

Minutes  
 Catawba County Board of Commissioners  
 Regular Session, Monday, May 5, 2008, 9:30 a.m.

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<b><u>Appointments</u></b>		
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The Catawba County Board of Commissioners met in regular session on Monday, May 5, 2008 at 9:30 a.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn Lail and Commissioners Dan Hunsucker, Barbara G. Beatty and Glenn E. Barger.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 9:30 a.m.
2. Chair Barnes led the Pledge of Allegiance to the Flag.
3. Vice-Chair Lynn Lail offered the invocation.
4. Commissioner Barbara Beatty made a motion to approve the minutes of the Special Session of Monday, April 14, 2008, the Closed Session of Monday, April 14, 2008 and the Regular Meeting of Monday, April 21, 2008. The motion carried unanimously.

5. Recognition of Special Guests: Chair Barnes welcomed everyone present and specifically the Police Chiefs, representatives of the Fraternal Order of Police and Sheriff Huffman and Newton-Conover School Superintendent Barry Redmond.
6. Comments for Items not on the Agenda. None.
7. Presentations:
  - a. Commissioner Dan Hunsucker presented a proclamation to Sheriff Huffman, police chiefs of the county's municipalities and representatives of the Fraternal Order of Police, declaring May 15 as Peace Officers' Memorial Day and May 11 – 17, 2008 as National Police Week. The proclamation recognized the men and women of the law enforcement agencies of Catawba County and its municipalities, who serve the public by safeguarding life and property, protecting them against violence and disorder and providing a vital public service, and directed that all flags on County property be flown at half-staff on May 15 in honor of those who have died to provide these protective services.
  - b. Commissioner Barbara Beatty presented a proclamation to Emergency Services Manager Byan Blanton declaring May 18-24 as Emergency Medical Services Week. The proclamation recognized the Catawba County Emergency Medical Services teams that are ready to provide lifesaving care to those in need 24 hours a day, seven days a week, and engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills and focus on the many ways Americans benefit daily from the knowledge and skills of these highly trained individuals.
  - c. Commissioner Glenn Barger presented a proclamation to Sybil Good from Family Builders and Regina Roberts, Adoption Social Worker, declaring May as Foster Care Month, recognizing that family is the foundation of our communities, the vital role foster families play in helping children and families heal, and the enduring and valuable contribution of foster parents and the child welfare professional staff working with them.
  - d. Chair Barnes issued a proclamation declaring May 5-11 as Public Service Recognition Week to recognize that local, state and federal government employees are integral to the quality of life in Catawba County. Being closest to the people, local government leaves the strongest impression on its recipients, which places a great responsibility on County employees to provide exemplary customer service with compassion, empathy and understanding. The efficiency and effectiveness of government depends largely on these employees, who provide quality service on a daily basis. Catawba County employees touch the lives of all residents by providing a wide range of services that are specified within the proclamation, which expresses the Board's "deep appreciation for the innovation and daily contributions Catawba County employees make to the lives of county citizens."
  - e. Vice-Chair Lail presented Finance Director Rodney Miller, Assistant Finance Director Jeanne Jarrett and Internal Auditor Kenneth Maynor with a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association to the County's Finance Department. This award is the highest form of recognition in the area of governmental accounting and financial reporting, awarded to the County for its Comprehensive Annual Financial Report, and it represents a significant accomplishment by a government and its management. Catawba County has now won this award for 26 consecutive years.
8. Appointments:

Commissioner Dan Hunsucker recommended the Board appoint Brenda Watson to succeed Margaret Hilda Elliott in the Registered Nurse Category on the Public Health Board. Her term will expire June 30, 2010. Commissioner Hunsucker also recommended the Board reappointed Thomas Richards in the pharmacist category, Susan Witherspoon in the general public category and Dr. Kerry Reeves in the optometrist category. Thomas Richards' and Susan Witherspoon's terms will expire June 30, 2010 and Dr. Reeves' term will expire June 30, 2011. These recommendations came in the form of a motion. The motion carried unanimously.
9. Consent Agenda:

County Manager J. Thomas Lundy presented the following items under the consent agenda:

  - a. A request for the Board to approve the Juvenile Crime Prevention Council (JCPC) Annual Plan for fiscal year 2008-2009, as required by the North Carolina Department of Juvenile Justice

Delinquency Prevention. The JCPC has identified the issues and factors which have an influence and impact upon delinquent and at-risk youth, and their families, in Catawba County. The Council also has identified the strategies and services most likely to reduce and/or prevent these delinquent behaviors. Under North Carolina General Statutes, the Council is required to submit an Annual Plan for 2008-2009 with goals, measurable objectives and corresponding outcomes. The Board of Commissioners approved the JCPC Funding Plan for 2008-2009 at its April 7, 2008 meeting.

b. A request from the Hickory Public Schools to transfer funds from the completed Jenkins Elementary heating, venting and air conditioning project, in order to install a fence and erect a retaining wall at Jenkins Elementary School. \$375,000 was approved in the County's 2007-2008 budget for the replacement of the HVAC system at Jenkins Elementary School. The work has been completed, with \$20,000 remaining in the project. The transfer of these funds will enable the installation of a fence and a retaining wall at Jenkins Elementary. The fence will cover the perimeter of a playground and provide safety in an area that backs up to woods and houses. The retaining wall will take care of a water problem at an entrance to the school that is elevated, which causes rain to run across the entrance into the building.

Supplemental Transfer:

From:	427-750100-865300-32105-3-06	Jenkins HVAC	\$20,000
To:	420-750100-865300-32105-3-07	Jenkins Fence and Wall	\$20,000

c. A request from Newton-Conover City Schools to appropriate \$19,856 to cover the increased cost of an activity bus purchased on a State contract. The County's Fiscal Year 2006-07 budget included \$55,000 for Newton-Conover City Schools to purchase a new activity bus. The cost used for this request was inadvertently based on a two year old State contract price. By the time the order was placed, the cost of the bus had increased to \$74,856. The purchase was made and the amount over the appropriation was paid from the school's per capita funds. The Newton-Conover City Board of Education requested that the County appropriate \$19,856 to replace these funds.

Supplemental Appropriation:

Increase	420-750100-690100	Fund Balance Applied	\$19,856
Increase	420-750100-864200-33110-4-02	Activity Bus	\$19,856

d. A request by the Newton-Conover City Schools for a Letter of Commitment that \$322,000 will be funded in the County's fiscal year 2008-09 budget, to be used for the installation of new bleachers, new flooring and new lighting in the Newton-Conover High School gym, in conjunction with the installation of air conditioning in the gym, which was approved in the current year's County budget. The Letter of Commitment will allow the system to complete this work during the summer months when class schedules at the high school are reduced.

e. A request by Newton-Conover City Schools to appropriate \$155,000 for the purchase of warehouse property for system wide storage and the appropriation of \$178,904 from 2006/07 lottery proceeds to be used for renovations to the administrative office building for the Health Science High School program. The health science program at Newton-Conover High School currently has 65 students. New registration numbers indicate it will grow to 110 students this fall. The increased enrollment will require the program to relocate to space available at the administrative office site. Needed renovations will include remodeling of four rooms, and improvements to two others rooms on the second floor that were not part of the original renovations to the building. HVAC installation and new windows will be part of the project. Plans for the program include using the old cafeteria building on the same site, currently used for storage of supplies, food service products, computers, office supplies and all forms of maintenance and custodial supplies. This would leave the system with no system wide storage space. A warehouse building located two blocks from the administrative building has approximately 12,000 square feet of space and is for sale for \$147,000. With inspections, minor repairs and closing costs, the total cost is not expected to exceed \$155,000. \$178,904, plus interest, is currently available to Newton-Conover City Schools from 2006/07 lottery proceeds. The system requested that these funds be appropriated to be used toward renovations to the administrative office building for the health science high school program.

Chair Barnes asked if any commissioner wished to have any item removed from the consent agenda and none were requested. Commissioner Barger made a motion to approve these items on the agenda. The motion carried unanimously.

10. Departmental Reports:
  - a. David Weldon, Emergency Services Director and Jay Blatche, Animal Services Manager, presented proposed revisions to Chapter 6, Animals, of the Catawba County Code of Ordinances. The revisions make the ordinance easier to read, clarify complaint procedures, refine dangerous and vicious dog definitions and consolidate sections that were previously scattered throughout the ordinance. The current dangerous and vicious dog definitions are confusing to Animal Control Officers and the public. The section regarding vicious dogs has been removed and the procedures for use with dangerous and potentially dangerous dogs have been made clearer and are now addressed in Article 6.

The following is a summary of the changes:

A section of the Code, Section 6-1, is added to reference the North Carolina General Statutes that grant statutory authority to the County with respect to animal control issues.

Some existing definitions in Section 6-3 are revised and new definitions added, for the following words or phrases: abandon, adequate shelter, dangerous dog, euthanize, nuisance, owner, potential rabies carrier, potentially dangerous dog, preventive measures, secure enclosure, and severe injury.

