

APPENDIX C - HEALTH REGULATIONS¹¹

ARTICLE I. - ANIMAL CONTROL¹²

Sec. 1. - Definitions.

[As used in this ordinance:]

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

Animal eControl Services dDirector: ~~Sworn deputy of the Rutherford County Sheriff's Office appointed by the Sheriff of Rutherford County~~ Any person appointed by the County Manager to direct animal control matters within Rutherford County and to perform such duties as defined under this ordinance.

Animal eControl officer: ~~Any sworn deputy of the Rutherford County Sheriff's Office assigned by the Sheriff of~~ Any person(s) ~~Rutherford County~~ appointed by the County Manager to perform animal control duties. The ~~a~~Animal ~~e~~Control ~~S~~ervices ~~d~~Director shall be considered an ~~a~~Animal ~~e~~Control officer ~~for the purposes of this article.~~

Animal sShelter: Any premises designated by the state or county for the purpose of impounding and caring for animals ~~or otherwise impounded in accordance with the provisions of this chapter.~~

Appellate bBoard: The board established herein to hear appeals of any designation of an animal as a potentially dangerous animal or for any other such matters as set forth herein.

At large: An animal off the premises of the ~~e~~Owner and not under restraint or not under the immediate effective control of the owner or other responsible person.

Commercial animal establishment: Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, animal exhibition, or kennel.

Custodian: Any person, group of persons, firm, partnership, or corporation owning, keeping, having charge ~~of~~, sheltering, feeding, harboring or taking care of any animal. The ~~e~~Custodian is responsible for the care, vaccination, actions and behavior of his, her or its animal.

Dangerous animal: Any animal that:

- A. Without provocation has killed or inflicted severe injury on a person; or
- B. Has been determined by the person or board designated by the county to be potentially dangerous because the animal has, on another occasion, engaged in one (1) or more of the behaviors deemed potentially dangerous as set forth in the definition of "potentially dangerous animal" herein; or
- C. Any dog that is harbored primarily or in part for the purposes of dog fighting, or any dog trained for dog fighting; or
- D. An animal that has been declared a potentially dangerous animal without the animal ~~e~~Owner appealing such determination within the prescribed time.

Domestic animal: Any of various animal species, ~~including but not limited to Pets as defined herein, and including such animals~~ such as domestic dogs, domestic cats, horses, sheep, cattle, goats, hogs, poultry, et al, traditionally kept, cared for, sheltered, fed or harbored for use as a companion animal or otherwise domesticated by man so as to live and breed in a tame condition.

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

Grooming shop: Any establishment, whether operated separately or in connection with another business enterprise which provides hair and nail clipping, bathing, and other cosmetic services for animals.

Impoundment: Any animal in custody of a person or animal shelter duly authorized by the ~~a~~Animal ~~shelter~~Control Services ~~d~~Director.

Kennel: Any premises wherein a person boards, lets for hire, trains for a fee, breed, buys or sells dogs or cats. This shall not include the ownership of dogs which are part of the household or which are maintained adjoining a private residence for hunting, tracking practice, exhibition, or the guarding or protection of the ~~e~~Owner's ~~real~~ property.

~~*Livestock:* Any animals which are ordinarily and customarily kept for agricultural purposes, including but not limited to cattle and bovine animals, sheep, goats, bees, chickens, turkeys, llamas and swine.~~

Neutered male: Any male animal which has been operated upon to prevent reproduction.

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

- A. By frequent howling, yelping, barking or the making of other noises shall disturb the neighborhood;
- B. Chases, snaps at or impedes a pedestrian, bicycle rider or vehicle;
- C. Damages, soils, or defiled private or public property;
- D. Interferes with, molests, or attacks persons or other animals;
- E. Causes unsanitary, dangerous or offensive conditions to the public health, safety, and welfare;
- F. Is repeatedly at large against the instruction of an ~~a~~Animal ~~e~~Control Services officer.

Owner: Any person, group of persons, firm, partnership or corporation owning, keeping, having custody or control over, sheltering, feeding, harboring or allowing animal to remain on or about their property for more than seventy-two (72) consecutive hours. Owner does not include veterinarians or commercial kennel operators temporarily maintaining on their premises for a period of less than thirty (30) days animals owned by other persons. In the event that the ~~e~~Owner is a minor, for the purposes of this appendix, the parent or legal guardian of such minor shall be considered the ~~e~~Owner.

Owner's real property: Any real property owned or leased by the owner of the animal, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

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

Pet: Any animal kept for pleasure rather than utility.

Pet shop: Any commercial establishment whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells or boards any species of animal.

Potentially dangerous animal: Any animal that has been determined to have:

- A. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or
- B. Killed or inflicted severe injury upon a domestic animal when not on the ~~e~~Owner's real property;
~~e~~f

Riding school or stable: Any place which has available for hire, boarding and/or riding instruction any horse, pony, donkey, or burro.

Restraint: Any animal shall be considered under restraint if it is within the real property limits of its ~~e~~Owner, or secured by a leash or lead, or confined.

Secure enclosure: A fence or structure from which an animal cannot escape by any means unless freed by the Owner and which has been approved by an Animal Control Services officer. None of the following shall be considered a secure enclosure: a chain or leash attached to any fixed object or any form of non-physical restraint system, including but not limited to electronic fence or shock collar.

