Animal Control Ordinance

Adopted 6/14/2004. Amended 5/19/2018; 11/18/2019, 4/20/2020, 3/7/2022, 1/16/2024

August 18, 2025

CHAPTER: ANIMAL CONTROL

Section 1. Purpose.

It is the purpose of this Chapter to regulate ownership and possession of animals; prohibit certain acts, omissions and conditions which interfere with the health, safety and general welfare of the inhabitants of the county and those municipalities coming under the provisions of this Chapter; to protect the public from unvaccinated, diseased, stray, roaming, dangerous exotic or wild animals; to make unlawful, acts of animals that interfere with the enjoyment of property or the peace and safety of the community; to protect animals from abuse or conditions harmful to their well-being; to provide for the peace and dignity of residents; and to perform any other duties authorized by applicable state laws.

Section 2. Jurisdiction.

Except as provided in this section, the provisions of this Chapter shall not be applicable to and shall not be enforced within the corporate limits or jurisdiction of any municipality in the County. A municipality may come within the provisions of this ordinance at any time by mutual agreement with the County and by the adoption of an appropriate resolution by the governing body of such municipality pursuant to G.S. 153A-l22 agreeing that this ordinance shall be enforced within the corporate limits or jurisdiction of the municipality. All provisions of this Chapter which are indicated to be applicable only in a particular municipality shall not take effect until and unless such municipality adopts a resolution subjecting itself to the ordinance

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:

Abandon. To forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or to fail to make reasonable arrangements for adequate care.

Abuse. Willful injury to, or mistreatment of, an animal, but not to include the legal euthanasia of an animal or the slaughtering of an animal raised to be used for food or clothing by humane and legal methods.

Adequate food. The provision at suitable intervals, of a quantity of suitable foodstuff suitable for the species and age, sufficient to maintain the animal's health and well being

Adequate Shelter. A structure which provides for an animal's protection from inclement weather or sun, appropriate for that animal.

Adequate Water. Access to a supply of water that is clean, fresh, and visibly free of excessive debris and organic material, provided in a sanitary manner at suitable intervals for the species.

Adult. A person 18 years of age or older and who has not been judicially declared incompetent.

Animal Control Supervisor. The animal control officer charged with administering animal control services within the Polk County Sheriff Department.

Animal Cruelly Investigators. Persons duly appointed by the Polk County Board of County Commissioners pursuant to G.S. 19A-45 to investigate neglect, abuse or cruelty of animals.

Animal Shelter. Any facility 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 and the General Statutes of North Carolina.

At Large. An animal is at large if the animal is at a location off of the real property of the owner or custodian of the animal and not under control of the owner or custodian.

Control. Having dominion or authority over by obedience to commands, or having in restraint by means of a leash, tether, or bridle.

Custodian. A person having custody of an animal, or who keeps or harbors an animal, feeds or shelters, or who permits an animal to remain on or about any premises occupied or controlled by such person.

County. The unincorporated areas of the County, and within the municipalities within the County that have opted to come within the provisions of this Chapter.

Dangerous animal.

1. An animal that:

    a. Without provocation has killed or inflicted severe injury on a person;
    b. Without provocation has killed or inflicted severe injury on another domestic animal;
    c. Is determined by the animal control officer to be a potentially dangerous animal and for which there has been no successful appeal from such a determination under the provisions of this Chapter

2. Any animal owned or harbored primarily or in part for the purpose of fighting other animals, or any animal trained for such fighting.

Department. The Animal Control Department of the Polk County Sheriff Department.

Domesticated Animal. Any animal that is accustomed to living in or about the habitation of humans including but not limited to cats, dogs, horses, cows, fowl, or swine, but not to include any wild or exotic animal.

Exotic Animal. Exotic animal means any living animal, which is strikingly or excitingly different or unusual and not ordinarily kept as a pet or domesticated animal. By way of example, exotic animals shall include but not limited to lions, tigers, apes, monkeys, poisonous reptiles, and poisonous spiders. A hybrid of any animal listed in the example above, regardless of genetic percentages, shall be deemed exotic.

Health director. The director of the Polk County Health Department.

Household. Any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Impoundment. The placement of an animal in the custody of the department. Inoculation. The vaccination of a dog or cat with antirabic vaccine approved by all applicable federal, state and local regulatory agencies at such time or times as shall be required by applicable law or regulatory agency.

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Keeper. A person having custody of an animal, or who keeps or harbors an animal, feeds or shelters, or who permits an animal to remain on or about any premises occupied or controlled by such person.

Kennel. Any premises wherein any person, partnership 0r corporation is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.

Livestock. Animals commonly associated with agriculture including, but not limited to, horses, mules, ponies, llamas, swine, sheep, cattle, goats, chickens, emus, ostriches, and other fowl.

Lot. A portion, piece, division or parcel of land, with or without a household, which is identified by a tax map, recorded plat, deed, lease or the like. All contiguous land under common ownership and used for a single purpose shall constitute a single lot.

Neglect. Failure of an owner or person in possession of an animal to provide the animal with adequate food, water, shelter, or failure of an owner or a person in possession of an animal to obtain appropriate humane care for the animal in the event of injury or illness; provided humane euthanasia is an acceptable care.

Owner. A person who or legal entity that has a possessory property right in an animal.

Owner's real property. Any real property owned, leased or occupied by the owner of the animal but does not include any public right-of-way or a common area of a condominium, apartment complex or townhouse development.

Performance Dog. A dog that is that is being trained, used in herding, hunting, tracking or shown.

