



## Chapter 4

### ANIMALS\*

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\* **Cross References:** Environment, ch. 10.

**State Law References:** Authority to prohibit the abuse of animals, G.S. 153-127; authority to establish and operate animal shelters, G.S. 153A-442.

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**ARTICLE I.**  
**IN GENERAL**

**Secs. 4-1--4-30. Reserved.**

**ARTICLE II.**  
**ANIMAL SERVICES**  
**DIVISION 1.**  
**GENERALLY**

**Sec. 4-31. Authority.**

This article is adopted pursuant to the power granted the county in G.S. 153A-121, 153A-127, 153A-153 and 153A-442.

**Sec. 4-32. Applicability of article provisions to veterinarians.**

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article except for the provisions relating to cruelty to animals and rabies control.

**Sec. 4-33. Definitions.**

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

For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning defined herein, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future and past tense, words in the plural number include the singular number, words in the singular number include the plural number, and words in the masculine gender include the feminine gender.

*Adequate food* means the provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

**Adequate food** means the provision of food that is uncontaminated, appropriate, palatable and of sufficient quality and nutritive value to maintain the normal condition and weight of the animal. Food shall be provided at least once a day (not to exceed more than 24 hours between feedings), unless restricted by a veterinarian. Food shall be served in a container that is readily accessible by the animal, physically clean, and absent of agents injurious to the health of the animal.



*Adequate shelter* means that shelter which will keep the animal dry, out of the direct path of winds and out of the direct sun, at a temperature level that is healthful for the animal. For dogs, cats and other small animals, the shelter shall be a windproof and moistureproof structure of suitable size to accommodate the animal and allow retention of body heat.

- **Adequate Shelter** for dogs means a durable, enclosed, permanent structure, or a structure manufactured to serve primarily as an outdoor shelter for a dog, with a roof, at least four (4) sides, and a floor. The shelter shall be large enough to allow all animals present to stand, turn and lay comfortably. For all other animals, “adequate shelter” means an appropriate structure that provides the animal protection and shelter, as determined by the animal’s species, from heat and cold and from direct effect of wind, rain, and snow.
  - Shelter must be secured in a manner to prevent it from tipping over, rolling away or sliding in such a way that would prevent or hinder the animal from being able to get inside
  - Shelter shall contain adequate bedding material at such time when the outside temperature is below 40 degrees (40F)
  - All nursing mothers with babies **MUST** have adequate bedding regardless of outside temperature

**The following conditions shall not constitute adequate shelter:**

- *Metal* Barrels
- Underneath outside steps, decks, or stoops
- Inside of vehicles
- Underneath vehicles
- Inside metal containers
- Rooms, sheds, or other buildings or structures without windows or proper ventilation
- Other structures not deemed appropriate by animal services

*Adequate water* means a constant access to a supply of clean, fresh water provided in a sanitary manner.

- **Adequate water** means constant access to a supply of clean, fresh, drinkable water, unless restricted by a veterinarian, provided in a container that is readily accessible by the animal, physically clean, and absent of agents injurious to the health of the animal. The container must be secured in a manner to prevent spilling.

*Animal* means any live, vertebrate creature specifically including, but not limited to, dogs, cats, farm animals, birds, fish and reptiles.

*Animal Services officer* means that person designated by appropriate authority in the county, and where appropriate, his designee, charged with the responsibility and authority to implement and enforce the Animal Services program in the county.

*Animal shelter* means a place provided and operated by the county directly or by contractual agreement, whether jointly with another governmental unit or independently, for the restraint, care, adoption and disposition of animals.

*At large* means any animal off the property of its owner or its keeper and not under the restraint of a competent person.



*Class I kennel* means any person maintaining an establishment where animals of any species, excluding domesticated livestock, are kept for the purpose of showing, competition, or sport, and which establishment is so constructed that the animals cannot stray from the establishment, and which maintains more than six but less than 19 animals. ~~Hunting animals as defined under G.S. 113 are excluded from this provision.~~

*Class II kennel* means any person maintaining an establishment where animals of any species, excluding domesticated livestock, kept for the purpose of breeding, buying, selling or boarding such animals or engaged in the training of dogs for guard or sentry purposes, and which establishment is so constructed that the animals cannot stray from the establishment; or any person owning or keeping 20 or more animals, excluding domesticated livestock, each of which is four months of age or older.

