

ORDINANCE NO. 39

CASWELL COUNTY ANIMAL CONTROL ORDINANCE

SECTION I. DECLARATION OF PURPOSE

The failure of owners to properly manage animals creates situations which range from nuisances to a threat of public health and safety for citizens of Caswell County. Existing state laws are insufficient to allow Animal Control Officials the authority, to manage such situations involving animals. It is the purpose, therefore, of this ordinance to build on and strengthen existing state laws so that dangerous or threatening animals can be identified and that owners can be made aware of their legal obligations in managing such animals or of other required actions.

SECTION II. AUTHORITY

This ordinance is adopted pursuant to the power granted Caswell County by State Law or State Statute, including but not limited to, N. C. Gen. Stat. 153A-121, 153A-127, 153A-153 and 153A-442, as amended.

SECTION III. DEFINITIONS.

Animal: Every living creature, domestic or non-domestic, but does not include humans.

Animal Control Officer: A person employed by the Animal Shelter to pick up, restrain, or impound animals, and who is responsible for discharging such other duties or functions pertaining to animals as may be prescribed by this or any other Ordinance, by State Law or State Statute, or by the lawful order of the County employee or official authorized to supervise and direct Animal Control Officers.

Animal Control Appellate Board: A three member board with members appointed by the Board of Commissioners consisting of one member from the Board of Health, one member from the Board of Commissioners, and a licensed veterinarian to review appealable decisions pursuant to this Ordinance.

Animal Shelter: A place provided and operated by Caswell County directly or by contractual agreement, whether joined with another governmental unit or independently, for the purpose of impoundment, restraint, caring and disposition of animals.

Animal Control Program: The Caswell County Animal Control Program being comprised of the Health Director, the Animal Shelter, and the Animal Control Officers.

At large: Any (domestic) animal not under restraint and found off the property of its owner or keeper.

Board of Health: Caswell County Board of Health.

Dangerous Animal: Any animal that has demonstrated a fierce or dangerous propensity or tendency to do any act which may endanger persons or property (including other animals).

Dangerous Dog: As defined in N.C. Gen. Stat. 67-4.1, as amended, which definitions are hereby adopted by express reference thereto and incorporated herein as if fully set forth and made an integral part of this Ordinance.

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

Exotic (non-domestic) Animal: Any carnivore, primate, poisonous snake, or other venomous animal not indigenous to the state and not included in the definition of domestic animal and shall include any hybrid animal.

Exposed to rabies: An animal shall be deemed to have been exposed to rabies if it has been bitten by, been seen fighting with, or been in the presence of, any animal known or suspected to have been infected with rabies.

Health Department: Caswell County Health Department.

Health Director: Director of Caswell County Health Department.

Impoundment: Any animal in custody of a person or animal shelter duly authorized by the Health Director.

Keeper: A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person. An animal shall be deemed to be harbored if it is fed or sheltered for ten days or more. This definition does not include veterinarians who have possession of an animal for treatment or other specialized bailees of an animal who have only limited authority with respect to the animal.

Kennel: Any premises wherein a person boards, lets for hire, trains for a fee, breeds, buys or sells dogs or cats. This shall not include the ownership of dogs which are part of the household or which are maintained adjoining a private residence for hunting, tracking practice, exhibition, or the guarding or protection of the owner's property when no more than five (5) dogs per year are sold by such owner.

Law enforcement dog: Any dog used by a law enforcement agency in the investigation of crimes or as otherwise necessary in the enforcement of the law.

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

Notice; Notification: Unless the context indicates that oral notification is contemplated, an Animal Control Officer's or any other officer's service of notice under this ordinance shall consist of either personal service of written notice or sending written notice by first class mail. The date of service shall be the date of personal service or the date of mailing the notice.

Nuisance: An animal or group of animals shall be considered a nuisance if it:

- A. Damages, soils, or defiles private or public property;
- B. Interferes with, molests, or attacks persons or other animals;
- C. Is repeatedly at large;
- D. Causes unsanitary, dangerous or offensive conditions including fouling of the air by odors;
- E. Chases, snaps at, harasses, or impedes pedestrians, bicyclists, or vehicles;
- F. By virtue of number or assertive tendencies is offensive or dangerous to the public health, safety, or welfare;

- G. Is diseased or dangerous to the public health.
- H. Habitually or repeatedly barks in such a manner or to such an extent that it is a public nuisance.

Owner: Any person having the right of property in an animal, including owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal and such owner shall be responsible for the care, actions, and behavior of the animal.

Owner's Real Property: Any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

Person: Any individual, group of individuals, corporation, partnership, organization, or institution commonly recognized by law as a person/unit.

