

HERTFORD COUNTY
ANIMAL CONTROL ORDINANCE

SECTION I: DEFINITIONS

Animal: Every living creature, domestic or non-domestic, but does not include humans.

Animal Control Officer: The Hertford County Sheriff or persons designated or appointed by the Sheriff to pick up, restrain, impound, sell or dispose of dogs, cats, or other animals and who are responsible for discharging such other duties and functions as may be prescribed by the county board of commissioners by this or any other county ordinance or by state law.

Animal Shelter: Any premises designated by the Hertford County Sheriff for the purpose of impounding and caring for animals.

At Large: An animal shall be deemed to be at large when it is off the property of its owner or keeper and not under physical restraint.

District Board of Health: Hertford County Health Department.

District Health Director: Hertford County Health Director.

Exposed to Rabies: An animal shall be deemed to have been exposed to rabies if it has been bitten by, or been in the presence of, any animal known or suspected to have been infected with rabies.

Impoundment: Any animal in custody of a person or animal shelter duly authorized by the Hertford County Sheriff.

Keeper: A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person.

Nuisance: An animal or group of animals shall be considered a nuisance if it:

- A. damages, soils, or defiles private or public property;
- B. interferes with, molests, or attaches persons or other animals;
- C. is repeatedly at large;
- D. causes unsanitary, dangerous or offensive conditions including fouling of the air by odors;
- E. chases, snaps at, harasses, or impedes pedestrians, bicyclists, or vehicles.
- F. is diseased or dangerous to the public health.

Owner: A person having the right of property in an animal.

Person: Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet: Any animal kept for pleasure rather than utility.

Restraint: An animal is under restraint within the meaning of this ordinance if it is:

- (a) within the real property limits of its owner or keeper;
- (b) secured by a leash or lead;
- (c) within a secure enclosure;
- (d) on or within a vehicle being driven or parked on the street and unable to bite persons outside the vehicle.

Stray: Any (domestic) animal not under restraint and found off the property of its owner or keeper.

Suspected of having rabies: An animal which is unvaccinated against rabies or has bitten a person.

Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Vicious Animal: An animal that constitutes a physical threat to humans or other domestic animals.

SECTION II: AGENCY AUTHORITY AND RESPONSIBILITY

Authority is hereby granted to the Hertford County Sheriff to establish and maintain an animal control program, to employ other animal control officer/s and such other employees as shall be determined necessary by the Hertford County Sheriff; subject to the availability of funding. The number of such other officers or employees shall be determined by the county commissioners, and they shall be compensated in accordance with personnel policies of the county, but the decision as to persons to be employed or terminated shall be made by the Sheriff in accordance with G.S. 153A-103. The Sheriff is specifically appointed as the Animal Control Officer for Hertford County pursuant to G.S. 67-30, and the Sheriff may appoint additional animal control officers, who may or may not be sworn law enforcement officers.

The Sheriff and employee/s of the animal control program shall:

- A. Have the responsibility along with law enforcement agencies to enforce all laws of North Carolina and all ordinances of Hertford County pertaining to animals and shall cooperate with all law enforcement officers within Hertford County in fulfilling this duty.
- B. Cooperating with the Hertford County Health Director in the enforcement of all laws of North Carolina and all ordinances of Hertford County pertaining to rabies control.
- C. Be responsible for the investigation of all reported animal bites, for the quarantine of any dog or cat involved and suspected of having rabies, for a period of not less than ten (10) days, for reporting to the Hertford County Health Director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal.

- D. Be responsible for the operation of the animal shelter.
- E. Be responsible for the seizure and impoundment, where deemed necessary, of any dog or other animal in Hertford County involved in a violation of this or any other county ordinance or state law.
- F. Investigate cruelty or abuse with regard to animals. The Sheriff is specifically appointed as the animal cruelty investigator for the county pursuant to G.S. 19A-45, and the Sheriff may appoint additional animal investigators.
- G. Make such canvasses of the county, including the homes in the county, as necessary for the purpose of ascertaining compliance with this Ordinance or State Statute.
- H. 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 control program.
 - 2. Bite cases, violations and complaints, and investigations of same.
 - 3. All monies collected will be given to the County Finance Office which were derived from fees, penalties, license tags, sales of animals, or other sources.
 - 4. Any other matters deemed necessary by the Hertford County Sheriff and County Manager.
- I. Be empowered to issue notices of violation of this ordinance in such form as the Emergency Management Coordinator may prescribe.

