

Chapter 3

**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:

*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.

*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.

*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 raised off the ground, 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. 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 semiaquatic animals shall have an adequate amount of clean water in which to move.

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

*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.

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

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

46  
47 *Bite* means to cut, wound, or tear with the teeth and includes injuries ranging from minor to severe. A  
48 break in the skin caused by teeth is considered a bite for the purpose of this ordinance.  
49  
50 *Body length* means the straight line distance from the front of an animal’s chest to the rearward most  
51 portion of its hindquarters.  
52  
53 *Cat or domestic cat* means a cat (*Felis catus*) of either sex. **State law reference:** Definitions relating to  
54 the Animal Welfare Act, G.S. § 19A-23; Definitions relating to rabies, G.S. §130A-184.  
55  
56  
57 *Chief Animal Control Officer* means the person under the county’s personnel policy who is responsible  
58 for the management of the animal control program, including enforcement of the county and state laws  
59 pertaining to animal and rabies control, and the supervision of all employees in the animal control  
60 department. The Animal Services Director shall serve as the Chief Animal Control Officer and is under  
61 the direct supervision of the County Manager, and the authority of the Chief Animal Control Officer may  
62 be delegated at the County Manager’s discretion.  
63  
64 *Cruelty and cruel treatment* means every act, omission or neglect whereby unjustifiable physical pain,  
65 suffering or death is caused or permitted. Examples include, but are not limited to, slapping, beating,  
66 kicking, hanging, submerging under water, suffocating, poisoning, burning, and depriving of food, water,  
67 adequate shelter and/or medical treatment, or otherwise subjecting the animal to conditions  
68 detrimental to its health or general welfare. See section 3-8 for definitions.  
69  
70 *Currently vaccinated against rabies* means an animal that has received a primary rabies vaccine at least  
71 28 days ago, or has received a booster vaccine administered in accordance with the vaccine  
72 manufacturer’s package insert and is within the vaccine’s duration of immunity for that particular  
73 species. **State law reference:** North Carolina Rabies Control Laws, G.S. § 130A-185.  
74  
75  
76 *Dangerous dog.* See section 3-8 for definitions.  
77  
78 *Direct control* refers to an animal that is controlled and is obedient to a competent person’s commands,  
79 or is within a secure enclosure. A hunting or working dog in the field training or working will be  
80 considered under direct control.  
81  
82 *Dog or domestic dog* means a dog (*Canis lupus familiaris*) of either sex. **State law reference:** Definitions  
83 relating to the Animal Welfare Act, G.S. § 19A-23; Definitions relating to rabies, G.S. §130A-184.  
84  
85 *Ferret* means a ferret (*Mustela putorius furo*) of either sex. **State law reference:** Definitions relating to  
86 rabies, G.S. §130A-184.  
87  
88 *Health director* means the director of the County Health Department or his/her authorized  
89 representative. **State law reference:** Definitions relating to Public Health, G.S. § 130A-2.  
90

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

96

97 Large Snake means any constricting reptile greater than eight (8) feet in length.

98

99 Macaque means any primate from the genus *Macaca*.

100

101 *Neutered male* means any male animal that has been operated upon to prevent reproduction.

102

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

105

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

112

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

117

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

121

122 *Potentially Dangerous Dog:* See section 3-8 for definitions.

123

124 *Provocation or provoking* means any action designed to goad, inflame, instigate or stimulate an  
125 aggressive or defensive response on the part of an animal, but provocation shall not include any actions  
126 on the part of an individual that pertain to reasonable efforts of self-defense against an unprovoked  
127 animal.

128

129 *Public Nuisance:* See Sec. 3-8 for definitions.

130

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

133

134 *Restraint* means that an animal is under sufficient physical human control such as a leash, cage or  
135 carrier, bridle, or similar effective and humane device that restrains and controls the animal, or

136 adequately contained by a fence on the premises or other secure enclosure. Tethering does not meet  
137 the definition for restraint. A dog that is considered potentially dangerous or a public nuisance must be  
138 on a leash at all times when off the owner’s property.

139  
140 *Secure enclosure* means an enclosure from which an animal cannot escape unless freed by an owner. An  
141 automobile, truck or other vehicle shall be considered a temporary secure enclosure only if an animal  
142 cannot escape from it unless freed by an owner, it is utilized for a maximum of four hours in any five  
143 hour period, and the animal is not at risk of illness, injury, or death due to temperature extremes or  
144 other hazardous environment. Enclosures designed and manufactured specifically for the transport of  
145 the specific animal contained therein, and provided with a constant source of fresh air, may be used for  
146 a maximum of twelve hours in any thirteen hour period.

147  
148 *Severe injury* means any physical injury that results in broken bones or disfiguring lacerations or requires  
149 cosmetic surgery or hospitalization. **State law reference:** Definitions pertaining to Dangerous Dogs, G.S.  
150 § 67-4.1.

151  
152 *Spayed female* means any female animal that has been operated upon to prevent reproduction.

153  
154 *Stray animal* means a domestic animal that roams at large with no apparent ownership.

155  
156 Tethering means an unattended household pet restrained by a chain, leash or similar device.

157  
158 *Unaltered animal* means an animal that has not been spayed or neutered.

159  
160 *Vaccination* means the administration of anti-rabies vaccine approved by the United States Bureau of  
161 Animal Industry, the North Carolina State Department of Agriculture and the North Carolina General  
162 Statutes. **State law reference:** Definitions relating to rabies, G.S. § 130A-184.

163  
164 *Veterinary hospital* means an establishment maintained and operated by a licensed veterinarian for  
165 surgery, diagnosis and treatment of diseases and injuries of animals.

166  
167 *Wild and exotic animals:*

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

- 173 a. Members of the Canidae family such as wolves (*Canis lupus*) and coyotes (*Canis latrans*) and  
174 wolf-dog or coyote-dog hybrids. See 3-8(8) for exceptions.  
175 b. Members of the Ursidae family that includes any member of the bear family or hybrids thereof.  
176 c. Members of the Felidae family such as wild cats, cougars, mountain lions, or panthers.

177 (2) *Exotic animals dangerous to humans and property.* Exotic animals are also considered to be  
178 inherently dangerous for purposes of this chapter. Like wild animals, exotic animals are dangerous  
179 because of their vicious propensities and capabilities, the gravity of harm inflicted by their attack,

180 and unpredictability despite attempts at domestication. The category of exotic animals includes, but  
181 is not limited to:

- 182 a. Reptiles or amphibians which are venomous or constricting reptiles more than eight (8) feet in  
183 length. See 3-8(8) for exceptions.
- 184 b. Nonhuman primates (all). See 3-8(8) for exceptions.
- 185 c. Members of the feline family other than domestic house cats, including, but not limited to lions,  
186 tigers, leopards, and hybrid cats. See 3-8(8) for exceptions.
- 187 d. Reptiles that are members of the crocodile family, including, but not limited to alligators and  
188 crocodiles.