Pet: Any animal (including a hunting dog) kept for pleasure rather than utility.

Potentially Dangerous Dog. As defined in N.C. Gen. Stat. 67-4.1, as amended, which definitions are hereby adopted by express reference thereto incorporated herein as if fully set forth and made an integral part of this Ordinance.

Provocation: Any act that would reasonably be expected to cause an animal to defend itself, its young, its custodian or the property of its custodian.

Responsible Person: An individual with the ability to control an animal properly. In the case of physical restraint, the individual must be of sufficient strength and maturity to exercise physical control of the animal. In the case of control by command, the individual must have the ability to control the particular animal.

Severe Injury: Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

Restraint: Any animal shall be considered under restraint if it is within the real property limits of its' owner or secured by a leash or other like device or confined.

Secure Enclosure: An enclosure (a fence or structure) from which an animal can not escape unless freed by a keeper or his agent and such enclosure is suitable to prevent the entry of young children. An automobile, truck or other vehicle shall be considered a secure enclosure during the transport only if the animal can not escape from it unless freed by a keeper or his agent and if ventilation is provided for the animal's adequate respiration.

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

Stray: Any dog or cat that appears stray, homeless, or unwanted, and is not displaying some type of identification of its owner or a valid rabies tag.

Suspected of having rabies: Any animal including, but not limited to a dog or cat which is unvaccinated against rabies or has bitten a person, exhibit symptoms of rabies, or is declared to have rabies by a licensed veterinarian.

Unprovoked attack: An unprovoked attack occurs when the animal attacks, bites, inflicts injury, such as a laceration or, broken

bone without being teased, molested, provoked, beaten, tortured, or otherwise harmed.

Vicious Animal: An animal that constitutes a physical threat to humans or other domestic animals.

Vicious Dog: A dog that approaches any person in attitude of attack, without being teased, molested, provoked, beaten, tortured or otherwise harmed; that has a known tendency for unprovoked attack or that is trained primarily or partly for fighting.

SECTION IV. AGENCY AUTHORITY AND RESPONSIBILITY

(1) Authority is hereby granted to the Health Department to establish and maintain an animal control program, to employ animal control officers and such other employees as determined necessary by the Health Department and to appoint and compensate animal control officers and such other employees in accordance with policies of the Board of Health.

A. The Animal Control Officer(s) under the authority and direction of the Health Director shall:

1. Have the responsibility along with law enforcement agencies to enforce all laws of North Carolina and all ordinances of Caswell County pertaining to animals and shall cooperate with all law enforcement officers within Caswell County in fulfilling this duty.
2. Enforce and carry out all laws of North Carolina and all ordinances of Caswell County pertaining to rabies control.
3. Be responsible for the investigation of reported animal bites, for the quarantine of any domestic animal exposed to or suspected of having rabies, for a period of not less than ten (10) days at the Caswell County Animal Shelter, or a veterinary clinic, or place designated by the Health Director.
4. Be responsible for reporting to the Health Director as soon as practicable the occurrence or the investigation of any reported animal bite(s) and the condition of any quarantined animal.
5. Be responsible for the investigation of reports or observations of incidents of harassment of or injuries to domesticated livestock caused by animals.
6. Be responsible for the seizure and the impoundment, when deemed necessary, of any animal in Caswell County involved in a violation of this or any other County Ordinance or State Law.
7. Investigate acts of cruelty or abuse with regard to animals.
8. Make such investigations, inquiries or canvasses of the County as necessary for the purpose of ascertaining compliance with this ordinance or applicable state statute.
9. Have the authority to issue notices of violation(s) of this Ordinance in such form as the Health Director may prescribe.
10. Keep, or cause to keep, accurate and detailed records of:
 - (a) Seizure, impoundment, and disposition of all animals coming into the custody of the animal control program.
 - (b) Bite cases, violations and complaints, and investigation of same.

(c) All monies belonging to the Health Department and/or county which were derived from fees, penalties, license tags, sale of animals, or other sources.

(d) Any other matters deemed necessary by the Health Director, County Manager or Board of Health.

11. Have the authority to serve the owner/keeper with a notice that a "potentially dangerous" animal must be kept restrained and on the owner/keeper's property at all times.

12. Have the authority to impound any animal that is designated as "dangerous" or "vicious"; and the authority to impound any animal that is designated as "potentially dangerous" if that animal is found to be off its owner/keeper's property or unrestrained.

13. Have the authority to seizure and impoundment, when deemed necessary, any animal in Caswell County involved in a violation of this Ordinance or any other County Ordinance or State Law, including, but not limited to, following:

(a) Any animal unlawfully running at large, whether in violation of this Ordinance or of State Law.

