

## **Article 1: General**

### **Section 1. Purpose**

It is the purpose of this article to prohibit certain acts, omissions and conditions which interferes with the health, safety and general welfare of the inhabitants of the county; to make unlawful, acts of animals that interfere with the enjoyment of property or the peace and safety of the community; to protect animals from abuse or conditions harmful to their well-being; and to perform any other duties authorized by applicable local and state laws.

### **Section 2. Definitions**

**Abandon** - To forsake, or give up an animal previously under the custody or possession of a person without having secured another owner/keeper.

**Abuse** - Willful injury to or mistreatment of a domesticated animal.

**Adequate Shelter** - A structure intended for an animal's protection from inclement weather or sun, which consists of at least three sides, a floor and a roof. Structures for all animals must be large enough to allow basic movement. The walls must keep out rain, sleet, wind and snow. This shall not exclude the use of structures used as transportation and temporary shelter.

**Animal Control Officer** - Any person designated by the McDowell County Board of Commissioners with the duties and responsibilities of investigating and enforcing the provisions of this ordinance.

**At Large** - Any animal found off the property of its owner/keeper and not under restraint; or any animal that has been the subject of a previous at large complaint when found unrestrained by Animal Control Officer.

**Canine** - Any and all domesticated members of the canidae family.

**Cruelty and Cruel Treatment** - Shall include but not be limited to, every act, omission or act of negligence whereby unjustifiable pain, suffering or death is caused or permitted or attempted to be caused or permitted against animals.

**Dangerous Animal** - Any animal that demonstrated a fierce or dangerous propensity or tendency to do any act, which may endanger persons or property. This would include but not be limited to any animal which (1) assaults, bites, attacks or inflicts serious injury on a human being on public or private property; or (2) which has killed or injured a pet or domesticated animal without provocation.

**Exhibitor** - Any person who is licensed by the US Department of Agriculture as an exhibitor.

**Exotic Animal** - Refers to any living animal as set forth in Article I of this ordinance pertaining to inherently dangerous animals not native to North Carolina.

**Feline** - Any and all domesticated members of the felidae family.

**Feral** - A domestic animal, which has adapted to survive in the wild, exhibits wild and vicious tendencies, and is homeless and ownerless.

**Habitual Violator** - An animal, owner/keeper or any other person that has been cited for violating any part of this ordinance on (3) three or more occasions in the past (3) three years; and the most recent violation was within the past (12) twelve months.

**Impoundment** - Possession or seizure of an animal by the Animal Control Officer(s) for placement in the county's Animal Control Facility or other appropriate facility.

**In Estrus** - A female animal that is in heat.

**Inoculation** - The rabies vaccination of a canine or feline with antirabic vaccine pursuant to N.C.G.S 130A-6.

**Kennel** - Any person, group of persons, partnership or corporation engaged in boarding animals.

**Livestock** - Animals commonly associate with farming including, but not limited to, horses, mules, ponies, llamas, swine, sheep, cattle, goats, chickens, emus, ostriches, and other fowl.

**Neglect** - Failure of an owner/keeper of an animal to provide the animal with adequate food, water, shelter, or failure of an owner/keeper of an animal to obtain appropriate care.

**Neutered** - Any male animal that has been operated upon to prevent reproduction.

**Nuisance** - Any act of an animal defines in Article 1 Section V, which annoys or disturbs the rights and privileges common to the public or enjoyment of private property.

**Owner/Keeper** - Any person, firm, partnership or corporation, having custody or control over, feeding, or allowing the animal to remain on or about their property.

**Performance Canine** - A canine that is being trained, used in herding, hunting, tracking, or show.

**Poisonous Reptile** - Any animal that crawls on its belly as a snake or on small short legs as a lizard and has the capability of injecting with venom, which may cause death or physical injury.

**Potentially Dangerous Animal** - An animal that the Animal Control Officer(s) determines has bitten a person, killed or injured another domestic animal or approached a person when not on the owner's property in a vicious or terrorizing manner.

**Proof of Ownership** - Documentation in support of a property right to an animal that includes, but is not limited to, veterinary records, rabies vaccination certificates, licenses, photographs, bill of sale, signed affidavits, breed registries, or written transfers of ownership.

**Rabies Vaccinator** - A person appointed and certified to administer rabies vaccine or a licensed veterinarian.

**Restraint** - An animal is under restraint within the meaning of this ordinance if it is controlled by means of a chain, leash, or other like device, under direct control of the owner/keeper and is obedient to that person or is within a secure enclosure.