189 (3) Wild and exotic animals do not include:

- 190 a. Foreign rodents such as guinea pigs, hamsters, ferrets, and chinchillas.
- 191 b. Members of the reptile and amphibian family not specifically mentioned above such as small  
192 lizards and iguanas, salamanders, turtles, and frogs.
- 193 c. Vietnamese pot-bellied pigs and other members of the Suidae family, except wild boar and  
194 peccary.
- 195 d. Horses and other members of the Equidae family.
- 196 e. Cows and other members of the Bovidae family.
- 197 f. Deer and other members of the Cervidae family.
- 198 g. Domestic dogs and cats.

199  
200 These animals do not have dangerous propensities and pose no serious threat to the safety of  
201 persons and property within Iredell County.

202 (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**  
203 **references:** Definitions and rules of construction generally, § 1-3.

204 **State law references:** Handling of poisonous reptiles, G.S. § 14-416 et seq.; definitions relating to  
205 civil remedy for protection of animals, G.S. § 19A-1; definitions relating to the Animal Welfare Act,  
206 G.S. § 19A-23; definitions relating to veterinarians, G.S. § 90-181; local health director, G.S. §§ 130A-  
207 40, 130A-41, 153A-131, 153A-140; definitions relating to rabies, G.S. § 130A-184; animal shelters,  
208 G.S. § 153A-442.

209

### 210 **Sec. 3-2. Purpose.**

211

212 The purposes of this chapter are to:

- 213 (1) Protect the people of the county from rabies transmitted by unconfined, uncontrolled or  
214 unimmunized animals;
- 215 (2) Regulate animals that may be a nuisance or pose a risk to the safety of humans and other animals;  
216 and
- 217 (3) Ensure that dogs and other animals are treated in a humane manner, and other purposes.  
218 (Ord. of 5-6-86, § 1; Ord. of 44-89, § 1)
- 219 (4) It is not the intent of this chapter to further regulate the normal practices of raising “farm animals”  
220 as defined in NCGS 153A-145.4.

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

223

224 **Sec. 3-3. Conflicting provisions.**

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

228

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

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

234 (2) The Animal Control Officers shall be prohibited from enforcing the provisions of any ordinance or  
235 municipal law not adopted according to the provisions of this section.

236 (Ord. of 5-6-86, § XXI; Ord. of 4-4-89, § XXI)

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

238

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

240 There is hereby created an Animal Services and Control Department by the county, which shall be  
241 composed of such number of employees as shall be determined by the Board of Commissioners. Such  
242 employees shall be hired under the county personnel policy. The Board of Commissioners may also  
243 appropriate funds from its general fund, or any nontax or surplus funds to pay the salaries and travel  
244 allowances of such personnel in the Animal Services and Control office. (Ord. of 5-6-86, § IV; Ord. of 4-  
245 4-89, § IV; Ord. of 3-4-03) **Cross references:** Administration, Ch. 2.

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

248

249 **Sec. 3-6. Officers' duties and responsibilities.**

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

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

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

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

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

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

261 (6) Be responsible for the seizure and impoundment, where deemed necessary, of any animal in the  
262 county involved in a violation of this chapter or any other county ordinance or any state law.

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

264 **State law references:** Powers and duties of dog warden, G.S. § 67-31; confinement of animals suspected  
265 of having rabies; G.S. § 130A-198.

266

267 **Sec. 3-7. Department to keep records.**

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

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

277

### 278 **Sec. 3-8. Offenses.**

- 279 (1) Animals at large. An animal not under direct control of its owner and determined to be at large by  
280 the Animal Control Officer can be picked up by such officer, and the owner may be subject to a fine  
281 as outlined in section 3-19. **State law reference:** Domestic fowls running at large after notice, G.S. §  
282 68-25; Allowing livestock to run at large forbidden. G.S. §68-16; Permitting bitch at large, G.S. §67-2;  
283 Permitting dogs to run at large at night; penalty; liability for damage, G.S. §67-12.
- 284 (2) Female dogs or cats during the estrus period. A female dog or cat during the estrus period must be  
285 kept in a secure enclosure or be at all times under restraint. Restraint in this instance does not  
286 mean tied to a stationary object. The female "in heat" shall be confined in such a manner as to  
287 prevent the animal from coming into unintentional contact with a male of its species. **State law**  
288 **reference:** Permitting bitch at large, G.S. § 67-2.
- 289 (3) Possession of animals owned by another. It shall be unlawful for any person to knowingly or  
290 intentionally, unless with consent of the owner, harbor, feed and keep in his/her possession, by  
291 confinement or otherwise, any dog or other animal that does not belong to him/her unless he/she  
292 has within forty-eight (48) hours from the time such dog or other animal has come into his/her  
293 possession notified Iredell County Animal Services. **State law reference:** Larceny of horses, mules,  
294 swine, cattle, or dogs, G.S. § 14-81; Taking horses, mules, or dogs for temporary purposes, G.S.  
295 §1482.
  - 296 a. Upon receiving such notice, an Animal Control Officer may, at his/her discretion, place the  
297 animal in the animal shelter. It shall be unlawful for any person to refuse to surrender any such  
298 dog or other animal to the Animal Control Officer on demand.
  - 299 b. The purpose of this section is to aid in rabies control and to prevent the intentional or  
300 unintentional possession of the pets of other persons.
- 301 (4) Public nuisance animals.
  - 302 a. An animal may be determined by the Chief Animal Control Officer to be a public nuisance when it  
303 commits any of the following acts two (2) or more times, or any combination of two (2) of more  
304 of the following acts one (1) or more times:
    - 305 i) Chases, snaps at, or molests pedestrians, bicyclists, motor vehicle passengers, or farm stock  
306 or domestic animals;
    - 307 ii) Turns over garbage pails;
    - 308 iii) Damages gardens or other foliage or other real or personal property; iv) Habitually or  
309 continuously loiters on school grounds or official county recreation areas; or v) Commits  
310 other acts that constitute a public nuisance.
    - 311