References in the current Ordinance to Chief Animal Control Officer is replaced with Animal Services Manager, and all references to Animal Control as a division is replaced with Animal Services.

Civil penalties are increased in Section 6-10, to encourage citizens to be responsible pet owners. These penalties are comparable to the surrounding counties. The initial civil penalty fine is increased from \$25 to \$50. The current civil penalty of \$100 for a dangerous dog violation is removed. A civil penalty of \$150 for any violation pertaining to dangerous or potentially dangerous dogs is added, and a civil penalty of \$300 is added for any violation of animal cruelty as defined in Chapter 6.

The general appeals procedure in Section 6-12 has been revised to address all appeals other than those for dangerous and potentially dangerous dogs. General appeals are to be heard by the Emergency Services Director. Dangerous and potentially dangerous dog appeals are to be heard by the County's Dangerous Dog Appellate Board.

Article II is changed from Animal Cruelty to Rabies Control and comply with North Carolina rabies laws.

Article III is changed from Animal Nuisance to Animal Cruelty. The current Ordinance did not address any civil penalties for animal cruelty. A \$300 civil penalty, which is consistent with other counties, is added for any violation of animal cruelty.

The failure or refusal to report an injured domestic animal has been added as an example of animal cruelty.

Article IV changed from Stray and Abandoned Animals to Animal Nuisance. There are two major changes to this section. The first change deals with the number of days an animal owner has to redeem his or her animal from five (5) days to three (3) working days, to address overcrowding at the Animal Shelter and encourage the owners to redeem their animals in a timely manner. The second change is the addition of the term "preventive measures", which would allow the Animal Services Manager to implement restrictions on animals declared a nuisance to prevent further infractions of the Ordinance, such as requiring an owner to restrain his or her animal to prevent it from creating a nuisance.

Article V is changed from "Dangerous and Vicious Dogs and other Dangerous Animals" to "Stray or Abandoned Animals". The major changes to this section include a change in the number of days a person has to redeem an abandoned animal from ten (10) working days to three (3) working days. This will allow for the animal to be adopted sooner, which will help with overcrowding at the Animal

Shelter. This recommendation was supported by research conducted by Animal Services staff showing that approximately 5% of stray or abandoned animals are reclaimed by their owners. Of those reclaimed, 95% were reclaimed within three days.

Article VI is changed from "Keeping Swine" to "Dangerous and Potentially Dangerous Dog". The changes for this section are as follows:

1) A new dangerous dog section specifies that a dog will be automatically declared dangerous if the dog has killed or inflicted severe injury on a person. The owner of the dog has three (3) calendar days to appeal the decision determining the dog as dangerous. If the owner fails to appeal in the allotted time, or loses the appeal, the animal will be euthanized. In the current Ordinance, an owner has five days to file a Dangerous Dog appeal with the Dangerous Dog Appellate Board. The change to three days is consistent with the North Carolina General Statutes. Appeals of dogs declared as dangerous will be heard by the Dangerous Dog Appellate Board.

2) The new "potentially dangerous dog section" defines a "potentially dangerous dog" as a dog that kills or inflicted severe injury upon a domestic animal, approaches a person in a vicious or terrorizing manner in an apparent attitude of attack, or any dog that has inflicted an unprovoked bite to a human or animal. The owner of a dog that has been declared potentially dangerous will have three options: a) surrender the dog to the County; b) build an approved enclosure, or c) appeal the decision to the Dangerous Dog Appellate Board. The owner of the dog has three (3) calendar days to appeal the decision determining the dog as potentially dangerous. If the owner fails to appeal in the allotted time, the dog will become property of Catawba County. Because the dog has been deemed potentially dangerous, it is not suitable for adoption. In the best interest of public safety, Animal Services will euthanize the dog. If the owner loses the appeal, the owner must construct an enclosure as defined in Section 6-133 within 21 days. If the owner fails to build the enclosure in the allotted time, the animal will be euthanized.

This section also more clearly defines the specifications for the enclosure that would house a potentially dangerous dog, as well as the owner's responsibility when owning a potentially dangerous dog.

Staff met with the Catawba County Humane Society regarding the proposed Ordinance changes. The Humane Society agreed with the ordinance revisions. All municipalities have been provided with a copy of the major changes to the revised ordinances and have responded with favorable comments. The Public Health Director has been made aware of the changes and also responded favorably.

Commissioner Beatty made a motion to approve the Animal ordinance changes. The motion carried unanimously. The following is the revised ordinance:

Chapter 6 Animals\*

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**Article I. In General**

- Sec. 6-1. Authority
- Sec. 6-2. Purpose and objective
- Sec. 6-3. Definitions
- Sec. 6-4. Authority of health director
- Sec. 6-5. Animal services division
- Sec. 6-6. Animal services manager
- Sec. 6-7. Animal control officers
- Sec. 6-8. Enforcement
- Sec. 6-9. Interference with officers
- Sec. 6-10. Sanctions and penalties
- Sec. 6-11. Method of service and return of notices and citations
- Sec. 6-12 Appeals Procedure
- Secs. 6-13—6-25. Reserved

Article II. Rabies Control

- Sec. 6-26. Compliance with state law
- Sec. 6-27. Vaccination of dogs, cats, and other pets
- Sec. 6-28. Vaccination tag
- Sec. 6-29. Evidence of vaccination of cats
- Sec. 6-30. Confinement of all biting dogs and cats.
- Sec. 6-31. Destruction or confinement of animal bitten by rabid animal
- Sec. 6-32. Unlawful killing, releasing, of certain animals
- Sec. 6-33. Failure to surrender animal for quarantine or destruction
- Secs. 6-34—6-40. Reserved

Article III. Animal Cruelty

- Sec. 6-41. General care; prohibited acts
- Sec. 6-42. Sanctions, penalties, fines, remedies
- Sec. 6-43. Exemptions
- Secs. 6-44--6-70. Reserved

Article IV. Animal Nuisance

- Sec. 6-71. Animal creating a nuisance
- Sec. 6-72. Sanctions, penalties, fines, remedies
- Sec. 6-73. Animal housed or restrained near public way
- Sec. 6-74. Intentionally or willfully causing animal to violate article
- Secs. 6-75--6-100. Reserved

Article V. Stray or Abandoned Animals

- Sec. 6-101. Abandoned animals
- Sec. 6-102. Notification to animal services division
- Sec. 6-103. Surrender of stray animals
- Secs. 6-104--6-130. Reserved

Article VI. Dangerous and Potentially Dangerous Dogs

- Sec. 6-131. Determination of dangerous and potentially dangerous dogs
- Sec. 6-132. Appeals Procedures
- Sec. 6-133. Confinement and restraint of dangerous and potentially dangerous dogs
- Sec. 6-134. Transfer of ownership
- Sec. 6-135. Exceptions
- Secs. 6-136--6-143. Reserved

Article VII. Impoundment of Animals

Division 1. Generally

- Sec. 6-144. Authority
- Secs. 6-145--6-146. Reserved

Division 2. Redemption

- Sec. 6-147. Generally
- Sec. 6-148. Proof and acknowledgment of ownership
- Sec. 6-149. Time limits
- Sec. 6-150. Payment of redemption fees and other fees, costs and penalties
- Secs. 6-151--6-153. Reserved

Division 3. Disposition

- Sec. 6-154. Surrendered animals
- Sec. 6-155. Feral cats
- Sec. 6-156. Notice
- Sec. 6-157. Unredeemed, injured, sick or diseased animals
- Sec. 6-158. Sale of impounded animals

Sec. 6-159. Disposal of dead animals  
Secs. 6-160--6-165. Reserved

Article VIII. Keeping Swine

Sec. 6-166. Definitions  
Sec. 6-167. Restriction  
Sec. 6-168. Ownership as defense  
Sec. 6-169. Initiation of complaint  
Sec. 6-170. Investigation  
Sec. 6-171. Procedure upon no violation; subsequent complaints  
Sec. 6-172. Notice of violation  
Sec. 6-173. Citation for violation  
Secs. 6-174--6-200. Reserved.

Article IX. Inherently Dangerous Exotic Animals

Sec. 6-201. Definitions  
Sec. 6-202. Unlawful possession.  
Sec. 6-203. Exceptions  
Sec. 6-204. Impoundment; disposition of impounded animals  
Sec. 6-205. Violations and penalty  
Secs. 6-206--210. Reserved

## Chapter 6 - ANIMALS

### ARTICLE I. IN GENERAL

#### **Sec. 6-1. Authority.**

This chapter is established pursuant to the following grants of statutory authority:

- (1) G.S. § 153A-121 which delegates to counties the power to regulate, prohibit, or abate acts, omissions or conditions which are detrimental to the health, safety or welfare of its citizens and the peace and dignity of the county.
- (2) G.S. § 153A-123 which authorizes counties to levy fines and penalties for violation of its ordinances and allows counties to secure injunctions and abatement orders to further ensure compliance with its ordinances.
- (3) G.S. § 153A-127 which authorizes counties to define and prohibit the abuse of animals.
- (4) G.S. § 153A-131 which authorizes counties to regulate, restrict or prohibit the possession or harboring of animals which are dangerous to persons or property.
- (5) G.S. § 153A-442 which authorizes counties to establish, equip, operate and maintain animal shelters.
- (6) G.S. § 130A-192 which authorizes animal control directors to determine if there are any dogs and cats not wearing valid rabies vaccination tags.

