

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn



TOWN COUNCIL
Robert W. Allen
Christopher M. King
Darlene T. Luther
David K. Waddell

Indian Trail Town Council
Special Meeting
January 17, 2013
Civic Building
6:30 p.m.

1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

2. MOTION TO APPROVE AGENDA

3. BUSINESS ITEMS

- a. Capital Project Ordinance for Chestnut Parkway Improvement

action

4. DISCUSSION ITEMS

- a. [Review of Animal Enforcement Ordinance](#)
b. Discussion of law enforcement agreement options

5. ADJOURN

action

**To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.
AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS**

The Town of Indian Trail is committed to providing all citizens with the opportunity to participate fully in the public meeting process. Any person with a disability who needs an auxiliary aid or service in order to participate in this meeting may contact the Town Clerk at least 48 hours prior to the meeting. The e-mail address is townclerk@admin.indiantrail.org; the phone number is 704-821-2541

Posted January 14, 2013

CHAPTER 92

ANIMAL CONTROL ORDINANCE

Article I - Definitions

- Section 92.01 Purpose
- Section 92.02 Definitions

Article II- Animal Registration

- Section 92.03 Registration for Dogs and Cats
- Section 92.04 Registration Fee Exemptions
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Article III - Livestock & Wild Animals

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Article IV- Animal Control Program- Organization, Powers, Duties

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Article VI- Rabies

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- Section 92.19 Quarantine of Animals Suspected of Having Rabies

Article VII – Impoundment & Release

- Section 92.20 Impoundment: Notice to Owner
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Article VIII - Care & Protection

- Section 92.22 Cruelty to Animals

Article IX - Animal Collection

- Section 92.23 License & Permit Required
- Section 92.24 Permit Procedure
- Section 92.25 Records

Article X -Enforcement, Appeals & Penalties

- Section 92.26 Enforcement Administration
- Section 92.27 Appeals
- Section 92.28 Penalties and Remedies
- Section 92.29 Effective Date

ARTICLE I

PURPOSE AND DEFINITIONS

Section 92.01 Purpose:

- (a) Pursuant to the authority granted by the North Carolina General Assembly, this ordinance is enacted to;
 - (1) Regulate, restrict or prohibit, if necessary, animals;
 - (2) Protect the public from unvaccinated, diseased, stray, roaming, dangerous, wild or exotic animals;
 - (3) Make unlawful the acts of animals that interfere with the enjoyment of property or the peace and safety of the community;
 - (4) Protect animals from abuse or conditions harmful to their well-being; and
 - (5) Carry out any other lawful duties authorized by state laws and applicable ordinances.
- (b) The Town Council hereby finds that animals kept or allowed to be in violation of any of the sections of this Ordinance are detrimental to the health, safety and welfare of the citizens of the Town and jeopardize the peace and dignity of the Town.

Section 92.02 Definitions:

Unless otherwise specifically provided or unless otherwise clearly required by the context, the following words and phrases shall have the meaning indicated when used in this chapter:

- (1) Administrator: The Animal Control Officer or any other person designated by the town manager to perform the responsibilities assigned by this chapter.
- (2) Adequate Food: The provision in a sanitary manner a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to the extent practicable at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal.
- (3) Adequate Shelter: A shelter or containment area that (i) will keep a non-aquatic animal dry, out of the direct path of winds and out of the direct sun, at a temperature level that is healthful for the animal; (ii) is free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris; and (iii) provides a suitable method of drainage to eliminate accumulating excess water or moisture. For dogs, cats and other small animals, the shelter shall be a windproof and moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat. The shelter shall include four walls, a roof and a solid floor raised up off the ground, with an opening entrance large enough to allow access to the animal, but placed in such a way as to keep the animal out of the direct path of winds. Metal barrels do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, or the equivalent. As applied to aquatic or semi-aquatic animals the term means a containment area that has an adequate amount of clean water to enable the animal to move about.

- (4) Adequate Water: A constant access to a supply of clean, fresh water provided in a sanitary manner. In near or below freezing temperatures the water must be changed frequently to prevent freezing.
- (5) Animal: Any live, vertebrate creature specifically including but not limited to dogs, cats, livestock, birds, fish and reptiles.
- (6) Animal Shelter: A place provided and operated by Union County for the restraint, care, adoption and disposition of animals.
- (7) Competent Person: A person of suitable age who is physically and mentally capable of keeping an animal under sufficient restraint and control in order to prevent harm to the animal, to persons and other animals.
- (8) Cruel Treatment: Every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted. Such acts or omissions shall include, but not be limited to, kicking, beating, hanging, submerging under water, suffocating, poisoning, setting on fire, and depriving of food, water, exercise and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare. Such terms, however, shall not be construed to include lawful taking of animals under the jurisdiction and regulations of the Wildlife Resources Commission, lawful activities sponsored by agencies conducting biomedical research or training, and lawful activities for sport.
- (9) Display: Display shall mean any exhibition, act, circus, public show, trade show, photographic opportunity, carnival ride, parade, race, performance, or similar undertaking in which animals are required to perform tricks, fights, wrestle or participate in performances for the amusement or entertainment of an audience, whether or not a fee is charged. "Display" shall not include the use or exhibition of animals for animal-related educational purposes by non-profit groups, institutions or individuals. "Displayed" means to be the subject thereof.
- (10) Domestic Animal: Domesticated or tame animal that is kept principally as a pet, except that livestock (other than rabbits and ferrets kept as pets and not for productive purposes) and wild animals shall not be regarded as domestic animals.
- (11) Educational Purposes: Teaching and instructing with the intent and effect of imparting knowledge to others.
- (12) Exposed to Rabies: An animal has been exposed to rabies within the meaning of this ordinance if it has been bitten by, or otherwise come into contact with the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis.
- (13) Harbor: An animal shall be deemed to be harbored if it is fed or sheltered by the same person or household for seventy-two (72) consecutive hours or more.
- (14) 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, whether or not that person literally "owns" the animal. Every person 18 years or older residing in the dwelling unit where a pet is harbored and/or kept shall be deemed a keeper for purposes of this ordinance.
- (15) Livestock: Animals raised for the production of meat, milk, eggs, fiber or used for draft or equestrian purposes, including but not limited to horses, mules, cows, pigs, emu, goats, llamas, ostriches, sheep, fowl (such as chickens, ducks, turkeys, etc.), rabbits, and all other animals that typically are kept primarily for productive or useful purposes rather than as pets.
- (16) Leash-free Area: An area of Town owned property within the Town Limits of Indian Trail designated by

the Town Council upon which animals may be permitted to go free from physical restraint.

