

## CHAPTER 91: ANIMAL CONTROL

### Section I. General Provisions

#### 91.01: Definitions

Animal Shelter: Any premises designated by the County for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this ordinance.

At Large: Any animal shall be deemed to be at large when it is off the property of its owner and not under the restraint of a competent person.

Attack: An approach to a person by an unrestrained animal in a vicious, terrorizing, or threatening manner or apparent attitude of attack, without the animal having been teased, molested, provoked, beaten, tortured, or otherwise harmed.

Attack Training Facility: Any person, group of person, partnership, or corporation engaged in boarding, breeding, selling, or training dogs or other animals in mode of an attack.

Dangerous Animal/Dog: Any animal that has demonstrated a fierce or dangerous propensity or tendency to do any act which may endanger persons or property and/or any non-domesticated animal indigenous to the State of North Carolina including hybrid animals that are part wild. This would include, but not be limited to, any dog which (1) assaults, bites, attacks, or inflicts serious injury or death on a human being without provocation on public or private property and/or (2) which has killed or injured a pet or domestic animal without provocation. *Exceptions:* No dog is dangerous pursuant to this definition if at the time the threat, injury, or damage was sustained, the person attacked was teasing, tormenting, abusing, or assaulting the dog, or has in the past teased, tormented, abused, or assaulted the dog or was committing or attempting to commit a crime. Nor shall a dog be considered dangerous pursuant to this definition if it has attacked or injured a pet or domesticated animal in defense of an attack by another animal or if it is protecting or defending its young.

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

Domestic Animal: Any of various animals such as horses, sheep, cattle, goats, hogs, poultry, etc., domesticated by man so as to live and breed in a tame condition.

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

Exposed to Rabies: An animal that has been exposed to rabies within the meaning of this ordinance if it has been bitten by, or has been exposed to, any animal known or suspected to have been infected with rabies.

Identified Animal: An animal with an identification tag, tattoo, or N.C. Rabies Vaccination tag displayed on its collar.

Inherently Dangerous Mammal: Inherently dangerous mammal is any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which due to their inherent nature may be considered dangerous to humans and which include:

1. Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis Familiaris*).
2. Felidae, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis Catus*).
3. Ursidae, including any member of the bear family, or any hybrids thereof.

Kennel, Dealer, or Breeder: Any person, group of persons, partnership or corporation engaged in buying, selling, breeding, or boarding animals.

Neutered: Any male animal which has been operated upon to prevent reproduction.

Owner: Any person, group of persons, firm, partnership, or corporation owning, keeping, having charge of, sheltering, feeding, harboring, or taking care of any animal. The owner is responsible for the care, actions, and behavior of his animals. In the event that the owner of an animal is a minor, the parent or guardian of such minor shall be held liable for non-compliance with the provision of this ordinance. Any person harboring an animal for forty-eight (48) consecutive hours is responsible for that animal.

Pet: A domesticated animal kept for pleasure rather than utility.

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) on or within a vehicle being driven or parked; (3) within a secure enclosure; or (4) within a dwelling house of the owner.

Secure Enclosure: A fence or structure of adequate height, forming or causing a human enclosure suitable to prevent the animal from escaping and to prevent the entry of young children.

Spayed: Any female animal which has been operated upon to prevent reproduction.

Stray: Any dog or cat that appears stray, homeless or unwanted, and any dog that is not displaying a valid rabies tag unless exempted under Section II, 91.27: Inoculation Tag.

