

ANIMALS

Sec. 3-1. Definitions.

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

(1) *Adequate food* means the provision at suitable intervals, not to exceed twenty-four (24) hours of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain nutrition in each animal. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum. **State law reference:** Definitions relating to the Animal Welfare Act, G.S. § 19A-23. 14

(2) *Adequate water* means a constant access to a supply of clean, fresh water suitable for drinking and provided in a sanitary manner. No algae shall be in the receptacle and water must not be frozen or too hot to be utilized for drinking. **State law reference:** Definitions relating to the Animal Welfare Act, G.S. § 19A-23.

(3) *Adequate shelter* means that shelter or portion of an outside enclosure which will keep a non-aquatic animal dry and out of the direct sun, at a temperature level that is healthful for the animal. For dogs, cats and other small animals, the shelter shall be a wind and moisture resistant structure of suitable size to accommodate the animal. It shall include four walls, a roof and a solid floor constructed of wood, concrete, or other similar building materials, with an opening entrance large enough to allow access to the animal. The animal must have access to shaded areas other than the shelter during warm or hot days. During cold days and/or nights the structure shall be provided with a sufficient quantity of dry suitable bedding material consisting of hay, straw, cedar shavings, blankets, or an equivalent. Owners are allowed to utilize plastic barrels in shaded areas only. For all animals, the containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris, and drainage shall be provided to eliminate excess water or moisture. Aquatic or semi-aquatic animals shall have an adequate amount of clean water in which to move.

Animal Housed under the following conditions shall not constitute adequate shelter:

- Underneath outside steps, decks and stoops
- Inside vehicles
- Underneath vehicles
- Buildings without proper ventilation
- Metal Barrel

(4) *Animal* means any live, vertebrate creature, wild or domestic, other than human beings, endowed with the power of voluntary motion.

(5) *Animal Control Officer* means any person or persons hired under the county’s personnel policy to pick up, restrain, impound, care for, or otherwise dispose of animals, and who is responsible for discharging such other duties or functions as may be prescribed by this chapter or any other county ordinance provision or by state laws or by the Chief Animal Control Officer.

48 (6) *Animal shelter* means any premises designated by the county for the purpose of impounding and
49 caring for all animals found running at large or otherwise subject to impounding in accordance with the
50 provisions of this chapter.

51
52 (7) *At large* means any animal off the property of its owner and not under direct control of a competent
53 person. An animal that is not owned and is wandering about both public and private property will be
54 deemed to be at large.

55
56 (8) *Bite* means to cut, wound, or tear with the teeth and includes injuries ranging from minor to severe.
57 A break in the skin caused by teeth is considered a bite for the purpose of this ordinance.

58
59 (9) *Body length* means the straight line distance from the front of an animal's chest to the rearward
60 most portion of its hindquarters.

61
62 (10) *Cat or domestic cat* means a cat (*Felis catus*) of either sex. State law reference: Definitions relating
63 to the Animal Welfare Act, G.S. § 19A-23; Definitions relating to rabies, G.S. §130A-184.

64
65 (11) *Chief Animal Control Officer* means the person under the county's personnel policy who is
66 responsible for the management of the animal control program, including enforcement of the county
67 and state laws pertaining to animal and rabies control, and the supervision of all employees in the
68 animal control department. The Animal Services Director shall serve as the Chief Animal Control Officer
69 and is under the direct supervision of the County Manager, and the authority of the Chief Animal
70 Control Officer may be delegated at the County Manager's discretion.

71
72 (12) *Community cat* means a cat that is abandoned, stray, lost or feral and cared for by a community cat
73 caregiver pursuant to this chapter.

74
75 (13) *Community Cat Caregiver* means (a) a person who, in accordance with the Trap-Neuter-Return
76 program defined in this chapter; (b) provides care, including food, shelter, or medical care to a
77 community cat; (c) has temporary custody over a community cat. A community cat caregiver shall not be
78 considered the owner or keeper of a community cat.

79
80 (14) *Cruelty and cruel treatment* mean every act, omission or neglect whereby unjustifiable physical
81 pain, suffering or death is caused or permitted. Examples include, but are not limited to, slapping,
82 beating, kicking, hanging, submerging under water, suffocating, poisoning, burning, and depriving of
83 food, water, adequate shelter and/or medical treatment, or otherwise subjecting the animal to
84 conditions detrimental to its health or general welfare. See section 3-8 for definitions.

85
86 (15) *Currently vaccinated against rabies* means an animal that has received a primary rabies vaccine at
87 least 28 days ago or has received a booster vaccine administered in accordance with the vaccine
88 manufacturer's package insert and is within the vaccine's duration of immunity for that particular
89 species. State law reference: North Carolina Rabies Control Laws, G.S. § 130A-185.

90
91 (16) *Dangerous dog*. See section 3-8 for definitions.

92
93 (17) *Direct control* refers to an animal that is controlled and is obedient to a competent person's
94 commands or is within a secure enclosure. A hunting or working dog in the field training or working will
95 be considered under direct control.

96

97 (18) *Dog or domestic dog* means a dog (*Canis lupus familiaris*) of either sex. State law reference:
98 Definitions relating to the Animal Welfare Act, G.S. § 19A-23; Definitions relating to rabies, G.S. §130A-
99 184.

100

101 (19) *Ferret* means a ferret (*Mustela putorius furo*) of either sex. State law reference: Definitions relating
102 to rabies, G.S. §130A-184.

103

104 (20) *Health Director* means the director of the County Health Department or his/her authorized
105 representative. State law reference: Definitions relating to Public Health, G.S. § 130A-2.

106

107 (21) *Household pet* means any animal kept primarily for pleasure, rather than utility, including, but not
108 limited to, all domestic dogs, domestic cats, ferrets and hybrid dogs and cats as permitted in 3-8(8).
109 Exception: Farm Animals as defined in NCGS 153A-145.4, dogs bred and kept for the specific purpose of
110 working and hunting, including those dogs kept by the owners of bona fide farms, and those licensed as
111 service dogs.

112

113 (22) *Large snake* means any constricting reptile greater than eight (8) feet in length.

114

115 (23) *Macaque* means any primate from the genus *Macaca*.

116

117 (24) *Neutered male* means any male animal that has been operated upon to prevent reproduction.

118

119 (25) *Non-profit Animal Rescue Group* means any group who is currently recognized by the IRS as a
120 501(c)3 corporate entity.

121

122 (26) *Outside enclosure* means a secured area large enough for the animal to assume any normal body
123 position including standing, sitting, lying and walking. An outside enclosure shall be free of accumulated
124 waste and debris so that the animal shall be free to walk or lie down without coming into contact with
125 any such waste or debris, and drainage shall be provided to eliminate excess water or moisture. Animal
126 Control Officers reserve the right to determine if a space is considered suitable for the number and size
127 of dogs housed in an outdoor enclosure.

128

129 (27) *Owner or caretaker* means any person, group of persons, firm, partnership, or corporation owning,
130 keeping, having charge of, sheltering, feeding, harboring, or taking care of any animal or stray animal
131 after forty-eight (48) hours without notifying the animal shelter of the animal's whereabouts. State law
132 reference: Definitions pertaining to Dangerous Dogs, G.S. § 67-4.1.

133

134 (28) *Owner's real property* means any real property owned or leased by the owner of the subject animal
135 but does not include any public right-of-way or a common area of a condominium, apartment complex,
136 or townhouse development. State law reference: Definitions pertaining to Dangerous Dogs, G.S. § 67-
137 4.1. 1

138

139 (29) *Potentially dangerous dog*: See section 3-8 for definitions.

140

141 (30) *Provocation or provoking* means any action designed to goad, inflame, instigate or stimulate an
142 aggressive or defensive response on the part of an animal, but provocation shall not include any actions
143 on the part of an individual that pertain to reasonable efforts of self-defense against an unprovoked

144 animal.

145

146 (31) *Public nuisance*: See Sec. 3-8 for definitions.

147

148 (32) *Reasonable diligent attempts* means attempts have been made to locate owners including scanning,
149 rabies tag check and checking Animal Services and Control's lost and found log.

150

151 (33) *Restraint* means that an animal is under sufficient physical human control such as a leash, cage or
152 carrier, bridle, or similar effective and humane device that restrains and controls the animal, or
153 adequately contained by a fence on the premises or other secure enclosure. Tethering does not meet
154 the definition for restraint. A dog that is considered potentially dangerous or a public nuisance must be
155 on a leash at all times when off the owner's property. 139

156

157 (34) *Secure enclosure* means an enclosure from which an animal cannot escape unless freed by an
158 owner. An automobile, truck or other vehicle shall be considered a temporary secure enclosure only if
159 an animal cannot escape from it unless freed by an owner, it is utilized for a maximum of four hours in
160 any five-hour period, and the animal is not at risk of illness, injury, or death due to temperature
161 extremes or other hazardous environment. Enclosures designed and manufactured specifically for the
162 transport of the specific animal contained therein, and provided with a constant source of fresh air, may
163 be used for a maximum of twelve hours in any thirteen-hour period.

