

## CHAPTER 91: ANIMALS

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**GENERAL PROVISIONS**

**§ 91.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ACTS DEEMED PUBLIC NUISANCES.*** Those acts described in §§ 91.02, 91.03, 91.05, 91.14 through 91.23.

***ABANDON.*** To completely forsake and desert an animal, previously under the custody or possession of a person, on public or private property, without making reasonable arrangements to provide for its proper care, sustenance, shelter and medical care for more than 48 hours.

***ADEQUATE FOOD.*** The provision at suitable intervals, depending upon the age of the animal; however, at least once every twenty-four hours, of a quantity of wholesome foodstuff suitable for the species' physical condition and age, sufficient to maintain an adequate level of nutrition in the animal, which is served in a clean receptacle, dish or container.

***ADEQUATE WATER.*** The constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and in no event at less than 24 hour intervals.

***ADEQUATE SHELTER.*** Providing each domestic animal with adequate shelter from the elements as required to prevent unnecessary or unjustifiable suffering by the animal. The owner of any domestic animal which is kept out-of-doors shall provide a structure of adequate size, construction and design to protect an animal from all types of inclement weather, to provide an animal adequate ventilation, and to allow an animal to

maintain normal internal body temperature. At a minimum, structures shall have a roof, floor, and four enclosed sides, except for an opening large enough for the passage of the animal. Owners of domestic hoofed animals or fowl shall provide a structure with a roof and three enclosed sides.

**ANIMAL.** Every nonhuman species of animal, both domesticated and wild, including, but not limited to dogs, cats, livestock and fowl.

**ANIMAL CONTROL DEPARTMENT.** Any department of Dare County, or contractor operating under contract or agreement with Dare County, charged with the responsibility of ensuring compliance with and enforcement of county and state law with regard to animal and rabies control.

**ANIMAL CONTROL OFFICER.** Any person appointed to exercise the powers and responsibilities prescribed in this chapter and otherwise allowed by statute to a county dog warden under N.C.G.S. § 67-31, who shall have the powers of a county dog warden in addition to the other powers set out in this chapter.

**ANIMAL SHELTER.** Any premises designated by the county for the purpose of providing care of animals confined, detained, or otherwise subject to impoundment in accordance with this chapter.

**AT-LARGE.** Any domestic animal shall be deemed to be at-large when it is off the property of its owner and not under the physical control of a competent person.

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

**COMMERCIAL ANIMAL ESTABLISHMENT.** Any trade or business which functions in the sale of animals or animal services; and shall include (but not be limited to) the following: pet shop, grooming shop, petting zoo, circus, animal auction, performing animal exhibition, riding stable, boarding kennel, breeding kennel, except this term shall not include licensed veterinary medical facilities or animal shelters. (Will have to define each of these establishments and minimum standards.)

**CRUELTY.** Any act of commission or omission whereby unjustifiable physical harm or pain, suffering, or death is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a clean sanitary and safe living environment, veterinary care, or nutritious food in sufficient quantities, with respect to an animal.

**DOMESTIC ANIMAL.** An animal of a species that has been bred, raised, and is accustomed to live in or about the habitation of humans, and is dependent on man for food, shelter and routine care.

**ENCLOSURE.** An area that is enclosed by a fence, wall, cage, functioning invisible fence with properly trained animal, or other barrier.

**EXOTIC OR WILD ANIMAL.** Any living animal which is not usually and customarily kept as a pet or a domestic animal. Examples of exotic or wild animals include, but are not limited to, any animal for which a federal or state permit or license is required, and such animals as lions, tigers, wildcats, wolves, bears, apes, monkeys and raccoons. Examples also include dangerous reptiles, such as alligators and poisonous reptiles, which are those reptiles that have the capability of injecting humans or other animals with venom which may cause death or physical injury. A hybrid of any exotic or wild animal, regardless of genetic percentages, shall be deemed exotic and wild.

**DANGEROUS DOG.** A dog that without provocation has killed or inflicted severe injury on a person; or is owned or harbored primarily or in part for the purpose of dog fighting or trained for dog fighting; or is determined by the person or Board designated by the Dare County Board of Commissioners to be responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the following behaviors: (1) inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; (2) killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or (3) approached a person when not on the owner's real property in a vicious or terrorizing manner in an apparent attitude of attack.

**EXPOSED TO RABIES.** An animal has been exposed to rabies if it has been bitten by or otherwise come in contact with any animal known or suspected to have been infected with rabies in a manner that makes transmission of rabies possible.