**91.02: Establishment and Composition of the Animal Control Advisory Board and Department**

- A. There is hereby created an Advisory Board to advise the Alexander County Animal Control Department. The Advisory Board is to be composed of seven (7) members appointed by the Alexander County Board of Commissioners and shall serve terms as established by the Board of Commissioners. This board should include membership from the following categories: Rural Area Member, Veterinarian, Public Health, Law Enforcement, Hunter, Urban Area Member, and a Member-at-Large. The Animal Control Supervisor will serve as an Ex-Officio member of the board.
- B. There is hereby created the Animal Control Department of Alexander County, hereinafter referred to as the Animal Control Department, which shall be composed of such employees and/or officials as determined by the Alexander County Board of Commissioners.
- C. Employees or agents enforcing this chapter shall be designated as Animal Control Officers. In the performance of their duties, Animal Control Officers shall have all the powers, authority, and immunity granted under this chapter and by the general laws of this State to enforce the provisions of this chapter, and the General Statutes of North Carolina as they related to the care, treatment, control, or impounding of animals.
- D. Except as may be otherwise provided by statutes, local laws, or ordinances, no officer, agent, or employee of the County charged with the duty of enforcing the provisions of this chapter or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties unless he acts with actual malice.

**91.03: General Duties of Animal Control Department**

- A. The Animal Control Department shall be charged with the responsibility of:
  - 1. Enforcing, in this county, all State and County laws, ordinances, and resolutions relating to the care, custody, and control of domesticated dogs and cats.
  - 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 and dangerous dogs.
  - 3. Investigating cruelty or abuse with regard to all animals.

4. Making such canvasses of the county, including the homes in the 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 Board of County Commissioners, the County animal shelter(s).
- B. It shall be the duty of the Animal Control Department to keep, or cause to be kept, accurate and detailed records of:
1. Impoundment and disposition of all animals coming into the animal shelter(s).
  2. Bite cases, violations, and complaints, and investigation of same.
  3. All monies belonging to the County which were derived from impoundment fees, penalties, and sales of animals.
  4. All rabies vaccinations given in the county by veterinarians and Animal Control staff.
  5. All other records deemed necessary.

#### **91.04: Cruelty to Animals**

All animals shall be kept and treated under sanitary conditions and it shall be unlawful for any person to engage in one of the following examples:

- A. Cruelty to Animals in General – It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon, or subject to conditions detrimental to its health or general welfare of 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; nor 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. As used in this section, the term "animal" includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings.
- B. Failure to Provide Adequate Food, Water, Shelter, and Veterinarian Care – It shall be unlawful for any person to fail to provide his/her animal or animals with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his animal or animals in good health and comfort, the opportunity for vigorous daily exercise, veterinary care when needed to prevent suffering and humane care and

treatment. Also, it shall be unlawful for any person to maintain his/her animal or animals in unsanitary or inhumane conditions. By way of example, but not limitation, the following standards may be deemed adequate upon the discretion of an animal control officer upon investigation:

1. Adequate food means the provision at suitable intervals, not to exceed twenty-four (24) hours, of quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container.
  2. Adequate water means a constant access to a supply of clean, fresh water suitable for drinking and provided in a sanitary manner.
  3. Adequate shelter means that shelter or portion of an outside enclosure which will keep a non-aquatic animal dry and out of the direct sun, at a temperature level that is healthful for the animal. For dogs, cats, or other small animals, the shelter shall be a wind and moisture resistant structure of suitable size to accommodate the animal. It shall include four (4) walls, a roof, and a solid floor raised off the ground, with an opening entrance large enough to allow access to the animal. The animal must have access to shaded areas other than the shelter during warm or hot days. For all animals, the containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming into contact with any such waste or debris, and drainage shall be provided to eliminate excess water or moisture.
- C. Trade in Underage Animals – It shall be unlawful for any person to sell or offer for sale, barter, or give away within the county baby chickens, ducklings, or other fowl under six (6) weeks of age or rabbits, puppies, or kittens under eight (8) weeks of age as pets, toys, premiums, or novelties; provided, however, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings, or other fowl or such rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes other than for pets or novelties.
- D. Color Alterations – It shall be unlawful to color, dye, stain, or otherwise change the natural color of baby chickens or other fowl or rabbits.
- E. Chaining or Tethering – It shall be unlawful for any person to tie any household animal except as follows:
1. Any tethering device shall be designed and placed to prevent choking or strangulation and must be attached to the animal by means of a properly fitting nylon or leather collar. (Use of choke chains, rope, and/or wire is not acceptable).
  2. Such tether device shall not be less than ten (10) feet in length and include swivels on both ends.

