

**Caldwell County
Animal Control
Ordinance**

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Caldwell County Animal Control Ordinance

ARTICLE I - GENERAL

Section I: Definitions

Adequate Shelter: Any suitable weather-proof structure intended to be inhabited by an animal, built in such a way as to have four (4) sides, one (1) side having ample opening to allow for an entrance for the animal. Said structure will have a top and bottom being large enough for the animal to turn around while inside.

Animal Shelter: Any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this ordinance.

At Large: Refers to any animal off the premises of his owner and not under sufficient physical restraint such as a securely fitting collar and leash, collar and chain, or similarly effective device to allow the animal to be controlled.

Attack: An approach to a person by an unrestrained animal in a vicious, terrorizing or threatening manner or apparent attitude of attack, without the animal having been teased, molested, provoked, beaten, tortured, or otherwise harmed.

Attack Training Facility: Any person, group of persons, partnership or corporation engaged in boarding, breeding, selling or training dogs or other animals in mode of an attack.

Breeder: Any person or establishment that breeds animals for the purpose of resale to the general public or dealers.

Cat: A domestic feline of either sex including stray.

Dangerous Animal: Any animal that has demonstrated a fierce or dangerous propensity or tendency to do any act which may endanger persons or property and/or any nondomesticated animal indigenous to the State of North Carolina including hybrid animals that are part wild. This would include but not be limited to any dog which (1) assaults, bites, attacks or inflicts serious injury on a human being without provocation on public or private property and/or (2) which has killed or injured a pet or domestic animal without provocation. Exceptions: No dog is dangerous pursuant to this definition if at the time the threat, injury or damage was sustained, the person attacked was teasing, tormenting, abusing or assaulting the dog, or has in the past teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. Nor shall a dog be considered dangerous pursuant to this definition if it has attacked or injured a pet or domesticated animal in defense of an attack by another animal or if it is protecting or defending its young.

Dealer: Any person who is licensed by the U.S. Department of Agriculture as a dealer.

Dog: A domestic canine of either sex including stray.

Domestic Animal: Any of various animals as dogs, cats, horses, sheep, cattle, goats, hogs, poultry, etc.; domesticated by man so as to live and breed in a tame condition.

Exhibitor: Any person who is licensed by the U.S. Department of Agriculture as an exhibitor.

Exposed to Rabies: Any person or animal that has bitten, been bitten by, or otherwise come into contact with the bodily fluids of any animal known or suspected to have been infected with rabies.

Inherently Dangerous Mammal: Inherently dangerous mammal is any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

1. Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (Canis Familiaris).
2. Felidae, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (Felis Catus).
3. Ursidae, including any member of the bear family, or any hybrids thereof.

Kennel: Any person, group of persons, partnership or corporation engaged in boarding animals.

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

Nuisance: The acts or actions by a cat or dog shall be considered a nuisance if any of the following occurs:

- (1) Turns over garbage containers or removes garbage from them.
- (2) Damages gardens, foliage or other real or personal property.
- (3) Defecates or urinates on property other than the owners.
- (4) Is maintained in an unsanitary condition which results in offensive odors or is dangerous to public health.
- (5) Chases, harasses or otherwise molests other animals, pedestrians, bicyclist, or vehicles.

Owner: Any person, group of persons, firm, partnership or corporation owning, keeping, having custody or control over, sheltering, feeding, harboring, or allowing the animal to remain on or about their property for more than seventy-two (72) consecutive hours. In the event that the owner of an animal is a minor, for purposes of this ordinance the parent or guardian of such minor shall be considered the owner of that animal. The owner of an animal is responsible for the care, actions and behavior of his animals.

Pet: A domesticated animal kept for pleasure rather than utility.

Premises: That portion of land owned or occupied by an owner, not including any portion of such land that is accessible to the public as a right of way.

Restraint: An animal is under restraint within the meaning of this ordinance if it is (1) controlled by means of a chain, leash, or other like device; (2) on or within a vehicle being driven or parked; (3) within a secure enclosure; or (4) within the dwelling house of the owner.

