

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

## **WATAUGA COUNTY ANIMAL CARE AND CONTROL ORDINANCE**

### **SECTION I. AGENCY AUTHORITY AND RESPONSIBILITY**

There is hereby created a Department of Animal Care and Control for Watauga County (herein referred to as Department) with resources and personnel as authorized by the Board of County Commissioners. The Department shall be supervised by the County Manager or his designee subject to the general control and direction of the Board of County Commissioners.

#### **1A. Responsibilities of Animal Care and Control Department**

1. The Department, along with other law enforcement agencies, is hereby empowered to enforce all North Carolina laws and Watauga County ordinances pertaining to domestic dogs and cats and other pets unless otherwise specified herein. The Animal Care and Control Officers shall be empowered to issue notices or civil citations for violations of these ordinances and laws.
2. The Department will enforce all North Carolina laws and Watauga County ordinances pertaining to rabies control.
3. The Department will enforce the Watauga County Ordinance regulating wild and dangerous animals.
4. The Department is responsible for the investigation of all reported animal bites, for enforcing the quarantine of any animal involved in or suspected of having rabies, and for reporting investigation results to the District Health Director as soon as practicable.
5. The Department will investigate cruelty, abuse or neglect cases involving animals and record the results of the investigation.
6. The Department will be responsible for the seizure and impoundment, where necessary, of any animal in Watauga County involved in a violation of this ordinance.
7. Animal Care and Control Officers will patrol the County area as necessary to monitor compliance with this ordinance.

8. The Animal Care and Control Officers shall keep the following records:
  - a. Bite cases, rabies suspects, complaints, violations, citations issued and related investigations.
  - b. All fees collected for violations.

**1B. Definitions**

1. ABANDON: To forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care.
2. ADEQUATE FOOD: The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain the animal's health and well-being. Food will be provided in a suitable and sanitary container.
3. ADEQUATE WATER: Constant access to a supply of water that is clean, fresh and visibly free of debris and organic material, provided in a sanitary manner or provided at suitable intervals (not to exceed 24 hours) for the species.
4. ANIMAL CARE AND CONTROL OFFICER: An employee of the County designated by the County Manager to administer and enforce local and state Animal Control regulations as prescribed by the Watauga County Board of Commissioners and the State of North Carolina.
5. ANIMAL: All living vertebrates, domestic and non-domestic, not to include humans.
6. ANIMAL CARE AND CONTROL FACILITY: Any premises designated by the County for the purpose of impounding and caring for animals in accordance with the provisions of this ordinance.
7. ANIMAL SHELTER: Any private or public facility, either non-profit or for hire, that houses, boards, or maintains any domestic animals for adoptions, rescue, rehabilitation or research within the County.
8. CHIEF ANIMAL CARE AND CONTROL OFFICER: The person who, under the County's personnel policy, is responsible for the management of the Animal Care and Control program, including enforcement of County and State laws pertaining to animal and rabies control, and the supervision of all employees in the Animal Care and Control Department. The Chief Animal Care and Control Officer is under the direct supervision of the Operations Services Director.

9. COMMERCIAL KENNEL – A kennel that breeds or whelps dogs and/or cats:
  - a. Sells or transfers any dog or cat to a dealer or pet shop-kennel, or;
  - b. Sells or transfers more than 30 dogs or cats per calendar year.
10. DANGEROUS DOG: A dog that:
  - a. Without provocation has killed or inflicted severe injury on a person; or
  - b. Is determined by Animal Care and Control personnel to be potentially dangerous due to the dog having exhibited one or more of the behaviors stated under “Potentially Dangerous Dog” (NCGS 67-4.1(2)); or
  - c. Is determined to be “Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting” (NCGS 67-4.1).
11. HEALTH DIRECTOR: Director of the Appalachian District Health Department.
12. HYBRID: Any animal that is in part wild, regardless of percentage.
13. KEEPER: A person having custody of an animal, or who keeps or harbors an animal, or who knowingly permits an animal to remain on any premises occupied or controlled by such person, for a period of 5 or more days.
14. KENNEL: Any premises wherein any person, firm or organization boards, lets for hire, trains for fee, breeds, buys or sells animals.
15. OWNER: A person having the legal property rights to an animal.
16. POTENTIALLY DANGEROUS ANIMAL: An animal that has been determined to have:
  - a. Inflicted a bite on a person that resulted in any of the following: broken bones; disfiguring lacerations; injuries requiring cosmetic surgery or hospitalization; or other medical care.
  - b. Killed or inflicted severe injury upon a domestic animal, when not on the owner’s real property.
  - c. Approached a person (if the person was not trespassing on the owner’s property) in a vicious or terrorizing manner in an apparent attitude of attack. (NCGS 67-4.1)