3. Tether device must not exceed an appropriate weight for the size, weight, and age of the animal.
  4. The tether device must allow for the animal to lie down comfortably, to move freely without becoming entangled, and have access to adequate food, water, and shelter.
- F. Engaging in a Fight – It shall be unlawful to intentionally allow animals to engage in a fight.
- G. Unsanitary/Crowded Conditions – It shall be unlawful to allow animals to live in unsanitary conditions or crowded conditions.
- H. Failure to Provide Veterinary Care – It shall be unlawful to fail to provide veterinary care for a sick, injured, and/or diseased animal. Refusal or failure to provide veterinary attention within a specified time period given by the Animal Control Officer is unlawful.
- I. Exhibit Animals – It shall be unlawful to permit any exhibit, function, or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or themselves. Animal Control shall have the authority to inspect and to close down public exhibits of animals that are part of fairs, carnivals, festivals, fund-raising events, petting zoos, and any other activity or function if it is determined that animals are being cruelly treated, abused, or run the risk of causing injury to the public or themselves.
- J. Keeping of Animals on Vacant/Abandoned Property – It is unlawful to confine an animal to, or restrain an animal on, the premises of a vacant or abandoned structure/property.
- K. Leaving an Animal in a Closed Vehicle – It shall be unlawful to leave an animal in a closed vehicle or other enclosure for such duration or at such temperature as an Animal Control Officer or police officer deems harmful or potentially harmful to the animal.
- L. Failure or Refusal to Report Injured Domestic Animals – All persons who injure, or are aware of an injured, domestic animal shall use reasonable efforts to locate and to notify the owner of the domestic animal, or in the alternative, to notify an Animal Control Officer or any law enforcement officer.

**91.05: Female in Estrous (Heat)**

It shall be unlawful for any owner to permit his/her dog or cat to knowingly run at large during the erotic stage of copulation.

### **91:06: Confinement and Control of Inherently Dangerous Mammals**

- A. It shall be unlawful for any owner to keep an inherently dangerous mammal within the county.
  - 1. Three names on description of Inherently Dangerous Mammal (See Section I, 91.01 - Definitions)
- B. *Exceptions:* The following shall be exempt from this ordinance:
  - 1. Traveling fairs, circuses, carnivals, parks, and zoos shall also be exempt from this section.
- C. Recapturing – The owner of any inherently dangerous mammal shall reimburse Alexander County for all costs incurred while attempting to recapture any escaped inherently dangerous mammal. If the animal is sheltered or euthanized by Animal Control, the owner shall also pay these costs.

### **91.07: Confinement and Control of Dangerous Animals and Dangerous Dogs**

- A. It is unlawful for any owner to maintain or harbor unconfined or unrestrained any dangerous dog or animal which (1) bites, inflicts injury, assaults, or otherwise attacks a human being without provocation on public or private property; or (2) injures or kills a pet or domesticated animal and the Animal Control Officer determines after investigation that the report is supported by the evidence, then and only then will the said dog or animal be deemed dangerous.
- B. The owner will be notified in writing to confine the dog or animal in a humane secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog or animal is on the premises.
- C. The owner shall have thirty (30) days from the date of notification to provide a humane, secure enclosure. The animal deemed "dangerous" shall be confined inside of the owner's property during this period. If no suitable confinement of the animal at the owner's residence, home, or outbuilding, the animal will be confined at the Alexander County Animal Shelter or at a suitable boarding facility at owner's expense.
- D. An Animal Control Officer is empowered to confiscate the dog or animal and harbor it at the owner's expense pending the owner's construction of a humane secure enclosure. If any dangerous animal or dog is confiscated under this provision, the owner of the dangerous dog or animal shall be given written notice at the time of confiscation that if the owner fails to provide a secure enclosure upon the expiration

of thirty (30) days from confiscation, Animal Control is authorized to dispose of the animal. If the owner constructs a secure enclosure which is approved by Animal Control, and the animal is not being destroyed pursuant to Section I, 91.16, Subsections B and D, the animal may be redeemed within thirty (30) days from confiscation so long as all fees owing to Animal Control for harboring, caring, and maintaining the animal are paid.