Secure Enclosure: A fence or structure with four sides of adequate height, made from metal or any equivalent material, forming or causing a humane secure enclosure. ~~suitable to prevent the animal from escaping and to prevent the entry of young children.~~ The door or gate shall have a latch capable of being securely locked to prevent the animal from escaping or the entry of young children. The secure enclosure shall have a securely fitting top made from metal or any equivalent material to prevent the dog from climbing out and a floor made of concrete, concrete pavers or equivalent to prevent the dog from digging out of the secure enclosure. For the purpose of this definition, a home, mobile home or separate garage ~~do not meet this definition.~~ does not qualify.

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

Stray: Any dog or cat that appears stray, homeless or unwanted, and any dog or cat that is not displaying a valid rabies tag.

Section II: Establishment and Composition of the Office of Animal Control

- A. There is hereby created the Office of Animal Control within the Caldwell County Health Department, which shall be composed of such employees and/or officials as shall be determined by the Board of Health and Board of Commissioners.
- B. Employees or agents enforcing this ordinance shall be designated as animal control officers. In the performance of their duties, animal control officers shall have all the powers, authority and immunity granted under this chapter and by the general laws of this State to enforce the provisions of this chapter, and the General Statutes of North Carolina as they are related to the care, treatment, control or impounding of animals.

- C. Except as may be otherwise provided by statutes, local laws or ordinances, no officer, agent or employee of the county charged with the duty of enforcing the provisions of this chapter or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties unless he acts with actual malice.

Section III: General Duties of Office of Animal Control

- A. The Office of Animal Control shall be charged with the responsibility of:
 - 1. Enforcing, in this county, all state laws, rules, and regulations and all county ordinances relating to the care, custody and control of domesticated dogs and cats.
 - 2. 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 the confinement or controlling of dangerous animals and dangerous dogs.
 - 3. Investigating cruelty or abuse with regard to all animals.
 - 4. Making such canvasses of the county, including the homes in the county, as it deems necessary for the purpose of ascertaining that all animals are vaccinated against rabies as required by local ordinance or State statute.
 - 5. Operating, pursuant to policies of the Board of Health, Board of County Commissioners, the county animal shelter.
- B. It shall be the duty of The Office of Animal Control to keep, or cause to be kept, accurate and detailed records of:
 - 1. Impoundment and disposition of all animals coming into the animal shelter.
 - 2. Bite cases, violations and complaints, and investigation of same.
 - 3. All funds belonging to the county which were derived from the operation of the Animal Control Program.
 - 4. All rabies vaccinations given in the county by veterinarians and Animal Control Staff.
 - 5. All other records deemed necessary.

Section IV: Establishment of a Dangerous Dog Appeal Board

There is hereby created a Dangerous Dog Appeal Board to serve as the official appellate body that hears all dangerous dog appeals. (per General Statutes 67-4.1 Dangerous Dogs). The Appeal Board will convene at the direction of the Caldwell County Board of Health or its designee. The Appeal Board is to be composed of Five (5) members appointed by the Caldwell County Board of Health and shall serve three (3) year staggered terms. The Appeal Board shall be composed of three (3) Veterinarians licensed to practice veterinarian medicine in the State of North Carolina and two (2) members of the general public.

Section V: Enforcement in Municipalities; Restricted

Animal control officers shall have no authority to enforce this ordinance within the boundaries of any municipality unless the governing body of that municipality adopts a resolution stating that Caldwell County is empowered to enforce the provisions of this ordinance within that municipality, and repeals any inconsistent ordinance.

Section VI: Deceased Animals

- A. It shall be the duty of the owner or person in charge of any animals that die from any cause, and the owner, lessee or person in charge of any land upon which any animals die, to bury the dead animals to a depth of at least three (3) feet beneath the surface of the ground within twenty-four (24) hours after the death of the animals is known, or to otherwise dispose of the animals in a manner approved by the state veterinarian.
- B. It shall be unlawful for any person to remove the carcasses of dead animals from his premises to the premises of any other person without the written permission of the person having charge of such premises and without burying such carcasses as provided in this section.
- C. The Animal Control Office does not pickup any deceased animal from properties or roadways.