Security dog: Any dog used, kept or maintained in the county for the purpose of protecting any person or property. Any such dog shall be further classified as a patrol dog, sentry dog, or watch dog.

- A. *Patrol dog:* A dog that is trained or conditioned to attack or otherwise respond aggressively, but only on command from a handler either on or off lead.
- B. *Sentry dog:* A dog that is trained or conditioned to attack or otherwise respond aggressively without command.
- C. *Watch dog:* A dog that barks and threatens to bite any intruder and that has not been specially trained or conditioned for that purpose.

Spayed female: Any female animal which has been operated upon to prevent conception.

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

Torture or torment: Includes every act, omission, or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted.

ARTICLE II. - AGENCY AUTHORITY AND RESPONSIBILITY

Sec. 1. - [Authority.]

Authority is hereby granted to the Rutherford County Manager and to the Rutherford County Animal Shelter Control Services Director to establish and maintain an animal control program, to employ an Animal Control officers and such other employees as shall be determined necessary by the County Manager and an Animal Shelter Control Services Director, and to appoint and compensate an Animal Control officers and such employees in accordance with policies of the Rutherford County Animal Control Services Department. Sworn law enforcement officers shall have all the authority set forth herein for Animal Control officers.

~~The employees of the animal control program~~ Animal Control officers shall:

- A. ~~Be sworn officers and have the power of arrest and responsibility to enforce all laws of North Carolina and all ordinances of Rutherford County pertaining to the ownership and control of dogs, cats, and other animals and shall cooperate with all other law enforcement officers in Rutherford County in fulfilling their duty;~~ have all the powers and duties granted to a county dog warden under N.C. General Statutes 67-31, and shall have the responsibility for enforcement within the County of all public and public-local laws pertaining to the ownership and control of animals, and the Animal Control officer shall cooperate with all law enforcement officers operating within Rutherford County in fulfilling this duty.
- B. Act as a Rabies Control officer, working under the immediate supervision of the Rutherford County Animal Shelter Control Services Director and shall carry out the provisions of N.C. General Statutes 130A-1854 to 204, including the requirements of all applicable local animal control ordinances and rules.
- C. Enforce and carry out all laws of North Carolina and all ordinances of Rutherford County pertaining to rabies vaccination and control.
- D. Be responsible for the investigation of all reported animal bites, for the quarantine of any dog or cat Animal involved and suspected of having rabies, for a period of not less than ten (10) days,

and for reporting to the district health director as soon as practical, the occurrence of any such animal bite and the condition of any quarantined animal.

- E. Be responsible for the operation of the Rutherford County Animal Shelter. This shall include providing care of all animals, assisting a veterinarian with euthanasia, disposal of euthanized animals ~~at the landfill in accordance with law~~, maintaining the shelter premises and grounds, ordering supplies, delegating personnel assignments, answering on-call weekend and after hours emergencies, maintaining detailed records, receiving clients and visitors into the shelter, and other duties as deemed necessary.
- F. Be responsible for the seizure and impoundment, where deemed necessary, of any ~~dog or other animal~~ Domestic Animal in Rutherford County involved in a violation of this or any other county ordinance or state law.
- G. Cooperate with local veterinarians with the scheduling and implementing of rabies clinics as required by N.C. Gen. Stat. 130A-187.
- H. Assist and participate in those functions or activities which will minimize animal suffering and will result in promoting animal welfare.
- I. Investigate cruelty or abuse with regard to animals.
- J. Cooperate with local humane societies and other organizations interested in animal welfare issues.
- K. Keep, or cause to be kept, accurate and detailed records of:
 - (1) Seizure, impoundment, and disposition of all Domestic Animals coming into the custody of ~~the Animal Control Services Department~~ program.
 - (2) Bite ~~causes~~, violations and complaints, and investigations of same.
 - (3) All monies belonging to the Animal Control Services Department and/or county which were derived from fees, penalties, license tags, sales of animals, or other sources.
 - (4) Screen and record all adoptions.
 - (5) Any other matters deemed necessary by the county manager and county commissioners.
- L. Be empowered to issue notices of violation of this ordinance in such form as may be prescribed.

ARTICLE III. - CRUELTY

Sec. 1. - General provisions.

Any person who overloads, overdrives, drives when overloaded, overworks, tortures, beats, mutilates, maims, unnecessarily kills, or inflicts any other act of cruelty upon any Animal or causes such to be done shall be guilty of a misdemeanor (state statute 14-360) punishable by a fine of up to fifteen hundred dollars (\$1,500.00) and imprisonment for up to one year. It is further adopted by the commissioners of Rutherford County that it shall be unlawful for any person to molest, tease, bait, deprive of necessary substance, wound, injure, poison, abandon or subject to conditions detrimental to any animal's health or general welfare or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted. But such terms shall not be construed to prohibit the Animal Control Services Department or its agents or veterinarians from destroying dangerous or unwanted or injured animals in a humane manner or to prohibit the lawful shooting or slaughter of birds, deer and other game or domestic animals for humane food.

Sec. #2. - Specific animal care requirements.

A. Any person having custody of a Domestic Animal, as Owner, Custodian or otherwise, who neglects or refuses to supply such animal with necessary and adequate care, food, drink, air, light, space, shelter, and protection from the elements as prescribed in this section shall be guilty of a misdemeanor.