17. PUBLIC NUISANCE: Any animal that damages private or public property; interferes with or attacks a person or other animal; chases, snaps at, or harasses pedestrians, livestock, bicyclists or vehicles; by virtue of number is offensive or dangerous to public health, safety and/or welfare; or is diseased.
18. PUBLIC PLACE – Any street, alley, park, public building, any place of business or assembly open to or frequented by the public, or to which the public has access.
19. RABIES EXPOSURE: A human or other animal bitten by or that comes in contact with the saliva or nervous tissue of an animal suspected of or known to have rabies.
20. RESTRAINT OF A DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL: An animal that is confined in a securely enclosed and locked pen or other structure designed to restrain the animal or an animal which is securely restrained and muzzled when outside of said pen or structure. Tethering a dog does not meet the restraint requirements of this section and is not considered adequate physical control.
21. SHELTER: A place provided for animals of a specific breed that provides sufficient cover from adverse weather; adequate warmth from severe cold weather; and sufficient space for the animal to move around, stand or lie down; and is deemed appropriate by an Animal Care and Control Officer.
22. STRAY: Any at-large dog or cat that has no known owner or keeper.
23. TRESPASSER: A person who has wrongfully invaded the property owned by another person.
24. WILD ANIMAL: Any living member of the animal kingdom including those born or raised in captivity except the following: human beings; domestic dogs (excluding hybrids with wolves, coyotes, or jackals); domestic cats (excluding hybrids with ocelots or marges); farm animals; rodents and hybrid animals that are part wild; and captive bred species of common cage birds. Wildlife, other than as indicated by the Watauga County Wild and Dangerous Animals Ordinance, is controlled by North Carolina State Wildlife Officers.

## **SECTION II. CITIZEN REQUIREMENTS**

### **2A. Vaccination of Dogs, Cats and Other Pets**

1. It shall be unlawful for any owner or keeper to fail to provide a current vaccination against rabies (hydrophobias) for any dog, ferret, or cat three (3) months of age or older. Any animal adopted or redeemed through Watauga Humane Society that does not have a current rabies certificate of vaccination shall be required to be vaccinated within 72 hours at the owner's expense. Should it be found necessary

under special circumstances by the District Health Director or the Board of County Commissioners to prevent a threatened or existing epidemic, the owner or keeper of certain livestock shall also be required to have those animals vaccinated. It shall be unlawful for any owner or keeper to fail to provide current vaccination against rabies for these other animals.

2. A rabies vaccination shall be current for a dog or cat once the rabies vaccine has been administered by a veterinarian or state-certified inoculator and a 21 day period has passed after vaccination. If a second dose is given 12 months after the first, the rabies vaccination is then current for 3 years. This is subject to the guidelines of the North Carolina Department of Health Services.
3. All rabies vaccines shall be administered by a licensed veterinary service or a certified rabies vaccinator.
4. Boarding facilities, animal shelters, pet shops, and kennels within Watauga County shall comply with the requirements of this section.

**2B. Vaccination Tag and Certificate**

1. The certified vaccinator shall issue a rabies tag stamped with a certificate number and year of issue; upon vaccination, a written certificate of vaccination shall be issued to the owner or keeper of the dog or cat vaccinated.
2. It shall be unlawful for an owner or keeper to fail to provide a dog with a collar or harness to which a current rabies tag may be attached. A collar or harness with an attached rabies tag must be worn at all times with the following exceptions:
  - a. Confinement in an enclosure on owner's premises
  - b. Animal shows
  - c. Obedience trials
  - d. Tracking tests
  - e. Field trials
  - f. Training schools or events sanctioned by a recognized organization
  - g. Supervised hunting

NOTE: Cats are not required to display a rabies vaccination tag, as long as written evidence of inoculation can be furnished to the Animal Care and Control Officer.

