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3
4 Chatham County, NC Code of Ordinances

5 **CHAPTER 91: ANIMAL SERVICES CONTROL**

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13 **GENERAL PROVISIONS**

14 **§ 91.001 DEFINITIONS.**

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

17 **ABANDON.** To intentionally, knowingly, recklessly or negligently leave an animal at a location
18 without providing for the animal's care.

19 **ABUSE and NEGLECT.**

20 (1) Failing to provide an animal with adequate food and adequate water at suitable intervals
21 sufficient to maintain the animal's health and well-being;

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

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

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

28 (5) Failing to provide adequate shelter, as defined herein, for an animal.

29 (6) Conveying or confining any type of animal in a motor vehicle, wagon or trailer, or in the
30 bed of a truck in such a way as to cause physical pain, suffering, disability or death to the
31 animal;

32 **ADEQUATE FOOD.** The daily provision to an animal of a quantity of wholesome foodstuff
33 suitable for the species and age, served in a clean receptacle, dish or container, sufficient to
34 maintain a reasonable level of nutrition, good health and comfort.

1
2 **ADEQUATE SHELTER.** An enclosure having at least three solid sides, a roof and a solid floor
3 raised above the ground with sufficient room for the animal to move about freely and lie down
4 comfortably, structurally sound, water and wind resistant, maintained in good repair and
5 constructed in a manner to provide shade from the direct rays of the sun, adequate ventilation
6 and light. Barrel style enclosures are considered adequate shelter provided they are kept in a
7 good state of repair, waterproof, have a floor raised above the ground and are stable for the
8 animal.

9
10 **ADEQUATE WATER.** A constant access to a supply of clean, fresh, water provided in clean
11 receptacle free of debris and contaminants.

12
13 **ADOPTABLE ANIMAL.** An animal that, in the opinion of the Animal Services Director, is
14 physically well, exhibits behaviors of socialization and compatibility with living in the human
15 environment, does not pose an undue risk of injury to people or other animals and which would
16 be considered desirable for companionship.

17
18 **ANIMAL.** Every living vertebrate in the classes Amphibia, Reptilia, Aves and Mammalia except
19 human beings.

20
21 **ANIMAL SERVICES CONTROL DIVISION.** The division of the County Public Health
22 Department authorized to enforce this chapter, all state laws regarding rabies and animals, and to
23 oversee the operations of the county animal shelter.

24
25 **ANIMAL SERVICES CONTROL OFFICER.** A county employee designated to enforce this
26 chapter, and all state laws regarding rabies and animals.

27
28 **ANIMAL SHELTER.** Any premises designated by the county for the purpose of impounding
29 and caring for animals found running at large or otherwise subject to impoundment pursuant to
30 this chapter.

31
32 **AT LARGE.** Means the state of an animal when it is off the property of its owner and not under
33 restraint by a leash or other means by a person of suitable age and discretion to keep the animal
34 under sufficient restraint and control necessary to prevent harm to persons and property or any
35 animal previously determined to be dangerous or potentially dangerous that is not confined to a
36 secure enclosure on the property of its owner.

37
38 **ATTACK.** To bite or inflict injury on a person or another animal or to approach a person or
39 another animal in a vicious, or threatening manner in an apparent attitude of attack,
40 without having been provoked.

41
42 **BITE or BITTEN.** Skin has been penetrated by an animal's teeth.

43
44 **DANGEROUS ANIMAL.**

45
46 (1) Any animal that has:

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

(2) Any animal whose aggressive behavior has been documented by the Animal Services ~~Control~~ Division or Law Enforcement Agency to constitutes 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.

~~FIVE-DAY-HOLDING PERIOD.~~ ~~The five-day (120-hour) holding-~~ 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. ~~shall be calculated from 6:00 a.m. on the day immediately following the date of seizure or delivery to the county animal shelter, and shall end at 6:00 p.m. on the fifth day on the third day thereafter.~~ Saturdays, Sundays and holidays shall not be counted.

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 Services ~~Control~~ Division, person or entity duly authorized by the Board of County Commissioners or by state law for that purpose.

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

1 **MICROCHIP IMPLANT.** A passive electronic device injected into an animal by means of a
2 pre-packaged sterilized implanting device for the purpose of identification and/or recovery of the
3 animal.
4

5 **OWNER.** Any person who owns or has custody of an animal or who knowingly permits an
6 animal to remain on or about such person's property or other property occupied or controlled by
7 such person for 72 hours or more.
8

9 **OWNERS PROPERTY:** The area described in the deed of conveyance to the owner, or in a
10 lease situation written or verbal, the area described in the lessor's deed of conveyance. For the
11 purposes of this definition the common areas of townhomes and condominiums will be
12 considered as being owned by the homeowners association and the common areas of apartment
13 complexes will be considered owned by the lessor/property owner.
14

15 **OUTSIDE ENCLOSURE:** A pen or other enclosed area from which a dog cannot escape by
16 means of digging under, climbing or jumping over and which is large enough to provide each
17 dog, or other animal less than 25 pounds, a kennel of at least three feet by ten feet in size and
18 each dog or other animal 25 pounds or greater a kennel of at least five feet by ten feet in size or
19 other size, as is determined by the Animal Services ~~Control~~ Division, to provide reasonable
20 space for the number and size of dogs or other animals housed in the outside enclosure.
21

22 **PERSON:** An individual natural person or group of persons, a corporation, partnership, limited
23 liability company, association, other organization or similar entity including bodies of politic and
24 corporate.
25

26 **PROOF OF OWNERSHIP.** Documentation that establishes property rights in an animal
27 including but not limited to, veterinary records, rabies vaccination certificate, license,
28 registration, photographs, bills of sale, breed registries, written transfers of ownership and verbal
29 or written third-party verifications.
30

31 **PROVOKE.** Any action designed, intended or which can reasonably be expected to have the
32 effect of goading, inflaming, instigating or stimulating an aggressive response on the part of an
33 animal. Reasonable efforts of self-defense against a dangerous animal and authorized or
34 otherwise lawful entry onto the property of another shall not constitute provocation.
35

36 **PUBLIC NUISANCE.**
37

38 (1) Any act or conditions resulting from the maintaining, housing or harboring of animals
39 which annoys and disturbs the rights and privileges common to all people of the
40 community, rendering the ordinary use or occupation of any person's property physically
41 uncomfortable or creates a public health nuisance.
42

43 (2) The following, by way of example, and not by way of limitation, shall constitute prima
44 facie evidence of nuisance whether occurring on or off the owner's property:
45

46 a. Any animal which is found at large.

