

## CHAPTER 92: ANIMALS

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92.01 TITLE

This chapter shall be known and may be cited as the "Animal Ordinance of Lincoln County, North Carolina."

92.02 PURPOSE

The purpose of this Animal Ordinance is to protect public health and safety, help to prevent public animal nuisances, and promote the welfare of animals in Lincoln County.

92.03 DEFINITIONS

Adequate environment: The provision of a safe and sanitary environment for an animal, free of debris, hazards, waste and filth.

Adequate food: Provisions at suitable intervals, not to exceed 24hrs, of a sufficient quantity of wholesome foodstuff suitable for the species and age to maintain a reasonable level of nutrition for the animal.

Adequate shelter: Means 1) an enclosure having four solid walls with an opening large enough to allow access to the animal, with a roof, 2) an igloo-shaped enclosure or, 3) another type of equivalent shelter designed specifically for a dog and approved by an Animal Services Officer. The enclosure must have a solid floor, be structurally sound and maintained in good repair, be constructed in such a manner that it is water and wind resistant, and have sufficient room for the animal to move about freely and lie down comfortably. Adequate shelter is to include the provision of cold weather shelter or hot weather shelter depending on conditions.

Adequate cold weather shelter: A shelter that when temperature is below 32°F at any time during a 24-hour period will provide a secondary source of heat including but not limited to cedar shavings or straw.

Adequate hot weather shelter: A shelter that shall be located, either in appropriate secondary shade or have shade provided for the animal by artificial means when temperature is in excess of 80°F at any time during a 24-hour period.

Adequate standards of care: The provision of adequate food, water, shelter, environment and vet care as defined in 92.03

Adequate vet care: The provision of vet care for an animal within 72 hours, or a time period determined appropriate by an Animal Services Officer when determined by an Animal Services Officer to be necessary.

Adequate water: Constant access to a supply of clean, fresh, unfrozen, and potable water provided in a sanitary manner.

At Large: A dog shall be deemed to be at large when off the curtilage of the Owner's residence and not under restraint.

Animal Services Officer: Animal Services Officers constitute Animal Control Officers as defined by N.C.G.S. §67-30 et seq.

County: Lincoln County

Curtilage: an area of land attached to a house and forming one enclosure with it. Includes the area immediately surrounding a dwelling.

Exotic animals: Exotic animals are animals which are not native to North Carolina other than domestic animals

Interlocal agreement: a written contract between local government agencies such as a city, a county, a school board or a constitutional office.

Owner<sup>1</sup>: Shall mean any of the following: a) Any person who has legal title to any animal, b) is responsible for an animal's care, actions, and behavior, or c) takes control of any animal either inside the Owner's house or becomes responsible for any animal's care for more than a period of 72 hours.

Restraint: A dog is under restraint if it is confined within the curtilage of its Owner's residence, is secured by a leash and under control of a responsible person, or is confined within a vehicle in a manner that prevents escape.

Stray: Any domestic or exotic animal not under restraint and found off the property of its Owner, or is wandering at large, and does not have an Owner present.

Tether(ing): To restrain a dog outdoors by means of a rope, chain, wire or other type of line for holding a dog, one end of which is fastened to the dog and the opposite end of which is connected to a stationary object or to a cable or trolley system. This definition does not include walking a dog with a handheld leash.

## 92.04 ESTABLISHMENT AND AUTHORITY

- I. Animal Services. This subchapter creates an Animal Services Office, under the supervision and direction of the County Manager, or his/her designee, which shall be composed of any number of employees as determined by the Board of Commissioners, who shall provide compensation for these employees. The Office shall be headed by the Director of Animal Services, who shall be appointed, supervised, and evaluated by the County Manager or his/her designee.
  - A. Animal Shelter. The Animal Shelter division of the Animal Services Office is established pursuant to N.C.G.S. §153A-442. Animal Shelters shall be responsible for animal shelter operations, and subject to all rules and regulations as given by state law and the North Carolina Department of Agriculture and Consumer Services.
  - B. Animal Control. The Animal Control division of the Animal Services Office is established under this subchapter to enforce the Animal Ordinance. The Animal Control Division's authority includes enforcement of state laws, county ordinances, and (to the extent provided by an interlocal agreement between a county and a city) city regulations relating to animal public health, animal nuisances, and animal welfare, to the full extent allowed by state law.

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<sup>1</sup> Lincoln County's definition of Owner does not control title or legal Ownership to any animal.

## 92.05 PROGRAM OF ANIMAL CONTROL

- I. Director of Animal Services. The Director of Animal Services shall serve as the chief administrator of this Animal Ordinance and the program of Animal Control.
- II. Animal Services Officers. Animal Services Officers are appointed through authority of N.C.G.S. §67-30. Appointment of animal control officers authorized; salary, etc. The duties and powers of Animal Services Officers include enforcement of this Animal Ordinance, and other applicable state, and local animal laws.
- III. Animal Cruelty Investigators. Animal Cruelty Investigators shall be appointed by the Board of Commissioners and shall have the power ascribed to them per N.C.G.S. §19-45 Appointment of animal cruelty investigators; terms of office; removal; badge; oath; bond.
- IV. Interference. Interference with the Director of Animal Services or Animal Services Officers in any aspect of the enforcement of the Animal Ordinance shall constitute a violation of this ordinance.
  - A. Penalty. Any person who violates a provision of 92.05(IV) shall be subject to the penalties listed in section 92.19.

## 92.06 ANIMAL CRUELTY

- I. It shall be unlawful and a violation of this Ordinance for any Owner, or other person to fail to comply with the laws of North Carolina relating to animal cruelty including, but not limited to:
  - A. N.C.G.S. §14-360. Cruelty to animals; construction of section
  - B. N.C.G.S. §14-361. Instigating or promoting cruelty to animals
  - C. N.C.G.S. §14-361.1. Abandonment of animals
  - D. N.C.G.S. §14-363. Conveying animals in a cruel manner
  - E. N.C.G.S. §14-363.1. Living baby chicks or other fowl, or rabbits under eight weeks of age; disposing of as pets or novelties forbidden
  - F. N.C.G.S. §14-362.3. Restraining dogs in a cruel manner
  - G. N.C.G.S. §14-363.3. Confinement of animals in motor vehicles
  - H. N.C.G.S. §14-366. Molesting or injuring livestock
  - I. N.C.G.S. §14-362. Cockfighting.
  - J. N.C.G.S. §14-362.1. Animal fights and baiting, other than cock fights, dog fights and dog baiting
  - K. N.C.G.S. §14-362.2. Dog fighting and baiting
  - L. N.C.G.S. §14-163. Poisoning livestock
  - M. N.C.G.S. §14-401. Putting poisonous foodstuffs, antifreeze, etc., prohibited
- II. It shall be unlawful and a violation of this Ordinance for any Owner, or other person to fail to comply with adequate standards of animal care as defined by this ordinance through statutory power given in N.C.G.S. §153A-127. Abuse of animals. Adequate standards of care are to include adequate food, water, shelter, environment and vet care as defined above in section 92.03.
- III. Penalty. Any person who violates a provision of 92.06 shall be subject to the penalties listed in section 92.19.

