

FRANKLIN COUNTY
ANIMAL CONTROL
ORDINANCE

Adopted
Effective

Franklin County Animal Control Ordinance

ARTICLE I

Section 1-1 - Definitions

County Animal Shelter

Any premises designated by Franklin County for the purpose of impounding and caring for animals that are either found to be at-large, to be wandering stray, or that are otherwise subject to impoundment in accordance with the provisions of this ordinance.

Animal

Includes every living vertebrae in the classes Amphibia, Reptilia, Aves, and Mammalia except for humans.

At-large

Off of the owner's property and not under the control of the owner, or another individual, either by leash, cord, chain, or other means of restraint. Dogs are not considered to be at-large when they are in the course of assisting persons who are lawfully hunting.

Bite

The act of an animal seizing flesh with its teeth or jaws or beak so as to tear, pierce, or otherwise injure the flesh.

Dangerous Animal

(1) Any animal that, without sufficient provocation, bites, attacks, or inflicts serious injury on a human regardless of whether said human is on public or private property. Sufficient provocation includes, but is not limited to, the bitten, attacked, or seriously injured human taunting, tormenting, or abusing the animal at any time prior to said human being bitten, attacked, or seriously injured.

OR

(2) Any animal that, without sufficient provocation, bites, attacks, or inflicts serious injury on a pet or domestic animal. Sufficient provocation includes, but is not limited to, (a) the pet or domestic animal being on the property of the owner of the animal biting, attacking, or seriously injuring such pet or domestic animal, or (b) the pet or domestic animal posing a reasonable threat to the progeny of the animal biting, attacking, or seriously injuring such pet or domestic animal.

Dangerous animals must be so designated by the Franklin County Animal Control Director after he or she has been presented with sufficient evidence to so designate. Such designation includes, but is not limited to, a determination of whether there has been sufficient provocation.

A dangerous animal that is also a dog (i.e., a dangerous dog) may be treated differently under this ordinance than other dangerous animals that are not also dogs.

Dealer

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

Domestic Animal

Any of various animals that, in North Carolina, normally and customarily live on private property and normally and customarily depend on humans to willingly provide them with food and shelter. Such animals include, but are not limited to, cats, dogs, bovines, horses, swine, fowl, sheep, and goats.

Exhibitor

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

Exposed to Rabies

An animal shall be considered to have been exposed to rabies when such animal is reasonably suspected of being exposed to the saliva or nervous tissue of a proven rabid animal or an animal reasonably suspected of having rabies.

Exotic Animal

Unless such animal is included in the definition of domestic animal or the definition of inherently dangerous mammal, an exotic animal is any animal that is not indigenous to North Carolina and is either a carnivore, primate, or poisonous snake or other venomous animal.

Humane Destruction

(1) Any animal is humanely destroyed if it receives an intravenous injection of sodium pentobarbital; (2) if the animal is a cat, kitten, or puppy, it is humanely destroyed if it receives an intraperitoneal injection of sodium pentobarbital; (3) if the animal is unconscious or deeply anesthetized, it is humanely destroyed if it receives an intracardiac injection of sodium pentobarbital; (4) any dog is humanely destroyed if it receives either an intravenous injection, or an intracardiac injection as long as the dog is unconscious or deeply anesthetized, of Beuthanasia-D; and (5) any animal is humanely destroyed if it receives carbon monoxide by commercially compressed cylinder gas in a chamber that (i) has been commercially manufactured for carbon monoxide euthanasia, (ii) allows for

the individual separation of animals and such separation is adhered to, and (iii) has been properly maintained.

Inherently Dangerous Mammal

Any live member of the canidae, felidae, or unsiidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and that include:

1. Canidae: including any member of the dog family not customarily domesticated by man, or any hybrids that are a cross between a wolf and a domestic dog, but not including domestic dogs (i.e., canis familiaris).
2. Felidae: including any member of the cat family weighing over (15) fifteen pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (i.e., felis catus).
3. Unsiidae: including any member of the bear family, or any hybrids thereof.

Kennel, Dealer, or Breeder

Any person, group of persons, firm, partnership, or corporation engaged in buying, selling, breeding, or boarding animals.

Neutered

Any male animal that has been successfully operated upon to prevent reproduction.

Owner

Any person, group of persons, firm, partnership, or corporation that, either customarily or temporarily, owns, keeps, has charge of, shelters, feeds, harbors, or takes care of any animal. The owner is responsible for the care, actions, and behavior of the owner's animal(s). In the event that the owner of an animal is younger than (18) eighteen-years old, the parent or guardian of such owner shall be held liable for non-compliance with the provisions of this ordinance.

Owner's Property

That area described in a deed of conveyance or the area described in a lease. In a situation involving town homes or condominiums, the Franklin County Animal Control Director will treat the common areas as being owned by the homeowner's association. In a situation involving leased apartments, the Franklin County Animal Control Director will treat the common areas as being owned by the lessor/property

owner. A motor vehicle is not part of the owner's property unless it is physically located on the area described in a deed of conveyance or the area described in a lease. A motor vehicle that is physically located in or on the common areas of town homes, condominiums, or leased apartments, or other public areas shall be treated as being off of the owner's property.

Pet

Any animal that is (i) of a type of animal generally considered to be a companion of humans and (ii) that has been domesticated. This definition does not exclude those domesticated animals kept for both companionship and utility. Note that it is not necessary for an animal to be a domestic animal to be a pet; rather, it is necessary that it be domesticated.

Restraint

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

Secure Enclosure

A humane enclosure suitable to prevent the enclosed animal from escaping and to prevent the entry of persons younger than (8) eight-years old. In order to be deemed humane, such enclosure must remain dry inside, be ventilated, promote the retention of body heat, and have sufficient room for the enclosed animal to turn around freely and lie down comfortably. For purposes of this definition, a home, mobile home, and separate garage are not secure enclosures.

Spayed

Any female animal that has been successfully operated upon to prevent conception.

Wandering Stray

Any animal that is not wearing a valid rabies vaccination tag as required by North Carolina state law or by this ordinance, or any animal that is both not under restraint and that appears homeless or unwanted.

Section 1-2 – Basis and Authority of the Animal Control Director

The Animal Control Director of Franklin County, hereinafter referred to as the Animal Control Director, shall be responsible for the enforcement of the provisions of this ordinance. North Carolina General Statutes 130A-184 through 130A-200 designate the

County Health Director as the local official responsible for rabies control. The Franklin County Board of Commissioners, hereinafter referred to as the Board of Commissioners, has appointed the Animal Control Director as the local official responsible for dangerous dogs in the county, as prescribed by North Carolina General Statutes 67-1 through 67-32. The Animal Control Director has been appointed by the Board of Commissioners as the Animal Cruelty Investigator pursuant to North Carolina General Statutes 19A-45 through 19A-47.

