

ALLECHANY COUNTY ANIMAL CONTROL ORDINANCE

Section 1. Definitions: As used in this ordinance the following terms mean:

- (a) Owner: Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions, and behavior of his animal.
- (b) Kennel, Dealer, Breeder, or Pet Shop: Any person, group of persons, partnership, or corporation engaged in buying, selling, breeding, or boarding animals.
- (c) At Large: Any animal shall be deemed at large when he is off the property of his owner and not under the control of a competent person.
- (d) Restraint: An animal is under restraint within the meaning of this ordinance if he is controlled by means of a chain, leash or other like device; or, is sufficiently near the owner or handler to be under his direct control and is obedient to that person's commands; or, is within a secure enclosure.
- (e) Spayed Female: Any female which has been operated upon to prevent conception.
- (f) Neutered Male: Any male which has been operated upon to prevent reproduction.
- (g) Animal Shelter: Any premises designated by the County for the purposes of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this ordinance.
- (h) Exposed to Rabies: An animal has been exposed to rabies within the meaning of this ordinance, if it has been bitten by, or been in the immediate area of any animal known or suspected to have been infected with rabies.
- (i) Vicious Animal: Any animal that has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts of the skin; or, one who habitually or repeatedly attacks farm stock or other pets.
- (j) Stray Dogs: Any dog within the County wandering at large or does not have an owner, or any dog within the County whose owner fails to pay for and procure a dog tax or fails to have said dog vaccinated against rabies by a veterinarian.

- (k) Acts Deemed Public Nuisance: Any dog that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicyclists or vehicles, or turns over garbage pails, or damages ornamental gardens, plant beds, or livestock, or a female dog which runs at large during the erotic stage of estrus.
- (l) Animal: Any dog, cat, or other domestic household pet.
- (m) Day: Shall mean each work day and shall include Saturday, Sunday and all legal holidays.
- (n) Enforcement Officer: Any county employee appointed by the county commissioners to enforce the provisions of this ordinance.

Section 2. Duties: Enforcement officers working in the animal control program shall be charged with the responsibility of:

- (a) Enforcing all State or County laws, ordinances, and resolutions relating to dogs or to the care, custody, and control of animals;
- (b) Cooperating with the Health Director and assisting in the enforcement of the laws of the State of North Carolina with regard to animals and especially with regard to vaccination of dogs against rabies and confinement or leashing of vicious animals (reference is hereby made to Chapter 67 of the North Carolina General Statutes and Chapter 106, Sections 364-387 of the North Carolina General Statutes);
- (c) Investigating cruelty or animal abuse with regard to dogs and other animal
- (d) Making such canvasses of the County, as is deemed necessary for the purpose of ascertaining that all dogs are duly and properly listed for tax purposes. and that all dogs are vaccinated against rabies.

Section 3. Licensing: Pursuant to G.S. 153A-153 a yearly privilege license fee of \$1.00 for spayed female or male, \$2.00 for female shall be payable to the Alleghany County Tax Collector. Said fees shall be paid to the County Tax Collector before January 1 of each year.

- (a) In the event that a metallic, license tag issued for a dog shall be lost, owner may obtain a duplicate tag from the Alleghany County Tax Department for a fee of \$.25.

Section 4. Dog Must Wear Rabies Tag and Tax Tag or Other Identification Tag:

