



PUBLIC SAFETY COMMITTEE AGENDA

**June 7, 2012
6:30 PM
Civic Building**

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
 - a. [May 17th, 2012](#)**
- 4. Discussion**
- 5. Business**
 - a. Meeting Procedures – Cathi Higgins**
 - b. Member Terms – Staggering Options**
 - c. Site Visit Coordination – Update**
 - d. [Yard Debris Burn Ordinance Review](#)**
 - e. [Leash Law Ordinance Review](#)**
- 6. Adjournment**



**PUBLIC SAFETY COMMITTEE
MINUTES
May 17, 2012
6:00 PM**

Members Present

Cathi Higgins
James Houston
Frances L. Knight
John Krohn
Arthur Spurr
Samantha B. Towns
Kenneth Young
Sherry L. Waddell - Alternate
Ryan Christopher Moore - Alternate

Staff Present

Joe Fivas, Town Manager

Call to Order: Town Manager Joe Fivas called the meeting to order.

Roll Call:

Cathi Higgins- yes
James Houston- yes
Frances L. Knight-yes
John Krohn-yes
Arthur Spurr-yes

Samantha B. Towns-yes
Kenneth Young-yes
Sherry L. Waddell – Alternate- yes
Ryan Christopher Moore – Alternate-yes

Business items:

Election of Chairperson: Cathi Higgins was nominated as Chairperson. Ms. Higgins accepted the nomination. The Committee voted unanimously to appoint Ms. Higgins as Chairperson.

Election of Vice Chairperson: Jim Houston was nominated as Vice Chairperson. Mr. Houston accepted the nomination. The Committee voted unanimously to appoint Mr. Houston as Vice Chairperson.

Bylaws: The Bylaws that were approved by the Town Council were discussed and approved by unanimous vote by the Committee.

Meeting Time: Art Spurr requested to have the meetings on the first Thursday of each month at 6:30pm. This request was approved by unanimous vote by the Committee. The next meeting will be June 7th, 2012 at 6:30pm at the Civic Bld. They also established that the meetings will last only two hours.

Future Agenda Items: The Committee briefly discussed future agenda topics. The Committee decided to allow Ms. Higgins and Mr. Houston attend the May 22nd Town Council meeting and request direction from the Town Council. They will report back to the Committee at the next meeting. There was a discussion about setting up future site tours with various Union County public safety providers.

Adjournment

Art Spurr motioned to adjourn the meeting. It was unanimously approved.

Town of Indian Trail
Public Safety Committee

_____ Chairman _____ Date

_____ Secretary



TO: Public Safety Committee

FROM: Luke Fawcett, Staff Liaison

DATE: May 30, 2012

SUBJECT: Yard Debris Burn Ordinance Information

Attached is a memo and ordinance that was considered by the Indian Trail Town Council in March, 2010.



MEMO

TO: Mayor and Town Council
FROM: Luke Fawcett, GIS Administrator
(Public Safety Committee – Staff Liaison)
DATE: **March 1, 2010**
SUBJECT: MCA 2008-006 Burning of Yard Waste

Project Summary:

This is a revision to the original request to amend the Indian Trail Code of Ordinance establishing Chapter 93 Open Burning of Yard Debris in the Town of Indian Trail. This revision includes changes to the enforcement aspect of this ordinance.

The Public Safety Committee has prepared the attached draft ordinance regulating open burning of yard debris within the Town. This ordinance prohibits the open burning of yard debris within one hundred feet of any residential structure. This draft also addresses the issue of enforcement, all of which is to now be handled by the town's Code Enforcement Officers.

The Committee also reports that an agreement has been made with all of the applicable Volunteer Fire Departments within the town. Because the VFDs are routinely called out on the scene of any fire-related incident, they have agreed to forward to the town – at their discretion, incidents that they consider to be a violation.

The Committee recommends that this ordinance go into effect starting July 1, 2010. This is to ensure an adequate amount of time be given to the citizens for public education.

Committee Recommendation:

The Public Safety Committee is transmitting a recommendation to approve the draft ordinance as provided. Outstanding issues associated with the ordinance are as follows:



- a. A request to have the Town renegotiate cost for yard debris pick-up with the service provider; and
- b. A request that the ordinance include citation monies collected will be issued to the responding VFD by the Town.

Council Action: Receive report and approve as recommended.

Attachment 1 – Draft Ordinance

www.dfr.state.nc.us/burn_permits/burn_permits_main.htm or call the North Carolina Department of Forest Resources at (919) 857-4801.

- (E) The yard waste must originate on the premises of private residences and is burned on those premises.

Section 3. **Penalties and Remedies**

- (A) **Civil Penalties.** An Indian Trail Code Enforcement Officer may issue a warning citation for a first offence of this ordinance. A Code Enforcement Officer may issue a civil citation for any subsequent violations of this ordinance, subjecting the violator to a civil penalty of \$200.00 for all second offence and \$300.00 for the third offence and \$500.00 for all subsequent offences. If a person fails to pay the citation within 10 days of issuance, the Town may seek to enforce this ordinance through any appropriate equitable action.
- (B) The Town may seek to enforce this ordinance through any appropriate action.
- (C) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.
- (D) The Town may seek to enforce this ordinance by using any one or a combination of the foregoing remedies.