## 92.07 TETHERING

- I. Tethering of dogs shall be permitted when:
  - A. The tether is a minimum of 12ft;
  - B. If attached to a pulley or trolley system the tether is at least 15ft long and no more than 7ft above the ground;
  - C. The tether is attached to a properly fitting collar or harness (not a choke, prong or pinch collar);
  - D. The tether has a swivel on at least one end;
  - E. The tether is an appropriate size and weight for the dog; and
  - F. Only one dog is attached to a single tether.
- II. Tethering of dogs shall be prohibited if:
  - A. Any of the above conditions are violated;
  - B. The tether allows the dog to cross the property line or onto public property;
  - C. The dog is tethered in a manner that is likely to cause injury, strangulation, or entanglement thereto;
  - D. The dog is sick/injured, pregnant or nursing, or under 6 months; or
  - E. Any other condition detrimental to the dog exists as determined by the Animal Services Officer
- III. Exceptions. Notwithstanding the foregoing, exceptions may apply at the discretion of the Animal Services Officer for tethering that is non-permanent and being used as a part of a legal activity with direct supervision from an Owner.
- IV. Penalty. Any person who violates a provision of 92.07 shall be subject to the penalties listed in section 92.19.

## 92.08 LEASH LAW

- I. Prior jurisdiction. Dogs at large shall not be permitted at any time in the following subdivisions, which were adopted under previous ordinances: Anderson Woods, Arden Oaks, Brookwood Acres, Cherry Lane, Cherry Pt., City of Lincoln, Clearbrook, Country Club Apartments, Country Valley, Eastwood, Goodsons Place, Grandview Farms, Green Acres, Hidden Valley, Hill Crest, Hoffman Acres, Hunter's Bluff, Knottingham Forest, Lake Hill Trailer Park, Lincoln Park, Meadowbrook, North Hill Deerwood Trails, Sherrill Ridge, Sifford Acres, Stoney Creek Acres, West Bay, Westport Peninsula, Westport Subdivision, Westward Trail, Whispering Pines, Windsor Forest, and Worthington Park.
- II. New jurisdiction. Each additional jurisdiction desiring to subject itself and its properties to the leash law provisions shall meet the following criteria and be acted upon as follows:
  - A. It must be a subdivision platted and recorded with the County Register of Deeds or an approved mobile home park.
  - B. A majority of the property owners residing in a platted and recorded subdivision, condominium or mobile home park must sign a petition agreeing to the leash restrictions.
- III. Subdivisions meeting new criteria. The Board of Commissioners shall review the petition of the subdivision or mobile home park and, if the criteria are met, a public hearing shall be scheduled. Following the public hearing, action shall be taken on the petition. If approved, the subdivision shall be listed in this subchapter.

- IV. Subdivisions desiring to opt out of leash law provisions. Subdivisions desiring to remove a leash law from this ordinance must meet the following criteria: 75% of property owners within the jurisdiction must sign a petition agreeing to remove the leash restrictions, The Board of Commissioners shall review the petition of the subdivision or mobile home park, and if the criteria are met, a public hearing shall be scheduled. Following the public hearing, action shall be taken on the petition. If approved, the subdivision shall be removed from listing in this subchapter.
- V. Penalty. Any person who violates a provision of 92.08 shall be subject to the penalties listed in section 92.19.

## 92.09 NUISANCE

- I. Nuisance acts. It shall be unlawful for an Owner to permit an animal or animals to create a public nuisance, or to maintain a public nuisance created by an animal or animals. Nuisance means any act of an animal that disturbs rights and privileges common to the public or enjoyment of private property. The commission of a nuisance act on more than one occasion shall be evidence of a nuisance. A nuisance act includes but is not limited to:
  - A. Continuously or frequently roams or is found on the property of another person
  - B. Turns over garbage containers or removes garbage from a container
  - C. Damages gardens, foliage or other real personal property of another person
  - D. Eliminates on private property without the permission of the owner
  - E. Walks on or sleeps on automobiles of another person
  - F. Is maintained in an unsanitary condition so as to be offensive to sight or smell
  - G. Is not confined to a building or secure enclosure while in estrus
  - H. Is diseased or dangerous to the health of the public
  - I. Chases, snaps at, attacks, or otherwise molests pedestrians, cyclists, motor vehicle passengers, farm stock, or domestic animals
  - J. Is housed or restrained less than five feet from a public street, road or sidewalk, and in the discretion of the animal control officer, poses a threat to the general safety, health and welfare of the general public.
  - K. Habitually loiters on school grounds or county recreation property
- II. Nuisance complaints. Any person wishing to file an animal nuisance complaint must fill out a nuisance/complaint form. Before initiating a civil or criminal proceeding pursuant to this subchapter or any state statute, the Animal Services Director or his or her designee shall have the option of requesting the complaining party to sign a sworn statement of the alleged offense and to require the cooperation of the complaining party in court appearances arising from the complaint. Nothing contained in this subchapter shall obligate the county, or its Animal Services Director, to pursue civil or criminal proceedings hereunder, and nothing shall prevent a private citizen from pursuing a civil action for nuisance pursuant to common law or this Ordinance.
- III. Penalty. Any person who violates a provision of 92.09 shall be subject to the penalties listed in section 92.19.

## 92.10 RABIES CONTROL

The Animal Services Director or designee shall enforce and carry out all rabies control laws of the state and this subchapter, and shall work with the Local Health Director to investigate and help control rabies cases in accordance with §130A. Public Health. Part 6. Rabies. (Exhibit I).

- I. Rabies Requirements. It shall be unlawful and a violation of this Ordinance for any Owner, or other person to fail to comply with the following laws of North Carolina relating to the control of rabies:
  - A. Vaccination of animals for rabies – N.C.G.S. §130A-185. Vaccination required
  - B. Displaying rabies tags – N.C.G.S. §130A-190. Rabies vaccination tags
    - i. Cats and ferrets exempt
  - C. Confinement of biting animals – N.C.G.S. §130A-196. Notice and confinement of biting animals
  - D. Post exposure management – N.C.G.S. §130A-197. Management of dogs, cats and ferrets exposed to rabies
  - E. Confinement of animals suspected of rabies - N.C.G.S. §130A-198. Confinement
- II. Penalty. Any person who violates a provision of 92.10 shall be subject to the penalties listed in section 92.19.

