## Chapter ___ ANIMAL CARE AND ENFORCEMENT

**SECTION 1**. AUTHORITY

Pursuant to NCGS Chapters 67, 130A, and 153A, and other applicable law, Caldwell County hereby establishes these Ordinances.

**SECTION 2**. PURPOSE

(a) Animal cruelty. To define and prohibit the abuse of animals.

(b) Rabies. To protect citizens and other animals from rabies transmitted by unconfined, uncontrolled, or unimmunized dogs, cats, ferrets, or other animals.

(c) Dangerous and potentially Dangerous Dogs. To regulate, restrict and/or prohibit the harboring of dogs which are dangerous or potentially dangerous to persons.

(d) Stray animals. To regulate, restrict or prohibit the keeping of any stray domestic animals.

(e) Animal nuisance. To regulate animals which may be a nuisance.

(f) Wild or exotic animals, poisonous reptiles, and dangerous animals. To regulate, restrict and/or prohibit the harboring or keeping or ownership of wild or exotic animals, poisonous reptiles, and dangerous animals.

(g) Animal bites. To establish rules and procedures for dealing with animal bites.

(h) Impoundment of animals. To regulate and establish procedures for the impoundment and confinement of animals.

(i) Redemption of impounded animals. To regulate and establish procedures for redeeming animals impounded in the County's Animal Shelter.

(j) Destruction of animals. To regulate and establish procedures for destroying diseased, stray, unwanted or unclaimed animals.

**SECTION 3**. DEFINITIONS

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

Adequate Environment means the provisions of a safe and sanitary environment for an animal which is free of debris, hazards, waste, and filth.

Adequate Food means provisions at suitable intervals, not to exceed 24 hours of a sufficient quantity of wholesome foodstuff suitable for the species and age to maintain a reasonable level of nutrition for the animal.

Adequate Shelter means any suitable weatherproof structure intended to be inhabited by an animal, built in such a way as to have 4 sides, 1 side having ample opening to allow for an entrance for the animal. The structure must have a top and bottom large enough for the animal to turn around while inside.

Adequate Water means constant access to a supply of clean, fresh, unfrozen, and potable water is provided in a sanitary manner.

Animal Enforcement Officer means Animal Control Officers as defined by State Law.

Animal Shelter means any premises designated by the County for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this Chapter.

Appeal Board means the Dangerous Dog Appeal Board.

Attack means an approach to a person by an unrestrained animal in a vicious, terrorizing, or threatening manner or apparent attitude of attack without the animal having been teased, molested, provoked, beaten, tortured, or otherwise harmed.

Board means the Caldwell County Board of Commissioners.

Breeder means any person or establishment which breeds animals for the purpose of resale to the public or dealers.

Cat means all domestic felines.

Cold Weather Shelter means a shelter which provides a secondary source of heat, with or without the inclusion of additional resources such as cedar shavings or straw, when the outside temperature is below 32 degrees Fahrenheit.

County means Caldwell County, North Carolina.

Dangerous Dog means any dog owned or harbored primarily, or in part, for the purpose of dog fighting, is trained for dog fighting, or has without provocation, killed or inflicted severe injury on a Person.

(a) This term includes, but is not limited to, any dog which either assaults, bites, attacks, or inflicts serious injury on a human being, without provocation on

public or private property, and/or has killed or injured a pet or domestic animal without provocation.

(b) Exceptions: No dog is dangerous pursuant to this definition if:

1. At the time the threat, injury, or damage was sustained, the person attacked was teasing, tormenting, abusing, or assaulting the dog; or was committing or attempting to commit a crime; or

2. The dog is used by a law enforcement officer to carry out the law enforcement officer's official duties.

3. The dog has attacked or injured a pet or domesticated animal in defense of an attack by another animal or is protecting or defending its young.

Dog means all domestic canines.

Domestic Animal means animals, such as dogs, cats, horses, sheep, cattle, goats, hogs, poultry, domesticated by man, to live and breed in a tame condition.

Exposed to Rabies means any person or animal which has bitten, been bitten by, or otherwise been exposed to the bodily fluids of any animal known or suspected to have been infected with rabies.

Hot Weather Shelter means an Adequate Shelter which shall be in a shaded area when the temperature exceeds 80 degrees Fahrenheit.

Inherently Dangerous Mammal means any live member of the Canidae, Felidae, or Ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

(a) Canidae, including any member of the dog (canid) family not customarily domesticated by humans, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (Canis familiaris);

(b) Felidae, including any member of the cat family weighing over 15 pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (Felis catus); and

(c) Ursidae, including any member of the bear family, or any hybrids thereof.

Kennel means any Person or group of Persons engaged in boarding animals.

NCGS means the North Carolina General Statutes.

Neutered means any male animal that has been operated upon to prevent reproduction.

