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Chatham County, NC Code of Ordinances

CHAPTER 91: ANIMAL CONTROL

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GENERAL PROVISIONS

§ 91.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDON. ~~To intentionally, knowingly, recklessly or negligently leave an animal at a location without providing for the animal's care. forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care.~~

ABUSE and NEGLECT.

- (1) Failing to provide an animal with adequate food and adequate water at suitable intervals sufficient to maintain the animal's health and well-being;
- ~~(2) Overworking or overdriving any animal causing physical pain, suffering or death to the animal;~~
- ~~(23) Cruelly beating, abandoning, torturing, Molesting, harassing, injuring, tormenting, poisoning, baiting, mutilating, setting on fire or sexually assaulting, any animal in a~~

manner causing physical pain, suffering or death to the animal;

(34) Failing to provide adequate medical attention for any sick, diseased or injured animal in order to prevent physical pain, suffering, disability or death to the animal;

(45) Keeping any animal under conditions which cause physical pain, suffering, disability or death to the animal or which increase the probability of the transmission of disease;

(56) ~~For animals that are kept outside, F~~failing to provide adequate shelter, as defined herein, for an animal, ~~wherein the animal can be protected from extremes of weather (heat, cold, rain, sun and the like), physical suffering and impairment of health, and which is large enough to allow the animal to make normal body movements;~~

(67) Conveying or confining any type of animal in a motor vehicle, ~~or in a wagon or trailer, pulled by a motor vehicle, or in the bed of a truck or the back of a truck~~ in such a way as to cause physical pain, suffering, disability or death to the animal; ~~and/or~~

~~(8) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under conditions or for a period of time so as to cause physical pain, suffering, disability or death to the animal due to temperature, lack of food or water, or other like conditions.~~

ADEQUATE FOOD. The daily provision to an animal on a daily basis of a quantity of wholesome foodstuff suitable for the species and age, served in a clean receptacle, dish or container, sufficient to maintain a reasonable level of nutrition, ~~in each animal, and maintain the animal in good health and comfort. The foodstuff shall be served in a receptacle, dish or container that is physically clean and from which agents injurious to the health of the animal have been removed or destroyed to a practical minimum.~~

ADEQUATE SHELTER. An enclosure ~~of at~~ having at least three solid sides, a roof and a solid floor raised above the ground with sufficient room for the animal to move about freely and lie down comfortably, ~~which is~~ structurally sound, water and wind resistant, maintained in good repair and constructed in a manner ~~so that it is water and wind resistant and to~~ provides some shade from the direct rays of the sun, and assures adequate ventilation and light. Barrel style enclosures are considered adequate shelter provided they are kept in a good state of repair, waterproof, have a floor raised above the ground and are stable for the animal.

ADEQUATE WATER. A constant access to a supply of clean, fresh, water provided in clean receptacle free of debris and contaminants, a sanitary manner. ~~In near or below freezing temperatures, the water must be changed frequently so as to prevent freezing.~~

ANIMAL. ~~Includes e~~Every living vertebrate in the classes Amphibia, Reptilia, Aves and Mammalia except human beings.

ANIMAL CONTROL DIVISION. The division of the County Public Health Department authorized to enforce this chapter, all state laws regarding rabies and animals, ~~and to oversee the~~

operations of the county animal shelter.

ANIMAL CONTROL OFFICER. A county employee designated to enforce this chapter; and all state laws regarding rabies and animals.

ANIMAL SHELTER. Any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impoundment pursuant to this chapter.

AT LARGE. Means the state of ~~A~~an animal ~~shall be deemed to be at large~~ when it is off the property of its owner ~~or keeper~~ and not under physical restraint by a leash or other means by a ~~of some competent~~ person of suitable age and discretion to keep the animal under sufficient restraint and control necessary to prevent harm to persons and property or any animal previously determined to be dangerous or potentially dangerous that is not confined to a secure enclosure on the property of its owner.

ATTACK. ~~An approach to~~ To bite or inflict injury on a person or another animal or to approach a person or another animal in a vicious, ~~terrorizing~~ or threatening manner ~~or in an~~ apparent attitude of ~~attack~~ aggression without the animal having been provoked ~~molested, cruelly beaten, tortured or otherwise harmed.~~

BITE or BITTEN. Skin has been penetrated by an animal's teeth.

COUNTY. Chatham County, North Carolina.

DANGEROUS ANIMAL.

(1) Any animal that has:

- (a) Without provocation, killed or inflicted severe injury on a person;
- (b) Killed or inflicted severe injury upon a domestic animal when not on the owner's property;
- (c) approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack; or
- (d) Is owned, harbored or trained for dog fighting.

(2) Any animal whose aggressive behavior has been documented by the Animal Control Division or Law Enforcement Agency to constitutes a ~~foreseeable~~ risk of injuring a human or animal or damaging personal or real property. The behavior includes, but is not limited to, an animal biting or attempting to attack a human or another animal.

DOMESTIC ANIMAL: A dog, cat or ferret that has been made tame by socialization and that is fit for the human environment.

1
2 ***EXPOSED TO RABIES.*** An animal ~~shall be deemed to have been exposed to rabies if it~~ that is
3 known or suspected to have been bitten by, or been exposed to the saliva or nervous tissue of,
4 any animal known or suspected to have been infected with rabies.
5

6 ***FIVE-DAY HOLDING PERIOD.*** ~~The five day (120 hour) holding period for animals seized~~
7 ~~or turned into the shelter without a known owner shall be calculated from 6:00 a.m. on the day~~
8 ~~immediately following the date of seizure or delivery to the county animal shelter, and shall end~~
9 ~~at 6:00 p.m. on the fifth day thereafter. Saturdays, Sundays and holidays shall not be counted.~~
10

11 ***HEALTH DEPARTMENT.*** The County Public Health Department.
12

13 ***HEALTH DIRECTOR.*** The Director of the County Public Health Department or his or her
14 designee.
15

16 ***IMPOUNDMENT.*** The placement of an animal in the custody of the County Animal Control
17 Division, ~~or~~ person or entity duly authorized by the Board of County Commissioners or by state
18 law for that purpose.
19

20 ***LIVESTOCK:*** All categories and subsets of equines, bovines, sheep, goats, llamas, and swine.
21

22 ***MICROCHIP IMPLANT.*** A passive electronic device ~~that is~~ injected into an animal by means
23 of a pre-packaged sterilized implanting device for the purpose of identification and/or recovery
24 of the animal.
25

26 ***OWNER or KEEPER.*** Any person, ~~organization, group of persons, or association~~ who owns or
27 ~~that has custody of a property right in an animal; or who knowingly permits keeps or harbors an~~
28 ~~animal; to remain on or about such person's property or other property occupied or controlled by~~
29 ~~such person has an animal in his or her care or acts as a custodian of an animal for 72 hours or~~
30 ~~more., except for a temporary caretaker acting on behalf of the animal's owner.~~
31

32 ***OWNERS PROPERTY:*** The area described in the deed of conveyance to the owner, or in a
33 lease situation written or verbal, the area described in the lessor's deed of conveyance. For the
34 purposes of this definition the common areas of townhomes and condominiums will be
35 considered as being owned by the homeowners association and the common areas of apartment
36 complexes will be considered owned by the lessor/property owner.
37

38 ***OUTSIDE ENCLOSURE:*** A pen or other enclosed area from which a dog cannot escape by
39 means of digging under, climbing or jumping over and which is large enough to provide each
40 dog, or other animal less than 25 pounds, a kennel of at least three feet by ten feet in size and
41 each dog or other animal 25 pounds or greater a kennel of at least five feet by ten feet in size or
42 other size, as is determined by the Animal Control Division, to provide reasonable space for the
43 number and size of dogs or other animals housed in the outside enclosure.
44

45 ***PERSON:*** An individual natural person or group of persons, a corporation, partnership, limited
46 liability company, association, other organization or similar entity including bodies politic and

1 corporate.

2
3 ~~**POTENTIALLY DANGEROUS ANIMAL.** For purposes of this chapter, any animal declared~~

4
5 ~~**POTENTIALLY DANGEROUS** shall also be considered and treated in all respects as~~
6 ~~**DANGEROUS.**~~

7
8 ~~**PROOF OF OWNERSHIP.** Documentation in support of that establishes a property rights in an~~
9 ~~animal that includeings, but is not limited to, veterinary records, rabies vaccination certificate,~~
10 ~~license, registration, photographs, bills of sale, breed registries, written transfers of ownership~~
11 ~~and verbal or written third-party verifications.~~

12
13 ~~**PROVOKE.** Any action designed, intended to or which can reasonably be expected foreseeable~~
14 ~~to have the effect of goading, inflameing, instigateing or stimulateing an aggressive response on~~
15 ~~the part of an animal, but not including any actions on the part of an individual that pertain to~~
16 ~~Reasonable efforts of self-defense against a dangerous animal. and Any authorized or otherwise~~
17 ~~lawful entry onto the property of another shall not constitute provocation.~~

18
19 ~~**PUBLIC NUISANCE.** An animal, or group of animals, may be considered to be a public~~
20 ~~nuisance if, by way of example and not of limitation:~~

21
22 (1) ~~Any act or condition resulting from the maintaining, housing or harboring of an animal~~
23 ~~which annoys and disturbs the rights and privileges common to all people of the~~
24 ~~community, rendering the ordinary use or occupation of any person's property physically~~
25 ~~uncomfortable or which creates a public health nuisance. constituting a health hazard to a~~
26 ~~person. The animal bites or attacks a person; or causes injury to domesticated animals or~~
27 ~~pets; or repeatedly chases or snaps at persons, domesticated animals, pets or vehicles~~
28 ~~when it is not in an enclosure, leashed or on the owner's or keeper's property;~~

29
30 (2) ~~The owner or keeper fails to confine a female dog while in heat (estrus) in a building or~~
31 ~~secure enclosure, in a manner so that she will not be in contact with another dog,~~
32 ~~provided, this section shall not be construed to prohibit the intentional breeding of~~
33 ~~animals within an enclosed area on the premises of the owner or keeper of an animal~~
34 ~~involved in the breeding process; The following, by way of example, and not by way of~~
35 ~~limitation, shall constitute prima facie evidence of nuisance whether occurring on or off~~
36 ~~the owner's property;~~

37
38 (3) ~~The animal habitually and repeatedly barks, whines, howls or makes other noises so as to~~
39 ~~interfere seriously with the reasonable use and enjoyment by neighboring residents of~~
40 ~~their property, or make noises in excess of that allowed without a permit by Chapter 92 of~~
41 ~~this code of ordinances;~~

42
43 (4) ~~An animal is found at large, as defined herein;~~

44
45 (5) ~~The animal damages the property of anyone other than its owner or keeper, including but~~
46 ~~not limited to, turning over garbage containers or damaging gardens, flowers, shrubbery,~~

1 vegetables, trees, fences or gates; and/or

2
3 ~~(6) The number and type of animals or the method of confinement of the animals is such as~~
4 ~~to be offensive or dangerous to the public health, safety or welfare, or the welfare of the~~
5 ~~animals.~~

6 a. Any animal which is found at large.