ARTICLE II - PROHIBITED ACTIVITIES

Section I: Animal Cruelty

It shall be unlawful for any person to molest, tease, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, wound, injure, poison, abandon, kill, or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The word “torture” and “torment” shall be held to include every act, omission or neglect whereby

unjustifiable physical pain, suffering or death is caused or permitted. However, this section shall not apply to the following activities:

- A. The lawful taking of animals under the jurisdiction and regulations of the North Carolina Wildlife Resources Commission.
- B. Lawful activities conducted for purposes of biomedical research or training or for purposes of production of livestock, poultry, or aquatic species.
- C. Activities conducted for lawful veterinary purposes.
- D. The lawful destruction of any animal by its owner, veterinarian, Health Director or Animal Control Officer, for the purposes of protecting the public, other animals, property, or the public health.

General Care: Prohibited Acts

All animals shall be kept and treated under sanitary and humane conditions and it shall be unlawful for any person to engage in one or more of the following acts:

- A. Failure to provide adequate food, water and shelter.
 - 1. All animals, unless otherwise indicated in this chapter, shall be given at suitable intervals, not to exceed twenty-four (24) hours, a quantity of wholesome foodstuff in proper containers suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition.
 - 2. All animals shall have access to a constant supply of clean, fresh water.
 - 3. All animals shall be provided with adequate shelter from the weather at all times. Examples of inadequate shelter include but are not limited to the following:
 - a. Underneath outside steps decks and stoops.
 - b. Underneath houses.
 - c. Inside or underneath motor vehicles.
 - d. Inside metal barrels.
 - e. Inside cardboard boxes.
 - f. Inside temporary animal carriers or crates.
 - g. Shelters located in flood-prone areas.
 - h. Shelters surrounded by debris, obstructions or impediments that may endanger an animal.
- B. It shall be unlawful for any owner to fail to keep his animal or animals in good health and comfort and veterinarian care when needed to prevent suffering and humane care and treatment.
- C. Animal Cruelty. Examples of cruel treatment include, but are not limited to the following:

1. Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.
 2. Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.
 3. Allowing a dog or cat to be tethered or contained in such a way as to prevent it from having adequate shelter at all times.
 4. Intentionally allowing animals to engage in a fight.
 5. Allowing animals to live in crowded or unsanitary conditions.
 6. Failure or refusal to obtain medical treatment for an animal when such treatment is obvious.
- D. Chaining or tethering an animal to a stationary object for a period of time or under conditions that are harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:
1. Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal.
 2. Using a chain or tether made of rope, twine, cord or similar material.
 3. Using a chain or tether that is less than eight (8) feet in length and/or does not have swivels on one end. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar.
 4. Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter.
 5. Using a chain as a primary collar. All collars used for the purpose of chaining or tethering animals must be made of nylon or leather.
- E. It shall be unlawful for any person to sell or offer for sale, barter or give away within the county baby chicks, ducklings or other fowl under six (6) weeks of age or rabbits under eight (8) weeks of age as pets, toys, premiums or novelties; provided, however that this section shall not be construed to prohibit the sale or display of such baby chicks, ducklings, or other fowl or such rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes other than for pets or novelties.
- F. It shall be unlawful to color, dye, stain, or otherwise change the natural color of baby chickens or other fowl or rabbits.

Section II: Female in Estrous (Heat)

It shall be unlawful for any owner or keeper of a female dog in estrous (heat) not to confine said dog in a secured enclosure.

Section III: Keeping of Inherently Dangerous Mammals

- A. It shall be unlawful for any person to keep an inherently dangerous mammal within the county.
- B. Traveling fairs, circuses and carnivals shall be exempt from this section.
- C. Recapturing: The owner of any inherently dangerous mammal shall reimburse Caldwell County for all costs incurred while attempting to recapture any escaped inherently dangerous mammal. If the animal is sheltered or euthanized by Animal Control, the owner shall also pay these costs.

Section IV: Confinement and Procedure of Potentially Dangerous Dogs

See definition and procedures per the North Carolina General Statutes (G.S. 67-4.1 through 67-4.4) which addresses Potentially Dangerous Dogs.