Nuisance means any act of an animal which annoys or disturbs rights and privileges common to the public or enjoyment of private property. The commission of a nuisance act on more than one occasion shall be evidence of a nuisance. A nuisance act includes, but is not limited to, the following:

(a) Turning garbage containers or removing garbage from a container.

(b) Damaging gardens, foliage or other real or personal property of another person.

(c) Defecating or urinating on property, other than the owners', without permission.

(d) Offensive odors of animals imminating from another property or are dangerous to public health.

(e) Continuously or frequently roaming or found on the property of another person.

(f) Not confined to a building or secure enclosure when in estrus.

(g) Diseased or dangerous to the health of the public.

(h) Loitering on school grounds or in a public recreation area.

(i) Chasing, harassing or otherwise molesting other animals, pedestrians, bicyclists, or vehicles.

Owner means any Person or group of Persons owning, keeping, having custody or control over, sheltering, feeding, harboring, or allowing an animal to remain on or about their property for more than 14 consecutive days. In the event the Owner of an animal is a minor, for purposes of this Chapter, the parent or guardian of the minor shall be considered the Owner of that animal. The Owner of an animal is responsible for the care, actions, and behavior of their animals.

Person means any individual, corporation, firm, partnership, association, or other legal entity.

Pet means a domesticated animal kept for pleasure rather than utility.

Potentially Dangerous Dog means a dog determined by the County to have:

(a) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or

(b) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or

(c) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

Restraint means a portion of land owned or occupied by an Owner, not including any portion of land accessible to the public as a right-of-way.

Restraint means an animal which is:

(a) Controlled by means of a chain, leash, or other like device.

(b) On or within a vehicle being driven or parked.

(c) Within a secure enclosure.

(d) Within the dwelling house of the Owner.

Secure Enclosure means a fence or structure with 4 sides of adequate height to prevent the dog from escaping, made from metal or chain link fencing or equivalent fencing material, forming, or causing a humane secure enclosure. The door or gate must have a latch capable of being securely locked to prevent the animal from escaping or the entry of young children. The secure enclosure must have a securely fitting top made from metal or any chain link fencing or equivalent fencing to prevent the dog from climbing out, and a floor made of concrete, concrete pavers or equivalent to prevent the dog from digging out of the secure enclosure. For purposes of this definition, a home, mobile home, or separate garage does not qualify.

Spayed means any female animal that has been operated upon to prevent reproduction.

State means the State of North Carolina.

State Law means the laws, regulations, and rules of North Carolina.

Stray means any dog, cat, or ferret appearing to be stray, homeless, or unwanted, or is not displaying a valid rabies tag.

**SECTION 4**. ESTABLISHMENT OF THE OFFICE OF ANIMAL CONTROL

(a) The Department of Animal Care Enforcement is established to enforce this Chapter.

(b) Employees or agents enforcing this Chapter are designated as Animal Enforcement Officers. In the performance of their duties, Animal Enforcement Officers have all the powers, authority and immunity granted under this Chapter and State Law to enforce the provisions of this Chapter, and State Law, as they are related to the care, treatment, control or impounding of animals.

(c) Except as may be otherwise provided by State Law, local laws or ordinances, no officer, agent, or employee of the County charged with the duty of enforcing the provisions of this Chapter or other applicable laws shall be personally liable for any damage which may accrue to persons or property as a result of any act required or permitted in the discharge of those duties, unless acting with malice.

**SECTION 5**. GENERAL DUTIES OF THE OFFICE OF ANIMAL CARE ENFORCEMENT

(a) The Office of Animal Care Enforcement has the following responsibilities:

1. Enforcing all state laws, rules and regulations, and all County ordinances relating to the care, custody and control of domesticated dogs and cats.

2. Assisting in the enforcement of State Law regarding animals, including the vaccination of animals against rabies, and the confinement or controlling of dangerous animals and Dangerous Dogs.

3. Investigating allegations of animal cruelty or abuse.

4. Canvassing the County, including homes within the County, as deemed necessary, to confirm all animals are vaccinated against rabies, as required by local ordinance or State Law.

5. Operating in compliance with the policies of the Board and County Animal Shelter.

6. Keeping accurate and detailed records including:

    i. Impoundment and disposition of all animals coming into the County Animal Shelter.

    ii. Bite cases, violations and complaints, and related investigations of same.

iii. All County funds derived from the operation of the Animal Control Program.

iv. All rabies vaccinations administered within the County by veterinarians, Animal Care Enforcement staff and any certified rabies vaccinator appointed by the local Health Director.

v. All other records deemed necessary.

**SECTION 6**. ESTABLISHMENT OF A DANGEROUS DOG APPEAL BOARD

There is hereby created a The Dangerous Dog Appeal Board, hereby established, to serves as the official appellate body hearing all Dangerous Dog appeals pursuant to State Law. The Appeal Board convenes at the direction of the County Animal Care Enforcement Director or designee. The Appeal Board is composed of 5 members and 1 alternate appointed by the County Board of Public Health who serves 3-year staggered terms. The following criteria will be considered when appointing members to the Appeal Board:

(a) A person familiar with animals and experience working with them on a regular basis.