- 312 b. Upon determining that an animal is a public nuisance, an Animal Control Officer shall make a  
313 good faith attempt to notify the owner in writing of such determination, and also make a good  
314 faith attempt to obtain the owner's written acknowledgement of such determination. However,  
315 such acknowledgement shall not constitute a necessary element for a violation by the owner of  
316 this section.
- 317 c. The owner may appeal the determination by filing written objections with the Chief Animal  
318 Control Officer within ten (10) days. The appellate board, known as the Animal Grievance  
319 Committee, shall hear any requests for appeal of the Chief Animal Control Officer's  
320 determination of public nuisance.
- 321 d. If an animal has been determined by the Chief Animal Control Officer to be a public nuisance  
322 under this chapter, it shall be unlawful for the owner to permit the animal to run at large or in  
323 any way leave the owner's property unless under restraint. **State law reference:** General  
324 ordinance-making power, G.S. § 153A-121.
- 325 (5) *Cruelty to animals.* Except as provided in NCGS 153A-145.4, the following acts or omissions relating  
326 to the mistreatment of animals are unlawful and violations of this article:
- 327 a. It shall be unlawful for any person to intentionally overdrive, overload, wound, injure, torment,  
328 kill, or deprive of necessary sustenance, or cause or procure to be overdriven, overloaded,  
329 wounded, injured, tormented, killed, or deprived of necessary sustenance. **State law reference:**  
330 Cruelty to animals; construction of section, G.S. §14-360.
- 331 b. It shall be unlawful for any person to subject or cause to be subjected any animal to cruel  
332 treatment or deprive or cause to be deprived any animal of adequate food and water. With  
333 respect to domesticated animals or wild animals in captivity or under restraint, it shall  
334 additionally be unlawful to deprive or cause to be deprived any such animal of adequate shelter  
335 or veterinary care. **State law reference:** Cruelty to animals; construction of section, G.S.  
336 §14360.
- 337
- 338 c. It shall be unlawful for surgical procedures, including cosmetic procedures, to be performed on  
339 any household pet except by a licensed veterinarian. This includes, but is not limited to, tail  
340 docking, ear cropping, castration, de-clawing, and dew claw removal. **State law reference:**  
341 Definitions pertaining to Veterinarians, G.S. §90-181; Unauthorized practice; penalty, G.S.  
342 §90187.12.
- 343 d. It shall be unlawful for any person to sell, over to give away, or barter puppies, kittens less than  
344 eight (8) weeks of age.
- 345 e. It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or  
346 other fowl or rabbits. **State law reference:** Living baby chicks or other fowl, or rabbits under  
347 eight weeks of age; disposing of as pets or novelties forbidden, G.S. § 14-363.1.
- 348 f. It shall be unlawful for any person to tether any fowl. For the purposes of this article, this does  
349 not apply to raptors (Falconiformes).
- 350 g. It shall be unlawful to restrain any animal except in a humane fashion as previously defined in  
351 this ordinance. **State law reference:** Restraining dogs in a cruel manner, G.S. § 14-362.3.
- 352 h. It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the  
353 property of its owner or keeper, or to seize, molest or tease any animal while the animal is held  
354 or controlled by its owner or keeper or while the animal is on or off the property of its owner or  
355 keeper. **State law reference:** Larceny of horses, mules, swine, cattle, or dogs, G.S. § 14-81.



- 356 i. It shall be unlawful to leave an animal in a parked vehicle when temperatures inside the vehicle  
357 may adversely affect the animal's health and welfare. In order to protect the health and safety  
358 of an animal, any Animal Control Officer, law enforcement officer, firefighter, or rescue squad  
359 worker, who has probable cause to believe that an animal is confined in a motor vehicle under  
360 conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack  
361 of adequate ventilation, or under other endangering conditions, may enter the motor vehicle by  
362 any reasonable means under the circumstances after making a reasonable effort to locate the  
363 owner or other person responsible for the animal. As provided in 14-363.3, nothing in this  
364 paragraph shall be construed to apply to the transportation of horses, cattle, sheep, swine,  
365 poultry, or other livestock. State law reference: Confinement of animals in motor vehicles, G.S.  
366 §14-363.3.
- 367 j. It shall be unlawful to leave an animal in any vehicle where it must stand, sit or lie on extremely  
368 hot or cold surfaces, including, but not limited to, truck beds. **State law reference:** Confinement  
369 of animals in motor vehicles, G.S. §14-363.3.
- 370 k. It shall be unlawful for any person to abandon or forsake any animal within the County. **State**  
371 **law reference:** Abandonment of animals, G.S. §14-361.1.
- 372 l. No household pet shall be tethered except as follows:
- 373 i) Any tethering device shall be designed and placed to prevent choking or strangulation  
374 (choke chains, rope, and/or wire are not acceptable).
- 375 ii) Such chain or restraint shall not be less than 10 feet in length nor less than 4 times the  
376 animal's body length, must not exceed 1/8 of the animal's body weight, and must have  
377 swivel hardware at each end to prevent tangling.
- 378 iii) The radius area of the tether area shall be a minimum of 150 square feet, and large enough  
379 for the animal to assume any normal body position including standing, sitting, lying and  
380 walking. The area shall be free of accumulated waste and debris so that the animal shall be  
381 free to walk or lie down without coming in contact with any such waste or debris, and  
382 drainage shall be provided to eliminate excess water or moisture.
- 383 iv) A tethered animal must have access to water and adequate shelter.
- 384 v) A tethered household pet must be currently vaccinated against rabies, and must wear  
385 current rabies vaccination tags when tethered.
- 386 vi) No person shall tether a sick, injured and/or diseased household pet, nor any household pet  
387 less than 6 months of age, unless a responsible adult is outside in the immediate area and  
388 within sight of the animal at all times. State law reference: Restraining dogs in a cruel  
389 manner, G.S. §14-362.3; North Carolina Rabies Control Laws, G.S. §130A-185.
- 390 m. No animal shall be used for fighting, training of other animals to fight, or used as bait to  
391 encourage fighting behavior in other animals. **State law reference:** Cockfighting, G.S. § 14-362.
- 392 n. No person shall own, possess, keep, harbor, train, lend, borrow, or handle any dog, cat,  
393 bird/fowl, or other domestic, feral or wild animal with the intent that such animal shall be  
394 engaged in any animal fight/fight training, exhibition of animal fighting or being used as bait for  
395 fighting animals. **State law reference:** Cockfighting, G.S. §14-362.
- 396 o. No person shall charge admission to, participate in, or be present as a spectator, handler,  
397 timekeeper, referee, guard, etc. to any animal fight/battle. **State law reference:** Cockfighting,  
398 G.S. §14-362.

