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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. ***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) (3) Molesting, harassing, injuring, setting on fire, or sexually assaulting, any animal in a manner causing physical pain, suffering or death to the animal;

(4) 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;

(5) 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;

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

(7) Conveying any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle or in 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) **ADEQUATE FOOD.** The provision on a daily basis of a quantity of wholesome foodstuff suitable for the species and age, 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 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, and maintained in good repair, constructed in a manner so that it is water and wind resistant and provides shade from the direct rays of the sun and assures adequate ventilation and light. Barrel style enclosures can provide adequate shelter so long as they are kept in a good state of repair and are waterproof, with a raised floor above the ground, and stable for the animal.

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

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

ANIMAL CONTROL DIVISION. The division of the County Health Department authorized to enforce this chapter, all state laws regarding rabies and animals, and to oversee the operation 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 an animal when it is off the property of its owner and not under restraint by a leash or other means by a person of suitable age and discretion to keep the animal under sufficient restraint and control to prevent harm to person 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. This definition does not include any dog being used by a law enforcement officer while carrying out the law enforcement officer's official duties.

ATTACK. To bite or inflict injury on a person or another animal, or to approach a person or another animal in a vicious or threatening manner in an apparent attitude of attack, without having been provoked.

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 to constitute a 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.

EXPOSED TO RABIES. An animal that is known or suspected to have been bitten by, or been exposed to the saliva or nervous tissue of, any animal known or suspected to have been infected with rabies.

HEALTH DEPARTMENT. The County Public Health Department.

HEALTH DIRECTOR. The Director of the County Public Health Department or his or her designee.

IMPOUNDMENT. The placement of an animal in the custody of the County Animal Control Division or person or entity duly authorized by the Board of County Commissioners or by state law for that purpose.

LIVESTOCK: The term “livestock” means and includes, without limitation, equine animals, bovine animals, sheep, goats, llamas, and swine.

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

OWNER. *Any person who owns or has custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about such person’s property, or other property occupied or controlled by such person.*

Any person having charge of, sheltering, feeding, harboring, or taking care of an animal for 72 hours or longer, unless the animal is being boarded for a fee is an owner of such animal

OWNER’S PROPERTY. The area described in the deed of conveyance to the owner, or in a lease situation, written or verbal, the area described in the lessor’s deed of conveyance. In a situation involving townhomes or condominiums, the common areas will be treated as being owned by the homeowner’s association. In a situation involving a leased apartment, the common areas will be treated as being owned by the lessor/property owner.

OUTSIDE ENCLOSURE: A pen or other enclosed area from which an animal cannot escape by means of digging under or jumping over, and that is large enough to provide each dog or other animal less than 25 pounds housed therein with a kennel of at least 3 feet x 10 feet in size, and each dog or other animal 25 pounds or greater with a kennel of at least 5 feet x 10 feet in size, or such other size as is determined by the Animal Control Division to provide reasonable space for the number and size of dogs or other animal housed in the outdoor enclosure.

PERSON. Person means an individual natural person, or group of such persons, a corporation, partnership, limited liability company, association, other organization, or similar entity, including bodies politic and corporate.

PROOF OF OWNERSHIP. Documentation that establishes property rights in an animal, including, but not limited to, veterinary records, rabies vaccination certificate, license, registration, photographs, bills of sale, breed registries, written transfers of ownership and verbal or written third-party verifications that establish ownership

PROVOKE. Any action which is designed to, or reasonably foreseeable to have the effect of, goading, inflaming, instigating or stimulating an aggressive response on the part of an animal, but not including any actions on the part of an individual that pertain to reasonable efforts of self-defense against a dangerous animal. Any authorized or otherwise lawful entry onto the property of another shall not constitute provocation.

PUBLIC NUISANCE.

(1) Any act or condition which annoys and disturbs rights and privileges common to all the people of the community, rendering the ordinary use or occupation of any person's property physically uncomfortable, or constituting a health hazard to any person.

(2) The following, by way of example, and not by way of limitation, shall constitute prima facie evidence of a public nuisance, whether occurring on or off the owner's property.

