

**COLUMBUS COUNTY ANIMAL CONTROL ORDINANCE**  
**Be It Ordained by the Board of County Commissioners of Columbus County, North Carolina:**

**ARTICLE 1**  
**AUTHORITY, PURPOSE, AND GENERAL PROVISIONS**

**SECTION 1**

**AUTHORITY.** This ordinance is established pursuant to the following grants of statutory authority:

- (A) North Carolina General Statute 153A-121, which delegates to counties the power to regulate by ordinance, acts, omissions, or conditions detrimental to the health, safety or welfare of their citizens and the peace and dignity of the county.
- (B) North Carolina General Statute 153A-123, which authorizes counties to levy fines and penalties for violation of their ordinances and allows counties to secure injunction and abatement orders to further ensure compliance with their ordinances.
- (C) North Carolina General Statute 153A-127, which authorizes counties to define and prohibit the abuse of animals.
- (D) North Carolina General Statute 153A-131, which authorizes counties to regulate, restrict or prohibit the possession or harboring of animals which are dangerous to persons or property.
- (E) North Carolina General Statute 153A-442, which authorizes counties to establish, equip, operate, and maintain animal shelters.
- (F) North Carolina General Statute 130A-192, which authorizes Animal Control Officers to determine if there are any dogs and cats not wearing valid rabies vaccination tags.
- (G) North Carolina General Statute 67, which authorizes delegation of authority to the Animal Services Officers to declare a dog potentially dangerous.
- (H) North Carolina General Statute 14-4, which makes it a misdemeanor, unless otherwise specified, if any person shall be found guilty of violating an ordinance of the county.

**SECTION 2**

**PURPOSE AND OBJECTIVE.** This ordinance is established for the following purposes and objectives:

- (A) **ANIMAL CRUELTY:** To define and prohibit the abuse of animals.
- (B) **RABIES:** To protect citizens and animals of Columbus County from rabies transmitted by unconfined, uncontrolled, or unimmunized dogs or cats.

- (C) ANIMALS AT LARGE: To regulate, restrict, or prohibit the running at large of any domestic animals.
- (D) STRAY ANIMALS: To regulate, restrict, or prohibit the keeping of stray domestic animals.
- (E) ANIMAL NUISANCE: To regulate animals that may be a nuisance.
- (F) WILD OR EXOTIC ANIMALS, POISONOUS REPTILES, AND DANGEROUS ANIMALS: To regulate, restrict, or prohibit the harboring, or keeping, or ownership of wild or exotic animals, poisonous reptiles, and dangerous animals.
- (G) ANIMAL BITES: To establish rules and procedures for dealing with animal bites.
- (H) IMPOUNDMENT OF ANIMALS: To regulate the impoundment and confinement of animals.
- (I) REDEMPTION OF IMPOUNDED ANIMALS: To regulate and establish procedures and fees for redeeming impounded animals in the County's Animal Services; and
- (J) DESTRUCTION OF ANIMALS: To regulate and establish procedures for destroying diseased, strayed, unwanted, or unclaimed animals.

### **SECTION 3**

**GENERAL PROVISIONS.** The following general provisions shall apply to this Ordinance:

- (A) ANIMAL SERVICES. Authority is hereby granted to Animal Services to enforce this ordinance. This ordinance shall be enforced by all Animal Services Officers, as defined in Section 3(C), having all rights, powers, and immunities granted in Section 3(a)(1)-(13). All employees of Animal Services are hereby granted the following rights, powers, and immunities and said employees, through Animal Services shall:
  1. Have the responsibility, along with law enforcement agencies, to enforce all laws of North Carolina and all ordinances of Columbus County pertaining to animals and shall cooperate with all law enforcement officers within Columbus County in fulfilling this duty.
  2. Enforce and carry out all laws of North Carolina and all ordinances of Columbus County pertaining to rabies control.
  3. Be responsible for the investigation of all reported animal bites, for the quarantine of any dog or cat having, or suspected of having, rabies for a period of not less than ten (10) days, and for reporting to the local Health Director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal.
  4. Be responsible for the operation of the animal shelter

5. Be responsible for the seizure and impoundment, when necessary, of any animal of Columbus County involved in a violation of this or any other ordinance or state law.
  6. Investigate cruelty or abuse of animals and protect animals from cruelty or abuse.
  7. Be empowered to seize animals pursuant to North Carolina General Statute 19A-46, or with the consent of an owner or occupant of the property, or as evidence if the animals are in "plain view", or by criminal or administrative search warrant if the animals are being cruelly treated or abused.
  8. Make canvasses of homes and businesses in the county as necessary for the purpose of ascertaining compliance with this ordinance or state statute.
  9. Keep, or cause to be kept, accurate and detailed records of seizures, impoundments, and disposition of animals coming into the custody of Animal Services, bite cases, violations, complaints, investigations, and monies collected.
  10. Be empowered to issue Notices of Violation and assess civil penalties for violations of this Ordinance.
  11. Be empowered to go in the yard of animal owners to inspect the condition of animals.
  12. Be empowered to make inspections of buildings or dwellings with the consent of the owner or occupant, or by administrative search warrant, or criminal search warrant when there is reasonable cause to believe that this Ordinance or state law is being violated; and
  13. Be empowered to go upon private property to seize animals pursuant to the provisions of this Ordinance or Court Order.
- (B) **ANIMAL SERVICES DIRECTOR (SHERIFF).** Animal Services Director shall be the Chief Animal Services Officer in charge of Animal Services and supervise the Columbus County Animal Services. The Animal Services Director shall have the authority to delegate to his Animal Services Officers or Administrative Staff any of the powers granted him by this Ordinance. Any act done by an Animal Services Officer or a member of the Administrative Staff that is in compliance with or within the scope of this Ordinance, shall be considered the official act of the Animal Services Director.
- (C) **ANIMAL SERVICES OFFICER.** All persons employed by the Animal Services Department shall be considered Animal Services Officers and shall have all rights, powers, and immunities granted under this Ordinance and by the general laws of this state to enforce the provisions of this Ordinance and the General Statutes of North Carolina as they relate to animal control and animal welfare. All Animal Services Officers are hereby appointed Animal Cruelty Investigators.

## **ARTICLE II RABIES CONTROL**

## **SECTION 1**

**DEFINITIONS.** As used in this Article the following terms are defined below:

- (A) **BITE:** The act of an animal seizing flesh with its teeth or jaws so as to tear, pierce or injure the flesh.
- (B) **CATS:** Any and all domestic felines.
- (C) **CONFINEMENT:** Impoundment within the county's Animal Shelter or other appropriate facility.
- (D) **DOGS:** Any and all domestic canines.
- (E) **OWNER:** Any person, groups of persons, firm, partnership, or corporation owning, keeping, having charge of, or taking care of an animal, or allowing an animal to remain on its property for more than seventy-two (72) hours.
- (F) **RABIES VACCINATOR:** A person appointed and certified to administer rabies vaccines or a licensed veterinarian.
- (G) **RABIES VACCINE:** An animal rabies vaccine approved by the United States Department of Agriculture for use in this State.
- (H) **RESTRAINT:** A secure enclosure, chain, leash, or other physical device of sufficient strength which allows the owner to maintain direct control of an animal.
- (I) **VACCINATION:** The administration of rabies vaccines by a licensed veterinarian or by a certified rabies vaccinator.

## **SECTION 2**

**VACCINATION FOR RABIES.** Owners of dogs and cats shall comply with the provisions of this Section.

- (A) **VACCINATION:** The owner of every dog or cat shall have the animal vaccinated against rabies at four (4) months of age, again at sixteen (16) months of age, and then every three (3) years by a licensed veterinarian or by a certified rabies vaccinator with a rabies vaccine approved by the United States Department of Agriculture and approved by the North Carolina Commission of Health Services for use in this State.
- (B) **RABIES TAGS:** A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccines to a dog or cat shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words North Carolina or the initials "NC", and the words "rabies vaccine". The owner shall make sure that the dog or cat wears the rabies tag at all times.

- (C) **RABIES VACCINATION CERTIFICATES:** The owner of a dog or cat must be able to produce a current rabies vaccination certificate. This certificate shall be issued by a licensed veterinarian or a certified vaccinator at the time the dog or cat is vaccinated. A copy of the certificate shall also be mailed or delivered to the Animal Services Director by the licensed veterinarian or certified rabies vaccinator within forty-five (45) days of the animal being vaccinated. The Animal Services Director may implement another method for collecting vaccination certificates. Columbus County residents who have their animals vaccinated outside of Columbus County are responsible for filing the rabies vaccination certificate within Animal Services within five (5) days of the inoculation or within five (5) days of their return to the local area.
- (D) **NON-TRANSFERABLE:** Rabies tags cannot be transferred from animal to animal.
- (E) **LOST, DESTROYED, OR STOLEN RABIES TAGS:** If a rabies tag is lost, destroyed, or stolen, a duplicate tag must be obtained from the veterinarian at a fee not to exceed the actual cost of the tag, link, and rivets, plus transportation cost.

### **SECTION 3**

**BITES.** In order that rabies may be controlled and treated, all persons shall comply with the provisions of this Section.

- (A) **PERSONS BITTEN:** Wounds inflicted by any animal known to be a potential carrier of rabies shall be reported immediately to the County Health Director and the Animal Services Director by the person who has been bitten, or in case of a child, his or her parents or guardian or other responsible party. Any person who has knowledge of a dog or cat inflicting a wound shall immediately report the same to the County Health Director and/or the Animal Services Director and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved, if known. Every physician who treats a wound inflicted by any animal known to be a potential carrier of rabies shall report the incident to the County Health Director and/or the Animal Services Director and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved, if known, within twenty-four (24) hours of rendering treatment.
- (B) **CONFINEMENT OF BITING DOGS AND CATS AND CONFINEMENT OF ANIMALS SUSPECTED OF HAVING RABIES:** Every dog or cat that bites a human being shall be confined immediately. The animal shall be delivered within eight (8) hours of the incident, by the owner, to the County Animal Services or to a licensed veterinary hospital. The animal shall be confined for observation for not less than ten (10) days. The owner shall be responsible for the cost of confinement at either place. The Animal Services Director shall have authority to order confinement of a dog or cat to the County's Animal Services or any other appropriate facility. Columbus County Animal Services may waive the cost of confining the animal at the Services if the bite occurred on the owner's premises and the animal was provoked. Final authority as to place of confinement rests with the County Health Director. After reviewing the circumstances of a particular case, the County Health Director may permit the animal to be confined on the premises of the owner, but

only after an inspection and recommendation from the Animal Services Director. The Animal Services Director's recommendation shall be based on whether or not there is a suitable, secure enclosure on the premises and other circumstances that warrant confinement on the owner's premises.

An owner or possessor of an animal which is suspected of having rabies shall immediately notify the County Health Director or Animal Services Director and shall securely confine the animal until further instructed by the County Health Director or Animal Services Director.

- (C) **DESTRUCTION OF INFECTED DOGS AND CATS:** If a dog or cat, in or out of confinement, develops rabies, as determined by a licensed veterinarian, it shall be the duty of the owner to have such animal euthanized under the supervision of the Animal Services Director. Any dog or cat known to have been bitten by another animal which is known or proved to be rabid shall be euthanized immediately by the owner or by the Animal Services Director, unless the dog or cat has been vaccinated against rabies more than three (3) weeks prior to being bitten and is given a booster dose of rabies vaccine within three (3) days of the bite.

#### **SECTION 4**

**SANCTIONS, PENALTIES, FINES AND REMEDIES.** Violations of this Article of the Columbus County Animal Control Ordinance are punishable by prosecution in criminal court as provided by G.S. 14-4, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, herein, or both. Collection of civil penalties may be by civil action or by the use of a collection agency.

- (A) **FAILURE TO KEEP RABIES TAGS ON DOGS AND CATS AT ALL TIMES:** It shall be a violation if a dog or cat is observed by an Animal Services Officer not wearing a valid rabies tag, regardless of whether or not the animal is on or off the owner's property and regardless of whether or not the animal has been vaccinated.
- (B) **FAILURE TO PRODUCE PROOF OF VACCINATION AND/OR FAILURE TO HAVE ANIMAL VACCINATED WHEN THE OWNER IS KNOWN:** In addition to any civil penalties imposed for violation of subsection (A) above, the owner of a dog or cat may be assessed another civil penalty, if he or she fails to produce proof of vaccination and/or fails to have the animal vaccinated within seventy-two (72) hours of the issuance of a written Notice of Violation and Civil Penalty. The Notice of Violation and Civil Penalty shall specify that the owner has seventy-two (72) hours to produce proof of vaccination and/or to have the animal vaccinated and failure to do so shall result in the assessment of a civil penalty. If the owner presents proof of vaccination within seventy-two (72) hours of the Issuance of the Notice of Violation, the civil penalty shall not be assessed. Having the animal vaccinated or showing proof of vaccination, shall not discharge the civil penalties assessed for violation of subsection (A) above.

