

## Article II

### 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.
- (c) All adopters shall sign the Adoption Agreement required by Animal Services. Failure to comply with the Adoption Agreement shall result in seizure of the animal.**

### 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, water, shelter, shade and 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 "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.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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
- (13) It shall be unlawful for any person to sell, raffle, give away or offer for sale any dog or cat under the age of six (6) weeks.**

## Article III INHERENTLY DANGEROUS ANIMALS

### DIVISION 1. GENERALLY

#### Sec. 4-131. Purpose of article.

(a) The board of commissioners is concerned for the safety and welfare of all of the citizens of the county as well as the safety and welfare of ~~wild~~ animals, and desires to enact an ordinance regulating the keeping of ~~wild~~ animals dangerous to persons and property in the county pursuant to G.S. 153A-121 et seq.

(b) For the reasons specified in subsection (a) of this section, the board of commissioners ordains the provisions of this article.

\*Cross reference—Environment, oh. 10. State law reference—Possession or harboring dangerous animals, G.S. 153A-131.

#### Sec. 4-132. 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:

**Director** means the director of the county health department or sheriff.

**Owner** means any person who keeps, has charge of, shelters, feeds, harbors or takes care of any inherently dangerous animal in the county.

**Inherently Dangerous Animal** means any of the following animals, or hybrid thereof, which, due to their inherent nature, may be considered dangerous to humans.

(1) Class Mammalia:

- a. Order Artiodactyla (such as hippopotamuses, giraffes, and camels, but not cattle, swine, sheep, goats, llamas, or alpacas);
- b. Order Carnivora:
  - (i) Family Felidae (such as lions, tigers, panthers, leopards, jaguars, ocelots, and servals, but not domestic cats);
  - (ii) Family Canidae (such as wolves and jackals, but not domestic dogs);
  - (iii) Family Ursidae (all bears);
  - (iv) Family Mustelidae (such as weasels, martins, and minks, but not ferrets);
  - (v) Family Procyonidae (such as coatis);
  - (vi) Family Hyaenidae (all hyenas);
  - (vii) Family Viverridae (such as civets, genets, and mongooses);
- c. Order Edentata (such as anteaters, armadillos, and sloths);
- d. Order Marsupialia (such as kangaroos and wallabies, but not sugar gliders);
- e. Order Perissodactyla (such as rhinoceroses and tapirs, but not horses, donkeys, or mules);
- f. Order Primates (such as lemurs, monkeys, chimpanzees, baboons, gorillas, and all other non-human primates);
- g. Order Proboscidea (all elephants);
- h. Order Rodentia (but not guinea pigs, rats, mice, gerbils, hamsters, prairie dogs, or chinchillas);

(2) Class Reptilia:

- a. Order Squamata:
  - (i) Family Varanidae (only water monitors and crocodile monitors);
  - (ii) Family Iguanidae (only rock iguanas);
  - (iii) Family Boidae (only those whose actual length exceeds eight (8) feet);
  - (iv) Family Colubridae (only boomslangs and African twig snakes); **genus *Boiga*, Asian genus *Rhabdophis***
  - (v) Family Elapidae (such as coral snakes, cobras, mambas, etc.) - all species;
  - (vi) Family Natricidae (only keelback snakes);

- (vii) Family Viperidae (such as cottonmouths, rattlesnakes etc.) - all species;
  - (viii) Family Helodermodidae (such as gila monsters and Mexican beaded lizards);
  - (ix) Family Crotalidae (pit vipers);
  - (x) Family Atractaspidae (burrowing asps);
  - (xi) Family Hydrophilidae (sea snakes);
- b. Order Crocodylia (such as crocodiles, alligators, caimans, gavials, etc.) - all species.

(3) Class Arachnida:

- a. Order Araneae (only spiders which are venomous and which are not indigenous to Edgecombe County, but excluding tarantulas);
- b. Order Scorpionida (all scorpions).

#### **Sec. 4-133. Possession of Inherently Dangerous Animals Prohibited**

It shall be unlawful for any person or entity to keep, shelter, or harbor an inherently dangerous animal in the county. Exceptions include: lawfully operated pet shops, zoological parks or exhibitors licensed by the United States Department of Agriculture, scientific research laboratories, circuses, carnivals, or veterinarians, provided that the animals are maintained in quarters so constructed and maintained as to prevent escape; and persons temporarily transporting such animals through the county so long as transit time is not more than 24 hours.

