

STANLY COUNTY ANIMAL CONTROL ORDINANCE

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STANLY COUNTY ANIMAL CONTROL ORDINANCE

ARTICLE I - AUTHORITY, PURPOSE, AND GENERAL PROVISIONS

SECTION 1

AUTHORITY. This ordinance is established pursuant to the following grants of statutory authority:

- (A) North Carolina General Statute 153A-121 which delegates to counties the power to regulate by ordinance, acts, omissions, or conditions detrimental to the health, safety or welfare of their citizens and the peace and dignity of the county.
- (B) North Carolina General Statute 153A-123, which authorizes counties to levy fines and penalties for violation of their ordinances and allows counties to secure injunction and abatement orders to further insure compliance with their ordinances.
- (C) North Carolina General Statute 153A-127 which authorizes counties to define and prohibit the abuse of animals.
- (D) North Carolina General Statute 153A-131 which authorizes counties to regulate, restrict or prohibit the possession or harboring of animals which are dangerous to persons or property.
- (E) North Carolina General Statute 153A-442 which authorizes counties to establish, equip, operate and maintain animal shelters.
- (F) North Carolina General Statute 153A-153 which authorizes counties to levy an annual license tax on the privilege of keeping dogs and other pets within the county.
- (G) North Carolina General Statute 130A-192 which authorizes Animal Control Officers to determine if there are any dogs, cats, and ferrets not wearing valid rabies vaccination tags and to take appropriate action regarding said dogs, cats, and ferrets.
- (H) North Carolina General Statute 67, Article 1A which authorizes Health Directors to declare a dog dangerous or potentially dangerous.
- (I) North Carolina General Statute 130A-186 which authorizes the local health director to appoint one or more certified rabies vaccinators.
- (J) North Carolina General Statute 14-4 which makes it a misdemeanor, unless otherwise specified, if any person shall be found guilty of violating an ordinance of the county.

SECTION 2

PURPOSE AND OBJECTIVE. This ordinance is established for the following purposes and objectives:

- (A) **ANIMAL CRUELTY:** To define and prohibit the abuse of animals;
- (B) **RABIES:** To protect citizens and animals of Stanly County from rabies transmitted by unconfined, uncontrolled, or unimmunized dogs, cats or ferrets;

- (C) ANIMALS AT LARGE: To regulate, restrict or prohibit the running at large of any domestic animals;
- (D) STRAY ANIMALS: To regulate, restrict or prohibit the keeping of stray domestic animals;
- (E) ANIMAL NUISANCE: To regulate animals that may be a nuisance;
- (F) INHERENTLY DANGEROUS EXOTIC ANIMALS: To regulate, restrict or prohibit the harboring or keeping or ownership of, wild or exotic animals, poisonous reptiles and dangerous animals;
- (G) ANIMAL BITES: To establish rules and procedures for dealing with animal bites;
- (H) IMPOUNDMENT OF ANIMALS: To regulate the impoundment and confinement of animals;
- (I) REDEMPTION OF IMPOUNDED ANIMALS: To regulate and establish procedures and fees for redeeming impounded animals in the County's Animal Shelter; and
- (J) DESTRUCTION OF ANIMALS: To regulate and establish procedures for destroying diseased, stray, unwanted or unclaimed animals.

SECTION 3

GENERAL PROVISIONS. The following general provisions shall apply to this Ordinance:

(A) ANIMAL CONTROL. Authority is hereby granted to the Stanly County Animal Control Department to enforce this Ordinance. This Ordinance shall be enforced by all Animal Control Officers (as defined in Section 3(C), having all rights, powers and immunities granted in Section 3(a)(1)-(13). All employees of Animal Control are hereby granted the following rights, powers, and immunities and said employees, through Animal Control shall:

- (1) Have the responsibility, along with law enforcement agencies, to enforce all laws of North Carolina and all ordinances of Stanly County pertaining to animals and to cooperate with all law enforcement officers within Stanly County in fulfilling this duty except within townships and municipalities that have adopted their own animal-related ordinances that conflict with this Ordinance.
- (2) Enforce and carry out all laws of North Carolina and all ordinances of Stanly County pertaining to rabies control;
- (3) Be responsible for the investigation of all reported animal bites, for the quarantine of any dog, cat or ferret suspected of having rabies for a period of not less than ten (10) days, and for reporting to the local Health Director as soon as practical the occurrence of any such animal bite and the condition of any quarantined animal;
- (4) Be responsible for the operation of the animal shelter;
- (5) Be responsible for the seizure and impoundment, when necessary, of any animal in Stanly County involved in a violation of this or any other ordinance or state law;
- (6) Investigate cruelty or abuse of animals and protect animals from cruelty or abuse;
- (7) Be empowered to seize animals with the consent of an owner or occupant of the property, or as evidence if the animals are in "plain view," or by criminal or administrative search warrant if the animals are being cruelly treated or abused;
- (8) Patrol homes and businesses in the county as necessary for the purpose of ascertaining compliance with this ordinance or state statute;

- (9) Keep, or cause to be kept, accurate and detailed records of seizures, impoundments, and disposition of animals coming into the custody of Animal Control, bite cases, violations, complaints, investigations, and monies collected;
- (10) Be empowered to issue Notices of Violation and assess civil penalties for violations of this Ordinance;
- (11) Be empowered to go in the yard of animal owners to inspect the condition of animals;
- (12) Be empowered to make inspections of buildings or dwellings with the consent of the owner or occupant, or by administrative search warrant, or criminal search warrant when there is probable cause to believe that this Ordinance or state law is being violated; and
- (13) Be empowered to go upon private property to seize animals pursuant to the provisions of this Ordinance or Court Order.
- (14) Be authorized to carry such firearms as deemed necessary to perform the duties required by provisions of this ordinance and policies established by the Director of the Stanly County Health Department to ensure safety of Officers and the public. Animal Control Officers will exercise caution and prudence in the use and discharge of firearms within the County limits. Firearms may be used within the county if absolutely necessary and after other means of capture have been exhausted. Animal Control Officers will use due diligence and be aware of surroundings when using firearms. Each Animal Control officer shall complete an annual firearms certification course given by a Licensed Firearms Instructor in North Carolina. A passing score of 70% must be attained and a copy must be placed in the employee file upon receiving a passing score. Cost of this training will be covered by the County.

(B) ANIMAL CONTROL DIRECTOR. The Animal Control Director shall be the Chief Animal Control Officer, be in charge of Animal Control, and supervise the Stanly County Animal Shelter. The Animal Control Director shall have the authority to delegate to his Animal Control Officers or Administrative Staff any of the powers granted him by this Ordinance. Any act done by an Animal Control Officer or a member of the Administrative Staff that is in compliance with or within the scope of this Ordinance, shall be considered the official act of the Animal Control Director.

(C) ANIMAL CONTROL OFFICER. All persons employed by the Animal Control Department shall be considered Animal Control Officers and shall have all rights, powers, and immunities granted under this Ordinance and by the general laws of this state to enforce the provisions of this Ordinance and the General Statutes of North Carolina as they relate to animal control and animal welfare.

(D) LICENSURE OF DOGS. No person shall own, keep, or harbor any dog four (4) months or older within the county limits unless it has been licensed as herein provided. Written application for the license shall be made to the county tax collector and shall state the name and address of the owner or harborer and the name, breed, color, age and sex of each dog. The fee for each tag shall be paid when the application is made. A numbered receipt will be given to the applicant, and a numbered metallic tag shall be issued to the applicant. A fee will be paid at the rate set by the Commissioners of Stanly County and must be purchased at the rate of one tag for each dog owned. If the county tag is lost, a duplicate may be procured from the Stanly County Tax Collector at a fee as provided by the Stanly County Board of Commissioners. It shall be unlawful for any person to use a receipt and/or an issued license tag for a dog other than the dog for which the receipt and license tag were originally issued.

(E) ANIMAL CONTROL COMMITTEE. Review of contested decisions concerning the enforcement of this ordinance by the Animal Control Department shall be made by the Stanly County Board of Health or by a designated Animal Control Committee. If such a committee is designated, it shall be comprised of the

Veterinarian, Physician, and Chairperson representatives of the Board of Health or other members so designated by the Board of Health.

ARTICLE II - RABIES CONTROL

SECTION 1

DEFINITIONS. As used in this Article the following terms are defined below:

(A) ANIMAL: Domestic dogs, cats, and ferrets.

(B) BITE: The act of an animal seizing flesh with its teeth or jaws so as to tear, pierce or injure the flesh.

(C) CATS: Any and all domestic felines.

(D) CONFINEMENT: Impoundment within the county's Animal Shelter or other appropriate facility.

(E) DOGS: Any and all domestic canines.

(F) HARBORER: Any person, group of persons, firm, partnership or corporation keeping, providing shelter or refuge, hiding, or concealing an animal or allowing an animal to remain on their property.

(G) OWNER: Any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on their property for more than seventy-two (72) hours.

(H) POTENTIAL CARRIER OF RABIES: Any wildlife or domestic animal known to harbor or carry the rabies virus;

(I) RABIES VACCINATOR: A person appointed and certified to administer rabies vaccine or a licensed veterinarian.

(J) RABIES VACCINE: An animal rabies vaccine approved by the United States Department of Agriculture for use in this State.

~~(K) RESTRAINT: The owner of an animal shall keep the animal on his property or under restraint at all times. An animal is under restraint if it is:~~

- ~~(1) inside a secure enclosure with a minimum dimension of 10 feet by 10 feet and with sides of sufficient height and depth to prevent the animal from jumping, climbing or digging out of the enclosure; or~~
- ~~(2) inside the primary residence of the owner/harbinger when on the owner's/harbinger's property; or~~
- ~~(3) controlled by a leash of sufficient means to restrain the animal and under control of a competent person when outside a secure enclosure or home; or~~
- ~~(4) inside an area on the owner's property secured by a functional, properly maintained electronic fencing device; or~~
- ~~(5) within the passenger area of a vehicle, restrained in a safe manner to prevent the animal from jumping over the sides or out of an open bed truck, or in a secure enclosure on a vehicle or trailer; or~~

~~— (6) under the control of a licensed hunter while said animal is in the act of hunting; an animal is in the act of hunting when, during a season designated for the hunted game, the Owner of the animal holds a hunting license as required by the State of North Carolina, and the animal is in fact hunting for said game; or~~

~~(7) participating in an animal show, competition or field trial.~~

~~— An animal control officer may, at their discretion, order a more restrictive restraint requirement if circumstances require and it is not detrimental to the health, safety or welfare of the animal.~~

~~— Use of tethering by means of chains, ropes, cables or like devices is not allowed unless approved by an Animal Control Officer on a case by case basis where existing secure enclosures or electronic fencing devices are being repaired. Owners using tethering as a means of restraint at the time of the adoption of this ordinance shall have six (6) months from the date of the adoption of this ordinance to comply with the aforementioned restraint requirements.~~

~~— Voice command is not recognized as adequate restraint.~~

~~— Exemptions: Law enforcement working canines, service dogs, search and rescue dogs, HRD (Human Remains Detection) dogs.~~

(~~L~~K) VACCINATION: The administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

SECTION 2

VACCINATION FOR RABIES. Owners of dogs, cats and ferrets shall comply with the provisions of this Section.