The owner of a dog that has been deemed Potentially Dangerous by the Office of Animal Control will be notified in writing, giving the reasons for the determination. The owner shall immediately confine the dog in a humane secure enclosure. If no humane secure enclosure is available at the owner's residence the dog shall be confined at the Animal Control Shelter or a boarding facility at the owner's expense. The owner may appeal the determination by filing written objections with the Dangerous Dog Appeal Board within three (3) days. The Appeal Board shall schedule a hearing within ten (10) days of the filing of the objections. After the appellate hearing the board will determine based on the testimony and evidence if the dog should be considered dangerous or overturn the declaration. The owner of the dog and the complainants will be notified by mail of the outcome of the hearing. If the dog is found by the Board to be considered a Dangerous Dog the owner ~~of the dog~~ is required to keep the dog in accordance with all state and local laws pertaining to Dangerous Dogs. If the owner of a dog that has been deemed Potentially Dangerous does not file ~~an~~ a written appeal with the Dangerous Dog Appeal Board within three (3) days of the notice the dog shall be considered a Dangerous Dog.

Section V: Confinement Requirements and Confiscation of Dangerous Dogs

- A. The owner of a dog that has been deemed dangerous by the Office of Animal Control or the Dangerous Dog Appeal Board will be notified in writing, giving the reasons for the determination. The owner shall immediately **and at all times** confine the dog in a humane secure enclosure. If no secure enclosure is available at the owner's residence the dog shall be confined at the Animal Control Shelter or a boarding facility at the owner's expense until a humane secure enclosure is constructed on the owner's property. **The enclosure must meet the approval of the Caldwell County Animal Control Director, who has the authority to mandate additional confinement requirements at his/her discretion.** If

no adequate humane secure enclosure is constructed upon the owner's property after the expiration of thirty (30) days of notice of declaration, the dog shall be euthanized.

- B. The owner shall conspicuously and securely display a uniform dangerous dog warning sign on the humane secure enclosure. Additional uniform dangerous dog warning signs shall be conspicuously and securely posted at all points of entrance to the residence and must be visible and legible from the public highway or street. Uniform dangerous dog warning signs must be purchased from the Caldwell County Animal Control Department at the owner's expense.
- C. The owner of a dog that has been deemed dangerous shall have the dog spayed/neutered at the owner's expense and provide proof of the spay/neuter to the Animal Control Department within thirty (30) days of the date of written notification.
- D. The owner of a dog that has been deemed dangerous shall have the dog micro-chipped at the owner's expense and register the micro-chip number with the Animal Control Department within two (2) business days of the date of written notification.
- E. A dog that has been deemed dangerous either by Animal Control or the Dangerous Dog Appeal Board shall at all times be kept in a humane secure enclosure. The humane secure enclosure shall remain locked at all times to prevent the escape of the dog or the entry of young children. The dog may be removed from the secure enclosure for exercise or veterinarian care so long as it is under the control of its owner by the use of a secure fitting collar, leash, and muzzle.
- F. An animal control officer is empowered to confiscate a dog and harbor it at the owner's expense if the owner of the dog is found in violation of state and/or local laws pertaining to dangerous dogs. If any dangerous dog is confiscated under this provision, the owner of the dangerous dog shall be given written notification at the time of confiscation that the dog will be humanely euthanized by the Animal Control Department at the expiration of three (3) business days.

~~Section X: — Confinement Requirements and Confiscation of Dangerous Dogs~~

~~A dog that has been deemed dangerous either by Animal Control or by the Dangerous Dog Appeal Board shall at all times be kept in a humane secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog is on the premises. The humane secure enclosure shall be locked at all times to prevent the escape of the dog or the entry of young children. The dog may be removed from the secure enclosure for exercise or veterinarian care so long as it is under the control of its owner by the use of a securely attached leash and muzzle.~~

~~An Animal Control Officer is empowered to confiscate a dog and harbor it at the owner's expense if the dog is found in violation of the state and/or local laws pertaining to Dangerous Dogs. If any Dangerous Dog is confiscated under this provision, the owner of the Dangerous~~

