

# Davidson County Animal Control Ordinance

## Section 1      Definitions

### Abuse

- (1) Failing to provide an animal with adequate food and drinkable water at suitable intervals sufficient to maintain the animal's health and well-being;
- (2) Overworking or overdriving any animal causing physical pain, suffering, or death to the animal;
- (3) Cruelly beating, torturing, molesting, harassing, injuring, tormenting, poisoning, baiting, or mutilating any animal causing physical pain, suffering, or death to the animal;
- (4) Failing to provide adequate medical attention for any sick, diseased, or injured animal in order to prevent physical pain, suffering, or death to the animal;
- (5) Keeping or conveying any animal under conditions which cause physical pain, suffering, disability or death to the animal or which increase the probability of the transmission of disease;
- (6) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.) physical suffering, and impairment of health, and which is large enough to allow the animal to make normal body movements.
- (7) For animals which are kept outside, under weather conditions which adversely affect the animal's health, failing to provide a shelter for the animal which is surrounded on three (3) sides, covered by a roof, and has a floor (excluding barns), and which is structurally sound, maintained in good repair, and constructed in such a manner that it is water and wind resistant.

**Animal Control Officer**      Shall mean an employee of Davidson County or a municipality within Davidson County whose responsibility includes animal control and the enforcement of animal control laws, rules and regulations, including the Rabies Control Rules.

**Animal Shelter**      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 ordinance or Rules For The Control of Rabies within Davidson County.

**At Large**      Any animal shall be deemed to be at large when it is off the property of its owner and not under restraint or control of a competent person.

**Attack**      An approach to a person by an unrestrained animal in vicious, terrorizing or threatening manner or apparent attitude of attack, without the

animal having been teased, molested, provoked, beaten, tortured, or otherwise harmed.

**Dangerous Dog** Any dog that has demonstrated a fierce or dangerous propensity or tendency to do any act which may endanger persons or property. This would include but not be limited to any dog which (1) assaults, bites, attacks or inflicts serious injury on a human being without provocation on public or private property and/or (2) which has killed or injured a pet or domestic animal without provocation and/or (3) which is trained or being trained in mode of attack.

**Exceptions:** No dog is dangerous pursuant to this definition if at the time the threat, injury or damage was sustained, the person attacked was teasing, tormenting, abusing or assaulting the dog, or has in the past teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. Nor shall a dog be considered dangerous pursuant to this definition if it has attacked or injured a pet or domesticated animal in defense of an attack by another animal or if it is protecting or defending its young.

**Domestic Animal** Any of various animals such as horses, sheep, cattle, goats, hogs, poultry, etc; domesticated by man so as to live and breed in a tame condition.

**Exotic Animal** Any non-domesticated animal which is not native to North Carolina nor governed by the NC Wildlife Resource Commission. This term is exclusive of birds, ferrets, hedgehogs, chinchilla, sugar gliders, mice, hamsters, gerbils, degus, guinea pigs, rabbits, fish, and non-venomous reptiles except members of the crocodile family, komodo dragons and crocodile monitors.

**Potentially Dangerous Exotic Animal** Any exotic animal which is a non-domesticated feline (lion, tiger, leopard, etc) or its hybrid (excluding Bengals, Chaussies, Savannahs, and Safari Cats), a non-domesticated canine (wolves, coyotes, foxes, etc) or its hybrid, bears, elephants, rhinoceros, hippopotamus, non-human primates, venomous reptiles, members of the crocodile family, komodo dragons, crocodile monitors, African Rock Pythons, Burmese Pythons, Reticulated Pythons and Anacondas.

**Exhibitor** Any person who is licensed by the U.S. Department of Agriculture as an exhibitor.

**Owner** Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal for more than three (3) days. The owner is responsible for the care, actions and behavior of his animals. In the event that the owner of an animal is a minor, the parent or guardian of such minor shall be held liable for non-compliance with the provision of this ordinance.

**Person** Means an individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate or any other legal entity, and any officer, member, shareholder, director, employee, agent or representative thereof.

**Possess** As referred to in section 12 means any person who owns, possesses, keeps, harbors, brings into the county, has in one's possession, acts as a custodian, or has custody or control of an exotic animal.

**Restraint** An animal is under restraint within the meaning of this ordinance if it is (1) controlled by means of a chain, leash, or other like device; or (2) on or within a vehicle being driven or parked; or (3) within a secure enclosure; or (4) within the dwelling house of the owner.