(b) Any animal that has bitten a person.

(c) Any animal not under restraint determined to be a potentially dangerous animal, a dangerous animal, a vicious animal, or a public nuisance animal as defined by this Ordinance.

(d) Any animal reasonably believed to be a victim of cruel treatment in violation of this Ordinance or State Law upon securing a lawful Court Order to seize the animal.

(e) Any dog or cat not wearing a rabies tag or any animal subject to destruction or confinement under the provisions of the rabies control statutes.

(f) Livestock unlawfully at large in violation of Chapter 68 of the North Carolina General Statutes.

(g) An animal whose keeper has died or has suffered a disability under circumstances in which there is no other person able or willing to provide the necessary care of the animal.

14. Have whatever additional authority and responsibility that the Health Director may impose, to carry out the provisions of this Ordinance.

B. Health Director:

1. The Health Director shall be responsible for the overall management and operation of the Animal Control Program and shall have all of the authority granted to a Health Director by the State Law or State Statute, including, but not limited to, N.C. Gen. Stat. 130A-196 and §7-4.1 as set out below:

a. Authority to require all dogs and cats to be vaccinated against rabies, to wear rabies tags, to have animals impounded if the owners do not comply with state law.

b. Authority to order the confinement of any animal that bites a person for a period of 10 days and order the impoundment of any animal at the owner's expense if the owner or keeper refuses to confine the animal for 10 days.

c. Authority to allow the owner to confine the animal on

the owner's property.

d. Authority to declare an animal "dangerous", "potentially dangerous" or "vicious".

e. Authority to reclassify an animal declared "potentially dangerous" to "dangerous" that is found to be off its owner/keeper's property or unrestrained.

f. Authority to reclassify any dog that has bitten a second time from "potentially dangerous" to "dangerous" and to impound that animal.

g. Authority to direct the animal control officers to carry out rabies control directives and to control "dangerous", "potentially dangerous" and "vicious" animals.

C. The Board of Commissioners:

1. The Board of Commissioners shall provide a facility to be used as the Animal Shelter and shall operate directly or by contractual agreement or by designation of a person or organization to operate the Animal Shelter for the purposes as set out in this Ordinance.

SECTION V. RABIES CONTROL.

A. It shall be unlawful and a violation of this ordinance for any animal owner, keeper or other person to fail to comply with laws of North Carolina relating to the control of rabies.

B. It is the purpose of this Ordinance 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.

SECTION VI. VACCINATION OF DOGS, CATS, AND OTHER PETS-REQUIRED.

A. It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for any dog or cat four (4) months of age or older. Should it be deemed necessary by the Health Director or the Board of County Commissioners that other animals be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for that animal.

B. A rabies vaccination shall be deemed "current" if the animal is vaccinated in accordance with the time periods established by the Commission for Health Services.

C. All dogs and cats shall wear a valid rabies tag pursuant to this ordinance or applicable state statute.

D. All rabies vaccine shall be administered by a licensed veterinarian.

SECTION VII. CONFINEMENT, CONTROL AND REPOSITION OF VICIOUS OR DANGEROUS DOMESTIC ANIMALS.

A. It shall be unlawful for any person to keep any vicious, fierce or dangerous domestic animal within the county unless it is confined within a secure building or enclosure, or it is securely muzzled and under restraint by means of a leash, chain or rope and firmly under control at all times.

B. A dog that has been determined to be dangerous may be humanely destroyed in the following instances:

(a) If the Health Director determines that a dog that was previously determined to be dangerous either bit a person so as to cause a break in the skin or was at large on two or more separate occasions after such determination, the Health Director may seek a court order for the dog to be humanely destroyed.

(b) If the Health Director in determining that a dog is dangerous also determines that the dog without provocation has killed or inflicted severe injury on a person, the Health Director may seek a Court order that the dog be humanely destroyed.

C. A dog that has been determined to be dangerous may not be disposed of by adoption from the animal shelter.

D. An animal at large which presents a clear and present danger to the community and attempts to seize the animal are ineffective, an Animal Control Officer or other law enforcement officer may tranquilize the animal in an attempt to facilitate seizure or, if this is not feasible under the circumstances, an Animal Control Officer or other law enforcement officer may destroy the animal.

SECTION VIII. EXOTIC ANIMALS

Confinement and Control.

1. It shall be unlawful for any owner or keeper to keep any exotic animal within the county unless it is confined within a humane secure enclosure as required by the Health Director unless: (i) it is securely muzzled and under restraint by a competent person who, by means of leash, chain or rope, has such animal firmly under control at all times, and (ii) it is being transported to receive veterinary care, to be sold or to be destroyed.

