

WARREN COUNTY ANIMAL CONTROL ORDINANCE

Section I. Warren County Animal Control Department

Authority is hereby granted to the Warren County Animal Control Department to establish and maintain an animal control program, to employ animal control officers and such other employee(s) as shall be determined necessary by the County, and to appoint and compensate animal control officers and such other employees in accordance with policies of the County of Warren.

Section II. Animal Control Advisory Board

There is hereby created an Advisory Board composed of five (5) members to be appointed by the Board of County Commissioners. The members of the Board shall serve terms as established by the Board of County Commissioners. The functions of the Animal Control Advisory Board shall be to:

- (a) Hear appeals and offer findings of dangerous/vicious animal declarations enacted by the county;
- (b) Recommend options for managing animal control issues; and
- (c) Ensure that the county animal control practices are consistent with the standard.

Section III. Duties – Animal Control Department

- (a) Enforcing in Warren County all State or County laws, ordinances and resolutions relating to dogs, cats, or the care, custody and control of animals;
- (b) Cooperating with the Health Director and assisting in the enforcement of the laws of the State of North Carolina with regard to animals and especially with regard to vaccination of dogs and cats against rabies and the confinement or leashing of dangerous and potentially dangerous animals (without limiting the foregoing), reference is particularly made to the state laws as set out and contained in the General Statutes of North Carolina;
- (c) Investigating cruelty or animal abuse with regard to dogs, cats and other animals;
- (d) Operating the county animal shelter;
- (e) Seizing, humanely trapping, impounding, where deemed necessary, of any dog, cat or any other animal in the county involved in violation of this ordinance or any other county ordinance or state law;
- (f) Investigating all reported animal bites, 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 for reporting to the Health Director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal.
- (g) Canvassing the county as necessary for the purpose of ascertaining compliance with this ordinance or state statute.

Section IV. Record Keeping

It shall be the duty of the animal control department to keep or cause to be kept accurate and detailed records of:

- (h) Seizure, impoundment, and disposition of all animals coming into the custody of the animal control program;
- (i) Bite cases, violations and complaints, and investigation of same;
- (j) All monies belonging to the county that were derived from impoundment fees, penalties, boarding fees and vaccination fees or other sources.

Section V. Relation to Hunting Laws

Nothing contained in this ordinance shall be in conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this exception applies only while the dogs are in the presence of the owner, keeper, or competent person, and are actually lawfully being used for hunting

or training for hunting and in compliance with applicable statutes, regulations or ordinances. This ordinance shall be read and enforced consistently with any such law.

Section VI. Animals Creating Nuisance

It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a nuisance.

The action of an animal constitute a nuisance when an animal disturbs the personal property rights of, threatens the safety of, or damages a member of the general public. However, the barking of dogs, regardless of the manner or repetition of the barking, is specifically excluded as a nuisance under the purview of this section. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a nuisance and are therefore unlawful:

- (a) Maintaining an animal that habitually causes damage to real or personal property such as garden, dwellings or parts thereof.
- (b) Failing to confine in a building or secure enclosure a female dog while in estrus.
- (c) Maintaining an animal that repeatedly or persistently chases, snaps at, attack or otherwise molests pedestrians, bicyclists, motor vehicle passengers or farm stock or domestic animals.
- (d) Maintaining an animal that habitually or continuously loiters on public or private places.
- (e) Maintaining an animal that is diseased and dangerous to the health of the public unless under the care of a licensed veterinarian or a person as designated by the Health Director.

When the Animal Control Officer or duly authorized personnel observes a violation or upon receipt of an oral or written complaint from any person or persons, that any other person is maintaining a public nuisance the Animal Control Department shall cause the owner or keeper of the animal or animals in question to be notified that a complaint has been made or received and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing. Upon determination by the Animal Control Officer that the animal is a nuisance, the owner or keeper shall have forty-eights (48) hours to abate said nuisance. Non-abatement may result in a citation by the Animal Control Officer signifying a violation of this ordinance.

Section VII. Animal Cruelty

It is the purpose of this section to supplement Article 47 of the North Carolina General Statutes G.S. 14-360-14-363.2, and all other state laws regarding animals for which the Animal Control Department has enforcement authority pursuant to this ordinance.

