Chapter 5 - ANIMALS[1]

Footnotes:

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Editor's note—An ordinance adopted June 7, 1995, amended ch. 5 in its entirety, in effect repealing and reenacting said chapter to read as herein set out. The former ch. 5, §§ 5-26—5-39 and 5-51—5-59, pertained to similar subject matter and derived from §§ I—XIII and XV of an ordinance adopted Nov. 6, 1989.

Cross reference— Licenses, Ch. 10; noise, Ch. 14; insect and rodent control at mass gatherings, § 12-79; animals at large in parks, § 16-35; disposal of animals in solid waste containers, § 19-29(g)(7); streets, sidewalks and other public places, Ch. 19.5.

State Law reference— Authority of county to levy taxes to provide animal protection and control programs, G.S. 153A-149(c)(6); animal license tax, G.S. 153A-153; animal shelters, G.S. 153A-442; dogs, G.S. Ch. 67; power of county to regulate, restrict or prohibit the possession or harboring of dangerous animals, G.S. 153A-131; wildlife resources commission, G.S. 143-237 et seq.; rabies, G.S. 130A-184 et seq.; protection of animals, G.S. Ch. 19A.

ARTICLE I. - IN GENERAL

Secs. 5-1—5-25. - Reserved.

ARTICLE II. - ANIMAL CONTROL

DIVISION 1. - GENERALLY

Sec. 5-26. - Authorization.

~~The Board Of Health of the county, hereinafter referred to as the board~~ Rowan County Animal Services, is authorized under the provisions of G.S. Ch. 130A-39 to adopt appropriate rules for the protection of the public health regarding animal control concerns in the county.

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(Ord. of 6-7-95, § I(A); Ord. of 11-6-00, § I(A))

Sec. 5-27. - Purpose.

It is the purpose of these rules to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

(Ord. of 6-7-95, § I(B); Ord. of 11-6-00, § I(B))

Sec. 5-28. - Policy.

Consistent with the responsibility to protect and advance the public health, it is declared to be the policy of the board that all dogs and cats are to be immunized against rabies; and unless provided otherwise herein, that all domesticated animals and all exotic animals are to be restrained in order to prevent a public nuisance, danger to humans, injury or disease; and, that all animals are to be treated in a humane manner.

(Ord. of 6-7-95, § I(C); Ord. of 11-6-00, § I(C); Ord. of 9-8-15)

Sec. 5-29. - Scope.

No person shall own or keep a dog, cat or other animal in the county contrary to the provisions of these rules. Previously adopted rules, procedures and requirements of the county health department are rescinded.

(Ord. of 6-7-95, § I(D); Ord. of 11-6-00, § I(D))

Sec. 5-30. - Conflict with other laws and regulations.

The provisions of any federal, state, or municipal law or regulation establishing standards affording greater protection to the public welfare, safety and health shall prevail within the jurisdiction of such agency over standards established by these rules.

(Ord. of 6-7-95, § I(E); Ord. of 11-6-00, § I(E))

Sec. 5-31. - Right of entry.

The ~~health~~ Animal Services director, through his/her authorized designee, shall have the right of entry upon the premises of any place where entry is necessary to carry out the provisions of these rules. If consent for entry is not obtained, an administrative search and inspection warrant shall be obtained pursuant to G.S. 15-27.2. However, if an imminent hazard exists, no warrant is required for entry upon the premises.

(Ord. of 6-7-95, § I(F); Ord. of 11-6-00, § I(F))

Sec. 5-32. - Interference with enforcement.

It shall be unlawful for any person to interfere with, hinder or molest the employees of the health department in their enforcement of these rules, or to seek to release any animal in the custody of such person, except as otherwise specifically provided.

(Ord. of 6-7-95, § I(G); Ord. of 11-6-00, § I(G))

Sec. 5-33. - Appeals.

Any person aggrieved by any action of an animal control officer with regard to these rules shall first confer with the health director, who may affirm or reverse the original decision of the representative. If the person is dissatisfied with the health director's decision, he/she shall give written notice of appeal, setting forth the grievances, to the health director within thirty (30) days after the conference with the health director. Upon receiving this notice the health director shall, within five (5) working days, transmit to the chairman of the board the notice and all other pertinent papers. The board shall hold a hearing within fifteen (15) days after it receives notice of appeal. The board shall give the appellant no less than ten (10)

days notice of the date, time and place of the hearing. Any party may appear in person or by agent or attorney. No person shall take any action prohibited by the health department until there is a final resolution of the grievance. On appeal, the board shall have the authority to affirm, modify or reverse the challenged action. The board shall issue a concise written decision setting forth its reasons with all deliberate speed after the hearing.

(Ord. of 6-7-95, § I(H); Ord. of 11-6-00, § I(H))

Sec. 5-34. - Agency responsibility and authority.

(a) Authority is hereby granted to ~~the health department~~ Rowan Countyto establish and maintain an animal control program. The ~~health~~ Animal Services department shall employ animal control officers and such other employees as shall be determined necessary, and approved by the county board of commissioners. The ~~health~~ Animal Services director, through his/her authorized designee, shall:

(1) Have responsibility, along with law enforcement agencies, to enforce the laws of North Carolina and the rules of the board pertaining to animal control and shall cooperate fully with all law enforcement officers within the county in support of these laws/rules.

(2) Enforce and carry out the laws of North Carolina and the rules of the board pertaining to rabies control, except those areas assigned to another agency.

(3) Be responsible for the investigation of all reported animal bites of humans, for the quarantine of any dog or cat involved and suspected of having rabies for a period of not less than ten (10) days and reporting to the health director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal.

(4) Make such canvasses of the county as necessary for the purpose of ascertaining compliance with these rules and state laws pertaining to animal control.

(5) Be responsible for the operation of the county animal shelter.

(6) Keep or cause to keep, accurate and detailed records of:

a. Bite cases, violations and complaints and investigation of these cases.

b. Seizure, impoundment and disposition of all animals coming into the custody of the animal control program.

c. All monies belonging to the county derived from fees, penalties, or other sources and to deposit all funds so collected daily.

d. Any other matters required by the state law or directed by the health director.

(7) Issue notices of violations of these rules in such form as the board may prescribe.

(8) Investigate cruelty to and abuse of animals.

(9) Be responsible for the seizure and impoundment, where deemed necessary, of any dog or cat or other animal in the county involved in a violation of these rules or state law pertaining to animal control.

(10) It shall be unlawful for any person to interfere with, hinder, or molest the employees of the ~~health~~ animal services department, in their enforcement of these rules, or to seek to release any animal in the custody of such person, except as otherwise specifically provided.

(b) Penalty for interference with enforcement. Failure to comply with the requirements in subsection (10) shall result in a fine for each offense. Fee: One hundred dollars ($100.00).

(Ord. of 6-7-95, § II; Ord. of 11-6-00, § II)

Sec. 5-35. - Definitions.