- (1) *Food.* The food shall be wholesome, palatable, and free from contamination. Food shall be of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of animal. Animals shall be fed at least once a day except as directed by hibernation, normal fasts, or veterinary treatment.
- (2) *Water.* Fresh, clean water should be provided at all times in adequate amounts. Owners and Custodians should take into consideration the age and size of the animal and the temperature, to ensure the uses of a large enough container. An exception would be if a veterinarian ordered a temporary fast for medical reasons. All water receptacles shall be kept clean and sanitary, within each reach of a restrained animal and stabilized in a manner that cannot be overturned. During summer months, water containers should be kept in a shade area to maintain a drinkable temperature.
- (3) *Outdoor shelter.* Natural or artificial shelter appropriate to the local climate conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort of such animals. When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial [means] shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight. A suitable method of drainage shall be provided to rapidly eliminate excess water. The method of drainage shall comply with applicable federal, state, and local laws and regulations relating to pollution control or the protection of the environment. Every person having custody of domestic animals which are kept outdoors or in an unheated enclosure shall provide such an animal(s) with the following minimum standards of shelter:
 - (A) The shelter for a dog or any species of similar size shall include a moisture proof and windproof structure of suitable size to accommodate the animal and allow retention of body heat and shall be made of durable material, with a solid floor raised at least two (2) inches from the ground and with the entrance covered by a flexible windproof material or self-closing swinging door to be used during inclement weather. Such structures shall be provided with a sufficient quantity of suitable bedding material, consisting of hay, straw, cedar shavings or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.
 - (B) The shelter for a horse or any species of similar size, shall be ~~at least a three-sided, roofed, moisture proof and windproof structure made of durable material. The opening shall face away from the prevailing winds as required by state law or regulation.~~
- (4) *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical conditioning. Specifically, an animal up to forty (40) pounds of weight requires a minimum, unobstructed space of six (6) feet, while an animal in excess of forty (40) pounds of weight requires a minimum, unobstructed space of fifteen (15) feet. Any method of restrain (rope, chain, etc.), must permit a range of motion of no less than six (6) to ten (10) feet beyond the body size of the particular species of animal being cared for and there must be no probability of entanglement occurring. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress or abnormal behavior patterns.
- (5) *Sanitation.* Both indoor and outdoor enclosures shall receive periodic cleanings to remove excreta and other waste material, dirt and trash so as to minimize disease, hazards and to reduce odors.
- (6) *Care.* Normal and accepted grooming, bathing and veterinary treatment shall be provided. Preventive medicine, where warranted, shall be provided and treatment for illness or injuries shall be provided.

(7) *Indoor shelter.* This provision pertains to private ~~k~~Kennels, ~~p~~Pet ~~s~~Shops, ~~Grooming Shops, puppy mills, and~~ animal shelters ~~or any other private facility where any Animals are housed or kept for any duration.~~ Facilities shall be sufficiently regulated by heating or cooling to protect the animals from extremes of temperature, to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below or rise above temperatures compatible with health and comfort of the animal. Facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent the discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution and duration as appropriate for the species involved. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination. Such lighting shall be uniformly distributed and of sufficient intensity to permit inspection and cleaning.

B. ~~Notwithstanding any provision herein, this ordinance shall be subject to any restriction against the County regulating standards of care for farm animals as defined and set forth in N.C. Gen. Stat. §153A-145.4.~~

Sec. ~~##~~3. - Rights of land owners or tenant.

This ordinance shall not prevent an owner ~~of [or]~~ tenant of land from killing any animal which has caused or is presenting an imminent threat to life, limb or property nor shall it be interpreted as controverting any state law relating to the taking of game animals provided, however, that any person who injures an animal while hunting or ~~protection [protecting]~~ his property shall make a reasonable effort to track and dispatch or assist such animal and failure to comply with this provision shall constitute a violation of this ordinance. A violation of this ordinance shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one year, or both. Conviction under this section shall result in confiscation of cruelly treated animals belonging to the person convicted.

Sec. ~~##~~4. - Abandonment of animals.

~~Any Owner, Custodian, or A~~ny other person being the owner or possessor, or having charge or custody of an animal, to willfully abandon an animal(s) is guilty of animal cruelty. Such an act is a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000.00) and imprisonment for up to six (6) months. (State General Statute 14-361.1)

Sec. ~~##~~5. - Investigation of cruelty complaints.

Upon receipt of a complaint by one or more persons setting forth the nature and date of the cruelty, the ~~Owner or~~ apparent ~~e~~Custodian of the animal, the address of the said ~~Owner or~~ apparent ~~e~~Custodian and a description of the animal, the ~~a~~Animal ~~e~~Control officer shall investigate the complaint to determine whether the act complained of violates this ordinance. If the complaint is valid upon the ~~a~~Animal ~~e~~Control officer's investigation, he or she ~~may order the immediate seizure of each affected animal and~~ may remove from the ~~e~~Owner's ~~or the keeper's or~~ Custodian's custody the animal(s) being investigated ~~immediately~~ and placed ~~each animal~~ in the protective custody of the Rutherford County Animal Shelter pursuant to state law or this ordinance. ~~(Court Order For Protective Custody of Animals executed by District Court Judge, 29th Judicial District, North Carolina, Honorable Deborah Burgin, on May 31, 1993).~~ After the ~~a~~Animal ~~e~~Control officer has taken custody of an animal, he or she must file a complaint pursuant to Article 1 of General Statutes Chapter 19A-46 as soon as possible to the court. When an ~~a~~Animal ~~e~~Control officer seizes an animal(s), ~~he the Animal Control officer~~ shall leave with the ~~e~~Owner, if known, or affixed to the premises or vehicle a copy of the court order and a written notice of a description of the animal, the place where the animal will be taken, the reason for taking the animal, and the ~~a~~Animal ~~e~~Control officer's intent to file a complaint in district court. (State Statute 19A-46C)

Care of seized animals. The necessary expenses of caring for seized animals, including veterinary care, shall be charged against the animal's eOwner and a lien on the animal to be enforced as provided by General Statute 44A-4.