~~Dog shall be given written notice at the time of confiscation. If the owner fails to correct the violation upon the expiration of thirty (30) days from confiscation, Animal Control is authorized to euthanize the dog. If the owner corrects the violation the dog may be redeemed within thirty (30) days from confiscation so long as all fees owed to Animal Control for harboring, caring and maintaining the animal are paid.~~

Section VI: Required Notification to Animal Control Office by Owners of Dangerous Dogs

The owner of a dangerous dog shall inform the Office of Animal Control, as soon as practicable, but not later than twenty-four (24) hours after the occurrence of any of the following:

- A. An assault, attack or biting upon any human being committed by a dangerous dog.
- B. An assault, attack or biting upon any domesticated animal or pet by a dangerous dog.
- C. The destruction of or damage to property of another by a dangerous dog.
- D. The roaming or escape of any animal required to be restrained or confined to a secure enclosure.

~~Exception:~~

Section VII: Transfer of Ownership or Relocation of Dangerous Dogs

- A. If the owner of a dangerous dog wishes to transfer ownership or possession of the dog to another person, the owner shall provide written notice to the authority that made the determination under this Article, stating the name and address of the new owner or possessor of the dog before the ownership of the dog is transferred.
- B. The owner of a dangerous dog plans to relocate and/or change address, the owner shall provide written notice to the authority that made the determination under this article stating the new address and or date of relocation prior to this occurrence.

Section VIII: Law Enforcement Dogs Excluded

Any dog used by a law enforcement agency in the investigation of crimes or as otherwise necessary in the enforcement of the law is excluded from requirements of this ordinance with the exception that they are regulated by the provisions of Article ~~I~~ **II** Section ~~IV~~ and Article ~~H~~ **III** Section ~~H~~ **II** of this ordinance.

Section IX: Dogs Used for Sentry or Guard Duty

A sign warning that there is a guard or sentry dog or animal on the premises shall be displayed. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog or animal is on the premises. Any person owning, maintaining or harboring a dog for sentry or guard purposes must register said dog or animal with the Office of Animal Control.

Section X: Interference with Enforcement of this Ordinance

It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Office agents or officers or Veterinarians in the performance of any duty authorized by this ordinance, or to seek to release any animal in the custody of such agents.

Section XI: Animals Creating a Nuisance

Pursuant to N.C.G.S. 153A-121, a county may by ordinance define, regulate, prohibit or abate acts, omissions or conditions detrimental to the health, safety or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances.

Nothing in this article shall prevent a private citizen from bringing an action to abate a nuisance or from bringing an action for damage, loss or injury to the private citizen or his property resulting from an animal being a public nuisance.

Section XII: Exclusion for Hunting Dogs

This ordinance shall not be interpreted as restricting persons owning specially trained hunting/working dogs from actually using their dogs for hunting/working said dogs in the presence of the owner or an agent of the owner, and are actually lawfully being used for hunting or training in compliance with applicable statutes, regulations, or ordinances of the State of North Carolina and Caldwell County.

Section XIII: Nuisances Prohibited

It shall be unlawful for any owner to permit a dog or cat to create a nuisance as defined by this ordinance.

Section XIV: Prohibition of Nuisances by Animals Running at Large

It shall be unlawful for any owner to permit or allow his animal(s) to enter upon public property unless the animal is under the direct control of its owner using a properly fitting collar and leash.

Section XV: Procedure for Complaint

Any citizen who personally witnesses a violation of this ordinance may file a complaint in the following manner:

- A. A citizen who witnesses a violation of this article may submit a written complaint to the Animal Control Department within 10 days of any alleged violation. The written complaint must be signed by the complaining witness and include a detailed explanation of the alleged violation(s). The written complaint must include a detailed description of

the animal(s) and the name and address, if known, of the owner or keeper of the animal(s). Any evidence (i.e. photographs) should be attached to the complaint.

