

ANIMAL CONTROL ORDINANCE

SECTION I. DEFINITIONS

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

Animal Control Officer: A person employed by the Sheriff to pick up, restrain, or impound animals, and who is responsible for discharging such other duties or functions pertaining to animals as may be prescribed by this or any other ordinance, by State law, or by the lawful order of a County official authorized to supervise and direct animal control officers.

Animal Shelter: The facility provided by Alamance County for the purposes of impoundment, restraint, care, and disposition of animals.

At Large: Leaving the property of the keeper unless under the direct control of the keeper or his agent. If the animal has no known keeper, wandering about on public or private property.

Direct Control: Control by virtue of (1) being under restraint; (2) control by a responsible person when the animal is obedient to that person's commands; (3) being within a secure enclosure; (4) being within a vehicle, when in areas to which clause five does not apply; or (5) being secured within a vehicle, with respect to areas set out below. An animal is secured within a vehicle when it is inside the passenger area of the vehicle and is either subject to control by a responsible person or the windows are sufficiently closed to prevent escape from the vehicle. An animal in the bed of a truck or other open area of a vehicle is secured if it is tethered so that it cannot jump out or fall out the vehicle. The areas of the county to which clause five applies are:

- a. Those within city limits, with respect to cities that adopt this ordinance by resolution, and
- b. Those outside city limits when the vehicle is parked in any public area, including public vehicular areas.

Domestic Animals: A nonferal animal, including pets and livestock.

Health Director: The Director of the Alamance County Health Department or his authorized representative.

Keeper: A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by the person. An animal shall be deemed to be harbored if it is fed or sheltered for ten days or more. This definition does not

include veterinarians who have possession of an animal for treatment or other specialized bailees of an animal who have only limited authority with respect to the animal.

License Number: The number appearing on the license issued by the Sheriff's Department to Animal Collectors.

Notice-Notification: Unless the context indicates that oral notification is contemplated, an animal control officer's or any other officer's service of notice under this ordinance shall consist of either personal service of written notice or sending written notice by first class mail. The date of service shall be the date of personal service or the date of mailing the notice.

Owner: The person having the possessory property right in an animal.

Owner's Real Property: Any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

Person: Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Responsible Person: An individual with the ability to control an animal properly. In the case of physical restraint, the individual must be of sufficient strength and maturity to exercise physical control of the animal. In the case of control by command, the individual must have the ability to control the particular animal.

Restraint: Confinement within an enclosure or carrying case; use by responsible person of a leash, chain, or other physical device of sufficient strength to allow control to be maintained; or tethering in a manner that constitutes secure enclosure.

Review Board: A three-member board with one member appointed by the Sheriff, one member appointed by the Alamance County Humane Society; and one member appointed by the Board of County Commissioners.

Secure Enclosure: An enclosure from which an animal cannot escape from it unless freed by a keeper or his agent. An automobile, truck, or other vehicle shall be considered a secure enclosure during transport only if the animal cannot escape from it unless freed by a keeper or his agent and if ventilation is provided for the animal's adequate respiration.

Severe Injury: Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

Sheriff: The Sheriff of Alamance County.

Sheriff's Department: The Alamance County Sheriff's Department.

SECTION II. ANIMAL CONTROL--OFFENSES

A. Possession of Animals.

It shall be lawful for any person knowingly to harbor, feed, or keep in his possession, by confinement or otherwise, any animal that does not belong to him unless he has:

1. The consent of the owner or keeper of the animal; or
2. Within 72 hours of the time the animal has come within his possession notified the Animal Shelter. Upon receiving such notice, an animal control officer shall obtain the animal and place it in the animal shelter if requested by the person in possession.

B. Public Nuisance Animals.

1. An animal shall be determined by an animal control officer to be a public nuisance when it commits any of the following acts two or more times, or two or more of the following acts once:
 - a. Chases, snaps at, or otherwise molests a pedestrian, bicyclist, motor vehicle occupant, or domestic animal; or
 - b. Scatters garbage or trash; or
 - c. Damages a garden, other foliage, or other real or personal property; or
 - d. Loiters on school grounds or on a public recreation area.
2. Once an animal control officer has determined that an animal is a public nuisance, written notice shall be given to the keeper of the animal if his identity is known.
3. The determination by an animal control officer that an animal is a public nuisance may be appealed to the Sheriff, and the determination of the Sheriff may be appealed to the Review Board whose determination shall be final subject only to judicial review by certiorari.
4. If any animal has been determined to be a public nuisance, it shall be unlawful for the keeper to permit the animal to be at large.