164

165 (35) *Severe injury* means any physical injury that results in broken bones or disfiguring lacerations or
166 requires cosmetic surgery or hospitalization. State law reference: Definitions pertaining to Dangerous
167 Dogs, G.S. § 67-4.1.

168

169 (36) *Spayed female* means any female animal that has been operated upon to prevent reproduction.

170

171 (37) *Stray animal* means a domestic animal that roams at large with no apparent ownership.

172

173 (38) *Tethering* means an unattended household pet restrained by a chain, leash or similar device.

174

175 (39) *Unaltered animal* means an animal that has not been spayed or neutered.

176

177 (40) *Vaccination* means the administration of anti-rabies vaccine approved by the United States Bureau
178 of Animal Industry, the North Carolina State Department of Agriculture and the North Carolina General
179 Statutes. State law reference: Definitions relating to rabies, G.S. § 130A-184. 163

180

181 (41) *Veterinary hospital* means an establishment maintained and operated by a licensed veterinarian for
182 surgery, diagnosis and treatment of diseases and injuries of animals. 166

183

184 (42) *Wild and exotic animals*:

185

186 (a) Wild animals dangerous to humans and property. Wild animals are any animals not
187 normally domesticated. For purposes of this chapter, wild animals are deemed inherently
188 dangerous. They are deemed as such because of their vicious propensities and capabilities, the
189 likely gravity of harm inflicted by their attack and unpredictability despite attempts at
domestication. The category of wild animals includes but is not limited to:

190

- i) Members of the Canidae family such as wolves (*Canis lupus*) and coyotes (*Canis latrans*) and wolf-dog or coyote-dog hybrids. See 3-8(8) for exceptions.

191

- 192 ii) Members of the Ursidae family that includes any member of the bear family or
193 hybrids thereof.
194 iii) Members of the Felidae family such as wild cats, cougars, mountain lions, or
195 panthers.

196
197 (b) Exotic animals dangerous to humans and property. Exotic animals are also considered to be
198 inherently dangerous for purposes of this chapter. Like wild animals, exotic animals are
199 dangerous because of their vicious propensities and capabilities, the gravity of harm inflicted
200 by their attack, and unpredictability despite attempts at domestication. The category of exotic
201 animals includes, but is not limited to:

- 202 i) Reptiles or amphibians which are venomous or constricting reptiles more than
203 eight (8) feet in length. See 3-8(8) for exceptions.
204 ii) Nonhuman primates (all). See 3-8(8) for exceptions.
205 iii) Members of the feline family other than domestic house cats, including, but not
206 limited to lions, tigers, leopards, and hybrid cats. See 3-8(8) for exceptions.
207 iv) Reptiles that are members of the crocodile family, including, but not limited to
208 alligators and crocodiles.

209
210 (c) Wild and exotic animals do not include:

- 211
212 i) Foreign rodents such as guinea pigs, hamsters, ferrets, and chinchillas.
213 ii) Members of the reptile and amphibian family not specifically mentioned above
214 such as small lizards and iguanas, salamanders, turtles, and frogs.
215 iii) Vietnamese pot-bellied pigs and other members of the Suidae family, except wild
216 boar and peccary.
217 iv) Horses and other members of the Equidae family.
218 v) Cows and other members of the Bovidae family.
219 vi) Deer and other members of the Cervidae family.
220 vii) Domestic dogs and cats.

221
222 These animals do not have dangerous propensities and pose no serious threat to the safety
223 of persons and property within Iredell County.

224 (Ord. of 5-6-86, § III; Ord. of 4-4-89, § III; Ord. of 6-1-99, § I; Ord. of 3-4-03; Ord. of 6-3-03) **Cross**
225 **references:** Definitions and rules of construction generally, § 1-3.

226 **State law references:** Handling of poisonous reptiles, G.S. § 14-416 et seq.; definitions relating to civil
227 remedy for protection of animals, G.S. § 19A-1; definitions relating to the Animal Welfare Act, G.S. § 19A-
228 23; definitions relating to veterinarians, G.S. § 90-181; local health director, G.S. §§ 130A- 40, 130A-41,
229 153A-131, 153A-140; definitions relating to rabies, G.S. § 130A-184; animal shelters, G.S. § 153A-442.

230
231 **Sec. 3-2. Purpose.**

232 The purposes of this chapter are to:

- 233 (1) Protect the people of the county from rabies transmitted by unconfined, uncontrolled or
234 unimmunized animals;
235 (2) Regulate animals that may be a nuisance or pose a risk to the safety of humans and
236 other animals; and

237 (3) Ensure that dogs and other animals are treated in a humane manner, and other
238 purposes.

239 (Ord. of 5-6-86, § 1; Ord. of 44-89, § 1)

240 (4) It is not the intent of this chapter to further regulate the normal practices of raising
241 “farm animals” as defined in NCGS 153A-145.4.

242 **State law references:** Purposes of Animal Welfare Act, G.S. § 19A-21. North Carolina Rabies Control Laws
243 G.S. §§ 130A-184 and 130A-201.

244

245 **Sec. 3-3. Conflicting provisions.**

246 Insofar as the provisions of this chapter are inconsistent with the provisions of any other law except a
247 provision of state or federal law, the provisions of this chapter shall control. (Ord. of 5-6-86, § XX; Ord. of
248 4-4-89, § XX.)

249

250 **Sec. 3-4. Enforcement in municipalities; restricted.**

251 (1) Animal Control Officers shall have no authority to enforce this chapter within the
252 boundaries of any municipality unless the governing body of that municipality adopts a
253 resolution stating that Iredell County is empowered to enforce the provisions of this
254 chapter within that municipality and repeals any inconsistent ordinances.

255 (2) The Animal Control Officers shall be prohibited from enforcing the provisions of any
256 ordinance or municipal law not adopted according to the provisions of this section.
257 (Ord. of 5-6-86, § XXI; Ord. of 4-4-89, § XXI)

258 **State law references:** Territorial jurisdiction of county ordinances, G.S. § 153A-122.

259

260 **Sec. 3-5. Animal Services and Control Department created.**

261 There is hereby created an Animal Services and Control Department by the county, which shall be
262 composed of such number of employees as shall be determined by the Board of Commissioners. Such
263 employees shall be hired under the county personnel policy. The Board of Commissioners may also
264 appropriate funds from its general fund, or any nontax or surplus funds to pay the salaries and travel
265 allowances of such personnel in the Animal Services and Control office. (Ord. of 5-6-86, § IV; Ord. of 4-4-
266 89, § IV; Ord. of 3-4-03) **Cross references:** Administration, Ch. 2.

267 **State law references:** Animal Cruelty Investigators, G.S. § 19A-45 et seq.; county Animal Control Officers,
268 G.S. § 67-30; powers and duties of county dog warden, G.S. § 67-
269 31.

270

271 **Sec. 3-6. Officers’ duties and responsibilities.**

272 The Chief Animal Control Officer and Animal Control Officers shall:

273 (1) Have the responsibility to enforce all state laws and all county ordinances pertaining to the
274 ownership, control, care and custody of animals, and shall cooperate with the health
275 director and all other law enforcement officers within the county in fulfilling this duty;

276 (2) Investigate cruelty or animal abuse with regard to dogs, cats, other pets, and livestock.

277 (3) Act as rabies control officers and enforce and carry out all state laws and all county
278 ordinances pertaining to rabies control;

279 (4) Be responsible for, according to sections 3-8 and 3-9, the investigation of all reported
280 animal bites and for facilitating the confinement of any animal involved and suspected of
281 having rabies, for a period of not less than ten (10) days;

282 (5) Be responsible for the operation of the county animal shelter;

283 (6) Be responsible for the seizure and impoundment, where deemed necessary, of any animal
284 in the county involved in a violation of this chapter or any other county ordinance or any
285 state law.
286 (Ord. of 5-6-86, § V; Ord. of 4-4-89, § V; Ord. of 3-4-03)
287 **State law references:** Powers and duties of dog warden, G.S. § 67-31; confinement of
288 animals suspected of having rabies; G.S. § 130A-198.

