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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.

- 1  
2 b. Any animal which damages the property of anyone other than its owner, including  
3 but not limited to, turning over garbage containers, damaging gardens, flowers or  
4 vegetables.  
5  
6 c. Any animal maintained in an environment of unsanitary conditions which results  
7 in offensive odors or that is dangerous to the animal or the public health, safety or  
8 welfare or that is not maintained in a condition of good order and cleanliness  
9 which reduces the probability of transmission of disease.  
10  
11 d. Any act by virtue of number or type and location is offensive or dangerous to the  
12 public health safety or welfare.  
13  
14 e. Any animal which barks, whines or howls in an excessive, continuous or untimely  
15 manner.  
16  
17 f. Any animal that habitually or repeatedly chases, snaps at, attacks or barks at  
18 pedestrians, joggers, animals walked on a leash by their owners, bicycles or other  
19 vehicles.  
20  
21 g. Any female dog or cat not maintained in a building or other enclosure, while in  
22 heat, in such a manner that she will not be in contact with another dog or cat or  
23 attract other animals. This section shall not be construed to prohibit the  
24 intentional breeding of animals within an enclosed area on the premises of the  
25 owner which is being bred.  
26

27 **QUARANTINE.** The strict confinement of an animal in a manner which precludes direct  
28 contact with other animals not currently in quarantine or person other than the owner or  
29 caretaker.  
30

31 **RESTRAINT.** Restriction or control of an animal's movement by an outside enclosure chain,  
32 leash, bridle or similar effective and humane device attended by the owner or person of suitable  
33 age and discretion to control the animal.  
34

35 **SECURE ENCLOSURE:** A padlocked pen or outbuilding with a concrete bottom and secure top  
36 or a house, mobile home or other residence with doors and windows sufficient to prevent escape  
37 by a dog.  
38

39 **STRAY.** Any animal, found within the county, wandering at large or lost which does not bear  
40 evidence of the identification of any owner, does not have a known owner or whereby an owner  
41 cannot be located in the exercise of due diligence.  
42

43 **SUSPECTED OF HAVING RABIES.** Any animal which is unvaccinated against rabies or  
44 whose vaccination status is unknown and who has had opportunity to be exposed to rabies.  
45

46 **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 The following shall be unlawful.

- 14  
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.**

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 <sup>st</sup> Offense	\$100/Violation
2 <sup>nd</sup> Offense	\$200/Violation
3 <sup>rd</sup> 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

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