- E. Dogs or animals trained or being trained in mode of attack or fighting are subject to the provisions of Section I, 91.07, Subsections B, C, and D hereinabove.

## **91.08: Public Nuisance**

### A. Cats/Dogs Public Nuisance Definitions:

1. Cat: Any and all domestic felines.
2. In estrus: A female cat or dog in what is commonly called “in heat.”
3. Cat Nuisance: The commission on more than one occasion of any of the following qualifying acts or conditions shall be deemed prima facie evidence of a public nuisance:
  - i. Getting into or turning over garbage pails, cans, or containers;
  - ii. Walking or sleeping on automobiles of another;
  - iii. Damaging gardens or other foliage or other real or personal property;
  - iv. Being located on the property of another while not under control of the owner; or
  - v. In estrus and not confined to a building or secure enclosure.
4. Owner: Any person, group of persons, firm, partnership, or corporation owning, keeping, having charge, or taking care of any cat/dog or allowing any cat/dog to remain on its property for more than seventy-two (72) hours after the day of observation.
5. Dog: Any and all domestic canines.
6. Dog Nuisance: The commission on more than one occasion of any of the following qualifying acts or conditions shall be deemed prima facie evidence of a public nuisance:
  - i. Being “at-large” off the premises of its owner and not under restraint or control of a person;
  - ii. Chasing, snapping, or attacking or otherwise molesting pedestrians, bicyclists, or motor vehicles/passengers of farm stock, or other domestic animals;

- iii. Getting into or turning over garbage pails, cans, or containers;
- iv. Damaging gardens or other foliage or other real or personal property;  
or
- v. Being housed, tethered, or tied less than 15 feet from a public street, road, or sidewalk such that the dog can actually access said street, road, or sidewalk and posing a threat to the general safety, health, and welfare of the general public.

B. Cat Nuisance Violation – It shall be a violation of this chapter for an owner to allow their cat(s) to engage in any of the acts listed in subsection (A)(3) above on more than one occasion. The owner shall be subject to the sanctions, penalties, fines, and remedies stated below.

C. Dog Nuisance Violation – It shall be a violation of this chapter for an owner to allow their dog(s) to engage in any of the acts listed in subsection (A)(6) above one more than one occasion. The owner shall be subject to the sanctions, penalties, fines, and remedies stated below.

D. Sanctions, Penalties, Fines, and Remedies for Public Nuisance Violations – Violations of this chapter shall be punishable as follows:

1. Warnings – When an Animal Control Officer determines that a violation of this chapter has occurred, he/she shall first issue a written warning of the violation and notice of the public nuisance which shall be served on the owner. The owner shall be responsible for abating the nuisance within seventy-two (72) hours by taking reasonable steps or measures to ensure that the animal does not engage in any further act(s) which may constitute a nuisance.
2. Civil Penalty/Criminal Summons – If the animal engages in any further act(s) of public nuisance or the owner fails to abate the condition which constitutes the nuisance within seventy-two (72) hours, the Animal Control Officer may issue a civil penalty for further violations. If the owners fails to abate the nuisance after the second civil penalty or fails to ensure that the animal ceases to engage in further acts of public nuisance, the issuing officer may cause a criminal summons to be issued for the owner.
3. Owner Unknown – In situations where the owner of an animal is unknown or cannot with reasonable diligence be ascertained by the Animal Control Officer, the animal may be impounded. If the owner does not redeem the animal within three (3) working days, the animal shall become the property of the county and may be disposed of as provided by law.
4. Criminal Violation – If an owner is convicted of violating this ordinance by a court or competent jurisdiction, the owner shall be guilty of a class three (3)

misdemeanor and shall be fined not more than \$50.00 or imprisoned as provided by law.

