

ORDINANCE NO. 39

CASWELL COUNTY ANIMAL WELFARE AND CONTROL ORDINANCE

SECTION I. DECLARATION OF PURPOSE

The purpose of this Ordinance is to protect the health, safety and welfare of Caswell County residents and the animals residing within the County and to regulate and control the conduct, keeping and care of those animals.

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 & 153A-442, as amended.

SECTION III. DEFINITIONS

Adequate Food: The provision at suitable intervals, to be fed daily, unless fasting is approved by a licensed North Carolina Veterinarian, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

Adequate Shelter: That shelter which will keep a nonaquatic animal dry, out of the direct path of winds and out of the direct sun (i.e., shade available for some part of the day by tree, tarp, or otherwise), at a temperature level that is healthful for the animal. For dogs, cats and other small animals, the shelter shall be a windproof and moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall include four walls, a roof and a solid floor raised up off of the ground, with an opening entrance large enough to allow access to the animal, but placed in such a way as to keep the animal out of the direct path of winds. Metal barrels do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shaving, or the equivalent. For large animals kept as pets other than Farm Animals, the shelter shall include at least three walls and a cover or roof, placed in such a way as to keep the animals out of the direct path of winds. For all animals the containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris, and a suitable method of draining shall be provided to rapidly eliminate excess water or moisture. Aquatic or semi-aquatic animals shall have an adequate amount of clean water in which to move.

Adequate Water: A constant access to a supply of clean, fresh, water provided in a sanitary manner. In near or below freezing temperatures the water must be changed frequently to prevent freezing, unless heated.

Administrator: The senior Animal Control Officer, or their designee, as designated by the County Manager to perform the responsibilities assigned by this chapter to the Administrator.

Animal: Any live, vertebrate creature specifically including but not limited to dogs, cats, farm animals, birds, fish, livestock, and reptiles, but does not include humans.

Animal Bite: Any seizing, gripping or grasping, no matter how slight or momentary, by a dog between its jaws of the body parts of a person, domestic animal, domesticated livestock, or farm animal, so as to cause physical injury to such person or animal.

Animal Control Appellate Board: A three member board consisting of the County Health Director, Chief Deputy to the County Sheriff, and a North Carolina licensed veterinarian or retired North Carolina licensed veterinarian (or if no veterinarian is available to serve, a person appointed by the County Manager from a list of persons identified by APS as having training and/or experience in dog behavior) constituted to review Potentially Dangerous Dog determinations made by the Animal Control Supervisor.

Animal Control or Animal Control Department: The County department responsible for administering this Ordinance under the direction of the County Manager.

Animal Control Officer: Caswell County may appoint one or more Animal Control Officers. Any County employee designated by the County Manager with the duties of an Animal Control Officer shall also be designated as an Animal Cruelty Investigator. Only Caswell County employees shall be designated as an Animal Cruelty Investigator. Animal Control Officers shall have only the following powers and duties within Caswell County and within any municipality therein that has given prior approval in accordance with applicable law: (1) The responsibility for the enforcement of all state and local laws including ordinances, resolutions and proclamations pertaining to the ownership, control and welfare of dogs and other animals; (2) To cooperate with the County Health Director and all law enforcement officers in the county and the towns therein and assist in the enforcement of the laws of the state with regard to animals, the vaccination of dogs and cats against rabies, the confinement and leashing of vicious animals, and any other state law applicable to animals or animal control; (3) To investigate reported or observed animal cruelty or animal abuse and make written reports of such investigations and, when requested, provide such reports to appropriate law enforcement officers or the District Attorney's office; and (4) To investigate reports of observed harassment or attacks by dogs or other animals against people, animals, or domesticated livestock and to assist in locating those persons owning or harboring the attacking animals. Animal Control Officers shall not have the power to arrest.

Animal Control Supervisor: The person or persons designated as an Animal Control Supervisor by the County Manager, and if none, the most senior Animal Control Officer then employed by the County.

Animal Protection Society (APS): The Animal Protection Society of the Northern Piedmont, Inc., a North Carolina not-for-profit corporation.

Animal Shelter (or “Shelter”): A place provided by Caswell County directly or by contractual agreement with APS or another third party, whether joined with another governmental unit or independently, for the purpose of impoundment, restraint, caring or disposition of animals.

Animal Welfare and Control Program: The Caswell County Animal Welfare and Control program includes all regulation of animal control and welfare by the County as outlined in this Ordinance and applicable state and federal law.

Animal Neglect: Shall mean when an owner or keeper does not provide adequate care for animals in their care. The Neglected animal may be their own pet, a farm animal, or wildlife. A neglected animal is one that has not been provided with proper food, water, veterinary care when needed and shelter. Provided, however, nothing in this Article or any other provision of this Ordinance shall be construed as regulating or attempting to regulate standards of care for Farm Animals prohibited by N.C. Gen. Stat. § 153A-145.4.