If the animal is not vaccinated and/or the civil penalty is not paid within seventy-two (72) hours, Animal Services shall have the authority to summarily seize the animal. The owner

shall have five (5) days from the date of seizure to redeem the animal. The owner may redeem the animal by paying the civil penalty, the redemption fee, and all boarding fees. If the owner wishes to request a review of the seizure of the animal the owner must file a written request with the Animal Control Advisory Council within five (5) days of the seizure. If a timely request is filed, the Animal Control Advisory Council shall convene within ten (10) days of the receipt of said request. If the owner disagrees with the Animal Control Advisory Council decision, the owner must seek a review by the Columbus County Superior Court within ten (10) days of the issuance of the Advisory Council's written decision. If the owner fails to redeem the animal, or fails to timely request a review of the seizure, or fails to timely appeal the Advisory Council's written decision, the animal shall become the property of Columbus County and shall be disposed of according to this Ordinance.

The Animal Services Officer may, in addition, issue a criminal summons or warrant, pursuant to the North Carolina General Statute, 130A-25, for the owner's violation of the North Carolina General Statute 130A-185 or 130A-192. Any owner, if convicted, shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.

- (C) **DOGS OR CATS WITHOUT VALID RABIES TAGS AND THE OWNER IS UNKNOWN:** If a dog or cat is observed not wearing a valid rabies vaccination tag and the owner is unknown and cannot be found, the Animal Services Director or his designee may impound the animal. Written notice of impoundment shall be posted at the Animal Services for a minimum of five (5) days. If the animal has not been redeemed by the owner after five (5) days, the animal shall become the property of Columbus County to be of according to this Ordinance. If the owner is found, the animal shall be released upon payment of all redemption fees and a civil penalty for failure to wear a valid rabies vaccination tag. The owner may also be subject to other appropriate penalties described in Article IV, plus a civil penalty for the animal being at large.
- (D) **FAILURE TO PROVIDE ANIMAL SERVICES WITH RABIES VACCINATION CERTIFICATES:** Any veterinarian or certified rabies vaccinator who willfully refuses to turn over rabies vaccination certificates to Animal Services, pursuant to N.C. General Statute 130A- 189, shall be subject to the issuance of a criminal summons, or warrants, or the filing of a civil action to obtain the certificates.
- (E) **FAILURE TO NOTIFY THE COUNTY HEALTH DIRECTOR AND/OR THE ANIMAL SERVICES DIRECTOR OF A BITING INCIDENT AND FAILURE TO CONFINE BITING DOGS AND CATS:** If the owner of a dog or cat, or the person being bitten, or the parent of a child or other legal guardian, or person standing in loco parentis of the person, fails to notify the Health Director and/or the Animal Services Director and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved in a biting incident, or the owner, who has knowledge of a dog or cat biting incident, fails to confine the animal pursuant to Article Section 3, the Animal Services Director or the County Health Director may seek the issuance of a

criminal summons or warrant charging the person with a violation of North Carolina General Statute 130A-196.

### **ARTICLE III ANIMAL CRUELTY**

#### **SECTION 1**

DEFINITIONS. As used in this Article the following terms are defined below:

- (A) **ANIMAL:** Every non-human species, both domestic and wild.
- (B) **CRUELTY AND CRUEL TREATMENT:** Every act, omission, or act of neglect whereby unjustifiable, pain, suffering or death is caused or permitted, or attempted to be caused or permitted, against animals, as well as acts or attempted acts of teasing, molesting, baiting, or trapping animals unlawfully. By way of example and not limitation, the following acts or conditions shall constitute prima facie evidence of animal cruelty:
  - 1. a collar, rope, or chain embedded in or causing injury to an animal's neck.
  - 2. dogs or cats left out in the rain, snow, extreme heat, or cold without shelter.
  - 3. animals that have not been fed or watered adequately.
  - 4. intentionally allowing animals to engage in a fight.
  - 5. allowing animals to live in unsanitary conditions, and
  - 6. allowing animals to live under crowded conditions, and
  - 7. failure or refusal of an owner to obtain medical treatment for an animal when, in an Animal Services Officer's opinion, such treatment is needed.
- (C) **OWNER:** Any person or group of persons owning, keeping, having charge of, or taking care of an animal.
- (D) **PERSON:** Any human being, firm, partnership, or corporation including any nonprofit corporation.
- (E) **ADEQUATE SERVICES:** An enclosure of at least three (3) sides, a roof, and a floor. The enclosure shall be ventilated and must have sufficient room for the animal(s) to move around freely and to lie down comfortably. Animals housed under the following conditions shall not constitute adequate Services:
  - 1. underneath outside steps, decks, and stoops; or
  - 2. inside of vehicles; or

3. underneath vehicles; or
4. inside metal barrels placed in direct sunlight during the summer; or
5. inside cardboard boxes.

## **SECTION 2**

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

## **SECTION 3**

**GENERAL CARE AND PROHIBITED ACTS.** All animals shall be kept and treated under sanitary and humane conditions. Failure of the owner or possessor of the animal to abide by the provisions listed below shall subject the owner or possessor to the sanctions described in Section 5.

- (A) **FOOD, WATER AND SERVICES:** All animals in the possession of any persons shall be provided proper and adequate food and water. All animals, unless otherwise indicated in this Ordinance, shall be given at suitable intervals not to exceed twenty-four (24) hours, a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a healthful level of nutrition. All animals shall have access to a constant supply of clean, fresh water. All animals shall be provided proper and adequate services from the weather at all times.
- (B) **CLEAN SHELTERS:** All shelters for animals and the area surrounding said shelters shall be kept clean at all times.
- (C) **MEDICAL TREATMENT:** Owners or possessors of animals shall provide proper medical attention for sick, diseased, or injured animals. A sick animal shall go no longer than twenty-four (24) hours without veterinary care.
- (D) **CRUELTY AND CRUEL TREATMENT:** No person shall beat, torment, overload, overwork, tease, molest, or bait an animal or otherwise cruelly treat an animal as defined in Section 1(B) above. No person shall shoot a dog or any other animal, either on or off the owner's property, unless the animal is in the act of attacking a human being, sheep, cattle, hog, goat, or poultry or any domestic animal or as otherwise allowed by the N.C. Wildlife Resources Commission. This shall not apply to Animal Services Officers when in the performance of their duties. No person shall trap a dog or cat without the permission of Animal Services.
- (E) **ILLEGAL CONTEST OR COMBAT:** No person shall permit or instigate any dogfight, cockfight, bullfight, or other illegal contest or combat between animals or animals and humans.

- (F) **POISONING OF ANIMALS:** No person shall expose any known poisonous substance or mix a poisonous substance with food, so that it will likely be eaten by any animals. This does not include acts or attempts of persons to rid their own property of rats or any other acts permitted by the N.C. Wildlife Resources Commission.
- (G) **CONFINING ANIMALS TO MOTOR VEHICLES OR TRANSPORTING ANIMALS:** No person shall leave an animal in a closed car, truck, or other vehicle for such duration or at temperatures as an Animals Services Officer, in his sole discretion, deems harmful or potentially harmful to the animal. No person shall carry or cause to be carried in or upon any vehicle or other conveyance, any animal in a cruel or inhumane manner.
- (H) **ABANDONMENT:** No person shall turn loose or discard any domesticated animal or pet with the intent of abandoning such animal or pet.
- (I) **DISPOSING OF DEAD ANIMALS:** All possessors or owners of animals that die, from any cause, shall bury the dead animal to a depth of at least three (3) feet beneath the surface of the ground on his or her leased or owned property. No animal shall be buried within three hundred (300) feet of any flowing stream or public body of water. In the alternative, said animal shall be completely burned or otherwise disposed of in a manner approved by the State Veterinarian. In any event, all dead animals shall be disposed of within twenty-four (24) hours after knowledge of the death. No possessor or owner of a dead animal shall remove the carcass of a dead animal from his premises to the premises of another person without written permission of the person having charge of such premises and without burying said carcass as provided above.
- (J) **REPORTING INJURED OR KILLED DOMESTIC ANIMALS:** All persons who injure or kill a domesticated animal by running over, into, or otherwise coming in contact with such an animal with an automobile, motorcycle, bicycle, or other vehicle shall notify the owner of the animal immediately. If the owner is not known, the person who injured or killed the animal shall immediately notify the Animal Services Director, or the Police Department if the injury or death occurred in the city, or the Sheriff's Office if the injury or death occurred in the county. The person who injured or killed the animal shall give his or her name and address to the appropriate authority. An owner or lessee of real property who finds an injured or suffering domesticated animal on his property shall report the same to Animal Services as soon as the animal is discovered on the real property.
- (K) **ANIMALS GIVEN AWAY AS PRIZES:** No live animal shall be given away, raffled offered as a prize, premium of advertising device for, or as an inducement to enter, any contest, game or other competition involving skill or chance.
- (L) **PUBLIC EXHIBITS OF ANIMALS:** Animal Services shall have the authority to inspect public exhibits of animals which are a part of fairs, carnivals, festivals, fund raising events, petting zoos, and any other activity or function carried on in Columbus County. Columbus County Animal Services shall have the authority to close down any exhibit, function, or activity if it is determined that animals are being cruelly treated, or animals run the risk of

causing injury, or harm to the public, or run the risk of being injured or harmed themselves. Animal Services, the Health Department nor Columbus County accept any liability for any injury, damage of property, or loss visiting or monitoring public exhibits of animals.

#### **SECTION 4**

**FAILURE TO REPORT ANIMAL CRUELTY.** An owner or lessee of property who knows, or based on facts and circumstances should know, that animals are being or have been cruelly treated on the owner's or lessee's real property, shall report said act or acts of cruelty to the Animal Services Department. The owner or lessee of real property who fails to report acts of animal cruelty shall be subject to the appropriate sanctions described in Section 5 below.

#### **SECTION 5**

**SANCTIONS, PENALTIES, FINES AND REMEDIES.** Violations of this Article of the Columbus County Animal Control Ordinance, are punishable by prosecution in criminal court, as provided by North Carolina General Statute 14-4, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article XIII, herein, or both. Collection of civil penalties may be by civil action or by the use of a collection agency.

- (A) **FAILURE TO ADEQUATELY PROVIDE FOR ANIMALS AND CRUEL TREATMENT OF ANIMALS:** Whenever it has been determined by an Animal Services Officer that an animal is not being adequately provided for or is being cruelly treated, as defined in Section 1 subsection B above, he may file with the magistrate a sworn complaint requesting an order allowing him to take immediate custody of, and provide suitable care for, the animal. The magistrate, pursuant to North Carolina General Statute 19A-46 and this Ordinance, shall issue the order only when he finds probable cause to believe that the animal is being cruelly treated and that it is necessary for the Animal Services Officer to take immediate custody. Any magistrate's order issued under this section shall be valid for only twenty-four (24) hours after its issuance. After the Animal Services Officer executes the order, he shall return it with a written inventory of the animal(s) seized to the Clerk of Court.

The Animal Services Officer may request that a law enforcement officer accompany him to help seize the animal. He may forcibly enter any premises or vehicle when necessary, to execute the order only if he reasonably believes that the premises or vehicle is unoccupied by any person, and that the animal is on the premises or in the vehicle, and only if the Animal Services Officer is accompanied by a law enforcement officer. In any case, he must give notice of his identity and purpose to anyone who may be present before entering the premises. If the premises is occupied and access to the premises and the animal is denied by the occupant, the Animal Services Officer shall obtain a judicial order from a District Court Judge authorizing forcible entry. Forcible entry shall only be used during the daylight hours.

When the Animal Services Officer seizes an animal, he must leave with the owner, if known, or affix to the premises or vehicle, a copy of the magistrate's order and a written notice of the description of the animal, the place where the animal will be taken, the reason for taking the animal, a list of conditions, if any, which must be met before the owner can

redeem the animal, and the Animal Services Officer's intent to file a complaint in District Court requesting custody of the animal if the conditions are not met.

When the Animal Services Officer takes custody of such an animal, he shall file a verified complaint asking the District Court to determine custody of the animal. The Animal Services Officer may also seek injunctive relief and any other relief he deems appropriate. This complaint shall be filed as soon as possible, but in no event, longer than thirty (30) days after the taking of the animal. If the owner surrenders the animal, the Animal Services Officer does not have to file a complaint seeking custody of the animal.

