

CHAPTER 91: ANIMAL CONTROL

Section

General Provisions

- 91.01 Definitions
- 91.02 Keeping animals under restraint
- 91.03 Cruelty to Animals
- 91.04 Confinement, muzzling, and control of vicious or dangerous animals
- 91.05 Animals creating a nuisance
- 91.06 Dog identification tag
- 91.07 Interference with enforcement

- 91.09 Inherently dangerous wild animals

Rabies Control

- 91.20 Compliance with state law
- 91.21 Inoculation of dogs and cats
- 91.22 Evidence of inoculation of dogs and cats
- 91.23 Report and confinement of animals biting persons or showing symptoms of rabies
- 91.24 Destruction or confinement of animal bitten by rabid animal
- 91.25 Area-wide emergency quarantine
- 91.26 Postmortem diagnosis
- 91.27 Unlawful killing, releasing, and the like of certain animals
- 91.28 Failure to surrender animal for quarantine or destruction
- 91.29 North Carolina State Laws: Rabies

Impoundment

- 91.40 General provisions
- 91.41 Notice to owner
- 91.42 Redemption by owner
- 91.43 Destruction or adoption of unredeemed animal
- 91.44 Procedure with respect to redemption or adoption of unvaccinated dogs and cats
- 91.45 Suspected rabid animals not to be redeemed or adopted
- 91.46 Destruction of wounded or diseased animals
- 91.47 Destruction of animals that cannot be seized by reasonable means.

Administration

- 91.60 Animal Control Officer
- 91.61 Animal Control Advisory Committee

- 91.99 Penalty

GENERAL PROVISIONS

§ 91.01 DEFINITIONS.

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

ABANDON. To forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care.

ABUSE. Willful injury to or mistreatment of a domesticated animal, but not to include the legal euthanization of an animal or the slaughtering of an animal raised to be used for food or clothing by humane and legal methods.

ADEQUATE FOOD. The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain the animal's health and well being, provided in sanitary manner.

ADEQUATE SHELTER. A structure intended for an animal's protection from inclement weather or sun, which consists of at least three sides, a floor and a roof. The structure is to be constructed of durable fiber, wood, plastic, or other non-metallic material of adequate insulate value that allows an animal to maintain its body heat. Structures for all animals must be large enough to allow all animals on the premises to be housed, to turn around, lie down, and stretch comfortably. The walls must keep out rain, sleet, and snow. This shall not exclude the use of metallic structures used as transportation and temporary shelter.

ADEQUATE WATER. Constant access to a supply of liquid, unfrozen, water that is clean, fresh, and visibly free of debris and organic material, provided in a sanitary manner. Water containers must be of sufficient size and placed to prevent accidental spilling by weather conditions or animal activity.

ADMINISTRATIVE WARRANT. A warrant issued by any magistrate of the general court of justice, judge, clerk, or assistant or deputy clerk of any court of record whose territorial jurisdiction encompasses the property to be inspected upon presentation of affidavit or other evidence provided to the satisfaction of the issuing officer that there is probable cause to believe that there is a condition, object, activity or circumstance legally justifying an inspection of the property described in that affidavit and issued pursuant to the provisions of G.S. 15-27.2, or any other appropriate statute authorizing such a search.

ANIMAL CONTROL OFFICER. The person or persons employed by the county as its enforcement officer(s). The **ANIMAL CONTROL OFFICER** is designated the County Rabies Inspector.

ANIMAL SHELTER. Any premises designated by the county for the purpose of impounding and caring for small animals found running at large or otherwise subject to impounding in accordance with the provisions of this chapter.

AT LARGE. Any animal shall be deemed to be at large when it is off the property of its owner and not under the control of a competent person.

COMPANION ANIMAL. An animal kept for companionship and enjoyment.

LIVESTOCK: Including, but not limited to Equine, Bovine, Sheep, Goats.

WORKING ANIMALS: Animals that are used to herd and/or provide protection for flocks and herds of livestock.

SPORT ANIMALS: Animals kept for legalized hunting.

EXPOSED TO RABIES. An animal has been exposed to rabies within the meaning of this chapter if it has been bitten by, or exposed to, any animal known or suspected to have been infected with rabies.