(A) VACCINATION. The owner of every dog, cat and ferret shall have the animal vaccinated against rabies at four (4) months of age, again at one (1) year after initial vaccination, and then every three (3) years by a licensed veterinarian or by a certified rabies vaccinator with a rabies vaccine approved by the United States Department of Agriculture and approved by the North Carolina Commission for Health Services for use in this State. A vaccine will be considered current more than 28 days after the vaccine is administered.

(B) RABIES TAGS. A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a dog, cat, or ferret shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words North Carolina or the initials “NC” and the words “rabies vaccine”. The owner shall make sure that their dog wears the rabies tag at all times and the owner of a cat or ferret shall make sure that the rabies tag for the cat or ferret is readily available at all times.

(C) RABIES VACCINATION CERTIFICATES. The owner of a dog, cat or ferret must be able to produce a current rabies vaccination certificate. This certificate shall be issued by a licensed veterinarian or a certified vaccinator at the time the dog, cat or ferret is vaccinated. A copy of the certificate shall also be mailed or delivered to the Animal Control Director by the licensed veterinarian or certified rabies vaccinator within thirty (30) days of the animal being vaccinated. The Animal Control Director may implement another method for collecting vaccination certificates. Stanly County residents who have their animals vaccinated outside of Stanly County are responsible for filing the rabies vaccination certificate within Animal Control within three (3) days of the inoculation or within three (3) days of their return to the local area. A vaccine must be given by a veterinarian or certified rabies vaccinator in the State of North Carolina.

(D) NON-TRANSFERABLE. Rabies tags cannot be transferred from animal to animal.

(E) LOST, DESTROYED OR STOLEN RABIES TAGS. If a rabies tag is lost, destroyed or stolen, a duplicate tag must be obtained from the veterinarian at a fee not to exceed the actual cost of the tag, link and rivets, plus transportation cost.

SECTION 3

BITES. In order that rabies may be controlled ~~and treated~~, all persons shall comply with the provisions of this Section.

(A) PERSONS BITTEN. Wounds inflicted by a potential carrier of rabies shall be reported immediately to the Animal Control Department by the person who has been bitten, or in case of a child, his or her parents or guardian or other responsible party. Any person who has knowledge of a potential carrier of rabies inflicting a wound shall immediately report the same to the Animal Control Department, and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved, if known. Every physician who treats a wound inflicted by a potential carrier of rabies shall report the incident to the Animal Control Department and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved, if known, within twenty-four (24) hours of rendering treatment.

(B) CONFINEMENT OF BITING DOGS, CATS, AND FERRETS AND CONFINEMENT OF ANIMALS SUSPECTED OF HAVING RABIES. Every dog, cat, or ferret that bites a human being shall be confined immediately. The animal shall be delivered by the owner within twenty four (24) hours of the incident to the County Animal Shelter or to a licensed veterinary hospital located in Stanly County. If the owner fails to deliver said animal within twenty four (24) hours to an approved location, the animal shall be picked up by an Animal Control Officer for transport to the County Animal Shelter. The animal shall be confined for observation for not less than ten (10) days. The owner shall be responsible for the cost of confinement at either place. The Animal Control Director shall have authority to order confinement of a dog, cat or ferret to the County's Animal Shelter or to a licensed veterinary hospital located in Stanly County. Stanly County Animal Control may waive the cost of confining the animal at the shelter if the bite occurred on the owner's premises and the animal was provoked. Final authority as to place of confinement rests with the County Health Director. After reviewing the circumstances of a particular case, the County Health Director may permit the animal to be confined on the premises of the owner, but only after an inspection and recommendation from the Animal Control Director and proof that the animal is current on vaccination against rabies. The Animal Control Officer's recommendation shall be based on the availability of a suitable secure enclosure on the owner's premises and whether or not other circumstances warrant confinement on the owner's premises.

An owner, harbinger or possessor of an animal which is suspected of having rabies shall immediately notify the Animal Control Department and shall, if safely possible, securely confine the animal until further instructed by the County Health Director or Animal Control Director.

(C) DESTRUCTION OF INFECTED DOGS, CATS, AND FERRETS. If a dog, cat or ferret, in or out of confinement, is suspected of having rabies, as determined by a licensed veterinarian, it shall be the duty of the owner to have such animal euthanized and sent for appropriate testing under the supervision of the Animal Control Director. Any dog, cat or ferret known to have been bitten by another animal which is known or proved to be rabid shall be euthanized immediately by the owner or by the Animal Control

Director unless the dog, cat or ferret has been vaccinated against rabies more than 28 days prior to being bitten and is given a booster dose of rabies vaccine within 72 hours of the bite. As an alternative to euthanasia, the dog, cat or ferret may be quarantined at a facility approved by the local health director for a period up to six months, and under reasonable conditions imposed by the health director.

SECTION 4

SANCTIONS, PENALTIES, FINES, AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) **FAILURE TO KEEP RABIES TAGS ON DOGS AND FAILURE TO KEEP RABIES TAGS OF CATS AND FERRETS READILY AVAILABLE AT ALL TIMES.** It shall be a violation if a dog is observed by an Animal Control Officer not wearing a valid rabies tag, regardless of whether or not the dog is on or off the owner's property and regardless of whether or not the dog has been vaccinated. It shall be a violation of this Article if upon request of an Animal Control Officer, the owner of a cat or ferret cannot readily produce a valid rabies tag for said cat or ferret regardless of whether or not the cat or ferret is on or off the owner's property and regardless of whether or not the cat or ferret has been vaccinated.

(B) **FAILURE TO PRODUCE PROOF OF VACCINATION AND/OR FAILURE TO HAVE ANIMAL VACCINATED WHEN THE OWNER IS KNOWN.** In addition to any civil penalties that may be imposed for violation of subsection (A) above, the owner of a dog, cat, or ferret may be assessed a civil penalty for violation of this subsection, if he or she fails to produce proof of vaccination and/or fails to have the animal vaccinated within seventy-two (72) hours of the issuance of a written Notice of Violation of subsection (A) above. The Notice of Violation of subsection (A) above shall specify that the owner has seventy-two (72) hours to produce proof of vaccination and/or to have the animal vaccinated and failure to do so shall result in the assessment of a civil penalty for violation of this subsection. If the owner presents proof of vaccination within seventy-two (72) hours of the Issuance of the Notice of Violation of subsection (A) above, a civil penalty for violation of this subsection shall not be assessed. Having the animal vaccinated or showing proof of vaccination shall not discharge any civil penalties previously assessed for violation of subsection (A) above.

If the animal is not vaccinated and/or the civil penalty/penalties is/are not paid within seventy-two (72) hours, Animal Control shall have the authority to summarily seize the animal. The owner shall have three (3) days from the date of seizure to redeem the animal. The owner may redeem the animal by paying the civil penalty/penalties, the redemption fee and all boarding fees. If the owner wishes to request a review of the seizure of the animal, the owner must file a written request with the Stanly County Health Director within three (3) days of the seizure. If a timely request is filed, the Board of Health's Animal Control Committee shall convene within ten (10) days of the receipt of said request. The Board of Health's Animal Control Committee shall hear the case and render a written decision within three (3) days after the hearing and serve the same on the owner. If the owner disagrees with the Board of Health's Animal Control Committee decision, the owner must seek a review by the Stanly County Superior Court within ten (10) days of the issuance of the Board Committee's written decision. If the owner fails to redeem the animal, or fails to timely request a review of the seizure, or fails to timely appeal the Board Committee's written decision, the animal shall become the property of Stanly County and shall be disposed of according to this Ordinance.

The Animal Control Officer may, in addition, issue a criminal summons or warrant, pursuant to G.S. 130A-25 for the owner's violation of the North Carolina General Statute 130A-185 or 130A-192. Any owner, if convicted, shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.

(C) **DOGS, CATS, AND FERRETS WITHOUT VALID RABIES TAGS AND THE OWNER IS UNKNOWN.** If a dog, cat, or ferret is observed not wearing a valid rabies vaccination tag and the owner is unknown and cannot be found, the Animal Control Director or his designee may impound the animal. Written notice of impoundment shall be posted at the Animal Shelter for a minimum of three (3) days. If the animal has not been redeemed by the owner after three (3) days, the animal shall become the property of Stanly County to be disposed of according to this Ordinance. If the owner is found, the animal shall be released upon payment of all redemption fees and a civil penalty for failure to wear a valid rabies vaccination tag. The owner may also be subject to other appropriate penalties described in Article IV, such as a civil penalty for the animal being at large.

(D) **FAILURE TO PROVIDE ANIMAL CONTROL WITH RABIES VACCINATION CERTIFICATES.** Any veterinarian or certified rabies vaccinator, who willfully refuses to turn over rabies vaccination certificates to Animal Control pursuant to N.C. General Statute 130A-189, shall be subject to the issuance of a criminal summons or warrant or the filing of a civil action to obtain the certificates.

(E) **FAILURE TO NOTIFY THE ANIMAL CONTROL DEPARTMENT OF A BITING INCIDENT AND FAILURE TO CONFINE BITING DOGS, CATS, AND FERRETS.** If the owner of a dog, cat, or ferret, or the person being bitten, or the parent of a child or other legal guardian or person standing in loco parentis of the person, fails to notify the Animal Control Department and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved in a biting incident; or the owner, who has knowledge of a dog, cat, or ferret biting incident, fails to confine the animal pursuant to Article II, Section 3, an Animal Control Officer or Health Director may seek the issuance of a criminal summons or warrant charging the person with a violation of North Carolina General Statute 130A-196.

ARTICLE III - ANIMAL CRUELTY

SECTION 1

DEFINITIONS. As used in this Article the following terms are defined below:

(A) **ANIMAL:** Every non-human domestic species, livestock, or fowl.