- A. It shall be unlawful for any person to abuse, molest, maim, disfigure, torture, torment, deprive of necessary sustenance, cruelly beat, 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 shooting of birds, deer and other game for human food; not to prohibit an animal's owner, a veterinarian, the Health Director or Animal Control Department agents from destroying dangerous, unwanted or injured animals in a humane manner, nor to prohibit the lawful use of animals in scientific research.
- B. The Chief Animal Control Officer serves as the animal cruelty investigator and is empowered with the duties and powers described by N.C.G.S. 19A-45-49.

Section VIII. Dangerous/Vicious Dogs

An animal may be determined by the Animal Control Officer to be potentially danger/vicious when it commits any of the following acts:

- (a) Attack a person causing bodily harm without being teased, molested, provoked, beaten, tortured or otherwise harmed; (130A-200)

- (b) Kill or inflict severe injury upon a domestic animal when not on the owner's real property; (67-4.1)
- (c) Approach a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack (67-4.1)

Upon determining that an animal is potentially dangerous/vicious, the Animal Control Officer must notify the owner in writing of such determination, before the dog may be considered potentially dangerous under this section. The Animal Control Officer shall make a good-faith attempt to obtain the owner's written acknowledgement of such determination. However, such acknowledgment shall not constitute a necessary element for a violation by the owner of this section. The determination by the Animal Control Officer that an animal is potentially dangerous/vicious may only be appealed to the Animal Control Advisory Board.

The Owner may appeal the determination by filing written objections with the Animal Control Advisory Board within seven (7) calendar days. The Animal Control Advisory Board shall schedule a hearing within ten (10) days of the filing of the objections. Any appeal from the final decision of such Board shall be taken to the Superior Court by filing notice of appeal and a petition for review within 10 days of the final decision of the Board.

If an animal has been determined by the Animal Control Officer to be potentially dangerous/vicious it shall be unlawful for the owner to:

- (a) Permit the animal to run at large;
- (b) Permit the animal to Leave the owner's property unless under restraint or the direct control of the owner or his agent. If an animal has been determined to be potentially dangerous/vicious by virtue of having bitten any person so as to cause abrasions or break the skin, the owner:
- (c) Shall be required to maintain the animal at all times in a secure enclosure on the owner's property;
- (d) Or with consent, on the property of another, unless the animal is under restraint.

If an animal has been determined to be potentially dangerous/vicious by virtue of having bitten any person, and is found to be at large, it may be tranquilized or humanely destroyed by an animal control officer with or without prior notification to the owner, only after unsuccessful attempts to catch it and authorization is obtained by the Chief Animal Control Officer. If an animal control officer does humanely destroy such an animal, he shall submit a written report of the incident to the County Manager within 48 hours of the incident, and shall make a good-faith attempt to notify the owner of the incident.

Section IX. Rabies Control - § 130A-184 thru 201

Definitions.

The following definitions shall apply throughout this Part:

- (1) Animal Control Officer - a city or county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control.
- (2) Cat - a domestic feline.
- (3) Certified rabies vaccinator - a person appointed and certified to administer rabies vaccine to animals in accordance with this Part.
- (4) Dog - means a domestic canine.
- (5) Rabies vaccine - an animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in this State by the Commission.
- (6) State Public Health Veterinarian - a person appointed by the Secretary to direct the State public health veterinary program.
- (7) Vaccination - the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

Vaccination of all dogs and cats

The owner of every dog and cat over four months of age shall have the animal vaccinated against rabies. Rabies vaccine shall be administered only by a licensed veterinarian or by a certified rabies vaccinator. Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by the State of North Carolina shall be used on animals.

Appointment and certification of certified rabies vaccinator

In those counties where licensed veterinarians are not available to participate in all scheduled county rabies control clinics, the local health director shall appoint one or more persons for the purpose of administering rabies vaccine to animals in that county. Whether or not licensed veterinarians are available, the local health director may appoint one or more persons for the purpose of administering rabies vaccine to animals in their county and these persons will make themselves available to participate in the county rabies control program. The State Public Health Veterinarian shall provide at least four hours of training of those persons appointed by the local health director to administer rabies vaccine. Upon satisfactory completion of the training, the State Public Health Veterinarian shall certify in writing that the appointee has demonstrated a knowledge and procedure acceptable for the administration of rabies vaccine to animals. A certified rabies vaccinator shall be authorized to administer rabies vaccine to animals in the County until the appointment by the local health director has been terminated.

County rabies vaccination clinics

The local health director shall organize or assist other county departments to organize at least one countywide rabies vaccination clinic per year for the purpose of vaccinating dogs and cats. Public notice of the time and place of rabies vaccination clinics shall be published in a newspaper having general circulation within the area.

