal.

Section 2. Conduct of Quasi-judicial (Evidentiary) Hearing.

- a) **Appearance of the Parties.** Any party may appear in person or by agent or by attorney at the hearing. The Committee shall not permit the unauthorized practice of law by a non-lawyer or not properly licensed lawyer at the hearing.
- b) **Order of Business for the Hearing.** The order of business for hearing shall be as follows:
 - i. The Chair, or such other person as the Chair may direct, shall give an opening statement regarding the nature of the hearing and the process to be followed.
 - ii. The Chair, or such other person as the Chair may direct, shall poll all Committee members participating regarding any ex parte communications, bias, or conflicts of interest.
 - iii. All participants in the hearing shall be identified. Issues regarding standing, permitted level of participation of the participants and other jurisdictional issues shall be addressed. (Only persons who have standing will be recognized as a party to the hearing. Other interested persons who do not have standing may testify, but will not be allowed to offer opening or closing statements, call witnesses, cross examine witnesses.)
 - iv. All persons who will testify must be placed under oath before testifying.

- v. City staff shall present an overview of the matter, including a summary of the facts and relevant ordinance provisions. Staff shall also present the application, supporting materials, staff report, and any other written materials received and distributed prior to the hearing for introduction into the hearing record.
- vi. The Committee shall permit the parties (not other interested persons) to offer opening statements.
- vii. The party(ies) bearing the burden of proof or production shall present evidence in support of the relief requested from the Committee.
- viii. The opposing party(ies) shall present evidence in support of their position to the Committee.
- ix. Other interested persons who have been identified may present relevant evidence.
- x. The party(ies) bearing the burden of proof or production may present rebuttal evidence. Surrebuttal may be permitted at the Committee's discretion. Only parties (not other interested persons) will be permitted to introduce rebuttal and surrebuttal evidence.
- xi. Closing statements and arguments may be made by parties to the case.
- xii. The Committee shall deliberate on and make a determination of the case.

c) Rules Governing Conduct of the Hearing.

- i. Witness may be called and factual evidence may be submitted.
- ii. The Chair must recognize witnesses before they are heard and confirm that they are under oath.
- iii. The Chair shall allow all witnesses to be heard, but may limit testimony or evidence that is irrelevant, repetitive, incompetent, hearsay, or inadmissible opinion testimony.
- iv. The Chair shall allow the parties to the case to make direct and cross-examination of witnesses and to present rebuttal evidence.
- v. The Chair may establish reasonable procedures to assure that the hearing is conducted in a fair, impartial and efficient manner.
- vi. Committee members may ask questions of any witness.
- vii. The Committee shall not be limited to such evidence as would be admissible in a court of law (except such evidence requiring expert opinion), but all decisions

must be based on competent, material, and substantial evidence properly placed in the hearing record.

- viii Committee members are discouraged from viewing the premises at issue before the hearing, but if they do so, any key facts observed by members shall be disclosed at the hearing and made part of the record.
- ix Upon completion of the presentation of evidence, Committee members shall discuss the case among themselves in open session and may recall any witness to ask further questions and otherwise deliberate among themselves.
- x Committee members shall not discuss the case or give opinions on the evidence until presentation of the case is completed.

d) Decisions. The Committee shall make a writing decision within a reasonable period of time from completion of the evidentiary hearing. The required majority to make a decision shall such as is required by law or ordinance for the matter being considered by the Committee. All decisions shall be reduced to writing, and such contain such findings of fact and conclusions of law sufficient to support the decision made by the Committee. Decisions shall be effective the date the written decision is filed with the Secretary to the Committee, unless otherwise provided by law or ordinance.

ARTICLE VII. Public Hearings

Section 1. Calling Public Hearings. The Committee may hold public hearings to solicit the public's input on specific issues. The Committee may schedule its public hearings or delegate that responsibility to staff members, as appropriate.

- a) **Public Hearing Locations.** The Committee may hold public hearings anywhere within the area served by the Committee.
- b) **Notice of Public Hearings.** Any public hearing attended by a majority of members shall be considered part of a regular or special meeting of the Committee. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Article V apply to such hearings. If a hearing's subject matter triggers additional notice requirements under state law or local rules, the Committee shall see that they are also satisfied.
- c) **Rules for Public Hearings.** The Committee may adopt reasonable rules for public hearings that, among other things,
 - i fix the maximum time allotted to each speaker;
 - ii provide for the designation of spokespersons for groups supporting or opposing the same positions;
 - iii provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the meeting room (so long as arrangements are made, in the case of a

hearing subject to the open meetings law, for those excluded from the meeting room to listen to the hearing); and