- (7) G.S. § 67-4.5 which authorizes a county to adopt and enforce its own program for control of dangerous dogs.
- (8) G.S. § 130A-186 which authorizes the local health director to appoint one or more certified rabies vaccinators.
- (9) G.S. § 130A-197 which authorizes the local health director to order unvaccinated animals which have been exposed to rabies to be humanely destroyed.

**Sec. 6-2. Purpose and objective.**

This chapter is established for the following purposes and objectives:

- (1) *Animal cruelty.* To define and prohibit the abuse of animals.
- (2) *Rabies.* To protect citizens and other animals of the county from rabies transmitted by unconfined, uncontrolled or unimmunized dogs, cats or other animals.
- (3) *Dangerous and Potentially Dangerous Dogs.* To regulate, restrict and/or prohibit the harboring of dogs which are dangerous, potentially dangerous to persons or property.
- (4) *Stray animals.* To regulate, restrict or prohibit the keeping of any stray domestic animals.
- (5) *Animal nuisance.* To regulate animals that may be a nuisance.
- (6) *Wild or exotic animals, poisonous reptiles and dangerous animals.* To regulate, restrict or prohibit the harboring or keeping or ownership of wild or exotic animals, poisonous reptiles, and dangerous animals.
- (7) *Animal bites.* To establish rules and procedures for dealing with animal bites.
- (8) *Impoundment of animals.* To regulate and establish procedures for the impoundment and confinement of animals.
- (9) *Redemption of impounded animals.* To regulate and establish procedures for redeeming animals impounded in the county's animal shelter.
- (10) *Destruction of animals.* To regulate and establish procedures for destroying diseased, stray, unwanted or unclaimed animals.

(Code 1995, § 343.01; 2007, § 6-1)

**Sec. 6-3. Definitions.**

*Abandon* means to intentionally, knowingly, recklessly or negligently leave an animal at a location without providing for the animal's care.

*Adequate shelter* means an enclosure having at least three solid sides, a roof and a floor, that remains dry inside, is ventilated and has sufficient room for an animal to move about freely and lie down comfortably, be structurally sound and in good repair, and promotes the retention of body heat.

*Animal* means every nonhuman species that has been domesticated by man.

*At large* means any animal found off of the property of its owner and not under restraint or any animal previously determined to be dangerous or potentially dangerous that is not confined to a secure enclosure while on the property of its owner. This definition shall exclude any dog which is in a county designated dog park. This definition shall exclude any dog being used by a law enforcement officer while carrying out the law enforcement officer's official duties.

*Bite* means the act of an animal seizing flesh with its teeth or jaws, so as to tear, pierce or injure the flesh.

*Cat* means any and all domestic felines.

*Confinement* means impoundment within the county's animal shelter or other appropriate facility.

*Cruelty* and *cruel treatment* means every act, omission, or act of neglect whereby unjustifiable pain, suffering or death is caused or permitted, or attempted to be caused or permitted against animals, as well as acts or attempted acts of teasing, molesting, baiting or trapping of animals unlawfully.

*Dangerous dog* means any dog that:

- (1) Has killed or inflicted severe injury on a person;
- (2) Is owned or harbored primarily or in part for the purpose of dog fighting, or trained for dog fighting, in violation with G.S. 14-362.1.

*Dog* means any and all domestic canines.

*Domestic animal* means any animal domesticated by man for his use, e.g., horse, dog, cat.

*Exotic Animal* means any living animal as set forth in article IX of this chapter pertaining to inherently dangerous exotic animals.

*Exposed to rabies* means any person or animal that has bitten, been bitten by or otherwise come into contact with the bodily fluids of any animal known or suspected to have been infected with rabies.

*Feral cat* means a domestic cat which has adapted to survive in the wild, is homeless and ownerless, and having descended from stray and possible generations of abandoned house pets.

*Flood-prone area* means an area in which two or more inches of standing water is likely to accumulate during a period of normal rainfall.

*Habitual violation* means more than three violations of this chapter in the past three years and the most recent violation was within the past 12 months.

*Impoundment* means possession or seizure of an animal by the county animal services division for placement in the county's animal shelter or other appropriate facility.

*In estrus* means a female animal in what is commonly called "heat."

*Nighttime* means the time from sunset until sunrise.

*Nuisance* means any act of an animal or its owner that annoys or disturbs rights and privileges common to the public or enjoyment of private property. The commission on more than one occasion of a nuisance act shall be evidence of a nuisance. A nuisance act shall include, but not be limited to, the following:

- (1) Turns over garbage containers or removes garbage from them.
- (2) Walks on or sleeps on automobiles of another.
- (3) Damages gardens, foliage or other real or personal property of another.

- (4) Continuously or frequently roams or is found on the property of another.
- (5) Is maintained in an unsanitary condition so as to be offensive to sight or smell.
- (6) Is not confined to a building or secure enclosure while in estrus.
- (7) Chases, snaps at, attacks, or otherwise molests pedestrians, bicyclists, motor vehicle passengers, farm stock or domestic animals.
- (8) Eliminates on private property without the permission of the owner.
- (9) Is diseased or dangerous to the health of the public.
- (10) Is housed or restrained less than 15 feet from a public street, road or sidewalk and, in the discretion of the animal control officer, poses a threat to the general safety, health and welfare of the general public.

*Owner* means any person, group of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on his/her property.

*Owner's property* means that area described in a deed of conveyance or the area described in a lease. In a situation involving town homes or condominiums, animal services will treat the common areas as being owned by the homeowner's association. In a situation involving leased apartments, animal services will treat the common areas as being owned by the lessor/property owner. A motor vehicle is not a part of the owner's property unless it is physically located on the area described in a deed of conveyance or the area described in a lease. A motor vehicle that is physically located in or on the common areas of town homes, condominiums or leased apartments, or other public areas shall be treated as being off of the owner's property.

*Person* means any human being, firm, partnership or corporation, including any nonprofit corporation.

*Poisonous reptile* means any animal that crawls or moves on its belly as a snake or on small short legs as a lizard and has the capability of injecting humans or animals with venom, which may cause death or physical injury.

*Potential rabies carrier* means any species commonly recognized to be a carrier of rabies, such as, but not limited to, raccoons, foxes, skunks, coyote and bats.

*Potentially dangerous dog* means any dog that the Animal Services Manager or his/her designee determines to have:

- (1) Killed or inflicted severe injury upon a domestic animal, or
- (2) Approached a person in a vicious or terrorizing manner in an apparent attitude of attack, or
- (3) Any dog that has inflicted an unprovoked bite to a human or animal.

*Preventive measures* means those measures, as required by animal services, taken to effectively restrain a dog that has been deemed a public nuisance or has been declared dangerous or potentially dangerous.

*Rabies vaccinator* means a person appointed and certified to administer rabies vaccine or a licensed veterinarian.

*Restraint* means a secure enclosure located on the owner's property, or a chain, leash or other physical or electronic device of sufficient strength, which allows the owner to maintain control of an animal. Voice command is not recognized as adequate restraint.

*Secure enclosure* unless otherwise specifically defined herein, means an enclosure from which an animal cannot escape by means of digging under or jumping over the enclosure, or otherwise becoming free unless freed by the owner. Recommended space and height requirements and other specifications for secure enclosures may be obtained from animal services based on the breed, age, height and weight of the animal, pursuant to Sec. 6-132.

*Stray, lost, or unwanted* means any animal found within the county wandering at large which does not have an owner and does not bear evidence of identification of any owner, or any animal whose owner, if determinable, has failed to attach a valid rabies tag for the animal.

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

*Vaccination* means the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

*Wild animal* means any animal that is not normally domesticated. A hybrid of any animal, regardless of genetic percentages, shall be deemed a wild animal.

*Working day* means any day of the week excluding Saturday, Sunday and county holidays. If the last day of the time period specified herein shall fall on a Saturday, Sunday or county holiday, then the action required shall be undertaken on the next day that is not a Saturday, Sunday or county holiday.

(Code 1995, § 343.02; 2007, § 6-2)

**Cross references:** Definitions generally, § 1-2.

**Sec. 6-4. Authority of health director.**

The local health director shall have the authority to declare areas under quarantine against rabies when the lives of persons are endangered and to do any other act required or authorized by this chapter and the laws of this state.