Potentially dangerous animal. An animal that the animal control officer determines to

a. Inflicted a bite on a person for which the person sought or obtained medical treatment;
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.

Premises. A definite potion of real estate including land with its appurtenances, a building or part of a building.

Proof of Ownership. Documentation in support of a property right in an animal that includes, but is not limited to, veterinary records; rabies vaccination certificates; license; photographs; bills of sale; signed affidavits, breed registries; written transfers of ownership.

Provocation. Any action designed to goad, inflame, instigate or stimulate an aggressive or defensive response on the part of an animal, but provocation shall not include any actions on the part of an individual that pertain to reasonable efforts of self-defense against an unprovoked animal.

Securely enclosed. A fence or structure forming or causing a humane enclosure suitable to prevent the animal from escaping and to prevent entry of young children.

Severe injury. Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

Tether. A means by which an animal is fastened so that it can range only within a set radius.

Vaccination. The administration of rabies vaccine as required by law

Wild animal. Any animal which can normally be found in the wild state, particularly those feral, exotic, dangerous or non-domestic animals which generally do not live in or about the habitation of humans, including, but not limited to, deer, bears, wolves, coyote, foxes, raccoons, skunks and squirrels.

Zoonotic disease. A disease communicable from animals to humans under natural conditions.

Section 4. Duties.

a. In administering this Chapter, the County and any municipalities therein may, pursuant to an inter-local agreement, form a joint agency, designate a local agency or create an animal control department within either County or municipal government. There shall be an Animal Control Supervisor who shall have overall responsibility for administering this Chapter. The Animal Control Supervisor shall make recommendations to the Polk County Sheriff to hire appropriate staff including animal control officers and to make recommendations to the Board of Commissioners for appointment of animal cruelty investigators.

b. Animal control officers shall have the following powers within the County:

1. Pick up and deliver to the animal shelter any animal at large in violation of this Chapter, any potentially dangerous animal, any abused or neglected animal, any animal required to have, but failing to have, a rabies tag, or any other animal in violation of this Chapter or other ordinance of the County.
2. Issue appropriate permits, civil penalties and notices of violation appropriate for the enforcement of this Chapter.
3. Declare an animal as a potentially dangerous animal if the officer determines that the animal so qualifies. Upon making a determination that an animal is a potentially dangerous animal, the Health Director shall notify the owner of the animal in writing, giving the reasons for the determination. The owner may appeal the determination of the Health Director by filing written objections with the Polk County Animal Control Board within 10 days.
4. Make canvasses of the County to ascertain that all animals which are required by the State of North Carolina to be vaccinated are currently vaccinated against rabies and ensuring that the provisions of this Chapter and North Carolina General Statutes related to animal control are adhered to.
5. Investigate complaints with regard to animals.
6. Protect animals from neglect or abuse and assist animal cruelty investigators as needed m enforcing state laws regarding cruelty.

7. Enforce the laws with regard to remedies for an owner's failure to obtain proper vaccination of animals against rabies.
8. Investigate all reported animal bites or other human physical contact with suspected rabid animals and submit bite reports and reports of human contacts to the Health Director.

c. The Animal Control Supervisor shall have no authority to enforce the provisions of this Chapter relating to dangerous animals, if one of the following factors is present:

1. The animal is being used by a law enforcement officer to carry out the law enforcement officer's off
2. Where the injury or damage inflicted by the animal was sustained by a domestic animal while the animal was working as a hunting animal, herding animal or predator control animal on the property of or under the control of its owner or custodian and the damage or injury was to a species or type of domestic animal appropriate to the work of the animal.

d. If an animal has bitten a human being, the Health Director shall have the authority to require the owner to procure liability insurance in the amount of at least $100,000.00 at the owner's expense, to have the animal micro chipped, and to display a sign on the premises warning of the presence of the animal on the premises. The Health Director may waive any or all of these requirements if the bite is inconsequential, provoked, or inflicted upon a trespasser. The Health Director shall have the authority to require proof of insurance. The owner has a duty to notify the Health Director if the animal escapes or if the animal is moved to a new location. Owners who fail to comply with the protective provisions required by the Health Director under this subsection waive the right to contest the seizure and impoundment of the animal

Section 5. Inspection, interference, or concealment.

a. Inspections. Whenever it is necessary to make an inspection to enforce any of the provisions of this Chapter, and the animal control officer has reasonable cause to believe that there exists upon any premises any violation of this Chapter, the animal control officer is hereby empowered to enter and inspect such property at any reasonable time and perform any duty imposed by this Chapter as follows:

1. If such property is unoccupied, the animal control officer shall first make a reasonable effort to locate the owner or other persons having control of the prope1iy; and
2. If such property is occupied, the animal control officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefore; and
3. If such entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be located after due diligence, the animal control officer may seek an administrative inspection warrant as provided in G.S. Ch. 15, Art. 4A.

b. Interference. It shall be unlawful for any person to interfere with, hinder, assault, molest, resist, or obstruct the animal control officer while the animal control officer is carrying out any duty created under this Chapter.

c. Concealment of animal. It shall be unlawful for any person to conceal any animal from the animal control officer to evade any provision of this Chapter.

Section 6. Rabies Control

a. Vaccination of dogs, cats and ferrets required; vaccination of other animals.