Section 4. **Effective Date** This ordinance shall be effective starting July 1, 2010.

Adopted this day the 9th day of March, 2010.

John J. Quinn, Mayor

Peggy Piontek, Town Clerk

Keith Merritt, Town Attorney



TO: Public Safety Committee

FROM: Luke Fawcett, Staff Liaison

DATE: May 30, 2012

SUBJECT: Leash Law Information

Attached are several example Leash Law Ordinances for your consideration.

1. Union County Ordinance
2. City of Monroe Ordinance
3. North Carolina General Statutes
4. South Carolina General Statutes
5. Rowan County
6. Charlotte Ordinance

UNION COUNTY ANIMAL CONTROL ORDINANCE

SECTION I. GENERAL PROVISIONS

- A. Short Title. This ordinance shall be known and may be cited as the Union County Animal Control Ordinance.
- B. Authority. This ordinance is authorized by:
N. C. Gen. Stat. 153A-121;
N. C. Gen. Stat. 153A-123;
N. C. Gen. Stat. 153A-127;
N. C. Gen. Stat. 153A-131;
N. C. Gen. Stat. 130A-184 et. seq.;
N. C. Gen. Stat. 67-30; and
N. C. Gen. Stat. 67-4.1 et seq.
- C. Purpose. The purposes of this ordinance are to provide for the health, safety and welfare of the citizens of Union County and to protect them from rabies transmitted by unconfined, uncontrolled or unimmunized dogs and cats, to regulate dogs and other animals that may be a nuisance or a danger to humans, and to insure that dogs and other animals are treated in a humane manner, and other purposes.
- D. Repeal of Former Ordinances. The ordinance entitled "Dog and Cat Nuisance Ordinance" adopted by the Union County Board of Commissioners, February 18, 1987, and the ordinance entitled "Dog Nuisance Ordinance" adopted by the Board on November 20, 1978 are hereby repealed.
- E. Interference. It shall be unlawful for any person to interfere with, hinder or molest the Chief Animal Control Officer, any Animal Control Officer or other certified law officers, or their agents, or veterinarians, in the performance of any duty authorized by this ordinance.
- F. Unseizable Animals. Notwithstanding any other provision of this ordinance to the contrary, an animal may be humanely destroyed by gunshot upon order of the Health Director. The Health Director may take such action if reasonably satisfied that:
- (i) the animal cannot be seized by reasonable means; and
 - (ii) the owner of the animal cannot be identified; and
 - (iii) the animal is injured or diseased, or the animal is a threat to the public health, or the animal is a chronic nuisance.
- G. Conflict. Insofar as the provisions of this ordinance are inconsistent with the provisions of any other law except a provision of state or federal law, the provisions of this ordinance shall control.

Whenever any provision of this ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

- H. Severability. If any part of this ordinance or any portion of any provision thereof, or the application thereof to any person or condition, is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other person or condition, and to this end, the provisions of this ordinance are hereby declared to be severable.
- I. Complaints. A person or persons lodging a complaint or complaints relating to a violation of this ordinance shall be responsible for filing the complaint with the appropriate judicial authority.

SECTION II. DEFINITIONS AND TERMS

- A. Animal: Any live, vertebrate creature, wild or domestic, other than human beings, endowed with the power of voluntary motion.
- B. Animal Control Officer: Any person or persons designated by the Union County Health Director to pick-up, restrain, impound, destroy, care for, sell or dispose of animals, and who is responsible for discharging such other duties or functions as may be prescribed by this or any other County ordinance or by state law or by the Health Director.
- C. Animal Shelter: The facility provided and operated by Union County for the purposes of the impoundment, restraint, care and disposition of animals.
- D. At Large: An animal shall be deemed to be at large when it is off the real property of its owner or keeper and not under physical restraint.
- E. Board: Union County Board of Commissioners.
- F. Cat: A domestic feline of either sex.
- G. Dangerous Dog: (1) A dog that without provocation has killed or inflicted severe injury on a person; or (2) Any dog owned or harbored primarily or in part for the purpose of fighting, or any dog trained for dog fighting; or (3) A potentially dangerous dog.
- H. Dog: A domestic canine of either sex.
- I. Health Director: The director of the Union County Health Department or authorized representative.

- J. Keeper: A person having custody of an animal, or who keeps or harbors an animal, or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person.
- K. Neutered Male: Any male which has been operated upon to prevent reproduction.
- L. Owner: Any person or legal entity that has a possessory property right in an animal.
- M. Owner's or Keeper's Real Property: Any real property owned or leased by the owner or keeper of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.
- N. Potentially Dangerous Dog: A dog that the Chief Animal Control officer determines 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 owner's real property; or
 - c. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
- O. Restraint: Any animal shall be considered under restraint if it is within the real property limits of its owner, or secured by an adequate leash or lead, or confined within a secure enclosure.
- P. Secure Enclosure: A locked enclosure from which an animal cannot escape. An Animal Control Officer may, in his sole discretion, determine that there is a suitable secure enclosure on the premises.
- Q. Severe Injury: Any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.
- R. Spayed Female: Any female which has been operated upon to prevent reproduction.
- S. Stray Animal: A domestic animal that roams at large with no apparent ownership.