7
8 b. Any animal which damages the property of anyone other than its owner, including
9 but not limited to, turning over garbage containers, damaging gardens, flowers or
10 vegetables.

11
12 c. Any animal maintained in an environment of unsanitary conditions which results
13 in offensive odors or that is dangerous to the animal or the public health, safety or
14 welfare or that is not maintained in a condition of good order and cleanliness
15 which reduces the probability of transmission of disease.

16
17 d. Any act by virtue of number or type and location is offensive or dangerous to the
18 public health safety or welfare.

19
20 e. Any animal which barks, whines or howls in an excessive, continuous or untimely
21 manner.

22
23 f. Any animal that habitually or repeatedly chases, snaps at, attacks or barks at
24 pedestrians, joggers, animals walked on a leash by their owners, bicycles or other
25 vehicles.

26
27 g. Any female dog or cat not maintained in a building or ~~secure~~ other enclosure,
28 while in heat, in such a manner that she will not be in contact with another dog or
29 cat or attract other animals. This section shall not be construed to prohibit the
30 intentional breeding of animals within an enclosed area on the premises of the
31 owner which is being bred.

32
33 **QUARANTINE.** The strict confinement of an animal in a manner which precludes direct
34 contact with other animals not currently in quarantine or person other than the owner or
35 caretaker.

36
37 **RESTRAINT.** Restriction or control of an animal's movement: by an secure outside enclosure,
38 located on the owners property, Sufficient **RESTRAINT** shall include, but is not limited to,
39 restraint by chain, leash, bridle or similar effective ~~or~~ and humane device, attended by the owner
40 or person of suitable age and discretion to control the animal. ~~or confinement indoors or within a~~
41 eage, fence, vehicle or similar secure enclosure. Sufficient **RESTRAINT** shall also include
42 immediate supervision of the animal by a competent person when both are within the limits of
43 the real property of the animal's owner or keeper.

44
45 **SECURE ENCLOSURE:** A padlocked pen or outbuilding with a concrete bottom and secure top
46 or a house, mobile home or other residence with doors and windows sufficient to prevent escape

by a dog.

STRAY. ~~Any domestic animal not under restraint which is running at large off the property, appears to be lost, unwanted or abandoned; or whose owner is unknown or not readily available.~~
Any animal, found within the county, wandering at large or lost which does not bear evidence of the identification of any owner, does not have a known owner or whereby an owner cannot be located in the exercise of due diligence.

SUSPECTED OF HAVING RABIES. Any animal which is unvaccinated against rabies or whose vaccination status is unknown and who has had opportunity to be exposed to rabies.

THREE DAY HOLDING PERIOD: The 72 hour holding period for animals seized or turned into the animal shelter without a known owner. The 72 hour period begins at 6:00am on the day immediately following the date of seizure or delivery of the animal to the animal shelter and ends at 6:00pm on the third day thereafter not including Saturdays, Sundays and holidays.

~~**VEHICLE.** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, and expressly including bicycles.~~

VETERINARY HOSPITAL Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

VICIOUS ANIMAL. Any animal three months of age or older that, without provocation, has attacked a human by biting, or in any manner causing injury or the reasonable likelihood of injury, or an animal which habitually or repeatedly attacks farm stock or other pets off the property of the owner. ~~bitten, killed or caused physical harm through bites to people or animals who are not trespassing, while on or off the premises of the owner or keeper; or a~~Any dog that is owned or kept for the purpose of dog fighting or training for dog fighting.

(Ord. passed 11-25-2003)

§ 91.002 AUTHORITY AND RESPONSIBILITY.

(A) Authority is hereby granted to the Public Health Department to establish and maintain an animal control program, to employ animal control officers and other employees as shall be determined necessary and approved by the Board of Commissioners and in accordance with the state and county personnel policies respectively.

(B) The employees of the Animal Control Division shall:

(1) Enforce and carry out the provisions of this chapter and all relevant state statutes pertaining to animals and cooperate with all law enforcement officers within the county in fulfilling this duty;

(2) Enforce the laws with regard to the vaccination of dogs and cats against rabies. Investigate all reported animal bites or other human physical contact of with

1 suspected rabid animals, and enforce all provisions of state law and §§ 91.050
2 through 91.058 below relating to rabies control;

- 3
- 4 (3) Make canvasses throughout the county, including municipalities located within the
5 county, including homes and any businesses, for the purpose of enforcement of the
6 provisions of this chapter ascertaining that all dogs and cats are currently vaccinated
7 against rabies; and that all dogs are properly tagged; ~~organize and carry out the~~
8 ~~canvasses and assure that provisions of this chapter are being followed and carry~~
9 ~~out, promote and/or sponsor rabies vaccination clinics;~~
- 10
- 11 (4) Operate the county animal shelter pursuant to policies of the Health Department;
- 12
- 13 (5) Seize and impound where deemed necessary, ~~of~~ any animal in the county ~~involved~~
14 in a violation of this or any other county ordinance or state law;
- 15
- 16 (6) Investigate allegations of cruelty to, neglect or abuse of dogs, cats and other
17 animals;
- 18
- 19 (7) Issue notices of violation of this chapter;
- 20
- 21 (8) Whenever it is necessary to make an inspection to enforce any ~~of the~~ provisions of
22 this chapter, or other applicable law, or whenever the Animal Control Division has
23 reasonable cause to believe that there exists in any building or upon any premises
24 any violation of this chapter or other applicable law, the Animal Control Division is
25 empowered to enter and inspect the property at any reasonable time and perform
26 any duty imposed upon ~~him or her~~ it by this chapter or applicable law, but only if
27 the consent of the occupant or owner of the property is freely given or an
28 administrative search warrant or criminal search warrant is obtained.

29

30 (a) The procedure shall be as follows:

- 31
- 32 1. If the property is occupied, the animal control officer shall first
33 present his or her credentials to the occupant or owner and request
34 entry, explaining the reasons therefore;
- 35
- 36 2. If the property is unoccupied, the Animal Control Division shall first
37 make a reasonable effort to locate the owner or other persons having
38 control of the property, present proper credentials and request entry,
39 explaining reasons therefore; and
- 40
- 41 3. If the entry is refused or cannot be obtained because the owner or
42 other person having control or charge of the property cannot be
43 found after due diligence, the Animal Control Division may obtain
44 an appropriate warrant to conduct a search, or inspection of the
45 property or seizure of the property.
- 46

1 (b) Notwithstanding any other provision of this section, the Animal Control
2 Division, upon order of the Health Director, shall have ~~the~~ all authority
3 granted by the North Carolina General Statutes to enter upon any land to
4 enforce the provisions of this chapter, including the seizure of biting or
5 attacking dogs, dogs running at large, or any other action necessary to abate
6 an imminent hazard to the safety and well-being of persons or animals.
7 ~~applicable law if the violation of the law is being committed in the~~
8 ~~presence of the animal control officer and the entry upon private property~~
9 ~~shall not be deemed to be a trespass.~~

10
11 9. Keep, or cause to be kept, accurate and detailed records of:

12
13 (a) Seizure, impoundment and disposition of all animals coming into
14 the custody of the animal control program;

15
16 (b) Bite cases, violations and complaints, and investigation of same;

17
18 (c) All moneys belonging to the county derived from fees, penalties or
19 other sources, and to pay all funds so collected to the county
20 finance office daily; and

21
22 (d) Any other matters required by state law or as directed by the
23 Health Director or County Manager.

24
25 10. Meet the qualifications for animal control positions as set forth in the job
26 description for the positions in the state and county personnel policies
27 respectively; and

28
29 11. Be authorized to place live-capture animal traps on private property, with the
30 consent of the landowner, or on public property, in order to trap and remove
31 stray, at large, abandoned or nuisance domestic animals. The Animal Control
32 Division is further authorized to receive and impound domestic animals that
33 are trapped by other agencies or persons within the county.

34
35 (Ord. passed 11-25-2003)

36
37 **§ 91.003 INTERFERENCE WITH ENFORCEMENT.**

38
39 The following shall be unlawful.

40
41 (A) It shall be unlawful for any person to interfere with, threaten, hinder, ~~or~~ molest,
42 otherwise prevent a member of the Animal Control Division from carrying out and
43 performing their lawful duties pursuant to this Chapter ~~the employees of the Animal~~
44 ~~Control Division while carrying out any duty created under this chapter~~ or other
45 applicable law, or to seek to release any animal in the custody of the Animal Control
46 Division person, except as otherwise specifically provided.