**FERAL ANIMAL.** A domestic species which by limited or no exposure to humans react and act as any wild animal, living in a wild or untamed state, having escaped from domestication.

**KEEPING OR HARBORING.** The act of or the permitting or acceptance by an owner or occupant of real property either by feeding or sheltering any animal on the premises of the occupant or owner thereof.

**LICENSE TAG.** The metallic or other tag or identification device issued by the Animal Control Department for attachment to the collar or harness of a dog or cat.

**NEUTERED MALE.** Any male animal which has been chemically or surgically altered to prevent reproduction.

**OWNER.** Any person who keeps, has temporary or permanent custody, possesses, harbors, exercises control over, shelters, feeds, or takes care of, or has a property right in any animal, provided that veterinary hospitals, kennels, and pet shops and their employees shall not be considered owners to the extent hereinafter provided.

The parent(s) or guardian(s) of a minor shall be deemed to be the owner of an animal in the possession or control of the minor child for purposes of this chapter and shall be liable for all damages caused by the animal.

***PUBLIC NUISANCE ANIMAL.*** Any animal which unreasonably annoys humans, endangers the life or health of other animals or persons, gives offense to human senses or substantially interferes with the rights of the citizens to enjoyment of life and property, or to disturb the peace, comfort or health of any person residing within the County. Public nuisance animal includes animals which violate the provisions of §§ 91.02, 91.03, 91.05, 91.15 through 91.18, and 91.20 through 91.22.

***RESTRAINT.*** An animal is under restraint if it is controlled by means of a lead, chain, leash or other like device, or is sufficiently near the owner or handler to be under his direct control and is obedient to that person's commands, is under the physical control of a competent person, is confined within the real property of the owner, is enclosed within a vehicle being driven or parked, or is within a secured enclosure.

***SANITARY.*** A condition of good order and cleanliness which minimizes the probability of transmission of disease.

***SPAYED FEMALE.*** Any female animal which has been chemically or surgically altered to prevent conception.

***STRAY DOG OR CAT.*** Any dog or cat wandering at-large or lost within the County that is not wearing a collar or harness to which a license tag and current rabies vaccination are attached, or has another pet identification method employed under the provisions of this Chapter.

***TETHERING.*** The practice of fastening an animal to a stationary object or stake as a means of keeping the animal under control. This term shall not refer to the periods when an animal is walked on a leash.

***VACCINATION.*** An anti-rabies vaccination using a vaccine type approved by the North Carolina Department of Public Health and Human Services, and administered by a licensed Veterinarian or a Certified Rabies Vaccinator.

***VICIOUS ANIMAL.*** Any animal that has made an unprovoked attack on a human by biting or in any manner causing bodily harm; or one which habitually or repeatedly attacks farm stock or other animals.  
(’79 Code, § 4-1) (Ord. passed 11-6-78)

## **§ 91.02 CRUELTY TO ANIMALS.**

(A) It shall be unlawful for any person to overdrive, overload, deprive of necessary sustenance, torture, torment, cruelly beat, mutilate, or cruelly kill an animal, or

cause, procure, or authorize these acts, or, having the charge or custody of an animal, either as owner or otherwise, inflict unnecessary suffering or pain upon the animal, or fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather, or abandon or subject to conditions detrimental to its health or general welfare, any animal.

(B) It shall unlawful for any person to torture, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal.

(C) This section shall not be construed to prohibit the following:

(1) The lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission; or

(2) Lawful activities conducted for the primary purposes of biomedical research or training or for purposes of production of livestock, poultry, or aquatic species; or

(3) Lawful activities conducted for the primary purpose of providing food for human and animal consumption; or

(4) Activities conducted for lawful veterinary purposes; or

(5) The lawful destruction of any animal for the purpose of protecting the public, other animals, property, or the public health.  
(79 Code, § 4-2(h)) (Ord. passed I 1-6-78) Penalty, see § 10.99

### **§ 91.03 VICIOUS ANIMALS.**

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

(79 Code, § 4-2(e)) (Ord. passed 11-6-78) Penalty, see § 10.99

### **§ 91.04 HUNTING OF WATERFOWL; RESTRICTIONS.**

(A) It shall be unlawful for any person to hunt waterfowl within the exclusive geographic area licensed by the County Game and Wildlife Commission to another person, unless the licensee is present in the blind or near vicinity and has authorized the use by a nonlicensee or, if not present in the near vicinity, has authorized in writing the use by the nonlicensee.

