

# *Cabarrus County Animal Control Ordinance*

## **Sec. 10-1.** Jurisdiction of chapter.

This chapter shall apply to all areas of the county which lie outside of the corporate limits of any municipality and to those areas within the corporate limits of any municipality which has adopted this chapter by resolution pursuant to section 10-2 (definition of "county/city").

(Ord. of 8-17-92, art. I, § 2; Ord. of 3-19-96, art. IV, § 2)

## **Sec. 10-2.** Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Animal means every vertebrate, nonhuman species of animal, wild or domestic, male or female, including, but not limited to dogs, cats, livestock, and other mammals, birds, reptiles, amphibians, and fish.

Animal control officers mean persons properly appointed to pick up, restrain, impound, sell or dispose of dogs, cats, or other animals and who are responsible for discharging such other duties and functions as may be prescribed by the county board of commissioners by this or any other county ordinance or by state law, or pursuant to interlocal agreements executed pursuant to section 10-37.

Animal shelter means any facility designated by the county board of commissioners 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 chapter, ordinances of the county, or state law.

Breeder means any person engaged in the commercial business of breeding animals for sale.

(Ord. of 8-17-92, art. I, § 17; Ord. of 3-19-96, art. I, § 17; Ord. No. 1998-01, 1-20-98)

## **Sec. 10-4.** Cruelty.

It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused

or permitted; but such terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulation of the wildlife resources commission; nor to prohibit the animal control department or its agents or veterinarians from destroying dangerous, unwanted, or injured animals in a humane manner; nor to prohibit any individual from killing a dangerous animal in imminent defense of person or property; nor to prohibit the lawful use of animals in scientific research.

(Ord. of 8-17-92, art. I, § 7; Ord. of 3-19-96, art. I, § 7)

**Sec. 10-5. Abandonment.**

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 Class 2 misdemeanor punishable by a fine of up to \$1,000.00 and imprisonment for up to 60 days.

(Ord. of 8-17-92, art. I, § 8; Ord. of 3-19-96, art. I, § 8)

State law reference(s)--Similar provisions, G.S. 14-361.1.

**Sec. 10-6. Restraint.**

(a) Physical restraint of animal. It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, excluding cats, to keep such animal on his premises or off the premises unless such animal is under sufficient physical restraint such as a leash, bridle, cage, or similar device which restrains and controls the animal, or within a vehicle or adequately contained by a fence on the premises or other secure enclosure. If it is an effective, working invisible fence, then there must be a visible, permanent sign on the premises stating that there is an invisible fence; provided, however, animals kept on premises five acres or greater in size do not have to be kept within a fence or other secure enclosure, or under any physical restraint while on such premises.

(b) Adult with animal on premises. If a responsible adult is physically outside on the land immediately adjacent to the animal, on the land where the owner of the animal resides, and the animal is under the person's direct control and is obedient to that person's commands, then this section shall not apply during the duration of time the animal is in the company and under the control of that adult and the animal is on the premises. "Adult" is defined as 18 years of age or older.

(c) Hunting on or off premises. Hunting dogs shall be excluded from the provisions requiring physical restraint while the dogs are engaged in hunting, provided that the hunting complies with state law and provided that the hunters are not trespassing.

(d) Violations. Issuance of a citation for a violation of subsection (a) of this section is directed toward and against the owner of an animal. The purpose of the issuance of a

citation is to effect the conduct of the owner of an animal by seeking to have an owner responsibly maintain sufficient restraint and confinement of his/her animal. Therefore, an owner of an animal shall be subject to escalating penalties for each violation of subsection (a) of this section allowed by the owner, whether the animal is the same animal, a different animal, or various animals belonging to the owner. Each violation of subsection (a) of this section shall subject the owner to the following escalating citation penalties:

#### Owner's Penalty Offense

- 1<sup>st</sup> \$50.00 fine. Seizure of the animal unless the owner immediately complies with subsections (a) and (b) of this section.
- 2<sup>nd</sup> \$150.00 fine. Seizure of the animal unless the owner immediately complies with subsections (a) and (b) of this section.
- 3<sup>rd</sup> and subsequent offenses \$250.00 fine. Seizure of the animal unless the owner immediately complies with subsections (a) and (b) of this section.