(b) A person active in animal welfare issues.

(c) A law enforcement officer.

(d) Two citizens at large.

**SECTION 7**. ENFORCEMENT IN MUNICIPALITIES

Animal Care Enforcement officers have no authority to enforce this Chapter within the boundaries of any municipality unless the governing body of the municipality adopts an authorizing resolution.

**SECTION 8**. DECEASED ANIMALS

(a) The Owner or person in charge of an animal which dies from any cause, and the Owner, lessee or person in charge of any land upon which any animals die, must bury the dead animal to a depth of at least 3 feet beneath the surface of the ground within 24 hours after the death of the animal is known, or otherwise dispose of the animal in a manner approved by the state veterinarian.

(b) It shall be unlawful for any Person to remove the carcasses of dead animals from their premises to the premises of another, without the written permission of the Person and without burying the animal in accordance with this Section.

(c) The Animal Care Enforcement Officer is not responsible for picking up any deceased animal from properties or roadways.

(d) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 9.** ANIMAL CRUELTY

(a) It shall be unlawful for any Person to molest, tease, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, wound, injure, poison, abandon, kill or subject to conditions detrimental to the health or general welfare of any animal, or to cause or procure that action. The terms torture and torment include every act, omission, or neglect where unjustifiable physical pain, suffering or death is caused or permitted. Exceptions include:

1. The lawful taking of animals under the jurisdiction and regulations of the North Carolina Wildlife Resources Commission.

2. Lawful activities conducted for purposes of biomedical research or training or for purposes of production of livestock, poultry, or aquatic species.

3. Activities conducted for lawful veterinary purposes.

4. The lawful destruction of any animal by its Owner, veterinarian, Health Director, or Animal Care Enforcement Officer, for the purpose of protecting the public, other animals, property, or the public health.

(b) General care; prohibited acts. All animals shall be kept and treated in an Adequate Environment, and it shall be unlawful for any person to engage in any of the following:

1. Failure to provide Adequate Food, Adequate Water, and cold and hot weather shelter:

    i. All animals, unless otherwise indicated in this Chapter, shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome

foodstuff in proper containers suitable for the age and species of the animal, and sufficient to maintain a healthy level of nutrition.

ii. All animals shall have access to a constant supply of clean, fresh water.

iii. All animals shall have Adequate Shelter from the weather.

iv. Examples of inadequate shelter include, but are not limited to, the following:

A. Underneath outside steps, decks, and stoops.

B. Underneath houses.

C. Inside or underneath motor vehicles.

D. Inside metal barrels.

E. Inside cardboard boxes.

F. Inside temporary animal carriers or crates.

G. Shelters situated in flood-prone areas.

H. Shelters surrounded by debris, obstructions, or impediments which may endanger an animal.

2. Failure by any Owner to keep an animal in good health and comfort, failure to provide veterinary care when needed to prevent suffering, and failure to provide humane care and treatment.

3. Examples of cruel treatment include, but are not limited to, the following:

i. Permitting a collar, rope, or chain to become embedded in, or cause injury, to an animal's neck.

ii. Permitting a choke or pinch collar to be used as a primary collar when an animal is left unsupervised.

iii. Permitting a dog, cat, or ferret to be tethered or contained in such a way as to prevent it from having Adequate Shelter.

iv. Intentionally permitting animals to engage in fighting.

v. Permitting animals to live in crowded or unsanitary conditions.

vi. Failure or refusal to obtain medical treatment for an animal when the need for treatment is apparent.

vii. Chaining or tethering an animal to a stationary object for a period or under conditions which are harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to, the following:

A. Using length or weight of a chain or tether which is not appropriate for the size, weight, and age of the animal.

B. Using a chain or tether made of rope, twine, cord, or similar material.

C. Using a chain or tether less than 12 feet in length and/or without swivels on one end. All chains or tethers must be attached to the animal by a properly fitted harness or collar.

D. Allowing an animal to be chained or tethered which would prevent confinement to the owner's property, or which chain or tether could become entangled and prevent the animal from moving about freely, lying down comfortably, or having access to Adequate Food, Water and Shelter.

E. Using a chain as a primary collar. All collars used for the purpose of chaining or tethering animals must be made of nylon or leather.

viii. Selling or offering for sale, bartering or giving away within the County baby chicks, ducklings or other fowl under 6 weeks of age, or rabbits under 8 weeks of age, as pets, toys, premiums or novelties; provided, however, this Section shall not be construed to prohibit the sale or display of baby chicks, ducklings or other fowl or rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes other than for pets or novelties.

ix. Coloring, dyeing, staining, or otherwise changing the natural color of baby chickens or other fowl or rabbits.

