

## Chapter 4 ANIMALS

### *ARTICLE I. IN GENERAL*

#### **Sec. 4-1. Animals at large.**

Subject to the terms of section 4-4, no animal shall be permitted to run at large (other than on the owner's property) within the town limits. Pets are to be properly tagged for identification purposes. Chickens kept on an owner's property pursuant to section 4-4 of this chapter shall not be considered pets for the purposes of this section. All animals caught running at large will be impounded by the county animal control.

(Prior Code, ch. X, art. B, § 1; Res. of 8-6-12, § 1)

#### **Sec. 4-2. Prohibited animals; annexation.**

- (a) Cows, horses and other large livestock, swine, goats, sheep or other small livestock, male chickens and seven or more hens are prohibited in any area of the town except those areas zoned for agricultural purposes by chapter 26, zoning.
- (b) Owners of newly annexed areas have 90 days from the effective date of annexation to bring their property into compliance with this section.

(Prior Code, ch. X, art. B, § 2; Res. of 8-6-12, § 2)

#### **Sec. 4-3. Dead animals.**

- (a) It shall be unlawful for any person to leave or place the carcass of any animal, which he owns, upon any street, alley, lot or right-of-way, or to allow the animal to remain unburied on his property. This shall not be construed to prohibit the placing of a carcass of a small animal on the right-of-way or within three feet thereof for pickup by the public works department or in a manner approved by the superintendent of the public works department or for pickup by the state department of transportation.
- (b) The superintendent of public works or his representative, upon request of any person, may pick up and dispose of any animal carcass within the town.
- (c) The owner of any small animal (less than 100 pounds) which dies shall, within 24 hours after he has learned of its death, bury it at least three feet beneath the surface of the ground and not closer than 300 feet to any flowing stream or public body of water, or otherwise have it removed.
- (d) The owner of any large animal (greater than 100 pounds) which dies shall, within 24 hours after he has learned of its death, bury it at least four feet beneath the surface of the ground and not closer than 300 feet to any flowing stream or public body of water, or otherwise have it removed from his property.
- (e) If the superintendent of public works determines that the owner of the land on which a dead, domesticated animal is located is physically unable to dispose of the animal, the department of public works shall remove and dispose of said animal.
- (f) It shall be unlawful to remove the carcass of a dead animal from the premises of one person to the premises of another without the written permission of the person having charge of the premises to which the animal is moved.

---

(Prior Code, ch. X, art. B, § 3)

#### **Sec. 4-4. Chickens.**

- (a) Up to six female chickens or hens (hereinafter "hens") may be kept on any lot zoned for residential purposes.
- (b) Hens kept pursuant to this section must be kept in runs or coops. The runs or coops may be either a fixed or mobile structure. Hens kept pursuant to this section shall not be permitted to run at large.
- (c) The run or coop must be built or placed no closer than ten feet to the property line of an adjoining property owner.
- (d) The run or coop must be kept in a clean and sanitary condition. The run or coop must be built so that the hens are raised and kept in a humane condition. The run or coop must be kept and maintained so that no nuisance shall be created by the odor produced by the run, the coop, or the hens therein. Compliance with this paragraph shall be determined by the town manager or the town manager's designated agent, which may be the county animal control.
- (e) The town manager or the town manager's designated agent, which may be the county animal control, shall have the authority to go onto the property on which the hens are located for the purposes of inspecting any run or coop.
- (f) The town manager may utilize the services of the county animal control to enforce or mitigate any violations of the terms of this section, including, but not limited to, impounding the hens; provided, however, such use of the services of the county animal control shall not limit the town's ability to utilize the appropriate provisions of section 1-18.
- (g) No hens kept pursuant to this section shall be slaughtered within the town limits. The terms and provisions of section 4-3 shall apply to any hens kept pursuant to this section.
- (h) This section does not limit hens in those areas zoned for agricultural purposes by chapter 26, zoning.

(Res. of 8-6-12)

#### **Sec. 4-5. Definitions.**

*Abandon* means to forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care for 24 or more consecutive hours.