The basis for this ordinance lies within the inherent responsibilities and authority granted by those General Statutes listed. And as inherent under North Carolina General Statutes 130A-39, this ordinance also contains items specific to Franklin County that the Board of Health has identified as having significant effect on the public health.

- A. The Animal Control Director shall be under the immediate supervision of the County Manager.
- B. Employees or agents enforcing this ordinance shall be designated as Animal Control Officers, and such employees or agents shall be subject to the Franklin County Personnel Policy. In the performance of their duties, Animal Control Officers shall have all the powers, authority, and immunity granted under this ordinance and by the General Statutes of North Carolina.

Section 1-3 – General Duties of the Animal Control Director

- A. The Animal Control Director shall be charged with the responsibility of:
 - 1. Enforcing in Franklin County all state and county laws, ordinances, and resolutions relating to the care, custody, and control of animals.
 - 2. Assisting in the enforcement of the laws of the state with regard to animals and especially with regard to vaccination of animals against rabies and the confinement or controlling of dangerous animals (e.g., dangerous dogs).
 - 3. Investigating cruelty, abuse, or neglect with regard to animals.
 - 4. Making such canvasses of Franklin County as it deems necessary for the purpose of ascertaining that all animals are vaccinated against rabies as required by local ordinance or State statute.
 - 5. Operating, pursuant to policies of the Franklin County Board of Commissioners, the County Animal Shelter.
- B. It shall be the duty of the Animal Control Director to keep, or cause to be kept, accurate and detailed records of:

1. Impoundment and disposition of all animals coming into a County Animal Shelter.
2. Bite cases, which include violations, complaints, and investigations of animal bites.
3. All monies belonging to Franklin County which were derived from impoundment fees, penalties, and sales or adoptions of animals.
4. All other records deemed necessary.

Section 1-4 – Exemptions from Director Authority and Responsibility

- A. **Dead Animals:** The Animal Control Director has legal responsibility and authority to prevent the occurrence and spread of rabies. The Animal Control Director does not deal with dead animals except when called upon to investigate allegations of cruelty to animals under section 1-6 of this ordinance. Thus, Animal Control Officers should not be called upon to deal with dead animals unless the threat of rabies exists or an allegation of animal cruelty has been made.
- B. **Wildlife:** Instances involving wildlife that are not governed by this ordinance should be referred to local wildlife officials. The Animal Control Director may assist wildlife officials in actual or suspected cases of rabies.
- C. **Animals on Roads and Road Right-of-Ways:** The Animal Control Director is not responsible for dead animals on roads or road right-of-ways. The State Highway Patrol and Department of Transportation, with responsibility of maintaining/assuring traffic flow on roads and their right-of-ways, should be called when animals affect this traffic flow.
- D. **Animals from other Municipalities:** Municipalities with their own ordinances are responsible for their own enforcement of such ordinances. Nonetheless, animals from other municipalities caught or entrapped within Franklin County by appropriate Franklin County personnel may be taken to a County Animal Shelter, at which time the animal will be treated as other animals are under this ordinance. At the point of surrender, the appropriate Franklin County personnel giving the animal to an Animal Control Officer or directly to a County Animal Shelter may be considered the owner of the animal. The animal will be kept at a County Animal Shelter as provided in this ordinance. Animals not claimed within (3) three days may be adopted out or humanely destroyed. The (3) three-day waiting period commences when the animal is turned over to a County Animal Shelter and shall be suspended during those days that the County Animal Shelter holding the animal is closed.

Section 1-5 – Power and Authority of Animal Control Officers

- A. Inspections. Whenever it is necessary to make an inspection to enforce any of the provisions of this ordinance, or other applicable law, or whenever an Animal Control Officer has reasonable cause to believe that there exists in any building or upon any premises any violation of this ordinance or other applicable law, an Animal Control Officer is empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon him or her by this ordinance or other applicable law, but only if the consent of the owner or occupant of the property is freely given or an administrative search warrant or criminal search warrant is obtained.
1. At any time, an Animal Control Officer may obtain an appropriate warrant to conduct a search or inspection of the property, or seizure on the property.
 2. If an Animal Control Officer has not obtained an appropriate warrant, the Animal Control Officer may conduct a search or inspection of the property, or seizure on the property if the Animal Control Officer presents credentials to the owner or occupant of the property, requests entry, explains the reason(s) for requesting entry, and entry is granted by the owner or occupant.

Notwithstanding any other provision of this ordinance, an Animal Control Officer shall have the authority to enter upon any land to enforce the provisions of this ordinance or other applicable law if a violation of this ordinance or such law is being committed in the presence of the Animal Control Officer and requires immediate action on the part of the Animal Control Officer to protect the health or safety of the animal or the public. In the case of any animal that is at-large, wandering stray or exposed to rabies, so long as the animal is within sight of the Animal Control Officer, this section shall not be interpreted to require that a warrant be obtained before seizing the animal.

- B. Interference. It shall be unlawful for any person to interfere with, hinder, molest, resist, or obstruct an Animal Control Officer while he or she is carrying out any duty created under this ordinance or other applicable law.
- C. Concealment of an animal. It shall be unlawful for any person to conceal, for the purpose of evading the licensing requirement, permit requirement, rabies inoculation requirement, or other requirements of this ordinance or any applicable law, any unlicensed, un-inoculated, non-permitted, or other unlawful animal from any Animal Control Officer.
- D. Concealment of a license, permit, or rabies inoculation. It shall be unlawful for any person to refuse to show proof of a license, permit, or a rabies inoculation to any Animal Control Officer upon request.
- E. Unauthorized release. It shall be unlawful for any person to seek to release, attempt to release, or to release any animal in the custody of Animal Control Officers or, generally, in the custody of a County Animal Shelter, except as otherwise specifically

provided in this ordinance. An animal captured in a trap set by Animal Control Officers shall be deemed to be in the custody of the Animal Control Director.

- F. This section in no way restricts the power or authority granted to Animal Control Officers in other sections of this ordinance.

Section 1-6 – Cruelty to Animals

A. It shall be unlawful for any person to torture, torment, cruelly beat, cruelly molest, needlessly mutilate, needlessly wound, needlessly injure, needlessly poison, needlessly abandon, needlessly kill, or needlessly subject to conditions detrimental to its health or general welfare any animal. Every such offender shall be guilty of a Class 1 Misdemeanor.