At Large: Any animal shall be deemed to be at large when it is off the property of its owner or its keeper and not under the restraint of a competent person. For purposes of this definition, the term "real property of its owner or keeper" shall include any property owned or occupied by the owner or keeper of such animal but shall not include any of the common areas (including without limitation, walks, drives, recreation and open space areas, etc.) within any subdivision or multifamily residential development.

Attack by a dog: Any assault or battery by a dog upon a person, domestic animal, domesticated livestock, or farm animal, to include biting, felling or toppling, tearing of clothing, provoking flight to escape attack, or any other act which could reasonably cause physical injury to such person or animal.

Bite by a dog: See definition of “Animal Bite” above.

Board of Health: Caswell County Board of Health.

Competent Person: A person of suitable age and discretion to keep an animal under sufficient control in order to prevent harm to the animal, to persons, to other animals, or to property

Cruel and Cruel Treatment: Every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted. Such acts or omissions shall include, but not be limited to: beating, kicking, hanging, submerging under water, suffocating, poisoning, setting on fire,

confining in a closed vehicle without functioning air conditioning or ventilation whenever the ambient outdoor temperature exceeds seventy (70) degrees Fahrenheit, confining in the closed trunk of a vehicle, depriving of Adequate Food, Adequate Water, Adequate Shelter, or medical treatment, exposing the animal to dangerously hot or cold outdoor temperatures without adequate protection from overheating or from hypothermia and frostbite, or otherwise subjecting the animal to conditions detrimental to its health or general welfare. Such terms, however, shall not be construed to include lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, lawful activities sponsored by agencies conducting biomedical research or training, lawful activities for sport.

Citation: Shall mean a written notice issued to a person by an officer with probable cause to believe that the person has committed a civil infraction in violation of this Ordinance, or a notice issued to a person at an Animal Services facility or by certified mail/return receipt requested. Citations may impose civil penalties. All amounts of civil penalties specified in this Ordinance are subject to being increased in the future by action of the Board of County Commissioners.

Community Cats or Community Cat Colony: Cats that do not have an individual owner and have taken up residence in a location where the community has chosen to attempt to provide food, water, and/or other care. There is no legal owner for community cats. Community cat colonies may include feral cats and stray domesticated cats.

Dangerous Animal: Any animal, domestic or non-domestic, other than a Dangerous Dog or Potentially Dangerous Dog, that constitutes a physical threat to humans or other domestic animals. An exotic animal is not a dangerous animal under this Ordinance if the animal is properly confined by an owner or keeper that is properly licensed under the Exotic Animal section of this Ordinance.

Dangerous Dog: A Dangerous Dog means:

A. A dog that: (i) without provocation has killed or inflicted severe injury on a person; or (ii) is determined by the Animal Control Supervisor to be a Potentially Dangerous Dog because the dog has engaged in one or more of the following behaviors:

- (a) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization;
- (b) Killed or inflicted severe injury upon a domestic animal, domesticated livestock, or farm animal when not on the owner's or keeper's real property; or
- (c) Approached a person when not on the owner's or keeper's property in a vicious or terrorizing manner in an apparent attitude of attack.

B. A dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

This definition shall not include:

- (a) A dog being used by a law enforcement officer to carry out the officer's official duties;
- (b) A dog being used in a lawful hunt;
- (c) 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
- (d) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(3) A dog may not be deemed dangerous strictly because of its breed or part thereof

Domestic Animal: A domesticated or tame animal that is kept principally as a pet, except that domesticated livestock (other than rabbits kept as pets and not for productive purposes) and Wild Animals shall not be regarded as domestic animals.

Domesticated Livestock: Livestock raised for the production of meat, milk, eggs, fiber, or used for draft or equestrian purposes, including but not limited to cattle, sheep, goats, swine, horses, mules, rabbits, and poultry.

Exotic (non-domestic) Animal: Exotic animals are animals (a) other than domestic animals, farm animals, and wild animals and (b) which are not native to North Carolina, or are native to North Carolina but have been captive-bred.

Exposed to Rabies: An animal has been exposed to rabies within the meaning of this Ordinance if it has been bitten by, or otherwise come into contact with the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis.

Farm Animal: The following domesticated animals identified in N.C. Gen. Stat. § 153A-145.4: cattle, oxen, bison, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, llamas, alpacas, lagomorphs, ratites, and poultry.

Feral Cat or Feral Cat Colony: One or more cats that are non-domesticated, unsocialized animals living without an apparent owner. As distinguished from stray cats, feral cats typically are untamed and evasive; they either were born in the wild and lack socialization or were returned to the wild and became untrusting of humans. Feral cats do not have a legal owner.

Guard dog: A dog trained by a skilled trainer to recognized security industry or other reasonable standards and presently used under the control of trained handlers to protect persons and property.

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.

Health Department: Caswell County Health Department

Health Director: Director of Caswell County Health Department.