(B) **CRUELTY AND CRUEL TREATMENT:** Every act, omission, or act of neglect whereby unjustifiable, pain, suffering or death is caused or permitted, or attempted to be caused or permitted, against animals, as well as acts or attempted acts of teasing, molesting, baiting or trapping animals unlawfully. By way of example and not limitation, the following acts or conditions shall constitute prima facie evidence of animal cruelty:

- (1) a collar, rope or chain embedded in or causing injury to an animal's neck;
- (2) dogs or cats left out in the rain, snow, extreme heat or cold without shelter (this includes not providing shelter from the elements when using a humane trap for lawfully capturing an animal);
- (3) animals that have not been fed or watered adequately;
- (4) intentionally allowing animals to engage in a fight;
- (5) allowing animals to live in unsanitary conditions;

- (6) allowing animals to live under crowded conditions; and
- (7) failure or refusal of an owner to obtain medical treatment for an animal when in an Animal Control Officer's opinion such treatment is needed.

(C) OWNER: Any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal. ~~or allowing an animal to remain on their property for more than seventy-two (72) hours.~~

(D) PERSON: Any human being, firm, partnership or corporation including any nonprofit corporation.

(E) ADEQUATE SHELTER: An enclosure of at least four (4) sides, a roof, and a floor that provides adequate protection from the elements, including but not limited to heat, cold, rain, wind, and snow. The enclosure should be large enough to allow the dog to freely and comfortably stand up and turn around, but small enough to enable the dog to retain body heat. The enclosure shall have a slanted, waterproof roof to allow the elements to run off. If the house is made of wood, it shall be raised off the ground at least two (2) inches in order to prevent the rotting of the floor. The door shall be just large enough to allow the dog to enter easily. Clean, dry bedding, such as hay, straw, or cedar shavings, shall be provided. The bedding shall be changed as often as necessary to keep it sanitary. During warmer months, the dog shall be provided with shade from the sun. Shade may be provided via a tree or a tarp at a minimum. Anytime the dog is outside, the water should be provided in a container secured in a manner to prevent spilling. During colder months, the outside container(s) of water shall be monitored to prevent freezing.

The following methods of housing/sheltering animals are considered inadequate:

- (1) underneath outside steps, decks and stoops; or
- (2) inside of vehicles; or
- (3) underneath vehicles; or
- (4) inside metal or plastic barrels or
- (5) inside cardboard boxes.

SECTION 2

EXEMPTIONS. This Article shall not apply to agencies conducting biomedical research or training, lawful activities for sport, the production of livestock or poultry for sale as a consumer product and the lawful destruction of any animal for the purpose of protecting livestock, poultry or humans.

SECTION 3

GENERAL CARE AND PROHIBITED ACTS. All animals shall be kept and treated under sanitary and humane conditions and failure of the owner or possessor of the animal to abide by the provisions listed below shall subject the owner or possessor to the sanctions described in Section 5.

(A) FOOD, WATER AND SHELTER. All animals in the possession of any persons shall be provided proper and adequate food and water. All animals, unless otherwise indicated in this Ordinance, shall be given at suitable intervals, not to exceed twenty-four (24) hours, a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a healthful level of nutrition. All animals shall have access to a constant supply of clean, fresh water. All animals shall be provided proper and adequate shelter from the weather at all times.

(B) CLEAN SHELTER. All shelter for animals and the area surrounding said shelter shall be kept clean and sanitary at all times. Unacceptable unsanitary conditions shall include, but not be limited to the

accumulation of feces, urine, debris, plant overgrowth, and/or pest infestation within and/or around the area confining the animal.

(C) **MEDICAL TREATMENT.** All owners or possessors of animals shall provide proper medical attention for sick, diseased or injured animals. A sick animal shall go no longer than twenty-four (24) hours without veterinary care.

(D) **CRUELTY AND CRUEL TREATMENT.** No person shall beat, torment, overload, overwork, tease, molest or bait an animal or otherwise cruelly treat an animal as defined in Section 1(B) above. No person shall shoot a dog or any other animal, either on or off the owner's property, unless the animal is in the act of attacking a human being, sheep, cattle, hog, goat, or poultry or any domestic animal. This shall not apply to Animal Control Officers when in the performance of their duties.

(E) **ILLEGAL CONTEST OR COMBAT.** No person shall cause, permit or instigate any dogfight, cockfight, bullfight or other illegal contest or combat between animals or animals and humans.

(F) **POISONING OF ANIMALS.** No person shall expose any known poisonous substance or mix a poisonous substance with food, so that it will likely be eaten by any animal. This does not include acts or attempts of persons to rid their own property of rats and vermin.

(G) **CONFINING ANIMALS TO MOTOR VEHICLES OR TRANSPORTING ANIMALS.** No person shall leave an animal in a closed car, truck or other vehicle for such duration or at temperatures as an Animal Control Officer, in his sole discretion, deems harmful or potentially harmful to the animal. No person shall carry or cause to be carried in or upon any vehicle or other conveyance, any animal in a cruel or inhumane manner. No animals shall be allowed to ride in the back of an open truck bed, without the animal being restrained in the truck in a safe manner to prevent the animal from jumping over the sides or out of the vehicle.

(H) **ABANDONMENT.** No person shall turn loose or discard any domesticated animal or pet. Any dog, cat, or ferret left without food, water, or shelter for 24 hours will be considered abandoned and may be seized by the Animal Control Department.

(I) **DISPOSING OF DEAD ANIMALS.** All possessors or owners of animals that die, from any cause, shall bury the dead animal to a depth of at least three (3) feet beneath the surface of the ground on his or her leased or owned property. No animal shall be buried within three hundred (300) feet of any flowing stream or public body of water. In the alternative, said animal shall be completely burned or otherwise disposed of in a manner approved by the State Veterinarian or N.C Department of Agriculture. In any event, all dead animals shall be disposed of within twenty-four (24) hours after knowledge of the death. No possessor or owner of a dead animal shall remove the carcass of a dead animal from his premises to the premises of another person without written permission of the person having charge of such premises and without burying said carcass as provided above.

(J) **REPORTING INJURED OR KILLED DOMESTIC ANIMALS.** All persons who injure or kill a domesticated animal by running over, into, or otherwise coming in contact with such an animal with an automobile, motorcycle, bicycle or other vehicle shall notify the owner of the animal immediately. If the owner is not known, the person who injured or killed the animal shall immediately notify the Animal Control Department or the Police Department if the injury or death occurred in the city or the Sheriff's Department if the injury or death occurred in the county. The person who injured or killed the animal shall

give his or her name and address to the appropriate authority. An owner or lessee of real property who finds an injured or suffering domesticated animal on his property shall report the same to Animal Control as soon as the animal is discovered on the real property.

(K) ANIMALS GIVEN AWAY AS PRIZES. No live animal shall be given away, raffled or offered as a prize, premium or advertising device for, or as an inducement to enter, any contest, game or other competition involving skill or chance.

(L) PUBLIC EXHIBITS OF ANIMALS. Animal Control shall have the authority to inspect public exhibits of animals which are a part of fairs, carnivals, festivals, fund raising events, petting zoos and any other activity or function carried on in Stanly County. Stanly County Animal Control shall have the authority to close down any exhibit, function or activity if it is determined that animals are being cruelly treated or animals run the risk of causing injury or harm to the public or run the risk of being injured or harmed themselves. Animal Control, the Health Department nor Stanly County accept any liability for any injury, damage of property or loss visiting or monitoring public exhibits of animals.

SECTION 4

FAILURE TO REPORT ANIMAL CRUELTY. An owner or lessee of property who knows, or based on facts and circumstances should know, that animals are being or have been cruelly treated on the owner's or lessee's real property, shall report said act or acts of cruelty to the Animal Control Department. The owner or lessee of real property who fails to report acts of animal cruelty shall be subject to the appropriate sanctions described in Section 5 below.

SECTION 5

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4, G.S. 14-360, and/or G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s). Whenever it has been determined by an Animal Control Officer that the Owner of an animal, possessor of an animal or any person is in violation of any of the provisions found in Section 3, in addition to the aforementioned criminal and civil remedies, the Officer may seize the animal(s), pursuant to applicable laws, and/or issue written Notices of Violation ~~to the Owner. Should the Notice(s) of Violation require the Owner to correct the condition or problem within seventy two (72) hours or the Owner or possessor of the animal fails to cease or desist from the cruel treatment or fails to adequately provide for the animal, the Animal Control Officer may institute seizure and/or criminal proceedings, if he has not done so already.~~ If it is determined by an Animal Control Officer that an animal is not in immediate danger, or the condition or problem which gives rise to inadequate care or cruel treatment can be corrected immediately or within a short period of time, not to exceed seventy two (72) hours, he may issue a written Notice of Violation requesting the Owner or possessor of the animal to cease and desist or to correct the problem within seventy two (72) hours. If the condition or problem is not corrected within seventy two (72) hours or the Owner or possessor of the animal fails to cease or desist from cruel treatment or fails to adequately provide for the animal, the Animal Control Officer may institute seizure and/or criminal proceedings.

(A) VIOLATION OF SECTION 3, SUBSECTION ~~(A) FOOD, WATER AND SHELTER, (C) MEDICAL TREATMENT,~~ (D) CRUELTY AND CRUEL TREATMENT, (E) ILLEGAL CONTEST OR COMBAT, (F) POISONING OF ANIMALS, (G) CONFINING ANIMALS TO MOTOR VEHICLES OR TRANSPORTING ANIMALS, (H) ABANDONMENT, OR (I) DISPOSING OF DEAD ANIMALS. When

it has been determined by an Animal Control Officer that there has been a violation of one (1) or more of the following subsections: (D), (E), (F), (G), (H), or (I) he may initiate the issuance of a criminal summons or warrant for violating the following criminal statutes:

N.C. General Statute 14-360, Cruelty to Animals

N.C. General Statute 14-361.1, Abandonment of Animals

N.C. General Statute 14-362 and 14-362.1, Cockfighting and Animal Fights and Baiting, Other Than Cock Fights, Dog Fights, and Dog Baiting

N.C. General Statute 14-363, Conveying Animals In A Cruel Manner

N.C. General Statute 14-401, Putting Poisonous Foodstuffs, Antifreeze, etc. In Certain Public Places, Prohibited

N.C. General Statute 106-403 and 106-405, Disposition of Dead Domesticated Animals and Prohibited Acts, Penalties

Any person found guilty under any of the above criminal statutes shall be subject to the penalty therein prescribed, or if no penalty is therein prescribed, then according to N.C. General Statute 14-4.

