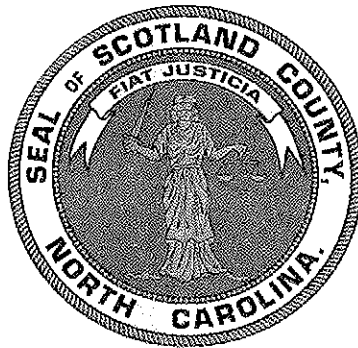


SCOTLAND COUNTY
ANIMAL CONTROL
ORDINANCE



DECLARING OWNER
RESPONSIBILITY FOR THE
MANAGEMENT OF
ANIMALS,
DOMESTIC ANIMALS,
EXOTIC ANIMALS,
DANGEROUS DOGS, AND
DANGEROUS ANIMALS

Adopted by the Board of County Commissioners August 1, 2011

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DEFINITIONS

For the purpose of these rules, the following words and phrases are defined and shall be construed as set forth below, unless it is apparent from the context that a different meaning is intended.

Abandon – Intentionally, knowingly, recklessly or negligently leaving an animal at a location for more than twenty-four (24) consecutive hours without providing for the animal's continued care.

Adequate Feed – The provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a sanitized receptacle, dish, or container.

Adequate Shelter – An enclosure sufficient to provide shelter from extremes of weather and a means to remain cool, dry and comfortable. Adequate shelter should consist of at least three (3) solid sides, a roof and a floor, be ventilated and have sufficient room for dogs, cats and other small animals to move about freely and lie down comfortably.

Adequate Water - The provision of, or ready access to, a supply of clean, fresh water provided in a sanitary manner twenty-four (24) hours a day.

Animal – Any vertebrate nonhuman species of animal, wild or domestic, male or female, including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish.

Animal Control Officer – Person(s) charged by the county with enforcing all sections of this Ordinance and applicable state laws.

Animal Shelter – Any holding or other facility designated by the county manager, or designee for the detention of animals.

Appropriate Authority – The Animal Control Department, Police or Sheriff's Department, Emergency Medical Staff, or Health Department

At Large – Any animal found off of the owner's property and not under restraint, or any animal previously determined to be dangerous or potentially dangerous that is not under restraint when off the property of its owner, or is not confined to a secure enclosure while on the property of its owner, with the exception of hunting dogs in the act of hunting, training or actively related to the sport of hunting. On the owner's or person in charge of the dog(s), land, land leased or land permitted to be used by the owner or person in charge of dog(s).

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

Boarding Kennel – A facility or establishment which regularly offers to the public the service of boarding dogs and/or cats for a fee. (Such a facility may, in addition to providing food, shelter and water, offer grooming or other services for dogs and/or cats.)

Cats – Domestic felines.

Dangerous Animal – Any animal whose behavior creates a reasonable risk of injury to a human or animal or damage to personal or real property. This behavior includes, but is not limited to, an animal's biting or attacking or attempting to bite or attack a human or another animal. However, as provided, by definition, shall not apply to any animal that has been subject to provocation, nor shall it apply to any animal responding to a trespass, as trespass is defined in these definitions, upon the animal owner's premises, if the victim is the trespasser.

Dangerous Dog – Any dog which (1) assaults, bites, attacks or inflicts serious injury on a human being without provocation on public or private property and/or (2) which has killed or injured a pet or domestic animal with provocation while off the owner's property. Exceptions: No dog is dangerous pursuant to this definition if at the time the threat, injury or damage was sustained, the person attacked was committing a willful trespass, tormenting, abusing or assaulting the dog, or has in the past teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. Nor, shall a dog be considered dangerous pursuant to this definition if it has attacked or injured a pet or domesticated animal in defense of an attack by another animal or if it is protecting or defending its young.

Dealer – Any person who sells, exchanges, or donates, offers to sell, exchange, or donate animals to *another dealer or person*, provided, however, that an individual who breeds and raises on his own premises no more than the offspring of five female canine or feline females per year, or five (5) or more non-spayed female dogs or cats over four (4) months old with a total of ten (10) dogs or cats four (4) months or older.

Dog – Domestic canines.

Domestic Animal – Those species of animals that normally and customarily share human habitat in the county and are normally dependent upon humans for food and shelter in Scotland County, such as, but not limited to cats, dogs, cattle, horses, swine, fowl, sheep and goats.

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

Dry Lot (Feed Lot) – A confined fenced space where animals are kept, but does not support their nutritional requirements. Dry lot (Feed Lot) should be well drained to avoid standing water and should have some available space that is not covered in mud during reasonable weather patterns.

Electronic Enclosure – Underground electrical wire which, when used in connection with a pet collar or other device, keeps cats or dogs confined within the limits of the wire on private property.

Exotic or Wild Animal – Any animal which is not usually and customarily kept as a pet or domestic animal. A hybrid of any such animal, regardless of genetic percentages, shall be deemed exotic or wild. Examples of exotic or wild animal 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, wild cats, wolves, bears, apes, monkeys and raccoons. Also included in this definition are dangerous reptiles such as alligators and poisonous reptiles.

Foster or Rescue Homes – Private citizens or homes who take in animals in order to provide care and development of animals for the purpose of keeping said animals out of shelters and/or for rehabilitation purposes.

Husbandry Practices – The practice of breeding animals for the purpose of profit.