Impoundment: Any situation in which an animal is in custody of a person or animal shelter, duly authorized by the health director or the County.

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, whether or not that person legally “owns” the animal. An animal shall be deemed to be harbored if it is fed or sheltered for 72 consecutive hours 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. Every person 18 years or older residing in the dwelling unit where an animal is harbored and/or kept shall be deemed a keeper for purposes of this Ordinance.

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.

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.

Lawful hunt: A hunt for lawful game conducted on private or public property with the consent of the owner or custodian of the property by a person with a valid license (if required) during the lawful season for the game concerned using dogs customarily employed and suitable for such game.

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 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, except when provoked;
- C. Is repeatedly at large; off the premises of its owner or keeper and not under the restraint of a competent person;
- D. Causes unsanitary, dangerous or offensive conditions including fouling of the air by odors;
- E. Chases, snaps at, harasses, or impedes pedestrians, bicyclists, or vehicle;
- 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, whines, howls, or makes any other noise for a protracted period so as to result in a serious annoyance or interfere with the reasonable use and enjoyment of neighboring premises.

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 or Keeper's Real Property: Any real property owned or leased by the Owner or Keeper of the animal, 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 domestic animal (including hunting dog)-kept for pleasure rather than utility.

Physical Harm: Any injury which is serious enough to require immediate medical attention.

Potentially Dangerous Dog: A dog that has been determined, as provided herein, to have:

- (a) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization;
- (b) Killed or inflicted severe injury upon a domestic animal, domesticated livestock, or farm animal when not on the owner's or keeper's real property; or
- (c) Approached a person when not on the owner's or keeper's property in a vicious or terrorizing manner in an apparent attitude of attack.

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.

Severe Injury: Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization (or, in the case of an animal, veterinary care).

Restraint: An animal is under restraint if it is under sufficient physical restraint such as a leash, cage, bridle, or similar effective and humane device which restrains and controls the animal, or within a vehicle, or adequately contained by a fence on the premises, or an invisible fence or other secure enclosure.

Secure Enclosure: An enclosure (a fence or structure) from which an animal cannot escape unless freed by a keeper or his agent, such enclosure is suitable to prevent the entry of young children, and such enclosure has been approved by the Animal Control Supervisor. An automobile, truck or other vehicle shall be considered a secure enclosure during the transport only if the animal cannot escape from it unless freed by a keeper or his agent, if ventilation is provided for the animal's adequate respiration consistent with the provisions in this Ordinance that apply to cruel treatment in vehicle as defined in Section III above.

Serious physical harm: Any physical injury that results in broken bones, disfiguring lacerations, or requires cosmetic surgery or hospitalization (or in the case of animals, veterinary care).

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

Stray: Any domestic animal that is not under restraint or is not on the property of its owner or keeper and is wandering at large, or is lost, or does not have an owner, or does not bear evidence of the identification of any owner.

Suspected of having Rabies: Any animal which is unvaccinated against rabies and which has bitten a person or another animal; or a wild animal which has bitten a person or a domestic Animal.

SECTION IV. AGENCY AUTHORITY AND RESPONSIBILITY

(1) Authority is hereby granted to the County Manager to establish and maintain an animal control program and animal control department, to employ Animal Control Officers and such other employees as determined necessary by the County Manager and to appoint and compensate Animal Control Officers and such other employees of the animal control department in accordance with policies of the County Commissioners.

A. The Animal Control Officer(s) under the authority and direction of the County Manager 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.

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 animal which has inflicted a bite, for a period of not less than ten (10) days at the Caswell County animal shelter, or a veterinary clinic, or place designed by the Health Director, and for the quarantine of any domestic animal exposed to or suspected of having rabies for a period of four (4) months (or such other period as is required by state law) 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 other than standards of care for Farm Animals pursuant to N.C. Gen. Stat. § 153A-145.4.

8. Make such investigations, inquires 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 County Manager may prescribe.

10. Keep, or cause to kept, accurate and detailed records of:

(a) The reason(s) for seizure, impoundment, (i.e., stray, cruelty, surrender, abandonment) and final disposition of all animals coming into the custody of the Animal Control Program.

(b) Bite cases, violations and complaints, and investigation of the same.

(c) All monies belonging to the County which were derived from fees, penalties, license tags or other sources.

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

11. Have the authority to seize and impound, 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.

(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 nuisance animal as defined by this Ordinance, or any animal that is reasonably being investigated for being dangerous animal.

(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 it reasonably appears that there is no other person able or willing to provide the necessary care of the animal.

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

13. Animal Control is authorized to place, upon request, live animal traps on private or public property to trap and remove stray, at large, unwanted, or nuisance animals, including cats. It is

unlawful for any person other than an Animal Control Officer to remove any animal from the trap, or to damage, destroy, move or tamper with the trap.

B. Health Director:

The Health Director 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 67-4.1 as set out below:

C. The Board of Commissioners:

The Board of Commissioners shall provide or designate 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 purpose 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.