The following words and phrases shall, for the purpose of these rules, have the meaning assigned herein unless the contents clearly indicate another meaning.

Adequate Food: The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

Adequate shelter means ~~an enclosure of three (3) sides and a roof~~, that shelter which will keep a nonaquatic 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. 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. It shall include four walls, a roof and a solid floor raised up off of 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 shaving, or the equivalent. For all animals the containment area shall be 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 a suitable method of draining shall be provided to eliminate rapidly excess water or moisture. Aquatic or semi-aquatic animals shall have an adequate amount of clean water in which to move. Does not apply to the following domesticated livestock: cattle, oxen, bison, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, llamas, alpacas, lagomorphs, ratities, and poultry (except within municipal corporate limits the term "poultry" applies only to poultry flocks greater than 20 birds).

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.

Aggressive means forceful, hostile, injurious or destructive behavior.

Animal means every live vertebrate other than human beings.

Animal ~~control~~ enforcement officer means a Rowan County employee designated by the ~~health~~ animal services director to enforce the Rowan County Animal Control Rules, county ordinances and state laws pertaining to animal control.

Animal ~~control~~ enforcement ~~supervisor~~ manager means the animal control officer responsible for supervision of the animal ~~control~~ enforcementl section of the county ~~health~~ animal services department.

Animal Services department means the Rowan County department that includes the Animal Enforcement, Animal Shelter, and Nature Center facilities and staff.,

Animal services director means the Rowan County Employee responsible for the management of the Animal Services department

Animal shelter means any premises designated by the ~~health~~ animal services director for the purpose of impounding and caring for animals.

Animal trap means a humane live trap.

At large. An animal shall be deemed to be at large when it is off the property of its owner or keeper, and not under the physical restraint of a competent person.

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Board of health means the policy-making, rule-making and adjudicatory body for the county health department and is appointed by the county commissioners.

Cat means a domesticated carnivorous mammal of the genus Felis.

Competent person means a person of legal age and discretion to keep an animal under sufficient restraint and control in order to prevent harm to people, the animal and to other animals including, but not limited to, domesticated animals.

Cruelty and cruel treatment means every act, omission, or act of neglect whereby unjustifiable pain, suffering or death is caused, or permitted against animals, as well as acts or attempted acts of teasing, molesting, baiting or trapping of animals unlawfully.

Dangerous exotic animal means any exotic animal or hybrid thereof which is a carnivore; a member of the bear family; a non-human primate; a species of herbivore with a history of aggression toward humans; a venomous reptile; a member of the crocodile family; or a member of the boa and python family in excess of ten (10) feet in length. This definition excludes birds and ferrets.

Dangerous/potentially dangerous dog. See section 5-39.

Dog means a domesticated carnivorous mammal of the genus Canis.

Domesticated means tame, controllable, closely associated with and compatible with humans.

Environmental health supervisor means the supervisor of the environmental health division of the county health department.

Exotic animal means any living animal other than domestic dogs, domestic cats, and animals normally kept as livestock, or such other animals as may hereafter be designated by the health director.

Health department means the Rowan County Health Department.

Health director means the director of the Rowan County Health Department or a duly authorized representative.

Imminent hazard means a situation which is likely to cause an immediate threat to human life or animals, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.

Impoundment means the confinement or restraint of any animal by a person or animal control employee duly authorized by the health director.

Injury means the wounding of an animal.

Keeper means a person or group 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 monitored by such person.

Owner means a person having a possessory property right in an animal.

Owner's or keeper's real property means any real property owned or leased by the owner of the animal.

Person means any individual, family, group of individuals, corporation, partnership, organization or institution commonly recognized by law as an entity.

Pet means an animal kept for pleasure rather than utility.

Public nuisance. See section 5-38.

Registered feral feline colony shall be a group of cats that are under the general control of a 501(c)3 non-profit authorized to operate within the county by the animal control director in compliance with the community cat section 5-112 herein.

Restraint means restriction or control of an animal's movement.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

Stray means any domestic or exotic animal not under restraint and found off the property of its owner or keeper.

Suspected of having rabies means any mammal, wild, exotic or domestic, that has bitten a human or another animal.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, and expressly including bicycles.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Wild means living in a state of nature, not domesticated, untamed, not under the control of man.

(Ord. of 6-7-95, § III; Ord. of 11-6-00, § III; Ord. of 9-8-15)

Sec. 5-36. - Restraint of non-vicious animals.

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

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

(c) ~~All chains, leashes or similar restraints shall be designed and placed so as to prevent choking or strangulation, and be of such design so as to restrain the animal during its utmost physical attempts to free itself. Such form of restraint while on the owner's or keeper's property shall be no less than ten (10) feet in length and either on a swivel designed to prevent choking or strangulation, or on a chain run with a swivel or in a securely fenced area, secure building or dwelling.~~ Preferable containment of a dog is by keeping it indoors or confined within a fence or a kennel with the required dimensions of 10 feet by 10 feet per dog. If kept on an outside restraint, all restraints must be designed and placed so as to prevent choking or strangulation, and be of such design as to restrain the animal during its utmost physical attempts to free itself.

Dogs over 6 months old may be tethered to a restraint system outdoors. A restraint system can be an overhead pulley trolley system, a retractible cable system, or a swivel cable anchored into the ground. All of these must allow the dog a minimum of 10 feet of travel perpendicular to the anchor point. For a pulley system, the stationary cable that the pulley runs on must be at least 10 feet in length and anchored on each end to a stationary object. The line attached to the pulley must allow the dog to move perpendicularly at least 10 feet from the stationary cable. The restraint line must be attached to the dog with a buckle type collar or body harness and the line can weigh no more than 10 percent of the animal's body weight. A swivel to prevent entanglement should be on at least one end of the restraint line attached to the animal. Each animal should have access to shade and adequate shelter as defined in ordinance Sec. 5-35.

Sporting and working dogs are exempt from these specific restraint requirements.

(d) Nothing contained in these rules is intended to be in conflict with the laws of the State of North Carolina regarding dogs while being used in hunting. Nor are these rules intended to interfere with legal sporting events or exhibitions involving dogs, cats, or other animals. However, while engaged in

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such activities, the owner or keeper of such animals shall be strictly liable for damages done by those animals to the person, possessions or property of others.

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

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

(g) Animals may not remain on uninhabitated property such as a vacant lot or a lot without an occupied domicile.

~~(g)~~ (h) Penalty.

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Fee for failure to restrain non-vicious animals, subsection (b): Twenty-five dollars ($25.00).

Fee for failure to properly confine females in heat, subsection (e): Fifty dollars ($50.00).

(Ord. of 6-7-95, § V; Ord. of 11-6-00, § V)

Sec. 5-37. - Keeping stray animals; requirements, failure to surrender.