**Service Animal** - Any guide canine, signal canine or other animal individually trained to work or perform tasks for the benefit of an individual with a disability.

**Spayed** - Any female animal has been operated upon to prevent reproduction.

**Tether** - A means by which an animal is fastened so that it can range only within a set radius.

**Vaccination** - The administration of rabies vaccine as required by law.

**Zoonotic Disease** - A disease communicable from animals to humans under natural conditions.

### **Section 3. General Duties, Authority and Responsibility of Animal Control Officers**

The Animal Control Officer(s) shall:

1. Work under the direct supervision of the McDowell County Sheriffs Department and have the responsibility to enforce all laws of North Carolina and ordinances of McDowell County pertaining to the ownership of dogs, cats and other animals. Attendants at the McDowell County Animal Shelter shall serve under the supervision of the McDowell County Manager and Public Works Director. Duties shall include but not be limited to management of shelter, adoptions, cleaning the facility, feeding, euthanasia, and any other duties as assigned.
2. The Animal Control Officer shall act as a Rabies Control Officer and is to carry out the provisions of G.S. 130A-185 – 130A-200 including the requirements of the McDowell County Animal Control Ordinance; and
3. Cooperate with local veterinarians and the Health Director in scheduling of rabies clinics as required by G.S. 130A-187; and
4. Have all the powers, authority and immunity granted under this Ordinance and general laws of this state to enforce the provisions of the Ordinance and general statutes of North Carolina; and
5. Declare an animal as dangerous or potentially dangerous; and
6. Investigate complaints in violation of this ordinance; and
7. Investigate all reported animal bites or other physical human contact with suspected rabid animals; and

8. Operate the County Animal Control Facility; and
9. Keep accurate and detailed records including impoundment, disposition, bite cases, violations and complaints;
10. Be empowered to go upon private property and into yards of animal owners/keepers to inspect the conditions of animals and their surroundings with reasonable suspicion or warrant and proper notification of the property owner.

**Section 4. Animal Cruelty (N.C.G.S. 14-360)**

- A. This section shall apply to any person that shall intentionally overdrive, overload, wound, injure, torment, kill or deprive of necessary sustenance, abuse an animal, or cause or procure the same to an animal. This section shall also apply to any person that shall instigate, or permit any canine fight, cockfight, bullfight, or other combat between animals or animals and humans. However this section shall not apply to lawful activities of the Wildlife Resources Commission, veterinarians, Animal Control or the lawful destruction of an animal by its owner/keeper, veterinarian, Health Director, third party, or Animal Control Officer for the purpose of protecting the public, other animals, property, or the public health.
- B. It shall be unlawful for any person, persons, firm or corporation to possess any contraband related to the fighting or training to fight of any animal for the purpose of fighting. Contraband items include, but are not limited to; gaffs, steroids (without a prescription from a licensed veterinarian), mills, chain training weights, pull ropes, fight pens or rings, break sticks, etc.
- C. Animal Care:
  1. It shall be unlawful for any owner/keeper of any animal to fail to provide his/her animal(s) with adequate food, water, shelter, or humane treatment and care.
  2. It shall be unlawful for the owner/keeper of an animal to abandon such animal except to relinquish the animal to the McDowell County Animal Control Facility during normal business hours or to another responsible and willing party.
  3. It shall be unlawful for any person to transport any type of animal in a motor vehicle or trailer, in such a way as to cause pain, suffering, or death to the animal.
  4. It shall be unlawful for any person to place an animal or allow an animal to be placed in a motor vehicle under such conditions or for such a period of time as to endanger the animal due to temperature, or such other conditions as may reasonably be expected to cause suffering or death.
  5. It shall be unlawful for any person to sponsor, promote or train a wild or domestic animal to participate in any unnatural behavior in which the animal is wrestled, fought, harassed or displayed in such a way that the animal is abused or stressed. This prohibition applies

to events and activities taking place, in either public or private facilities or property. This section shall in no way apply to zoological parks, performing animal exhibitions or circuses, unless otherwise specified in this ordinance or state statute.