- T. Vaccination: The administration of rabies vaccine issued by the United States Department of Agriculture and approved for use in North Carolina by the Commission for Health Services.
- U. Veterinary Hospital: An establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.
- V. Wild Animals: Those animals whose habitat is generally the woods or wilds, or whose disposition is untamable, to include exotic or unusual pets.

SECTION III. APPOINTMENT OF ANIMAL CONTROL OFFICERS

The Health Director may at his discretion appoint a Chief Animal Control Officer and one or more Animal Control Officers. Positions must be approved by the Board and meet county and state personnel provisions. The Board may also appropriate funds from its general fund, or from other non-tax or surplus funds, so that the salaries and travel allowance of such personnel may be paid.

SECTION IV. AUTHORITY AND RESPONSIBILITY OF ANIMAL CONTROL OFFICERS

The Animal Control Officers shall:

A. Enforcement

Have the responsibility with law enforcement agencies to enforce all laws of North Carolina and all ordinances of Union County pertaining to animal control and shall cooperate with all law enforcement officers within Union County in fulfilling this duty.

B. Rabies Control

Enforce and carry out all laws of North Carolina and all ordinances of Union County pertaining to rabies control.

C. Animal Bites

Be responsible for the investigation of all reported animal bites; the quarantine, for a period of not less than 10 days, of any animal involved and suspected of having rabies; and for reporting to the Health Director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal.

D. Animal Shelter

Be responsible for the operation of the County Animal Shelter.

E. Seizure and Impoundment

Be responsible for the seizure and impoundment, where deemed necessary, of any dog or other animal in Union County involved in a violation of this or any other County ordinance or any state law.

F. Cruelty

Investigate cruelty or abuse with regard to animals.

G. Inspections

Make such canvasses of the county as necessary, including homes and property in the county, for the purpose of ascertaining compliance with this ordinance or state statute.

H. Records

Keep, or cause to be kept, accurate and detailed records of:

- (1) Seizure, impoundment, and disposition of all animals coming into the custody of the animal control program;
- (2) Bite cases, violations and complaints, and investigation of same;
- (3) All monies belonging to the Health Department and/or county which were derived from fees, penalties, sales of animals, or other sources; and
- (4) Any other matters deemed necessary by the Health Director.

I. Notice.

Be empowered to issue notices of violation of this ordinance in such form as the Health Director may prescribe.

SECTION V. ANIMAL CONTROL OFFENSES

- A. Female Dogs and Cats at Large. It shall be unlawful for any dog or cat owner to permit a female dog or cat to remain unconfined during the erotic stage of copulation such that she is in contact with other dogs or cats or attracts other animals; provided, this section shall not be construed to prohibit the

intentional breeding of animals within an enclosed area on the premises of the owner of an animal which is being bred.

B. Animal Waste. The owner of an animal shall be responsible for the removal of any excreta deposited by his animal on public walks, recreation areas, or private property not his own, unless he has consent from the owner of the property.

C. Dangerous Dogs.

1. The term "dangerous dog" shall include a potentially dangerous dog as determined by the Chief Animal Control Officer as per definition. Upon a preliminary determination that a dog is a potentially dangerous dog, the Chief Animal Control Officer shall notify the owner in writing, if known, giving the reasons for the determination, before the dog may be considered potentially dangerous under this ordinance. The owner shall be provided a copy of Section V(C) of this ordinance and shall be required to sign a statement confirming receipt. The owner may appeal the determination by filing written objections with the Union County Board of Health within three business days. The Board of Health shall schedule a hearing on this matter within 10 days of the filing of objections.

If a dog has been determined potentially dangerous and the dog's owner has appealed this determination to the Board of Health, or to superior court following a decision by the Board of Health, then the owner shall keep the dog in a secure enclosure pending resolution of any final appeal. If a second complaint is filed against the dog while under a confinement order pursuant to this subsection, Animal Control Officers shall impound the dog pending resolution of any final appeal. The dog's owner shall be responsible for any boarding or other fees resulting from such impoundment.

2. It shall be unlawful to own or keep a dangerous dog unless the following requirements have been met:

a. The owner or keeper shall have a secure enclosure on the owner's or keeper's property where the animal is maintained.

b. The owner or keeper shall display a sign on the owner's or keeper's property warning that there is a dangerous dog on the premises, and said sign must be plainly visible from the public highway, street or other access. The sign shall have dimensions not less than 8½ X 11 and may be obtained from the Animal Shelter at cost.