B. It shall be unlawful for the owner of an animal to fail or refuse to provide such animal with adequate food and water. Every such offender shall be guilty of a Class 1 Misdemeanor.

C. As used in this section, “torture,” “torment,” and “cruelly” include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, “needlessly” means without justifiable excuse and the justification shall be based on a reasonable owner standard. As used in this section, “adequate food” means the provision at suitable intervals, not to exceed (24) twenty-four hours, of a quantity of wholesome foodstuff suitable for the species and age, and sufficient to maintain a reasonable level of nutrition in each animal. As used in this section, “adequate water” means the provision of, or ready access to, a supply of clean, fresh, potable water provided in a sanitary manner (24) twenty-four hours a day.

Section 1-7 – Animals At-Large and Wandering Stray

- A. It shall be unlawful for the owner of an animal to permit such animal to be wandering stray and to be at-large.

The Animal Control Director may confiscate any animal found to be wandering stray and to be at-large and impound such animal at a County Animal Shelter in accordance with the provisions of article III or section 2-5 of article II.

- B. The owner of an animal may lawfully permit such animal, unless such animal is a dangerous animal, to be at-large in the course of a show, obedience school, tracking test, field training, or other event sanctioned or supervised by an organization approved by the Animal Control Director. This provision does not exempt an owner from otherwise complying with section 2-3 or any other provision of this ordinance.
- C. The owner of an animal who permits such animal to be wandering stray and to be at-large must pay a civil penalty of:

1. First Violation – \$0.00 plus boarding fee
 2. Second Violation – \$25.00 plus boarding fee
 3. Third Violation – \$50.00 plus boarding fee
 4. Fourth Violation – the animal becomes the property of the Animal Control Director for adoption or humane destruction.
- D. The boarding fee shall be set each year in the Budget Ordinance and may be subject to change each year by action of the Board of Commissioners.
- E. Successive violations depend on a particular owner, not on a particular animal. By way of illustration, assume owner X permits dog A to be wandering stray and to be at-large. Owner X will be issued a citation for a first violation. Later, owner X permits dog B to be wandering stray and to be at-large. Owner X will be issued a citation for a second violation.
- F. Said penalty must be paid within (3) three days of the issuance of a citation for violation of this section.

Section 1-8 – Animals Creating Nuisance

- A. It shall be unlawful for any owner to keep, possess, or maintain an animal in such a manner so as to allow such animal to engage in any prohibited act as set out hereinafter.
- B. The actions of an animal constitute a prohibited act when such animal disturbs the personal property rights of, threatens the safety of, or damages a member of the general public. However, barking dogs, regardless of the manner or repetition of the barking, are not engaging in a prohibited act solely due to their barking. By way of example and not of limitation, the following acts or actions by an owner are deemed to allow the owner's animal to engage in a prohibited act and are therefore unlawful.
1. Keeping, possessing, or maintaining an animal that habitually causes damage to real or personal property such as gardens, dwellings, or parts thereof.
 2. Failing to confine to a secure enclosure or building a female dog while in estrus.
 3. Keeping, possessing, or maintaining an animal that repeatedly or persistently chases, snaps at, or otherwise molests pedestrians, bicyclists, motor-vehicle passengers, or domestic animals or pets.
 4. Keeping, possessing, or maintaining an animal that habitually or continually loiters about public places.

5. Keeping, possessing, or maintaining an animal that is diseased and dangerous to the health of the public. If such animal is under the care of a licensed veterinarian, an owner does not violate this section.

Section 1-9 – Confinement and Control of Inherently Dangerous Mammals

A. It shall be unlawful for any owner to keep an inherently dangerous mammal within Franklin County.

B. Exemptions:

The following parties shall be exempt from this ordinance:

1. Traveling fairs, circuses, and carnivals provided that such fair, circus, or carnival is granted approval by the Animal Control Director to bring the inherently dangerous mammal into Franklin County, and the inherently dangerous mammal is not located in Franklin County for a period exceeding (10) ten days. This exemption shall apply only for a single (10) ten-day period per every (365) three-hundred-and-sixty-five days.
2. Any zoo or other public exhibition provided that such zoo or public exhibition has previously applied for and has been granted the appropriate permit under Franklin County's Land Use Ordinance.

C. Recapturing

The owner of any inherently dangerous mammal that has escaped the custody of the owner while within Franklin County, or has escaped elsewhere and has entered Franklin County, shall reimburse Franklin County for all costs incurred by Franklin County while attempting to recapture the escaped inherently dangerous mammal. If the animal is sheltered or humanely destroyed by Franklin County, the owner shall also pay for all costs incurred.

Section 1-10 Confinement and Control of Exotic Animals

- A. It shall be unlawful for any owner to keep any exotic animal within Franklin County unless (i) it is confined within a secure enclosure approved by the Animal Control Director or (ii) it is being transported to receive veterinary care, to be sold, or to be humanely destroyed and it is securely muzzled and under restraint by a competent person who by means of a leash, chain, rope, or other device suitable to adequately restrain the particular animal, has such animal firmly under control at all times.
- B. Any exotic animal that is not properly confined within a secure enclosure or secured or restrained as required by section 1-10A of this article, or that has injured or endangered

any person, domestic animal, or pet may be confiscated and/or impounded at the owner's expense.

C. Recapturing

The owner of any exotic animal that has escaped the custody of the owner while within Franklin County, or has escaped elsewhere and has entered Franklin County, shall reimburse Franklin County for all costs incurred by Franklin County while attempting to recapture the escaped exotic animal. If the animal is sheltered or humanely destroyed by Franklin County, the owner shall also pay for all costs incurred..

Section 1-11 – Required Notification to Animal Control Director by the Owner of a Potentially Dangerous Animal

It is unlawful for an owner to fail to inform the Animal Control Director as soon as practicable but no later than (24) twenty-four hours after the owner is apprised of any information from which a reasonable person would determine that any of the following has occurred:

1. The owner's animal has bitten, attacked, or inflicted serious injury on a human regardless of whether said human is on public or private property
2. The owner's animal has bitten, attacked, or inflicted serious injury on a domestic animal or pet.
3. The owner's animal, when such animal is required by this ordinance to be restrained or confined to a secure enclosure, is at-large.

Compliance with this section does not exempt an owner from the requirements of sections 2-5 and 2-9 of article II.