- (17) Owner: Any person who owns any animal.
- (18) Person: Any individual, family, group of individuals, corporation, partnership, organization, or institution recognized by law as a person.
- (19) Restraint: An animal is under restraint if its movement is physically controlled by use of a leash, lead, cage, or bridle which restrains and controls the animal, or if it is within a vehicle from which it cannot escape without assistance.
- (20) Running at Large: Any animal shall be deemed to be running at large when it is off the real property of its owner or its keeper, and not under the restraint of a competent person. For purposes of this definition, the term "real property of its owner or keeper" shall include any property owned or occupied by the owner or keeper of such animal.
- (21) Secure Enclosure: An enclosure from which an animal cannot escape by means of digging under or jumping over the enclosure, or otherwise becoming free unless freed by the owner or keeper. A motor vehicle shall not constitute a secure enclosure. Minimum space and height requirements and other specifications for secure enclosures shall be obtained from the Animal Control Administrator based on breed, age, height, weight, temperament, and history of the animal.
- (22) Tether: To restrain a dog outdoors by means of a rope, chain, wire, or other line, one end of which is fastened to the dog and the other end of which is connected to a stationary object or to a cable trolley system. (This definition excludes walking a dog with a handheld leash).
- (23) Suspected of having Rabies: An animal which has bitten a person or another animal.
- (24) Feral Cat: Is any cat that does not have a known home.
- (25) Wild or Exotic Animal: An animal (other than livestock) that typically is found in a Non-domesticated state and that, because of its size or vicious propensity or because it is poisonous or for any other substantial reason, poses a potential danger to persons, other animals or property, including, without limitation, any of the following, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species:
- a. Non-human primates and prosimians;
 - b. Felids, feral cats, except domesticated cats;
 - c. Canids, including wolf hybrids, except domesticated dogs;
 - d. Ursids (bears);
 - e. Elephants;
 - f. Marine mammals (such as whales, seals, sea lions, dolphins and others);
 - g. Crocodylians (such as alligators and crocodiles);
 - h. Marsupials (such as kangaroos and opossums);
 - i. Snakes and reptiles (poisonous, giant and crushing);

- j. Ungulates (such as hippopotamus, rhinoceros, giraffe, zebra, deer);
- k. Hyenas;
- l. Mustelids (such as skunks, weasels, otters and badgers);
- m. Procyonids (such as raccoons and coatis);
- n. Endentates (such as anteaters, sloth and armadillos);
- o. Viverrids (such as mongooses, civets and genets); and
- p. Camels

ARTICLE II

ANIMAL REGISTRATION

Section 92.03 Registration for Dogs and Cats:

- a) All dogs and cats over four months of age shall be required to be registered by the town on an annual or multi-year basis with the registration fee being structured in the Town's annual fee structure and approved by the Town Council. Dogs will be required to be registered beginning on March 1, 2014. Cats will be required to be registered beginning on October 1, 2015.
- b) In order to further the goal of controlling animal population, the fee on unspayed or un-neutered dogs and cats shall be higher than that of spayed or neutered animals. In such case the Town, shall require proof that the animal is in fact spayed or neutered. The Town may also establish various incentives as part of its licensing program such as but not limited to micro chipping etc. The Town reserves the right to offer multi-year licenses.
- c) It shall be unlawful for any person to use a registration tag for any dog other than for which the registration tag was issued.
- d) It shall be unlawful for any owner to fail to provide a current registration tag as provided in this section. No registration or permit will be issued unless written proof of current rabies vaccination is shown at the time of application for registration.
- e) It shall be unlawful for any owner of a dog to fail to provide said animal with a collar or harness to which a current registration tag issued under this section is securely attached. The collar or harness, with attached registration tag, must be worn by the animal when off of owners property or keepers property, except while the animal is participating in bona fide animal shows, tracking tests, training events or training schools, or other events sanctioned and supervised by a recognized organization, or except while the animal is involved in lawful hunting activities, provided that the animal's owner or keeper has the tag in their actual possession at these times. The owner maybe charged with a civil penalty, under this ordinance, if their dog is found without its registration tag attached to its collar or harness, and it is not an expressed exception to this policy.
- f) The amount of any registration fee imposed by this chapter shall be deemed a debt to the town.

Section 92.04 Registration Fee Exemptions:

- a) Owners of the following dogs shall complete an application for registration, but are exempt from paying the registration fee:
 1. Service and/or trained assistance dog provided the dog is spayed or neutered.
 2. An animal, which is a working member of a law enforcement or public safety agency, regardless whether the animal is fertile or infertile.
 3. A spayed or neutered animal belonging to an owner 62 years of age or older.
 4. Any foster dog being housed for a temporary (6) six-month time period. Any foster dog must obtain regular dog registration after (6) six-month period.

Section 92.05 Rabies and Identification Tags:

- a) The owners and keepers of all dogs and cats over four (4) months of age shall have the animal vaccinated against rabies.
- b) In accordance with the Union County Animal Control Ordinance, the owners and keepers of all dogs shall cause such animals to wear a valid rabies tag. Cats shall not be required to wear the rabies tag. In addition; microchips are valid for identification purposes.

ARTICLE III

LIVESTOCK AND WILD ANIMALS

Section 92.06 Permits:

- a) No person may keep or display within the town any wild or exotic animal. Any wild or exotic fowl refuge within town jurisdiction would be grandfathered, and can keep wild and exotic fowl.
- b) No person may keep within the town any permissible livestock over four (4) months of age except in accordance with a permit issued pursuant to subsection (c). No animal will be required to obtain a permit until October 1, 2016.
- c) Subject to subsections (d) and (e), no permit may be issued for any livestock unless the applicant for the permit demonstrates that the livestock will be kept on a tract of land that satisfies each of the following conditions:
 - 1) The tract shall consist of at least 40,000 square feet of land under single ownership or control, or 1 acre per horse.
 - 2) There shall be at least 20,000 square feet of land per animal.
 - 3) No fence, coral, or other similar enclosure shall be erected within 15 feet of any property line.
 - 4) No barn, stable or similar structure used for the keeping of livestock other than rabbits or fowl shall be erected or maintained within 150 feet of any property line or street-right-of-way.
 - 5) No barn, cage, pen, or similar structure used for the keeping of rabbits or fowl shall be erected or maintained within 15 feet of any property line or street right-of-way line.
- d) The provisions of subsection (c)(3), (4) and (5) shall not preclude the establishment, with the consent of the affected adjoining property owners, of a commonly owned or used fence, barn or other enclosure, all of which is located along or near a common property line. When the same property owners lose consent, the properties must comply with Town ordinances.
- e) The provisions set forth above in (c) (1) and (c) (2) shall not apply to rabbits and fowl. However, no permit may be issued for rabbits or fowl unless the provisions of (c)(3) and (c)(4) are complied with and unless the permit applicant demonstrates compliance with the following conditions:
 - 1) The tract where such fowl and rabbits are kept shall consist of at least 10,000 square feet.
 - 2) Such fowl and rabbits may be kept only (i) on a lot used for residential purposes and only for the consumption of persons who reside at that lot, or (ii) on a common open space area within a residential development with the written permission of the owner of such common space land accompanied by a copy of association minutes reflecting the approval decision, and only for the consumption of persons who reside within that residential development. Such fowl and rabbits may not be kept for commercial purposes.
- f) Before issuing a permit under this section, the Administrator shall notify the applicant and the applicant's immediate neighbors by any convenient means of a date and time when they may be heard on the question of whether a permit should be issued. After the hearing, the Administrator shall set forth in

writing his reasons for the issuance or denial of the permit and shall furnish a copy thereof to any person requesting the same. Any person aggrieved by the issuance or denial of a permit under this section appeal such decision to the subcommittee of the Public Safety Committee (except that the burden of demonstrating that the administrator erred shall be on the appellant).