- a. Any animal which is found at large.
- b. Any animal which damages the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
- c. Any animal maintained in an environment of unsanitary conditions which results in offensive odors, or that is dangerous to the animal or the public health, safety or welfare, or that is not maintained in a condition of good order and cleanliness which reduces the probability of transmission of disease.
- d. Any act which by virtue of number or type and location is offensive or dangerous to the public health, safety, or welfare.
- e. Any animal which barks, whines, or howls in an excessive, continuous, or untimely manner.
- f. Any animal that is diseased and dangerous to the public health.
- g. Any animal that habitually or repeatedly chases, snaps at, attacks or barks at, pedestrians, joggers, any animals walked on leash by their owners, bicycles, or other vehicles.

- h. Any female dog or cat not maintained in a building or secure enclosure while in heat in such a manner that she will not be in contact with another dog or cat or attract other animals, provided this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of the animal which is being bred.

QUARANTINE. The strict confinement of an animal in a manner which precludes direct contact with other animals not currently in quarantine or persons other than the owner or caretaker.

RESTRAINT. Restriction or control of an animal's movement, by a secure enclosure located on the owner's property, a chain, leash, bridle or similar effective and humane device, attended by the owner or person of suitable age and discretion to control the animal.

SECURE ENCLOSURE: A padlocked pen, with a concrete bottom and a secure top and/or locked home or locked outbuilding with a concrete bottom.

STRAY: Any animal within the county wandering at large or lost which does not have a known owner that can be located in the exercise of due diligence, or does not bear evidence of the identification of any owner.

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 Three-day (72-hour) holding period for animals seized or turned into the animal shelter without a known owner shall be calculated from 6:00

a.m. on the day immediately following the date of seizure or delivery to the animal shelter, and shall end at 6:00 p.m. on the Third day thereafter. Saturdays, Sundays and holidays shall not be counted.

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 which is three months of age or older and without provocation has made an unprovoked attack on 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 or keeper. Any dog that is owned or kept for the purpose of dog fighting or training for dog fighting is a vicious animal.

(Ord. passed 11-25-2003)

§ 91.002 AUTHORITY AND RESPONSIBILITY.

(A) Authority is hereby granted to the 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 suspected rabid animals, and enforce all provisions of state law and §§ [91.057](#) through [91.058](#) below relating to rabies control;

(3) Make investigations of places where it is reasonable to believe dogs and cats are kept, for the purpose of ascertaining that all dogs and cats are currently vaccinated against rabies; and that all dogs are properly tagged; organize and carry out such lawful investigation as are reasonably necessary to insure and that provisions of this chapter are being followed and carry out rabies vaccination clinics;

(4) Operate the county animal shelter pursuant to policies of the Health Department and in compliance with the requirements of the Animal Welfare Act, N.C. Gen. Stat. 19A, Article 3, and the regulations adopted pursuant thereto;

(5) Seize and impound where deemed necessary, any animal in the county involved in a violation of this or any other county ordinance or state law;

(6) Investigate allegations of cruelty to, neglect or abuse of, dogs, cats and other animals;

(7) Issue notices of violation of this chapter;

(8) Whenever it is necessary to make an inspection to enforce any of the provisions of this chapter, or other applicable law, or whenever the Animal Control Division has reasonable cause to believe that there exists in any building or upon any premises any violation of this chapter or other applicable law, the Animal Control Division is empowered to enter and inspect the property at any reasonable time and perform any duty imposed upon it by this chapter or applicable law, but only if the consent of the occupant or owner of the property is freely given or an administrative search warrant or criminal search warrant is obtained.

(a) The procedure shall be as follows:

1. If the property is occupied, the animal control officer shall first present credentials to the occupant and request entry, explaining the reasons therefore;

2. If the property is unoccupied, the Animal Control Division shall first make a reasonable effort to locate the owner or other persons having control of the property, present proper credentials and request entry, explaining reasons therefore; and

3. If the entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be found after due diligence, the Animal Control Division may obtain an appropriate warrant to conduct a search, or inspection of the property or seizure of the property.

(b) Notwithstanding any other provision of this section, the Animal Control Division, upon order of the Health Director, shall have all authority granted by the North Carolina General Statutes to enter upon any land to enforce the provisions of this chapter, including the seizure of

biting or attacking dogs, dogs running at large, or any other action necessary to abate an imminent hazard to the safety and wellbeing of persons or animals..