(c) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 10**. FEMALE IN ESTRUS (HEAT)

(a) It shall be unlawful for any Owner or keeper of a female dog in estrus (heat) not to confine the dog in a secured enclosure.

(b) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 11**. KEEPING OF INHERENTLY DANGEROUS MAMMALS

(a) Inherently Dangerous Animal means either an Inherently Dangerous Mammal or an Inherently Dangerous Reptile as defined in this Section.

(b) Inherently Dangerous Mammal means any live member of the Canidae, Felidae, or Ursidae families, including any hybrid thereof, which, due to its inherent nature, may be considered dangerous to humans and includes:

1. Canidae, means any member of the dog (Canid) family not customarily domesticated by people, or any hybrids thereof, but not including a domestic dog (Canis lupus familiaris) or wolf hybrids which are a cross between a wolf and a domestic dog;

2. Felidae, means any member of the cat family not customarily domesticated by people, and any hybrid thereof, but not including a domestic cat (Felis catus);

3. Ursidae, means any member of the bear family, and any hybrid thereof; and

4. Nonhuman primates and prosimians.

(c) Inherently Dangerous Reptile means any live member of the class reptilia which:

1. Is venomous, including, but not limited to, all members of the following families: Helodermidae, Viperidae, Crotalidae, Altractaspidae, Hydrophilidae and Elapidae;

2. Is a “rear fanged” snake of the family Colubridae known to be dangerous to humans, including, but not limited to, all members of the following families: Dispholidus typus, Thebtornis kirtlandii and Rhabdophis spp.; or

3. Is a member of the order Crocodilia.

(d) Inherently Dangerous Animal at Large means an Inherently Dangerous Animal permitted or allowed to be at large outside of the approved confinement or on other property, including the property of the owner, or within the premises of the owner in such manner as to endanger any person lawfully entering such premises.

(e) Harboring an Inherently Dangerous Animal means to allow an Inherently Dangerous Animal to remain, lodge, be fed, or to be given shelter or refuge within the person's home or any other premises in which the person resides or over which the person has control.

(f) The Harboring of an Inherently Dangerous Animal is prohibited unless a person harbored the Inherently Dangerous Animal prior to the effective date of the ordinance codified in this Chapter (Second date the board adopted this Chapter). No Inherently Dangerous Animals shall be permitted to be harbored within the county after the (Second date the board adopted this Chapter).

(g) The following are exempt from all provisions of this Chapter:

1. Any facility accredited by the Association of Zoos and Aquariums (AZA);

2. Any licensed or accredited research or medical institution;

3. Any licensed or accredited educational institution;

3. A veterinary clinic in possession of an inherently dangerous animal for treatment or rehabilitation purposes;

4. A traveling circus or carnival as long as the circus or carnival does not maintain a permanent location within the County and is in compliance with all state laws; and

5. A person temporarily transporting an Inherently Dangerous Animal through the County if the transit time is not more than 24 hours, and the animal is at all times maintained within a confinement sufficient to prevent the animal from being at large.

(h) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 12**. CONFINEMENT AND PROCEDURE OF POTENTIALLY DANGEROUS DOGS

(a) The Owner of a dog deemed Potentially Dangerous by the Office of Animal Care Enforcement is notified in writing and provided with the reasons for the determination.

(b) The Owner must immediately confine the dog in a humane secure enclosure; and

(c) If no humane, secure enclosure is available at the Owner's residence, the dog shall be confined at the Animal Control Shelter or a boarding facility approved by the County, at the Owner's expense.

(d) Within 3 days of the determination, the Owner may appeal by filing written objections with the Appeal Board.

1. The Appeal Board will schedule a hearing within 10 days of the filing of the objections. Based upon testimony and evidence, the Appeal Board will determine if the dog should be considered dangerous or overturn the declaration.

2. The Owner of the dog and any complainants will be notified of the determination by first class mail or email.

3. If the Appeal Board finds the dog is a Dangerous Dog, the Owner of the dog is required to keep the dog in accordance with all state and local laws pertaining to Dangerous Dogs.

(e) If the Owner of a dog that has been deemed Potentially Dangerous does not file an appeal with the Appeal Board within 3 business days of the notification of the determination, the dog shall automatically be a Dangerous Dog.

**SECTION 13**. CONFINEMENT REQUIREMENTS AND CONFISCATION OF DANGEROUS DOGS

(a) The Owner of a dog which has been deemed dangerous will be notified in writing and provided the reasons for the determination. The Owner shall immediately confine the dog in a humane secure enclosure. If no secure enclosure is available at the Owner's residence, the dog shall be confined at the Animal Care Enforcement shelter or a boarding facility, approved by the County, at the Owner's expense, until a humane secure enclosure is constructed on the Owner's property. The enclosure must meet the approval of the Animal Care Enforcement Director, who has the authority to mandate additional confinement requirements. If no adequate humane secure enclosure is constructed upon the Owner's property after the expiration of 30 days of notice of declaration, the dog shall be euthanized.