*Class III kennel* means any nonprofit rescue organization, nonprofit sanctuary, nonprofit kennels and nonprofit humane society maintaining an establishment where animals of any species, excluding domesticated livestock, where the establishment is so constructed so that the animals cannot stray from the establishment.

*Competent person* means a person of suitable age and discretion to keep an animal under sufficient restraint and control in order to prevent harm to the animal and to persons, other animals, including but not limited to domesticated livestock, or property.

*Cruelty and cruel treatment* means every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. Such acts or omissions shall include, but not be limited to, beating, kicking, hanging, submerging under water, suffocating, poisoning, setting on fire, and depriving of food, water and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare. Such terms, however, shall not be construed to include lawful taking of animals under the jurisdiction and regulation of the wildlife resources commission, lawful activities sponsored by agencies conducting biomedical research or training, or lawful activities for sport.

*Domesticated livestock* means livestock raised for the production of meat, milk, eggs or fiber, or used for draft or equestrian purposes, including but not limited to cattle, sheep, goats, swine, horses, mules, rabbits and poultry.

*Exposed to rabies* means an animal that has been bitten by or has otherwise come into contact with any animal known or suspected to have been infected with rabies.

*Harbor* means to feed or shelter an animal by the same person or household for 72 consecutive hours or more.

*Health director* means the director of the county health department.

*Keeper* means a person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person.

*Owner* means any person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner of an animal is responsible for the care, actions and behavior of the animal.

*Person* means any individual, family, group of individuals, corporation, partnership, organization or institution recognized by law as a person.



*Public nuisance* means the following activities of an animal, or conditions maintained or permitted by the animal's owner or keeper:

- (1) The animal is found at large off the premises of its owner or keeper and not under the restraint of a competent person.
- (2) The animal damages the property of anyone other than its owner or keeper, including but not limited to turning over garbage containers or damaging gardens, flowers, shrubbery, vegetables or trees, fences or gates, or causes injury to domesticated livestock or pets.
- (3) The animal habitually and repeatedly barks, whines or howls so as to interfere seriously with the reasonable use and enjoyment by neighboring residents of their property.
- (4) The animal repeatedly chases, snaps at or barks at persons, domesticated livestock, pets or vehicles when it is not in an enclosure, leashed or on the owner's or keeper's property.
- (5) The owner or keeper fails to confine a female dog while in heat (estrus) in a building or secure enclosure in such a manner that she will not be in contact with another dog; however, this subsection shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner or keeper of an animal involved in the breeding process.

*Security dog* means any dog used, kept or maintained on the premises of its owner or keeper for the purpose of protecting any person or property. Any such dog shall be further classified as follows:

- (1) *Patrol dog* means a dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.
- (2) *Sentry dog* means a dog that is trained or conditioned to attack or otherwise respond aggressively without command.
- (3) *Watchdog* means a dog that barks and threatens to bite any intruder that has not been specially trained or conditioned for that purpose.

*Steel jaw trap* means spring-powered devices or traps that capture or hold an animal by exerting a lateral force with fix-mounted jaws on the leg, toe, paw or any other part of the animal's body.

*Stray* means any domestic animal that is not under restraint or is not on the property of its owner and is wandering at large, or is lost, or does not have an owner, or does not bear evidence of the identification of any owner.

~~***Suspected of having rabies* means an animal that has bitten a person or another animal.**~~

*Under restraint* means that an animal is under sufficient physical restraint such as a leash, cage, bridle, or similar effective and humane device that restrains and controls the animal, within ~~a vehicle~~ **an occupied vehicle**, or adequately contained by a fence on the premises or other secure enclosure. If a competent adult is physically outside on the land with the animal, on land where the owner or keeper of the animal resides, the animal shall be deemed to be under restraint during the time the animal is in the company of and under the control of that competent person and the animal is on the premises. ~~**If any unattended animal is restrained by**~~



~~a chain, leash or similar restraint, it shall be designed and placed to prevent choking or strangulation. Such chain or restraint shall not be less than ten feet in length and either on a swivel designed to prevent the animal from choking or strangling itself, or on a chain run.~~

*Veterinary hospital* means any place or establishment maintained and operated under the supervision of a licensed veterinarian as a hospital where animals are harbored, boarded and cared for incidental to the treatment, prevention or alleviation of disease processes during the routine practice of the profession of veterinary medicine for surgery, diagnosis and treatment of diseases and injuries of animals.