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- b. 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.
- 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 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 habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, animals walked on a leash by their owners, bicycles or other vehicles.
- g. 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.

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. Restriction or control of an animal's movement by an outside enclosure 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 or outbuilding with a concrete bottom and secure top or a house, mobile home or other residence with doors and windows sufficient to prevent escape by a dog.

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

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

VETERINARY HOSPITAL Any establishment maintained and operated by a licensed

1 veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

2
3 ***VICIOUS ANIMAL.*** Any animal three months of age or older that, without provocation, has
4 attacked a human by biting, or in any manner causing injury or the reasonable likelihood of
5 injury, or an animal which habitually or repeatedly attacks farm stock or other pets off the
6 property of the owner. Any dog that is owned or kept for the purpose of dog fighting or training
7 for dog fighting.

8
9 (Ord. passed 11-25-2003)

10
11 **§ 91.002 AUTHORITY AND RESPONSIBILITY.**

12
13 (A) Authority is hereby granted to the Public Health Department to establish and maintain an
14 animal services control program, to employ animal services ~~control~~ officers and other
15 employees as shall be determined necessary and approved by the Board of
16 Commissioners and in accordance with the state and county personnel policies
17 respectively.

18
19 (B) The employees of the Animal Services Control Division shall:

- 20
21 (1) Enforce and carry out the provisions of this chapter and all relevant state statutes
22 pertaining to animals and cooperate with all law enforcement officers within the
23 county in fulfilling this duty;
- 24
25 (2) Enforce the laws with regard to the vaccination of dogs and cats against rabies.
26 Investigate all reported animal bites or other human physical contact of with
27 suspected rabid animals, and enforce all provisions of state law and §§ 91.050
28 through 91.058 below relating to rabies control;
- 29
30 (3) Make canvasses throughout the county, including municipalities located within the
31 county for the purpose of enforcement of the provisions of this chapter and carry
32 out, promote and/or sponsor rabies vaccination clinics;
- 33
34 (4) Operate the county animal shelter pursuant to policies of the Health Department;
- 35
36 (5) Seize and impound where deemed necessary any animal in the county in a violation
37 of this or any other county ordinance or state law;
- 38
39 (6) Investigate allegations of cruelty to, neglect or abuse of dogs, cats and other
40 animals;
- 41
42 (7) Issue notices of violation of this chapter;
- 43
44 (8) Whenever it is necessary to make an inspection to enforce any provisions of this
45 chapter, or other applicable law, or whenever the Animal Services Control Division
46 has reasonable cause to believe that there exists in any building or upon any

1 premises any violation of this chapter or other applicable law, the Animal Services
2 ~~Control~~ Division is empowered to enter and inspect the property at any reasonable
3 time and perform any duty imposed upon it by this chapter or applicable law, but
4 only if the consent of the occupant or owner of the property is freely given or an
5 administrative search warrant or criminal search warrant is obtained.
6

7 (a) The procedure shall be as follows:
8

- 9 1. If the property is occupied, the animal services ~~control~~ officer shall
10 first present his or her credentials to the occupant or owner and
11 request entry, explaining the reasons therefore;
12
- 13 2. If the property is unoccupied, the Animal Services ~~Control~~ Division
14 shall first make a reasonable effort to locate the owner or other
15 persons having control of the property, present proper credentials
16 and request entry, explaining reasons therefore; and
17
- 18 3. If the entry is refused or cannot be obtained because the owner or
19 other person having control or charge of the property cannot be
20 found after due diligence, the Animal Services ~~Control~~ Division may
21 obtain an appropriate warrant to conduct a search, or inspection of
22 the property or seizure of the property.
23

24 (b) Notwithstanding any other provision of this section, the Animal
25 Control Division, upon order of the Health Director, shall have
26 all authority granted by the North Carolina General Statutes to
27 enter upon any land to enforce the provisions of this chapter,
28 including the seizure of biting or attacking dogs, dogs running at
29 large, or any other action necessary to abate an imminent hazard to
30 the safety and wellbeing of persons or animals.
31

32 9. Keep, or cause to be kept, accurate and detailed records of:
33

- 34 (a) Seizure, impoundment and disposition of all animals coming into
35 the custody of the animal services ~~control~~ program;
36
- 37 (b) Bite cases, violations and complaints, and investigation of same;
38
- 39 (c) All moneys belonging to the county derived from fees, penalties or
40 other sources, and to pay all funds so collected to the county
41 finance office daily; and
42
- 43 (d) Any other matters required by state law or as directed by the
44 Health Director or County Manager.
45

46 10. Meet the qualifications for animal services ~~control~~ positions as set forth in the

1 job description for the positions in the state and county personnel policies
2 respectively; and
3

- 4 11. Be authorized to place live-capture animal traps on private property, with the
5 consent of the landowner, or on public property, in order to trap and remove
6 stray, at large, abandoned or nuisance domestic animals. The Animal Services
7 ~~Control~~ Division is further authorized to receive and impound domestic
8 animals that are trapped by other agencies or persons within the county.
9

10 (Ord. passed 11-25-2003)