*Abuse* means:

- (1) Failing to provide an animal with adequate food and potable water for more than 24 hours without written instructions from a veterinarian who has recommended withholding food and water for medical reasons, or failing to consistently provide food at intervals sufficient to maintain the animal's health and well-being;
- (2) Overworking or overdriving any animal causing physical pain, suffering, or death to the animal;
- (3) Beating, torturing, molesting, harassing, injuring, tormenting, poisoning, or mutilating any animal causing physical pain, suffering, or death to the animal;
- (4) Failing to provide adequate medical attention for any sick, diseased, or injured animal in order to prevent unusual physical pain, suffering, or death to the animal;
- (5) Keeping any animal under conditions which cause physical pain, suffering, disability or death to the animal or which increase the probability of the transmission of disease;

---

(Supp. No. 4)

Created: 2022-03-28 15:38:58 [EST]

- 
- (6) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather as needed by species (heat, cold, rain, sun, etc.) and which is large enough to allow the animal to make normal body movements;
  - (7) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to cause physical pain, suffering or death to the animal due to temperature, lack of food or drink, or such other conditions.

*Animal* excludes fish, any non-human vertebrate species, domestic or non-domestic.

*Animal bite* occurs when the teeth of the animal puncture or break the skin of a human being or animal, regardless of the location of the scratch or bite on the body.

*Animal shelter* means 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 article III.

*At large* means when the animal is off the real property, as defined herein, of its owner or on real property without consent of the owner of that real property and not under the control of a competent person.

*Attack* means to violently set upon directly resulting in significant damage.

*Attack training facility* means any person, group of persons, partnership or corporation engaged in boarding, breeding, selling or training dogs or other animals in mode of attack.

*Dangerous dog* means a dog that, without provocation, has killed or inflicted severe injury on a person; or is determined by the health director to be potentially dangerous as defined in this article, or any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting. Any dog declared dangerous by another jurisdiction or that has a status with another jurisdiction that requires unusual measures for the protection of the public is a dangerous dog under this article.

*Dealer* means any person who is licensed by the U.S. Department of Agriculture as a dealer.

*Domestic animal* means any of various animals such as horses, sheep, cattle, goats, hogs, poultry commonly domesticated by man.

*Exhibitor* means any person who is licensed by the U.S. Department of Agriculture as an exhibitor.

*Exposed to rabies* means when the animal has been bitten by or been exposed to the saliva, blood or brain tissue of any animal known or suspected to have been infected with rabies.

*Impoundment* means the placement of an animal in the custody of the Nash County Animal Control Section or person or entity duly authorized by the board of county commissioners or by state law for such purpose.

*Inherently dangerous animal* means any non-domestic mammal which is dangerous to persons or property or which has the reasonable potential of being dangerous to persons or property.

*Keeper* means an owner or any person, group of persons, firm, partnership or corporation having custody of an animal or keeping or harboring an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person or entity.

*Kenel, dealer, or breeder* means any person, group of persons, partnership or corporation engaged in buying, selling, breeding or boarding animals.

*Owner* means any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal for more than five days. 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 liable for non-compliance with the provisions of this chapter.

---

*Owner's real property* means any real property owned or leased by the owner of the animal. This does not include any public right-of-way or a common area of a residential development, condominium, apartment complex, or any similar development.

*Potentially dangerous dog* means a dog that the health director determines to have: Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

*Premises* means a definite portion of real estate with its appurtenances, buildings or part of buildings.

*Restraint* means when an animal is, within the meaning of this chapter, (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 dwelling house of the owner.

*Secure enclosure* means a fence or structure of adequate height, forming or causing a humane enclosure suitable to prevent the animal from escaping and to prevent the entry of children. A home, mobile home, underground fence or separate garage is not a secure enclosure. (Secure enclosure is for dangerous dogs only, not to be confused with animal quarantine.)

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

*Stray* means any animal, which is running at large or appears to be lost, unwanted or abandoned, or whose owner is unknown.

(Ord. of 10-1-2012)

#### **Sec. 4-6. Establishment and composition of the animal control section.**

- (a) There is hereby created the Animal Control Section of Nash County, which shall be composed of such employees, officers and officials, as shall be determined by the board of commissioners. The administration of the animal control ordinance shall be by the board of health, the health director and his designees.
- (b) 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 laws of this state to enforce the provisions of this chapter and state laws, relating to the care, treatment, control or impounding of animals.
- (c) Except as may be otherwise provided by statutes, 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, animals or property as a result of any act required or permitted in the discharge of their duties.