2. Any exotic animal (1) which is not properly secured or restrained as required by this section or (2) which has injured or endangered any person or property may be confiscated by an Animal Control Officer and harbored at the owner or keeper's expense.

SECTION IX. CONFISCATION OF EXOTIC, DANGEROUS OR VICIOUS ANIMALS.

Any exotic, dangerous or vicious animal not kept in accordance with the requirements of this Ordinance, may be confiscated by the animal control officer and harbored at the owner's or keeper's expense until the owner or keeper complies with the requirements of this Ordinance. In the event an owner or keeper appeals an action or determination of the Health Director or Health Department, any exotic, dangerous or vicious animal may be harbored by the Animal Control Officer at the owner's or keeper's expense, pending the outcome of the appeal process, if the owner or keeper fails or refuses to provide restraint as required by this Ordinance.

SECTION X. REQUIRED NOTIFICATION BY OWNERS AND KEEPERS OF EXOTIC, DANGEROUS OR VICIOUS ANIMALS

The owner or keeper of an exotic, dangerous or vicious animal shall report to the Animal Shelter, Health Director or Caswell County Central Communications through telephone number 911, 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 any human being committed by any such animal in the owner's or keeper's care or control.

2. An attack or biting upon any domesticated animal or pet while said animal is off the owner's or keeper's property.
3. The destruction of or damage to property of another by such animal.
4. The roaming or escape of any animal required to be restrained or confined to a secure enclosure.

SECTION XI. SEIZURE AND IMPOUNDMENT

A. An animal within the purview of the categories described below may be captured by an Animal Control Officer or other law enforcement officer and impounded at the Animal Shelter:

1. Any animal which appears to be stray, abandoned or lost;
 2. Any animal which is a public nuisance;
 3. Any animal not under restraint in violation of this Ordinance.
 4. A dog or cat over the age of four (4) months which has not been vaccinated against rabies pursuant to applicable law or Ordinance;
 5. Any dog or cat not wearing a currently valid rabies vaccination tag, as required by State Law or this Ordinance; and
 6. Any dog or cat involved in an animal bite or other exposure to rabies.
- B. Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty which may be imposed for violation of this ordinance.
- C. Upon impoundment of an animal, the Animal Control Officer shall immediately notify the owner(s) of the animal, if the owner can be readily identified, that the animal has been impounded and the procedure for reclaiming the animal. In the event the owner or keeper of the animal(s) is unknown and cannot be ascertained, a picture or general description of the animal(s) shall be posted for 72 hours at the Animal Shelter. If after 72 hours the owner or keeper of the animal(s) remains unknown, the animal may be put up for adoption or humanely destroyed.

SECTION XII. REDEMPTION BY OWNER.

- A. Impounded animals may be released to their owners upon payment of the fees as set out in this Ordinance at any time following impoundment. Any owner reclaiming a cat or dog shall:
1. Furnish proof that the cat or dog is presently immunized against rabies, or
 2. Have the dog or cat vaccinated against rabies in accordance with North Carolina General Statutes 136A-185 within 72 hours of it is release from impoundment and submit a certificate of the rabies vaccination.
- B. The following animals shall be retained by the Animal Control Officer at the Animal Control Shelter for periods listed below:
1. All animals except injured, sick, diseased or unweaned animals, not reclaimed by the owner shall be kept for a minimum of 72 hours;
 2. Any injured, sick, diseased or unweaned animal the owner of which cannot be located shall be impounded at the Animal

Control Shelter for a minimum of 72 hours and if the animal must be destroyed prior to 72 hours for humane reasons, veterinarian should be consulted and the veterinarian who must concur with the animal control officer's decision to destroy said animal;

3. Any animal not redeemed by the owner within 72 hours shall become the property of the Animal Shelter to be adopted as a pet by a new owner, offered to institutions pursuant to the Federal Animal Welfare Act, as amended or disposed of in humane manner.

4. Any owner wishing to reclaim his animal which has been impounded under this subsection shall pay a boarding fee of \$5.00 per day in addition to any other fees or costs set forth in this Ordinance.

C. If an owner surrenders his animal voluntarily and no other section of this Ordinance has been violated, the Animal Control Officer may allow for the adoption or immediate euthanization of said animal.

D. No animal owner may be permitted to adopt his own animal in order to reclaim an animal that has been impounded pursuant State Law or this Ordinance.