INHERENTLY DANGEROUS WILD ANIMALS. The term applies to the following animals which are inherently dangerous to persons or property and which include: All felines, other than the domestic house cats (including lions, tigers and leopards), nonhuman primates, bears, wolves, coyotes, reptiles (poisonous, or constricting and giant). In order to properly administer the provisions of this Ordinance, the Board may add to or remove from the classification of wild animal any bird, mammal, reptile, aquatic and amphibious forms, or other members of the animal kingdom. Additions to or deletions from the animals regulated herein may be made only if the Board determines, after receiving evidence, that such animals because of habit, mode of life or natural instinct are either capable or incapable of being domesticated, requires the exercise of art, force or skill to keep them safely in subjection, and would or would not create a reasonable likelihood of hazard to the public.

KENNEL, DEALER, BREEDER, OR PET SHOP. Any person, groups of persons, partnership or corporation engaged in buying, selling, breeding, or boarding animals for profit.

MICROCHIP -- An electronic identification device approved by the Animal Control Officer which is intended to be implanted within an animal.

NEUTERED MALE. Any male animal which has had its gonads (testicles) surgically removed.

OWNER. Any person, group of persons, firm, partnership, or corporation owning, keeping, having charge of, sheltering, feeding, harboring, or taking care of any animal. The owner is responsible for the care, actions, and behavior of his or her animals.

PET. A domesticated animal kept for pleasure rather than utility.

POTENTIALLY VICIOUS OR DANGEROUS ANIMAL. Any dog or other animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to threaten otherwise the safety of humans or domestic animals designated pursuant to G.S. § 67-4.1.

RESTRAINT. An animal is under restraint within the meaning of this chapter if it is:

- (1) Controlled by means of a chain, leash, or other like device;
- (2) To be under the physical control of the owner or animal handler and is obedient to that person's commands.

- (3) On or within a vehicle being driven or parked;
- (4) Within a secure enclosure (such as a fence); or
- (5) Within the property limits of its owner or keeper.

SERVICE ANIMAL. Any guide dog, signal dog, or other animal individually trained to work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

SPAYED FEMALE. Any female animal which has had its gonads (ovaries) surgically removed.

STRAY. Any domestic animal not under restraint and found off the property of its owner.

TETHER. A means by which an animal is fastened so that it can range within a reasonable radius.

VICIOUS OR DANGEROUS ANIMAL. A dangerous animal or potentially dangerous animal as defined by G.S. § 67-4.1(a) (1) and (2), subject to the exceptions of G.S. § 67-4.1(b), including, but not limited to, any dog in the following categories:

- (1) Any dog that has either made an unprovoked attack on a human, or has, when unprovoked, chased, or shown aggressive behavior in a menacing fashion or in an apparent attitude of attack toward a human upon the streets, sidewalks, or any public or private property.
- (2) Any dog that has attacked farm stock or other pets.
- (3) Any dog that has been quarantined pursuant to § 91.23 of this chapter and has been declared to be a vicious or dangerous animal by the animal control officer.
- (4) Any dog that has been declared to be a vicious or dangerous animal pursuant to § 91.05 of this chapter.
- (5) Any dog, not owned by a governmental or law enforcement units, used primarily to guard public or private property.
- (6) Any dog that is owned or harbored, at least in part, for the purpose of dog fighting, or any dog trained for dog fighting.
- (7) Any dog that is found by the staff of the Animal Shelter, or pursuant to the observation or evaluation provisions of § 91.43(F)(2) or (3), to have demonstrated a propensity, tendency, or disposition to attack unprovoked, or to otherwise threaten the safety of human beings or domestic animals.

(Ord. passed - -86; Am. Ord. passed 4-16-92; Am. Ord. passed 9-8-94; Am. Ord. passed 5-20-96; Am. Ord. passed 10-5-98)

§ 91.02 KEEPING ANIMALS UNDER RESTRAINT.

All animals subject to this chapter must be kept under restraint, as defined in § 91.01, provided that animals hunting with a competent person shall not be in violation of this Section.

(Ord. passed - -86; Am. Ord. passed 4-16-92; Am. Ord. passed 5-20-96) Penalty, see § 91.99

§ 91.03 CRUELTY TO ANIMALS.

It shall be unlawful for any person to molest, tease, bait, torture, deprive of necessary sustenance or adequate shelter, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon, or subject to conditions detrimental to its health or general welfare an animal, or to cause or procure such action. The words **TORTURE** and **TORMENT** shall be held to include every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted; but such terms shall not be construed to prohibit lawful shooting or slaughtering of birds, deer, and other game or domestic animals for **the primary purpose of providing food for human or animal consumption**; nor to prohibit the Animal Control Officer or authorized agents or veterinarians from destroying dangerous, unwanted, or injured animals in a humane manner.