5. Private remedies – Nothing in this section shall prevent a private citizen from suing the owner of an animal which has caused injury to said private citizen or said private citizen's property.

#### **91.09: Requirements for Attack Training Facility**

It shall be unlawful for any person, group of persons, partnership, or corporation to conduct training in mode of attack for dogs or other animals at any location unless such training is conducted within a secure enclosure.

Such training within a secure enclosure within the meaning of this ordinance if it is performed within (1) a fence or structure of adequate height to prevent the dog or animal from jumping, climbing, or otherwise escaping from the enclosure; and (2) said training is conducted in the presence of the owners(s) or trainer(s) at all times.

Any dog or animal trained or being trained in mode of attack is deemed to be dangerous and is subject to all the provisions of this ordinance relative to dangerous dogs or dangerous animals.

#### **91.10: Confiscation of Animals**

Any dangerous animal or dangerous dog not kept in accordance with the requirements of this chapter may be confiscated by the Animal Control Officer and harbored at the owner's expense until the owner complies with the requirements of this chapter, or disposed of as provided in Section I, 91.07.

#### **91.11: Required Notification to Animal Control Department by Owners of Dangerous Animals or Dangerous Dogs**

The owner of a dangerous animal or dangerous dog shall inform the Animal Control Department, as soon as practicable, but not later than twenty-four (24) hours after the occurrence of any of the following:

- A. An assault, attack, or biting upon any human being committed by any such animal in the owner's care or control.
- B. An attack or biting upon any domesticated animal or pet while said animal is off the owner's property.
- C. The destruction of or damage to property of another by such animal.

- D. The roaming or escape of any animal required to be restrained or confined to a secure enclosure.
- E. If the owner of a dangerous dog transfers ownership or possession of the dog to another person (as defined in N.C.G.S. 67-4.2), the owner shall provide written notice to the authority that made the determination under this Section, stating the name and address of the new owner or possessor of the dog.

#### **91.12: Dogs or 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 animal with the Animal Control Department.

A sign warning that there is a guard or sentry dog or animal on the premises shall be displayed. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog or animal is on the premises.

#### **91.13: Teasing and Molesting**

It shall be unlawful for any person to tease, bait, or in any way molest any animal not belonging to him or legally under his control.

#### **91.14: Law Enforcement Dogs Excluded**

Any dog used by a law enforcement agency in the investigation of crimes or as otherwise necessary in the enforcement of the law is excluded from requirements of this chapter with the exception that they are regulated by the provisions of Sections II and III of this ordinance.

#### **91.15: Interference with Enforcement of Chapter**

It shall be unlawful for any person to interfere with, hinder, or molest the Animal Control Department agents or officers, veterinarians, or Health Department Director and/or his/her designee in the performance of any duty authorized by this chapter, or to seek to release any animal in the custody of such agents, except as otherwise specifically provided.

#### **91.16: Imposition of Penalties for Violations of Chapter**

- A. Any person, firm, or corporation violating any of the provisions of this ordinance shall further be subject to the imposition by citation of a civil penalty for each such violation which shall be paid in full within seventy-two (72) hours of the service of the citation by a representative of the Alexander County Animal Control Department

or any law enforcement officer, or both in accordance with N.C.G.S. 153A-123. If the offender does not pay the penalty within the seventy-two (72) hour period, the county may recover said penalty plus court costs and attorney fees in a civil action in the nature of a debt. Failure to make payment and correct the violation or violations within the seventy-two (72) hour period will result in an additional fine per day for a total of fifteen (15) days. All monies derived from the civil penalties collected shall be used in the operation and maintenance of the Alexander County Animal Shelter. (See Appendix I for fee schedule).