3. All dogs, cats or other animals requiring vaccination against rabies that are shipped or otherwise brought into Watauga County (except for exhibition purposes where

the animal is confined and vaccinated within one (1) week of entry) shall remain confined for three (3) weeks after vaccination unless accompanied by a certificate issued by a licensed veterinarian that the animal is free from rabies, has not been exposed, and has received a proper dose of rabies vaccine not more than twelve (12) months prior to the date of issuing the certificate.

4. It shall be unlawful for any person to use a rabies vaccination tag or written certificate for any animal other than the animal for which the tag or certificate was issued.
5. Dogs, cats, and other pets without current rabies tags are subject to impoundment.
  - a. After impoundment, animals will be handled in accordance with Section V, 5C of this ordinance.

## **2C. Identification Tags for Dogs & Cats**

1. It is the purpose of this section to provide a means of identifying the owner of a dog or cat in Watauga County.
2. It shall be unlawful for any dog or cat owner or keeper to fail to provide their dog or cat with an identification tag and to take such action as necessary to ensure that the identification tag is worn by the animal on a collar at all times except for the circumstances cited in Section II, 2B, (2) a-g of this ordinance.
3. The identification tag shall display the owner's contact information, i.e. owner's name, address, and telephone number where the owner can be contacted.
  - a. In lieu of a collar tag, the owner or keeper may choose to micro-chip a dog or cat.
4. Dogs and cats are subject to impoundment if a dog or cat is found not wearing a visible identification tag.
  - a. Dogs or cats that are found to be micro-chipped will be returned to the owner without charge if redeemed within a 24 hour period.

## **SECTION III. RABIES AND ANIMAL BITE MANAGEMENT**

### **3A. Animal Bites**

Bite reports shall include, but not be limited to, the following: name, age and sex of the victim; precise location of wound and treatment required; circumstances leading up to and the scene of the bite; and name, description, and owner of the animal inflicting the bite.

1. When a person has been bitten by an animal, it shall be the duty of such person (or legal parent or guardian if such person is a minor) to notify the Department immediately and provide all information necessary to complete a bite report. The owner or keeper of said animal shall immediately secure and confine said animal until Animal Care and Control Officers can ascertain current rabies vaccination and determine and designate a place for the animal to be quarantined for a period of ten (10) days. It shall be the duty of every physician, or other medical personnel, to report all known or suspected bite cases to the Department within twenty-four (24) hours and provide appropriate information as required by the Department.
2. If the owner or keeper of an animal that has bitten a person or animal refuses to confine the animal as required by this ordinance or NCGS 130a-196 or fails to provide a current rabies vaccination certificate, the Department may order seizure of said animal and its confinement for not less than ten (10) days in such place as designated by the Department at the owner's expense.
3. Law enforcement agencies investigating animal bites shall report all bites immediately to the Department and provide the appropriate information as required by the Department.
4. In cases where the animal owner or keeper is unknown, the animal shall be kept for the supervised confinement period at the Watauga Humane Society.
5. Badly wounded, diseased, or suffering animals suspected of having rabies may be humanely destroyed and the head forwarded to the Division of Health Services for diagnosis.
6. Failure of the animal owner or keeper to comply with this section may result in a \$100.00 civil penalty for each violation.

**3B. Destruction or Confinement of Animal Bitten by a Known Rabid Animal**

Animals that do not have a current and valid rabies vaccination which are bitten by a known rabid animal shall immediately be destroyed unless the owner or keeper agrees to strict isolation of the animal at a veterinarian hospital for a period of six (6) months at the owner's expense. If the animal has a current rabies vaccination, the animal shall be immediately re-vaccinated at the expense of the owner or keeper and returned to said person. This booster vaccination shall be given within 72 hours of the bite.