(Ord. of 10-1-2012)

#### **Sec. 4-7. General duties of animal control section.**

- (a) The animal control section shall be charged with the responsibility of:
  - (1) Enforcing all applicable state rabies control laws and this chapter;
  - (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 dogs;

- 
- (3) Investigating cruelty or abuse of animals;
  - (4) Making such canvasses of the county, including the homes in the county, as it deems necessary or as requested by law enforcement within Nash County for the purpose of ascertaining that all animals are vaccinated against rabies as required by law;
  - (5) Operating, pursuant to policies of the Nash County Board of Health, the county animal shelter(s).
- (b) It shall be the duty of the animal control section to keep, or cause to be kept, accurate and detailed records of:
- (1) Impoundment and disposition of all animals coming into the animal shelter or shelters;
  - (2) Bite cases, violations and complaints, and the investigation of same;
  - (3) Revenues derived from impoundment fees, penalties and adoption/sales of animals;
  - (4) All other matters deemed necessary by the Nash County Health Director or the director's designee.
- (Ord. of 10-1-2012)

#### **Sec. 4-8. General duties of keepers of animals.**

- (a) It shall be unlawful for any person to abuse an animal.
  - (b) The owner or keeper is responsible for the actions and behavior of his animal.
  - (c) It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to leave, place or allow that animal on a street, road, highway, public place or on any private property without having made adequate provision for the animal's care.
  - (d) It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions or fail to provide proper medical attention for sick, diseased or injured animals, as well as required inoculation against disease, according to the species of animal kept.
  - (e) Breeding and reproduction of diseased animals is prohibited. A person shall not breed, sell, give away, or allow to reproduce, any animal with a disease contagious to animals or human beings.
  - (f) It shall be unlawful for any person in the county to knowingly and intentionally harbor, feed, or keep in their possession any stray animal which does not belong to him, unless he has notified the local animal shelters and made a good faith effort to find the owner.
- (Ord. of 10-1-2012)

#### **Sec. 4-9. Cruelty to animals.**

- (a) It shall be unlawful for any person to abuse, molest, torture, torment, deprive of necessary sustenance, beat, mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful taking of birds, deer and other game in compliance with North Carolina Wildlife Resources Commission Regulations; nor to prohibit an animal's owner, a veterinarian, the health director or animal control section agents from destroying dangerous, unwanted or injured animals in a humane manner, nor to prohibit the lawful use of animals in scientific research.
- (b) Animal cruelty investigator(s) may be appointed by the Nash County Board of Commissioners as provided under G.S. 19A-45. An animal cruelty investigator has the responsibility for carrying out the defined

---

duties of an animal cruelty investigator as mandated by Article 4 of Chapter 19A of the General Statutes. An animal control officer may be requested to accompany the investigator on animal seizures.

(Ord. of 10-1-2012)

#### **Sec. 4-10. Adequate feed, water, shelter, and confinement.**

- (a) All dogs and cats shall be given adequate feed, adequate water and adequate shelter. Adequate shelter is an enclosure which provides protection from inclement weather, having at least three sides, a roof and a floor. The enclosure shall be ventilated and must have sufficient room for the animal(s) to move about and to lie comfortably.
- (b) Other animals shall have adequate food, water and shelter normally acceptable for the species.
- (c) A dog secured by chain or cable shall be provided a length of chain or cable of at least 12 feet.
- (d) Dogs and cats housed under the following conditions shall not constitute adequate shelter:
  - Underneath outside steps, decks and stoops;
  - Inside of vehicles;
  - Underneath vehicles;
  - Inside cardboard boxes;
  - Rooms, sheds or other buildings without windows or proper ventilation;
  - In unsanitary or inhumane conditions;
  - Without protection from extremes of cold and heat; or
  - Without shade when ambient temperature is above 85° Fahrenheit. (A common dog house shall not constitute shade.)

(Ord. of 10-1-2012)

#### **Sec. 4-11. Animals at large.**

- (a) It shall be unlawful for any owner or keeper to permit an animal to be at large. The animal control section shall confiscate any animal found to be at large and if practical, impound it at the Nash County Animal Shelter in accordance with the provisions of this chapter. If livestock is found at large, the animal control section shall first use its best efforts to locate and contact the livestock owner to allow the owner to obtain possession of the animal. If the owner cannot be contacted, the livestock shall be impounded in the best available manner.
- (b) An owner may lawfully permit an animal which is not dangerous to be at large in the course of a show, obedience school, tracking tests, field training, or other events sanctioned or supervised by a recognized organization. Hunting dogs may be at large in the course of lawful hunting. However, this provision does not exempt an owner from any other provision of this chapter.
- (c) *Public parks.* It shall be unlawful for any person owning or having possession, charge, custody or control of any dog to take the dog into or allow the dog to enter any public park without being at all times under the restraint of a leash unless said park is designated as a dog park.
- (d) It shall be unlawful for any person owning or having possession, charge, custody or control of a female dog or female cat to allow that animal to be at large during its estrous period. During the estrous period, the owner or person having possession of the animal must restrain the animal in an enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. This section shall

---

Created: 2022-03-28 15:38:58 [EST]

(Supp. No. 4)

---

not be construed to prohibit the intentional breeding of animals on the premises of the owners or keepers of the animals involved.