(Ord. of 8-17-92, art. I, § 9; Ord. of 3-15-93, § 1; Ord. of 3-19-96, art. I, § 9)

#### Sec. 10-7. Public nuisance.

- (a) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of or damages a member of the general public, interferes with the ordinary use and enjoyment of another's property, or frightens or harms livestock.
- (b) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a public nuisance and are therefore unlawful:
  - (1) Having an animal that disturbs the rights of, threatens the safety of or damages a member of the general public, or interferes with the ordinary use and enjoyment of one's property.
  - (2) Allowing or permitting an animal to damage the property of anyone other than its owner, including but not limited to, turning over garbage containers; damaging gardens, flowers, or vegetables; defecating upon the property of another; or frightening or harming livestock.
  - (3) Maintaining animals in an unsanitary environment which results in offensive odors or is dangerous to the animal or to the public health, safety or

welfare, or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease.

(4) Maintaining the owner's property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property.

(5) **Allowing or permitting an animal to bark, whine, howl, crow, or cackle in an excessive or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises.**

(6) Maintaining an animal that is diseased and dangerous to the public health.

(7) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, joggers, animals walked on a leash by owners, bicycles or other vehicles.

(8) Failing to confine a female dog or cat while in heat in a building or secure enclosure in such a manner that she will not be in contact with another dog or cat or attract other animals, provided this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of the animal which is being bred.

In addition to any other enforcement remedies available under this chapter, if the director/supervisor declares an animal to be a nuisance under this section, then the director/supervisor has the authority to order the owner to confine the animal in accordance with the instructions of the director/supervisor. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order.

(Ord. of 8-17-92, art. I, § 10; Ord. of 3-19-96, art. I, § 10)

**Sec. 10-8. Dangerous animals.**

(a) It shall be unlawful for any person to own or in any way maintain or harbor any animal which is dangerous.

(b) If the director/supervisor has determined that an animal is dangerous, then the director/supervisor shall notify the owner immediately in writing, if the owner is known and after reasonable efforts to (otherwise) notify the owner (have failed). The owner shall turn the animal over to the department immediately after such notification. The director/supervisor shall have the authority to seize immediately an animal deemed dangerous. The director/supervisor shall have the discretion to dispose of an animal in one of only two specific ways:

(1) By the humane destruction of the animal; or

(2) By giving the animal to an individual or an organization, subject to the protective and inspection conditions required by the director/supervisor for the well-being of the animal and for the protection of the public, for the purpose of preserving and taking care of the animal.

An animal declared to be a dangerous animal by the director/supervisor shall not be disposed of for research or experimental purposes.

(c) The sheriff shall conduct a hearing to determine if the director/supervisor's determination that the animal is dangerous is correct or incorrect. If the animal is judged not to be dangerous, it shall be returned to the owner. If the sheriff determines the animal to be dangerous, then the director/supervisor shall dispose of the animal only in the manner described in subsections (b)(1) and (b)(2) of this section. In the event of an appeal to the courts from the sheriff's decision, the animal shall be confined at the animal shelter, and a cash bond shall be requested for all costs whatsoever attendant upon county's retention of the animal.

(Ord. of 8-17-92, art. I, § 12; Ord. of 3-19-96, art. I, § 12)

#### **Sec. 10-9. Seizure and disposition.**

(a) Authority to seize animals. In addition to any other authority or procedure authorized by this chapter or by any other law to seize an animal, the department shall have the authority to summarily seize any animals from premises when the department determines that the animal is in circumstances that pose a danger to the public safety or public health, or to seize an animal at any other time, when so authorized in this chapter or pursuant to G.S. 14-360, 19A-1, 2, 3, 4, and 19A-45, 46, 47, and 48. The written order shall explicitly state that the department has the authority to terminate ownership rights of the animal, including the possible humane destruction of the animal, if there is a failure to comply with the written order, or unless otherwise directed by court order.

(b) Obligation of owner to comply with seizure order. When the director/supervisor serves the owner with an order to seize an animal, it shall be unlawful for the owner to fail to comply with the order or to interfere with the animal control officer.