(Ord. passed - -86; Am. Ord. passed 4-16-92; Am. Ord. passed 5-30-96) Penalty, see § 91.99

(a) It shall be unlawful for any owner or keeper to fail to provide his animals with adequate food, water, shelter, a clean living environment free of debris and excessive waste, veterinary care when needed to prevent suffering and with humane care and treatment.

(b) It shall be unlawful for any person to permit or be a spectator at any dogfight or cockfight.

(c) It shall be unlawful for any person to promote, encourage, engage in or do any act toward the furtherance of any act of cruelty to an animal.

(d) It shall be unlawful to abandon such animal except to relinquish the animal to the animal shelter during normal business hours in accordance with policies and procedures then in effect at the animal shelter.

The following has been indented for clarity

(1) If the department finds that an animal has been abandoned the animal may be impounded.

(2) If an animal has been abandoned in a house or within a fenced area, the department must make a reasonable effort to locate the owner or manager of the property. If the property owner or manager is not the animal owner, then the department shall secure permission of the owner or manager to remove the animal. If the property owner is also the animal owner and this individual property owner cannot be located, the department shall secure an appropriate warrant to seize the animal. An animal seized pursuant to this section shall be impounded at the direction of the animal control officer.

(e) It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability, or death.

After making a reasonable effort to find the driver of a vehicle in which an animal is confined, the animal control officer, in the presence of a law enforcement officer, may use the least intrusive means to enter the vehicle if necessary to remove the animal, where reasonable cause exists to believe the animal may die if not immediately removed. The animal control officer removing the animal shall then impound the animal and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed.

(f) It shall be unlawful for any person to intentionally strike an animal with an automobile or other vehicle causing injury or death.

(g) It shall be unlawful for any person injuring or killing a domestic animal by striking it with an automobile or other vehicle to fail to notify the owner of such animal, if ownership information is available. If ownership information is not available, animal control or law enforcement must be notified.

(h) Standard for chaining.

(1) No dog may be chained out doors without a chain or cable of suitable length designed and placed to prevent choking or strangulation, with the area free of obstacles so that the animal may have access to food water, and shelter.

(2) No dog may be restrained using a chain or cable, grossly in excess of the size necessary to restrain the dog safely as determined by the Animal Control Officer.

(i) It shall be unlawful for an owner, keeper, possessor, or caretaker to hoard companion animals. The individual shall be considered a companion animal hoarder if they:

(1) Exhibit the inability to provide even minimal standards of nutrition, sanitation, shelter, and veterinary care, with this neglect often resulting in starvation, illness, and death;

(2) Keeps the companion animals in severely overcrowded environment; and

(3) Displays an inability to recognize or understand the nature of or has reckless disregard for the conditions under which the companion animals are living and the deleterious impact they have on the companion animals' and owner's health and well being.

(j) All reasonable and customary efforts should be made to secure proper veterinary care to prevent animal suffering.

(k) Any animal found to be treated in a manner constituting a violation of this article shall be subject to immediate seizure by the animal control officer so that suitable care may be provided for such animal.

Statutory reference:

County authority to prohibit the abuse of animals, see G.S. § 153A-127

§ 91.04 CONFINEMENT, MUZZLING, AND CONTROL OF VICIOUS OR DANGEROUS ANIMALS.

(A) It shall be unlawful for any owner to keep any vicious or dangerous animal within the county, unless it is confined within a secure building or enclosure as determined by the Animal Control Officer, or unless it is securely muzzled and under control by a competent person who, by means of a chain, has the animal firmly under control at all times. The premises on which any animal under this section is confined shall be clearly marked with a warning sign.

(B) Following are additional requirements or precautions which shall be taken by owners of vicious or dangerous animals when directed by the Animal Control Officers, to wit:

(1) Whenever outside its building or enclosure, but while on the owner's property, a vicious or dangerous animal must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape. No vicious or dangerous animal shall be chained, tethered or otherwise tied to any inanimate object, such as a tree, post or building outside of its own building or enclosure.

(2) For owners of vicious or dangerous animals who maintain their animals out of doors, a portion of the owner's property shall be fenced with a perimeter or area fence. Within this perimeter or area fence, the vicious or dangerous animal must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides; a secure top attached to all sides; and sides either buried two (2) feet under the ground, sunken into a concrete pad or securely attached to a wire bottom. The gate to the kennel must be locked with a padlock or combination type lock.