*Vicious animal* means any animal on or off the premises of its owner or keeper, security dogs excluded, which animal is three months of age or older and without provocation has bitten, killed, or caused physical harm through bites to a person who is not trespassing and or has bitten or killed an animal that is not where its owner has been told such animal cannot be. Any dog that is owned or harbored for the purpose of dogfighting or training for dogfighting is also a vicious animal.

**Cross References:** Definitions generally, § 1-2.

### **\*ADDITIONS TO EXISTING DEFINITIONS\***

**Adequate bedding** material shall consist of materials such as cedar or pine shavings. Wheat straw, pine straw and hay are considered adequate bedding but are not recommended unless the bedding is changed weekly, as mold will grow in these materials if not changed. Blankets and cloth material are NOT considered adequate bedding as such items would hold moisture and freeze if wet.

**Adequate Shade** for dogs means one (1) or more outside areas of shade, large enough to contain at one time all dogs present and to protect them from the direct rays of the sun. Adequate shelter shall not constitute adequate shade. For all other species that, as determined by species, require shade, adequate shade means one (1) or more outside areas of shade large enough to protect all the animals present from the direct rays of the sun.

**Adequate Containment Area** shall be any animal enclosure, including any areas accessible by a chained or tethered animal, shall not be excessively muddy or contain standing water, contain excessive excrement, or be otherwise unsanitary. An animal's containment area shall be free of objects or contaminants that are likely to cause injury or be detrimental to the health of the animal, including but not limited to, rusty or jagged metal objects, broken glass, or harmful chemicals or agents

**Minimum Standards of Restraint** If any unattended animal is to be restrained by a chain, leash or similar restraint, the following standards shall apply:

- Restraint used must be a light chain or coated cable
- Restraint may not be made of material that is overly heavy or that would present harm to the animal (e.g. frayed steel cables, log chains)
- Restraint must be at least ten (10) feet long and contain a swivel on each end to prevent the animal from choking or strangling itself
- Animal must be restrained in such a manner that it cannot get entangled with surrounding objects, get out into a road, driveway, parking lot, or other similar area or leave the owner's property unsupervised.
  - Restraint must be used in conjunction with a collar or harness made of nylon or leather at least 1 inch in width. Choke chains, pinch and prong collars or attaching a chain or cable directly to the dog's neck is NOT permissible
- Animal must be restrained in such a manner that it can reach its food, water, shelter and shade
- Padlocks on restraints, collars or harnesses are not permissible



**Dangerous dog** means a dog that, without provocation, has killed or inflicted severe injury on a person, is determined by the person or Board designated by the county or municipal authority responsible for animal services to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in the potentially dangerous dog definition shown below, or dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

**Potentially dangerous dog** means a dog that the person or Board designated by the county or municipal authority responsible for animal services determines to have inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization, killed or inflicted severe injury upon a domestic animal when not on the owner's real property or approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

#### **Sec. 4-34. Animal shelter.**

The county shall operate and maintain a county animal shelter for the purpose of impounding or caring for animals held under the authority of state law, this article or any other county or municipal ordinance. The county may contract for the operation of the animal shelter as it deems appropriate.

- (a) Animal Services shall require that any adopted dog or cat released from the Animal Shelter be either spayed or neutered within thirty (30) days from the date of adoption unless otherwise delayed by a licensed veterinarian. Should there be a delay, the adopter must provide written proof from a licensed veterinarian to Animal Services before the end of the thirty (30) day period.
- (b) Unless current proof of vaccination is provided, payment for the required rabies vaccination will be the responsibility of the person redeeming or adopting an animal.