- g) Beekeeping shall be permitted as long as hives and related areas are located at least 50 feet from any property or street line.

Section 92.07 Revocation of Permit

- a) A permit issued in accordance with this section may be revoked by the administrator after notice and hearing, for any reason that would have justified denial of the permit in the first instance.
- b) If the administrator denies or revokes a permit in accordance with this section, he shall notify the owner in writing of the denial of his right to appeal to the subcommittee of the Public Safety Committee.

Section 92.08 Feeding of Deer Prohibited:

- a) Subject to subsection (f), no person within the corporate limits of the town may place or allow any device or any fruit, grain, mineral, plant, salt, vegetable, or other material to be placed outdoors on any public or private property for the purpose of feeding or attracting deer.
- b) There is a rebuttable presumption that the placement of any fruit, grain, mineral, salt, plant, vegetable, or other material edible by deer at a height of less than five (5) feet off the ground is for the purpose of feeding deer.
- c) There is a rebuttable presumption that the placement of any fruit, grain, mineral, salt, plant, vegetable, or other material edible by deer in a drop feeder, automatic feeder, or similar device regardless of the height of such device is for the purpose of feeding deer.
- d) Each property owner shall remove any materials placed on the owner's property in violation of this section within 48 hours of being notified by the town that such violation exists. Failure to do so shall constitute a separate violation of this section.
- e) Each property owner shall remove any device placed on the owner's property to which deer are attracted or from which deer actually feed. Alternatively, a property owner may modify such device or make other changes to the property that prevents deer from having access to or feeding from the device. Failure to remove the device or make necessary modifications with 48 hour of notice from the town shall constitute a separate violation of this section.
- (f) This section does not apply to:
 - 1) Naturally growing materials, including but not limited to fruits, grains, seeds, vegetables, or other crops or vegetation.
 - 2) Stored crops, provided that such crop materials are not intentionally made available to deer.
 - 3) Feeders used to provide food to domestic animals or livestock.

ARTICLE IV

ANIMAL CONTROL PROGRAM- ORGANIZATION, POWERS, DUTIES

Section 92.09 Animal Control Program:

The Indian Trail Animal Control Program, as herein described and as otherwise described in other town ordinances related to animals and as otherwise described under the laws of North Carolina, shall be administered by the animal control officer or other persons designated by the town manager to perform the responsibilities assigned by this chapter to the administrator. Such person or persons are referred to in this ordinance as the administrator. This position may not have to be a sworn law enforcement officer.

Section 92.10 Animal Control Officer(s):

The administrator shall:

- 1) Enforce all laws of North Carolina and all ordinances of the Town of Indian Trail pertaining to animals and cooperate with all animal control officers and law enforcement officers within Union County in fulfilling this duty.
- 2) Cooperate with all agencies within Union County and the towns therein and assist in the enforcement of the laws of the State with regard to animals, the vaccination of dogs and cats against rabies, and any other state law applicable to animals or animal control.
- 3) Report any reported or observed animal cruelty or abuse, and assist Union County Animal County.
- 4) Investigate public nuisance complaints involving animals.
- 5) Keep, or cause to be kept, accurate and detailed records as determined by the town manager.
- 6) Be trained to standards to be established by the town manager, which training shall include but not be limited to, training in animal first aid taught by a licensed veterinarian.
- 7) Establish an on-going community education program to highlight issues related to Animal Control.

Section 92.11 Interference with Administrator:

It shall be unlawful for any person to interfere with, hinder, or molest the administrator or any law enforcement officer while in the performance of any duty authorized by this ordinance, or to seek to release any animal in the "custody of the administrator or other agent of the town, except in the manner herein provided.

ARTICLE V

REGULATION AND CONTROL

Section 92.12 Confinement and Running at Large:

- a) Subject to subsections (b) and (c), no owner or keeper of any animal may cause, permit, or allow the animal to stray or in any manner to: (i) run at large or (ii) trespass upon the property of another. If a dog is not on its property it shall be controlled by a leash. The owner may be charged with a civil penalty if their dog or animal is found in violation of this subsection (a).
- b) The provisions of subsection (a) shall not apply to cats.
- c) The provisions of subsection (a) shall not apply to any area of the town property designated by resolution of the town council as a "leash-free" area. The administrator shall maintain a current list of approved leash free areas.

Section 92.13 Animals Creating a Nuisance:

- a) Subject to subsection (e), no owner or keeper may have within the town, after receiving the notice of removal prescribed in subsection (c), any animal that:
 - 1) Habitually or repeatedly, without provocation, chases, snaps at or attacks pedestrians, bicycles, other animals being walked on a leash, or vehicles even if the animal never leaves the owner's property, except that this provision shall not apply if such animal is restrained by a pen, fence, or other secure enclosure. For purposes of this section, an "underground fence" shall only be considered secure if it in fact contains the animal and a small sign or other notification is present to alert others that the animal is restrained.
 - 2) Interference with the reasonable use and enjoyment by neighboring residents of their property because of its odor or excessive noise making. For purposes of this subsection, excessive noise making shall include at least two episodes of barking, howling, whining, crying, crowing, or other noise making that (i) are audible on premises other than the premises where the noise making animal is located (including other dwelling units located on the same tract of land), and (ii) by reason of the time of day or night that they occur, their duration, and/or their frequency, would tend to annoy or disrupt the peace and tranquility of a person of reasonable sensibilities.
 - 3) Is a female animal that is not confined while in heat in a building or secure enclosure in such a manner that she will not be in contact with another animal, provided that 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.
 - 4) Damages the property of anyone other than its owner or keeper, including but not limited to, turning over garbage containers or damaging gardens, flowers, shrubbery, vegetables or trees either by digging, repeated defecation or urination, or causing injury to domesticated livestock or pets.