SECTION III: CRUELTY TO ANIMALS

- A. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission; nor to prohibit the Animal Control Officer/s or person/s duly authorized the Hertford County Health Director or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner; nor to prohibit the lawful use of animals in scientific research.
- B. It shall be unlawful for any owner or keeper to fail to provide his animal or animals with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his animal or animals in good health and comfort, the opportunity for vigorous daily exercise, veterinary care when needed to prevent suffering, and humane care and treatment.

- C. It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits.
- D. It shall be unlawful for any person to tether any fowl.

SECTION IV: CONFINEMENT, MUZZLING, AND CONTROL OF VICIOUS OR DANGEROUS DOMESTIC ANIMALS

- A. It shall be unlawful for any person to keep any vicious, fierce or dangerous domestic animal within the county unless it is confined within a secure building or enclosure, or it is securely muzzled and under restraint by means of a leash, chain or rope and firmly under control at all times.
- B. The provisions of Chapter 67 of the North Carolina General Statutes are incorporated herein by reference, and to the extent there is any conflict with the provisions of this Ordinance, including but not limited to the provisions of Article 1A of Chapter 67 regarding "dangerous dogs" and "potentially dangerous dogs", the provisions of Chapter 67 shall prevail.
- C. Pursuant to the provisions of GS 67-4.1(c), Hertford County hereby designates the Hertford County Sheriff as the person responsible for determining when a dog is a "dangerous dog" or a "potentially dangerous dog". Appeals from this determination by the Sheriff shall be to an Animal Control Appeal Board consisting of three persons, appointed as follows from time to time as appeals may be required:
 - (1) A sworn law enforcement officer from a law enforcement agency located in Hertford County, which may, but is not required to be, as employee of the Sheriff's Department, to be designated by the Chairperson of the Hertford County Board of Commissioners.
 - (2) A person designated by the Hertford County Health Director.
 - (3) A person designated by the Hertford County Manager.

SECTION V: VICIOUS/PUBLIC NUISANCE

- A. It shall be unlawful for any owner to permit his animal to run at large if such animal is reported as a vicious/public nuisance provided the animal control officer or other law enforcement officer has determined after investigation that the report is supported by the evidence and has notified the owner in writing of his findings. In such cases, the owner must keep the animal that has been found to be a vicious/public nuisance on his property at all times, unless the animal is under restraint.
- B. Any vicious/public nuisance or feral animal without any recognizable identification may be destroyed after the animal control officer has been unsuccessful in his attempt to catch, trap or tranquilize (within a closed area) the animal. Any feral, cat or dog left at the animal shelter may be impounded or euthanized at the discretion of the animal control officer.
- C. Any animal/s shall be deemed to be vicious or a public nuisance when it commits the following

acts two (2) or more times or any combination of two (2) offenses or otherwise is declared vicious or a public nuisance by an animal control officer, a law enforcement officer or an appropriate public health official:

1. Chases, snaps at, attacks or barks at pedestrians, bicyclists, vehicles or domestic animals; or
2. Turns over garbage pails; or
3. Damages gardens, flowers, vegetables or other property; or
4. Otherwise is a menace or threat to public health or safety.

D. Notwithstanding the above three subsections, the owner shall keep his animal under restraint at all times, and shall not permit his animal to be at large at any time, within the following areas of Hertford County.

1. within a one mile radius of the corporate limits of any incorporated municipality in Hertford County; excluding areas within one mile of a satellite annexation, unless the area meets one of the other criteria herein.
2. within any area that contains more than forty (40) dwellings per mile of road or street frontage, counting dwellings on both sides of a road or street for purposes of computing this density figure;
3. within any Mobile Home Park, which shall mean any site or tract of land upon which are located more than five (5) mobile homes or mobile home spaces, which are to be occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such services;
4. within subdivisions that contain more than five (5) lots, as shown on a plat approved by the Hertford County Planning Board.
5. within the corporate limits of any incorporated municipality, of Hertford County which has requested the enforcement of this ordinance by the Hertford County Animal Control Office within said municipality, provided that the Hertford County Commissioners agree to provide said enforcement.