(9) Keep, or cause to be kept, accurate and detailed records of:

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

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

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

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

(10) Meet the qualifications for animal control positions as set forth in the job description for the positions in the state and county personnel policies respectively; and

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

(Ord. passed 11-25-2003)

§ 91.003 INTERFERENCE WITH ENFORCEMENT.

The following shall be unlawful.

(A) It shall be unlawful for any person to interfere with, hinder, or molest the employees of the Animal Control Division while carrying out any duty created under this chapter or other applicable law, or to seek to release any animal in the custody of the person, except as otherwise specifically provided.

(B) It shall be unlawful for any person to conceal, for the purpose of evading the requirements of this chapter, any animal from the Animal Control Division.

(C) It shall be unlawful for any person to refuse to show proof of a rabies vaccination to any member of the Animal Control Division upon demand.

(D) It shall be unlawful for any person other than a member of the Animal Control Division to remove any animal from a live-capture animal trap placed on private or public property by the Animal Control Division without the express authorization of a member of the Division. It shall also be unlawful for any person to damage, destroy, move, or otherwise tamper with a trap placed by the Animal Control Division on private or public property.

(E) It shall be unlawful for any person to refuse to surrender any stray animal to the Animal Control Division upon demand, pursuant to § [91.006](#) below.

(F) It shall be unlawful for any person to interfere, to threaten or otherwise prevent a member of the Animal Control Division from carrying out and performing their lawful duties pursuant to § [91.091](#).

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

§ 91.004 RELATION TO HUNTING LAWS.

Nothing contained in this chapter is intended to conflict with the laws of the state regulating, restricting, authorizing, or otherwise affecting dogs while used in hunting, provided the dogs are in the presence of the owner, or some other competent person, and are actually lawfully being used for hunting or training for hunting in compliance with applicable statutes, regulations, or ordinances.

(Ord. passed 11-25-2003)

§ 91.005 INJURING ANIMALS; NOTICE REQUIRED.

It shall be unlawful for any person to injure a dog, cat, ferret, or livestock by running over or into such animal, or by coming with the animal, with an automobile, motorcycle, bicycle, or other vehicle. It shall be unlawful for any person to fail to immediately notify the owner of the animal, the Animal Control Division, or the police department if in a municipality, or the sheriff's department if in the county.

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

§ 91.006 KEEPING STRAY ANIMALS; NOTICE REQUIRED.

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

(1) The Animal Control Division, after consulting with the person keeping the animal, and in the exercise of reasonable judgment consistent with the best interest of the animal, shall decide whether to pick the animal up and transport it to the animal control shelter or whether the person shall keep the animal until the owner is notified, if known, or if not known, subsequently becomes known.

(2) The Animal Control Division shall notify the owner in writing or by telephone, if known. If the animal is not transported to the county animal shelter, then the Animal Control Division shall post on a bulletin board prominently displayed at the animal shelter, or on the county website, a notice including a description of the animal, the time and place of its first appearance, and the date of the posting of the notice. The bulletin board shall be in public view at all times.

(3) Should the owner, if known, not claim his or her animal within three days after notice of the animal's location, as provided above, the person keeping the animal may adopt the animal according to procedures for adoption of un-redeemed animals or the Animal Control Division may dispose of the animal pursuant to the policies specified herein.

(B) It shall be unlawful for any person to refuse to surrender any such stray animal to the Animal Control Division upon demand.

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

📖 § 91.007 KEEPING OF NON-DOMESTIC ANIMALS PROHIBITED.

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

(B) This section shall not apply to bona fide circuses, petting zoos, and other similar commercial animal exhibitions of limited duration which are licensed or registered with the United States Department of Agriculture.

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

📖 § 91.008 INTERFERENCE WITH OWNED ANIMAL.

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

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

CRUELTY TO ANIMALS

📖 § 91.020 PURPOSE.

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

(Ord. passed 11-25-2003)

📖 § 91.021 GENERALLY.

Neglect of Animals Prohibited.

(A) It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate food and water, necessary medical attention, adequate shelter, protection from the weather or humanely clean conditions.

(1) *Adequate food and water.* No person owning or responsible for any animal shall fail to supply the animal with sufficient supply of food and water as prescribed in this section.

(2) *Adequate food.* No person owning or responsible for any animal shall fail to provide at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in such animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean.

(3) *Adequate water.* No person owning or responsible for any animal shall fail to provide access to a constant supply of clean, fresh water provided in a sanitary manner.