- 1
2 (B) It shall be unlawful for any person to conceal, for the purpose of evading the
3 requirements of this chapter, any animal from the Animal Control Division.
4
5 (C) It shall be unlawful for any person to refuse to show proof of a rabies vaccination to
6 any member of the Animal Control Division upon demand.
7
8 (D) It shall be unlawful for any person, other than a member of the Animal Control
9 Division, to remove any animal from a live-capture animal trap placed on private or
10 public property by the Animal Control Division without the express authorization of a
11 member of the Division. It shall also be unlawful for any person to damage, destroy,
12 move or otherwise tamper with a trap placed by the Animal Control Division on private
13 or public property.
14
15 (E) It shall be unlawful for any person to refuse to surrender any stray animal to the Animal
16 Control Division upon demand, pursuant to § 91.006 below.
17
18 ~~(F) It shall be unlawful for any person to interfere, to threaten or otherwise prevent a~~
19 ~~member of the Animal Control Division from carrying out and performing their lawful~~
20 ~~duties pursuant to § 91.091.~~

21
22 (Ord. passed 11-25-2003) Penalty, see § 91.999
23

24 **§ 91.004 RELATION TO HUNTING LAWS.**

25

26 Nothing contained in this chapter is intended to be in conflict with the laws of the state
27 regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this
28 exception applies only while provided the dogs are in the presence of the owner, keeper or some
29 other competent person, and are actually lawfully being used for hunting or training for hunting
30 and which are in compliance with applicable statutes, regulations or ordinances. ~~This chapter~~
31 ~~shall be read and enforced consistent with any like law.~~
32

33 (Ord. passed 11-25-2003)
34

35 **§ 91.005 INJURING, MOLESTING, TORMENTING ANIMALS; NOTICE REQUIRED.**

36

37 It shall be unlawful for any person to intentionally injureing, molest or torment or an dog, cat
38 ferret any animal by running over, into, coming into contact with or chasing it with a vehicle. It
39 shall be unlawful for any person to ~~animal to~~ fail to ~~notify~~ immediately notify the owner of the
40 animal, the Animal Control Division, or the police department if in a municipality, or the
41 Sheriff's Department if in the county when an animal has been injured by contact with any
42 vehicle. ~~if known, and if not known, or other appropriate law enforcement agency.~~
43

44 (Ord. passed 11-25-2003) Penalty, see § 91.999
45

46 **§ 91.006 KEEPING STRAY ANIMALS; NOTICE REQUIRED.**

1
2 (A) It shall be unlawful for any person in the county to ~~knowingly and intentionally~~ harbor,
3 feed, keep in possession by confinement, or otherwise allow to remain on his or her
4 property any animal which does not belong to ~~him or her~~ such person, unless he or she
5 has, within 72 hours from the time the animal came into his or her possession or onto his
6 or her property, notified the Animal Control Division.

7
8 (1) The Animal Control Division, ~~in after~~ after consultation with the person keeping the
9 animal, and in the exercise of reasonable judgment consistent with the best interest
10 of the animal, shall decide whether to pick the animal up and transport it to the
11 animal ~~control~~ shelter or whether the person shall be allowed to keep the animal
12 until the owner's identify has been determined. ~~is notified if known or becomes~~
13 ~~known~~.

14
15 (2) The Animal Control Division shall notify the owner, if known, in writing or by
16 telephone, ~~if known of the location and status of their animal. If the animal is not~~
17 ~~transported to the county animal shelter, then~~ When the animal owner cannot be
18 immediately identified, the Animal Control Division shall post on a bulletin board,
19 prominently displayed at the ~~county~~ animal shelter ~~or and~~ on the county website, a
20 notice including a description of the animal, the time, date and place of its first
21 appearance, and the date ~~of the posting of the notice~~ was posted. The bulletin board
22 shall be in public view at all times and the webpage notice shall remain posted until
23 the animal is recovered by the owner, adopted or euthanized pursuant to this
24 Chapter.

25
26 (3) ~~Should~~ If the owner, once notified by the Animal Control Division if known, does
27 not claim his or her animal within five working days ~~after notice of the animal's~~
28 ~~location~~, the person keeping the animal may adopt ~~animal~~ it according to ~~procedure~~
29 ~~for adoption procedures~~ or for un-redeemed animals or the Animal Control Division
30 may dispose of the animal pursuant to this Chapter. the policies specified herein.

31
32 (B) It shall be unlawful for any person to refuse to surrender any such stray animal to the
33 Animal Control Division upon demand.
34 (Ord. passed 11-25-2003) Penalty, see § 91.999

35
36 **§ 91.007 KEEPING OF NON-DOMESTIC ANIMALS PROHIBITED.**

37
38 (A) No person shall possess or harbor any non-domestic animal or animals except in
39 conformity with the "Ordinance Regulating the Keeping of Wild and Vicious Animals
40 within Chatham County."

41
42 (B) This section shall not apply to bona fide circuses, petting zoos and other ~~traveling~~ similar
43 commercial animal exhibitions of limited duration which are licensed or registered with
44 the United States Department of Agriculture.
45 (Ord. passed 11-25-2003) Penalty, see § 91.999

1 **§ 91.008 INTERFERENCE WITH OWNED ANIMAL.**

2
3 It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the
4 property of its owner ~~or keeper~~, or to seize, molest or tease any animal while the animal is held
5 or controlled by its owner or keeper or while the animal is on the property of its owner ~~or keeper~~.

6
7 (Ord. passed 11-25-2003) Penalty, see § 91.999

8
9 **CRUELTY TO ANIMALS**

10 **§ 91.020 PURPOSE.**

11
12 It is the purpose of this subchapter to supplement G.S. §§ 14-360, ~~and~~ 14-363.2, and all other
13 state laws regarding animals for which the Animal Control Division has enforcement authority
14 pursuant to § 91.002 above.

15
16 (Ord. passed 11-25-2003)

17
18 **§ 91.021 GENERALLY.**

19
20 ~~(A) (1) Generally. It shall be unlawful for any person to abuse, molest, maim, disfigure,~~
21 ~~torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill, wound, injure,~~
22 ~~poison, abandon or subject to conditions detrimental to the health or general welfare any animal,~~
23 ~~or to cause or procure that action.~~

24
25 ~~(9) Definition. For the purpose of this section, the following definition shall apply~~
26 ~~unless the context clearly indicates or requires a different meaning.~~

27
28 ~~— **TORTURE, TORMENT and CRUELLY.** Include or refer to any act, omission or neglect~~
29 ~~causing or permitting unjustifiable physical pain, suffering or death is caused or permitted; but~~
30 ~~those terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and~~
31 ~~regulation of the Wildlife Resources Commission; nor to prohibit the Animal Control Division or~~
32 ~~persons duly authorized by the Health Director or veterinarians from destroying dangerous,~~
33 ~~unwanted or injured animals in a humane manner; nor to prohibit the lawful use of pesticides for~~
34 ~~control of insects, rodents or household and farm pests.~~

35 ~~— (B) It shall be unlawful for any owner or keeper to fail to provide his or her animals with:~~

36 ~~— (1) Adequate shelter, as defined herein;~~

37 ~~— (2) Adequate food and adequate water, as defined herein; and~~

38 ~~— (3) Veterinary care when needed to prevent suffering.~~

39 ~~— (C) It shall be unlawful for any person to color, dye, stain or otherwise change the natural~~
40 ~~color of rabbits, under eight weeks of age, ducklings, baby chicks or other fowl or to possess,~~
41 ~~offer for sale, barter or give away as premiums within the county any animal which has been~~
42 ~~colored, dyed, stained or their natural color otherwise changed.~~

43 ~~(Ord. passed 11-25-2003) Penalty, see § 91.999~~

44
45 It shall be unlawful for any person to subject or cause to be subjected any animal to cruel
46 treatment resulting from:

- 1
2 (A) Failure to provide adequate food and water
3
4 (B) Failure to provide appropriate shelter and protection from excessive heat, cold, and other
5 weather conditions detrimental to the health and wellbeing of the animal.
6
7 (C) Failure to provide a humane, clean living environment
8
9 (D) Failure to provide necessary medical attention when the animal is or has been suffering
10 from illness, injury, disease, excessive parasitism or malformed/overgrown hoof.
11

12 **§ 91.022 COUNTY APPOINTED ANIMAL CRUELTY INVESTIGATOR.**
13

- 14 (A) The Board of County Commissioners may appoint one or more animal cruelty
15 investigators to serve in the county pursuant to G.S. §§ 19A-45 through 19A-49. The
16 purpose of the appointment of animal cruelty investigators pursuant to G.S. § 19A-45 is
17 to supplement and not replace the investigative authority conferred on the Animal
18 Control Division pursuant to § 91.002 above.
19
20 (B) Upon approval by the Board of County Commissioners, the animal cruelty investigator(s)
21 may be reimbursed for all necessary and actual expenses, to be paid by the county.
22
23 (C) The animal cruelty investigator(s) appointed under this provision shall not be considered
24 for any purpose as employees, officers or agents of the county.
25
26 (D) The animal cruelty investigator(s) is empowered with the duties and powers prescribed
27 by G.S. § 19A-45-49.
28
29 (Ord. passed 11-25-2003)
30

31 **NUISANCE**
32

33 **§ 91.035 UNLAWFUL TO MAINTAIN A PUBLIC NUISANCE.**
34

35 It shall be unlawful for ~~the~~ any owner ~~or keeper~~ to allow ~~an~~ his or her animal or animals to create
36 a public nuisance, or to maintain a public nuisance created by ~~an~~ his or her animal or animals.
37 (Ord. passed 11-25-2003) Penalty, see § 91.999
38

39 **§ 91.036 INVESTIGATION AND COMPLIANCE.**
40

- 41 (A) When an animal control officer, law enforcement officer or person duly authorized by the
42 Health Director observes an animal or animals creating a public nuisance violation: ~~(1)~~
43 ~~The owner or keeper~~ will be notified of the violation and ordered to abate the nuisance
44 immediately. ~~;~~ ~~or~~
45
46 ~~(2) Alternatively, (B) u~~ Upon receipt of an oral or written complaint from any person or

persons, that any other person's animal(s) ~~is creating~~ is maintaining a public nuisance as ~~defined herein~~, the Animal Control Division shall ~~cause the~~ notify the animal owner ~~or~~ keeper of the animal or animals in question to be notified that a complaint has been received and shall ~~cause the situation complained of to be investigated~~ and a prepare a written report of the investigation, and ~~findings thereon to be reduced to writing~~. (B) If the Animal Control Division determines that ~~written findings indicate that the~~ animal owner person complained of is maintaining a public nuisance, the Animal Control Division shall notify the owner ~~or~~ keeper of the animal or animals in question, and order the owner or keeper to abate the nuisance immediately. If after 48 hours the owner or keeper of the animals remains unknown, the animal(s) may be impounded and disposed of as provided in this chapter.

(Ord. passed 11-25-2003) Penalty, see § 91.999

§ 91.037 FAILURE TO ABATE.

It shall be unlawful for any person to fail or refuse to abate the nuisance as required by this chapter. Each day that the nuisance continues shall constitute a separate violation pursuant to § 91.999. Further, a public nuisance, as defined in § 91.001 shall be subject to immediate the penalties- provided by this ordinance.