- B. If any dangerous animal or dangerous dog shall, when unprovoked, attack, assault, wound, bite, or otherwise injure or kill a human being, the owner shall pay a fine and, after a ten (10) day waiting period, exclusive of Sundays and holidays, said dog shall be destroyed by the Animal Control Department. For each owner's subsequent violation, said owner shall pay a civil penalty for owning or keeping a dangerous animal or dangerous dog which attacks, assaults, wounds, bites, or otherwise injures or kills a human being. (See Appendix I for fee schedule).
- C. If any dangerous animal or dangerous dog shall, when unprovoked, kill, wound, worry, or assist in killing or wounding any domestic animal or pet, the owner of said animal or dog shall pay a civil penalty. For each subsequent violation, the owner of said animal or dog shall pay a civil penalty. (See Appendix I for fee schedule).
- D. Violation of this ordinance may subject the violator to criminal as well as civil action. In addition, the civil penalties or fees imposed under this ordinance, violation of this chapter shall be a misdemeanor for which a criminal summons may be issued. Any person convicted of such violation shall be punishable as provided in N.C.G.S. 14.4. 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 liability for taxes, civil penalties, or fees imposed under this ordinance.
- E. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction, or order of abatement issued by a court of competent jurisdiction.

## **Section II. Rabies Control**

### **91.25: 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 relating to rabies control, in addition to the criminal penalties provided by State law.

**91.26: Inoculation of Dogs, Cats, and Other Pets**

- A. It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for any dog or cat four (4) months of age or older.
- B. Should it be deemed necessary by the Alexander County Animal Control Department, the Alexander County Board of Commissioners, or the State Public Health Veterinarian that other pets 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 pet.
- C. A rabies inoculation shall be deemed “current” for a dog or cat if two (2) inoculations have been given one year apart and booster doses of rabies vaccine administered every three (3) years.

**91.27: Inoculation Tag**

- A. Upon complying with the provision of Section II, 91.26 hereinabove, there shall be issued to the owner of the animal inoculated, a metallic tag, stamped with the number and the year for which issued, and indicating that the animal has been inoculated against rabies.
- B. It shall be unlawful for any dog or cat owner to fail to provide the dog or cat 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.
- 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 using the tag.

**91.28: Report and Confinement of Animals Biting Persons or Showing Symptoms of Rabies**

- A. Every dog or cat which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the Animal Control Department, and thereupon, shall be securely quarantined at the direction of the Animal Control Department for a period of ten (10) days, and shall not be released from such quarantine except by written permission from the Animal Control Department.
- 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 which must be quarantined has adequate confinement facilities upon his own

premises, the Animal Control Officer shall authorize the animal to be confined on such premises.

- C. The Animal Control Officer may not authorize the animal to be confined on the owner's premises unless the owner has a fenced-in area in his yard and the fenced-in area has no entrances or exits that are not locked, and the animal is currently vaccinated against rabies. Proof will be required at the time of investigation. If the animal is confined on the owner's premises, the Animal Control Officer shall revisit the premises for inspection purposes at approximately the middle of the confinement period and again at the conclusion of the confinement period. If owner of a dog or cat that is vaccinated against rabies is bitten or in a fight with a known rabid animal, the owner is to re-vaccinate their animal against rabies and confine it for observation for sixty (60) days.
- D. In the case of stray dogs or cats whose ownership is not known, the dogs or cats may be euthanized and the head examined for rabies or kept for the supervised quarantine period required by this section at the County animal shelter.
- E. If rabies does not develop within ten (10) 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 Department. If the dog or cat has been confined in the County animal shelter, the owner shall pay any necessary veterinarian fees and a boarding fee set by and approved by the Alexander County Board of Commissioners. Any animal which has bitten a person which has not be reclaimed within twenty-four (24) hours from the end of the ten (10) day rabies observation quarantine period, shall be destroyed by the Animal Control Department.
- F. In the case of any carnivore or bat, the animal may be euthanized and the head examined for rabies.

### **91.29: Destruction of Animal Bitten by Rabid Animal**

Unvaccinated animals bitten by a known rabid animal shall be immediately destroyed. If the animal has been suspected to have been in contact with saliva or nervous tissue of a proven rabid animal or an animal reasonably suspected to have rabies and it has a current rabies inoculation, it shall be re-vaccinated and returned to the owner.