- c. The owner or keeper shall notify an Animal Control Officer within twenty-four (24) hours if the dangerous dog becomes unconfined, or has attacked a human being or another animal. In the event the dangerous dog becomes unconfined or attacks a human being or another animal during hours when the Animal Shelter is closed, the owner or keeper shall call 911.
3. It shall be unlawful for any person owning, harboring, or having care, custody or control of a dangerous dog to permit it outside of a secure enclosure unless necessary to obtain veterinary care for the dog, or to sell or give away the dog, or to comply with commands or direction of an Animal Control Officer, or to comply with the provisions of this subsection. In such event, the dangerous dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding more than three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the dangerous dog who must be physically able to restrain said animal.
4. It shall be unlawful for the owner of a dangerous dog to transfer ownership or possession of the dog to another person without providing written notice to the Chief Animal Control Officer stating the name and address of the new owner or possessor, and written notice to the person taking ownership or possession of the dog indicating the dog's dangerous behavior, which notice shall be acknowledged in writing by the new owner and said acknowledgment delivered to the Chief Animal Control Officer.
5. This subsection shall not apply to: a dog being used by a law enforcement officer to carry out the law enforcement officer's duties; or a dog being used in a lawful hunt; or a dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or a dog where the injury inflicted 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 dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.
6. In the event that the owner or keeper of the dangerous dog is a minor, the parent or guardian of such minor shall be held liable for noncompliance with the provisions of this subsection.

D. Public Nuisance Animals.

1. The actions of an animal constitute a public nuisance when that animal disturbs the rights of, threatens the safety of, or damages a member of the general public or interferes with the ordinary use and enjoyment of their property.
2. It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a public nuisance. By way of example and not of limitation the following acts or actions by an owner or keeper are hereby declared to be a public nuisance and are therefore unlawful:
 - a. Allowing or permitting the 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.
 - b. Maintaining a vicious animal as described by the laws of the State of North Carolina.
 - c. Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animals or to the public health, welfare or safety.
 - d. Maintaining his or her property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property.
 - e. Allowing or permitting the animal to bark, whine, or howl, in an excessive or continuous fashion or make noise in such a manner or at such times so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
 - f. Maintaining an animal that is diseased and dangerous to the public health.
 - g. Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or otherwise molests pedestrians, bicycles or vehicles.
3. Compliance with this subsection shall be required as follows:
 - a. When an Animal Control Officer, law enforcement officer, or person duly authorized by the Health Director observes (or

determines through investigative means) that a violation has occurred, the owner or keeper will be provided written notification of such violation and will be given twenty-four (24) hours from time of notification to abate the nuisance. The owner or keeper shall be required to provide a written statement to an Animal Control Officer confirming that the nuisance has been abated.

- b. Upon receipt of a written, detailed and signed complaint made to the Health Director by any person stating that any other person is maintaining a nuisance as defined in this ordinance, the Health Director shall cause the owner or keeper of the animal or animals in question to be notified that a complaint has been received and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing.

If the written findings indicate that the complaint is justified, then the Health Director or person duly authorized by the Health Director, shall cause the owner or keeper of the animal or animals in question to be so notified in writing, and ordered to abate such nuisance within twenty-four (24) hours by whatever means necessary. The owner or keeper shall be required to provide a written statement to an Animal Control Officer confirming that the nuisance has been abated.

- c. In the event the owner or keeper of the animal or animals is unknown and cannot be ascertained, the animal shall be impounded. A notice and order, along with a general description of the animal or animals, shall be posted for seventy two (72) hours at the animal shelter. If the owner or keeper of the animal or animals remains unknown, the animal may be adopted according to the provisions of this ordinance or humanely destroyed.

E. Cruelty to Animals

- 1. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon, or subject to conditions detrimental to its health or general welfare any 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 taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission; nor to prohibit the Animal Control Officers or

persons duly authorized by the Health Director or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner; nor to prohibit the lawful use of animals in scientific research.

2. It shall be unlawful for any owner or keeper to fail to provide his animal or animals with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his animal or animals in good health and comfort, the opportunity for vigorous daily exercise, veterinary care when needed to prevent suffering, and humane care and treatment.
3. It shall be unlawful for any owner or keeper to harbor any animal for the purpose of fighting or to train, badger, bait or use any animal for the purpose of causing or encouraging said animal to unprovoked attacks upon human beings or domestic animals. By way of example and not limitation, it shall be unlawful for any person to cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans.
4. It shall be the duty of the owner or keeper 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 feet beneath the surface of the ground, or to completely burn said animals, within 24 hours after the death of said animals, or to otherwise dispose of the same in a manner approved by the state veterinarian. 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 said carcasses as provided above.

F. Wild Animals

1. This section shall apply to wild animals and exotic pets and owners of wild animals and exotic pets. Neither this section nor any other section of this ordinance shall have the effect of permitting any activity or condition with respect to a wild animal or exotic pet which is prohibited or more severely restricted by State and Federal statute or regulation.
2. Wild animals and exotic pets and the owners of wild animals and exotic pets shall be subject to all of the same rules and regulations contained in this ordinance except those which are applicable solely to dogs and cats and the owners of dogs and cats.
3. Because of the inherent danger in maintaining a secure enclosure for large wild animals and in order to protect the health, safety and welfare of the citizens of Union County, it shall be unlawful to own, keep or possess a

wild animal which exceeds fifty pounds (50 lbs.) in weight. Wild animals and exotic pets which do not exceed 50 pounds shall be maintained at all times in a secure enclosure on the owner's or keeper's property or, with consent, on the property of another.

4. All owners of wild animals and exotic pets shall be required to register their animals with an Animal Control Officer within 10 working days of acquisition. Such registration shall be for informational and enforcement purposes and there shall be no fee for such registration.

If a wild animal bites or attacks another animal or a human being it shall be humanely destroyed.

