

Chatham County, NC Code of Ordinances

CHAPTER 91: ANIMAL SERVICES DIVISION

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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 not to return and without providing for the animal's care.

ABUSE and NEGLECT.

1. Failing to provide an animal with adequate food and adequate water.
2. Molesting, harassing, injuring, setting on fire or sexually assaulting any animal in a manner causing physical pain, suffering or death to the animal;
3. 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;
4. Keeping any animal under conditions which cause or could cause physical pain, suffering, disability or death to the animal or which increases the probability of the transmission of disease;
5. Failing to provide adequate shelter, as defined herein, for an animal.
6. Conveying or confining any type of animal in a motor vehicle, wagon or trailer, or in the bed of a truck in such a way as to cause physical pain, suffering, disability or death to the animal.

ADEQUATE FOOD. The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a sanitized receptacle, dish, or container.

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, structurally sound, water and wind resistant, maintained in good repair and constructed in a manner to provide shade from the direct rays of the sun, 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. Constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed 24 hours at any interval.

ADOPTABLE ANIMAL. An animal that, in the opinion of the Animal Services Director, is physically well, spayed or neutered, exhibits behaviors of socialization and compatibility with living in the human environment, does not pose an undue risk of injury to people or other animals and which would be considered desirable for companionship.

ANIMAL. Any live, vertebrate creature specifically including but not limited to dogs, cats, farm animals, birds, fish, livestock, and reptiles.

ANIMAL SERVICES DIVISION. The division of the County Public Health Department authorized to enforce this chapter, all state laws regarding rabies and animals, and to oversee operations of the county's animal shelter.

ANIMAL SERVICES OFFICER. Staff of the Animal Services Division, designated by the health director, authorized 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 animals found running at large or otherwise subject to impoundment pursuant to this chapter.

APPROVED TETHERING COLLAR. A collar or harness constructed of nylon, leather, or similar material specifically designed to be used for a dog, cat or pot-bellied pig. Approved collars do not include head harnesses, choke-type or pronged collars.

AT LARGE. Any animal off the real property of its owner and not under physical restraint of a competent person. For the purposes of this definition, the term "real property" shall include any property owned or occupied by the owner of such animal but shall not include any of the common areas (including without limitation, walks, drives, recreation and open space areas, etc.) within any subdivision or multifamily residential development.

AT LARGE NUISANCE ANIMAL. Any at large animal which, in addition to being at large, has created a public nuisance when having been off property.

BITE or BITTEN. Skin has been penetrated by an animal's teeth. (Cat scratches)

COMPETENT PERSON. A person of suitable age and discretion to keep an animal under sufficient restraint and control in order to prevent harm to the animal, persons, to other animals, including but not limited to domesticated livestock, or to property.

Dangerous Dog: A dog that:

- a. A dog that:
 1. Without provocation has killed or inflicted severe injury on a person; or
 2. Is determined by the person or Board designated by the county or municipal authority responsible for animal control to be potentially dangerous because the dog has engaged in previous behaviors defined as a potentially dangerous dog.
- b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

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 has been exposed to rabies within the meaning of this Ordinance if it has been bitten by, or otherwise come into contact with the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis.

HOLDING PERIOD. The time period for holding animals seized by the Animal Services Division or turned into the shelter without a known owner. The holding period for adoptable animals shall be five (5) days, calculated from 6:00 a.m. on the day immediately following the day of seizure or turn in and ending at 6:00p.m. on the fifth day thereafter. The holding period for all other animals shall be three (3) days calculated from 6:00 a.m. on the day immediately following the day of seizure or turn in and ending at 6:00 p.m. on the third day thereafter. Saturdays, Sundays and holidays shall not be counted.

HEALTH DEPARTMENT. The Chatham County Public Health Department.

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

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

Keeper. Any person, acting in the capacity of the owner, or at the owner's request, who is responsible for the care, welfare and maintenance of the animal.

LIVESTOCK. All categories and subsets of equines, bovines, sheep, goats, llamas, and swine.

MICROCHIP IMPLANT. A passive electronic device 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 taking care of or having custody of an animal, such as by providing food, water, shelter or medical care, but shall not include taking care or having custody of the animal for compensation.

OWNERS 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. For the purposes of this definition the common areas of townhomes and condominiums will be considered as being owned by the homeowners association and the common areas of apartment complexes will be considered owned by the lessor/property owner.

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

POTENTIALLY DANGEROUS DOG: A dog that has:

- a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or
- b. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or

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

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.

PROVOKE. Any action designed, intended or which can reasonably be expected to have the effect of goading, inflaming, instigating or stimulating an aggressive response on the part of an animal. Reasonable efforts of self-defense against a dangerous animal and authorized or otherwise lawful entry onto the property of another shall not constitute provocation.