Fee for vaccination at county rabies vaccination clinics

The county board of commissioners is authorized to establish a fee to be charged at all of the county rabies vaccination clinics. The fee shall include an administrative charge not to exceed four dollars (\$4.00) per vaccination, and a charge for the actual cost of the vaccine, the vaccination certificate, and the rabies vaccination tag.

Rabies vaccination certificates

The licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a dog or cat shall complete a three-copy rabies vaccination certificate. The original rabies vaccination certificate shall be given to the owner of each dog or cat that receives rabies vaccine. One copy of the rabies vaccination certificate shall be retained by the licensed veterinarian or the certified rabies vaccinator. The other copy shall be given to the county agency responsible for animal control, provided the information given to the county agency shall not be used for commercial purposes.

Rabies vaccination tags

A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a dog or cat shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "rabies vaccine." Dogs and cats shall wear rabies vaccination tags at all times. However, cats may be exempted from wearing the tags by local ordinance.

Possession and distribution of rabies vaccine

It shall be unlawful for persons other than licensed veterinarians, certified rabies vaccinators and persons engaged in the distribution of rabies vaccine to possess rabies vaccine. Persons engaged in the distribution of vaccines may distribute, sell and offer to sell rabies vaccine only to licensed veterinarians and certified rabies vaccinators.

Dogs and cats not wearing required rabies vaccination tags

The Animal Control Officer shall canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal.

The duration of impoundment of these animals shall be established by the County Board of Commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within this State registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; 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. The Animal Control Officer shall maintain a record of all animals impounded.

under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released.

Vaccination and confinement of dogs and cats brought into this state

A dog or cat brought into this State shall immediately be securely confined and shall be vaccinated against rabies within one week after entry. The animal shall remain confined for two weeks after vaccination.

The aforementioned shall not apply to:

- (a) A dog or cat brought into this State for exhibition purposes if the animal is confined and not permitted to run at large:
- (b) A dog or cat brought into this State accompanied by a certificate issued by a licensed veterinarian showing that the dog or cat is apparently free from and has not been exposed to rabies and that the dog or cat has received rabies vaccine within the last year or three (3) years which ever applicable.

Quarantine of districts infected with rabies

An area may be declared under quarantine against rabies by the local health director when the disease exists to the extent that the lives of persons are endangered. When quarantine is declared, each dog and cat in the area shall be confined on the premises of the owner or in a veterinary hospital. However, dogs and cats on a leash or under the control and in the sight of a responsible adult may be permitted to leave the premises of the owner or the veterinary hospital.

Destroying stray dogs and cats in quarantine districts

When quarantine has been declared and dogs and cats continue to run uncontrolled in the area, any peace officer or Animal Control Officer shall have the right, after reasonable effort has been made to apprehend the animals, to destroy the uncontrolled dogs and cats and properly dispose of their bodies.

Confinement of all biting dogs and cat; notice to local health director; reports by physicians; certain dogs exempt.

When a person has been bitten by a dog or cat, the person or parent, guardian or person standing in *loco parentis* of the person, and the person owning the animal or in control or possession of the animal shall notify the local health director immediately and give the name and address of the person bitten and the owner of the animal. All dogs and cats that bite a person shall be immediately confined for 10 days in a place designated by the local health director. However, the local health director may authorize a dog trained and used by a law enforcement agency to be released from confinement to perform official duties upon submission of proof that the dog has been vaccinated for rabies in compliance with this Part. After reviewing the circumstances of the particular case, the local health director may allow the owner to confine the animal on the owner's property. An owner who fails to confine his animal in accordance with the instructions of the local health director shall be guilty of a Class 2 misdemeanor. 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 local health director may order seizure of the animal and its confinement for 10 days at the expense of the owner. A physician who attends a person bitten by an animal known to be a potential carrier of rabies shall report within 24 hours to the local health director the name, age and sex of that person.

Infected dogs and cats to be destroyed; protection of vaccinated dogs and cats

When the local health director reasonably suspects that a dog or cat has been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the dog or cat shall be considered to have been exposed to rabies. A dog or cat exposed to rabies shall be destroyed immediately by its owner, the county Animal Control Officer or a peace officer unless the dog or cat has been vaccinated against rabies in accordance with this Part and the rules of the Commission more than three weeks prior to being exposed, and is given a booster dose of rabies vaccine within three days of the exposure. As an alternative destruction, the dog or cat may be quarantined at a facility approved by the local health director for a period up to six months, and under reasonable conditions imposed by the local health director.