**Secure Enclosure** Shall mean a building or an enclosed area (1) to which all entrances and exits can be securely locked, (2) which will prohibit the ability of an animal coming into contact with another animal or any person outside of the enclosure and (3) which is located on the animal owner's premises.

**Stray** Any animal which is running at large and appears to be lost, unwanted or abandoned.

## SECTION 2 Establishment and Composition of the Animal Control Program

- A. There is hereby created the Animal Control Program of Davidson County, which shall be composed of the county animal shelter, its employees, the animal control officers and such employees and/or officials as shall be determined by the Board of Commissioners.
- B. In the performance of their duties, animal control officers and Law Enforcement Officers shall have all the powers, authority and immunity granted under this Ordinance and by the general laws of this state to enforce the provisions of this Ordinance, and the General Statutes of North Carolina as they relate to the care, treatment, control or impounding of animals.

## SECTION 3 General Duties of Animal Control Program

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

1. Enforcing, in this county, all state and county laws, ordinances, rules, and resolutions relating to the care, custody and control of animals.
2. Investigating cruelty or abuse with regard to animals.
3. Operating the county animal shelter.

SECTION 4 Cruelty to Animals

The Davidson County Board of Commissioners as provided under North Carolina General Statute §19A-45 may appoint an animal cruelty investigator(s). An animal cruelty investigator(s) has the responsibility for carrying out the defined duties of an animal cruelty investigator as mandated by North Carolina General Statutes §19A-46 and §19A-47. An animal control officer may be requested to accompany the investigator on animal seizures.

SECTION 5 Animals Creating Nuisance

- A. It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a nuisance. This provision does not apply to animals used during the course of lawful hunting.
  
- B. The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public; or interferes with the ordinary use and enjoyment of private or public property. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a nuisance and are therefore unlawful:
  - 1. Maintaining an animal that damages property.
  - 2. Maintaining an animal that chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers, domestic or exotic animals.
  - 3. Allowing an animal to create a danger to the public while running at large.
  
- C. Any owner permitting an animal(s) to create a nuisance shall pay a civil penalty of:

Fees Effective May 11, 2004:

  - 1. First violation - \$25.00 plus shelter reclaim fee & boarding fee if applicable as well as an order of restraint.
  - 2. Second violation - \$50.00 plus shelter reclaim fee & boarding fee if applicable.
  - 3. Subsequent violation - \$100.00 plus shelter reclaim fee & boarding fee if applicable.

- D. Said penalty shall be paid within five (5) business days of the issuance of a citation for violation of this section.

SECTION 6 Destruction of Dangerous or Nuisance Animals at Large that Cannot be Seized by Reasonable Means

Notwithstanding any other provision of this ordinance, a dangerous or nuisance animal at large that cannot be seized by reasonable and normal means, retrieved by an animal control officer, trapped in a humane, live-capture animal trap provided by the animal control division, or tranquilized by animal control personnel, may be humanely destroyed in the field.

SECTION 7 Identification for Dogs and Cats

Each person who owns or maintains a dog or cat that is located in this county shall affix to such dog or cat the following identification:

- A. A rabies tag in accordance with section 7(B) of the "Rules for the Control of Rabies within Davidson County."
- B. Some form of identification with the owner's name, address and phone number.
- C. Any owner not in compliance with Section 7(B) of this Ordinance shall pay a civil penalty of:

Fees Effective May 11, 2004:

- 1. First violation – written warning.
  - 2. Subsequent violation - \$5.00 plus shelter reclaim fee & boarding fee if applicable.
- D. Said penalty shall be paid within five (5) business days of the issuance of a citation for violation of this section.

SECTION 8 Setting Humane Animal Traps and Authority to Receive Trapped Animals

The Animal Control Program is authorized to place, upon request by the property owner/controller, live-capture animal traps on private or public property to trap and remove stray, at large, abandoned, or nuisance animals. It is unlawful for any person other than an animal control officer or the officer's designee to remove any animal from a County owned trap or to damage, destroy, move, or tamper with the trap. The animal control department is authorized to receive and impound animals that are trapped by other agencies or persons.