(3) All animals subject to this section **are required to** be micro chipped at the owner's expense within a period not to exceed two (2) weeks from the time such animal is deemed to be subject to this section.

(C) If an owner or custodian of an animal subject to this section does not comply with these requirements within a period of two (2) weeks after the receipt of written notice from the Animal Control Officer; or if death or personal injury with medical expenses exceeding \$300.00 have resulted from an unprovoked attack by an animal; or if an animal has been previously declared to be a potentially vicious or dangerous animal or a vicious and dangerous animal, such animal shall be immediately euthanized under the supervision of the Animal Control Officer.

(D) Should the Animal Control Officer find that an animal has attacked a person causing bodily harm without being teased, molested, provoked, beaten, tortured, or otherwise harmed, he or she shall report same to the County Health Director as per G.S. § 1 30A-200.

(E) The Animal Control Officer shall notify the owner of an animal, which he or she has determined to be vicious or dangerous following an investigation, that the provisions of this chapter shall apply to the animal. The owner of the animal shall either release same to the Animal Control Officer for destruction as provided elsewhere in this chapter, or keep the animal confined as provided in § 91.04 of this chapter.

(F) The Animal Control Officer can declare an animal to be a potentially vicious or dangerous animal following an investigation, and take any action authorized by this chapter including requiring compliance with any of those procedures set forth under Section 91.04(C) of this chapter.

(Ord. passed - -86; Am. Ord. 4-16-92; Am. Ord. 5-20-96) Penalty, see § 91.99

Statutory reference:

County authority to control and regulate the possession of dangerous animals see G.S. §§ 67-4.5 and 153A-131

§ 91.05 ANIMALS CREATING A NUISANCE.

The keeping of any companion, working or sport animal in such manner or in such numbers as to constitute a public nuisance is hereby prohibited. For the purposes of this section, a public nuisance shall include, but not be limited to, the following:

(1) The keeping of any companion, working or sport animal that causes unsightly litter, or foul or offensive odors of any animal which remain upon or emanate from the property of the owner;

- (2) The keeping of any companion, sport or working animal which frequently is at large, including any animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, animals walked on a leash, bicycles or other vehicles;
- (3) The keeping, possession or harboring of any companion, sport or working animal which is dangerous to persons or property;
- (4) Allowing or permitting a companion, working or sport animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers, or damaging gardens, flowers, or vegetables, or defecating upon the property of another;
- (5) Failing to confine a female dog or cat while in heat in a secure enclosure in such a manner that will prevent the animal from coming into **physical** contact with a male of its species.; provided, this section shall not be construed to prohibit the intentional breeding of animals within a securely enclosed area on the premises of the owner of the animal which is being bred.

The owner may be issued a citation after sufficient investigation by the Animal Control Officer that an animal has created a nuisance as set forth by this section and may be instructed to confine the animal as provided in 91.04 of the chapter.

§ 91.06 DOG IDENTIFICATION TAG.

(A) It shall be unlawful for any dog owner to fail to provide the dog with a metal identification tag upon which is inscribed the dog's owner's name, address, and telephone number in letters at least 1/8-inch high and securely attached to the collar.

(B) It shall also be unlawful for any dog owner to fail to provide the dog with a strong and serviceable collar or harness to which a current identification tag described under this section is securely attached. The collar or harness, with the attached identification tag, must be worn at all times, except during the time the dog is performing at shows, obedience trials, tracking tests, field trials, schools, or other events sanctioned and supervised by a recognized organization, or is engaged in hunting or some other activity in which a collar might endanger the dog's safety.
Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

§ 91.07 INTERFERENCE WITH ENFORCEMENT.

(A) It shall be unlawful for any person to interfere with, hinder, or molest the Animal Control Officer or the Animal Advisory Board's 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 agents, except as otherwise specifically provided.

(B) It is a defense to prosecution under this section that the interference alleged consisted of speech only.

(Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

§ 91.09 INHERENTLY DANGEROUS WILD ANIMALS.

(A) It shall be unlawful for any owner or other person to possess or harbor an inherently dangerous wild animal within the county.

(B) Exemptions: The following shall be exempt from this ordinance:

Bona fide traveling circuses licensed by the U.S. Department of Agriculture shall be exempt from this section.

(C) Recapturing:

The owner of any inherently dangerous wild animal shall reimburse Haywood County for all costs incurred while attempting to recapture any escaped inherently dangerous wild animal. If the animal is sheltered or euthanized by Animal Control, the owner shall also pay these costs.