(4) *Necessary medical attention.* No person owning or responsible for any animal shall fail to supply the animal with necessary medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasitism or malformed or overgrown hoof.

(5) *Proper shelter, protection from the weather and humanely clean conditions.* No person owning or responsible for any domestic animal shall fail to provide the domestic animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section.

(B) Cruel treatment prohibited.

(1) *Molestation, torture, etc. prohibited.* It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause, procure or permit such action. The words "torture" and "torment" and the term "cruelly beat" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit an animal control officer, his agents or veterinarians from euthanizing dangerous, unwanted, or injured animals in a humane manner.

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

§ 91.022 COUNTY APPOINTED ANIMAL CRUELTY INVESTIGATOR.

(A) The Board of County Commissioners may appoint one or more animal cruelty investigators to serve in the county pursuant to G.S. §§ 19A-45 through 19A-49. The purpose of the appointment of animal cruelty investigators pursuant to G.S. § 19A-45 is to supplement and not replace the investigative authority conferred on the Animal Control Division pursuant to § [91.002](#) above.

(B) Upon approval by the Board of County Commissioners, the animal cruelty investigator(s) may be reimbursed for all necessary and actual expenses, to be paid by the county.

(C) The animal cruelty investigator(s) appointed under this provision shall not be considered for any purpose as employees, officers or agents of the county.

(D) The animal cruelty investigator(s) is empowered with the duties and powers prescribed by G.S. § 19A-45-49.

(Ord. passed 11-25-2003)

NUISANCE

§ 91.035 UNLAWFUL TO MAINTAIN A PUBLIC NUISANCE.

It shall be unlawful for any owner to allow his or her animal or animals to create a public nuisance, or to maintain a public nuisance created by his or her animal or animals.

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

§ 91.036 INVESTIGATION AND COMPLIANCE.

(A) When an animal control officer, law enforcement officer or person duly authorized by the Health Director observes a violation:

(1) The owner or keeper will be notified of the violation and ordered to abate the nuisance immediately; or

(2) Alternatively, upon receipt of an oral or written complaint from any person or persons, that any other person is maintaining a public nuisance as defined herein, the Animal Control Division shall cause the owner 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 report and findings thereon to be reduced to writing.

(B) If the written findings indicate that the person complained of is maintaining a public nuisance, the Animal Control Division shall notify the owner 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 the penalties provided by this ordinance.

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

§ 91.057 FAILURE TO SURRENDER ANIMAL FOR CONFINEMENT OR DESTRUCTION.

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

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

§ 91.058 PROCEDURE WITH RESPECT TO REDEMPTION OF UNVACCINATED DOG OR CAT.

(A) Unless written proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog or cat at the animal shelter will be given a proof of rabies vaccination notice at the time of the redemption or adoption. This notice will be stamped with a date stating the maximum time limit allowed to take the dog or cat to a veterinarian of the person's choice for rabies vaccination. The time limit for dogs and cats four months and older

will be 72 hours, not counting Sundays and holidays. For puppies and kittens under four months of age, the time limit will vary according to their age. The person adopting the animal shall cause the animal to be vaccinated as herein provided.

(B) The proof of rabies vaccination notice must be completed by a licensed veterinarian and returned to the animal control officer by the animal owner within the time stated in the notice.

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

(Ord. passed 11-25-2003)

IMPOUNDMENT, REDEMPTION AND ADOPTION

📖 § 91.070 IMPOUNDMENT GENERALLY.

(A) Any animal which appears to be lost, stray, or abandoned, or not wearing a currently valid registration tag or a currently valid rabies vaccination tag as required by state law or this chapter, or not under restraint in violation of this chapter, may be seized, impounded and confined in a humane manner in the animal shelter.

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

(C) The Health Director shall have the authority to waive the three-day holding period on a case by case basis in instances of extreme overpopulation at the animal shelter, provided,

however, that in no case will any stray animal be held for less than the 72-hour period required by G.S. § 130A-192. The 72-hour period shall be calculated from 6:00 a.m. on the day following receipt of the animal at the animal shelter and shall end at 6:00 p.m. on the third day thereafter, excluding Saturdays, Sundays and holidays.

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

§ 91.071 NOTICE TO OWNER.