#### 92.11 DANGEROUS AND POTENTIALLY DANGEROUS DOGS

- I. Determination and outcome of dangerous and potentially dangerous dogs. The Animal Services Director or designee shall determine whether a dog is to be declared dangerous or potentially dangerous. Once the dog is deemed dangerous or potentially dangerous, the animal services division shall impound the dog immediately. The Animal Services Director or designee shall notify the Owner in writing, giving the reason for the determination. The Owner of a dog which has been declared to be dangerous or potentially dangerous has the right to appeal the decision in the manner set forth in section 92.11(II).
  - A. Dangerous dog. A dangerous dog will be classified as either a level 1 or level 2 dangerous dog:
    1. Level 1:
      - a. The dog will be classified as level 1 if the dog:
        - i. Killed a person who was not attempting to harm, rob or seriously injure the dog's Owner or family;
        - ii. When not on the Owner's real property, inflicted severe injury to a person;
        - iii. Was previously declared a level 2 dangerous dog and while out of the secure enclosure bit a person;
        - iv. Was previously declared a level 2 dangerous dog and while out of the secure enclosure and not on the Owner's real property bit another domestic animal;
        - v. Was previously declared a potentially dangerous dog and inflicted severe injury to a person; or
        - vi. Was previously declared a potentially dangerous dog and when not on the Owner's real property killed or inflicted severe injury to a domestic animal.
      - b. The Animal Services Director or designee shall order and cause the level 1 dangerous dog to be humanely destroyed, or removed from Lincoln County within a period of 10 calendar days if the dog

meets the criteria of another jurisdiction, and will be accepted therein.

2. Level 2:

- a. The dog may be classified as level 2 if the dog:
  - i. When on the Owner's real property inflicted severe injury to a person and the person was not attempting to harm, rob or seriously injure the dog's Owner or family;
  - ii. Was owned or harbored primarily or in part for the purpose of dog fighting, or trained for dog fighting, in violation of N.C.G.S. §14-362.2;
  - iii. Was previously declared a potentially dangerous dog and when not on the Owner's real property bit another domestic animal but did not cause a severe injury; or
  - iv. Was previously declared a potentially dangerous dog and bit a person but did not cause a severe injury.
- b. A Level 2 dangerous dog may be redeemed by the Owner, provided the Owner first complies with those regulations and confines the level 2 dangerous dog as required in sections 92.11 (III) (A) and (B).

B. Potentially dangerous dog.

- a. A dog may be classified as a potentially dangerous if the dog:
  - i. When not on the Owner's real property killed or inflicted severe injury upon a domestic animal; or
  - ii. When not on the Owner's real property approached a person in a vicious or terrorizing manner in an apparent attitude of attack; or
  - iii. Inflicted an unprovoked bite to a human.
- b. A potentially dangerous dog may be redeemed by the Owner, provided the Owner first agrees to keep the dog under restraint and complies with section 92.11 (III)(C).

II. Appeal procedure for dangerous and potentially dangerous dogs:

- A. The Owner of a dog which has been declared dangerous or potentially dangerous pursuant to section 92.11(l) has the right to appeal the determination by filing a written objection, stating the grounds for the appeal, with the animal services division within three business days of receipt of the dangerous or potentially dangerous dog determination letter. If the Owner fails to file the written objection, a dog will be disposed of according to this chapter depending on its level.
- B. The dangerous dog appellate board, as designated by the county, shall hold a hearing within ten business days of the filing of the written objection. The person requesting the appeal will be notified of the board's decision within ten business days following the final decision of the appellate board. Any appeal from the final decision of the appellate board shall be to superior court by filing a notice of appeal and petition for review within ten business days of receipt of the final decision of the appellate board. This written notice must be served on animal services as well as the clerk of superior court.
- C. The dangerous dog appellate board shall be composed of five regular members and two alternates. At least one of the regular members shall be a law enforcement officer. Members and alternates must be residents of Lincoln County and appointed by the Board of Commissioners to serve until a successor is appointed. A quorum of at least three members (any combination of regular members and alternates) must be present at an appellate board hearing in order for the appellate board to conduct



business. The members of the dangerous dog appellate board shall be expected to disclose any prior personal involvement they have had with the case or other conflicts of interest, and upon a motion of the board, the member making the disclosure may be recused.

- D. All testimony offered at the appellate board hearing held pursuant to this chapter shall be given under oath and recorded by audio recording. The hearing shall be open to the public, and the person requesting the appeal may be represented by an attorney.
- E. The Animal Services Director or designee shall have the burden of demonstrating that this chapter has been violated. The person requesting the appeal will be given an opportunity to prove this chapter has not been violated. The Animal Services Director or designee will be given a final opportunity to clarify any conflicts, ambiguities or inconsistencies created by or arising from the statements or evidence. The dangerous dog appellate board may ask questions at any time during the appeal hearing and may request additional evidence from either party, including continuing the hearing in the interest of fairness.
- F. Any decision rendered by the dangerous dog appellate board applies only to the violation(s) appealed and does not prevent the animal services division from enforcing a subsequent violation of the same provision or any other provision of this chapter. If the dangerous dog appellate board upholds or affirms the decision of the Animal Services Director or designee the Owner is responsible for all applicable boarding fees, redemption fees and civil penalties.
- G. If the Owner of the dog does not file a written appeal with the dangerous dog appellate board within the time period required by law or if the Owner of the dog does not comply with the confinement requirements as specified in section 92.11 (III) within 21 calendar days of the final decision of the dangerous dog appellate board or superior court, then the dog becomes the property of the County for disposition.

III. Confinement and restraint of dangerous and potentially dangerous dogs:

- A. Dangerous dog requirements. The Owner of a level 2 dangerous dog that is required to be confined pursuant to section 92.11 (I)(A) may redeem the dog upon complying with the following:
  - i. The Owner of a dog which has been declared a level 2 dangerous dog must file a written notice of intent to comply with the enclosure requirements outlined below with the animal services division within three business days of receipt of the dangerous dog determination letter. If the Owner fails to file a written notice, the dog shall become the property of the county and shall be disposed of in accordance with this chapter.
  - ii. Before redemption, a level 2 dangerous dog must be fitted with microchip identification, at the Owner's expense.
  - iii. The Owner must pay all outstanding fines and fees owed to the animal services division.
  - iv. From the initial notice from the animal services division, the Owner has 21 calendar days to erect the secure enclosure. If the Owner appeals the determination in accordance with this chapter to the dangerous dog appellate board or superior court, and the decision is upheld, the Owner has 21 days to erect the secure enclosure from the date of the decision. The secure enclosure must conform to all of the following:
    - a. The structure must be a minimum size of 90 square feet and six (6) feet tall, with a concrete pad at least two inches thick. If more than one dog is to be kept in the enclosure, the floor area must provide at least 90 square feet for each dog. The walls and roof of the structure must be constructed of welded chain link, of a minimum