11
12 **§ 91.003 INTERFERENCE WITH ENFORCEMENT.**
13

14 The following shall be unlawful.

- 15
16 (A) It shall be unlawful for any person to interfere with, threaten, hinder molest otherwise
17 prevent a member of the Animal Services ~~Control~~ Division from carrying out and
18 performing their lawful duties pursuant to this Chapter or other applicable law, or to
19 seek to release any animal in the custody of the Animal Services ~~Control~~ Division
20 except as otherwise specifically provided.
21
22 (B) It shall be unlawful for any person to conceal, for the purpose of evading the
23 requirements of this chapter, any animal from the Animal Services ~~Control~~ Division.
24
25 (C) It shall be unlawful for any person to refuse to show proof of a rabies vaccination to
26 any member of the Animal Services ~~Control~~ Division upon demand.
27
28 (D) It shall be unlawful for any person, other than a member of the Animal Services
29 ~~Control~~ Division, to remove any animal from a live-capture animal trap placed on
30 private or public property by the Animal Services ~~Control~~ Division without the express
31 authorization of a member of the Division. It shall also be unlawful for any person to
32 damage, destroy, move or otherwise tamper with a trap placed by the Animal Services
33 ~~Control~~ Division on private or public property.
34
35 (E) It shall be unlawful for any person to refuse to surrender any stray animal to the Animal
36 Services ~~Control~~ Division upon demand, pursuant to § 91.006.
37

38 (Ord. passed 11-25-2003) Penalty, see § 91.999
39

40 **§ 91.004 RELATION TO HUNTING LAWS.**
41

42 Nothing contained in this chapter is intended to conflict with the laws of the state regulating,
43 restricting, authorizing or otherwise affecting dogs used in hunting, provided the dogs are in the
44 presence of the owner or some other competent person, and are lawfully being used for hunting
45 or training and which are in compliance with applicable statutes, regulations or ordinances.
46

(Ord. passed 11-25-2003)

1
2 **§ 91.005 INJURING, MOLESTING, TORMENTING ANIMALS; NOTICE REQUIRED.**
3

4 It shall be unlawful for any person to intentionally injure, molest or torment any animal by
5 running over, into, coming into contact with or chasing it with a vehicle. It shall be unlawful for
6 any person to fail to immediately notify the owner of the animal, the Animal Services Control
7 Division, or the police department if in a municipality, or the Sheriff's Department if in the
8 county when an animal has been injured by contact with any vehicle.
9

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

12 **§ 91.006 KEEPING STRAY ANIMALS; NOTICE REQUIRED.**
13

14 (A) It shall be unlawful for any person in the county to harbor, feed, keep in possession by
15 confinement or otherwise allow to remain on his or her property any animal which does
16 not belong to such person, unless he or she has, within 72 hours from the time the animal
17 came into his or her possession or onto his or her property, notified the Animal Services
18 Control-Division.
19

20 (1) The Animal Service Control Division, after consultation with the person keeping
21 the animal, and in the exercise of reasonable judgment consistent with the best
22 interest of the animal, shall decide whether to pick the animal up and transport it to
23 the animal shelter or whether the person shall be allowed to keep the animal until
24 the owner's identify has been determined.
25

26 (2) The Animal Services Control Division shall notify the owner, if known, in writing
27 or by telephone of the location and status of their animal. When the animal owner
28 cannot be immediately identified, the Animal Services Control Division shall post
29 on a bulletin board, prominently displayed at the animal shelter and on the county
30 website, a notice including a description of the animal, the time, date and place of
31 its first appearance, and the date the notice was posted. The bulletin board shall be
32 in public view at all times and the webpage notice shall remain posted until the
33 animal is recovered by the owner, adopted or euthanized pursuant to this Chapter.
34

35 (3) If the owner, once notified by the Animal Services Control Division, does not claim
36 his or her animal within five working days the person keeping the animal may adopt
37 it according to adoption procedures for un-redeemed animals or the Animal
38 Services Control Division may dispose of the animal pursuant to this Chapter.
39

40 (B) It shall be unlawful for any person to refuse to surrender any such stray animal to the
41 Animal Services Control Division upon demand.
42

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

45 **§ 91.007 KEEPING OF NON-DOMESTIC ANIMALS PROHIBITED.**
46

1 (A) No person shall possess or harbor any non-domestic animal or animals except in
2 conformity with the "Ordinance Regulating the Keeping of Wild and Vicious Animals
3 within Chatham County."
4

5 (B) This section shall not apply to bona fide circuses, petting zoos and other similar
6 commercial animal exhibitions of limited duration which are licensed or registered with
7 the United States Department of Agriculture.
8

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

11 **§ 91.008 INTERFERENCE WITH OWNED ANIMAL.**

12

13 It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the
14 property of its owner, or to seize, molest or tease any animal while the animal is held or
15 controlled by its owner or keeper or while the animal is on the property of its owner.
16

17 (Ord. passed 11-25-2003) Penalty, see § 91.999
18

19 **CRUELTY TO ANIMALS**

20 **§ 91.020 PURPOSE.**

21

22 It is the purpose of this subchapter to supplement G.S. §§ 14-360, 14-363.2, and all other state
23 laws regarding animals for which the Animal Services ~~Control~~ Division has enforcement
24 authority pursuant to § 91.002 above.
25

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

28 **§ 91.021 GENERALLY.**

29

30 It shall be unlawful for any person to subject or cause to be subjected any animal to cruel
31 treatment resulting from:
32

33 (A) Failure to provide adequate food and water
34

35 (B) Failure to provide appropriate shelter and protection from excessive heat, cold, and other
36 weather conditions detrimental to the health and wellbeing of the animal.
37

38 (C) Failure to provide a humane, clean living environment
39

40 (D) Failure to provide necessary medical attention when the animal is or has been suffering
41 from illness, injury, disease, excessive parasitism or malformed/overgrown hoof.
42

43 **§ 91.022 COUNTY APPOINTED ANIMAL CRUELTY INVESTIGATOR.**

44

45 (A) The Board of County Commissioners may appoint one or more animal cruelty
46 investigators to serve in the county pursuant to G.S. §§ 19A-45 through 19A-49. The

1 purpose of the appointment of animal cruelty investigators pursuant to G.S. § 19A-45 is
2 to supplement and not replace the investigative authority conferred on the Animal
3 Services Control Division pursuant to § 91.002 above.

4
5 (B) Upon approval by the Board of County Commissioners, the animal cruelty investigator(s)
6 may be reimbursed for all necessary and actual expenses, to be paid by the county.

7
8 (C) The animal cruelty investigator(s) appointed under this provision shall not be considered
9 for any purpose as employees, officers or agents of the county.

10
11 (D) The animal cruelty investigator(s) is empowered with the duties and powers prescribed
12 by G.S. § 19A-45-49.