(B) VIOLATION OF SECTION 3 SUBSECTION (B); (CLEAN SHELTER). Notwithstanding the other provisions and sanctions of this Article, when it has been determined by an Animal Control Officer that animals have been allowed to live in unsanitary conditions, and that said conditions resulted from the owner's unwillingness or inability to clean the area where animals are housed or that the conditions resulted from the number of animals involved, Animal Control may seize the animals pursuant to applicable laws. Before the animals are seized, the Animal Control Director or Health Director shall issue a Declaration of Unsanitary Conditions and Notice of Seizure to the owner. If the owner wishes to request a review of the seizure of the animals, the owner must file a written request with the Board of Health's Animal Control Committee within five (5) days of the seizure. If a timely request is filed, the Board of Health's Animal Control Committee shall convene within ten (10) days of the filing of said request. If the owner disagrees with the Board of Health's Animal Control Committee decision, the owner must seek a review by the Stanly County Superior Court within ten (10) days of the issuance of the Board Committee's written decision. If the owner fails to timely request a review of the seizure or fails to timely appeal the committee's written decision, the animal shall become the property of Stanly County and shall be disposed of according to this Ordinance.

(BC) VIOLATION OF SECTION 3, SUBSECTION (J) REPORTING INJURED OR KILLED DOMESTIC ANIMALS. When it has been determined by an Animal Control Officer that a domesticated animal has been injured or killed, as a result of coming into contact with an automobile, motorcycle, bicycle or other vehicle, and the person operating said conveyance fails to report the same, and the operator can be identified by an eyewitness or physical evidence, the Animal Control Officer may issue a written Notice of Violation and Civil Penalty to the operator.

Any Owner or lessee of real property who fails to report the existence of an injured or suffering domesticated animal on his property as required by Section 3, Subsection (J) above, may be issued a written Notice of Violation and Civil Penalty.

(D) VIOLATION OF SECTION 3, SUBSECTIONS (K) OR (L); (ANIMALS AS PRIZES AND PUBLIC EXHIBITS OF ANIMALS). Any person who violates Section 3, Subsection (K) shall be subject to the issuance of a criminal warrant or summons and, if convicted, shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisoned for not more than six (6) months. Any person who fails or refuses to close down an exhibit, function or activity after being instructed to do so by Animal Control shall be subject to the issuance of a criminal warrant or summons and, if convicted, shall be

guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.

ARTICLE IV - DOGS AT LARGE AND CONFINEMENT OF DOGS IN ESTRUS

SECTION 1

DEFINITIONS. As used in this Article, the following terms shall have the meanings set forth below:

(A) DOG: Any and all domestic canines.

(B) AT LARGE: Any dog out of compliance with Section 2 (G), and not under physical restraint.

(C) IN ESTRUS: A female dog in what is commonly called “heat.”

(D) NIGHTTIME: The time from one-hour after sunset until one hour before sunrise.

(E) OWNER: Any person, group of persons, firm, partnership or corporation owning, keeping, having charge or taking care of any animal or allowing any animal to remain on their property for seventy two (72) hours.

(F) OWNER’S PROPERTY: The owner’s property is that area described in a deed of conveyance or the area described in a lease. In a situation involving townhouses or condominiums, Animal Control will treat the “Common Areas” as being owned by the Homeowner’s Association. In a situation involving leased apartments, Animal Control will treat the “Common Areas,” as being owned by the Lessor/Property Owner.

(G) PRIOR COMPLAINTS: For purposes of this Ordinance, any prior verbal or written complaint to Animal Control about a specific dog being at large, or any verbal or written complaint about any dogs of an owner being at large, shall constitute a prior complaint.

(H) RESTRAINT: ~~The owner of a dog shall keep the dog on his property or under restraint at all times.~~ A dog is under restraint if it is:

- (1) inside a secure enclosure with a minimum dimension of 10 feet by 10 feet and with sides of sufficient height and depth to prevent the animal from jumping, climbing or digging out of the enclosure; or
- (2) inside the primary residence of the owner/harbinger when on the owner’s/harbinger’s property; or
- (3) controlled by a leash of sufficient means to restrain the dog and under control of a competent person when outside a secure enclosure or home; or
- (4) inside an area on the owner’s property secured by a functional, properly maintained electronic fencing device; or
- (5) within the passenger area of a vehicle, restrained in a safe manner to prevent the dog from jumping over the sides or out of an open bed truck, or in a secure enclosure on a vehicle or trailer; or
- (6) under the control of a licensed hunter while said dog is in the act of hunting or training for

~~hunting as regulated by the N.C. Wildlife Resources Commission; a dog is in the act of hunting when, during a season designated for the hunted game, the Owner of the dog holds a hunting license as required by the State of North Carolina, and the dog is in fact hunting for said game; or~~

(7) participating in an animal show, competition or field trial; or

(8) sufficiently near the owner or a competent handler on the owner's property to be under his/her direct control while playing with or socializing with the dog and the dog is obedient to that person's commands; or

(9) tethered by means of a size appropriate chain, cable or like device not less than 8 feet in length with swivel fasteners at both ends of the tether. Tethers shall be fastened to a collar (not choke or pinch collar) or harness on the dog and attached to a D-Ring on the collar or harness. It shall be unlawful to tether a dog in such a manner as to cause injury or pain, or not permit it to reach shelter, food and water; or

(10) on the owner's property that is 1 acre or greater and remains under the control of their owner on that parcel of land. Under these conditions, the dog does not have to be actively restrained by means of a fence, tether, or other secure enclosure if control can be maintained and the dog restricted to the owner's property.

An animal control officer may, at their discretion, order a more restrictive restraint requirement if circumstances require and it is not detrimental to the health, safety or welfare of the dog.

~~Use of tethering by means of chains, ropes, cables or like devices is not allowed unless approved by an Animal Control Officer on a case by case basis where existing secure enclosures or electronic fencing devices are being repaired. Owners using tethering as a means of restraint at the time of the adoption of this ordinance shall have six (6) months from the date of the adoption of this ordinance to comply with the aforementioned restraint requirements.~~

~~Voice command is not recognized as adequate restraint.~~

Exemptions: Law enforcement working canines, service dogs, search and rescue dogs, HRD (Human Remains Detection) dogs.

SECTION 2

DOGS AT LARGE. The owner of a dog shall keep the dog ~~on his property or~~ under restraint at all times as specified in Section 1 Subsection (H) above.

SECTION 3

FEMALE DOG IN ESTRUS. An owner shall secure a female dog in estrus within a building or secure enclosure.

SECTION 4

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) DOG AT LARGE. If Animal Control ~~received~~ receives a "first time" at large complaint and an Animal Control Officer does not personally observe the dog at large, the officer shall investigate said complaint. The Animal Control Officer shall have authority to go on and about private property to investigate said complaint. Upon a finding of probable cause to believe the dog was at large he may issue a written Notice

of Violation and Civil Penalty. If an Animal Control Officer observes a dog at large or not appropriately under restraint as required by this article, he may impound the dog even on a “first time” complaint.

The owner of a dog deemed at large may be issued a written notice of violation and assessed a civil penalty for the first violation and additional civil penalties for each subsequent violation. If the dog is impounded, the owner must redeem the dog within three (3) days. If the owner fails to redeem the dog within three (3) days, the dog shall become the property of Stanly County and may be disposed of according to this Ordinance. To redeem the dog the owner must pay the civil penalty, all boarding fees and the redemption fee.

When the same dog has been impounded three (3) times or the owner has been cited three (3) times for his dog(s) being at large, the Animal Control Director shall declare the dog(s) a public nuisance and/or cite the owner for maintaining a public nuisance. The dog(s) shall then be housed or confined according to the instructions of the Animal Control Officer. If the dog(s) is/are subsequently found at large or the owner is subsequently cited for his dog(s) being at large, the Animal Control Officer may impound the dog(s) due to the owner's failure to abate the nuisance.

The owner of a dog, which is involved in the unprovoked bite of another person, while the dog is running at large, shall be assessed a civil penalty for the unprovoked bite in addition to a civil penalty for the dog running at large.

(B) DOG AT LARGE AT NIGHT. When the Animal Control Officer has probable cause to believe that a dog was or is at large at night, he may initiate the issuance of a criminal summons or warrant charging the owner with a violation of North Carolina General Statute 67-12. Any person convicted under North Carolina General Statute 67-12 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months. The owner of a dog that allows same to run at large at night shall also be liable in damages to any person injured or suffering lost to his property or chattels.

(C) FAILURE TO CONFINE FEMALE DOG IN ESTRUS. When the Animal Control Officer has probable cause to believe that an owner has failed or refused to confine a female dog in estrus (heat) in a building or secure enclosure, he shall initiate the issuance of a criminal summons or warrant charging the owner with a violation of North Carolina General Statute 67-2. Any person convicted under G.S. 67-2 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months.

(D) PRIVATE REMEDIES. Nothing in this Article shall prevent a private citizen from suing the owner of a dog, which has caused injury to said private citizen or his property for damages or any other loss resulting from a dog being at large.

ARTICLE V - DOG NUISANCE

SECTION 1

DEFINITIONS. As used in this Article the following terms shall have the meanings set forth below:

(A) **DOG:** Any and all domestic canines.

(B) **DOG NUISANCE:** The owner shall be responsible for any dog creating a nuisance. The following qualifying act(s) or conditions described in numbers one (1) through eight (8) shall be deemed prima facie evidence of an animal nuisance.

- (1) is at large off of the premises of its owner and not under restraint of a person; or
- (2) chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers or farm stock or domestic animals; or
- (3) gets into or turns over garbage pails; or
- (4) damages gardens or other foliage or other real or personal property; or
- (5) habitually or continuously loiters on school grounds or official County parks or recreation areas or City parks or recreation areas (applicable in the City only if the enforcement of this Ordinance is adopted by a city in Stanly County by resolution); or
- (6) is a dangerous animal as defined in Article VIII; or
- (7) is maintained in an unsanitary condition as to be offensive to sight or smell; or
- (8) is diseased and dangerous to the health of the public.

(C) **OWNER:** Any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on their property for more than seventy-two (72) hours.

SECTION 2

DOG CREATING A NUISANCE. The owner shall be responsible for any dog creating a nuisance, and it shall be a violation of this Article if a dog engages in any of the acts mentioned in Section 1, Subsection (B) above, or Section 3 below.

SECTION 3

DOG HOUSED OR RESTRAINED LESS THAN 15 FEET FROM PUBLIC WAY. Any dog housed or restrained less than fifteen (15) feet from public street, road or sidewalk may be deemed a public nuisance if, in the discretion of Animal Control, the dog poses a threat to the general safety, health and welfare of the general public.