E. When an animal is found running at large, in violation of any of the above subsections, and its ownership is known or can be ascertained by the Animal Control Officer, it need not be impounded; the officer may, at his discretion, cite its owners with a Notice of Violation.

F. When an animal is found running at large in violation of any of the above subsections, the Animal Control Officer shall serve upon the owner or the person having custody, possession, or control of any such animal a "Notice of Violation". The Notice of Violation shall set forth the appropriate section of this Ordinance and shall indicate whether violation is either the first or second, and shall set forth the penalty or payment in lieu of penalty prescribed by this

Ordinance. The payment in lieu of criminal penalty for a violation of this Ordinance shall be Fifteen Dollars (\$15.00) for the first violation and Twenty-Five Dollars (\$25.00) for the second violation, any violation by the same person or persons after the second violation shall be punishable as prescribed in Section XXII. The payment in lieu of penalty shall not constitute criminal punishment but rather shall be collected and constitute compensation to Hertford County for the services rendered by the Animal Control Officers in locating and identifying any animal found running at large.

SECTION VI: NOISY ANIMALS

It shall be unlawful for any person to own, keep or have within the county an animal that habitually or repeatedly makes noises or other sounds that tend to annoy, disturb or frighten its citizens.

SECTION VII: LURING, ENTICING, SEIZING, MOLESTING OR TEASING AN 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 keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper.

SECTION VIII: COMPLIANCE WITH STATE RABIES LAWS - SUPPLEMENT TO STATE RABIES LAWS

- A. It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.
- B. It is the purpose of this ordinance to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

SECTION IX: VACCINATION OF DOGS, CATS AND OTHER PETS

- A. It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary by the Hertford County Health Director and/or the Animal Control Office that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for that pet.
- B. A rabies vaccination shall be deemed "current" for a dog or cat if two vaccinations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.
- C. All antirabic vaccine shall be administered by a licensed veterinarian.

SECTION X: VACCINATION TAG AND CERTIFICATE

- A. Upon complying with the provisions of Section IX of this Ordinance, there shall be issued to the

owner or keeper of the dog or cat vaccinated a rabies tag, stamped with a number and the year for which issued, and a rabies vaccination certificate.

- B. It shall be unlawful for any dog or cat owner or keeper to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times.
- C. In addition to all other penalties as prescribed by law, a dog or cat is subject to impoundment in accordance with the provisions of this ordinance if the dog or cat is found not to be wearing a currently valid rabies tag.
- D. It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than the one using the tag.
- E. All dogs or cats shipped or otherwise brought into this county, except for exhibition purposes where the dogs or cats are confined and not permitted to run at large, shall be securely confined and vaccinated within one week after entry, and shall remain confined for two additional weeks after vaccination unless accompanied by a certificate issued by a licensed veterinarian showing that said dog or cat is apparently free from rabies and has not been exposed to same and that said dog or cat has received a proper doses of rabies vaccine not more than six months prior to the date issuing the certificate.

SECTION XI: PENALTY FOR VIOLATION

- A. It shall be the duty of the owner of each and every dog or cat over four (4) months of age to have same vaccinated against rabies as follows:
 - 1. Dogs and cats shall be vaccinated pursuant to the laws of the State of North Carolina.
- B. Any violation of this ordinance shall be a misdemeanor punishable by a fine of not more than \$50.00 or imprisonment for not more than thirty (30) days. (130-A - 185).