The Animal Services Officer must take any animal seized directly to a safe and secure place and provide suitable care for it. The necessary expenses of caring for a seized animal, including necessary veterinary care, shall be a charge against the animal's owner and a lien on the animal to be enforced as provided by North Carolina General Statute 44A-4.

- (B) **ALTERNATIVE REMEDY AND SANCTION:** If it is determined by an Animal Services Officer that an animal is not in immediate danger, or the condition or problem which gives rise to inadequate care or cruel treatment can be corrected immediately or within a short period of time, not to exceed seventy-two (72) hours, he may, in lieu of Section 5, Subsection (A), issue a written Notice of Violation requesting the owner or possessor of the animal to cease and desist or to correct the problem within seventy-two (72) hours. If the condition or problem is not corrected within seventy-two (72) hours, or the owner or possessor of the animal fails to cease or desist from the cruel treatment, or fails to adequately provide the animal, the Animal Services Officer may take action as outlined in Section 5, Subsection (A) above.
- (C) **VIOLATION OF SECTION 3, SUBSECTION B (CLEAN SERVICES):** Notwithstanding the other provisions and sanctions of this Article, when it has been determined by an Animal Services Officer that animals have been allowed to live in unsanitary conditions, and that said conditions resulted from the owner's unwillingness or inability to clean the area where animals are housed or that the conditions resulted from the number of animals involved, Animal Services may summarily seize the animals. Before the animals are seized, the Animal Services Director or Health Director shall issue a Declaration of Unsanitary Conditions and Notice of Seizure to the owner. If the owner wishes to request a review of the seizure of the animals, the owner must file a request with the Animal Control Advisory Council within five (5) days of the seizure. If a timely request is filed, the Animal Control Advisory Council shall convene within ten (10) days of the filing of said request. If within ten (10) days of the filing of said request, the owner disagrees with the Animal Control Advisory Council's decision, the owner must seek review by the Columbus County Superior Court within ten (10) days of the issuance of the Advisory Council's written decision. If the owner fails to timely request a review of the seizure or fails to timely appeal the Council's written decision, the animal shall become the property of Columbus County and shall be disposed of according to this Ordinance.
- (D) **VIOLATION OF SECTION 3, SUBSECTIONS (D), (E), (F), (G), (H), or (I):** When it has been determined by an Animal Services Officer that there has been a violation of one or

more of the following Subsections (D), (E), (F), (G), (H), or (I), he may initiate the issuance of a criminal summons or warrant for violating the following criminal statutes:

1. N.C. General Statute 14-360, Cruelty to Animals
2. N.C. General Statute 14-361.1, Abandonment of Animals
3. N.C. General Statute 14-362 and 14-362.1, Cockfighting, and other Animal fights
4. N.C. General Statute 14-363, Transporting Animals Cruelly
5. N.C. General Statute 14-401, Animal Poisoning
6. N.C. General Statute 106-403 and 106-405, Disposing of Dead Animals

Any person found guilty under any of the above criminal statutes shall be subject to the penalty therein prescribed, or if no penalty therein prescribed, or if no penalty is prescribed, then according to N.C. General Statute 14-4.

- (E) **VIOLATION OF SECTION 3, SUBSECTION J (REPORTING INJURED OR KILLED DOMESTIC ANIMALS):** When it has been determined by an Animal Services Officer that a domesticated animal has been injured or killed, as a result of coming into contact with an automobile, motorcycle, bicycle, or other vehicle, and the person operating said conveyance fails to report the same, and the operator can be identified by an eyewitness or physical evidence, the Animal Services Officer may issue a written Notice of Violation and Civil Penalty to the operator.

Any owner or lessee of real property who fails to report the existence of an injured or suffering domesticated animal on his property as required by Section 3, Subsection J above, may be issued a written Notice of Violation and Civil Penalty.

- (F) **VIOLATION OF SECTION 3, SUBSECTIONS (K) OR (L) (ANIMALS AS PRIZES AND PUBLIC EXHIBITS OF ANIMALS):** Any person who violates Section 3, Subsection K shall be subject to the issuance of a criminal warrant or summons and, if convicted, shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisoned for not more than six (6) months. Any person who fails or refuses to close down an exhibit, function, or activity after being instructed to do so by Animal Services shall be subject to the issuance of a criminal warrant or summons and, if convicted, shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.

## **ARTICLE IV ANIMALS AT LARGE AND CONFINEMENT OF DOGS IN ESTRUS**

### **SECTION I**

EXEMPTION. This Article shall not apply to cats. Cats are covered under Article V.

### **SECTION 2**

DEFINITIONS. As used in this Article, the following terms shall have the meanings set forth below:

- (A) ANIMAL: Every non-human species, both domestic and wild.
- (B) AT LARGE: Any animal found off of the property of its owner and not under physical restraint of a competent person shall be deemed at large. Any animal, which has been the subject of a previous at large complaint, shall be deemed at large when found unrestrained on the owner's property.
- (C) IN ESTRUS: A female dog in what is commonly called "heat".
- (D) NIGHTTIME: The time one hour after sunset and one hour before sunrise.
- (E) OWNER: Any person, group of persons, firm, partnership, or corporation owning, keeping, having charge, or taking care of any animal or allowing any animal to remain on its property for seventy-two (72) hours.
- (F) OWNER'S PROPERTY: The owner's property is that area described in a deed of conveyance or the area described in a lease. In a situation involving townhouses or condominiums, Animal Services will treat the "Common Areas" as being owned by the Homeowner's Association. In a situation involving leased apartments, Animal Services will treat the "Common Areas", as being owned by the Lessor/Property Owner.
- (G) PRIOR COMPLAINTS: For purposes of this Ordinance, any prior verbal or written complaint to Animal Services about a specific animal being at large, or any verbal or written complaint about any animals of an owner being at large, shall constitute a prior complaint.
- (H) RESTRAINT: An animal is under restraint if it is
  - 1. controlled by means of a chain, leash, or other like device; or
  - 2. within a vehicle or a secure enclosure; or
  - 3. under the control of a licensed hunter while said animal is in the act of hunting or training to hunt. A dog which is hunting for game for which its Owner must hold a hunting license as required by the State of North Carolina; or
  - 4. participating in a dog show or field trial.

Voice command is not recognized as adequate restraint.

### **SECTION 3**

**ANIMALS AT LARGE.** The owner of an animal shall keep the animal on his property, or under restraint at all times. Any animal that has been reported as being off of the owner's property, or has previously caused injury to a person or animal, or has displayed vicious tendency, or has been

a public nuisance, must be restrained by leash, chain, fence, or enclosure by the owner even when on the owner's property.

#### **SECTION 4**

**FEMALE DOG IN ESTRUS.** An owner shall secure a female dog in estrus within a building or secure enclosure.

#### **SECTION 5**

**SANCTION, PENALTIES, FINES AND REMEDIES.** Violations of this Article of the Columbus County Animal Control Ordinance are punishable by prosecution in criminal court as provided by North Carolina General Statute 14-4, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties as prescribed in Article XIII, herein, or both. Collection of civil penalties may be by civil action or by the use of a collection agency.

- (A) **ANIMAL AT LARGE:** If Animal Services received a "first time" at large complaint and an Animal Services Officer does not personally observe the animal at large, the officer shall investigate said complaint. The Animal Services Officer shall have authority to go on and about private property to investigate said complaint. Upon a finding of probable cause to believe the animal was at large, he may issue a written Notice of Violation and Civil Penalty. If an Animal Services Officer observes an animal off of the owner's property and not under restraint, he may impound the animal.

The owner of an animal deemed at large may be issued a written notice of violation and assessed a civil penalty for the first violation and additional civil penalties for each subsequent violation. If the animal is impounded, the owner must redeem the animal within five (5) days. If the owner fails to redeem the animal within five (5) days, the animal shall become the property of Columbus County and may be disposed of according to this Ordinance. To redeem the animal, the owner must pay the civil penalty, all boarding fees, and the redemption fee. The owner of a dog, which is involved in the unprovoked bite of another person, while the dog is running at large, shall be assessed a civil penalty.

When the same animal has been impounded three (3) times or the owner has been cited three (3) times for his animal(s) being at large, the Animal Services Director shall declare the animal(s) a public nuisance and/or cite the owner for maintaining a public nuisance. The animal(s) shall then be housed or confined according to the instructions of the Animal Services Director. If the animal(s) is/are subsequently found at large or the owner is subsequently cited for his animal(s) being at large, the Animal Services Director or Health Director may impound the animal(s) and initiate an action in District Court for custody of the animal or animals based on the owner's failure to abate the nuisance.

- (B) **DOG AT LARGE AT NIGHT:** When the Animal Services Director has probable cause to believe that a dog was or is at large at night, he may initiate the issuance of a criminal summons or warrant charging the owner with a violation of North Carolina General Statute 67-12. Any person convicted under North Carolina General Statute 67-12 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months. The owner of a dog that allows same to run

at large at night shall also be liable in damages to any person injured or suffering lost to his property or chattels.

- (C) **FAILURE TO CONFINE FEMALE DOG IN ESTRUS:** When the Animal Services Director has probable cause to believe that an owner has failed or refused to confine a female dog in estrus (heat) in a building or secure enclosure, he shall initiate the issuance of a criminal summons or warrant charging the owner with a violation of North Carolina General Statute 67-2. Any person convicted under G.S. 67-2 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months.
- (D) **PRIVATE REMEDIES:** Nothing in this Article shall prevent a private citizen from suing the owner of an animal, which has caused injury to said private citizen or his property for damages or any other loss resulting from an animal being at large.

**ARTICLE V**  
**CATS AS PUBLIC NUISANCE AND CONFINEMENT OF CATS IN ESTRUS**

**SECTION 1**

**DEFINITIONS.** As used in this Article the following terms shall have the meanings set forth below:

- (A) **CATS:** Any and all domestic Felines.
- (B) **IN ESTRUS:** A female cat in what is commonly called "heat".
- (C) **NUISANCE:** Any act or acts of a cat or its owners which annoys and disturbs rights and privileges common to the public or the enjoyment of private property. The commission on more than one occasion of any of the following acts or conditions shall be deemed prima facie evidence of a nuisance when a cat:
  - 1. gets into or turns over garbage pails; or
  - 2. walks on and sleeps on automobiles of another; or
  - 3. damages gardens or other foliage or other real or personal property; or
  - 4. is found on the property of another; or
  - 5. roams; or
  - 6. is maintained in an unsanitary condition so as to be offensive to sight or smell; or
  - 7. in estrus is not confined to a building or secure enclosure.

- (D) **OWNER:** Any person, group of persons, firm, partnership, or corporation owning, keeping, having charge, or taking care of any cat or allowing any cat to remain on its property for more than seventy-two (72) hours.
- (E) **OWNER'S PROPERTY:** The owner's property is that area described in a deed of conveyance or the area described in a lease in a situation involving townhouses or condominiums, Animal Services will treat the "Common Areas" as being owned by the Homeowner's Association. In a situation involving leased apartments, Animal Services will treat the "Common Areas" as being owned by the Lessor/Property Owner.
- (F) **PRIOR COMPLAINTS:** Any verified verbal or written complaint to Animal Services about a specific cat being a nuisance or any verified verbal or written complaint about an owner allowing his cat or cats to be a nuisance shall constitute a prior complaint.

## **SECTION 2**

**CAT NUISANCE.** It shall be a violation of this Ordinance for an owner to allow his cat(s) to engage in any of the acts listed in Section 1, Subsection C above, on more than one occasion. The owner and the cat shall be subject to the sanctions, penalties, fines, and remedies stated in Section 4.

## **SECTION 3**

**FEMALE CATS IN ESTRUS.** Any owner who fails to secure a female cat in estrus (heat) within a building or secure enclosure shall be in violation of this Article and North Carolina General Statute 67-2.

## **SECTION 4**

**SANCTIONS, PENALTIES, FINES AND REMEDIES.** Violations of this Article of the Columbus County Animal Control Ordinance are punishable by prosecution in criminal court as provided by North Carolina General Statute 14-4, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties as prescribed in Article XIII, herein, or both. Collection of civil penalties may be by civil action or by the use of a collection agency.

- (A) **CAT NUISANCE:** Upon receiving a first complaint about a cat or cat owner and after finding probable cause to believe that the cat or cat owner has committed one or more acts listed in Section 1, Subsection C above, Animal Services may issue a written or verbal warning to the owner. If Animal Services received a second complaint about a cat, and after investigating said complaint there is probable cause to believe that a cat or the owner has again engaged in one or more acts described in Section 1 Subsection C above, the Animal Services Director may issue a written Declaration of Nuisance to the owner. If, while Animal Services is investigating the second complaint, the cat is physically caught on the property of another, it may be returned to its owner, if known, if the owner is at home. If the owner is known but not at home or if the owner is unknown, the cat may be impounded. The owner shall have five (5) days to redeem the cat. The owner, paying all boarding, may redeem the cat. If the owner fails to redeem the cat within five (5) days, the cat shall become the property of Columbus County and may be disposed of according to

this Ordinance. No civil penalty shall be issued for the cat or the owner allowing the cat to be a nuisance at this time.