- b) If the administrator determines that any animal is creating a nuisance as described in subsection (a), he shall in writing inform the animal's owner of the nature of the violation(s) and shall indicate that unless these violations are corrected and/or measures taken to prevent their recurrence within forty-eight (48) hours, the owner shall be required to remove the animal from the town, and subject to civil penalties.
- c) If the administrator determines that any animal cited for a violation of subsection (a) has, more than forty-eight (48) hours after service of the notice prescribed in subsection (b), continued to cause a nuisance as described in the subsection, then the administrator shall, in writing, notify the animal's owner that the animal must forthwith be removed from the town. The administrator shall also notify the owner of his right to appeal this determination.
- d) The owner of any animal removed pursuant to this section shall, within five (5) days after removal, inform the administrator in writing of the animal's present location, including the name, address and telephone number of the animal's owner or keeper. If the animal has been destroyed, the administrator shall be informed of the name, address, and telephone number of the person who destroyed such animal.
- e) The provisions of subsections (a) through (d) of this section shall not apply to cats. However, domestic cats with known homes shall be subject to the following requirements in section (1). Cats without a known home or feral cats, are exempt from this provision:
 - 1) If a cat engages in any of the activity described in this subsection, then the administrator shall in writing inform the cat's owner of the nature of these actions and shall indicate that unless these activities are corrected and/or measures are taken to prevent their recurrence, the owner shall be required to confine the cat on the owner's premises. A person who fails to abide by the direction of the administrator to confine a cat pursuant to this subsection shall be subject to the civil penalties. This process shall apply to any cat, that, off the premises of its owner or keeper:
 - a. Habitually or repeatedly defecates or urinates in children's sandboxes, gardens, flower beds or other private property without the permission of the property owner;
 - b. Habitually or repeatedly injures or kills animals or birds, whether domesticated or not;
 - c. Is a female in heat not confined in a building or secure enclosure in such a manner as to prevent contact with another cat;
 - d. Habitually or repeatedly, without provocation, chases or attacks pedestrians, bicyclists or other animals being walked on a leash;
 - e. Seriously interferes with the reasonable use and enjoyment by neighboring residents of their property because of its howling, whining, crying, or other noise making;
 - f. Without provocation, inflicts on any person a serious injury requiring treatment by a physician, including but not limited to a bite or scratch that breaks the skin.
 - g. Habitually or repeatedly walks or sleeps on or damages vehicles owned by another.
 - f) It shall be unlawful for any person to stake or tie animal where it can get upon any public sidewalk or street in the town.

Section 92.14 Dangerous Dogs:

- a) Any person, or town, notifications of a dangerous dog and/or potentially dangerous dog will be immediately referred to Union County Animal Control. Union County will use the Union County Animal Control Ordinance and North Carolina law in response to these referrals.

Section 92.15 Security Dogs:

- a) For purposes of this section, the term security dog shall mean any dog on the premises of its owner or keeper that (i) is trained or conditioned to attack or otherwise respond aggressively, but only upon command from its owner or keeper (patrol dog), or (ii) is trained or conditioned to attack or otherwise respond aggressively without command (sentry dog).
- b) All persons owning security dogs shall register such animals with the town of Indian Trail.
- c) The owner or keeper of any dog that is classified as a security dog under this ordinance shall place signs or placards on his premises noting "Premises Patrolled By Security Dog" or other information noting the presence of a security dog(s). Such signs shall be prominently displayed at all points of probable entry to the premises so as to provide reasonable notice of the presence of such security dogs. Signs noting "Beware of Dog" shall not be sufficient notice of a security dog trained to attack or otherwise respond aggressively without command (security dogs).

Section 92.16 Stray Animals:

- a) No person may, without the consent of its owner or keeper, knowingly or intentionally harbor, feed or keep in possession by confinement or otherwise, any animal bearing identification tags or otherwise known by the person to belong to a specific individual, other than to restrain the animal pending notification of its owner or the administrator.
- b) Any person coming into the possession of an animal bearing identification or otherwise known to belong to a specific individual shall make reasonable efforts to notify the owner or keeper, the administrator, and/or the Union County animal shelter within twenty-four (24) hours.
- c) Any cases where stray dogs are not wearing a rabies tag, believed to have rabies, or a dog that may have come in contact with an animal with rabies, shall be referred to Union County Animal Control for enforcement. Union County will use the Union County Animal Control Ordinance and North Carolina law in response to these referrals.

Section 92.17 Dog Owners Required to Remove Feces Deposited by Dogs

- a) Subject to subsection (b), it shall be unlawful for the owner of any dog, or any person walking or otherwise in charge of such dog, to fail or refuse to remove feces deposited by such dog on any street, sidewalk, park, or other publicly owned area, or on any private property.
- b) The provisions of subsection (a) of this section shall not apply to the premises occupied by the owner or keeper of the dog, but shall apply to any common areas in any two-family or multi-family residential development.

ARTICLE VI

RABIES

Section 92.18 Administrator to Cooperate in Vaccination Programs:

- a) The administrator shall cooperate with and assist the area animal control officers and public health officials in their efforts to see that all animals are vaccinated against rabies in accordance with the provisions of G.S. 130A-184 through 130A-201.

Section 92.19 Quarantine of Animals Suspected of Having Rabies:

- a) Any cases where animals believed to have rabies, or animals that may have come in contact with an animal with rabies, or animal that has bitten a person that does not have rabies tag, shall be referred to Union County Animal Control. Union County will use the Union County Animal Control Ordinance and North Carolina law in response to these referrals.

ARTICLE VII

IMPOUNDMENT AND RELEASE

Section 92.20 Impoundment: Notice to Owner:

- a) The administrator may impound on rare occasions any dog that is found running at large, and is not violating the Union County Animal Control Ordinance, and the owner cannot be located.
- b) Whenever a dog is impounded under subsection (a), or whenever a dog otherwise lawfully comes into the possession of the administrator, the administrator shall either return the dog to its owner or keeper or take the dog to the Union County Animal Shelter.
- c) Whenever a dog is impounded or otherwise comes into the possession of the administrator, the administrator shall make reasonable efforts to identify the owner, notify him of the impoundment, and advise him of the conditions under which the dog may be reclaimed, if any.

Section 92.21 Release to Owner:

- a) Subject to subsection (b), an owner of an impounded animal may reclaim the dog after it is impounded, upon compliance with the requirements of this section and in accordance with the requirements established by the Union County Animal Shelter.
- b) Notwithstanding any other provision of this Chapter, the administrator may refuse to release any dog that:
 - (i) is subject to an order of removal pursuant to creating a nuisance;
 - (ii) the owner has outstanding fines or penalties from the town.

ARTICLE VIII
CARE AND PROTECTION

Section 92.22 Cruelty to Animals:

- a) In accordance with G.S. 14-360 and 14-361, no person may intentionally or maliciously subject any animal to cruel treatment, including but not limited to the following: overdrive, overload, wound, injure, torture, cruelly beat, needlessly mutilate or kill or deprive any animal of adequate food, water, shelter or veterinary care, or cause or procure the same. All cases involving specific cruelty to animal claims shall be referred to Union County Animal Control for enforcement. Union County Animal Control will use North Carolina and Union County laws to enforce cruelty animal claims. The town may enforce civil penalties related to cruelty to animals.
- b) No person may conduct, promote, attend, or otherwise participate in animal fighting or cock fighting.
- c) No person may possess any paraphernalia for the purposes of dog, cock, or other animal fighting, including but not limited to gaffs, treadmills, spurs, spring poles, wheels, etc.
- d) No person may sell or offer for sale, barter, or give away within the town, baby chickens, baby ducklings, or other fowl or rabbits under eight (8) weeks of age as pets, toys, premiums, or novelties.
- e) No person may color, dye, stain, or otherwise change the natural color of baby chickens or other fowl or rabbits.
- f) No person may tether any fowl.
- g) No person may keep a dog outdoors within an enclosure such as a fence, kennel, or other devise unless the enclosure contains the minimum outdoor enclosure for each animal shall be 100 square feet for the first animal, with an addition 25 square feet for each additional animal. Any existing enclosure will be grandfathered until the enclosure is modified. Additional animals temporarily residing at a property for fewer than fourteen days shall be exempt for the additional square footage. All structures used to confine dogs shall be secure to prevent reasonable escape from the pen or kennel.
- h) No person may use for the purpose of trapping animals, any type of steel jaw trap (except commercially available mice and rat traps). A steel jaw trap is defined as any spring- powered device designed to capture or hold an animal by exerting a lateral force with fix -mounted jaws on the leg, paw, or any other part of an animal's body.
- i) No person may entice or lure any animal out of an enclosure or off the property of its owner or keeper, or seize, molest, or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on or off the property or its owner or keeper.
- j) No person may transport without adequate ventilation an animal in the closed trunk of a vehicle, or closed compartment on a vehicle or trailer when the ambient temperature outside the vehicle or trailer is greater than or equal to 70 degrees Fahrenheit. For purposes of this section, "transport" refers to a vehicle or trailer whether in motion or stationary and "closed compartment" refers to a vehicle or trailer whether or not the windows or other openings are closed, open or partially open, and "adequate ventilation" refers to sufficient circulation of air and/or control of temperature such that the animal's health and safety is not adversely affected.
- k) It shall be unlawful for any person to locate, keep or maintain more than a combined total of six (6) dogs

and cats per acre or a portion thereof. This provision shall not apply to dogs or cats under four months of age. Any person having more than a combination of six (6) dogs or cats per acre or portion thereof, on the effective date of this ordinance will be allowed to keep them on their property provided that all other requirements of the Town's animal enforcement ordinance are in compliance and all excess dogs and cats that are removed from the premises upon death or other means are not replaced. This provision shall not apply to registered and approved Professional Breeders or Animal Rescuers. In cases of special circumstances, the property owner(s) (or the owner(s) of the dogs with the property owner(s)'s written consent) may appeal in writing to the Animal Enforcement Officer requesting to keep in excess of six animals. The Animal Enforcement Officer shall file a written answer within 20 business days of receipt of the request. In the event that the request is denied the person may appeal to the subcommittee of the Public Safety Committee within 5 business days of receipt of the denial and the subcommittee of Public Safety Committee shall file an answer within 45 days of the receipt of the appeal.

- l) The animal's owner shall be responsible for insuring that anyone having possession over the animal while off the owner's property shall maintain control over the animal's behavior. Control shall include having the dog on a leash or harness at all times. If the physical restraint is a leash requiring the competent person to control the animal, the person using such restraint must be of sufficient age and physical size or ability to reasonably restraining the animal.
- m) It shall be unlawful for any person to locate, construct, reconstruct, alter, or maintain any kennel, pen or similar structure for the purposes of keeping any animal over four months of age unless such kennel, pen or similar structure is 30 feet or greater from the adjoining property owner's inhabited structure.
- n) No person may commit any of those acts made unlawful under the provisions of G.S.14-362, 14-362.1, 14-362.2, and 14-362.3 or to commit any other act made unlawful by any other law of the State of North Carolina relating to animal fighting or animal baiting.
- o) In accordance with G.S. 14-361.1, no person may abandon or forsake any animal within the town.
- p) No person may display or sponsor a display of wild or exotic animals on any public or private property within the town without a special event permit from the town.

ARTICLE IX

ANIMAL COLLECTION

Section 92.23 License and Permit Required:

- a) No person may engage in the collection of dogs and cats for sale unless such person obtains a town privilege license. A permit must be obtained from the administrator, as provided in this Article, before a privilege license may be issued.
- b) A permit for the collecting of dogs and cats for sale shall be required before any individual may engage in any action in Indian Trail in furtherance of any action involving or relating to the collection or procurement of dogs and cats for sale. A permit allowing such actions will be issued only upon payment of a fee set by the Town Council and demonstration by the applicant that the requirements of this article shall be met. A permit issued in accordance with this article may be revoked by the administrator after notice and a hearing, for any reasons that would have justified denial of the permit in the first instance. If the administrator denies or revokes a permit in accordance with this article, he shall notify the person affected of his right to appeal such decision.

Section 92.24 Permit Procedure:

- a) An application for a collection permit shall be made by each and every individual involved in the collecting of dogs and/or cats in Indian Trail for the purpose of sale. Any such application for the above-mentioned purpose shall be made to the administrator on a form prescribed by the administrator.
- b) An investigation may then be conducted by the administrator, which may include inspection of the premises where the animals are to be kept and any vehicles in which they are to be transported.
- c) Upon the determination by the administrator that the requirements of these regulations have been met and are capable of continuing to be met during the duration of the permit, a permit for no more than one (1) year shall be issued, upon payment of applicable fees, to the individual applicant only for the specific individual applicant, premises, and vehicles listed on the application.
- d) Application for a permit renewal is the responsibility of the permit holder and shall be made no later than thirty (30) days prior to the expiration of the current permit. Failure to reapply prior to the 30-day limit may result in a penalty fee.

Section 92.25 Records:

- a) Every person who sells, gives, exchanges or otherwise delivers any animal to a collector must receive from the collector a written receipt, a copy of which is to be kept by the collector, signed by both the owner or keeper and the collector, stating the following:
 - 1) The number of animals received by the collector;
 - 2) The sex, breed, a general description of each animal received and the U.S. Department of Agriculture number assigned to each animal;
 - 3) The name, address and telephone number of the location to which the animal will be taken for the following five (5) days;

- 4) The name, address and telephone number of the collector;
 - 5) The name, address and telephone number of the person surrendering the animal.
- b) A written report containing the above information shall be delivered by the person collecting the animals to the administrator within twenty-four (24) hours of the surrender of the animal.
 - c) A record shall be kept of the disposition of every animal which is collected.
 - d) Every collector shall maintain a copy of all receipts and disposition records for one year.

ARTICLE X

ENFORCEMENT, APPEALS AND PENALTIES

Section 92.26 Enforcement Administration:

- a) Primary responsibility for enforcing the provisions of this chapter may be assigned to one or more individuals by the town manager. The term "administrator" is used in this chapter to refer to the person or persons assigned these responsibilities, including but not limited to the Animal Control Officer.