(a) *Dogs, cats and livestock.* It shall be unlawful for any person in the county to knowingly and intentionally harbor, feed, keep in possession by confinement, or otherwise, any stray animal which does not belong to that person, unless that person has, within twenty-four (24) hours from the time such animal came into his/her possession, notified an animal control officer of his/her intentions to either surrender the stray animal to the animal control officer or advertise such stray animal in the local newspaper for three (3) consecutive days. If the individual holding the stray animal elects to advertise the animal in the local newspaper and the prior owner does not respond by the tenth day from the last day of publication of the notice, the individual who has advertised shall be deemed the legal owner. If the advertisement has not appeared within seventy-two (72) hours, the animal shall be surrendered to the animal control officer. It shall be unlawful for any person to refuse to surrender any such animal to the animal control officer upon demand.

(b) *Dangerous exotic animals.* Any person finding or capturing an exotic or dangerous exotic animal shall immediately notify animal ~~control~~ enforcement of the same, and shall surrender the exotic animal to the ~~health~~ animal services director or his designee upon request.

(c) *Penalty.* Failure to comply with the requirements in subsections (a) and (b) shall result in a fine of twenty-five dollars ($25.00) for each offense.

(d) Registered feral feline colonies under the community cat program in section 5-112 shall be exempt from this section for the purposes herein.

(Ord. of 6-7-95, § VII; Ord. of 11-6-00, § VII; Ord. of 9-8-15)

Sec. 5-38. - Public nuisances prohibited.

(a) If an animal has bitten a human or another animal, it shall be declared a public health nuisance and the owner or keeper shall be fined as provided for in subsection (f).

(b) An animal may be determined by the ~~health~~ animal services director, or his designee, to be a public nuisance when it commits any of the following acts two (2) or more times or any combination of two (2) or more of the following acts one (1) or more times.

(1) Chases, snaps at, or otherwise molests pedestrians, bicyclists, motor vehicles, farm stock or domestic animals; or

(2) Turns over garbage pails; or

(3) Damages gardens, lawns, or other foliage or other real or personal property.

(c) Upon determining that an animal is a public nuisance, the animal control officer shall make a good faith attempt to notify the owner in writing of such determination and of such requirements as may be necessary to prevent the continuation of the nuisance condition.

(d) It shall be unlawful for the owner or keeper of an animal, which has been determined to be a public nuisance in accordance with this section or G.S. 130A-200, to allow the nuisance to continue if the owner or keeper has received notice and a reasonable time to correct the nuisance.

(e) Any owner or keeper shall be held strictly liable for any damages to any person or another person's possessions or property done by any of the owner or keeper's animals while such animals are running at large or declared a nuisance.

(f) Failure to comply with the requirements in subsections (a)—(e) shall result in a fine for each of the following offenses.

(1) First violation of public nuisances: Twenty-five dollars ($25.00).

(2) Second violation of public nuisances: Fifty dollars ($50.00).

(3) Third violation of public nuisances: Seventy-five dollars ($75.00).

(4) Fourth violation or more: Two hundred dollars ($200.00).

(Ord. of 6-7-95, § VIII; Ord. of 11-6-00, § VIII)

Sec. 5-39. - Dangerous dogs or potentially dangerous dogs: definitions and procedures.

(a) The purpose of the dangerous dog rule is to protect persons and animals from unprovoked attacks from a dog or dogs that are dangerous or potentially dangerous.

(b) As used in this section, unless the context clearly requires otherwise, and except as modified in subsection (b) of this section, the term:

(1) "Dangerous dog" means a dog that:

a. Without provocation has killed or inflicted severe injury on a person; or

b. Is determined by the responsible authority designated by the board to be potentially dangerous because the dog has engaged in one (1) or more of the behaviors listed in subsection (2) of this subsection.

c. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(2) "Potentially dangerous dog" means a dog that the responsible authority designated by the board determines to have:

a. Inflicted severe injury on a person; or

b. Killed or inflicted severe injury upon a domestic animal when not on the owner's or keeper's real property; or

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

(c) The provisions of this section do not apply to:

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

(2) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a 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

(3) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, assaulting the dog, had tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

(d) For the purpose of enforcing the dangerous or potentially dangerous dog rule, the board designates the health director, the environmental health supervisor or the animal ~~control supervisor~~services director each as the responsible authority for declaring a dog to be a potentially dangerous dog or a dangerous dog. The board shall also designate a subcommittee of the board to hear any appeals. The ~~health~~ animal services director shall have the authority to gather evidence and request hearings before the appellate board concerning dangerous or potentially dangerous dogs. The person making the determination that a dog is a potentially dangerous dog or a dangerous dog must notify the owner or keeper in writing, giving the reasons for the determination before the dog may be considered potentially dangerous or dangerous under this section. The owner or keeper may appeal the determination by filing written objections with the appellate board within three (3) days. The appellate board shall schedule a hearing within twenty (20) days of the filing of the objections. Any appeal from the final decision of such appellate board shall be taken to the superior court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the appellate board. Appeals from rulings of the appellate board shall be heard de novo before a superior court judge sitting in Rowan County.

(e) Any animal declared a dangerous dog or potentially dangerous dog is required to remain confined at the county animal shelter until such time as the owner constructs or makes available confinement facilities which are adjudged by county animal control officials to be secure and in keeping with all requirements.

(f) Redemption fees and daily boarding fees at a rate established by the board shall continue to accrue each day the animal remains confined at the county animal shelter. All charges and fees are required to be satisfied before the animal can be released to its owner.

(g) Minimum cage requirements for any animal declared as a dangerous dog or potentially dangerous dog are as follows:

(1) Ten (10) feet × ten (10) feet × six (6) feet heavy gauge chain link fence.

(2) Four-inch concrete slab.

(3) Roof suitable to contain the dog.

(4) Double pad lock.

(5) "Beware of dog" signs posted on the lot.

(h) Once the animal owner is notified that any animal has been declared to be a dangerous or potentially dangerous dog, the owner will have three (3) weeks to construct the dog lot and have it approved by the county animal ~~control supervisor~~ services director.

(i) The dog must stay caged in accordance with the county animal control rules until all appeals are exhausted.

(j) Precautions required against attacks by dangerous dogs or potentially dangerous dogs.

(1) It is unlawful for an owner or keeper to:

a. Leave a dangerous dog or potentially dangerous dog unattended on the owner's or keeper's real property unless the dog is confined in a securely enclosed and padlocked chain link pen, with a concrete bottom and a secure top, along with the posting of the premises with four (4) clearly visible warning signs adequate to inform the public, including children, of the presence of a dangerous dog, and strategically placed on the property as designated by the health director or his designee.

b. Permit a dangerous dog to go beyond the owner's or keeper's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.

c. Even in the presence of an owner or keeper or others, permit a dangerous or potentially dangerous dog on the owner's or keeper's property, not confined in a secured enclosure, to be without a muzzle.