Impoundment – Possession or seizure of an animal by the Animal Control Officer for placement in an animal control shelter.

Inoculation – The administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

In estrus – A female animal in what is commonly called “heat”.

Molest – Annoy, disturb or persecute with hostile intent or injurious effect.

Natural Shelter – Any naturally occurring part of the landscape that provides protection from the elements. Trees, bush thickets, ditch banks, etc., could all be considered natural shelter. The two main weather elements of these natural barriers providing relief are from sunshade (summer) and wind breaks (winter).

Nighttime – The time each day from sunset until sunrise.

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

Owner – Any person, group of persons, or any entity owning, keeping, harboring, possessing or acting as keeper or custodian of an animal for seventy-two (72) hours or more, unless the animal is boarded for a fee at a duly licensed facility. In the event that the owner or keeper of an animal is a minor, the parent or guardian of such minor shall be held liable for non-compliance with the provision of this ordinance.

Owner's Property – Any real property owned or leased by the owner of the animal, but does not include any public right-of-way or a common area of a condominium, cluster home, apartment complex, or townhouse development, nor does it include the common area of a subdivision of another housing project. A motor vehicle is not 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 any common areas as described above, or on any other public areas shall be treated as being off of the owner's property.

Pasture – A fenced area that has vegetative cover of edible forage on at least 50% of the area for a minimum of six (6) months of the year.

Person – Includes any individual or any legal entity, including non-profit corporations.

Poisonous reptile – Any reptile, such as a snake or lizard, that has the capability of injecting humans or animals with venom which may cause death or physical injury.

Pet – A domesticated animal kept for pleasure rather than utility.

Pet Shop – A person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell trade such animals to the general public at retail or wholesale.

Penalty Fees – Fees enacted to curtail the breaking of the rules of this Ordinance under Civil Penalty.

Provocation – Circumstances which do not include any actions on the part of an individual that pertain to reasonable efforts of self-defense. In addition, provocation must be clearly established.

Restraint – Any animal is under restraint within the meaning of this ordinance if it is (a) controlled by means of a chain or leash; (b) cage, bridle, or similar physical restraint sufficient to allow animal to be controlled; (c) on or within a vehicle being driven or parked and from which it cannot remove itself; (d) within a secure enclosure, or (e) within the dwelling house of the owner or keeper.

Secure Enclosure – 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. Neither a motor vehicle nor an electronic enclosure shall constitute a secure enclosure. The enclosure may also be a fence or structure of adequate height to form or cause a humane enclosure suitable to prevent the entry of young children.

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

Stray – Any dog or cat that appears stray, homeless or unwanted, and any dog that is not displaying a valid rabies tag.

Trespass – Precludes when the victim has wrongfully invaded the property of the owner. The reason the individual is on the property and any other relevant circumstances shall be considered in order to determine whether or not a trespass has occurred.

Weekdays – Monday through Friday, inclusive, excluding local, state and national legal holidays.

SCOTLAND COUNTY ANIMAL CONTROL ORDINANCE

SECTION 1 ANIMAL CONTROL PROGRAM

- A. The Animal Control Program of the Department of Public Health of Scotland County, hereinafter referred to as the Animal Control Program, is composed of the Health Director, and such employees as shall be determined by the Scotland County Board of Health and approved by the Scotland County Board of Commissioners.

SECTION 2 ENFORCEMENT

- A. The Health Director shall designate employees or agents enforcing this Ordinance as Animal Control Officer(s) (ACO). In the performance of said duties, ACO shall have all the powers, authority and immunity granted under this Ordinance and by the general laws of this state to enforce the provisions of this chapter, and the General Statutes of North Carolina as they relate to the care, treatment, control or impounding of animals.
- B. Except as may be otherwise provided by statutes, local laws or ordinances, no officer, agent or employee of the county charged with the duty of enforcing the provisions of this chapter or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties unless he acts with actual malice.
- C. The Animal Control Program shall apply in those areas over which municipal animal control programs are not applicable.

SECTION 3 GENERAL DUTIES OF ANIMAL CONTROL PROGRAM

The Animal Control Program shall be charged with the responsibility of:

- A. Enforcing, in this county, all state and county laws, ordinances and resolutions relating to the care, custody, and control of animals.
- B. Assisting in the enforcement of the laws of the state with regard to animals and especially with regard to vaccination of animals against rabies and the confinement or leashing of dangerous animals, dangerous dogs and exotic animals.
- C. Assisting with the investigation of cruelty or animal abuse with regard to animals.
- D. Making such canvasses of the county, including the homes in the county, as it deems necessary for the purpose of ascertaining that all animals are vaccinated against rabies as required by local ordinance or state statute.

SECTION 4 **RABIES CONTROL OFFICER**

The Animal Control Officer is hereby designated as the Rabies Control Officer for Scotland County and shall have such powers, duties, and responsibilities as are provided by the provisions of the North Carolina General Statutes. However, such powers, duties, and responsibilities as the Rabies Control Officer shall not conflict with or supersede the powers, duties, and responsibilities of the Director of the Scotland County Health Department or rabies inspectors appointed under the provisions of the North Carolina General Statutes.