6. It shall be unlawful for any person to give away any live animal, fish, reptile or bird as a prize or as an inducement to enter any contest, game or other competition; as an inducement to enter a place of amusement; offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade; or sell chances, coupons, or tickets to be redeemed for any live animal, fish, reptile or bird.
7. It shall be unlawful for any person to sell, offer for sale, barter or give away chickens, ducklings or other fowl under (3) three weeks of age, or rabbits under (2) two months of age; provided, however, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings, other fowl or rabbits, in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising.
8. It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens, other fowl, or rabbits, or to sell such animals after their natural color has been altered.
9. It shall be unlawful to tether an animal to a stationary object under conditions that Animal Control Officer(s) deem harmful or potentially harmful to the animal. McDowell County will provide a manual of Best Practices for proper tethering of animals.
10. Every person who owns any pen, lot, kennel, shelter or other place where animals are kept shall maintain the same in a sanitary and humane manner.
11. All animals shall be provided with adequate shelter from the weather at all times excluding livestock.
12. It shall be unlawful for the owner/keeper in contact with or having knowledge of a diseased or severely injured animal to fail or refuse to provide proper medical treatment for the animal.
13. Animal Control Officer(s) shall have the authority to inspect any and all circuses, animal exhibitions, open sales and pet stores coming into or established in this county to insure proper and humane treatment of all animals. Animal Control Officer(s) shall have the right to inspect to determine if there is sufficient protection for the public in the case of an animal escaping. If Animal Control Officer(s) determine that there is insufficient protection for the public or unacceptable treatment of or conditions for the animals, then Animal Control Officer(s) shall have the authority to halt operations of all circuses, animal exhibitions, open sales and pet stores.

14. A program will be implemented encouraging the exchange of metal barrels for plastic barrels for chained animals. A set of guidelines and best practices will be developed for doghouses.

## **Section 5. Public Nuisance**

- A. Upon receipt of 1 completed Nuisance form signed by a resident in the vicinity in which the violation and issue occurred, setting forth the nature and the date of the act, the apparent owner/keeper of the animal, the address of the said apparent owner/keeper and the description of the animal creating the nuisance, the Animal Control Officer shall investigate the complaint to determine if the act violates this ordinance.
- B. It shall be unlawful for the owner/keepers of any domestic animal determined by Animal Control to be a nuisance to allow that animal to run loose off the owner/keeper's real property. In such cases the owner/keeper must correct the nuisance situation immediately by keeping the animal that has been found to be creating a public nuisance on his property at all times. For the purpose of this section, public nuisance includes, but is not limited to:
  1. Offensive odors of any animal that remain upon or emanates from the property of the owner/keeper; or
  2. The keeping of any animal, which is frequently at large on the property of the others and creating a nuisance; or
  3. Allowing or permitting an animal to damage the property of anyone other than its owner/keeper, including but not limited to turning over garbage containers, or damaging gardens, flowers, or vegetables, or defecating upon the property of another; or
  4. Maintaining animals in an unsanitary environment; or
  5. Maintaining animals in such a manner and location that animal waste can accumulate and run off onto another person's property or body of water; or
  6. Maintaining the owners/keepers property in such a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the density or location of the animals on the property; or
  7. Maintaining an animal that is diseased and dangerous to the public health through transmission of zoonotic disease; or
  8. Failing to confine a female canine or feline which is in heat in a secure enclosure in such a manner that will prevent the animal from coming in contact with a male of its species, or attract other animals; provided, however this section will not be construed to prohibit the intentional breeding of animals within a securely enclosed area on the premises of the owner/keeper of the animal which is being bred; or

9. Maintaining an animal(s) that habitually or repeatedly barks, whines, howls, or makes any other vocal noise.
- C. Upon determination by Animal Control Officers that the nuisance complaints are valid, Animal Control Officers may issue a verbal warning or written order stating the conditions and proper corrective procedures to remedy the situation.
- D. Animal Control Officer (s) may deem an animal (s) to be a nuisance animal(s) under this section without complaint forms being filed, if the Animal Control Officer(s) determines that the animal(s) meet any of the criteria set forth in any section of this ordinance

#### **Section 6. Keeping of Inherently Dangerous Animals**

- A. It shall be unlawful for any person to keep an inherently dangerous animal within the county.
- B. Traveling fairs, circuses, and carnival shall be exempt from this section.
- C. Recapturing: The owner/keeper of any inherently dangerous animal shall reimburse McDowell County for all costs incurred while attempting to recapture any escaped inherently dangerous animal. If the animal is sheltered or euthanized by Animal Control, the owner/keeper shall also be responsible for these costs.
- D. McDowell County shall enforce provisions North Carolina General Statute 67-4.1 through 67-4.5 pertaining to dangerous and potentially dangerous canines.