1. It shall be unlawful for an owner or custodian to fail to provide current vaccination against rabies for any dog, cat, or ferret four months of age or older. Should it be deemed necessary by the state or Health Director or the state or the health and humans services board that other animals be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be lawful for any owner or custodian to fail to provide current vaccination against rabies for such animals.

b. All anti-rabies vaccines shall be administered by a licensed veterinarian or a certified rabies vaccinator. b. Vaccination tag and certification

1. Upon complying with the provisions of Section 6(a), there shall be issued to the owner or custodian of the animal vaccinated a rabies tag, stamped with the number and the year for which issued, and a rabies vaccination certificate.
2. It shall be unlawful for any owner or custodian of a dog required to be vaccinated to fail to provide the animal with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times. All animal owners or custodians must maintain in their possession all current vaccination certificates or other evidence for official proof and documentation of rabies vaccination.
3. In addition to all other penalties as prescribed by law, a dog, cat or ferret required to be vaccinated is subject to impoundment in accordance with the provisions of this Chapter if the dog is found not to be wearing a currently valid rabies tag.
4. It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than the one using the tag, or the owner or custodian of a cat or ferret does not possess a current vaccination certificate or other evidence of current rabies vaccination.

c. Notice to local animal control when person bitten by animal; confinement of animal.

1. Notice. — When a person has been bitten by an animal required to be vaccinated under this Part, the person or parent, guardian or person standing in loco parentis of the person, and the person owning the animal or in control or possession of the animal shall notify the Health Director immediately and give the name and address of the person bitten and the owner of the animal. If the animal that bites a person is a stray or feral animal, the animal control officer shall make a reasonable attempt to locate the owner of the animal. If the owner cannot be identified within 72 hours of the event, the Health Director may authorize the animal be euthanized, and the head of the animal shall be immediately sent to the State Laboratory of Public Health for rabies diagnosis. If the event occurs on a weekend or State holiday the time period for owner identification shall be extended 24 hours. A physician who attends a person bitten by an animal known to be a potential carrier of rabies shall report the incident within 24 hours to the Health Director. The report must include the name, age, and sex of the person.

2. Confinement. — When an animal required to be vaccinated under this Part bites a person, the animal shall be immediately confined for 10 days in a place designated by the Health Director.

The Health Director may authorize a dog trained and used by a law enforcement agency to be released from confinement to perform official duties upon submission of proof that the dog has been vaccinated for rabies in compliance with this Part. After reviewing the circumstances of the particular case, the Health Director may allow the owner to confine the animal on the owner's property. An owner who fails to confine an animal in accordance with the instructions of the Health Director shall be guilty of a Class 2 misdemeanor. If the owner or the person who controls or possesses the animal that has bitten a person refuses to confine the animal as required by this subsection, the Health Director may order seizure of the animal and its confinement for 10 days at the expense of the owner.

3. Release of ownership. When an animal to be vaccinated under this part bites a person, the owner of the animal may sign ownership of the animal over to Polk County Animal Control. The animal shall be immediately confined in a place designated by the Health Director and the Health Director shall make a decision to euthanize the animal or permit the animal to be placed for adoption.

d. Animals exposed to rabies. When the Health Director, in reliance on guidance from the state Division of Public Health Communicable Disease Branch, the US Centers for Disease Control or in consultation with the state's public health veterinary team, reasonably suspects an animal has been exposed to rabies the following shall be applicable:

    1. Dogs, cats, and ferrets that have never been vaccinated shall be euthanized immediately or placed in strict quarantine for 4 months (dogs and cats) or 6 months (ferrets). The quarantine shall be in an enclosure that precludes direct contact with people or other animals. If quarantine is delayed, the quarantine period may be extended.
    2. A dog or cat with appropriate documentation showing it is either current on vaccinations or was vaccinated at least once previously shall receive a booster vaccination within 96 hours of exposure. In addition, the owner or custodian shall keep the animal under his or her control and observe it for 45 days of signs of illness. If the booster is delayed, the Health Director may consider increasing the observation period.
    3. If an owner or custodian states the dog or cat has had a rabies vaccination in the past but does not have appropriate documentation to prove such vaccination, the Health Director may follow the quarantine approach described above for animals that have never been vaccinated, or consider allowing blood testing to evaluate whether there is evidence a robust immune response upon booster vaccination.
    4. A ferret that has a lapsed vaccination shall be evaluated on a case-by—case basis to determine the appropriate management.

Section 7. Public nuisance.

a. The keeping of any animal in such manner or in such numbers as to constitute a public nuisance is hereby prohibited. For the purposes of this section, a public nuisance shall include, but not be limited to, the following:

    1. The keeping of any animal which frequently is at large;

2. The keeping of a cage or pen, constructed and used for the purpose of restraining animals within ten feet of the outer limits of the lot upon which the cage or pen is situated; provided, however, this setback requirement shall not be applicable where the placing of the cage or pen within the ten-foot area does not result in locating the cage or pen within 50 feet of the nearest household occupied by persons other than the owner or custodian of the cage or pen. This subsection shall not apply to the fencing of all or a major portion of a lot;
3. Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers, or damaging gardens, flowers, or vegetables, or defecating upon the property of another;
4. Maintaining animals in an unsanitary environment for the animals which results in offensive odors or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease, with unsanitary being determined by best management practices for the particular animal;
5. Maintaining animals in such a manner and location as that animal waste can accumulate and run off onto another owner's property or into a stream;
6. Maintaining the owner's property in a manner that is dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density or location of the animals on the property;
7. Maintaining an animal that is diseased or potentially dangerous to the public health through transmission of a zoonotic disease;
8. Failing to confine a female animal while in heat in a secure enclosure in such a manner that Will prevent the animal from coming into contact with a male of its species, or attract other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals Within a securely enclosed area.