### **91.30: Area-Wide Emergency Quarantine**

- A. When reports indicate a positive diagnosis of rabies, the Alexander County Health Director may order an area-wide quarantine for such period as he/she deems necessary. Upon invoking of such emergency quarantine, no dog, cat, or other carnivores shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no dog, or cat, or other carnivore may be taken or

shipped from the county without written permission of the Animal Control Department. Law enforcement departments are hereby directed during such emergency, to impound any dog, cat, or other carnivore found running at large in the county. During the quarantine period, the Animal Control Department 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 the 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 Alexander County Health Director.

#### **91.31: Postmortem Diagnosis**

- A. If an animal dies while under observation for rabies, the head of such animal shall be submitted to the Alexander County Health Department for shipment to the State of North Carolina Laboratory of Public Health for rabies diagnosis.
- B. The carcass of any animal suspected of dying of rabies shall be surrendered to the Alexander County Animal Control Department. The head of such animal shall be submitted to the Alexander County Health Department for shipment to the North Carolina State Laboratory of Public Health for rabies diagnosis.

#### **91.32: Unlawful Killing, Releasing, etc. of Certain Animals**

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the county without written permission from the Animal Control Department.

#### **91.33: 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 destruction as required in this section, when demand is made thereof by the Animal Control Department.

### **Section III. Impoundment**

#### **91.41: Generally**

Any animal which appears to be lost, stray, or unwanted, or which is found to be not wearing a valid rabies vaccination tag, as required by State law or this ordinance, and not under restraint in violation of this ordinance, shall be impounded by the Animal Control Department and confined

in the County animal shelter in a humane manner. Impoundment of such an animal shall not relieve the owner thereof from any penalty, which may be imposed for violation of this ordinance.

**91.42: Notice to Owner**

Immediately upon impounding an animal, the Animal Control Department shall make reasonable effort 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, the animal will be held for three (3) days and put in adoption pool or euthanized.

**91.43: Redemption by Owner Generally**

- A. The owner of an animal impounded under this article may redeem the animal and regain possession thereof within seventy-two (72) hours (three days) from notification of impoundment is given, as required by Section III, 91.44, by complying with all applicable provision of this chapter and paying any necessary veterinarian's fee and a boarding fee set and approved by the Alexander County Board of Commissioners.
- B. No animal owner may be permitted to adopt his own animal under the provisions of Section III, 91.44 in order to reclaim an animal that has been impounded pursuant to State law or this article.

**91.44: Destruction or Adoption of Unredeemed Animals Generally**

- A. If the owner does not redeem an impounded animal within the period prescribed in Section III, 91.43, it may be destroyed in a humane manner or shall become the property of the County animal shelter(s) and offered for adoption by the first such person who pays the adoption fee.
- B. No animal which has been impounded by reason of its being stray, unclaimed by its owner, shall be allowed to be adopted from the County animal shelter(s) during a period of emergency rabies quarantine invoked pursuant to Section II, 91.30 of this ordinance, except by special authorization of the Alexander County Health Director.
- C. Adoption Contract – Any person adopting a dog from the County animal shelter(s) shall be required to sign an adoption contract with the animal shelter, and follow the Animal Adoption Policy as set forth by the Board of Commissioners under Section V.

**91.45: Procedure with Respect to Redemption or Adoption of Unvaccinated Dog or Cat**

All animals four (4) months of age or older that leave the animal shelter or any animal hospital or veterinary clinic shall be required to have a rabies vaccination.

**91.46: Suspected Rabid Animals Not to be Redeemed or Adopted**

Notwithstanding any other provision of this article, animals impounded which appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with Section II of ordinance.

**91.47: Destruction of Wounded or Diseased Animals**

Notwithstanding any other provision of this section, any animal impounded, which appear to be wounded or diseased shall not be redeemed or adopted, but shall be dealt with in accordance with Section II of this ordinance.