**3C. Unlawful Killing or Releasing of Certain Animals**

It shall be unlawful for any person, except Animal Care and Control Officers (as stated in Section III, 3A), to kill or release any animal under rabies observation. An animal which has been placed under rabies observation by the Department shall not be removed from

the quarantine area specifically designated by the Animal Care and Control Officer without written permission from the District Health Director supplied in advance to the Animal Care and Control Officer.

**3D. Dogs or Cats Brought into Watauga County**

Any dog, ferret or cat brought into Watauga County must have a valid rabies vaccination prior to entering the County. Otherwise, the dog or cat must be confined and given a rabies vaccination within one (1) week and remain confined for three (3) additional weeks. Failure to comply with the above requirements will result in a civil penalty of \$100.00, criminal charges or both.

**3E. Post-Mortem Diagnosis**

1. If an animal dies while under observation for rabies, the head of such animal shall be submitted to the Department for shipment to the laboratory section of the North Carolina Division of Health Services for rabies diagnosis.
2. The carcass of any animal suspected of dying of rabies that has bitten a person or another animal shall be surrendered to the Department for shipment to the laboratory section of the North Carolina Division of Health Services.

**3F. Wildlife Bites**

1. Any person bitten by a wild animal suspected of rabies shall report all information as required in Section III, 3A of this ordinance. The wild animal, if obtained, shall be released to the Department for shipment to the North Carolina Division of Health Services for diagnosis.
2. Any animal without a valid rabies vaccination bitten by a wild animal shall be treated as stated in Section III, 3B of this ordinance in the event the wild animal cannot be contained or captured for rabies diagnosis.

**3G. Area-wide Emergency Quarantine**

1. When reports indicate a positive diagnosis for rabies where human lives may be endangered, the District Health Director may declare an area-wide quarantine. During such quarantines, the District Health Director may authorize appropriate agencies to seize any animal requiring vaccination and found running at large in Watauga County until the quarantine is lifted. During the quarantine period, the District Health Director shall be empowered to provide a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities.
2. In the event of additional positive rabies cases during the quarantine period, the District Health Director may extend the quarantine period at his/her discretion.



## **SECTION IV. CRUELTY TO ANIMALS**

### **4A. Torture of an Animal**

It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. Such terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission; nor to prohibit the Department, veterinarians or duly authorized persons from destroying dangerous, unwanted, or injured animals in a humane manner.

### **4B. Shelter**

It shall be unlawful for any owner or keeper to fail to provide an animal with proper shelter that provides protection from the weather and is sufficient and comfortable, with the opportunity for vigorous daily exercise. Veterinary care shall be provided when and if necessary to prevent suffering and to ensure that the animal is in good health.

### **4C. Closed Vehicles**

It shall be unlawful for any person to leave an animal within a closed car, truck, or other vehicle for such duration or at such temperatures as an Animal Care and Control Officer shall, in his/her sole discretion, deem to be harmful or potentially harmful to the animal.

### **4D. Chaining**

It shall be unlawful for any person to leave an animal unaccompanied on a chain or cable that is less than 8 feet in length. All chains/cables must be equipped with a swivel.

### **4E. Hit by Vehicle**

Any person injuring or killing an animal by striking it with a motor vehicle of any type shall make every reasonable attempt to notify the owner or keeper of said animal and shall notify the Department as soon as possible.

### **4F. Abandonment**

Any person being the owner or keeper, or having charge or custody of an animal, who willingly and without justifiable excuse abandons the animal is guilty of a misdemeanor punishable as provided by a fine of up to \$500.00 (NCGS 14-361.1).

#### **4G. Violations**

Violations of Section IV, 4A or 4B shall, at the discretion of the investigating officer, result in a civil penalty of up to \$100.00, or criminal charges, or both.

### **SECTION V. ANIMAL MANAGEMENT**

#### **5A. Confinement and Control of Dangerous Domestic Animals**

Special preventative measures shall be taken by Animal Care and Control Officers for the confinement and control of dangerous domestic animals upon consideration of the following factors:

1. a. The presence of a victim or potential victim that in the opinion of the Department is unable to defend themselves, such as children, elderly, or handicapped.
- b. Prior attack-dog training or aggression training.
- c. Threat or open display of attack by an animal.
- d. Prior history of harm to humans or other animals.