(c) Challenge to the seizure order. If the owner wishes to challenge the seizure order, then the owner must submit in writing the basis of the challenge within five days of the seizure of the animal, not counting the day of seizure of the animal. The challenge must be filed with the office of the animal control department. The sheriff is authorized to hear and decide the challenge to the seizure order in the same manner as provided for in section 10-8, unless the seizure is accomplished through the authority of state law, in which case the hearing will be held in the district courts of the county as by law provided. The department has the obligation to make reasonable efforts to notify the owner.

(d) Owner's redemption of animal. The owner is entitled to redeem the animal, unless the director/supervisor retains the animal upon some other basis of legal authority, by

paying all applicable fees, citation fees, boarding fees, and other costs that are attributable to the seizure of the animal, and complying with any outstanding department order.

(e) Owner's posting of a bond. If the director/supervisor has seized an animal, as authorized by this chapter, or for any other legally authorized seizure and confinement of an animal, and the director/supervisor determines that the department's retention of any animal so seized by the department, might extend beyond five days, then the director/supervisor shall be authorized to require the owner to post a bond or to deposit cash within a reasonable time to cover the boarding costs for the animal and any foreseen, reasonable veterinarian fees required by law or deemed necessary for the animal during the period of confinement.

(f) Termination of owner's rights. If an owner fails to comply with the requirement that constituted the basis for seizing the animal, or fails to reclaim the animal within the applicable time period, then the director/supervisor shall have the authority to humanely destroy the animal or place the animal for sale to the public, all in accordance with this section, or to place the animal with a local humane society for future placement through the humane society.

(Ord. of 8-17-92, art. I, § 14; Ord. of 3-19-96, art. I, § 14)

**Sec. 10-10.** Interference with enforcement of chapter.

It shall be unlawful for any person to interfere with, hinder or molest the animal control department or its agents or animal control officers or veterinarians in the performance of any duty authorized by this chapter, or otherwise specifically provided. When requested, an officer of the county sheriff's department or the municipal law enforcement agency shall accompany an animal control officer investigating a suspected dangerous or vicious dog.

(Ord. of 8-17-92, art. I, § 15; Ord. of 3-19-96, art. I, § 15)

Secs. 10-11--10-35. Reserved.

## ARTICLE II. ANIMAL CONTROL DEPARTMENT

**Sec. 10-36.** Establishment and composition; appointment and compensation of department employees.

There is hereby created an animal control department which shall be a division of the sheriff's department, and shall be composed of such employees as shall be determined by the county commissioners. Such employees shall be appointed by the sheriff pursuant to G.S. 153A-103 and compensated in accordance with the personnel policies of the county.

Appeals provided for in this chapter shall be to the sheriff.

The sheriff is specifically appointed as the animal cruelty investigator for the county pursuant to G.S. 19A-45.

(Ord. of 8-17-92, art. I, § 1; Ord. of 3-19-96, art. I, § 1)

**Sec. 10-37. General duties.**

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 animals.
- (2) Cooperating with the health director and 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 leashing of vicious animals.
- (3) Investigating cruelty or animal abuse with regard to 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, under the supervision of the sheriff, pursuant to policies of the board of county commissioners, the county animal shelters.

(Ord. of 8-17-92, art. I, § 2; Ord. of 3-19-96, art. I, § 2)

**Sec. 10-38. Records.**

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

- (1) Impoundment and disposition of all animals coming into the animal shelters.
- (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 license tags, and sales of animals.
- (4) All other records deemed necessary by the county manager.

(Ord. of 8-17-92, art. I, § 3; Ord. of 3-19-96, art. I, § 3)

Secs. 10-39--10-55. Reserved.

### ARTICLE III. DOGS AND CATS

#### Sec. 10-56. Vicious dogs.

- (a) Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined. The vicious dog shall be maintained in a secure dog fence.
- (b) Leash and muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.
- (c) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.
- (d) Dogfighting. No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dogfighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.
- (e) Appeal. Any person who owns an animal that has been declared vicious by the director/supervisor shall have the right to appeal this decision to the sheriff. The owner of an animal declared vicious shall have the right to request a hearing about that decision by submitting a written request to the sheriff within five days after the director's/supervisor's determination that the animal is vicious.
- (f) Violation. Violation of the requirements of this article by a dog declared vicious pursuant to the procedure set forth in this section shall result in the immediate seizure of the vicious dog and may result in its humane destruction and the prosecution of its owner.