- thickness of 9 gauge, or equivalent gauge welded wire, supported by galvanized steel poles at least two and one-half inches in diameter. The vertical support poles must be sunk in concrete-filled holes at least 18 inches deep and at least eight inches in diameter. The chain link fencing must be anchored to the concrete pad with galvanized steel anchors at intervals of no more than 12 inches along the perimeter of the pad. The entire structure must be freestanding and not attached or anchored to any existing fence, building, or structure. The structure must be secured by a pad lock.
- b. A warning sign of at least 120 square inches must be visible from each side of the structure and visible to any adjoining property.
  - c. The secure enclosure must be inspected and approved by the Animal Services Director or designee.
  - d. The Owner of the dog is responsible for ensuring that the enclosure is maintained in such a condition to continually meet the requirements of the article. Failure to maintain or repair the enclosure shall subject the Owner to penalties under this chapter.
  - e. Prior to inspection of the enclosure by the Animal Services Director or designee, the dog shall not be returned to the Owner's property until the shelter and warning signs have been approved. While the structure is being erected, the dog must be boarded at the county animal shelter at the Owner's expense.
  - v. At the Owner's expense, the Owner of a level 2 dangerous dog shall procure and maintain and provide proof of liability insurance in the amount of at least \$100,000.00.
  - vi. Comply with any addition requirements as deemed necessary by the Director of Animal Services or designee.
- B. Maintenance of a dangerous dog. The Owner of a level 2 dangerous dog that is required to be confined pursuant to section 92.11 (1)(2)(b) must comply with the following:
- i. A dangerous dog shall not be permitted out of the enclosure unless the dog is under physical restraint by a competent person who by means of a leash no longer than six feet has the dog firmly under control at all times. Voice command and electronic collars are not recognized as adequate restraints. A dangerous dog must be muzzled when not on the Owner's real property.
  - ii. If the Owner can provide detailed written instructions from a licensed veterinarian that the dog must remain out of the secure enclosure for a specified amount of time due to sickness or injury, then the dog shall immediately be housed at a veterinarian clinic until it is medically cleared, at which time the dog shall immediately be returned to the secure enclosure. Written instructions from a licensed veterinarian must be updated at least every 30 days by a licensed veterinarian and provided to the animal services division by the Owner.
  - iii. In addition to criminal penalties provided by state law and civil penalties set forth in section 92.19, any person who violates the requirements set forth in sections 92.11 (III)(A) and (B) shall be subject to the following sanctions and remedies:
    - a. If a dangerous dog is found at large, it shall be seized and impounded. An animal control officer is authorized to go upon private property to seize the dangerous dog.

- b. The animal services division shall have the right to inspect the enclosure at any time. If an inspection of the enclosure reveals that the Owner has not complied with the requirements for confining and/or restraining the dog, an animal control officer may issue a civil penalty in conformity with this chapter and may impound the dog.
        - c. If the dog is not redeemed within three business days of the impoundment pursuant to this section or if the Owner does not request an appeal within the time limit provided in section 92.11 (II) the dog shall become the property of the county and shall be disposed of in accordance with this chapter.
        - d. Upon a second violation of this section, the dog will be impounded immediately and will become the property of the county and will be disposed of in accordance with this chapter.
- C. Potentially dangerous dog requirements and maintenance. The Owner of any potentially dangerous dog may redeem their dog upon complying with the following:
- i. At the Owner's expense and before redemption, a potentially dangerous dog must be fitted with microchip identification.
  - ii. The Owner must pay all outstanding fines and fees due to the animal services division.
  - iii. The Owner must keep the dog under restraint at all times. Restraint under this section includes:
    - a. Controlled by means of a chain or other approved tether no longer than 20 feet or a leash no longer than six feet. Voice command and electronic collars are not recognized as adequate restraints.
    - b. Within a vehicle being driven or parked, and secured in such manner as to prevent the animal from escaping or causing injury to persons approaching or passing the vehicle. An animal is not under restraint if it is in the back of an open-bed pickup.
    - c. Within a fenced enclosure adequate to secure the dog so as to prevent it from escaping from the Owner's real property.
    - d. Not permitting the dog to go beyond the Owner's real property unless the dog is leashed and muzzled.
  - iv. Comply with any addition requirements as deemed necessary by the Director of Animal Services or designee.
- IV. Registration and transfer of Ownership.
- A. Registration. A current registration shall be maintained by the animal services division for every dog determined to be dangerous or potentially dangerous. The Owner of the dog is responsible for ensuring that the dog is registered. Registrations must include the name and address of the Owner, identifying information concerning the dog, a copy of the certificate of insurance, verification of current rabies vaccination, and any other information the animal services division deems necessary. The Owner shall register the dog annually with the animal services division during the month of January. If the dog dies, the Owner is responsible for notifying animal services immediately. If ownership is transferred, subsection (2) below applies.
  - B. *Transfer*. If the Owner of a potentially dangerous or dangerous dog transfers ownership or possession of the dog to another person, the Owner must, ten days prior to the transfer, provide written notice to the Animal Services Director or designee stating the intent to transfer the dog and the name, telephone number, and address of the new Owner or possessor of the dog. The new Owner must assume all responsibilities regarding the dangerous or potentially dangerous dog. The Animal

Services Director or designee must inspect the new, proposed location to ensure compliance with the written order prior to the dog's relocation. If the location does not fall under the jurisdiction of this article, the Animal Services Director or designee shall contact the appropriate animal control or law enforcement agency of the Owner's intent to relocate the dog in question to a location within such agency's jurisdiction, and shall provide copies of all records pertaining to the dog to the agency prior to the dog's relocation.

V. DANGEROUS DOGS FROM OTHER JURISDICTIONS.

- A. An Owner bringing into the County a dog that has been classified as Dangerous or Potentially Dangerous has an obligation to notify Animal Services prior to transferring the dog into the County. Once an Owner notifies Animal Services of a dog's classification as Dangerous or Potentially Dangerous classification from another jurisdiction, the Animal Services Director or designee shall contact that jurisdiction to obtain all necessary information to classify the dog according to this Ordinance. Dogs from other jurisdictions must comply with all Lincoln County laws after their classification.
- B. An Owner may appeal the determination of the Animal Services Director according to 92.11 (II).

VI. DECLASSIFICATION

Any declaration that an animal is Potentially Dangerous, or Dangerous level 2 may be petitioned for declassification as provided in this Section.