The Department shall have the authority as promulgated under NCGS 67-4.5 130A-200 to require appropriate and specific preventative measures, including impoundment, to ensure public safety. Such preventive measures may be required at the discretion of authorized personnel during the investigation of a dangerous animal complaint or subsequent display of dangerous animal behavior by the animal within the jurisdiction of Watauga County.

2. The employees of the Department and any other Watauga County employee appointed by the County Manager or his designee shall determine if an animal is “dangerous” or “potentially dangerous.” The person making such determination will notify the owner or keeper in writing and cite the reason for the determination.
  - a. A dangerous or potentially dangerous animal determination will be made upon receipt of a written, detailed complaint and investigation by the Department of Animal Care and Control.
3. Dangerous dog:
  - a. A dangerous dog is an animal that:
    1. Has killed or inflicted severe injury on a person.

2. Is determined, by the person or board designated by County authority to be responsible for Animal Control, to be potentially dangerous because the dog has engaged in behaviors listed in subdivision (b) of this subsection.
  3. Is determined to be a dog owned or harbored primarily or in part for the purpose of dog fighting or a dog trained for dog fighting.
- b. Potentially dangerous dog means a dog that the person or board designated by the County authority responsible for Animal Control determines to have:
1. Inflicted a bite on a person that resulted in broken bones, disfiguring lacerations, cosmetic surgery or hospitalization.
  2. Killed or inflicted severe injury on a domestic animal when not on the owner's property.
  3. Approached a person, when not on the owner's property, in a vicious or terrorizing manner in an apparent attitude of attack.
- c. Special preventative measures may be taken by the Animal Care and Control Officers for any dog deemed dangerous or potentially dangerous.
1. Any dog determined to be potentially dangerous shall be delivered within 24 hours to the Watauga Humane Society and there it shall be held until a secure fenced area a minimum of 6 feet high, 10 feet long and 10 feet wide, with the fencing set in the ground in such a way that the dog can not dig out, is erected. The enclosure will be inspected by the Animal Care and Control Department before the dog is released. The owner will pay all boarding fees and fines applicable. This enclosure shall be completed and the dog claimed within 10 days or the dog will be destroyed.
  2. The owner will post the entrance of the property where the potentially dangerous dog is kept with a sign that is legible from the road or sidewalk with notification that a potentially dangerous dog is kept on the property.
  3. It shall be unlawful for any owner to:
    - a. Leave a potentially dangerous dog unaccompanied on the owner's real property unless the dog is confined indoors or inside a secure enclosure.
    - b. Permit a potentially dangerous dog to go outside the secure enclosure unless the dog is leashed and muzzled or is otherwise securely restrained.

- c. Transfer ownership of a potentially dangerous dog without having notified the Animal Care and Control Department in writing 10 days prior to the transfer of ownership. The person receiving ownership of the dog shall have a secure enclosure prior to taking possession of the dog.
    - d. Transfer ownership of a potentially dangerous dog without having notified in writing the person taking ownership of the dog regarding the dog's dangerous behavior and the determination of the dog as potentially dangerous.
- 4. The Board of County Commissioners shall appoint an appeals board to review "dangerous" or "potentially dangerous" designations upon request of the owner or keeper. The Board of County Commissioners shall specify the number, qualifications, length of term, and compensation, if any, for the Appeals Board. Owners shall have three (3) days from the time of notification that the dog has been deemed dangerous to file an appeal in writing with the Appeals Board stating the reasons why such a designation is unwarranted. The Appeals Board will schedule a hearing within ten (10) days of the filing. The designation of an animal as "dangerous" shall be upheld unless overturned by the Appeals Board. Any appeal of the Appeals Board's final decision will be filed with the Superior Court, pursuant to NCGS 67-4.1(c).
- 5. Animals deemed "dangerous" or "potentially dangerous" that are found to be in violation of prescribed confinement shall be subject to apprehension or seizure and impoundment at the Animal Care and Control facility at the owner's expense until released by a court of competent jurisdiction or may be humanely destroyed in accordance with Section V, 5F of this ordinance. In addition, the owner of the animal will be subject to a civil penalty of \$100.00.
- 6. Wild and Dangerous Animals
  - a. It shall be unlawful for any person to keep an inherently dangerous animal within Watauga County. The Animal Care and Control Officer shall order removal of any inherently dangerous animal owned or harbored by anyone in Watauga County.
  - b. It shall be unlawful for any person, other than licensed sanctuaries, to own or harbor any wild animal. The Animal Care and Control Officer shall order the removal of any wild animal owned or harbored by anyone in Watauga County.
  - c. See also ordinance regulating wild and dangerous animals (exotics).