PUBLIC NUISANCE.

1. Any act or conditions resulting from the maintaining, housing or harboring of animals which annoys and disturbs the rights, privileges of a reasonable of person(s) under the circumstances within a given community, rendering the ordinary use or occupation of any person's property physically uncomfortable or which creates a public health nuisance.
2. The following, by way of example, and not by way of limitation, shall constitute prima facie evidence of nuisance whether occurring on or off the owner's property:
 - a. Any animal which damages the property of anyone other than its owner, including but not limited to, turning over garbage containers, damaging gardens, flowers or vegetables.
 - b. Any animal(s) maintained in unsanitary conditions which results in offensive odors, is dangerous to the welfare of the animal(s), or ~~the~~ public health and safety.
 - c. Any act by virtue of number or type and location is offensive or dangerous to public health safety or welfare.
 - d. Any animal which habitually barks, whines, howls or otherwise creates excessive and repetitive noise which annoys and disturbs the rights, and privileges and reasonable expectations of other person(s) rendering the ordinary use or occupation of any person's property physically or emotionally uncomfortable.
 - e. When off the owner's property any animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, animals walked on a leash by their owners, bicycles or other vehicles.
 - f. Any female dog or cat not maintained in a building or other enclosure, while in heat, in such a manner that she will not be in contact with another dog or cat or attract other animals. This section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner which is being bred.

- g. Any animal tethered in a manner that allows it to come within (5) feet of another person's property line.

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

RESTRAINT OFF OWNER'S PROPERTY. Restriction or control of an animal's movement by a leash, bridle or similar effective and humane device and under the direct control of a competent person when off the owner's real property.

SECURE ENCLOSURE. Any enclosure, including but not limited to a house, mobile home, shed, barn, etc., from which an animal cannot escape unless freed by the owner. An Animal Services Officer, in his/her discretion, may determine whether or not there is a secure enclosure on the premises.

STRAY. Any animal, found at large which does not bear owner identification, the owner is not known, or an owner cannot be identified in the exercise of due diligence.

SUSPECTED OF HAVING RABIES. Any animal which is unvaccinated against rabies or whose vaccination status is unknown which is reasonably suspected of having been exposed to rabies.

TETHER. A rope, metal chain, coated cable, or other similar and effective humane device, with which an animal is secured to in order to restrict its movement. By design, the tether must be at least 15 feet in length and equipped with a swivel on each connecting end. By design and placement, it shall allow the dog a reasonable and unobstructed range of motion. A pulley system, running line, or trolley system may be used in conjunction with this definition.

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

§ 91.002 AUTHORITY AND RESPONSIBILITY.

This Ordinance is adopted pursuant to the power granted Chatham County in N.C. Gen. Stat. §§ 153A-121, 153A-123, 153A-127 and 153A-442. The purpose of this Ordinance is to protect the health, safety and welfare of Chatham County residents and the animals residing within the County and to regulate and control the conduct, keeping and care of those animals

§ 91.003 APPLICABILITY TO ANIMAL SHELTER.

Chatham County shall operate and maintain a County Animal Shelter for the purpose of impounding or caring for animals held under the authority of state law, this Ordinance or any other county or municipal ordinance. Chatham County may contract for Animal Shelter operations and needs as deemed appropriate.

§ 91.004 THE EMPLOYEES OF THE ANIMAL SERVICES DIVISION.

1. Chatham County may appoint one or more Animal Services Officers. The Health Director may also designate an Animal Services Officer as an Animal Cruelty Investigator.
2. Animal Services Officers shall have only the following powers and duties within Chatham County and within any municipality therein that has given prior approval in accordance with applicable law or ordinance:
 - a. The responsibility for the enforcement of all state and local laws including ordinances, resolutions and proclamations pertaining to the ownership and control of dogs and other animals.
 - b. Be responsible for the investigation of all reported animal bites and, under the direction of the health director, enforcement of animal quarantine or other actions as provided under public health law, of any dog or cat suspected of being exposed to or having rabies.
 - c. To cooperate with all law enforcement officers in the county and the towns therein and assist in the enforcement of the laws of the state with regard to animals.
 - d. Conduct, promote and/or sponsor rabies vaccination clinics;
 - e. To investigate reported or observed animal cruelty, mistreatment, neglect or animal abuse and make written reports of such investigations and, when requested, provide such reports to appropriate law enforcement officers or the District Attorney's office.
 - f. To investigate reports of observed harassment or attacks by dogs or other animals against people, animals, or domesticated livestock and to assist in locating those persons owning or harboring the attacking animals.
 - g. To immediately impound, pursuant to provision (h) of this section, any animal which, based upon the determination of the officer, is in imminent risk of death, injury or serious illness if not immediately removed from the conditions putting the animal at risk.
 - h. To remove an animal from a person's property, in the absence of the owner, to protect public safety.
 - i. Issue citations for violations of this chapter and/or initiate legal remedies in a court of competent jurisdiction pursuant to this Ordinance or state law;
 - j. When necessary, make inspections to enforce any provisions of this chapter, or other applicable law. When an Animal Services Officer has reasonable cause to believe there exists, in any building or upon any premises, any violation of this chapter or other applicable law, the Animal Services Officer is empowered to enter and inspect the property at any reasonable time and

perform any duty imposed by this chapter or applicable law upon consent of the occupant or owner of the property or by administrative or criminal search warrant.