C. 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. VACCINATION OF DOGS, CATS, AND OTHER PETS REQUIRED

A. It shall be unlawful for any owner or keeper to fail to provide current vaccination, as provided by applicable North Carolina laws and regulations, against rabies for any dog, cat and ferret 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 any 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. All owners and keepers shall produce in a timely manner (3 days) a current rabies vaccination certificate for all animals required to be vaccinated, upon request by an Animal Control Officer. All dogs shall additionally wear an identification tag giving the owner or

keeper's name, current address and telephone number, or shall have a microchip implanted for identification purposes.

D. All rabies vaccine shall be administered by a licensed veterinarian or by a person certified to do so by applicable law.

SECTION VII. CONFINEMENT, CONTROL AND DISPOSITION OF POTENTIALLY DANGEROUS AND DANGEROUS DOGS

A. It shall be unlawful for an Owner or Keeper to (i) leave any Dangerous Dog or Potentially Dangerous Dog unattended on the Owner's or Keeper's real property unless the dog is confined indoors or in Secure Enclosure; (ii) permit a Dangerous Dog or Potentially Dangerous Dog to go beyond the Owner's or Keeper's Real Property unless the dog is leashed and muzzled or is otherwise securely Restrained and muzzled.

B. If the Owner or Keeper of a Dangerous Dog or Potentially Dangerous Dog transfers ownership or possession of the dog to another person, the Owner or Keeper shall provide notice to: (i) the authority that made the determination, stating the name and address of the new owner or possessor of the dog; and (ii) the person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination. It shall be a violation of this Ordinance for an owner or keeper to bring into Caswell County a dog that has been determined to be a Dangerous Dog in another County or State.

C. Exceptions. The provisions of this Section VII do not apply to: (i) A law enforcement dog or guard dog being used by a law enforcement officer or bona fide professional security guard to carry out the law enforcement officer's or security guard's official duties or professional responsibilities; (ii) 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, keeper or harbinger, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or (iii) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

D. Authority to declare Dog Potentially Dangerous: The Animal Control Supervisor shall have authority to declare a dog a Potentially Dangerous Dog. Upon declaring a dog a Potentially Dangerous Dog the Animal Control Supervisor must notify the Owner or Keeper in writing, giving the reasons for the determination, before the dog may be considered a Potentially Dangerous Dog under this Ordinance. The Owner may appeal the Potentially Dangerous Dog determination by filing written objections with the Clerk to the Board of Commissioners within three days of the date the Animal Control Supervisor notified the Owner of his/her that the dog

has been declared a Potentially Dangerous Dog. The Animal Control Appellate Board shall schedule a hearing within 10 days of the filing of the objections.

E. Appeals: Any appeal from the final decision of the Animal Control Appellate Board shall be taken to the superior court by filing notice of appeal and a petition for review within 10 days of the final decision of the Animal Control Appellate Board. Appeals from rulings of the Animal Control Appellate Board shall be heard in the superior court division. The appeal shall be heard de novo before a superior court judge sitting in Caswell County.

F. Seizure of Dangerous Dog:

1. Any Dangerous Dog or Dangerous Animal may be seized and impounded at the Animal Shelter if in violation of this Ordinance. The seizure and impoundment will be at the Owner's or Keeper's expense.
2. Animal Control has the authority to seize and impound any animal in question of being deemed a dangerous dog until investigation is completed and a determination of its status is made, or to authorize in a confinement order by the Animal Control Supervisor for such animal to be securely confined on the owner's or keeper's property or at some other suitable place in such manner that such Supervisor deems sufficient to accomplish effective and secure confinement until investigation is complete and a determination of its status is made; violation of a confinement order or of those conditions constitutes a further violation of the Ordinance, subjecting the violator to civil and criminal penalties as provided herein for violations.

G. Notice to owner: An Animal Control Officer or Sheriff's Deputy shall serve notice on the owner or keeper of an animal as soon as reasonably possible, providing specific reasons which constitute probable cause for declaring an animal dangerous or potentially dangerous. All reasonable attempts will be made to locate the owner of the animal. The Animal Control Supervisor or designee shall keep a written record of all communications with the owner or keeper.

H. Disposition of Dangerous Dogs:

1. Dangerous Dogs shall not be allowed to return to or remain in the County, and shall not be returned to their Owner or Keeper unless adequate assurances are made that the Dangerous Dog will be immediately removed from the County.
2. Provided however, the Dangerous Dog may be redeemed if the Owner or Keeper pays the redemption fees and all other applicable fines and fees, if any, imposed by Animal Services, and providing proof of another safe location to maintain the Dangerous Dog outside of the County.

3. A Dangerous Dog may not be adopted from the Animal Shelter.

SECTION VIII. DISPLAY & KEEPING OF WILD ANIMALS, WILD AND DANGEROUS ANIMALS & EXOTIC ANIMALS PROHIBITED

Section VIII and IX of Ordinance 39 adopted on November 13, 1995 shall remain in effect pending further action by the Board of Commissioners.