- iv provide for the maintenance of order and decorum in the conduct of the hearing.
- d) **Continuing Public Hearings.** The Committee may continue any public hearing without further advertisement, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (f) of this Section, if a quorum of the Committee is not present for a properly scheduled public hearing, the hearing shall be continued until the Committee's next regular meeting without further advertisement.
- e) **Conduct of Public Hearings.** At the time appointed for the hearing, the chair shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the Committee for the hearing. Unless the Committee votes to extend the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not already done so, the chair shall declare the hearing closed, and the Committee shall resume the regular order of business.
- f) **Public Hearings by Less Than a Majority of Committee Members.** Unless inconsistent with state law or local rules, the Committee may appoint a member or members to hold a public hearing on its behalf. The notice provisions in paragraph (b) of this Section apply when the Committee appoints more than one member to conduct such a hearing.
- g) **Public Comment.** The Committee may hold a public comment period at any regular meeting or special meeting called, at least in part, for that purpose. During the public comment period, members of the public may speak on any matters within the Committee's real or apparent jurisdiction. The provisions in paragraphs (c) and (e) of this Section apply to the Committee's public comment periods.

ARTICLE VIII. REQUIRED OFFICERS

Section 1. Presiding Officer. The presiding officer of each meeting of the Committee shall be the chair of the Committee. In situations where the chair is unavailable or unable to participate in the meeting or any particular matter before the Committee, the vice chair shall preside. In the event that neither the chair nor the vice chair is available, the members of the Committee, by affirmative vote of the majority, may appoint an acting chair who shall have all powers of the chair while acting as presiding officer.

Section 2. Selection of the Chair and Vice Chair. The chair shall be selected by majority vote of the Committee unless the City Council indicates to the Committee that the City Council will appoint said chair, in which case the appointment shall be made by the City Council. The vice chair shall be elected by a majority vote of the Committee.

Section 3. Powers and Duties of the Chair and Vice Chair. The chair shall preside at all meetings of the Committee but shall also have the right to engage in discussion and vote on any matter before the Committee unless otherwise excused. The chair shall have the power to call a special meeting, rule on procedural matters during a meeting, call a brief recess of a meeting at any time, and adjourn a meeting in an emergency. At any other time, adjournment shall be by motion, duly approved. The vice chair shall have all powers and perform all the duties of the chair in his or her absence.

Section 4. THE CHAIR

- (a) Presiding Officer. The chair shall preside at meetings of the Committee.
- (b) Voting by the Chair. The chair has the same duty to vote as other members, though in no event may the chair break a tie on a motion on which he or she has already voted.
- (c) Recognition of Members. A member must be recognized by the chair (or other presiding officer) in order to address the Committee, but recognition is not necessary for an appeal pursuant to Article XI, Section 5 (Motion 1).
- (d) Powers as Presiding Officer. As presiding officer, the chair is to enforce these rules and maintain order and decorum during Committee meetings. To that end, the chair may
 - (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
 - (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
 - (3) entertain and answer questions of parliamentary procedure;
 - (4) call a brief recess at any time; and
 - (5) adjourn in an emergency.
- (e) Appeals of Procedural Rulings. A member may appeal a decision made or an answer given by the chair under subparagraph (d)(1), (2), or (3) of this rule in accordance with Article XI, Section 5 (Motion 1).

Section 5. Duties of the Secretary. The City Manager shall assign a staff person to the Committee who shall serve as the secretary of the Committee and shall perform the following:

- a) The secretary shall ensure that all meetings of the Committee are properly noticed.
- b) The secretary shall maintain the sunshine list that is a list of those persons or entities that have filed a written request indicating a desire to receive notice of all special meetings of the Committee.
- c) The secretary shall take and record the actions of the Committee and draft minutes of the meetings accordingly. Minutes shall be sent to Committee members prior to their next regularly scheduled meeting. The secretary shall also forward a copy of the minutes as they are approved to the Clerk to the City Council and post on the City's website
- d) The secretary shall be responsible for maintaining an accurate list of members of the Committee, submitting to the City Clerk a quarterly attendance report for its members and notifying the City Clerk of any resignations of any of its members, or any other change in membership of the Committee.

Section 6. Schedule for Elections. of the Chair, and Vice-Chair shall take place annually at the organizational meeting of the committee.

ARTICLE IX. REFERENCE TO ROBERT'S RULES OF ORDER NEWLY REVISED. The Committee shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the presiding officer shall make a ruling on the issue subject to appeal to the Committee under Article XI, Section 5 (Motion 1).

ARTICLE X. REPORTS.

Section 1. Annual Report. The Committee shall make a report to the City of Hendersonville City Council at least annual. This report must be submitted no later than December 31st of each year.

Section 2. Public Records Law. The Committee shall abide by North Carolina Public Records Law N.C.G.S. Chapter 132.