#### **Sec. 4-35. Animal Services Officers.**

~~(a) The county may appoint or delegate the appointment of one or more Animal Services Officers. Any such Officers shall be county employees. **County Animal Services Officers shall have only the following powers and duties within the county and within any municipality in the county that has given prior approval:**~~

- ~~(1) The responsibility for the enforcement of all state and local laws, including ordinances, resolutions and proclamations pertaining to the ownership and control of dogs and other animals.~~
- ~~(2) To cooperate with the county health director and all law enforcement officers in the county and the towns in the county and assist in the enforcement of the laws of the state with regard to animals, the vaccination of dogs and cats against rabies, the confinement and leashing of vicious animals, and any other state law applicable to animals or animal Services.~~
- ~~(3) To investigate reported or observed animal cruelty or animal abuse and make written reports of such investigations and, when requested, provide such reports to animal~~



~~cruelty investigators, appropriate law enforcement officers or the district attorney's office.~~

~~(4) — To investigate reports of observed harassment or attacks by dogs or other animals against domesticated livestock.~~

~~(b) — County Animal Services Officers shall not have the power to arrest.~~

~~Cross References: Officers and employees, § 2-91 et seq.~~

#### **Sec. 4-36. Animal license privilege taxes.**

The county may set animal license privilege taxes as allowed by law and set the tax amounts annually as part of the budget. In order to further the goals of controlling animal population, the taxes of unspayed or unneutered dogs and cats shall be higher than those of spayed or neutered animals. Within 30 days of acquisition of an animal for which a license is required, the owner or keeper shall purchase the appropriate county license.

#### **Sec. 4-37. Licenses, permits and registrations; privilege taxes required.**

(a) The following licenses, permits and registrations may be required by this article:

(1) Licenses for dogs, cats or other animals designated by the board of commissioners in the budget ordinance (see section 4-36).

~~(2) — Registration of patrol dogs or sentry dogs (see section 4-42(d)).~~

(3) Rabies tags for dogs and cats (see section 4-47).

~~(4) — Permits for the collecting of dogs and cats for sale (see section 4-91).~~

(5) Permits for ~~commercial (class II) kennels, noncommercial (class I)~~ **Class I, II and III kennels** and pet shops (see division 2 of this article).

(b) The amount of license or permit privilege tax shall be recommended by the Animal Services Director and approved by the board of commissioners in the budget ordinance. The animal Services director may propose for approval by the board of commissioners such policies or procedures as may be necessary or appropriate to allow for payment of privilege taxes over extended periods of time, at reduced rates, or a waiver of privilege taxes. Additionally, dog and cat owners or keepers who furnish to the animal Services director a statement from a licensed veterinarian that the animal, due to age, physical reasons or chronic health problems cannot withstand spay/neuter surgery, shall be allowed to pay the license privilege taxes provided for spayed or neutered animals.

(c) When an animal is impounded under this article there shall be paid, in accordance with section 4-43, a redemption fee as determined annually in the budget ordinance.

#### **Sec. 4-38. Animal Services program.**

The county Animal Services program, as described in this article and as otherwise described in other county ordinances related to animals and as otherwise described in state laws, shall be administered by the



health director or sheriff. Specifically:

- (1) The ~~health director or~~ Sheriff shall designate employees or agents enforcing this article as Animal Services officers and/or Rabies Control officers. Animal cruelty investigators may be appointed by the board of county commissioners as provided by law. In the performance of their duties, officers and investigators shall have all the power, authority and immunity granted under this article and by the general laws of this state to enforce the provisions of this article, and the laws of this state as they relate to the care, treatment, control or impounding of animals. All investigations of reported or observed animal cruelty or animal abuse shall be the joint responsibility of and shall be jointly carried out by the Animal Services investigators and the Animal Services officers of the county.
- (2) Except as may be otherwise provided by law, no officer, agent or employee of the county charged with the duty of enforcing the provisions of this article or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duty unless he acts with actual malice.
- (3) It shall be unlawful for any person to interfere with, hinder or molest any Animal Services officer, Rabies Control officer, animal cruelty investigator, or police officer while in the performance of any duty authorized by this article or the Animal Services program, or to seek to release any animal in the custody of any of those agents, except in the manner as provided in this section.
- (4) The Animal Services program shall:
  - a. Have the responsibility along with law enforcement agencies and where applicable with animal cruelty investigators to enforce all laws of the state and all ordinances of the county pertaining to animals and shall cooperate with all law enforcement officers within the county in fulfilling this duty.
  - b. Enforce and carry out all laws of the state and all ordinances of the county pertaining to rabies control.
  - c. Be responsible for the investigation of all reported animal bites, for the quarantine of any dog or cat exposed to or suspected of having rabies, for a period of not less than ten days, and for reporting to the health director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal.
  - d. Be responsible for the investigation of reports or observations of incidents of harassment of or injuries to domesticated livestock caused by animals.
  - e. Be responsible for the seizure and arranging for the impoundment, where deemed necessary, of any dog or other animal in the county involved in a violation of this article or any other county ordinance or state law.
  - f. Investigate cruelty or abuse with regard to animals independently or with a duly appointed animal cruelty investigator.
  - g. Make such investigations or inquiries as necessary for the purpose of ascertaining



compliance with this article or applicable state statute.