13
14 (Ord. passed 11-25-2003)

15 16 **NUISANCE**

17 18 **§ 91.035 UNLAWFUL TO MAINTAIN A PUBLIC NUISANCE.**

19
20 It shall be unlawful for any owner to allow his or her animal or animals to create a public
21 nuisance, or to maintain a public nuisance created by his or her animal or animals.

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

23 24 **§ 91.036 INVESTIGATION AND COMPLIANCE.**

25
26 (A) When an animal services control officer, law enforcement officer or person duly
27 authorized by the Health Director observes an animal or animals creating a public nuisance
28 the owner will be notified of the violation and ordered to abate the nuisance immediately.

29
30 (B) Upon receipt of an oral or written complaint from any person or persons, that any other
31 person's animal(s) is creating a public nuisance; the Animal Services Control Division
32 shall notify the animal owner that a complaint has been received and shall investigate
33 and a prepare a written report of the investigation. If the Animal Services Control
34 Division determines that the animal owner complained of is maintaining a public
35 nuisance, the Animal Services Control Division shall notify the owner of the animal or
36 animals in question, and order the owner ~~or keeper~~ to abate the nuisance immediately.
37 If after 48 hours the owner ~~or keeper~~ of the animals remains unknown, the animal(s)
38 may be impounded and disposed of as provided in this chapter.

39
40 (Ord. passed 11-25-2003) Penalty, see § 91.999

41 42 **§ 91.037 FAILURE TO ABATE.**

43
44 It shall be unlawful for any person to fail or refuse to abate the nuisance as required by this
45 chapter. Each day that the nuisance continues shall constitute a separate violation pursuant to §
46 91.999. Further, a public nuisance, as defined in § 91.001 shall be subject to the penalties

1 provided by this ordinance.

2 **§ 91.055 POST MORTEM DIAGNOSIS.**

3
4 (A) If an animal dies while under observation for rabies, the head of the animal shall be
5 submitted to the Health Department for shipment to the Laboratory Section of the State
6 Department of Health, and Human Services for rabies diagnosis.

7
8 (B) The carcass of any animal suspected of dying of rabies shall be surrendered to the Health
9 Department. The head of the animal shall be shipped to the Laboratory Section of the
10 State Department of Health and Human Services for rabies diagnosis.

11
12 (Ord. passed 11-25-2003)

13
14 **§ 91.057 FAILURE TO SURRENDER ANIMAL FOR CONFINEMENT OR**
15 **DESTRUCTION.**

16
17 It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or
18 destruction as required by state law and this chapter, when demand is made therefor by the
19 Health Director.

20
21 (Ord. passed 11-25-2003) Penalty, see § 91.999

22
23 **§ 91.058 RABIES VACCINATION REQUIRED FOR REDEMPTION OR ADOPTION**
24 **OF UNVACCINATED DOGS OR CATS.**

25
26 (A) Unless written proof of a current rabies vaccination can be furnished, or the dog or cat is
27 vaccinated at the animal shelter, every person adopting or redeeming a dog or cat from
28 the animal shelter will be required to have it vaccinated for rabies within 72 hours (not
29 including Sundays and holidays). The Animal Services ~~Control~~ Division shall provide
30 written notice to the owner indicating the due date for the vaccination. The time limit to
31 obtain the rabies vaccination for puppies and kittens less than four months of age will
32 vary and will be determined by the Animal Services ~~Control~~ Division.

33
34 (B) The proof of rabies vaccination notice will be completed by the veterinarian and returned
35 to the Animal Services ~~Control~~ Division within the time stated in the notice.

36
37 (C) Payment for rabies vaccination provided for in this section will be the responsibility of
38 the person redeeming or adopting the animal.

39
40 (D) Failure to vaccinate for rabies redeemed or adopted cats and dogs is a violation of this
41 Chapter.

42
43
44 (Ord. passed 11-25-2003)

45
46 **IMPOUNDMENT, REDEMPTION AND ADOPTION**

1
2 **§ 91.070 IMPOUNDMENT GENERALLY.**
3

4 (A) Any animal which appears to be lost, stray or abandoned, or not wearing a currently valid
5 registration tag or a currently valid rabies vaccination tag, as required by state law or this
6 chapter, or not under restraint in violation of this chapter, may be seized, impounded and
7 confined in a humane manner in the animal shelter.
8

9 (B) Impoundment of such an animal shall not relieve the owner from any penalty which may
10 be imposed for violation of this chapter.
11

12 (C) The Health Director shall have the authority to waive the ~~five~~ holding period on a case by
13 case basis in instances of extreme overpopulation at the animal shelter but in no case will
14 ~~stray~~ an animal be held for less than the 72-hour period required by G.S. § 130A-192.
15

16 (Ord. passed 11-25-2003) Penalty, see § 91.999
17

18 **§ 91.071 NOTICE TO OWNER ~~OR KEEPER.~~**
19

20 Upon impounding an animal the Animal ~~Services Control~~ Division shall post a notice of the
21 impoundment-at the animal shelter and on the county website during the holding period or until
22 the animal is redeemed by the owner. Impounded animals may be offered for adoption adopted
23 or euthanized after the required holding period. pursuant to this Chapter. Impoundments of
24 ~~animals shall be for a minimum of five days (120 hours), or as otherwise provided in the~~
25 ~~Chapter. Nothing in this provision shall prohibit the Animal Services Division from extending~~
26 the holding period for any animal beyond the required minimum if, in the opinion of the Animal
27 Services Director, there is a likelihood of locating the animal owner and/or the animal is
28 considered adoptable and there is adequate capacity at the animal shelter. Reasonable effort shall
29 be made to identify the owner of the requirements for redeeming the animal. Notice of an
30 impoundment may be provided to the owner by telephone, email or by letter mailed by regular
31 mail when the owner's identity and address are known. The Animal ~~Services Control~~ Division
32 shall exercise due diligence in attempting to locate the animal owner. Upon impoundment each
33 animal shall be assigned an impoundment identification number and a release date. The
34 impoundment identification number and release date shall be posted on the animal's cage or
35 kennel. Any information about the animal, including the time, date and place the Animal
36 ~~Services Control~~ Division took custody of the animal and the time and date of posting the notice
37 of impoundment, shall be available at the animal shelter by reference to the impoundment
38 identification number.
39

40 (Ord. passed 11-25-2003)
41

42 **§ 91.072 REDEMPTION BY OWNER ~~OR KEEPER.~~**
43

44 (A) The owner of an animal impounded under this chapter, except those animals suspected of
45 having been exposed to rabies, upon proof of ownership, may redeem an impounded All
46 applicable fees, expenses, and penalties shall be paid as a condition of redemption.