Section 1-12 – Confinement, Control, and Designation of Dangerous Animals

- A. It is unlawful for any owner of an animal designated as dangerous by the Animal Control Director to not confine or restrain such animal in accordance with this section.
- B. After an investigation of a dangerous animal complaint is completed by an Animal Control Officer, and there is evidence to support such a finding, said animal may be designated as dangerous by the Animal Control Director. If said animal is designated as dangerous by the Animal Control Director, the owner will be notified in writing to confine the animal in a secure enclosure. The owner must post a plainly visible sign upon the secure enclosure warning that a dangerous animal is on the premises. Said sign shall be no smaller than one foot by two feet or two square feet in area, and said

sign shall read: “Warning! Dangerous Animal on Premises” in letters legible to a person of ordinary vision from (20) twenty feet.

- C. The owner shall have (30) thirty days from the date of written notification to provide the secure enclosure described in section 1-12B of this article, such secure enclosure must be approved by an Animal Control Officer. The dangerous animal must be under constant restraint on the owner’s property during this period until it can be confined in the approved section 1-12B secure enclosure, unless the dangerous animal is confiscated by an Animal Control Officer for purposes of section 2-5 of article II or any other provision of this ordinance.
- D. An Animal Control Officer is empowered to confiscate the dangerous animal and harbor it at the owner’s expense pending the owner’s construction of a secure enclosure. If a dangerous animal is confiscated under this provision, the owner of the dangerous animal shall be given written notice at the time of confiscation. Such written notice shall state that if the owner fails to provide an approved section 1-12B secure enclosure before the expiration of (30) thirty days from confiscation, the Animal Control Director is authorized to have the animal humanely destroyed. If the owner constructs an approved section 1-12B secure enclosure, the animal may be redeemed within (30) thirty days from confiscation so long as all fees owed to the Animal Control Director for harboring, caring, and/or maintaining the dangerous animal are paid and the animal was not humanely destroyed under article II.

Section 1-13 – Confiscation of Animals

Any animal not kept in accordance with the requirements of this article may be confiscated by an Animal Control Officer and impounded at a County Animal Shelter in accordance with the provisions of article III.

Section 1-14 – Dogs or other Animals Used for Sentry or Guard Duty

Any person owning, maintaining, or harboring a dog or other animal for sentry or guard purposes must register said dog or other animal with the Animal Control Director.

A sign warning that there is a guard or sentry animal on the premises must be displayed such that persons are made aware of the presence of a guard or sentry animal before they enter the property. Such sign shall specify what type of animal the guard or sentry animal is.

Section 1-15 – Law Enforcement Dogs Excluded

Any dog used by a law enforcement agency in the investigation of crimes or as necessary in the enforcement of the law shall be excluded from the purview of this ordinance except as to rabies regulations and enforcement.

ARTICLE II - RABIES CONTROL

Section 2-1 – Compliance with State Law, Article as Supplement to State Law

- A. It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.
- B. It is the purpose of this article to supplement the state laws by providing a procedure for the enforcement of state laws, in addition to the criminal penalties provided by state law, relating to rabies control.

Section 2-2 – Inoculation of Dogs, Cats, and other Pets

- A. It shall be unlawful for an owner to fail to provide current inoculation against rabies for any of the owner's dog(s) and cat(s) that are (4) four months of age or older. Should it be deemed necessary by the County Health Director, the Board Commissioners, the Board of Health, or the State Public Health Veterinarian that other animals be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that animal.
- B. A rabies inoculation shall be deemed "current" for a dog and cat if two inoculations have been given within a (12) twelve-month period and adequate booster doses of a rabies vaccine are given thereafter.
- C. Only rabies vaccinations administered by a licensed veterinarian or certified rabies vaccinator are considered to adequately vaccinate an animal against rabies. Owner-administered vaccines do not satisfy this requirement unless such owner is a licensed veterinarian or a certified rabies vaccinator.

Section 2-3 Inoculation Tag

- A. Upon complying with section 2-2 of this article, there shall be issued to the owner of the animal inoculated a metallic tag that will be stamped with its number, the year the tag was issued, the initials "N.C." or the words "North Carolina," and the words "rabies vaccine."
- B. It shall be unlawful for any dog owner to fail to provide the dog with a collar or harness to which a current tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times, except during the time the dog is performing in the course of a show, obedience school, tracking test, field training, or other event sanctioned or supervised by an organization approved by the Animal Control Director.
- C. It shall be unlawful for any person to use for any animal a rabies inoculation tag issued for an animal other than the one for which the tag was issued.

Section 2-4 – Evidence of Vaccination of Cats

Cats are not required to wear the metallic tag referred to in section 2-3A of this article, but the owner of a cat must maintain the rabies vaccination certificate(s) as written evidence to prove that the cat has a current rabies inoculation.

Section 2-5 – Report and Confinement of Animals Biting Persons or otherwise Showing Symptoms of Rabies

- A. Every dog or cat that has bitten any human or that otherwise shows symptoms of rabies must be confined immediately by its owner and must be promptly reported to the Animal Control Director, and thereupon shall be securely quarantined, at the direction of the Animal Control Director, for a period of (10) ten days, and shall not be released from such quarantine except by written permission from the Animal Control Director.
- B. Dogs and cats quarantined under this section shall be confined in a veterinary hospital, boarding kennel, or County Animal Shelter at the expense of the owner; provided, however, that if an Animal Control Officer determines that the owner of an animal that must be quarantined has adequate confinement facilities upon his or her property, an Animal Control Officer shall authorize the animal to be confined within such facilities. If the animal has been designated as dangerous, an Animal Control Officer cannot authorize the animal to be confined on the owner's property unless it is within an approved section 1-12B secure enclosure, and the animal is currently vaccinated against rabies. If the animal has not been designated as dangerous, an Animal Control Officer cannot authorize the animal to be confined on the owner's property unless the owner has a fenced-in area in his or her yard from which the animal cannot escape and the fenced-in area has no entrances or exits that are not locked, and the animal is currently vaccinated against rabies. Proof of rabies vaccination will be required at the time of investigation. If the animal is confined on the owner's property, an Animal Control Officer shall revisit the property for inspection purposes at approximately the middle of the confinement period and again at the conclusion of the confinement period.
- C. In the case of any dog or cat found to be wandering stray or at-large, the dog or cat may be harbored at a County Animal Shelter in accordance with section 2-5A of this article if such dog or cat shows symptoms of rabies. In such a case, the notice requirements of section 3-2 of article III apply. In the case of any dog or cat showing symptoms of rabies that is both found to be wandering stray and the ownership of such dog or cat cannot be determined, such dog or cat may be immediately humanely destroyed and the head of such dog or cat removed and taken to the State Laboratory of Public Health for rabies diagnosis.