(Code 1995, § 343.03; 2007, § 6-3)

**Sec. 6-5. Animal services division.**

Authority is hereby granted to the animal services division to enforce this chapter. This chapter shall be enforced by all nonsworn animal control officers (as defined in section 6-7), having all rights, powers and immunities granted in this section, as well as by sworn animal control officers (as defined in section 6-7) utilizing the additional rights, powers and immunities granted to sworn officers under section 6-7. All employees of the animal services division are hereby granted the following rights, powers and immunities, and such employees, through the animal services division, shall:

- (1) Have the responsibility, along with law enforcement agencies, to enforce all laws of the state and all ordinances of the county pertaining to animals and shall cooperate with all law enforcement officers within the county in fulfilling this duty.
- (2) Enforce and carry out all laws of the state and all ordinances of the county pertaining to rabies control.
- (3) Be responsible for investigation of all reported animal bites, for the quarantine and confinement of any dog or cat known to have, or suspected of having rabies, for a period of not less than ten days, and for reporting to the local health director as soon as practicable the occurrence of any such animal bite and the condition of the quarantined animal.

- (4) Be responsible for monitoring the county animal shelter to ensure compliance with any and all contracts entered into by the county for the operation of the shelter and compliance with any applicable state and federal laws, rules and regulations.
- (5) Be responsible for the seizure and impoundment, when necessary, of any animal in the county involved in a violation of this chapter or any other ordinance or state law.
- (6) Investigate cruelty or abuse of animals and protect animals within the county from cruelty and abuse.
- (7) Make legal canvasses of property within the county as necessary for the purpose of ascertaining compliance with this chapter or state statute.
- (8) Maintain accurate and detailed records of seizures, impoundments, and dangerous animals, disposition of animals coming into the custody of the animal services division, bite cases, violations, complaints, investigations and monies collected.
- (9) Be empowered to issue notices of violation, assess civil penalties for violations of this chapter and issue citations when authorized by law.
- (10) Be empowered to go upon private property to seize animals pursuant to the provisions of this chapter or an order of a court of competent jurisdiction of this state.

(Code 1995, § 343.04; 2007, § 6-4)

**Sec. 6-6. Animal Services Manager**

The Animal Services Manager shall be the chief animal control officer and shall control, direct and supervise the animal services division, its employees and officers. The Animal Services Manager shall monitor the county animal shelter to ensure compliance with any and all contracts entered into by the county for the operation of the shelter and compliance with any applicable state and federal laws, rules and regulations. The Animal Services Manager is hereby designated by the Board of Commissioners as the person responsible for determining when a dog is dangerous or potentially dangerous. The Animal Services Manager is hereby authorized to initiate legal action to enforce this chapter.

The Animal Services Manager shall have the authority to delegate to the animal control officers or administrative staff any of the powers granted to the Animal Services Manager by this chapter. Any act done by an animal control officer or a member of the administrative staff that is in compliance with or within the scope of this chapter, shall be considered the official act of the Animal Services Manager.

(Code 1995, § 343.05; 2007, § 6-5)

**Cross references:** Officers and employees, § 2-86 et seq.

**Sec. 6-7. Animal control officers.**

All persons employed by the animal services division to enforce the animal control regulations shall be considered animal control officers and shall have the rights, powers and immunities granted under this chapter and by the laws of this state to enforce the provisions of this chapter. Animal control officers shall be classified as nonsworn or sworn as set forth below and shall have all the rights, powers and immunities conferred by this chapter:

- (1) Nonsworn animal control officers are those animal services division employees who have not taken or successfully completed the law enforcement education and training course as prescribed by the North Carolina Criminal Justice Education and Training Standards Commission, pursuant to G.S. § 17C-8. Nonsworn animal control officers are not authorized to carry in their possession or store in the animal services office or vehicles any firearms. Nonsworn animal control

officers are authorized to store drugs, chemicals and equipment at the animal services administrative offices and on animal services division vehicles as necessary to enforce the provisions of this chapter or other applicable law for the control of wild, vicious, dangerous or diseased animals. Nonsworn animal control officers shall not have the power of arrest, but shall have all rights, powers and immunities as described in section 6-5.

(2) Sworn animal control officers are those animal services division employees who have taken and have successfully completed the law enforcement education and training course as prescribed by the North Carolina Criminal Justice Education and Training Standards Commission, pursuant to G.S. § 17C-8. These officers must have also taken the prescribed law enforcement personnel oath of office. All sworn animal control officers are hereby vested with the same rights, powers and immunities granted to nonsworn officers and, in addition, they are granted the same rights, powers and immunities of all law enforcement officers of this state. Included in such rights and powers is the authority to obtain and serve warrants and summons the authority to issue citations and the authority to make arrests. All sworn animal control officers are hereby authorized to carry firearms on their person and within any departmental vehicles for use when necessary to enforce sections of this chapter or other applicable laws for the control of wild, vicious, dangerous or diseased animals and the enforcement of state law.

(Code 1995, § 343.06; 2007, § 6-6)

**Sec. 6-8. Enforcement**

The Animal Services Manager or any other person duly authorized to commence legal action on behalf of the county may take necessary legal steps to enforce this chapter and collect any amount for outstanding costs, fees or penalties assessed pursuant to this chapter. This chapter shall be enforced by imposing the specific sanctions, penalties, fines and remedies described herein, by seeking injunctive relief, orders of abatement and any other means prescribed by statute or common law. In addition to any specific sanction, penalty or fine as outlined in this chapter, any violation of this chapter shall be punishable as a general criminal misdemeanor as defined by state law.

(Code 1995, § 343.07; 2007, § 6-7)

**Sec. 6-9. Interference with officers.**

It shall be unlawful for any person to interfere with, hinder or molest an employee of the animal services division or any other person duly authorized by this chapter while in the performance of any duty as set out in this chapter. It shall also be unlawful for any person to seek to release, attempt to release, or to release any animal in the custody of the animal services division, except as otherwise specifically provided in this chapter.

(Code 1995, § 343.08; 2007, § 6-8)

**Sec. 6-10. Sanctions and penalties.**

*Civil penalties.* Unless otherwise provided for in a particular section, animal services are authorized to assess civil penalties in the following manner:

- (1) A civil penalty of \$50.00 shall be assessed for the first violation of any provision of this chapter.
- (2) A civil penalty of \$75.00 shall be assessed for the second violation of this chapter.
- (3) A civil penalty of \$150.00 shall be assessed for third violation of this chapter.
- (4) A civil penalty of \$250.00 shall be assessed for habitual violations, as defined herein, of any provision of this chapter.
- (5) A civil penalty of \$150.00 shall be assessed for violation of any provision of this chapter by a dog that has been declared dangerous or potentially dangerous.

- (6) A civil penalty of \$300.00 shall be assessed for any animal cruelty violation as defined in this chapter.

A civil penalty is due and owing upon assessment. Surrender of an animal or failure to redeem an animal shall not relieve the owner of responsibility for payment of any outstanding civil penalty that was assessed prior to the animal being surrendered or as a result of the animal being impounded. If payment of a civil penalty is not received within five (5) working days of issuance, animal services may initiate legal proceedings to recover the amount of the penalty.

(Code 1995, § 343.13; 2007, § 6-13)

**Sec. 6-11. Method of service of notices and citations.**

Unless otherwise specified in this chapter, all notices or civil penalties required by this chapter to be sent or delivered shall be made by personal service; by certified mail; or by affixing the notice to the last known residence and first class mail.

(Code 1995, § 343.14; 2007, § 6-14)

**Sec. 6-12. Appeal procedures**

(1) Any owner affected by any ruling or action taken by the animal services division may request a review of such action by filing a request for appeal with the Catawba County Department of Emergency Services, except that:

- a. There shall be no right of appeal for the seizure of an animal pursuant to the order of a judicial official or magistrate.
- b. There shall be no right of appeal and no appeal shall be heard where the person requesting the appeal admits the violation and/or does not dispute the facts of the incident and the sanction imposed for the violation is mandated by state law.
- c. Appeals for dogs declared to be dangerous or potentially dangerous shall be made to the Dangerous Dog Appellate Board as outlined in Sec. 6-132 of this chapter.

(2) Any appeal pursuant to this section shall be delivered in writing to the Catawba County Department of Emergency Services within three (3) days of the action taken by the animal services division.

(3) An appeal pursuant to this section shall be heard and decided by the Emergency Services Director. The Emergency Services Director shall issue a decision in writing within ten (10) days of the filing of the appeal with the Department of Emergency Services.

(4) All decisions by the Emergency Services Director pursuant to this section are final.

(5) If the decision is against the Animal Services Manager, animal services shall immediately cease efforts to implement the sanction(s). Any decision rendered by the Emergency Services Director applies only to the violation(s) and sanction(s) appealed and does not prevent animal services from enforcing a subsequent violation of the same provision or any other provision of this chapter.

(6) If the decision is against the person making the appeal, the owner of the subject animal remains responsible for any outstanding boarding and redemption fees or civil penalties that are not satisfied.

**Secs. 6-13—6-25. Reserved**

**ARTICLE II. RABIES CONTROL**

**Sec. 6-26. Compliance with state law; article as supplement to state law.**

(1) It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.

(2) It is the purpose of this article to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

**Sec. 6-27. Vaccination of dogs, cats, and other pets.**

(1) It shall be unlawful for an owner to fail to provide current vaccination by a licensed veterinarian or certified rabies vaccinator against rabies (hydrophobia) for any dog or cat four months of age or older. Should it be deemed necessary by the local health director or the state public health veterinarian that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation by a licensed veterinarian or certified rabies vaccinator against rabies for that pet.