Section 8. Animal Care.

a. It shall be unlawful for any owner or custodian to fail to provide their animals with adequate food, water, shelter, veterinary care and humane euthanasia when needed to prevent suffering. Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, and the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provides a solid surface, resting platform, pad, floormat or similar devices that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelter whose wire grid, or slat floors which (i) permit the animals' feet to pass through the openings, (ii) sag under the animal's weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter. The structure must be provided with bedding such as straw, cedar shaving, blankets, or the equivalent so as to provide insulation and protection against the elements of the weather and to help retain body heat in the winter and must be kept in a cool shaded area in the summer.

b. It shall be unlawful for any person to intentionally overdrive, overload, wound, beat, injure, torment, kill, or poison or otherwise abuse an animal; or procure an animal to be overdriven, overloaded, wounded, beaten, injured, tormented, killed, or poisoned or otherwise abused; or

cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals and humans and animals; provided humane euthanasia is an acceptable care.

c. It shall be unlawful for any person to promote, encourage, engage in or do any act toward the furtherance of any act of cruelty to an animal.

d. No owner of an animal shall abandon such animal except to relinquish the animal to the animal shelter during normal business hours. If an animal control officer finds that an animal has been abandoned, the animal may be impounded. If an animal has been abandoned in a house or within a fenced area, the officer must make a reasonable effort to locate the owner or manager of the property. If the property owner or manager is not the animal owner, then the officer does not need to secure permission from the property owner or manager to remove the animal, unless the property owner or manager agrees to become responsible for animal, including its care. If the property owner is also the animal owner and this individual cannot be located, the officer shall secure an appropriate warrant to seize the animal. An animal seized pursuant to this section shall be impounded. If the animal is unclaimed by its owner after being held 72 hours, the animal shall be disposed of by adoption or humane euthanasia.

e. It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or wellbeing of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability, or death.

After making a reasonable effort to find the driver of a vehicle in which an animal is confined, the animal control officer, in the presence of a law enforcement officer, may use the least intrusive means to enter the vehicle if necessary to remove the animal, where reasonable cause exists to believe the animal may die if not promptly removed. The animal control officer removing the animal shall then impound the animal and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed.

f. It shall be unlawful for any person injuring or killing a domestic animal by striking it with an automobile or other vehicle to fail to notify the owner of such animal, if ownership information is available. If ownership information is not available, or if the animal is injured but alive, animal control or law enforcement must be notified.

g. It shall be unlawful for any person to sponsor, promote, or train a wild, exotic or domestic animal to participate in any unnatural behavior in which the animal is wrestled, fought, harassed, or displayed in such a way that the animal is abused or stressed. This prohibition applies to events and activities taking place in either public or private facilities or property in the County and applies regardless of the purpose of the event or activities and whether or not a fee is charged to spectators.

h. It shall be unlawful for anyone to sell or adopt any dog or cat under the age of 6 weeks old without accompanying its mother or until fully weaned.

i. It shall be unlawful to tether an animal to a stationary object for a period of time or under conditions that an animal control officer or animal cruelty investigator deems harmful or potentially harmful to the animal. Tethering may be allowed in certain cases where daily socialization and exercise off the tether can be verified and the animal is not exhibiting health or temperament problems. Examples of improper tethering include, but are not limited to the following:

1. Using a length or weight of tether that is not appropriate for the size, weight and age of the animal. The restraint must be a minimum of4 times the length from the tip of the animal's nose to the tip of the animal's tail and shall be no less than 10 feet.
2. Using tether that does not have swivels on both ends. All tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width made of nylon or leather.
3. Allowing an animal to be tethered such that the animal is not confined to the owner's property or such that the tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter.

Section 9. Exemption of pet stores.

This Chapter shall not apply to pet stores regulated by G.S. chapter 19A, article 3.

Section 10. Posting of a bond.

If the animal control officer has seized an animal as authorized by this Chapter, or for any other legally authorized seizure and confinement of an animal, and the Health Director determines that the retention of any animal so seized might extend beyond five days, then the Health Director shall be authorized to require the owner to post a bond or to deposit cash not to exceed $400.00 within a reasonable time to cover the boarding costs for the animal and any foreseen, reasonable veterinarian fees required by law or deemed necessary for the animal care.

Section 11. Exotic or wild animals.

~~*(a) Unlawful act*: It shall be unlawful for any person to keep, maintain, possess or have under his control within the County any venomous reptile or any other wild or exotic animal.~~ *(a) Unlawful act*. It shall be unlawful for any person to keep, maintain, possess or have under his control within the County any venomous or poisonous reptile, amphibian, arachnid, or any other wild animal.

(b) Exceptions: This section shall not apply to lawfully operated and located pet shops, zoological gardens, scientific research laboratories, circuses, veterinarians harboring such animals for purposes of providing professional medical treatment, wildlife rehabilitators with proper permits and certification, or exhibitors licensed by the United States Department of Agriculture displaying such animals for educational purposes, provided that the animals are maintained in a manner so as to prevent escape.

This section shall not apply to herbivores, securely confined in fence or other enclosure such that they cannot escape and be at a location off the tract of real property on which they are confined.