When the same cat has been impounded three times or the owner has been cited three (3) times for his cat(s) being a nuisance, the Animal Services Director may issue a Notice of Abatement which contains specific written instructions as to how the cat(s) must be confined to the owner's property. If the cat(s) is/are subsequently found to be a nuisance or the owner is subsequently cited for allowing his cat(s) to be a nuisance, Animal Services may impound the cat(s) and the Animal Services Director shall initiate an action in District Court for the custody of the cat(s) based on the owner's failure to abate the nuisance.

- (B) **FAILURE TO CONFINE A FEMALE CAT IN ESTRUS:** When the Animal Services Director has probable cause to believe that an owner has failed or refused to confine a female cat in heat in a building or secure enclosure, he may initiate the issuance of a criminal summons or warrant charging the owner with a violation of North Carolina General Statute 67-2. Any person convicted under North Carolina General Statute 67-2 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months.
- (C) **PRIVATE REMEDIES:** Nothing in this Article shall prevent a private citizen from suing the owner of a cat, which has caused injury to said private citizen or his property for damages or any other loss resulting from a cat being a public nuisance.

## **ARTICLE VI ANIMAL NUISANCE**

### **SECTION 1**

**DEFINITIONS.** As used in this Article the following terms shall have the meanings set forth below:

- (A) **ANIMAL:** Every non-human species, both domestic and wild.
- (B) **ANIMAL NUISANCE:** Any act or acts of an animal or its owner, which annoys and disturbs rights and privileges common to the public or the enjoyment of private property. The following acts shall be deemed prima facie evidence of an animal nuisance when the animal:
  - 1. is at large off of the premises of its owner and not under restraint of a person; or
  - 2. chases, snaps at, attacks, or otherwise molests pedestrians, bicyclists, motor vehicle passengers, or farm stock, or domestic animals; or
  - 3. gets into or turns over garbage pails; or
  - 4. damages gardens or other foliage or other real or personal property; or

5. habitually or continuously loiters on school grounds or official County parks or recreation areas or City parks or recreation areas (applicable in the City only if the enforcement of this Ordinance is adopted by a city in Columbus County by resolution); or
  6. is a dangerous animal as defined in Article VIII, herein; or
  7. is maintained in an unsanitary condition as to be offensive to sight or smell; or
  8. is diseased and dangerous to the health of the public.
- (C) OWNER: Any person, group of persons, firm, partnership, or corporation owning, keeping, harboring, having charge of, or taking care of any animal or allowing any animal to remain on its property seventy-two (72) hours.

#### **SECTION 2**

EXEMPTION. This Article shall not apply to cats. Cats are covered under Article V, herein.

#### **SECTION 3**

ANIMAL CREATING A NUISANCE. The owner shall be responsible for any animal creating a nuisance, and it shall be a violation of this Article if an animal engages in any of the acts mentioned in Section I, Subsection B above, or Section 4 below, or any other acts which annoy and disturb rights and privileges common to the public or the enjoyment of private property.

#### **SECTION 4**

ANIMAL HOUSED OR RESTRAINED LESS THAN 15 FEET FROM PUBLIC WAY. Any animal housed or restrained less than fifteen (15) feet from public street, road, or sidewalk may be deemed a public nuisance if, in the discretion of Animal Services, the animal poses a threat to the general safety, health, and welfare of the general public.

#### **SECTION 5**

INTENTIONALLY OR WILLFULLY CAUSING AN ANIMAL TO VIOLATE THIS ARTICLE. It shall be a violation of this ordinance for a person to intentionally or willfully cause an animal to be a public nuisance.

#### **SECTION 6**

SANCTIONS, PENALTIES, FINES AND REMEDIES. Violations of this Article of the Columbus County Animal Control Ordinance are punishable by prosecution in criminal court as provided by North Carolina General Statute 14-4, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action or by the use of a collection agency.

- (A) WARNINGS: When an Animal Services Officer determines that a violation of Section 3 of this Article has occurred, he may issue a written Warning of Violation and Notice of Public Nuisance, which shall be served on the owner. The owner shall be responsible for

abating the nuisance within seventy-two (72) hours by making sure his animal does not engage in any further act or acts which may constitute a nuisance.

- (B) **FAILURE TO ABATE THE NUISANCE:** If the animal engages in any further act(s) or if the owner of the animal fails to abate the condition which constitutes the nuisance within seventy-two (72) hours, the Animal Services Officer may issue a Notice of Violation and Civil Penalty for the first offense and additional penalties for any subsequent offense. If the owner fails to abate the nuisance after the second civil penalty, Animal Services may seize and impound the animal. If the animal is seized, the Animal Services Director or his designee must post a notice of seizure and impoundment with the owner. The owner may reclaim the animal upon payment of civil fees, redemption fees, and boarding. If the animal is not reclaimed within five (5) days, it shall become the property of Columbus County Animal Services and shall be disposed of according to this ordinance.
- (C) **OWNER UNKNOWN:** In situations where the owner of an animal is unknown and the animal is a nuisance, the Animal Services Director shall impound the animal. If the owner does not redeem the animal within five (5) days, the animal shall become the property of Columbus County and can be disposed of according to this Ordinance.
- (D) **ANIMAL HOUSED OR RESTRAINED LESS THAN 15 FEET FROM PUBLIC WAY:** Notwithstanding the other sanction mentioned above, when it has been determined by an Animal Services Officer that an animal has been housed or restrained within fifteen (15) feet of a public street, road, or sidewalk, and the animal poses a threat to the public, but the animal is not in the street, road, or on the sidewalk, he shall issue a warning to the owner requesting the owner to move the animal. If the owner refuses to move the animal, the Animal Services Officer shall issue a Notice of Violation and Civil Penalty for the first offense and additional penalties for each subsequent offense. After the second offense, the Animal Services Officer may impound the animal. He must leave a Notice of Impoundment with the owner or affix the notice to the premises. The owner shall have five (5) days to redeem the animal. If the animal is redeemed, the owner must pay the redemption fee, the civil penalty, and all boarding fees. If the owner fails to redeem the animal within five (5) days, the animal shall become the property of Columbus County to be disposed of according to this Ordinance.

If an animal is housed or restrained within fifteen (15) feet of a public street, road, or sidewalk, and the animal poses a threat to the public, and it is found in the public street, road, or on the sidewalk, and the owner is not at home or refuses to remove said animal from the public street, road, or sidewalk, the Animal Services Officer may impound the animal. He must leave a Notice of Impoundment with the owner or affix the notice to the premises. The Animal Services Officer may issue a Notice of Violation and Civil Penalty for a first offense and additional penalties for each subsequent offense. The owner shall have five (5) days to redeem the animal. If the animal is redeemed, the owner must pay the redemption fee, the civil penalty, and all boarding fees. If the owner fails to redeem the animal within five (5) days, the animal shall become the property of Columbus County to be disposed of according to this Ordinance.

- (E) **INTENTIONALLY OR WILLFULLY CAUSING AN ANIMAL TO VIOLATE THIS ARTICLE:** If Animal Services finds that there is probable cause to believe that a person has intentionally or willfully caused or enticed an animal to be in violation of this Article, it may initiate the issuance of a criminal summons or warrant. Any person found guilty of Section 4 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.
- (F) **PRIVATE REMEDIES:** Nothing in this Article shall prevent a private citizen from suing the owner of an animal that has caused injury to said private citizen or his property for damages or any other loss resulting from an animal being a nuisance.

## **ARTICLE VII KEEPING STRAY ANIMALS**

### **SECTION 1**

**DEFINITIONS.** As used in this Article the following terms shall have the meanings set forth below:

- (A) **ANIMAL:** Every non-human species, both domestic and wild, especially dogs and cats.
- (B) **STRAY:** An animal within the County wandering at large or lost without evidence of the identification of an owner, or any animal within the County whose owner, if determinable, has failed to pay for and procure a license or vaccination tag, shall be deemed a stray.

### **SECTION 2**

**KEEPING STRAY ANIMALS.** It shall be unlawful for any person to harbor, feed, keep in possession by confinement, or otherwise any stray animal which does not belong to him or her, unless he or she has, within seventy-two (72) hours from the time such animal came into his or her possession, notified Animal Services.

### **SECTION 3**

**REFUSAL TO SURRENDER A STRAY ANIMAL.** It shall be unlawful for any person to refuse to surrender a stray animal to Animal Services upon demand.

### **SECTION 4**

**SANCTIONS, PENALTIES, FINES AND REMEDIES.** Violations of this Article of the Columbus County Animal Control Ordinance are punishable by prosecution in criminal court as provided by North Carolina General Statute 14-4, unless a greater penalty is provided elsewhere, by the imposition of civil penalties, as prescribed in Article XIII, herein or both. Collection of civil penalties may be by civil action or by the use of a collection agency.

- (A) **KEEPING STRAY ANIMALS:** When the Animal Services Director or an Animal Services Officer has determined that a person has violated Section 2 above, he may issue a written Notice of Violation and Civil Penalty to the person in violation. Once Animal Services takes possession of a stray animal, it shall be placed in the County's Animal Services for redemption by the owner. If the owner is not found or the animal is not

redeemed after five (5) days, the animal shall become the property of Columbus County and may be disposed of according to this Ordinance.

- (B) **REFUSAL TO SURRENDER STRAY ANIMAL:** Any person who fails refuses to surrender a stray animal to Animal Services after demand, if convicted, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

**ARTICLE VIII  
DANGEROUS DOG OR OTHER DANGEROUS ANIMAL**

**SECTION 1**

**DEFINITIONS.** As used in this Article the following terms shall have the meanings set forth below:

- (A) **AT LARGE:** When any previously determined dangerous dog or other dangerous animal is off of the property of its owner and not under restraint, or when any previously determined dangerous dog or other dangerous animal is not confined to a secure enclosure while on the property of its owner, it shall be deemed at large.
- (B) **DANGEROUS ANIMAL:** A dog or other animal that:
- (a) without provocation has killed or inflicted severe injury on a person; or
  - (b) is determined by the Animal Services Director or Officer to be potentially dangerous because the animal has engaged in one or more of the behaviors listed in the definition of a potentially dangerous animal; or
  - (cc) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
- (C) **POTENTIALLY DANGEROUS ANIMAL:** A dog or any other animal that without provocation has killed or inflicted severe injury on a person, or a dog, or another animal that has:
- 1. inflicted a bite on a person that resulted in broken bones, or disfiguring lacerations, or required cosmetic surgery, or hospitalization; or
  - 2. killed or inflicted severe injury upon domestic animal when not on the owner's real property; or
  - 3. approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
- (D) **OWNER:** Any person, group of persons, firm, partnership, or corporation owning, keeping, harboring, having charge of, or taking care of a dangerous dog or other dangerous

animal, or allowing a dangerous dog or other dangerous animal to remain on its property for seventy- two (72) hours.

- (E) **OWNER'S PROPERTY:** Any real property owned or leased by the owner of a dangerous dog or other dangerous animal, not including any public right-of-way or the common areas of a condominium, apartment complex, or townhouse development.
- (F) **RESTRAINT:** An animal is restrained if it is firmly under the control of a competent person by means of a leash, chain, or rope, at all times. When a dangerous dog or other dangerous animal is off of the property of its owner, restraint shall also include a secure muzzle on the animal. For purposes of this section, tying a dangerous dog or dangerous animal to a stake, pipe, tree, or any other stationary object shall not constitute restraint. When the animal is not under the control of a competent person, restraint shall mean confinement to a secure building or enclosure deemed appropriate by the Animal Services Director.
- (G) **SECURE BUILDING OR ENCLOSURE:** A building or enclosure from which a dangerous dog or other dangerous animal cannot escape unless freed by an owner. Outside enclosures shall be of a size appropriate for the animal it will hold, and must have a concrete floor, suitable weight wire, a top, and must be equipped with a padlock. Such outdoor facilities must be approved by the Animal Services Director.