(1) The procedure shall be as follows:

- (a) If the property is occupied, the Animal Services Officer shall first present his or her credentials to the occupant or owner and request entry, explaining the reasons therefore;
- (b) If the property is unoccupied, the Animal Services Officer 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
- (c) If 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 Services Officer may obtain an appropriate warrant to conduct a search, or inspection of the property.
- (d) Notwithstanding any other provision of this section, the Animal Services Officer, 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 dog(s) or other animal(s) determined to be dangerous, potentially dangerous, vicious or a threat to the safety and welfare of the public and/or other animals or any other action necessary to abate an imminent hazard to the safety and wellbeing of persons or animals.

3. Keep, or cause to be kept, accurate and detailed records of:

- (1) Seizure, impoundment and disposition of all animals coming into the custody of the Animal Services Division;
- (2) Bite cases, violations and complaints, and investigation of same;
- (3) 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
- (4) Any other matters required by state law or as directed by the Health Director or County Manager.
- (5) Meet the qualifications for Animal Services Officer positions as set forth in the job description for the positions in the state and county personnel policies respectively; and

- (6) 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 Services Officer is further authorized to receive and impound domestic animals that are trapped by other agencies or persons within the county.

§ 91.005 INTERFERENCE WITH ENFORCEMENT.

The following shall be unlawful.

1. It shall be unlawful for any person to interfere with, threaten, hinder molest otherwise prevent a member of the Animal Services Division from carrying out and performing their lawful duties pursuant to this Chapter or other applicable law, or to seek to release any animal in the custody of the Animal Services Division except as otherwise specifically provided.
2. It shall be unlawful for any person to conceal, for the purpose of evading the requirements of this chapter, any animal from the Animal Services Division.
3. It shall be unlawful for any person to refuse to show proof of a rabies vaccination to any member of the Animal Services Division upon demand.
4. It shall be unlawful for any person, other than a member of the Animal Services Division, to remove any animal from a live-capture animal trap placed on private or public property by the Animal Services 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 Services Division on private or public property.
5. It shall be unlawful for any person to refuse to surrender any stray animal to the Animal Services Division upon demand, pursuant to § 91.008.

§ 91.006 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 used in hunting, provided the dogs are in the presence of the owner or some other competent person, and are lawfully being used for hunting or training and which are in compliance with applicable statutes, regulations or ordinances.

§ 91.007 INJURING, MOLESTING, TORMENTING ANIMALS; NOTICE REQUIRED.

It shall be unlawful for any person to intentionally injure, molest or torment any animal by running over, into, coming into contact with or chasing it with a vehicle. It shall be unlawful for any person to fail to immediately notify the owner of the animal, the Animal Services Division, or the police department if in

a municipality, or the Sheriff's Department if in the county when an animal has been injured by contact with any vehicle.

§ 91.008 KEEPING STRAY ANIMALS; NOTICE REQUIRED.

1. It shall be unlawful for any person in the county to 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 Services Division.
 - a. The Animal Service Division, after consultation 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 impound the animal and transport it to the animal shelter or whether the person shall be allowed to keep the animal until the owner's identity has been determined.
 - b. The Animal Services Division shall notify the owner, if known, in writing or by telephone of the location and status of their animal. When the animal owner cannot be immediately identified, the Animal Services Division shall post on a bulletin board, prominently displayed at the animal shelter and on the county website, a notice including a description of the animal, the time, date and place of its first appearance, and the date the notice was posted. The bulletin board shall be in public view at all times and the webpage notice shall remain posted until the animal is recovered by the owner, adopted or euthanized pursuant to this Chapter.
 - c. If the owner, once notified by the Animal Services Division, does not claim his or her animal within five working days the person keeping the animal may adopt it according to adoption procedures for un-redeemed animals or the Animal Services Division may dispose of the animal pursuant to this Chapter.
 - d. It shall be unlawful for any person to refuse to surrender any such stray animal to the Animal Services Division upon demand.

§ 91.009 KEEPING OF NON-DOMESTIC ANIMALS PROHIBITED.

1. No person shall possess or harbor any non-domestic animal or animals except in conformity with the "Ordinance Regulating the Keeping of Wild or Vicious Animals within Chatham County."
(Document posted on the Chatham County website)
2. 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.