Sec. ~~V#6~~. - Destruction of wounded or diseased animals.

Notwithstanding any other provision of this ordinance, any animal which is badly wounded or diseased (but not a rabies suspect) and which has no identification, may be destroyed immediately in a humane manner. If the animal has identification, an aAnimal eControl officer shall be notified and the aAnimal eControl officer shall attempt to notify the eOwner before disposing of such animal, but if the eOwner cannot be reached readily and the animal is suffering, the aAnimal eControl officer may destroy the animal at his discretion in a humane manner.

Sec. ~~V#7~~. - Killing of livestock.

- (A) The aAnimal eControl officer ~~of~~ [or] eOwner of livestock, or an agent of the landowner, may kill any mad dog or dogs killing livestock. Livestock includes sheep, cattle, hogs, goats or fowl.
- (B) Liability for injury to livestock or fowls. If any dog, not being at the time on the ~~premises of the eOwner's real property~~ or person having charge thereof, shall kill or injure any livestock or fowls, the eOwner or person having charge of said dog shall be liable for damages sustained by the injury, maiming or killing of any livestock.

Sec. ~~V#8~~. - Disposal of dead animals.

It shall be the duty of the eOwner or person in charge of any animals or fowls that die from any cause to bury the same at a depth of at least three (3) feet below the surface of the ground. It shall be unlawful for any person to remove the carcasses of dead animals or fowl from his premises to the premises of another person without the written permission of a person having charge of such premises and without burying said carcasses.

Sec. ~~I#9~~. - Procedure with respect or adoption of large animals.

Large animals such as horses, cows, pigs, and other large animals with no identification showing ownership who are picked up as strays, shall be retained by the aAnimal eControl officers at a designated place for a maximum redemption period of three (3) days. Thereafter, if the animal is not retrieved by it's eOwner and the aAnimal sShelter costs paid, the aAnimal eControl officer shall provide notice of public auction of said animal(s) in a local newspaper where the animal was picked up. Proceeds from the auction are to be deposited in the aAnimal sShelter account.

ARTICLE IV. - DANGEROUS ANIMALS

Sec. I. - Designation of potentially dangerous animal.

- (1) If the aAnimal eControl Services dDirector, after investigation supported by the evidence, finds that any animal fulfills any section of the definition for "dangerous animal" or for "potentially dangerous animal", then that animal shall be designated or declared a potentially dangerous animal.
- (2) This decision shall be communicated in writing to the eOwner of the animal giving the reasons for the determination.
- (3) The eOwner may appeal the determination by filing written objections with the aAnimal eControl Services dDirector within three (3) days. If the eOwner does not appeal the determination within three (3) days of the communication of the aAnimal eControl Services dDirector's decision, then the determination shall be final.

- (4) The **eOwner** must allow **aAnimal eControl** officers to make whatever inquiries are deemed necessary to assure compliance with this ordinance which includes giving any details of the dangerous animal or potentially dangerous animal, the incident being investigated or such others as disclosed in the course of such investigation, dates, names, addresses, telephone numbers, and accounts by witnesses. An inspection of the **eOwner's** real property or such other premises where the dangerous animal or potentially dangerous animal is confined must be allowed to the **aAnimal eControl** officer or other appropriate authority.
- (5) Any animal that has been designated as a dangerous animal or as a potentially dangerous animal under this ordinance may not be offered for sale or adoption.
- (6) For the purposes of this appendix, there shall be no determination of dangerous dog or potentially dangerous dog for the following:
 - (a) A dog being used by a law enforcement officer to carry out the law enforcement officers official duties;
 - (b) A domestic animal where the injury inflicted by the domestic animal was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the domestic animal, had tormented, abused, or assaulted the domestic animal, or was committing or attempting to commit a crime; or
 - (c) A domestic animal where the said domestic animal inflicted the injury upon another domestic animal while in defense of an attack by that other domestic animal upon itself or upon its young.

Sec. II. - Owner appeal of potentially dangerous animal designation.