1 Failure to redeem an animal shall not relieve the animal's owner from paying all
2 applicable fees and penalties. See § 91.999 for redemption fees.

3
4 (B) No animal owner may be permitted to adopt his or her own animal under the provisions
5 of this chapter. The owner must comply with the provisions of this chapter in order to
6 redeem an animal that has been impounded pursuant to state law or this chapter.

7
8 (C) The provisions of this section shall have no application with respect to animals
9 surrendered by the owner to the Animal Services ~~Control~~ Division for immediate
10 adoption or euthanasia as provided ~~for~~ in § 91.075.

11
12 (Ord. passed 11-25-2003)

13
14 **§ 91.073 EUTHANASIA OR ADOPTION OF UNREDEEMED ANIMAL.**

15
16 (A) Animals not redeemed by their owner within the holding period ~~72 hours of~~ after notice
17 of impoundment by the Animal Services ~~Control~~ Division (where the owner has been
18 identified) or within the holding period ~~72 hours of~~ upon posting of an impoundment
19 notice as required by this Chapter (where the owner cannot be identified) may be offered
20 for adoption or euthanized by the Animal Services ~~Control~~ Division. Nothing in this
21 provision shall prohibit the Animal Services Division from extending the holding period
22 for any animal beyond the required minimum if, in the opinion of the Animal Services
23 Director, there is a likelihood of locating the animal owner and/or the animal is
24 considered adoptable and there is adequate capacity at the animal shelter. Animals shall
25 not be offered for adoption to an animal dealer who acquires animals for resale. Persons
26 adopting animals from the animal shelter shall agree in writing to comply with all local
27 ordinances and state laws regarding animals. The county will not knowingly release for
28 adoption any animal which is known to have previously bitten a person or is vicious,
29 aggressive, dangerous or potentially dangerous. Adoption and adoption related fees may
30 be waived at the discretion of the Health Director for rescue or animal welfare groups
31 approved by the Health Director. Placement of animals with approved groups will be
32 determined on a case-by-case basis.

33
34 (B) No animal which has been impounded by reason of its being stray or unclaimed by its
35 owner, shall be adopted from the animal shelter during a period of emergency rabies
36 quarantine invoked pursuant to state law, except by special authorization of the Health
37 Director.

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

40
41 **§ 91.074 PROCEDURES FOR RABIES COMPLIANCE; ADOPTED ANIMALS.**

42
43 (A) Unless written proof of a current rabies vaccination can be furnished, or the dog or cat is
44 vaccinated at the animal shelter, every person adopting or redeeming a dog or cat from
45 the animal shelter shall have it vaccinated for rabies within 72 hours (not including
46 Sundays and holidays). The Animal Services ~~Control~~ Division shall provide written

1 notice to the owner indicating the due date for the vaccination. The time limit to obtain
2 the rabies vaccination for puppies and kittens less than four months of age will vary and
3 will be determined by the Animal Services ~~Control~~ Division.
4

5 (B) Proof of rabies vaccination must be completed by a licensed veterinarian and returned to
6 the Animal Services ~~Control~~ Division within the time stated in the notice.
7

8 (C) Payment for the rabies vaccination provided for in this section will be the responsibility
9 of the person adopting the animal.
10

11 (D) Failure to vaccinate redeemed or adopted cats and dogs for rabies is a violation of this
12 Chapter.
13

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

16 **§ 91.075 OWNER SURRENDERED ANIMALS.**
17

18 (A) Any animal surrendered by its owner to the Animal Services ~~Control~~ Division may be
19 immediately placed for adoption or humanely euthanized by the Animal Services ~~Control~~
20 Division when:
21

22 (1) The owner directs in writing that the animal be placed for adoption or humanely
23 euthanized; and;
24

25 (2) The owner attests in writing that he or she is the legal owner of the animal and
26 that the animal has not bitten a person within the past ten days. A person
27 tendering the animal to the animal shelter may also be required to provide
28 additional proof of ownership or documentation from the owner that they are
29 acting on the owner's behalf and;
30

31 (3) The owner agrees indemnify and hold the county harmless from any losses or
32 damages sustained, including attorneys' fees, by reason of euthanasia or
33 placement for adoption of the animal; or
34

35 (B) Upon compliance with (A)(1-3) above, the Animal Services ~~Control~~ Division may place
36 the animal for adoption, transfer it to an approved animal welfare or animal rescue group,
37 or euthanize the animal in a humane manner. The waiting periods provided in §§ 91.071
38 and 91.072 above shall not apply to immediate adoption or euthanasia as provided for in
39 this section.
40

41 (Ord. passed 11-25-2003)
42

43 **§ 91.076 ADOPTIONS; ADDITIONAL REQUIREMENTS.**
44

45 (A) In addition to the requirements found elsewhere in this chapter, any person wishing to
46 adopt an animal under this chapter, shall agree to hold the county harmless from any and

1 all claims related to the adoption, and shall:

2
3 (1) Pay all fees and charges due on the animal. Charges may include, but not be
4 limited to, boarding and spay or neutering costs.

5
6 (2) Sign all required adoption documents which shall include an adoption agreement
7 with the following provisions:

8
9 (a) That the person adopting the animal will not sell the animal;

10 (b) That if the new owner no longer wants or cannot adequately care
11 for the animal he or she will return the animal to the animal
12 shelter; and

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

15
16 (3) Have the adopted animal neutered or spayed by a licensed veterinarian within the
17 time specified in writing by the animal shelter. The applicant shall provide the
18 Animal ~~Services Control~~ Division with written documentation verifying
19 completion of the spay or neutering from a licensed veterinarian. Upon
20 verification that spay or neuter has been completed the Animal ~~Services Control~~
21 Division will pay the performing veterinarian the reasonable and customary fee
22 for the service. In the event the applicant fails to have the animal neutered or
23 spayed within the time specified in the written notice the Animal ~~Services Control~~
24 Division shall impound the animal and any sums paid incident to adoption shall
25 be forfeited.