- B. Within a reasonable time considering the available resources of the Animal Care and Control Department, an Animal Control Officer will notify the owner of the complainant and conduct an investigation of the alleged violation. The Animal Control Officer will prepare a written report with findings of fact and a determination as to whether or not the alleged violation is true based upon a preponderance of the evidence.
- C. If the written findings indicate that a violation has occurred, the Animal Control Officer shall cause the owner of the animal(s) in question to be so notified in writing to take such steps within forty-eight (48) hours as may be necessary to prevent future violations.
- D. Subsequent violations of this article shall subject the owner of the animal(s) to civil and/or criminal penalties as provided by the State of North Carolina and this ordinance. Any person who has been convicted of a criminal violation of this ordinance shall restrain his/her animal(s) on his/her own premises.
- E. Any animal found off of the premises of its owner after having been convicted of a criminal violation of this ordinance shall be unlawful and may be impounded by the Animal Care and Control Department. A notice of impoundment shall be served upon the owner or affixed to the owner's premises.

ARTICLE III – RABIES CONTROL

Section I: Compliance with State Law, Article as Supplement to 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 article to supplement the State laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

Section II: Inoculation of Dogs, Cats and Other Pets

- A. It shall be unlawful for an owner to fail to provide current inoculation against rabies four (4) months of age or older. Should it be ordered by the Caldwell County Animal Control Office, Caldwell County Board of Health, the Caldwell County Board of Commissioners 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 two inoculations have been given one year apart and booster doses of rabies vaccine administered every three (3) years.

Section III: Inoculation Tag

- A. Upon complying with the provision of Article ~~H~~ III Section II hereinabove, there shall be issued by the inoculator, to the owner of the animal inoculated, a metallic tag, stamped with the number and the year for which issued, and indicating that the animal has been inoculated against rabies.
- B. It shall be unlawful for any dog or cat owner to fail to provide the dog or cat with a collar or harness to which a current tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times.
- C. It shall be unlawful for any person to use for any animal, a rabies inoculation tag issued for an animal other than the one using the tag.

Section IV: Report and Confinement of Animals Biting Persons or Showing Symptoms of Rabies

- A. Every dog or cat which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the Animal Control Office, and thereupon, shall be securely quarantined at the direction of the Animal Control Office for a period of ten (10) days, and shall not be released from such quarantine except by written permission from the Animal Control Office.
- B. Dogs and cats quarantined under this section shall be confined in a veterinary hospital, boarding kennel approved by the Office of Animal Control, or county animal shelter, at the expense of the owner, provided, however, that if an animal control officer determines that the owner of an animal which must be quarantined has adequate confinement facilities upon his own premises, the animal control officer shall authorize the animal to be confined on such premises. The animal control officer may not authorize the animal to be confined on the owner’s premises unless the owner has a fenced-in area in his yard and the fenced-in area has no entrances or exits that are not locked, and the animal is currently vaccinated against rabies. Proof will be required at the time of investigation. If the animal is confined on the owner’s premises, the animal control officer shall revisit the premises for inspection purposes at approximately the middle of the confinement period and again at the conclusion of the confinement period.

- C. In the case of stray dogs or cats whose ownership is not known, the dogs or cats may be euthanized and the head examined for rabies or kept for the supervised quarantine period required by this section at the county animal shelter.
- D. If rabies does 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 the Animal Control Office. If the dog or cat has been confined in the county animal shelter, the owner shall pay any necessary veterinarian fees and a boarding fee set by and approved by the Caldwell County Board of Commissioners. Any animal which has bitten a person which has not been reclaimed within twenty-four (24) hours from the end of the ten (10) day rabies observation quarantine period, shall be destroyed by the Animal Control Office.
- E. In the case of any carnivore or bat, the animal may be euthanized and the head examined for rabies.

Section V: Destruction of Animal Bitten by Rabid Animal

Unvaccinated animals bitten by a known rabid animal shall be immediately destroyed. If the animal has a current rabies inoculation, it shall be revaccinated and returned to the owner.

Section VI: Area-Wide Emergency Quarantine

- A. When reports indicate a positive diagnosis of rabies, the Caldwell County Health Director may order an area-wide quarantine for such period as he/she deems necessary. Upon invoking of such emergency quarantine, no dog, cat or other carnivores shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no dog or cat or other carnivore may be taken or shipped from the county without written permission of the Office of Animal Control. During the quarantine period, 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, such period of quarantine may be extended at the discretion of the Caldwell County Health Director.