289
290 **Sec. 3-7. Department to keep records.**

291 It shall be the duty of the Animal Services and Control Department to keep, or cause to be kept, accurate
292 and detailed records of:

- 293 (1) Impoundment and disposition of all animals coming into the animal shelter;
- 294 (2) Bite cases, violations and complaints, and the investigations and appeals of same;
- 295 (3) All monies belonging to the county that were derived from impoundment fees, penalties,
296 adoption or sale of animals, donations, and licenses;
- 297 (4) Records of reported lost and found animals; records to be kept for a minimum of thirty
298 days.
- 299 (5) All other records deemed necessary by the County Manager.
300 (Ord. of 5-6-86, § VI; Ord. of 4-4-89, § VI; Ord. of 3-4-03) **State law references:** Animal
301 shelters, G.S. § 153A-442.

302
303 **Sec. 3-8. Offenses.**

- 304 (1) Animals at large. An animal, excluding cats, not under direct control of its owner and
305 determined to be at large by the Animal Control Officer can be picked up by such officer,
306 and the owner may be subject to a fine as outlined in section 3-19. This section shall not
307 apply to a community cat caregiver. **State law reference:** Domestic fowls running at
308 large after notice, G.S. § 68-25; Allowing livestock to run at large forbidden. G.S. §68-16;
309 Permitting bitch at large, G.S. §67-2; Permitting dogs to run at large at night; penalty;
310 liability for damage, G.S. §67-12.
 - 311 (2) Female dogs or cats during the estrus period. A female dog or cat during the estrus
312 period must be kept in a secure enclosure or be at all times under restraint. Restraint in
313 this instance does not mean tied to a stationary object. The female “in heat” shall be
314 confined in such a manner as to prevent the animal from coming into unintentional
315 contact with a male of its species. **State law reference:** Permitting bitch at large, G.S. §
316 67-2.
 - 317 (3) Possession of animals owned by another. It shall be unlawful for any person to
318 knowingly or intentionally, unless with consent of the owner, harbor, feed and keep in
319 his/her possession, by confinement or otherwise, any dog or other animal that does not
320 belong to him/her unless he/she has within forty-eight (48) hours from the time such
321 dog or other animal has come into his/her possession notified Iredell County Animal
322 Services. **State law reference:** Larceny of horses, mules, swine, cattle, or dogs, G.S. §
323 14-81; Taking horses, mules, or dogs for temporary purposes, G.S. §1482.
- 324
325 a. Upon receiving such notice, an Animal Control Officer may, at his/her discretion,
326 place the animal in the animal shelter. It shall be unlawful for any person to refuse
327 to surrender any such dog or other animal to the Animal Control Officer on

328 demand.

329 b. The purpose of this section is to aid in rabies control and to prevent the

330 intentional or unintentional possession of the pets of other persons.

331 (4) Public nuisance animals.

332 a. An animal may be determined by the Chief Animal Control Officer to be a public

333 nuisance when it commits any of the following acts two (2) or more times, or any

334 combination of two (2) of more of the following acts one (1) or more times:

335

336 i) Chases, snaps at, or molests pedestrians, bicyclists, motor vehicle passengers,

337 or farm stock or domestic animals;

338 ii) Turns over garbage pails;

339 iii) Damages gardens or other foliage or other real or personal property; iv)

340 Habitually or continuously loiters on school grounds or official county

341 recreation areas; or v) Commits other acts that constitute a public nuisance.

342 b. Upon determining that an animal is a public nuisance, an Animal Control Officer shall

343 make a good faith attempt to notify the owner in writing of such determination, and

344 also make a good faith attempt to obtain the owner's written acknowledgement of

345 such determination. However, such acknowledgement shall not constitute a necessary

346 element for a violation by the owner of this section.

347 c. The owner may appeal the determination by filing written objections with the Chief

348 Animal Control Officer within ten (10) days. The appellate board, known as the Animal

349 Grievance Committee, shall hear any requests for appeal of the Chief Animal Control

350 Officer's determination of public nuisance.

351 d. If an animal has been determined by the Chief Animal Control Officer to be a public

352 nuisance under this chapter, it shall be unlawful for the owner to permit the animal to

353 run at large or in any way leave the owner's property unless under restraint. **State law**

354 **reference:** General ordinance-making power, G.S. § 153A-121.

355 (5) Cruelty to animals. Except as provided in NCGS 153A-145.4, the following acts or omissions

356 relating to the mistreatment of animals are unlawful and violations of this article:

357 a. It shall be unlawful for any person to intentionally overdrive, overload, wound, injure,

358 torment, kill, or deprive of necessary sustenance, or cause or procure to be overdriven,

359 overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance.

360 **State law reference:** Cruelty to animals; construction of section, G.S. §14-360.

361 b. It shall be unlawful for any person to subject or cause to be subjected any animal to

362 cruel treatment or deprive or cause to be deprived any animal of adequate food and

363 water. With respect to domesticated animals or wild animals in captivity or under

364 restraint, it shall additionally be unlawful to deprive or cause to be deprived any such

365 animal of adequate shelter or veterinary care. **State law reference:** Cruelty to animals;

366 construction of section, G.S. §14360.

367 c. It shall be unlawful for surgical procedures, including cosmetic procedures, to be

368 performed on any household pet except by a licensed veterinarian. This includes, but

369 is not limited to, tail docking, ear cropping, castration, de-clawing, and dew claw

370 removal. **State law reference:** Definitions pertaining to Veterinarians, G.S. §90-181;

371 Unauthorized practice; penalty, G.S. §90187.12.

372 d. It shall be unlawful for any person to sell, over to give away, or barter puppies, kittens

- 373 less than eight (8) weeks of age.
- 374 e. It shall be unlawful to color, dye, stain or otherwise change the natural color of baby
- 375 chickens or other fowl or rabbits. **State law reference:** Living baby chicks or other
- 376 fowl, or rabbits under eight weeks of age; disposing of as pets or novelties forbidden,
- 377 G.S. § 14-363.1.
- 378 f. It shall be unlawful for any person to tether any fowl. For the purposes of this article,
- 379 this does not apply to raptors (Falconiformes).
- 380 g. It shall be unlawful to restrain any animal except in a humane fashion as previously
- 381 defined in this ordinance. **State law reference:** Restraining dogs in a cruel manner,
- 382 G.S. § 14-362.3.
- 383 h. It shall be unlawful for any person to entice or lure any animal out of an enclosure or
- 384 off the property of its owner or keeper, or to seize, molest or tease any animal while
- 385 the animal is held or controlled by its owner or keeper or while the animal is on or off
- 386 the property of its owner or keeper. **State law reference:** Larceny of horses, mules,
- 387 swine, cattle, or dogs, G.S. § 14-81.
- 388 i. It shall be unlawful to leave an animal in a parked vehicle when temperatures inside the
- 389 vehicle may adversely affect the animal's health and welfare. In order to protect the
- 390 health and safety of an animal, any Animal Control Officer, law enforcement officer,
- 391 firefighter, or rescue squad worker, who has probable cause to believe that an animal
- 392 is confined in a motor vehicle under conditions that are likely to cause suffering, injury,
- 393 or death to the animal due to heat, cold, lack of adequate ventilation, or under other
- 394 endangering conditions, may enter the motor vehicle by any reasonable means under
- 395 the circumstances after making a reasonable effort to locate the owner or other
- 396 person responsible for the animal. As provided in 14-363.3, nothing in this paragraph
- 397 shall be construed to apply to the transportation of horses, cattle, sheep, swine,
- 398 poultry, or other livestock. **State law reference:** Confinement of animals in motor
- 399 vehicles, G.S. §14-363.3.
- 400 j. It shall be unlawful to leave an animal in any vehicle where it must stand, sit or lie on
- 401 extremely hot or cold surfaces, including, but not limited to, truck beds. **State law**
- 402 **reference:** Confinement of animals in motor vehicles, G.S. §14-363.3.
- 403 k. It shall be unlawful for any person to abandon or forsake any animal within the
- 404 County. **State law reference:** Abandonment of animals, G.S. §14-361.1.
- 405 l. No household pet shall be tethered except as follows:
- 406 i) Any tethering device shall be designed and placed to prevent choking or
- 407 strangulation (choke chains, rope, and/or wire are not acceptable).
- 408 ii) Such chain or restraint shall not be less than 10 feet in length nor less than 4 times
- 409 the animal's body length, must not exceed 1/8 of the animal's body weight, and
- 410 must have swivel hardware at each end to prevent tangling.
- 411 iii) The radius area of the tether area shall be a minimum of 150 square feet, and
- 412 large enough for the animal to assume any normal body position including
- 413 standing, sitting, lying and walking. The area shall be free of accumulated waste
- 414 and debris so that the animal shall be free to walk or lie down without coming in
- 415 contact with any such waste or debris, and drainage shall be provided to eliminate
- 416 excess water or moisture.
- 417 iv) A tethered animal must have access to water and adequate shelter.