ARTICLE XI. ACTION BY THE COMMITTEE.

Section 1. Quorum. A majority of the members shall constitute a quorum for any meeting which does not involve a quasi-judicial matter. For purposes of conducting a quasi-judicial hearing, however, four (4) members shall constitute a quorum. No other business may be conducted during a meeting at which a quasi-judicial hearing is held unless a majority of the members are present. No action of the Committee may be taken at any meeting where less than the required quorum is present, except to adjourn the meeting. For non-quasi-judicial matters, once a quorum has been established, it will not be defeated if members leave.

Section 2. Motions and Voting. Action of the Committee may be taken upon a motion made by any member, including the chair, without the need for a second. A motion shall be adopted if approved by the affirmative vote of a majority of the members present and not excused after full discussion of the motion by the members.

Section 3. Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.

Section 4. Substantive (or Main) Motions

A substantive motion is not in order when any other motion is pending. Once the Committee disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting unless it first adopts a motion to reconsider pursuant to Article XI, Section 5 (Motion 13).

Section 5. Procedural Motions

(a) **Certain Motions Allowed.** The Committee may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

(b) **Priority of Motions.** The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 11 and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 8.

When several procedural motions are pending, voting shall begin with the procedural motion highest in priority, except that a motion to amend or end debate on the highest-priority motion shall be voted on first.

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. This motion may be used to close a meeting. It is not in order if the Committee is in closed session.

Motion 3. To Recess to a Time and Place Certain. This motion may be used to call a recessed meeting as permitted under Article V Section 8. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the Committee is in closed session.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda. This motion must be made at the time an item of business that deviates from the agenda is considered; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to two-thirds of the Committee's actual membership, excluding any vacant seats. The Committee may not suspend provisions in these rules that restate state law requirements.

Motion 7. To Defer Consideration. The Committee may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the Committee votes to revive it pursuant to Motion 12 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 8. To End Debate (Call the Previous Question). If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 9. To Postpone to a Certain Time. This motion may be employed to delay the Committee's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the Committee may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

Motion 10. To Refer a Motion to a Committee. The Committee may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the Committee may not take up a new motion raising essentially the same issue without first

suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within sixty days of the referral date, the Committee shall take up the motion if asked to do so by the member who introduced it.

Motion 11. To Amend

(a) Germaneness. A motion to amend must concern the same subject matter as the motion it seeks to alter.

(b) Limit on Number of Motions to Amend. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

Motion 12. To Revive Consideration. The Committee may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 7, provided it does so within 100 days of its vote to defer consideration.

Motion 13. To Reconsider. The Committee may vote to reconsider its action on a matter, provided the motion to reconsider is made (1) at the same meeting during which the action to be reconsidered took place and (2) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the Committee's deliberation on a pending matter.

Motion 14. To Rescind. The Committee may vote to rescind an action taken at a prior meeting, provided rescission is not forbidden by law.

Motion 15. To Prevent Reintroduction for Six Months. This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion's defeat. To be adopted, this motion must receive affirmative votes equal to at least two-thirds of the Committee's total membership, excluding vacant seats. If this motion is adopted, the ban on reintroduction remains in effect for six months or until the Committee's next organizational meeting, whichever occurs first.

Section 6. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- To the extent practicable, debate shall alternate between proponents and opponents of the measure.

Section 7. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Section 8. Changing a Vote

A member may change the member's vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change a vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

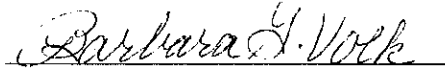
Section 9. Staff Support. City staff shall be assigned to the ASAC, acting as the Secretary and liaison between the ASAC, City Departments, and the City Council and shall have the charge of correspondence, minutes, notifying members of meetings, and other information.

Section 10. Appointing Sub Committees. Subcommittees may only be appointed by vote of the committee members at a regular meeting. The Committee by vote shall also establish the purpose of which subcommittees are established and the subcommittee should only conduct business that is within the purpose so adopted. All meetings of subcommittees shall be considered special meetings and shall be conducted in accordance with Article 5, Section 4. Special Meetings.

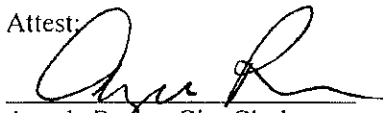
ARTICLE XII. AMENDMENTS. The Committee may amend these bylaws by action of the Committee; provided however, that amendments shall not be effective until they are approved by the Hendersonville City Council.

Originally approved by the City Council on this sixth day of February 2020.

Amended by the City Council on the 4th day of February, 2021.


Barbara G. Volk, Mayor
City of Hendersonville

Attest:


Angela Reece, City Clerk