SECTION VI. RABIES CONTROL

A. Immunization.

1. 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. 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. Should North Carolina state law applicable to rabies control be amended to include other types of animals in the class of those required to have rabies vaccinations, or should any other change inconsistent with this section be made, the amended law of the State of North Carolina shall apply.
2. It shall be required that any dog or cat four months of age or younger be kept in a secure enclosure or be at all times under restraint of the owner or his agent.
3. It shall be unlawful for any dog or cat owner to keep any dog or cat four months of age or older unless such dog or cat has been immunized against rabies in accordance with North Carolina law and with an approved anti-rabic vaccine administered by a licensed veterinarian, and said dog is wearing a collar with a valid rabies vaccination tag at all times. Said tag shall have a number corresponding to the number of a rabies vaccination certificate in possession of the owner. Cats are hereby exempted from any requirement that they wear rabies vaccination tags; provided, however, that cat owners must demonstrate proof of vaccination upon request by an Animal Control Officer. An owner complying with all of the requirements of this section need not display said rabies vaccination tag on a dog during the actual duration of organized hunting activities if:

- a. The dog is on private property with the consent of the owner of that property; and
 - b. The owner or keeper is in actual physical possession of said rabies vaccination tag during the organized hunting activities.
4. Animal Control Officers may impound any dog found off the owner's or keeper's real property while not wearing the required vaccination tag. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the animal is wearing an owner identification tag or if the Animal Control Officer is otherwise able to determine ownership of the animal, the Animal Control Officer shall notify the owner in writing, and by more immediate means where reasonably possible. An animal impounded pursuant to this section shall be released to its owner upon payment of all applicable fees and upon agreement by the owner as follows: (1) to have the animal vaccinated against rabies, if not already vaccinated; and (2) to provide the required rabies vaccination certificate to the Animal Control Officer within three days of the animal's release. If an animal is released and the owner fails to provide the required rabies vaccination certificate within three days of release, the Animal Control Officer may again impound the animal whether located on or off the owner's or keeper's real property.

If an animal impounded pursuant to this section is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: adopted as a pet by a new owner; or put to death by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association. Animals shall be impounded for a period of not less than 72 hours prior to disposal.

B. Bites

1. When a person has been bitten by an animal, that person or the parent, guardian or person standing in loco parentis of that person, and the person owning the animal or in control or possession of the animal shall notify the Health Director immediately and give the name and address of the person bitten and the owner of the animal. Every physician treating an animal bite wound shall also report the incident to the Health Director immediately. The person who has been bitten (or if a minor, such person's guardian) and the person owning the animal or in control or possession of the animal may contact 911 if emergency attention is necessary.

2. Every dog or cat that bites a human being and does not have a valid rabies vaccination tag shall be delivered within eight hours of the bite incident by the owner or keeper to the County Animal Shelter or to a licensed veterinary hospital, at the choice of the owner, where the animal shall be confined for observation for not less than 10 days. The owner shall be responsible for the cost of such confinement. An Animal Control Officer may, in his sole discretion, permit the animal to be confined on the premises of the owner only when, after personal inspection by the officer, he determines that there is a suitable secure enclosure on the premises and that other circumstances warrant such action. If the owner or the person who controls or possesses a dog or cat that has bitten a person refuses to confine the animal as required by this section, the Health Director may order seizure of the animal and its confinement for 10 days at the expense of the owner.

3. A dog or cat bitten by a proven rabid animal, or animal suspected of having rabies that is not available for laboratory diagnosis, shall be destroyed immediately by its owner or an Animal Control Officer, except that any dog or cat which is immunized under the laws of the State of North Carolina at the time of the bite shall be inoculated with a booster vaccine within three days of the bite. If such a dog or cat develops rabies as determined by a licensed veterinarian, it shall be the duty of the owner to have such animal destroyed and properly disposed of according to the provisions of Section 130A-199 of the North Carolina General Statutes, which requires that rabid animals be destroyed and their heads sent to the State Laboratory of Public Health for rabies diagnosis.

C. Transferred Animals

All dogs and cats shipped or otherwise brought into Union County, 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 additional weeks after vaccination. This section shall not apply to those dogs and cats accompanied by a valid rabies certificate issued by a licensed veterinarian showing that said dog or cat has a current rabies vaccination as determined by the rabies expiration date on the certificate.

SECTION VII. SEIZURE AND IMPOUNDMENT OF ANIMALS.

A. Power of Seizure and Impoundment

Animal Control Officers are hereby authorized to seize and impound the following:

1. Any female dog or cat unconfined in violation of Section V. A. of this ordinance;
2. Any dangerous dog outside of a required secure enclosure in violation of Section V. C. of this ordinance;
3. Any animal, without identifiable owner, creating a public nuisance in violation of Section V. D. of this ordinance;
4. Any animal which has been found to be a victim of cruel treatment under the provisions of Section V. E. of this ordinance;
5. Any wild or exotic animals determined to be in violation of the provisions of Section V. F. of this ordinance;
6. Any dog not wearing the rabies vaccination tag required by Section VI. A. of this ordinance, or any dog or cat whose owner refuses to confine the animal after it has bitten a human being pursuant to Section VI. B. (2) of this ordinance, or any dog or cat which otherwise appears in violation of the rabies control provisions of this ordinance;
7. Any animal which appears to be lost, stray or unwanted; or
8. Any dog that approaches a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack; provided, however, that this subsection shall not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's duties.