SECTION 5 **RABIES VACCINATION REQUIRED**

- A. No person shall own, keep, or harbor any dog or cat over the age of four (4) months within the county limits unless it has a current vaccination against rabies (hydrophobia).
- B. A rabies vaccination shall be deemed current if a dog or cat over four (4) months old has received at least one rabies vaccination and the next rabies vaccination shall be given within twelve (12) months and shall be valid for three (3) years thereafter.
- C. Upon complying with the provisions of this section, there shall be issued to the owner of the dog inoculated a numbered metallic tag, stamped with the number and the year for which issued, and indicating the dog has been inoculated against rabies. The metallic tags shall be affixed to the dog's or cat's collar.
- D. It shall be unlawful for any person to use for any dog or cat a rabies inoculation tag issued for a dog or cat other than the one using the tag.

SECTION 6 **RESTRAINT**

The owner shall keep his dog under restraint at all times and shall not permit the dog to be at large. Restraint is defined in the Definitions Section of this Ordinance.

SECTION 7 **RECORDS TO BE KEPT BY ANIMAL CONTROL PROGRAM**

It shall be the duty of the Animal Control Program to keep, or cause to be kept, accurate and detailed records of:

- A. Bite cases, violations and complaints, and investigation of same.
- B. Reports, investigations, actions and appeals of all matters herein.
- C. All other records necessary to properly exercise the duties established by this ordinance or state law.

SECTION 8

RUNNING AT LARGE; OWNERS CITED

Any dog that is not confined as provided in these rules, and not under the actual physical control or restraint of its owner, leaseholder, or keeper, shall be presumed to be “running at large”. Any Animal Control Officer may impound such animal at the animal shelter. It shall be a violation of these rules for any dog running at large off its owner’s or keeper’s property. A first offense shall subject such owner or keeper to a criminal penalty up to \$250.00. A second and subsequent offenses, shall subject such owner or keeper to a criminal penalty up to \$500.00.

SECTION 9

KEEPING OF ANIMALS; MISTREATMENT, ABANDONMENT PROHIBITED; CARE, RESTRAINING OF DOGS; EXERCISE AREA FOR DOGS

- A. All dogs, cats and other small animals kept as house pets shall be housed; fed and protected from the weather in such a manner as not to create a nuisance.

- B. No person shall willfully or negligently:
 - 1. Torture, cruelly beat, injure, maim, mutilate or without good cause destroy or kill any animal belonging to himself or to another;
 - 2. Deprive any animal of food, drink, or adequate shelter;
 - 3. Administer any poison or noxious drug or substance to any animal.
 - 4. Expose any drug or substance with the intent that the same shall be taken by an animal, whether such animal be the property of that owner or another person;
 - 5. Cause any other person to do any of the above acts.
 - 6. Violation of any provision of this Ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G. S. 14.4. Each day’s violation of this section is a separate offence. Payment of a fine imposed in criminal proceeds pursuant to this subsection does not relieve a person of this liability for taxes, civil penalties or fees imposed under this Ordinance.

- C. If an animal is found by any Animal Control Officer to be in one of the above-described conditions, the officer may issue a notice of violation to the offender warning him that if the animal’s condition is not corrected, a citation will be issued. If the Animal Control Officer determines that a confined animal’s life is in immediate danger or has been abandoned, the Animal Control Officer shall seize such animal if such seizure is not prohibited by applicable law. The Animal Control Officer shall leave a notice for the owner advising why the animal has been seized, where the animal has been taken, and

shall issue a notice of violation to the owner. Upon issuance of a citation, the penalty for a violation of this section, shall be up to Two Hundred Fifty Dollars (\$250.00) for the first violation or for a violation more than twelve (12) months after a previous violation. For subsequent violations within twelve (12) months of a previous violation, the penalty shall be up to Five Hundred Dollars (\$500.00) for a second and subsequent violations.

- D. No dog, cat, or other small animal shall be confined within or on a motor vehicle under such conditions as may endanger the health or well-being of the animal, including, but not limited to, dangerous temperature, lack of food or water.
- E. No person shall abandon or cause to be abandoned any dog, cat, or any other type of animal.
- F. Owners and keepers of dogs, cats, and other animals shall provide food, shelter, and medical attention to such animals, including, but not limited to the following:
 - 1. Sufficient wholesome food that is nutritious for the species;
 - 2. Fresh drinking water;
 - 3. Medical attention to relieve such animals from suffering;
 - 4. Provide shade from the sun; and
 - 5. Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three (3) sides, roofed, and have a solid floor. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair.
- G. In addition to the foregoing provisions of this section, it shall be unlawful and constitute a public nuisance for any person to (1) willfully or maliciously overdrive, overload, torture, destroy or kill, or cruelly beat or injure, maim or mutilate, any animal in subjugation or captivity, whether wild or tame, and whether belonging to himself or to another; (2) deprive any such animal of necessary food, drink or shelter; (3) cause, procure or permit any such animal to be so overdriven, overloaded, tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink or shelter; or (4) willfully initiate, instigate, engage in, or in any way further act of cruelty to any animal, or any act tending to produce such cruelty. Any law enforcement officer or Animal Control Officer finding an animal so maltreated or abused shall impound the animal, and the charges shall be assessed against the violator as a cost of abatement.