## SECTION 9 Confinement and Control of Dangerous Dog(s)

- A. It is unlawful for any owner to maintain or harbor unconfined or unrestrained any dangerous dog.
- B. The owner will be notified in writing to confine the dangerous dog in a humane secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog is on the premises. Said sign shall not exceed one foot by two feet or two square feet in area; and shall be deemed an incidental sign for the purposes of the Davidson County Zoning Ordinance.
- C. The owner shall have a total of ten (10) days from the date of notification to provide a humane, secure enclosure. The animal deemed "dangerous" shall be under constant restraint on the owner's property during this period. An animal control officer is empowered to confiscate the dangerous dog and harbor it at the owner's expense pending the owner's construction of a humane secure enclosure (as defined). If any dangerous dog is confiscated under this provision and the owner of the dangerous dog fails to provide a secure enclosure within the ten (10) days from the date of notification, Davidson County Animal Control is authorized to dispose of the animal. If the owner constructs a secure enclosure (as defined), and the animal is not being destroyed pursuant to Section 15 B and C, the dog may be redeemed within ten (10) days from confiscation provided: (1) all fees owing to Animal Control for harboring, caring and maintaining the animal are paid; and, (2) confirmation by the Animal Control Officer of the construction of the secure enclosure.
- D. When a dangerous dog escapes, the owner is required to inform the Animal Control Program, as soon as practicable, but not later than 24 hours, after the escape.

## SECTION 10 Dogs or Animals Used for Sentry or Guard Duty

Any person owning, maintaining or harboring a dog or other animal for sentry or guard purposes must post a plainly visible sign upon the secure enclosure warning that a dangerous dog or animal is on the premises. Said sign shall not exceed one foot by two feet or two square feet in area; and, shall be deemed an incidental sign for the purposes of the Davidson County Zoning Ordinance.

## SECTION 11 Law Enforcement Dogs Excluded

Any dog used by a law enforcement agency in the investigation of crimes or as otherwise necessary in the enforcement of the law is excluded from requirements of this ordinance.

## SECTION 12 Potentially Dangerous Exotic Animals

### A. Intent

It is the intent of the Davidson County Commissioners to protect the public against health and safety risks that exotic animals pose to the community and to protect the welfare of the individual animals held in private possession.

### B. Keeping of Potentially Dangerous Exotic Animals Regulated

It shall be unlawful for any person to own, possess, keep, harbor, breed, bring into the county, have in one's possession, act as a custodian, or have custody or control of any exotic animal or potentially dangerous exotic animal, except as defined by this ordinance.

#### 1. Certain Potentially Dangerous Exotic Animals Prohibited

No person shall own, possess, keep, harbor, breed, bring into the county, or have in one's possession, act as a custodian, or have custody or control of potentially dangerous exotic animals as follows: felids of the Panthera family (lions, tigers, jaguars, etc) and their hybrids, species of lynx and their hybrids, non-domesticated canids (wolves, coyotes, etc) and their hybrids, all non-human primates which are great apes or apes (gorilla, chimpanzee, gibbons, orangutans, etc), all non-human primates which are old world monkeys (languars, mandrills, macaques, baboons, etc), polar bears, grizzly bears, elephants, rhinoceroses, hippopotamuses, venomous reptiles, komodo dragons, water monitors, crocodile monitors, members of the crocodile family, African Rock Pythons, Burmese Pythons, Reticulated Pythons and Anacondas.

#### Exemptions

- a. Animal control or law enforcement agencies or officers acting under the authority of this ordinance.
- b. Licensed veterinary hospitals or clinics who are temporarily treating/housing potentially dangerous exotic animals.
- c. Any licensed and accredited research, medical or educational institution.

d. Any person who is in legal possession of a prohibited potentially dangerous exotic animal prior to the effective date of this ordinance shall be allowed to continue to possess the animal(s) provided that person:

1. Register such animal(s) with the Davidson County Animal Control Program in accordance with Section 12(C) of this ordinance.
2. Submits an emergency contingency and recapture plan to the Davidson County Animal Control Program in accordance with Section 12(D) of this ordinance.
3. Maintains liability insurance coverage of a minimum of \$100,000.00.
4. Has each animal(s) implanted with a microchip at the expense of the possessor by or under the supervision of a veterinarian and provide the Davidson County Animal Control office with the microchip number. This provision does not apply if a veterinarian determines that the implant of a microchip would endanger the well-being of the animal(s).
5. Has the proper caging requirements to house such animal(s) so as to provide for the welfare of the animals and protect the public, as set forth in Section 12(F) of this ordinance.

e. Persons temporarily transporting or exhibiting potentially dangerous exotic animals in or through the county as set forth in Section 12(E)(2) of this ordinance.