**5B. Public Nuisance**

1. An animal or group of animals shall be considered a public nuisance if:
  - a. Animal(s) damage private or public property.
  - b. Animal(s) chase, snap at, or harass pedestrians, livestock, bicyclists, vehicles or other animals when not on the owner's property.
  - c. By virtue of number, animal(s) are offensive or dangerous to public health, safety and welfare.
  - d. Animal(s) are diseased and are therefore dangerous to public health.
  - e. Animal(s) are maintained in an unsanitary environment which results in offensive odors or is dangerous to the animal or to public health, safety and welfare, or if there is a failure to maintain a condition of good order and cleanliness that reduces the probability of the transmission of disease.
  - f. Animal (s) are maintained in such a manner and location that animal waste can accumulate and run off onto another person's property.
2. The owner or keeper of the animal causing damage to the property of another, either private or public, shall be responsible for such damages and costs.
3. After it is determined by the Department that a nuisance violation has occurred, the owner or keeper will be provided written notification of such violation and be required to abate the nuisance within 72 hours from the time of notification. Abatement includes restraining the animal to the owner or keeper's property by whatever means necessary or leashing and accompanying the animal if off of the owner's property.
4. Upon receipt of two (2) written, detailed and signed complaints that an owner or keeper's animal is a nuisance as defined in this ordinance, the Department shall notify the owner or keeper of the offending animal that a complaint has been received and that an investigation has been initiated. A valid complaint shall consist of, but not be limited to, the following: eyewitness account of the animal's actions and behavior, specifying date, time and location of the incident (s), conditions leading up to the incident(s), and the signature of the eyewitness. If the investigation reveals that an animal is a public nuisance in accordance with Section V, 5B, (1), the owner will be notified in writing of the determination and advised that the animal must be secured on the owner's property by whatever means necessary.
5. If any person receiving notice in the manner herein described shall fail or refuse to abate the nuisance within the specified time upon the issuance of such order, the

Animal Care and Control Officer or Sheriff may cause the animal(s) in question to be apprehended and impounded in accordance with the provisions of this ordinance.

6. If investigation reveals that a violation has occurred and the owner or keeper is unknown, the animal may be apprehended and kept at the Watauga Humane Society. The notice and order shall be posted at the Watauga Humane Society and on the Watauga County Courthouse bulletin board. In the event the owner or keeper remains unknown after a forty-eight (48) hour posting period, the animal can be impounded or humanely destroyed.
7. It shall be unlawful for an owner or keeper to permit an animal(s) to create a public nuisance or to maintain a public nuisance created by any animal(s).
8. Any person who receives notice of an animal being declared a public nuisance may, within ten (10) business days of the date the notice was received, submit a written appeal to the County Manager. The appeal notice shall specifically state the reasons for the appeal with a copy of the public nuisance notice attached thereto. The Chief Animal Care and Control Officer shall schedule a hearing and notify the appellant: The County Manager shall render a decision upholding, denying, or modifying the public nuisance notice. Accrual and imposition of the civil penalties shall be stayed pending the decision; however, there will be no stay for equitable remedies available to the County. If the decision of the Animal Care and Control Officer is affirmed, accrual and imposition shall resume.