- 399 p. No person shall profit from any activity connected with any animal fight or exhibition of animals  
400 fighting or training, or competitions or matches of fighting animals. **State law reference:**  
401 Cockfighting, G.S. §14-362.
- 402 q. Any animal found to be used in violation of this section will be immediately confiscated by  
403 Animal Services and Control. **State law reference:** Cruelty to animals; construction of section,  
404 G.S. §14-360.
- 405 r. No person shall, for the purpose of any exhibition/occurrence of animal fighting, or training for  
406 animal fighting:
- 407 i) Build, make, maintain, or keep a pit or other animal fighting arena or area, whether  
408 permanent or portable, on premises owned or occupied by him/her;
- 409 ii) Allow a pit or other animal fighting arena or area whether permanent or portable, to be  
410 built, made, maintained, or kept on his/her premises; or
- 411 iii) Build, make, maintain, or keep a pit or other animal fighting arena or area, whether  
412 permanent or portable, on public or private property. **State law reference:** Cockfighting,  
413 G.S §14-362.
- 414 s. No person shall possess, use, sell, give, trade, or loan apparatus, paraphernalia, pit supplies,  
415 implements, programs, drugs or equipment used to train or condition animals for fights or  
416 battles. **State law reference:** Cockfighting, G.S §14-362.
- 417 t. No person shall use any animal as bait or as a lure in training dogs for fights or battles. **State law**  
418 **reference:** Cockfighting, G.S §14-362.
- 419

420 (6) *Dangerous dogs.*

- 421 a. *Dangerous dog* means a dog that:
- 422 i) Without provocation has killed or inflicted severe injury on a person; or ii)  
423 Has been deemed dangerous in another county or state; or
- 424 iii) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog  
425 trained for dog fighting.
- 426 b. *Potentially dangerous dog* means:
- 427 i) Any dog, when not on the owner's real property, that has killed or inflicted severe injury  
428 upon a domestic animal; or
- 429 ii) Any dog, when not on the owner's real property, that has without provocation, bitten a  
430 person or approached a person in a vicious or terrorizing manner in an apparent attitude of  
431 attack; or
- 432 iii) Any dog that has been deemed potentially dangerous in another county or state.
- 433 c. The Chief Animal Control Officer has the authority to determine whether a dog is dangerous or  
434 potentially dangerous and must notify the dog's owner in writing giving reasons for the  
435 determination. Upon notification, a dog which has been declared dangerous shall be  
436 immediately surrendered to Animal Services & Control. If the owner does not appeal a  
437 Dangerous Dog determination within three (3) days, the animal may be euthanized. See  
438 38(6)(e) for Potentially Dangerous Dog requirements.
- 439 d. *The provisions of this subsection do not apply to:*
- 440 i) A dog being used by a law enforcement officer to carry out the law enforcement officer's  
441 official duties, or an assistance dog trained and used as an assistance dog for the physically  
442 disabled; or

- 443 ii) A dog being used in a lawful hunt unless the target or victim is not the intended prey of said  
444 hunt.
- 445 iii) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal  
446 while the dog was working as a hunting dog, herding dog, or predator control dog on the  
447 property of, or under the control of, its owner or keeper, and the damage or injury was to a  
448 species or type of domestic animal appropriate to the work of the dog; or
- 449 iv) A dog where the injury inflicted by the dog was sustained by a person who, at the time of  
450 the injury, was committing a willful trespass or other tort, was tormenting, abusing, or  
451 assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or  
452 attempting to commit a crime or was in any way provoked to attack.
- 453 e. *Appeals Process.*
- 454 i) The owner may appeal the determination by filing written objections with the Chief Animal  
455 Control Officer within three (3) calendar days. An appellate board, known as the Animal  
456 Grievance Committee, shall hear any requests for appeal of the Chief Animal Control  
457 Officer's determination of dangerous, or potentially dangerous, dog.
- 458 ii) The Animal Grievance Committee shall consist of five (5) representatives and one (1)  
459 alternate appointed by the county Board of Commissioners. Two members shall be  
460 appointed for an initial term of three years, two members shall be appointed for an initial  
461 term of two years, one member shall be appointed for an initial term of one year, and all  
462 members shall thereafter be appointed for terms of three years. All five members of the  
463 board shall hear appeals whenever all five can be present, but three members shall  
464 constitute a quorum in the event that all five are not able to be present. The alternate  
465 member will sit on the committee when an even number of members is present. To avoid  
466 ties, all appeals shall be heard by an odd number of members, either three (3) or five (5).  
467 Committee members shall disclose any potential conflict of interest they have with a case  
468 and recuse himself, or herself, accordingly. The Animal Grievance Committee shall have  
469 jurisdiction to hear and determine all appeals from determinations made by the Chief  
470 Animal Control Officer excluding matters referred for criminal prosecution or civil actions for  
471 injunctive relief.
- 472 iii) Upon timely receipt of an appeal, the Chief Animal Control Officer shall schedule a hearing  
473 before the appeals board within ten (10) days of the filing of the appeal. Any appeal from  
474 the final decision of the Animal Grievance Committee shall be taken to superior court of  
475 Iredell County by filing notice of appeal and petition for review within ten (10) days of the  
476 final decision of the appellate board. Appeals from the rulings of the Animal Grievance  
477 Committee shall be heard de novo before a superior court judge. During an appeal process,  
478 the dog is to be housed at the animal shelter with the owner paying a daily boarding fee as  
479 set by the Iredell County Board of Commissioners, or with approval of the Chief Animal  
480 Control Officer, the dog may be boarded at a veterinarian's office at the owner's expense.  
481 In the case of a potentially dangerous dog, the Chief Animal Control Officer may approve  
482 home confinement during the appeal process, if already in compliance with all the  
483 conditions of the order. Any party has the right to have counsel present before the board,  
484 to examine and cross-examine witnesses and to have witnesses' testimony be sworn.
- 485 f. *Precautions against attacks by potentially dangerous dogs.*
- 486 i) Any dog determined to be potentially dangerous shall be delivered within twenty-four (24)  
487 hours to the animal shelter and there shall be held until a secure enclosure is built. A

488 potentially dangerous dog may be boarded at a veterinarian's office at the owner's expense  
489 if pre-approved by the Chief Animal Control Officer. The facility must be located within  
490 Iredell County, and the animal must be transported by an Animal Control Officer. It shall  
491 remain boarded at the veterinarian's office until a secure enclosure is provided or built. The  
492 secure enclosure shall be suitable for the dog based upon its size and approved by the  
493 Animal Services and Control Department or the appellate board. In the case of inside dogs,  
494 the secure enclosure may be a secure portion of the interior of the residence, but it must  
495 include physical protections to prevent accidental release. All types of confinement must be  
496 approved by the Chief Animal Control Officer or the appellate board and all transports must  
497 be done by Animal Services and Control. The owner shall pay the balance of the board fee  
498 when the enclosure is complete. The enclosure shall be completed and the dog claimed  
499 within fourteen (14) days or the dog may be euthanized by the Animal Services and Control  
500 Department or the owner given the option to have it humanely euthanized by a licensed  
501 veterinary on the fifteenth day at the owner's expense if transported by Animal Services and  
502 Control.