Animal Control Officers shall not be required, in the process of seizing or impounding animals, to place themselves in a situation which may jeopardize their own health and safety, nor shall Animal Control Officers be required to pick up dead animals.

B. Notification to Owners

Impoundment shall be according to the following procedure unless otherwise required by this ordinance:

Upon impoundment the Animal Control Officer shall make a reasonably diligent attempt to determine the ownership of the impounded animal, if not already known, and to notify the owners of the impoundment and the procedure for redemption. Notification shall be by personal contact or telephone where possible, otherwise by U. S. mail.

C. Impoundment Time Periods/Redemption

1. The owner or keeper of an animal impounded pursuant to this ordinance may redeem the animal and regain possession thereof within seventy-two (72) hours after impoundment, or longer where deemed appropriate by the Chief Animal Control officer, provided that there is reasonable assurance that all applicable provisions of this ordinance will be complied with and provided that all applicable fees have been paid. Redemption service fees shall be charged each time an animal is redeemed, in addition to a daily boarding fee. The redemption and boarding fee schedule is:

Redemption: 1st - \$15.00
2nd - \$50.00
3rd - \$75.00
4th - \$100.00
5th (and subsequent) - \$150.00

Board: \$5.00 per day

The 72 hour holding period shall not apply to animals surrendered by an owner or keeper to the Health Department or Animal Shelter for immediate adoption or destruction.

2. If an impounded animal is not redeemed by the owner or keeper within the prescribed period, it shall become the property of the animal shelter and offered for adoption to a responsible adult who is willing to comply with this ordinance, or it may be destroyed in a humane manner. Animals will be euthanized by carbon monoxide gassing or injection with a humane euthanasia solution, as approved by the North Carolina Department of Human Resources.
3. In appropriate cases where an animal is badly wounded or diseased, the Chief Animal Control Officer may reduce the 72 hour holding period and destroy the animal immediately or at such time as he deems appropriate.

D. Disposal

After euthanasia, the animal may be sold to a duly licensed biological supply company or veterinary researcher, at the discretion of the Chief Animal Control Officer, but only upon the prior receipt of the following information from those requesting to purchase animals:

1. Copy of U.S.D.A. license;
2. List of all facilities to which purchaser sells or purchases from;
3. Description or photographs of purchaser's animal transportation vehicles and description of the routes by which he will transport said animals;

4. Any other information or documentation which might in the discretion of the Health Director be required; and
5. Payment for each dog or cat purchased from the Animal Shelter, payable at or prior to the time of receipt of the animals.

SECTION VIII. ADOPTION

A. Procedure

Any person adopting a dog or cat from the Animal Shelter shall be required to enter into an adoption contract with Union County whereby the adopting party is required to have his dog or cat spayed or neutered. All adopting parties shall be required to pay an adoption fee of \$65.00 per dog or puppy and \$50.00 per cat or kitten, but shall not be required to pay any boarding or redemption fees. Upon payment of the adoption fee, the Animal Shelter shall provide to the adopting party a redeemable coupon which entitles the adopting party to visit any participating Union County veterinarian and receive for the adopted animals the medical services listed below at no additional charge by the veterinarian. Veterinary services shall be provided in two phases or visits. Phase I services shall expire fifteen (15) business days from the date of the adoption. Phase II services shall expire six (6) months from the date of the adoption. The adopting party shall secure Phase II services within thirty (30) days of the date of adoption or at such time as the adopted animal attains six (6) months of age, whichever period constitutes greatest duration.

Phase I:

Routine Physical Examination (Dog/Cat)
 Routine Worming (Dog/Cat)

Phase II:

Routine Spay or Neuter, Mandatory (Dog/Cat)

Payment for said services by the County to the local veterinarian shall be processed by the Animal Shelter upon receipt of a completed and signed Dog/Puppy/Cat/Kitten Adoption Medical Contract (Phases I & II).

At their own expense, persons adopting an animal shall have all age-appropriate animals vaccinated for rabies and shall submit proof of vaccination to participating veterinarians.

The adopter of those animals turned into the shelter which are known to be spayed or neutered shall pay to the Animal Shelter any applicable fee for the Phase I visit (routine physical examination).

B. Exchange of Adopted Animals

The County shall agree to provide an exchange for any animal that requires major medical treatment, or dies from natural causes, within 30 days from the date of adoption under the following conditions:

- a. Any major medical treatment must be certified as being necessary by a licensed veterinarian;
- b. In the event that the adopted animal dies during the 30 days following adoption, the adopting party must present satisfactory evidence (e.g., the carcass of the animal or a veterinarian's certification) of the date of the death of the animal;
- c. The request for an exchange must be made within 30 days from the date of the adoption contract; and
- d. The adopting party must bring the second adopted animal to a licensed veterinarian in accordance with the provisions of Section VIII. A. above within 15 working days of the execution of the adoption contract.

SECTION IX. PENALTIES.

A. Misdemeanor.

Violations of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a Class 3 misdemeanor, punishable by a fine of up to two hundred dollars (\$200) and/or a maximum twenty (20) days in prison, as provided by applicable law. Each day's continuing violation shall constitute a separate and distinct offense.