- D. If rabies does not develop within (10) ten days after a dog or cat is quarantined under this section, the dog or cat may be released from quarantine with the written permission of the Animal Control Director. If the dog or cat has been confined in a County Animal Shelter, the owner must pay any necessary veterinarian fees and boarding fees as set by the Board of Commissioners.

Section 2-6 – Disposition of Animal Bitten or otherwise Exposed to a Rabid Animal

An animal shall be considered to have been exposed to rabies when such animal is reasonably suspected of being exposed to the saliva or nervous tissue of a proven rabid animal or an animal reasonably suspected of having rabies. Any animal exposed to rabies must be promptly reported to the Animal Control Director. Such animal shall be either immediately humanely destroyed by Franklin County or confined in accordance with section 2-5 of this article for a period of up to (6) six months. Any animal exposed to rabies that has been vaccinated against rabies in accordance with section 2-2 of this article more than (3) three weeks prior to being exposed, and is given a booster dose of a rabies vaccine by a licensed veterinarian or certified rabies vaccinator within (3) three days of being exposed, shall not be subject to the requirements of this section.

Section 2-7 – Area-Wide Emergency Quarantine

- A. When reports indicate a positive diagnosis of rabies, the County Health Director may order an area-wide quarantine for such period as he or she deems necessary. Upon invocation of such emergency quarantine, no dog, cat, or other carnivore may be off the owner's property unless secured within a vehicle that is transporting such dog, cat, or other carnivore to a County Animal Shelter or to receive veterinary care. During such quarantine, no dog, cat, or other carnivore may be taken or shipped from the county without written permission of the Animal Control Director, and the police and sheriff departments are hereby directed during such emergency to impound any dog, cat, or other carnivore found to be at-large or wandering stray in Franklin County. During the quarantine period, the Animal Control Director or local health authorities shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout Franklin County.
- B. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the County Health Director.

Section 2-8 – Postmortem Diagnosis

- A. If any animal dies while under observation for rabies, the head of such animal shall be removed and taken to the State Laboratory of Public Health for rabies diagnosis.
- B. The carcass of any animal suspected of dying of rabies must be surrendered to the Animal Control Director. The head of such animal shall be removed and taken to the State Laboratory of Public Health for rabies diagnosis.

Section 2-9 – Unlawful Killing, Releasing, etc. of Certain Animals

It shall be unlawful for any person, without written permission from the Animal Control Director and the County Health Director, to remove from Franklin County, release, or kill any animal suspected of being exposed to rabies or any animal that has bitten a human or that otherwise shows symptoms of rabies.

Section 2-10 – Failure to Surrender Animal for Quarantine or Destruction

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or humane destruction as required by this article when demand is made by an Animal Control Officer.

ARTICLE III - IMPOUNDMENT

Section 3-1 – Generally

Any animal found to be at-large, wandering stray, or that is otherwise subject to impoundment in accordance with the provisions of this ordinance shall be impounded at the direction of the Animal Control Director and confined in a County Animal Shelter in a humane manner. Impoundment of such an animal will not relieve the owner thereof from any penalty that may be imposed under this ordinance.

Section 3-2 – Notice to Owner

Immediately upon the impounding of an animal, reasonable efforts shall be made to notify the owner and inform such owner of the conditions whereby the animal may be redeemed. If the owner is unknown or cannot be located, notice of such impoundment shall be immediately posted on a bulletin board at a County Animal Shelter and remain posted for (3) three days, or until such time thereafter as the animal is humanely destroyed or adopted out. The notice shall include the time and place of the taking of such animal, together with the time and date of the posting of the notice. The (3) three-day notice period shall be suspended during those days that the County Animal Shelter holding the animal is closed.

Section 3-3 – Redemption by Owner Generally

- A. Unless this ordinance requires otherwise, the owner of an impounded animal may redeem and regain possession of the animal within (3) three days after notice of impoundment is posted or is given to the owner by complying with all applicable provisions of this ordinance and paying any necessary veterinarian's fee and a boarding fee set by the Board of Commissioners.
- B. No animal owner or any agent of the owner will be permitted to adopt the owner's animal under the provisions of section 3-2 of this article in order to reclaim an animal that has been impounded pursuant to state law or this article.

Section 3-4 – Destruction or Adoption of Unredeemed Animals Generally

- A. If an impounded animal is not redeemed by the owner within the period prescribed in section 3-3 of this article, it may be humanely destroyed or become the property of the County Animal Shelter and offered for adoption to any responsible adult who is willing to comply with this ordinance. Such animal may be adopted by the first such person who pays the adoption fee.

- B. All un-sterilized animals (5) five months of age or older adopted from a County Animal Shelter must be either spayed or neutered within (30) thirty days of their adoption. All un-sterilized animals adopted that are under (5) five months of age must be spayed or neutered before the animal reaches (6) six months of age. Written proof of the spaying or neutering must be promptly provided to the Animal Control Director by the adopter. The adoption of any animal that is not spayed or neutered pursuant to this section shall be deemed to violate this section and must be returned to the County Animal Shelter from which the animal was taken. The Animal Control Director is authorized to obtain an adoption agreement from an applicant in order to implement the provisions of this section.
- C. In addition to the established adoption fee, the County Animal Shelter shall require from the adopter a spaying or neutering deposit fee established by the Board of Commissioners to ensure that spaying or neutering is obtained.

When written proof that the required spaying or neutering has been performed by a licensed veterinarian is returned to the Animal Control Director, an amount equal to the spaying or neutering deposit fee will be reimbursed to the adopter. An adopter who fails to comply with section 3-4B of this article shall forfeit the spaying or neutering deposit fee.

- D. No animal that has been impounded by reason of its being found to be wandering stray shall be allowed to be adopted from the County Animal Shelter during a period of emergency rabies quarantine invoked pursuant to section 2-7 of article II, except by special authorization of the Health Director.
- E. Any animals that exhibit fierce, dangerous, or aggressive behavior will not be offered for adoption.

Section 3-5 – Procedure with Respect to Redemption or Adoption of Unvaccinated Animal

- A. Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog or cat at a County Animal Shelter will be given a “proof of rabies vaccination” certificate at the time of the redemption or adoption. This certificate will be stamped with a date stating the maximum time limit allowed to take the dog or cat to a licensed veterinarian of such person’s choice for rabies vaccination. The time limit for dogs and cats (4) four months or older will be (72) seventy-two hours, with Sundays and holidays excluded. For dogs and cats under (4) four months, the time limit will vary according to the dog or cat’s age.
- B. The “proof of rabies vaccination” certificate must be completed and returned to the County Animal Shelter from which the dog or cat was adopted. If the certificate is not returned to the County Animal Shelter within the limit specified on the certificate, an

Animal Control Officer will be dispatched to retrieve the dog or cat and all rights to the dog or cat, including monies paid, if any, will be forfeited.