(2) An animal shall be considered current only after three (3) weeks have passed after the initial rabies vaccination.

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

**Sec. 6-28. Vaccination tag.**

(1) Upon complying with the provisions of sec. 6-27, there shall be issued to the owner of the animal vaccinated a numbered metallic tag, stamped with the number and the year for which issued, and indicating that the animal has been vaccinated against rabies.

(2) It shall be unlawful for any dog owner to fail to provide the dog with a collar or harness to which a current tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times unless the animal is confined in a secure enclosure. Dogs not wearing such tags and for which the owner cannot promptly display a valid tag and for which the owner has been issued a notice to display tag or vaccinate animal pursuant to G.S. 130A-192 shall be impounded and the owner shall be subject to a citation penalty as indicated in section 6-10.

(3) It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for another animal.

(Code 1995, § 343.09; 2007, § 6-9)

**Sec. 6-29. Evidence of vaccination of cats.**

Cats shall not be required to wear the metallic tag referred to in sec. 6-28, but the owner of a cat shall maintain the rabies vaccination certificates as written evidence to prove that the cat has a current rabies vaccination. Cats for which the owner cannot promptly provide the rabies vaccination certificate and for which the owner has been issued a notice to provide certificate or vaccinate animal pursuant to G.S. 130A-192 shall be impounded and the owner shall be subject to a citation penalty as indicated in section 6-10.

(Code 1995, § 343.09; 2007, § 6-9)

**Sec. 6-30. Confinement of all biting dogs and cats.**

(1) Every dog or cat which has bitten any person shall be confined immediately and shall be promptly reported to animal services, and thereupon shall be securely quarantined, at the direction of animal services, for a period of ten days and shall not be released from such quarantine except by written permission from animal services.

(2) Dogs and cats quarantined under this section shall be confined in an approved licensed veterinary hospital or county animal shelter, at the expense of the owner.

(3) In the case of stray dogs or cats whose ownership is not known, the animal shall be kept for the supervised quarantine period required by this section at the county animal shelter.

- (4) If rabies symptoms do not develop within ten days after a dog or cat is quarantined under this section, the dog or cat may be returned to the owner.
- (5) If the dog or cat has been confined in the county animal shelter, all fees and costs associated with the care of the animal shall be paid by the owner at the time of redemption. Animals not redeemed within 24 hours of the ending date of confinement, shall become the property of Catawba County. Animal services is authorized to initiate legal proceedings to recover the costs of caring for an animal confined at the shelter pursuant to this section, if the animal is not redeemed.

(Code 1995, § 343.10; 2007, § 6-10)

**Sec. 6-31. Destruction or confinement of animal bitten by rabid animal.**

- (1) If a dog or cat has a current rabies vaccination and is bitten by or exposed to a rabid or potentially rabid animal, the owner of the dog or cat shall get it a booster rabies vaccination within 72 hours after contact with the possibly rabid animal. Dogs or cats that have been vaccinated against rabies less than three weeks prior to being exposed to a rabid or potentially rabid animal may not be considered currently vaccinated.
- (2) If a dog or cat does not have a current rabies vaccination and is bitten by or exposed to a known rabid animal, animal services shall impound the animal.
  - a. If the animal suspected of having rabies is available for testing, the unvaccinated dog or cat bitten or exposed shall be confined at the county animal shelter until rabies test results have been received. If the test results are negative, the dog or cat can be returned to its owner. All fees shall be paid by the owner at the time of redemption. If the test results are positive or inconclusive, the unvaccinated cat or dog may be euthanized. As an alternative to euthanization, the dog or cat may be quarantined at a facility approved by the local health director for a period up to six months, and under reasonable conditions imposed by the local health director.
  - b. If the animal suspected of having rabies is not available for testing, the unvaccinated cat or dog shall be considered to have been exposed to rabies and may be euthanized. Pursuant to G.S. 130A-197, as an alternative to destruction, the dog or cat may be quarantined at a facility approved by the local health director for a period up to six months, and under reasonable conditions imposed by the local health director. The owner of the animal shall be responsible for the cost of quarantining an animal.

**Sec. 6-32. Unlawful killing, releasing, of certain animals.**

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal that has bitten a human, or to remove such animal from the county without written permission from the county director of public health.

**Sec. 6-33. Failure to surrender animal for quarantine or destruction.**

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this article, when demand is made therefore by the animal services division.

**Secs. 6-34—6-40. Reserved**

**ARTICLE III. ANIMAL CRUELTY**

**Sec. 6-41. General care; prohibited acts.**

All animals shall be kept and treated under sanitary and humane conditions and it shall be unlawful for any person to engage in one or more of the following acts:

- (1) Failure to provide adequate food. All animals, unless otherwise indicated in this chapter, shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff in a container suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition.
- (2) Failure to provide adequate water. All animals shall have constant access to a supply of clean, fresh, portable water or a supply of clean, fresh portable water provided at suitable intervals. If access is not constant, then adequate amounts of water must be provided at least twice in a 24-hour period. If water is provided at intervals, it must remain in the animal's enclosure for at least one hour during each interval.
- (3) Failure to provide adequate shelter. All animals shall be provided with adequate shelter from the weather at all times. It shall be within the discretion of animal services to determine what constitutes adequate shelter. Examples of inadequate shelter include, but are not limited to the following:
  - a. Underneath outside steps, decks and stoops.
  - b. Underneath houses.
  - c. Inside or underneath motor vehicles.
  - d. Inside metal or plastic barrels.
  - e. Inside cardboard boxes.
  - f. Inside temporary animal carriers or crates.
  - g. Shelters located in flood-prone areas.
  - h. Shelters surrounded by waste, debris, obstructions or impediments that may endanger an animal.
- (4) Failure or refusal of any owner of a sick, diseased or injured animal to provide proper medical treatment for the animal. A sick, diseased or injured animal shall go no longer than 24 hours without veterinary care.
- (5) Animal Cruelty. Examples of animal cruelty include, but are not limited to the following:
  - a. Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.
  - b. Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.
  - c. Allowing a dog or cat to be left outside in inclement weather or extreme temperatures without adequate shelter.
  - d. Intentionally allowing animals to engage in a fight.
  - e. Allowing animals to live in unsanitary conditions.
  - f. Allowing animals to live in crowded conditions.
  - g. Failure or refusal to obtain medical treatment for an animal when in an animal control officer's opinion such treatment is needed.
  - h. Trapping a dog or cat without the use of a recognized humane live animal trap.

- i. Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or them. The animal services division shall have the authority to inspect and to close down public exhibits of animals which are part of fairs, carnivals, festivals, fund raising events, petting zoos and any other activity or function carried out in the county if it is determined that animals are being cruelly treated, abused or run the risk of causing injury to the public or themselves.
- j. Animals being confined to or restrained on the premises of a vacant or abandoned structure.
- k. Failure to provide adequate drainage to prevent surface water from standing in the area of the pen or enclosure where the animal is kept. It shall be within the discretion of animal services as to what constitutes adequate drainage.
- (6) Chaining or tethering an animal to a stationary object for a period of time or under conditions that an animal control officer deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:
  - a. Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. Guidelines for the proper weight and length of chains or tethers can be obtained from the animal services division.
  - b. Using a chain or tether made of rope, twine, cord or similar material.
  - c. Using a chain or tether that is less than ten feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width.
  - d. Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter.
  - e. Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon or leather.
- (7) Leaving an animal in a closed vehicle or other enclosure for such duration or at such temperatures as an animal control officer deems harmful or potentially harmful to the animal.
- (8) Failure or refusal to report injured domestic animals.
  - a. All persons who injure a domesticated animal by running over, into or otherwise coming into contact with such animal with an automobile, motorcycle, bicycle or other vehicle shall notify the owner of the animal immediately.
  - b. If the owner is unknown, the person who injured the animal shall immediately notify animal services by giving his or her name and address, a description of the animal and the location of the incident.

(Code 1995, § 343.21; 2007, § 6-41)

**Sec. 6-42. Sanctions, penalties, fines, remedies.**

Any person who fails or refuses to abide by or otherwise violates this article shall be subject to the following sanctions or penalties.

- (1) An animal control officer may obtain a magistrate's order to take possession of the animal.
- (2) If the conditions pose an immediate threat to the health or safety of the animal or the public, animal services may summarily seize the animal. A notice of seizure describing the exigent

circumstances warranting the seizure shall be left with the owner or affixed to the premises. Examples of exigent circumstances include, but are not limited to the following:

- a. Unsanitary conditions resulting from the number of animals involved.
  - b. Unsanitary conditions resulting from the owner's inability or unwillingness to clean the area where the animals are housed.
  - c. Any animal being neglected and/or abused.
- (3) If it is determined by the animal control officer that the animal is not in immediate danger, or the problem which gives rise to the inadequate treatment or abuse can be corrected within 72 hours, the officer may, in lieu of subsection (1) or (2) above issue a written notice of violation directing the owner or possessor of the animal to correct the problem within 72 hours. If the condition or problem is not corrected within 72 hours, the animal control officer may take action as outlined in subsection (1) or (2) above.
  - (4) Notwithstanding the other provisions and sanctions of this article, an animal control officer may issue a civil penalty for violation of any provision of this section in accordance with section 6-10.
  - (5) When it has been determined by the animal control officer that there has been a violation of one or more provisions of state laws or this ordinance, the officer may initiate a criminal summons or warrant.