§ 91.010 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.

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 Services Division has enforcement authority pursuant to § 91.002 above.

§ 91.021 ABUSE, NEGLECT AND MISTREATMENT OF ANIMALS UNLAWFUL.

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, with respect to domesticated animals or wild animals in captivity or under restraint, it shall additionally be unlawful to deprive or cause to be deprived any such animal of adequate shelter or veterinary care. It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment resulting from:

- a. Failure to provide adequate food and water
- b. Failure to provide appropriate shelter and protection from excessive heat, cold, and other weather conditions detrimental to the health and wellbeing of the animal.
- c. Failure to provide a humane, clean living environment
- d. Failure to provide necessary medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasitism or malformed/overgrown hoof.

The following acts or failures to act are unlawful and violations of this Ordinance:

1. Abusing or neglecting, as defined in this Ordinance, any animal.
2. Selling or offering for sale, bartering or giving away within the County baby chickens, baby ducklings, or other fowl under six weeks of age or rabbits under eight weeks of age as pets, toys, premiums or novelties; provided, however, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings, or other fowl or such rabbits in proper facilities with adequate food, water, and shelter, by breeders or stores engaged in the business of selling the animals for purposes other than as pets or novelties.

3. Coloring, dyeing, staining or otherwise changing the natural color of baby chickens or other fowl or rabbits.
4. Possessing any paraphernalia related to dog, cock or other animal fighting, with the intent that the paraphernalia be used to train or feature in an exhibition the baiting of dog, cock, or other animal or the fighting of a dog, cock, or other animal with another dog, cock, or other animal.
5. Committing any of the acts made unlawful under the provisions of North Carolina General Statutes §§ 14-360 and 14-362, as the same relate to a dog or dogs, or to commit any other act made unlawful by any other law of the State of North Carolina relating to animal fighting or animal baiting. The repeal of such law or laws of the State of North Carolina shall have no effect upon this Section, and the acts herein made unlawful shall, in the event of such repeal, be those referred to in said law or laws immediately prior to such repeal.
6. It shall be unlawful for any person to confine an animal in a vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or under other endangering conditions.
7. It shall be unlawful for any owner or keeper to abandon or forsake any animal within the County.
8. The following acts are unlawful and violations of the Ordinance for confinement of dogs or cats on tethers. The term "tether" is defined herein.
 - a. Tethering a dog or cat who is less than four months of age.
 - b. Tethering more than one dog or cat to a single tether.
 - c. Tethering a dog or cat to anything other than a collar or body harness. Under no circumstances shall the tether itself be placed directly around the dog or cat's neck.
 - d. Tethering a dog or cat to anything other than an approved tethering collar, as defined herein.
 - e. Tethering a dog or cat in a manner in which the weight of the tethering device and the collar combined exceeds ten percent of the dog's body weight, except when deemed necessary.
 - f. Tethering a dog or cat in such a manner that prevents access to adequate food, adequate water, and adequate shelter, as defined herein.
 - g. Pulley systems, running lines or trolley systems used shall be at least fifteen feet in length and no more than seven feet above the ground.

9. The following acts are unlawful and violations of the Ordinance for confinement of dogs or cats in outdoor enclosures.

- a. Not providing an animal with adequate space, suitable for the size, age, and activity level of the dog.
- b. To house an animal in such a manner that prevents access to adequate food, adequate water, and adequate shelter.
- c. Allowing animals to be kept in crowded conditions.

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.

§ 91.036 ANIMALS RUNNING AT LARGE PROHIBITED.

1. It shall be unlawful for any owner or keeper of an animal(s), to allow it to run at large off its owner's or keeper's property.
2. Upon an Animal Services Officer's observation of a dog/cat running at large, or off premises of its owner and not under the physical restraint of a competent person, the officer may at his/her discretion, impound the dog/cat.
3. Upon an Animal Services Officer's receipt of a complaint that a dog/cat is running at large or is off the premises of its owner and not under the physical restraint of a competent person, the officer shall investigate the complaint and upon finding that there is probable cause that a violation has occurred, the officer may issue a citation or a warning or take any other action contained in this chapter or any state law as the circumstances may require.
4. Animals which, in addition to running at large, create a nuisance shall constitute a separate and additional violation.

§ 91.037 INVESTIGATION AND COMPLIANCE.

1. When an Animal Services Officer, law enforcement officer or person duly authorized by the Health Director observes an animal or animals creating a public nuisance the owner will be notified of the violation and ordered to abate the nuisance immediately.

2. Upon receipt of an oral or written complaint from any person or persons, that any other person's animal(s) is creating a public nuisance, the Animal Services Division shall notify the animal owner that a complaint has been received and shall investigate and prepare a written report of the investigation. If the Animal Services Division determines that a public nuisance exists, the Animal Services Division shall notify the owner of the animal or animals in question, and order immediate abatement of the nuisance.