- H. No person shall, at any time, fasten, chain, or tie any dog or cause such dog to be fastened, chained, or tied, while such dog is on the dog owner's property, or on the property of the dog owner's landlord no longer than one (1) hour per day.
- I. No person shall permit a dog owned by such person or under the custody of such person to be off that person's property or leased premises unless such dog is restrained by a leash. Such leash shall be used to control the dog and to prevent the dog from running at large.
- J. Any dog confined within a fenced yard or run must have an adequate space for exercise. Provided further, that where dogs are kept or housed on property without a fenced yard and such dogs are kept in an enclosure or run, such enclosure or run shall provide adequate space for exercise. Such an enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be sufficiently covered to provide the dog with adequate shade and protection from the elements.
- K. Domesticated Livestock Shelter-Each domesticated livestock shall have reasonable access to shelter appropriate for its state of health. Domesticated livestock in a normal state of health, as determined by the Health Director or his/her designee, may be maintained in a pasture environment with fresh drinking water, natural shelter and shade from the sun. For domesticated livestock in a debilitated state of health, access to a man-made shelter is required. These shelters are to be maintained so as to minimize the opportunity for injury, and to aid in the recovery of domesticated livestock. For domesticated livestock, in good health, they may be maintained in a dry lot, with access to fresh drinking water and adequate shelter appropriate for the species of the animal.

SECTION 10

CONFINEMENT AND CONTROL OF EXOTIC ANIMALS

- A. It shall be unlawful for any owner or keeper to keep any exotic animal within the county unless it is confined within a humane secure enclosure as required by the Health Director unless: (i) it is securely muzzled and under restraint by a competent person who, by means of a leash, chain or rope, has such animal firmly under control at all times, and (ii) it is being transported to receive veterinary care, to be sold or to be destroyed.
- B. Any exotic animal (i) which is not properly secured or restrained as required by this section or (ii) which has injured or endangered any person or property may be confiscated by an ACO and harbored at the owner or keeper's expense.

SECTION 11

**CONFINEMENT AND CONTROL OF DANGEROUS ANIMALS
AND DANGEROUS DOGS**

- A. It is unlawful for any owner or keeper to maintain or harbor unconfined or uncontrolled any dangerous dog or animal which (i) bites, inflicts injury, assaults, or otherwise attacks a human being without provocation on public or private property or (ii) injures or kills a pet or domesticated animal while off the owner's property and the ACO determines after investigation that the report is supported by the evidence. Said dog or animal shall be deemed dangerous.
1. The owner will be notified in writing to confine the dog or animal in a humane secure enclosure and the owner or keeper shall display a sign on his premises warning that there is a dangerous dog or animal on the premises. Said sign shall be plainly visible and capable of being read from the public highway or street.
 2. An ACO is empowered to confiscate the dog or animal and harbor it at the owner's expense pending the owner's construction of a humane secure enclosure or a determination of whether or not the animal shall be destroyed.
 3. Dogs or animals trained or being trained in mode of attack are subject to the provisions of (1) and (2) of this section.
- B. The Health Director or his/her designee has the authority, pursuant to North Carolina General Statutes Section 130A-200, to declare certain animals to be vicious and a menace to public health and to require their confinement. Nothing herein is intended to limit this authority or the resultant powers granted the Health Director upon such finding be made.
- C. In furtherance of the authority granted the Health Director in N.C.G.S. Section 130A - 200, the Health Director shall have the authority to declare as dangerous, after review of information submitted by the appropriate authority:
1. Any dog which unprovoked has done bodily harm to a person or public or private property.
 2. Any dog which unprovoked has killed a domestic animal while off the owner's property.
 3. Any dog observed by appropriate authority which unprovoked, chases or approaches a person upon the street, sidewalk, public or private property in a menacing fashion or attitude of attack.
 4. Any dog owned primarily to guard public or private property or any trained guard dog, with the exception of those owned by public law enforcement agencies

(provided that any formally trained guard dog formerly owned by a law enforcement agency and sold or given to adoption shall be classified as dangerous).

Designations under Sections C1 through C-4 herein will be made by the County Animal Control Officer under the approval and authority of the Health Director.

Appeals from the designation made under Sections C-1 through C-4 herein as well as the results of determination hearing under Section 27.

D. The Health Director may order the owner to do one or more of the following things upon the completion of his/her determination:

1. The dog involved in an unprovoked attack causing fatal or severe injury to a person shall be humanely euthanized.
2. The dog involved in non-fatal or non-severe bites shall be impounded for ten (10) days for rabies observation in accordance with Rabies Control law.
3. As to other dogs determined dangerous by definition or by hearing outlined above, the owner shall observe the following:
 - a) Meet all requirements for keeping any dog such as licensing, registration and rabies inoculation.
 - b) Keep dog permanently collared with specialized collar showing the words "DANGEROUS DOG". Collars must be purchased, along with signage which states "DANGEROUS DOG" and shall be sold as a unit.
 - c) Animal Control Officer will ensure periodically that signage and dog collar are prominently displayed.
 - d) Notify the animal control department of any change in status of the dangerous dog within twenty-four (24) hours of hearing that it is loose or unconfined or has attacked another person or domestic animal, or has died.
 - e) While on the owner's property a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or kennel