## **SECTION 2**

**EXEMPTION.** This Article shall not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties, or a dog being used in a lawful hunt, or a dog used as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, or a dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

## **SECTION 3**

**DETERMINATION OF DANGEROUSNESS.** If the Animal Services Director or Officer receives information that a dog or any other animal has exhibited or committed any of the acts described in the potentially dangerous animal definition above, he must make a determination as to whether the animal is potentially dangerous. The Director or Officer must issue written determination within five (5) days of learning about the dangerous propensity of the animal. Whatever determination the Director or Officer makes must be placed in writing. The decision must contain his reasons for declaring or not declaring the animal potentially dangerous. If the animal is declared potentially dangerous, specific instructions in accordance with Section 4 of this Article shall be given. These instructions must be followed during the pendency of any appeal filed by the owner and at all times thereafter, unless the owner prevails on appeal. The written decision shall be served on the owner of the animal. If the owner of the animal disagrees with the Director's or Officer's decision, he must file a written Appeal and Request the Hearing with the Animal Control Advisory Council within five (5) days of receiving the written decision. The Animal Control

Advisory Council shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Animal Control Advisory Council shall render a decision within three (3) days after the hearing and serve the same on the owner. The owner may appeal the Animal Control Advisory Council decision to the Superior Court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the Animal Control Advisory Council. The appeal shall be heard de novo in Superior Court pursuant to North Carolina General Statute 67-4.1 (c).

#### **SECTION 4**

**CONFINEMENT AND RESTRAINT OF A DANGEROUS DOG OR OTHER DANGEROUS ANIMAL.** The owner of a dangerous dog or other dangerous animal shall keep the animal within a secure building or enclosure, as defined in Section 1 of this Article, on his property, or on the property of another with written permission. When the animal is off of the property of the owner, it must be securely muzzled and under restraint by a competent person who by means of a leash, chain, or rope has the animal firmly under control at all times. The owner shall notify Animal Services immediately of an escape by the animal. All dangerous dogs must be microchipped for identification by a licensed Veterinarian within thirty (30) days, at the owner's expense and Animal Services provided with the identification number. All owners of dangerous dogs must purchase a sign from Animal Services that states, "DANGEROUS DOG" and post same on the enclosure where said dog is confined.

#### **SECTION 5**

**TRANSFER OF OWNERSHIP OF A DANGEROUS ANIMAL.** If the owner of a dangerous dog or other dangerous animal transfers ownership or possession of the animal to another person, the owner shall provide written notice to the new owner or person taking possession that the animal is dangerous, as defined in this Article and the owner shall provide Animal Services with written notice that ownership or possession of the animal is being transferred.

#### **SECTION 6**

**SANCTIONS, PENALTIES, FINES AND REMEDIES.** Violations of this Article of the Columbus County Animal Control Ordinance are punishable by prosecution in criminal court as provided by North Carolina General Statute 14-4, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties as prescribed in Article XIII, or both. Collection of civil penalties may be by civil action or by the use of a collection agency.

- (A) **DANGEROUS DOG OR OTHER DANGEROUS ANIMAL FOUND AT LARGE:** If an animal, which has previously been determined to be dangerous by the Health Director, is found at large, it may be tranquilized or humanely destroyed by an Animal Services Officer with or without prior notice to the owner, only after unsuccessful attempts to catch it and authorization from the Animal Services Director. If an Animal Services Officer does tranquilize or humanely destroy such an animal, he shall submit a written report of the incident to the Animal Services Director within seventy-two (72) hours of the incident and shall make a good faith attempt to notify the owner of the incident.

If an animal which previously has been determined to be dangerous by the Animal Services Director or Officer is determined by an Animal Services Officer to pose immediate danger to the

health and safety of any person or animal, the dangerous animal may be tranquilized or humanely destroyed at the Animal Service Officer's discretion, with or without prior notification to the owner. In the event the Animal Services Officer does tranquilize or humanely destroy such animal, he shall submit a written report of the incident to the Animal Services Director, within seventy-two (72) hours of the incident and shall make a good faith attempt to notify the owner of the incident.

If a dangerous animal is caught while at large or seen at large, it may be impounded. Animal Services may go upon private property to seize the animal. If the dangerous animal has caused injury to a person or another animal while at large, the Animal Services Director may issue a Notice of Intent to Destroy the Animal to the owner. The owner may appeal this intended action by filing a written request with the Animal Control Advisory Council within five (5) working days of receiving the written decision. The Animal Control Advisory Council shall schedule a hearing within ten (10) days of receiving the Appeal and Request for Hearing. The Animal Control Advisory Council shall hear the appeal and render a final written decision within three working (3) days after the hearing, and serve the same on the owner. The owner may appeal the Animal Control Advisory Council decision to the Superior Court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the Animal Control Advisory Council. If the owner fails to seek a timely review of the Animal Services Director's Notice of Intent to Destroy the Animal or if he fails to file a timely appeal of the Animal Control Advisory Council's decision, Animal Services may humanely destroy the animal. If a dangerous animal has not caused injury to a person or another animal while at large, the owner may redeem the animal after payment of all shelter and civil penalties. If the civil penalty and all other fees are not paid within five (5) days after impoundment, the Animal Services Director may humanely destroy the animal.

- (B) **FAILURE TO CONFINE OR RESTRAIN A DANGEROUS ANIMAL AND FAILURE TO PROVIDE NOTICE OF TRANSFER:** Any owner who fails to confine or restrain a dangerous animal or any owner who fails to provide the written notices described in Section 5 above, or violates any provisions of this Article shall be subject to the sanctions, fines, penalties, and remedies mentioned above as well as being subject to the issuance of a criminal warrant or summons. If convicted, the owner shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not more than six (6) months, or both (N.C.G.S. 67-4.2) (c)).
- (C) **INJURY CAUSED BY A DANGEROUS ANIMAL:** The owner of a dangerous animal that attacks a person and causes physical injuries requiring medical treatment in excess of one hundred dollars (\$100.00), shall be guilty of a misdemeanor punishable by a fine of up to five thousand dollars (\$5,000.00), imprisonment up to two (2) years, or both (N.C.G.S. 674.3).

## **ARTICLE IX WILD OR EXOTIC ANIMALS AND POISONOUS REPTILES**

### **SECTION 1**

**DEFINITIONS.** As used in this Article the following terms shall have the meanings set forth below:

- (A) **ENCLOSURE OR CONFINEMENT FACILITY:** Any cage, pen, or other housing for keeping wild or exotic animals or poisonous reptiles. Enclosures or confinement facilities shall be classified as primary or secondary enclosures. A primary enclosure is any cage, pen, or other housing designed and used for the purpose of restraining and confining a wild or exotic animal or poisonous reptile. A secondary enclosure is any cage, pen, or other housing not used for the primary confinement, exercise or training of a wild or exotic animal or poisonous reptile. All secondary enclosures shall encompass primary enclosures where wild or exotic animals or poisonous reptiles are kept. All primary and secondary enclosures shall be constructed and maintained pursuant to Section 5 of this Article.
- (B) **EXOTIC ANIMAL:** Any living animal, which is strikingly or excitingly different or unusual and not ordinarily kept as a pet or domesticated animal, by way of example, exotic animals shall include but not limited to lions, tigers, apes, monkeys, poisonous reptiles, and poisonous spiders. A hybrid of any animal listed in the example above, regardless of genetic percentages, shall be deemed exotic.
- (C) **OWNER:** Any person, group of persons, firm, partnership, or corporation owning, keeping, harboring, having charge of, taking care of, or allowing a wild or exotic animal or poisonous reptile to remain on its property for seventy-two (72) hours.
- (D) **POISONOUS REPTILE:** Any animal that crawls or moves on its belly as a snake or on small, short legs as a lizard and has the capability of injecting humans or animals with venom which may cause death or physical injury.
- (E) **WILD ANIMAL:** Any animal not normally domesticated. By way of example, wild animals shall include but not be limited to wild cats, wolves, bears, and raccoons. A hybrid of any animal listed in the example above, regardless of genetic percentages, shall be deemed a wild animal.

## **SECTION 2**

**EXEMPTIONS.** Any non-profit institution, which owns or harbors wild and exotic animals or poisonous reptiles for research or educational purposes, provided that such institution is licensed by the Department of Agriculture or Interior, shall be exempt from this Ordinance. Owners of the following animals or reptiles shall be exempt from this Article:

1. Non-poisonous reptiles;
2. Rodents;
3. Fish; or

4. Birds.

Pet shops shall be exempt from this Article. Traveling fairs, circuses, and carnivals also shall be exempt from this Article.

**SECTION 3**

**PERMIT REQUIRED TO OWN OR HARBOR A WILD OR EXOTIC ANIMAL OR A POISONOUS REPTILE.** Every owner of a wild or exotic animal or poisonous reptile shall be subject to the following regulations:

- (A) **PERMIT:** No owner may keep a wild or exotic animal, or poisonous reptile in Columbus County without first obtaining and then maintaining all permits required by the Federal Government, the State of North Carolina, and Columbus County Animal Services. Any nonresident of Columbus County who brings a wild or exotic animal or poisonous reptile into this County for a period of at least twenty-four (24) hours shall obtain a temporary permit from Animal Services. Any nonresident of Columbus County who brings a wild or exotic animal or poisonous reptile into this County for short periods of time, but on a regular basis, must obtain an annual permit. What constitutes a regular basis shall be in the sole discretion of the Animal Services Director.
- (B) **APPLICATION:** An owner of a wild or exotic animal or poisonous reptile must complete an application, which shall be supplied by Animal Services. The application once completed, shall contain the following information:
  - 1. Name, address, and telephone number of the applicants.
  - 2. If a corporation, the State of incorporation, the address of the principal office and the names and addresses of its officers.
  - 3. If an entity other than a corporation, the name thereof, the location of its office and the names and addresses of the principal officers, directors, trustees, or managing officials or partners.
  - 4. Statement of the owner's purpose in keeping the animal or reptile.
  - 5. The place of origin of the animal or classes of animals or reptile or classes of reptiles.
  - 6. A description of the animal or reptile including species.
  - 7. The address of the premises where the animal or reptile will be kept.
  - 8. A description of the method, materials, and square footage of facilities for confinement of the animal or reptile.
  - 9. Proof of the applicant's ability to respond in damages for bodily injury, or death of any person, or for damages to property owned by another person which may result from the

ownership, keeping, or maintenance of such animal or reptile. Proof of ability to respond in damages shall be given by filing with Animal Services a certificate of insurance from an insurance company authorized to do business in the State, stating that the applicant is insured by a policy with a minimum coverage of one hundred thousand dollars (\$100,000.00) per person and a minimum total of one million dollars (\$1,000,000.00) per occurrence for bodily injury. In addition, the policy must contain a minimum coverage of fifty thousand dollars (\$50,000.00) for damage to personal or real property. In lieu of insurance, the owner may post with Animal Services a surety bond in the same amounts, conditioned upon payment of such damages. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten (10) days written notice is first given to Animal Services.

10. Copies of all Federal and State permits and licenses required for such animal or reptile.
  11. A schedule of the personnel who will service and maintain the enclosure or confinement facility.
  12. Keeper's training and experience with animals and reptiles, especially the species stated on the application.
  13. A list of tranquilizing equipment, chemicals, and instruments of destruction and a statement of whether or not the owner has knowledge or training with regards to appropriate and collect use, and
  14. Any other information the Animal Services Director deems necessary.
- (C) INSPECTION AND ISSUANCE OF PERMIT: Upon completion of the application, the Animal Services Director shall make an inspection of the enclosure or confinement facility to determine whether or not it is adequate for the purpose of restraining and confining the particular species of animal or poisonous reptile for which the permit is requested. The Animal Services Director shall also determine whether or not the enclosure or confinement facility can be maintained in a sanitary fashion and whether or not the enclosure or facility is designed to prevent injury to the animal or reptile and persons who may come onto the premises where the enclosure or facility is location. If it is determined by the Animal Services Director that the application has been correctly, truthfully, and accurately completed and the enclosure or facility is secure and can be maintained in a sanitary way, he shall issue a permit upon payment of the applicable fee by the applicant. It shall be a condition of issuance of the permit that the Animal Services Director shall be permitted to inspect the enclosure or facility and the animal or reptile at any time. Inspections shall be made at least annually. No liability, i.e., such inspection does not guarantee safety of said facility and Animal Services accepts no liability for injury or harm experienced there.
- (D) PERMIT PERIOD: The permit period shall begin with the fiscal year (July 1) of each year and shall run for one year. Renewal applications for permits shall be made thirty (30) days prior to the start of the fiscal year. An application for new permit may be filed at any time during the year.