2. Provision for Unlawful Acts Against Prohibited Potentially Dangerous Exotic Animals.

If any person other than a law enforcement officer, the owner, or a veterinarian acting under the authority of the owner willfully or intentionally kills or maims or causes to be killed or maimed a prohibited potentially dangerous exotic animal while on or in the owner's property, the owner of such animal may acquire a replacement animal of the same species without being in violation of this ordinance. It is the intent of this provision to prevent the criminal destruction of any prohibited potentially dangerous exotic animal and not to allow replacement of the animal if it is destroyed while creating a danger running at large, unless the animal's escape was caused by the criminal act of a person other than the

owner. A necropsy of the deceased animal may be required in order to replace the animal.

3. Certain Potentially Dangerous Exotic Animals Regulated

Any person may own, possess, keep, harbor, breed, bring into the county, have in one's possession, act as a custodian, or have custody of any potentially dangerous exotic animal not otherwise prohibited by this ordinance, provided they:

- a. Register such animals with the Davidson County Animal Control Office in accordance with Section 12(C) of this ordinance.
- b. Submit an Emergency Contingency and Recapture Plan to the Davidson County Animal Control Office in accordance with Section 12(D) of this ordinance.
- c. Maintain liability insurance coverage of a minimum of \$100,000.00.
- d. Do not breed, exhibit, or sell any un-prohibited Dangerous Exotic animal(s) unless licensed by the United States Department of Agriculture (USDA) under the Federal Animal Welfare Act.

C. Registration

1. All persons who are in legal possession of potentially dangerous exotic animals prior to the effective date of this Ordinance shall register said animals within 30 days with the Davidson County Animal Control Office by submitting a completed Davidson County Exotic Animal Registration Form. Within 120 days of the enactment of this Ordinance, all persons shall be in full compliance.
2. All persons who acquire un-prohibited potentially dangerous exotic animals after the date of this Ordinance shall register with the Davidson County Animal Control Office and complete the Davidson County Exotic Animal Registration Form within five (5) business days of acquiring the animal(s). Proof of liability insurance for all un-prohibited potentially dangerous exotic animals shall be submitted along with the Davidson County Exotic Animal Registration Form.

3. All persons who possess potentially dangerous exotic animals shall notify the Davidson County Animal Control Office of any changes to the stated information on the Davidson County Exotic Animal Registration Form including, but not limited to, the death, disposition or escape of any registered animal.
4. A one-time registration fee of \$5.00 will be charged for each animal registered.

D. Escapes

1. Any person possessing a potentially dangerous exotic animal(s) as defined by this Ordinance shall submit to the Davidson County Animal Control Office a plan for the quick and safe recapture of the exotic animal(s) if the exotic animal(s) escapes. If recapture is impossible, the registrant must have a plan for the destruction of the exotic animal(s).
2. If an exotic animal escapes, or damage to the enclosure could result in an escape, the possessor of the exotic animal shall immediately contact 911. The possessor is liable for all expenses associated with efforts to recapture the animal.
3. No person may intentionally release an exotic animal. If an exotic animal is intentionally released the possessor is liable for all expenses associated with efforts to recapture the animal.

E. Temporary Exhibitors and Transporters

1. Temporary exhibitors of potentially dangerous exotic animals, such as circuses which operate for periods of not more than seven (7) consecutive days, no more than twice in the same calendar year may possess and exhibit potentially dangerous exotic animals provided they:
  - a. Register with the Davidson County Animal Control Office by submitting a completed Davidson County Exotic Animal Registration Form prior to or within 24 hours of bringing any potentially dangerous exotic animal(s) into the county.
  - b. Submit a plan for the quick and safe recapture of the exotic animal(s) if the exotic animal(s) escapes. If recapture is impossible, the registrant must have a plan for the destruction of the exotic animal(s).

- c. Provide proof of liability insurance of a minimum of \$100,000.00.
  - d. Have all required Federal and State licenses and permits.
2. Persons transporting potentially dangerous exotic animals through Davidson County for a period of no longer than 48 hours.