SECTION 4

INTENTIONALLY OR WILLFULLY CAUSING A DOG TO VIOLATE THIS ARTICLE. It shall be a violation of this ordinance for a person to intentionally or willfully cause a dog to be a public nuisance.

SECTION 5

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) WARNINGS. When an Animal Control Officer determines that a violation of Section 3 of this Article has occurred, he may issue a written Warning of Violation and Notice of Public Nuisance, which shall be served on the owner. The owner shall be responsible for abating the nuisance within seventy-two (72) hours by making sure his dog does not engage in any further act or acts which may constitute a nuisance.

(B) FAILURE TO ABATE THE NUISANCE. If the dog engages in any further act(s) or if the owner of the dog fails to abate the condition which constitutes the nuisance within seventy (72) hours, the Animal Control Officer may issue a Notice of Violation and Civil Penalty for the first offense and additional penalties for any subsequent offense. If the owner fails to abate the nuisance after the second civil penalty, Animal Control may seize and impound the dog. If the dog is seized, the Animal Control Officer must post a notice of seizure and impoundment with the owner. The owner may reclaim the dog upon payment of civil fees, redemption fees and boarding fees. If the dog is not reclaimed within three (3) days, it shall become the property of Stanly County Animal Control and shall be disposed of according to this ordinance.

(C) OWNER UNKNOWN. In situations where the owner of a dog is unknown and the dog is a nuisance, the Animal Control Officer shall impound the dog. If the owner does not redeem the dog within three (3) days, the dog shall become the property of Stanly County and can be disposed of according to this Ordinance.

(D) DOG HOUSED OR RESTRAINED LESS THAN 15 FEET FROM PUBLIC WAY. Notwithstanding the other sanction mentioned above, when it has been determined by an Animal Control Officer that a dog has been housed or restrained within fifteen (15) feet of a public street, road or sidewalk, and the dog poses a threat to the public, but the dog is not in the street, road or on the sidewalk, he shall issue a warning to the owner requesting the owner to move the dog. If the owner refuses to move the dog, the Animal Control Officer shall issue a Notice of Violation and Civil Penalty for the first offense and additional penalties for each subsequent offense. After the second offense, the Animal Control Officer may impound the dog. He must leave a Notice of Impoundment with the owner or affix the notice to the premises. The owner shall have three (3) days to redeem the dog. The owner must pay any and all outstanding civil penalties, redemptions fees, and boarding fees in order to redeem the dog. If the owner fails to redeem the dog within three (3) days the dog shall become the property of Stanly County to be disposed of according to this Ordinance.

If a dog is housed or restrained within fifteen (15) feet of a public street, road or sidewalk and the dog poses a threat to the public, and it is found in the public street, road or on the sidewalk and the owner is not at home or refuses to remove said dog from the public street, road or sidewalk, the Animal Control Officer may impound the dog. He must leave a Notice of Impoundment with the owner or affix the notice to the premises. The Animal Control Officer may issue a Notice of Violation and Civil Penalty for a first offense and additional penalties for each subsequent offense. The owner shall have three (3) days to redeem the dog. The owner must pay any and all outstanding civil penalties, redemptions fees, and boarding fees in order to redeem the dog. If the owner fails to redeem the dog within three (3) days the dog shall become the property of Stanly County to be disposed of according to this Ordinance.

(D) INTENTIONALY OR WILLFULLY CAUSING A DOG TO VIOLATE THIS ARTICLE. If Animal Control finds that there is probable cause to believe that a person has intentionally or willfully caused or enticed a dog to be in violation of this Article, it may initiate the issuance of a criminal summons or warrant. Any person found guilty of Section 4 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.

(E) PRIVATE REMEDIES. Nothing in this Article shall prevent a private citizen from suing the owner of a dog with has caused injury to said private citizen or his property for damages or any other loss resulting from an animal being a nuisance.

ARTICLE VI - CATS AS PUBLIC NUISANCE AND CONFINEMENT OF CATS IN ESTRUS

SECTION 1

DEFINITIONS. As used in this Article the following terms shall have the meanings set forth below:

(A) CATS: Any and all domestic felines.

(B) IN ESTRUS: A female cat in what is commonly called “heat.”

(C) NUISANCE: The owner shall be responsible for any cat(s) creating a nuisance. The commission on more than one (1) occasion of any of the following qualifying act(s) or conditions described in numbers one (1) through seven (7) shall be deemed prima facie evidence of a cat nuisance:

- (1) gets into or turns over garbage pails; or
- (2) walks on, sleeps on or scratches an automobile of another; or
- (3) damages gardens or other foliage or other real or personal property; or
- (4) is found on the property of another; or
- (5) roams; or
- (6) is maintained in an unsanitary condition so as to be offensive to sight or smell; or
- (7) in estrus is not confined to a building or secure enclosure.

(D) OWNER: Any person, group of persons, firm, partnership or corporation owning, keeping, having charge or taking care of any cat or allowing any cat to remain on their property for than seventy two (72) hours or more.

(E) OWNER’S PROPERTY. The owner’s property is that area described in a deed of conveyance or the area described in a lease. In a situation involving townhouses or condominiums, Animal Control will treat the “Common Areas” as being owned by the Homeowner’s Association. In a situation involving leased apartments, Animal Control will treat the Common Areas” as being owned by the Lessor/Property Owner.

(F) PRIOR COMPLAINTS. Any verified verbal or written complaint to Animal Control about a specific cat being a nuisance or any verified verbal or written complaint about an owner allowing his cat or cats to be a nuisance shall constitute a prior complaint.

(G) STRAY CATS AT LARGE: Animal Control will NOT routinely pick up stray cats but will assist residents to trap and seize these animals

SECTION 2

CAT NUISANCE. It shall be a violation of this Ordinance for an owner to allow his cat(s) to engage in any of the acts listed in Section 1, Subsection (C) above on more than one (1) occasion. The owner and the cat shall be subject to the sanctions, penalties, fines and remedies stated in Section 4.

SECTION 3

FEMALE CATS IN ESTRUS. Any owner who fails to secure a female cat in estrus (heat) within a building or secure enclosure shall be in violation of this Article.

SECTION 4

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) CAT NUISANCE. Upon receiving a first complaint about a cat or cat owner and after finding probable cause to believe that the cat or cat owner has committed one or more acts listed in Section 1, Subsection (C) above, Animal Control ~~may shall~~ issue a written ~~or verbal~~ warning to the owner. If Animal Control ~~received-receives~~ a second complaint about a cat and after investigating said complaint there is probable cause to believe that a cat or the owner has again engaged in one (1) or more acts described in Section 1, Subsection (C) above, the Animal Control Officer ~~may shall~~ issue a written Declaration of Nuisance Notice of Public Nuisance to the owner. ~~If, while Animal Control is investigating the second complaint, the cat is physically caught on the property of another, it may be returned to its owner, if known, if the owner is at home. If the owner is known but not at home or if the owner is unknown, the cat may be impounded. The owner shall have three (3) days to redeem the cat. The owner must pay all boarding fees in order to redeem the cat. If the owner fails to redeem the cat within three (3) days, the cat shall become the property of Stanly County and may be disposed of according to this Ordinance. No civil penalty shall be issued for the cat or the owner allowing the cat to be a nuisance at this time.~~

~~If a second complaint is substantiated, the Animal Control Officer may issue or have issued a Declaration of Nuisance. The Declaration of Nuisance Notice of Public Nuisance shall inform the owner that a civil penalty will be issued if the cat or any other cat owned by him is found to be in violation of this Article again. If this Article is violated after the issuance of the Declaration of Nuisance Notice of Public Nuisance, the Animal Control Officer shall issue a Notice of Violation and Civil Penalty for the first offense and additional penalties for each subsequent offense.~~

If, after the issuance of a Declaration of Nuisance Notice of Public Nuisance, a cat is physically caught off of the owner's property, the cat may be impounded. A Notice of Impoundment and Notice of Violation and Civil Penalty shall be left with the owner or affixed to the owner's premises. The owner must redeem the cat within three (3) days. The owner must pay all outstanding civil penalties, redemption fees, and boarding fees in order to redeem the cat. If the owner fails to redeem the cat within three (3) days, the cat shall become the property of Stanly County and shall be disposed of according to this Ordinance.

When the same cat has been impounded three (3) times or the owner has been cited three (3) times for his being a nuisance, the Animal Control Officer may issue a Notice of Abatement which contains specific written instructions as to how the cat(s) must be confined to the owner's property. If the cat(s) is/are subsequently found to be a nuisance or the owner is subsequently cited for allowing his cat(s) to be a nuisance, Animal Control may impound the cat(s) and the Animal Control Officer shall initiate an action in District Court for custody of the cat(s) based on the owner's failure to abate the nuisance.

(B) FAILURE TO CONFINE A FEMALE CAT IN ESTRUS. When the Animal Control Officer has probable cause to believe that an owner has failed or refused to confine a female cat in heat in a building or secure enclosure, he may initiate the issuance of a civil penalty as provided under this ordinance.

(C) PRIVATE REMEDIES. Nothing in this Article shall prevent a private citizen from suing the owner of a cat, which has caused injury to said private citizen or his property for damages or any other loss resulting from a cat being a public nuisance.

ARTICLE VII - KEEPING STRAY ANIMALS

SECTION 1

DEFINITIONS. As used in this Article the following terms shall have the meanings set forth below:

(A) ANIMAL: domestic animals such as dogs, cats, and ferrets.

(B) STRAY: An animal within the County wandering at large or lost without evidence of the identification of an owner, or any animal within the County whose owner, if determinable, has failed to pay for and procure a license or vaccination tag, shall be deemed a stray.

SECTION 2

KEEPING STRAY ANIMALS. ~~It shall be unlawful for any person to harbor, feed, keep in possession by confinement or otherwise any stray animal which does not belong to him or her, unless he or she has, within seventy two (72) hours from the time such animal came into his or her possession, notified Animal Control. It shall be unlawful for any person to harbor, feed, or keep in possession by confinement or otherwise any stray animal which does not belong to him or her. Any person harboring, feeding, keeping in his or her possession by confinement or otherwise any stray animal which does not belong to him or her must notify Animal Control within seventy two (72) hours from the time such animal came into his or her possession. It shall be unlawful for any person to fail to notify Animal Control within seventy two (72) hours from the time a stray animal comes into his or her possession.~~

SECTION 3

REFUSAL TO SURRENDER A STRAY ANIMAL. It shall be unlawful for any person to refuse to surrender a stray animal to Animal Control upon demand.