#### **Section 7. Keeping Inherently Dangerous Exotic Animals**

- A. For the purpose of this section an exotic animal is any animal which:
  1. Is not a native or indigenous to North Carolina; or
  2. Does not have an established wild population in North Carolina; or
  3. Is not regulated by The North Carolina State Wildlife Resource Commission.
- B. In accordance with N.C.G.S 153A-131 and 14-416 through 14-422 any animal fitting these criteria will be considered an exotic animal in McDowell County. Persons owning any animal deemed as exotic must take the following steps to register the animal in McDowell County:

Owner must notify animal control of the arrival of the animal; report to animal control any injuries to persons, other animals, or property caused by the animal, and if the animal is required to be confined, any incident where the animal escapes or roams at large.

## **Section 8. Protective Measures for the Confinement of Animals**

- A. Special preventive measures: if the Animal Control Officer(s) determines that the circumstances require special preventive measures, then the Animal Control Officer(s) shall have the authority to require appropriate, specific measures which include but are not limited to the following:
1. Necessary repairs to a fence, enclosure, gate, or
  2. Posting of “beware of canine/dog” or any other warning signage, which is to be reflective, weatherproof, and such size to be clearly seen by approaching persons, and approved by the Animal Control Officer(s).
- B. The Animal Control Officer(s) shall have the authority to take consideration of the following factors:
1. Nature of the particular animal: capacity for inflicting serious injury; or
  2. Adequacy of confinement: The adequacy of the enclosure or confinement, if any; or
  3. Immediate surrounding area: The likelihood that the conditions pertaining to the particular animal and the animal’s confinement are detrimental to the safety, welfare or peace and tranquility of a reasonable prudent person in the vicinity; or
  4. Children and disabled: minor children, elderly, and disabled people who live in close proximity to the premises occupied by the animal; or
  5. Bite: the animal has bitten a human being or domestic animal without provocation or trespass, and the person bitten does not ordinarily reside on the premises.
- C. Written order: if the Animal Control Officer(s) determines that an animals owner/keeper must take special preventive measures, the Animal Control Officer(s) shall issue a written order, stating the reasons for the preventive measures, identifying the specific preventive measures that must be implemented, and stating that the owner has (10) ten days to comply with the order. The Animal Control Officer(s) shall have the authority to allow for reasonable extensions of the time limits based on good faith progress of implementation.
- D. Failure to comply with written order: It shall be unlawful for an owner/keeper to fail to comply with the written order within the designated time or any extension thereof. If the owner/keeper fails to comply, the animal can be impounded by the Animal Control Officer(s).
- E. Owner’s/keeper’s challenge to the written order: The owner/keeper may submit in writing a challenge to the Animal Control Officer(s) determination that special preventive measures are required, to the county manager. The county manager must receive the owners/keepers written challenge, within (10) ten days of the date, of the written order. If an appeal from the county manager is deemed necessary, an appeal will be submitted to Animal Control Appeal Board.



- F. Immediate impoundment: If the Animal Control Officer(s) determines that the animal has inflicted life threatening injuries or killed a human, or the owner/keeper has failed to comply with the preventive measures in the past, the Animal Control Officer(s) may impound the animal immediately and hold it at the Animal Control facility pending a hearing.

## **Section 9. Dangerous Canines**

- A. McDowell County shall enforce provisions from North Carolina General Statute 67-4.1 through 67-4.5.
- B. It shall be unlawful for any vicious, fierce, or dangerous canine to be kept within the county, unless it is confined within a secure building or enclosure or unless it is properly muzzled and under control by a competent adult who, by means of a leash, chain, or rope, has such animal firmly under control at all times. The premises on which any animal under this section is confined shall be clearly marked with adequate warning signs.
- C. Required notification to the Animal Control Officer(s) by owners/keepers of dangerous canines
  - 1. The owner/keeper of a dangerous canine shall inform the Animal Control Officer(s), as soon as possible, but not later than (24) twenty-four hours after the occurrence of any of the following:
    - a. An Assault, attack or biting upon any human being committed by any such canine in the owner's/keeper's care or control; or
    - b. An attack or biting upon any domestic animal or pet while said canine is off the owner's/keeper's property; or
    - c. The destruction of or damage to property of another by such canine; or
    - d. The roaming or escape of any canine required to be retrained or confined to a secure enclosure.
  - 2. Exceptions
    - a. If the owner/keeper of a dangerous canine wishes to transfer ownership or possession of the canine to another person, the owner/keeper shall provide written notice to the authority that made the determination under this article, stating the name and address of the new owner/keeper of the canine before the ownership of the canine is transferred; or
    - b. If the owner/keeper of a dangerous canine plans to relocate and/or change address, the owner/keeper shall provide written notice to the authority that made the determination under this article stating the name, address and/or date of relocation prior to this occurrence.
  - 3. Confiscation of Canines