SECTION IX. REQUIRED NOTIFICATION BY OWNERS AND KEEPERS OF WILD ANIMALS, WILD AND DANGEROUS ANIMALS, OR EXOTIC (NON-DOMESTIC) ANIMALS

Section X of Ordinance 39 adopted on November 13, 1995 shall remain in effect pending further action by the Board of Commissioners.

SECTION X. 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 or other facility designated for the holding of animals by the County:

1. Any animal which appears to be stray, abandoned or lost;
2. Any animal which is a Nuisance or is otherwise kept in violation of Section XV of this Ordinance;
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 exposure to rabies.

B. Impoundment of such an animal shall not relieve the Owner or Keeper thereof from any fee, cost or penalty which may be imposed for violation of this Ordinance.

C. Upon impoundment of an animal, the Animal Control Officer shall use good faith efforts to notify the owner(s) of the animal that the animal has been impounded and the procedure for reclaiming the animal by either providing written notice to the Owner or Keeper or posting notice of impoundment on the Owner or Keeper's property. Instructions on how to determine if an animal has been impounded shall be posted at the Animal Shelter. The posting of these instructions at the Animal Shelter shall constitute adequate notice to an unknown owner.

If the animal has not been redeemed or reclaimed as provided in this Ordinance after 72 hours following the provision of the notice of impoundment, the animal may be put up for adoption, rescue 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 authorize by this Ordinance, to seek to release any animal in the custody of such persons, except as otherwise specifically provided herein.

SECTION XI. PROCEDURES WITH RESPECT TO REDEMPTION OF ANIMALS.

A. Impounded animals may be released to their Owners upon payment of the fees and costs as set out in this Ordinance at any time following impoundment. Any Owner reclaiming an animal shall:

1. Furnish proof that the animal is currently vaccinated against rabies, if vaccination is required, or

2. Have the animal vaccinated against rabies in accordance with North Carolina General Statutes, including, but not limited to North Carolina General Statute 130A-185 before animal is released from Animal Shelter, and pay the appropriate fee.

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

B. Except as otherwise provided in this section, all animals received by the Animal Shelter or by an agent of the Animal Shelter shall be held for a minimum holding period of 72 hours prior to being euthanized or otherwise disposed of.

C. Before an animal may be euthanized or otherwise disposed of, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in the following cases:

1. The animal has been found by the operator of the Shelter to be unadoptable due to injury or defects of health or temperament.

2. The animal is seriously ill or injured, in which case the animal may be euthanized before the expiration of the minimum holding period if the manager of the Animal Shelter determines, in writing, that it is appropriate to do so. The writing shall include the reason for the determination.

3. The animal is being held as evidence in a pending criminal case.

D. Except as otherwise provided in this subsection, a person who comes to the Animal Shelter attempting to locate a lost pet is entitled to view every animal held at the Shelter, subject to rules providing for such viewing during at least four hours a day, three days a week. If the Animal Shelter is housing animals that must be kept apart from the general public for health reasons, public safety concerns, or in order to preserve evidence for criminal proceedings, the Shelter shall make reasonable arrangements that allow pet owners to determine whether their lost pets are among those animals.

E. During the minimum holding period, the Animal Shelter may place an animal it is holding into foster care by transferring possession of the animal to an approved foster care provider, an approved rescue organization, or the person who found the animal. If the Animal Shelter transfers possession of an animal under this subsection, at least one photograph depicting the head and face of the animal shall be displayed at the Shelter in a conspicuous location that is available to the general public during hours of operation, and that photograph shall remain posted until the animal is disposed of as provided in subsection (G) of this section.

F. If the Shelter places an animal in foster care, the Shelter may, in writing, appoint the person or organization possessing the animal to be an agent of the Shelter. After the expiration of the minimum holding period, the Shelter may: (i) direct the agent possessing the animal to return it to the Shelter, (ii) allow the agent to adopt the animal consistent with the Shelter's adoption policies, or (iii) extend the period of time that the agent holds the animal on behalf of the Shelter. A Shelter may terminate an agency created under this subsection at any time by directing the agent to deliver the animal to the Shelter. The County or organization operating the Shelter, as principal in the agency relationship, shall not be liable to reimburse the agent for the costs of care of the animal and shall not be liable to the owner of the animal for harm to the animal caused by the agent, absent a written contract providing otherwise. A designation of a person or organization fostering an animal as an "agent of the Shelter" shall mean an agent for the limited purposes of this subsection, and not an agent for any other purpose.

G. An animal that is surrendered to the Animal Shelter by the animal's owner and not reclaimed by that owner during the minimum holding period may be disposed of in one of the following manners:

1. Returned to the owner.
2. Adopted as a pet by a new owner or placed with a rescue organization that has been approved by the Animal Shelter.