- C. Payment for the rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.

Section 3-6 – Suspected Rabid Animals Shall Not Be Redeemed or Adopted

Notwithstanding any other provision of this article, animals impounded that show symptoms of rabies shall not be redeemed or adopted, but shall be dealt with in accordance with article II of this ordinance.

Section 3-7 – Destruction of Wounded or Diseased Animals

Notwithstanding any other provision of this article, any animal impounded that is diseased (but not a rabies suspect) or badly wounded and that has no identification shall be immediately humanely destroyed. If the animal has identification, reasonable attempts shall be made to notify the owner before the animal is humanely destroyed. If the owner cannot be reached readily, and the animal is suffering, the County Animal Shelter may humanely destroy the animal at its discretion.

ARTICLE IV – PENALTIES

Section 4-1 – Imposition of Penalties for Violation of Article I

- A. Except as otherwise provided, any person who violates any provision of this ordinance shall be fined a civil penalty of one hundred dollars (\$100.00). If the violation is continued, each day's violation shall constitute a separate offense. Payment of said penalties must be made within (10) ten days of each violation. Civil penalties may be assessed by citation and recovered by Franklin County in a civil action in the nature of a debt.
- B. If any animal previously designated as dangerous pursuant to section 1-12 of article I assaults, attacks, wounds, bites, or otherwise injures or kills a human without sufficient provocation, the owner must pay a five hundred dollar (\$500.00) civil penalty and the Animal Control Director is empowered to confiscate and, after the expiration of a (10) ten-day waiting period exclusive of Sundays and holidays, humanely destroy said dangerous animal. For each subsequent violation said owner must pay a fifteen-hundred dollar (\$1500.00) civil penalty.
- C. If any animal previously designated as dangerous pursuant to section 1-12 of article I kills, wounds, or assists in killing or wounding any domestic animal or pet without sufficient provocation, the owner of said animal must pay a two hundred fifty dollar (\$250.00) civil penalty and the Animal Control Director is empowered to confiscate and, after the expiration of a (10) ten-day waiting period exclusive of Sundays and holidays, humanely destroy said dangerous animal. For each subsequent violation the owner of said animal must pay a civil penalty of five hundred dollars (\$500.00).
- D. A violation of this ordinance shall subject the violator to criminal as well as civil action. In addition to the civil penalties or fees imposed under this ordinance, violation of this ordinance, unless otherwise stated, shall be a Class 3 misdemeanor for which a criminal summons may be issued. Violation of Section 1-6 shall constitute a Class I offense. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his or her liability for taxes, civil penalties, or fees imposed under this ordinance.
- E. In addition, enforcement of this ordinance may occur by appropriate equitable remedy, injunction, or order of abatement issued by a court of competent jurisdiction.

Section 4-2 – Imposition of Penalties for Violations of Article II and III

Penalties for violations of article II of this ordinance shall be in accordance with those penalties otherwise set out in State Law.

Section 4-3 – Appeals of Administrative Decisions

Should an individual wish to appeal a decision of an Animal Control Officer enforcing this ordinance under direction of the Animal Control Director, he or she must notify the Animal Control Director of such appeal within (3) three days of the decision. The Animal Control Director will review all circumstances and make a decision, in writing, within (10) ten days. In those matters related to animals designated as dangerous by the Animal Control Director, the owner of such animal may appeal such designation by filing written objections within (3) days of the designation with the Animal Control Appellate Board, also serving as the Dangerous Animal Board, which shall consist of (3) three members as designated and appointed by the Board of Commissioners. The Dangerous Animal Board shall schedule a hearing within (10) ten days of the filing of the objections. The decision of the Dangerous Animal Board will be given to the owner within (10) ten days of the hearing.

In matters relating to the designation of dangerous animals, any appeal from the final decision of the Dangerous Animal Board may be taken to the Franklin County Superior Court by filing notice of appeal and a petition for review within (10) ten days of the final decision of the Dangerous Animal Board.

ARTICLE V – EFFECTIVE DATE

The effective date of this ordinance shall be upon its execution.

ADOPTED THIS the _____ day of May, 2006.

PUBLIC HEALTH AND RELATED LAWS

OF

NORTH CAROLINA

CHAPTER 130A

RABIES

RABIES

130A-184 – Definitions

The following definitions shall apply throughout this part:

1. “Animal Control Officer” means 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” means a domesticated feline.
3. “Certified rabies vaccinator” means a person appointed and certified to administer rabies vaccine to animals in accordance with this part.
4. “Dog” means a domesticated canine.
5. “Rabies vaccine” means an animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in the State by the Commission.
6. “State Public Health Veterinarian” means a person appointed by the Secretary to direct the State Public Health Veterinary Director.
7. “Vaccination” means the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

130A-185 – Vaccination of all Dogs and Cats

- a. The owner of every dog and cat over four months of age shall have the animal vaccinated against rabies. The time or times of vaccination shall be established by the Commission. Rabies vaccine shall be administered only by a licensed veterinarian or by a certified rabies vaccinator.
- b. Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by the Commission shall be used on animals in this state.

130A-186 – 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 Director.

The State Public Health Veterinarian shall provide at least four hours of training to 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.

130A-187 – 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, shall be published in a newspaper having general circulation within the area.

130A-188 – Fee for Vaccination at County Rabies Vaccination Clinics

The County Board of Commissioners is authorized to establish a fee to be charged at 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.

130A-189 – Rabies Vaccination Certificates

A licensed veterinarian or 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.

130A-190 – 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 may be exempted from wearing the tags by local ordinance. Rabies vaccination tags, links and rivets may be obtained from the Department. The Secretary is authorized to establish by rule a fee for the rabies tags, links and rivets. The fee shall not exceed the actual cost of the rabies tags, links and rivets plus transportation costs.

130A-191 – 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.

130A-192 – 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 the 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 institution of who any animal has been released.

130A-193 – Vaccination and Confinement of Dogs and Cats Brought into This State

- a. 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.
- b. The provisions of subsection (a) shall not apply to:
 1. A dog or cat brought into this State for exhibition purposes if the animal is confined and not permitted to run at large.
 2. 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 past year.

130A-194 – 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 or 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.

130-195 – 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.

130A – 196 – (Effective Until January 1, 1995) Confinement of All Biting Dogs and Cats, 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 if 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 misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for six months, or both. 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 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.