- (a) It shall be unlawful for any dog owner to fail to comply with the State laws relating to the control of rabies, and it shall be unlawful for any dog owner to fail to provide any dog he owns with a suitable collar or harness for the wearing of the rabies tag to be issued upon compliance with the State law, and to take such actions as is necessary to see that said tag is worn by said dog at all times except as otherwise provided in this ordinance. It is the purpose of this ordinance to supplement the State law by providing a procedure for the enforcement of State laws relating to rabies control.
- (b) It shall be unlawful for any dog owner to fail to provide his dog with a tax tag or I.D. to be issued by Alleghany County showing that said dog has been listed for tax purposes in accordance with this ordinance and as by law provided (C.S. 153A-153) and to take such action as is necessary to insure that said tax tag or other identification tag is worn by said dog at all times except as otherwise provided in this ordinance. It is the purpose of the ordinance to supplement State law by providing a procedure for the enforcement of laws requiring dogs to be listed for tax purposes and to provide for a county privilege tax on keeping dogs pursuant to G.S. 153A-153.
- (c) It shall be the duty of the Alleghany County Tax Collector, upon request by the owner, to furnish all persons listing a dog for ad valorem tax purposes and privilege tax purposes pursuant to C.S. 153A-153, with a tax tag which is to be of such color, shape, texture, or in some other way to clearly indicate the year for which the tag has been issued. The tag is to contain a number or other designation, and a record is to be kept of the person to whom the tag has been mailed or otherwise delivered
- (d) In addition to all other penalties prescribed by law, a dog is subject to being impounded in accordance with the provisions of this ordinance if the dog is found not to be wearing a currently valid dog-tax and rabies tag.
- (e) it shall be unlawful for any person to use for any dog a vaccination tag or tax tag issued for any other than originally issued.
- (f) Collar or harness with attached tags must be worn at all times except when the dog is confined to an enclosure on the owner's premises or during the time animals are performing at shows, obedience trials, tracking tests, field trials, training schools or other events sanctioned and supervised by a recognized organization. Dogs not wearing tags as

specified above shall be impounded at the Animal Shelter.

Section 5. Keeping Stray Dogs: It shall be unlawful for any person in the county to knowingly and intentionally harbor, feed, keep in possession by confinement, or otherwise, any dog which does not belong to him, unless he has, within twenty-four (24) hours from the time such dog came into his possession, notified an enforcement officer. Upon receiving such a notice, the enforcement officer shall take such dog and place it in the Animal Shelter.

Section 6. Rabies Vaccination and Control:

- (a) It shall be unlawful for an owner to fail to show proof of current inoculation against rabies with an approved vaccine (hydrophobia) for his dog. Should it be deemed necessary by the District Health Director, Board of County Commissioners, or the State Public Health Veterinarian that other animals be vaccinated in order to prevent a threatened epidemic, or to control a current inoculation against rabies for that animal then the said agencies and/or boards may declare an emergency situation and order that all such animals be Inoculated. This section may be taken by the Board of County Commissioners by way of resolution adopted at a regular or special meeting. Any person failing to comply with this section shall be deemed in violation of this ordinance.
- (b) Every animal which has bitten anyone or which shows symptoms of rabies shall be confined immediately and shall be reported to an enforcement officer by its owners or persons having the animal in charge within twenty-four (24) hours, and thereupon said animal shall be securely quarantined at the direction of the enforcement officer for a period of ten (10) days, and shall not be released from such quarantine except by written permission from an enforcement officer. The biting animal, and its records of vaccination and registration, shall be inspected by an enforcement officer who will then observe the following policy:
 - (1) A properly vaccinated and registered dog may be confined on the owner's premises provided, however, that an enforcement officer determines that the owner has an adequate means of confinement upon his own premises and the animal is subject to observation by the officer at any time during the period of confinement.
 - (2) A dog NOT properly vaccinated or registered, belonging to an owner, shall immediately be

confined in a veterinary hospital or the Animal Shelter, in which case the expense shall .be borne by the owner for the period of confinement. The dog shall not be vaccinated during confinement.

(3) A stray dog shall immediately be confined in the Animal Shelter for not less than a ten (10) day period.

(4) If a dog, after due and diligent effort, cannot be apprehended then it may be shot and the head submitted to the Health Department for shipment to the State Laboratory of Hygiene.

(c) Surrender for Quarantine Required on Demand: Except as provided in subsection (a) above, it shall be unlawful for the owner to refuse an investigation by an enforcement officer upon demand of any animal which has bitten a human, for the purpose of supervised quarantine, the expense of which shall be borne by the owner. If rabies does not develop within ten (10) days, the animal may be reclaimed upon payment of two dollars (\$2.00) per day for feeding, and upon compliance with other provisions of this ordinance.

(d) Rabies Diagnosed: If an animal dies while under observation for rabies, then the head of such animal may be submitted to the District Health Department for shipment to the State Laboratory of Hygiene for diagnosis.