**5C. Impoundment**

1. Any animal may be impounded at the Watauga Humane Society facility for a minimum of seventy-two (72) hours if it appears to be:
  - a. Lost, stray, or abandoned
  - b. In violation of this ordinance.
2. Reasonable effort shall be made to identify and notify the owner or keeper of the animal that the animal has been impounded and where it may be redeemed. Animals not redeemed within seventy-two (72) hours of notification to the owner or keeper may be placed for adoption or euthanized.
3. Impoundment of an animal shall not relieve the owner or keeper from any penalty imposed for violation of this ordinance.
4. Any animal impounded, confiscated or turned in that cannot be adequately housed at the Watauga Humane Society (e.g., horses, cattle, etc.) may be housed at a proper location at the expense of the owner or keeper.

**5D. Stray Animals**

1. It shall be unlawful for any person in Watauga County to knowingly and intentionally harbor, keep in possession by confinement, or otherwise allow an animal(s) to remain on his/her property, unless the person has, within seventy-two (72) hours from the time such animal came into his/her possession, notified the Animal Care and Control Department. The Animal Care and Control Department shall log the animal's description, location and name of keeper.
2. It shall be unlawful to refuse to surrender any such stray to the Animal Care and Control Department on demand.

**5E. Release of Animals in Animal Care and Control Custody**

It shall be unlawful for any person to release or cause to be released any animal in the custody of the Department without proper authorization. This includes any animal impounded at the Watauga Humane Society, in a Animal Care and Control vehicle or caught in a safe trap.

**5F. Humane Destruction of Animals**

1. Notwithstanding any other provision of this ordinance, an animal that cannot be seized by reasonable means and has been deemed dangerous (vicious), stray, or a public nuisance, or an animal causing a threat to public safety or other animals, may be humanely destroyed at the discretion of the Animal Care and Control Department.
2. Notwithstanding any other provision of this ordinance, any animal seized or impounded that is badly wounded, diseased (not a rabies suspect), or unweaned; is not displaying any identification; and cannot be identified after reasonable inquiry may be destroyed immediately in a humane manner. If the animal has identification, the Watauga Humane Society shall attempt to notify the owner or keeper of the situation. If the owner or keeper cannot be readily reached, the Watauga Humane Society, in consultation with a veterinarian, will use its discretion whether or not the suffering animal should be destroyed in a humane manner.
3. At the end of the minimum time period of 72 hours, unclaimed animals shall be deemed abandoned and may be disposed of in a humane manner.

**5G. Confiscated Animals With Medical Needs**

Any animal that is confiscated as a result of a court order or taken as evidence in an Animal Care and Control investigation and that requires medical attention or medication shall be held at the Watauga Humane Society until all bills are paid by the owner or keeper. After 72 hours of finalization of court action, animals can be adopted out or humanely destroyed.

## **SECTION VI. ANIMAL CARE AND CONTROL FACILITY OPERATIONS**

### **6A. Facility**

The Department shall contract with the Watauga Humane Society to operate a facility for the purpose of providing safe and sanitary confinement of animals received or seized within Watauga County. The facility shall be maintained in accordance with all applicable rules and regulations.

### **6B. Redemption of an Animal**

The owner or keeper of an impounded animal may redeem the animal and regain possession by complying with all applicable provisions of this ordinance, showing proof of rabies vaccination, and paying appropriate fees and fines. Animals that are brought in by the public which are properly tagged shall be returned to the owner or keeper without charge if redeemed within a 24 hour period.

### **6C. Redemption or Adoption of an Animal Without Rabies Vaccination**

1. Persons adopting or redeeming an animal from the Watauga Humane Society without a valid rabies vaccination shall obtain a rabies vaccination within 72 hours and notify the Animal Care and Control Department of the tag number and name of the vaccinating veterinarian.
2. All person(s) adopting or redeeming a dog or cat will be required to purchase or obtain an identification tag or have the animal micro chipped.
3. Any animal surrendered by its owner in accordance with Departmental procedures may be immediately placed for adoption. Impounded animals will be placed at the discretion of the Department after expiration of the prescribed impoundment period.
4. During periods of emergency rabies quarantine, no animal without a current rabies vaccination shall be adopted without written permission from the District Health Director.
5. Payment for all veterinary services will be the responsibility of the owner or keeper.
6. After a seventy-two (72) hour waiting period, allowing for time to locate the animal's owner, the dog or cat can be adopted out or humanely destroyed.