SECTION 4

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) KEEPING STRAY ANIMALS. When the Animal Control Officer has determined that a person has violated Section 2 above, he may issue a written Notice of Violation and Civil Penalty to the person in violation. Once Animal Control takes possession of a stray animal, it shall be placed in the County's Animal Shelter for redemption by the Owner.

If the Owner is not found or the animal is not redeemed after three (3) days, the animal shall become the property of Stanly County and may be disposed of according to this Ordinance.

(B) REFUSAL TO SURRENDER STRAY ANIMAL. Any person who fails or refuses to surrender a stray animal to Animal Control after demand, if convicted, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

ARTICLE VIII - DANGEROUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL

SECTION 1

DEFINITIONS. As used in this Article the following terms shall have the meanings set forth below:

(A) ANIMAL: Domestic dogs, cats, and ferrets.

(B) AT LARGE: When any previously determined dangerous animal is off of the property of its owner and not under restraint or when any previously determined dangerous animal is not confined to a secure enclosure while on the property of its owner, it shall be deemed at large.

(C) DANGEROUS ANIMAL:

(1) An animal that:

- (a) without provocation has killed or inflicted severe injury on a person, or
- (b) is determined by the Animal Control Department to be potentially dangerous because the animal has engaged in one or more of the behaviors listed in the definition of a potentially dangerous animal; or
- (c) is owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting.

(D) POTENTIALLY DANGEROUS ANIMAL: An animal that has been determined to have:

- (1) Inflicted a bite on a person that resulted in any of the following: broken bones, disfiguring lacerations or injuries requiring cosmetic surgery, hospitalization, or other medical care.
- (2) Killed or inflicted severe injury upon a domestic animal, when not on the owner's real property.
- (3) Approached a person (if the person was not trespassing on the owner's property) in a vicious or terrorizing manner in an apparent attitude of attack. (NCGS 67-4.1(2))

(E) OWNER: Any person, group of persons, firm, partnership or corporation owning, keeping, harboring, having charge of or taking care of a dangerous or potentially dangerous animal or allowing a dangerous or potentially dangerous animal to remain on their property for seventy two (72) hours.

(F) OWNER'S PROPERTY: Any real property owned or leased by the owner of a dangerous animal, not including any public right-of-way or the common areas of a condominium, apartment complex or townhouse development.

(G) RESTRAINT: A dangerous or potentially dangerous animal is restrained if it is in a secure enclosure or firmly under the control of a competent person. When the animal is not in a secure enclosure on the owner's property, it shall be securely muzzled and under restraint by a competent person who by means of a non-retractable appropriately sized leash, not to exceed six (6) feet in length, has such animal firmly under control at all times. For purposes of this section, ~~tying~~ tethering a dangerous or potentially dangerous

animal to a stake, pipe, tree or any other stationary object shall not constitute restraint. When the animal is not under the control of a competent person, restraint shall mean confinement to a secure enclosure deemed appropriate by the Animal Control Director or his designee.

(H) **SECURE ENCLOSURE:** An enclosure, the specifications of which are listed below, from which a dangerous animal or potentially dangerous animal cannot escape unless freed by an owner. The secure enclosure shall be enclosed as a permanent structure with dimensions of at least 10x10x6 feet with at least 6-gauge wire and S-20 framing at the top, sides, and bottom of the structure. If the structure does not have a concrete floor, it shall have vertical sides made of a least 6-gauge wire that are at least eight (8) feet tall with at least six (6) feet above ground and at least two (2) feet buried underground. The door or doors of the secure enclosure must have secure locks on them at all times the animal is within the structure and not under control of its owner as outlined in item F of this section. The Animal Control Officer may approve in writing other structures that will appropriately confine the animal. Human dwelling units shall not be approved as enclosures for dangerous animals.

SECTION 2

EXEMPTION. This Article shall not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties, or a dog being used in a lawful hunt, or a dog used as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, or a dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

SECTION 3

DETERMINATION OF DANGEROUSNESS. If the Animal Control Department or Health Director receives information that an animal has exhibited or committed any of the acts described in the dangerous animal or potentially dangerous animal definitions above, the animal shall be immediately impounded by the Animal Control Department at the Stanly County Animal Shelter or other facility approved by the Health Director or his designee. The Health Director or his designee shall make a determination as to whether the animal is dangerous or potentially dangerous. The Health Director or his designee must issue a written determination within three (3) days of learning about the dangerous propensity of the animal. Whatever determination Animal Control makes must be placed in writing. The written decision must contain his reasons for declaring or not declaring the animal potentially dangerous. If the animal is declared potentially dangerous, specific instructions in accordance with Section 4 of this Article and any other controls as deemed as necessary by the Health Director or his designee shall be given. These instructions must be followed during the pendency of any appeal filed by the owner and at all times thereafter unless the owner prevails on appeal. Animals declared dangerous or potentially dangerous shall remain impounded at the Stanly County Animal Shelter or other facility approved by the Health Director or his designee. The animal shall be impounded until such time as the Health Director or his designee is satisfied that a secure enclosure is constructed by the owner and all the aforementioned instructions and controls have been met; however, dangerous animals or potentially dangerous animals not reclaimed by the owner within thirty (30) days of being deemed dangerous shall become property of Stanly County and be humanely destroyed except in cases in which there are pending appeals. All fines, penalties and fees shall be paid by the owner of the dangerous animal or potentially dangerous animal prior to the animal being reclaimed.

The written decision shall be served on the owner of the animal. If the owner of the animal agrees with the Animal Control Department's decision, he shall go to the Animal Control Department during its normal operating hours to meet with an Animal Control Officer and review applicable confinement information/ documents within 72 hours of receiving the written decision. If the owner of the animal disagrees with the

Animal Control Department's decision, he must file a written Appeal and Request for Hearing with the Board of Health's Animal Control Committee within three (3) days of receiving the written decision. The Board of Health's Animal Control Committee shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Board of Health's Animal Control Committee shall render a written decision within three (3) days after the hearing and serve the same on the owner. The owner may appeal the Board of Health's Animal Control Committee's decision to the Superior Court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the Board of Health's Animal Control Committee. The appeal shall be heard de novo in Superior Court pursuant to N.C. General Statute 67-4.1(c). If the owner of the animal has no contact with the Animal Control Department within 72 hours of receiving the written decision, the animal will be disposed of in accordance with this Ordinance. If the owner so chooses at any time during the determination of dangerousness process, he may surrender the animal.

SECTION 4 CONFINEMENT AND RESTRAINT OF A DANGEROUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL.

The owner of a dangerous animal or potentially dangerous animal shall keep the animal within a secure enclosure, as defined in Section 1 of this Article, on his property. When the animal is not in a secure enclosure on the owner's property, it shall be securely muzzled and under restraint by a competent person who by means of a non-retractable, appropriately sized leash, not to exceed six (6) feet in length, has such animal firmly under control at all times. The owner shall notify Animal Control immediately of an escape by the animal.

All dangerous animals and potentially dangerous animals must be microchipped for identification by a licensed Veterinarian within twenty (20) days at the owner's expense and Animal Control provided with the identification number.

All owners of dangerous animals and potentially dangerous animals must post a sign that states "DANGEROUS DOG," if the animal is a dog, or "DANGEROUS ANIMAL," if the animal is not a dog, at the common entrance(s) to the property and post same on the enclosure where said animal is confined. The Animal Control Department may use their discretion in requiring additional, non-English languages or pictures on signs.

The Animal Control Department shall have the authority to require the owner of a dangerous or potentially dangerous animal to procure, and provide proof of liability insurance in the amount of at least \$100,000 at the owner's expense and to require the owner to have the insurer notify the department of any change in the insurance or policy.

SECTION 5 TRANSFER OF OWNERSHIP OF A DANGEROUS ANIMAL.

If the owner of a dangerous animal or potentially dangerous animal transfers ownership or possession of the animal to another person, the owner shall provide the Animal Control Department with written notice prior to the transfer of ownership or possession. Minimally, said written notice shall contain the anticipated date of transfer and the name, address, and telephone number of the new owner or person taking possession. Additionally, the owner shall provide written notice to the new owner or person taking possession that the animal is dangerous or potentially dangerous, as defined in this Article. If the new owner or person taking possession of the animal resides in Stanly County, then the new owner or person taking possession of the animal shall be subject to the same confinement restrictions as the prior owner. The Animal Control Department shall verify the new

owner's or new person taking possession's ability to comply with the confinement restrictions prior to the actual transfer of the animal. If the new owner or person taking possession of the animal does not reside in Stanly County, then the Animal Control Department shall notify the County of residence of the new owner or person taking possession of the animal of the animal's location, dangerousness, and/or potential dangerousness.

Should a Stanly County resident come into ownership or possession of an animal previously declared dangerous or potentially dangerous by another County, Stanly County shall give full faith and credit to the other County's deeming of the animal as dangerous or potentially dangerous. Stanly County shall require the animal and its owner/possessor to comply with the dangerous and/or potentially dangerous requirements contained in this Ordinance.

SECTION 6

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Stanly County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4 and G.S. 130A-25, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action and/or by the use of a collection agency to the extent permitted by applicable law(s).

(A) DANGEROUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL FOUND AT LARGE.

If a previously determined dangerous or potentially dangerous animal is found at large and an Animal Control Officer is unsuccessful in catching the animal, the animal may be tranquilized or humanely destroyed at the Animal Control Officer's discretion with or without prior notice to the owner. If an Animal Control Officer does tranquilize or humanely destroy such an animal, he shall submit a written report of the incident to the Animal Control Director within seventy-two (72) hours of the incident and shall make a good faith attempt to notify the owner of the incident.

If a previously determined dangerous or potentially dangerous animal is determined by an Animal Control Officer to pose immediate danger to the health and safety of any person or animal, the dangerous animal or potentially dangerous animal may be tranquilized or humanely destroyed at the Animal Control Officer's discretion, with or without prior notification to the owner. In the event the Animal Control Officer does tranquilize or humanely destroy such animal, he shall submit a written report of the incident to the Animal Control Director within seventy-two (72) hours of the incident and shall make a good faith attempt to notify the owner of the incident.

If a dangerous animal or potentially dangerous animal is caught while at large or seen at large, it may be impounded and humanely destroyed. Animal Control may go upon private property to seize the animal. The Health Director may issue a Notice of Intent to Destroy the Animal to the owner. The owner may appeal this intended action by filing a written request with the Board of Health's Animal Control Committee within three (3) working days of receiving the written decision. The Board of Health's Animal Control Committee shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Board of Health's Animal Control Committee shall hear the appeal and render a final written decision within three (3) working days after the hearing and serve the same on the owner. The owner may appeal the Board of Health's Animal Control Committee decision to the Superior Court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the Board of Health's Animal Control Committee. If the owner fails to seek a timely review of the Animal Control Director's Notice of Intent to Destroy the Animal or if he fails to file a timely appeal of the Board of Health's Animal Control Committee's decision, Animal Control may humanely destroy the animal.