(Am. Ord. passed 10-5-98)

§ 91.10 Prohibition against giveaways in public places.

It shall be unlawful to **display** any animal in a public place for the purpose of selling or giving the animal away. This section does not apply to the display of animals by and within a pet shop, commercial kennel, or veterinarian's office. Only animal welfare organizations may display animals for adoption in a public place, provided that such organization is in possession of a permit issued at no charge by the animal control director or his designees. In such case any animal made available for adoption must be no less than two months of age.

RABIES CONTROL

§ 91.20 COMPLIANCE WITH STATE LAW.

(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 subchapter 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.

(Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

Statutory reference:

Rabies control, see G.S. §§ 130A-184 through 130A-201

§ 91.21 INOCULATION OF DOGS AND CATS.

(A) It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) by a licensed veterinarian or certified rabies vaccinator for any dog or cat four months of age or older. Should it be deemed necessary by the County Health Director or the State Public Health Veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.

(B) A rabies inoculation shall be deemed current for a dog or cat if its first inoculation has been given within the preceding one year, or if a second or subsequent inoculation with a vaccine that

is FDA approved for three (3) years protection against rabies, has been given within the preceding three years.

(Ord. passed - -86; Am. Ord. passed 4-16-92; Am. Ord. passed 5-20-96) Penalty, see § 91.99

§ 91.22 EVIDENCE OF INOCULATION OF DOGS AND CATS.

(A) Upon complying with the provisions of § 91.21, there shall be issued to the owner of the animal inoculated, a numbered metallic tag, stamped with the number and the year for which issued, appropriately color-coded as recommended by the State Public Health Veterinarian, and indicating that the animal has been inoculated against rabies.

(B) It shall be unlawful for any dog owner to fail to provide the dog with a collar or harness to which a current tag issued under this section be securely attached. The collar or harness, with attached tag, must be worn at all times, except as provided by § 91.07(B) of this chapter.

(C) It shall be unlawful for any person to use for any dog a rabies inoculation tag issued for a dog other than the one for which the tag was issued.

(D) The owner of dogs or cats shall maintain the rabies inoculation certificate as written evidence that the dog or cat has a current rabies inoculation.

(Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

§ 91.23 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 Animal Control Officer and Health Director. If currently vaccinated, all such dogs and cats shall be securely quarantined, at the direction of the County Health Director, for a period of ten days, and shall not be released from the quarantine except by written permission from the Animal Control Officer and/or County Health Director. If unvaccinated, the County Health Department or State officials may demand that the animal be euthanized and its head examined for rabies.

Statutory reference: G.S. 130A-196 and 198

(B) Dogs and cats quarantined under this section shall be confined, at the expense of the owner, in a veterinary hospital, county animal shelter or suitable facility off the premises of the owner as designated by the County Health Director. As per state law GS 130A-196.

(C) In the case of stray dogs or cats whose ownership is not known, the dogs or cats may be euthanized upon consultation with the local Health Director by the Animal Control Officer or by a licensed veterinarian, and the head examined for rabies or kept for the supervised quarantined period required by this section at the County Animal Shelter.

(D) If symptoms of rabies do not develop within ten 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 the Animal Control Officer or County Health Director. If the dog or cat has been confined in the County Animal Shelter, the owner shall pay a fee determined by resolution of the Board of County Commissioners for each day of confinement to defray the cost of feeding, upon reclaiming the animal. The fee schedule shall be available for public inspection in the office of the Clerk to the Board of County Commissioners and the County Animal Shelter.

(E) Any animal other than dogs or cats may be euthanized and the head tested for rabies, AT the discretion of the State Public Health Veterinarian. GS 130a-198

(Ord. passed - -86; Am. Ord. passed 4-16-92; Am. Ord. passed 5-20-96) Penalty, see § 91.99

§ 91.24 DESTRUCTION OR CONFINEMENT OF ANIMAL BITTEN BY RABID ANIMAL.

Dogs and cats which have not been inoculated against rabies which are bitten by a proven rabid animal shall be euthanized and destroyed immediately. If the owner is unwilling to have this done, the animal shall be confined and quarantined for a six-month period at the expense of the owner. One month before release (for example, five months after being bitten) the animal shall be inoculated against rabies. If the animal was inoculated against rabies at least 30 days before the exposure, and the animal has a current rabies inoculation, it shall be revaccinated immediately and placed in strict confinement at the expense of the owner for at least 30 days. Any confinement or quarantine within this section provided for by the owner of any animal shall be supervised and approved by the Animal Control Officer and Health Director

(Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99 Statutory reference G.S. 130A-197

§ 91.25 AREA-WIDE EMERGENCY QUARANTINE.