(B) In the case of a club or corporate licensee, the person shall have written authorization by the licensed entity to use the area on his person or within the licensed area.

(C) All open water hunting or migratory waterfowl shall be from a duly licensed blind.

(D) It shall be unlawful to hunt waterfowl from a floating blind or other movable device on open water, unless the same has been licensed by the County Game and Wildlife Commission.

(E) For the purposes of this section, the following definitions will apply:

(1) A **BLIND** shall be defined as a permanent or semi-permanent structure or device on land or in or over open water for the purpose of concealing a hunter of migratory water fowl.

(2) A **FLOAT BLIND** shall be defined as a movable object or structure on open water for the purpose of concealing a hunter of migratory wildfowl.

(3) **OPEN WATER** shall be defined as all sounds and bays.  
(79 Code, § 4-1) (Ord. passed 10-3-77) Penalty, see§ 10.99

#### **§ 91.041 PROHIBITION OF FEEDING WILD ANIMALS FROM A PUBLIC HIGHWAY RIGHT-OF-WAY.**

(A) It is unlawful to feed wild animals from a public highway right-of-way.

(1) Division (A) applies only to the direct feeding or broadcasting of food or other attractants by private individuals for the purpose of feeding, attracting or baiting wild animals.

(2) Exempted from this section are state and local government programs (and programs sponsored by the state or local governments) that have the purpose of "beautifying public roadsides" or managing public highway right-of-ways to provide or improve wildlife habitat.

(3) It is not the purpose of this section to prohibit any person from feeding wild animals on their private property, nor does this section prohibit persons from using natural or artificial bait while fishing in public highway canals and waterways.

(B) The term **HIGHWAY** shall be as defined by G.S. 20.4.01 (13).

(C) A violation of this section shall be punished as provided in G.S. 14-4(a) as a Class 3 misdemeanor.

(D) This act is enforceable by law enforcement officers of the Wildlife Resources Commission, by deputy sheriffs, and by other law enforcement officers with general subject matter jurisdiction.  
(Ord. passed 12-18-00)

#### **§ 91.042 PROHIBITION ON THE RELEASE OF ANIMALS**

**(A) It shall be unlawful to release a wild or domestic animal upon a site not owned by the one releasing such animal without the authorization of the owner of the site upon which the animal is to be released.**

**(B) It shall be unlawful to release into the wild, a non native species.**

#### **§ 91.05 OWNER RESPONSIBLE FOR CARE AND BEHAVIOR OF ANIMALS.**

(A) The owner of every animal shall be responsible for the care, licensing, vaccination, actions and behavior of such animal.

(B) The owner of every animal shall take whatever action is necessary to ensure that the animal does not pose a risk to health or safety of the public.

(C) The owner of any animal shall not allow that animal to habitually or repeatedly chase, snap at, attack or bark at pedestrians, bicyclists or vehicles, turn over refuse containers, damage gardens, flowers or vegetables, off of owner's property or otherwise conduct itself so as to be a public nuisance.

('79 Code, § 4-2(a)) (Ord. passed 11-6-78)

#### **§ 91.06 EXEMPTIONS.**

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter, except for the sections on cruel treatment, rabies control, and manner of keeping animals generally.  
(79 Code, § 4-4) (Ord. passed I 1-6-78)

#### **§ 91.07 PRIVATIZATION OF OPERATION OF ANIMAL SHELTER; CONTRACT.**

There is hereby granted approval for the county to enter into a contract with an independent contractor to provide services for animals, operate and maintain an animal control shelter and adoption center and such other services in keeping with the regulations of this chapter. Such contract shall be kept on file with the county for public inspection.  
(Ord. passed 7-20-92; Am. Ord. passed 2-15- 93)

## ***DOGS, CATS, AND OTHER ANIMAL REGULATIONS***

### **§ 91.14 ANNUAL LICENSE REQUIRED.**

(A) Each person who owns or maintains a dog or cat four months or older that is primarily kept, kenneled, or otherwise located in this county shall be required to obtain a license annually for each dog or cat so owned or maintained.

(B) The owner shall initially obtain the license from the County or the County's designated animal control agent during the month that the animal's rabies vaccination is given. Notification of annual renewals shall be provided by the County or the County's designated animal control agent. Licenses shall be valid for a period of one year from the date of issuance.