(Ord. of 10-1-2012)

#### **Sec. 4-12. Animals creating nuisance.**

- (a) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a nuisance.
- (b) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or causes damage to property or person; or interferes with the ordinary use and enjoyment of private or public property. By way of example and not of limitation, the following acts or actions by an owner or keeper of an animal are hereby declared to be a nuisance and are therefore unlawful:
  - (1) Allowing an animal that habitually or repeatedly disturbs, interferes with or annoys human beings in a manner that is inconsistent with responsible ownership of such animal.
  - (2) Allowing an animal to habitually or repeatedly tip over garbage containers or damage gardens, flowers or vegetables.
  - (3) Failing to confine in a building or enclosure a female dog while in estrus.
  - (4) Allowing an animal to bark, whine, howl or yowl in an excessive, continuous or untimely fashion, or to make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises. Any person lodging such complaint shall be responsible for pursuing available judicial remedies by filing the action with the appropriate judicial authority.
  - (5) Allowing an animal to chase, snap at, attack or otherwise molest pedestrians, bicyclists, motor vehicle passengers, farm stock or domestic animals.
  - (6) Allowing an animal to habitually or continuously loiter on public places.

(Ord. of 10-1-2012)

#### **Sec. 4-13. Setting humane animal traps and authority to receive trapped animals.**

The animal control section is authorized to place, upon request of the property owner or lessee, live-capture animal traps on private or public property to trap and remove stray, at large, abandoned, or nuisance animals. It is unlawful for any person other than an animal control officer or the officer's designee to remove any animal from the trap or to damage, destroy, move, or tamper with the trap. The animal control section is authorized to receive and impound animals that are trapped by other agencies or persons.

(Ord. of 10-1-2012)

#### **Sec. 4-14. Destruction of animals that cannot be seized by reasonable means.**

Notwithstanding any other provision of this chapter, an animal that has or is endangering a human or domesticated animals and cannot be seized by reasonable and normal means, retrieved by an animal control officer, trapped in a humane, live-capture animal trap provided by the animal control section, or tranquilized by animal control personnel, may be humanely destroyed in the field upon the authorization of the health director or the director's designee.

(Ord. of 10-1-2012)

---

#### **Sec. 4-15. Confinement and control of inherently dangerous animals.**

- (a) It shall be unlawful for any owner or keeper to keep an inherently dangerous animal within the county.
- (b) The following shall be exempt from this chapter:
  - (1) Any nonprofit institution or exhibitor or dealer, which owns or harbors inherently dangerous animals for research or education, provided that such institution/facility/premises are licensed by the U.S. Department of Agriculture or Interior.
  - (2) Traveling fairs, circuses and carnivals shall also be exempt from this section while animals are in the custody of these organizations.
- (c) *Recapturing.* The owner of any inherently dangerous animal shall reimburse Nash County for all costs incurred while attempting to recapture any said animal. If the animal is sheltered or euthanized by animal control, the owner shall also pay these costs.

(Ord. of 10-1-2012)

#### **Sec. 4-16. Dangerous dogs or potentially dangerous dogs.**

- (a) The Nash County Health Director shall have the authority to determine when a dog is a dangerous dog or a potentially dangerous dog. When the determination is made that a dog is dangerous or potentially dangerous, the health director must notify the owner in writing, giving the reasons for the determination. The health director may consider any written response by the owner to the notification. The owner of the dog must maintain the dog under constant restraint on the owner's property until all appeals have been exhausted and a final decision rendered or no appeal is requested and the decision is final.
- (b) The owner may appeal the determination of a dangerous or potentially dangerous dog. Appeals must be by filing written objections with the Nash County Board of Health, which will serve as the appellate board, within ten business days after receiving written notice. The appellate board shall schedule a hearing within ten business days of the receipt of the appeal. Any appeal from the final decision of such appellate board shall be taken to superior court. Appeals to superior court must be filed within ten days of the final decision of the appellate board. Until all appeals are final, the dog must remain under restraint.
- (c) It is unlawful for any person to maintain or harbor any dangerous dog or potentially dangerous dog not in a secure enclosure.
- (d) Except as provided in subsection (j), any dog which has killed a person shall be euthanized by animal control. This action may be delayed upon request from law enforcement.
- (e) Upon notification of the determination that a dog is dangerous or potentially dangerous, the owner shall maintain the dog under constant restraint on the owner's property until such time as a secure enclosure is provided.
- (f) The owner shall have 30 days from the date of notification to provide a humane, secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog is on the premises. Said sign shall not violate any county ordinance.
- (g) The owner shall have the animal tattooed or microchipped by a licensed veterinarian and provide animal control with documentation of said tattoo or microchip within 30 days thereafter.
- (h) When a dog is declared dangerous due to a severe injury to a person, the owner shall provide additional safeguards as directed by animal control. These safeguards may include but are not limited to: a concrete floor for the secure enclosure, a top or electrical wire for the secure enclosure, an insurance policy covering the dangerous or potentially dangerous dog.