26
27 (B) An adopted animal may be exempt from this provision if the owner furnishes a statement
28 from a licensed veterinarian that the animal, due to health reasons, could not withstand
29 spay/neuter surgery.

30
31 (C) See § 91.999 for adoption fees.

32
33 (Ord. passed 11-25-2003)

34
35 **§ 91.077 INJURED, DISEASED OR UNWEANED ANIMALS.**

36
37 Notwithstanding any other provision of this chapter, any animal seized and impounded which is
38 badly injured, diseased (not a rabies suspect), or unweaned and has no identification shall be
39 euthanized immediately in a humane manner, provided, however, that otherwise healthy
40 unweaned animals may be released to animal welfare or animal rescue groups approved by the
41 Health Director on a case by case basis. If the animal has identification, the Animal ~~Services~~
42 ~~Control~~ Division shall attempt to notify the owner before euthanizing the animal. If an animal is
43 suffering and the owner cannot be reached, after a reasonable attempt has been made to contact
44 him or her, the Health Department may destroy the animal at its discretion in a humane manner.

45 (Ord. passed 11-25-2003)

46

1 **§ 91.078 ANIMALS WHICH CANNOT BE SEIZED BY REASONABLE MEANS.**

2
3 Notwithstanding any other provision of this chapter, a vicious animal, that cannot be seized by
4 leash restraint, catch pole restraint, humane trap or chemical immobilization may be humanely
5 destroyed by order of the Health Director.

6
7 (Ord. passed 11-25-2003)

8
9 **§ 91.079 SECURITY FOR COSTS.**

10
11 (A) *Disposition.* Excluding animals under quarantine pursuant to the provisions of §§ 91.050
12 through 91.058 and §§ 91.070 through 91.079, any animal seized pursuant to the
13 provisions of this chapter or under any state law, may be humanely euthanized or offered
14 for adoption ~~disposed of~~ pursuant to the terms of this chapter at the discretion of the
15 Animal Services Control Division after the ~~five three day (120 hours)~~ holding period
16 ~~following the date on which the animal was seized~~ unless the animal's owner provides a
17 security bond or cash in accordance with division (B) below.

18
19 (B) *Bond.* Any person claiming an ownership interest in any animal confined pursuant to this
20 chapter or under any state law, excluding §§ 91.050 through 91.058 and §§ 91.070
21 through 91.079, may prevent the disposition of the animal after the ~~five day (120 hours)~~
22 holding period, by posting a security bond or cash with the Animal Services Control
23 Division prior to the animal being adopted or euthanized in an amount sufficient to
24 guarantee payment of all of the reasonable expenses expected to be incurred in caring
25 and providing for the animal, including the estimated cost of medical care, for at least 30
26 days; however, the security shall not prevent the Animal Services Control Division from
27 disposing of the animal at the end of the 30-day period covered by the posted bond/cash,
28 unless the person claiming an ownership interest in the animal posts an additional
29 security bond or cash with the Animal Services Control Division to secure payment of
30 the animal's reasonable expenses for an additional 30-day period. The amount of the
31 bond/cash shall be established by the Animal Services Control Division based on the
32 current rate for board and on the condition of the animal after examination by a member
33 of the Animal Services Control Division. Failure to timely post the security shall result
34 in the animal being immediately forfeited to the Animal Services Control Division for
35 disposition in accordance with § 91.073 above.

36
37 (C) *Notice.* Excluding owner-surrendered animals, if the Animal Services Control Division
38 takes custody of an animal pursuant to this chapter or state law, excluding §§ 91.050
39 through 91.058 and §§ 91.070 through 91.079, the division shall give notice of these
40 provisions by posting a copy of them at the location where the animal was seized or by
41 delivering it to a person residing on the property of the owner within 24 hours of the time
42 the animal was seized.

43
44 (D) *Security forfeited upon failure to pay costs.* If the fees, costs and penalties owed for the
45 animal are not paid in full by the end of each security period, the security already posted
46 shall be forfeited to the county on the date and used to pay the remaining unpaid fees,

1 costs and penalties owing for the animal. The animal's owner shall remain responsible
2 for all remaining unpaid fees, costs and penalties. Any security bond/cash remaining
3 after the payment of all fees, costs and penalties shall be returned to the person who
4 posted the bond/cash.

5
6 (Ord. passed 11-25-2003)

7 8 **DANGEROUS, BITING AND VICIOUS DOGS**

9 10 **§ 91.090 SUPPLEMENTAL TO STATE DANGEROUS DOG LAWS.**

11
12 (A) It is the purpose of this subchapter to supplement G.S. §§ 67-4.1, 67-4.5 and 130A-200,
13 by providing additional provisions in the county for the control of dangerous dogs or
14 other animals and the control of vicious animals.

15
16 (B) Subject to appeal, an animal determined by the Health Director to be potentially
17 dangerous shall be considered and treated in all respects as dangerous.

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

20 21 **§ 91.091 BITING OR ATTACKING ANIMALS.**

22
23 (A) It shall be unlawful for an animal, which has bitten or attacked a human or another
24 animal to remain at large. An animal services control officer or member of the Animal
25 Services Control Division, upon the issuance of a proper warrant, shall have the authority
26 to enter upon private property, including entry into a dwelling unit or other similar
27 building, provided the same is authorized by warrant, to impound an animal which has
28 been observed to bite or attack, or which is reliably believed to have bitten or attacked, in
29 violation of this section.

30
31 (B) It shall be unlawful for any person to interfere with, to threaten or otherwise prevent a
32 member of the Animal Services Control Division from carrying out and performing his or
33 her lawful duties as described above, under this section.