Section 92.27 Appeals:

- a) The owner of any animal who (i) is required to remove his animal from the town, (ii) who has been assessed and has paid a civil penalty, or (iii) whose permit is denied or revoked, may appeal to a subcommittee of the Public Safety Committee. An appeal shall be taken within ten (10) business days after receiving the written notice of the determination appealed. An appeal is taken by filing a written notice of appeal with the administrator and stays all enforcement efforts of the administrator until the appeal is disposed of. An appeal from an order to pay civil penalties shall first be reviewed by town official appointed by the town manager. If the owner is unsatisfied with the first civil penalty review, the owner may then appeal to the subcommittee of the Public Safety Committee within ten (10) days of the first decision.
- b) The subcommittee of the Public Safety Committee shall consist of three (3) members and one (1) alternate appointed by the town manager. One member should be the Chair of the Public Safety Committee.
- c) The committee shall meet within twenty (20) days after notice of appeal is filed. A quorum of the committee shall consist of three (3) members, and all decisions shall be made by majority vote. The committee may uphold, reverse, or modify the determination appealed from, and the administrator shall thereafter continue, modify or cease his enforcement efforts in accordance with the committee's decision.
- d) The burden of justifying the administrator's determination shall be on the administrator. Strict rules of evidence need not be followed, but the committee may consider only what a witness knows of his own knowledge, and no decision may be based upon hearsay alone.
- e) The committee shall reach a decision as expeditiously as possible and shall provide the appellant and the administrator with a written decision, stating the reasons therefore.

Section 92.28 Penalties and Remedies:

- a) A violation of any of the following provisions of this chapter shall constitute a misdemeanor punishable as provided in G.S. 14-4:

A violation of any of the provisions cited:

| | |
|-----------------|--------------------------------------|
| First Offense: | \$100 |
| Second Offense: | \$200 |
| Third Offense: | \$300 |
| Fourth Offense: | \$400 |
| Fifth Offense: | \$500 and possible seizure of animal |

- b) If the offender fails to pay any penalty within fifteen (15) calendar days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of a debt.

- c) Violations accumulate per owner, not per animal. Second and subsequent offenses are based on offenses within any 24-month period. Each day's continuing violation shall constitute a separate offense.
- d) Each day that any violation continues after a person has been notified that such violation exists and that he is subject to the penalties specified in subsections (a) and (b) shall constitute a separate offense.
- e) This chapter may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.
- f) The town may enforce this chapter by any one or any combination of the foregoing remedies.

Section 92.29 Effective Date:

- a) The effective date for this ordinance shall begin on October 1, 2013. The current Chapter 92- Animals shall be repealed on this effective date.

CHAPTER 92: ANIMALS

Section

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Editor's Note:

The town has adopted the county's animal control ordinance and the county enforces the ordinance.

GENERAL PROVISIONS

§ 92.01 SHORT TITLE.

This chapter shall be known and may be cited as "this chapter".
(Ord. 25, passed 9-14-1989)

§ 92.02 AUTHORITY.

This chapter is authorized by: G.S. §§ 67-4.1 *et seq.*, 67-30, 153A-121, 153A-123, 153A-127, 153A-131, and 130A-184 *et seq.*
(Ord. 25, passed 9-14-1989)

§ 92.03 PURPOSE.

The purpose of this chapter is to provide for the health, safety and welfare of the citizens of the 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.
(Ord. 25, passed 9-14-1989)

§ 92.04 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 chapter.
(Ord. 25, passed 9-14-1989) Penalty, see § 92.99

§ 92.05 UNSEIZABLE ANIMALS.

(A) Notwithstanding any other provision of this chapter to the contrary, an animal may be humanely destroyed by gunshot upon order of the Health Director.

(B) The Health Director may take such action if reasonably satisfied that:

(1) The animal cannot be seized by reasonable means;

(2) The owner of the animal cannot be identified; and

(3) The animal is injured or diseased, or the animal is a threat to the public health, or the animal is a chronic nuisance.

(Ord. 25, passed 9-14-1989)

§ 92.06 CONFLICT.

(A) Insofar as the provisions of this chapter are inconsistent with the provisions of any other law except a provision of state or federal law, the provisions of this chapter shall control.

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

(Ord. 25, passed 9-14-1989)

§ 92.07 COMPLAINTS.

A person or persons lodging a complaint or complaints relating to a violation of this chapter shall be responsible for filing the complaint with the appropriate judicial authority.

(Ord. 25, passed 9-14-1989)

§ 92.08 DEFINITIONS.

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

ANIMAL. Any live, vertebrate creature, wild or domestic, other than human beings, endowed with the power of voluntary motion.

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ANIMAL CONTROL OFFICER. Any person or persons designated by the 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 chapter or any other county ordinance or by state law or by the Health Director.

ANIMAL SHELTER. The facility provided and operated by the county for the purposes of the impoundment, restraint, care and disposition of animals.

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.

BOARD. County Board of Commissioners.

CAT. A domestic feline of either sex.

DANGEROUS DOG.

(1) A dog that without provocation has killed or inflicted severe injury on a person;

(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**.

DOG. A domestic canine of either sex.

HEALTH DIRECTOR. The Director of the Union County Health Department or authorized representative.

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 the person.

NEUTERED MALE. Any male which has been operated upon to prevent reproduction.

OWNER. Any person or legal entity that has a possessory property right in an animal.

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.

POTENTIALLY DANGEROUS DOG. A dog that the Chief Animal Control Officer determines to have:

(1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization;

(2) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or

(3) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

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.

SECURE ENCLOSURE. An enclosure from which an animal cannot escape. An animal control officer may, in his or her sole discretion, determine that there is a suitable **SECURE ENCLOSURE** on the premises.

SEVERE INJURY. Any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

SPAYED FEMALE. Any female which has been operated upon to prevent reproduction.

STRAY ANIMAL. A domestic animal that roams at large with no apparent ownership.

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.

VETERINARY HOSPITAL. An establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

WILD ANIMALS. Those animals whose habitat is generally the woods or wilds, or whose disposition is untamable, including exotic or unusual pets.
(Ord. 25, passed 9-14-1989)

§ 92.09 ANIMAL CONTROL OFFICERS.

(A) (1) The Health Director may at his or her discretion appoint a Chief Animal Control Officer and one or more animal control officers.

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(2) Positions must be approved by the Board and meet county and state personnel provisions.

(3) 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.

(B) The animal control officers shall:

(1) Have the responsibility with law enforcement agencies to enforce all laws of the state and all ordinances of the county pertaining to animal control and shall cooperate with all law enforcement officers within the county in fulfilling this duty;

(2) Enforce and carry out all laws of the state and all ordinances of the county pertaining to rabies control;

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

(4) Be responsible for the operation of the County Animal Shelter;

(5) Be responsible for the seizure and impoundment, where deemed necessary, of any dog or other animal in the county involved in a violation of this or any other county ordinance or any state law;

(6) Investigate cruelty or abuse with regard to animals;

(7) Make such canvasses of the county as necessary, including homes and property in the county, for the purpose of ascertaining compliance with this chapter or state statute;

(8) Keep, or cause to be kept, accurate detailed records of:

(a) Seizure, impoundment, and disposition of all animals coming into the custody of the animal control program;

(b) Bite cases, violation and complaints, and investigation of the same;

(c) All moneys belonging to the Health Department and/or county which are derived from fees, penalties, sales of animals, or other sources; and

(d) Any other matters deemed necessary by the Health Director.

(9) Be empowered to issue notices of violation of this chapter in such form as the Health Director may prescribe.
(Ord. 25, passed 9-14-1989)

§ 92.10 ADOPTION.