Any dangerous canine not kept in accordance with the requirements of this ordinance may be confiscated and impounded by the Animal Control Officer(s) and harbored at the owner's/keeper's expense until the owner/keeper complies with the requirements set forth in this article.

**Section 10. Establishment Dangerous Canine Appeal Board**

A. Appeal Board

There is hereby created a Dangerous Canine Appeals Board, which shall consist of (5) five representatives appointed from the McDowell County Planning Board. Members shall be appointed for (3) three-year terms. Appeals shall be heard by a quorum. The Board shall have jurisdiction to hear and determine all appeals from determinations made by the Animal Control Officer(s) in accordance with Sections V, VIII and IX of this article.

B. Filing of an Appeal (N.C.G.S 67-4.1)

Any owner/keeper of a canine that the Animal Control Officer(s) have deemed dangerous or potentially dangerous may file a written appeal with the County Manager or designee within (3) three working days. The County Manager or designee will determine the validity of the objections and issue a written opinion. The owner/keeper may appeal this ruling within (3) three working days and the chairman of the Appeal Board. The Chairman of the Dangerous Canine Appeals Board will then schedule a hearing within (10) ten working days with the Appeals Board.

## **Article 2: Rabies Control**

### **Section 1. Rabies Control**

#### A. Vaccinations of canines and felines required; Vaccination of other pets

1. It shall be unlawful for an owner/keeper to fail to provide current vaccination against rabies for any canine or feline (4) four months of age or older. Should it be deemed necessary by the local Health Director or Animal Control Officer(s) that other pets be vaccinated, it shall be unlawful for any owner/keeper to fail to provide current vaccination against rabies for that pet.
2. A licensed veterinarian or a certified rabies vaccinator shall administer all antirabic vaccines. Vaccines purchased over-the-counter and administered by a person not licensed to practice veterinarian medicine will not be recognized as immunized against rabies.

#### B. Vaccination tag and certification.

1. Upon complying with the provisions of subsection (A) 1) above, there shall be issued to the owner/keeper of the canine or feline vaccinated, a rabies tag, stamped with the number and the year which the tag is issued, and a rabies vaccination certificate.
2. It shall be unlawful for an owner/keeper of any canine or feline to fail to provide the canine or feline with a collar or harness to which a current rabies tag, under this section, is securely attached. All owners/keepers of canines or felines must maintain in their possession vaccination certificates for official proof and documentation of rabies vaccinations.
3. 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.
4. The Animal Control Officer(s) shall be observant of animals to determine if there are canines or felines not wearing the required rabies vaccination tag. If a canine or feline is found not wearing the required tag Animal Control shall notify the owner/keeper in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer(s) within (3) three days of notification. If the animal is not wearing an owner/keeper identification tag and the Animal Control Officer(s) do not otherwise know who the owner/keeper is, the Animal Control Officer(s) may impound the animal for (72) seventy-two hours. During this mandatory impoundment, the Animal Control Officer(s) shall make a reasonable effort to locate the owner/keeper of the animal.

#### C. Notice to local Animal Control when a canine or a feline has bitten a person; confinement of the animal; release of the animal.

1. It shall be unlawful for any person, or his parent or guardian or the person owning, keeping, harboring or possessing such an animal, to fail to report the bite within (24)

twenty-four hours of the bite to the Animal Control Officer(s). It shall be unlawful for any person to fail to inform the Animal Control Officer(s) where the animal is located if the owner/keeper has given the animal away, or caused in any way the animal to be taken from the owner's/keeper's premises.