- 418 v) A tethered household pet must be currently vaccinated against rabies, and must
419 wear current rabies vaccination tags when tethered.
- 420 vi) No person shall tether a sick, injured and/or diseased household pet, nor any
421 household pet less than 6 months of age, unless a responsible adult is outside in
422 the immediate area and within sight of the animal at all times.
- 423 vii) No household pet shall be tethered and left unattended without adequate shelter
424 for longer than 30 minutes at any given time. **State law reference:** Restraining dogs
425 in a cruel manner, G.S. §14-362.3; North Carolina Rabies Control Laws, G.S.
426 §130A-185.
- 427 m. No animal shall be used for fighting, training of other animals to fight, or used as bait
428 to encourage fighting behavior in other animals. **State law reference:** Cockfighting,
429 G.S. § 14-362.
- 430 n. No person shall own, possess, keep, harbor, train, lend, borrow, or handle any dog,
431 cat, bird/fowl, or other domestic, feral or wild animal with the intent that such animal
432 shall be engaged in any animal fight/fight training, exhibition of animal fighting or
433 being used as bait for fighting animals. **State law reference:** Cockfighting, G.S. §14-
434 362.o. No person shall charge admission to, participate in, or be present as a
435 spectator, handler, timekeeper, referee, guard, etc. to any animal fight/battle. **State**
436 **law reference:** Cockfighting, G.S. §14-362.p. No person shall profit from any activity
437 connected with any animal fight or exhibition of animals fighting or training, or
438 competitions or matches of fighting animals. **State law reference:** Cockfighting, G.S.
439 §14-362.q. Any animal found to be used in violation of this section will be
440 immediately confiscated by Animal Services and Control. **State law reference:**
441 Cruelty to animals; construction of section, G.S. §14-360.r. No person shall, for the
442 purpose of any exhibition/occurrence of animal fighting, or training for animal
443 fighting:
- 444 i) Build, make, maintain, or keep a pit or other animal fighting arena or area,
445 whether permanent or portable, on premises owned or occupied by him/her;
- 446 ii) Allow a pit or other animal fighting arena or area whether permanent or portable,
447 to be built, made, maintained, or kept on his/her premises; or
- 448 iii) Build, make, maintain, or keep a pit or other animal fighting arena or area,
449 whether permanent or portable, on public or private property. **State law**
450 **reference:** Cockfighting, G.S §14-362.
- 451 o. No person shall possess, use, sell, give, trade, or loan apparatus, paraphernalia, pit
452 supplies, implements, programs, drugs or equipment used to train or condition
453 animals for fights or battles. **State law reference:** Cockfighting, G.S §14-362.
- 454 p. No person shall use any animal as bait or as a lure in training dogs for fights or battles.
455 **State law reference:** Cockfighting, G.S §14-362. 419.

456 (6) Dangerous dogs.

457 a. *Dangerous dog* means a dog that:

- 458 i) Without provocation has killed or inflicted severe injury on a person; or
459 ii) Has been deemed dangerous in another county or state; or
460 iii) Any dog owned or harbored primarily or in part for the purpose of dog fighting,
461 or any dog trained for dog fighting.

462 b. *Potentially dangerous dog* means:

- 463 i) Any dog which, when unprovoked and not on the owner's real property, on two

464 separate occasions within the prior 24-month period, engages in any behavior
465 that requires a defensive action by a person to prevent bodily injury; or
466 ii) Any dog when unprovoked and not on the owner's real property, bites a person
467 causing injury; or
468 iii) Any dog, when not on the owner's real property, that has killed or inflicted
469 severe injury upon a domestic animal; or
470 iv) Any dog that has been deemed potentially dangerous in another county or state.
471 c. A potentially dangerous dog that does not have any reported violations for 36 consecutive
472 months can have the label of Potentially Dangerous Dog removed. It is the responsibility
473 of the owner to submit a request for designation removal to the Animal Services Director
474 after 36 consecutive months. The Potentially Dangerous Dog designation remains in effect
475 until the owner receives written notification from the Animal Services Director that it has
476 been removed.
477 d. The Chief Animal Control Officer has the authority to determine whether a dog is
478 dangerous or potentially dangerous and must notify the dog's owner in writing giving
479 reasons for the determination. Upon notification, a dog which has been declared
480 dangerous shall be immediately surrendered to Animal Services & Control. If the
481 owner does not appeal a Dangerous Dog determination within three (3) days, the
482 animal may be euthanized. See 38(6)(e) for Potentially Dangerous Dog
483 requirements.
484 e. *The provisions of this subsection do not apply to:*
485 i) A dog being used by a law enforcement officer to carry out the law enforcement
486 officer's official duties, or an assistance dog trained and used as an assistance
487 dog for the physically disabled; or
488 ii) A dog being used in a lawful hunt unless the target or victim is not the intended
489 prey of said hunt.
490 iii) A dog where the injury or damage inflicted by the dog was sustained by a
491 domestic animal while the dog was working as a hunting dog, herding dog, or
492 predator control dog on the property of, or under the control of, its owner or
493 keeper, and the damage or injury was to a species or type of domestic animal
494 appropriate to the work of the dog; or
495 iv) A dog where the injury inflicted by the dog was sustained by a person who, at
496 the time of the injury, was committing a willful trespass or other tort, was
497 tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted
498 the dog, or was committing or attempting to commit a crime or was in any way
499 provoked to attack.
500 f. *Appeals Process.*
501 i) The owner may appeal the determination by filing written objections with the
502 Chief Animal Control Officer within three (3) calendar days. An appellate board,
503 known as the Animal Grievance Committee, shall hear any requests for appeal of
504 the Chief Animal Control Officer's determination of dangerous, or potentially
505 dangerous, dog.
506 ii) The Animal Grievance Committee shall consist of five (5) representatives and
507 one (1) alternate appointed by the county Board of Commissioners. Two
508 members shall be appointed for an initial term of three years, two members
509 shall be appointed for an initial term of two years, one member shall be

510 appointed for an initial term of one year, and all members shall thereafter be
511 appointed for terms of three years. All five members of the board shall hear
512 appeals whenever all five can be present, but three members shall constitute a
513 quorum in the event that all five are not able to be present. The alternate
514 member will sit on the committee when an even number of members is present.
515 To avoid ties, all appeals shall be heard by an odd number of members, either
516 three (3) or five (5). Committee members shall disclose any potential conflict of
517 interest they have with a case and recuse himself, or herself, accordingly. The
518 Animal Grievance Committee shall have jurisdiction to hear and determine all
519 appeals from determinations made by the Chief Animal Control Officer excluding
520 matters referred for criminal prosecution or civil actions for injunctive relief.

521 iii) Upon timely receipt of an appeal, the Chief Animal Control Officer shall schedule
522 a hearing before the appeals board within ten (10) days of the filing of the
523 appeal. Any appeal from the final decision of the Animal Grievance Committee
524 shall be taken to superior court of Iredell County by filing notice of appeal and
525 petition for review within ten (10) days of the final decision of the appellate
526 board. Appeals from the rulings of the Animal Grievance Committee shall be
527 heard de novo before a superior court judge. During an appeal process, the dog
528 is to be housed at the animal shelter with the owner paying a daily boarding fee
529 as set by the Iredell County Board of Commissioners, or with approval of the
530 Chief Animal Control Officer, the dog may be boarded at a veterinarian's office at
531 the owner's expense. In the case of a potentially dangerous dog, the Chief
532 Animal Control Officer may approve home confinement during the appeal
533 process, if already in compliance with all the conditions of the order. Any party
534 has the right to have counsel present before the board, to examine and cross-
535 examine witnesses and to have witnesses' testimony be sworn.

536 *g. Precautions against attacks by potentially dangerous dogs.*

537 i) Any dog determined to be potentially dangerous shall be delivered within
538 twenty-four (24) hours to the animal shelter and there shall be held until a
539 secure enclosure is built. A potentially dangerous dog may be boarded at a
540 veterinarian's office at the owner's expense if pre-approved by the Chief Animal
541 Control Officer. The facility must be located within Iredell County, and the
542 animal must be transported by an Animal Control Officer. It shall remain
543 boarded at the veterinarian's office until a secure enclosure is provided or built.
544 The secure enclosure shall be suitable for the dog based upon its size and
545 approved by the Animal Services and Control Department or the appellate
546 board. In the case of inside dogs, the secure enclosure may be a secure portion
547 of the interior of the residence, but it must include physical protections to
548 prevent accidental release. All types of confinement must be approved by the
549 Chief Animal Control Officer or the appellate board and all transports must be
550 done by Animal Services and Control. The owner shall pay the balance of the
551 board fee when the enclosure is complete. The enclosure shall be completed
552 and the dog claimed within fourteen (14) days or the dog may be euthanized by
553 the Animal Services and Control Department or the owner given the option to
554 have it humanely euthanized by a licensed veterinary on the fifteenth day at the
555 owner's expense if transported by Animal Services and Control.