- (1) Any appeal of the determination of potentially dangerous animal pursuant to article IV section I (3) received by the **aAnimal eControl Services dDirector** will be considered an appeal to the **aAppellate bBoard**. The **aAppellate bBoard** shall consist of three (3) members, including: two (2) individuals appointed by the Board of Commissioners of Rutherford County, one (1) of whom must be a licensed veterinarian; and the health director, who shall serve as the chair of the **aAppellate bBoard**. The hearing shall be scheduled within ten (10) days of the filing of the written objections by the **eOwner** with the **aAnimal eControl Services dDirector**. The hearing shall be conducted pursuant to the provisions of N.C. Gen. Stat. 67-4.1 et seq.
- (2) Owner shall make any appeal from the final decision of the **aAppellate bBoard** by filing notice of appeal and a petition for review to the Rutherford County Superior Court, with copy sent to the **aAnimal eControl Services dDirector**, within ten (10) days of the final decision of the **aAppellate bBoard**. If the **eOwner** fails to make such appeal of the decision of the **aAppellate bBoard**, then the decision of the **aAppellate bBoard** shall be final.
- (3) Any appeals to the superior court shall be taken pursuant to N.C. Gen. Stat. 67.4.
- (4) In the event an **eOwner** appeals the determination of the animal as a potentially dangerous animal the said animal may be impounded by any **aAnimal eControl** officer at the **eOwner's** expense pending the outcome of the appeal process unless the **eOwner** complies with the written order for preventive measures by the **aAnimal eControl Services dDirector**. Any such expense undertaken by the **eOwner** to comply with such written order shall be solely at **eOwner's** expense with no compensation by the County ~~unless the appeal results in the designation of potentially dangerous animal being overturned.~~

Sec. III. - Preventive measures and control of dangerous animal and potentially dangerous animal.

- (1) If the **eOwner** of an animal that has been designated as a potentially dangerous animal or meets the definition of a dangerous animal is unwilling or unable to comply with the requirements set forth in this ordinance for keeping a dangerous animal or a potentially dangerous animal then the **eOwner** must, within three (3) working days of receipt of the communication of such designation, surrender possession of the animal to an **aAnimal eControl** officer or have the animal humanely euthanized by a licensed veterinarian approved by the health director.

(2) It shall be unlawful for any eOwner to keep any dangerous animal or potentially dangerous animal within the county, unless it is confined within a secure enclosure at all times, or, if beyond the eOwner's real property, it is securely restrained by leash or chain, muzzled and under control of an individual physically able to restrain the animal at all times. In addition to these requirements, the aAnimal eControl Services dDirector shall have authority to require the eOwner of a dangerous animal or an animal designated a potentially dangerous animal to comply with specific preventive measures, including but not limited to the following, which measures not intended as a comprehensive or exclusive listing of measures which may be required by the aAnimal eControl Services dDirector or by any aAnimal eControl officer acting at the direction of the aAnimal eControl Services dDirector:

- (a) Necessary repairs or improvements of any type or kind to any fence or structure forming a part of the secured enclosure to ensure its effectiveness in preventing the dangerous animal's or potentially dangerous animal's escape, including but not limited to measures against escape by digging under or jumping over such fence or structure.
- (b) Measures to ensure that any gate forming part of the secured enclosure will remain secure against escape of the dangerous animal or potentially dangerous animal and/or against entrance by children.
- (c) Requiring eOwner to permanently identify the dangerous animal or potentially dangerous animal by means of tattooing or insertion of microchip by a licensed veterinarian.
- (d) Posting of signage of no less than twelve (12) inches by eight (8) inches in stating "Beware of Dog" or "Beware of Dangerous Animal" or similar warning approved by ~~the aAnimal eControl officer.~~
- (e) Requiring the animal to be spayed or neutered.
- (f) Such other requirements to ensure that the dangerous animal or the potentially dangerous animal will not escape the secured enclosure or ensure the public safety.

The aAnimal eControl Services dDirector shall deliver a written order to the eOwner including any such requirements for the keeping and maintenance of the potentially dangerous animal or dangerous animal. Owner shall have ten (10) calendar days to comply with the written order. The written order shall further state that failure to comply within the time period prescribed may result in the assessment of civil penalties and/or seizure of the animal. The aAnimal eControl Services dDirector shall have the authority to allow reasonable extensions of time limits based on good faith progress of implementation of the preventive measures, which extensions of time must be in writing. An aAnimal eControl officer may confiscate and impound the dangerous animal or potentially dangerous animal until the eOwner completes the required preventive measures. The eOwner of the dangerous animal or potentially dangerous animal will be responsible for all fees and costs incurred to house, feed, and care for said animal during such impoundment.

(3) It shall be unlawful for the eOwner to fail to comply with the written order to take preventive measures within the designated time for compliance stated in the written order or any written extension thereof. Any aAnimal eControl officer shall have the authority to seize and impound the dangerous animal or potentially dangerous animal if the eOwner fails to comply with the written order. Each day of non-compliance shall constitute a new violation.

(4) Any aAnimal eControl officer shall have the authority at any time and from time to time to inspect the eOwner's real property or any such premises upon which any dangerous animal or potentially dangerous animal is confined for the limited purpose of ascertaining and determining eOwner's compliance with the requirements of the written order and any other requirements of this ordinance or of N.C. Gen. Stat. 67-4.1 et seq. **The Owner of the dangerous animal or potentially dangerous animal so confined shall be required to provide no less than ten (10) days' notice to the Animal Control Services Director prior to Owner moving or relocating the dangerous animal or potentially dangerous animal to another tract of real property. Any such relocation shall require a new written order from the Animal Control Services Director in order for the Owner to keep the dangerous animal**

or potentially dangerous animal at the new location. An Animal Control officer may confiscate and impound the animal if the Owner fails to comply with these requirements.