(c) Compliance with state and federal regulations and safe confinement: The confinement of exotic or wild animals exempted from subsection (a) of this section by subsection (b) of this section must meet the

regulations promulgated by the state wildlife commission, the minimum standards under the Animal Welfare Act and all applicable rules promulgated by the United States Department of Agriculture. In addition to meeting these minimum standards, all such venomous reptiles and all such wild or exotic animals shall be confined, restrained or controlled in such a manner so that the physical safety, or property, of any person lawfully entering the premises shall not be endangered.

(d) Presence on public rights-of-way: Animals described under subsection (a) of this section but exempt under subsection (b) of this section shall not be allowed on any public street, sidewalk, or 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. Exempt from this subsection are animals that are part of a featured performance at a special event with a County or town festival or parade permit where the animal handler is licensed by the United States Department of Agriculture.

Section 12. Dead animals.

a. It shall be unlawful for any person to leave or place the carcass of any animal, which he owns, upon any street, alley, or lot, or to allow the animal to remain unburied on his property.

b. The owner or custodian of any animal which dies shall have it buried in compliance with applicable state law and regulation

Section 13. Restraint of Animals.

Every person owning or having possession, charge, care, custody or control of any animal shall keep such animal exclusively upon the owner's premises. However, such animal may be off such premises if it is under the control of a person competent to handle and control the animal and restrained by a chain, leash, harness, bridle or other means of physical control, or is under the person's direct control and is obedient to that person's commands.

Section 14. Protective measures for confinement of dogs.

a. Circumstances requiring special preventive measures. The animal control officer shall have the authority to require the owner or custodian of a dog to comply with special preventive measures, as described below, after taking into consideration the following factors:

1. Nature of the particular dog: The behavior, size, temperament, capacity for inflicting serious injury, the number of dogs involved or other such factors which would be relevant to a determination of whether or not additional preventive measures need to be imposed for a particular situation;
2. Adequacy of confinement: The adequacy of the enclosure or confinement, if any;
3. Immediate surrounding area: The likelihood that the conditions pertaining to the particular dog and the dog's confinement are detrimental to the safety, welfare or peace and tranquility of a reasonably prudent person in the vicinity;
4. Children, elderly, and disabled: Minor children, elderly, and disabled people who live in close proximity to the premises occupied by the dog;
5. Bite: The dog has bitten a human being or domestic animal, without provocation or trespass, and the person bitten does not ordinarily reside on the premises;
6. Aggressive attack: The dog has been trained for aggressive attacks; and

7. Attack incidents and reputation: The dog without provocation or a trespass, has approached a person in an apparent attitude of attack or has a reputation to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

b. Special preventive measures. If the animal control officer determines that the circumstances require special preventive measures, then the animal control officer shall have the authority to require appropriate, specific preventive measures which might include, but are not limited to, the one or more of the following:

1. Necessary repairs to any fence or enclosure.
2. Measures to ensure that a gate will remain secure.
3. A secure fence or any other similar device that would provide greater assurance for the confinement of the dog. Requiring the owner to tattoo or microchip the dog at the owner's expense for identification, investigative, or enforcement purposes.
4. Requiring the owner to tattoo or microchip the dog at the owner's expense for identification, investigative, or enforcement purposes.
5. Posting of "Beware of Dog" signage. Signage is to be reflective, weatherproof, and of such size to be clearly seen by approaching persons.

c. Written order. If the animal control officer determines that a dog owner must take specific preventive measures, the animal control officer shall notify the owner by a written order, stating the reasons that preventive measures are required, identifying the specific preventive measures that must be implemented, and stating a specified time they have, of not less than 10 days, to comply with order. The written notice may be served upon the owner by hand delivery, first class US mail to the owner’s last known address, or by posting the written notice on the door of the residence or premises where the dog is housed. The animal control officer shall have the authority to allow for reasonable extensions of time limits based on good faith progress of implementation of the preventive measures. Any approved extensions shall be in writing.

d. Failure to comply with written order. It shall be unlawful for an owner to fail to comply with a written order to take preventive measures within the designated time for compliance stated in the written order or any extension thereof. If the owner fails to comply, the animal can be impounded by an animal control officer and held at an appropriate shelter pending a hearing by a court of competent jurisdiction.

e. Owner's challenge to the written order for special preventative measures. The owner may submit in writing a challenge to the animal control officer's determination that special preventive measures are required. If the owner wishes to challenge the order for special preventative measures, the owner must submit in writing the basis of the challenge within ten days of service or the written order. The challenge must be directed to the Animal Control Board and filed with the Health Director. The Board is authorized to hear and decide the challenge to the order in the same manner as provided for in Section 19 of this Chapter. If an appeal from the Board's decision is made to Superior Court, and the Health Director makes written findings concluding that the animal must be confined at the animal shelter pending review by the Superior Court, the owner shall post a cash bond to cover the cost of the animal's care in accordance with Section 10.

f. Immediate Impoundment. If the animal control officer determines that the dog has inflicted life-threatening injuries or killed a human, or the owner has failed to comply with preventive measures in the past, the animal control officer may impound the animal immediately and hold it

at the animal shelter pending a hearing to determine disposition by a Court of competent jurisdiction.

Section 15. Impoundment.