2. Every canine or feline which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the Animal Control Officer(s), and thereupon, shall be securely quarantined for a period of (10) days; and shall not be released from such quarantine except by written permission.
3. Canines and felines quarantined under this section will be confined as approved by the Animal Control Officer(s), or the Animal Control Facility, at the expense of the owner/keeper, provided, however, that if the Animal Control Officer(s) determines that the owner/keeper of an animal which must be quarantined has adequate confinement facilities upon his/her premises, the Animal Control Officer(s) may authorize the animal to be confined on such premises. If the animal is confined on the owner's/keeper's premises, the Animal Control Officer(s) may revisit the premises during the quarantine period.
4. In the case of stray canines or felines whose ownership is not known, the canines or felines may be euthanized and examined for rabies or kept for the supervised quarantine period required by this section at the county Animal Control Facility.
5. If rabies does not develop within (10) ten days after a canine or feline is quarantined, under this section, the canine or feline may be released from quarantine, if the canine or feline has been confined at the Animal Control Facility, the owner/keeper shall pay any fines, necessary veterinary fees, and a boarding set by and approved by the McDowell County Board of Commissioners. Before release of said animal, the owner/keeper shall pre-pay for a rabies vaccine at a veterinarian's office and bring the receipt to the Animal Control Officer(s). The owner/keeper shall then take that animal immediately to the veterinarian office where the rabies vaccine was pre-paid and have the veterinarian administer the rabies vaccine.
6. Any animal that has bitten a person and has not been reclaimed within (24) twenty-four hours from the end of the (10) ten day rabies observation quarantine period, shall be destroyed by the Animal Control Officer(s). Animal Control is authorized to initiate legal proceedings to recover the costs of caring for the animal confined at the Animal Control Facility pursuant to this section, if the animal is not redeemed.
7. In the case of a carnivore or bat, the animal may be euthanized and examined for rabies.
8. Upon seizing an animal pursuant to G.S. A-196, the Animal Control Officer(s) shall leave with the owner/keeper or affix to the owner's/keeper's residence a notice containing the beginning and ending dates of confinement and stating that the owner/keeper must redeem the animal within (24) twenty-four hours of the ending date of confinement stated in the notice.

D. Destruction of an animal bitten by or exposed to a known or suspected rabid animal:

Animal Control Officer(s) shall immediately destroy unvaccinated animals bitten by or exposed to a known or suspected rabid animal. N.C.G.S 130A-197.

E. Animals currently on rabies inoculation being bitten or exposed to a known or suspected rabid animal: If an animal has a current and valid rabies inoculation and is bitten by or exposed to a known or suspected rabid animal then that animal must receive a booster rabies inoculation within (72) seventy- two hours of being bitten or exposed. The animal must then be quarantined until the Director or his/her Designee of the North Carolina Department of Epidemiology makes a final decision on the animal's disposition.

F. If an animal has a current and valid rabies inoculation and is bitten by or exposed to a known or suspected rabid animal and the animal does not receive a booster rabies inoculation within (72) seventy- two hours, then that animal is to be destroyed immediately by the Animal Control Officer(s).

**Section 2. Area-Wide Emergency Quarantine**

In accordance with N.C.G.S 130A-193, 130A-195, 130A-196 through 130A-199 the provisions in these statutes will be followed in McDowell County if rabies quarantine is ordered by the McDowell County Health Director.

**Section 3. Postmortem Diagnosis**

A. If an animal dies while under observation for rabies, the specimen of such animal shall be submitted to the McDowell County Animal Control Officer(s) for shipment to the North Carolina State Laboratory of Public Health for rabies diagnosis.

B. The carcass of any animal suspected of dying of rabies shall be surrendered to the McDowell County Animal Control Officer(s). The specimen of such animal shall be submitted to the North Carolina State Laboratory of Public Health for rabies diagnosis.

**Section 4. Unlawful killing, Releasing, Etc. Certain Animals**

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal which has bitten a human, or to remove such animal from the county without written permission from the Animal Control Officer(s).

**Section 5. Failure to Surrender Animals for Quarantine or Destruction**

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this article, when the Animal Control Officer(s) make the demand thereof.

## **Section 6. Euthanization of Feral Animals**

If in the determination of the Animal Control Officer or Supervisor, it appears that an animal is feral and poses a danger to the public and Animal Control Staff, then the Animal Control Officers shall euthanize the animal as soon as possible, without waiting the (72) seventy-two hours holding period. These animals will be euthanized in accordance with all county policies, ordinances, and North Carolina general statutes. This section will apply to any and all animals brought into the McDowell County Animal Control Facility.