(e) Emergency Quarantine and Procedures: When reports indicate a positive diagnosis of rabies, the District Health Director shall order an area-wide quarantine for a period as he deems necessary; and upon invoking of such emergency quarantine by the said Health Director, no animal shall be taken into the streets, or permitted to be in the streets during such period. During such quarantine, no animal may be taken or shipped from the County without written permission of an enforcement officer, and an enforcement officer is hereby fully authorized during such emergency to impound any animal found running at large in the County. During the quarantine period, an enforcement officer or the local health authorities shall be empowered to provide for a program of mass immunization by the establishment of temporary rabies vaccination clinics strategically located throughout the County.

No animal which has been Impounded by reason of its being stray or unclaimed by its owner, is allowed to be adopted from the Animal Shelter during the period of emergency rabies quarantine, except by special authorization the

public health officials.

- (f) Animals bitten by a known rabid animal shall be immediately destroyed by the owner or an enforcement officer; provided, that any dog which has been vaccinated at least three weeks before being bitten but not more than one year before, shall be closely confined in the Animal Shelter or at a veterinary hospital for a period of ninety (90) days.
- (g) In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the District Health Director. During the period of quarantine period, the District Health Director may require annual vaccination of dogs against rabies.
- (h) It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the County without written permission from an enforcement officer and the District Health Director.
- (i) The carcass of any dead animal exposed to rabies shall be surrendered to an enforcement officer. The head of such animal from the County shall be submitted to the District Health Department for shipment to the State Laboratory of Hygiene for diagnosis.
- (j) It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made by an enforcement officer.

Section 7. Dogs Running At Large Prohibited:

It shall be unlawful for any owner to permit his dog to run at large if such animal is reported to be creating a public nuisance and an enforcement officer determines after investigation that the reports are supported by sufficient evidence to establish this fact. In such cases, and only in such cases, the owner must keep the dog that has been found to be creating a public nuisance on his own property at all times unless the dog is under restraint or control of a competent person by means of a chain, leash, or other device, or is sufficiently near his handler to be under his direct control and is obedient to that person's commands, or on or within a secure enclosure. If a dog is impounded for running at large in violation of this section, and after having been found to be a public nuisance as set out above, the owner may reclaim his dog by paying a fee of ten dollars (\$10.00) plus board, and upon compliance with the other provisions of this ordinance, and shall be subject to

such other penalties as are prescribed for such violation.

Section 8. Vicious Animals:

It shall be unlawful for any owner to keep any vicious, fierce or dangerous animal within the County unless it is securely muzzled and under restraint by a competent person who, by means of a leash, chain or rope, has such animal firmly under control at all times.

Section 9. Teasing and Molesting:

It shall be unlawful for any person to tease, molest, bait, or in any way bother any dog not belonging to him or legally under his control.

Section 10. Acts Resulting In Injury or Death of Dogs:

It shall be unlawful for any person injuring or killing a dog by running over, or into same, or coming into contact with same, with automobile, motorcycle, bicycle, or other vehicle, to fail to notify immediately the owner of said dog, the Police Department in the Town of Sparta, or an enforcement officer if in the County.

Section 11. Impounding Animals:

Any animal which appears to be strayed, at large or unwanted, or which is found to be not wearing a currently valid tax tag or a currently valid rabies vaccination tag, as required by State law or this ordinance, shall be confined in the Animal Shelter in a humane manner for a period of five (5) days for redemption by the owner.

- (a) Sale or Destruction: If an impounded animal is not redeemed by the owner within said period, it may be offered for sale to any responsible adult not associated with the shelter who is willing to comply with these animal control laws or destroyed in a humane manner.
- (b) Notifying Owner: Immediately upon impounding an animal, an enforcement officer shall make reasonable effort to notify the owner and inform such owner of the conditions whereby the animal may be redeemed.
- (c) Suspected Rabies: Animals impounded which have been bitten by a rabid animal or appear to be suffering from rabies shall not be redeemed or sold, but shall be dealt with as provided in the Section entitled "Rabies Vaccination and Control of this ordinance.
- (d) Unwanted Animals: Owners wishing to surrender their animals shall be responsible for bringing the animal

to the shelter. If an animal is surrendered by the owner to the Animal Shelter, it may be placed in a home without waiting five (5) days or, it may be destroyed in a humane manner without waiting five (5) days.