## **SECTION VII. VIOLATIONS, ENFORCEMENT AND PENALTIES**

### **7A. Violations**

1. The violation of any provision of this ordinance shall be a misdemeanor as provided in NCGS 14.4(a).
2. Each day's violation of this ordinance is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of the liability for penalties or fees imposed under this ordinance.
3. Enforcement of this ordinance may be made by appropriate equitable remedy, injunction, or order of abatement issuing from a court of competent jurisdiction pursuant to NCGS 153A-123 (d) and (e).
4. A violation of this ordinance may also subject the offender to the civil penalties hereinafter set forth:
  - a. Such civil penalties may be recovered by Watauga County in a civil action or may be collected in such other amounts as prescribed herein within the prescribed time following the issuance of notice for such violation.
  - b. Such notice shall:
    1. State upon its face the amount of the penalty to be paid within seventy-two (72) hours from the issuance of the notice and the late fee (\$1.00 per day) if paid more than seventy-two (72) hours after its issuance.
    2. Notify such offender that a failure to pay the penalties within the prescribed time shall subject such offender to a civil action for the stated penalty plus an additional penalty in the amount of \$25.00, together with the cost of the action to be taken by the court.
    3. Further provide that such offender may answer the notice by mailing stated penalty to the Department at its mailing address, or by making payment to the Department at the appropriate address, and that upon payment such case or claim and right of action by Watauga County will be deemed compromised and settled.
    4. State that penalties must be paid within seventy-two (72) hours from the issuance of the notice and, if settlement is not received within the seventy-two (72) hours, court action shall be filed for collection of such penalty.
  - c. The Department is authorized to accept payment in full and final settlement of the penalty and, for any and all claims that Watauga County may have, to enforce civil action.

- d. The notice of violation referred to herein may be delivered in person, mailed to the offender at the last known address, or affixed to the door of the offender's residence.

**7B. Penalties**

1. The civil penalty for any and each individual violation of this ordinance is \$50.00 for the first offense, \$100.00 for the second offense, and \$150.00 for the third offense. If an offense is committed by the same animal for a fourth time, the animal may be confiscated and disposed of at the Chief Animal Care and Control Officer's discretion. If the animal in question is deemed to be a danger to the community, said animal may be confiscated before the fourth offense.
2. In addition to the penalty prescribed in Section VII, 7B(1) above, a \$1.00 per day penalty shall be imposed in all those cases in which the above penalty has not been paid within the authorized seventy-two (72) hour period.
3. Should it become necessary to institute a civil action to collect any penalty hereunder, the violation shall be subject to an additional penalty of \$25.00, together with the cost of the action to be taken by the court.
4. All penalties paid to the Department or an authorized agent recovered in a civil action as herein provided shall be remitted to the General Fund of Watauga County.

**7C. Enforcement**

1. Animal Care and Control Officers or other Watauga County employees so designated by the County Manager shall be empowered to enforce the provisions of this ordinance.
2. It shall be unlawful for any person(s) to interfere with, hinder or molest the employees of the Department and its officers, while in the performance of their duties as stated in this ordinance, or to release any animal in the custody thereof, except as specifically provided herein.
3. Animal Care and Control Officers shall be empowered to utilize firearms or tranquilizer guns for the purpose of control of wild, diseased and dangerous animals.
4. Any questions regarding the policies of this ordinance shall be answered at the discretion of the Chief Animal Care and Control Officer.

**SECTION VIII. SEVERABILITY**

If any section or part of this ordinance should be held legally invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this ordinance are severable.

**ARTICLE IX. REPEAL**

This ordinance replaces, in its entirety, the existing ordinance entitled Watauga County Animal Care and Control Ordinance, adopted August 18, 2009. The previous ordinance shall be repealed as of the effective date of this ordinance.

**SECTION X. EFFECTIVE DATE**

This ordinance shall become enforceable and effective on the 1<sup>st</sup> day of September, 2011.

**ADOPTED** this the 2<sup>nd</sup> day of August, 2011.



Nathan A. Miller, Chairman  
Watauga County Board of Commissioners

ATTEST:



Anita J. Fogle, Clerk to the Board

[seal]