§ 91.039 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 § 91.9499. Further, a public nuisance, as defined in § 91.001 shall be subject to the penalties provided by this ordinance.

RABIES CONTROL

§ 91.050 RABIES CONTROL.

It shall be unlawful and a violation of this Ordinance for any animal Owner or other person to fail to comply with the laws of North Carolina relating to the control of rabies.

§ 91.051 BITES.

1. Bites inflicted by animals upon human beings shall be reported immediately to the Animal Services Division. Physicians treating bite wounds shall report the bite to the Animal Services Division immediately. The Animal Services Division will notify the health director or his/her designee immediately of the reported bite.
2. Every dog, cat, or ferret that bites a human being and does not have a valid rabies vaccination shall be delivered to the animal shelter or to a licensed veterinary hospital, at the choice of the owner, where the animal shall be confined for observation for not less than ten (10) days from the day of the bite. The owner shall be responsible for the cost of such confinement.
3. Every dog, cat, or ferret that bites a human being and has a valid rabies vaccination shall be delivered to the Animal shelter or to a licensed veterinary hospital, where the animal shall be confined for observation for not less than ten (10) days. The owner shall be responsible for the cost of such confinement. An Animal Services Officer may, under authority designated by the local Health Director, permit the animal to be confined on the premises of the owner only when, after personal inspection, it is determined there is a suitable secure enclosure on the premises and that other circumstances warrant such action.

4. In the case of stray animals whose ownership is not known, the supervised confinement required by this section shall be at the Animal shelter unless an interested party pays to board at a veterinarian's office.
5. If rabies does not develop within ten (10) days after an animal is confined under this section, the animal may be released from confinement with the written permission of the Animal Services Officer. If the animal has been confined in the county Animal shelter, the owner shall pay a fee as set by the Chatham County Board of Commissioners for each day of confinement to defray the cost of feeding upon reclaiming the animal.
6. Every hybrid dog or hybrid cat that bites a human being shall be delivered to the Animal Services shelter or to a licensed veterinary hospital, at the choice of the owner, where the animal shall be humanely euthanized and its head sent to the State Laboratory of Public Health for rabies testing.
7. Every primate that bites a person shall be delivered to a properly licensed veterinarian for medical evaluation as judged appropriate by the veterinarian. The animal will be evaluated and held at the owner's expense until such time as a bite investigation is completed by Animal Services. Primates inflicting a bite on a human will be considered dangerous and will be subject to the provisions of set forth in § 91.090 "Supplemental to State Dangerous Dog Laws".
8. Animals bitten by rabid animals. Any currently vaccinated animal known or reasonably suspected to have been bitten by another animal which is known or reasonably suspected of having rabies shall be revaccinated within five (5) days of the exposure and quarantined at residence of owner for a period of 45 days. All other animals without proof of current rabies vaccinations will be given the option of quarantine at a facility approved by the local health director for six (6) months or immediate euthanasia at the Animal shelter. If the animal develops rabies as determined by a licensed veterinarian, it shall be the duty of the owner to have such animal euthanized and properly disposed of, subject to the provisions of G.S. § 130A-197, providing for the euthanasia of rabid animals and the laboratory examination of the heads of such animals.

§ 91.052 POST MORTEM DIAGNOSIS.

1. If an animal dies while under observation for rabies, the head of the animal shall be submitted to the Animal Services Division for shipment to the Laboratory Section of the State Department of Health, and Human Services for rabies diagnosis.
2. The carcass of any animal suspected of dying of rabies and which has caused an exposure or potential exposure of rabies to a human or animal shall be surrendered to the Animal Services Division. The head of the animal shall be shipped to the Laboratory Section of the State Department of Health and Human Services for rabies diagnosis.

§ 91.053 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 and this chapter.

IMPOUNDMENT, REDEMPTION AND ADOPTION

§ 91.070 IMPOUNDMENT GENERALLY.

1. 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.
2. Impoundment of such an animal shall not relieve the owner from any penalty which may be imposed for violation of this chapter.
3. The Health Director shall have the authority to waive the holding period on a case by case basis in instances of extreme overpopulation at the animal shelter but in no case will an animal be held for less than the 72-hour period required by G.S. § 130A-192.

§ 91.071 NOTICE TO OWNER.