- (e) Badly Diseased or Injured Animals: Any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, an enforcement officer shall make a reasonable effort in attempting to notify the owner before disposing of such animal; but if the owner cannot be reached readily, and the animal is suffering, the enforcement officer may destroy the animal at his discretion in a humane manner.
- (f) Other Diseased or Injured Animals: Any animal impounded which is wounded (not badly wounded) or diseased (not badly diseased) and has no identification shall be destroyed in a humane manner only after consultation by the enforcement officers with a licensed veterinarian. If the animal has identification, an enforcement officer shall attempt to notify the owner before disposing of such animal; but if the owner cannot be reached readily, and the animal is suffering, the enforcement officer may destroy the animal in a humane manner only after consultation with a licensed veterinarian.

Section 12. Redemption Procedure for Impounded Animals:

When any animal has been impounded at the Animal Shelter, notice thereof shall be given to the owner, if possible; or if the owner is unknown, then notice thereof shall be posted for five (5) days, or until the animal is disposed on a bulletin board at the Animal Shelter, and the time and place of taking said animal together with the time and date of posting the notice. The time for redemption of the animal, as herein above provided, shall not begin to run until such notice has been given or posted.

- (a) The owner shall be entitled to resume possession of his animal, except as already provided for certain animals, upon compliance with the provisions of this ordinance and the payment of shelter fees incurred. The shelter fees shall be as follows:

Redemption by Owner	\$10.00
Adoption Fee	\$10.00

If two or more violations occur within one year, the owner redemption fee shall increase to twenty dollars (\$20.00). In addition to the other fees set out herein a boarding fee at the rate of two dollars

(\$2.00) per day must be paid before dogs may be redeemed.

- (b) If the dog has been impounded for failure to list same with the tax office, or pay the privilege license, the dog must be listed for taxes and the privilege license paid before the dog may be redeemed. If the dog has not been vaccinated against rabies, the owner will be given a PROOF OF RABIES VACCINATION CARD at the time of the redemption or adoption. This card will be stamped with a date stating the maximum time limit allowed to take the dog to the veterinarian of his choice for rabies vaccination. Time limit for dogs 4 months and older will be 48 hours with Sundays and holidays excluded. For puppies under 4 months, the time limit would vary according to their age.
- (c) The CARD will be completed and signed by a veterinarian, and returned to the Animal Shelter within the time limit by the owner. If this card is not returned to the Animal Shelter within the time limit a control officer will be dispatched to retrieve the dog.

Section 13. Interference:

It shall be unlawful for any person to interfere with, hinder or molest an enforcement officer, or veterinarians in the performance of any duty authorized by this ordinance, or seek to release any animal in the custody of said officer or agents except as herein provided.

Section 14. Records:

It shall be the duty of enforcement officers and employees of the Animal Shelter to keep, or cause to be kept, accurate and detailed records of:

- (a) Impoundment and disposition of all animals coming into the Animal Shelter;
- (b) Bite cases, violations and complaints investigations;
- (c) All monies belonging to County which were derived from impounding fees, penalties and sales of animals;
- (d) All other records deemed necessary by the Alleghany County Commissioners.

Section 15. Violation Misdemeanor:

Pursuant to State law, it is a misdemeanor punishable by

a fine not to exceed fifty dollars (\$50.00) or imprisonment not to exceed thirty (30) days or both to violate any ordinance adopted by a Board of County Commissioners.

Section 16. Severability:

If any section or part of this ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this ordinance or severable.

Section 17. Effective Date:

This ordinance shall become effective on the 7th day of February 1983.

(sig: Burton Osborne)
Burton Osborne, Chairman

ATTEST:
(sig: Michael Finney)
Michael Finney
Clerk to the Board
(County Seal)

Filed for registration on the 17 day of March 1983
at 9:00 o'clock A.M., and duly recorded in the
office of the Register of Deeds of Alleghany
County, N.C., in book No. 1 Page 65 etc.
(sig: Danny L. Finney)
Register of Deeds