(Ord. passed 11-25-2003) Penalty, see § 91.999

RABIES

~~§ 91.050 COMPLIANCE WITH STATE LAWS.~~

~~(A) It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.~~

~~(B) It is the purpose of this chapter to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.~~

~~(Ord. passed 11-25-2003) Penalty, see § 91.999~~

~~§ 91.051 VACCINATIONS.~~

~~(A) Generally.~~

~~(1) It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies (hydrophobia) for any dog, cat or ferret three months of age or older. Should it be deemed necessary by the Health Director or the Board of County Commissioners that other domestic animals be vaccinated in order to prevent or control a threatened epizootic or epidemic or to control an existing epizootic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for any such animal.~~

~~(2) A primary rabies vaccination shall be deemed "current" for a cat, dog or ferret if the vaccine has been administered at least 28 days previously, and not more than~~

12 months have passed since vaccination. Subsequent vaccine doses are "current" after the second vaccine is given one year after the primary vaccination and booster doses of rabies vaccine administered every three years thereafter, depending upon the manufacturer's recommendation. The rabies vaccine shall be licensed by the United States Department of Agriculture for use in that species (a list of currently licensed vaccines can be found in the current Compendium of Animal Rabies Prevention and Control prepared and updated annually by the National Association of State Health Veterinarians).

(3) All antirabic vaccine shall be administered only by a person authorized to do so in accordance with state law.

(4) It is the policy of the Board of Commissioners that rabies vaccination for dogs and cats should be available to all residents of the county at an affordable price. The county shall attempt to arrange rabies clinics within the county on a regular and frequent basis at a reasonable price. The Health Director or his or her designee shall coordinate with the veterinarians of the county in an effort to arrange the clinics at least every three months. Public notice of the time and place of rabies vaccination clinics shall be given.

(B) Vaccination tag and certificate.

(1) Upon complying with the provisions of division (A) above, there shall be issued to the owner or keeper of the dog, cat or ferret vaccinated a rabies tag, containing the words "North Carolina" or the initials "N.C.," and stamped with a number and the year in which issued, and a rabies vaccination certificate.

(2) It shall be unlawful for any dog owner or keeper to fail to provide the dog 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 as required by state law.

(3) Cats and ferrets shall not be required to wear the metal tag referred to in division (B)(1) above, but the owner or keeper of the cat or ferret shall maintain sufficient written evidence (rabies certificate) to prove that the cat or ferret has a current rabies vaccination.

(4) It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for another animal.

(5) It shall be unlawful for the owner, keeper or custodian of a dog or cat to fail to provide written proof that the animal has a current rabies inoculation, when demand is made therefore by the Animal Control Division or officer.

(6) In addition to all other penalties as prescribed by law, a dog, cat or ferret is subject to impoundment in accordance with the provisions of this chapter if the

1 dog, cat or ferret is found not to be wearing a currently valid rabies tag or a
2 ferret's or cat's owner or keeper cannot produce evidence that the ferret or cat has
3 been vaccinated. Disposition of unclaimed animals may include all options
4 included in G.S. § 130A-192 except for sales to institutions within this state
5 registered by the United States Department of Agriculture pursuant to the Federal
6 Animal Welfare Act, as amended. In addition, unclaimed animals who are
7 deemed suitable for adoption may be made available to animal welfare or rescue
8 organizations which have been approved by the Health Director.
9

10 (Ord. passed 11-25-2003) Penalty, see § 91.999

11
12 **~~§ 91.052 REPORT AND CONFINEMENT OF ANIMALS BITING PERSONS.~~**
13

14 (A) Every dog, cat or ferret which has bitten any person shall be confined immediately and
15 shall be promptly reported to the Animal Control Division, and thereupon shall be
16 securely quarantined, at the direction of the Animal Control Division, for a period of ten
17 days, and shall not be released from quarantine except by written permission from the
18 Animal Control Division.
19

20 (B) It shall be unlawful for any person to fail to report as soon as possible that an animal has
21 bitten a person. It shall be unlawful for any person to fail to inform the Animal Control
22 Division of the whereabouts of an animal that has bitten a person, if the owner or keeper
23 has given the animal away or in any way caused the animal to be taken from the owner or
24 keeper's premises.
25

26 (C) Law enforcement agencies investigating animal bites shall report the bites immediately to
27 the Health Director and give the names and the addresses of person bitten and of the
28 owner of the animal.
29

30 (D) If there is evidence that an animal bite may have occurred, it shall be assumed by law that
31 a bite did occur and quarantine procedures will apply.
32

33 (E) Every dog, cat or ferret quarantined under this section shall be confined at the expense of
34 its owner or keeper in a veterinary hospital or at the county animal shelter, if space is
35 available; provided, however, that if the Animal Control Division determines that the
36 owner or keeper of a dog, cat or ferret which must be quarantined has adequate
37 confinement facilities upon his or her own premises, the Animal Control Division may
38 authorize the dog, cat or ferret to be confined on the premises upon proof of current
39 vaccination against rabies. If the dog, cat or ferret is confined on its owner's or keeper's
40 premises, an animal control officer may revisit the premises for inspection purposes on
41 any day of the confinement period. If the owner or keeper fails to provide continuous
42 quarantine of the dog, cat or ferret on his or her premises as instructed, the animal shall
43 be removed by the Animal Control Division and quarantined at a veterinary hospital or at
44 the county animal shelter at the cost of the owner. The owner or keeper shall agree in
45 writing to the above conditions prior to the animal control officer authorizing
46 confinement on the owner or keeper's property.

1
2 (F) ~~The Health Director may consider the circumstance of a bite and the age of an animal~~
3 ~~when determining the requirements for confinement. Puppies and kittens under the age of~~
4 ~~three months who have not yet been vaccinated for rabies, may, in some cases, be~~
5 ~~quarantined on the owner's premises after a bite has occurred. This determination will be~~
6 ~~at the discretion of the Health Director.~~

7
8 (G) ~~If symptoms compatible with rabies do not develop within ten days after a dog, cat or~~
9 ~~ferret is quarantined under this section, the dog, cat or ferret may be released from~~
10 ~~quarantine with the permission of the Health Director. If the dog, cat or ferret has been~~
11 ~~confined in the county animal shelter, the owner shall pay any necessary veterinarian fees~~
12 ~~and a boarding fee approved by the Board of Commissioners. Subsequent to the animal's~~
13 ~~release from quarantine any unvaccinated dog, cat or ferret shall be vaccinated against~~
14 ~~rabies within 72 hours of release, subject to the procedure described in § 91.058. Animals~~
15 ~~confined pursuant to this section shall not be released from confinement except by~~
16 ~~permission from the Health Director.~~

17
18 (H) ~~In case of an animal whose owner or keeper is not known, the animal shall be kept at the~~
19 ~~animal shelter or veterinary hospital for the supervised confinement period as required by~~
20 ~~state law (G.S. § 130A-196). If the owner or keeper is found during the confinement~~
21 ~~period, they shall be held responsible for any costs incurred for capture, confinement and~~
22 ~~treatment of the animal.~~

23
24 (I) ~~Stray, owner surrendered or abandoned animals that have bitten a person may not be~~
25 ~~considered adoptable and, after the prescribed quarantine period at a veterinary hospital~~
26 ~~or the county animal shelter, may be humanely destroyed. Alternatively, the animal may~~
27 ~~be destroyed immediately and the head examined for rabies. Owners or keepers of~~
28 ~~animals that surrender them to the Animal Control Division shall be responsible for the~~
29 ~~fee for any period of confinement period to euthanasia.~~

30
31 (J) ~~Badly wounded, diseased or suffering animals which have bitten a human and are~~
32 ~~suspected of having rabies may be humanely destroyed immediately and the head~~
33 ~~forwarded to the State Department of Health and Human Services for examination.~~

34
35 (Ord. passed 11-25-2003) ~~Penalty, see § 91.999~~

36
37 **§ 91.053 DESTRUCTION OR CONFINEMENT OF ANIMAL BITTEN BY KNOWN**
38 **RABID ANIMAL.**

39
40 (A) ~~Dogs, cats and ferrets, who are unvaccinated or not currently vaccinated against rabies~~
41 ~~which are bitten by or exposed to a known rabid animal, or an animal suspected of having~~
42 ~~rabies that is not available for diagnosis, shall be immediately destroyed. Alternatively,~~
43 ~~the owner or keeper may agree to strict quarantine of the animal, at a veterinary hospital~~
44 ~~approved by the Health Director for a period of six months at the owner's or keeper's~~
45 ~~expense.~~

1 (B) Dogs, cats and ferrets which have current rabies vaccinations and have been exposed to
2 rabies shall be revaccinated within 72 hours of exposure, kept under the owner's control,
3 and observed for 45 days.
4 (Ord. passed 11-25-2003)

5
6 **~~§ 91.054 AREA-WIDE EMERGENCY QUARANTINE.~~**

7
8 (A) When reports indicate a positive diagnosis of rabies to the extent the lives of persons are
9 endangered, a Health Director may declare an area-wide quarantine for a period as he or
10 she deems necessary. Upon invoking of the emergency quarantine, no dog or cat may be
11 taken or shipped from the county without written permission of the Health Director.
12 During the quarantine, the Health Director, his or her designees, and law enforcement
13 officers may seize and impound any dog or cat found running at large in the county.
14 During the quarantine period the Health Director shall be empowered to provide for a
15 program of mass immunization by the establishment of temporary emergency rabies
16 vaccination facilities strategically located throughout the county.

17
18 (B) In the event there are additional positive cases of rabies occurring during the period of
19 quarantine, the period of quarantine may be extended at the discretion of the Health
20 Director.

21
22 (Ord. passed 11-25-2003)

23
24 **§ 91.055 POST MORTEM DIAGNOSIS.**

25
26 (A) If an animal dies while under observation for rabies, the head of the animal shall be
27 submitted to the Health Department for shipment to the Laboratory Section of the State
28 Department of Health, and Human Services for rabies diagnosis.

29
30 (B) The carcass of any animal suspected of dying of rabies shall be surrendered to the Health
31 Department. The head of the animal shall be shipped to the Laboratory Section of the
32 State Department of Health and Human Services for rabies diagnosis.

33
34 (Ord. passed 11-25-2003)

35
36 **~~§ 91.056 UNLAWFUL KILLING OR RELEASING OF CERTAIN ANIMALS.~~**

37
38 It shall be unlawful for any person to kill or release any animal under observation for rabies, or
39 any animal under observation for biting a human, or to remove the animal from the county
40 without written permission from the Health Director. Licensed veterinarians and members of the
41 Animal Control Division are exempted from this part in the case of an animal which must be
42 destroyed for rabies diagnosis or to relieve suffering and pain. Animals which are euthanized
43 prior to completing the observation period must be tested for rabies post mortem.