(A) Procedure.

(1) Any person adopting a dog or cat from the Animal Shelter shall be required to enter into an adoption contract with the county whereby the adopting party is required to have his or her dog or cat spayed or neutered.

(2) All adopting parties shall be required to pay an adoption fee of \$65 per dog or puppy and \$50 per cat or kitten, but shall not be required to pay any boarding or redemption fees.

(3) 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 county veterinarian and receive for the adopted animals the medical services listed below at no additional charge by the veterinarian.

(4) Veterinary services shall be provided in two phases or visits.

(a) Phase I services shall expire 15 business days from the date of adoption.

(b) Phase II services shall expire six months from the date of the adoption.

(c) The adopting party shall secure Phase II services within 30 days of the date of adoption or at such time as the adopted animal attains six months of age, whichever period constitutes greatest duration.

(d) Phase I shall include:

1. A routine physical examination (dog/cat); and
2. A routine worming (dog/cat).

(e) Phase II shall include a routine spay or neuter, mandatory (dog/cat).

(5) Payment for the 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 (Phase I and II).

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(6) 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.

(7) The adopter of those animals turned in to 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:

(1) Any major medical treatment must be certified as being necessary by a licensed veterinarian;

(2) In the event that the adopted animal dies during the 30 days following adoption, the adopting party must present satisfactory evidence, such as, the carcass of the animal or a veterinarian's certification, of the date of the death of the animal;

(3) The request for an exchange must be made within 30 days from the date of the adoption contract; and

(4) The adopting party must bring the second adopted animal to a licensed veterinarian in accordance with the provisions of division (A) above within 15 working days of the execution of the adoption contract.

(Ord. 25, passed 9-14-1989)

ANIMAL CONTROL OFFENSES**§ 92.20 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.

(Ord. 25, passed 9-14-1989) Penalty, see § 92.99

§ 92.21 ANIMAL WASTE.

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

(Ord. 25, passed 9-14-1989) Penalty, see § 92.99

§ 92.22 DANGEROUS DOGS.

(A) (1) The term "dangerous dog" shall include a potentially dangerous dog as determined by the Chief Animal Control Officer as per definition herein.

(2) 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 section.

(3) The owner shall be provided a copy of this section and shall be required to sign a statement confirming receipt.

(4) (a) The owner may appeal the determination by filing written objections with the County Board of Health within three business days.

(b) The Board of Health shall schedule a hearing on this matter within ten days of the filing of objections.

(5) 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 the resolution of any final appeal.

(6) If a second complaint is filed against the dog while under confinement order pursuant to this division, animal control officers shall impound the dog pending resolution of any final appeal.

(7) The dog's owner shall be responsible for any boarding or other fees resulting from the impoundment.

(B) It shall be unlawful to own or keep a dangerous dog unless the following requirements have been met:

(1) The owner or keeper shall have a secure enclosure on the owner's property where the animal is maintained; or

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(2) (a) 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 the sign must be plainly visible from the public highway, street or other access.

(b) The sign shall have dimensions not less than 8½ inches by 11 inches and may be obtained from the Animal Shelter at cost.

(3) The owner or keeper shall notify an animal control officer within 24 hours if the dangerous dog becomes unconfined, or has attacked a human being or another animal.

(C) (1) 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 division.

(2) In such event, the dangerous dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding more than three 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 the animal.

(D) 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 the acknowledgment delivered to the Chief Animal Control Officer.

(E) This section shall not apply to:

(1) A dog being used by a law enforcement officer to carry out the law enforcement officer's duties;

(2) A dog being used in a lawful hunt;

(3) 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 appropriate to the work of the dog; or

(4) 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, or was committing or attempting to commit a crime.

(F) In the event that the owner or keeper of the dangerous dog is a minor, the parent or guardian of the minor shall be held liable for noncompliance with the provisions of this section. (Ord. 25, passed 9-14-1989) Penalty, see § 92.99

§ 92.23 PUBLIC NUISANCE ANIMALS.

(A) 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 his or her property.

(B) (1) 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.

(2) 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 dog or cat as described by the laws of the state;

(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; and/or

(g) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or otherwise molests pedestrians, bicycles or vehicles.

(C) Compliance with this section shall be required as follows:

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(1) (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 the violation and will be given 24 hours from time of notification to abate the nuisance.

(b) The owner or keeper shall be required to provide a written statement to the animal control officer confirming that the nuisance has been abated.

(2) (a) 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 section, 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.

(b) 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 the nuisance within 24 hours by whatever means necessary.

(c) The owner or keeper shall be required to provide a written statement to an animal control officer confirming that the nuisance has been abated.

(3) (a) In the event the owner or keeper of the animal or animals is unknown and cannot be ascertained, the animal shall be impounded.

(b) A notice and order, along with a general description of the animal or animals, shall be posted for 72 hours at the Animal Shelter.

(c) If the owner or keeper of the animal or animals remains unknown, the animal may be adopted according the provisions of this chapter or humanely destroyed.
(Ord. 25, passed 9-14-1989) Penalty, see § 92.99

§ 92.24 CRUELTY TO ANIMALS.

(A) (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 to procure such action.

(2) 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 the 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.

(B) It shall be unlawful for any owner or keeper to fail to provide his or her animal or animals with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his or her 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.

(C) (1) 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 the animal to unprovoked attacks upon human beings or domestic animals.

(2) By way of example and not of 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.

(D) (1) 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 the animals, or to otherwise dispose of same in a manner approved by the State Veterinarian.

(2) It shall be unlawful for any person to remove the carcasses of dead animals from his or her premises to the premises of any other person without the written permission of the person having charge of the premises and without burying the carcasses as provided above.

(Ord. 25, passed 9-14-1989) Penalty, see § 92.99

§ 92.25 WILD ANIMALS.

(A) (1) This section shall apply to wild animals and exotic pets and owners of wild animals and exotic pets.

(2) Neither this section nor any other section of this chapter 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.

(B) 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 chapter except those which are applicable solely to dogs and cats and the owners of dogs and cats.

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(C) (1) 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 the county, it shall be unlawful to own, keep or possess a wild animal which exceeds 50 pounds in weight.

(2) 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.

(D) (1) All owners of wild animals and exotic pets shall be required to register their animals with an animal control officer within ten working days of acquisition.

(2) The registration shall be for informational and enforcement purposes and there shall be no fee for the registration.

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

(Ord. 25, passed 9-14-1989) Penalty, see § 92.99

RABIES CONTROL**§ 92.35 IMMUNIZATION.**

(A) (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.

(2) It is the purpose of this subchapter to supplement the state laws by providing a procedure for the enforcement of state laws related to rabies control, in addition to the criminal penalties provided by state law.

(3) Should 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 shall apply.

(B) 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 or her agent.

(C) (1) It shall be unlawful for any dog or cat owner to keep any dog or cat four months of age or older unless:

(a) The dog or cat has been immunized against rabies in accordance with state law and with an approved anti-rabic vaccine administered by a licensed veterinarian; and

(b) The dog is wearing a collar with a valid rabies vaccination tag at all times.