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

36 37 **§ 91.092 HUMANE RESTRAINT OF VICIOUS ~~AND NON-VICIOUS~~ DOMESTIC** 38 **ANIMALS.**

39
40 It shall be unlawful for any person to keep any vicious domestic animal unless it is
41 restrained in a secure enclosure located on the owner's property.

42
43 (Ord. passed 11-25-2003) Penalty, see § 91.999

44 45 46 **§ 91. XXX HUMANE RESTRAINT OF NON-VICIOUS ANIMALS**

1
2 All dogs must be restrained. A dog is under restraint within the meaning of this chapter if it is:

- 3
4 (A) Kept within a house, garage, outbuilding or other secure structure on the owner's
5 property.
6
7 (B) Kept on the owner's fenced in or enclosed property constructed so that the animal cannot
8 escape by means of digging under or jumping over the fence or enclosure or otherwise
9 becoming free unless freed by the owner or within an outside enclosure.
10
11 (C) Kept on the owner's property within an area bounded by a posted electronic fence that is
12 capable of keeping the animal within the area surrounded by electronic fence.
13
14 (D) Kept on the owner's property by a tether equipped with a swivel on both ends and
15 meeting the following minimum requirements for dogs:
16
17 (1) The tether shall be a minimum of fifteen feet in length and the line of the pulley
18 system running line, trolley system or stake to which the tether is attached shall be
19 made of either metal chain or coated steel cable.
20
21 (2) Tethers shall be attached to a buckle type collar or harness and under no
22 circumstances shall the tether itself be placed directly around the dog's neck.
23 Tethers shall not be used in conjunction with training collars such as choke or
24 pinch style collars.
25
26 (3) The weight of the tether shall not exceed ten percent of the total body weight of
27 the dog but shall be of sufficient strength to prevent breakage.
28
29 (4) The tether, by design and placement, shall allow the dog a reasonable and
30 unobstructed range of motion without the possibility of entanglement,
31 strangulation or other injury. The tether shall allow the dog access to adequate
32 food, water and shelter.
33
34 (5) A dog must be four months of age or older to be tethered.
35
36 (6) Only one dog shall be attached to a single tether.
37
38 (7) Pulley systems, running lines or trolley systems used shall be at least fifteen feet
39 in length and no more than seven feet above the ground.
40
41 (8) No tether shall be affixed to a stationary object which would allow a dog to come
42 within five feet of a property line.
43

44 **§ 91.093 PROTECTIVE MEASURES FOR CONFINEMENT OF DOGS OR OTHER**
45 **ANIMALS.**
46

1 It is the purpose of this section to provide guidelines for special protective measures for all dogs
2 and other animals in the county which are deemed by the Health Director to be dangerous,
3 potentially dangerous, vicious pursuant to G.S. § 130A-200, or when special protective measures
4 are deemed necessary under the provisions of divisions (A) and (B) below.
5

6 (A) The Animal ~~Services Control~~ Services Control Division shall have the authority to require the owner of a dog,
7 or other animal, to comply with protective measures, as described in (B) below upon a
8 declaration that the animal is dangerous, potentially dangerous, vicious after taking into
9 consideration the following three circumstances:
10

11 (1) *Nature of the particular dog or other animal.* The behavior, size,
12 temperament, capacity for inflicting serious injury, the number of dogs or
13 other animals, or other similar factors which would be relevant to a
14 determination of whether or not additional protective measures need to be
15 imposed for a particular situation;
16

17 (2) *Adequacy of confinement.* The adequacy of the enclosure or confinement, if
18 any; and
19

20 (3) *Immediate surrounding area.* The likelihood that the conditions pertaining to
21 the particular dog and the dog's or other animal and the animal's confinement
22 are detrimental to the safety or welfare of citizens or the peace and tranquility
23 of citizens in the immediate surrounding area.
24

25 (B) In considering whether to order a special protective measure, the Animal ~~Services Control~~ Services Control
26 Division is authorized to consider additional factors as aggravating circumstances that might
27 warrant the ordering of special protective measures:
28

29 (1) *Child under the age of 13.* There is a child under the age of 13 who lives in
30 close proximity, or children walk by or are otherwise in close proximity, to
31 the property occupied by the dog or other animal;
32

33 (2) *Bite.* The dog, or other animal, has bitten a human being or domestic animal
34 without provocation or without a trespass, and the person or animal bitten
35 does not ordinarily reside on the premises;
36

37 (3) *Dog or other animal is trained for fighting or aggressive attack.* The dog or
38 other animal, is kept primarily or in part for the purpose of dogfighting or the
39 dog, or other animal has been trained for aggressive attacks;
40

41 (4) *Attitude of attack incident.* A dog or other animal, without provocation or a
42 trespass, has approached a person in an apparent attitude of attack; or
43

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

1 domestic animals.

2
3 (C) Where the Animal Services ~~Control~~ Division has determined that circumstances require
4 special protective measures, the Animal Services ~~Control~~ Division shall have the authority
5 to require appropriate, specific protective measures which may include, but are not limited
6 to, the specifications as provided below.

7
8 (1) A fence shall be at least a minimum of four feet high and constitute a secure-
9 enough enclosure sufficient to contain the dog at all times. The minimum size
10 of the enclosure must be at least 150 square feet. If the dog, or other animal, is
11 deemed capable of climbing or jumping a standard four-foot fence, then the
12 Animal Services ~~Control~~ Division may require a six-foot fence. A secure dog
13 fence means a fence, as immediately described above, that is enclosed on all
14 six sides, including the top. The bottom shall be concrete.

15
16 (2) The Animal Services ~~Control~~ Division shall have the authority to require the
17 owner to procure, and provide proof of, liability insurance in the amount of at
18 least \$100,000 at the owner's expense, and/or to have the dog tattooed, or
19 micro-chipped, for identification, investigative or enforcement purposes,
20 and/or to display signs on the premises. The dog warning signs must be
21 readable and prominently displayed at the entrance to the owner's property
22 and on all sides of the enclosure containing the dog. The entrance sign shall be
23 at least two feet by two feet and signs on all sides of the enclosures must be a
24 minimum of eight and one-half inches by 11 inches. The owner shall have the
25 duty to notify the Animal Services ~~Control~~ Division if the dog escapes the
26 secure enclosure, and surrender the dog, or other animal, to the Animal
27 Services ~~Control~~ Division if the owner fails to comply with the required
28 provisions.