SECTION XIII. FEES

A. Dogs and Cats

1. An owner reclaiming an impounded dog/cat will be charged a minimum redemption fee of \$10.00 or the applicable fee set by the Board of Health. The charge for the second redemption of the same animal within a twelve-month period will be \$20.00, \$30.00 for the third redemption, \$40.00 for the fourth and subsequent redemptions.

2. Owners of a quarantined dog/cat will be required to pay a boarding fee of \$5.00 per day.

3. Any person wishing to adopt a dog(s) or cat(s) shall pay the adoption fee approved by the Board of Commissioners and specified in the adoption contract. Upon failure to comply with provisions of the adoption contract the adopter shall forfeit the animal, the contract fee and the animal, and the Animal Control Officer may reclaim the dog(s) or cat(s).

B. Other Animals

Fees for other animals shall be \$5.00 per day for each day of impoundment plus the actual costs of feed and veterinary supplies or services provided the animal during impoundment which exceed \$5.00 per day.

SECTION XIV. UNWANTED/OWNED ANIMALS

Animal Control Officers will pickup at the request of the owner or keeper any animal that is unwanted. Owners or keepers, who voluntarily surrender animals for adoption or euthanization shall pay such fees as set by the Board of Commissioners.

SECTION XV. DESTRUCTION OF WOUNDED, DISEASED, OR UNWEANED ANIMALS.

Notwithstanding any other provision of this Ordinance, any animal seized and impounded which is badly wounded, diseased (not a rabies suspect), or unweaned and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the Animal Shelter shall attempt to notify the owner or keeper before disposing of such animal. If the owner or keeper cannot be reached readily, and the animal is suffering,

the Animal Shelter may destroy the animal at its discretion in a humane manner, after consulting with a veterinarian who concurs with the decision that the animal should be destroyed.

SECTION XVI. ANIMAL CONTROL: OFFENSES

A. Cruelty to Animals.

1. It shall be unlawful for any owner or keeper to willfully fail to provide animals with sufficient good and wholesome food and water, proper shelter, protection from the weather, veterinarian care when needed.
2. 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 word "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 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 Officers or persons duly authorized by the Health Director or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner; nor to prohibit the lawful use of animals in scientific research.

B. Possession of Animals.

It shall be unlawful for any person knowingly to harbor, feed, or keep in his possession, by confinement or otherwise, any animal that does not belong to him unless he has:

1. The consent of the owner or keeper of the animal; or
2. Within 24 hours of the time the animal has come within his possession notified the Animal Shelter. Upon receiving such notice, an Animal Control Officer shall obtain the animal and place it in the Animal Shelter.

C. Public Nuisance Animals.

- (1) An animal shall be determined by an Animal Control Officer to be a public nuisance when it commits any of those acts set out in the definition of a "Nuisance" contained herein on two or more separate occasions.
- (2) When an animal control officer, law enforcement officer, or person duly authorized by the Health Director observes a violation, the owner or keeper will be provided written notification of such violation and given 48 hours from time of notification to abate the nuisance.
- (3) Upon receipt of a written detailed and signed complaint being made to the Health Director by any person or persons that an animal is creating a nuisance as defined in this ordinance, the Health Director shall cause the owner or keeper of the animal(s) in question to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing.
- (4) If the written findings indicate that the complaint is justified, then the Health Director or person duly authorized by the Health Director, shall cause the owner or keeper of the animal(s) in question to be so notified in writing, and ordered to abate such nuisance within forty-eight (48) hours by whatever means may be necessary.

(5) In the event the owner or keeper of the animal(s) is unknown and cannot be ascertained, the notice and order, along with a general description of the animal(s) shall be posted for forty-eight (48) hours at the Animal Shelter and the county courthouse. If after (48) hours owner or keeper of the animal(s) remains unknown, the animal may be impounded.

(6) It shall be unlawful for a person to fail or refuse to abate the nuisance as required by this ordinance.

(7) If any animal has been determined to be public nuisance, it shall be unlawful for the keeper to permit the animal to be at large.

D. Noisy Dogs.

It shall be unlawful for the keeper or other custodian of any dog to allow it to bark, whine, howl, or make any other noise for a protracted period so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

SECTION XVII. PENALTIES

A. The violation of applicable section of this ordinance shall be a misdemeanor and any person convicted of such violation shall be fined not more than Five Hundred (\$500.00) dollars, or imprisoned not more than thirty (30) days as provided in North Carolina General Statute Section 14-4. Each day's violation of this ordinance is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this Ordinance does not relieve a person of his/her liability for fees imposed under this Ordinance.

B. Enforcement of this ordinance may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to North Carolina General Statute Section 153A-123 (d) and (e).