- A. An Owner of an animal that has been declared dangerous or vicious under this or a previous version of this Ordinance may request annually that the Animal Services Director or designee submits the declaration in front of the Dangerous Dog Appellate Board for review of the declaration. The request shall be made in writing on an application provided by Animal Services and shall be accompanied by an overall assessment of the animal completed by a competent person accredited by the Certification Council for Professional Dog Trainers or another recognized and approved body. The assessment shall have an emphasis on the behavior underlying the declaration and the Owner's ability to manage the animal. The Dangerous Dog Appellate Board shall consider revocation of the declaration only if no violations of this Chapter or, if applicable, N.C. Gen. Stat. § 67-4.1 et al, have occurred within the 18 months preceding the date of application for review. The Dangerous Dog Appellate Board shall further consider the following matters when reviewing the declaration: 1) The outcomes of the assessment described in this subsection, 2) The nature of the original attack/s and the reasons for the original declaration, 3) The manner in which the animal has been cared for and managed since the declaration was imposed and 4) Evidence of whether the animal's behavior has changed since the declaration due to the animal's age, environment, training, or other factors

The Dangerous Dog Appellate Board may revoke the declaration or revise the level of danger after considering the application, the assessment, and the matters described above. The Dangerous Dog Appellate Board shall issue written findings to the Owner stating the reason(s) for his or her decision and, if the Dangerous Dog Appellate Board has denied the revocation, the date upon which the Owner may request further review of the declaration by the Dangerous Dog Appellate Board. The Dangerous Dog Appellate Board has complete discretion in making the decision and any final decision is not subject to appeal.

VII. Exceptions. This article does not apply to the following:

- A. A law enforcement dog being used by a law enforcement officer to carry out the law enforcement officer's official duties or professional responsibilities; or a security dog used by a professional security guard registered with the North Carolina Protective

Services Board, to carry out the security guard's official duties or professional responsibilities.

- B. A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a herding dog, or predator control dog on the property of or under the control of its Owner, and the damage or injury was to a specific type of domestic animal appropriate to the work of the dog; or
  - C. A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury was tormenting, abusing, or assaulting the dog; had tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.
- VIII. Private action. Nothing in this article shall prevent a private citizen from bringing an action against the Owner of a dog which has caused injury to the private citizen or his property for damages or any other loss resulting from the dog's conduct being dangerous.
- IX. Penalties. Any person who violates a provision of 92.11 shall be subject to the penalties listed in section 92.19.

## 92.12 EXOTIC ANIMALS

- I. It shall be unlawful for any person to own or display wild or exotic animals on any public or private property unless properly registered
- II. Registration of Exotic Animals. A current registration shall be maintained by the animal services division for every Exotic Animal. The Owner of the Exotic Animal is responsible for ensuring that the Exotic Animal is registered. Registrations must include the name and address of the Owner, identifying information concerning the Exotic Animal, and any other information the Animal Services division reasonably deems necessary. The Owner shall register the Exotic Animal annually with the animal services division during the month of January.
- III. Penalties. Any person who violates a provision of 92.12 shall be subject to the penalties listed in section 92.19.

## 92.13 DISPOSITION OF DECEASED ANIMALS

Animal Services will investigate allegations of improper disposal of animals and will coordinate with the County Health Department for concerns on public health and safety. The County Health Department will provide consultation for disposal efforts to the responsible party. Animal Services may assess penalties to the responsible party if the animal is not properly disposed of.

- I. Deceased domestic animals. The Owner of a domesticated animal that dies from any cause must bury the animal in accordance with N.C.G.S. §106-403 Disposition of dead domesticated animals
- II. Deceased animals in the road. The Department of Transportation shall remove dead animals from the road pursuant to N.C.G.S. §136-18. Powers of Department of Transportation
- III. Deceased animals when Owner unknown. The Animal Services Officer will make every effort to locate the Owner of the dead animal, and cause him/her to dispose of the animal in compliance with N.C.G.S. §106-403 Disposition of dead domesticated animals. When the animal's Owner cannot be determined, the owner of the land where the animal is located will be responsible for the disposal of the dead animal.
- IV. Penalty. Any person who violates a provision of 92.13 shall be subject to the penalties listed in section 92.19.

## 92.14 IMPOUNDMENT OF ANIMALS

I. IMPOUNDMENT. Domesticated or exotic animals may be impounded when found at large, determined to be stray, or upon any exigent circumstances deemed necessary by the Animal Services Director or designee.

- A. NOTICE TO OWNER OF IMPOUNDED ANIMAL. Animal Services will make every reasonable effort to attempt to contact animal Owners where an Owner may be suspected, or Owner information exists.

## 92.15 DISPOSITION OF ANIMALS

I. Disposition of animals in Animal Services custody will be as follows:

- A. Stray animals will be held for a period of 96 hours to allow Owners to reclaim the animals pursuant to N.C.G.S. §19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals
  - i. Cats deemed to be feral by the Animal Services Director or designee will be held for a period of 72 hours. For the purposes of this section, feral shall mean a cat that has escaped from a domestic or captive status and is living as a wild animal or a cat which was never domesticated.
- B. Animals can be reclaimed by Owners for fees in accordance with the fee schedule. The Owner of an impounded animal shall be entitled to redeem such animal, except as provided in this article, upon the payment of all redemption fees as provided in section 92.19 below, and upon furnishing proof of ownership. Animals cannot be reclaimed without proof of a current rabies vaccine, or a rabies vaccine given by Animal Services Certified Rabies Vaccinators (CRVs).
  - 1. In addition to this, dogs will need to wear rabies vaccination tags upon reclaim pursuant to §N.C.G.S. 130A-190. Rabies vaccination tags
- C. If not reclaimed after 96 hours stray animals will be made available for the additional outcomes of: adoption, transfer to a rescue group, or euthanasia per N.C.G.S. §19A-32.1.
- D. Owner surrendered animals with proof of ownership will be made available for disposition by the Director of Animal Services or designee after a period of 24 hours.
- E. Nothing in this section shall prevent an animal that is seriously ill or injured from being euthanized for humane reasons prior to end of stray hold per N.C.G.S. §19A-32.1.