C. Noisy Dogs.

It shall be unlawful for the keeper or other custodian of any dog to allow it to bark, whine, howl, or make any other noise for a protracted period so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

D. Dangerous Dogs

1. 'Dangerous Dog' means
 - a. A dog that:
 1. Without provocation has killed or inflicted severe injury on a person; or
 2. Is declared vicious by the local health director pursuant to G.S. 130A-200; or
 3. Is determined by the Sheriff to be potentially dangerous and, after this determination, engages in

one or more of the behaviors listed in subdivision two of this subsection,

2. 'Potentially dangerous dog' means a dog that the Sheriff has determined to have:
 - a. Inflicted a bite on a person either upon public or private real property;
 - b. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
 - c. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack. The Sheriff must notify the owner in writing, giving the reasons for this determination, before the dog may be considered potentially dangerous under this Section. The owner may appeal the determination of the Sheriff to the Review Board by giving written notice of the appeal within five days of the Sheriff's determination to the Sheriff. The dog will be considered potentially dangerous pending the appeal.
3. The provisions of this Section do not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties. A dog shall not be considered a dangerous dog or potentially dangerous dog under this Article if the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.
4. It is unlawful for an owner to:
 - a. Leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog;
 - b. Permit a dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.
5. If the owner of a dangerous dog or a potentially dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide written notice to:
 - a. The Sheriff, stating the name and address of the owner of the dog; and
 - b. The person taking possession of the dog, specifying the dog's dangerous behavior and the Sheriff's determination.
6. A dog that has been determined to be dangerous may be humanely destroyed in the following instances:
 - a. If the Sheriff or his deputy determines that a dog that was previously determined to be dangerous either bit a person so as to cause a break in the skin or was at large on two or more separate occasions after such determination, the Sheriff or his deputy may seek a court order for the dog to be humanely destroyed.

- b. If the Sheriff or his deputy in determining that a dog is dangerous also determines that the dog without provocation has killed or inflicted severe injury on a person, the Sheriff or his deputy may seek a Court Order that the dog be humanely destroyed.
- 7. A dog that has been determined to be dangerous may not be disposed of by adoption from the animal shelter.
- 8. The keeper or other custodian of any dog that has been determined to be dangerous shall report immediately to Alamance County Central Communications through telephone number 911 if the dog gets loose or is otherwise unconfined or it attacks a person or another animal.
- 9. An animal control officer shall inspect the premises where a dog determined to be dangerous is kept if so requested.

E. Abuse of Animals.

- 1. It shall be unlawful for any person in possession of an animal to fail to provide it with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. In particular:
 - a. Food shall be of the quantity and quality necessary to maintain the normal body weight according to the species and bone structure of the animal.
 - b. Water shall be reasonably clean and, depending on weather conditions, provided at intervals to make it available for drinking at all times.
 - c. If any animal is kept on a rope, chain, or other tether, it shall be of sufficient length to allow the animal to enter its shelter and allow it to rest in a space that is free of animal waste.
- 2. It shall be unlawful for any person abusively to tease, molest, or bait any animal.
- 3. It shall be lawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper.

SECTION III: SEIZURE AND IMPOUNDMENT OF ANIMALS

A. Power of Seizure and Impoundment Generally.

Animal control officers are empowered to seize and impound:

- 1. Any animal unlawfully running at large, whether in violation of this ordinance or of State law.
- 2. Any animal that has bitten a person as directed by the Health Director.
- 3. Any animal not under restraint determined to be a potentially dangerous animal or a public nuisance animal under the provisions of Section II of this ordinance.
- 4. Any animal reasonably believed to be a victim of cruel treatment

in violation either of State law or in violation of Section, II, Subsection G, of this ordinance upon securing a lawful Court Order to seize the animal.

5. Any dog or cat not wearing a rabies tag or any animal subject to destruction or confinement under the provisions of the rabies control statutes.
6. Livestock unlawfully at large in violation of Chapter 68 of the North Carolina General Statutes.
7. An animal whose keeper has died or has suffered a disability under circumstances in which there is no other person able or willing to provide the necessary care of the animal.

B. Emergency Action.

1. When an animal at large is reasonably believed to present a clear and present danger to the community and attempts to seize the animal are ineffective, an animal control officer or other law enforcement officer may tranquilize the animal in an attempt to facilitate seizure or, if this is not feasible under the circumstances, an animal control officer or other law enforcement officer may destroy the animal.