Upon impounding an animal, notice of the impoundment shall be posted at the animal shelter or the county website until the animal shall be disposed of as hereinafter provided, which shall be for a minimum of three days (72 hours), as defined herein. Reasonable effort shall be made to identify the owner of the requirements for redeeming the animal. Notice may be by telephone or by written notice mailed by regular mail to the owner when the identity and address are known or can be obtained in the exercise of reasonable diligence. Each animal shall be assigned an impoundment identification number and a release date determined. The Animal Control Division shall make reasonable effort to notify the owner, if known, and inform the owner of the requirements for redeeming the animal. The impoundment identification number and release date shall be posted on the animal's cage or kennel at the animal shelter for a minimum of 72 hours/three days. Any information about the animal, including the time and place of taking of the animal and the time and date of posting the notice of impoundment, shall be available at the animal shelter by reference to the impoundment identification number. At expiration of the three-day (72-hour) holding period, the animal may be offered for adoption or disposed of as provided herein.

(Ord. passed 11-25-2003)

📖 § 91.072 REDEMPTION BY OWNER.

(A) The owner of an animal impounded under this chapter, except those animals suspected of having been exposed to rabies, may, on proof of ownership, redeem the animal and regain possession thereof within three days (72-hour) holding period after notice of impoundment is posted as required by this chapter where the owner's identity is not known or obtained, and within three days from the mailing of notice or transmittal of notice by telephone in cases where the owner's identity and address are known. In either case all applicable fees and expenses shall be paid as a condition of redemption. Fees are set by the Board of County Commissioners. Failure to redeem an animal shall not relieve the animal's owner from paying all applicable fees and penalties. See § [91.999](#) for redemption fees.

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

(C) The provisions of this section shall have no application with respect to animals surrendered by the owner to the Animal Control Division for immediate adoption or destruction as provided for in § [91.075](#).

(Ord. passed 11-25-2003)

§ 91.073 DESTRUCTION OR ADOPTION OF UNREDEEMED ANIMAL.

(A) If an impounded animal is not redeemed by the owner within the period prescribed in § [91.072](#) above, it may be destroyed in a humane manner or shall become the property of the animal shelter and offered for adoption to a responsible adult provided, however, that the new owner shall not include an animal dealer who acquires animals for resale. The new owner shall agree to comply with all local ordinances and regulations and state law regarding animals. The county will not knowingly release for adoption any animal which is known to have previously bitten a person or is vicious, aggressive, dangerous or potentially dangerous. Fees may be waived at the discretion of the Health Director for rescue or animal welfare groups approved by the Health Director. Placement of animals with approved groups will be determined on a case-by-case basis.

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

(Ord. passed 11-25-2003)

§ 91.074 PROCEDURES FOR RABIES COMPLIANCE; ADOPTED ANIMALS.

(A) Unless written proof of a current rabies vaccination exists, every person who adopts a dog or cat at the animal shelter will be given a proof of rabies vaccination notice at the time of adoption. This notice will be stamped with a date stating the maximum time limit allowed to take

the dog or cat to the veterinarian of the person's choice for rabies vaccination. The time limit for dogs and cats three months and older will be 72 hours, not counting Sundays and holidays. . For puppies and kittens under three months of age, the time limit will vary according to their age. The person adopting the animal shall cause the animal to be vaccinated as herein provided.

(B) The proof of rabies vaccination notice must be completed by a licensed veterinarian and returned to the Animal Control Division by the animal owner within the time stated in the notice.

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

(Ord. passed 11-25-2003)

§ 91.075 OWNER SURRENDERED ANIMALS.

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

(1) The owner directs in writing that the animal be placed for adoption or humanely destroyed;

(2) The owner affirmatively represents in writing that he or she is in fact the legal owner of the animal; and that the animal has not bitten a person within the past ten days, provided that the person tendering the animal may also be required to provide additional proof of ownership, as defined herein;

(3) The owner agrees that he or she will indemnify and hold the county, including the Animal Control Division, harmless from any loss or damage it may sustain, including attorneys' fees, by reason of the destruction or placement for adoption of the animal; or

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

(B) Upon receiving the foregoing assurances, the Animal Control Division may rely on the same and place the animal for adoption, transfer it to an approved animal welfare or animal rescue group, or destroy the animal, as it sees fit in a humane manner. The waiting periods provided in §§ [91.071](#) and [91.072](#) above shall not apply to immediate adoption or destruction as provided for in this section.