(Code 1995, § 343.22; 2007, § 6-42)

**Sec. 6-43. Exemptions.**

This article shall not apply to agencies conducting biomedical research or training, the production of livestock or poultry for sale as a consumer product and the lawful destruction of any animal for the purpose of protecting livestock, poultry or humans.

(Code 1995, § 343.23; 2007, § 6-43)

**Secs. 6-44--6-70. Reserved.**

**ARTICLE IV. ANIMAL NUISANCE**

**Sec. 6-71. Animal creating a nuisance.**

It shall be unlawful for any owner to allow any of the acts listed in section 6-3 in the definition of the term "nuisance." Upon receipt of a written, detailed and signed complaint, an animal control officer shall investigate to determine whether a violation of this article has occurred.

(Code 1995, § 343.31; 2007, § 6-71)

**Sec. 6-72. Sanctions, penalties, fines, and remedies.**

(1) Upon determining that a violation of this article has occurred, the animal control officer shall issue a written warning instructing the owner of the animal to abate the nuisance.

(2) If an additional violation of this article occurs after the owner of the animal has been issued a written warning, the animal control officer shall issue a declaration of nuisance to the owner of the animal along with a civil penalty in accordance with section 6-10. The owner shall cause the animal to abate the nuisance immediately and may be required by animal services to physically restrain the animal. If the nuisance for which the warning is issued is a condition which is offensive to sight or smell, the owner shall have 72 hours within which to abate the condition before a written declaration of nuisance is issued.

(3) Subsequent violations of this article shall subject the owner of the animal to civil penalties in accordance with section 6-10 or criminal penalties as provided by law or in the discretion of the Animal Services Manager certain preventive measures may be prescribed.

(4) Any animal found off of the property of its owner after having been declared a nuisance or any animal creating a nuisance for whom an owner is unknown and cannot be determined may be seized and impounded. A notice of impoundment shall be served upon the owner or affixed to the owner's premises. The animal may be redeemed pursuant to article VII of this chapter.

(5) Nothing in this article shall prevent a private citizen from bringing an action to abate a nuisance or from bringing an action for damage, loss or injury to the private citizen or his property resulting from the animal being a public nuisance.

(Code 1995, § 343.34; 2007, § 6-74)

**Sec. 6-73. Animal housed or restrained near public way.**

(1) In addition to any penalties prescribed by section 6-10, when it has been determined that an animal housed or restrained less than 15 feet from a public street, road or sidewalk constitutes a nuisance, but the animal is not in the street, road, or on the sidewalk, the animal control officer shall issue a notice to the owner directing the owner to move the animal. If the animal is found in the public street, road or sidewalk and the owner is not at home or refuses to remove the animal from the street, road or sidewalk, the animal shall be seized and impounded.

(2) When an animal has been impounded three times or the owner has been cited three times for housing the animal less than 15 feet from the public street, road or sidewalk, the animal control officer shall seize and impound the animal and the animal shall become the property of the county.

(Code 1995, § 343.32; 2007, § 6-72)

**Sec. 6-74. Intentionally or willfully causing animal to violate article.**

It shall be unlawful for any person to intentionally or willfully cause an animal to be a public nuisance. The animal control officer may initiate the issuance of a criminal summons and /or issue a civil penalty for violation of this section.

(Code 1995, § 343.33; 2007, § 6-73)

**Secs. 6-75--6-100. Reserved.**

**ARTICLE V. STRAY OR ABANDONED ANIMALS**

**Sec. 6-101. Abandoned animals.**

(1) It shall be unlawful for any person, owner or possessor to abandon an animal for any reason. Animal services may impound any abandoned animal.

(2) Notice of seizure shall be posted on the premises from which the animal was seized, and in the case of eviction, shall be sent to the last known address of the owner or possessor of the animal. It is the owner's responsibility to make a visual inspection of the animal shelter if he has reason to believe that his animal has been impounded at the shelter.

(3) If an abandoned animal is not redeemed within four (4) working days of the date of impoundment, the animal shall become the property of the county.

(Code 1995, § 343.41; 2007, § 6-101)

**Sec. 6-102. Notification to animal services division.**

- (1) Any person who has knowledge of or keeps, feeds, harbors or possesses a stray or abandoned animal must notify animal services within 24 hours of having knowledge of the animal or the animal coming into his possession or control.
- (2) Any person required to notify animal services under subsection (a) shall provide the following information to animal services:
  - a. The name, address and telephone number of the person completing the lost/found report.
  - b. A description of the animal, including its color, breed, sex age and any other identifying information.
  - c. The location where the animal was discovered.
- (3) Any person who gives away, sells or allows an otherwise stray or abandoned animal to be adopted without first surrendering said animal to the animal shelter shall have no authority over the animal and ownership shall remain with the previous owner to the extent the previous owner is able to be identified.
- (4) Any person who fails to notify animal services as specified in this section shall be guilty of a class 3 misdemeanor.

(Code 1995, § 343.42; 2007, § 6-102)

**Sec. 6-103. Surrender of stray animals.**

- (1) Any person having knowledge of or keeping, feeding, harboring or possessing a stray animal shall surrender the animal upon demand by the animal services division.
- (2) All stray animals surrendered to animal services shall be taken to the county animal shelter. If the owner does not redeem the animal within four (4) working days, the animal shall become the property of the county and may be disposed of according to this chapter.

**Secs. 6-104—6-130. Reserved.**

**ARTICLE VI. DANGEROUS AND POTENTIALLY DANGEROUS DOGS**

**Cross references:** Environment, ch. 16.

**State law references:** Authority to restrict or prohibit the possession of harboring of animals which are dangerous to persons or property, G.S. 153A-131.

**Sec. 6-131. Determination of dangerous and potentially dangerous dogs.**

- (1) A dog is automatically a dangerous dog if it has killed or inflicted severe injury on a person or if it is kept for the purpose of dog fighting. Animal services shall impound the dog immediately.
  - a. The Animal Services Manager shall order the dog be humanely destroyed.
  - b. The owner of an animal which has been ordered to be humanely destroyed by the Animal Services Manager has the right to appeal said order in the manner set forth in Section 6-132 of this Chapter.
- (2) The Animal Services Manager or his/her designee shall determine whether a dog shall be declared potentially dangerous.
  - a. The Animal Services Manager or his/her designee shall notify the owner in writing, giving the reasons for the determination.

- b. Once a dog has been declared potentially dangerous, animal services shall impound the dog immediately for no more than (21) days or until the owner can provide adequate enclosure, whichever happens first.
- c. The owner must notify animal services in writing of their intent to build the enclosure as specified by the Animal Services Manager within three (3) working days of receipt of the potentially dangerous dog determination letter.
- d. If the owner fails to notify animal services of their intent to build the enclosure within three (3) days or fails to build the enclosure within 21 days of the receipt of the potentially dangerous dog determination letter, the dog shall become the property of the county and shall be disposed of in accordance with this chapter.

**Sec. 6-132. Appeal Procedure for Dangerous and Potentially Dangerous Dogs.**

- (1) The owner of an animal which has been declared dangerous or potentially dangerous pursuant to this section has the right to appeal said determination by filing a written objection stating the grounds for the appeal with the Emergency Services department within three (3) days of receipt of the dangerous or potentially dangerous dog determination letter.
- (2) The Dangerous Dog Appellate Board as designated by the county shall schedule a hearing within ten (10) days of the filing of the written objections. The decision by the appellate board shall be sent to the person requesting the appeal within ten (10) working days following the date of the hearing. Any appeal from the final decision of such appellate board shall be taken to the Superior Court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the appellate Board.
- (3) All testimony offered at the appellate board held pursuant to this chapter shall be given under oath and recorded by audio recording. The hearing shall be open to the public and the person requesting the appeal may be represented by an attorney. All persons requesting an appeal pursuant to this chapter shall post with animal services an appeal bond of ten percent of the amount owed for redemption and boarding fees and civil penalties arising out of the conduct which is the subject of the appeal. However, in no event shall the appeal bond required pursuant to this section be less than \$25.00 nor more than \$250.00.
  - a. The appeal bond shall be waived for any citizen determined to be indigent after filing an affidavit of indigence. The affidavit must state that the citizen is without funds to post an appeal bond in the amount required.
  - b. The Emergency Services Department shall hold the appeal bond pending determination of the appeal. The appeal bond shall be fully refunded to the citizen if the Dangerous Dog Appellate Board overturns the action or decision complained of. If the Dangerous Dog Appellate Board upholds or affirms the action or decision of the animal services division, the appeal bond shall be paid to the animal shelter toward boarding and redemption fees for the subject animal.
  - c. The owner remains responsible for any outstanding boarding and redemption fees or civil penalties that are not satisfied by the appeal board.
- (4) The Animal Services Manager shall have the burden of proving that this chapter has been violated and that the sanction is in compliance with this chapter. The person requesting the appeal will be given an opportunity to prove that this chapter has not been violated and/or that the sanction is not in compliance with this chapter. The Animal Services Manager will be given a final opportunity to clarify any conflicts, ambiguities or inconsistencies created by or arising from the statements or evidence. The Dangerous Dog Appellate Board may ask questions at any time during the appeal hearing and may request additional evidence from either party.