- h. Keep, or cause to be kept, accurate and detailed records of:
  - 1. Seizure, impoundment and disposition of all animals coming into the custody of the animal Services program.
  - 2. Bite cases, violations and complaints, and their investigation, including names and addresses of persons bitten, date, circumstances and breed.
  - 3. Any other matters deemed necessary by the animal Services director.
- i. Be empowered to issue citations or notices of violation of this article in such form as the Animal Services Director may prescribe.

#### **Sec. 4-39. Relation to hunting laws.**

Nothing in this article is intended to be in conflict with the laws of the state regulating, restricting, authorizing or otherwise affecting dogs while used in hunting; but this exception applies only while the dogs are under the control of the owner, keeper or competent person and are actually lawfully being used for hunting or training for hunting in compliance with applicable statutes, regulations or ordinances. This article should be read and enforced consistent with any such law.

#### **Sec. 4-40. Notice in case of injury.**

It shall be unlawful for any person who causes injury to an animal including, but not limited to, running over or hitting the animal with, any vehicle, to fail to notify immediately at least one of the following:

- (1) The owner or keeper of the animal (if known or ascertainable with reasonable efforts made to locate the owner or keeper);
- (2) An Animal Services officer;
- (3) The ~~sheriffs department~~ Sheriff's Office
- ~~(4) The animal shelter.~~

#### **Sec. 4-41. Mistreatment of animals unlawful.**

The following acts or failure to act relating to the mistreatment of animals are unlawful and violations of this article:

- (1) It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate ~~food and water~~ **food, water, shelter, shade and veterinary care.** ~~With respect to domesticated animals or wild animals in captivity or under restraint, it shall additionally be unlawful to deprive or cause to be deprived any such animal of adequate shelter or veterinary care.~~
- (2) It shall be unlawful for any person to sell or offer for sale, barter or give away within the county



baby chickens, baby ducklings or other fowl under six weeks of age or rabbits under eight weeks of age as pets, toys, premiums or novelties; however, this subsection shall not be construed to prohibit the sale or display of such baby chickens, ducklings or other fowl or such rabbits in proper facilities with adequate food, water and shelter, by breeders or stores engaged in the business of selling the animals for purposes other than as pets or novelties.

- (3) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits.
- (4) It shall be unlawful for any person to tether any fowl.
- (5) It shall be unlawful to restrain any animal except in a humane fashion; minimum standards of restraint are set out in section 4-33, under the definition of "~~under restraint.~~" "**minimum standards of restraint.**"
- (6) It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on or off the property of its owner or keeper.
- (7) It shall be unlawful to possess any paraphernalia related to dogfighting, cockfighting or other animal fighting including, but not limited to, gaffs.
- ~~(8) It shall be unlawful for any person to transport an animal in the closed trunk of a vehicle, or closed compartment on a vehicle or trailer when the ambient temperature in the vicinity of the vehicle or trailer is greater than or equal to 70 degrees Fahrenheit.~~
- (9) It shall be unlawful for any person to transport an animal in the closed trunk of a vehicle.
- (10) It shall be unlawful for any person to transport an animal in the closed compartment on a vehicle or trailer when the ambient temperature in the vicinity of the vehicle or trailer is greater than or equal to 70 degrees Fahrenheit.
- (11) It shall be unlawful for any person to commit any of the acts made unlawful under the provisions of G.S. 14-362, as they relate to dogs, or to commit any other act made unlawful by any other law of the state relating to animal fighting or animal baiting. The repeal of such laws of the state shall have no effect upon this subsection, and the acts made unlawful in this subsection shall, in the event of such repeal, be those referred to in the laws immediately prior to such repeal.
- (12) It shall be unlawful for any person (**owner or possessor**) to abandon or forsake any animal within the county. **This includes animals being left behind during evacuation periods due to natural disasters.**
- (13) It shall be unlawful for any person other than Animal Services or Law Enforcement to remove any animal from any property without written permission from the owner of the animal.