556 ii) Any dog determined to be potentially dangerous shall have a microchip

557 implanted by a licensed Iredell County veterinarian or by the Iredell County
558 Animal Services and Control Department within three (3) days. The veterinarian
559 will be required to immediately forward the microchip information to the Animal
560 Services and Control Department.

561 iii) The owner shall post the entrance of the property where the potentially
562 dangerous dog is kept with a sign that is legible from the road or sidewalk with
563 notification that states "Potentially Dangerous Dog." iv) The owner of a
564 potentially dangerous dog shall be required to maintain five hundred thousand
565 dollars (\$500,000.00) liability insurance with evidence of insurance to be
566 furnished to the Animal Services and Control Department within seventy-two
567 (72) hours of the determination of the potentially dangerous dog.

568 h. It shall be unlawful for an owner to:

569 i) Leave a potentially dangerous dog unaccompanied on the owner's real
570 property unless the dog is confined indoors, or in the secure enclosure.

571 ii) Permit a potentially dangerous dog to go outside the secure enclosure unless the
572 dog is leashed or is otherwise securely restrained. Dogs off of owner's property
573 must be muzzled with a muzzle that allows the dog to pant and breathe.

574 iii) Transfer ownership of a potentially dangerous dog without having notified the
575 Animal Services and Control Department in writing ten (10) days prior to
576 transfer of ownership. The person receiving ownership of the dog shall be
577 bound by, and compliant with, all conditions of the potentially dangerous dog
578 determination, prior to taking possession of the dog.

579 iv) To move any animal deemed dangerous or potentially dangerous that has
580 bitten a human that results in severe injury from one location to another
581 without written permission from the Animal Services and Control
582 Department.

583 v) Transfer ownership of a potentially dangerous dog without having notified in
584 writing the person taking ownership or possession of the dog, of the dog's
585 dangerous behavior and the determination of the dog as potentially dangerous.

586 i. Violations.

587 i) If a dog that has been declared potentially dangerous is found to be in violation
588 of this subsection, the owner will be issued a civil penalty as set by the Iredell
589 County Board of Commissioners for the first and second offense, and if the dog is
590 found in violation for a third time, the dog is to be immediately surrendered to
591 the Animal Services and Control Department by the owner to be euthanized or
592 taken to a licensed veterinarian for humane euthanasia at the owner's expense
593 and transported by Animal Services and Control. If the owner contests this
594 violation, the owner may file a written appeal with Animal Services and Control
595 within three (3) days of the notification of the violation. A hearing with the
596 appellate board shall be scheduled within ten (10) days. If the owner appeals this
597 violation, the dog is to be held at the Animal Services and Control Department,
598 boarded in a secure environment until the appeal is heard. If the owner of the
599 potentially dangerous dog does not appeal the violation within three (3) days, the
600 dog may be euthanized at the beginning of the fourth day. If the owner loses the
601 appeal, the dog may be euthanized at the beginning of the next day. **State law**
602 **reference:** Definitions pertaining to Dangerous Dogs, G.S. §67-4.1; Penalty for
603 attacks by dangerous dogs, G.S. §67-4.3.

604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648

(7) If a cat, dog or ferret has bitten a person, and the owner fails to confine the animal within eight (8) hours, the owner is to be held in the Iredell County jail until such time as the animal is surrendered for confinement. State law reference: Notice and confinement of biting animals, G.S. §130A-196.

(8) Wild animals and exotic animals.

- a. This subsection shall apply to all animals defined as a wild or exotic animal in section 3-1. Neither this subsection or any section of this chapter shall have the effect of permitting any activity or condition with respect to the state which is prohibited or more severely restricted by the state statutes or the state Wildlife Resources Commission, or of permitting any activity or condition with respect to any animal which is prohibited or more severely restricted by federal statute or regulation.
- b. It shall be unlawful for any owner or other person to possess or harbor a wild animal or exotic animal as heretofore defined within the county.
- c. Exemptions: The following shall be exempt from subsection 3-8(8):
 - i) Veterinary clinics and licensed rehab centers in possession of such animals for treatment and rehabilitation purposes.
 - ii) Any institution licensed by appropriate state and/or federal agencies that exist primarily to educate the public in the areas of science and nature.
 - iii) Bona fide traveling circuses certified by the United States Department of Agriculture and any non-resident carnivals and fairs are exempt for not longer than two weeks (14 days) per each separate location where such events are held within the county, per calendar year.
 - iv) Persons temporarily transporting such mammals or reptiles through the county provided that such transit time should not be more than twenty-four (24) hours.
 - v) Zoological parks, petting zoos and marine mammal show licensed by the United States Department of Agriculture.
 - vi) Private ownership of Hybrid dogs and cats, primates under 25 pounds, or large snakes under 10 feet in length, when all of the following conditions are met:
 - (1) The animal must be registered with Iredell County Animal Services and Control Department. The registration fee will be \$100 per animal, and \$50 annually, thereafter.
 - (2) The animal must have a microchip implanted by a licensed veterinarian, and the microchip information forwarded by the veterinarian to Iredell County Animal Services and Control Department.
 - (3) No primate will be registered on or after February 1, 2016.
 - (4) No primate may be transferred to a new owner within Iredell County on or after February 1, 2016.
 - (5) All breeding, intentional or unintentional, of hybrid dogs, hybrid cats or primates is specifically prohibited. To this end, all hybrid dogs, hybrid cats, and primates must be sterilized. Verification of the sterilization will be forwarded to Iredell County Animal Services and Control.
 - (6) The animal shall not be left unaccompanied on the owner's real property

- 649 unless it is properly confined.
- 650 (7) The owner may not transfer ownership of the animal without notifying the
651 Animal Services and Control Department 14 days prior to transfer of
652 ownership. The new owner must register the animal and pay the registration
653 fee prior to transfer of ownership.
- 654 (8) The owner may not transfer ownership of the animal without having notified
655 in writing the person taking ownership or possession of the animal, of the
656 restrictions of this ordinance.
- 657 (9) The owner must maintain a minimum of \$500,000 in liability insurance to
658 cover medical expenses for the victim should the animal bite or otherwise
659 injure a human.
- 660 (10) Iredell County Animal Services and Control may, in the owner's presence,
661 inspect any required enclosure and required certificates of insurance at any
662 reasonable hour, without notice. This should not normally exceed one
663 inspection annually, unless information suggests such inspection is
664 necessary.
- 665 (11) Iredell County Animal Services may contact required insurance and
666 veterinary providers to validate documentation.
- 667 (12) The animal should only be taken off of the owner's property for continued
668 veterinary care. The animal shall be leashed or otherwise securely
669 restrained when being transported for veterinary care.
- 670 (13) If the animal bites or otherwise injures a human, the incident must be
671 reported to Iredell County Animal Services and Control within 24 hours.
672 Animal Control will initiate any confinement or reporting deemed necessary
673 for the particular animal and injury.
- 674 (14) Permitted primates, hybrid dogs and hybrid cats must receive a health check
675 by a properly licensed veterinarian at least annually. The veterinarian shall
676 verify the animal is healthy, apparently disease free (or under treatment),
677 and has been properly inoculated and/or vaccinated according to the
678 veterinarian's recommended protocol. The veterinarian shall forward a valid
679 health certificate or other official notification to Iredell County Animal
680 Services and Control. Animal Services will forward this information to the
681 County's Director of Public Health.
- 682 (15) Permitted primates must be contained in a double wall primary outdoor
683 enclosure when outside that precludes anyone reaching in to touch the
684 animal or any terrestrial wildlife from the contacting the animal.
- 685 (16) Permitted primates must be contained in a double wall primary indoor
686 enclosure that precludes anyone from reaching in to touch the animal when
687 inside.
- 688 (17) Permitted primates must be housed in those enclosures such that contact
689 with anyone beyond the immediate family of the owner is prohibited.
- 690 (18) Permitted hybrid cats are at all times to be confined indoors, or in an escape-
691 proof enclosure approved by Iredell County Animal Services and Control.(19)
692 If a hybrid animal bites a person or is exposed to a potentially rabid animal, it
693 must be humanely euthanized and submitted for rabies diagnostic testing,
694 even if the animal was vaccinated against rabies. Hybrid animals cannot be