(2) The tag shall have a number corresponding to the number of a rabies vaccination certificate in possession of the owner.

(3) 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.

(4) An owner complying with all of the requirements of this section need not display the 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 the rabies vaccination tag during the organized hunting activities.

(D) (1) Animal control officers may impound any dog found off the owner's or keeper's real property while not wearing the required vaccination tag.

(2) During the impoundment period, the animal control officer shall make a reasonable effort to locate the owner of the animal.

(3) 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.

(4) 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:

(a) To have the animal vaccinated against rabies, if not already vaccinated; and

(b) To provide the required vaccination certificate to the animal control officer within three days of the animal's release.

(5) 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.

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(6) 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:

(a) Adopted as a pet by a new owner; or

(b) 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.

(7) The animal shall be impounded for a period of not less than 72 hours prior to disposal. (Ord. 25, passed 9-14-1989) Penalty, see § 92.99

§ 92.36 BITES.

(A) (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.

(2) Every physician treating a dog or cat bite wound shall also report the incident to the Health Director immediately.

(3) The person who has been bitten, or if a minor, the 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.

(B) (1) 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 ten days. The owner shall be responsible for the cost of the confinement.

(2) An animal control officer may, in his or her sole discretion, permit the animal to be confined on the premises of the owner only when, after personal inspection by the officer, he or she determines that there is a suitable secure enclosure on the premises and that other circumstances warrant such action.

(3) 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 ten days at the expense of the owner.

(C) (1) 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 at the time of the bite shall be inoculated with a booster vaccine within three days of the bite.

(2) If such a dog or cat develops rabies as determined by a licensed veterinarian, it shall be the duty of the owner to have the animal destroyed and properly disposed of according to the provisions of G.S. § 130A-199, which requires that rabid animals be destroyed and their head sent to the State Laboratory of Public Health for rabies diagnosis.

(Ord. 25, passed 9-14-1989) Penalty, see § 92.99

§ 92.37 TRANSFERRED ANIMALS.

(A) All dogs and cats shipped or otherwise brought into the 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.

(B) This section shall not apply to those dogs and cats accompanied by a valid rabies certificate issued by a licensed veterinarian showing that the dog or cat has a current rabies expiration date on the certificate.

(Ord. 25, passed 9-14-1989) Penalty, see § 92.99

SEIZURE AND IMPOUNDMENT OF ANIMALS

§ 92.50 POWER OF SEIZURE AND IMPOUNDMENT.

(A) Animal control officers are hereby authorized to seize and impound the following:

- (1) Any female dog or cat unconfined in violation of § 92.20 of this chapter;
- (2) Any dangerous dog outside of a secure enclosure in violation of § 92.22 of this chapter;
- (3) Any dog or cat, without identifiable owner, creating a public nuisance in violation of § 92.23 of this chapter;
- (4) Any animal which has been found to be a victim of cruel treatment under the provisions of § 92.24 of this chapter;

(5) Any wild or exotic animals determined to be in violation of the provisions of § 92.25 of this chapter;

(6) Any dog not wearing the rabies vaccination tag required by § 92.35 of this chapter, or any dog or cat whose owner refuses to confine the animal after it has bitten a human being pursuant to § 92.36(B) of this chapter, or any dog or cat which otherwise appears in violation of the rabies control provisions of this chapter;

(7) Any animal which appears to be lost, stray or unwanted; and/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 division shall not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's duties.

(B) 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.

(Ord. 25, passed 9-14-1989)

§ 92.51 NOTIFICATION TO OWNERS.

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

(A) 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.

(B) Notification shall be made by personal contact or telephone where possible, otherwise by U.S. mail.

(Ord. 25, passed 9-14-1989)

§ 92.52 IMPOUNDMENT TIME PERIODS; REDEMPTION.

(A) The owner or keeper of an animal impounded pursuant to this subchapter may redeem the animal and regain possession thereof within 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 chapter will be complied with and provided that all applicable fees have been paid.

(B) Redemption service fees shall be charged each time an animal is redeemed, in addition to a daily boarding fee.

(C) (1) The redemption and boarding fee schedule is:

| <i>Redemption</i> | <i>Cost</i> | <i>Board Per Day</i> |
|------------------------|-------------|----------------------|
| First | \$15 | \$5 |
| Second | \$50 | \$5 |
| Third | \$75 | \$5 |
| Fourth | \$100 | \$5 |
| Fifth (and subsequent) | \$150 | \$5 |

(2) 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.

(D) (1) 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 chapter, or it may be destroyed in a humane manner.

(2) Animals will be euthanized by carbon monoxide gassing or injection with a humane solution, as approved by the North Carolina Department of Human Resources.

(E) 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 the time as he or she deems appropriate.

(Ord. 25, passed 9-14-1989)

§ 92.53 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:

(A) Copy of U.S.D.A. license;

(B) List of all facilities to which purchaser sells or purchases from;

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(C) Description or photographs of purchaser's animal transportation vehicles and description of the routes by which he or she will transport the animals;

(D) Any other information or documentation which might in the discretion of the Health Director be required; and

(E) Payment for each dog or cat purchased from the Animal Shelter, payable at or prior to the time of receipt of the animals.

(Ord. 25, passed 9-14-1989)

§ 92.99 PENALTY.

(A) *Misdemeanor.*

(1) Violations of the provisions of this chapter or failure to comply with any of its requirements shall constitute a Class 3 misdemeanor, punishable by a fine of up to \$200 and/or a maximum of 20 days in prison, as provided by applicable law.

(2) Each day's continuing violation shall constitute a separate and distinct offense.

(B) *Equitable remedies.* This chapter may be enforced by an appropriate equitable remedy, injunction or order issuing from a court of competent jurisdiction pursuant to G.S. § 153A-123.

(C) *Civil penalties.* The following civil penalties may be issued for failure to confine and control and control dangerous dogs:

(1) (a) If any dangerous dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure a human being, the owner or keeper shall pay a \$500 civil penalty; and, after a ten day waiting period exclusive of Sundays and holidays, the animal shall be destroyed by animal control officers.

(b) For each subsequent violation the owner or keeper shall pay a \$1,500 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 of keeper of any dangerous dog found to be in violation of § 92.22 shall for the first violation be assessed a civil penalty of \$100; for a second violation the animal will be picked up and destroyed.

(3) (a) If any dangerous dog shall, when unprovoked, kill, wound, worry or assist in killing or wounding any domestic animal, the owner or keeper of the dog shall pay a \$250 civil penalty and the Animal Control Department may impound and destroy the dog after the expiration of a ten day waiting period exclusive of Sundays and holidays.

(b) For any subsequent like violation, the owner or keeper of the animal shall pay a civil penalty of \$500.

(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 or her property, or another animal. (Ord. 25, passed 9-14-1989)

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.

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.

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.

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;

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.

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:

- 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.

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:

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

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

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

- 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.

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.

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

- 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.

- 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.

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.

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.