- 
- (i) Pending construction of a humane and secure enclosure an animal control officer is empowered to confiscate and impound the dangerous dog or potentially dangerous dog. If any dangerous dog is confiscated under this provision, the owner of the dangerous dog shall be given written notice at the time of confiscation that if the owner fails to provide a secure enclosure upon the expiration of 30 days from confiscation, the animal control section is authorized to dispose of the dog. If the owner constructs a secure enclosure that is approved by animal control, the dog may be redeemed within 30 days so long as all fees and penalties owed to animal control are paid.
  - (j) The following are exempt from this section: A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties; a dog being used in a lawful hunt when the damage or injury is appropriate to the hunt; 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 a dog where the damage, injury or death inflicted by the dog was sustained by a person who, at the time of the damage, injury or death, was committing a willful trespass or tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.
  - (k) Dogs trained or being trained in mode of attack are subject to this section and may be declared dangerous by virtue of the nature of the training if deemed necessary by the health director.

(Ord. of 10-1-2012)

#### **Sec. 4-17. 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 without prior approval from Nash County Animal Control. A request in writing including documentation of the organization or individual conducting training, activities included, and safeguards for the public shall be submitted to animal control for consideration before approval.

(Ord. of 10-1-2012)

#### **Sec. 4-18. Confiscation of dangerous dogs.**

Any dangerous dog not kept in accordance with the requirements of this chapter may be confiscated by animal control and harbored at the owner's expense until the owner complies with the requirements of this chapter. The owner of the dangerous dog shall be given written notice at the time of confiscation. If the owner fails to provide a secure enclosure within 30 days from confiscation, the animal control section is authorized to dispose of the dog. If the owner complies with this chapter, the dog may be redeemed so long as all fees and penalties owed to animal control are paid.

(Ord. of 10-1-2012)

#### **Sec. 4-19. Required notification to animal control section by owners of dangerous dogs or potentially dangerous dogs.**

- (a) The owner of a dangerous dog or potentially dangerous dog shall inform the animal control section as soon as practicable, but not later than 24 hours, after the occurrence of any of the following:
  - (1) An assault, attack or biting upon a human committed by any such dog.
  - (2) An attack or biting upon any domesticated animal or pet while said dog is off the owner's property.

- 
- (3) The destruction of or damage to property of another by said dog.
  - (4) The roaming or escape of any dog required to be restrained or confined to a secure enclosure.
  - (5) Death of dangerous/potentially dangerous dog. Notification must be in writing. The owner shall offer visible confirmation when possible.
- (b) The owner of a dangerous dog or potentially dangerous dog shall inform the animal control section as soon as practicable, but no later than ten days after the occurrence of any of the following:
- (1) Relocation of such animal within or outside the county.
  - (2) Change of ownership of a dangerous/potentially dangerous dog. Notification shall be in writing and shall provide the name of the new owner, mailing address and physical address.
  - (3) Change of address of a dangerous/potentially dangerous dog.

(Ord. of 10-1-2012)

#### **Sec. 4-20. Dogs or animals used for sentry or guard duty.**

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 and the sign shall have at least two-inch lettering of a color in contrast to the background of the sign.

(Ord. of 10-1-2012)

#### **Sec. 4-21. Teasing and molesting.**

It shall be unlawful for any person to tease, harass or molest any animal.

(Ord. of 10-1-2012)

#### **Sec. 4-22. 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.

(Ord. of 10-1-2012)

#### **Sec. 4-23. Relation to hunting laws.**

Nothing in this chapter is intended to be in conflict with the general statutes regulating, restricting, authorizing or otherwise affecting dogs while used in lawful hunting.

(Ord. of 10-1-2012)

#### **Sec. 4-24. Relation to animal agriculture.**

The intent of this chapter is not to regulate or restrict generally accepted practices related to livestock and animal agriculture.