(Ord. passed 11-25-2003)

§ 91.076 ADOPTIONS; ADDITIONAL REQUIREMENTS.

(A) In addition to the requirements found elsewhere in this chapter, any applicant wishing to adopt an animal available for adoption under this chapter, shall agree to hold the county harmless from any and all claims related to the adoption, and shall:

(1) Pay the fees and charges that are due on the animal as may be fixed by the Board of County Commissioners which shall include the charges for keeping the animals, and a fee for the neutering or spaying of the animal which shall be a set amount which may be fixed by the Board of Commissioners upon adopting the annual budget;

(2) Sign all necessary documents as set forth in the regulations promulgated by the Board of Commissioners, which shall include an agreement that the applicant will not sell the animal and that if the applicant desires to dispose of the animal, he or she will do so by returning the animal to the animal shelter; and

(3) Have the adopted animal neutered or spayed by a licensed veterinarian of the applicant's choice within a time to be specified in a notice to be provided by the animal shelter at the time of adoption. The applicant shall provide the Animal Control Division with written evidence from a licensed veterinarian of the same within the time specified in the notice. Upon receipt of the evidence, the Animal Control Division will cause to be paid to the veterinarian the fee for same. In the event the applicant fails to have the animal neutered or spayed within the time specified in the notice and return written evidence thereof, the Animal Control Division shall impound the animal and any sums paid incident to adoption shall be forfeited.

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

(C) See § [91.999](#) for adoption fees.

(Ord. passed 11-25-2003)

§ 91.077 INJURED, DISEASED OR UNWEANED ANIMALS.

Notwithstanding any other provision of this chapter, any animal seized and impounded which is badly injured, diseased (not a rabies suspect), or unweaned and that has no identification shall

be destroyed immediately in a humane manner, provided, however, that otherwise healthy unweaned animals may be released to animal welfare or animal rescue groups approved by the Health Director on a case by case basis. If the animal has identification, the Animal Control Division shall attempt to notify the owner or keeper before disposing of the animal. If the animal is suffering and the owner cannot be reached after a reasonable attempt has been made to contact him or her, the Health Department may destroy the animal at its discretion in a humane manner.

(Ord. passed 11-25-2003)

§ 91.078 ANIMALS WHICH CANNOT BE SEIZED BY REASONABLE MEANS.

Notwithstanding any other provision of this chapter, a vicious animal, that cannot be seized by lease restraint, catch pole restraint, humane trap, or chemical immobilization, may be humanely destroyed by order of the Health Director.

(Ord. passed 11-25-2003)

§ 91.079 SECURITY FOR COSTS.

(A) *Disposition.* Excluding animals under quarantine pursuant to the provisions of §§ [91.057](#) through [91.058](#) and §§ [91.070](#) through [91.079](#), any animal seized pursuant to the provisions of this chapter or under any state law, may be humanely disposed of pursuant to the terms of this chapter at the discretion of the Animal Control Division after the three-day (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 §§ [91.057](#) through [91.058](#) and §§ [91.070](#) through [91.079](#), may prevent the disposition of the animal after threee-day (72 hours) holding period, by posting a security bond or cash with the Animal Control Division prior to the animal's 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 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 state law, excluding §§ [91.057](#) 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 returned to the person who posted the bond/cash.

(Ord. passed 11-25-2003)

DANGEROUS, BITING AND VICIOUS ANIMALS

📖 § 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.

(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 DOMESTIC ANIMALS.

It shall be unlawful for any person to keep any vicious domestic animal unless it is restrained in a secure enclosure located on the Owner's property.

§91.093 HUMANE RESTRAINT OF NON-VICIOUS DOMESTIC ANIMALS

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

1. Kept within a house, garage, outbuilding, or other secure structure on the owner's property.
2. Kept on the owner's fenced in or enclosed property constructed so that the animal cannot escape by means of digging under or jumping over the fence or enclosure, or otherwise becoming free unless freed by the owner, or within an outside enclosure.
3. Kept on the owner's property within an area bounded by an electronic fence that is capable of keeping the animal within the area surrounded by electronic fence.