(A) When reports indicate a positive diagnosis of rabies, the County Director of Public Health may order an area-wide quarantine for such period as he or she deems necessary. Upon invoking of the emergency quarantine, no dog, cat, or other carnivore shall be taken into the streets or permitted to be in the streets during such period unless leashed. During the quarantine, no dog, cat, or other carnivore may be taken or shipped from the county without written permission of the Animal Control Officer. The police and sheriffs departments are directed during the emergency to impound any dog, cat, or other carnivore found running at large in the county. During the quarantine period, the Animal Control Officer or the local health authorities shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

(B) In the event there are additional positive cases of rabies occurring during the period of quarantine, the period of quarantine may be extended at the discretion of the County Director of Public Health.

(Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

§ 91.26 POSTMORTEM DIAGNOSIS.

If an animal dies while under observation for rabies, or is suspected of dying of rabies, the head of the animal shall be submitted to the Haywood County Health Department for shipment to the Laboratory Section of the Division of Health Services for rabies diagnosis.

(Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

§ 91.27 UNLAWFUL KILLING, RELEASING, AND THE LIKE OF CERTAIN ANIMALS.

It shall be unlawful for any person to kill or release any animal under observation either for ten days, or six months for rabies, any animal suspected of having been exposed to rabies, or to release any animal subject to quarantine or destruction for having bitten a human, or to remove the animal from Haywood County (Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

§ 91.28 FAILURE TO SURRENDER ANIMAL FOR QUARANTINE OR DESTRUCTION.

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this subchapter, when demand is made therefor by the Animal Control Officer and/or Health Director (Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

91.29 NORTH CAROLINA STATE LAW: RABIES

In the absence of any other local guidance regarding rabies North Carolina State Laws will prevail.

IMPOUNDMENT

§91.40 GENERAL PROVISIONS.

Any animal which appears to be lost, stray, or unwanted, or which is found to be not wearing a currently valid rabies vaccination tag, a Dog Identification Tag as required by this chapter or an appropriately registered micro chip identification and not under restraint in violation of this chapter, shall be impounded by the Animal Control Officer and confined in the County Animal Shelter in a humane manner. Further, an owner of an animal may voluntarily turn the animal into the Animal Shelter for impoundment and other disposition under this chapter. Impoundment of the animal shall not relieve the owner thereof from any penalty which may be imposed for violation of this chapter. (Ord. passed - -86; Am. Ord. passed 4-16-92; Am. Ord. passed 5-20-96) Penalty, see § 91.99

§ 91.41 NOTICE TO OWNER.

(A) Immediately upon impounding an animal, the Animal Control Officer shall make a reasonable effort to notify the owner and inform the owner of the conditions whereby the animal may be redeemed.

(B) If the owner of the animal is known or can be located, the animal must be kept in the Animal Shelter for a minimum of seven days. If the owner of the animal is unknown or cannot be located, the animal must be kept in the Animal Shelter for a minimum of four days. (Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

§ 91.42 REDEMPTION BY OWNER.

(A) The owner of an animal impounded under this chapter may redeem the animal and regain possession thereof by complying with all applicable provisions of this chapter and paying a redemption fee, any necessary veterinarian's fee, and a daily boarding fee at a rate to be determined by resolution of the Board of County Commissioners. Fee rates shall be available for public inspection in the office of the Clerk of the Board of County Commissioners and the County Animal Shelter. (Ord. passed --86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

(B) Any dog or cat impounded as a stray without a microchip or a dog identification tag as specified in section §91.06 of the ordinance must have a microchip implanted or obtain a dog identification tag at the owner's expense within 72 hours of redemption of said animal.

§ 91.43 DESTRUCTION OR ADOPTION OF UNREDEEMED ANIMAL.

(A) If an impounded animal is not redeemed by the owner within the period prescribed in § 91.42, it may be destroyed in a humane manner or shall become the property of the County Animal Shelter and offered for adoption to any responsible adult who is willing to comply with this chapter. The animal may be adopted or purchased by the first such person who pays the adoption or purchase fee and rabies vaccination fee. No live animals may be sold or offered for adoption for laboratory or testing purposes.

(B) The Animal Control Officer shall not without written consent of a veterinarian allow any dog or cat seven weeks of age or older to be released from the animal shelter for adoption until the dog or cat has been neutered or spayed.