## 92.16 RECORD KEEPING

- I. Record keeping responsibilities. Animal Services shall be responsible for properly keeping and providing any and all public records regarding its operation of the Animal Shelter and Animal Control as determined by:
  - A. N.C.G.S. §132-2. Custodian designated
  - B. N.C.G.S. §132-3. Destruction of records regulated
  - C. N.C.G.S. §132-6. Inspection, examination and copies of public records

- D. N.C.G.S. §132-8. Assistance by and to the Department of Natural and Cultural Resources
- E. The North Carolina Animal Welfare Act and Administrative Code

#### 92.17 RELATION TO OTHER LAWS

- I. Hunting Laws. Nothing in this ordinance is intended to be in conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this exception applies only while the dogs are under the control of the Owner, or competent person, and are actually lawfully being used for hunting, or training for hunting in compliance with applicable statutes, regulations, or ordinances. This ordinance should be read and enforced consistent with any such laws.
- II. Legal Veterinary Activities. Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this Ordinance except for the provisions relating to cruelty to animals and rabies control.
- III. Wildlife and Research Laws. The provisions of this Ordinance shall not apply to the keeping of wild and dangerous animals as follows, provided, such keeping is in all respects in compliance with applicable federal and state rules and regulations:
  - i. Animals used for teaching and/or research purposes.
  - ii. Wildlife rehabilitators licensed by the state or the federal government to provide such services.
- IV. Livestock Laws. Nothing in this Ordinance is intended to be in conflict with the laws of the State of North Carolina regulating livestock. This ordinance should be read and enforced consistent with any such laws.

#### 92.18 ANIMAL SERVICES ADVISORY BOARD

- I. Board creation. There is hereby created an Animal Services Advisory Board to advise the County Commissioners, County Manager, and Animal Services Director on the organization and operation of the Lincoln County Animal Services Department.
- II. Board composition. The Advisory Board shall be composed of nine members appointed by the Board of Commissioners. All members must reside at all times in the county. This Board shall include one member from each of the following categories:
  - A. Rural area member (must live in an unincorporated area)
  - B. Veterinarian
  - C. Health Director or their designee
  - D. Hunter
  - E. Law Enforcement Officer
  - F. Urban area member (must live in an incorporated municipality)
  - G. No Kill Philosophy Representative
  - H. Community Animal Group Representative
  - I. Member at large.
- III. Terms. For the initial terms, four of the members shall be appointed for one-year terms, and five of the members shall be appointed for two-year terms. All subsequent appointments shall be for two-year terms, so that the membership appointments are staggered. Board members shall serve their complete term unless removed for

any reason by the Board of Commissioners. In the event of any vacancy on the Board, the Board of Commissioners shall appoint a replacement member.

- IV. Successive Terms. An Animal Services Advisory Board member may be appointed to a maximum of three successive two-year terms but to no more than two successive terms in the same seat.
- V. Selection of Officers. The Board shall select in its first meeting of each calendar year, a chairman, vice-chairman, and secretary. The chairman shall call all regular and any special meetings of the Board, and shall preside at those meetings. In the absence of the chairman, the vice-chairman shall preside at any regular or called meeting. In the absence of the chairman and the vice-chairman, the secretary shall preside.
- VI. Animal Services Responsibilities. The Animal Services Director or his or her designee will attend all meetings of the Animal Services Advisory Board, and shall be responsible for the proper advertisement of meetings, and the recording of minutes. He or she also shall serve as the staff resource for the Board in its research and deliberations. However, he or she shall have no vote on any matter coming before the Board.
- VII. Meetings. The Animal Services Advisory Board will meet on a quarterly basis for review and discussion of any issues that it deems appropriate regarding the operation of the Animal Services Department. Additional meetings may be scheduled if requested by the County Commissioners, County Manager, Animal Services Director, or the chairman of the Board.

#### 92.19 FEES AND PENALTIES

Fees shall be charged in accordance with schedule of fees adopted by the Lincoln County Board of Commissioners, as may be amended from time to time. Fees may be waived or reduced by the Animal Services Director or designee at his or her discretion, as allowed by law.

<b>ANIMAL SHELTER</b>	
<b>FEE/FINE</b>	<b>AMOUNT</b>
Cat Adoption	\$20
Dog Adoption	\$80
Pocket Pet Adoption	\$10
Livestock Adoption (after auction)	\$20
Senior Citizen/Armed Forces Cat Adoption	\$0
Senior Citizen/Armed Forces Dog Adoption	\$0
Multiple Cat Adoption	\$10
Fee Waived Adoption Event Adoption	\$0
Adoption Special Adoption	Variable fees
Rescue Pull	\$0
Altered Animal Reclaim 1 <sup>st</sup> Offense	\$0
Altered Animal Reclaim 2 <sup>nd</sup> Offense	\$25
Altered Animal Reclaim 3 <sup>rd</sup> + Offense	\$50
Unaltered Animal Reclaim 1 <sup>st</sup> Offense	\$25
Unaltered Animal Reclaim 2 <sup>nd</sup> Offense	\$50
Unaltered Animal Reclaim 3 <sup>rd</sup> + Offense	\$100
Shelter Bite Quarantine Fee	\$50
Daily Board Fee	\$10
Rabies Vaccination Fee	\$7
Trap Rental Fee	\$40
Returned Check Fee	\$25
Low Cost Cat Spay/Neuter	\$20
Low Cost Dog Spay/Neuter	\$50



<b>ANIMAL CONTROL</b>	
<b>FEE/FINE</b>	<b>AMOUNT</b>
Warning Violation	\$0
1 <sup>st</sup> Offense Civil Citation	\$100
2 <sup>nd</sup> Offense Civil Citation	\$200 repeat violation
3 <sup>rd</sup> Offense Civil Citation	\$300 repeat violation
4 <sup>th</sup> Offense Civil Citation	\$400 repeat violation
5 <sup>th</sup> + Offense Civil Citation	\$500 repeat violation
Field Return to Owner	\$0
Exotic License per Household	\$250

If the offender fails to pay the penalties within 20 days after having been cited, the County may recover the penalties in a civil action in the nature of debt. In addition, the County may, in its discretion, take all actions to prevent violations of this Ordinance and to enforce the payment of any such fines including, but not limited to, civil actions for injunctions, abatements, and monetary judgments for outstanding fines, including, to the extent allowed by law, the County's court costs and attorney's fees.

**PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to the penalties of § 10.99.

(B) Violation of § 92.06 shall constitute a misdemeanor. Any person convicted of violating this section shall be punished by a fine not to exceed \$50 or by imprisonment not to exceed 30 days or both. Each day during which a violation continues shall be determined a separate and distinct offense.

Article 6.

Part 6. Rabies.