(2) If the owner or keeper of the dangerous dog transfers ownership or possession of the dog to another person as identified in G.S. 12-2(6), the owner or keeper shall provide written notice to:

a. The authority that made the determination under this section stating the name and address of the new owner or possessor of the dog; and

b. The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.

(3) Violation of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00) or imprisonment for not more than thirty (30) days or both.

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

(l) Penalties.

(1) The owner or keeper of a dangerous dog that attacks a person and causes physical injuries requiring medical treatment in excess of one hundred dollars ($100.00) shall be guilty of a misdemeanor punishable by a fine of up to five thousand dollars ($5,000.00), imprisonment up to two (2) years, or both.

(2) The fee for failure to comply with this section 5-39 is five hundred dollars ($500.00).

(Ord. of 6-7-95, § IX; Ord. of 11-6-00, § IX)

Sec. 5-40. - Registration of exotic and dangerous exotic animals.

(a) *Exotic and dangerous animals constitute a potential risk to public health and safety.* Fully effective rabies vaccines are not available at this time for exotic mammals. In order to more adequately protect the public from rabies, animal control officers must be aware of the location of these animals. Exotic and dangerous exotic animals constitute a potential risk to public health and safety due to the possibility of human injury or death resulting from attacks by such animals.

(b) *Dangerous exotic animal; registration.* Owners or keepers of exotic and/or dangerous exotic animals as property or pets shall register each animal with the ~~health~~ animal services director or his designee. No fee shall be charged for this registration. Any person who brings a dangerous exotic animal into this county for a period exceeding twenty-four (24) hours shall register the animal within one (1) business day.

(c) *Dangerous exotic animal; federal and state permits required.* Every owner of an exotic and/or dangerous exotic animal shall be subject to the following requirements:

(1) *Permits required.* No owner or keeper may possess a dangerous exotic animal in the county without first obtaining all permits required by the federal government, the state and the registration requirements by the board.

(2) *Application.* An owner of a dangerous exotic animal must complete a registration application, which shall be supplied by the board. The application, once completed, shall contain the following information:

a. Name, address and telephone number of the applicant.

b. A description of the animal, including species, sex and body weight.

c. The address of the premises where the animal will be kept.

d. Proof of the applicant's ability to respond in damages for bodily injury or death of any person or for damages to property owned by another person which may result from the ownership, keeping or maintenance of such animal. Proof of ability to respond in damages shall be given by filing with the health director a certificate of insurance from an insurance company authorized to do business in the state, stating that the applicant is insured by a policy with a minimum coverage of one million dollars ($1,000,000.00) per claim to compensate persons for personal injury and property damage. In lieu of insurance the owner may post with the health director a surety bond in the same amounts conditioned upon payment of such damages. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten (10) days' written notice is first given to the health director.

e. Copies of all federal and state permits and licenses required for such animal.

(3) *Penalty.* The fee for failure to register exotic or dangerous exotic animal(s) with county animal shelter is twenty-five dollars ($25.00) per animal.

(Ord. of 6-7-95, § X; Ord. of 11-6-00, § X)

Sec. 5-41. - Cruelty to animals/animal abandonment.

(a) All animals shall be kept and treated under sanitary and humane conditions and failure of the owner or keeper of the animal to abide by the following provisions shall be subject to the penalties described in subsection (c) listed below:

(1) All animals in the possession of any person shall be provided proper and adequate food and water. All animals, unless otherwise indicated in this chapter, shall be given at suitable intervals, not to exceed twenty-four (24) hours, a quantity of wholesome food suitable for the species and age, sufficient to maintain a healthful level of nutrition. All animals shall have access to a supply of clean, fresh water.

(2) All animals shall be kept in a clean area and provided adequate shelter ~~which consists of an enclosure of at least three (3) sides and a roof~~ as described by definition on Section 5-35. The enclosure shall be ventilated and must have sufficient room for the animal(s) to move around freely and to lie down comfortably. The following shall not constitute adequate shelter:

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a. Underneath outside steps, decks and stoops;

b. Inside vehicles during the summer;

c. Inside metal barrels placed in direct sunlight during the summer;

d. Inside cardboard boxes.

(3) All owners or keepers of animals shall provide proper medical attention for sick, diseased, or injured animals. A sick animal shall go no longer than twenty-four (24) hours without veterinary care.

(b) No person shall beat, torment, overload, overwork, tease, molest or bait an animal as defined in section 5-41. No person shall shoot a dog, either on or off the owner's property, unless the dog is in the act of attacking a human being, livestock or poultry. No person shall trap a dog or cat that they are not the legal owner of without the permission of the county animal services director~~control supervisor~~. By way of example and not limitation, the following acts or conditions shall constitute prima facie evidence of animal cruelty:

(1) Animals that have not been fed or watered adequately;

(2) Allowing animals to live in unsanitary and crowded conditions, and allowing animals to be exposed to extreme damp, hot or cold weather without shelter;

(3) Failure or refusal of an owner to obtain medical treatment for an animal when in an animal control officer's opinion such treatment is needed;

(4) A collar, rope or chain embedded in or causing injury to an animal's neck;

(5) Causing, permitting or instigating any dog fight, cock fight, bull fight or other illegal contest or combat between animals or animals and humans;

(6) Exposing any known poisonous substance or mix a poisonous substance with food so that it will likely be eaten by any animal. This does not include acts or attempts of persons to rid their own property of rats or any other acts permitted by the state wildlife department;

(7) Anyone leaving an animal in a closed car, truck or other vehicle for such duration or at temperatures as an animal control officer in his/her sole discretion, deems harmful or potentially harmful to the animal. No person shall carry or cause to be carried in or upon any vehicle or other conveyance any animal in a cruel or inhumane manner;

(8) Turning loose or discarding any animal with the intent of abandoning such animal.

(c) Penalty. Failure to comply with section 5-41 will result in a fine for cruelty to animals.

Per event per animal $100.00

Abandonment of animal 75.00

(Ord. of 6-7-95, § XI; Ord. of 11-6-00, § XI; Ord. of 9-8-15)

Sec. 5-42. - Luring, enticing, seizing, molesting, or teasing an animal.

(a) It shall be unlawful to seize any animal by luring or enticing that animal off its owner's or keeper's property.

(b) It shall be unlawful to seize, molest or tease any animal belonging to another person or which is legally held or controlled by another person or while the animal is on the property of its owner or keeper.

(c) An animal control officer of the county may not set an animal trap within fifty (50) yards of the animal owner's property without first notifying the owner that his/her animal has been in violation.

(d) Any animal that follows an animal control officer off the owner's property may not be impounded without first notifying the owner that the animal is in violation.

(e) Nothing in this section shall prevent authorized animal control personnel or other designated and approved groups / agencies registered under section 5-112 from humanely trapping animals for the purpose of enforcing these rules.

(f) Anyone caught luring, enticing, seizing, molesting or teasing an animal illegally will be fined fifty dollars ($50.00) per event per animal.