695 confined after a human bite or quarantined after a rabies exposure because
696 the extent of the incubation period for rabies has not been established in
697 these animals and there is no USDA-approved rabies vaccine licensed for
698 canine or feline hybrids. (NC Rabies Control Manual-Animal Rabies
699 Vaccination: Requirements & Guidelines pp. 7-8).(20)When a permitted large
700 constricting snake reaches ten (10) feet in length, the owner must contact
701 Iredell County Animal Services and Control. Iredell County Animal Services
702 and Control will work with the owner to find an appropriate facility to which
703 possession and ownership may be transferred.(21)Violations: If any animal
704 permitted under this exemption is found to be in violation of this section, the
705 owner will be issued a civil penalty of \$500.00 per violation for the first
706 offense. The owner will immediately transfer the animal to a veterinary
707 facility approved by Iredell County Animal Services and Control until any and
708 all violations are remedied as approved by the Chief Animal Control Officer. If
709 the animal is found in violation for a second time, the animal is to be
710 immediately transported to an approved veterinary facility to be humanely
711 euthanized at the owner's expense. If the owner contests this violation, the
712 owner may file a written appeal with Animal Services and Control within
713 three (3) days of the notification of the violation. A hearing with the
714 appellate board shall be scheduled within ten (10) days. If the owner appeals
715 this violation, the animal is to be held at a facility approved by Iredell County
716 Animal Services and Control, at the owner's expense, until the appeal is
717 heard. If the owner of the animal does not appeal the violation within three
718 (3) days, the animal may be transferred or euthanized at the beginning of the
719 fourth day. If the owner loses the appeal, the animal may be transferred or
720 euthanized at the beginning of the next day.

721 **State law reference:** Possession or harboring of dangerous animals, G.S. §153A-131;
722 Abatement of public health nuisances, G.S. §153A-140; Enforcement of
723 ordinances, G.S.
724 §153A-123.

725 (9) Deceased animals.

726 It shall be the duty of the owner or person in charge of any animals that die from any
727 cause, and the owner, lessee or person in charge of any land upon which any animals die,
728 to bury the dead animals to a depth of at least three (3) feet.

729 (Ord. of 5-6-86, § VII; Ord. of 4-4-89, § VII; Ord. of 6-1-99, § II; Ord. of 3-4-03; Ord. of 6-3-
730 03) **State law references:** Cruelty to animals, G.S. § 14-360 et seq.; putting poisonous
731 compounds, etc., in public places, G.S. § 14-401; permitting bitch to run at large, G.S. § 67-
732 2; Disposition of dead domesticated animals, G.S. § 106.403; G.S. §§ 106-700, 106-701;
733 confinement of leashing of vicious animals, G.S. § 130A-200; department of transportation
734 to remove dead animals from roads, G.S. § 13618(21); adoption of rules by wildlife
735 resources commission, G.S. § 143-243; power of county to define and prohibit the abuse of
736 animals, G.S. § 153A-127; abatement of public health nuisances by county, G.S. § 153A-
737 140.

738 **Sec. 3-9. Rabies control.**

739 (1) Immunization.

740 a. It shall be required that any dog, cat or ferret four (4) months of age or younger

741 be kept in a secure enclosure or be at all times under restraint or direct control
742 of the owner.

743 b. It shall be unlawful for any owner to keep any dog, cat or ferret four (4) months
744 of age or older unless such animal has been immunized against rabies in
745 accordance with county ordinance and with an approved anti-rabid vaccine
746 administered by a licensed veterinarian, registered veterinary technician under
747 the direct supervision of a licensed veterinarian, or certified rabies vaccinator,
748 and proof of rabies vaccination is provided upon request of Animal Services and
749 Control. An owner complying with all of the requirements of this section need
750 not display said rabies vaccination tags on dogs during the actual duration of
751 organized hunting activities only if:

752 c. The dog is on private property with the consent of the owner of that property;
753 and The owner is in physical possession of such rabies vaccination tag or proof
754 of rabies vaccination during the organized hunting activities.

755 d. If state law dealing with rabies control is amended to include other types of animal in
756 the class of those required to have rabies vaccinations, or if any other change not
757 consistent with this section is made, the amended law of the State shall apply.

758 (2) *Bites.*

759 a. Bites that are inflicted by animals upon human beings shall be reported immediately to
760 Animal Services and Control by the person who has been bitten, or in the case of a
761 child, his or her parents or guardian or other responsible party. Every physician
762 treating a bite wound shall report the incident to Animal Services and Control
763 immediately. Animal Services and Control will notify the health director or his/her
764 designee immediately following the bite incident investigation.

765 b. Every dog, cat or ferret that bites a human being and does not have a valid rabies
766 vaccination shall be delivered within eight (8) hours of the bite incident by the owner to
767 the animal service and control shelter or to a licensed veterinary hospital, at the choice
768 of the owner, where the animal shall be confined for observation for not less than ten
769 (10) days. The owner shall be responsible for the cost of such confinement. Under the
770 Health Director's discretion, he/she may authorize home confinement or other
771 alternate accommodations for the confinement period.

772 c. Every dog, cat or ferret that bites a human being and has a valid rabies vaccination shall
773 be delivered within eight (8) hours of the bite incident by the owner to the county
774 Animal Services and Control shelter or to a licensed veterinary hospital, where the
775 animal shall be confined for observation for not less than ten (10) days. The owner shall
776 be responsible for the cost of such confinement. An Animal Control Officer may, under
777 authority designated by the local health director, permit the animal to be confined on
778 the premises of the owner only when, after personal inspection, it is determined there is
779 a suitable secure enclosure on the premises and that other circumstances warrant such
780 action.

781 d. In the case of stray animals whose ownership is not known, the supervised
782 confinement required by this section shall be at the Animal Services and Control
783 shelter unless an interested party pays to board at a veterinarian's office.e. If rabies

784 does not develop within ten (10) days after an animal is confined under this section,
785 the animal may be released from confinement with the written permission of the
786 Animal Services and Control shelter. If the animal has been confined in the county
787 Animal Services and Control shelter, the owner shall pay a fee as set by the Iredell
788 County Board of Commissioners for each day for dogs, cats or ferrets for
789 confinement to defray the cost of feeding upon reclaiming the animal.

790 f. Every hybrid dog or hybrid cat that bites a human being shall be delivered within eight
791 (8) hours of the bite incident by the owner to the Animal Services and Control shelter or
792 to a licensed veterinary hospital, at the choice of the owner, where the animal shall be
793 humanely euthanized and its head sent to the State Laboratory of Public Health for
794 rabies testing.

795 g. Every primate that bites a person shall be delivered within eight (8) hours to a properly
796 licensed veterinarian for medical evaluation as judged appropriate by the veterinarian.
797 The animal will be evaluated and held at the owner's expense until such time as a bite
798 investigation is completed by Animal Services and Control. Any bite inflicted by a
799 primate will be considered a "severe injury" as defined in this ordinance, and will follow
800 the same protocol as described in article 3-8(6) "Dangerous Dogs".

801 h. *Animals bitten by rabid animals* The owner of any dog, cat and/or ferret reasonably
802 suspected to have been exposed by another animal which is known or reasonably
803 known of having rabies shall follow all state laws regarding the confinement related to
804 the control of rabies.

805 (Ord. of 5-6-86, § VIII; Ord. of 4-4-89, § VIII; Ord. of 9-17-96; Ord. of 3-4-03)

806 **State law references:** Rabies, G.S. § 130A-184 et seq.; vaccination of all dogs and cats, G.S. § 130A-185;
807 rabies vaccination tags, G.S. § 130A-190; biting dogs and cats, procedures, G.S. § 130A-196; infected
808 dogs and cats, procedures, G.S. § 130A-197; animals suspected of having rabies, procedures, G.S. §
809 130A-198.

810

811 **Sec. 3-10. Area-wide emergency quarantine.**

812 (1) When reports indicate a positive diagnosis of rabies, the local health director may order
813 an area wide quarantine when the disease exists to the extent that the lives of people are
814 endangered, for such period as he/she deems necessary. Upon invoking of such
815 emergency quarantine, each animal in the area required to be vaccinated shall be
816 confined on the premises of the owner or in a veterinary facility unless the animal is on a
817 leash or under the direct control and in sight of a responsible adult. During such
818 quarantine, no animal may be taken or shipped from the county without written
819 permission of the Animal Services and Control Department and the local health director.
820 After reasonable efforts have been made to capture any feral or stray animal, any
821 properly trained Peace Officer or Animal Control Officer shall have the right to destroy the
822 animal and properly dispose of the body.