- (E) **PERMIT FEE:** The permit fee shall be one hundred dollars (\$100.00). This fee may be changed by the Board of County Commissioners from time to time. The fee shall be for the fiscal year or part thereof. The permit fee shall be collected by the Animal Services Director.
- (F) **TRANSFER OF PERMITS:** Permits issued under this Article are not transferable.
- (G) **POSTING OF PERMIT:** The owner of the wild or exotic animal or poisonous reptile shall display the permit in a prominent place on or near the enclosure or confinement facility.
- (H) **FAILURE TO OBTAIN A PERMIT:** Failure to obtain a permit before possessing or owning a wild or exotic animal or poisonous reptile in Columbus County will subject the owner to the sanctions, penalties, fines, or remedies set forth in Section of this Article.
- (I) **FAILURE TO TIMELY RENEW A PERMIT:** Failure to renew thirty (30) days before the end of the fiscal year (by June 1) shall subject the owner of a wild or exotic animal or poisonous reptile to the sanctions, penalties, fines, or remedies set forth in Section 7 of this Article.
- (J) **DENIAL OF PERMIT:** The Animal Services Director shall have the authority to deny a permit for violation of this Article pursuant to the grounds and procedures set forth in Section 4.
- (K) **REVOCATIONS OF PERMIT:** The Animal Services Director shall have the authority to deny a permit for violation of this Article pursuant to the grounds and procedures set forth in Section 4.
- (L) **REINSTATEMENT OF PERMIT AND REINSTATEMENT FEE:** The Animal Services Director shall reinstate a revoked permit after the owner complies with this Article and pays a reinstatement fee of two times the original permit fee required in Subsection (E) above.

#### **SECTION 4**

**GROUND FOR DENIAL OR REVOCATION OF PERMIT.** The Animal Director may refuse to issue or renew, and may revoke, a permit to keep, harbor, or possess a wild or exotic animal or poisonous reptile in Columbus County if, after an investigation, it is determined that any one or more of the following grounds exist:

- (A) **MISSTATEMENT:** Material misstatement in the initial application or the renewal application for a permit which was made to induce the Animal Services Director to issue or renew a permit.
- (B) **VIOLATION:** Disregard or violation of the provisions of this Article.

- (C) **NON-PAYMENT OF FEES:** Failure to pay fees and penalties required pursuant to this article.
- (D) **FAILURE TO MAINTAIN LICENSE:** Failure to obtain or maintain a Federal or State license to own, possess, or harbor a wild or exotic animal or poisonous reptile.
- (E) **MISREPRESENTATION:** Substantial misrepresentation or false promises to the Animal Services Director in connection with keeping, owning, harboring, or possessing a wild or exotic animal or poisonous reptile.
- (F) **INSPECTIONS:** Failure or refusal to allow the Animal Services Director to inspect the enclosure or confinement facility.
- (G) **FAILURE TO CONFINE OR RESTRAIN:** Failure or refusal to confine or restrain a wild or exotic animal or poisonous reptile.
- (H) **FAILURE TO GIVE NOTICE OF ESCAPE:** Failure or refusal of the owner to give Animal Services immediate notice of the escape of a wild or exotic animal or poisonous reptile.

#### **SECTION 5**

**CAGES, PENS, AND ENCLOSURES.** All wild or exotic animals or poisonous reptiles shall be confined in primary and secondary cages, pens and enclosures as described herein. No primary or secondary cage, pen, or enclosure shall be closer than fifty (50) feet to any adjoining property line. Any conforming primary or secondary cage, pen, or enclosure, which existed prior to enactment of this Ordinance will not be subject to relocation. The owner shall notify Columbus County Animal Services immediately of the escape of a wild or exotic animal, or poisonous reptile. The minimum standards for the construction of primary and secondary enclosures, which are to be used to keep, harbor, or restrain wild or exotic animals are as follows.

- (A) **Primary Enclosures:** The primary enclosure used to keep, harbor, or restrain the following animals shall be constructed with the materials and in the manner specified.
  - 1. **Cheetahs, Lions, Tigers, and Hybrids Thereof:** Animals in this category shall be housed within a primary enclosure, which has as a minimum 2,500 square feet per animal. There shall be no more than one male and two females in anyone primary enclosure. There shall be no common fences between enclosures housing tigers and any other animals. If adult male animals are placed in adjacent enclosures, these enclosures shall be constructed of no smaller than nine-gauge steel chain link fence, doubled, and spaced so as to prohibit physical contact between the males. All enclosures shall have double safety doors.

The enclosure shall be constructed of not less than nine-gauge steel chain link fence attached to not smaller than 2- and 1/2-inch diameter, schedule 40 steel poles placed at least 30 inches in the ground and anchored in 30 inches of concrete, and of sufficient length to extend to the top of the fence and shall be placed no more than

ten (10) feet apart. Enclosures with roofs shall have sides a minimum of eight (8) feet high, and enclosures without roofs shall have sides at least twelve (12) feet high. The roof of enclosures shall be constructed of the same material as the sides and be firmly attached to the sides with no gaps.

2. Leopards, Mountain Lions, and Hybrids Thereof: Animals in this category shall be housed in enclosures meeting all requirements set out above for tigers and in addition thereto. The enclosure shall have a roof constructed of at least nine-gauge steel chain link fencing, attached firmly to the sides with no gaps.
3. Jaguars: Jaguars of any species shall be housed in enclosures constructed to the same standards as those required for leopards, except that the fencing shall consist of not smaller than six (6) gauge steel chain link fencing for the sides and roof, however, the roof may consist of nine (9) gauge steel chain link fencing provided the sides are at least ten (10) feet high. The fencing shall be firmly secured to vertical and horizontal piping or rods and must be firmly secured at three (3) inch intervals to the bottom horizontal crossbar, which shall be no more than three (3) inches above the floor.
4. Caracals: Bobcats, Lynxes, Ocelots, Serval, and Hybrids Thereof: Animals in this category shall be housed in enclosures completely enclosed with a minimum of 400 square feet for each animal and of a minimum height of eight (8) feet. For additional animals, the minimum area shall be determined by multiplying the required square footage for a single animal by a factor of 1.5 for one additional animal and the result by the same factor, successively, for each additional animal. Walls, and top or roof of cages shall be constructed of no smaller than eleven and one-half gauge steel chain link fencing secured to steel poles not smaller than 1- and 1/2-inch diameter and placed at least thirty (30) inches in the ground in thirty (30) inches of concrete not more than ten (10) feet apart. Enclosures shall have double safety doors.
5. Bears: Large bears are considered to be among the more dangerous as well as the more escape prone of all animals. Bears shall be housed in primary enclosures with at least six hundred (600) square feet per animal. There shall be not more than one male and one female per primary enclosure, the primary enclosure shall be constructed of solid steel bars at least 3/4 inch in diameter, anchored in the ground at least thirty (30) inches and in thirty (30) inches of concrete. Such enclosures shall be at least ten (10) feet high and shall have a top or roof of constructed of the same material as the sides and firmly attached thereto with no gaps therein. All such enclosures shall have a cross weld at least every four inches, and shall have a floor of concrete, covered with plywood or earth sufficiently to protect the animals used therein.
6. Wild Dogs, Wolves, and Hybrids Thereof: Animals in this category shall be housed in enclosures completely enclosed with a minimum of six hundred (600) square feet for each animal and a minimum height of ten (10) feet tall. Walls, and top or roof

of enclosures shall be constructed of not smaller than six (6) gauge steel chain link fencing. The fencing shall be firmly attached to steel poles not smaller than two (2) inches in diameter and placed at least thirty (30) inches in the ground in thirty (30) inches of concrete not more than ten (10) feet apart.

7. **Poisonous Reptiles:** Poisonous reptiles shall be housed within a primary enclosure which contains a minimum of six (6) cubic feet per reptile, provided, however, the enclosure shall, in any event, be of sufficient size to accommodate the reptile for normal growth. There shall be no more than one male and one female reptile per enclosure. The primary enclosure may be constructed of wood, metal, glass, or fencing material or any combination thereof sufficient to restrain and confine the reptile(s). Where solid wood, metal and/or glass enclosures are provided, holes shall be provided in the sides for ventilation but shall be small enough to prevent the escape of the reptile. Where fencing material is used, the spacing between strands of wire shall be small enough to prevent the escape of the reptile. All enclosures must be of such construction as to totally enclose the reptile(s) and prevent the reptile(s) from opening the enclosure from within. At least one side of the enclosure must have a window of glass or fencing through which the owner may see the location of the animal before opening the enclosure. In lieu of a window, one (1) or more sides of the enclosure may be constructed of glass or fencing to allow viewing of the reptile. All doors and entrances to the enclosure must be padlocked to contain the reptile and prevent its removal without the owner's permission.

- (B) **Secondary Enclosures:** The purpose of a secondary enclosure is to serve as perimeter fence surrounding all primary enclosures, in order to protect the public by prevention of escape by an animal accidentally freed from its primary enclosure.

Secondary enclosures shall be constructed of not smaller than 1- and 1/2-gauge steel chain link fencing at least twelve (12) feet in height and shall encompass all primary enclosures. The fencing shall be attached to steel poles not smaller than 2 – and 1/2-inch diameter and set in thirty (30) inches of concrete, cedar, or creosote post of equivalent length. All posts shall be placed at least thirty (30) inches in the ground and be spaced not more than fifteen (15) feet apart. Secondary enclosures shall not have any common wall with any primary enclosure, and all such enclosures shall not have any common wall with any primary enclosure. All such enclosures of animals capable of fence climbing shall be electrified at the bottom and middle and shall also have an electrified overhang to prevent climbing. Secondary enclosures surrounding enclosures of animals capable of fence climbing shall be electrified at the bottom and middle and shall also have an electrified overhang to prevent climbing. Secondary enclosures housing digging animals such as hyenas, wild dogs, and bears shall be so constructed as to be tunnel proof. The strength of the secondary enclosure shall be appropriate to the animals enclosed as well as to the conditions and shall be so constructed that no single foreseeable event can jeopardize the structural integrity of both the primary and secondary enclosure. All enclosures shall have double safety doors, each of which shall be secured by a lock. All such enclosures shall be located at a sufficient distance from the primary enclosure and from all other structures, rocks, trees, or terrain features that no such primary enclosure, structure, rock, tree, or terrain feature may be used as a leaping platform.

In the event that cedar or creosote posts are used for line posts, all corner posts and posts at sharp angles shall be of steel and at least four (4) inches in diameter. All posts other than corner or angle posts shall be located on the outside of the fencing. In the event that cedar or creosote posts are used, they shall be replaced with steel posts at least 2-and 1/2 -inches in diameter, schedule 40 when replacement is needed, or within six (6) years, whichever is earlier.

- (C) Shift Cages: Shift cages are to be used for all deadly animals and are necessary so that the animals can be shut off from the primary enclosure for purposes such as cage cleaning. Structural and strength specifications are to be identical to the specifications for the primary enclosure. Size is to be determined as follows: an open top shift cage must be at least four hundred (400) square feet. A closed top shift cage must be at least two times the length of the animal squared (example: an eight (8) feet long animal shift cage would be (2x8) square or two hundred and fifty-six (256) square feet). The shift cage shall share a common wall with the primary enclosure and should be accessible to the animal by means of a drop door that can be raised or lowered from outside the enclosure. The shift cage shall also have a door that allows the shift cage to be entered without first entering the primary enclosure.
- (D) Variations: Columbus County Animal Services shall allow no variations from these standards. If, because of the breeding, history, character, or particular trait, it is the opinion of Animal Services Director that the standards as described in this Article are insufficient to restrain any wild or exotic animal. He shall refuse to issue a permit until standards sufficient to restrain the animal are developed and adopted by the Board of County Commissioners. Animal Services may seek the assistance of the Sheriff or Police to remove or keep the animal out of the County.
- (E) Maintenance of Structure: All primary and secondary enclosures shall be designed, constructed, and maintained so that no foreseeable event or series of events shall break the structural integrity of the primary or secondary enclosures.

#### **SECTION 6**

**NECESSARY EQUIPMENT AND CHEMICALS.** Any owner of a wild or exotic animal or poisonous reptile shall have on hand, at all times, sufficient equipment, and chemicals necessary to tranquilize any animal or reptile for which a permit has been granted. The owner of a wild or exotic animal or poisonous reptile shall also have on hand, at all times, sufficient equipment to kill any such animal or reptile should the same become necessary.

#### **SECTION 7**

**SANCTIONS, PENALTIES, FINES, AND REMEDIES.** Violations of this Article of the Columbus County Animal Control Ordinance are punishable by prosecution in criminal court as provided by North Carolina General Statute 14-4, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties as prescribed in Article XIII, herein, or both. Collection of civil penalties may be by civil action or by the use of a collection agency.

- (A) NOTICE OF VIOLATION: Upon determining that there is probable cause to believe that this Article has been violated, the Animal Services Director may issue a written Notice of

Violation. The Notice shall state specifically which section of this Article has been violated, the date of violation, the date of issuance of the Notice of Violation, the name and position of the person issuing the Notice of Violation, what acts are necessary to remedy the violation, and a deadline of not more than five (5) days from the date of service of the Notice of Violation for compliance. The Notice of Violation shall be served and return of service made pursuant to Article XVI of this Ordinance. If the owner remedies the violation within the deadline, the Animal Services Director shall send or deliver written Notice of Rescission of the Notice of Violation.