Upon impounding an animal the Animal Services Division shall post a notice of the impoundment at the animal shelter and on the county website during the holding period or until the animal is redeemed by the owner. Impounded animals may be offered for adoption or euthanized after the required holding period. Nothing in this provision shall prohibit the Animal Services Division from extending the holding period for any animal beyond the required minimum if, in the opinion of the Animal Services Director, there is a likelihood of locating the animal owner and/or the animal is considered adoptable and there is adequate capacity at the animal shelter. Reasonable effort shall be made to identify the owner of the requirements for redeeming the animal. Notice of an impoundment may be provided to the owner by telephone, email or by letter mailed by regular mail when the owner's identity and address are known. The Animal Services Control Division shall exercise due diligence in attempting to locate the animal owner. Upon impoundment each animal shall be assigned an impoundment identification number and a release date. The impoundment identification number and release date shall be posted on the animal's cage or kennel. Any information about the animal, including the time, date and place the Animal Services Control Division took custody 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.

§ 91.072 REDEMPTION BY OWNER.

1. The owner of an animal impounded under this chapter, except those animals suspected of having been exposed to rabies, upon proof of ownership, may redeem an impounded animal. All applicable fees, expenses, and penalties shall be paid as a condition of redemption. Failure to redeem an animal shall not relieve the animal's owner from paying all applicable fees and penalties.
2. 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.
3. The provisions of this section shall have no application with respect to animals surrendered by the owner to the Animal Services Division for immediate adoption or euthanasia as provided for in § 91.074.

§ 91.073 EUTHANASIA OR ADOPTION OF UNREDEEMED ANIMAL.

1. Animals not redeemed by their owner within the holding period after notice of impoundment by the Animal Services Division (where the owner has been identified) or within the holding period upon posting of an impoundment notice as required by this Chapter (where the owner cannot be identified) may be offered for adoption, transferred to an approved animal welfare or animal rescue group, or euthanized by the Animal Services Division. Nothing in this provision shall prohibit the Animal Services Division from extending the holding period for any animal beyond the required minimum if, in the opinion of the Animal Services Director, there is a likelihood of locating the animal owner and/or the animal is considered adoptable and there is adequate capacity at the animal shelter. Animals shall not be offered for adoption to an animal dealer who acquires animals for resale. Persons adopting animals from the animal shelter shall agree in writing to comply with all local ordinances and state laws regarding animals. The county will not knowingly release for adoption any animal which is known to have previously bitten a person or is aggressive, or has been deemed potentially dangerous or dangerous. Adoption and adoption related 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.
2. No animal which has been impounded by reason of its being stray or unclaimed by its owner shall be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to state law, except by special authorization of the Health Director.

§ 91.074 OWNER SURRENDERED ANIMALS.

1. Any animal surrendered by its owner to the Animal Services Control Division may be immediately placed for adoption or humanely euthanized by the Animal Services Control Division when:
 - a. The owner directs in writing that the animal be placed for adoption or humanely euthanized; and;

- b. The owner attests in writing that he or she is the legal owner of the animal and that the animal has not bitten a person within the past ten days. A person tendering the animal to the animal shelter may also be required to provide additional proof of ownership or documentation from the owner that they are acting on the owner's behalf and;
 - c. The owner agrees indemnify and hold the county harmless from any losses or damages sustained, including attorneys' fees, by reason of euthanasia or placement for adoption of the animal; or
2. Upon compliance with (1)(a-c) above, the Animal Services Division may place the animal for adoption, transfer it to an approved animal welfare or animal rescue group, or euthanize the animal in a humane manner. The waiting periods provided in §§ 91.071 and 91.072 above shall not apply to immediate adoption or euthanasia as provided for in this section.

§ 91.075 RABIES VACCINATION REQUIRED FOR REDEMPTION OR ADOPTION OF UNVACCINATED DOGS OR CATS.

1. Unless written proof of a current rabies vaccination can be furnished, or the dog or cat is vaccinated at the animal shelter, every person adopting or redeeming a dog or cat from the animal shelter will be required to have it vaccinated for rabies before leaving the Animal Shelter or a licensed veterinarian conducting the spay /neuter. The time limit to obtain the rabies vaccination for puppies and kittens less than four months of age will vary and will be determined by the Animal Services Division.
2. The proof of rabies vaccination notice will be completed by the veterinarian and returned to the Animal Services Division within the time stated in the notice.
3. Payment for rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.
4. Failure to vaccinate for rabies redeemed or adopted cats and dogs is a violation of this Chapter.

§ 91.076 ADOPTIONS; ADDITIONAL REQUIREMENTS.

1. In addition to the requirements found elsewhere in this chapter, any person wishing to adopt an animal under this chapter, shall agree to hold the county harmless from any and all claims related to the adoption, and shall:
 - a. Pay all fees and charges due on the animal. Charges may include, but not be limited to, boarding and spay or neutering costs.
 - b. Sign all required adoption documents which shall include an adoption agreement with the following provisions:
 - (1) That the person adopting the animal will not sell the animal;

- (2) That if the new owner no longer wants or cannot adequately care for the animal he or she will return the animal to the animal shelter; and
 - (3) That he or she agrees to maintain the animal in accordance with the provisions included in this Chapter.
2. All animals adopted from Chatham County Animal Services must be sterilized prior to adopter taking custody of animal unless prior approval from the Animal Shelter Manager or Animal Services Director.
3. 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.