- 503 ii) Any dog determined to be potentially dangerous shall have a microchip implanted by a  
504 licensed Iredell County veterinarian or by the Iredell County Animal Services and Control  
505 Department within three (3) days. The veterinarian will be required to immediately forward  
506 the microchip information to the Animal Services and Control Department.
- 507 iii) The owner shall post the entrance of the property where the potentially dangerous dog is  
508 kept with a sign that is legible from the road or sidewalk with notification that states  
509 "Potentially Dangerous Dog." iv) The owner of a potentially dangerous dog shall be required  
510 to maintain five hundred thousand dollars (\$500,000.00) liability insurance with evidence of  
511 insurance to be furnished to the Animal Services and Control Department within seventy-two  
512 (72) hours of the determination of the potentially dangerous dog.

513 g. It shall be unlawful for an owner to:

- 514 i) Leave a potentially dangerous dog unaccompanied on the owner's real property unless the  
515 dog is confined indoors, or in the secure enclosure.
- 516 ii) Permit a potentially dangerous dog to go outside the secure enclosure unless the dog is  
517 leashed or is otherwise securely restrained. Dogs off of owner's property must be muzzled  
518 with a muzzle that allows the dog to pant and breathe.
- 519 iii) Transfer ownership of a potentially dangerous dog without having notified the Animal  
520 Services and Control Department in writing ten (10) days prior to transfer of ownership. The  
521 person receiving ownership of the dog shall be bound by, and compliant with, all conditions  
522 of the potentially dangerous dog determination, prior to taking possession of the dog.
- 523 iv) To move any animal deemed dangerous or potentially dangerous that has bitten a human  
524 that results in severe injury from one location to another without written permission from  
525 the Animal Services and Control Department.
- 526 v) Transfer ownership of a potentially dangerous dog without having notified in writing the  
527 person taking ownership or possession of the dog, of the dog's dangerous behavior and the  
528 determination of the dog as potentially dangerous.
- 529 vi) Violations.

530 (1) If a dog that has been declared potentially dangerous is found to be in violation of this  
531 subsection, the owner will be issued a civil penalty as set by the Iredell County Board of  
532 Commissioners for the first and second offense, and if the dog is found in violation for a

533 third time, the dog is to be immediately surrendered to the Animal Services and Control  
534 Department by the owner to be euthanized or taken to a licensed veterinarian for  
535 humane euthanasia at the owner's expense and transported by Animal Services and  
536 Control. If the owner contests this violation, the owner may file a written appeal with  
537 Animal Services and Control within three (3) days of the notification of the violation. A  
538 hearing with the appellate board shall be scheduled within ten (10) days. If the owner  
539 appeals this violation, the dog is to be held at the Animal Services and Control  
540 Department, boarded in a secure environment until the appeal is heard. If the owner of  
541 the potentially dangerous dog does not appeal the violation within three (3) days, the  
542 dog may be euthanized at the beginning of the fourth day. If the owner loses the  
543 appeal, the dog may be euthanized at the beginning of the next day. **State law**  
544 **reference:** Definitions pertaining to Dangerous Dogs, G.S. §67-4.1; Penalty for attacks by  
545 dangerous dogs, G.S. §67-4.3.

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

549 (8) *Wild animals and exotic animals.*

- 550 a. This subsection shall apply to all animals defined as a wild or exotic animal in section 3-1.  
551 Neither this subsection or any section of this chapter shall have the effect of permitting any  
552 activity or condition with respect to the state which is prohibited or more severely restricted by  
553 the state statutes or the state Wildlife Resources Commission, or of permitting any activity or  
554 condition with respect to any animal which is prohibited or more severely restricted by federal  
555 statute or regulation.
- 556 b. It shall be unlawful for any owner or other person to possess or harbor a wild animal or exotic  
557 animal as heretofore defined within the county.
- 558 c. Exemptions: The following shall be exempt from subsection 3-8(8):
- 559 i) Veterinary clinics and licensed rehab centers in possession of such animals for treatment  
560 and rehabilitation purposes.
- 561 ii) Any institution licensed by appropriate state and/or federal agencies that exist primarily to  
562 educate the public in the areas of science and nature.
- 563 iii) Bona fide traveling circuses certified by the United States Department of Agriculture and any  
564 non-resident carnivals and fairs are exempt for not longer than two weeks (14 days) per  
565 each separate location where such events are held within the county, per calendar year.
- 566 iv) Persons temporarily transporting such mammals or reptiles through the county provided  
567 that such transit time should not be more than twenty-four (24) hours.
- 568 v) Zoological parks, petting zoos and marine mammal show licensed by the United States  
569 Department of Agriculture.
- 570 vi) Private ownership of Hybrid dogs and cats, primates under 25 pounds, or large snakes under  
571 10 feet in length, when all of the following conditions are met:
- 572 (1) The animal must be registered with Iredell County Animal Services and Control  
573 Department. The registration fee will be \$100 per animal, and \$50 annually, thereafter.
- 574 (2) The animal must have a microchip implanted by a licensed veterinarian, and the  
575 microchip information forwarded by the veterinarian to Iredell County Animal Services  
576 and Control Department.
- 577 (3) No primate will be registered on or after February 1, 2016.