(C) The license shall be applied for and issued on forms provided by the County or the County's designated agent. The license forms shall contain, at a minimum, a listing of the owner's name, address and telephone numbers, current rabies vaccination information including the expiration date and the rabies tag number, name of dog or cat, and descriptive information of the dog or cat sufficient to allow for identification of the dog or cat.

(D) The owner of a dog or cat who moves into the county for the purpose of establishing residency shall obtain a dog or cat license within thirty (30) days of the date on which the owner first moves to the county. Any resident who acquires a dog or cat shall obtain a license within thirty (30) days of acquisition of the dog or cat.

(E) An annual license fee shall be charged for each dog or cat for which a license is required. The fee schedule shall be in an amount as shall be set from time to time by the Board of Commissioners. The Board of Commissioners may set the fee at varying levels to allow a reduced rate for owners of dogs or cats that have been spayed or neutered.

(F) The license issued pursuant to this Section shall not be transferable to another dog or cat. It shall be unlawful for any person to transfer, or attempt to transfer, a license issued pursuant to this Section to another dog or cat.

### **§ 91.15 COLLAR AND LICENSE TAGS REQUIRED.**

(A) It shall be unlawful for any owner to fail to provide that owner's dog or cat with a collar or harness to which current vaccination and license tags are securely attached. A collar or harness with attached tags must be worn at all times except when the dog or cat is confined to an enclosure on the owner's premises or during the time animals are performing at shows, obedience trials, tracking tests, field trials, training schools or other events sanctioned and supervised by a recognized organization. ('79 Code, § 4-2(d))

(B) It shall be unlawful for any dog or cat owner to fail to provide the owner's dog or cat with a license tag or fail to take such action as is necessary to insure that such identification tag is worn by such dog or cat at all times, except as otherwise provided in this chapter.

(C) It shall be unlawful for any dog or cat owner to fail to comply with state laws relating to the control of rabies, and it shall be unlawful for any dog or cat owner to fail to provide a suitable collar or harness for the wearing of the rabies tag to be issued upon compliance with state law or fail to take such action as is necessary to see that such tag is worn by such dog or cat at all times, except as otherwise provided in this chapter.

(D) It shall be unlawful for any person to allow any dog or cat to wear a vaccination tag or identification tag issued for another dog or cat.

(E) Alternative identification— In lieu of wearing collars and tags as required under this Section, the provisions of this Section may be satisfied by the owner having implanted in the animal an identification microchip of current registration or imprinted permanently into the skin of the animal a legible tattoo. by a licensed veterinarian.

('79 Code, § 4-3)

(Ord. passed I 1-6-78) Penalty, see § 10.99

#### **§ 91.16 STRAY ANIMALS.**

It shall be unlawful for any person in the county knowingly and intentionally to harbor, feed or keep in possession by confinement or otherwise any animal which does not belong to him or her, unless he or she has, within 24 hours from the time such animal came into his or her possession, notified the animal shelter. It shall be unlawful for any person to refuse to surrender any such stray animal to an authorized representative of the animal shelter upon demand of such representative.

('79 Code, § 4-2(c)) (Ord. passed 11-6-78) Penalty, see § 10.99

#### **§ 91.17 BEHAVIORS OF ANIMALS CONSTITUTING PUBLIC NUISANCES.**

(A) It shall be unlawful for any person who owns, keeps or harbors any animal to allow the animal to unreasonably annoy humans, endanger the life or health of other animals or persons, give offense to human senses, or substantially interfere with the

rights of the citizens to enjoyment of life or property. The term “public nuisance animal” shall mean and include, but is not limited to, an animal which:

(1) Is found at large; or  
(2) Damages the property of anyone other than its owner; or  
(3) Molests or intimidates pedestrians or passersby; or  
(4) Chases vehicles; or  
(5) Excessively makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; or

(6) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or

(7) By virtue of the number or types of animals maintained, is dangerous to the public health, safety and welfare; or

(8) Disturbs the quiet of any person or neighborhood by causing frequent or long continued noise; or

(9) A female dog or cat at-large during the erotic state of copulation.

(B) No person shall keep or maintain any animal in the County in such a manner as to cause or permit the animal to be a public nuisance or to cause or permit the animal to cause a public nuisance condition.