44
45 (Ord. passed 11-25-2003) Penalty, see § 91.999

1 **§ 91.057 FAILURE TO SURRENDER ANIMAL FOR CONFINEMENT OR**
2 **DESTRUCTION.**

3
4 It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or
5 destruction as required by state law and this chapter, when demand is made therefor by the
6 Health Director.

7
8 (Ord. passed 11-25-2003) Penalty, see § 91.999

9
10 **§ 91.058 PROCEDURE WITH RESPECT TO RABIES VACCINATION REQUIRED**
11 **FOR REDEMPTION OR ADOPTION OF UNVACCINATED DOGS OR CATS.**

12
13 (A) Unless written proof of a current rabies vaccination can be furnished, or the dog or cat is
14 vaccinated at the animal shelter, every person ~~who either adopts or redeems~~ a dog
15 or cat ~~at from~~ the animal shelter will be required to have it vaccinated for given a proof of
16 rabies within 72 hours (not including Sundays and holidays). ~~vaccination notice at the~~
17 ~~time of the redemption or adoption.~~ The Animal Control Division shall provide written
18 notice to the owner indicating the due date for the vaccination. ~~This notice will be~~
19 ~~stamped with a date stating the maximum time limit allowed to take the dog or cat to the~~
20 ~~a veterinarian of the person's choice for rabies vaccination.~~ The time limit for dogs and
21 eats four months and older will be 72 hours, with not counting Sundays and holidays
22 ~~excluded.~~ For puppies and kittens under four months of age, the time limit to obtain the
23 rabies vaccination for puppies and kittens less than four months of age will vary and will
24 be determined by the Animal Control Division. ~~according to their age. The person~~
25 ~~adopting the animal shall cause the animal to be vaccinated and the notice returned to the~~
26 ~~animal control officer within the time stated in the notice.~~

27
28 (B) The proof of rabies vaccination notice will be completed by the veterinarian and returned
29 to the ~~animal control officer~~ Animal Control Division ~~by the animal owner or keeper~~
30 within the time stated in the notice.

31
32 (C) Payment for rabies vaccination provided for in this section will be the responsibility of
33 the person redeeming or adopting the animal.

34
35 (D) Failure to vaccinate for rabies redeemed or adopted cats and dogs is a violation of this
36 Chapter.

37
38
39 (Ord. passed 11-25-2003)

40
41 **IMPOUNDMENT, REDEMPTION AND ADOPTION**

42
43 **§ 91.070 IMPOUNDMENT GENERALLY.**

44
45 (A) Any animal which appears to be lost, stray or ~~unwanted~~ abandoned, or not wearing a
46 currently valid registration tag or a currently valid rabies vaccination tag, as required by

1 state law or this chapter, or not under restraint in violation of this chapter, may be seized,
2 impounded and confined in a humane manner in the ~~county~~ animal shelter.

3
4 (B) Impoundment of such an animal shall not relieve the owner ~~or keeper thereof~~ from any
5 penalty, which may be imposed for violation of this chapter.

6
7 (C) The Health Director shall have the authority to waive the ~~five~~ three-day holding period on
8 a case by case basis in instances of extreme overpopulation at the animal shelter,
9 ~~provided, however, that~~ but in no case will any stray animal be held for less than the 72-
10 hour period required by G.S. § 130A-192~~1~~. ~~The 72-hour period shall be calculated from~~
11 ~~6:00 a.m. on the day following receipt of the animal at the animal shelter and shall end at~~
12 ~~6:00 p.m. on the third day thereafter, excluding Saturdays, Sundays and holidays.~~

13
14 (Ord. passed 11-25-2003) Penalty, see § 91.999

15
16 **§ 91.071 NOTICE TO OWNER ~~OR KEEPER~~.**

17
18 Upon impounding an animal the Animal Control Division shall post a; notice of the
19 impoundment ~~shall be posted~~ at the animal shelter and on the county website until the animal is
20 redeemed, adopted or euthanized shall be disposed of as hereinafter pursuant to this Chapter.
21 Impoundments of animals which shall be for a minimum of ~~five~~ no less than three days (~~120 72~~
22 hours), or as otherwise provided in the Chapter. ~~as defined herein.~~ Reasonable effort shall be
23 made to identify the owner ~~or keeper~~ of the requirements for redeeming the animal. Notice of an
24 impoundment may be provided to the owner by telephone, email or by letter ~~written notice~~
25 mailed by regular mail ~~to the owner~~ when the owner's identity and address are known. The
26 Animal Control Division shall ~~or obtained in the exercise~~ due diligence in attempting to locate
27 the animal owner. Upon impoundment ~~Each~~ animal shall be assigned an impoundment
28 identification number and a release date: ~~determined. The Animal Control Division shall make~~
29 ~~reasonable effort to notify the owner, if known, and inform the owner of the requirements for~~
30 ~~redeeming the animal.~~ The impoundment identification number and release date shall be posted
31 on the animal's cage or kennel, at the animal shelter for a minimum of 72 120 hours/five three
32 days. Any information about the animal, including the time, date and place the Animal Control
33 Division took custody of taking of the animal and the time and date of posting the notice of
34 impoundment, shall be available at the animal shelter by reference to the impoundment
35 identification number. ~~At expiration of the five three-day (72-120-hour) holding period, the~~
36 ~~animal may be offered for adoption or disposed of as provided herein.~~

37
38 (Ord. passed 11-25-2003)

39
40 **§ 91.072 REDEMPTION BY OWNER ~~OR KEEPER~~.**

41
42 (A) The owner ~~or keeper~~ of an animal impounded under this chapter, except those animals
43 suspected of having been exposed to rabies, ~~may, on~~ upon proof of ownership, may
44 redeem an impounded the animal, and regain possession thereof within the five day (120-
45 hour) holding period after notice of impoundment is posted as required by this chapter
46 ~~where the owner's identity is not known or obtained, and within five days from the~~

1 ~~mailing of notice or transmittal of notice by telephone in cases where the owner's identity~~
2 ~~and address are known. In either case~~ All applicable fees, and expenses, and penalties
3 ~~shall be paid as a condition of redemption. Redemption and other fees are set by the~~
4 ~~Board of County Commissioners.~~ Failure to redeem an animal shall not relieve the
5 animal's owner from paying all applicable fees and penalties. See § 91.999 for
6 redemption fees.

7
8 (B) No animal owner ~~or keeper~~ may be permitted to adopt his or her own animal under the
9 provisions of this chapter. The owner ~~or keeper~~ must comply with the provisions of this
10 chapter in order to redeem an animal that has been impounded pursuant to state law or
11 this chapter.

12
13 (C) The provisions of this section shall have no application with respect to animals
14 surrendered by the owner ~~or keeper~~ to the Animal Control Division for immediate
15 adoption or euthanasia ~~destruction~~ as provided for in § 91.075.

16
17 (Ord. passed 11-25-2003)

18
19 **§ 91.073 ~~DESTRUCTION~~ EUTHANASIA OR ADOPTION OF UNREDEEMED**
20 **ANIMAL.**

21
22 (A) Animals not redeemed by their owner within 72 hours of notice of impoundment by the
23 Animal Control Division (where the owner has been identified) or within 72 hours of
24 posting of an impoundment notice as required by this Chapter (where the owner cannot
25 be identified) may be offered for adoption or euthanized by the Animal Control Division.
26 ~~If an impounded animal is not redeemed by the owner or keeper within the period~~
27 ~~prescribed in § 91.072 above, it may be destroyed in a humane manner or shall become~~
28 ~~the property of the animal shelter and offered for adoption to a responsible adult~~
29 ~~provided, however, that the new owner~~ Animals shall not include be offered for adoption
30 to an animal dealer who acquires animals for resale. The new animal owner Persons
31 adopting animals from the animal shelter shall agree in writing to comply with all local
32 ordinances and regulations and state laws regarding animals. The county will not
33 knowingly release for adoption any animal which is known to have previously bitten a
34 person or is vicious, aggressive, dangerous or potentially dangerous. Adoption and
35 adoption related ~~F~~ees may be waived at the discretion of the Health Director for rescue
36 or animal welfare groups approved by the Health Director. Placement of animals with
37 approved groups will be determined on a case-by-case basis.

38
39 (B) No animal which has been impounded by reason of its being stray, ~~or~~ unclaimed by its
40 owner ~~or keeper~~, shall be ~~allowed to be~~ adopted from the animal shelter during a period
41 of emergency rabies quarantine invoked pursuant to state law ~~this chapter~~, except by
42 special authorization of the Health Director.

43
44 (Ord. passed 11-25-2003)

45
46 **§ 91.074 PROCEDURES FOR RABIES COMPLIANCE; ADOPTED ANIMALS.**

1
2 (A) Unless written proof of a current rabies vaccination can be furnished, or the dog or cat is
3 vaccinated at the animal shelter, every person adopting or redeeming a dog or cat from
4 the animal shelter shall have it vaccinated for rabies within 72 hours (not including
5 Sundays and holidays). The Animal Control Division shall provide written notice to the
6 owner indicating the due date for the vaccination. The time limit to obtain the rabies
7 vaccination for puppies and kittens less than four months of age will vary and will be
8 determined by the Animal Control Division. ~~Unless written proof of a current rabies-~~
9 ~~vaccination exists, every person who adopts a dog or cat at the animal shelter will be~~
10 ~~given a proof of rabies vaccination notice at the time of adoption. This notice will be~~
11 ~~stamped with a date stating the maximum time limit allowed to take the dog or cat to the~~
12 ~~veterinarian of the person's choice for rabies vaccination. The time limit for dogs and cats~~
13 ~~three months and older will be 72 hours, with Sundays and holidays excluded. For~~
14 ~~puppies and kittens under three months of age, the time limit will vary according to their~~
15 ~~age. The person adopting the animal shall cause the animal to be vaccinated and the~~
16 ~~notice returned to the Animal Control Division within the time stated in the notice.~~

17
18 (B) ~~The P~~proof of rabies vaccination ~~notice will~~ must be completed by ~~the a~~ licensed
19 veterinarian and returned to the Animal Control Division ~~by the animal owner or keeper~~
20 within the time stated in the notice.

21
22 (C) Payment for the rabies vaccination provided for in this section will be the responsibility
23 of the person adopting the animal.