(b) The Owner shall conspicuously and securely display the County's Dangerous Dog warning sign on the secure enclosure. Additional uniform Dangerous Dog warning signs shall be conspicuously and securely posted at all points of entrance to the residence and must be visible and legible from the public highway or street. Uniform Dangerous Dog warning signs must be purchased from the Animal Care Enforcement Department at the Owner's expense.

(c) The Owner of a dog which has been deemed dangerous shall have the dog spayed/neutered at the Owner's expense and provide proof of the spay/neuter to the Animal Care Enforcement Department within 30 days of the date of written notification.

(d) The Owner of a dog which has been deemed dangerous shall have the dog micro-chipped at the owner's expense and register the micro-chip number with the Animal Care Enforcement Department within 2 business days of the date of written notification.

(e) A dog which has been deemed dangerous either by Animal Care Enforcement or by the Appeal Board shall be kept in a humane secure enclosure. The Owner shall post a plainly visible sign upon the secure enclosure warning a Dangerous Dog is on the premises. The humane secure enclosure shall be locked to prevent the escape of the dog or the entry of young children. The dog may be removed from the secure enclosure for exercise or veterinary care so long as it is under the control of its Owner using a securely attached leash and muzzle.

(f) An Animal Care Enforcement officer is empowered to confiscate a dog and harbor it at the Owner's expense if the dog is found in violation of state and/or local laws pertaining to Dangerous Dogs. If any Dangerous Dog is confiscated under this Section, the Owner of the Dangerous Dog shall be given written notice at the time of confiscation advising the dog will be humanely euthanized by the Animal Care Enforcement Department at the expiration of 3 business days.

(g) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 14**. <u>REQUIRED NOTIFICATION TO ANIMAL CARE ENFORCEMENT BY OWNERS OF DANGEROUS DOGS</u>

(a) The Owner of a Dangerous Dog shall inform the Office of Animal Care Enforcement, as soon as practicable, but no later than 24 hours after the occurrence of any of the following:

1. An assault, attack or biting upon any human being committed by a Dangerous Dog.

2. An assault, attack or biting upon any domesticated animal or pet by a Dangerous Dog.

3. The destruction of or damage to the property of another by a Dangerous Dog.

4. The roaming or escape of any animal required to be restrained or confined to a secure enclosure.

(b) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 15**. TRANSFER OF OWNERSHIP OR RELOCATION OF DANGEROUS DOGS

(a) If the Owner of a Dangerous Dog wishes to transfer ownership or possession of the dog to another Person, the Owner shall provide written notice to the authority which made the determination under this Chapter, providing the name and address of the new Owner or possessor of the dog before the ownership of the dog is transferred.

(b) If the Owner of a Dangerous Dog plans to relocate and/or change address, the Owner shall provide written notice to the authority which made the determination under this Chapter, providing the new address and or date of relocation prior to this occurrence.

(c) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 16**. LAW ENFORCEMENT DOGS PARTIALLY EXCLUDED

Any dog used by a law enforcement agency in the investigation of crimes, or as otherwise necessary in the enforcement of the law, is excluded from the requirements of this Chapter, except for rabies and bite requirements pursuant to State Law.

**SECTION 17**. DOGS USED FOR GUARD DUTY

(a) A sign warning a guard or dog is on the premises shall be displayed. The Owner shall post a plainly visible sign upon the secure enclosure, warning of a Dangerous Dog or animal on the premises. Any person owning, maintaining, or harboring a dog for sentry or guard purposes must register the dog with the Office of Animal Care Enforcement.

(b) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 18**. ENFORCEMENT INTERFERENCE

(a) It shall be unlawful for any Person to interfere with, hinder or molest the Animal Care Enforcement Office agents, officers, or veterinarians in the performance of any duty authorized by this Chapter or State Law, or to seek to release any animal in the custody of those agents.

(b) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 19**. ANIMALS CREATING A NUISANCE

(a) Pursuant to State Law, a County may define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety or welfare of its citizens, and the peace and dignity of the County; and may define and abate nuisances.

(b) Nothing in this Chapter shall prevent a private citizen from bringing an action to abate a nuisance, or from bringing an action for damage, loss, or injury to the private citizen or their property resulting from an animal being a public nuisance.

(c) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 20**. EXCLUSION FOR HUNTING DOGS

This Chapter shall not be interpreted as restricting persons owning specially trained hunting/working dogs from using the dogs for hunting/working in the presence of the Owner or an agent of the Owner and are lawfully being used for hunting or training in compliance with applicable statutes, regulations or ordinances of the State and the County.

**SECTION 21**. NUISANCES PROHIBITED

It shall be unlawful for any Owner to permit a dog, cat, or ferret to create a nuisance as defined by this Chapter.