#### Sec. 4-42. Control of vicious animals; security dogs.



(a) It shall be unlawful for any person to keep any vicious animal within the county, unless under restraint and on the premises of the owner or keeper. Security dogs are subject to all other provisions of this article while off the premises of their owner or keeper.

(b) Upon an animal Services officer's observation of a vicious animal at large or off the premises of its owner or keeper and not restrained by a competent person, such officer shall impound the animal.

(c) Upon an animal Services officer's receipt of a complaint that an animal is behaving or has behaved viciously and is at large or off the premises of its owner or keeper and not restrained by a competent person, the officer shall investigate the complaint and, upon a finding that there is probable cause to believe a violation of this article or other applicable law or regulation has occurred, shall take any action allowed by this article or state law as the circumstances may require.

~~(d) — All persons owning security dogs that are classed as patrol dogs or sentry dogs shall register such animals with the animal Services director; the owner or keeper of any dog that is classed as a patrol dog or sentry dog under this article shall place a sign or placard on his premises noting "Beware of Dog" or other information noting the presence of security dogs.~~

(e) If an animal is impounded as vicious, authorization for reclamation after any required holding period shall be granted when the animal shelter manager in consultation with the animal Services director is reasonably assured that the animal is not vicious or that the vicious animal will be properly restrained on the premises of its owner or keeper.

#### **Sec. 4-43. Impoundment of animals.**

(a) A domesticated animal impounded under this article may be reclaimed by its owner or keeper according to the procedures of the animal shelter. The owner or keeper of an impounded domesticated animal shall be responsible for and shall pay all expenses, boarding costs, redemption privilege taxes and costs associated with such impoundment prior to reclaiming the animal. Unless reclaimed, the impounded domesticated animal may be allowed to be adopted or humanely euthanized according to animal shelter procedures after ~~five~~ **three business** days of impoundment. Feral dogs and cats may be held for ~~72 hours~~ **three business days** and then euthanized pursuant to animal shelter procedures for humane euthanasia. The owner or keeper of an impounded domesticated animal shall also comply with any vaccination and licensing directives and be responsible for the payment to the county of all civil penalties and license privilege taxes imposed or associated with the animal's impoundment as prescribed in any citation or notice issued by the animal Services director. Bitten quarantined animals not reclaimed within ~~72 hours~~ **three business days** after the end of the quarantine period will be considered abandoned and will become the property of the county animal shelter and disposed of according to standard animal shelter procedures.

(b) In lieu of impoundment, the Animal Services Officer is authorized to issue a confinement order to the animal owner or keeper that would require the owner or keeper to confine a vicious animal or an animal otherwise violating provisions of this article. Failure to thus confine the animal would constitute a further violation of this article, subjecting the owner to appropriate criminal or civil penalties.

#### **Sec. 4-44. Handling of stray animals.**

(a) It shall be unlawful for any person, without the consent of the owner or keeper, knowingly and intentionally to harbor, feed, keep in possession by confinement or otherwise any animal that does not belong to him, unless he has, within 72 hours from the time such animal came into his possession, notified an Animal



Services officer or the animal shelter.

(b) Any animal at large may in a humane manner be seized, impounded and confined in the animal shelter and thereafter adopted out or disposed of pursuant to procedures of the animal shelter and applicable state law.

(c) Impoundment of such an animal shall not relieve its owner or keeper from any penalty that may be imposed for violation of this article.

(d) Any animal seized and impounded that is badly wounded or diseased and has no identification may be destroyed pursuant to procedures of the animal shelter. If the animal has rabies or is suspected of having rabies, the body shall be disposed of in accordance with applicable state regulations. If the animal has identification, the animal shelter shall attempt expeditiously to notify the owner or keeper before euthanizing such animal; in any event, and except as may be otherwise provided by law, the animal shelter and animal Services program shall have no liability for euthanizing wounded or diseased animals when such action is taken upon the advice or recommendation of a veterinarian who has been advised of the animal's condition.