(79 Code, § 4-2(b)) (Ord. passed 11-6-78) Penalty, see § 10.99

**§91.18** [Reserved for future codification purposes]

### **§ 91.19 NOTICE OF INJURIES TO DOGS OR CATS.**

It shall be unlawful for any person injuring a dog or cat, by running over or into or coming into contact with the same with any automobile, motorcycle, bicycle or other vehicle, to fail to notify immediately the owner of such dog or cat, the animal shelter or the Police Department if in a municipality or the Sheriff's Department if in the county.

(79 Code, § 4-2(g)) (Ord. passed 11-6-78) Penalty, see § 10.99

### **§ 91.20 POTENTIALLY DANGEROUS DOG.**

(A) The Dare County Board of Commissioners hereby designates the Health Director to be responsible for determining when a dog is a "potentially dangerous dog" as defined in G.S. § 67-4.1.

(B) The Dare County Board of Commissioners, in accord with G.S. § 67-4.1, shall designate a separate Board to hear any appeal from a determination that a dog is a "potentially dangerous dog".

(C) Petitions for declaration of a potentially dangerous dog shall be submitted to the Dare County Health Director by the Animal Control Department of the County or any municipality within the County.

(Ord. passed 3-4-91; Am. Ord. passed 5-5-97; Am. Ord. passed 4-16-01)

### **§ 91.21 RUNNING AT LARGE PROHIBITED WITHIN COLINGTON HARBOUR AND MARTIN'S POINT**

(A) Within the area described herein, no owner or keeper of any dog shall permit such animal to run at large.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) *Area of Prohibition.* All that land and water shown on the maps or plats of portions of Colington Harbour Subdivision identified on the list attached or Ord. passed 11-18-96 and incorporated by reference herein, and all that land and water described as "common areas" in the Martin's Point Declaration of Covenants and Restrictions, Martin's Point Homeowners Association, Inc. articles of Incorporation, By-laws, Regulations, and Construction Guidelines, including common areas adjacent to and/or abutting private property.

(2) *At Large.* Off the premises of the owner or keeper and not under restraint.

(3) *Owner or Keeper.* Any person or persons or firm, association or corporation, owning, keeping, or harboring a dog.

(4) *Premises.* Land and buildings.

(5) *Under Restraint.*

(a) Controlled by means of a chain, leash, or other like device,

(b) On or within a vehicle being driven or parked; or

(c) Within a secure enclosure which prevents the dog from injuring persons or running at large.

(C) A violation of this section shall be punished as provided in G.S. 14-4(a) as a Class 3 misdemeanor. The fine shall not exceed \$50.00.

(Ord. passed 10-18-99; Am. Ord. passed 1-5-04)

### **§ 91.22 DOGS AT LARGE PROHIBITED COUNTY-WIDE.**

(A) It shall be unlawful for the owner or custodian of any dog to allow such dog to run at large or be at large as defined in §91.21(2) within the County.

(B) A dog found at large or running at large is declared to be a nuisance and dangerous to the public health, safety and welfare.

(C) The owner of any dog at large shall be held strictly liable for a violation of this section, except as provided in paragraphs (f) and (g) of this section, and for any damages caused by said dog.

(D) The identity of a complainant under this section shall not be disclosed except to employees of the Animal Control Department and duly authorized law enforcement officers.

(E) Any Animal Control Officer, police officer or other agent authorized or empowered to perform any duty under this chapter may pursue any dog at large and may go upon any premises for impounding the dog at large. If the dog returns to the premises of its owner, the Animal Control Officer or officer may pursue the dog upon the unenclosed exterior premises of the owner. If the owner or custodian is available, the Animal Control Officer or officer shall direct the owner to take the dog within the enclosed interior portion of the premises or secure the dog on the property. If the owner is not available or refuses to restrain the dog on the premises, the dog shall be impounded.

(F) This section shall not apply to a dog under the control of its owner, custodian or an authorized agent of the owner by a leash, lead, chain or other such device, or to a dog undergoing obedience training or while actually engaged in the sport of hunting in authorized areas while supervised by a competent person.

(G) No dog running at large by accident with a person in immediate pursuit of it shall be deemed to be at large, running at large or a stray.

### **§ 91.23 PROHIBITION OF DOGS ON COUNTY OWNED RECREATIONAL AREAS.**

(A) It shall be unlawful for any dog owner to permit his/her dog on the premises of any county-owned recreational area, regardless of whether the animal is under restraint or free-roaming. This prohibition does not apply to dogs trained to provide assistance as aid dogs to disabled persons, and dogs used for law enforcement purposes.