C. In addition to and independent of any criminal penalties and other sanctions provided in this ordinance, a violation of this ordinance may also subject the offender to the civil penalties hereinafter set forth:

1. The Animal Control Officer may issue to the known owner or keeper of any animal, or to any other violator of the provisions of this ordinance, a citation giving notice of the alleged violation(s). Citations so issued may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot readily be found. The citation shall impose upon the violator a minimum civil penalty or twenty-five dollars (\$25.00), or such greater amounts for subsequent offenses as may be set by the Board of Commissioners. Citations issued for the failure to vaccinate an animal for rabies shall impose upon the violator a penalty of Twenty-five Dollars (\$25.00). This civil penalty may, in the discretion of the violator, be paid to the Health Department or its designee within fourteen (14) days of receipt in full satisfaction of the assessed civil penalty. This civil penalty is in addition to any other fees or costs authorized by this ordinance.

2. In the event that the owner or keeper of an animal or other alleged violator does not appear in response to the above described citation, a criminal summons may be issued against the owner or keeper or other alleged violator of this ordinance, and upon conviction, the owner shall be punished as provided by State law and/or a civil action may be commenced to recover the penalty and costs and attorney's fees associated with collection of the penalty.

SECTION XVIII. APPEAL PROCEDURES

Appeals concerning the enforcement of this Ordinance, applicable State Law and the imposition of the penalties set out in this Ordinance, shall be conducted in accordance with N.C.G.S. Chapter 130A, Article 1, section 130A-24, subsection (b), (c) and (d).

Appeals concerning the classification of "potentially dangerous", "dangerous" or "vicious" animals/dogs, the quarantine or confinement of the same shall be conducted in accordance with N.C.G.S. Chapter 67, Article 1A, section 67-4.1, subsection (c).

SECTION XIX. JURISDICTION

This Ordinance shall be effective in all unincorporated areas of Caswell County, and within the corporate limits and extraterritorial jurisdiction of any municipality within Caswell County which shall so agree by appropriate resolution.


SECTION XX. SEVERABILITY

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts.

SECTION XXI. EFFECTIVE DATE


This Ordinance shall take effect upon adoption by the Board of Commissioners.

ADOPTED THIS THE 4th DAY OF JANUARY, 1994.



Gordon G. Safferfield, Chairman
Caswell County Board of Commissioners

ATTEST:



Wanda P. Smith
Clerk to the Board

SECTION III. DEFINITIONS.

Harbor: An animal shall be deemed to be harbored if it is fed or sheltered by the same person or household for seventy-two (72) consecutive hours or more.

Nuisance:

H. Habitually or repeatedly barks, whine, howls or makes any other noise for a protracted period so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

SECTION V. RABIES CONTROL.

B. It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than the one using the tag.

SECTION VI. RABIES TAG AND IDENTIFICATION TAG.

All dogs and cats shall wear a valid rabies tag. All dogs shall additionally wear an identification tag giving the owner or keeper's name, current address and telephone number.

SECTION VIII. CONFINEMENT, CONTROL AND DISPOSITION OF VICIOUS OR DANGEROUS DOMESTIC ANIMALS.

D. It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this section when demand is made therefore by the Health Director.

SECTION IX. EXOTIC (NON-DOMESTIC) ANIMALS.

3. No person shall possess or harbor any nondomestic animal that is dangerous to persons or property or which has the potential of being dangerous to persons or property. This section shall not apply to bonafide circuses, petting zoos and other traveling commercial animal exhibits of limited duration.

SECTION XII. SEIZURE AND IMPOUNDMENT

C. Upon impoundment of an animal, the Animal Control Officer shall immediately notify the owner(s) of the animal, if the owner can be readily identified, that the animal has been impounded and the procedure for reclaiming the animal. In the event the owner or keeper of the animal(s) is unknown and cannot be ascertained, a picture or general description of the animal(s) shall be posted for 72 hours at the Animal Shelter and the time and place of the taking of such animal, together with the time and date of posting the notice shall be stated therein. If after 72 hours the owner or keeper of the animal(s) remains unknown, the animal may be put up for adoption or humanely destroyed.

D. It shall be unlawful for any person to interfere with, hinder or molest the employees of the health department or person duly authorized by this Ordinance, to seek to release any animal in the custody of such persons, except as otherwise specifically provided herein.

SECTION XIII. PROCEDURE WITH RESPECT TO REDEMPTION OR ADOPTION OF ANIMALS.