- f) suitable to prevent the entry of young children and designed to prevent the animal from escaping. The pen or kennel may not share common fencing with an area or perimeter fence. The kennel or pen must have secure sides at least six feet in height; a secure top attached to all sides; the sides must be either buried two feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked. The enclosure must also provide protection from the elements for the dog and have a ground area of at least five (5) by twenty (20) feet.
- g) A dangerous dog may be off the owner's premises if it is muzzled to prevent it from biting and restrained by a substantial chain or leash not exceeding three (3) feet in length and under the control of a responsible adult. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration.
- h) The owner must allow officers of the animal control department to make whatever inquiries are deemed necessary to assure compliance with these provisions including inspection of the owner's premises where the dangerous dog is confined.
- i) If the owner of the dog designated dangerous is unwilling or unable to comply with the above regulations for keeping such an animal then he/she must have the animal humanely euthanized by the animal control department or a licensed veterinarian after a fourteen (14) day holding period. All costs shall be borne by the owner. Any dog that has been designated as dangerous under this ordinance may not be offered for sale or adoption.
- j) The owner of a dangerous dog and if the owner is a minor, the parent or guardian shall be responsible for compliance with the specifications of this ordinance for care, confinement, and restraint of the animal and shall also be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by the dog. This includes all medical and health care costs.

SECTION 12 **CONFISCATION OF ANIMALS**

Any animal not kept in accordance with the requirement of this chapter, may be confiscated by the animal control officer and harbored at the owner's expense until the owner or keeper complies with the requirements of this chapter or all appeals are exhausted. In the event an owner or keeper appeals an action or determination of the Animal Control Program, any animal may be harbored by the Animal Control Program at the owner's expense, pending the outcome of the appeal process, if the owner or keeper fails or refuses to provide restraint as required by the Animal Control Program.

Any animal confiscated by Scotland County Animal Control shall be harbored, at the discretion of the health director, and at the owner's or keeper's expense. Failure of the owner or keeper to pay the boarding costs or fees may result in the confiscated animal becoming the property of Scotland County Animal Control on the 15th day of non-payment. The disposition of the animal is up to Scotland County Animal Control.

SECTION 13 **REQUIRED NOTIFICATION TO ANIMAL CONTROL PROGRAM BY OWNERS AND KEEPERS OF EXOTIC OR DANGEROUS ANIMALS OR DANGEROUS DOGS**

The owner or keeper of an exotic or dangerous animal shall inform the Animal Control Program, as soon as practicable, but not later than twenty-four (24) hours, after the occurrence of any of the following:

- A. An assault, attack or biting upon any human being committed by such animal.
- B. An attack of biting upon any domesticated animal or pet while said animal is off the owner's or keeper's property.
- C. The destruction of or damage to property of another by such animal.
- D. The roaming or escape of any animal required to be restrained or confined to a secure enclosure.

SECTION 14 **DOGS OR ANIMALS USED FOR SENTRY OR GUARD DUTY**

Any business owning, maintaining or harboring a dog or other animal for sentry or guard purposes must register said dog or animal with the Animal Control Program.

A sign warning that there is a guard or sentry dog or animal on the premises shall be displayed. Said sign shall be plainly visible and capable of being read from the public highway or street.

The provisions of this Section do not apply to animals being used by law enforcement agencies in the furtherance of their official duties.

SECTION 15 **BARKING DOGS**

It shall be unlawful for any dog owner to keep or have a dog that habitually or repeatedly barks in such a manner or to such an extent that it is a public nuisance.

SECTION 16 **TEASING AND MOLESTING**

It shall be unlawful for any person to tease, bait or in any way molest any animal.

SECTION 17 **CONFINEMENT OF FEMALE DOGS & CATS IN ESTRUS (HEAT)**

Every female dog, while in estrus, shall be confined in a building or secure enclosure in such a manner that she will not be in contact with another dog, as the case may be, nor create a nuisance by attracting other animals, provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal being bred.

SECTION 18 **REPORT AND CONFINEMENT OF ANIMALS BITING PERSONS OR SHOWING SYMPTOMS OF RABIES**

- A. Every dog or cat which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall promptly be reported within twenty-four (24) hours to the Animal Control Department, and there upon shall be securely quarantined, at the direction of the Animal Control Department, for a period of ten (10) days, and shall not be released from such quarantine except by written permission from the Animal Control Department.

- B. Dogs and cats quarantined under this section shall be confined in a veterinary hospital, boarding kennel, or the county animal shelter, at the expense of the owner; provided, however, that if an Animal Control Officer determines that the owner of an animal which must be quarantined has adequate confinement facilities upon his own premises, the Animal Control Officer may authorize the animal be confined on the owner's premises provided the owner has a secure building with locks or a fenced-in area on his premises and the fenced-in area has no entrances or exits that are not locked, and the animal is currently vaccinated against rabies and has a license tag as required in this Ordinance. If the animal is confined on the owner's premises, an animal warden shall revisit the premises for inspection purposes at approximately the middle of the confinement period and again at the end of the confinement period. If the ten (10) day period expires on a holiday or weekend day the period shall be extended to the next regular workday.

SECTION 19 **BOARDING KENNELS**

Under current law, boarding kennels that board, or train dogs (hunting dogs are exempt from the Act) is defined as those that regularly offer to the public the service of keeping or housing of animals for a fee. Kennels that do not offer boarding or training of hunting dogs to the general public on a regular basis, and for a fee, are exempt from the Act.