(B) A violation of this section shall be punished as provided in G.S. § 14-4(a) as a Class 3 misdemeanor.  
(Ord. passed 10-18-99)

## ***IMPOUNDMENT OF ANIMALS***

### **§ 91.30 AUTHORITY TO IMPOUND.**

Any dog or cat which appears to be lost or unwanted, which is found to be not wearing a currently valid license tag or other form identification authorized pursuant to this Chapter, or which is found to be not wearing a currently valid rabies vaccination tag, as required by state law or this chapter, or which is determined by the Animal Control Officer, based on reasonable cause, to be a vicious animal, stray dog or public nuisance may be apprehended and confined in the animal shelter.

('79 Code, § 4-9(a)) (Ord. passed 11-6-78)

### **§ 91.31 NOTIFICATION OF OWNER.**

Immediately upon impounding a dog or cat the Animal Control Department shall give notice as prescribed in this chapter.

('79 Code, § 4-9(c)) (Ord. passed 11-6-78)

### **§ 91.32 SALE OR DESTRUCTION OF IMPOUNDED ANIMALS.**

(A) If an impounded animal is not properly redeemed by the owner, it may be rehomed or disposed of in a humane manner by the Animal Control Department consistent with the provisions of this Chapter. If the animal's owner is unknown after seventy-two hours from the time the animal is accepted by the Department; disposal shall be done in a manner consistent with the provisions of this Chapter.

(B) If an animal is determined to be feral, the Animal Control Department may dispose of the animal. Disposal shall be done in a manner consistent with the provisions of this Chapter.

('79 Code, § 4-9(b)) (Ord. passed 11-6-78)

### **§ 91.33 ANIMALS SUSPECTED OF HAVING RABIES.**

Impounded dogs or cats which have been bitten by a rabid animal or appear to be suffering from rabies shall not be redeemed or sold but shall be dealt with as provided in §§ 91.45 through 91.84 herein.

('79 Code, § 4-9(d)) (Ord. passed 11-6-78)

### **§ 91.34 ANIMALS OFFICIALLY SURRENDERED BY OWNERS.**

If an animal is officially surrendered by the owner to the Animal Control Department to be placed in a home or destroyed in a humane matter, it may be

disposed of immediately.  
(’79 Code, § 4-9(e)) (Ord. passed 11-6-78)

**§ 91.35 BADLY WOUNDED OR DISEASED DOGS OR CATS.**

Any impounded dog or cat which is badly wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the Animal Control Department shall attempt to notify the owner before disposing of such animal, but if the owner cannot be reached readily and the animal is suffering, the Animal Control Department may destroy the animal, at its discretion, in a humane manner.  
(’79 Code, § 4-9(f)) (Ord. passed 11-6-78)

**§ 91.36 REDEMPTION; ADOPTION; DESTRUCTION.**

(A) Redemption of dog or cat.

(1) When any dog or cat has been impounded at the animal shelter, notice thereof shall be given to the owner if the owner is known, or as soon as the owner is identified. The time for redemption of the animal is eight days from the time and date of taking of said animal. If the owner is unknown, notice thereof shall be posted for eight days, or until the animal is disposed of, on a bulletin board at the animal shelter, together with the time and place of taking such animal and the time and date of posting the notice. The time for redemption of the animal, as hereinabove provided, shall not begin to run until such notice has been given or posted.

(2) The owner shall be entitled, after the expiration of any required quarantine, to resume possession of his animal upon compliance with this chapter, the payment of a shelter fee and the payment of boarding expenses.

(3) Each additional impoundment of the same animal shall increase the owner redemption fee by an additional fee over the previous redemption fee for that animal.

(B) Adoption of dog or cat. After the eight days' notice provided for in division (A) of this section, an animal may be adopted by a suitable applicant, upon payment of an adoption fee and the identification tag fee.

(C) The specific fee amounts mentioned in this section shall be as set forth in fee schedules adopted from time to time by the appropriate agency or department.  
(’79 Code, § 4-10) (Ord. passed 11-6-78)

***RABIES VACCINATION AND CONTROL***

#### **§ 91.45 INOCULATION REQUIRED.**

It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for the owner's dog or cat at the age of four months or older, or if the dog or cat is of sufficient age to be inoculated, within seventy-two hours of obtaining the dog or cat. Should it be deemed necessary by the County Health Director, Board of Commissioners or state public health veterinarian that other pet animals for which a license vaccine is available 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 against rabies for that pet animal.