(a) Nuisance acts. It shall be unlawful for an Owner to permit an animal or animals to create a public nuisance, or to maintain a public nuisance created by an animal or animals. The commission of a nuisance act on more than one occasion shall be evidence of a nuisance. A nuisance act, includes but is not limited to:

1. Continuously or frequently roaming or found on the property of another person.

2. Turning over garbage containers or removing garbage from a container.

3. Damaging gardens, foliage, or other real or personal property of another.

4. Urinating or defecating on private property without the permission of the property owner.

5. Walking on or sleeping on an automobile of another.

6. Maintaining in an unsanitary condition which is offensive to sight or smell.

7. Not confining to a building or secure enclosure while in estrus.

8. Chasing, snapping at, attacking, or otherwise molesting pedestrians, cyclists, motor vehicle passengers, farm stock, or domestic animals.

9. Housed or restrained less than 5 feet from a public street, road, or sidewalk.

10. Habitually loiters on school grounds or County recreational property.

(b) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 22**. PROCEDURE FOR COMPLAINT

Any citizen who personally witnesses a violation of this Chapter may file an animal nuisance complaint by completing a nuisance/complaint form. Before initiating a civil or criminal proceeding pursuant to this Chapter or any State statute, the Animal Services Director or designee has the option of requesting the complaining party sign a sworn statement of the alleged offense and require the cooperation of the complaining party in court appearances arising from the complaint.

**SECTION 23.** RABIES CONTROL

(a) It shall be unlawful for any animal owner or other person to fail to comply with State Law relating to the control of rabies.

(b) It is the purpose of this Chapter to supplement State Law by providing a procedure for the enforcement of rabies control, in addition to the criminal penalties provided by State Law.

(c) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 24**. RABIES VACCINE OF DOGS, CATS, AND FERRETS

(a) It shall be unlawful for an Owner to fail to provide current vaccine against rabies for any dog, cat, or ferret 4 months of age or older. Should the County Animal Care Enforcement, County Board of Health, the Board, or the State Public Health Veterinarian order pets be inoculated to prevent a threatened epidemic, or to

control an existing epidemic, it shall be unlawful for an Owner to fail to provide current inoculation against rabies for that pet.

(b) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 25**. RABIES VACCINE TAG

(a) Upon complying with provisions of State Law, the vaccinator shall issue to the Owner of the animal vaccinated, a metallic tag, stamped with the number and the year issued, indicating the animal has been vaccinated against rabies.

(b) It shall be unlawful for any dog to fail to provide the dog with a collar or harness to which a current tag issued under this Section is securely attached. The collar or harness, with attached tag, must be worn at all times.

(c) Pursuant to State Law, cat owners are not required to provide a cat with a collar or harness to which a current tag is attached, however, the cat owner must be able to immediately provide a current vaccine tag upon being asked by the County.

(d) It shall be unlawful for any Person to use for any animal a rabies vaccine tag issued for another animal.

(e) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 26**. REPORT AND CONFINEMENT OF ANIMALS BITING PERSONS OR SHOWING SYMPTOMS OF RABIES

(a) Every dog, cat, or ferret, which has bitten any person or which shows symptoms of rabies shall be confined immediately and be promptly reported to the Animal Care Enforcement Office, and thereupon shall be securely quarantined at the direction of the Animal Care Enforcement Office for a period of 10 days and shall not be released from the quarantine except by written permission from the Animal Care Enforcement Office.

(b) Dogs, cats, and ferrets quarantined under this Section shall be confined in a veterinary hospital, boarding kennel approved by the Office of Animal Care Enforcement, or County Animal Shelter, at the expense of the Owner; provided, however, if an Animal Care Enforcement officer determines the Owner of an animal requiring quarantine has adequate confinement facilities upon his or her own premises, the animal control officer shall authorize the animal to be confined on the premises. The Animal Care Enforcement officer may not authorize the animal to be confined on the Owner's premises unless the Owner has a fenced-in area in his or her yard, and the fenced-in area has no entrances or exits which are not locked, and the animal is currently vaccinated against rabies. Proof will be required at the time of investigation. If the animal is confined on the Owner's premises, the Animal Care Enforcement officer shall revisit the premises for inspection purposes, midway through the confinement period, and again at the conclusion of the confinement period.

(c) In the case of stray dogs or cats whose ownership is not known, the dogs, cats, or ferret may be euthanized, and the head examined for rabies, or kept for the supervised quarantine period required by this Section at the County Animal Shelter.

(d) If rabies does not develop within 10 days after a dog, cat is quarantined under this Section, the dog, cat, or ferret may be released from quarantine with the written permission of the Animal Care Enforcement Office. If the dog, cat, or ferret has been confined in the County Animal Shelter, the Owner shall pay any applicable veterinarian fees and boarding fees set by and approved by the Board. Any animal which has bitten a Person, and which has not been reclaimed within 24 hours following the mandatory 10-day rabies observation quarantine period, shall be destroyed by the Animal Care Enforcement Office.