(Ord. of 6-7-95, § XII(1); Ord. of 11-6-00, § XII(1); Ord. of 9-8-15)

Sec. 5-43. - Destruction of wounded, diseased, or unweaned animals.

Any animal seized or impounded by a county animal control officer(s), which is badly wounded, diseased, not weaned, is not a rabies suspect and has no identification, may be euthanized immediately in a humane manner. If the animal has identification, the animal control officer shall attempt to notify the owner or keeper before disposing of the animal. If the owner or keeper cannot be reached readily and the animal is suffering, the ~~health~~ animal services director or his designee may destroy the animal at his/her discretion in a humane manner. Badly wounded or diseased animals brought in by their owners will be euthanized at the owner's request and with a signed release form.

(Ord. of 6-7-95, § XII(2); Ord. of 11-6-00, § XII(2))

Sec. 5-44. - Destruction of animals which cannot be seized by reasonable means. ???

(a) The health director, animal services director, or ~~his~~ their designee is authorized to destroy animals which cannot be seized by reasonable means, under the following conditions:

(1) A dangerous dog, a rabid animal, an animal suspected of having rabies, an animal biting humans or other animals, or seriously threatening humans or animals, or killing or injuring livestock, may be considered a serious and immediate threat by the health director.

(2) An animal at large which constitutes a serious and immediate threat to the public or other domesticated animals and cannot be captured by reasonable means, may be destroyed by order of the health director in a reasonable and safe manner.

(Ord. of 6-7-95, § XII(3); Ord. of 11-6-00, § XII(3))

Sec. 5-45. - Injuring or killing of animals, notice required.

(a) At large animals are often involved in animal biting humans cases. It is necessary to observe these animals for ten (10) days, in confinement, in order to determine if they have rabies, for the protection of the victim and the public. The injured or killed animal may be the one sought after in a bite case and never be located if it is killed or injured and no report is made.

(b) Any person injuring or killing a dog, cat or dangerous exotic animal, accidentally or intentionally, shall immediately notify the owner or keeper of the animal or the animal shelter.

(c) Any person that intentionally kills or injures an animal will be fined fifty dollars ($50.00) per animal per event.

(Ord. of 6-7-95, § XII(4); Ord. of 11-6-00, § XII(4))

Sec. 5-46. - Miscellaneous concerns.

(a) All keepers or owners of animals that die, from any cause, shall bury the dead animal to a depth of at least three (3) feet beneath the surface of the ground on his leased or owned property. No animal shall be buried within three hundred (300) feet of any flowing stream or public body of water. In the alternative, the animal shall be disposed of in a manner approved by the ~~health~~ health director or the ~~animal control supervisor~~ animal services director. In any event, all dead animals shall be disposed of within twenty-four (24) hours after knowledge of the death.

(b) All persons who injure or kill a domesticated animal by running over, into or otherwise coming in contact with such an animal with an automobile, motorcycle, bicycle or other vehicle shall notify the

owner of the animal immediately. If the owner is not known the person who injured or killed the animal shall immediately notify the animal ~~control supervisor~~ services director or the police department if the injury or death occurred in the city. If the injury or death occurred in the county, the owner should notify the sheriff's office. An owner or lessee of real property who finds an injured or suffering domesticated animal on his property shall report the same to animal control as soon as the animal is discovered on the real property.

(c) No live animal shall be given away, raffled or offered as a prize, premium of advertising device for or at an inducement to enter any contest, game or other competition involving skill or chance.

(d) Animal control shall have the authority to inspect public exhibits of animals which are part of fairs, carnivals, festivals, fundraising events, petting zoos and any other activity or function carried on in the county. Animal control shall have the authority to close down any exhibit, function or activity if it is determined that the animals are being cruelly treated or animals run the risk of causing injury or harm to the public or to themselves.

(Ord. of 6-7-95, § XII(4); Ord. of 11-6-00, § XII(4); Ord. of 9-8-15)

Sec. 5-47. - Citations and penalties for violations.

(a) The health director or his designee is hereby empowered to issue civil citations to any person if there is probable cause to believe that such person has violated any of the provisions of these rules.

(1) Citations so issued may be served in person upon the violator by the health director or his designee, or the citation may be mailed by registered or certified mail, return receipt requested or by other means reasonably calculated to give actual notice.

(2) Any citation so served or mailed shall describe the violation with reasonable particularity and shall state the time period within which the alleged violator shall make payment of the fine and shall specifically warn that failure to pay such fine shall result in an additional civil action as hereinafter set forth.

(3) If payment is not received within the time limits specified in the citation or if other equitable settlement has not otherwise been made, the health director or his designee may thereupon institute a civil action in the appropriate division of the general courts of justice for recovery of the penalties prescribed by these rules. Such civil action must be filed within three (3) years of the date that the civil citation was served on the violator.

(4) All citation forms shall be serially numbered in triplicate, and all records with respect to the citation forms and the disposition of the same shall be maintained so that all such forms shall be capable of an immediate accounting.

(b) Any person who shall violate the provisions of these rules as adopted by the board shall be guilty of a Class 1 misdemeanor as set forth in G.S. 130A-25.

(Ord. of 6-7-95, § XIII; Ord. of 11-6-00, § XIII)

Secs. 5-48—5-70. - Reserved.

DIVISION 2. - COMPLIANCE WITH STATE RABIES LAWS

Sec. 5-71. - Supplemental to state laws.

(a) It shall be unlawful for any animal owner, keeper or other person to fail to comply with all applicable state laws pertaining to the control of rabies.

(b) It is the purpose of these rules to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

(Ord. of 6-7-95, § IV; Ord. of 11-6-00, § IV; Ord. of 9-8-15)

Sec. 5-72. - Vaccination of dogs and cats.

(a) It shall be unlawful for an owner or keeper to fail to provide a current vaccination against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary, by the ~~health director or the board~~ animal services director, that other domestic animals be vaccinated in order to prevent or control a threatened epizootic or epidemic or to control an existing epizootic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for any such animal.

(b) A rabies vaccination shall be deemed current if administered according to the most recent state department of health and human services recommendations, and an approved rabies vaccine must be utilized.

(c) All rabies vaccines shall be administered by a person authorized to do so in accordance with state law.

(d) The health director can authorize a canvass of the county to determine if there are any dogs or cats not wearing the required vaccination tag. If a dog or cat is found not wearing the required rabies vaccination tag, the animal control officer shall check to see if the owner's or keeper's identification can be found on the animal. If the animal control officer does not know whom the owner or keeper is, the animal control officer may impound the animal.

(e) Rabies vaccinations are not approved for exotic animals, except as authorized by the state public health veterinarian.

(f) Penalty. Failure to comply with the requirements in subsection (a) shall result in a fine of one hundred dollars ($100.00) for each offense.