(C) In lieu of an adoption fee, or in addition to the adoption fee, a charge may be made as a condition to adoption of an animal for such amount as is determined to be sufficient to pay the cost of neutering the animal.

(D) No animal which has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to § 91.26 of this chapter, except by special authorization of the Director of Public Health and the Animal Control Officer.

(E) There shall be no adoption of vicious or dangerous animals.

(F) Potentially vicious or dangerous dogs may be adopted only under the following conditions and pursuant to the following procedures:

(1) The potential adopting party must complete such application forms as are provided and complete such counseling as is offered by the County Animal Control Office. Approved counseling may be provided by personnel or qualified volunteers at the County Animal Control Office, by attendance at dog obedience training classes or by viewing videos or reading materials which are provided by or approved by the County Animal Control Office.

(2) The staff and volunteers of the Animal Shelter shall observe the dog during the minimum four-day holding period, and the dog shall be found not to be a vicious or dangerous animal.

(3) The potential adopting party shall pay such fee as is established by the County Board of Commissioners for the purpose of having the dog to be adopted undergo evaluation by a licensed veterinarian with formal training in animal behavior, or with other appropriate qualifications in the field of animal behavior as approved by the County Animal Control Office, and the dog shall thereafter be evaluated and found not to be a vicious or dangerous animal.

(4) The potential adopting party shall sign a release and waiver of all claims upon forms provided by the County Animal Control Office, for the purpose of releasing the county, the

County Animal Control Office and its agents and employees, from all liability resulting from property damage or personal injury caused by dogs adopted through the County Animal Control Office, agreeing to assume all legal responsibility and liability for property damage or personal injuries caused by adopted dogs; agreeing to defend and hold the county harmless from all claims for liability resulting from property damage or personal injuries caused by the adopted dogs; and confirming that liability insurance is in place to provide coverage for property damage and personal injury caused by such dogs following adoption.

(Ord. passed - -86; Am. Ord. passed 4-16-92; Am. Ord. passed 5-6-93; Am. Ord. passed 9-8-94; Am. Ord. passed 5-20-96) Penalty, see § 91.99

§ 91.44 PROCEDURE WITH RESPECT TO REDEMPTION OR ADOPTION OF UNVACCINATED DOGS AND CATS.

(A) Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog at the County Animal Shelter will be given a "proof of rabies vaccination" card at the time of the redemption or adoption. This card will be marked with a date stating the maximum time limit allowed to take the dog to the veterinarian of the person's choice for rabies vaccination. The time limit for dogs four months and older will be 72 hours, with Sundays and holidays excluded. For puppies under twelve weeks, the time limit will vary according to age. Any dog referred to in

this section and its vaccination card shall be taken by the person adopting or redeeming the animal to a veterinarian within the time limit to be vaccinated.

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

(Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

§ 91.45 SUSPECTED RABID ANIMALS NOT TO BE REDEEMED OR ADOPTED.

Notwithstanding any other provision of this chapter, animals impounded which appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with §§ 91.20 through 91.28.

(Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

§ 91.46 DESTRUCTION OF WOUNDED OR DISEASED ANIMALS.

Notwithstanding any other provision of this chapter, any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification, may be destroyed immediately in a humane manner. If the animal has identification, the Animal Control Officer shall attempt to notify the owner before disposing of the animal, but if the owner cannot be reached readily, and the animal is suffering, the Animal Control Officer may destroy the animal at his or her discretion in a humane manner.

(Ord. passed - -86; Am. Ord. passed 4-16-92) Penalty, see § 91.99

§ 91.47 Destruction of animals that cannot be seized by reasonable means.

Notwithstanding any other provision of this chapter, a dog or cat that cannot be seized by reasonable and normal means, trapped in a humane, live-capture animal trap, or tranquilized, may be humanely destroyed in the field by the animal control officer or by law enforcement officers. Vicious, dangerous/potentially dangerous animals so designated, or an animal attacking a human being, another pet, or livestock may be immediately destroyed, if such destruction is necessary for the protection of the public health and safety.

ADMINISTRATION

§ 91.60 ANIMAL CONTROL OFFICER.

(A) The Animal Control Officer shall be charged with the responsibility of:

- (1) Enforcing, in this county, all state and county laws, ordinances, and resolutions relating to the care, custody, and control of animals.
- (2) Cooperating with the Health Director and assisting in the enforcement of the laws of the state with regard to animals, and especially with regard to vaccination of animals against rabies and confinement or leashing of vicious animals.
- (3) Investigating cruelty or animal abuse complaints.