- 578 (4) No primate may be transferred to a new owner within Iredell County on or after  
579 February 1, 2016.
- 580 (5) All breeding, intentional or unintentional, of hybrid dogs, hybrid cats or primates is  
581 specifically prohibited. To this end, all hybrid dogs, hybrid cats, and primates must be  
582 sterilized. Verification of the sterilization will be forwarded to Iredell County Animal  
583 Services and Control.
- 584 (6) The animal shall not be left unaccompanied on the owner's real property unless it is  
585 properly confined.
- 586 (7) The owner may not transfer ownership of the animal without notifying the Animal  
587 Services and Control Department 14 days prior to transfer of ownership. The new owner  
588 must register the animal and pay the registration fee prior to transfer of ownership.
- 589 (8) The owner may not transfer ownership of the animal without having notified in writing  
590 the person taking ownership or possession of the animal, of the restrictions of this  
591 ordinance.
- 592 (9) The owner must maintain a minimum of \$500,000 in liability insurance to cover medical  
593 expenses for the victim should the animal bite or otherwise injure a human.
- 594 (10) Iredell County Animal Services and Control may, in the owner's presence, inspect any  
595 required enclosure and required certificates of insurance at any reasonable hour,  
596 without notice. This should not normally exceed one inspection annually, unless  
597 information suggests such inspection is necessary.
- 598 (11) Iredell County Animal Services may contact required insurance and veterinary providers  
599 to validate documentation.
- 600 (12) The animal should only be taken off of the owner's property for continued veterinary  
601 care. The animal shall be leashed or otherwise securely restrained when being  
602 transported for veterinary care.
- 603 (13) If the animal bites or otherwise injures a human, the incident must be reported to Iredell  
604 County Animal Services and Control within 24 hours. Animal Control will initiate any  
605 confinement or reporting deemed necessary for the particular animal and injury.
- 606 (14) Permitted primates, hybrid dogs and hybrid cats must receive a health check by a  
607 properly licensed veterinarian at least annually. The veterinarian shall verify the animal  
608 is healthy, apparently disease free (or under treatment), and has been properly  
609 inoculated and/or vaccinated according to the veterinarian's recommended protocol.  
610 The veterinarian shall forward a valid health certificate or other official notification to  
611 Iredell County Animal Services and Control. Animal Services will forward this  
612 information to the County's Director of Public Health.
- 613 (15) Permitted primates must be contained in a double wall primary outdoor enclosure when  
614 outside that precludes anyone reaching in to touch the animal or any terrestrial wildlife  
615 from the contacting the animal.
- 616 (16) Permitted primates must be contained in a double wall primary indoor enclosure that  
617 precludes anyone from reaching in to touch the animal when inside.
- 618 (17) Permitted primates must be housed in those enclosures such that contact with anyone  
619 beyond the immediate family of the owner is prohibited.
- 620 (18) Permitted hybrid cats are at all times to be confined indoors, or in an escape-proof  
621 enclosure approved by Iredell County Animal Services and Control.

622 (19) If a hybrid animal bites a person or is exposed to a potentially rabid animal, it must be  
623 humanely euthanized and submitted for rabies diagnostic testing, even if the animal was  
624 vaccinated against rabies. Hybrid animals cannot be confined after a human bite or  
625 quarantined after a rabies exposure because the extent of the incubation period for  
626 rabies has not been established in these animals and there is no USDA-approved rabies  
627 vaccine licensed for canine or feline hybrids. (NC Rabies Control Manual-Animal Rabies  
628 Vaccination: Requirements & Guidelines pp. 7-8).

629 (20) When a permitted large constricting snake reaches ten (10) feet in length, the owner  
630 must contact Iredell County Animal Services and Control. Iredell County Animal Services  
631 and Control will work with the owner to find an appropriate facility to which possession  
632 and ownership may be transferred.

633 (21) Violations: If any animal permitted under this exemption is found to be in violation of  
634 this section, the owner will be issued a civil penalty of \$500.00 per violation for the first  
635 offense. The owner will immediately transfer the animal to a veterinary facility approved  
636 by Iredell County Animal Services and Control until any and all violations are remedied  
637 as approved by the Chief Animal Control Officer. If the animal is found in violation for a  
638 second time, the animal is to be immediately transported to an approved veterinary  
639 facility to be humanely euthanized at the owner's expense. If the owner contests this  
640 violation, the owner may file a written appeal with Animal Services and Control within  
641 three (3) days of the notification of the violation. A hearing with the appellate board  
642 shall be scheduled within ten (10) days. If the owner appeals this violation, the animal is  
643 to be held at a facility approved by Iredell County Animal Services and Control, at the  
644 owner's expense, until the appeal is heard. If the owner of the animal does not appeal  
645 the violation within three (3) days, the animal may be transferred or euthanized at the  
646 beginning of the fourth day. If the owner loses the appeal, the animal may be  
647 transferred or euthanized at the beginning of the next day.

648 **State law reference:** Possession or harboring of dangerous animals, G.S. §153A-131;  
649 Abatement of public health nuisances, G.S. §153A-140; Enforcement of ordinances, G.S.  
650 §153A-123.

651 (9) *Deceased animals.*

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

655 (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 6-3-03)

656 **State law references:** Cruelty to animals, G.S. § 14-360 et seq.; putting poisonous compounds, etc., in  
657 public places, G.S. § 14-401; permitting bitch to run at large, G.S. § 67-2; Disposition of dead  
658 domesticated animals, G.S. § 106.403; G.S. §§ 106-700, 106-701; confinement of leashing of vicious  
659 animals, G.S. § 130A-200; department of transportation to remove dead animals from roads, G.S. §  
660 13618(21); adoption of rules by wildlife resources commission, G.S. § 143-243; power of county to  
661 define

664 and prohibit the abuse of animals, G.S. § 153A-127; abatement of public health nuisances by county,  
665 G.S. § 153A-140.

666

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

668 (1) *Immunization.*

669 a. It shall be required that any dog, cat or ferret four (4) months of age or younger be kept in a 670  
secure enclosure or be at all times under restraint or direct control of the owner.

671 b. It shall be unlawful for any owner to keep any dog, cat or ferret four (4) months of age or  
older

672 unless such animal has been immunized against rabies in accordance with county ordinance and  
673 with an approved anti-rabid vaccine administered by a licensed veterinarian, registered  
674 veterinary technician under the direct supervision of a licensed veterinarian, or certified rabies  
675 vaccinator, and proof of rabies vaccination is provided upon request of Animal Services and 676  
Control. An owner complying with all of the requirements of this section need not display said  
677 rabies vaccination tags on dogs during the actual duration of organized hunting  
activities only if:

678 i) The dog is on private property with the consent of the owner of that property; and 679 ii)  
The owner is in physical possession of such rabies vaccination tag or proof of rabies 680 vaccination  
during the organized hunting activities.

681 c. If state law dealing with rabies control is amended to include other types of animal in the class 682  
of those required to have rabies vaccinations, or if any other change not consistent with this 683 section  
is made, the amended law of the state shall apply.

684 (2) *Bites.*

685 a. Bites that are inflicted by animals upon human beings shall be reported immediately to Animal  
686 Services and Control by the person who has been bitten, or in the case of a child, his or her  
687 parents or guardian or other responsible party. Every physician treating a bite wound shall  
688 report the incident to Animal Services and Control immediately. Animal Services and Control 689  
will notify the health director or his/her designee immediately following the bite incident  
690 investigation.

691 b. Every dog, cat or ferret that bites a human being and does not have a valid rabies vaccination  
692 shall be delivered within eight (8) hours of the bite incident by the owner to the animal service  
693 and control shelter or to a licensed veterinary hospital, at the choice of the owner, where the  
694 animal shall be confined for observation for not less than ten (10) days. The owner  
shall be 695 responsible for the cost of such confinement.