(Ord. of 6-7-95, § IV(1); Ord. of 11-6-00, § IV(1))

Sec. 5-73. - Vaccination tag and certificate.

(a) Upon compliance with the provisions of division 2 of this article, the owner or keeper of the vaccinated dog or cat shall be issued a rabies tag, containing the words "North Carolina" or the initials "N.C." and stamped with a number and the year for which issued, and a rabies vaccination certificate.

(b) It shall be unlawful for any dog or cat owner or keeper to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this section is securely attached or an implanted microchip that allows for animal control to determine the vaccination is current. The collar or harness, with attached tag or an implanted microchip that allows for animal control to determine that the vaccination is current must be present at all times.

(c) In addition to all other penalties as prescribed by law, a dog or cat is subject to impoundment in accordance with the provisions of these rules if the dog or cat is found not to be wearing a currently valid rabies tag.

(d) It shall be unlawful for any person to use, for any animal, a rabies vaccination tag issued for another animal.

(e) Failure to comply with the requirements in subsection (b) shall result in a fine of twenty-five dollars ($25.00) for each offense.

(Ord. of 6-7-95, § IV(2); Ord. of 11-6-00, § IV(2); Ord. of 9-8-15)

Sec. 5-74. - Notice to health director when person bitten; confinement of animal.

(a) When a person has been bitten by an animal having rabies or suspected of having rabies, it shall be the duty of such person, or his/her parent or guardian if such person is a minor, and the person owning such animal or having the same in his/her possession or under his/her control, to notify the health director or the animal shelter immediately and give their names and addresses; and the owner or the keeper or person having such animal in his/her possession or under his/her control shall immediately and securely confine it for ten (10) days at the expense of the owner in such place as may be designated by the health director. Exotic animals shall be confined for a period to be determined by the state public health veterinarian or surrendered for rabies examination if required by the state public health veterinarian. It shall be the duty of every physician, after his/her professional attendance upon a person bitten by any animal having rabies, or suspected of having rabies to report to the health director the name, age, and sex of the person so bitten, and the precise location of the bite wound, within twenty-four (24) hours after having first knowledge that the person was bitten.

(b) If the owner of, or a person who has in his/her possession or under his/her control, an animal having rabies or suspected of having rabies refuses to confine the animal as required by these rules and G.S. 130A-197, the health director may order seizure of the animal and its confinement for ten (10) days in such a place as the health director shall designate.

(c) Law enforcement agencies investigating animal bites shall report such bites immediately to the health director and give the names and addresses of person bitten and of the owner or keeper of such animal.

(d) Animals confined, pursuant to this section, shall not be released from confinement except by permission of the health director.

(e) Animals confined, pursuant to this section, shall be confined at the expense of the owner or keeper.

(f) In the case of an animal whose owner or keeper is not known, the animal shall be kept at the animal shelter for the supervised confinement period required by these rules. Exotic animals shall be kept at a secure location not accessible to the public. Confinement arrangements shall be approved by the health director or his designee. Staff access to the animal shall be limited to the minimum number reasonably required to provide adequate care.

(g) Badly wounded, diseased, or suffering animals which, are suspected of having rabies, may be humanely destroyed immediately and the head forwarded to the state department of health and human services for examination.

(h) Any dog or cat confined for observation of rabies shall be confined in a secure enclosure which shall be: A padlocked pen of sufficient strength to contain the animal, with a concrete bottom and a secured top, or a locked home or locked outbuilding with a concrete bottom and secure windows or no windows. Any requests for home confinements shall be approved at the discretion of the health director, ~~animal control supervisor or environmental health supervisor~~ or animal services director.

(i) Penalties.

(1) Failure to report a bite when a person is bitten by an animal (subsection (a)) shall result in a fine of fifty dollars ($50.00).

(2) Failure to confine or give up for confinement an animal that has bitten (subsection (b)) shall result in a fine of five hundred dollars ($500.00).

(Ord. of 6-7-95, § IV(3); Ord. of 11-6-00, § IV(3))

Sec. 5-75. - Destruction or confinement of animal bitten by a known rabid animal.

(a) *Required.* Animals not vaccinated against rabies and are bitten by a known rabid animal or an animal suspected of having rabies that is not available for diagnosis, shall be immediately destroyed unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for the period of six (6) months at the owner's expense. If the animal has a current rabies vaccination, it shall be re-vaccinated at the expense of the owner or keeper and returned to the owner or keeper.

(b) *Area-wide emergency quarantine.*

(1) When reports indicate a positive diagnosis of rabies to the extent the lives of persons and animals are endangered, the health director may declare an area-wide quarantine for such a period as he/she deems necessary. Upon invoking of such emergency quarantine, no dog or cat may be taken or shipped from the county without written permission of the health director. During such quarantine, the health director and law enforcement officers may seize and impound at large dogs and cats in the county. During the quarantine, the health director shall be empowered to provide for a program of mass immunization for rabies by the establishment of temporary emergency rabies vaccination facilities. No animal that has been impounded as a stray, unclaimed by its owner or keeper, shall be allowed to be adopted during the period of emergency.

(2) In the event there are additional positive cases of rabies occurring during the period of quarantine, the quarantine may be extended at the discretion of the health director.

(c) *Post mortem diagnosis.*

(1) If an animal dies while under observation for rabies, the head of such animal shall be submitted to the health department for shipment to the laboratory section of the state department of health and human services for rabies diagnosis.

(2) The carcass of any animal suspected of dying of rabies shall be processed in the same manner as an animal that died under observation.

(d) *Penalties.*

(1) Failure to comply with destruction or confinement of animal bitten by a known rabid animal (subsection (a)) shall result in a fine of five hundred dollars ($500.00).

(2) Failure to comply with wide area emergency quarantine (subsection (b)(1)) shall result in a fine of five hundred dollars ($500.00).

(Ord. of 6-7-95, § IV(4); Ord. of 11-6-00, § IV(4))

Sec. 5-76. - Unlawful killing or releasing of certain animals.

(a) It shall be unlawful for any person to kill or release any animal under observation for rabies, or any animal under observation for biting a human or another animal, or to remove such animal from the county without written permission from the health director. The health director may authorize any animal to be euthanized for rabies diagnosis.

(b) Failure to comply with subsection (a) shall result in a fine of five hundred dollars ($500.00).

(Ord. of 6-7-95, § IV(5); Ord. of 11-6-00, § IV(5))

Sec. 5-77. - Failure to surrender animal for confinement or destruction.

(a) It shall be unlawful for any person to refuse to surrender any animal for confinement or destruction as required by these rules, when required by the health director.

(b) Failure to comply with subsection (a) shall result in a fine of five hundred dollars ($500.00).

(Ord. of 6-7-95, § IV(6); Ord. of 11-6-00, § IV(6))

Secs. 5-78—5-100. - Reserved.

DIVISION 3. - IMPOUNDMENT

Sec. 5-101. - Authorized; duration; records required.