- (5) The Owner must notify an Animal Control officer of any change in status of any dangerous animal or potentially dangerous animal within twenty-four (24) hours of learning, or hearing, that it is loose, unconfined, has attacked another person or domestic animal, or has died.
- (6) Any animal previously designated a potentially dangerous animal that is subsequently found by the Animal Control Services Director to have engaged in a new incident that meets the definition of potentially dangerous animal as defined in this ordinance shall be impounded and euthanized in a humane manner.

Sec. IV. - Requirements for attack training facility.

- (1) It shall be unlawful for any person, group of persons partnership, or corporation to conduct attack training for animals at any location unless such training is conducted within a secure enclosure, and the training is conducted in the presence of the Owner(s) or trainer(s) at all times.
- (2) Any animal training or being trained in the mode of attack is deemed to be potentially dangerous and is subject to all the provisions of this ordinance.

Sec. V. - Interference with enforcement of duty.

It shall be unlawful for any person to interfere with, hinder or molest the Animal Control officers or their respective agents or veterinarians in the performance of any duty authorized by this chapter, or to seek to release any animal in the custody of such officers or veterinarians, except as otherwise specifically provided.

Sec. VI. - Imposition of penalties.

- (1) Notwithstanding any civil penalties outlined herein, any person violating the provisions of this ordinance may be found guilty of a misdemeanor under N.C. Gen. Stat. 14-4 and as provided in N.C. Gen. Stat. 153A-123, and may be subject to a civil penalty of not more than five hundred dollars (\$500.00) or imprisonment, or both, for each offense. For a continuing violation, each day's violation may be deemed a separate offense.
- (2) This ordinance may be enforced by an appropriate equitable remedy, injunction or order issuing from a court of competent jurisdiction pursuant to N.C. Gen. Stat. 153A-123(d) and (e).
- (3) Use of any remedy herein shall not preclude those penalties and strict liability as set forth in N.C. Gen. Stat. 67-4.3 and 4.4.
- (4) Animal Control officers may issue civil penalty citations in accordance with the civil penalty and fee schedule which is adopted by resolution of the board of commissioners and is incorporated herein by reference. Any such civil penalties may be appealed to the Appellate Board.

ARTICLE V. - STRAYS

Sec. I. - Definition.

Any domestic animal which appears to be lost, homeless, unwanted or not wearing a currently valid rabies vaccination tag.

Sec. II. - Impoundment.

If an animal is found not wearing the required rabies tag, the animal control officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner's identification

tag or if the ~~a~~Animal ~~e~~Control officer otherwise knows to whom the animal belongs, the ~~a~~Animal ~~e~~Control officer shall notify the ~~e~~Owner to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the ~~a~~Animal ~~e~~Control officer within three (3) days of notification. If the animal is not wearing an ~~e~~owner identification tag and the animal control officers do not know who the ~~e~~Owner is, the animal control officer may impound the animal. Duration of impoundment of these animals shall be seventy-two (72) hours. During this mandatory three (3) day impoundment, reasonable effort shall be made to identify the ~~e~~Owner ~~or-keeper~~ and inform such ~~e~~Owner ~~or-keeper~~ of the conditions whereby the animal may be redeemed. If the animal is not reclaimed by the ~~e~~Owner ~~or-keeper~~ during the mandated period of impoundment, the animal shall be disposed of in one of the following manners:

- A. Return to the ~~e~~Owner ~~-or-keeper~~
- B. Adoption by a new ~~e~~Owner
- C. Put to death by procedure approved by the American Veterinarian Medical Association, ~~and~~ the Humane Society of United States, ~~or such other procedure as may be approved for use by such agency or division of government of the State of North Carolina as shall have oversight authority of euthanasia procedures by the County.~~

The ~~a~~Animal ~~s~~Shelter shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal, and the name of the person to whom any animal has been released.

Any animals that exhibit fierce, dangerous, or aggressive behavior or which may be a dangerous animal or has ever been designated a potentially dangerous animal shall not be offered for adoption from the county ~~a~~Animal ~~s~~Shelter.

ARTICLE VI. - ADOPTIONS

Sec. I. - General provisions.

If an impounded animal is not redeemed by the ~~Owner or e~~Custodian within a seventy-two (72) hour period as prescribed in article VIII, it shall become the property of the Rutherford County Animal Shelter and offered for adoption to any responsible adult who is willing to comply with this ordinance. Such animal may be adopted or purchased by the first person who pays the adoption or purchase fee and rabies vaccination fee.

The county ~~a~~Animal ~~s~~Shelter shall require that all adopted dogs and cats released from the ~~a~~Animal ~~s~~Shelter be spayed or neutered.

No animal which has been impounded by reason of its being a stray, unclaimed by its ~~Owner or e~~Custodian, shall be allowed to be adopted from the ~~a~~Animal ~~s~~Shelter during a period of emergency rabies quarantine invoked pursuant to North Carolina General Statutes.

Animals which appear to be suffering from rabies shall not be redeemed.

Sec. II. - Adoption prerequisites [prerequisite].

In order to be considered for an animal adoption, a person must:

- (1) Be at least eighteen (18) years old.
- (2) Have a valid ID with a current address and phone number.
- (3) Must agree to the ~~a~~Animal ~~s~~Shelter spay/neuter policy.
- (4) Understand the application for adoption must be approved by an ~~Animal Control officer~~ ~~employee of the animal shelter~~.
- (5) Sign the adoption agreement contract.

ARTICLE VII. - ANIMALS CREATING A NUISANCE

Sec. 1. - [Unlawful acts; compliance requirements.]