(Ord. of 10-1-2012)

---

**Sec. 4-25. Interference with enforcement of chapter.**

It shall be unlawful for any person to interfere with, hinder, assault or molest animal control section agents or officers or veterinarians in the performance of any duty authorized by this chapter, or to seek to release any animal in the custody of such agents or officers.

(Ord. of 10-1-2012)

**Sec. 4-26. Imposition of penalties for violations of chapter.**

- (a) The violation of any provision of this chapter shall be a class 3 misdemeanor punishable by a fine not to exceed \$500.00. Each day's violation of this chapter 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 penalties or citations imposed under this chapter.
- (b) In addition, enforcement of this chapter may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d) and (e).
- (c) In addition to and/or in lieu of the criminal sanctions imposed by law, the county may issue civil citations, in such amounts as established below, for any violation of this chapter. Each separate violation under this chapter shall constitute a distinct offense under this chapter. Payment of said citations shall be made within 72 hours of issuance of a notice of violation. The notice of violation may be delivered by hand delivery to the person or may be mailed to said person at his last known address.
- (d) The civil penalties for any violation of sections 4-6 through 4-8, 4-17 and 4-30 shall be escalating. The first offense shall be a warning, the second offense shall be a \$50.00 penalty, the third offense shall be a \$75.00 penalty, the fourth offense shall be a \$100.00 penalty, the fifth and subsequent violations shall be a \$250.00 penalty per violation.
- (e) The civil penalty for violation of section 4-9 shall be \$500.00.
- (f) The civil penalty for violation of sections 4-9, 4-13, 4-15 and 4-23 shall be \$100.00.
- (g) The civil penalty for violation of any provision of this chapter not specifically addressed shall be \$25.00.
- (h) The animal(s) involved in the violation of this chapter may be surrendered to animal control in lieu of payment of civil penalties.
- (i) Failure to pay the penalties within the prescribed time shall subject the offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of \$100.00, together with the cost of the action, including reasonable attorney's fees to be taxed by the court.

(Ord. of 10-1-2012)

**Secs. 4-27—4-40. Reserved.**

***ARTICLE II. RABIES CONTROL***

**Sec. 4-41. 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 state law by providing a procedure for the enforcement of state law relating to rabies control, in addition to the criminal penalties provided by state law.
  - (c) The cost of rabies vaccinations provided at any county rabies clinic shall be determined by the board of health.

(Ord. of 10-1-2012)

#### **Sec. 4-42. Inoculation of dogs, cats and other pets.**

- (a) It shall be unlawful for an owner or keeper to fail to provide current inoculation against rabies for any dog or cat four months of age or older. Should it be deemed necessary by the county health director, state health director, the county manager, 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.
- (b) When a licensed veterinarian administers rabies vaccine to a dog or cat, the dog or cat shall be re-vaccinated one year later and every three years thereafter.

(Ord. of 10-1-2012)

#### **Sec. 4-43. Inoculation tag, identification tag and proof of vaccination for dogs and cats.**

- (a) Upon complying with the provisions of this article, 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 or keeper to fail to provide the dog with a collar to which a rabies tag is securely attached. The collar with attached tag must be worn at all times, except during the time the animal confined to an enclosure on the owner's premises is performing at shows, obedience trials, tracking tests, field trials, schools or other events sanctioned and supervised by a recognized organization.
- (c) It shall be unlawful to use for an animal a rabies inoculation tag issued for another animal.
- (d) It shall be unlawful for the owner or keeper of a dog, cat, or ferret to fail to provide written proof that the animal has a current rabies inoculation when the animal control section requests written proof.
- (e) It shall be unlawful for any dog owner to fail to provide a tag attached to the collar providing owner name and contact information. The collar with attached tag must be worn at all times, except during the time the animal confined to an enclosure on the owner's premises is performing at shows, obedience trials, tracking tests, field trials, schools or other events sanctioned and supervised by a recognized organization.

(Ord. of 10-1-2012)

#### **Sec. 4-44. Report and confinement of animals biting persons or showing symptoms of rabies.**

- (a) Every dog, cat or ferret which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the animal control section, and thereupon shall be securely quarantined, at the direction of the animal control section, for a period of ten days, and shall not be released from such quarantine except by written permission from the animal control section.
- (b) It shall be unlawful for any person to fail to report as soon as possible that an animal has bitten a person. It shall be unlawful for any person to fail to inform the animal control section of the whereabouts of an

---

animal that has bitten a person, if the owner or keeper has given the animal away or in any way caused the animal to be taken from the owner's or keeper's premises.