(a) Any dog/cat/animal which appears to be lost, stray or unwanted, or not wearing a currently valid rabies vaccination tag, as required by state law and these rules, or not under restraint in violation of these rules, may be seized, impounded, and confined in a humane manner in an animal shelter.

(b) The duration of the impoundment of these dogs/cats/animals may be established by the health director or his/her designee, but the duration of the impoundment shall not be less than seventy-two (72) hours. During the impoundment period, an animal control officer shall make a reasonable effort to locate the owner or keeper of the dog/cat/animal. If the dog/cat/animal is not reclaimed by its owner or keeper during the impoundment period, the animal shall be disposed of in the following manner:

  (1) Returned to the owner or keeper;

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

  (3) Or euthanized by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Association.

(c) The animal shelter shall maintain a record of all dogs/cats/animals impounded under this section; which shall include the date of impoundment, the length of impoundment, the method of disposal of the dog/cat/animal and the name of the person or institution to whom any dog/cat/animal has been released.

(d) Impoundment of such dogs/cats/animals shall not relieve the owner or keeper thereof from any penalty: which may be imposed for violations of these rules.

(Ord. of 6-7-95, § VI; Ord. of 11-6-00, § VI)

Sec. 5-102. - Notice to owner or keeper of dogs or cats.

Upon impoundment of a dog or cat, notice of such impoundment shall be posted at the animal shelter until the dog or cat shall be disposed of as hereinafter provided, which shall be a minimum of seventy-two (72) hours, beginning with the time the animal enters the animal shelter. Reasonable effort shall be made to identify the owner or keeper and to inform him/her of the requirements for redeeming the dog or cat. Notice may be by telephone or by written notice mailed by regular mail to the owner or keeper when the identity and address are known or obtained. The seventy-two-hour holding period will not include Saturdays, Sundays or holidays.

(Ord. of 6-7-95, § VI(1); Ord. of 11-6-00, § VI(1))

Sec. 5-103. - Redemption by owner or keeper of dogs and cats.

(a) The owner or keeper of an animal impounded under these rules, except those animals suspected of being rabid, may redeem the animal within three (3) days following the impoundment date. If the owner is known and notified and does not redeem the animal within three (3) days, not including Saturdays, Sundays, and holidays, the animal may be processed under these rules. All applicable fees concerning redemption shall be paid as a condition of redemption by the owner or keeper.

(b) No owner or keeper may be permitted to adopt his/her own animal under these rules. Such owner or keeper must comply with section 5-104 in order to redeem an animal that has been impounded pursuant to state law and these rules.

(c) The rules of this section shall have no application with respect to animals surrendered by the owner or keeper to the health department for immediate adoption or destruction as provided for in section 5-106(a).

(Ord. of 6-7-95, § VI(2); Ord. of 11-6-00, § VI(2))

Sec. 5-104. - Procedure with respect to redemption or adoption of dogs or cats.

(a) All dogs or cats adopted from or redeemed from the animal shelter must have a rabies vaccination, unless written proof of a current rabies vaccination can be furnished. Every person who adopts or redeems a dog or cat must make a deposit at the animal shelter toward the cost of a rabies vaccination. Upon making the deposit, the person will be given a receipt for the deposited amount. The person may then take the dog or cat to any veterinarian in the county, have the dog or cat vaccinated and present the receipt to the veterinarian. The amount deposited and shown on the receipt shall be counted toward the cost of the vaccination. The person must then supply the animal shelter with written proof of vaccination from the veterinarian. The time limit for dogs and cats over four (4) months of age will be three (3) days, excluding Saturdays, Sundays and holidays. For those animals under the age of four (4) months, the time limit will vary according to their age.

(b) All dogs and cats, which are to be adopted from the animal shelter, must be spayed or neutered. Any person wishing to adopt a dog or cat is subjected to these rules and shall sign all necessary documents concerning the adoption. The applicant shall agree not to hold the county or the animal shelter responsible for any claims related to or resulting from the adoption of an animal and shall:

(1) Pay a deposit established by the health department and county for the veterinarian who performs the spay/neuter within the time frame spelled out in subsection (3) listed below.

(2) Take the dog or cat to any veterinarian in the county for the spay/neuter treatment.

(3) The time limit to complete spay/neuter for dogs or cats over four (4) months of age shall be thirty (30) days or at the discretion of the veterinarian.

(4) Any adoption of a dog or cat that dies of natural causes within thirty (30) days of the adoption date, may be replaced for any dog or cat chosen by the adopter that is the property of the animal shelter and deemed suitable for adoption. If the adopter requests, the original adoption/neuter/vaccination fee will be refunded.

(5) An adopted dog or cat may be exempt from this provision if the owner furnishes a statement from a licensed veterinarian that the animal, due to health reasons, could not withstand spay/neuter surgery.

(6) A dog or cat known to have bitten a human or known to have killed livestock shall not be offered for adoption unless the animals services director rules that a bite was in self defense and the adoption is made by a rescue organization and with full disclosure of the animals history, nor shall a known fighting dog be offered for adoption.

(7) Sick or injured dogs or cats shall not be offered for adoption except by rescue organizations deemed by the animal servies director qualified to address these issues.

(8) Aggressive dogs or cats shall not be offered for adoption.

(c) Adoption of dangerous exotic animals is restricted to persons licensed to keep such animals by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS). The dangerous exotic classification of an animal shall be disclosed in writing to a prospective adopter prior to adoption of such animal.

(Ord. of 6-7-95, § VI(3); Ord. of 11-6-00, § VI(3))

Sec. 5-105. - Destruction or adoption of unredeemed dog or cat.

(a) If an impounded dog or cat is not redeemed by the owner or keeper within the period prescribed in section 5-103(a), it may be destroyed in a humane manner or shall become the property of the county animal shelter and offered for adoption under the requirements of section 5-104.

(b) No animal which has been impounded by reason of its being a stray, unclaimed by its owner or keeper, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine.

(Ord. of 6-7-95, § VI(4); Ord. of 11-6-00, § VI(4))

Sec. 5-106. - Immediate placement for adoption or destruction of owner surrendered dogs or cats.

(a) Any dog or cat surrendered by its owner or keeper to an animal control officer may be immediately placed for adoption or humanely euthanized by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association when:

  (1) The owner or keeper directs in writing that the dog or cat be placed for adoption or humanely destroyed; and

  (2) The owner or keeper affirmatively represents in writing that he/she is in fact the legal owner or keeper of the dog or cat; and that the dog or cat has not bitten a person within the past ten (10) days or, in the case of exotic animals, a period to be determined by the state public health veterinarian; and

  (3) The owner or keeper agrees that he/she will indemnify and hold the county, including the health department, harmless from any loss or damage it may sustain, including attorney's fees, by reason of destruction or placement for adoption of the dog or cat; and

  (4) The owner or keeper transfers ownership or custody of the dog or cat to the health department and releases the health department from any future claims with respect to the dog or cat.