**Section IV. Enforcement**

**91.55: Enforcement in Municipalities; Restricted**

- A. Animal Control Officers shall have no authority to enforce this chapter within the boundaries of any municipality within Alexander County unless the governing body of that municipality adopts a resolution stating that Alexander County is empowered to enforce the provisions of this chapter within that municipality, and repeals any inconsistent ordinance.
- B. The Animal Control Officers shall be prohibited from enforcing the provision of any ordinance or municipal law not adopted according to the provisions of this section.

**91.56: Deceased Animals**

- A. It shall be the duty of the owner or person in charge of any animals that die from any cause, and the owner, lessee, or person in charge of any land upon which any animals die, to bury the dead animals to a depth of at least three (3) feet beneath the surface of the ground and not closer than three hundred (300) feet of any flowing stream or public body of water within twenty-four (24) hours after the death of the animal is known, or to otherwise dispose of the animals in a manner approved by the State veterinarian.
- B. It shall be unlawful for any person to remove the carcasses of dead animals from his premises to the premises of any other person without the written permission of the person having charge of such premises and without burying such carcasses as provided in this section.

- C. The Animal Control Department does not pickup any deceased animal from properties or roadways.

## **Section V. Adoption Policy**

### **91.62: General**

In an effort to provide a healthier environment for Alexander County's animals and to reduce the unwanted stray and litter population, Alexander County would like to promote adoption of suitable animals. Only animals that exhibit a good temperament and personality are made available for adoption. Dogs, puppies, cats, and kittens will be available for adoption.

Animals made available for adoption will be available on a *first come first serve basis* only. Animal Control staff encourages anyone interested in adopting a pet to come by the County animal shelter located at 116 Waggin Trail and view all available adoption animals. Animals may be adopted during normal business hours of 8:30 AM to 12:00 PM and 1:00 PM to 4:00 PM Monday, Wednesday, Thursday, and Friday or other times by appointment. Selected dogs and cats available for adoption may be adopted for a fee (see Appendix I for fee schedule). These fees include spay or neuter, first health shots on animals which we have no records, and a current rabies vaccination. These fees will be placed back into Animal Control and used to provide better care for our animal population and to assist with the upkeep of our shelter.

Animal adoption usually takes approximately thirty (30) minutes to an hour and an appointment will be made through a local participating veterinarian to have the above services performed. Adoption clients who fail to keep the scheduled veterinarian appointment(s) or fail to meet the terms of the adoption agreement after thirty (30) days will result in Animal Control Officers picking up the animal and returning it to the adoption process at the County animal shelter. Any incurred fees by clients failing to meet the adoption criteria or who fail to follow the rules of the adoption agreement will be forfeited.

### **91.63: Requirements**

As per Section III, 91.44 of this ordinance, the following will apply to all adoptions:

- A. If an impounded animal is not redeemed by the owner within the period prescribed in Section III, 91.44, it may be destroyed in a humane manner or shall become the property of the County animal shelter and offered for adoption or purchased by the first such person who pays the adoption or purchase fee.
- B. No animal which has been impounded by reason of its being stray, unclaimed by its owner, shall be allowed to be adopted from the County animal shelter during a period of emergency rabies quarantine invoked pursuant to Section II, 91.30 of this

ordinance, exception by special authorization of the Alexander County Health Director.

- C. Adoption Contract – Any person adopting a dog from the County animal shelter shall be required to sign an adoption contract with the County animal shelter, the major provisions of which are outlined in this section.

**91.64: Exceptions**

- A. The Animal Control Department has the right to refuse adoption of animals to persons less than eighteen (18) years of age.
- B. Persons with very poor history (e.g. animals repeatedly stolen, pets who ran away, were hit by cars, were poisoned, died of disease, no veterinary care, etc.) shall not be allowed to adopt.
- C. Any animals that exhibit fierce, dangerous, or aggressive behavior will not be offered for adoption.

(Approved 3/15/2004, Revised 9/7/2010, Revised 7/18/2016)