4. Kept on the owner's property by a tether equipped with a swivel on both ends and meeting the following minimum requirements for dogs:
 - (a) The tether shall be a minimum of fifteen (15) feet in length and the line of the pulley system running line, or trolley system to which the tether is attached shall be made of either metal chain or coated steel cable.
 - (b) The tethers shall be attached to a buckle type collar or harness and under no circumstances shall the tether itself be placed directly around a dog's neck. Tethers shall not be used in conjunction with training collars such as choke or pinch-style collars.
 - (c) The weight of the tether shall not exceed ten percent (10%) of the total body weight of the dog but shall be of sufficient strength to prevent breakage.
 - (d) The tether by design and placement shall allow the dog a reasonable and unobstructed range of motion without the possibility of entanglement, strangulation or other injury. The tether shall allow the dog access to adequate food, water and shelter.
 - (e) A dog must be four (4) months of age or older to be tethered.
 - (f) Only one dog shall be attached to a single tether.
 - (g) The pulley systems, running lines or trolley systems used shall be at least ten (10) feet in length and no more than seven (7) feet above the ground.
 - (h) The dog must be spayed or neutered, and have a current rabies vaccination. Owners are responsible for providing written proof of each upon request of an animal control officer.

- (i) (j) No tether shall be affixed to a stationary object which would allow a dog to come within 5 feet of any property line.
- (j) No dog may be tethered for more than ten (10) continuous hours in any 24 hour period without being taken off the tether for a period of at least two (2) hours_____. The ten (10) hour tethering time limit is suspended during the first twelve (12) months following the effective date of this provision.

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

The Animal Control Division shall conduct on an 18 month educational phase with respect to tethering and the ten hour limit on tethering. The first 12 months will be education of the public on humane restraint, how to improve conditions while the dog is being restrained, alternatives to tethering, and the consequences of improper tethering restraints. The final six (6) months of the educational phase will involve written warnings for those found in violation of the tethering provisions of this chapter.

Violations of this section may be established by evidence including, but not limited to, time-stamped photographs and video, records of complaints, and sworn witness statements. **91.094**

PERMANENT TETHERING OF NON-VICIOUS DOGS

An animal control officer shall have authority to issue a county permit for an owner to tether a dog on his or her property as a permanent means of restraint if, after investigation, the officer

determines that permanent tethering will not be injurious to the dog and will not endanger the health or wellbeing of persons or other animals in the immediate vicinity. The officer shall consider the following in making this determination:

- (a) The behavior, size, and temperament of the dog,
- (b) The number of other dogs on the owner's property and adjoining properties,
- (c) The adequacy and suitability of the proposed tethering apparatus to humanely restrain the dog in question,
- (d) The capacity of the dog for inflicting serious injury on persons or other animals,
- (e) The immediate surroundings of the area where the dog will be tethered and the likelihood that those conditions pertaining to the particular dog will have a detrimental effect on the welfare of persons and other animals in the vicinity and the tranquility of the neighborhood in which the property is located,
- (f) 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
- (g) Whether the dog without provocation of a trespass has approached a person in an apparent attitude of attack.

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 may 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 in the vicinity.

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

§ 91.095 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 and other animals in the county which are deemed by the Health Director to be dangerous, potentially dangerous, vicious pursuant to G.S. § 130A-200, or when special protective measures are deemed necessary under the provisions of divisions (A) and (B) below.

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

(1) *Nature of the particular dog or other animal.* The behavior, size, temperament, 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 any;
and

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

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

(1) *Child under the age of 13.* There is a child under the age of 13 who lives in close proximity, or children walk by or are otherwise in close proximity, to the property occupied by the dog or other animal;

(2) *Bite.* The dog, or other animal, has bitten a human being or domestic animal without provocation or without a trespass, and the person or animal bitten does not ordinarily reside on the premises;

(3) *Dog or other animal is trained for fighting or aggressive attack.* The dog or other animal, is kept primarily or in part for the purpose of dogfighting or the dog, or other animal has been trained for aggressive attacks;

(4) *Attitude of attack incident.* A dog or other animal, without provocation or a trespass, has approached a person in an apparent attitude of attack; or

(5) *Reputation of dog or other animal.* The individual dog or other animal has a known propensity, reputation or tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(C) If the Animal Control Division determines that the circumstances require special protective measures, then the Animal Control Division shall have the authority to require appropriate, specific protective measures which might include, but are, not limited to, the following: Necessary repairs for any fence or enclosure, measures to ensure that a gate will remain closed, a fence or secure dog fence as described below or any other similar device that would provide greater assurance for the confinement of the dog, all of which are subject to being specifically approved for their adequacy by the Animal Control Division.