- (5) If the decision is against the Animal Services Manager, animal services shall immediately cease efforts to implement the sanction(s). Any decision rendered by the Dangerous Dog Appellate Board applies only to the violation(s) and sanction(s) appealed and does not prevent animal services from enforcing a subsequent violation of the same provision or any other provision of this chapter.

**Sec. 6-133. Confinement and restraint of potentially dangerous dogs.**

The owner of any potentially dangerous dog shall comply with the following:

- (1) Enclosure for potentially dangerous dogs: If an animal has been determined to be potentially dangerous, as specified in this section, the owner may retain the animal upon satisfying the following conditions. The owner must erect, within 21 days, a proper structure and displaying warning signs. This structure must be inspected and approved by the animal services manager, or his designee meeting the following standards.
  - a. The structure must be a minimum size of 15 feet by six feet by six feet with a concrete pad at least four inches thick. If more than one animal is to be kept in the enclosure, the floor area must provide at least 45 square feet for each animal. The walls and roof of the structure must be constructed of welding chain link of a minimum thickness of 12 gauge, supported by galvanized steel poles at least 2 ½ inches in diameter. The vertical support poles must be sunk in concrete filled holes at least 18 inches deep and at least (8) inches in diameter. The chain link fencing must be anchored to the concrete pad with galvanized steel anchors at interval of no more than 12 inches along the perimeter of the pad. The entire structure must be freestanding and not attached or anchored to any existing fence, building, or structure. The structure must be secure by a child resistant lock.
  - b. A warning sign of at least 120 square inches must be visible from each exposure of the structure, which is visible to any adjoining property. Each sign must have a graphic representation of an appropriate animal such that the dangerous or potentially dangerous animal is communicated to those who cannot read, including children.
  - c. The owner of the animal will be responsible for ensuring that the enclosure is maintained in such a condition as to meet the requirements of this article. Failure to maintain or repair the enclosure shall subject the owner penalty under this article.
  - d. Prior to inspection of the enclosure by the Animal Services Division, The animal shall not be returned to the owner's property until such time as this shelter and warning signs have been approved. While this structure is being erected, the animal must be boarded at the county animal shelter at the owner's expense.
- (2) A potentially dangerous dog shall not be permitted out of the enclosure unless the dog is muzzled and under physical restraint by a competent person who by means of a leash, chain or rope has the dog firmly under control at all times. Voice command is not recognized as adequate restraint.
- (3) The owner shall notify animal services immediately if the dog escapes or is otherwise freed from the secure enclosure or other restraint.
- (4) The owner shall notify the Animal Services Manager in writing within forty-eight (48) hours of any change in address.
- (5) In addition to criminal penalties provided by state law and civil penalties set forth in section 6-10, any person who violates the requirements set forth in subsections (1) through (4) above shall be subject to the following sanctions and remedies:

- a. If a potentially dangerous is found at large, it shall be seized and impounded. An animal control officer is authorized to go upon private property to seize the dangerous or potentially dangerous dog.
  - b. If the dog has caused injury to a person or another animal while at large and not confined within a secure enclosure, the Animal Services Manager shall, in addition to seizing the dog, shall consider the dog dangerous. The owner may appeal this intended action by filing a written request for appeal within Three (3) working days with the office of emergency services as specified in section 6-12.
  - c. Animal Services shall have the right to inspect the premises of the enclosure at any time. If an inspection of the premises where a potentially dangerous dog is confined reveals that the owner has not complied with the requirements for confining the dog, an animal control officer shall issue a civil penalty of \$150.00 in accordance with section 6-10 and may impound the dog at the animal shelter.
  - d. If the dog is not redeemed within three working days of the impoundment or if the owner does not request an appeal within the time limit provided in section 6-12, the dog shall become the property of the county and shall be disposed of in accordance with this chapter.
- (6) Nothing in this article shall prevent a private citizen from bringing an action against the owner of an animal which has caused injury to the private citizen or his property for damages or any other loss resulting from the animal being dangerous.
- (Code 1995, § 343.47; 2007, § 6-132)

**Sec. 6-134. Transfer of ownership.**

If the owner of a potentially dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide within one (1) working day written notice to:

- a. The Animal Services Manager stating the name and address of the new owner or possessor of the dog; and
- b. The person taking ownership or possession of the dog, specifying the circumstances surrounding the dog being declared potentially dangerous in writing to the Animal Services Manager. The new owner shall assume all responsibilities regarding the potentially dangerous dog.

(Code 1995, § 343.48; 2007, § 6-133)

**Sec. 6-135. Exceptions.**

This article does not apply to the following:

- (1) 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;
- (2) 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
- (3) 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.

(Code 1995, § 343.51; 2007, § 6-136)

**Secs. 6-136---143. Reserved.**

## **ARTICLE VII. IMPOUNDMENT OF ANIMALS**

### **DIVISION 1. GENERALLY**

#### **Sec. 6-144. Authority**

(1) Not inconsistent with the preceding articles of this chapter and excluding feral cats, any healthy animal which appears to be lost, stray or unwanted, or any dog or cat which is impounded pursuant to any provision of this chapter may be confined to the animal shelter or any other appropriate facility in a humane manner.

(2) Animal services is authorized to obtain suitable board, maintenance and care from any available source for any impounded animal for which the animal shelter is not equipped to care. Unless otherwise provided herein, the owner of any animal impounded and cared for under any provision of this chapter may redeem the animal upon payment of all fees, costs and penalties authorized by this chapter.

(Code 1995, § 343.11; 2007, § 6-11)

**Secs. 6-145--6-146. Reserved.**

### **DIVISION 2. REDEMPTION**

#### **Sec. 6-147. Generally**

An owner of an animal that has been impounded by the animal services division may redeem the animal, except as otherwise provided by this chapter, upon compliance with the provisions of this division.

#### **Sec. 6-148. Proof and acknowledgment of ownership.**

(1) Any person attempting to redeem an impounded animal shall present proof sufficient to satisfy animal services personnel of ownership of the animal. Evidence of ownership may include, but is not limited to, the following:

- a. A valid rabies tag for the animal; or
- b. Ownership documents, pedigree papers, bill of sale, veterinarian records, or any other document identifying the person as the owner of the animal; or
- c. Photographs of the animal with the person claiming ownership or their immediate family members.

(2) In addition to the requirements set forth in subsection (1) above, any person attempting to redeem an animal on behalf of an owner shall present proof sufficient to satisfy animal services personnel that he/she is acting as an agent for the person claiming ownership.

#### **Sec. 6-149. Time limits.**

Unless otherwise provided by this chapter or state law, any animal impounded at the animal shelter or other appropriate facility must be redeemed within four (4) working days of the date of impoundment. Any person attempting to redeem an animal must appear in person at the animal shelter and make payment of redemption and other applicable costs, fees and penalties within three (3) working days of the date of impoundment.

(Code 1995, § 343.11; 2007, § 6-11)

**Sec. 6-150. Payment of redemption fees and other fees, costs and penalties.**

(1) Any person attempting to redeem an impounded animal must pay all amounts due prior to redeeming an impounded animal.

(2) Any person attempting to redeem an impounded animal shall be required to pay all costs for transportation, veterinary treatment and other costs associated with the care of the animal, in addition to boarding and redemption fees, all outstanding civil penalties. Surrender of an animal or failure to redeem an animal shall not relieve the owner of responsibility for payment of any outstanding medical costs, penalties and fees that have accrued prior to the animal being surrendered or as a result of the animal being impounded.

(Code 1995, § 343.11; 2007, § 6-11)

**Secs. 6-151--6-153. Reserved.**

**DIVISION 3. DISPOSITION**

**Sec. 6-154. Surrendered animals.**

If the owner or an individual with authority to act on behalf of the owner officially surrenders an animal to animal services, after 24 hours the animal may be adopted, relocated to a non-profit rescue group or destroyed in a humane manner without waiting four (4) working days.

**Sec. 6-155. Feral cats.**

Feral cats unsuitable for adoption, as determined by the Animal Services Manager or his/her designee, shall be held for 24 hours and may be humanely destroyed.

**Sec. 6-156. Notice.**

A good faith effort shall be made to notify known owners of impounded animals.

(Code 1995, § 343.11; 2007, § 6-11)

**Sec. 6-157. Unredeemed, injured, sick or diseased animals.**

(1) An impounded animal shall become the property of the county without further notice to the owner if the owner fails to pay all amounts due at redemption or if the owner fails to redeem the animal before the time limit for redemption has expired.