Section VII: Postmortem Diagnosis

- A. If an animal dies while under observation for rabies, the head of such animal shall be submitted to the Caldwell County Health Department for shipment to the North Carolina State Laboratory of Public Health for rabies diagnosis.

- B. The carcass of any animal suspected of dying of rabies shall be surrendered to the Caldwell County Animal Control Office. The head of such animal shall be submitted to the Caldwell County Health Department for shipment to the North Carolina State Laboratory of Public Health for rabies diagnosis.

Section VIII: Unlawful Killing, Releasing, etc. of Certain Animals

It shall be unlawful for any person to 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 Animal Control Office.

Section IX: 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 article, when demand is made therefore by the Animal Control Office.

ARTICLE ~~III~~IV - Impoundment

Section I: General~~ly~~

Any animal which appears to be lost, stray or unwanted, or which is found to be not wearing a valid rabies vaccination tag, as required by state law or this ordinance, and not under restraint in violation of this ordinance, shall be impounded by the Animal Control Office by any means necessary and confined in an animal shelter in a humane manner. Impoundment of such an animal shall not relieve the owner thereof from any penalty which may be imposed for violation of this ordinance.

Section II: Trapping

The Animal Control Department is authorized to place, upon request, live-capture animal traps on private property of the requestor or public property to trap and remove stray, at large, unwanted, or nuisance animals. It is unlawful for any person other than an Animal Control Officer or their designee to remove any animal from the trap or to damage, destroy, move, or tamper with the trap.

Section III: Notice to Owner

Immediately upon impounding an animal, the Animal Control Office shall make reasonable effort to notify the owner and inform such owner of the conditions. If the owner is unknown or cannot be located, Animal Control shall hold for three (3) days (72 hours) seventy-two hours.

Section IV: Redemption by Owner Generally

- A. The owner of an animal impounded under this article may redeem the animal and regain possession thereof within seventy-two (72) hours from the time notification of impoundment is given, as required by Article III IV Section IVII by complying with all applicable provisions of this chapter and paying any necessary veterinarian's fees and a boarding fee set and approved by the Caldwell County Board of Commissioners.
- B. No animal owner may be permitted to adopt his own animal under the provisions of Article III IV Section IV in order to reclaim an animal that has been impounded pursuant to state law or this article.

Section V: Destruction or Adoption of Unredeemed Animals Generally

- A. If an impounded animal is not redeemed by the owner within the period prescribed in Article III IV Section III, it may be destroyed in a humane manner or shall become the property of the animal shelter and offered for adoption by the first such person who pays the adoption fee.
- B. 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 Article IIII Section VI of this ordinance, except by special authorization of the Caldwell County Health Director.
- C. Adoption Contract - Any person adopting a dog or cat from the animal shelter shall be required to sign an adoption contract with the animal shelter, the major provisions of which are outlined in this section. The purchase of euthanized animals from the animal shelter by a duly licensed biological supply company or veterinary researcher shall not be deemed to be an adoption.
- D. Exceptions:
 - 1. The Animal Control Office has the right to refuse adoption of animals to persons less than eighteen (18) years of age or persons who have previously been cited for violations of this ordinance.
 - 2. Maximum number of animals adopted to same household is 3 per calendar year.

- E. Any animals that exhibit fierce, dangerous or aggressive behavior will not be offered for adoption.

Section VI: Procedure with Respect to Redemption or Adoption of Unvaccinated Dog or Cat

All animals four (4) months of age or older that leave the Animal Shelter or any animal hospital or veterinary clinic shall be required to have a current rabies vaccination.

Section VII: Suspected Rabid Animals Not to be Redeemed or Adopted

Notwithstanding any other provision of this article, animals impounded which appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with Article ~~H~~ III of this ordinance.

Section VIII: Destruction of Wounded or Diseased Animals

Notwithstanding any other provision of this article, any animal impounded which is badly wounded or diseased (not a rabies suspect) shall be destroyed humanely, only after consultation by the Office of Animal Control with a veterinarian licensed to practice in the State of North Carolina. This consultation will include a physical review of the animal by a licensed veterinarian and agreement by said veterinarian that the animal is suffering and should be euthanized. If the animal has identification, the Office of Animal Control shall attempt to notify the owner before consulting with a licensed veterinarian and euthanizing the animal.