A. Definitions. [An animal creates a nuisance when it:]

- (1) By frequent howling, yelping, barking, or the making of other noises [which] shall disturb the neighborhood;
- (2) Chases, snaps at, or impedes rider or vehicles; pedestrian, bicycle rider or vehicles;
- (3) Damages, soils, or defiles private or public property;
- (4) Interferes with, molests, or attacks persons or other animals;
- (5) Causes unsanitary, dangerous, or offensive conditions to the public health, safety and welfare;
- (6) Is repeatedly at large against the instruction of an animal control officer.

B. It shall be unlawful for an ~~e~~Owner or ~~keeper-Custodian~~ to permit an animal or animals to create a nuisance, or to maintain a nuisance created by an animal or animals.

C. Compliance shall be required as follows:

- (1) When an ~~a~~Animal ~~e~~Control officer observes a violation, the ~~e~~Owner or ~~keeper-Custodian~~ will be provided written notification of such violation and be given forty-eight (48) hours from time of notification to correct the nuisance.
- (2) Upon receipt of a written and signed complaint being made to the ~~a~~Animal ~~s~~helterControl Services ~~d~~Director by any person or persons that any other person is maintaining a nuisance as defined in this ordinance, the ~~a~~Animal ~~s~~Shelter shall cause the ~~e~~Owner or ~~keeper-Custodian~~ of the animal or animals, that a complaint has been received, and shall cause the situation complained of to be investigated and a written report of the findings to be made.
- (3) If the written findings indicate that the complaint is justified, the ~~a~~Animal ~~s~~helterControl Services ~~d~~Director or person authorized by the ~~a~~Animal ~~s~~helterControl Services ~~d~~Director, shall cause the ~~e~~Owner or ~~keeperCustodian~~ of the animal or animals in question to be so notified in writing, and ordered to abate such nuisance within forty-eight (48) hours by whatever means may be necessary.
- (4) In the event the ~~e~~Owner or ~~keeper-Custodian~~ of the animal or animals is unknown and cannot be ascertained by all reasonable means, the animal may be impounded. If after seventy-two (72) hours the ~~e~~Owner or ~~keeper-Custodian~~ of the animal or animals remains unknown, the animal may be adopted out by the ~~a~~Animal ~~s~~Shelter or humanely destroyed.

D. It shall be unlawful for a person to fail or refuse to abate the nuisance as required by this ordinance.

ARTICLE VIII. - LURING, ENTICING, SEIZING, MOLESTING, OR TEASING AN ANIMAL

Sec. 1. - Prohibited.

It shall be unlawful of any person to entice or lure any animal out of an enclosure or off the property of its ~~e~~Owner or ~~keeperCustodian~~, or to seize, molest or tease any animal while the animal is held or controlled by its ~~e~~Owner or ~~keeper-Custodian~~ or while the animal is on the property of its ~~e~~Owner or ~~keeperCustodian~~.

ARTICLE IX. - RABIES CONTROL

Sec. 1. - Compliance with state rabies laws—Supplemental to state rabies laws.

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

Sec. II. - Vaccination of dogs, cats and other animals.

- A. It shall be unlawful for an ~~e~~Owner or ~~keeper~~Custodian to fail to provide current vaccination against rabies (hydrophobia) [to] any dog or cat four (4) months of age or older. Should it be deemed necessary by the district health director or the board of county commissioners that other animals kept as pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an ~~e~~Owner or ~~keeper~~Custodian to fail to provide current vaccination against rabies for that animal.
- B. A rabies vaccination shall be deemed "current" for a cat if the vaccination has been given within the preceding twelve (12) months. A rabies vaccination shall be deemed "current" for a dog if two vaccinations have been given one year apart and booster doses of rabies vaccine administered every three (3) years thereafter. In the case of "other animals" the rabies vaccination shall be deemed "current" if it complies with the schedule and type of vaccine specified by the health director.
- C. All antirabic vaccine shall be administered by a licensed veterinarian ~~or by a certified rabies vaccinator in accordance with state law.~~

Sec. III. - Vaccination tag and certificate.

- A. Upon compliance with the provisions of section II of this ordinance, there shall be issued to the ~~e~~Owner or ~~keeper~~Custodian of the dog or cat vaccinated a rabies tag, stamped with a number and the year for which issued, and a rabies vaccination certificate.
- B. It shall be unlawful for any dog or cat ~~e~~Owner or ~~keeper~~Custodian to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with attached tag must be worn at all times, except during the time a dog or cat is performing at shows, obedience trials, tracking tests, field trials, schools or other events sanctioned and supervised by a recognized organization.
- C. In addition to all other penalties as prescribed by law, a dog or cat is subject to impoundment in accordance with the provisions of this ordinance if the dog or cat is found not to be wearing a currently valid rabies tag.
- D. It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than for the one it was issued.
- E. All dogs or cats shipped or otherwise brought into this country, except for exhibition purposes where the dogs or cats are confined and not permitted to run at large, shall be securely confined and vaccinated within one week after entry, and shall remain confined for two (2) additional weeks after vaccination unless accompanied by a certificate issued by a licensed veterinarian showing that said dog or cat is apparently free from rabies and has not been exposed to same and that said dog or cat has received a proper dose of rabies vaccine not more than six (6) months prior to the date of issuing the certificate.