#### **Sec. 4-45. Public nuisance.**

It shall be unlawful for an owner or keeper to permit an animal to create a public nuisance, or to maintain a public nuisance created by an animal. Compliance shall be required as follows:

- (1) When an Animal Services officer or law enforcement officer observes a violation, the owner or keeper will be provided written notification of such violation and be given 24 hours or less to abate the nuisance.
- (2) Upon receipt of a written detailed and signed complaint alleging that any person is maintaining a public nuisance, the Animal Services director shall cause the owner or keeper of the animal in question to be notified that a complaint has been received, and shall cause the situation complained upon to be investigated and a written report to be prepared.
- (3) If the written findings indicate that the complaint is justified, the Animal Services director shall cause the owner or keeper of the animal in question to be notified in writing, and shall order abatement of such nuisance within 24 hours or such lesser amount of time, which shall be designated on the abatement order.
- (4) If, after 24 hours or such lesser time as is designated in the abatement order, the nuisance is not abated, the animal creating the nuisance may be impounded or a civil penalty may be issued and/or a criminal summons may be issued.

#### **Sec. 4-46. Rabies control.**

It shall be unlawful and a violation of this article for any animal owner, keeper or other person to fail to comply with the laws of the state relating to the control of rabies.

#### **Sec. 4-47. Rabies tag.**

All dogs and cats shall wear a valid rabies tag.



## Sec. 4-48. Penalties.

The following penalties shall pertain to violations of this article:

- (1) The violation of any provision of this article shall be a misdemeanor, and any person convicted of such violation shall be punishable as provided in G.S. 14-4, or other applicable law. Each day's violation of this article is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes, fees or civil penalties imposed under this article.
- (2) Enforcement of this article may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d), (e).
- (3) In addition to and independent of any criminal penalties and other sanctions provided in this article, a violation of this article may also subject the offender to the following civil penalties:
  - a. The Animal Services director may issue to the known owner or keeper of any animal, or to any other violator of the provisions of this article, a ticket or citation giving notice of the alleged violation and of the civil penalty imposed. Tickets or citations so issued may be delivered in person or mailed by first class mail to the person charged if that person cannot readily be found. The following violations may be cited and penalties shall be assessed for each violation of this article in an amount specified by the board of commissioners in their annual budget ordinance:
    1. Failure to vaccinate for rabies (section 4-46).
    2. Failure to wear rabies tags (section 4-47).
    3. Failure to license (section 4-37).
    4. Failure to permit an inspection (sections 4-73 and 4-91).
    5. Mistreatment of animals (section 4-41).
    6. Nuisance violation (section 4-45).

Civil penalties shall be paid to the ~~health director or~~ Sheriff's Office or his designee within 30 days of receipt. This civil penalty is in addition to any other fees, taxes, costs or fines imposed that are authorized by this article.

- b. If 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, and/or a criminal summons may be issued against the owner or keeper or other alleged violator of this article; and upon conviction, the owner shall be punished as provided by state law. Failure on the part of the owner or keeper of an animal or other alleged violator to pay the applicable civil penalty within the time period prescribed is unlawful and a violation of this article.





## Sec. 4-49. Dangerous or Potentially Dangerous Dogs

Animal Services is designated to be responsible for determining that a dog is a potentially dangerous dog or a dangerous dog as defined in G.S. 67-4.1. When a dog is declared to be potentially dangerous or dangerous, in addition to any requirements of state law, the Owner must adhere to the following within 30 (thirty) days of declaration. If the requirements are not completed within the 30 (thirty) days, Owner must make arrangements for an extension with Animal Services, not to exceed 60 (sixty) days from declaration. All costs associated with housing the animal by Animal Services during the time to come in to compliance will be the responsibility of the Owner.