If a kennel boards and trains hunting dogs, it is exempt from regulation. Consequently, if the kennel regularly offers only boarding to the general public for a fee, it would be regulated (assuming it houses or contains five (5) or more dogs).

Boarding kennels operated by veterinarians would be exempt from the Article if the kennel is operated under the same federal taxpayer identification number as the hospital.

SECTION 20 **FOSTER & RESCUE HOMES**

Foster and Rescue Homes are exempt if they have fifteen (15) or fewer animals at any one time. If a home exceeds fifteen (15) animals over four (4) months old, then it would be subject to the same standards and rules that are applicable to a shelter. Animals born on the premises are not included in the total (i.e., a foster or rescue home has five (5) dogs, one of which is pregnant, and which subsequently has a litter of twelve (12) puppies. The home would not be considered a shelter under those circumstances.) Although the foster or rescue home may have more than ten (10) animals, it is not required to meet the containment regulations applicable to a shelter. The home must keep various records; however, as the animals are “in commerce,” (i.e., they are held for third parties or intended to be transferred to another entity.)

SECTION 21 **ANNUAL REGISTRATION**

All Boarding Kennels, Pet Shops, Foster & Rescue Homes and persons operating as dealers or breeders in Scotland County will be required to register annually for inspection by the Animal Control Officer. The cost of the inspection shall be no less than \$50.00 per year.

SECTION 22 **RECORD KEEPING AND LICENSING**

Requirements of Records

Operators of all animal shelters, pet shops and dealers shall maintain records of all dogs and cats showing the following:

- (1) Origin of animals (including names and addresses of consignors) and date animals were received;
- (2) Description of animals including names and addresses of consignors) and date animals were received;
- (3) Disposition of animals including name and address or person to whom animal is sold, traded or adopted; if euthanized, record will show date and type of euthanasia;
- (4) Record of veterinary care including treatments and immunization;
- (5) Maintain records on file for a period of one calendar year.

Boarding Kennels

Operators of boarding kennels shall maintain records of all dogs and cats showing the following:

- (1) Name and address of owner or person responsible for animal, the date of entry and signature and address of individual to whom animal is released;

- (2) Description of animal including breed, sex, age and color markings;
- (3) Record of veterinary care including treatment and immunization(s);
- (4) Records on file must be maintained for a period of one calendar year.

Records Made Available to the Director

All operators of animal shelters, pet shops, boarding kennels, foster and rescue homes, and persons operating as dealers will complete an annual registration and pay a permit fee and make all records available to the Animal Control Officer, Environmental Health Supervisor, Health Director or his/her authorized representative upon request.

SECTION 23 FACILITIES AND OPERATING STANDARDS FOR ANIMAL SHELTERS, PET SHOPS, DEALERS

General

- A. Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.
- B. Reliable and adequate electric power, if required, to comply with other provisions of these sections and adequate potable water shall be available.
- C. Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination of vermin. Refrigeration shall be provided for supplies of perishable food.
- D. Provision shall be made for the removal and disposal of animal and food waste, bedding and debris, to assure facility will be maintained in a clean and sanitary manner.
- E. Facilities such as washroom, basin or sink shall be provided to maintain cleanliness among animal caretakers and animal food and water receptacles.

Indoor Facilities

- A. Indoor housing facilities for dogs and cats shall be sufficiently heated when necessary to protect the dogs and cats from cold and provide for their health and comfort. The temperature shall not be allowed to fall below 50 degrees F. for dogs and cats not acclimated to lower temperatures.

- B. Indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts, odors and moisture condensation. Ventilation shall be provided when the temperature is 85 degrees F. or higher.
- C. Indoor housing facilities for dogs and cats shall have ample light by natural or artificial means or both, of good quality and well distributed. Such light shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect dogs and cats from excessive illumination
- D. Interior building surfaces of indoor facilities shall be constructed and maintained so that they are substantially moisture free, so that it may be readily sanitized.
- E. A suitable method shall be provided to rapidly eliminate excess water from indoor housing facility. If closed drain systems are used, they shall be equipped with traps and installed to prevent odors and back-up of sewage.

Outdoor Facilities

- A. When sunlight is likely to cause overheating and discomfort, sufficient shade shall be provided to allow all dogs and cats kept outdoors to protect themselves from the direct rays of the sun.
- B. Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry and comfortable during inclement weather.
- C. A suitable method shall be provided to rapidly eliminate excess water.

Primary Enclosures

- A. Primary enclosures for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out. Primary enclosures shall be constructed so as to provide sufficient space to allow each dog or cat to turn about freely and to easily stand, sit, lit in a comfortable, normal position.
- B. In addition to Paragraph (A), each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches. The calculation shall be expressed in square feet. Not more than twelve (12) adult dogs shall be housed in the same primary enclosure.

$$\frac{\{\text{length of dog in inches} + 6''\}(\text{squared})}{\text{required area inches}} = \text{required feet} \quad *(\text{No less than } 10 \times 10 \text{ or } 100 \text{ sq. ft. or whichever is greater})$$

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* N. C. Animal Welfare Act – G. S. 91A N. C. Dept of Agriculture Section 20-40, Section -.0204

- C. In addition to Paragraph (A), each cat housed in any primary enclosure shall be provided a minimum of two and one-half square feet of floor space. Not more than twelve (12) adult cats shall be housed in the same primary enclosure.
- D. In all enclosures having a solid floor, a receptacle containing sufficient clean litter shall be provided for excreta. Each primary enclosure shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosures at the same time. Such resting surface of surfaces shall be elevated in primary enclosures housing two or more cats.