- (c) If there is any evidence that an animal bite may have occurred, it shall be assumed by law that a bite did occur and quarantine procedures shall apply if required.
- (d) Every dog, cat or ferret quarantined under this section shall be confined at the expense of its owner or keeper in a veterinary hospital or at the county animal shelter, if space is available; provided, however, that if an animal control officer determines that the owner or keeper of a dog, cat or ferret which must be quarantined has adequate confinement facilities upon his own premises, the animal control officer may authorize the dog, cat or ferret to be confined on such premises upon proof of current vaccination against rabies. If the dog, cat or ferret is confined on its owner's or keeper's premises, an animal control officer shall visit the premises for inspection purposes on the fifth and tenth day of the confinement period. If the owner or keeper fails to provide continuous quarantine of the dog, cat, or ferret on his premises as instructed, the animal shall be removed by an animal control officer and quarantined at a veterinary hospital or at the county animal shelter at the owner's expense. The owner or keeper shall agree in writing to the above conditions prior to the animal control officer authorizing confinement on the owner or keeper's property.
- (e) In case of stray dogs, cats or ferrets whose ownership is not known, the dogs, cats or ferrets 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 or at a licensed veterinary hospital.
- (f) If rabies does not develop within ten days after a dog, cat or ferret is quarantined under this section, the dog, cat or ferret may be released from quarantine with the written permission of the animal control section. If the dog, cat or ferret has been confined in the county animal shelter, the owner shall pay any necessary veterinarian fees and a boarding fee approved by the board of county commissioners.
- (g) In the case of a non-domestic carnivore or bat, the animal may be euthanized and the head examined for rabies.

(Ord. of 10-1-2012)

#### **Sec. 4-45. Destruction of infected dogs or cats, protection of vaccinated dogs and cats.**

When the health director or designee reasonably suspects that a dog or cat has been exposed to the blood, saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the dog or cat shall be considered to have been exposed to rabies. If the dog or cat has a current rabies vaccination and the first vaccination was administered not less than three weeks prior to the exposure it must be given a booster dose of rabies vaccine within five days of the exposure and may be returned to the owner. If the dog or cat does not have a current rabies vaccination or does not get a booster dose within five days of exposure it shall be destroyed immediately. Or, as an alternative to destruction, the dog or cat may be quarantined at a licensed veterinary hospital or boarding kennel approved by the health director for a period of six months. Neither the county animal shelter nor the owner's premises may be used for the purpose of this quarantine.

(Ord. of 10-1-2012)

#### **Sec. 4-46. Area-wide emergency quarantine.**

- (a) When reports indicate a positive diagnosis of rabies, the health director may order an area-wide quarantine for such period as he 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 section, and the police and sheriffs 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 section or local health authorities shall provide for a session of mass immunization by the establishment of temporary emergency rabies vaccination facilities 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 health director.

(Ord. of 10-1-2012)

#### **Sec. 4-47. Postmortem diagnosis.**

- (a) If an animal dies while under observation for rabies, the head of such animal shall be submitted to the State Laboratory of Public Health for rabies diagnosis.
- (b) The carcass of any animal suspected of dying of rabies shall be surrendered to the animal control section. The head of such animal may be submitted to the State Laboratory of Public Health for rabies diagnosis.

(Ord. of 10-1-2012)

#### **Sec. 4-48. 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 section or the health director.

(Ord. of 10-1-2012)

#### **Sec. 4-49. 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 or when the animal control section makes demand.

(Ord. of 10-1-2012)

#### **Secs. 4-50—4-65. Reserved.**

### ***ARTICLE III. IMPOUNDMENT***

#### **Sec. 4-66. Generally.**

Any animal, which appears to be lost, stray or unwanted, or is not wearing a valid rabies vaccination tag, as required by state law or this chapter, and found at large, shall be impounded by the animal control section and confined in an animal shelter. Impoundment of such an animal shall not relieve the owner thereof from any penalty, which may be imposed for violation of this article.

(Ord. of 10-1-2012)

---

#### **Sec. 4-67. Notice to owner.**

Immediately upon impounding an animal, the animal control section shall make reasonable efforts 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 shall be assigned an impoundment identification number and release date. The impoundment identification number and release date shall be posted on the animal's cage or kennel at the animal control shelter for a minimum of three business days after impoundment and any information about the animal, including the time and place of the taking of such animal and the time and date of posting the notice of impoundment, shall be available at the animal control shelter by reference to the impoundment identification number.