Any animal which shall be found in violation of Section 13 shall be subject to immediate seizure and impounded at the animal shelter. Any person finding any animal upon his property, in violation of Section 13, to his injury or annoyance, shall be authorized to restrain such animal in a humane manner and to thereupon either notify the animal control officer, who shall take possession of the animal for impoundment, or deliver the animal directly to the animal shelter. The animal may, consistent with the provisions of this Chapter, be redeemed by the owner upon payment of the costs assessed by the animal shelter and fines assessed for violation of any section of this ordinance. Upon failure of the owner to redeem the animal as set forth herein, the animal shall be disposed of by the animal shelter as provided in this Chapter.

a. Generally. Any animal which appears to be lost, stray or unwanted, or which is found to be not wearing a currently valid rabies vaccination tag, as required by state law or this Chapter and not under restraint in Violation of this Chapter, shall be impounded by the department and confined in the County animal shelter in a humane manner. Impoundment of such an animal shall not relieve the custodian there not from any penalty which may be imposed for violation of this Chapter.
b. Notice to owner. Immediately upon impounding an animal, the animal control officer shall make a reasonable effort to notify the owner and inform such owner of the condition whereby the animal maybe redeemed, which shall include inspection of the animal for microchip or tattoo. If the owner is unknown or cannot be located, a notice of such impoundment showing the time of impoundment shall be posted at the office of the animal control officer for at least 72 hours, or until the animal is disposed of.

c. Redemption by owner generally. The owner/custodian of an animal impounded under this section may redeem the animal and regain possession thereof within 72 hours after notice of impoundment is given or posted as required by subsection (2) of this section, by complying with all applicable provisions of this section, production of proof of ownership, payment of the assessed fines and fees, any necessary veterinarian's fee, and daily boarding fees at rates as determined by the Board of County Commissioners.

d. The provisions of this section shall have no application with respect to animals surrendered by the owner or custodian to the animal shelter for adoption or ~~destruction~~ euthanization.

e. ~~Destruction~~ Euthanization or adoption of unredeemed animal generally. An unredeemed animal may be ~~destroyed~~ euthanized or adopted according to the following procedures:

1. If an impounded animal is not redeemed by the owner/custodian within the period prescribed in subsection (3) of this section, it may be ~~destroyed~~ euthanized in a humane manner or offered for adoption to any responsible adult who is willing to comply with this Chapter. Such animal may be adopted by a person who meets adoption requirements, pays the adoption fee and rabies vaccination fees.
2. The operator of the animal shelter shall require that all animals released for adoption from the animal shelter be spayed or neutered.

3. No animal which has been impounded by reason of its being a stray, or unclaimed by its owner/custodian, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked by the Health Director pursuant to state law.

f. Procedure for redemption or adoption of unvaccinated animals. Unvaccinated animals may be redeemed or adopted according to the following provisions:

1. Any person adopting or reclaiming any animal at the animal shelter shall have the animal vaccinated prior to it leaving the shelter.
2. Payment for rabies vaccination will be the responsibility of the person redeeming or adopting the animal.

g. Suspected rabid animals not to be redeemed or adopted. Notwithstanding any other provision of this section, animals impounded which appear to be suffering from rabies shall not be redeemed or adopted but shall be dealt with in accordance with this chapter and applicable state laws.

h. ~~Destruction~~ Euthanization of wounded or diseased animals. Notwithstanding any other provision of this section, any animal impounded that is badly wounded or diseased and has no identification may be ~~destroyed~~ euthanized immediately in a humane manner. If the animal has identification, the animal control department and/or the animal shelter attendants shall attempt to notify the owner/custodian before disposing of such animal. However, if the owner/custodian cannot be readily reached, and the animal is suffering, the animal control department and/or the animal shelter attendants may ~~destroy~~ euthanize the animal at its discretion in a humane manner.

Section 16. Seizure and disposition of animals.

a. Authority to seize animals. In addition to any other authority or procedure authorized by this Chapter or by any other law to seize an animal, the animal control officer shall have the authority to summarily seize any animal from premises when the animal control officer determines that the animal in the surrounding circumstances is dangerous to the public safety or public health. Upon summarily seizing an animal, the animal control officer shall provide the owner with a written order of seizure. When livestock found off their owner's property are seized, reasonable efforts shall be made to identify and notify the owner of the livestock.

b. Obligation of owner to comply with seizure order. When the animal control officer serves the owner with a written order of seizure, it shall be unlawful for the owner to fail to comply with the order or to interfere with the animal control officer. A sworn law enforcement officer shall accompany the animal control officer to seize the animal.

c. A challenge to the seizure order. If the owner wishes to challenge the seizure order, then the owner must submit in writing the basis of the challenge within ten days of the seizure of the animal, not counting the day of seizure of the animal. The challenge must be directed to the Animal Control Board and filed with the Health Director. The Board is authorized to hear and decide the challenge to the seizure order in the same manner as provided for in Section 19 of this Chapter.

d. Owner's redemption of animal. The owner is entitled to redeem the animal, unless the animal shelter retains the animal upon some other basis of legal authority, by paying all applicable costs and boarding fees, and complying with any outstanding orders of the animal control officer.

e. Termination of owner's rights. If an owner fails to comply with the requirements that constituted the basis for seizing the animal, or fails to reclaim the animal within any applicable time period, then the animal control shelter shall have the authority to humanely ~~destroy~~ euthanize the animal or place the animal for sale to the public, or to place the animal with a local humane society for future placement through the humane society.

f. Release of ownership of animal. If an owner wishes to release ownership of an animal to Polk County, the owner may do so by signing a release form indicating they understand the animal may be euthanized if not adopted or if in the discretion of the animal control officer, the animal is un-adoptable.

g. Notwithstanding any other provision of this Chapter, a dog or cat that cannot be seized by reasonable and normal means, trapped in a humane, live-capture animal trap, or tranquilized, may be humanely euthanized in the field by the Sheriff or other law enforcement officers.