823 (2) If there are additional positive cases of rabies occurring during the period of quarantine,
824 such period of quarantine may be extended at the discretion of the director of public
825 health.

826 (Ord. of 5-6-86, § IX; Ord. of 4-4-89, § IX)

827 **State law references:** Quarantine of districts infected with rabies, G.S. § 130A-194; destroying
828 stray dogs and cats in quarantine districts, G.S. § 130A-195.
829

830 **Sec. 3-11. Failure to surrender animal.**

831 It shall be unlawful for any person to fail or refuse to surrender any animal for confinement,
832 quarantine or euthanasia as required by this chapter, when demand is made therefore by the Animal
833 Services and Control Department of the Director of Public Health.
834 (Ord. of 5-6-86, § XI; Ord. of 4-4-89, § X)
835

836 **Sec. 3-12. Killing, releasing or removing, restricted.**

837 It shall be unlawful for any person to kill or release any animal under observation for rabies, any
838 animal suspected of having been exposed to rabies or to remove such animal from the county
839 without written permission from the Animal Services and Control Department and the director of
840 public health. (Ord. of 5-6-86, § X; Ord. of 4-4-89, § X)
841

842 **Sec. 3-13. Reserved.**

843 **Editor's note:** Ord. of April 4, 1989, § XII, repealed the licensing provisions of the animal control
844 ordinance, which derived from Ord. of May 6, 1986, § XII and was formerly codified as § 3-13.
845

846 **Sec. 3-14. Improper tags; unauthorized removal.**

847 (1) *Improper tags.* It shall be unlawful for any person to counterfeit a rabies vaccination tag
848 or license tag or to use a rabies vaccination tag that has not been properly obtained from
849 a licensed veterinarian in accordance with the provisions of G.S. Section 106-366.

850 (2) *Removal.*

- 851 a. It shall be unlawful for any person to remove a rabies vaccination tag, an identification
852 tag or license tag from any animal belonging to another person unless by the direction
853 of the owner.
- 854 b. It shall be unlawful for any owner to permit his dog to be off the property of the owner
855 without a rabies vaccination tag except under section 3-9(1)(b).
- 856 c. It shall be unlawful to misrepresent compliance by the display of a rabies tag or
857 presentation of a rabies certificate which belongs to another animal.

858 (Ord. of 5-6-86, § XVI; Ord. of 4-4-89, § XVI)

859 State law references: **Rabies vaccination tags, G.S. § 130A-190.**
860

861 **Sec. 3-15. Seizure and impoundment of animals.**

862 (1) *Powers of officers.* Animal Control Officers and other law enforcement officers are
863 empowered to seize and impound:

- 864 a. Animals running at large in violation of section 3-8(1) or (2);
865 b. Animals unlawfully possessed by a person other than the owner in violation of section
866 3-8(3).
867 c. Animals determined to be a public nuisance under the provisions of section 3-8(4);
868 d. Animals that have been found to be a victim of cruel treatment under the provisions of
869 section 3-8(5);
870 e. Wild or exotic animals determined to be held in violation of the provisions of section 3-
871 8;

872 f. Animals appearing not to be in compliance with the rabies control provisions of section
873 3-9; g. Animals in imminent danger;
874 h. Livestock at large under G.S. Chapter 68; i. Dogs in violation of section 3-8(6).

875 (2) *Responsibility for penalties.* Impoundment of such an animal shall not relieve the owner
876 thereof from any penalty that may be imposed for violation of this chapter, or which is
877 found to be creating a public nuisance in violation of this chapter.

878 (3) *Dangerous conditions.* Animal Control Officers shall not be required, in the process of
879 seizing or impounding animals, to place themselves in a situation that may jeopardize
880 their health and safety.

881 (4) *Notification to owners.* Upon impounding an animal, the Animal Control Officer shall
882 make a reasonable diligent attempt to determine the ownership of the impounded
883 animal, if not already known, and to notify the owners of the impoundment and the
884 procedure for redemption according to the provisions of section 3-16. All cats and dogs
885 must be scanned for microchips. Reasonable diligent attempts include scanning, rabies
886 tag check and checking Animal Services and Control's lost and found log.

887 (5) *Impoundment time periods.*

888 a. Impounded animals shall be held for the following periods of time:

889 i) Normally, impounded stray animals shall be held for three (3) full working days
890 before becoming available for adoption, released to a nonprofit animal rescue
891 group or euthanized.

892 ii) Owner surrendered animals may be adopted immediately or released to a nonprofit
893 animal rescue group or euthanized if not suitable for adoption.

894 iii) The Chief Animal Control Officer may, in his/her discretion, extend the three (3) day
895 holding period.

896 iv) In appropriate cases, such as for animals that are badly wounded or diseased or
897 afflicted with a highly contagious disease, the shelter manager or veterinarian may
898 use his/her discretion to reduce the three (3) days holding period and to destroy
899 the animal immediately or at such appropriate time as deemed by the Chief Animal
900 Control Officer as long as reasonable diligent attempts are made to notify the
901 owner.

902 v) Animals may be placed in foster care prior to the expiration of the three (3) day
903 hold as long as all provisions of the applicable statutes are met.

904 b. After the holding period animals may be disposed of by the following methods:

905 i) At the opening of the fourth full working day after impoundment the animal may
906 become available for adoption according to the provisions of section 3-17 or
907 euthanized if not suitable for adoption.

908 ii) The animal shelter may only utilize techniques of humane euthanasia as approved
909 by the North Carolina Department of Agriculture. *Note: Entire section on
910 permitted types and practices of euthanasia removed.

911 ii) At the opening of the fourth full working day following impoundment, or
912 thereafter, any unclaimed animal that has been euthanized may be made available
913 for sale to a duly licensed biological supply company or veterinary researcher, at the
914 discretion of the Chief Animal Control Officer, but only upon the prior receipt of the
915 following information from those requesting to purchase animals:

916 (1) Copy of United States Department of Agriculture license;

- 917 (2) List of all facilities to which purchaser sells or purchases from;
918 (3) Description or photographs of purchaser's animal transportation vehicles and
919 description of the routes by which he/she will transport such animals;
920 (4) Any other information or documentation required in the discretion of the Chief
921 Animal Control Officer.
- 922 (6) *Inoculations.* The Chief Animal Control Officer is authorized to determine, upon receipt of
923 animals into the animal shelter, which animals should be given initial inoculations for distemper,
924 parvovirus and other common infectious diseases and parasites, and in appropriate cases such
925 inoculations shall be administered immediately upon receipt of the animal into the animal
926 shelter or as soon as practicable thereafter. The owner or adopting person shall be responsible
927 for further inoculations.
- 928 (7) *Veterinary inspection.* A licensed veterinarian for the purpose of inspection of the animals
929 contained therein shall visit the animal shelter at least one (1) time monthly. (Ord. of 5-6-86, §
930 XIII; Ord. of 4-4-89, § XIII; Ord. of 5-1-00; Ord. of 3-4-03)

931
932 Notwithstanding any other provision of this ordinance, any impounded animal which is seriously
933 wounded or diseased (and not a rabies suspect) or continues to act in a feral manner after a
934 reasonable observation period, as determined by a licensed veterinarian, of the Chief Animal Control
935 Officer, the animal may be destroyed prior to the expiration of the required holding period, and if the
936 animal has no identification it shall be destroyed immediately in a humane manner. If the animal has
937 identification, the Animal Services and Control Department shall attempt to notify the owner before
938 disposing of such animal, but if the owner cannot be reached readily, and the animal is suffering, the
939 Animal Services and Control Department may destroy the animal at its discretion in a humane
940 manner. Such cases shall be documented on the animal custody record. The Animal Services and
941 Control Department has the authority to humanely destroy severely injured livestock when the
942 owner is unknown, or at their discretion upon the owner's request.