- (B) **VIOLATION AND CIVIL PENALTY:** The Animal Services Director may issue a written Violation and Civil Penalty if the owner refuses or fails to comply with the Notice of Violation issued pursuant to subsection (A) above, or if the owner has violated this Ordinance on more than two (2) occasions. Each Notice of Violation, whether rescinded or not, shall count as a violation. The Violation shall state that the owner failed or refused to comply with written Notice of Violation and/or the owner has violated this Ordinance on more than two (2) occasions. The Violation shall also state that the owner shall pay a civil penalty of fifty dollars (\$50.00) for the first day of the violation and an additional fifty dollars (\$50.00) per day for each day the violation continues to exist. It shall be the responsibility of the owner to notify Animal Services that the violation has been corrected so that Animal Services can confirm the same. Confirmation may be made by inspection, investigation, or any other method deemed necessary by the Animal Services Director. If possible, confirmation shall be made on the same day that Animal Services is notified by the owner that the violation has been corrected. In any event, confirmation shall be made no later than the next business day. If the Animal Services Director finds that the violation has been corrected, he shall send written notification of the same to the owner. This Notice of Confirmation shall also state the amount of any civil penalty due. If the Animal Services Director finds that the violation still exists or has not been fully corrected, he shall give written notice of the same to the owner. All notices under this Subsection shall be served and return of service made pursuant to Article XVI of this Ordinance.
- (C) **CRIMINAL SUMMONS:** The Animal Services Director, in lieu of subsection (B) above, may cause a criminal summons or warrant to be issued and served upon the owner of a wild or exotic animal or poisonous reptile for violating any of the provisions of this Article, but only after written notice pursuant to subsection (A) above has been given and the owner has failed or refused to comply with this Article. Any owner, if convicted, shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months.
- (D) **DENIAL OF PERMIT:** The Animal Services Director may deny the issuance or renewal of a permit if it is determined that any of the grounds stated in Section 4 exist. If issuance or renewal of a permit is denied, the Animal Services Director shall serve or deliver a written Notice of Denial to the owner pursuant to Article XVI. The notice shall state specifically why the permit is being denied and what must be done before the permit can be issued or renewed.

- (E) **REVOCAION OF PERMIT IN AN EMERGENCY SITUATION:** If it is determined by the Animal Services Director that the safety of any person or property is in immediate danger from the wild or exotic animal or poisonous reptile, he may, in lieu of Subsections (A), (B), and (C) above, revoke the permit without notice to the owner and take the necessary steps to secure the cage, pen, or enclosure to prevent escape by the animal or poisonous reptile or he may immediately seize the animal or poisonous reptile for impoundment at the County's Animal Services or at some other appropriate facility. The cost of securing the owner's cage, pen, or enclosure shall be charged to the owner and if not paid, the Animal Services Director may initiate the filing of a civil action or use a collection agency to collect the same.

If the Animal Services Director revokes the permit without notice, he shall serve the owner with written Notice of the Revocation within twenty-four (24) hours of the revocation. The notice shall state the reason for the revocation, the steps taken by the Animal Services Director to secure the cage, pen, or enclosure and, if the animal or poisonous reptile was seized and impounded, the time of seizure, location of the animal and poisonous reptile, and what steps are necessary to redeem the animal or reptile.

If the animal is seized, it may be impounded until the Animal Services Director is satisfied that the animal can be securely confined on the owner's premises. The owner may redeem the animal or reptile by paying all charges and impoundment fees, by correcting the violation, and by paying a permit reinstatement fee of two times the original fee. All things necessary to redeem the wild or exotic animal or poisonous reptile must be accomplished by a date set by the Animal Services Director. In no event shall the owner have less than five (5) days to redeem the animal. If the owner wishes to request a review of the seizure of the animal or the reptile, the owner must file a written request with the Animal Control Advisory Council within five (5) days of the seizure. If a timely request is filed, the Animal Control Advisory Council shall convene within ten (10) days of the receipt of said request. If the owner disagrees with the Animal Control Advisory Council decision, the owner must seek a review by the Columbus County Superior Court within ten (10) days of the issuance of the Advisory Council's decision. If the owner fails to reclaim the animal or reptile by paying all charges and by securing his cage, pen, or enclosure by the date set by the Animal Services Director, or fails to timely request a review of the seizure, or fails to timely appeal the Advisory Council's written decision, the animal or reptile shall become the property of Columbus County and shall be disposed of according to this Ordinance.

- (F) **REVOCAION OF PERMIT IN A NON-EMERGENCY SITUATION:** The Animal Services Director, in lieu of Subsection (B) and (C) above, may revoke a permit in a nonemergency situation if it is determined that any of the grounds stated in Section 4 exist. He must first serve the owner with a written Notice of Intent to Revoke the Permit. The owner will then have five (5) days from receipt of said notice to comply with this Article. If the owner fails to comply, the Animal Services Director shall serve the owner with a written Notice of Revocation. The Notice of Revocation shall inform the owner of the reason for the revocation and inform the owner that if the violation is not corrected within three (3) working days from receipt of the Notice of Revocation, the Animal Services Director may take the necessary steps to correct the violation, which may include seizing and impounding the animal or poisonous reptile. If the animal or poisonous reptile is seized

and impounded, the owner may redeem the animal or reptile within five (5) days by paying all charges and impoundment fees, by correcting the violation, and by paying a permit reinstatement of two times the original if the owner wishes to request a review of the seizure of the animal or reptile, the owner must file a written request with the Animal Control Advisory Council within five (5) days of the seizure. If a timely request is filed, the Animal Control Advisory Council shall convene within ten (10) days of the receipt of said request. If the owner disagrees with the Advisory Council's decision, the owner must seek a review by the Columbus County Superior Court within ten (10) days of the issuance of the written decision. If the owner fails to redeem the animal or fails to timely request a review of the seizure, or fails to timely appeal the written decision, the animal shall become the property of Columbus County and shall be disposed of according to this Ordinance.

- (G) ORDER OF ABATEMENT AND INJUNCTIVE RELIEF: The Animal Services Director, in lieu of or in addition to Subsections (A), (B), (C), (D), (E), and (F) may initiate the filing of a civil action for abatement and injunctive relief to restrain the violation or threatened violation of this Ordinance. An action instituted under this subsection shall not relieve an owner from any civil or criminal penalty prescribed herein above for violating this Ordinance.
- (H) ESCAPE OF A WILD OR EXOTIC ANIMAL OR A POISONOUS REPTILE: If a wild or exotic animal or poisonous reptile escapes from its cage, pen, or enclosure, it may be tranquilized by an Animal Services Officer with or without prior notice to the owner, but only after unsuccessful attempts to catch it and after authorization from the Animal Services Director. If an Animal Services Officer does tranquilize such an animal or reptile, he shall submit a written report of the incident to the Animal Services Director within seventy-two (72) hours of the incident and shall make a good faith attempt to notify the owner as soon as possible.

If a wild or exotic animal or poisonous reptile escapes and is determined by an Animal Services Officer to pose an immediate danger to the health and safety of any person or property, the animal or reptile may be humanely destroyed at the Animal Services Officer's discretion, with or without prior notification to the owner. In the event the Animal Services Officer does destroy such animal or reptile, he shall submit a written report of the incident to the Animal Services Director within seventy-two (72) hours of the incident and shall make a good faith attempt to notify the owner of the incident.

If a wild or exotic animal or poisonous reptile is seized and impounded by the Animal Services Director after an escape, the owner shall be subject to the same sanctions and penalties described in Subsection (E) above.

If a wild or exotic animal or poisonous reptile has caused injury to a person or another animal while at large, the Animal Services Director may issue to the owner a Notice of Intent to Destroy the Animal. The owner may appeal this intended action by filing written request for review by the Animal Control Advisory Council within five (5) days of receiving said notice. The Animal Control Advisory Council shall schedule a hearing within ten (10) days of receiving the request for review. The Animal Control Advisory Council shall render a written decision within three

(3) days after the healing and serve the same on the owner. The owner may appeal the decision of the Animal Control Advisory Council to Superior Court by filing a notice of appeal for review within ten (10) days of the final decision of the Advisory Council. If the owner fails to seek a timely review of the Animal Services Director's Notice of Intent to Destroy the Animal or if he fails to file a timely appeal the Board of Health's Environmental Committee decision, Animal Services may humanely destroy the animal.

- (I) **SEIZURE OF UNPERMITTED ANIMALS OR REPTILES:** Animal Services may seize any wild or exotic animal or poisonous reptile if the owner does not have all requisite Federal, State, and County permits. Animal Services may confine the animal or reptile until all requirements of this Ordinance have been met, the cost of confinement shall be charged to the owner.
- (J) **COST OF RECAPTURING:** The owner of any wild or exotic animal or poisonous reptile shall reimburse Columbus County for any man-hours incurred by Columbus County employees while attempting to recapture an escaped animal. The owner's insurance policy shall have a clause reflecting this requirement.

## **ARTICLE X INTERFERENCE**

**INTERFERENCE.** It shall be unlawful for any person to interfere with, hinder, or molest an employee of Animal Services or any other person duly authorized by this Ordinance while in the performance of duty. It shall also be unlawful for any person to seek release, or attempt to release, or to release any animal in the custody of Animal Services, except as otherwise specifically provided in this Ordinance. The Animal Services Director may initiate the issuance of a criminal warrant for any person violating this Article. If convicted, the person shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

## **ARTICLE XI TRAPPING OF DOGS AND CATS**

**TRAPPING.** It shall be unlawful for any person to trap by cage or mechanical device, a dog or cat without the written permission of Animal Services. It shall also be unlawful for any person to release a dog or cat from a trap set by Animal Services or from a trap set by a person who has written permission from Animal Services. It shall not be a violation of this Ordinance for a person to apprehend an animal on his property by hand, however, the person must call Animal Services within twenty-four (24) hours of catching the animal. The Animal Services Director may initiate the issuance of a criminal summons or warrant for any person violating this Article. If convicted the person shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

## **ARTICLE XII IMPOUNDMENT OF ANIMALS**

## **SECTION 1**

DEFINITIONS. As used in this Article, the following terms shall have the meanings set forth below:

- (A) **ANIMAL:** Every non-human species, both domestic and wild.
- (B) **FERAL CAT:** A domestic cat which has adapted to survive in the wild, is homeless, and ownerless, having descended from stray and possibly generations of abandoned house pets.
- (C) **IMPOUNDMENT:** Possession or seizure of an animal by Columbus County Animal Services for placement in the County's Animal Services or any other appropriate facility.

## **SECTION 2**

IMPOUNDMENT. Not inconsistent with the proceeding Articles of this Ordinance, any healthy animal, with the exception of a feral cat, which appears to be lost, strayed, or unwanted, or any dog or cat which is found not wearing a current valid rabies vaccination tag, or any wild or exotic animal or poisonous reptile which has escaped or poses the danger of escaping may be confined to the Animal Services or any other appropriate facility in a humane manner for a minimum period of five (5) days, unless otherwise specified by this Ordinance, for redemption by the owner. Any animal not redeemed within five (5) days shall become the property of Columbus County and shall be disposed of pursuant to this Ordinance. Columbus County Animal Services is authorized to obtain suitable board, maintenance, and care from any available source for any impoundment animal for which the Animal Services is not equipped to care. The owner of any animal impounded and cared for under this provision of the Ordinance may redeem the animal upon payment of all costs for maintenance, transportation, and care plus regular redemption fees provided in Article XII.

## **SECTION 3**

FERAL CATS. A feral cat shall be held for three (3) working days for redemption by a possible owner. If the feral cat is not redeemed within three (3) working days, it may be euthanized pursuant to this Ordinance. Before a feral cat is euthanized, a panel of three (3) persons must unanimously declare the cat a feral cat. If the panel cannot agree unanimously, the cat must be held for five (5) days. The panel is to be made up of three (3) Animal Services staff members, each with a minimum of one (1) year experience with Animal Services.

## **SECTION 4**

NOTICE. A good faith effort shall be made to notify known owners of impounded animals. If the owner is known, a written Notice of Impoundment shall be served on the owner or affixed to the owner's premises. The written notice shall describe the animal, state the date, time, and place the animal was picked up and inform the owner of the conditions whereby the animal may be redeemed. Instructions on how to determine if an animal has been impounded shall be posted at the Animal Services. The posting of these instructions at the Animal Services shall constitute adequate notice to an unknown owner.