3. Euthanized by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association.

H. An animal that is surrendered to the Animal Shelter by the animal's owner may be disposed of before the expiration of the minimum holding period in a manner authorized under subsection (G) of this section if the owner provides to the Shelter (i) some proof of ownership of the animal (which for purposes of this Section may include a signed declaration of ownership) and (ii) a signed written consent to the disposition of the animal before the expiration of the minimum holding period.

I. If the owner of a dog surrenders the dog to the Animal Shelter, the owner shall state in writing whether the dog has bitten any individual within the 10 days preceding the date of surrender.

J. The animal shelter shall require every person to whom an animal is released to present one of the following valid forms of government-issued photographic identification: (i) a driver's license, (ii) a special identification card issued under N.C. Gen. Stat. § 20-37.7, (iii) a military identification card, or (iv) a passport. Upon presentation of the required photographic identification, the Shelter shall document the name of the person, the type of photographic identification presented by the person, and the photographic identification number.

K. The Animal shelter shall maintain a record of all animals impounded at the Shelter, shall retain those records for a period of at least three years from the date of impoundment, and shall make those records available for inspection during regular inspections pursuant to this Article or upon the request of a representative of the Animal Welfare Section of the Animal Health Division of the North Carolina Department of Agriculture and Consumer Services. These records shall contain, at a minimum:

1. The date of impoundment.
2. The length of impoundment.
3. The disposition of each animal, including the name and address of any person to whom the animal is released, any institution that person represents, and the identifying information required under subsection (J) of this section.
4. Other information required by rules adopted by the Board of Agriculture.
5. Any owner wishing to reclaim his animal which has been impounded under this subsection shall pay all amounts due under this Ordinance, including, but not limited to, boarding fees, sheltering costs, vaccination charges, civil penalties and fines before reclaiming the animal.

C. No animal owner or keeper may be permitted to adopt his or her own animal in lieu of complying with the payment requirements otherwise due in order to reclaim an animal that has been impounded pursuant State Law or this Ordinance.

SECTION XII. FEES

A. An owner reclaiming an impounded animal will be responsible to pay any and all costs and fees, including, but not limited to, minimum redemption fees established by the Animal Shelter. The per day charge for the second redemption of the same animal within a twelve month period is double the then current redemption fee, tripled for the third redemption, and quadrupled for the fourth and subsequent redemptions.

B. Owners of a quarantined animal will be required to pay a boarding fee equal to the total cost of care for the animal by APS at the Animal Shelter, including, but not limited to, costs of medical care and supplies in addition to a fee of \$15.00 per day.

SECTION XIII. UNWANTED/OWNED ANIMALS

Animal Control Officers will accept, at the request of the Owner or Keeper, any animal that is unwanted from the animal's Owner or Keeper after the Owner or Keeper executes a form surrendering the animal to the County for all purposes. Any animal voluntarily surrendered to the County may be offered for adoption or otherwise disposed of by the County (which such disposal may include euthanasia).

SECTION XIV. 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 may 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 XV. ANIMAL WELFARE AND CONTROL: OFFENSES

A. Mistreatment of Animals unlawful.

1. It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of Adequate Food and water. It shall additionally be unlawful to deprive or cause to be deprived any such animal of Adequate Shelter or veterinary care.
2. It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits.
3. It shall be unlawful for any person to tether any fowl.

4. It shall be unlawful for any person to restrain any animal except in a humane fashion, or to permit injury to or infliction of pain on such animal from an improperly fitting or embedded collar, harness, halter, chain, or cable. If any animal is restrained by a chain, cable, leash or similar restraint (referred to herein as “tethering” an animal or using a “tether”), it shall be designed and placed to prevent choking or strangulation, including having a swivel at both ends. The tether chain or cable must be a minimum of ten (10) feet long, and if from a suspended cable or trolley, permit movement perpendicular to the suspended cable or trolley. The weight of such tether or other restraint shall be proportional to the size and weight of the animal to allow the animal ease of movement, and shall not exceed 10% of the animal’s body weight. Such chain or restraint shall either be on a swivel on both ends designed to prevent the animal from, tangling, choking, or strangling itself, or on a sufficient and humane chain or cable type runner that meets the requirements of this section. No tether may be used as a collar. All tethers must be attached to a buckle-type collar or body harness that is made of fabric or leather. No tether may be used with a prong collar, choke-type collar, or head harness. No person shall tether an animal less than 4 months of age. No person shall tether an animal that is sick or injured. Animals that are tethered must have access to shade during the summer. In extreme cold, the manner of tethering shall not prevent the animal from being able to exercise to help stay warm.

5. 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.

6. It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on or off the property of its owner or keeper, except a stray animal may be seized when trying to capture it.

7. It shall be unlawful to possess any paraphernalia related to dog, cock or other animal fighting, with the intent that the paraphernalia be used to train or feature in an exhibition

the baiting of dog, cock, or other animal or the fighting of a dog, cock, or other animal with another dog, cock, or other animal.