130A-197 – Infected Dogs and Cats to be Destroyed, Protection of Vaccinated Dogs and Cats

A dog or cat bitten by a proven rabid animal or animal suspected of having rabies that is not available for laboratory diagnosis shall be destroyed immediately by its owner, 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 bitten, and is given a booster dose of rabies vaccine within three days of the bite.

130A-198 – 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.

130A-199 – 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 be 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 of Public Health for rabies diagnosis.

130A-200 – Confinement or Leashing of Vicious Animals

A local Health Director may declare an animal to be vicious and a menace to the public health when the animal has attacked a person causing bodily harm without being teased, molested, provoked, beaten, tortured or otherwise harmed. When an animal has been declared to be vicious and a menace to the public health, the local Health Director shall order the animal to be confined to its owner's property. However, the animal may be permitted to leave its owner's property when accompanied by a responsible adult and restrained on a leash.

130A-201 through 130A-204 – Reserved For Future Codification Purposes

GENERAL STATUTES
OF
NORTH CAROLINA

CHAPTER 67
DOGS

CHAPTER 67 – DOGS

ARTICLE 1

OWNER’S LIABILITY

67-1 – Liability For Injury to Livestock or Fowls

If any dog, not being at the time on the premises of the owner or person having charge thereof, shall kill or injure any livestock or fowls, the owner or person having such dog in charge shall be liable for the damages sustained by the injury, killing, or maiming of any livestock, and costs of suit. (1911, c.3, d.1, C.S., s.1669)

67-2 – (Effective October 1, 1994) Permitting Bitch at Large

If any person owning or having any bitch shall knowingly permit her to run at large during the erotic stage of copulation he shall be guilty of a Class 3 misdemeanor.

67-3 – (Effective October 1, 1994) Sheep-killing Dogs to be Killed

If any person owning or having any dog that kills sheep or other domestic animals, or that kills a humane being, upon satisfactory evidence of the same being made before any judge of the district court in the county, and the owner duly notified thereof, shall refuse to kill it, and shall permit such dog to go at liberty, he shall be guilty of a Class 3 misdemeanor, and the dog may be killed by anyone if found going at large.

ARTICLE 1 – Owners Liability

Amendments – The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, substituted “Class 3 misdemeanor” for “misdemeanor, and fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days”.

67-4 – (Effective October 1, 1994) Failing to Kill Mad Dog

If the owner of any dog shall know, or have good reason to believe, that his dog, or any dog belonging to any person under his control, has been bitten by a mad dog and shall neglect or refuse immediately to kill the same, he shall forfeit and pay the sum of fifty dollars (\$50.00) to him who will sue therefore; and the offender shall be liable to pay all damages which may be sustained by anyone, in his property or person, by the bite of any such dog, and shall be guilty of a Class 3 misdemeanor.

CASE NOTES

Actual Knowledge Unnecessary – In an action under this section it is not necessary to prove that the biting dog was in fact mad. The words “good reason to believe” apply both to the condition of the biting dog and to the fact that the dog was bitten by a mad dog.

Dog Can Be Destroyed – If owner refuses to destroy a dog, which is mad or is bitten by a mad dog, he subjects himself to the possibility of a fine and imprisonment and the dog can be destroyed by order of the justice issuing the warrant under this section.

ARTICLE 1A

67-4.1 – Definitions and Procedures

- a. As used in this Article, unless the context clearly requires otherwise and except as modified in subsection - of this section, the term:
 1. "Dangerous dog" means
 - a. A dog that:
 1. Without provocation has killed or inflicted severe injury on a person; or
 2. Is determined by the person or Board designated by the county or municipal authority responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in subdivision (2) of this subsection.
 - b. 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 person or Board designated by the county or municipal authority responsible for animal control determines to have:
 - a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or
 - b. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
 - c. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
 3. "Owner" means any person or legal entity that has a possessory property right in a dog.
 4. "Owner's real property" means any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.
 5. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.
- b. The provisions of this Article do not apply to:
1. A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
 2. A dog being used in a lawful hunt;
 3. A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or
 4. 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, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.
- c. The county or municipal authority responsible for animal control shall designate a person or a Board to be responsible for determining when a dog is a "potentially dangerous dog" and shall designate a separate Board to hear any appeal. The person or Board making the determination that a dog is a "potentially dangerous dog" must notify the owner in writing, giving the reasons for the determination, before the dog may be

considered potentially dangerous under this Article. The owner may appeal the determination by filing written objections with the appellate Board within three days. The appellate Board shall schedule a hearing within 10 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 10 days of the final decision of the appellate Board. Appeals from rulings of the appellate Board shall be heard in the superior court division. The appeal shall be heard de novo before a superior court judge sitting in the county in which the appellate Board whose ruling is being appealed is located.

67-4.2 - Precautions against attacks by dangerous dogs.

- a. It is unlawful for an owner to:
 1. Leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog;
 2. Permit a dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.
- b. If the owner of a dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide written notice to:
 1. The authority that made the determination under this Article, stating the name and address of the new owner or possessor of the dog; and
 2. The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.
- c. Violation of this section is a Class 3 misdemeanor.

67-4.3 – (Effective October 1, 1994) Penalty for Attacks by Dangerous Dogs

The owner 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 Class 1 misdemeanor.

67-14.1 - Dogs Injuring Deer or Bear on Wildlife Management Area May Be Killed; Impounding Unmuzzled Dogs Running Atlarge.

- a. Any dog which trails, runs, injures or kills any deer or bear on any wildlife refuge, sanctuary or management area, now or hereafter so designated and managed by the Wildlife Resources Commission, during the closed season for hunting with dogs on such refuge or management area, is hereby declared to be a public nuisance, and any wildlife protector or other duly authorized agent or employee of the Wildlife Resources Commission may destroy, by humane method, any dog discovered trailing, running, injuring or killing any deer or bear in any such area during the closed season therein for hunting such game with dogs, without incurring liability by reason of his act in conformity with this section.
- b. Any unmuzzled dog running at large upon any wildlife refuge, sanctuary, or management area, when unaccompanied by any person having such dog in charge, shall be seized and impounded by any wildlife protector, or other duly authorized agent or employee of the Wildlife Resources Commission.
- c. The person impounding such dog shall cause a notice to be published at least once a week for two successive weeks in some newspaper published in the county wherein the dog was taken, or if none is published therein, in some newspaper having general circulation in the county. Such notice shall set forth a description of the dog, the place where it is impounded, and that the dog will be destroyed if not claimed and payment made for the advertisement, a catch fee of one dollar (\$1.00) and the boarding, computed at the rate of fifty cents (50¢) per day, while impounded, by a certain date which date shall be not less than 15 days after the publication of the first notice. A similar notice shall be posted at the courthouse door.
- d. The owner of the dog, or his agent, may recover such dog upon payment of the cost of the publication of the notices hereinbefore described together with a catch fee of one dollar (\$1.00) and the expense, computed at the rate of fifty cents (50¢) per day, incurred while impounding and boarding the dog.
- e. If any impounded dog is not recovered by the owner within 15 days after the publication of the first notice of the impounding, the dog may be destroyed in a humane manner by any wildlife protector or other duly authorized agent or employee of the North Carolina Wildlife Resources Commission, and no liability shall attach to any person acting in accordance with this section.