(Ord. of 10-1-2012)

#### **Sec. 4-68. Redemption by owner generally.**

- (a) The owner of an animal impounded under this article may redeem the animal and regain possession thereof within three business days after notice of impoundment is given or posted, as required by section 4-69, by complying with all applicable provisions of this article and paying any necessary veterinarian's fee, boarding fee and cost incurred in impoundment.
- (b) No animal owner may be permitted to adopt his own animal under the provisions of section 4-69 in order to reclaim an animal that has been impounded pursuant to state law or this article.
- (c) The Nash County Animal Shelter boarding fee shall be \$5.00 per day and the Nash County Animal Shelter reclaim fee shall be \$50.00.

(Ord. of 10-1-2012)

#### **Sec. 4-69. Destruction or adoption of unredeemed animals generally.**

- (a) If an impounded animal is not redeemed by the owner within the period prescribed in section 4-68 it may be destroyed in a humane manner or may become the property of the animal shelter and offered for adoption. Animals shall not be adopted for resale. The prospective new owner must complete an adoption agreement. The prospective new owner must pay a \$20.00 adoption fee or, when applicable, a sterilization deposit fee for dogs and cats that have not been sterilized at the time of adoption. Fees are not applicable for recognized rescue groups and other animal welfare groups that apply in writing and are approved by the Nash County Animal Control Section. The Nash County Animal Control Section may require evidence of non-profit status, a copy of the charter of the organization, a copy of the mission statement of the organization, locations that animals may be boarded or kept and other relevant information as needed.
- (b) The animal shelter shall require the adopting party to pay a sterilization deposit fee for dogs and cats, established by the board of commissioners, to insure that sterilization is provided if the animal has not been sterilized prior to its being adopted. The sterilization deposit fee is currently \$50.00. When written proof that a licensed veterinarian has performed the required sterilization is returned to the animal control section, the sterilization deposit will be reimbursed to the adopter. A person who fails, within the specified time, to arrange for the sterilization of an unsterilized cat or dog adopted from the animal shelter forfeits the sterilization deposit fee.
- (c) No animal which has been impounded by reason of being a stray and unclaimed shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to section 4-44 except by special authorization of the health director.

- 
- (d) It is the county's intent not to release for adoption any animal that appears aggressive, fierce or dangerous or has been deemed dangerous or potentially dangerous.

(Ord. of 10-1-2012)

**Sec. 4-70. Procedure with respect to redemption or adoption of unvaccinated dog or cat.**

- (a) Dogs and cats four months of age or older must be vaccinated within 72 hours (excluding Sundays and holidays) from adoption or redemption, unless proof of a current rabies vaccination can be furnished.
- (b) Proof of rabies vaccination must be returned to the animal shelter within the specified time or an animal control officer may be dispatched to impound the dog or cat until such time as a plan for vaccination has been approved. Applicable fines and fees shall apply.
- (c) Payment for the rabies vaccination provided for in this section shall be the responsibility of the person redeeming or adopting the animal.

(Ord. of 10-1-2012)

**Sec. 4-71. Suspected rabid animals not to be redeemed or adopted.**

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

(Ord. of 10-1-2012)

**Sec. 4-72. Destruction of wounded or diseased animals.**

Notwithstanding any other provision of this article, any impounded animal, which is seriously 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 section 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 section may destroy the animal at its discretion in a humane manner. The animal control section has the authority to humanely destroy severely injured livestock upon the owner's request, when the owner is unavailable or when the owner is unknown.

(Ord. of 10-1-2012)

**Sec. 4-73. Immediate placement for adoption or destruction of animal surrendered by owner.**

An animal surrendered by its owner to the animal control section may be immediately placed for adoption or humanely destroyed as in section 4-45 at the discretion of the health director or the director's designee without compliance with section 4-43 when the owner:

- (1) Affirmatively represents in writing that he is the legal owner of said animal;
- (2) Agrees to hold the county and its officials and employees harmless from any liability, claims, or damages that may be sustained by reason of the adoption or destruction of said animal; and
- (3) Transfers ownership of said animal to the animal control section.

(Ord. of 10-1-2012)



---

**Sec. 4-74. Applicability.**

This article shall apply to all of Nash County located outside of the territorial jurisdictions of a municipality. A municipality assumes all responsibility for animal control by adoption of local animal control code. Municipalities may enter into an interlocal agreement with Nash County and shall adopt the Nash County Animal Control Ordinance for enforcement within its territorial jurisdiction.

(Ord. of 10-1-2012)

**Sec. 4-75. Effective date.**

The Nash County Animal Control Ordinance, adopted June 2, 1986, is hereby repealed as of the effective date of this chapter. This chapter is adopted on July 9, 2012 and shall become effective on August 1, 2012.

(Ord. of 10-1-2012)