SECTION XII: NOTICE WHEN PERSON BITTEN; CONFINEMENT OF ANIMAL

- A. When a person has been bitten by an animal, it shall be the duty of such persons, or his parent or guardian if such person is a minor, and the person owning such animal or having the same in his possession or under his/her control, to notify the Animal Control Office.
- B. Any dog/cat which bites a person shall be reported pursuant to General Statute 130A - 196 to the Animal Control Office immediately and quarantined for no less than ten (10) days. It shall be the responsibility of the Animal Control Officer to shelter, or to secure/confine the animal for ten (10) days at the expense of the owner, at the owner's home or at the owner's expense and request, in a veterinarian hospital.
- C. After ten (10) days, if the animal is determined to be free of rabies, the owner shall be notified by the Animal Control Officer that, upon payment of fees, he can reclaim his animal. However, if the animal does show signs of rabies during the observation period, the animal shall be beheaded

and the head of the animal shall be sent to the North Carolina Division of Health Services for examination.

- D. Any stray dog/cat or dog/cat whose owner cannot be located shall be quarantined at the shelter and euthanized at the end of the observation period. An animal that has been quarantined shall be placed for adoption at the discretion of County Veterinarian or Animal Control Coordinator.
- E. Any dead dog/cat which has been involved in a bite or animal under quarantine that dies during observation shall be immediately beheaded and the head shall be promptly delivered to the North Carolina Division of Health Services in Raleigh, North Carolina for testing.

SECTION XIII: AREA-WIDE EMERGENCY QUARANTINE

- A. When reports indicated a positive diagnosis of rabies to the extent that lives of persons are endangered, the Hertford County Health Director may declare an area-wide quarantine for such period as he deems necessary. Upon invoking of such emergency quarantine, no dog or cat may be taken or shipped from the county without written permission of the Hertford County Health Director. During such quarantine the Hertford County Health Director, Law Enforcement Officers and the Animal Control Officer may seize and impound any dog or cat found running at large in the county. During the quarantine period the Hertford County Health Director shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.
- B. 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 Hertford County Health Director.

SECTION XIV: IMPOUNDMENT

- A. An animal within the preview of the categories described below may be taken up by the Animal Control Officer or other Law Enforcement Officer and impounded at the Hertford County Animal Control Shelter.
 - 1. A stray or lost animal;
 - 2. An animal which is a vicious/public nuisance;
 - 3. An animal involved in an animal bite or other exposure; and
 - 4. A dog or cat over the age of four (4) months which has not been vaccinated against rabies pursuant to Statute 8 of this Ordinance.
 - 5. An animal which is at large in violation of Section V (D).
 - 6. A dangerous or potentially dangerous dog as determined under the provisions of Section IV of this Ordinance or G.S. 67-4.1(a).
- B. Upon impoundment of an animal, the Animal Control Officer shall immediately notify the owners

of the animal, if the owner can be readily identified, that the animal has been impounded and the procedure for reclaiming the animal.

C. Impounded animals may be released to their owners on Wednesdays from 1:00 p.m. until 3:00 p.m. and on Saturdays from 9:00 a.m. until 11:00 a.m. upon payment of cost.

1. Any owner reclaiming a cat or dog shall:

- a. Furnish proof that the cat or dog is presently immunized against rabies, or
- b. Have the dog or cat vaccinated against rabies within three (3) working days after release and provide a statement of proof of vaccination containing the date of vaccination and signed by the veterinarian administering the vaccine.

D. The following animals shall be retained by the Animal Control Officer at the Animal Control Shelter for periods listed below:

1. All animals except cats, injured, sick, or diseased animals, not reclaimed by the owner shall be kept for a minimum of five (5) working days.
2. All cats not reclaimed by their owner shall be kept for a minimum of three (3) working days.
3. Any injured, sick or diseased animals in which the owner cannot be located shall be impounded at the animal control shelter and held for a minimum period shall be placed for adoption in a suitable home, humanely euthanized or sold to an institution registered with the USDA pursuant to the Federal Welfare Act, as amended.
4. Any person adopting a dog or cat shall:
 - a. Have the dog or cat vaccinated against rabies within three (3) working days after release and provide a statement of proof of vaccination containing the date of vaccination and signed by the veterinarian administering the vaccine.

E. If an owner surrenders his animal voluntarily to the shelter and no other section of this ordinance has been violated, the animal control officer may allow for the adoption or euthanization of said animal.