(Ord. of 8-17-92, art. I, § 11; Ord. of 3-19-96, art. I, § 11)

#### Sec. 10-57. Protective measures for confinement of potentially dangerous dogs.

- (a) Circumstances requiring special preventive measures. The department shall have the authority to require the owner or custodian of a dog to comply with specific preventive measures, as described in subsection (b) of this section, after taking into consideration the following factors:
  - (1) Nature of the particular dog. The behavior, size, temperament, capacity for inflicting serious injury, the number of dogs involved or other such factors which would be relevant to determination of whether or not additional preventive measures need to be imposed for a particular situation.

- (2) Adequacy of confinement. The adequacy of the enclosure or confinement, if any.
- (3) Immediate surrounding area. The likelihood that the conditions pertaining to the particular dog and the dog's confinement are detrimental to the safety, welfare or peace and tranquility of citizens in the immediate surrounding area.
- (4) Child under the age of seven. A child under the age of seven lives in close proximity, or small children walk by or are otherwise in close proximity to the premises occupied by the dog.
- (5) Bite. The dog has bitten a human being or domestic animal, without provocation or trespass, and the person bitten does not ordinarily reside on the premises.
- (6) Dog trained for fighting or aggressive attack. The dog is used for competitive dogfighting or the dog has been trained for aggressive attacks.
- (7) Attitude of attack incident. The dog, without provocation or a trespass, has approached a person in an apparent attitude of attack.
- (8) Reputation of the dog. The dog has a known propensity, reputation, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

In considering whether to order a special preventive measure, the department is authorized to consider additional factors as aggravating circumstances that might warrant the ordering of special preventive measures.

(b) Preventive measures. If the department determines that the circumstances require special preventive measures, then the department shall have the authority to require appropriate, specific preventive measures which might include, but are not limited to, the following:

- (1) Necessary repairs to any fence or enclosure.
- (2) Measures to ensure that a gate will remain secure.
- (3) A fence or secure dog fence or any other similar device that would provide greater assurance for the confinement of the dog, subject to specific approval by the department.
- (4) The department shall also have the authority to require the owner to tattoo the dog at the owner's expense, if that is necessary for identification, investigation, or enforcement purposes.

(c) Written order. If the department determines that a dog owner must take specific preventive measures, the department shall make reasonable efforts to notify the owner by the written order, stating the reasons that preventive measures are required, identifying the specific preventive measures that must be implemented and stating the designated time period for compliance with the written order. The department shall have the authority to allow for reasonable extensions of time limits based on good faith progress of implementation of the preventive measures. Any approved extensions shall be in writing.

(d) Failure to comply with written order. It shall be unlawful for an owner to fail to comply with a written order to take preventive measures within the designated time for compliance stated in the written order or any extension thereof. The penalty for failure to comply with written order to take preventive measures shall be \$100.00. The department shall have the authority to issue an additional \$200.00 citation for continuing failure to comply with a written order.

(e) Owner's challenge to written order. The owner may submit in writing a challenge to the department's determination that subsection (a) of this section is applicable to the owner's premises or submit in writing a challenge to the specific preventive measures required by the department. The owner's written challenge must be received by the sheriff by the end of five days of the date of the written order, not counting the day of issuance of the written order. The review of the challenge may be done solely on the basis of written material, or if requested by the owner, the sheriff may hold a formal hearing at which the owner and issuing officer shall have an opportunity to present oral or documentary information. If a formal hearing is requested, the sheriff shall schedule the hearing as soon as possible after the request.

(f) Seizure and disposition of animal. The department is authorized to seize an animal as provided in section 10-9, when the owner has not complied with the written order and the time for filing a challenge has expired.

(Ord. of 8-17-92, art. I, § 13; Ord. of 3-19-96, art. I, § 13)

**Sec. 10-58. Adoptions; spay/neuter.**

Appropriate animals that come into the custody of the animal control division will be offered for adoption. Persons wishing to adopt an animal from the shelter shall pay a fee in the amount of \$65.00 for dogs and \$35.00 for cats which shall be used to offset the cost of the adoption program and veterinarian services related to the adoption of the animals.

Persons adopting an animal from the shelter shall be encouraged to have the animal spayed or neutered.