## **SECTION 5**

**BOARDING FEES.** The Animal Services Director, with the assistance of Services personnel, shall charge to the owner the following fees, which must be paid before an animal may be redeemed:

Per day boarding for dogs:	\$10.00
Per day boarding for cats:	\$10.00
Per day boarding for all other animals Kept at the Animal Services Shelter:	\$10.00
Per day boarding fee for all other animals not kept at the Animal Services Shelter:	The actual amount charged by the caretaker or boarder of the animal.
Non-routine charge for transporting the animal:	The actual amount charged by the person providing the transportation.

The above fees are in addition to the redemption fees set forth in Article XIV and are subject to adjustment or change by the Columbus County Board of County Commissioners at any time.

### **ARTICLE XIII CIVIL PENALTIES**

**CIVIL PENALTIES.** Animal Services is authorized to assess civil penalties for violations of this Ordinance. Any assessed civil penalty not paid within twenty (20) days of issuance may be turned over to a collection agency or efforts made to collect in civil court.

Failure to wear Rabies Tag:	\$50.00
Failure to vaccinate:	\$100.00
Failure to notify or provide information of a bite:	\$100.00
Manner of keeping and treating animals:	\$100.00
Failure to give notice of injuring animals:	\$50.00
Failure to give notice of injured animal on property:	\$50.00
Unprovoked dog bite while running at large:	\$500.00
Animals running at large:	
1st offense	\$50.00
2nd offense	\$75.00
3rd offense	\$100.00

4th offense or more	\$150.00
Failure to confine dog/cat in estrus:	\$75.00
Animal public nuisance:	
1st offense	\$50.00
2nd offense	\$75.00
Harboring stray animals:	\$50.00
Dangerous dog violations:	\$100.00
Violation of exotic animal ordinance (Per day):	\$50.00
Interference with officer	\$150.00
Interference with trap or cage	\$100.00
Unspecified violations of the ordinance (Each):	\$50.00
Miscellaneous Fees:	
Euthanasia by request	\$10.00
Tranquillize small animal by request	\$10.00
Tranquillize large animal by request	\$15.00
Lost darts	\$10.00

Each day the violation continues shall be deemed a new violation except as specifically stated herein.

## **ARTICLE XIV REDEMPTION OF ANIMALS**

### **SECTION 1**

**REDEMPTION OF ANIMALS.** An owner of an animal, which has been impounded by Animal Services, may resume possession of the animal, except as already provided or in other Articles of this Ordinance, upon compliance with the following provisions:

- (A) **PROOF AND ACKNOWLEDGEMENT OF OWNERSHIP:** Any person attempting to redeem an impounded animal shall present proof sufficient to satisfy Animal Services personnel of ownership of the animal. Evidence of ownership may include but is not limited to any of the following:
1. License tag from another county;
  2. Rabies tag for the animal;

3. Ownership documents, pedigree papers, bill of sale, and any other document identifying the person as owner of the animal;
4. Photographs of the animal with the owner or other family members; or
5. Affidavit from two people in the community stating that the animal has been seen in the presence or possession of the person attempting to resume possession.

Any person attempting to redeem an animal on behalf of an owner shall present proof sufficient to satisfy Services personnel that he or she is acting as agent for the owner.

(B) **TIME OF REDEMPTION:** Any person attempting to redeem an animal must make contact with the Animal Services within five (5) days of the animal being impounded at the Animal Services or some other appropriate facility. After making contact, that person shall be given a reasonable amount of time to prove ownership of the animal not to exceed five (5) additional days.

(C) **PAYMENT OF REDEMPTION FEES, BOARDNG FEES, AND CIVIL PENALTIES:** The owner of an impounded animal must pay all redemption fees, boarding fees, and civil penalties assessed against the animal before it can be released from Animal Services. Any person, after presenting sufficient proof of ownership, may redeem the animal after paying the following fees and costs:

1st redemption by owner	\$50.00 + Boarding Fee + Civil Penalty
2nd redemption by owner	\$75.00 + Boarding Fee + Civil Penalty
3rd redemption by owner	\$100.00 + Boarding Fee + Civil Penalty
4th and subsequent redemption	\$150.00 + Boarding Fee + Civil Penalty

If an owner cannot prove a current rabies vaccination, he will be charged an additional \$10.00 for a rabies vaccination certificate.

These amounts may be changed by the Columbus County Board of Commissioners at any time. The animal shall become the property of Columbus County if the owner fails to pay all amounts due, and if the appropriate holding period has passed and will then be disposed of as provided by this ordinance.

## **ARTICLE XIV DISPOSITION AND ADOPTION OF IMPOUNDED ANIMALS**

### **SECTION 1**

**DISPOSITION OF IMPOUNDED ANIMALS.** If an animal is not redeemed by its owner within the allowed time for redemption, the animal shall become the property of Columbus County without any further notice to the owner. Once the animal becomes the property of Columbus County, the Animal Services Director is authorized to adopt the animal out or euthanize it. Any sick or diseased animal, which appears to be lost, strayed, or unwanted and is found not wearing a rabies vaccination tag or any other form of identification may be euthanized immediately by order of the Animal Services Director. Any sick or diseased animal, with proof of ownership, confined in the County Animal Services, may be euthanized by order of the Animal Services Director after recommendation of a licensed veterinarian.

## **SECTION 2**

**ADOPTION FEES.** Adoption fees shall be set by the Board of County Commissioners.

All dogs over 6 months \$135.00  
Includes a physical examination, heartworm test, rabies vaccination, and spay or neuter.

All dogs under 6 months \$135.00  
Includes a physical examination, rabies vaccination, and spay or neuter.

All female cats and kittens \$75.00  
Includes a physical examination, feline leukemia/F.I.V. test, rabies vaccination, and spay or neuter.

All male cats \$55.00  
Includes a physical examination, feline leukemia/F.I.V. test, rabies vaccination, and spay or neuter.

Registered (501c3) dog rescue groups \$25.00  
Nonprofit animal rescue groups that provide their own medical services and documentation thereof to Animal Services are entitled to this reduced rate.

Registered (501c3) cat rescue groups \$10.00  
Nonprofit animal rescue groups that provide their own medical services and documentation thereof to Animal Services are entitled to this reduced rate.

## **SECTION 3**

**RECOVERY OF ADOPTED ANIMAL.** The Animal Services Director is authorized to recover, reclaim, or repossess an animal and dispose of the animal according to this ordinance if the adopting party violates the adoption agreement.

# **ARTICLE XVI SERVICE AND RETURN OF SERVICE**

## **SECTION 1**

**METHOD OF SERVICE AND RETURN.** Unless otherwise specified in this Ordinance, all notices or citations required to be sent or delivered pursuant to this Ordinance shall be served and return of service made as follows:

- (A) **PERSONAL SERVICE:** The Animal Services Director or Animal Services Officer may deliver notices or citations to all persons due a notice or citation pursuant to this Ordinance. If he does so, he must get the person to sign a certificate verifying that the notice or citation was in fact received, and the Animal Services Director or Animal Services Officer shall sign a return of service certificate verifying that he is in fact served the notice or citation. If the person being served refuses to sign the notice or citation verifying receipt of the same, the person making service shall write in the appropriate space "refused to sign". The person's refusal shall not invalidate the service. The Animal Services Director or Animal Services Officer may leave the notice or citation with anyone of suitable age and discretion at the residence or place of business of the person being served. The person serving said notice or citation shall have the recipient sign the service certificate.
- (B) **REGISTERED OR CERTIFIED MAIL:** The Animal Services Director may serve notices or citations by registered or certified mail, return receipt requested.

## **ARTICLE XVII APPEALS AND REQUESTS FOR REVIEW**

### **SECTION 1**

**APPEAL PROCEDURE.** All civil citations may be appealed in writing. The notice of appeal must be addressed to Columbus County Animal Services: Attention: Animal Services Director, 288 Legion Drive, Whiteville, NC 28472 and postmarked or personally delivered within twenty (20) days of receipt of the citation.

### **SECTION 2**

**APPEAL HEARING.** Appeals of Animal Services Civil Citations shall be heard within thirty (30) days of the Notice of Appeal unless a continuance is mutually agreed upon. The Appeal Hearing shall be held by the Animal Control Advisory Council. All testimony offered in a hearing held pursuant to this Article shall be given under oath and recorded by tape recording or any other reasonable manner. The hearing shall be open to the public. The person requesting the hearing may be represented by an attorney. The Animal Services Director or Animal Services Officer shall have the burden of proving that this Ordinance has been violated and that the proposed sanction is in accordance with the Ordinance. The person requesting the hearing will then be given the opportunity to prove that this Ordinance has not been violated and/or that the sanction is not in compliance with the Ordinance. The person requesting the hearing may admit the violation and confine his proof to showing that the sanction is not in accordance with the Ordinance. The Animal Services Director will then be given the opportunity to address any conflicts or inconsistencies created by the evidence or statements.

The Animal Control Advisory Council will render a Decision and a Notice of Decision will be furnished to all parties concerned (complainant, bite victim, animal owner, etc.). If the sanctions/penalties are upheld, the animal owner will have twenty (20) days to pay any fines or fees before collection efforts are initiated. The animal owner may further appeal the decision of the Animal Control Advisory Council to Columbus County Superior Court within ten (10) days of the service of the Notice of Decision.

**ARTICLE XVIII**  
**ANIMAL CONTROL ADVISORY COUNCIL ESTABLISHED**

The Columbus County Board of Commissioners does hereby create and establish an Animal Control Advisory Council.

That Animal Control Advisory Council shall consist of seven members. Insofar as possible, members of the council shall be appointed from different areas within the County's jurisdiction. Initial appointment of the council shall have terms of appointment as follows: Three (3) members for a term of three (3) years, two (2) members for a term of two (2) years and two (2) members for a term of one (1) year. Following the expiration of terms of the first appointed council members, the successors to the regular members shall be appointed for three (3) year terms. Vacancies shall be filled for the unexpired term only.

The Animal Services Director and/or his designee shall serve as clerk to the Animal Control Advisory Council.

The Animal Control Advisory Council is a quasi-judicial body. Meetings of the council shall be held at the call of the Chairman and at such other times as the council may determine. The council shall establish rules of procedure at the first called meeting or as soon thereafter as possible.

A quorum is not obtained unless four voting members are present. In the event there is abstention for reason declared into the record by a voting member, then a particular matter cannot proceed unless and until four other voting members are present and vote.

A member of any council exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected person's constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business or other association relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself, the remaining members shall by majority vote rule on the objection.

As early as possible in each new year the voting members shall elect a chairman and vice-chairman. Either such party when in the chair shall have the authority to administer oaths to witnesses.

The minutes of the Animal Control Advisory Council shall be kept in such detail as necessary, and do not reflect official action of the Animal Control Advisory Council.

Minutes shall be filed in the office of the Animal Services Director, as a public record.

The chair of the council, any member acting as chair of the council, and the clerk to the council are authorized to administer oaths to witnesses in any matter coming before the council. Any

person who, while under oath during a proceeding before the Animal Control Advisory Council, willfully swears falsely is guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than six (6) months.

The Animal Control Advisory Council shall make advisory recommendations to the Animal Services Director for possible modifications of this ordinance, improvements to Animal Services, and hold quasi-judicial appeal hearings as set forth herein.

## **ARTICLE XIX GENDER**

**GENDER STATEMENT.** In this Ordinance, words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders, words importing the singular number shall include the plural number, and vice versa.

## **ARTICLE XX SEVERABILITY**

**SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional in any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

## **ARTICLE XXI ENFORCEMENT AND EFFECT OF THIS ORDINANCE**

### **SECTION 1**

**ENFORCEMENT.** The Animal Services Director or any other person duly authorized to initiate legal action on behalf of Columbus County may take necessary legal steps to enforce this Ordinance. This Ordinance shall be enforced by imposing the specific sanctions, penalties, fines, and other remedies described herein, by seeking injunctive relief, orders of abatement, orders of custody, and any other means prescribed by statute or common law. Any violation of this Ordinance, which does not carry a specific sanction, penalty, or fine, shall be punishable as a general criminal misdemeanor as defined by North Carolina law.

### **SECTION 2**

**EFFECTIVE DATE.** This Ordinance shall take effect sixty (60) days after its adoption. All persons who must obtain a permit to comply with this Ordinance shall be given sixty (60) days after adoption of this Ordinance to comply.

### **SECTION 3**

**EFFECT ON PRIOR ORDINANCE.** All prior animal control ordinances are hereby repealed sixty (60) days after the adoption of this Ordinance.

Adopted this the 21<sup>st</sup> day of June, 2021 by the Columbus County Board of Commissioners.