SECTION IV. LICENSES

A. General License Provisions.

1. Licenses issued under this section are annual licenses to be renewed by July 1 each year. Licenses shall be secured from the Sheriff's Department.
2. Within ten days of any change in the nature of the business of any licensee that would affect the license, a change in the usage of handling of any animal involved that would affect the license, a change or addition with respect to any vehicle required to be registered, or a change in address or telephone number, the licensee shall notify the Sheriff's Department.
3. The Sheriff shall revoke the license of any licensee who fails in a substantial way to comply with the humane housing and treatment provisions of this section or of any other conditions required of licensees under this section.
4. A person whose license is revoked under this subsection may appeal the revocation to the Review Board.

B. Animal Collectors—License Required.

1. No one shall collect any live cat or dog for the purpose of sale, or engage in the business of possessing, transporting, or selling any cat or dog, alive or dead, collected within or without the county for the purpose of sale, without first obtaining a license.
2. Before a license is issued to an animal collector, the animal collector shall demonstrate that he is properly licensed by the United States Department of Agriculture and that the license is not suspended or revoked. In addition, before the license is issued, the following information shall be obtained in writing on the license application form:

- a. The name, address, and telephone number of the animal collector.
 - b. The name, address, and telephone number of each individual who will be engaged in activities subject to license requirements under this subsection within the county.
 - c. The United States Department of Agriculture license number under which the animal collector operates.
 - d. A complete description, including vehicle identification number and vehicle license number, of each vehicle that will be used to collect, possess, and transport collected cats and dogs.
 - e. The address and location where the cats or dogs will be kept for the five days after collection.
3. Every person subject to licensing under this subsection and every individual engaged in activities on behalf of such person shall take care that all collected cats and dogs are humanely housed and treated and in particular to avoid violating any provision of Section II, Subsection G, relating to abuse of animals. In addition, complete and detailed records shall be kept and maintained at all times concerning the cats and dogs collected; the name and address of each person from whom each particularly described cat or dog was obtained; whether the collection was obtained by sale, gift, or otherwise; the place in which each collected cat or dog will be taken; and ultimate contemplated disposition of each collected cat or dog.
4. Each collection vehicle used by an animal collector shall have "ANIMAL COLLECTOR" together with the assigned license number in letters not less than three inches high posted on each side and on the rear of the vehicle. The words "ANIMAL COLLECTOR" and license number shall be on a background of clearly contrasting color and shall be placed in a position where they are clearly visible.
5. It shall be a condition of the issuance of any license for an animal collector that an animal control officer or other public officer may inspect all collected cats and dogs and the vehicle or premises where they are kept at any time. If permission for such an inspection is refused, the license for any animal collector shall be revoked. In addition, an administrative search warrant may be obtained to make the desired inspection.
6. This subsection shall not apply to:
 - a. A collector who is transporting animals through Alamance County but neither collecting nor dealing with those animals in any way within the county.
 - b. A governmentally-operated animal shelter.
7. The permit for an animal collector may be obtained for an annual fee of \$50.00.
8. It is an offense under this ordinance:
 - a. For a person to release a cat or dog not owned by him to an animal collector.

- b. For a person to buy or otherwise receive a cat or dog from an animal collector without first verifying that the animal collector has both the federal license and the license required by this ordinance.
- c. For a person to buy or otherwise receive a cat or dog from an animal collector who he knows is in violation of federal licensing law or of this ordinance.

SECTION V: PENALTIES

A. Misdemeanor.

Any violation of this ordinance is a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days. For a continuing offense, each day's violation is a separate violation.

B. Equitable Remedies.

This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

C. Abatement of Nuisance on Real Property.

If any violation, or series of sustained or multiple violations, of this ordinance shall constitute a nuisance through the unlawful condition upon or use made of real property, the county may seek an injunction and order of abatement in accordance with G.S. 153A-123(e). The provisions of this paragraph are not intended to restrict the county from pursuing any other common law remedies for abatement of nuisances growing out of a violation or violations of this ordinance that may not involve an unlawful condition upon or use made of real property.

SECTION VI: SEVERABILITY

If any part of this ordinance, or any application of this ordinance to a person or condition, is held invalid, the invalidity shall not affect the validity of other parts of this ordinance or the legitimate application of this ordinance to other persons or conditions. To this end, the provisions of this ordinance are declared to be severable.

SECTION VII: PRIOR ORDINANCE REPEAL

Any and all prior ordinances in conflict herewith are hereby repealed.

SECTION VIII: EFFECTIVE DATE

This ordinance shall be in effect from and after October 2, 1989.

* * * * *

The foregoing ordinance was adopted by the Board of Commissioners for the County of Alamance during regular session on October 2, 1989 – see Minute Book No. 28 Page No. 27.