

AN ORDINANCE OF THE MACON COUNTY BOARD OF COMMISSIONERS MAKING REVISIONS TO CHAPTER 90. ANIMALS, OF THE CODE OF ORDINANCES OF THE COUNTY OF MACON. NORTH CAROLINA

WHEREAS, the Macon County Board of Commissioners adopted a revised *Macon County Ordinance for the Regulation of Certain Animals* on September 5, 2006; and

WHEREAS, the Board of Commissioners wishes to make certain specific amendments to the Ordinance as recommended by the *Sheriff of Macon County and the Animal Control Advisory Committee*; and

WHEREAS, the Board of Commissioners wishes to revise the *Macon County Ordinance for the Regulation of Certain Animals* as set forth below; and

WHEREAS, the Board of Commissioners finds the same to be in the public interest and to promote the public health, safety and welfare pursuant to authority vested in it by North Carolina General Statutes Sections 153A-121, 153A-127, 153A-153, and 153A-442 and Chapter 67 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED by the Macon County Board of Commissioners that:

Section 1. Chapter 90, Animals, of the Code of Ordinances of the County of Macon, North Carolina, is hereby repealed in its entirety, and the following substituted in lieu thereof:

CHAPTER 90

ANIMAL CONTROL

Sec. 90-1. TITLE, PURPOSE AND AUTHORITY.

This Ordinance shall be known and may be cited as the *Macon County Animal Control Ordinance*. The purpose of this Ordinance is to promote the health, safety and welfare of the citizens of Macon County and to abate conditions detrimental to the peace and dignity of the County. This Ordinance is adopted pursuant to the authority contained in Sections 153A-121, 153A-123, 153A-127, 153A-131, 19A-45, 153A-153, and 153A-442 of the North Carolina General Statutes, Articles 1-5 of Chapter 67 of the North Carolina General Statutes; and Article 6 of Chapter 130A of the North Carolina General Statutes, as applicable.

Sec. 90-2. APPLICABILITY TO VETERINARIANS.

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this Chapter except for the provisions relating to cruelty to animals and rabies control.

Sec. 90-3. DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means to intentionally, knowingly, recklessly or negligently leave an animal at a location without providing for the animal's care.

Adequate food means 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 a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

Adequate shelter means that shelter which will keep a nonaquatic animal dry, out of the direct path of winds and out of the direct sun, at a temperature level that is healthful for the animal. For dogs, cats and other small animals, the shelter shall be a windproof and moisture proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall include four walls, a roof and a solid floor, with an opening entrance large enough to allow access to the animal, but placed in such a way as to keep the animal out of the direct path of winds. Metal barrels do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. For all animals, the containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris, and a suitable method of draining shall be provided to rapidly eliminate excess water or moisture.

Adequate water means a constant access to a supply of clean, fresh water provided in a sanitary manner.

Animal means any live, vertebrate creature specifically including but not limited to dogs, cats, farm animals, birds, fish and reptiles.

Animal control director means that person designated by appropriate authority in the county, and where appropriate, his designee, charged with the responsibility and authority to implement and enforce the animal control program in the county. The animal control director is designated as the county's rabies inspector, and shall be a certified rabies vaccinator.

Animal control officer means a county employee designated as a dog warden, animal control officer, animal control official, or other designations that may be used whose responsibility includes animal control.

Animal cruelty investigator means an individual appointed by the board of commissioners to assist the county in responding to cruelty complaints and conducting investigations pursuant to NCGS §§19A-45 through -49.

Animal shelter means a place provided and operated by the county directly or by contractual agreement, whether jointly with another governmental unit or independently, for the restraint, care, adoption and disposition of animals in accordance with this chapter.

At large means any animal off the property of its owner and not under the restraint of a competent person.

Bite means the act of an animal seizing the flesh with its teeth or jaws, so as to tear, pierce or injure the flesh.