24
25 (D) Failure to vaccinate redeemed or adopted cats and dogs for rabies is a violation of this
26 Chapter.

27
28 (Ord. passed 11-25-2003)

29
30 **§ 91.075 OWNER SURRENDERED ANIMALS.**

31
32 (A) Any animal surrendered by its owner to the Animal Control Division may be
33 immediately placed for adoption or humanely euthanized ~~destroyed~~ by the Animal
34 Control Division when:

35
36 (1) The owner directs in writing that the animal be placed for adoption or humanely
37 euthanized ~~destroyed~~; and;

38
39 (2) The owner ~~affirmatively represents~~ attests in writing that he or she is ~~in fact~~ the
40 legal owner of the animal; and that the animal has not bitten a person within the
41 past ten days.; ~~provided that the~~ A person tendering the animal to the animal
42 shelter may also be required to provide additional proof of ownership or
43 documentation from the owner that they are acting on the owner's behalf, as
44 defined herein; and;

45
46 (3) The owner agrees ~~that he or she will~~ to indemnify and hold the county, ~~including~~

1 ~~the Animal Control Division~~, harmless from any losses or damages ~~it may~~
2 sustained, including attorneys' fees, by reason of euthanasia ~~the destruction or~~
3 placement for adoption of the animal; or

4
5 ~~(4) The owner transfers ownership of the animal to the Animal Control Division and~~
6 ~~releases the Animal Control Division and the county from any and all future~~
7 ~~claims with respect to the animal.~~

8
9 (B) Upon compliance with ~~receiving the assurances provided in (A)(1-3) above~~, the Animal
10 Control Division may ~~rely on the same and~~ place the animal for adoption, transfer it to an
11 approved animal welfare or animal rescue group; or euthanize ~~destroy~~ the animal; ~~as it~~
12 ~~sees fit~~ in a humane manner. The waiting periods provided in §§ 91.071 and 91.072
13 above shall not apply to immediate adoption or euthanasia ~~destruction~~ as provided for in
14 this section.

15
16 (Ord. passed 11-25-2003)

17
18 **§ 91.076 ADOPTIONS; ADDITIONAL REQUIREMENTS.**

19
20 (A) In addition to the requirements found elsewhere in this chapter, any applicant person
21 wishing to adopt an animal ~~subject to adoption~~ under this chapter, shall agree to hold the
22 county harmless from any and all claims related to the adoption; and shall:

23
24 ~~(1) Pay the all fees and charges that are due on the animal. Charges may include, but~~
25 ~~not be limited to, boarding and spay or neutering costs, as may be fixed by the~~
26 ~~Board of County Commissioners which shall include the charges for keeping the~~
27 ~~animals, and a fee for the neutering or spaying of the animal which shall be a set~~
28 ~~amount which may be fixed by the Board of Commissioners upon adopting the~~
29 ~~annual budget;~~

30
31 (2) Sign all necessary required adoption documents as set forth in the regulations
32 ~~promulgated by the Board of Commissioners, which shall include an adoption~~
33 agreement with the following provisions:

34
35 (a) That the applicant person adopting the animal will not sell the
36 animal;

37 (b) ~~and that if the applicant desires to dispose~~ That if the new owner
38 no longer wants or cannot adequately care for ~~of the animal he or~~
39 ~~she will do so by returning him or her~~ the animal to the county
40 animal shelter; and

41 (c) That he or she agrees to maintain the animal in accordance with the
42 provisions included in this Chapter.

43
44 (3) Have the adopted animal neutered or spayed by a licensed veterinarian ~~of the~~
45 ~~applicant's choice within a the time to be specified in writing a notice to be~~
46 ~~provided by the animal shelter. at the time of adoption. and The applicant shall~~

1 provide the Animal Control Division with written documentation verifying
2 completion of the spay or neutering evidence from a licensed veterinarian, ~~of the~~
3 ~~same within the time specified in the notice.~~ Upon verification that the spay or
4 neuter has been completed receipt of the evidence, the Animal Control Division
5 will ~~cause to be paid to pay~~ the performing veterinarian the reasonable and
6 customary the fee for the service, for same. In the event the applicant fails to have
7 the animal neutered or spayed within the time specified in the written notice ~~and~~
8 ~~return written evidence thereof,~~ the Animal Control Division shall impound the
9 animal and any sums paid ~~for those purposes~~ incident to adoption shall be
10 forfeited.
11

12 (B) An adopted animal may be exempt from this provision if the owner furnishes a statement
13 from a licensed veterinarian that the animal, due to health reasons, could not withstand
14 spay/neuter surgery.
15

16 (C) See § 91.999 for adoption fees.
17

18 (Ord. passed 11-25-2003)
19

20 **§ 91.077 INJURED, DISEASED OR UNWEANED ANIMALS.**

21

22 Notwithstanding any other provision of this chapter, any animal seized and impounded which is
23 badly injured, diseased (not a rabies suspect), or unweaned and has no identification shall be
24 ~~destroyed~~ euthanized immediately in a humane manner, provided, however, that otherwise
25 healthy unweaned animals may be released to animal welfare or animal rescue groups approved
26 by the Health Director on a case by case basis. If the animal has identification, the Animal
27 Control Division shall attempt to notify the owner ~~or keeper~~ before ~~disposing of~~ euthanizing the
28 animal. If an animal is suffering and the owner ~~or keeper~~ cannot be reached ~~readily, and the~~
29 ~~animal is suffering,~~ after a reasonable attempt has been made to contact him or her, the Health
30 Department may destroy the animal at its discretion in a humane manner.
31 (Ord. passed 11-25-2003)
32

33 **§ 91.078 ANIMALS WHICH CANNOT BE SEIZED BY REASONABLE MEANS.**

34

35 Notwithstanding any other provision of this chapter, ~~an~~ vicious animal, ~~which that~~ cannot be
36 seized by leash restraint, catch pole restraint, humane trap or chemical immobilization ~~reasonable~~
37 ~~means,~~ may be humanely destroyed by order of the Health Director.
38

39 (Ord. passed 11-25-2003)
40

41 **§ 91.079 SECURITY FOR COSTS.**

42

43 (A) *Disposition.* Excluding animals under quarantine pursuant to the provisions of §§ 91.050
44 through 91.058 and §§ 91.070 through 91.079, any animal seized pursuant to the
45 provisions of this chapter or under any state law, may be humanely disposed of pursuant
46 to the terms of this chapter at the discretion of the Animal Control Division after the ~~five-~~

three-day (~~420~~ 72 hours) holding period following the date on which the animal was seized unless the animal's owner provides a security bond or cash in accordance with division (B) below.

(B) *Bond.* Any person claiming an ownership interest in any animal confined pursuant to this chapter or under any state law, excluding §§ 91.050 through 91.058 and §§ 91.070 through 91.079, may prevent the disposition of the animal after ~~five~~ three-day (~~420~~ 72 hours) holding period, by posting a security bond or cash with the Animal Control Division prior to the animal being adopted or euthanized in an amount sufficient to guarantee payment of all of the reasonable expenses expected to be incurred in caring and providing for the animal, including the estimated cost of medical care, for at least 30 days; however, the security shall not prevent the Animal Control Division from disposing of the animal at the end of the 30-day period covered by the posted bond/cash, unless the person claiming an ownership interest in the animal posts an additional security bond or cash with the Animal Control Division to secure payment of the animal's reasonable expenses for an additional 30-day period. The amount of the bond/cash shall be ~~determined~~ established by the Animal Control Division based on the current rate for board and on the condition of the animal after examination by a member of the Animal Control Division. Failure to timely post the security shall result in the animal being immediately forfeited to the Animal Control Division for disposition in accordance with § 91.073 above.

(C) *Notice.* Excluding owner-surrendered animals, if the Animal Control Division takes custody of an animal pursuant to this chapter or ~~any~~ state law, excluding §§ 91.050 through 91.058 and §§ 91.070 through 91.079, the division shall give notice of these provisions by posting a copy of them at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.

(D) *Security forfeited upon failure to pay costs.* If the fees, costs and penalties owed for the animal are not paid in full by the end of each security period, the security already posted shall be forfeited to the county on the date and used to pay the remaining unpaid fees, costs and penalties owing for the animal. The animal's owner shall remain responsible for all remaining unpaid fees, costs and penalties. Any security bond/cash remaining after the payment of all fees, costs and penalties shall be ~~remitted~~ returned to the person who posted the bond/cash.

(Ord. passed 11-25-2003)

DANGEROUS, BITING AND VICIOUS DOGS

§ 91.090 SUPPLEMENTAL TO STATE DANGEROUS DOG LAWS.

(A) It is the purpose of this subchapter to supplement G.S. §§ 67-4.1, 67-4.5 and 130A-200, by providing additional provisions in the county for the control of dangerous dogs or other animals and the control of vicious animals.

(B) Subject to appeal, an animal determined by the Health Director to be potentially dangerous shall be considered and treated in all respects as dangerous.

(Ord. passed 11-25-2003)

§ 91.091 BITING OR ATTACKING ANIMALS.

(A) It shall be unlawful for an animal, which has bitten or attacked a human or another animal to remain at large. An animal control officer or member of the Animal Control Division, upon the issuance of a proper warrant, shall have the authority to enter upon private property, including entry into a dwelling unit or other similar building, provided the same is authorized by warrant, to impound an animal which has been observed to bite or attack, or which is reliably believed to have bitten or attacked, in violation of this section, ~~and entry upon private property shall not be deemed to be a trespass.~~

(B) It shall be unlawful for any person to interfere with, to threaten or otherwise prevent a member of the Animal Control Division from carrying out and performing his or her lawful duties as described above, under this section.

(Ord. passed 11-25-2003) Penalty, see § 91.999

§ 91.092 HUMANE RESTRAINT OF VICIOUS ~~AND NON-VICIOUS~~ DOMESTIC ANIMALS.

~~(A)~~ It shall be unlawful for any person to keep any vicious domestic animal unless it is restrained ~~per requirement of the Animal Control Division pursuant to § 91.093.~~ in a secure enclosure located on the owner's property.