Adoptable animals that are not chosen for adoption within the time limits established by the animal control division may be adopted by the Humane Society of Concord and Greater Cabarrus County without payment of the adoption fee.

(Ord. of 8-17-92, art. I, § 16; Ord. of 12-7-92(1), § 1; Ord. of 3-19-96, art. I, § 16; Ord. No. 1998-01, 1-20-98)

Secs. 10-59--10-95. Reserved.

#### ARTICLE IV. RABIES CONTROL

##### Sec. 10-96. 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.

(Ord. of 8-17-92, art. II, § 1; Ord. of 3-19-96, art. II, § 1)

##### Sec. 10-97. Inoculation of dogs, cats, and other pets.

(a) It shall be unlawful for an owner to fail to provide current inoculation by a licensed veterinarian against rabies (hydrophobia) for any dog or cat four months of age or older. Should it be deemed necessary by the county health director, the board of county 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 by a licensed veterinarian against rabies for that pet.

(b) A rabies inoculation shall be deemed current for a dog or cat if two inoculations have been given one year apart and a booster dose of rabies vaccine administered every three years thereafter.

(Ord. of 8-17-92, art. II, § 2; Ord. of 3-19-96, art. II, § 2)

##### Sec. 10-98. Inoculation tag.

(a) Upon complying with the provisions of section 10-97, there shall be issued to the owner of the animal inoculated a numbered 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 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 unless the animal is confined in a

secure enclosure. Dogs not wearing such tags and for which the owner cannot promptly display a valid tag shall be impounded and shall be subject to a citation penalty of \$50.00.

(c) It shall be unlawful for any person to use for any animal a rabies inoculation issued for an animal other than the one using the tag.

(Ord. of 8-17-92, art. I, § 5(3), art. II, § 3; Ord. of 3-19-96, art. I, § 5, art. II, § 3)

**Sec. 10-99. Evidence of inoculation of cats.**

Cats shall not be required to wear the metallic tag referred to in section 10-98, but the owner of a cat shall maintain the rabies vaccination certificates as written evidence to prove that the cat has a current rabies inoculation. Cats for which the owner cannot promptly display a valid rabies tag shall be impounded and shall be subject to a citation penalty of \$50.00.

(Ord. of 8-17-92, art. II, § 4; Ord. of 3-19-96, art. II, § 4)

**Sec. 10-100. 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 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. 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, the fenced-in area has no entrances or exits that are not locked, and the animal is currently vaccinated against rabies. 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.

(c) 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.

(d) If rabies does not develop within 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 department. If the dog or cat has been confined in the county animal

shelter, the owner shall pay a fee determined by resolution of the board of county commissioners for each day of confinement to defray the cost available for public inspection in the office of the clerk to the board of county commissioners and the county animal shelter.

(e) In the case of any carnivore or bat, the animal may be euthanized and the head examined for rabies.

(Ord. of 8-17-92, art. II, § 5; Ord. of 3-19-96, art. II, § 5)

**Sec. 10-101. Destruction or confinement of animal bitten by rabid animal.**

(a) If an animal has a current rabies inoculation and is bitten by a known rabid animal, the animal bitten shall be revaccinated and returned to the owner.

(b) If an animal does not have a current rabies inoculation and is bitten by a known rabid animal, the owner of the bitten animal must strictly isolate the bitten animal in an animal shelter, boarding kennel, or at a veterinary hospital for a period of six months or the animal will be immediately destroyed.

(Ord. of 8-17-92, art. II, § 6; Ord. of 3-19-96, art. II, § 6)

**Sec. 10-102. Area-wide emergency quarantine.**

(a) When reports indicate a positive diagnosis of rabies, the county director of public health may order an area-wide quarantine for such period as he deems necessary. Upon invoking of such emergency quarantine, no dog, cat, or other carnivore shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no dog, cat, or other carnivore may be taken or shipped from the county without written permission of the animal control department and the police and sheriff's departments, and the police and sheriff's 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 the 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) If 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 director of public health.

(Ord. of 8-17-92, art. II, § 7; Ord. of 3-19-96, art. II, § 7)

**Sec. 10-103. Postmortem diagnosis.**

(a) If an animal dies while under observation for rabies, the head of such animal shall be immediately submitted to the county health department for shipment to the laboratory section of the department of environment, health, and natural resources for rabies diagnosis.