8. It shall be unlawful for any person to transport an animal in the closed trunk of a vehicle, or closed compartment on a vehicle or trailer when the ambient outdoor temperature in the vicinity of the vehicle or trailer is greater than or equal to 70 degrees Fahrenheit.
9. It shall be unlawful for any person to commit any of the acts made unlawful under the provisions of North Carolina General Statutes §§ 14-360 and 14-362, as the same relate to a dog or dogs, or to commit any other act made unlawful by any other law of the State of North Carolina relating to animal fighting or animal baiting. The repeal of such law or laws of the State of North Carolina shall have no effect upon this Section, and the acts herein made unlawful shall, in the event of such repeal, be those referred to in said law or laws immediately prior to such repeal.
10. It shall be unlawful for any owner or keeper of any animal to leave such animal on public or private property with the intent to abandon without provision for its continuous care, sustenance, and shelter. No owner or keeper of an animal shall abandon such animal except to relinquish the animal to the animal shelter. If Animal Control finds that an animal has been abandoned, the animal may be impounded. When it has been suspected the animal has been abandoned in a house or within a fenced area, Animal Control must make a reasonable effort to locate the owner or manager of the property or leased premises. The property or leased premises will be posted for 24 hours at which time the animal will be removed from the property or leased premises. If the owner or keeper contacts Animal Control to reclaim the animal, an explanation for the animal's abandonment must be provided to the satisfaction of the Animal Control supervisor before the animal is reclaimed by the owner.

Provided, however, nothing in this Section or any other provision of this Ordinance shall be construed as regulating or attempting to regulate standards of care for Farm Animals prohibited by N.C. Gen. Stat. § 153A-145.4. For purposes of this Ordinance, "standards of care for farm animals" includes the following: the construction, repair, or improvement of farm animal shelter or housing; restrictions on the types of feed or medicines that may be administered to farm animals; and exercise and social interaction requirements.

B. Nuisance Animals

~~1. An animal shall be determined by an Animal Control Officer to be a nuisance when it commits any of those acts set out in the definition of a "Nuisance" contained herein.~~

2. Upon receiving a complaint of a nuisance, the Animal Control Officer, law enforcement officer, or person duly authorized by the County or County Health Director to investigate the

complaint shall (i) obtain complainant's identification information (name, address, phone number), (ii) investigate the complaint and (iii) make reasonable effort to contact the Animal Owner or Keeper, to make them aware of the complaint.

3. When an Animal Control Officer, law enforcement officer, or person duly authorized by the County or County Health Director determines that an animal has committed any Nuisance act, the Animal Control Officer or other authorized personnel, may issue a written Warning of Violation and Notice of Nuisance, which shall be served on the Owner or Keeper. The Owner or Keeper shall be responsible for abating the Nuisance as soon as possible, but in no event shall the abatement take longer than forty-eight (48) hours of actual receipt of notice, by making sure his animal does not engage in any further act or acts which may constitute a Nuisance.

4. If the animal engages in any further Nuisance act or if the owner or Keeper fails to ablate the condition which constitutes the Nuisance within forty-eight (48) hours, the Animal Control Officer may issue a Notice of Violation and Civil Penalty for the first offense and additional penalties for any subsequent offense. If the owner fails to abate the Nuisance after the first civil penalty, Animal Control may seize and impound the animal. If the animal is seized, the Animal Control Officer must post a notice of seizure and impoundment with the Owner or Keeper. The Owner or Keeper may reclaim the animal upon payment of all applicable costs and fees, including, but not limited to, civil fees, redemption fees and medical costs, and upon providing assurances and conditions as may be required by the Animal Control Supervisor that the Owner or Keeper will not allow the Nuisance to recur. If the animal is not reclaimed within one hundred and twenty hours, it shall become the property of Caswell County (or APS) and shall be disposed of according to this Ordinance.

5. In the event the Owner or Keeper of the animal(s) is unknown and cannot be ascertained, the notice, penalty and order (if any), along with a general description of the animal(s) shall be posted by an Animal Control Officer for forty-eight (48) hours at the Animal Shelter and the County courthouse. If the Owner or Keeper does not redeem the animal within one hundred twenty hours following the posting of the information described herein, then the animal shall become the property of Caswell County and can be disposed of according to this Ordinance.

6. The Owner or Keeper of an animal shall be responsible for any animal creating a Nuisance, and it shall be a violation of this Article if an animal engages in any of the acts defined as a Nuisance. Additionally, it shall be unlawful for a person to fail or refuse to abate the Nuisance as required by this Ordinance.

7. Nothing in this Section shall prevent a private citizen from suing the Owner or Keeper of an animal which has caused injury to said private citizen or his property for damages or any other loss resulting from an animal being a nuisance.

8. See Section XVI for nuisance with feral cats or community cats.

SECTION XVI. FERAL AND COMMUNITY CATS

Caswell County recognizes the advantages to a Trap-Neuter-Return (TNR) initiative as a humane, effective way to help control the cat population and to help reduce certain unwanted cat behaviors; the County also recognizes the right of property owners to be free from nuisance created by feral and community cats.