~~(B) All non-vicious animals must be restrained. An animal is under restraint within the meaning of this chapter if it is:~~

- ~~(1) Controlled by means of a chain, leash, bridle or similar effective or humane device;~~
- ~~(2) Under the immediate supervision of a competent person within the limits of the real property of the animal's owner or keeper;~~
- ~~(3) Within a vehicle being driven and in motion; and~~
- ~~(4) Confined indoors, or within a cage, fence or similar secure enclosure.~~

~~(C) All chains, leashes or similar restraints shall be designed and placed so as to prevent choking or strangulation. The form of restraint shall be no less than ten feet in length and either on a swivel, designed to prevent choking or strangulation or on a chain run.~~

(Ord. passed 11-25-2003) Penalty, see § 91.999

PROPOSED TETHERING LANGUAGE (No Time Limit)

1
2
3
4 **OPTION I**

5
6 **§ 91. XXX HUMANE RESTRAINT OF NON-VICIOUS ANIMALS**

7 All animals must be restrained. An animal is under restraint within the meaning of this chapter if
8 it is:

9 (A) Kept within a house, garage, outbuilding or other secure structure on the owner's
10 property.

11
12 (B) Kept on the owner's fenced in or enclosed property constructed so that the animal cannot
13 escape by means of digging under or jumping over the fence or enclosure or otherwise
14 becoming free unless freed by the owner.

15
16 (C) Kept on the owner's property within an area bounded by a posted electronic fence that is
17 capable of keeping the animal within the area surrounded by electronic fence.
18

19 (D) Kept on the owner's property within a secure pen, and meeting the following minimum
20 requirements for dogs: enclosed by a fence that is constructed so that the dog cannot
21 escape by means of digging under or jumping over the pen or otherwise becoming free
22 unless freed by the Owner. The pen must be at least 150 square feet for one (1) dog and
23 100 square feet for each additional dog kept within the pen.

24 (E) Kept on the owner's property by a tether equipped with a swivel on both ends and
25 meeting the following minimum requirements for dogs:
26

27 (1) The tether shall be a minimum of fifteen feet in length and the line of the pulley
28 system running line, trolley system or stake to which the tether is attached shall be
29 made of either metal chain or coated steel cable.
30

31 (2) Tethers shall be attached to a buckle type collar or harness and under no
32 circumstances shall the tether itself be placed directly around the dog's neck.
33 Tethers shall not be used in conjunction with training collars such as choke or
34 pinch style collars.
35

36 (3) The weight of the tether shall not exceed ten percent of the total body weight of
37 the dog but shall be of sufficient strength to prevent breakage.
38

39 (4) The tether, by design and placement, shall allow the dog a reasonable and

1 unobstructed range of motion without the possibility of entanglement,
2 strangulation or other injury. The tether shall allow the dog access to adequate
3 food, water and shelter.

4
5 (5) A dog must be four months of age or older to be tethered.

6
7 (6) Only one dog shall be attached to a single tether.

8
9 (7) Pulley systems, running lines or trolley systems used shall be at least fifteen feet
10 in length and no more than seven feet above the ground.

11
12 (8) The dog must be spayed or neutered and owners are responsible for providing
13 written proof of each upon request of an animal control officer.

14
15 (9) No tether shall be affixed to a stationary object which would allow a dog to come
16 within five feet of a property line.

17
18
19
20
21
22
23
24
25 PROPOSED TETHERING LANGUAGE (10 Hour Time Limit with Permanent Permitting)

26 **OPTION II**

27
28 § 91. XXX HUMANE RESTRAINT OF NON-VICIOUS ANIMALS

29
30 All animals must be restrained. An animal is under restraint within the meaning of this chapter if
31 it is:

32
33 (A) Kept within a house, garage, outbuilding or other secure structure on the owner's
34 property.

35
36 (B) Kept on the owner's fenced in or enclosed property constructed so that the animal
37 cannot escape by means of digging under or jumping over the fence or enclosure
38 or otherwise becoming free unless freed by the owner or within an outside
39 enclosure.

40
41 (C) Kept on the owner's property within an area bounded by a posted electronic fence
42 that is capable of keeping the animal within the area surrounded by electronic
43 fence.

1 (D) Kept on the owner's property within a secure pen, and meeting the following
2 minimum requirements for dogs: enclosed by a fence that is constructed so that the dog cannot
3 escape by means of digging under or jumping over the pen or otherwise becoming free unless
4 freed by the Owner. The pen must be at least 150 square feet for one (1) dog and 100 square feet
5 for each additional dog kept within the pen.

6
7
8 (E) Kept on the owner's property by a tether equipped with a swivel on both ends and
9 meeting the following minimum requirements for dogs.

10
11 (1) The tether shall be a minimum of fifteen feet in length and the line of the
12 pulley system running line, trolley system or stake to which the tether is
13 attached shall be made of either metal chain or coated steel cable.

14
15 (2) Tethers shall be attached to a buckle type collar or harness and under no
16 circumstances shall the tether itself be placed directly around the
17 dog's neck. Tethers shall not be used in conjunction with training collars
18 such as choke or pinch style collars.

19
20 (3) The weight of the tether shall not exceed ten percent of the total body
21 weight of the dog but shall be of sufficient strength to prevent breakage.

22
23 (4) The tether, by design and placement, shall allow the dog a reasonable and
24 unobstructed range of motion without the possibility of entanglement,
25 strangulation or other injury. The tether shall allow the dog access to
26 adequate food, water and shelter.

27
28 (5) A dog must be four months of age or older to be tethered.

29
30 (6) Only one dog shall be attached to a single tether.

31
32 (7) Pulley systems, running lines or trolley systems used shall be at least
33 fifteen feet in length and no more than seven feet above the ground.

34
35 (8) The dog must be spayed or neutered and owners are responsible for
36 providing written proof of each upon request of an animal control officer.

37
38 (9) No tether shall be affixed to a stationary object which would allow a dog
39 to come within five feet of a property line.
40

1 (F) No dog may be tethered for more than ten continuous hours in any 24 hour period
2 without being taken off the tether for a period of at least two hours. The ten hour
3 tethering time limit is suspended during the first twelve months following the effective
4 date of this provision.

5
6 (G) It shall be unlawful for any person to fail to keep his or her animal securely
7 restrained or otherwise confined as required by this section.

8
9 (H) The Animal Control Division shall conduct an eighteen month educational phase
10 with respect to tethering and the ten hour limit on tethering. The first 12 months
11 will be education of the public on humane restraint, how to improve the
12 conditions while the dog is being restrained, alternatives to tethering and the
13 consequences of improper tethering restraints. The final six months of the
14 educational phase will involve written warnings for those found to be in violation
15 of the tethering provisions.

16
17 (I) The Animal Control Division, for enforcement purposes of this Section, must have
18 received one or more validated complaints from a resident(s) of the county. For the
19 purposes of this Section a validated complaint shall, at a minimum, consist of a signed
20 affidavit from the complainant attesting to the circumstances (times, dates, conditions and
21 other factors), contributing to a violation of this Section. This does not preclude the Animal
22 Control Division, upon its own finding, taking enforcement actions for violations of this
23 Section where practical and feasible.

24
25
26
27 § 91.XXX PERMITTING FOR PERMANENT TETHERING OF DOGS

28
29 (A) An Animal Control Officer shall have the authority to issue a permit for an owner to tether a
30 dog on his or her property as a permanent means of restraint if, after investigation, the officer
31 determines that permanent tethering will not be injurious to the dog and will not endanger the
32 safety or wellbeing of persons or other animals in the immediate vicinity. The officer shall
33 consider the following in making this determination:

- 34
- 35 (1) The behavior, size and temperament of the dog. The number of other dogs on the
36 owner's property and adjoining properties.
 - 37
 - 38 (2) The proposed tethering apparatus and whether it meets the minimum requirements
39 of §91.XXX (E)(1-9) of this Chapter.
 - 40
 - 41 (3) The capacity of the dog for inflicting serious injury on persons or other animals.
 - 42
 - 43 (4) The immediate surroundings of the area where the dog will be tethered and the
44 likelihood that those conditions pertaining to the particular dog will have a
45 detrimental effect on the welfare of persons and other animals in the vicinity and
46 the tranquility of the neighborhood in which the property is located.

- (5) The bite history of the dog and whether the dog has bitten or attempted to bite a human being or domestic animal without provocation, and;
- (6) Whether the dog, without provocation of a trespass, has approached a person in an apparent attitude of attack.
- (B) If, after considering the foregoing, the animal control officer determines that permanent tethering would not be injurious to the dog or harmful to persons or other animals in the immediate vicinity he or she shall issue the permanent tethering permit, subject to such conditions as will reasonably maintain the health of the dog and the safety and welfare of persons and animals in the vicinity.
- (C) The Animal Control Division may revoke a permit for permanent tethering of a dog for violations of this ordinance. The notice to the owner revoking the permit shall state the reason or reasons for revocation.
- (D) The owner may appeal any action taken by the animal control officer under this §91.XXX to the Animal Appeals Board by filing written notice of appeal within seven (7) days of receipt of written notice of the action of the animal control officer.

§ 91.093 PROTECTIVE MEASURES FOR CONFINEMENT OF DOGS OR OTHER ANIMALS.

It is the purpose of this section to provide guidelines for special protective measures for all dogs, ~~or~~ and other animals; in the county which are deemed by the Health Director to be dangerous, potentially dangerous, or vicious pursuant to G.S. § 130A-200, or when ~~it is~~ special protective measures are deemed necessary under the ~~terms-provisions~~ of divisions (A) and (B) below.