§ 91.077 ADOPTION EXEMPTIONS.

1. The Animal Service Division shall not adopt animals to persons less than 18 years of age.
2. The Animal Service Division may refuse, at the discretion of the Animal Services Director, to adopt animals to persons or organizations cited or charged for violations of this Ordinance or state law or where there exists reasonable suspicion of abuse, neglect or mistreatment of animals.
3. Animal Services may refuse adoption to persons who have surrendered animals to the animal shelter within the past 12 months.
4. Animal welfare and adoption organizations shall provide evidence that all required veterinarian and related services will be provided to the animals, and that all necessary permits and licenses have been obtained prior to being approved for fostering or adoption of animals from the Animal Services Division. Approved animal welfare and adoption organizations are responsible for all applicable fees and related costs associated with the animals being fostered or adopted.
5. The Animal Services Division shall not offer for adoption dogs or other animals that have been deemed dangerous/ potentially dangerous/vicious.

§ 91.078 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 has no identification shall be euthanized 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 Services Division shall attempt to notify the owner before euthanizing the animal. If an 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.

§ 91.079 ANIMALS WHICH CANNOT BE SEIZED BY REASONABLE MEANS.

Notwithstanding any other provision of this chapter, an animal, that cannot be safely seized by leash restraint, catch pole restraint, humane trap or chemical immobilization without placing unreasonable risks to the public or Animal Services Officers, may be humanely destroyed by order of the Health Director or his/her designees.

§ 91.080 SECURITY FOR COSTS.

1. Disposition. Excluding animals under quarantine pursuant to the provisions of §§ 91.050 through 91.053 and §§ 91.070 through 91.080, any animal seized pursuant to the provisions of this chapter or under any state law, may be humanely euthanized or offered for adoption pursuant to the terms of this chapter at the discretion of the Animal Services Division after the holding period unless the animal's owner provides a security bond or cash in accordance with division (2) below.
2. Bond. Any person claiming an ownership interest in any animal confined pursuant to this chapter or under any state law, excluding §§ 91.050 through 91.053 and §§ 91.070 through 91.080, may prevent the disposition of the animal after the holding period, by posting a security bond or cash with the Animal Services 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 Services 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 Services 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 Services Division based on the current rate for board and on the condition of the animal after examination by a member of the Animal Services Division. Failure to timely post the security shall result in the animal being immediately forfeited to the Animal Services Division for disposition in accordance with § 91.073 above.
3. Notice. Excluding owner-surrendered animals, if the Animal Services Division takes custody of an animal pursuant to this chapter or state law, excluding §§ 91.050 through 91.053 and §§ 91.070 through 91.080, 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.
4. 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.

POTENTIALLY DANGEROUS AND DANGEROUS ANIMALS

§ 91.090 SUPPLEMENTAL TO STATE DANGEROUS DOG LAWS.

1. It is the purpose of this subchapter to supplement G.S. §§ 67-4.1 and 67-4.5 for the control of potentially dangerous and dangerous dogs or other animals.
2. Subject to appeal, an animal determined by the Health Director to be potentially dangerous or dangerous shall be considered and treated in all respects as dangerous.

§ 91.091 BITING OR ATTACKING ANIMALS.

1. It shall be unlawful for an animal, which has bitten or attacked a human or another animal to remain at large. An Animal Services Officer or member of the Animal Services 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.

§ 91.092 PROTECTIVE MEASURES FOR CONFINEMENT OF POTENTIALLY DANGEROUS OR DANGEROUS 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 deemed to be potentially dangerous or dangerous pursuant to this Ordinance and G.S. §§ 67-4.1 and 67-4.5, or when special protective measures are otherwise deemed necessary to protect the safety and welfare of the public and other animals.

1. The Animal Services Division shall have the authority to require the owner of a dog, or other animal, to comply with protective measures upon a declaration that the animal is potentially dangerous or dangerous or when special protective measures are otherwise deemed necessary to protect the safety and welfare of the public and other animals. Determination of the need for protective measures shall take the following into consideration:
 - a. *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;
 - b. *Adequacy of confinement.* The adequacy of any existing enclosures or confinements, if any; and