h. Vicious, dangerous/potentially dangerous animals so designated, wild animals, or an animal attacking a human being, another pet, or livestock may be immediately euthanized, if such euthanization is necessary for the protection of the public health and safety or that of County staff

Section 17. Dangerous/Potentially Dangerous Animals

a. General provisions. It shall be unlawful for any person to own or in any way maintain or harbor an animal that is dangerous/potentially dangerous, except as provided in this Chapter. Notwithstanding any exemption listed below, any animal which has killed a person shall be immediately euthanized by the animal control officer.

b. Animal Control Officers shall have the power to declare an animal as a potentially dangerous animal if the officer determines, in consultation with the Health Director, that the animal so qualifies.

c. Upon a determination that an animal is potentially dangerous, the Health Director shall serve upon the owner or custodian of the animal a written notice that their animal has been determined to be potentially dangerous. The notice shall give the reasons for the determination and any special precautions and/or requirements the owner/custodian is required to make. The written notice shall be served upon the owner or custodian by personal service or by certified mail return receipt requested to the last known address of the owner/custodian. The owner/custodian may appeal the determination by filing with the Health Director a notice of appeal within 10 days of service. Upon the expiration of the time to appeal, or an unsuccessful appeal made to the Animal Control Board the animal shall be deemed a dangerous animal.

d. The Health Director shall have the authority to require the owner/custodian of a potential dangerous or a dangerous animal to:

1. procure liability insurance in the amount of at least $100,000.00 and to present proof of insurance to the Health Director;
2. have the animal microchipped;
3. confine the animal within a secure building or a securely enclosed and padlocked pen approved by Animal Control with a concrete bottom and secure top on the owner's premises at all times (the owner/custodian shall have up to 30 days to complete construction of a pen, during which time the animal must be confined within a premise approved by Animal Control);
4. control the animal with a muzzle of the appropriate size covering the entire nose and mouth and be under physical restraint by a competent person by means of a leash or chain when on the premises and not in a secure building or enclosure and anytime when off premises. The muzzle in use must be one approved by Polk County Animal Control;
5. inform any and all visitors to the property that there is a dangerous/potentially dangerous animal on the property and to take adequate precautions to ensure the safety of Visitors;
6. to immediately notify Animal Control if the animal escapes, is off leash or if the animal is moved to a new location.
7. post a warning sign, of at least 120 square inches that is reflective and weatherproof which is to be visible to any adjoining property from each exposure of the residence or the structure in which the animal is confined (each sign must have an approved graphic representation of an appropriate animal such that the dangerousness of the animal in communicated to those who cannot read, including young children);
8. keep any dog deemed dangerous out of any public places or areas including but not limited to public recreation areas, dog parks, and greenways.

e. Inspection. The Animal Control Officers shall cause periodic inspections to be made of the premises where the dangerous/potentially dangerous animal is kept to ensure compliance with the provisions of this ordinance and requirements of the Health Director.

f. Immediate impoundment. Any dangerous/potentially dangerous animal kept in Violation of this section may be immediately impounded. Upon issuance of a warrant for the same, pending a hearing to determine disposition by a Court of competent jurisdiction. If the owner is convicted of a criminal offense of keeping a dangerous/potentially dangerous animal in Violation of this section, in addition to any criminal penalties imposed, the Health Director may euthanize the animal. Costs of impoundment shall be paid by the owner or custodian of the animal.

g. Release from impoundment — No Criminal Charges. No animal deemed dangerous/potentially dangerous who has been impounded without criminal charges shall be released from impoundment except upon proof submitted by the owner or custodian that all the elements of this ordinance and requirements of the Health Director have been met and verified by the animal control officers.

h. Release from impoundment- Criminal Charges. If criminal charges have been brought against the owner for failure to comply with the ordinance or for interference with the operations of the Health Director, the animal shall not be released from impoundment until so ordered by a court of competent jurisdiction. The owner/custodian shall be responsible for the cost of impoundment.

i. No animal deemed dangerous/potentially dangerous may be adopted and must be spayed or neutered within 30 days of the determination.

j. Notification of change of address or owner/custodian within 24 hours. The owner/custodian of the animal shall provide the Sheriff written notification of the change of address of owner/custodian, stating the full name of the owner/custodian, their address, and phone number. Prior to transfer of ownership/custody of a dangerous/potentially dangerous animal, the owner/custodian must provide the Sheriff a written statement, signed before a notary by the transferee, indicating the transferee's understanding of the transferee's obligations hereunder as an owner/custodian of a dangerous/potentially dangerous animal. If the dangerous/potentially dangerous animal is being transferred out of Polk County, the owner/custodian of the animal must notify the Sheriff. The Sheriff Will notify the new jurisdiction that the animal has been deemed dangerous and the circumstances surrounding the case.

k. Upon the death of a dangerous/potentially dangerous animal, the owner/custodian shall provide written notification of the animal's death to the Sheriff.

l. If an animal that has been deemed a dangerous/potentially dangerous animal aggressively and without provocation bites a human being, the animal will be immediately impounded, appeal rights waived, owner's rights terminated, and result in civil and criminal penalties.