696 c. Every dog, cat or ferret that bites a human being and has a valid rabies vaccination shall be  
697 delivered within eight (8) hours of the bite incident by the owner to the county Animal Services  
698 and Control shelter or to a licensed veterinary hospital, where the animal shall be confined for  
699 observation for not less than ten (10) days. The owner shall be responsible for the cost of such  
700 confinement. An Animal Control Officer may, under authority designated by the local health  
701 director, permit the animal to be confined on the premises of the owner only when, after 702  
personal inspection, it is determined there is a suitable secure enclosure on the premises and  
703 that other circumstances warrant such action.



704 d. In the case of stray animals whose ownership is not known, the supervised confinement 705  
required by this section shall be at the Animal Services and Control shelter unless an interested 706 party  
pays to board at a veterinarian's office.

707 e. If rabies does not develop within ten (10) days after an animal is confined under this section,  
the

708 animal may be released from confinement with the written permission of the Animal Services  
709 and Control shelter. If the animal has been confined in the county Animal Services and Control  
710 shelter, the owner shall pay a fee as set by the Iredell County Board of Commissioners for each

711 day for dogs, cats or ferrets for confinement to defray the cost of feeding upon reclaiming the  
712 animal.

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

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

723 h. *Animals bitten by rabid animals.* Any currently vaccinated animal known or reasonably  
724 suspected to have been bitten by another animal which is known or reasonably suspected of  
725 having rabies shall be revaccinated within five (5) days of the exposure. All other animals  
726 without proof of current rabies vaccinations will be given the option of quarantine at a facility  
727 approved by the local health director for six (6) months or immediate euthanasia by a licensed  
728 veterinarian at the owner's expense if transported by Animal Services and Control or euthanized  
729 at the Animal Services and Control shelter. If the animal develops rabies as determined by a  
730 licensed veterinarian, it shall be the duty of the owner to have such animal euthanized and  
731 properly disposed of, subject to the provisions of G.S. § 130A-197, providing for the euthanasia  
732 of rabid animals and the laboratory examination of the heads of such animals.

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

734 **State law references:** Rabies, G.S. § 130A-184 et seq.; vaccination of all dogs and cats, G.S. § 130A-185;  
735 rabies vaccination tags, G.S. § 130A-190; biting dogs and cats, procedures, G.S. § 130A-196; infected  
736 dogs and cats, procedures, G.S. § 130A-197; animals suspected of having rabies, procedures, G.S. §  
737 130A-198.

738

### 739 **Sec. 3-10. Area-wide emergency quarantine.**

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

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

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

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

755

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

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

761  
762 **Sec. 3-12. Killing, releasing or removing, restricted.**

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

767  
768 **Sec. 3-13. Reserved.**

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

771  
772 **Sec. 3-14. Improper tags; unauthorized removal.**

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

776 (2) *Removal.*

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

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

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

785  
786 **Sec. 3-15. Seizure and impoundment of animals.**

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

- 789 a. Animals running at large in violation of section 3-8(1) or (2);  
790 b. Animals unlawfully possessed by a person other than the owner in violation of section 3-8(3).  
791 c. Animals determined to be a public nuisance under the provisions of section 3-8(4);  
792 d. Animals that have been found to be a victim of cruel treatment under the provisions of section  
793 3-8(5);  
794 e. Wild or exotic animals determined to be held in violation of the provisions of section 3-8;  
795 f. Animals appearing not to be in compliance with the rabies control provisions of section 3-9; g.  
796 Animals in imminent danger;  
797 h. Livestock at large under G.S. Chapter 68;  
798 i. Dogs in violation of section 3-8(6).

- 799 (2) *Responsibility for penalties.* Impoundment of such an animal shall not relieve the owner thereof  
800 from any penalty that may be imposed for violation of this chapter, or which is found to be creating  
801 a public nuisance in violation of this chapter.
- 802 (3) *Dangerous conditions.* Animal Control Officers shall not be required, in the process of seizing or  
803 impounding animals, to place themselves in a situation that may jeopardize their health and safety.
- 804 (4) *Notification to owners.* Upon impounding an animal, the Animal Control Officer shall make a  
805 reasonable diligent attempt to determine the ownership of the impounded animal, if not already  
806 known, and to notify the owners of the impoundment and the procedure for redemption according  
807 to the provisions of section 3-16. All cats and dogs must be scanned for microchips. Reasonable  
808 diligent attempts include scanning, rabies tag check and checking Animal Services and Control's lost  
809 and found log.
- 810 (5) *Impoundment time periods.*
- 811 a. Impounded animals shall be held for the following periods of time:
- 812 i) Normally, impounded stray animals shall be held for three (3) full working days before  
813 becoming available for adoption, released to a nonprofit animal rescue group or euthanized.
- 814 ii) Owner surrendered animals may be adopted immediately or released to a nonprofit animal  
815 rescue group or euthanized if not suitable for adoption.
- 816 iii) The Chief Animal Control Officer may, in his/her discretion, extend the three (3) day holding  
817 period.
- 818 iv) In appropriate cases, such as for animals that are badly wounded or diseased or afflicted  
819 with a highly contagious disease, the shelter manager or veterinarian may use his/her  
820 discretion to reduce the three (3) days holding period and to destroy the animal  
821 immediately or at such appropriate time as deemed by the Chief Animal Control Officer as  
822 long as reasonable diligent attempts are made to notify the owner.
- 823 v) Animals may be placed in foster care prior to the expiration of the three (3) day hold as long  
824 as all provisions of the applicable statutes are met.
- 825 b. After the holding period animals may be disposed of by the following methods:
- 826 i) At the opening of the fourth full working day after impoundment the animal may become  
827 available for adoption according to the provisions of section 3-17 or euthanized if not  
828 suitable for adoption.
- 829 ii) The animal shelter may only utilize techniques of humane euthanasia as approved by the  
830 North Carolina Department of Agriculture. \*Note: Entire section on permitted types and  
831 practices of euthanasia removed.
- 832 iii) At the opening of the fourth full working day following impoundment, or thereafter, any  
833 unclaimed animal that has been euthanized may be made available for sale to a duly  
834 licensed biological supply company or veterinary researcher, at the discretion of the Chief  
835 Animal Control Officer, but only upon the prior receipt of the following information from  
836 those requesting to purchase animals:
- 837 (1) Copy of United States Department of Agriculture license;
- 838 (2) List of all facilities to which purchaser sells or purchases from;
- 839 (3) Description or photographs of purchaser's animal transportation vehicles and  
840 description of the routes by which he/she will transport such animals;
- 841 (4) Any other information or documentation required in the discretion of the Chief Animal  
842 Control Officer.