A. Impounded animals may be released to their owners or keepers upon payment of the fees as set out in this Ordinance.

Any owner or keeper reclaiming a cat or dog shall comply with the following procedures for redemption:

1. Furnish proof that the cat or dog is presently immunized against rabies.
2. Have the dog or cat vaccinated against rabies in accordance with North Carolina General Statutes 130A-185 within 72 hours of it is release from impoundment and submit a certificate of the rabies vaccination and for puppies and kittens under (4) four months, the time limit will vary according to their age.
3. Payment for rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.
- C. The provisions of this section shall have no application with respect to animals surrendered by the owner or keeper to an animal shelter for immediate adoption or destruction. If an owner surrenders his animal voluntarily and no other section of this Ordinance has been violated, the Animal Control Officer may allow for the adoption or immediate euthanization of said animal.

SECTION XIV. FEES (REDEMPTION, ADOPTION OR DESTRUCTION)

A. Dogs and Cats

1. An owner reclaiming an impounded dog/cat will be charged a minimum redemption fee of \$10.00 or the applicable fee set by the Board of Health and approved by the Board of Commissioners. The charge for the second redemption of the same animal within a twelve-month period will be \$20.00, \$30.00 for the third redemption, \$40.00 for the fourth and subsequent redemptions.
3. Any person wishing to adopt a dog(s) or cat(s) shall pay the adoption fee set by the Board of Health and approved by the Board of Commissioners and specified in the adoption contract. Upon failure to comply with provisions of the adoption contract the adopter shall forfeit the animal, the contract fee and the animal, and the Animal Control Officer may reclaim the dog(s) or cat(s).

SECTION XIX. ANIMALS CREATING A NUISANCE PROHIBITED.

- A. It shall be unlawful for a owner or keeper to permit an animal or animals to create a nuisance, or to maintain a nuisance created by an animal or animals as defined "NUISANCE" under the definition section of this Ordinance.
- B. An animal shall be determined by an Animal Control Officer to be a public nuisance when it commits any of those acts set out in the definition of a "Nuisance" contained herein on two or more separate occasions.
- C. Compliance shall be required as follows:
 1. When an animal control officer, law enforcement officer, or person duly authorized by the Health Director observes a violation, the owner or keeper will be provided written notification of such violation and given 48 hours from time of notification to abate the nuisance.
 2. Upon receipt of a written detailed and signed complaint being made to the Health Director by any person or persons that an animal is creating a nuisance as defined in this ordinance, the Health Director shall cause the owner or keeper of the animal(s) in question to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing.

3. If the written findings indicate that the complaint is justified, then the Health Director or person duly authorized by the Health Director, shall cause the owner or keeper of the animal(s) in question to be so notified in writing, and ordered to abate such nuisance within forty-eight (48) hours by whatever means may be necessary.

4. In the event the owner or keeper of the animal(s) is unknown and cannot be ascertained, the notice and order, along with a general description of the animal(s) shall be posted for forty-eight (48) hours at the Animal Shelter and the county courthouse. If after (48) hours owner or keeper of the animal(s) remains unknown, the animal may be impounded.

5. It shall be unlawful for a person to fail or refuse to abate the nuisance as required by this ordinance.

6. If any animal has been determined to be public nuisance, it shall be unlawful for the keeper to permit the animal to be at large.

SECTION XX. PENALTIES FOR VIOLATION.

1. The Civil penalty for violation of this Ordinance is Twenty-five Dollars (\$25.00), or such greater amounts for subsequent offenses as may be set by the Board of Commissioners.

2. Such civil penalties may be recovered by Caswell County in a civil action in the nature of debt or may be collected in such other amounts subscribed herein within the prescribed time following the issuance of a citation/notice for such violation.

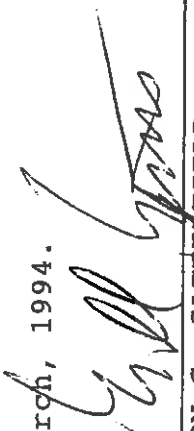
3. The Animal Control Officer may issue to the known owner or keeper of any animal, or to any other violator of the provisions of this ordinance, a citation giving notice of the alleged violation(s). Citations so issued may be delivered in person or mailed to the person charged if that person cannot readily be found at his or her last known address. The citation shall impose upon the violator a minimum civil penalty or twenty-five dollars (\$25.00), or such greater amounts for subsequent offenses as may be set by the Board of Commissioners, together with the cost of the action to be taxed by the Court. This civil penalty may, in the discretion of the violator, be paid to the Health Department or its designee within seventy-two hours (72) of the issuance of the citation/notice in full satisfaction of the assessed civil penalty. This civil penalty is in addition to any other fees or costs authorized by this ordinance.