(e) In the case of any carnivore or bat, the animal may be euthanized, and the head examined for rabies.

(f) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 27**. DESTRUCTION OF ANIMAL EXPOSED TO RABID ANIMAL

(a) Unvaccinated animals exposed to a known rabid animal shall be immediately destroyed. If the animal has a current rabies inoculation, it shall be revaccinated and returned to the Owner.

(b) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 28**. AREA-WIDE EMERGENCY QUARANTINE

(a) When reports indicate a positive diagnosis of rabies, the County Health Director may order an area-wide quarantine for such period as deemed necessary. Upon invoking of such emergency quarantine, no dog, cat, or other carnivore shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no dog, cat, or ferret, or other carnivore may be taken or shipped from the County without written permission of the Office of Animal Care Enforcement. During the quarantine period, the local health authorities shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the County.

(b) In the event there are additional positive cases of rabies occurring during the period of quarantine, the period of quarantine may be extended at the discretion of the County Health Director.

(c) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 29**. POSTMORTEM DIAGNOSIS

(a) If an animal dies while under observation for rabies, the head of the animal shall be submitted to the County Health Department for shipment to the State Laboratory of Public Health for rabies diagnosis.

(b) The carcass of any animal suspected of dying of rabies shall be surrendered to the County Animal Care Enforcement Office. The head of the animal shall be submitted to the County Health Department for shipment to the State Laboratory of Public Health for rabies diagnosis.

(c) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 30**. UNLAWFUL KILLING, RELEASING AND THE LIKE OF CERTAIN ANIMALS

(a) It shall be unlawful for any Person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies or any animal which has bitten a human, or to remove the animal from the County without written permission from the Animal Care Enforcement Office.

(b) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 31**. FAILURE TO SURRENDER ANIMAL FOR QUARANTINE OR DESTRUCTION

(a) It shall be unlawful for any Person to fail or refuse to surrender any animal for quarantine or destruction as required by this Chapter and State Law when demand is made by the Animal Control Officer.

(b) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 32**. IMPOUNDMENT

Any animal which appears to be lost, stray or unwanted, or which is found not to be wearing a valid rabies vaccination tag, and not under restraint in violation of this Chapter, shall be impounded by the Animal Control Office by any means necessary and confined in an animal shelter in a humane manner. Impoundment of the animal shall not relieve the Owner from any penalty which may be imposed for violation of this Chapter.

**SECTION 33**. TRAPPING

(a) The Animal Care Enforcement Department is authorized to place, upon request, live-capture animal traps on private property of the requestor or public property, to trap and remove stray, at-large, unwanted or nuisance animals. It is unlawful for any Person other than an Animal Care Enforcement Officer or designee to remove any animal from the trap, or to damage, destroy, move, or tamper with the trap.

(b) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 34**. REDEMPTION BY OWNER GENERALLY

(a) The Owner of an impounded animal may redeem the animal within 72 hours from the time of notification of impoundment is given, as required by State Law, by complying with all applicable provisions of this Chapter, and paying any applicable veterinary fees and a boarding fee.

(b) No animal Owner may be permitted to adopt their own animal under the provisions of this Section to reclaim an animal which has been impounded pursuant to State Law or this Chapter.

**SECTION 35**. DESTRUCTION OR ADOPTION OF UNREDEEMED ANIMALS GENERALLY

(a) Disposition of animals in Animal Services custody.

1. Stray animals are held for a period of 96 hours to allow Owners to reclaim the animals.

2. Cats deemed to be feral by the Animal Services Director or designee are held for a period of 72 hours. For the purposes of this Section, feral shall mean a cat which has escaped from a domestic or captive status and is living as a wild animal or a cat which was never domesticated.

(b) Animals can be reclaimed by Owners for fees in accordance with the fee schedule. The Owner of an impounded animal shall be entitled to redeem the animal, except as provided in this Chapter, upon the payment of all applicable fees, and upon furnishing proof of ownership. Animals cannot be reclaimed without proof of a

current rabies vaccine, or a rabies vaccine given by Animal Services Certified Rabies Vaccinators (CRVs).

(c) Dogs must wear rabies inoculation tags upon being reclaimed.

(d) If not claimed within 96 hours, stray animals are made available for adoption, transferred to a rescue group, or euthanized.

(e) Upon proof of ownership, owner-surrendered animals are made available for disposition by the Director of Animal Services or designee after a period of 24 hours.

(f) Nothing in this Section shall prevent an animal which is seriously ill or injured from being euthanized for humane reasons prior to the end of a stray hold.