**§ 130A-184. Definitions.**

The following definitions apply in this Part:

- (1) **Animal Control Officer.** - A city or county employee whose responsibility includes animal control. The term "Animal Control Officer" also includes agents of a private organization that is operating an animal shelter under contract with a city or county whenever those agents are performing animal control functions at the shelter.
- (2) **Cat.** - A domestic feline of the genus and species *Felis catus*.
- (3) **Certified rabies vaccinator.** - A person appointed and certified to administer rabies vaccine to animals in accordance with this Part.
- (4) **Dog.** - A domestic canine of the genus, species, and subspecies *Canis lupus familiaris*.
- (4a) **Feral.** - An animal that is not socialized.
- (4b) **Ferret.** - A domestic mammal of the genus, species, and subspecies *Mustela putorius furo*.
- (5) **Rabies vaccine.** - An animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in this State by the Commission.
- (6) **State Public Health Veterinarian.** - A person appointed by the Secretary to direct the State public health veterinary program.
- (6a) **Stray.** - An animal that meets both of the following conditions:
  - a. Is beyond the limits of confinement or lost.
  - b. Is not wearing any tags, microchips, tattoos, or other methods of identification.
- (7) **Vaccination.** - The administration of rabies vaccine by a person authorized to administer it under G.S. 130A-185. (1935, c. 122, s. 1; 1949, c. 645, s. 1; 1953, c. 876, s. 1; 1957, c. 1357, s. 3; 1973, c. 476, s. 128; 1983, c. 891, s. 2; 2009-304, s. 2; 2009-327, s. 1.)

**§ 130A-185. Vaccination required.**

(a) Vaccination required. - The owner of an animal listed in this subsection over four months of age shall have the animal vaccinated against rabies:

- (1) Cat.
- (2) Dog.
- (3) Ferret.

(b) Vaccination. - Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by the Commission shall be used on animals in this State. A rabies vaccine may only be administered by one or more of the following:

- (1) A licensed veterinarian.
- (2) A registered veterinary technician under the direct supervision of a licensed veterinarian.
- (3) A certified rabies vaccinator. (1935, c. 122, s. 1; 1941, c. 259, s. 2; 1953, c. 876, s. 2; 1973, c. 476, s. 128; 1983, c. 891, s. 2; 2009-327, s. 2.)

#### **§ 130A-186. Appointment and certification of certified rabies vaccinator.**

In those counties where licensed veterinarians are not available to participate in all scheduled county rabies control clinics, the local health director shall appoint one or more persons for the purpose of administering rabies vaccine to animals in that county. Whether or not licensed veterinarians are available, the local health director may appoint one or more persons for the purpose of administering rabies vaccine to animals in their county and these persons will make themselves available to participate in the county rabies control program. The State Public Health Veterinarian shall provide at least four hours of training to those persons appointed by the local health director to administer rabies vaccine. Upon satisfactory completion of the training, the State Public Health Veterinarian shall certify in writing that the appointee has demonstrated a knowledge and procedure acceptable for the administration of rabies vaccine to animals. A certified rabies vaccinator shall be authorized to administer rabies vaccine to animals in the county until the appointment by the local health director has been terminated. (1935, c. 122, s. 3; 1941, c. 259, s. 3; 1953, c. 876, s. 3; 1957, c. 1357, s. 4; 1983, c. 891, s. 2.)

#### **§ 130A-187. County rabies vaccination clinics.**

(a) Local Clinics. - The local health director shall organize or assist other county departments to organize at least one countywide rabies vaccination clinic per year for the purpose of vaccinating animals required to be vaccinated under this Part. Public notice of the time and place of rabies vaccination clinics shall be published in a newspaper having general circulation within the area.

(b) Fee. - The county board of commissioners may establish a fee to be charged for a rabies vaccination given at a county rabies vaccination clinic. The fee amount may consist of the following:

- (1) A charge for administering and storing the vaccine, not to exceed ten dollars (\$10.00).
- (2) The actual cost of the rabies vaccine, the vaccination certificate, and the rabies vaccination tag. (1983, c. 891, s. 2; 1987, c. 219; 2009-327, s. 3.)

§ 130A-188: Repealed by Session Laws 2009-327, s. 4, effective October 1, 2009.

**§ 130A-189. Rabies vaccination certificates.**

A person who administers a rabies vaccine shall complete a rabies vaccination certificate. The Commission shall adopt rules specifying the information that must be included on the certificate. An original rabies vaccination certificate shall be given to the owner of the animal that receives the rabies vaccine. A copy of the rabies vaccination certificate shall be retained by the licensed veterinarian or the certified rabies vaccinator. A copy shall also be given to the county agency responsible for animal control, provided the information given to the county agency shall not be used for commercial purposes. (1935, c. 122, s. 6; 1941, c. 259, s. 5; 1959, c. 352; 1983, c. 891, s. 2; 1993, c. 245, s. 1; 2009-327, s. 5.)

**§ 130A-190. Rabies vaccination tags.**

(a) Issuance. - A person who administers a rabies vaccine shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "rabies vaccine." Dogs shall wear rabies vaccination tags at all times. Cats and ferrets must wear rabies vaccination tags unless they are exempt from wearing the tags by local ordinance.

(b) Fee. - Rabies vaccination tags, links, and rivets may be obtained from the Department of Health and Human Services. The Secretary is authorized to collect a fee for the rabies tags, links, and rivets in accordance with this subsection. The fee for each tag is the sum of the following:

- (1) The actual cost of the rabies tag, links, and rivets.
- (2) Transportation costs.
- (3) Fifteen cents (15¢). This portion of the fee shall be used to fund rabies education and prevention programs.
- (4) Repealed by Session Laws 2010-31, s. 11.4(h), effective October 1, 2010.

(c) Repealed by Session Laws 2007-487, s. 1, effective January 1, 2008. (1935, c. 122, s. 6; 1941, c. 259, s. 5; 1959, c. 352; 1983, c. 891, s. 2; 1997-69, s. 1; 2000-163, s. 2; 2007-487, s. 1; 2009-327, s. 6; 2010-31, s. 11.4(h).)

**§ 130A-191. Possession and distribution of rabies vaccine.**

It shall be unlawful for persons other than licensed veterinarians, certified rabies vaccinators and persons engaged in the distribution of rabies vaccine to possess rabies vaccine. Persons engaged in the distribution of vaccines may distribute, sell and offer to sell rabies vaccine only to licensed veterinarians and certified rabies vaccinators. (1987, c. 218.)

**§ 130A-192. Animals not wearing required rabies vaccination tags.**

(a) The Animal Control Officer shall canvass the county to determine if there are any animals not wearing the required rabies vaccination tag. If an animal required to wear a tag is found not wearing one, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag with information enabling the owner of the animal to be contacted, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal. The duration of the impoundment of these animals shall be established by the county board of commissioners, but the duration shall not be less than 72 hours. During the impoundment period, the Animal Control Officer shall make a reasonable effort to locate the owner of the animal. If the Animal Control Officer has access at no cost or at a reasonable cost to a microchip scanning device, the Animal Control Officer shall scan the animal and utilize any information that may be available through a microchip to locate the owner of the animal, if possible. If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; or put to death by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.

(a1) Before an animal may be put to death, it shall be made available for adoption as provided in G.S. 19A-32.1.

(a2) Repealed by Session Laws 2013-377, s. 3, effective July 29, 2013.

(a3) The Animal Control Officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released.