4. In the event that the owner or keeper of an animal or other alleged violator fails to pay the applicable penalty within the prescribed time period (72 hours) of the issuance of the citation/notice, a criminal summons may be issued against the owner or keeper or other alleged violator of this ordinance, and upon conviction, the owner shall be punished as provided by State law or this Ordinance and/or a civil action may be commenced to recover the penalty and costs and attorney's fees associated with collection of the penalty.

5. In addition to the penalty subscribe in sub-section (1) above a one-dollar (\$1.00) penalty shall be imposed in all those cases in which the above penalty has not been paid within the authorized seventy-two (72) hours period. Should it become necessary to institute a civil action to collect any penalty hereunder, then the violation shall also be subject to an additional penalty of twenty-five dollars (\$25.00).

6. All penalties paid to the Caswell County Health Director or as may be recovered in a civil action in the nature of debt as herein provided.

Adopted this the 21st day of March, 1994.



GORDON G. SATTERFIELD,
CHAIRMAN, BOARD OF COMMISSIONERS

Attested:

By: Wanda P. Smith
WANDA P. SMITH
CLERK TO THE BOARD

(SEAL)

AMENDMENTS TO THE
CASWELL COUNTY ANIMAL CONTROL ORDINANCE

SECTION I. DEFINITIONS

Animal Protection Society (APS): The Animal Protection Society of the Northern Piedmont, Inc., a North Carolina not-for-profit corporation under contract with Caswell County for the operation of Animal Control and Shelter services.

Impoundment: Any animal in custody of a person or animal shelter duly authorized by the Health Director or Animal Protection Society.

SECTION IV. AGENCY AUTHORITY AND RESPONSIBILITY

(1) Authority is hereby granted to the Animal Protection Society to establish and maintain an animal control program, to employ animal control officers and such other employees as determined necessary by the APS Board of Directors and to appoint and compensate animal control officers and such other employees in accordance with policies of the APS.

A. The Animal Control Officer(s) under the authority and direction of the APS shall:

1. Have the responsibility along with law enforcement agencies to enforce all laws of North Carolina and all Ordinances of Caswell County pertaining to animals and shall cooperate with all law enforcement officers, the County, and the Health Director in fulfilling this duty.

10. (c) All monies belonging to the APS and/or County which were derived from fees, penalties, license tags, sale of animals, or other sources.

(d) Any other matters deemed necessary by the Board of Commissioners, County Manager, or Health Director.

14. Have whatever additional authority and responsibility that the County may impose, to carry out the provisions of this Ordinance.

B. Health Director:

1. The Health Director shall retain the authority granted to a Health Director by the State Law or State Statute, including, but not limited to, N.C. Gen. Stat. 130A-196 as set out below:

SECTION XIII. FEES

A. 1. An owner reclaiming an impounded dog/cat will be charged a minimum redemption fee of \$10.00 or the applicable fee set by the Board of Commissioners. The charge for the second redemption of the same animal within a twelve-month period will be \$20.00, \$30.00 for the third redemption, \$40.00 for the fourth and subsequent redemptions.

3. Any person wishing to adopt a dog(s) or cat(s) shall pay the adoption fee set by the Board of Commissioners and specified in the adoption contract. Upon failure to comply with provisions of the adoption contract the adopter shall forfeit the contract fee and the animal, and the Animal Control Officer may reclaim the dog(s) or cat(s).

SECTION XVI. ANIMAL CONTROL: OFFENSES

C. Public Nuisance Animals

- (2) When an Animal Control Officer, law enforcement officer, or person duly authorized by the County or Health Director observes a violation, the owner or keeper will be provided written notification of such violation and given 48 hours from time of notification to abate the nuisance.
- (3) Upon receipt of a written detailed and signed complaint being made to the County by any person or persons that an animal is creating a nuisance as defined in this ordinance, the County Manager shall cause the owner or keeper of the animal(s) in question to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing.
- (4) If the written findings indicate that the complaint is justified, then the County Manager or person duly authorized by the County Manager, shall cause the owner or keeper of the animal(s) in question to be so notified in writing, and ordered to abate such nuisance within forty-eight (48) hours by whatever means may be necessary.

SECTION XVII. PENALTIES

C. 1. ... This civil penalty may, in the discretion of the violator, be paid to Caswell County or its designee within fourteen (14) days of receipt in full satisfaction of the assessed civil penalty. This civil penalty is in addition to any other fees or costs authorized by this ordinance.

Adopted this the 13th day of November, 1995.

Attested:

By: Wanda P. Smith
Wanda P. Smith
Clerk to the Board

[SEAL]

Jeremiah Jefferies
Jeremiah Jefferies,
Chairman, Board of Commissioners