(g) No animal which has been impounded by reason of being a stray or unclaimed by its Owner, shall be allowed to be adopted from the County Animal Shelter during a period of emergency rabies quarantine, except by special authorization of the County Health Director.

(h) Any person adopting an animal from the County Animal Shelter is required to sign an adoption contract with the Animal Shelter.

(i) The Animal Control Office has the right to refuse adoption of animals to:

1. Persons less than 18 years of age.

2. Persons who have previously been cited for violations of this Chapter.

(j) The maximum number of animals adopted to the same household is 3 per calendar year.

(k) Any animals which exhibit fierce, dangerous, or aggressive behavior will not be offered for adoption.

(l) Any Person violating this Section shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisonment for not more than 30 days, or both. Each day a violation continues, after the offender has been notified of the violation, shall constitute a separate occurrence. A third conviction within a 5-year period shall constitute a Class 1 misdemeanor, with a maximum penalty of 120 days in jail and a discretionary fine, as provided by law. Each 30 days of continued violation shall be considered a separate offense.

**SECTION 36**. PROCEDURE FOR REDEMPTION OR ADOPTION OF UNVACCINATED DOG, CAT, OR FERRET

All dogs, cats, or ferrets 4 months of age or older which leave the County Animal Shelter, or any animal hospital or veterinary clinic, shall be required to have a current rabies vaccination.

**SECTION 37**. DESTRUCTION OF WOUNDED OR DISEASED ANIMALS

Notwithstanding any other provision of this Chapter, any animal impounded which is badly wounded or diseased, shall be destroyed humanely, only after consultation with the Office of Animal Control and a veterinarian licensed to practice in the State of North Carolina. This consultation will include a physical review of the animal by a licensed veterinarian, and the veterinarian's agreement the animal is suffering and should be euthanized. If the animal has identification, the Office of Animal Care Enforcement shall attempt to notify the Owner before consulting with a licensed veterinarian and euthanizing the animal.

**SECTION 38**. PENALTY

(a) Fees shall be charged in accordance with the County's fee schedule. The Animal Care Enforcement Director has the authority, in their discretion, to reduce or waive fees for special circumstances.

(b) Any Person violating any of the provisions of this Chapter shall be subject to the imposition by citation of a civil penalty for each such violation in the amount of $25, which shall be paid in full within 30 business days of the service of the citation by a representative of the County Animal Care Enforcement Office or any law enforcement officer, or both in accordance with NCGS 153A-123. If the offender does not pay the penalty within 30 business days, the County may recover the penalty plus court costs and attorney fees in a civil action in the nature of a debt.

(c) Each subsequent violation of any of the provisions of this Chapter shall subject the violator to the imposition by citation of a civil penalty in the amount of $100, which shall be paid in full within 30 business days of the service of the citation. If the offender does not pay the penalty within 30 business days, the County may recover said penalty plus court costs and attorney fees in a civil action in the nature of a debt.

(d) Failure to make payment and correct the violation or violations within 30 business days will result in an additional penalty of $25 per violation per day until the violation is corrected and the citation is paid. All funds derived from the civil penalties collected shall be used in the operation and maintenance of the County Animal Shelter.

(e) If any dangerous animal or Dangerous Dog as defined in this Chapter shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the Owner shall pay a $300 civil penalty and, after a 10-day waiting period, exclusive of Sundays and holidays, the dog shall be destroyed by the Office of Animal Care Enforcement.

(f) If any dangerous animal or Dangerous Dog shall, when unprovoked, kill, wound, or worry or assist in killing or wounding any domestic animal or pet, the Owner of the animal or dog shall pay a $200 civil penalty, and the dog will be humanely euthanized by the Animal Care Enforcement Department at the expiration of 3 business days.

(g) If any dangerous animal or Dangerous Dog is found in violation of State Law, the Owner of the animal or dog shall pay a $150 civil penalty, and the dog will be humanely euthanized by the Animal Care Enforcement Department at the expiration of 3 business days.

(h) Any person in possession of or keeping an inherently dangerous mammal within the County shall be in violation of this Chapter and shall be subject to the imposition by citation of a civil penalty for each such violation in the amount of $300, which shall be paid in full within 72 hours of the service of the citation by an Animal Care Enforcement Department, or any law enforcement officer. If the offender does not pay the penalty within 30 business days, the County may recover the penalty plus court costs and attorney fees in a civil action in the nature of a debt. Failure to make payment and correct the violation or violations within the 30 business days will result in an additional penalty of $600 per violation per day until the violation is corrected. All funds derived from the civil penalties collected shall be used in the operation and maintenance of the County Animal Shelter.

(i) Violation of this Chapter may subject the violator to criminal as well as civil action. Violation of this Chapter shall be a misdemeanor for which a criminal summons may be issued. Any person convicted of this violation shall be punishable as provided in NCGS 14-4. Each day's violation of this Section is a separate offense.

(j) In addition, enforcement of this Chapter may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.