SECTION XV: FEES

A. Dogs and Cats

1. An owner reclaiming an impounded dog/cat will be charged a redemption fee of \$5.00. The charge for the second redemption of the same animal within a twelve-month period will be \$10.00, \$15.00 for the third redemption, and \$20.00 for the fourth and subsequent redemptions.

2. Owners of a quarantined dog/cat will be required to pay a boarding fee of \$2.00 per day.
3. Any person wishing to adopt a dog/s or cat/s shall pay the adoption fee approved by the Board of Commissioners and specified in the adoption contract. Upon failing to comply with provisions of the adoption contract the adopter shall forfeit the animal, the contract fee and the Animal Control Officer may reclaim the dog/s or cat/s.

B. Other Animals

Fees for all other animals will be set at the discretion of the County Manager's Office, after recognition of all costs involved.

SECTION XVI: DESTRUCTION OR ADOPTION OF UNREDEEMED ANIMAL GENERALLY

- A. If an impounded animal is not redeemed by the owner or keeper within the period prescribed in Section XIV, it may be destroyed in a humane manner or shall become the property of the animal shelter's and offered for adoption to a responsible adult who is willing to comply with this ordinance and with policies promulgated by the Hertford County Health Department.
- B. No animal which has been impounded by reason of its being stray, unclaimed by its owner or keeper, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to this ordinance, except by special authorization of the Hertford County Health Director.

SECTION XVII: PROCEDURE WITH RESPECT TO REDEMPTION OR ADOPTION OF UNVACCINATED DOG OR CAT

- A. Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog or cat at the animal shelter will be given a "proof of rabies vaccination notice" at the time of the redemption or adoption. This notice will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of such person's choice for rabies vaccination. The time limit for dogs and cats four (4) months and older will be seventy-two hours, Sundays and holidays excluded. For puppies and kittens under four (4) months, the time limit will vary according to their age.
- B. The "proof of rabies vaccination notice" will be completed by the veterinarian and then returned to the animal control office by the animal owner or keeper.
- C. Payment for rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.

SECTION XVIII: DESTRUCTION OF ANIMALS WHICH CANNOT BE SEIZED BY REASONABLE MEANS

Notwithstanding any other provision of this ordinance, an animal which cannot be seized by reasonable means may be humanely destroyed by order of the Hertford County Sheriff.

It shall be unlawful for any person injuring an animal to fail to notify immediately the owner or keeper of said animal, or an animal control agency, or a local humane society.

SECTION XX: NON-DOMESTIC ANIMALS - PROHIBITED

No person shall possess or harbor any non-domestic animal or animals which are dangerous to persons or property which have the potential of being dangerous to persons or property. This section shall not apply to bonafide circuses, petting zoos, and other traveling commercial animal exhibitions of limited duration.

SECTION XXI: INTERFERENCE WITH ENFORCEMENT

It shall be unlawful for any person to interfere with, hinder or molest any employee of the Animal Control Office or persons duly authorized by this ordinance, or to seek to release any animal in the custody of such persons, except as otherwise specifically provided.

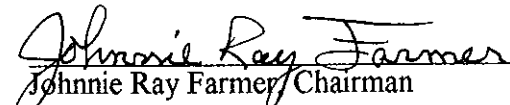
It shall be unlawful to move, tamper with, or remove any traps set by the Animal Control Office, or to release animals from said traps without authorization from the Animal Control Office

SECTION XXII: PENALTY FOR VIOLATION

The owner or person having possession, custody or control of any animal or animals who shall violate any provisions of this Ordinance shall be guilty of a misdemeanor, except as provided for payment in lieu of penalty in Section V above, and any such violation shall be punishable upon conviction by fine not exceeding Fifty Dollars (\$50.00) or imprisonment not exceeding thirty (30) days, as provided for by North Carolina General Statute 14-4.

SECTION XXIII: EFFECTIVE DATE

Approved by the Hertford County Board of Commissioners on August 2, 2010, to be effective August 3, 2010.


Johnnie Ray Farmer, Chairman
Hertford County Board of Commissioners

SECTION XIX: INJURING ANIMALS, NOTICE REQUIRED

It shall be unlawful for any person injuring an animal to fail to notify immediately the owner or keeper of said animal, or an animal control agency, or a local humane society.

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