Feeding

- A. Dogs and cats shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the dog or cat. Puppies and kittens less than six (6) months of age shall be fed at least twice in each twenty-four (24) hour period. An eight (8) hour interval between feedings is required if only two feedings are offered in a twenty-four (24) hour period.
- B. Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and shall be kept clean and sanitized. Disposable food receptacles may be used but must be discarded after each feeding. Self feeders may be used for the feeding of dry food and they shall be sanitized regularly to prevent molding, deterioration or caking of feed.

Watering

If fresh drinking water is not accessible to the dogs and cats at all times, fresh water shall be offered to such animals at least twice daily for periods of not less than one hour, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be kept clean and sanitized.

Sanitation

- A. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning a primary enclosure

commonly known as a cage, any dog or cat contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

B. Sanitation of primary enclosures shall be as follows:

- (1) Prior to the introduction of dogs and cats into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided in (3) of this Paragraph.
- (2) Primary enclosures for dogs and cats shall be sanitized often enough to prevent an accumulation of debris or excreta, or a disease hazard, provided, however, that such enclosures shall be sanitized at least once every two (2) weeks in the manner provided in (3) of this Paragraph.
- (3) Cages, rooms and hard surfaced pens or runs shall be sanitized by:
 - (a) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or
 - (b) washing soiled surfaces with a detergent solution followed by or in conjunction with a safe and effective disinfectant, or
 - (c) cleaning all soiled surfaces with live steam.

- C. Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury to facilitate the prescribed husbandry practices set forth in these Rules. Premises shall remain free of accumulations of trash.
- D. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.
- E. No dog or cat shall be in a window display except during business hours and then only in compliance with standards set forth in 2 NCAC 52J.0200.
- F. In addition, the North Carolina On- Site Wastewater Section, Department of Environmental Health and Natural Resources has determined, based on wastewater characteristics, that the industrial process wastewater generated by certain facilities is comparable to the wastewater generated by facilities which are considered to generate sewage, including restaurants, meat markets and beauty shops. These include dog kennels and/or veterinary clinics without X-Ray Facilities. (Article 11, Chapter 130A NCGS 15A NCAC 18A, 1900 et seq.)

Employees

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

Classification and Separation

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

- A. Females in season (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.
- B. Any dog or cat exhibiting a vicious disposition shall be housed individually in a primary enclosure.
- C. Puppies or kittens less than six (6) months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their mother, except when permanently maintained in breeding colonies.
- D. Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.
- E. Dogs or cats under quarantine or treatment for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination.

Veterinary Care

- A. Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a licensed veterinarian.
- B. Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the research purposes for which such animal was obtained and is being held, provided, however, that the provision shall not effect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. Obviously sick, diseased, or deformed animals will not be offered for sale or adoption.

SECTION 24 **FIREARMS**

- A. Animal Control Officer(s) is authorized to carry such firearms as may be deemed necessary to perform the duties required by the provisions of this Ordinance and policies established by the Director of the Scotland County Health Department.
- B. Animal Control Officer(s) shall exercise due caution and prudence in the use and discharge of firearms within the county limits by Animal Control Officers to capture or destroy an animal only after all other reasonable means have been exhausted. Animal Control Officer (s) shall not discharge firearms in the direction of dwellings, people, livestock, highways, street, or thoroughfares.
- C. Each Animal Control Officer assigned to the Scotland County Health Department shall complete a firearms qualifications course as soon as practical after appointment and annually thereafter. The senior animal control officer assigned to the Animal Control department shall be responsible for maintaining liaison with the Scotland County Sheriff's Department in arranging for this training. A passing score of seventy (70) shall be required for each animal warden. A copy of evidence of satisfactory completion of this course shall be placed in each Animal Control Officer's personnel file. Cost of the course including tuition, supplies, travel and lodging will be paid by the county.

SECTION 25 **EUTHANASIA, CHEMICAL IMMOBILIZATION, PEPPER SPRAY AND BITE STICK**

- A. Animal Control Officer(s) is authorized to carry items used for Euthanasia, chemical immobilization, pepper spray and bite stick.
- B. Animal Control Officer(s) will attain the proper certification required to administer these forms of restraint and will take updated training as required.
- C. Animal Control Officer (s) shall exercise due caution and prudence in the use of the items and only be used within the county limits. These items may be used by the Animal Control Officer (s) to capture or destroy an animal only after all other reasonable means have been exhausted.

SECTION 26 **DAMAGE, DESTRUCTION, AND/OR THEFT OF COUNTY ANIMAL CONTROL PROPERTY**

- A. It shall be unlawful for any person to damage, destroy, or pilfer property belonging to the Scotland County Animal Control Department. Violators will be given notice in writing of the cost of replacement or repair of the damaged, destroyed, or stolen property. Violators shall reimburse Scotland County for the cost of replacement or repair of the damaged, destroyed or stolen property. A person may appeal the notice by procedure given in Section 26 C. After the period of thirty (30) days without a petition of appeal, other action may follow by Scotland County Animal Control.