943 **State law references:** Euthanasia defined, G.S. § 19A-23(9); Livestock Law, G.S. § 68-15 et seq.;
944 Disposition of dead domesticated animals, G.S. §106-403. 865

945
946 **Sec. 3-16. Redemption of animals.**

947 During the time an animal is impounded at the animal shelter it shall be available for redemption to
948 the owner. Redemption service fees, boarding fees and trailering fees for livestock will be set by
949 Iredell County Board of Commissioners.
950 (Ord. of 5-6-86, § XIV; Ord. of 4-4-89, § XIV; Ord. of 3-4-03)

951
952 **Sec. 3-17. Adoption.**

- 953 (1) *Contract.*
- 954 a. Any person adopting an animal from the animal shelter shall be required to sign an adoption
955 contract with the animal shelter, the major provisions of which are outlined in this section.
- 956 b. No animal that has been impounded by reason of its being a stray, unclaimed by its owner,
957 shall be allowed to be adopted from the animal shelter during a period of emergency rabies
958 quarantine without special authorization of the Director of Public Health and the Chief
959 Animal Control Officer.
- 960 (2) *Fee.*
- 961 a. Any person adopting an animal from the animal shelter shall be required to pay adoption

- 962 fees as approved by the Iredell County Board of Commissioners or during special events
963 designated by the Director of Animal Services and/or his/her designee
- 964 b. An adopting person shall not be required to pay any boarding fee for adopting a dog. c.
965 [Reserved.]
- 966 d. Adopted dogs and cats must be altered prior to adoption or within a specified time as
967 approved by the Chief Animal Control Officer. The adoption fee will cover the cost of altering
968 if an appointment is made with Animal Services and Control to utilize their spay/neuter
969 services. Failure to comply may result in forced relinquishment of said animal and pay an
970 additional fine as set by the Iredell County Board of Commissioners.
- 971 (3) *Exchange of adopted animals.* The county shall agree to provide an exchange for any animal that
972 requires major medical treatment or dies from natural causes within thirty (30) days from the
973 date of adoption under the following conditions only:
- 974 a. Any major medical treatment must be certified as being necessary by a licensed veterinarian.
975 b. If the adopted animal dies within thirty (30) days following adoption, the adopting person
976 must present satisfactory evidence (such as the carcass of the animal or the veterinarian's
977 certification) of the date of the death of the animal.
- 978 c. The request for an exchange must be made within thirty (30) days from the date of the
979 adoption contract.
- 980 (Ord. of 5-6-86, § XV; Ord. of 4-4-89, § XV; Ord. of 3-4-03)

981
982

Sec. 3-18 Community Cats.

- 983 (1) *Trap-Neuter-Return Programs.*
- 984 (a) Organizations or individuals that engage in Trap-Neuter-Return are encouraged to
985 register through a sponsoring organization. Organizations performing or supporting
986 Trap-Neuter-Return in Iredell County shall identify and nominate a community cat
987 sponsoring organization, which shall be recognized by the Iredell County Animal Services
988 Director or his/her designee.
- 989 (b) The community cat sponsoring organization shall make available to the public
990 information about Trap-Neuter-Return and feral cats, shall attempt to notify the
991 appropriate community cat caregiver when notified by the Animal Services Department
992 about an impounded ear tipped cat, and shall provide a single point of contact to the
993 Animal Services Department for the coordination of Trap-Neuter-Return, calls about at
994 large cats, and calls about complaints related to community cats.
- 995 (c) Responsibilities of the community cat caregiver:
- 996 i) Cats must be trapped using humane trapping techniques;
997 ii) Cats must be assessed by a veterinarian and deemed healthy at the time of
998 spay/neuter surgery;
999 iii) Cats must be spayed or neutered;
1000 iv) Cats must be vaccinated for rabies
1001 v) Cats must be ear tipped;
1002 vi) Cat bites must be reported to Iredell County Animal Control.
- 1003 (d) Responsibilities of Iredell County Animal Services Division.
- 1004 i) Persons that contact Iredell County Animal Services about stray or community cats
1005 shall be provided information about Trap-Neuter-Return and referred to the

1006 community cat sponsoring organization.
1007 ii) When a person contacts Iredell County Animal Services with a complaint about an
1008 ear tipped community cat, county staff will contact the community cat sponsoring
1009 organization for assistance in resolving the complaint.

1010

1011 **Sec. 3-19. Interference.**

1012 It shall be unlawful for any person to interfere with, hinder, or molest the Chief Animal Control
1013 Officer, Animal Control Officers, or other certified law officers, or their agents, or veterinarians,
1014 in the performance of any duty authorized by this chapter.

1015 (Ord. of 5-6-86, § XVII; Ord. of 4-4-89, § XVII; Ord. of 3-4-03) **State law references:** Obstructing
1016 public officers, G.S. § 14-223.

1017

1018 **Sec. 3-20. Penalties; equitable remedies.**

1019 (1) This chapter may be enforced by an appropriate equitable remedy issuing from a court of
1020 competent jurisdiction.

1021 (2) Notwithstanding any civil penalties outlined in this chapter, any person violating the provisions
1022 of this chapter may be found guilty of a misdemeanor under G.S. Sections 14-1 and 153A-123,
1023 and may be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment
1024 for not more than six (6) months or both, for each offense. For a continuing violation, each
1025 day's violation may be deemed to be a separate offense.

1026 (3) In addition to the other remedies for violation of this chapter, the Animal Control Officer may
1027 issue to the known owner, or person having custody or control of such animal a ticket giving
1028 notice of the violation of Chapter 3. Any such official shall be authorized to secure the name
1029 and address of the owner or person in control of the animal in violation. Citations so issued
1030 may be delivered in person or mailed by registered or certified mail to the person charged if
1031 he/she couldn't otherwise be readily located. Any such citation issued shall impose upon the
1032 owner a civil penalty related to the offense and fines as set by the Iredell County Board of
1033 Commissioners. Such penalties must be paid within ten (10) days to the Chief Animal Control
1034 Officer or any person authorized by him/her to receive such funds. If the owner of the animal
1035 or other violator does not appear in response to such citation, or if the applicable penalty is not
1036 paid within the time prescribed, a criminal summons may be issued against the violator or
1037 owner or person having custody of the animal in violation of this, and upon conviction, the
1038 violator or owner or person having custody of the animal shall in addition to penalties
1039 prescribed for violation of the chapter be punished as the court prescribes for failure to pay the
1040 civil penalties imposed hereby.

1041 (4) The Animal Services and Control administration staff shall cause all citations to be serially
1042 numbered in duplicate and shall cause the records of the issuance and disposition of such
1043 citations to be maintained so that an accounting can be made.

1044 (Ord. of 5-6-86, § XVIII; Ord. of 4-4-89, § XVIII; Ord. of 3-4-03)

1045

1046 **Sec. 3-21. Civil penalty.**

1047 (1) *Violation.* Except as otherwise provided herein, any owner who violates any provision of this
1048 article shall be subject to a civil penalty for each violation in accordance with subsection (2)
1049 below. Fines shall be established by the county Board of Commissioners based on the nature of
1050 the violation on the number of repeat offenses. If the violation is continued, each day's
1051 violation shall constitute a separate offense. For the purposes of this section, repeat violations

1052 occur where the agency has issued a fine for the same offense within a 24-month period.
1053 Nothing in this section shall prevent agency representatives from issuing warning violations.
1054 (2) *Written notice of violation and penalty.* The animal owner or keeper shall be issued a written
1055 notice of violation and penalty which shall be required to make payment to the animal shelter
1056 within ten (10) days of receipt of notice. Notice of the civil penalty and violation shall be
1057 delivered in person to the violator or mailed by certified mail, return receipt requested, to the
1058 owner's last known address. If the applicable civil penalty is not paid within the time period
1059 prescribed, a civil action may be commenced to recover the penalty and costs associated with
1060 collection of the penalty.

1061
1062 **Sec. 3-22. Criminal penalties.**

1063 Violation of this article may subject the violator to criminal as well as civil action. In addition to
1064 the civil penalties or fees imposed under this article, violation of this chapter shall be a
1065 misdemeanor for which a criminal summons or warrant may be issued. A violator convicted of
1066 such violation shall be punishable as provided in G.S. 14-4. Each day's violation of this section is
1067 a separate offense and shall be fined not less than fifty-dollars per offense but no more than a
1068 maximum of five-hundred dollars (\$500.00) per offense. Payment of a fine imposed in criminal
1069 proceedings pursuant to this section does not relieve the violator of his liability for taxes, civil
1070 penalties or fees imposed under this article.
1071 (Ord. No. 96-5-8, § 1, 5-7-96; Ord. No. 983-3-15, § 1, 3-17-98; Ord. No. 02-11-11, § 1, 11-19-02)

1072
1073 **Sec. 3-23. Injunctions.**

1074 Any provision of this article that makes unlawful a condition existing upon or use made of real
1075 property may be enforced by injunction or other of abatement. When a violation of such a
1076 provision occurs, the director through either the county attorney or applicable municipality's
1077 attorney, or any resident of the county or applicable municipality, may apply to the general
1078 court of justice for a mandatory or prohibitory injunction and order of abatement commanding
1079 the defendant to correct the unlawful condition upon or cease the unlawful use of the
1080 property. (Ord. No. 96-5-8, § 1, 5-7-96)

1081
1082