(2) Once the animal becomes the property of the county, ownership shall transfer, by operation of law, to the agency responsible for operating the Catawba County Animal Shelter.

(3) Any animal impounded, which is badly injured, sick or diseased and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, animal services shall attempt to notify the owner before disposing of such animal; but if the owner cannot be reached readily, and the animal is suffering, animal services may destroy the animal in a humane manner within its discretion.

(Code 1995, § 343.11; 2007, § 6-11)

**Sec. 6-158. Sale of impounded animals.**

(1) Fees shall be charged by the county for the sale of animals. These fees may change from time to time, but will be set forth in the fee schedule of the county, which is kept on file in the office of the budget manager and the county animal shelter.

(2) The fee for the sale of euthanized cats for research purposes will fluctuate due to market.

(Code 1995, § 343.12; 2007, § 6-12)

**Sec. 6-159. Disposal of dead animals.**

- (1) Domesticated Animals. Any person who owns or possesses, any domesticated animal that has died, shall comply with the requirements of G.S. § 106-403 regarding the burial or removal of such animal carcass. When the owner of a dead domesticated animal is unknown, it shall be the responsibility of the property owner to dispose of the animal.
- (2) Wildlife. It shall be the responsibility of the property owner to dispose of dead wildlife, unless a human or domestic animal has been in contact with the wild animal and that wild animal is a potential rabies carrier. At which time, the individual must notify the animal services division.
- (3) Nothing in this section shall affect the Department of Transportation's responsibility to pick up dead animals that lie on the Right of Way.

**Secs. 6-160--6-165. Reserved.**

**ARTICLE VIII. KEEPING SWINE**

**Sec. 6-166. Definitions.**

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

*Hog* means any pig, hog, swine or other porcine animal of the family Suidae.

*Keep* means to actively or passively allow hogs to run on, go into, use or otherwise inhabit one's land in any sort of regular or periodic way.

(Code 1995, § 344.01)

**Cross references:** Definitions generally, § 1-2.

**Sec. 6-167. Restriction.**

It shall be unlawful for any person to keep or allow to be kept any hog within a radius of 200 feet of any building or structure that is frequently occupied by humans within the county, provided that such building or structure is situated on land owned neither by the hog owner nor by him on whose land the hog is kept.

(Code 1995, § 344.02)

**Sec. 6-168. Ownership as defense.**

The fact that the landowner charged with a violation of this article does not own the hogs in question shall not be a defense to a charge of violating this article. If the land is under lease, the lessee shall be treated as the landowner for the purposes of this article.

(Code 1995, § 344.03)

**Sec. 6-169. Initiation of complaint.**

If a landowner has reason to believe that a neighbor is keeping hogs in violation of this article, such violation to be based on proximity to that landowner's building, he shall so inform the Sheriff.

(Code 1995, § 344.04)

**Sec. 6-170. Investigation.**

The Sheriff shall, within five days of being informed that a violation of this article exists, make an inspection of the locale of the problem.

(Code 1995, § 344.05)

**Sec. 6-171. Procedure upon no violation; subsequent complaints.**

If the Sheriff shall find that no apparent violation of this article exists, he shall so state in writing, along with his reasoning. A copy of this finding shall be given to the complaining party and a copy retained in the files of his department. If the complaining party shall make the same complaint within a period of four months after his previous unsuccessful complaint, the sheriff may make another inspection, but shall not be obligated to do so unless new facts shall be demonstrated by the complaining party that properly distinguish the new complaint from the old.

(Code 1995, § 344.06)

**Sec. 6-172. Notice of violation.**

If the Sheriff shall find that an apparent violation of this article does exist, he shall so state in writing. A copy of this writing shall be delivered to the hog-keeper's residence, if practical, and a notice shall be posted on the offending site. This notice shall be a minimum of 8 1/2 x 11 inches in size, shall be printed in black type on sturdy white stock, and shall be headed by the caption, "TAKE NOTICE," printed in one-inch-high capital letters. Beneath, reference shall be made to this article, and the allegation that the premises in question are in violation of this article shall be stated. Finally, both the posted notice and the delivered copy of the Sheriff's finding shall warn the animal keeper that if the situation is not corrected within 72 hours from the time of the posting of the notice, which time shall be stated on both the notice and finding copy, the animal keeper will be cited for a violation of this article.

(Code 1995, § 344.07)

**Sec. 6-173. Citation for violation.**

After 72 hours have elapsed from the time of the posting of the notice of violation as provided in this article, the Sheriff shall again inspect the locale of the problem. If it shall still be his opinion that a violation of this article exists, he shall forthwith cite the animal keeper for a violation of this article.

(Code 1995, § 344.08)

**Secs. 6-174--6-200. Reserved.**

**ARTICLE IX. INHERENTLY DANGEROUS EXOTIC ANIMALS**

**Sec. 6-201. Definitions.**

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

- (1) *Exotic animal* means any animal which:
  - a. Is not native or indigenous to this state;
  - b. Does not have an established wild population in this state; or
  - c. Is not regulated by the state wildlife commission.
- (2) *Harbinger of inherently dangerous exotic mammal or inherently dangerous reptile* means any person, regardless of ownership, who allows an inherently dangerous exotic mammal or inherently dangerous reptile to remain, lodge, or be fed or to be given shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.
- (3) *Inherently dangerous exotic mammal* means any member of the Canidae, Felidae, or Ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans.

- a. Canidae means any member of the dog (Canid) family not customarily domesticated by man or any hybrids of such Canidae, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*).
  - b. Felidae means any member of the cat family weighing over 15 pounds not customarily domesticated by man, or any hybrids of such Felidae, but not including domestic cats (*Felus catus*).
  - c. Ursidae means any member of the bear family, or hybrids of such Ursidae.
- (4) *Inherently dangerous reptile* means any member of the Reptilia class which:
- a. Is venomous. A venomous reptile shall include all members of the families Helodermidae (gila monsters and Mexican beaded lizards), Viperidae vipers, Crotalidae (pit vipers), Atractaspidae (burrowing asps), Hydrophilidae (sea snakes), and Elapidae (cobras, coral snakes, and their allies), as well as any rear fanged snakes of the family Colubridae that are known to be dangerous to humans, including but not limited to *Dispholidus typus* (boomslang), *Thebtornis kirtlandii* (twig snake), *Rhabdophis* (keelbacks).
  - b. Is a member of the order Crocodylia (crocodiles, alligators, and caiman).

(Code 1995, § 345.01)

**Cross references:** Definitions generally, § 1-2.

**Sec. 6-202. Unlawful possession.**

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

(Code 1995, § 345.02)

**Sec. 6-203. Exceptions.**

This article does not apply to the following:

Veterinary clinics in possession of such animals or reptiles for treatment or rehabilitation purposes.

Nonresident circuses for no longer than one seven-day period, per each separate location where such circus is held within the county, per calendar year.

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

(Code 1995, § 345.03)

**Sec. 6-204. Impoundment; disposition of impounded animals.**

- (1) An inherently dangerous exotic mammal or inherently dangerous reptile which is kept by any person in contravention of section 6-202 pertaining to possession of inherently dangerous exotic animals may be taken up and impounded by animal services for the protection of the animal and/or for the protection of the public. Whenever possible, animal services officer shall take up and impound the animal in the presence of its owner or harborer; however, if such is not practicable, the animal control officer may impound such animal consistent with this section.
- (2) If an animal is impounded pursuant to this section, the owner or harbinger of the animal shall be notified by animal services in person or by certified mail.

- (3) Any animal impounded pursuant to this section will be held three days for the owner to claim pursuant to subsection (4) of this section; however, if the animal cannot be taken up safely by the animal control officer or if proper and safe housing cannot be found for the animal, animal services can immediately destroy the animal.
- (4) The owner or harbinger of the animal can reclaim the animal if the person can satisfy the Animal Services Manager that a safe transfer of the animal to an appropriate location outside of the county has been arranged.
- (5) If no owner or harbinger can be located or will claim the animal within three days after impoundment, the animal control officer may sell, adopt, or euthanize the animal at the discretion of the animal control officer.
- (6) All costs of impoundment and care of the animal will be charged to its owner or harbinger regardless of whether the animal is claimed by or returned to the owner or harbinger. If the animal is reclaimed, such costs shall be paid in full prior to the owner or harbinger reclaiming the animal pursuant to subsection (4) of this section.

(Code 1995, § 345.04)

**Sec. 6-205. Violations and penalty.**

Any person who is found guilty of a violation of this article shall be deemed guilty of a misdemeanor and a civil penalty may be issued.

(Code 1995, § 345.05)

**SECs. 6-206--210 Reserved**

11. Other items of Business: None.
12. Attorneys' Report: None
13. Manager's Report. None.
14. Adjournment: Chair Barnes adjourned the meeting at 10:17 a.m.

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Katherine W. Barnes, Chair  
Board of Commissioners

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Barbara E. Morris, County Clerk