('79 Code, § 4-11) (Ord. passed 11-6-78) Penalty, see § 10.99

#### **§ 91.46 REPORT AND QUARANTINE/CONFINEMENT OF BITING DOGS OR CATS.**

When a person has been bitten by a dog or cat, the person or parent, guardian or person standing in loco parentis of the person, and the person owning the animal or in control or possession of the animal shall notify the local health director and his/her designee of the county/municipality animal control department immediately and give the name and address of the person bitten and the owner of the animal. A physician who attends a person bitten by an animal known to be a potential carrier of rabies shall report within 24 hours to the local health director and or health department communicable disease nurse the name, age and sex of that person.

All dogs and cats that bite a person shall be immediately confined for 10 days in a place designated by the local health director or his/her designee of the county/municipality animal control department. If the owner or the person who controls or possesses a dog or cat that has bitten a person refuses to confine the animal as required by this section, the local health director may order seizure of the animal and its confinement for 10 days at the expense of the owner.

- A) A properly vaccinated and registered dog or cat may be confined on the owner's premises; provided that the local health director or his/her designee of the county/municipality animal control department determines that the owner has an adequate means of confinement upon the owner's own premises and the animal is subject to observation by a competent and responsible owner during the 10 day period. Employees of the county/municipality animal control department have the right to ensure compliance by visiting the owner's premises at any time.
- B) A dog or cat not properly vaccinated or registered but belonging to an owner shall immediately be confined in the county/municipality animal control shelter or a veterinary hospital, in which case the expense shall be borne by the owner for the 10 day confinement.
- C) A stray dog or cat shall immediately be confined in the county animal shelter for a 10 day period.
- D) It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies or any animal biting a person, or to remove such animal from the county

without written permission from the local health director. An owner who fails to confine his animal in accordance with the instructions of the local health director shall be guilty of a Class 2 misdemeanor.

- E) Upon request for change of location by the owner, any non-resident dog or cat under observation for rabies, suspicion of having been exposed to rabies, or for biting a human shall be assessed for disposition by the local health director, the Public Health Veterinarian, and/or the home state veterinarian of the non-resident dog or cat and such animal shall not be removed until approved by the health director and/or his/her designee.
- F) A person who owns or has possession of an animal which is suspected of having rabies shall immediately notify the local health director and/or his/her designee of the county/municipality animal control department and shall securely confine the animal in a place designated by the local health director. Dogs and cats shall be confined for a period of 10 days. Other animals may be destroyed at the discretion of the State Public Health Veterinarian.

('79 Code, § 4-12) (Ord. passed 11-6-78)

#### **§ 91.47 REFUSAL OF OWNER TO PERMIT INVESTIGATION; REDEMPTION OF DOGS OR CATS FOUND NOT TO HAVE RABIES.**

Except as provided in § 91.46, it shall be unlawful for the owner to refuse an examination or investigation by the Health Director, upon demand, of any dog or cat which has bitten a human. If the dog or cat is confined in the county animal shelter and if rabies does not develop within ten days, the dog or cat may be reclaimed, upon payment not to exceed the amount as shall be established from time to time by ordinance for feeding and upon compliance with other provisions of this chapter.

('79 Code, § 4-13) (Ord. passed 11-6-78)

#### **§ 91.48 PROCEDURES WHEN RABIES DIAGNOSED.**

If an animal dies while under observation for rabies, the person or entity holding the animal for observation shall, within seventy two hours of the animal's death, ship the head of such animal to the State Laboratory of Hygiene for diagnosis.

('79 Code, § 4-14) (Ord. passed 11-6-78)

#### **§ 91.49 ANIMALS BITTEN BY KNOWN RABID ANIMAL.**

Animals bitten by a known rabid animal shall be immediately destroyed, unless the owner agrees to strict isolation of the animal in the animal shelter or in another location in a manner approved by the Dare County Health Director, for a period of six

months, or the animal has a current rabies inoculation, revaccination and confinement for a period of six months.

('79 Code, § 4-16) (Ord. passed 11-6-78)

#### **§ 91.50 EXTENSION OF QUARANTINE.**

In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the Health Director.

('79 Code, § 4-17) (Ord. passed 11-6-78)

#### **§ 91.51 KILLING; RELEASING OR REMOVING ANIMALS FROM COUNTY PROHIBITED.**

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies or any animal biting a human, or to remove such animal from the county without written permission from the Health Director.