The owner of a dangerous dog that attacks a person and causes physical injuries requiring medical treatment in excess of one hundred dollars (\$100) shall be guilty of a Class 1 misdemeanor, punishable by up to 120 days in prison and/or a fine to be determined in the discretion of the court.

B. Equitable Remedies.

This ordinance may be enforced by an appropriate equitable remedy, injunction or order issuing from a court of competent jurisdiction pursuant to N.C.G.S. 153A-123.

C. Civil Penalties - Dangerous Dogs.

The following civil penalties may be issued for failure to confine and control dangerous dogs:

1. If any dangerous dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure a human being, the owner or keeper shall pay a Five Hundred (\$500.00) Dollar civil penalty; and, after a ten (10) day waiting period exclusive of Sundays and holidays, said animal shall be destroyed by Animal Control Officers. For each subsequent violation said owner or keeper shall pay a Fifteen Hundred (\$1500.00) Dollar civil penalty for owning or keeping a dangerous dog which, when unprovoked, attacks, assaults, wounds, bites or otherwise injures a human being.
2. The owner or keeper of any dangerous dog found to be in violation of Section V. C. shall for the first violation be assessed a civil penalty of One Hundred (\$100.00) Dollars. For a second violation the animal will be picked up and destroyed.
3. If any dangerous dog shall, when unprovoked, kill, wound, worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a Two Hundred Fifty (\$250.00) Dollar civil penalty and the Animal Control Department may impound and destroy said dog after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. For any subsequent like violation, the owner or keeper of said animal shall pay a civil penalty of Five Hundred (\$500.00) Dollars.

D. Strict Liability

The owner of a dangerous dog shall be strictly liable in civil damages for any injuries or property damage the dog inflicts upon a person, his property, or another animal.

SECTION X. EFFECTIVE DATE.

This ordinance shall be in effect from and after May 5, 1997, the "Effective Date," and shall apply to offenses committed on or after that date. This ordinance shall supersede the Animal Control Ordinance which became effective February 23, 1991; provided, however, that offenses committed prior to the Effective Date shall be governed by the February 23, 1991 ordinance.

City of Monroe Ordinance

91.21 RUNNING AT LARGE OR CAUSING NUISANCE.

No owner or keeper of any dog shall permit such dog to run at large or cause a nuisance to any other person.

§ 10.99 GENERAL PENALTY.

(A) Unless otherwise provided herein, each violation of this Code and any other city ordinance, except § [70.31](#) or as otherwise provided by statute or this Code, constitutes a misdemeanor. Any person, firm, corporation, or other entity convicted of violating the provisions of this Code is, upon conviction, guilty of a misdemeanor and is subject to a fine not to exceed five hundred dollars (\$500) and/or subject to imprisonment for a period not to exceed thirty (30) days.

(B) Unless otherwise provided, civil penalties shall be in the following amounts:

First Citation	\$50.00
Second Citation For Same or Similar Violation	\$100.00
Third and Subsequent Citations For Same or Similar Violation	\$500.00

Once a notice of violation has been issued and the 10-day warning period has expired, civil citations in the above amounts may be issued for each day the same or similar violation continues until the prohibited activity is ceased or abated in accordance with Section [10.19\(C\)\(5\)](#).

(C) In the event any provision of this section is found to be in conflict with any other provision of any other ordinance or code of the city, the more specific provision shall prevail. In the event any provision of this section is found to be invalid, the remaining provisions shall remain effective and valid.

('84 Code, § 1-7(a)) (Am. Ord. passed 2-18-92; Am. Ord. 0-1999-34, passed 7-20-99; Am. Ord. O-2002-14, passed 3-5-02)

NC General Statutes

Chapter 67. Dogs. Article 2. License Taxes on Dogs.

§§ 67-5 to 67-11. Repealed by Laws 1973, c. 822, § 6

§§ 67-5 to 67-11. Repealed by Laws 1973, c. 822, § 6

§ 67-12. Permitting dogs to run at large at night; penalty; liability for damage

No person shall allow his dog over six months old to run at large in the nighttime unaccompanied by the owner or by some member of the owner's family, or some other person by the owner's permission. Any person intentionally, knowingly, and willfully violating this section shall be guilty of a Class 3 misdemeanor, and shall also be liable in damages to any person injured or suffering loss to his property or chattels.

South Carolina

Title 51. Parks, Recreation and Tourism. Chapter 3. State Parks. § 51-3-145. Certain acts unlawful at state parks.

Summary: This South Carolina law contains a dog leash provision that states that it is unlawful for any person to bring a dog or any other animal into the park or facility unless it is crated, caged, or upon a leash not longer than six feet or otherwise under physically restrictive control at all times (see section P). This provision concerns any park or facility under the jurisdiction of the Department of Parks, Recreation and Tourism.

§ 47-3-50. Allowing dogs or cats to run at large; penalty.