- B. The County Animal Control Officer may upon the request of a responsible adult, place and set an animal trap upon property located within the county which is owned or controlled by the individuals making the request, if the trap is available and is deemed to be an appropriate measure by the animal control officer(s). The persons requesting the animal trip will be required to sign a written agreement authorizing the Animal Control department personnel to enter the property at all reasonable hours for the purpose of placing and setting the trap; retrieving trapped animals from the trap; and removing the trap from the property. The person requesting the animal trip will be responsible for damage to or loss of the trap. No animal trap will be placed upon property located within the county without the written consent of the owner or person in control of the property.

- C. A citizen may petition the Scotland County Board of Health for a hearing to determine the circumstances regarding the exemption of payment for the loss or damage of animal traps. The Board of Health may determine the extent of non-intentional loss, destruction or damage to traps, including any lack of negligence. The Board may relieve the citizen of any financial responsibility. The burden of proof however, will be upon the citizen to show that the loss was not the result of negligence or intentional loss, damage or destruction. Any person assessed a monetary obligation regarding the loss of a trap must provide the required monetary restitution within thirty (30) days of the written demand by the Scotland County Animal Control Department.

- D. The county Animal Control Officer (s) shall not place or set traps for normally feral animals.

SECTION 27 **APPEAL PROCEDURE**

Any person appealing reference Potentially Dangerous or Dangerous Dog must file a written objection within three (3) days to the Health Director. The Health Director shall schedule a hearing within ten (10) days of the filing of the objections for a hearing within ten (10) days of the filing of the objections for hearing with the Health Director. Any appeal from the Health Director shall be filed in writing within three (3) days to an Appellate Board. The Appellate Board shall schedule a hearing within ten (10) days of the filing of the objection. Any appeal of the final decision of the Appellate board shall be taken to the Superior Court by filing notice of the appeal and a petition for review within ten (10) days of the final decision of the Appellate Board as given in NCGS 67-4.1 (C).

SECTION 28 **INTERFERENCE WITH ENFORCEMENT OF ORDINANCE**

It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Program agents or officers or veterinarians in the performance of any duty authorized by this chapter, or to seek to release an animal in the custody of such agents, except as otherwise specifically provided.

SECTION 29 **EXEMPTIONS**

This chapter shall not apply to the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, lawful activities of agencies conducting or sponsoring biomedical research or training, law activities for sport, the production of livestock or poultry, or the lawful destruction any animal for the purpose of protecting livestock, poultry or humans.

SECTION 30 **IMPOSITION OF PENALTIES FOR VIOLATIONS OF ORDINANCE**

- A. Except as otherwise provided, any person who violates any provision of this ordinance, shall be fined criminal penalty up to one hundred dollars (\$100.00). If the violation is continued, each day's violation shall constitute a separate offense. Payment of said penalties shall be made within ten (10) days.
- B. If any exotic animal shall attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay up to a five hundred dollar (\$500.00) fine, and after a ten (10) day waiting period, exclusive of Sundays and holidays, said exotic animal shall be destroyed by the Animal Control Program.
- C. If any exotic animal shall kill or wound or assist in killing or wounding any domestic animal or pet, or damage property, the owner or keeper of said exotic or dangerous animal shall pay up to a five hundred dollar (\$500.00) fine, and after a ten (10) day waiting period, exclusive of Sundays and holidays, said exotic animal may be destroyed by the Animal Control Program.
- D. If any dangerous animal or dangerous dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay up to a five hundred dollar (\$500.00) fine and, after a ten (10) day waiting period, exclusive of Sundays and holidays, said dog shall be destroyed by the Animal Control Program.
- E. If any dangerous animal or dangerous dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal or pet, the owner or keeper of said dog shall pay up to a two hundred fifty dollar (\$250.00) criminal penalty and the Animal Control Department is empowered to confiscate, and after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, may destroy said dangerous dog or animal. For each subsequent violation the owner or keeper of said dog or animal shall pay a fine of up to five hundred dollars (\$500.00).
- F. Violation of any provision of this Ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G. S. 14.4. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceeds pursuant to this subsection does not relieve a person of this liability for taxes of civil penalties or fees imposed under this ordinance.

SECTION 31 **NOTICE OF REPEAL**

This act supersedes all previous acts not in accord herewith. It shall become effective upon ratification after being Legally Noticed and considered for adoption.

SECTION 32 **SEVERABILITY**

If any part of this Ordinance is held void, it shall be deemed severable and the validity thereof shall not affect the remaining parts of this Ordinance.

SECTION 33

EFFECTIVE DATE

This Ordinance was read and passed by the Scotland County Board of Health on June, 21, 2011; and recommended to the Scotland County Board of Commissioners for approval.

The Scotland County Board of Commissioners approved this Ordinance on August 1, 2011 with the Ordinance taking full effect on August 1, 2011.

Jane N. Murray 8/4/11
Jane N. Murray, RN, BSN, MS, Chair Date
Scotland County Board of Health

Bob Davis 8/4/11
Bob Davis, Chair Date
Scotland County Board of Commissioners

Edward H. Johnston 8/3/11
Edward H. Johnston Date
County Attorney

Ann W. Kurtzman 8/4/11
Ann W. Kurtzman Date
Clerk to the Board of Commissioners