ARTICLE V - Imposition of Penalties for Violations of the Ordinance

- A. Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to the imposition by citation of a civil penalty for each such violation in the amount of ~~one hundred twenty-five~~ dollars (~~\$100.00~~) (\$25.00) which shall be paid in full within ~~seventy two (72) hours~~ five (5) business days of the service of the citation by a representative of the Caldwell County Animal Control Office or any law enforcement officer, or both in accordance with N.C.G.S. 153A-123. If the offender does not pay the penalty within ~~the seventy two (72) hour period~~ five (5) business days, the County may recover said penalty plus court costs and attorney fees in a civil action in the nature of debt.

Each subsequent violation of any of the provisions of this ordinance shall subject the violator to the imposition by citation of a civil penalty in the amount of one hundred dollars (\$100.00) which shall be paid in full within five (5) business days of the service of the citation. If the offender does not pay the penalty within five (5) business days, the

County may recover said penalty plus court costs and attorney fees in a civil action in the nature of the debt.

Failure to make payment in full and correct the violation or violations within ~~the seventy-two (72) hour period~~ five (5) business days will result in an additional penalty of twenty-five dollars (\$25.00) per violation per day until the violation is corrected and citation is paid. All funds derived from the civil penalties collected shall be used in the operation and maintenance of the Caldwell County Animal Shelter.

- B. If any dangerous animal or dangerous dog (as defined in North Carolina General Statutes 67-4.1) shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner shall pay a three hundred dollar (\$300.00) civil penalty and, after a ten (10) day waiting period, exclusive of Sundays and holidays, said dog shall be destroyed by the Office of Animal Control.
- C. If any dangerous ~~animal or dangerous~~ dog ~~as defined in North Carolina General Statutes 67-4.1~~ shall, when unprovoked, kill, wound, or worry or assist in killing or wounding any domestic animal or pet, the owner of said animal or dog shall pay a two hundred dollar (\$200.00) civil penalty and the dog will be humanely euthanized by the Animal Control Department at the expiration of three (3) business days. ~~For each subsequent violation, the owner of said animal or dog shall pay a civil penalty of four hundred dollars (\$400.00).~~
- D. If the owner of any animal or dangerous dog is found in violation of Article ~~I II~~ Section ~~VII V~~, Article ~~I II~~ Section ~~VIII VI~~ and/or Article ~~I II~~ Section ~~X VII~~ of this ordinance, the owner of said animal or dog shall pay a one hundred fifty dollar (\$150.00) civil penalty and the dog will be humanely euthanized by the Animal Control Department at the expiration of three (3) business days. ~~For each subsequent violation, the owner of said animal or dog shall pay a civil penalty of three hundred dollars (\$300.00).~~
- E. Any person in possession of or keeping an inherently dangerous mammal within the county shall be in violation of this ordinance and shall be subject to the imposition by citation of a civil penalty for each such violation in the amount of three hundred dollars (\$300.00) which shall be paid in full within ~~seventy-two (72) hours~~ five business days of the service of the citation by a representative of the Caldwell County Office of Animal Control or any law enforcement officer, or both in accordance with N.C.G.S. 153A-123. If the offender does not pay the penalty within ~~the seventy-two (72) hour period~~ five business days, the County may recover said penalty plus court costs and attorney fees in a civil action in the nature of debt. Failure to make payment in full and correct the violation or violations within ~~the seventy-two (72) hour period~~ five business days will result in an additional penalty of six hundred dollars (\$600) per violation per day until the violation is corrected. All funds derived from the civil penalties collected shall be used in the operation and maintenance of the Caldwell County Animal Shelter.

- F. Violation of this ordinance may subject the violator to criminal as well as civil action. Violation of this chapter shall be a misdemeanor for which a criminal summons may be issued. Any person convicted of such violation shall be punishable as provided in N.C.G.S. 14.4. Each day's violation of this section is a separate offense.

- G. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.