## **Article 3: Impoundment/Enforcement**

### **Section 1. Impoundment**

The following stipulation will govern the Impoundment of Animals:

1. Animal Control may place humane traps for felines or canines to be trapped. These traps will be placed under the responsibility of Animal Control and with the permission of the property owner.
2. Any animal which is lost, stray, or which is found not wearing a valid rabies vaccination tag, as required by state law, or not under restraint in violation of this ordinance, may be impounded by the Animal Control Officers.
3. Immediately upon impounding an animal, the Animal Control Officer shall make a reasonable effort to notify the owner/keeper. If the owner/keeper is unknown or cannot be located, Animal Control shall hold the animal for (72) seventy-two hours from the date of impoundment. At the end of the (72) seventy-two hour period the animal may be put up for adoption.
4. The owner/keeper of an animal impounded under this article may regain possession within (72) seventy-two hours from the time of impoundment, by complying with applicable provisions of this article and paying any necessary fees.
5. If the owner/keeper does not redeem an impounded animal within the period prescribed in this ordinance, it may be destroyed in a humane manner or offered for adoption.
6. In the event that the McDowell County Animal Control Facility is unable to house any animal or reptile, the boarding fee shall be set by the person or facility that is housing the animal or reptile. The owner/keeper shall pay all required boarding fees and/or veterinarian fees in accordance with this ordinance, prior to redeeming an impounded animal.
7. Any animal impounded, which is badly wounded and/or diseased and has identification, an Animal Control Officer shall attempt to notify the owner/keeper before euthanizing such animal: but if the owner/keeper cannot be readily found and the animal is suffering, the Animal Control Officer(s) may euthanize the animal.
8. If an animal is officially surrendered by the owner/keeper to the Animal Control Officer(s) it may be put up for adoption: however, it may be euthanized without waiting the (72) seventy-two hours.

## **Section 2. Special Circumstances**

### Owned Animals:

Owned animals shall be transported to the McDowell County Animal Control Facility by the owner/keeper of the animal. Animal Control Officer(s) shall not be responsible for the pickup of owned animals, unless otherwise specified in this ordinance.

## **Section 3. Enforcement**

- A. It shall be unlawful for any person to resist or hinder the Animal Control Officer(s) in the performance of any duty authorized by this ordinance.
- B. It shall be unlawful for any person to seek to release, attempt to release, or to release any animal in the custody of the Animal Control Officer(s).
- C. Violation of this ordinance in part or in full may subject the violator to criminal as well as civil action.

Violation of this ordinance shall be a misdemeanor for which a criminal summons or warrant may be issued as provided by G.S. 14-4. Payment of a fine imposed in criminal proceedings pursuant to this ordinance does not relieve the violator of his/her liability for boarding fees, civil citations or veterinary fees imposed under this ordinance.

### D. Penalties:

- 1. In addition to or in lieu of any criminal charges or warrants, Animal Control Officers are authorized to issue civil citations for any offence or violation of this ordinance. Civil penalty payments are to be paid to the McDowell County Animal Control at the Animal Control Facility. Payments for civil penalties paid to McDowell County must be received within (10) ten working days of issuance of a civil citation.
- 2. Civil penalties
  - a. Any violation or offence under this ordinance may be reason for a written warning, civil citation, and criminal charges/warrants.
  - b. A civil penalty of (\$50.00) fifty dollars shall be assessed for the first violation or offense of any section of this ordinance.
  - c. A civil penalty of (\$100.00) one hundred dollars shall be assessed for the second violation or offense of this ordinance.
  - d. A civil penalty of (\$200.00) two hundred dollars shall be assessed for the third violation or offense of any section of this ordinance.



3. Civil penalties for dangerous canines

If any dangerous canine or animal runs at large, whether on the owners/keepers property or not, the civil penalty shall be (\$200.00) two hundred dollars. For each subsequent violation or offence, the owner/keeper or said animal or canine shall pay a civil penalty of (\$400.00) four hundred dollars

**Section 4. Severability and Conflicting Ordinances**

If any part of this ordinance shall be held invalid, such parts shall be deemed severable, and therefore, shall not affect the remaining parts of this ordinance. All other ordinances in McDowell County that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 5. Adoption**

The McDowell County Animal Control Ordinance is hereby adopted on this 13<sup>th</sup> day of July, 2009 and is effective August 17, 2009.

s/David N. Walker  
Chairman of the  
Board of Commissioners  
McDowell County, NC

s/Carrie Padgett  
Clerk to the Board of  
Commissioners  
McDowell County, NC