F. Caging Requirements for Potentially Dangerous Exotic Animals

All potentially dangerous exotic animals shall be confined in a secure enclosure.

1. Secure enclosures shall be constructed of material and of such strength as appropriate for the animal(s) involved. Indoor and outdoor facilities shall be structurally sound and shall be maintained in good repair to protect the animal(s) from injury and to contain the animals. All outdoor housing facilities must be constructed in a manner to prevent escape by the animal(s). All secure enclosures must be constructed to prevent unauthorized persons from entering or coming into contact with the animal(s).
2. All outdoor secure enclosures shall be equipped with a safety entrance. A safety entrance is defined as a double-gated entry that allows a keeper to enter and exit a cage without providing an avenue of escape to an animal(s).
3. All outdoor secure enclosures shall be equipped with a lockout area or shift cage which allows the keeper to access and clean the cage while the animal(s) is contained in a separate area. This can consist of a den box with a guillotine door that also has access from outside the cage which allows the animal(s) to be in one area while the caregiver accesses the other area, or some other method that allows positive separation of the animal(s) and the keeper.
4. All doors or gates shall be kept locked when not attended.

G. Signs

The owner of any potentially dangerous exotic animal(s) shall post a plainly visible sign upon the secure enclosure warning that a potentially dangerous exotic animal(s) is on the premises. Said sign shall not exceed one foot by two feet or two square feet in area; and shall be deemed an incidental sign for the purposes of the Davidson County Zoning Ordinance.

H. Public Contact

Showing a potentially dangerous exotic animal(s) at any public property or commercial or retail establishment is prohibited unless said potentially dangerous exotic animal(s) is being transported to a licensed veterinarian or is otherwise in compliance with this Ordinance.

I. Inspection

The possessor of an exotic animal(s), at all reasonable times shall allow the Davidson County Animal Control Program, its staff, and its agents to enter the premises where the animal(s) is kept to ensure compliance with this Ordinance.

SECTION 13 Enforcement of Ordinance

The Davidson County Animal Control Program, its staff, its agents, or any law enforcement agents are authorized and empowered to enforce the provisions of this ordinance.

SECTION 14 Interference with Enforcement of Ordinance

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

SECTION 15 Imposition of Penalties for Violations of Ordinance

- A. Except as otherwise provided, any person who violates any provision of this ordinance, shall be fined a civil penalty of one hundred dollars (\$100.00). If the violation is continued, each day's violation shall constitute a separate offense. Payment of said such penalties shall be made within ten (10) days. Civil penalties may be assessed by citation and recovered by Davidson County in a civil action in the nature of a debt.
- B. If any **dangerous dog** shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner shall pay a five hundred dollar (\$500.00) fine and, after a ten (10) day waiting period exclusive of Sundays and holidays, said dog shall be destroyed by the Animal Control Program.
- C. If any **dangerous dog** shall, when unprovoked, kill or wound, or assist in killing or wounding any domestic animal or pet, the owner of said dog shall pay a two hundred fifty dollar (\$250.00) civil penalty and the Animal Control Program is empowered to confiscate and, after the expiration of a

ten (10) day waiting period exclusive of Sundays and holidays, shall destroy said dangerous dog.

- D. Violation of this ordinance may subject the violator to criminal as well as civil action. In addition to the civil penalties or fees imposed under this Ordinance, violation of this Ordinance shall be a misdemeanor for which a criminal summons may be issued. Any person convicted of such violation shall be punishable as provided in North Carolina General Statute §14-4. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes, civil penalties or fees imposed under this ordinance.
- E. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.

SECTION 16 Ordinance not in Conflict with General Statutes or Wildlife Resources Regulations.

No provision of this article shall be construed or applied in conflict with the provisions of North Carolina General Statutes pertaining to the regulation of wildlife and wildlife resources; nor shall any provision of this ordinance be construed or applied to permit any activity or condition with respect to a wild animal which is prohibited or more severely restricted by regulations of the Wildlife Resources Commission.

SECTION 17 Severability of Provisions

If any provision of these Rules is declared invalid by a court of competent jurisdiction, the remaining valid provisions shall have full force and effect.

SECTION 18 Effective Date

This ordinance repeals Chapter 90: Animals of the Davidson County Code of Ordinances. This ordinance is adopted on May 11, 2004.