Organizations and persons desiring to be a feral or community cat or colony caretaker are encouraged to register with Animal Control and with APS. Such caretakers engage in humanely trapping feral or community cats, having them spayed or neutered, having them vaccinated for rabies, having them ear tipped for future identification, and returning them to an appropriate place to live.

In the event a complaint is filed with Animal Control that a feral or community cat or a feral or cat colony is creating a nuisance, Animal Control shall investigate and set a trap(s) for the animal(s). Upon trapping a cat in these circumstances, Animal Control shall deliver the cat to the Animal Shelter. If the cat is not ear tipped, the Shelter shall make a reasonable effort to notify a feral or community cat caretaker to allow such caretaker a reasonable period of time to take possession of the cat in order to have it spayed/neutered, vaccinated, and to later return it to an appropriate cat colony or residence (or to place it in a rescue or have it available for adoption if it is not feral). If the cat is ear tipped, the Shelter shall make a reasonable effort to notify a community cat caretaker to allow such caretaker a reasonable period of time to take possession of the cat if the caretaker can and will certify that he/she/it will not return the cat to its prior location, and will instead take the cat to a new location more than 5 miles away from the prior location (and where the owner of the new location has given permission for the cat to be), or will (if the cat is not feral) make it available for rescue placement or adoption on the express condition that the cat not be returned to its prior location or within 5 miles of its prior location. A reasonable period of time to claim the cat will most commonly be 72 hours, but may be shorter if APS determines a shorter period of time is necessary (e.g., due to space limitations at the Shelter). If a caretaker takes possession of a cat subject to that certification and subsequently determines he/she/it cannot meet these conditions, the caretaker will return the cat to the Animal Shelter where it will be humanely euthanized. However, in the event that a feral or community cat reasonably appears to Animal Control or to APS as being the same cat that has caused previous nuisance behavior and been impounded before, APS shall have the ability to humanely euthanize the cat without making it available for a feral or community cat caretaker.

SECTION XVII. PENALTIES

A. Criminal Offenses - A violation of applicable sections of this Ordinance are punishable by prosecution in criminal court as provided in N.C. Gen. Stat. § 14-4 and N.C. Gen. Stat. § 130A-25, unless a greater penalty is provided elsewhere by applicable law, or by the

provision of civil penalties, as prescribed in this Ordinance, or both. Each day's continuing violation shall constitute a separate offense.

B. Civil penalty – An Animal Control Officer is authorized to assess civil penalties for violations of this Ordinance. The County may attempt to collect any assessed civil penalty that is not paid within 20 days of its issuance via the filing of a civil action and/or the use of a collection agency to the extent permitted by applicable law(s). Civil penalties shall be assessed on a per animal, per occurrence basis.

Notices of civil penalties Citations so issued may be delivered in person or, if that person cannot readily be found, mailed by certified or registered mail to the person charged The civil penalty notice shall impose upon the violator a minimum civil penalty of fifty dollars (\$50.00) for each violation, or such greater amounts for subsequent offenses as may be set by the Board of Commissioners. Civil penalties issued for the failure to vaccinate an animal for rabies shall impose upon the violator a penalty of Twenty-five Dollars (\$25.00). Civil penalties are assessed in addition to any other fees or costs authorized by this Ordinance.

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 allowable attorney's fees associated with collection of the penalty.

C. Injunctive relief.

1. Whenever an Animal Control Officer and/or the North Carolina Wildlife Resources Commission has cause to believe that any person is violating or threatening to violate this Ordinance, the agency shall report the violation or threatened violation to the County Manager. The County Manager may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the County for injunctive relief to restrain the violation or threatened violation.

2. Upon determination by a court that an alleged violation of this Ordinance is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil or criminal penalty prescribed for violations of this Ordinance.

SECTION XVIII. APPEAL PROCEDURES

Appeals concerning the provisions of this Ordinance authorized pursuant to Chapter 130A of the North Carolina General Statutes, shall be conducted in accordance with North Carolina General Statute 130A-24, subsection (b), (c) and (d).

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.

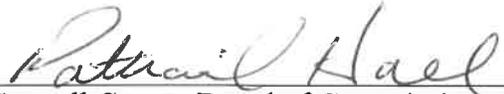
SECTION XXI. RELATION TO HUNTING LAWS

Nothing in this Ordinance is intended to be in conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this exception applies only while the dogs are under the control of the Owner, Keeper, or competent person, and are actually lawfully being used for hunting or training for hunting in compliance with applicable statutes, regulations, or ordinances. This Ordinance should be read and enforced consistent with any such law.

SECTION XXII. EFFECTIVE DATE

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

Adopted this the 5th day of February, 2018.


Caswell County Board of Commissioners

ATTEST:


Clerk to the Board