(b) The carcass of any animal suspected of dying of rabies shall be surrendered to the animal control department. The head of such animal shall be immediately submitted to the county health department for shipment to the laboratory section of the department of environment, health, and natural resources for rabies diagnosis.

(Ord. of 8-17-92, art. II, § 8; Ord. of 3-19-96, art. II, § 8)

**Sec. 10-104. Unlawful killing, releasing, 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 and the county director of public health.

(Ord. of 8-17-92, art. II, § 9; Ord. of 3-19-96, art. II, § 9)

**Sec. 10-105. 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 article, when demand is made therefor by the animal control department.

(Ord. of 8-17-92, art. II, § 10; Ord. of 3-19-96, art. II, § 10)

Secs. 10-106--10-120. Reserved.

## ARTICLE V. IMPOUNDMENT

**Sec. 10-121. Generally.**

Any dog which appears to be lost, stray, and which is found to be not wearing a currently valid rabies vaccination tag, as required by state law or this chapter, and not under restraint in violation of this chapter, shall be impounded by the animal control department and confined in an 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 chapter.

(Ord. of 8-17-92, art. III, § 1; Ord. of 3-19-96, art. III, § 1)

**Sec. 10-122. 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, impoundment shall be three days or longer, at the discretion of the animal control officer.

(Ord. of 8-17-92, art. III, § 2; Ord. of 3-19-96, art. III, § 2)

**Sec. 10-123. Redemption by owner generally.**

(a) If an impounded animal is not redeemed by the owner within the period prescribed in section 10-122, it may be destroyed in a humane manner or shall become the property of the animal shelters and offered for adoption to any responsible adult who is willing to comply with this chapter. It is recommended that cylinder carbon monoxide gas rather than engine-produced carbon monoxide gas be used in the destruction of unclaimed animals. Such animal may be adopted or purchased by the first such person who pays the adoption or purchase fee and rabies vaccination fee. No rabies vaccination fee will be required for animals sold to dealers licensed pursuant to the U.S. Department of Agriculture's Animal Welfare Act.

(b) The animal control department shall recommend that all adopted female dogs and cats released from the animal shelter be spayed.

(c) No animal which has been impounded by reason of its being stray, unclaimed by its owner, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to section 10-102, except by special authorization of the director of public health and the animal control department.

(Ord. of 8-17-92, art. III, § 3; Ord. of 3-19-96, art. III, § 3)

**Sec. 10-124. Redemption or adoption of unvaccinated dog or cat.**

(a) Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog or cat at the animal shelter will be given a proof of rabies vaccination card at the time of the redemption or adoption. This card will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of such person's choice for rabies vaccination. The time limit for dogs and cats four months and older will be 72 hours, with Sundays and holidays excluded. For puppies and kittens under four months, the time limit will vary according to their age.

(b) The proof of rabies vaccination card will be completed and returned to the animal shelter by the person adopting the animal. If this card is not returned to the animal shelter within the time limit specified on the card, an animal control officer will be dispatched to retrieve the dog or cat.

(c) Payment for rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.

(Ord. of 8-17-92, art. III, § 5; Ord. of 3-19-96, art. III, § 5)

**Sec. 10-125. 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 article IV.

(Ord. of 8-17-92, art. III, § 6; Ord. of 3-19-96, art. III, § 6)

**Sec. 10-126. Destruction of wounded or diseased animals.**

Notwithstanding any other provision of this article, any animal impounded which is badly wounded or diseased, not a rabies suspect, and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the animal control department shall attempt to notify the owner before disposing of such animal, but if the owner cannot be reached readily, and the animal is suffering, the animal control department may destroy the animal at its discretion in a humane manner.

(Ord. of 8-17-92, art. III, § 7; Ord. of 3-19-96, art. III, § 7)

Secs. 10-127--10-130. Reserved.