Sec. IV. - Report and confinement of animals biting persons or showing symptoms of rabies.

- A. Every animal which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the ~~aAnimal eControl officers~~ or ~~aAnimal shelter Control Services eDirector~~. All dogs and cats shall be securely quarantined, at the discretion of the ~~aAnimal eControl -departmentofficer~~, for a period of ten (10) days, and shall not be released from such quarantine except by written permission from the ~~aAnimal eControl Services departmentDirector~~ or an Animal Control officer acting as the designee of the Animal Control Services Director.
- B. Dogs and cats quarantined under this section shall be confined in a veterinary hospital, boarding kennel, or county ~~aAnimal sShelter~~, at the expense of the ~~eOwner~~; provided however that if the ~~aAnimal eControl department-officer~~ determines that the ~~eOwner~~ of an animal which must be quarantined in adequate confinement facilities on his own premises, the ~~aAnimal eControl officer~~ shall authorize the animal to be confined on such premises. An ~~aAnimal eControl officer~~ may not authorize the animal to be confined on the ~~eOwner's premisesreal property~~ unless the ~~eOwner~~ has a secure enclosure, the animal is currently vaccinated against rabies, and the ~~aAnimal eControl officer~~ revisits the ~~premises-Owner's real property~~ for inspection purposes, at approximately the middle of the confinement period and again at the conclusion of the confinement. Every animal enclosure, whether it be at a veterinary hospital, boarding kennel, ~~aAnimal sShelter~~, or ~~eOwner's premisesreal property~~, shall be clearly marked to show that the animal is quarantined.
- C. In the case of stray dogs or cats whose ownership is not known, dogs or cats showing symptoms of rabies shall be retained by the ~~aAnimal eControl officers~~ at the ~~Rutherford eCounty aAnimal sShelter~~ for the ten (10) day specified retention.
- D. If symptoms of rabies do not develop within ten (10) days after a dog or cat is quarantined under this section, the dog or cat may be released from quarantine with the written permission of an ~~aAnimal eControl Services officer~~.
- E. If the dog or cat has been confined in the ~~Rutherford eCounty aAnimal sShelter~~, the ~~eOwner~~ shall pay a fee as specified by the shelter for each day of confinement to defray the cost of feeding, upon reclaiming the animal. The fee schedule shall be posted for public inspection in the office of the ~~Rutherford eCounty aAnimal sShelter~~.
- F. Badly wounded, diseased, or suffering animals which are suspected of having rabies may be humanely destroyed immediately and the head forwarded to examination.

Sec. V. - Destruction or confinement of animal ~~bitten by a rabid animal~~exposed to rabies.

- A. The Health Director for Rutherford County, working with the Animal Control Services Director, shall establish all procedures for the handling and disposition of each ~~aAnimals not vaccinated against rabies which are~~ bitten by a known rabid animal or in any way is exposed to rabies. Such procedures shall be consistent with state law.
- B. Should no procedure be specifically established by the Health Director, then any animal exposed to rabies which cannot be documented as being current in its vaccination against rabies shall be immediately destroyed, unless the ~~eOwner~~ or ~~keeper-Custodian~~ agrees to the immediate vaccination against rabies no later than ninety-six (96) hours following exposure and strict isolation of the animal at a veterinary hospital for a period of six (6) months at the ~~eOwner's~~ or ~~keeper's-Custodian's~~ expense. If the animal has a current rabies vaccination, it shall be revaccinated within ninety-six (96) hours of exposure and returned to the ~~eOwner~~ or ~~keeperCustodian~~, who shall keep the animal under close observation for a minimum of forty-five (45) days following the exposure at the direction of Animal Control officer.

Sec. VI. - Postmortem diagnosis.

- A. If an animal dies while under observation for rabies, the head of such animal shall be submitted to the district health department for shipment to the laboratory section of the North Carolina Division of Health Services for rabies diagnosis.

B. The carcass of any animal suspected of dying of rabies shall be surrendered to the district health department. The head of such animal shall be shipped to the laboratory section of the North Carolina Division of Health Services for rabies diagnosis.

Sec. VII. - Unlawful killing or releasing of certain animals.

It shall be unlawful for any person to ~~f~~kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal which has bitten a human, or to remove such animal from the county without written permission from the ~~a~~Animal ~~e~~Control ~~S~~ervices ~~d~~Director or the health director.

Sec. VIII. - Failure to surrender animal for confinement or destruction.

It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this ordinance, when demand is made therefor by the ~~a~~Animal ~~e~~Control ~~S~~ervices ~~d~~Department.

Sec. IX. - Penalty.

Except where otherwise specified in this ordinance, failure to comply with the terms of this article, shall be a misdemeanor punishable by a fine up to one hundred dollars (\$100.00) and/or by imprisonment for up to thirty (30) days. Each day's violation of this section is a separate offense. Payment of a fine imposed in a criminal proceeding pursuant to this article does not relieve a person of his liability for the civil fees or fines imposed herein.

Sec. X. - Invalidation of any section.

Invalidation of any section of this ordinance shall not render invalid the remaining parts/sections of this ordinance.

Sec. XI. - Supplemental or other laws.

The powers conferred by this ordinance shall be in addition and supplemental to powers conferred by the existing general statutes of North Carolina and future revisions of the same.

Sec. XII. - Effective date.

This ordinance shall become effective on the 6th day of June, 1994.