(b) Upon receiving said assurances, the ~~health~~ animal services department may rely on the same and place the dog or cat for adoption, or euthanize the dog or cat by accepted standards. The waiting period provided in section 5-102 shall not apply to this section.

(Ord. of 6-7-95, § VI(5); Ord. of 11-6-00, § VI(5))

Sec. 5-107. - Notice to owner or keeper of other animals and exotic animals.

Upon impoundment of an other animal(s), notice of such impoundment shall be posted at the animal shelter until the other animal(s) shall be disposed of as hereinafter provided, which shall be a minimum of seventy-two (72) hours, beginning with the time the animal enters the animal shelter. Reasonable effort shall be made to identify the owner or keeper and to inform him/her of the requirements for redeeming the other animal(s). Notice may be by telephone or by written notice mailed by regular mail to the owner or keeper when the identity and address are known or obtained. The seventy-two-hour holding period will not include Saturdays, Sundays or holidays.

(Ord. of 6-7-95, § VI(6); Ord. of 11-6-00, § VI(6))

Sec. 5-108. - Redemption by owner or keeper of other animals and exotic animals.

(a) The owner or keeper of an other animals impounded under these rules, except those animals suspected of being rabid, may redeem the animal within three (3) days following the impoundment date. If the owner is known and is notified in writing or by telephone and does not redeem the animal within three (3) days, not including Saturdays, Sundays, and holidays, the animal may be processed under these rules. All applicable fees concerning redemption shall be paid as a condition of redemption by the owner or keeper.

(b) No owner or keeper may be permitted to adopt his/her own animal under these rules. Such owner or keeper must comply with section 5-109 in order to redeem an animal that has been impounded pursuant to state law and these rules.

(c) The rules of this section shall have no application with respect to animals surrendered by the owner or keeper to the ~~health~~ animal services department for immediate adoption or destruction as provided for in section 5-111(a).

(Ord. of 6-7-95, § VI(7); Ord. of 11-6-00, § VI(7))

Sec. 5-109. - Procedure with respect to redemption or adoption of other animals and exotic animals.

(a) Any person wishing to adopt another animal is subjected to these rules and shall sign all necessary documents concerning the adoption. The applicant shall agree not to hold the county or the animal shelter responsible for any claims related to or resulting from the adoption of an animal and shall:

  (1) Pay the appropriate administrative fee for adoption.

  (2) Any adopted animal that dies of natural causes within thirty (30) days of the adoption date, may be replaced by a similar animal if available or any dog or cat chosen by the adopter that is the property of the animal shelter and deemed suitable for adoption. The appropriate vaccination and spay/neuter fees will have to be paid prior to the adoption of a dog or cat. If the adopter requests, the original adoption/neuter/vaccination fee will be refunded.

  (3) An adopted animal or dog or cat may be exempt from this provision if the owner/adopter furnishes a statement from a licensed veterinarian that the animal, due to health reasons, could not withstand spay/neuter surgery.

  (4) An animal known to have bitten a human or known to have killed livestock shall not be offered for adoption, nor shall a known fighting cock be offered for adoption.

  (5) Sick or injured animals shall not be offered for adoption.

  (6) Aggressive animals shall not be offered for adoption.

(b) Adoption or redemption of exotic or dangerous exotic animals is restricted to persons licensed to keep such animals by the United States Department of Agriculture or the Animal and Plant Health Inspection Service (USDA-APHIS).

(Ord. of 6-7-95, § VI(8); Ord. of 11-6-00, § VI(8))

Sec. 5-110. - Destruction or adoption of unredeemed other animals or exotic animals.

(a) If an impounded animal is not redeemed by the owner or keeper within the period prescribed in section 5-108(a), it may be destroyed in a humane manner or shall become the property of the county animal shelter and offered for adoption under the requirements of section 5-109(a).

(b) No animal which has been impounded by reason of its being a stray or unclaimed by its owner or keeper, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine.

(Ord. of 6-7-95, § VI(9); Ord. of 11-6-00, § VI(9))

Sec. 5-111. - Immediate placement for adoption or destruction of owner surrendered other animals or exotic animals.

(a) Any animal surrendered by its owner or keeper to an animal control officer may be immediately placed for adoption (exception exotic or dangerous exotics) or humanely euthanized by accepted standards when:

(1) The owner or keeper directs in writing that the animal be placed for adoption or humanely destroyed; and

(2) The owner or keeper affirmatively represents in writing that he/she is in fact the legal owner or keeper of the animal; and that the animal has not bitten a person within the past ten (10) days or, in the case of exotic animals, a period to be determined by the state public health veterinarian; and

(3) The owner or keeper agrees that he/she will indemnify and hold the county, including the ~~health~~ animal services department, harmless from any loss or damage it may sustain, including attorney's fees, by reason of destruction or placement for adoption of the animal; and

(4) The owner or keeper transfers ownership or custody of the animal to the health department and releases the ~~health~~ animal services department from any future claims with respect to the animal.

(b) Upon receiving said assurances, the ~~health~~ animal services department may rely on the same and place the animal for adoption, or destroy the animal, as it sees fit. The waiting period provided in section 5-102 shall not apply to this section.

(Ord. of 6-7-95, § VI(10); Ord. of 11-6-00, § VI(10))

Sec. 5-112. - Community cats.

(a) Organizations or individuals that engage in trap-neuter-return are required to register through a sponsoring organization approved by the animal control director. Organizations performing or supporting trap-neuter-return in Rowan County shall identify and nominate a community cat sponsoring organization, which shall be recognized by the Rowan County Animal Control Director.

(b) The community cat sponsoring program shall make available to the public information about the trap-neuter-return and feral cats, shall attempt to notify the appropriate community cat caregiver when notified by the animal control director about an impounded eartipped cat, and shall provide a single point of contact to the animal control director for the coordination of trap-neuter-return, calls about at large cats, and calls about complaints related to community cats.

(c) Responsibilities of the community cat caregiver:

1. Cats must be trapped using humane trapping techniques.
2. Cats must be assessed by a veterinarian and deemed healthy at the time of spay/neuter surgery.
3. Cats must be spayed or neutered.
4. Cast must be vaccinated for rabies and FVRCP (Feline Viral Rhinotracheitis Calicivirus, and Panleukopenia).

5. Cats must be eartipped and microchipped.
6. Cat bites must be reported to Rowan County Animal Control.

(d) Responsibilities of Rowan County Animal Control:

1. Persons that contact Rowan County Animal Control about stray or community cats shall be provided information about trap-neuter-return and referred to the community cat sponsoring organization.
2. When a person contacts Rowan County Animal Control with a complaint about an eartipped community cat, county staff will contact the community cat sponsoring organization for assistance in resolving the complaint.

(Ord. of 9-8-15)