Confinement

A person who owns or has possession of an animal which is suspected of having rabies shall immediately notify the local health director or county Animal Control Officer and shall securely confine the animal in a place designated by the local Health director. Dogs and cats shall be confined for a period of 10 days. Other animals may be destroyed at the discretion of the State Public Health Veterinarian.

Rabid animals to be destroyed; heads to be sent to State Laboratory of Public Health

An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its head sent to the State Laboratory of Public Health. The heads of all dogs and cats that die during the 10 day confinement period required by G.S. 130A-196, shall be immediately sent to the State Laboratory for Public Health for rabies diagnosis.

Rabies Emergency

A local health director in whose county or district rabies is found in the wild animal population as evidenced by a positive diagnosis of rabies in the past year in any wild animal, except a bat, may petition the State Health Director to declare a rabies emergency in the county or district. In determining whether a rabies emergency exists, the State Health Director shall consult with the Public Health Veterinarian and the State Agriculture Veterinarian and may consult with any other source of veterinary expertise the State Health Director deems advisable. Upon finding that a rabies emergency exists in a county or district, the State Health Director shall petition the Executive Director of the Wildlife Resources Commission to develop a plan pursuant to G.S. 113-291.2(a1) to reduce the threat of rabies exposure to humans and domestic animals by foxes, raccoons, skunks, or bobcats in the county or district. Upon determination by the State Health Director that the rabies emergency no longer exists for a county or district, the State Health Director shall immediately notify the Executive Director of the Wildlife Resources Commission.

Section X. Unlawful removal or destruction dog collars

- (a) It is unlawful to intentionally remove or destroy electronic/tracking/identification collars or other electronic devices placed on a dog by its owner to maintain control of the dog.
- (b) A first conviction for a violation of this section is a Class 3 misdemeanor. A second or subsequent conviction for a violation of this section is a Class 2 misdemeanor.
- (c) This act is enforceable by officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and animal control officers with general subject matter jurisdiction.

Section XI. Exotic Animals Prohibited

- (a) It shall be unlawful for any person, firm or corporation to import, sell, possess, transport or participate in importation, for the purpose of selling or possession, into Warren County, any non-indigenous predatory carnivores such as but not limited to:
 - (1) Lions, tigers, leopards, ocelots, jaguars, cheetah, wolves or hybrids thereof.
 - (2) Any dangerous animal, which by its physical characteristics and natural instincts is capable of causing death or serious bodily injury to persons.
- (b) Exemption: This section shall not apply to traveling circuses or other exhibits permitted by federal and/or state laws.

Section XII. Penalties and Equitable Remedies

- (a) This chapter may be enforced by an appropriate equitable remedy issuing from court of competent jurisdiction.
- (b) Notwithstanding any civil penalties outlined in the chapter, any person violating the provisions of this ordinance may be found guilty of a misdemeanor under G.S. 14-4 and G.S. 153A-123, and may be subject to a fine of not more than \$500.00 or imprisonment. For a continuing violation, each day's violation may be deemed to be a separate offense.
- (c) In addition to the other remedies for violation of this ordinance, an animal control officer may issue to the known owner, or person having custody or control of such animal, a ticket giving notice of the violation. Any such official shall be authorized to secure the name and address of the owner or person in control of the animal in violation. Tickets so issued may be delivered in person or mailed by registered or certified mail to the person charged if he cannot otherwise be readily located. Any such ticket issued shall impose upon the owner a civil penalty as listed in the county fee schedule. These fees shall increase for each subsequent offense as shown in the county fee schedule. Such penalties must be paid within 20 days to the Chief Animal Control Officer or any person authorized by him to receive such funds. If the owner of the animal or other violator does not appear in response to such

ticket, or if the applicable penalty is not paid within the time prescribed, a criminal summons shall be issued against the violator or owner or person having custody of the animal in violation of this section, and upon conviction, the violator or owner or person having custody of the animal shall be in addition to penalties prescribed for violation of this ordinance be punished as the court prescribes for failure to pay the civil penalties imposed by this ordinance.

- (d) The Animal Control Officer shall cause all tickets to be serially numbered in duplicate and shall cause the records of the issuance and disposition of such tickets to be maintained so that an accounting can be made.

Adopted this the 2nd day of February, 2004.

**Ulysses S. Ross, Chairman
Warren County Board of Commissioners.**