If the owner of a dangerous or potentially dangerous animal has failed to adhere to the written instructions provided by the Health Director, the Health Director may issue an Order of Seizure with Intent to Destroy the Animal to the owner. The owner may appeal this intended action by filing a written request with the Board of Health's Animal Control Committee within three (3) working days of receiving the written decision. The Board of Health's Animal Control Committee shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Board of Health's Animal Control Committee shall hear the appeal and render a final written decision within three (3) working days after the hearing and serve the same on the owner. The owner may appeal the Board of Health's Animal Control Committee decision to the Superior Court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the Board of Health's Animal Control Committee. If the owner fails to seek a timely review of the Health Director's Notice of Intent to Destroy the Animal or if he fails to file a timely appeal of the Board of Health's Animal Control Committee's decision, Animal Control may humanely destroy the animal.

(B) FAILURE TO CONFINE OR RESTRAIN A DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL AND FAILURE TO PROVIDE NOTICE OF TRANSFER. Any owner who fails to confine or restrain a dangerous animal or any owner who fails to provide the written notices described in Section 5 above or violates any provisions of this Article shall be subject to the sanctions, fines, penalties and remedies mentioned above, as well as being subject to the issuance of a criminal warrant or summons. If convicted, the owner shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or both (N.C.G.S. 67-4.2) (c)).

ARTICLE IX - INHERENTLY DANGEROUS EXOTIC ANIMALS

SECTION 1 DEFINITIONS.

(A) INHERENTLY DANGEROUS EXOTIC ANIMAL: An animal which falls within any of the following categories:

- (1) a non-human primate;
- (2) Canidae, including any member of the dog (Canid) family not customarily domesticated by man, or any hybrids thereof, including but not limited to wolves and wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*);
- (3) Felidae, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, and any hybrids thereof, but not including domestic cats (*Felis catus*);
- (4) Ursidae, including any member of the bear family, or any hybrids thereof;
- (5) reptiles, insects, or arachnids, which are venomous, or a constrictor greater than 5 feet in length not indigenous to Stanly County.

(B) OWNER: Any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on their property for more than seventy-two (72) hours. As used with Inherently Dangerous Exotic Animals, "Owner" also includes one who allows an inherently dangerous exotic animal to remain in, be lodged, fed, given shelter or refuge

within the Owner's home, store, yard, enclosure, out-building, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

SECTION 2

PROHIBITION. It shall be unlawful to own, possess, keep, or harbor an inherently dangerous exotic animal, as defined in this Ordinance, within Stanly County. Upon Animal Control's discovery of the owning, possessing, keeping, or harboring of an inherently dangerous exotic animal, as defined in this Ordinance, within Stanly County, the Owner of said animal shall have 72 hours to remove said animal from Stanly County. The Owner shall provide the Animal Control Department with written notice containing the name, address, and telephone number of the new owner or person taking possession of said animal. Additionally, the Owner shall provide written notice to the new owner or person taking possession that the animal is inherently dangerous. The Animal Control Department shall notify the County of residence of the new owner or person taking possession of the animal of the animal's location and inherent dangerousness.

Should the Owner not remove the inherently dangerous exotic animal from the County within 72 hours of discovery, the Animal Control Department shall institute seizure of said animal and any and all costs of seizure shall be paid by the Owner.

TEMPORARY GRANDFATHER CLAUSE: An Owner who owned, possessed, kept or harbored such inherently dangerous exotic animal on or before the effective date of this Ordinance shall remove said animal(s) from the County within six (6) months following the adoption of this Ordinance.

SECTION 3

EXEMPTIONS.

This Article IX shall not apply to:

- A. Veterinary clinics in possession of such animals for treatment or rehabilitation purposes;
- B. Institutions regulated by the USDA;
- C. Institutions accredited by the American Zoo and Aquarium Association;
- D. Registered non-profit humane societies;
- E. Animal Control authority or law enforcement officers acting under authority of this Act;
- F. Any wildlife rehabilitator licensed by the State;
- G. Non-resident circuses for no longer than one 7-day period for separate locations where such circuses are held within the County per calendar year;
- H. Non-resident carnivals for no longer than one 7-day period for separate locations where such carnivals are held within the County per calendar year;
- I. Persons temporarily transporting such animals through the County, providing that such transport shall not be longer than 24 hours.
- J. Any licensed or accredited research or medical institution or educational institution.

SECTION 4

IMPOUNDMENT.

Disposition of Impounded Animals:

- A. Any inherently dangerous exotic animal which is kept by any person in violation of this Ordinance may be taken and impounded by the Animal Control Officer for the protection of the animal, the public, or both. Whenever possible, the Animal Control Officer shall take and impound the animal in the presence of its owner; however, if such is not practical, the Animal Control Officer may take and impound such animal consistent with the provisions of this Ordinance.
- B. If an inherently dangerous exotic animal is impounded pursuant to this Ordinance, the Owner of the animal shall be notified by the Animal Control Officer in person or by certified mail.
- C. Any inherently dangerous exotic animal impounded pursuant to this Ordinance will be held three (3) days for the Owner to reclaim same, but if the animal cannot be taken and impounded safely by the Animal Control Officer, or if proper and safe housing cannot be found for the animal, the Animal Control Officer may immediately destroy the animal.
- D. The Owner of the inherently dangerous exotic animal can reclaim the animal if he or she can satisfy the Animal Control Officer that the safe transfer of the animal to an appropriate location outside the County has been arranged.
- E. If the Owner cannot be located, or has not claimed the inherently dangerous exotic animal within three (3) days after taking and impoundment, the Animal Control Officer shall have the discretion to sell, adopt or euthanize the animal.
- F. All costs of taking, impoundment and care of the inherently dangerous exotic animal will be charged to the Owner regardless of whether the animal is claimed by or returned to said Owner. Such costs, along with any applicable civil penalties, fines, and fees, must be paid in full by the owner prior to the animal being reclaimed.

ARTICLE X - INTERFERENCE

INTERFERENCE. It shall be unlawful for any person to interfere with, hinder, or molest an employee of Animal Control or any other person duly authorized by this Ordinance while in the performance of duty. It shall also be unlawful for any person to seek release, or attempt to release, or to release any animal in the custody of Animal Control, except as otherwise specifically provided in this Ordinance. The Animal Control Officer may initiate the issuance of a criminal warrant for any person violating this Article. If convicted, the person shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

ARTICLE XI - TRAPPING OF DOGS AND CATS

SECTION 1

TRAPPING. It shall not be a violation of this Ordinance for a person to apprehend an animal on his property by trap or by hand; however, the person must call Animal Control within twelve (12) hours of catching the animal. It shall be unlawful for any person to go on the property of another and release a dog or cat from a trap set by Animal Control or from a trap set by the property owner(s). The Animal Control Officer may initiate the issuance of a criminal summons or warrant for any person violating this Article. If convicted, the person shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

At the request of a responsible adult, and if a trap is available and deemed an appropriate measure by an Animal Control Officer, the Stanly County Animal Control Department may place and set an animal trap upon property located in Stanly County that is owned or controlled by the individual making the request for said trap. The person making the request will be required to sign a written agreement authorizing the Animal Control Department personnel to enter the property at all reasonable hours for the purpose of placing or setting the trap, retrieving trapped animals from the trap, and removing trap from property. The person requesting and/or signing for the trap will be responsible for any damage to or loss of the trap. Animal traps will not be set on the property of another and traps are not to be removed from the county

SECTION 2

DAMAGE, DESTRUCTION, AND OR THEFT OF COUNTY ANIMAL CONTROL PROPERTY.

It shall be unlawful for any person to damage, destroy, or steal property belonging to the Stanly County Animal Control Department. Violators will be cited and fined in accordance with this ordinance, to include the cost of replacement or repair of the lost, damaged, destroyed, or stolen property, or criminally charged and prosecuted pursuant to the applicable North Carolina General Statutes.

A citizen may petition the Stanly County Board of Health for a hearing to determine the circumstances for the loss or damage of a trap. The Board of Health may determine the extent of non-intentional loss, destruction, or damage to traps. The Board may relieve the citizen of any financial responsibility; however, the burden of proof will be upon the citizen to show the loss was not caused by intentional loss, damage, or destruction. The citizen may appeal any decision of the Board to the Stanly County Board of Commissioners within ten (10) days for a hearing de novo. Any person assessed a monetary obligation regarding the loss of a trap must provide the monetary restitution within twenty (20) days to the Stanly County Animal Control Department. Any violator will be cited and fined in accordance with this ordinance.

ARTICLE XII - IMPOUNDMENT OF ANIMALS

SECTION 1

DEFINITIONS. As used in this Article, the following terms shall have the meanings set forth below:

(A) **ANIMAL:** Domestic dog, cat and ferret; includes other wildlife only in case of rabies exposure to human(s) or unvaccinated domestic animal(s).

(B) **FERAL CAT:** A domestic cat which has adapted to survive in the wild, is homeless and ownerless, and may having descended from stray cats and possibly generations of abandoned house pets.

(C) **IMPOUNDMENT:** Possession or seizure of an animal by Stanly County Animal Control for placement in the County's Animal Shelter or any other appropriate facility.

SECTION 2

IMPOUNDMENT. Not inconsistent with the preceding Articles of this Ordinance, any healthy animal, which appears to be lost, strayed or unwanted, or any dog, cat or ferret which is found not wearing a current valid rabies vaccination tag, may be confined to the Animal Shelter for a minimum period of three (3) days, unless otherwise specified by this Ordinance, for redemption by the owner. Any animal not redeemed within three (3) days shall become the property of Stanly County and shall be disposed of pursuant to this Ordinance. Stanly County Animal Control is authorized to obtain suitable board, maintenance and care from any available source for any impounded animal for which the Animal Shelter is not equipped to care. The owner of any animal impounded and cared for under this provision of the Ordinance may redeem the

animal upon payment of all costs for maintenance, transportation and care plus regular redemption fees provided in Article XII.

SECTION 3

FERAL CATS. A feral cat shall be held for three (3) working days for redemption by a possible owner. If the feral cat is not redeemed within three (3) working days, it may be euthanized pursuant to this Ordinance.