#### **Sec. 4-134. Registration.**

(a) *Required.* Any person who lawfully possess an inherently dangerous animal in accordance with Sec. 4-133 must register with the Animal Services office. Animal Services office will notify Edgecombe County Animal Services.

(b) *Requirements.*

- (1) To register, must submit a registration form for each inherently dangerous animal, which shall contain the following information:
- a. Name and address of the applicant;
  - b. If a corporation, the state under which incorporated, the date of incorporation, the address of the principal office, and the names and addresses of its officers;
  - c. If any other type of organization, its name, the location of its office, and the names and addresses of the principal officers, directors, trustees, or managing officials or partners;
  - d. Statement of the owner's purpose in keeping the animal;
  - e. The place of origin (city or county and state) of the animals or classes of animals, including the method of acquisition (gift, purchase, etc.);
  - f. A description of each animal (size, weight, distinctive markings, etc.), including species and a photograph of each animal taken within seven days of the date the application is submitted.
  - g. List of previous incidents involving animals to be registered, including escapes, injury to persons or property, etc.;
  - h. The address of the premises where the animals will be kept; submit property and floor plans to emergency services of where animals are kept;**
  - i. A description of the method, materials and square footage of facilities for confinement of the animals;
  - j. Proof of the owner's ability to respond in damages for bodily injury to or death of any person or for damage to property owned by any other person that may result from the ownership, keeping or maintenance of such animal, which shall be given by filing with the director a certificate of insurance from an insurance company authorized to do business in the state stating that the applicant is, at the time of application, insured by a policy of \$100,000.00 combined single limit liability for bodily injury and property damage, and which will provide that no cancellation of the insurance will be made unless ten days' written notice is first given to the director;
  - k. Copies of all state and federal permits and licenses required for such animals;

1. The name and contact information of the inspector of either the US Department of Agriculture or NC Wildlife Commission;
- m. The name and contact information of the treating veterinarian; and
- n. A list of tranquilizing equipment, chemicals and instruments of destruction as required by this division

**and documentation of necessary training to operate such equipment;**

**o. A copy of owner's escape plan in the event that the animal should escape from the owner's site;**

**p. Any other information Animal Services deems necessary**

**(2) Animal Services shall be permitted to inspect the enclosure areas at any time.**

**(3) Review of property with local fire department to develop fire preplans for all enclosures where animals are housed.**

**(4) Reporting of escapes required. If an animal escapes, the owner shall immediately notify the Edgecombe County Sheriff's Office and provide a detailed report of the animal at large, the area where the animal is expected to be, any particular dangers for the public and any precautions that should be taken to avoid harm.**

**a. The Edgecombe County Sheriff's Office shall notify Animal Services, Edgecombe County Emergency Services, affected fire departments and affected schools;**

**b. The Edgecombe County Sheriff's Office shall utilize the county's Code Red system to notify residents in the area;**

**c. Owner shall implement escape plan previously submitted to Animal Services**

**(5) Animals registered under this section shall not be allowed on any public street, sidewalk or any other public way except in a fully enclosed cage or adequate structural restraint.**

**The use of a leash, with or without a muzzle, shall not be considered adequate restraint.**

#### **Sec. 4-136. Penalties**

~~(a)~~ *Penalties.*

- (1) *Criminal offenses.* A violation of any provision of this article constitutes a misdemeanor and shall be punishable as provided in G.S. 14-4. Each day's continuing violation shall constitute a separate offense.
- (2) *Civil penalty.* A person who violates any of the provisions of this article shall be subject to a civil penalty of ~~\$50~~ **\$500.00** per animal. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by certified letter. Each day of a continuing violation shall constitute a separate violation. The board shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in

detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within 60 days after demand for payment is made, the matter may be referred to the county attorney for institution of a civil action in the name of the county in the appropriate division of the general court of justice for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this article.

*(3) Injunctive relief.*

- a. Whenever the county animal control officer or the state wildlife resources commission has cause to believe that any person is violating or threatening to violate this article, the agency shall report the violation or threatened violation to the board. The board may, either before or after the institution of any other action or proceeding authorized by this article, institute a civil action in the name of the county for injunctive relief to restrain the violation or threatened violation.
- b. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil or criminal penalty prescribed for violations of this article.

**Sec. 4-137. Severability.**

If any provision of this article or its application to any person or circumstance is declared to be invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**Secs. 4-138-4 160. Reserved.**