## **ARTICLE VI. INHERENTLY DANGEROUS ANIMALS**

**Sec. 10-131. Definitions.**

- (a) For the purpose of this article, an inherently dangerous animal includes any inherently dangerous exotic mammal or inherently dangerous reptile defined herein.
- (b) Inherently dangerous exotic mammal is any member of the canidae, felidae, or ursidae families, including hybrids thereof, which due to their inherent nature, may be considered dangerous to humans.
  - (1) Canidae includes any member of the dog (canid) family not customarily domesticated by man, or any hybrids of such canidae thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including dogs (*Canis familiaris*).
  - (2) Felidae includes any member of the cat family not customarily domesticated by man or any hybrids of such felidae, but not including domestic cats (*Felis catus*).
  - (3) Ursidae includes any member of the bear family, or hybrids of such ursidae.

(c) Inherently dangerous reptile is any member of the class reptilia which:

(1) Is venomous. A venomous reptile shall include all members of the families Helodermidae (gila monsters and Mexican beaded lizards), Viperidae (vipers), Crotalidae (pit vipers), Atractaspidae (burrowing asps), Hydrophilidae (snakes), and Elapidae (cobras, coral snakes, and their allies), as well as any "rear fanged" snakes of the family Colubridae that are known to be dangerous to humans (including, but not limited to Dispholidus typus (boomslang), Thebtornis kirtlandii (twig snake), Rhabdophisspp (keelbacks)).

(2) Is a member of the order Crocodilia (crocodiles, alligators, and caiman).

(d) Harbinger of an inherently dangerous exotic mammal or inherently dangerous reptile is any person or persons, regardless of ownership, who allows an inherently dangerous exotic mammal or inherently dangerous reptile to remain, lodge, or be fed or to be given shelter or refuge within a person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

(Ord. of 7-22-96)

**Sec. 10-132. Possession of inherently dangerous animals.**

At no time may any person or persons harbor an inherently dangerous exotic mammal or inherently dangerous reptile.

(Ord. of 7-22-96)

**Sec. 10-133. Exceptions.**

This article does not apply to:

(1) Veterinary clinics in possession of such mammals or reptiles for treatment or rehabilitation purposes.

(2) Any institution or organization which exists primarily to educate the public in the areas of science and nature; which receives or has received financial support from federal, state, and/or local governments; which has a paid membership open to and composed of members of the general public; which is directed by a board of directors or similar body elected by the membership; and which has been declared a 501(c)(3) exempt organization by the Internal Revenue Service.

(3) Nonresident circuses for not longer than one seven-day period, per each separate location where such circuses are held within the county, per calendar year.

(4) Nonresident carnivals for not longer than one seven-day period, per each separate location where such carnival is held within the county, per calendar year.

(5) Persons temporarily transporting such mammals or reptiles through the county, provided that such transit time shall not be more than 24 hours.

**Sec. 10-134. Impoundment; disposition of impounded animals.**

(a) Any inherently dangerous exotic mammal or inherently dangerous reptile which is kept by any person in contravention of section 10-132 of this article may be taken up and impounded by the animal control officer for the protection and health of the animal and/or for the protection of the public. Whenever possible, the animal control officer shall take up and impound the animal in the presence of its owner or harbinger; however, if such is not practicable, then the animal control officer may impound such animal, consistent with the provisions of this section.

(b) If an animal is impounded pursuant to this section, the owner or harbinger of the animal shall be notified by the animal control officer in person or by certified mail.

(c) Any animal impounded pursuant to this section will be held three days for the owner to claim pursuant to subsection (d) of this section, but if the animal cannot be taken up safely by the animal control officer or if proper and safe housing cannot be found for the animal, the animal control officer can immediately destroy the animal.

(d) The owner or harbinger of the animal can reclaim the animal if the person can satisfy the chief animal control officer that a safe transfer of the animal to an appropriate location outside of the county has been arranged.

(e) If no owner or harbinger can be located or will claim the animal within three days after impoundment, the animal control officer may sell, deliver, adopt or euthanize the animal at the discretion of the animal control officer.

(f) All costs of impoundment and care of the animal will be charged to its owner or harbinger regardless of whether the animal is claimed by or returned to said owner or harbinger, and in the event the animal is reclaimed, such costs shall be paid in full prior to the owner or harbinger reclaiming the animal pursuant to subsection (d) of this section.

(Ord. of 7-22-96)

**Sec. 10-135. Violation.**

Any person who is found guilty of violation of this article shall be guilty of a class 3 misdemeanor. For every day that the animal(s) remain housed or harbored as defined in section 10-131 shall constitute a new offense.