- 843 (6) Inoculations. The Chief Animal Control Officer is authorized to determine, upon receipt of animals  
844 into the animal shelter, which animals should be given initial inoculations for distemper, parvovirus  
845 and other common infectious diseases and parasites, and in appropriate cases such inoculations  
846 shall be administered immediately upon receipt of the animal into the animal shelter or as soon as  
847 practicable thereafter. The owner or adopting person shall be responsible for further inoculations.
- 848 (7) Veterinary inspection. A licensed veterinarian for the purpose of inspection of the animals  
849 contained therein shall visit the animal shelter at least one (1) time monthly. (Ord. of 5-6-86, § XIII;  
850 Ord. of 4-4-89, § XIII; Ord. of 5-1-00; Ord. of 3-4-03)

851  
852 Notwithstanding any other provision of this ordinance, any impounded animal which is seriously  
853 wounded or diseased (and not a rabies suspect) or continues to act in a feral manner after a reasonable  
854 observation period, as determined by a licensed veterinarian, of the Chief Animal Control Officer, the  
855 animal may be destroyed prior to the expiration of the required holding period, and if the animal has no  
856 identification it shall be destroyed immediately in a humane manner. If the animal has identification,  
857 the Animal Services and Control Department shall attempt to notify the owner before disposing of such  
858 animal, but if the owner cannot be reached readily, and the animal is suffering, the Animal Services and  
859 Control Department may destroy the animal at its discretion in a humane manner. Such cases shall be  
860 documented on the animal custody record. The Animal Services and Control Department has the  
861 authority to humanely destroy severely injured livestock when the owner is unknown, or at their  
862 discretion upon the owner's request.

863 **State law references:** Euthanasia defined, G.S. § 19A-23(9); livestock law, G.S. § 68-15 et seq.;  
864 disposition of dead domesticated animals, G.S. §106-403.

865  
866 **Sec. 3-16. Redemption of animals.**

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

871  
872 **Sec. 3-17. Adoption.**

- 873 (1) Contract.
- 874 a. Any person adopting an animal from the animal shelter shall be required to sign an adoption  
875 contract with the animal shelter, the major provisions of which are outlined in this section.
- 876 b. No animal that has been impounded by reason of its being a stray, unclaimed by its owner, shall  
877 be allowed to be adopted from the animal shelter during a period of emergency rabies  
878 quarantine without special authorization of the Director of Public Health and the Chief Animal  
879 Control Officer.

880 (2) Fee.

- 881 a. Any person adopting an animal from the animal shelter shall be required to pay adoption fees as  
882 approved by the Iredell County Board of Commissioners.
- 883 b. An adopting person shall not be required to pay any boarding fee for adopting a dog. c.  
884 [Reserved.]
- 885 d. Adopted dogs and cats must be altered prior to adoption or within a specified time as approved  
886 by the Chief Animal Control Officer. The adoption fee will cover the cost of altering if an  
887 appointment is made with Animal Services and Control to utilize their spay/neuter services.

888 Failure to comply may result in forced relinquishment of said animal and pay an additional fine  
889 as set by the Iredell County Board of Commissioners.

890 (3) *Exchange of adopted animals.* The county shall agree to provide an exchange for any animal that  
891 requires major medical treatment or dies from natural causes within thirty (30) days from the date  
892 of adoption under the following conditions only:

- 893 a. Any major medical treatment must be certified as being necessary by a licensed veterinarian.
- 894 b. If the adopted animal dies within thirty (30) days following adoption, the adopting person must  
895 present satisfactory evidence (such as the carcass of the animal or the veterinarian's  
896 certification) of the date of the death of the animal.
- 897 c. The request for an exchange must be made within thirty (30) days from the date of the adoption  
898 contract.

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

900 **Sec. 3-18. Interference.**

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

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

906

907 **Sec. 3-19. Penalties; equitable remedies.**

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

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

915 (3) In addition to the other remedies for violation of this chapter, the Animal Control Officer may issue  
916 to the known owner, or person having custody or control of such animal a ticket giving notice of the  
917 violation of Chapter 3. Any such official shall be authorized to secure the name and address of the  
918 owner or person in control of the animal in violation. Citations so issued may be delivered in person  
919 or mailed by registered or certified mail to the person charged if he/she couldn't otherwise be  
920 readily located. Any such citation issued shall impose upon the owner a civil penalty related to the  
921 offense and fines as set by the Iredell County Board of Commissioners. Such penalties must be paid  
922 within ten (10) days to the Chief Animal Control Officer or any person authorized by him/her to  
923 receive such funds. If the owner of the animal or other violator does not appear in response to such  
924 citation, or if the applicable penalty is not paid within the time prescribed, a criminal summons may  
925 be issued against the violator or owner or person having custody of the animal in violation of this,  
926 and upon conviction, the violator or owner or person having custody of the animal shall in addition  
927 to penalties prescribed for violation of the chapter be punished as the court prescribes for failure to  
928 pay the civil penalties imposed hereby.

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

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

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**Sec. 3-20. Civil penalty.**

- (1) *Violation.* Except as otherwise provided herein, any owner who violates any provision of this article shall be subject to a civil penalty for each violation in accordance with subsection (3) below. Fines shall be established by the county Board of Commissioners based on the nature of the violation on the number of repeat offenses. If the violation is continued, each day's violation shall constitute a separate offense. For the purposes of this section, repeat violations occur where the agency has issued a fine for the same offense within a 24-month period. Nothing in this section shall prevent agency representatives from issuing warning violations.
- (2) *Written notice of violation and penalty.* The animal owner or keeper shall be issued a written notice of violation and penalty which shall be required to make payment to the animal shelter within ten (10) days of receipt of notice. Notice of the civil penalty and violation shall be delivered in person to the violator or mailed by certified mail, return receipt requested, to the owner's last known address. If the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty.

**Sec. 3-21. Criminal penalties.**

Violation of this article may subject the violator to criminal as well as civil action. In addition to the civil penalties or fees imposed under this article, violation of this chapter shall be a misdemeanor for which a criminal summons or warrant may be issued. A violator convicted of such violation shall be punishable as provided in G.S. 14-4. Each day's violation of this section is a separate offense and shall be fined not less than fifty-dollars per offense but no more than a maximum of five-hundred dollars (\$500.00) per offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve the violator of his liability for taxes, civil penalties or fees imposed under this article.

(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)

**Sec. 3-22. Injunctions.**

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