67-15 - Repealed by Session Laws 1983, c. 35, s. 2

67-16 - Failure to Discharge Duties Imposed Under This Article

Any person failing to discharge any duty imposed upon him under this Article shall be guilty of a Class 3 misdemeanor.

67-17 - Deleted

67-18 - Application of Article

This Article, G.S. 67-5 to 67-18, inclusive, is hereby made applicable to every county in the State of North Carolina, notwithstanding any provisions in local, special or private acts exempting any county or any township or municipality from the provisions of the same enacted at any General Assembly commencing at the General Assembly of 1919 and going through the General Assembly of 1929.

Article 3

Special License Tax on Dogs

67-19 through 67-28 - Repealed by Session Laws 1973, c. 822, s. 6.

Article 4

Guide Dogs

67-29 - Repealed by Session Laws 1973, c. 493, s. 2

Article 5

Protection of Livestock and Poultry from Ranging Dogs.

67-30 - Appointment of Animal Control Officers Authorized; Salary, Etc.

A county may appoint one or more Animal Control Officers and may fix their salaries, allowances, and expenses.

67-31 - Powers and Duties of Dog Warden.

The powers and duties of the county dog warden shall be as follows:

1. He shall have the power of arrest and be responsible for the enforcement within his county of all public and public-local laws pertaining to the ownership and control of dogs, and shall cooperate with all other law-enforcement officers operating within the county in fulfilling this responsibility.
2. In those counties having a rabies control officer, the county dog warden shall act as assistant to the rabies control officer, working under the supervision of the county health department, to collect the dog tax. In those counties having no rabies control officer, the county dog warden shall serve as rabies control officer.

67-32 - Repealed by Session Laws 1983, c. 891, s. 9 Effective January 1, 1994

67-33 through 67-35 - Repealed by Session Laws 1973, c. 822, s. 6

67-36 - Article Supplements Existing Laws.

The provisions of this Article are to be construed as supplementing and not repealing existing State laws pertaining to the ownership, taxation, and control of dogs.

GENERAL STATUTES

OF

NORTH CAROLINA

CHAPTER 19A

ANIMAL CRUELTY INVESTIGATORS

14.361 – Instigating or Promoting Cruelty to Animals

If any person shall willfully set on foot, or instigate, or move to, carry on, or promote, or engage in, or do any act towards the furtherance of any act of cruelty to any animal, he shall be guilty of a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000.00) and imprisonment for up to one year.

14-361.1 – Abandonment of Animals

Any person being the owner or possessor, or having charge or custody of an animal, who willfully and without justifiable excuse abandons the animal is guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment for up to six months.

14-362 – Cockfighting

A person who instigates, promotes, conducts, is employed at, allows property under his ownership or control to be used for, participates as a spectator at, or profits from an exhibition featuring the fighting of a cock is guilty of a misdemeanor and is punishable by imprisonment for up to six months and a fine of up to five hundred dollars (\$500.00). A lease of property that is used or is intended to be used for an exhibition featuring the fighting of a cock is void, and a lessor who knows this use is made or is intended to be made of his property is under a duty to evict the lessee immediately.

14-362.1 – Animal Fights, Other Than Cock Fights, and Animal Baiting

- a. A person who instigates, promotes, conducts, is employed at, provides an animal for, allows property under this ownership or control to be used for, or profits from an exhibition featuring the fighting or baiting of an animal, other than a cock, is guilty of a misdemeanor and is punishable as provided in G.S. 14-3. A lease of property that is used or is intended to be used for an exhibition featuring the fighting or baiting of an animal, other than a cock, is void, and a lessor who knows this use is made or is intended to be made of this property is under a duty to evict the lessee immediately.
- b. A person who owns, possesses, or trains an animal, other than a cock, with the intent that the animal be used in an exhibition featuring the fighting or baiting of that animal or any other animal is guilty of a misdemeanor and is punishable by imprisonment for up to one year and a fine of up to one thousand dollars (\$1,000.00).

- c. A person who participates as a spectator at an exhibition featuring the fighting or baiting of an animal, other than a cock, is guilty of a misdemeanor and is punishable by imprisonment for up to six months and a fine of up to five hundred dollars (\$500.00).

GENERAL STATUTES

OF

NORTH CAROLINA

CHAPTER 130A

POWERS AND DUTIES OF LOCAL HEALTH DIRECTOR

130A-41 - Powers and Duties of Local Health Director

- a. A local health director shall be the administrative head of the local health department, shall perform public health duties prescribed by and under the supervision of the local Board of Health and the Department and shall be employed full time in the field of public health.
- b. A local Health Director shall have the following powers and duties:
 1. To administer Directors as directed by the local board of health;
 2. To enforce the rules of the local board of health;
 3. To investigate the causes of infectious, communicable and other diseases;
 4. To exercise quarantine authority and isolation authority pursuant to G.S. 130A-145;
 5. To disseminate public health information and to promote the benefits of good health;
 6. To advise local officials concerning public health matters;
 7. To enforce the immunization requirements of Part 2 of Article 6 of this Chapter;
 8. To examine and investigate cases of venereal disease pursuant to Parts 3 and 4 of Article 6 of this Chapter;
 9. To examine and investigate cases of tuberculosis pursuant to Part 5 of Article 6 of this Chapter;
 10. To examine, investigate and control rabies pursuant to Part 6 of Article 6 of this Chapter;
 11. To abate public health nuisances and imminent hazards pursuant to G.S. 130A-19 and G.S. 130A-20;
 12. To employ and dismiss employees of the local health department in accordance with Chapter 126 of the General Statutes;
 13. To enter contracts, in accordance with The Local Government Finance Act, G.S. Chapter 159, on behalf of the local health department. Nothing in this paragraph shall be construed to abrogate the authority of the board of county commissioners.
- c. Authority conferred upon a local health director may be exercised only within the county or counties comprising the local health department.