('79 Code, § 4-18) (Ord. passed 11-6-78) Penalty, see § 10.99

### ***ENFORCEMENT***

#### **§ 91.65 ANIMAL CONTROL DEPARTMENT.**

(A) There is hereby created an Animal Control Department of the county, which shall be composed of such employees as shall be determined by the Board of Commissioners. Such employees shall be appointed and compensated in accordance with policies of the Board of Commissioners. In lieu of an appointed Animal Control Department, this function may be performed by an independent contractor or a governmental agency designated by the Board of Commissioners as provided in § 91.07 ('79 Code, § 4-6)

(B) The Animal Control Department or entity designated by the Board of Commissioners, shall be charged with the responsibility of:

(1) Enforcing in the county all state or county laws, the provisions of this chapter and any applicable ordinances and resolutions of the county relating to dogs and cats.

(2) Cooperating with the Health Director and assisting in the enforcement of the laws of the state, county, and adopted rabies control measures with regard to animals and especially with regard to vaccination of dogs and cats against rabies and the confinement or leashing of dangerous or vicious animals (without limiting, the foregoing reference is particularly made to G.S. §§ 67-1 - 67-29 and 106-364 to 106-387).

(3) Investigating cruelty or abuse with regard to dogs and cats and other animals.

(4) Making such canvasses of the county, including the homes in the county, as it deems necessary for the purpose of ascertaining that all dogs and cats are duly and properly listed for identification purposes and vaccinated against rabies.

(5) Operating, pursuant to the policies of the Board of Commissioners, the County Animal Shelter.

(6) Listing for identification and issuing licenses for dogs and cats, and maintaining a reference file in connection therewith, all in accordance with the provisions of this chapter and the policies of the Board of Commissioners.

(7) Keeping or causing to be kept accurate and detailed records of:

(a) Impoundment and disposition of all animals coming into the animal shelter;

(b) Bite cases and complaint investigations;

(c) All money which was derived from licenses, impoundment fees, penalties and adoptions of animals;

(d) All other records deemed necessary by the County Manager.  
(79 Code, § 4-8) (Ord. passed 11-6-78)

#### **§ 91.66 (RESERVED).**

#### **§ 91.67 INTERFERENCE WITH ENFORCEMENT OFFICIALS PROHIBITED.**

It shall be unlawful for any person to forcibly interfere with, hinder or molest the Animal Control Department or its agents or animal control officers or veterinarians, or employees and representatives of the Dare County Health Department in the performance of any duty authorized by this chapter.

(79 Code, § 4-2(i)) (Ord. passed 11-6-78) Penalty, see § 10.99

#### **§ 91.68 PENALTIES**

(A) Violations of any provision of this Chapter may be punishable as provided for under § 10.99 of the Dare County Code of Ordinances.

(B) Notwithstanding and in addition to any other penalties or punishments imposed, violations of any provision of this Chapter may be punished by imposition of a civil penalty. Civil penalties shall be imposed as provided for in this Section.

(C) A civil penalty imposed pursuant to this Section shall be in the amount of twenty-five dollars (\$25.00) for each initial offense, and fifty dollars (\$ 50.00) for each subsequent offense by that owner.

(D) When an animal control officer or law enforcement officer has determined that a violation of any provision of this Chapter has occurred, that officer may issue a written citation to the violator specifying the nature of the violation and the amount of the penalty imposed for such violation.

(E) The officer shall serve the citation on the violator in person or by placing the citation in the U.S. postal system in an envelope addressed in the name of the violator at the violator's last known address, postage paid, with return receipt requested. The citation shall be deemed received upon delivery into the postal service, provided that a certificate by the issuing officer that such delivery has been made and is executed and placed in the records of the animal control department on the date of such delivery.

(F) The civil penalty listed in the citation shall be due from and owed by the violator upon receipt of the citation imposing such penalty and shall be paid to the County within thirty (30) days of the date of receipt. Each day that the violator fails to remedy the violation for which the citation was issued shall constitute a new violation subject to the penalties contained herein.

(G) The animal control officer or department shall refuse to release a dog or cat impounded or confined under any provision of this Chapter until the owner pays any civil penalty imposed on the owner.

(H) If payment of a civil penalty is not received as provided for in this Section, the Animal Control Department may initiate a small claims action in district court as provided in § 7A-210 et seq. to recover the amount of the penalty, and nonpayment of the penalty may be imposed as a lien against the real and personal property of the violator.

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