- (1) **Secure pen** The owner of a potentially dangerous or dangerous dog will keep the dog in a secure enclosure that is constructed of materials strong enough to contain the dog. The owner must comply before the animal is returned and must construct any outdoor enclosure consistently with the following:
  - The enclosure shall be large enough for the dog (depending on the size of the dog) to move around freely, but enclosure shall be no less than 10 x 10. It shall provide the dog with adequate shelter and adequate shade (see section 4-33).
  - The enclosure must have a solid floor, sides and a top from which the dog cannot escape.
  - The enclosure shall be constructed of a fence no less than six-foot-high, and at least nine-gauge chain link. The enclosure may have fencing or a solid top to prevent the animal from climbing out. If fencing is used, adequate shade must be provided (see section 4-33).
- (2) **Signage** An owner of a dog that has been deemed potentially dangerous or dangerous will place a "Beware of Dog" sign in plain view of the public. Said signs will be placed in such a manner and of such size and clarity as to be visible from the common entrance(s) to the property, specifically but not limited to the driveway. The Owner must also place a "Beware of Dog" sign on the dog's pen. The owner must have signs in place before the animal is returned.
- (3) **Sterilization** An owner of a dog that has been declared potentially dangerous or dangerous will have their dog spayed or neutered by a licensed veterinarian. All fees and costs are the responsibility of the Owner. Proof must be provided to animal services upon completion.
- (4) **Permanent identification mark required** Any dog declared potentially dangerous or dangerous will be permanently identified by an electronic implant (microchip) and a tattoo on the inside thigh. The cost of said implant/tattoo will be the responsibility of the Owner. Animal Services will maintain a physical description and photograph of the dog. The Owner must allow and assist Animal Services in reading the electronic implant or viewing the tattoo at such times as deemed reasonable or at such time as the identification of the dog is in question. Microchip ID# must be provided to animal services upon completion.
- (5) **Inspection** Animal Services may cause such inspections as deemed appropriate to be made



of the premises of an owner of a potentially dangerous or dangerous dog to determine compliance with the provisions of this section. An inspection must be completed prior to the animal being returned to the Owner.

- (6) **Off Owner's premises** Any time the animal is off the owner's premises, the dog will be on a secure harness and leash not to exceed six feet, wearing a muzzle and restrained by a competent adult.
- (7) **Relocation** Any Owner of a potentially dangerous or dangerous dog must notify Animal Services and have any new address inspected at least three (3) business days prior to moving the dog.
- (8) **Notification of death** The owner must notify Animal Services immediately of the dog's death to allow Animal Services to confirm via microchip and/or tattoo.
- (9) **Possession** No potentially dangerous or dangerous dog may be given away, sold, traded, placed for adoption, or otherwise transferred. The owner must retain ownership, possession, and responsibility for the dog until the dog dies or is surrendered to Animal Services for euthanasia.
- (10) **Bites or attacks** If a dog that has been determined potentially dangerous or dangerous subsequently bites or attacks a person, the dog will be surrendered or seized for euthanasia and the owner will be cited for the violation.
- (11) **Violation** Any violation of the terms of ownership of a potentially dangerous or dangerous dog will result in a citation and civil penalty of \$500.00 per offense. The dog will be impounded and held until the violation is remedied, and all fines, penalties and fees are paid in full. If the owner is found in violation of this section more than once, the animal will be surrendered or seized for euthanasia.

**Secs. 4-50--4-70. Reserved.**



## DIVISION 2.

### KENNEL AND PET SHOP STANDARDS

#### Sec. 4-71. Standards for Class I, II and **III** Kennels.

All ~~noncommercial~~ kennels shall, in addition to other requirements of this article, comply with the minimum standards of this section. Owners or operators of class I, II or **III** kennels must apply to the Animal Services Director, pay any designated privilege tax and receive a permit to own or operate a ~~noncommercial~~ kennel in the county. Facilities shall be subject to inspection, during reasonable hours by the Animal Services Officer upon ~~his~~ request. Failure to meet the standards set out in this section shall be grounds for the issuance of a citation subjecting the owner to the penalties described in this article, and/or the issuance of an abatement order to comply with the provisions of this article. The premises at ~~noncommercial~~ kennels shall meet the following standards:

- (1) All enclosures housing animals must provide adequate shelter (see section 4-33).
- (2) All animals shall have adequate food (see section 4-33). ~~The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.~~
- (3) All animals shall have fresh water available at all times (see section 4-33).
- (4) All areas housing animals shall be free of accumulated waste and debris and shall be maintained regularly so as to promote proper health. (see section 4-33).
- (5) All areas housing animals shall be free of accumulated or standing water. (see section 4-33).
- (6) All animals housed shall be provided with proper veterinary care to promote good health.

Secs. 4-72--4-130. Reserved.