29
30 (D) If the Animal Services ~~Control~~ Division determines that specific protective measures
31 must be complied with by the owner of a dog, or other animal, the Animal Services
32 ~~Control~~ Division shall make reasonable efforts to notify the owner of the written
33 order, state the reasons that protective measures are required, identify the specific
34 protective measures that must be implemented and state the designated time period
35 within which to comply with the written order. The Animal Services ~~Control~~ Division
36 shall have the authority to exercise discretion for extensions of time if that is
37 reasonable in view of the good-faith progress of the owner in implementing the
38 protective measures.

39
40 (E) The written order issues pursuant to division (D) above shall explicitly state that the Animal
41 Services ~~Control~~ Division has the authority to terminate ownership rights to the dog or other
42 animal, and to humanely destroy the dog, or other animal, if there is a failure to comply with
43 the written order.

44
45 (F) It shall be unlawful for an owner to fail to comply with a written order within the designated
46 time for compliance stated in the written order or any extension thereof. In addition to the

1 remedies of § 91.999, the penalty for failure to comply with the written order shall be a civil
2 penalty in the amount of \$500 per day and authority for the Animal Services Control
3 Division to impound and destroy the animal.
4

5 (G) The owner or keeper of any dog, or other animal, seized pursuant to Animal Services Control
6 Division or court order, may reclaim the dog or other animal within five days (120 hours) of
7 the date of the animal's seizure (unless the Division retains legal custody of the animal
8 pursuant to some other provision of this chapter or state law) upon payment of all applicable
9 fees, fines or other costs and by complying full with any outstanding Animal Services
10 Control Division or court order. Extensions of time beyond five days for compliance shall
11 require the posting of a security bond pursuant to § 91.079.
12

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

15 **§ 91.094 APPEALS FROM THE DETERMINATION OF POTENTIALLY**
16 **DANGEROUS AND DANGEROUS DOG.**
17

18 (A) There is hereby created the Animal Appeals Board which shall hear appeals from any
19 determination of the Health Director under this chapter or state law including a
20 determination that a dog, or other animal, is a potentially dog or animal pursuant to state
21 law, G.S. §§ 67-4.1 et seq. The Animal Appeals Board shall be composed of five
22 members; ~~the a veterinarian representative to the Board of Health, the physician-~~
23 ~~representative to the Board of Health, a representative of a law enforcement agency, a~~
24 person with animal behavior, breeding or training experience and two members from the
25 general public. who shall be appointed by the Board of Health one of whom shall
26 represent a duly incorporated animal welfare or animal rescue group in the county. The
27 two general public members, veterinarian member and person with animal breeding,
28 behavior or training experience shall be appointed by the Board of Health. The Health
29 Director shall request appointment of a law enforcement representative from law local
30 enforcement agencies on a rotating basis. The Board of Health shall determine terms of
31 appointments and general operating procedures for the Animal Appeals Board.
32

33 ~~In the event any member of the Board is unavailable for any reason to hear an appeal the~~
34 ~~Health Director shall appoint a replacement for such member in the same category as the~~
35 ~~unavailable member. A quorum for the Board is three members.~~
36

37 (B) The owner may appeal the Health Director's determination by:
38

- 39 a. Filing a written notice of appeal within seven days of the Health Director's
40 determination (excluding holidays and weekends) on the Request for Appeal form
41 provided by the Health Department and;
42
43 b. If the dog or other animal is held by the County, posting the security for the cost
44 of keeping such a dog or other animal as provided in § 91.079.
45

46 (C) The Animal Appeals Board shall hold a hearing within ~~ten~~ 15 business days of receipt of

1 the appeal. Decisions of the Animal Appeals Board shall be issued in writing within 10
2 days after hearing the appeal. ~~make a decision as soon as reasonably possible~~ after
3 hearing the appeal. A person aggrieved by the decision of the Board may appeal to
4 Superior Court of Chatham County within ten days of receipt of the Board's decision.
5 The appeal shall be heard de novo before a Superior Court judge sitting in Chatham
6 County.

7
8 (Ord. passed 11-25-2003)

9
10 **§ 91.999 PENALTY.**

11
12 (A) *Generally.*

13 (1) The violation of any provision of this chapter shall be a Class 3 misdemeanor and
14 any person convicted of the violation shall be punishable as provided in G.S. §
15 14-4. Each day's violation of this chapter shall be a separate offense. Payment of a
16 fine imposed in criminal proceedings pursuant to this division does not relieve a
17 person of his or her liability for registration or fees imposed under or pursuant to
18 this chapter.

19
20 (2) In addition, enforcement of this chapter may be by appropriate equitable remedy,
21 injunction or order of abatement issuing from a court of competent jurisdiction
22 pursuant to G.S. § 153A-123(d) and (e), or any other applicable law.

23
24 (3) In addition to and not in lieu of the criminal penalties and other sanctions
25 provided in this chapter, a violation of this chapter may also subject the offender
26 to civil penalties.

27
28 (a) The civil penalties may be recovered by the county in a civil action
29 in the nature of debt or may be collected in a debt setoff program
30 as designated by the Health Director following the issuance of
31 citation for the violation.

32
33 (b) The Health Director is authorized to accept the payment in full and
34 final settlement of the claim or claims, right or rights of action,
35 which the county may have to enforce the penalty by civil action
36 in the nature of debt. Acceptance of the penalty shall be deemed a
37 full and final release of any and all the claims, or rights of action
38 arising out of the alleged violation or violations.

39
40 (c) The civil penalties for violation of this chapter shall be as set forth
41 below. The penalty shall be paid within 14 days from and after the
42 issuance of the citation referred to above.

43
44 (d) The citation of violation referred to herein may be delivered to the
45 person violating the provisions of this chapter in person may be
46 mailed or posted to that person at his or her last known address.

1
2
3
4
5
6
7
8
9
10

(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.

(Ord. passed 11-25-2003)

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
Animal Neglect	\$300/Violation

11