(b) through (e) Repealed by Session Laws 2013-377, s. 3, effective July 29, 2013. (1935, c. 122, s. 8; 1983, c. 891, s. 2; 2009-304, s. 1; 2009-327, s. 7; 2013-377, s. 3.)

### **§ 130A-193. Vaccination and confinement of animals brought into this State.**

(a) Vaccination Required. - An animal brought into this State that is required to be vaccinated under this Part shall immediately be securely confined and shall be vaccinated against rabies within one week after entry. The animal shall remain confined for two weeks after vaccination.

(b) Exceptions. - The provisions of subsection (a) shall not apply to:

(1) An animal brought into this State for exhibition purposes if the animal is confined and not permitted to run at large.

- (2) An animal brought into this State accompanied by a certificate issued by a licensed veterinarian showing that the animal is apparently free from and has not been exposed to rabies and that the animal is currently vaccinated against rabies. (1935, c. 122, s. 11; 1983, c. 891, s. 2; 2009-327, s. 8.)

**§ 130A-194. Quarantine of districts infected with rabies.**

An area may be declared under quarantine against rabies by the local health director when the disease exists to the extent that the lives of persons are endangered. When quarantine is declared, each animal in the area that is required to be vaccinated under this Part shall be confined on the premises of the owner or in a veterinary hospital unless the animal is on a leash or under the control and in the sight of a responsible adult. (1935, c. 122, s. 12; 1941, c. 259, s. 9; 1949, c. 645, s. 3; 1953, c. 876, s. 8; 1957, c. 1357, s. 8; 1983, c. 891, s. 2; 2009-327, s. 9.)

**§ 130A-195. Destroying stray or feral animals in quarantine districts.**

When quarantine has been declared and stray or feral animals continue to run uncontrolled in the area, any peace officer or Animal Control Officer shall have the right, after reasonable effort has been made to apprehend the animals, to destroy the stray or feral animals and properly dispose of their bodies. (1935, c. 122, s. 13; 1953, c. 876, s. 9; 1983, c. 891, s. 2; 2009-327, s. 10.)

**§ 130A-196. Notice and confinement of biting animals.**

(a) Notice. - When a person has been bitten by an animal required to be vaccinated under this Part, the person or parent, guardian or person standing in loco parentis of the person, and the person owning the animal or in control or possession of the animal shall notify the local health director immediately and give the name and address of the person bitten and the owner of the animal. If the animal that bites a person is a stray or feral animal, the local agency responsible for animal control shall make a reasonable attempt to locate the owner of the animal. If the owner cannot be identified within 72 hours of the event, the local health director may authorize the animal be euthanized, and the head of the animal shall be immediately sent to the State Laboratory of Public Health for rabies diagnosis. If the event occurs on a weekend or State holiday the time period for owner identification shall be extended 24 hours.

A physician who attends a person bitten by an animal known to be a potential carrier of rabies shall report the incident within 24 hours to the local health director. The report must include the name, age, and sex of the person.

(b) Confinement. - When an animal required to be vaccinated under this Part bites a person, the animal shall be immediately confined for 10 days in a place designated by the local health director. The local health director may authorize a dog trained and used by a law enforcement agency to be released from confinement to perform official duties upon submission of proof that the dog has been vaccinated for rabies in compliance with this Part. After reviewing the circumstances of the particular case, the local health director may allow the owner to confine the animal on the owner's property. An owner who fails to confine an animal in accordance with the instructions of the local health director shall be guilty of a Class 2 misdemeanor. If the owner or the person who controls or possesses the animal that has bitten a person refuses to confine the

animal as required by this subsection, the local health director may order seizure of the animal and its confinement for 10 days at the expense of the owner. (1935, c. 122, s. 17; 1941, c. 259, s. 11; 1953, c. 876, s. 13; 1957, c. 1357, s. 9; 1977, c. 628; 1983, c. 891, s. 2; 1985, c. 674; 1989, c. 298; 1993, c. 539, s. 950; 1994, Ex. Sess., c. 24, s. 14(c); 2009-327, s. 11.)

**§ 130A-197. Management of dogs, cats, and ferrets exposed to rabies.**

When the local health director reasonably suspects that an animal required to be vaccinated under this Part has been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the animal shall be considered to have been exposed to rabies. The recommendations and guidelines for rabies post-exposure management specified by the National Association of State Public Health Veterinarians in the most current edition of the Compendium of Animal Rabies Prevention and Control shall be the required control measures. (1935, c. 122, s. 14; 1953, c. 876, s. 10; 1983, c. 891, s. 2; 2000-163, s. 4; 2009-327, s. 12; 2017-106, s. 1.)

**§ 130A-198. Confinement.**

A person who owns or has possession of an animal which is suspected of having rabies shall immediately notify the local health director or county Animal Control Officer and shall securely confine the animal in a place designated by the local health director. The animal shall be confined for a period of 10 days. Other animals may be destroyed at the discretion of the State Public Health Veterinarian. (1935, c. 122, s. 15; c. 344; 1941, c. 259, s. 10; 1953, c. 876, s. 11; 1983, c. 891, s. 2; 2009-327, s. 13.)

**§ 130A-199. Rabid animals to be destroyed; heads to be sent to State Laboratory of Public Health.**

An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its head sent to the State Laboratory of Public Health. The heads of all animals that die during a confinement period required by this Part shall be immediately sent to the State Laboratory of Public Health for rabies diagnosis. (1935, c. 122, s. 16; 1953, c. 876, s. 12; 1973, c. 476, s. 128; 1983, c. 891, s. 2; 2009-327, s. 14.)

**§ 130A-200. Confinement or leashing of vicious animals.**

A local health director may declare an animal to be vicious and a menace to the public health when the animal has attacked a person causing bodily harm without being teased, molested, provoked, beaten, tortured or otherwise harmed. When an animal has been declared to be vicious and a menace to the public health, the local health director shall order the animal to be confined to its owner's property. However, the animal may be permitted to leave its owner's property when accompanied by a responsible adult and restrained on a leash. (1935, c. 122, s. 18; 1953, c. 876, s. 14; 1983, c. 891, s. 2.)

**§ 130A-201. Rabies emergency.**

emergency no longer exists for a county or district, the State Health Director shall immediately notify the Executive Director of the Wildlife Resources Commission. (1997-402, s. 1.)

§ 130A-202. Reserved for future codification purposes.

§ 130A-203. Reserved for future codification purposes.

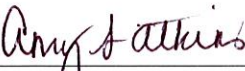
§ 130A-204. Reserved for future codification purposes.

Adopted this the 21<sup>st</sup> day of June, 2021.



  
\_\_\_\_\_  
Carrol Mitchem, Chairman

ATTEST:

  
\_\_\_\_\_  
Amy S. Atkins, Clerk to the Board