(1) A fence shall be at least a minimum of four feet high and constitute a secure-enough enclosure sufficient to contain the dog at all times. The minimum size of the enclosure must be at least 150 square feet. If the dog, or other animal, is deemed capable of climbing or jumping a standard four-foot fence, then the Animal Control Division may require a six-foot fence. A secure dog fence means a fence, as immediately described above, that is enclosed on all six sides, including the top. The bottom shall be concrete, unless the sides of the fence are buried one foot deep in a hard-packed soil.

(2) The Animal Control Division shall have the authority to require the owner to procure, and provide proof of, liability insurance in the amount of at least \$100,000 at the owner's expense, and/or to have the dog tattooed, or micro-chipped, for identification, investigative or enforcement purposes, and/or to display signs on the premises. The dog warning

signs must be readable and prominently displayed at the entrance to the owner's property and on all sides of the enclosure containing the dog. The entrance sign shall be at least two feet by two feet and signs on all sides of the enclosures must be a minimum of eight and one-half inches by 11 inches. The owner shall have the duty to notify the Animal Control Division if the dog escapes the secure enclosure, and surrender the dog, or other animal, to the Animal Control Division if the owner fails to comply with the required provisions.

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

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

(F) It shall be unlawful for an owner to fail to comply with a written order within the designated time for compliance stated in the written order or any extension thereof. In addition to the remedies of § [91.999](#), the penalty for failure to comply with the written order shall be a civil

penalty in the amount of \$500 per day and authority for the Animal Control Division to impound and destroy the animal.

(G) (H) The owner or keeper of any dog, or other animal, seized pursuant to Animal Control Division or court order, may reclaim the dog or other animal within three days (72hours) of the date of the animal's seizure (unless the Division retains legal custody of the animal pursuant to some other provision of this chapter or state law) upon payment of all applicable fees, fines or other costs and by complying in full with any outstanding Animal Control Division or court order. Extensions of time beyond three days for compliance shall require the posting of a security bond pursuant to § [91.079](#).

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


§ 91.096 APPEALS FROM THE DETERMINATION OF THE HEALTH DIRECTOR.

(A) There is hereby created the Animal Appeals Board which shall hear appeals from any determination of the Health Director under this chapter or state law, including the Health Director's determination that a dog, or other animal, is a potentially dangerous dog or animal and therefore a dangerous dog or animal pursuant to state law, G.S. §§ 67-4.1 et seq. The Animal Appeals Board shall be composed of five (5) members, the veterinarian representative to the Board of Health, the physician representative to the Board of Health, a representative of a law enforcement agency and two public members appointed by the Board of Health, one of whom shall represent a duly incorporated animal welfare or animal rescue group in the county. In the event any member of the Board is unavailable for any reason to hear an appeal, the Health

Director shall appoint a replacement for such member in the same category as the unavailable member. A quorum for the Board is three (3) members

(B) The owner may appeal the determination by (i) filing written notice of appeal with the Health Director, and (ii) if the dog or other animal is held by the County, the security for the cost of keeping such dog or other animal as provided in §91.079, within seven (7) days of the Health Director's determination. The Animal Appeals Board shall schedule a hearing within ten (10) days of receipt of the appeal, and shall make its decision as soon as reasonably possible after hearing the appeal. Any person aggrieved by a decision of the Board may appeal to the Superior Court of Chatham County within ten (10) days of the receipt of the Board's Decision. The appeal shall be heard de novo before a Superior Court judge sitting in Chatham C.

(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, 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 a violation of this chapter 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, 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	Fee
Civil Penalty for Violation of this Chapter	
1 st offense	\$100
2 nd offense	\$200
3 rd Offense	\$300
Subsequence Offenses	\$500
Failure to Vaccinate for Rabies	\$100
Failure to Confine for Rabies Observation	\$100 per day of violation up to 10 days
Interference with Enforcement	\$250
91.003	
Animal Cruelty	\$500
Neglect	\$300

(Ord. passed 11-25-2003)

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