(A) It is unlawful in any county or municipality adopting penalty provisions pursuant to the provisions of this article for any dog or cat owner or other keeper of a dog or cat to:

- (1) allow his dog to run at large off of property owned, rented, or controlled by him;
- (2) keep a vicious or unruly dog unless under restraint by a fence, chain, or other means so that the dog cannot reach persons not on land owned, leased, or controlled by him;
- (3) release or take out of impoundment or quarantine without proper authority any dog or cat or resist county or municipal shelter personnel engaging in the capture and impoundment or quarantine of a dog or quarantining of a cat.

(B) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined fifty dollars for a first offense and not more than one hundred dollars for each subsequent offense.

Leash Law (Rowan County)

SECTION V RESTRAINT OF NON-VICIOUS ANIMALS

a. Restraint shall mean: Restriction or control of an animal's movement. Sufficient restraint shall include, but is not limited to, restraint by a leash, harness, or similar effective or humane device that is capable of restraining an animal, or confinement indoors or within a cage, fence, or vehicle or similar secure enclosure. Being loose in the back of an open truck does not constitute being restrained. Sufficient restraint shall also include immediate supervision of an animal by a competent person which both are in the limits of the real property of the animal's owner's or keeper.

b. It shall be unlawful for any person to keep any animal unless it is restrained, whether on or off the owner's or keeper's property.

c. All chains, leashes or similar restraints shall be designed and placed so as to prevent choking or strangulation and be of such design so as to restrain the animal during its utmost physical attempts to free itself. Such form of restraint while on the owner's or keeper's property shall be no less than ten (10) feet in length and either on a swivel designed to prevent choking or strangulation or on a chain run with a swivel or in a securely fenced area, secure building or dwelling.

d. Nothing contained in these rules is intended to be in conflict with the laws of the State of North Carolina regarding dogs while being used in hunting. Nor are these rules intended to interfere with legal sporting events or exhibitions involving dogs, cats or other animals. However, while engaged in such activities the owner or keeper of such animals shall be strictly liable for damages done by those animals to the person, possessions or property of others.

e. All female dogs and cats in heat (season) must be confined. The owner or keeper of any female dog or cat in heat must confine the animal in a building or enclosure in such manner that it will not be in contact with another dog or cat. Restraining the animal in an open area with a chain or leash to a fixed object does not constitute confinement, and is a violation of these rules. This section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner or keeper of an animal involved in the breeding process.

f. An owner or keeper of any animal shall be held strictly liable for any damages done by the animal while on or off the owner's or keeper's real property.

FAILURE TO COMPLY

If you are found in violation of the "Leash Law" you can be issued citations and/or further action may result.

Penalty: \$25.00 Failure to restrain non-vicious animals (Section V.2)

\$50.00 Failure to properly confine females in heat (Section V.5)

Sec. 6-13. Running at large prohibited. (Forsyth County)

(a) *Unlawful conduct.* It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to allow that animal to run at large. Hunting dogs shall be excluded from the provisions of this section while the dogs are engaged in hunting, provided the hunting complies with North Carolina law and the hunters are not trespassing.

(b) *Public parks.* It shall be unlawful for any person owning or having possession, charge, custody or control of any dog to take the dog into or allow the dog to enter any public park without the dog being at all times under the restraint of a leash; provided, however, that this subsection shall not apply within the boundaries of a "dog park." For purposes of this subsection, "dog park" means a secure, fenced area within a park which has been designated by the City of Winston-Salem and/or Forsyth County as an area wherein dogs may be off-leash so long as supervised by a responsible party and in compliance with such rules and regulations as may be adopted from time to time with regard to such dog parks.

(c) *Estrous period.* It shall be unlawful for any person owning or having possession, charge, custody or control of a female dog or female cat to allow that animal to be at large during its estrous period. During this period, the owner or person having possession of the animal must restrain the animal in a secure enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners or keepers of the animals involved.

CHARLOTTE

Sec. 3-71. Restraint of animals.

(a) *Physical restraint.* It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, excluding cats, to keep such animal on his own premises or off the premises, unless such animal is under sufficient physical restraint, such as a leash, cage, bridle or similar effective device which restrains and controls the animal, or within a vehicle or adequately contained by a fence on the premises or other secure enclosure. If the physical restraint used is a leash, bridle, or other device requiring a person to control the animal, the person using such restraint must be of sufficient age and physical size or ability to reasonably restrain the animal. If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence.

(b) *Adult with animal on premises.* If a responsible adult is physically outdoors, and immediately adjacent to the animal, on the land where the owner of the animal resides, and the animal is under the person's direct control and is obedient to that person's commands, this section shall not apply during the duration of the time the animal is in the company and under the control of that adult and the animal is on the premises. An adult is defined as a person 18 years of age or older.

(c) *Public parks.* It shall be unlawful for any person owning or having possession, charge, custody, or control of any dog to take the dog into or allow the dog to enter any public park without being at all times under the restraint of a leash, except while in designated off-leash areas, in accordance with the rules and regulations pertaining to such off-leash areas. This subsection shall not apply to the following:

- (1) Parks that have been designated as leash-free parks by the governmental agency responsible for the park.
- (2) Guide and hearing-aid dogs that are in the company of blind or deaf persons or being trained for such purposes.
- (3) Dogs employed or hired by law enforcement agencies or by the governmental agency responsible for the park to perform a governmental purpose within the park.

(Code 1985, § 3-26)