Section 18. Civil penalty.

a. Except as otherwise provided herein, any person who violates any provision of this ordinance shall be subject to a civil penalty for each level of violation in accordance with this ordinance. Fines shall be established by the Polk County Board of Commissioners based on the level and nature of the violation and number of repeat offences. If the violation is continued, each day's violation shall constitute a separate offense. For the purposes of this section, repeat violations occur where the agency has issued a fine for the same offense within a 24-month period. Nothing is this section shall prevent agency representatives from issuing warning violations.

b. The animal owner or custodian shall be issued a written notice of violation and penalty which shall be required to make payment to the Polk County Finance Department within 10 days of receipt of notice. Notice of the civil penalty and violation shall be delivered in person to the violator or mailed by certified mail, return receipt requested, to the violator's last known address. If the applicable civil penalty is not paid within the period prescribed, a civil action may be commenced to recover the penalty and costs associated with the collection of the penalty. If the applicable civil penalty is not paid within 60 days, he shall be guilty of a Class 3 misdemeanor under NCGS 14-4.

Level I

- Unsightly litter, foul or offensive odors
- Keeping a cage too close to the property line
- Animal causing property damage
- Maintaining animals in an unsanitary environment
- Maintaining animal wastes
- Failure to dispose of a dead animal

- Animal at large

Level II

- Animal bite
- Animal frequently at large
- Failure to confine a dog in heat
- Failure to provide care of animal
- Unsafe transport of animal
- Unsafe confinement of an animal in a vehicle I
- Intentionally striking an animal with a motor vehicle
- Failure to report striking an animal with a motor vehicle
- Distribution of un-weaned cats and dogs

Level III

- Interference with an Animal Control Officer
- Concealment of an animal
- Vaccination of dogs and cats required; vaccination of other pets
- Vaccination tag and certification
- Keeping of a dangerous animal
- Maintaining property in an offensive, annoying or dangerous manner

Section 19. Injunctions.

Any provision of this Chapter which makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement. When a Violation of such a provision occurs, the Health Director through either the County Attorney or applicable municipality's attorney, or any resident of the County or applicable municipality, may apply to the Court in Polk County for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

Section 20. Animal Control Board

a. There is established the Polk County Animal Control Board.

b. The animal control board shall be composed of five (5) members to be appointed by the board of commissioners. Of the members at least one member shall be a person with knowledge and experience in dog behavior and/or handling, one member shall have an interest in promoting the goals of the Animal Protection Society or the Humane Society or another such broadly-based and representative organization interested in the care and protection or animals, and the other members shall represent the public at large. The members shall serve staggered three (3) year terms; three (3) members shall have terms that expire on June 30 in even number years following the year of their initial appointment and two (2) members shall have terms that expire on June 30 of odd-numbered years.

c. The powers and duties of the animal control board shall include:

1. Appointing three of its members to sit on the animal control appeal board;

2. Providing advice and information to the animal control department;
3. Upon coordination with the animal control supervisor and health director, making recommendations to the board of commissioners for the betterment of the county's animal control program;
4. In conjunction with the animal control department and health director, proving for a program of public education, information and outreach concerning responsible pet ownership, animal cruelty, and the county's animal control program; and
5. Selecting officers of the board, including a chairperson, and adopting rules of procedure.

d. A majority of the members shall constitute a quorum for the animal control board to conduct its meetings. The animal control board shall adopt a schedule of regular meetings and post and file it with the clerk to the board of commissioners and otherwise as required by the open meetings law. In addition, the animal control board may hold such special or emergency meetings, upon the call of the chairperson or a majority of its members, as may be appropriate in the circumstances, subject to compliance with the open meetings law.

Section 21. Animal Control Appeals.

a. There is established the animal control appeal board.

b. The animal control appeal board shall consist of three members to be appointed by the animal control board from among its members. The members shall serve staggered three-year terms. Any two members of the animal control appeal board shall constitute a quorum for conducting a meeting.

c. The powers and duties of the animal control board shall include:

1. Selecting a chairperson to preside over its appeal hearings.
2. Hear and determine all appeals from determinations made in administering this Chapter excluding matters referred to criminal prosecution or civil actions for injunctive relief.

d. Upon determination made under this Chapter from which an appeal is authorized, the owner of the animal or other aggrieved person may appeal the determination by filing written objections with the Health Director, directed to the Animal Control Board within ten days. Upon timely receipt of an appeal, all appeals will be scheduled and processed as set forth in the rules of the Animal Control Board, with appeals therefrom the Superior Court as provided in such rules.

Section 22. Negligence per se.

a) This section is included in this chapter in order to impose a public duty upon persons having possession of animals to prevent those animals from attacking another person due to a possible violation of the following sections:

Sec. 13 Restraint of animals

Sec. ll Exotic or wild animals

Sec. 14 Protective measures for containment of animals (failing to comply with instructions to impose preventive measures)

b) Such persons having possession of animals have imposed upon them a public duty designed to promote the safety of other persons, and a violation of any of those sections listed in subsection (a) of this section is negligence per se and could give rise to the recovery of damages for personal injuries in a civil action by an injured person against the person owning or having possession, charge, custody or control of the animal causing the injuries.

Civil Penalty Fine Schedule

FIRST OFFENSE		SECOND OFFENCE	THIRD OFFENCE	EACH ADDITIONAL OFFENSE
LEVEL I	$50	$75	$100	$250
LEVEL II	$75	$125	$250	$500
LEVEL III	$100	$250	$500	$1,000

Section 23: Effective Date

These rules and regulations shall be in full force and effective on this the ____ day of _____, _____.

ATTEST:

Kennedy Freeman
Clerk to the Board

POLK COUNTY BOARD OF COMMISSIONERS:

Myron Yoder
Chairman