- c. *Immediate surrounding area.* The likelihood that the conditions and situations specific to a particular dog or other animal necessitate the animal's confinement in order to protect the safety, welfare, peace and tranquility of citizens in the immediate surrounding area.
2. Where the Animal Services Division has determined that circumstances require special protective measures, the Animal Services Division shall have the authority to require appropriate, specific protective measures which may include, but are not limited to, the specifications as provided below.
 - a. A fences of sufficient height, strength, and durability to contain the dog or animal on the owner's property at all times.
 - b. Pens or other enclosures of adequate space, size and durability for the particular dog or animal necessary to prevent escape.
 - c. Warning signs of sufficient size and legibility to be readily seen and understood by persons within proximity of where the dog or animal is contained.
 - d. Other measures as deemed necessary to adequately contain the dog or animal and prevent unintended contact with other persons or animals.
3. Upon determination that a dog or other animal is potentially dangerous, dangerous or a threat to the safety and welfare of the public and other animals, the Animal Services Division shall issue a written order to the owner, state the reasons that protective measures are required, identify the specific protective measures that must be implemented and state the designated time period for compliance with the written order. The owner of the dog or animal shall assure that the dog or animal remains in a secure enclosure and fully restrained at all times until all protective measures are in place. The Animal Services 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.
4. A dog or other animal deemed potentially dangerous, dangerous or a threat to the safety and welfare of the public and other animals is allowed only in the following locations.
 - a. On the premises of the owner or keeper;
 - b. On private property, with the authorization of the owner of the property;
 - c. At a licensed veterinarian for treatment;
 - d. In a motor vehicle while being transported
5. A dog or other animal deemed potentially dangerous, dangerous or a threat to the safety and welfare of the public and other animals must be muzzled, leashed and held by a competent person capable of restraining the animal when not inside a secure enclosure or contained within special protective measures.
6. The Animal Services 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.

7. The owner of a dog or animal under special protective measures shall immediately notify the Animal Services Division if the dog or animal escapes the secure enclosure or the special protective measures or is to be moved to a different location. The Animal Services Division must approve relocation of the animal and reissue special protective measures specific to the new location. The animal owner, if approved, shall receive a written copy of re-issued protective measures.
8. Animal Services Division shall have the authority to immediately impound a dog or animal deemed potentially dangerous, dangerous or a threat to the safety and welfare of the public and other animals, for failure of the owner to comply with a special protective measures written order within the designated time or failure to confine the dog or animal in accordance with the special protective measures. The Animal Service Division may hold the animal until such time as the owner fully complies with the special protective measures, or the dog or animal is ordered released by the Animal Appeals Board or court of competent jurisdiction, is surrendered by the owner or ownership of the animal is awarded by the court to the Animal Services Division.
9. The penalty for failure to comply with a special protective measures written order shall be \$500 per day.
10. The owner of any dog, or other animal, seized pursuant to this provision or court order shall be responsible for payment of all applicable fees, fines or other costs associated with impoundment of the dog or animal.

§ 91.093 APPEALS FROM THE DETERMINATION OF POTENTIALLY DANGEROUS AND DANGEROUS DOG.

1. The Animal Appeals Board shall hear appeals from any determination that a dog or other animal is potentially dangerous, dangerous, or a threat to the safety and welfare of the public and other animals.
2. The Animal Appeals Board shall be composed of five members; a veterinarian, a representative of a law enforcement agency, a person with animal behavior, breeding or training experience and two members from the general public. The two general public members, veterinarian member and person with animal breeding, behavior or training experience shall be appointed by the Board of Health. The Health Director shall request appointment of a law enforcement representative from local law enforcement agencies on a rotating basis. The Board of Health shall determine terms of appointments and general operating procedures for the Animal Appeals Board.
3. The owner may appeal a determination by:
 - a. Filing a written notice of appeal within (10) ten days of the determination (excluding holidays and weekends) on the Request for Appeal form provided by the Health Department Animal Services Division and;

4. The Animal Appeals Board shall schedule a hearing within 10 business days of receipt of the appeal and the hearing shall be held within 30 days of the determination. Decisions of the Animal Appeals Board shall be issued in writing within 10 days after hearing the appeal.
5. A person aggrieved by the decision of the Board may appeal to Superior Court of Chatham County within ten days of receipt of the Board's decision. The appeal shall be heard de novo before a Superior Court judge sitting in Chatham County.
6. All owners who have filed an appeal before the Animal Appeals board or Superior Court must comply with the provisions set forth in §91.092 PROTECTIVE MEASURES FOR CONFINEMENT OF POTENTIALLY DANGEROUS OR DANGEROUS DOGS OR OTHER ANIMALS during the appeal process.

§ 91.94 PENALTY.

1. Generally.
 - a. 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.
 - b. 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.
 - c. 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.
 - (1) 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.
 - (2) 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.
 - (3) The civil penalties for 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.

(4) 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.

(5) 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.

2. Fee schedule.

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

Adopted this the 18th day of September 2017.

James G. Crawford, Chairman
Chatham County Board of Commissioners

Attest:

Lindsay K. Ray, NCCCC, Clerk to the Board
Chatham County Board of Commissioners