- (4) Making such canvasses of the county, including the homes in the county, as the Animal Control Advisory Committee deems necessary for the purposes of ascertaining that all animals are duly tagged and vaccinated against rabies as required by local ordinance or state statute.
 - (5) Operating, pursuant to policies of the Board of County Commissioners, the county animal shelter.
 - (6) Acting as the County Rabies Inspector.
 - (7) Assisting persons suffering personal injury or sustaining property damage from dogs in violation of this chapter.
 - (8) Investigating potentially vicious or dangerous animals or vicious or dangerous animals following a complaint or other information received by the Animal Control Office.
 - (9) Declaring after an investigation that an animal is a potentially vicious or dangerous animal or a vicious or dangerous animal.
 - (10) Notifying owners or keepers of potentially vicious or dangerous animals or vicious or dangerous animals of additional requirements or precautions to be taken.
- (B) It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of:
- (1) Impoundment and disposition of all animals coming into the animal shelter or shelters.
 - (2) Bite cases, violations, and complaints, and investigation of same.
 - (3) All monies belonging to the county which were derived from redemption fees, shelter fees, penalties, tags, and sales of animals.
 - (4) All other records deemed necessary by the Board of County Commissioners.
 - (5) Records of investigations required by this chapter.

(Ord. passed - -86; Am. Ord. passed 4-16-92; Am. Ord. passed 5-20-96)

Statutory reference:

County authority to appoint Animal Control Officers, see G.S. § 67-30

§91.61 ANIMAL CONTROL ADVISORY COMMITTEE.

The County Board of Commissioners shall have the authority to create and appoint an Advisory Committee, of such number as they shall determine. The members shall serve terms as established by the Board of County Commissioners.

(Ord. passed - -86; Am. Ord. passed 4-16-92)

§91.99 PENALTY.

(A). Except as otherwise provided herein, any owner who violates any provision of this article shall be subject to a civil penalty for each violation in accordance with subsection (c) below, as well as to criminal penalties. Fines shall be established by the county board of commissioners based on the nature of the violation and number of repeat offenses. If the violation is continued, each day's violation shall constitute a separate offense. For the purposes of this section, repeat violations occur where the agency has issued a fine for the same offense within a 24-month period. Nothing in this section shall prevent agency representatives from issuing warning violations.

(B) *Payment of penalty and Written notice of violation and penalty.* The animal owner or keeper shall be issued a written notice of violation and shall be required to make payment to the Haywood County Animal Control Officer and/or the Haywood County Animal Control Office or his designee at the time the animal is redeemed or within ten days of the receipt of notice whichever comes first. Notice of the civil penalty and violation shall be delivered in person to the violator or mailed by certified mail, return receipt requested, to the owner's last known address. If the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty.

(c) *Levels of violation and fines.*

Level I

TABLE INSET:

§91.02	Failure to keep an animal under restraint.
§91.05	Animal creating a public nuisance..
§91.06	Failure to have proper identification tag.
§91.20	Failure to comply with Rabies Control Section
§91.42	Failure to provide microchip after 72 hours of redemption

Level II

TABLE INSET:

§91.03	Cruelty to Animals
§91.09	Inherently Dangerous Wild Animals
§91.10	Giving away or selling animals in a public place

Level III

TABLE INSET:

§ 91.04	Failure to comply with Section: Vicious/Dangerous Animals
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§ 91.07	Interference with enforcement

TABLE INSET:

Civil Penalty Fine Schedule				
	First offense	Second offense	Third offense	Each additional offense
Level I	\$50.00	\$75.00	\$100.00	\$100.00
Level II	\$75.00	\$125.00	\$250.00	\$250.00
Level III	\$250.00	\$500.00	\$1,000.00	\$1,000.00

(C) Violation of this article may subject the violator to criminal as well as civil action. In addition to the civil penalties or fees imposed under this article, violation of this chapter shall be a misdemeanor for which a criminal summons or warrant may be issued. Any violator convicted of such violation shall be punishable as provided in G.S. 14-4. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve the violator of his liability for taxes, civil penalties or fees imposed under this article.

(D) Any person who fails to pay a fine within a period of 72 hours after receiving a Notice of Civil Penalty shall be deemed to have committed a misdemeanor and a warrant may be issued for the person's arrest. Prosecution under this section shall require proof of the occurrence of the underlying facts giving rise to the notice of CIVIL penalty.