SECTION 4

NOTICE. A good faith effort shall be made to notify known owners of impounded animals. If the owner is known, a written Notice of Impoundment shall be served on the owner or affixed to the owner’s premises. The written notice shall describe the animal, state the date, time and place the animal was picked up and inform the owner of the conditions whereby the animal may be redeemed. Instructions on how to determine if an animal has been impounded shall be posted at the Animal Shelter. The posting of these instructions at the Animal Shelter shall constitute adequate notice to an unknown owner.

SECTION 5

BOARDING FEES. Pursuant to conditions of this ordinance, the Animal Control Director, with the assistance of Animal Shelter personnel, shall charge to the owner the following fees, which must be paid before an animal may be redeemed:

Per Day Boarding Fee for dogs	\$15.00
Per Day Boarding Fee for cats	\$15.00
Per Day Boarding fee for all other animals kept at the Animal Shelter	\$15.00
Per Day Boarding fee for all other animals not kept at the Animal Shelter	Actual amount charged by the caretaker or boarder of the animal
Non-Routine Charge for transporting the animal	Actual amount charged by the person providing the transportation

The above fees are in addition to the Redemption fees set forth in Article XIV and are subject to adjustment or change by the Stanly County Board of County Commissioners at any time.

ARTICLE XIII - CIVIL PENALTIES

CIVIL PENALTIES. Animal Control is authorized to assess civil penalties for violations of this Ordinance. Animal Control may attempt to collect any assessed civil penalty that is not paid within 20 days of its issuance via the filing of a civil action and/or the use of a collection agency to the extent permitted by applicable law(s). Civil penalties shall be assessed on a per animal, per occurrence basis.

Failure to Wear County Dog Tag	\$50.00
Failure to Wear Rabies Tag	\$50.00
Failure to Vaccinate	\$100.00
Failure to Notify, or Provide Information of a Bite	\$100.00
Manner of Keeping and Treating Animals	\$100.00
Failure to Give Notice of Injuring Animal	\$100.00

Failure to Give Notice of Injured Animal On Property	\$100.00
Unprovoked Dog Bite While Running at Large	\$500.00 plus at- large citation
Animals Running at Large	
1 st Time	\$50.00
2 nd Time	\$75.00
3 rd Time	\$100.00
4 or More Times	Court Proceedings
Failure to Confine Dog/Cat in Estrus	\$75.00
Animal Public Nuisance	
1 st Time	\$50.00
2 nd Time	\$75.00
3 rd Time	\$100.00
4 or More Times	Court proceedings
Harboring Stray Animals	\$50.00
Dangerous Animal Violations	\$500.00
Violation of Exotic Animal Ordinance	\$500.00 plus costs of seizure, if applicable
Interference with Officer	\$500.00
Interference with Trap or Cage	\$100.00
Damage or Neglect to Dog Trap	\$250.00
Damage or Neglect to Cat Trap	\$150.00
Unspecified Violations of the Ordinance (Each)	\$50.00

ARTICLE XIV - REDEMPTION OF ANIMALS

REDEMPTION OF ANIMALS. An owner of an animal, which has been impounded by Animal Control, may resume possession of the animal, except as provided in other Articles of this Ordinance, upon compliance with the following provisions:

(A) **PROOF AND ACKNOWLEDGEMENT OF OWNERSHIP.** Any person attempting to redeem an impounded animal shall present proof sufficient to satisfy Shelter personnel of ownership of the animal. Evidence of ownership may include but is not limited to any of the following:

- (1) License tag from another county;
- (2) Rabies tag for the animal;
- (3) Ownership documents, pedigree papers, bill of sale and any other document identifying the person as owner of the animal;
- (4) Photographs of the animal with the owner or other family members; or
- (5) Affidavit from two people in the community stating that the animal has been seen in the presence or possession of the person attempting to resume possession.

Any person attempting to redeem an animal on behalf of an owner shall present proof sufficient to satisfy Shelter personnel that he or she is acting as agent for the owner.

(B) **TIME OF REDEMPTION.** Any person attempting to redeem an animal must make contact with the Animal Shelter within three (3) days of the animal being impounded at the Animal Shelter. After making contact, that person shall be given a reasonable amount of time, not to exceed three (3) additional days, to prove ownership and redeem the animal. Boarding fees begin 24 hours after notification.

(C) **PAYMENT OF REDEMPTION FEES, BOARDING FEES AND CIVIL PENALTIES.** The owner of an impounded animal must pay all redemption fees, boarding fees and civil penalties assessed against the

animal before it can be released from the shelter. Any person, after presenting sufficient proof of ownership, may redeem the animal after paying the following fees and costs:

- 1st Redemption by owner \$75.00 + Boarding Fee + Civil Penalty
- 2nd Redemption by owner \$100.00 + Boarding Fee + Civil Penalty
- 3rd Redemption by owner \$150.00 + Boarding Fee + Civil Penalty
- 4th and Subsequent Redemption Contingent upon Court Orders

These amounts may be changed by the Stanly County Board of Commissioners at any time. If the owner has failed to pay all amounts due and if the appropriate holding period has passed, the animal shall then become the property of Stanly County and be disposed of as provided by this Ordinance.

ARTICLE XV - DISPOSITION AND ADOPTION OF IMPOUNDED ANIMALS

SECTION 1

DISPOSITION OF IMPOUNDED ANIMALS. If an animal is not redeemed by its owner within the allowed time for redemption, the animal shall become the property of Stanly County without any further notice to the owner. Once the animal becomes the property of Stanly County, the Animal Control Director is authorized to adopt the animal out or euthanize it. Any sick or diseased animal, which appears to be lost, strayed or unwanted and is found not wearing a rabies vaccination tag or any other form of identification may be euthanized immediately by order of the Animal Control Director. Any sick or diseased animal, with proof of ownership, confined in the County Animal Shelter, may be euthanized by order of the Animal Control Director. All animals released for adoption shall be spayed or neutered and provided appropriate preventive care by a veterinarian as outlined in the Animal Control Department's Adoption Agreement.

SECTION 2

ADOPTION FEES. Fees for animals released for adoption from the Stanly County Animal Shelter shall be set by the Board of County Commissioners.

SECTION 3

BONAFIDE RESCUE GROUPS. Adoptable animals may be transferred at no charge to bonafide nonprofit animal rescue groups that provide their own veterinarian care services in compliance with this ordinance. Said rescue groups must provide documentation of the aforesaid to Animal Control.

SECTION 4

RECOVERY OF ADOPTED ANIMAL. If the adopting party violates the terms of the adoption agreement, the Animal Control Department is authorized to recover, reclaim or repossess an animal and dispose of the animal in accordance with this Ordinance.

ARTICLE XVI - SERVICE AND RETURN OF SERVICE

METHOD OF SERVICE AND RETURN. Unless otherwise specified in this Ordinance, all notices or citations required to be sent or delivered pursuant to this Ordinance shall be served and return of service made as follows:

(A) **PERSONAL SERVICE.** The Animal Control Department or Animal Control Officer may personally deliver notices or citations to all persons due a notice or citation pursuant to this Ordinance. If he does so, he must get the person to sign a certificate verifying that the notice or citation was in fact received, and the Animal Control Director or Animal Control Officer shall sign a return of service certificate verifying that he

in fact served the notice or citation. If the person being served refuses to sign the notice or citation verifying receipt of the same, the person making service shall write in the appropriate space "refused to sign." The person's refusal shall not invalidate the service. The Animal Control Director or Animal Control Officer may leave the notice or citation with anyone of suitable age and discretion at the residence or place of business of the person being served. The person serving said notice or citation shall have the recipient sign the service certificate.

(B) REGISTERED OR CERTIFIED MAIL. The Animal Control Officer may serve notices or citations by registered or certified mail, return receipt requested.

ARTICLE XVII - APPEALS AND REQUESTS FOR REVIEW OF CIVIL CITATIONS

SECTION 1

APPEAL PROCEDURE. All civil citations may be appealed in writing. The notice of appeal must be addressed to Stanly County Health Department, Attention: Health Director, 1000 North First Street, Suite 3, Albemarle, NC 28001 and postmarked or personally delivered within five (5) days of receipt of the citation.

SECTION 2

APPEAL HEARING. Appeals of Animal Control Civil Citations shall be heard within ten (10) days of the Notice of Appeal, unless a continuance is mutually agreed upon. The Appeal Hearing shall be held by the Health Director or his designee. All testimony offered in a hearing held pursuant to this Article shall be given under oath and recorded by tape recording or any other reasonable manner. The hearing shall be open to the public. The person requesting the hearing may be represented by an attorney. The Animal Control Officer shall have the burden of proving that this Ordinance has been violated and that the proposed sanction is in accordance with the Ordinance. The person requesting the hearing will then be given the opportunity to prove that this Ordinance has not been violated and/or that the sanction is not in compliance with the Ordinance. The person requesting the hearing may admit the violation and confine his proof to showing that the sanction is not in accordance with the Ordinance. The Animal Control Director will then be given the opportunity to address any conflicts or inconsistencies created by the evidence or statements. The Health Director or his designee will render a Decision and a Notice of Decision will be furnished to all parties concerned (appellant, bite victim, animal owner, etc.) If the sanctions/penalties are upheld, the animal owner will have twenty (20) days to pay any fines or fees before collection efforts are initiated. The animal owner may further appeal the decision of the Health Director or his designee to Stanly County Superior Court within ten (10) days of the service of the Notice of Decision.

ARTICLE XVIII - GENDER

GENDER STATEMENT. In this Ordinance, words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders, words importing the singular number shall include the plural number, and vice versa.

ARTICLE XIX - SEVERABILITY

SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional in any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE XX - ENFORCEMENT AND EFFECT OF THIS ORDINANCE

SECTION 1

ENFORCEMENT. The Animal Control Director or any other person duly authorized to initiate legal action on behalf of Stanly County may take necessary legal steps to enforce this Ordinance. This Ordinance shall be enforced by imposing the specific sanctions, penalties, fines and other remedies described herein, by seeking injunctive relief, orders of abatement, orders of custody and any other means prescribed by statute or common law. Any violation of this Ordinance, which does not carry a specific sanction, penalty or fine, shall be punishable as a general criminal misdemeanor to the extent permitted by applicable North Carolina law.

SECTION 2

EFFECTIVE DATE. Unless specifically indicated within subsections, the provisions of this Ordinance shall take effect ~~the day~~ 30 days after its adoption.

SECTION 3

EFFECT ON PRIOR ORDINANCE. All prior animal control ordinances are hereby repealed the day ~~after the adoption of~~ this Ordinance takes effect.

Adopted by the Stanly County Commissioners the _____ day of _____, 2012.

Attest:

Stanly County Commissioners

Clerk to the Board

Chair