- (A) The Animal Control Division shall have the authority to require the owner ~~or custodian~~ of a dog, or other animal, to comply with ~~specific~~ protective measures, as described in (B) below ~~in division (B), after~~ upon a declaration that the animal is dangerous, potentially dangerous, or vicious ~~or~~ after taking into consideration the following three circumstances:

- (1) *Nature of the particular dog or other animal.* The behavior, size, temperament, ~~breed~~, capacity for inflicting serious injury, the number of dogs or other animals, or other similar factors which would be relevant to a determination of whether or not additional protective measures need to be imposed for a particular situation;
- (2) *Adequacy of confinement.* The adequacy of the enclosure or confinement, if

1 any; and
2

- 3 (3) *Immediate surrounding area.* The likelihood that the conditions pertaining to
4 the particular dog and the dog's or other animal and the animal's confinement
5 are detrimental to the safety or welfare of citizens or the peace and tranquility
6 of citizens in the immediate surrounding area.
7

8 (B) In considering whether to order a special protective measure, the Animal Control Division is
9 authorized to consider additional factors as aggravating circumstances that might warrant the
10 ordering of special protective measures:
11

- 12 (1) *Child under the age of 13.* There is a child under the age of 13 who lives in
13 close proximity, or children walk by or are otherwise in close proximity, to
14 the property occupied by the dog or other animal;
15
16 (2) *Bite.* The dog, or other animal, has bitten a human being or domestic animal
17 without provocation or without a trespass, and the person or animal bitten
18 does not ordinarily reside on the premises;
19
20 (3) *Dog or other animal is trained for fighting or aggressive attack.* The dog or
21 other animal, is kept primarily or in part for the purpose of dogfighting or the
22 dog, or other animal has been trained for aggressive attacks;
23
24 (4) *Attitude of attack incident.* A dog or other animal, without provocation or a
25 trespass, has approached a person in an apparent attitude of attack; or
26
27 (5) *Reputation of dog or other animal.* The individual dog or other animal has a
28 known propensity, reputation or tendency or disposition to attack unprovoked,
29 to cause injury or to otherwise endanger the safety of human beings or
30 domestic animals.
31

32 ~~(C) If~~ Where the Animal Control Division has determined that ~~the~~ circumstances require special
33 protective measures, ~~then~~ the Animal Control Division shall have the authority to require
34 appropriate, specific protective measures which ~~might~~ may include, but are, not limited to,
35 the specifications as provided below. ~~following: Necessary repairs for any fence or enclosure,~~
36 ~~measures to ensure that a gate will remain closed, a fence or secure dog fence as described~~
37 ~~below or any other similar device that would provide greater assurance for the confinement~~
38 ~~of the dog, all of which are subject to being specifically approved for their adequacy by the~~
39 ~~Animal Control Division.~~
40

- 41 (4) A fence shall be at least a minimum of four feet high and constitute a secure-
42 enough enclosure sufficient to contain the dog at all times. The minimum size
43 of the enclosure must be at least 150 square feet. If the dog, or other animal, is
44 ~~over 15 inches at the shoulder or~~ is deemed capable of climbing or jumping a
45 standard four-foot fence, then the Animal Control Division may require a six-
46 foot fence. A secure dog fence means a fence, as immediately described

1 above, that ~~may also be~~ is enclosed on all six sides, including the top. The
2 bottom ~~may shall~~ be concrete., ~~unless the sides of the fence are buried one~~
3 ~~foot deep in a hard packed soil.~~

4
5 (2) The Animal Control Division shall have the authority to require the owner to
6 procure, and provide proof of, liability insurance in the amount of at least
7 \$100,000 at the owner's expense, and/or to have the dog tattooed, or micro-
8 chipped, for identification, investigative or enforcement purposes, and/or to
9 display signs on the premises. The dog warning signs must be readable and
10 prominently displayed at the entrance to the owner's property and on all sides
11 of the enclosure containing the dog. The entrance sign shall be at least two
12 feet by two feet and signs on all sides of the enclosures must be a minimum of
13 eight and one-half inches by 11 inches. The owner shall have the duty to
14 notify the Animal Control Division if the dog escapes the secure enclosure,
15 and surrender the dog, or other animal, to the Animal Control Division if the
16 owner fails to comply with the required provisions.

17
18 (D) If the Animal Control Division determines that specific protective measures must be
19 complied with by the owner of a dog, or other animal, the Animal Control Division shall
20 make reasonable efforts to notify the owner of the written order, state the reasons that
21 protective measures are required, identify the specific protective measures that must be
22 implemented and state the designated time period within which to comply with the written
23 order. The Animal Control Division shall have the authority to exercise discretion for
24 extensions of time if that is reasonable in view of the good-faith progress of the owner in
25 implementing the protective measures.

26
27 (E) The written order issues pursuant to division (D) above shall explicitly state that the Animal
28 Control Division has the authority to terminate ownership rights to the dog or other animal,
29 and to humanely destroy the dog, or other animal, if there is a failure to comply with the
30 written order.

31
32 (F) It shall be unlawful for an owner to fail to comply with a written order within the designated
33 time for compliance stated in the written order or any extension thereof. In addition to the
34 remedies of § 91.999, the penalty for failure to comply with the written order shall be a civil
35 penalty in the amount of \$4500 per day and authority for the Animal Control Division to
36 impound and destroy the animal.

37
38 ~~(G) In addition to any other authority or procedure authorized by this subchapter or any other~~
39 ~~ordinance or law to seize an animal, the Animal Control Division shall have the authority to~~
40 ~~summarily seize any animal from a premises when the Division determines that the dog, or~~
41 ~~other animal, in the surrounding circumstances is dangerous or detrimental to the public~~
42 ~~safety or public health.~~

43
44 (H) The owner or keeper of any dog, or other animal, seized pursuant to Animal Control Division
45 or court order, may reclaim the dog or other animal within five days (120 hours) of the date
46 of the animal's seizure (unless the Division retains legal custody of the animal pursuant to

1 some other provision of this ~~statute~~ chapter or state law) upon payment of all applicable fees,
2 fines or other costs and by complying full with any outstanding Animal Control Division or
3 court order. Extensions of time beyond ~~five~~ three days for compliance shall require the
4 posting of a security bond pursuant to § 91.079.

5
6 (Ord. passed 11-25-2003) Penalty, see § 91.999

7
8 **§ 91.094 APPEALS FROM THE DETERMINATION OF POTENTIALLY**
9 **DANGEROUS AND DANGEROUS DOG.**

10
11 (A) ~~The County Board of County Commissioners shall designate a Board to be responsible~~
12 ~~for hearing~~ There is hereby created the Animal Appeals Board which shall hear appeals
13 from any determination of the Health Director under this chapter or state law including a
14 Health Director's determination that a dog, or other animal, is a potentially dangerous dog
15 or animal and therefore a dangerous dog or animal pursuant to state law, G.S. §§ 67-4.1
16 et seq. The Appellate Animal Appeals Board shall be composed of the five members; the
17 veterinarian representative to the Board of Health, the physician representative to the
18 Board of Health, a representative of a law enforcement agency and two public members,
19 appointed by the Board of Health one of whom shall represent a duly incorporated animal
20 welfare, or animal rescue group in the county. In the event any member of the Board is
21 unavailable for any reason to hear an appeal the Health Director shall appoint a
22 replacement for such member in the same category as the unavailable member. A
23 quorum for the Board is three members.

24
25 (B) ~~There shall also be appointed an alternate public member to sit in the event of illness or a~~
26 ~~conflict of interest of any Board member.~~ The owner may appeal the Health Director's
27 determination by:

- 28
29 a. Filing a written objections notice of appeal within seven days of the Health
30 Director's determination (excluding holidays and weekends) on the Request for
31 Appeal form provided by the Health Department with the Appellate Board and;
32
33 b. If the dog or other animal is held by the County, posting the security for the cost
34 of keeping such a dog or other animal as provided in § 91.079. within three days
35 of the determination.

36
37 (C) ~~The Appellate Animal Appeals Board shall schedule hold a hearing within ten days of the~~
38 ~~final decision of the Appellate Board receipt of the appeal and shall make a decision as~~
39 ~~soon as reasonably possible after hearing the appeal. Appeals~~ A person aggrieved by the
40 decision of the Board may appeal to Superior Court of Chatham County within ten days
41 of receipt of the Board's decision. from rulings of the appellate Board shall be heard in
42 ~~the Superior Court Division.~~ The appeal shall be heard de novo before a Superior Court
43 judge sitting in the Chatham eCounty in which the Appellate Board whose ruling is being
44 appealed is located.

(Ord. passed 11-25-2003)

§ 91.999 PENALTY.

(A) Generally.

(1) The violation of any provision of this chapter shall be a Class 3 misdemeanor and any person convicted of the violation shall be punishable as provided in G.S. § 14-4. Each day's violation of this chapter shall be a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this division does not relieve a person of his or her liability for registration or fees imposed under or pursuant to this chapter.

(2) In addition, enforcement of this chapter may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. § 153A-123(d) and (e), or any other applicable law.

(3) In addition to and not in lieu of the criminal penalties and other sanctions provided in this chapter, a violation of this chapter may also subject the offender to civil penalties.

(a) The civil penalties may be recovered by the county in a civil action in the nature of debt or may be collected in a debt setoff program as designated by the Health Director ~~other amounts as prescribed herein within the prescribed time~~ following the issuance of citation for the violation.

(b) The Health Director is authorized to accept the payment in full and final settlement of the claim or claims, right or rights of action, which the county may have to enforce the penalty by civil action in the nature of debt. Acceptance of the penalty shall be deemed a full and final release of any and all the claims, or rights of action arising out of the alleged violation or violations.

(c) The civil penalties for violation of this chapter ~~is \$50~~ shall be as set forth below. The penalty shall be paid within 14 days from and after the issuance of the citation referred to above.

(d) The citation of violation referred to herein may be delivered to the person violating the provisions of this chapter in person, ~~or~~ may be mailed or posted to that person at his or her last known address.

(e) All penalties paid to the Health Director as well as those recovered in a civil action in the nature of debt as herein provided shall be paid into the general fund of the county.

(B) Fee schedule.

Subject/Code Section	F e e
-------------------------------------	--------------------------

Redemption fee (board not included); 91.072	First offense: \$25
	Second offense: \$50
	Third offense: \$75
Boarding fee; 91.072	Per day: \$8
Adoptions fee	
Dogs; 91.076	Altered: \$75
	Unaltered: \$100
Cats; 91.076	Altered: \$50
	Unaltered: \$90
Rabies confinement; 91.052(D)	\$50 plus \$8 day for board
Civil penalty (unless otherwise indicated)	First offense: \$50
	All subsequent offenses:- \$50

(Ord. passed 11-25-2003)

<u>Subject/Code Section</u>	<u>Fee</u>
<u>Civil Penalty for Violation of this Chapter</u>	
<u>1st Offense</u>	<u>\$100/Violation</u>
<u>2nd Offense</u>	<u>\$200/Violation</u>
<u>3rd Offense</u>	<u>\$300/Violation</u>
<u>Subsequent Offenses</u>	<u>\$500/Violation</u>
<u>Failure to Vaccinate for Rabies</u>	<u>\$100/Violation</u>
<u>Failure to Confine for Rabies Observation</u>	<u>\$100 per day of violation up to 10 days</u>
<u>Interference with Enforcement</u>	<u>\$250/Violation</u>
<u>Animal Cruelty</u>	<u>\$500/Violation</u>
<u>Animal Neglect</u>	<u>\$300/Violation</u>