Board of commissioners means the Macon County Board of Commissioners.

Cats means any and all domesticated felines.

Competent person means a person of suitable age and discretion to keep an animal under sufficient restraint and control in order to prevent harm to the animal and to persons, other animals, including but not limited to domesticated livestock, or property.

County means Macon County, North Carolina.

Cruelty, cruel treatment, and abuse as used in this chapter mean every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted or attempted to be caused or permitted against animals, as well as acts or attempted acts of teasing, molesting, baiting or trapping of animals unlawfully. Such acts or omissions shall include but not be limited to beating, kicking, hanging, submerging under water, suffocating, poisoning, setting on fire, and depriving of food, water and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare. Such terms, however, shall not be construed to include lawful taking of animals under the jurisdiction and regulation of the wildlife resources commission, lawful activities sponsored by agencies conducting biomedical research or training, lawful activities for sport, or other lawful activities under state law.

Dangerous dog means any dog that without provocation has killed or inflicted severe injury on a person or another domestic animal, any dog that is owned or harbored primarily or in part for the purpose of dog fighting, any dog that is trained for dog fighting, or any dog that has been determined to be potentially dangerous pursuant to NCGS §67-4.1. This definition shall not include dogs when exempted pursuant to NCGS §67-4.1(b)(1) – (b)(4).

Dogs means any and all domestic canines.

Domesticated livestock means livestock raised for the production of meat, milk, eggs or fiber, or used for draft or equestrian purposes, including but not limited to cattle, sheep, goats, swine, horses, mules, rabbits and poultry.

Exotic animal means an animal that would ordinarily be confined to a zoo, or is a species of animal not indigenous to this State. The term specifically does not include animals of a species customarily held in this State as ordinary household pets, animals of species used in the State as a domestic farm animal, fish, birds, non-venomous reptiles and species that are deemed inherently dangerous under this Chapter or regulated by the North Carolina Wildlife Resource Commission.

Exposed to rabies means an animal that has been bitten by or has otherwise come into contact with any animal known or suspected to have been infected with rabies.

Harbor means to feed or shelter an animal by the same person or household for 72 consecutive hours or more.

Health director means the director of the county health department.

Identified animal means an animal with an identification tag, tattoo, microchip, or other marking on which is described the animal owner's name, address and contact information.

Impoundment means the placement of an animal in the custody of a person or animal shelter duly authorized by an animal control officer and/or the health director.

Microchip refers to a tiny permanent identification system, implanted under the animal's skin and read by a chip scanner which identifies the owners name and address and which is available on regional or national databases. Implantation is done with an injector that places the chip under the loose skin over the animal's shoulder.

Neutered male means any male which has been operated upon to prevent reproduction.

Owner means any competent person or group of persons owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner of an animal is responsible for the care, actions and behavior of his or her animal(s). This definition shall also apply to the term "ownership" as used in this chapter.

Owner's property means that area described in a deed of conveyance or the area described in a lease. In a situation involving townhomes or condominiums, animal control will treat the common areas as being owned by the homeowners' association. In a situation involving leased apartments, animal control will treat the common areas as being owned by the lessor. A motor vehicle is not a part of the owner's property unless it is physically located on the area described in a deed of conveyance or the area described in a lease. A motor vehicle that is physically located in or on the common areas of townhomes, condominiums or leased apartments, or other public areas shall be treated as being off of the owner's property.

Person means any individual, family, group of individuals, corporation, partnership, organization, trade or professional association, firm limited liability company, joint venture, association, trust, estate, non-profit corporation or any other legal entity or institution recognized by law as a person.

Public nuisance means any animal off the owner's property which without provocation habitually or repeatedly chases, snaps at, attacks or otherwise behaves in an aggressive manner to pedestrians, bicyclists or vehicles or turns over garbage cans, damages gardens (vegetable or flower), damages plant beds, damages public or private property or damages livestock.

Rabies exposure means any animal or human bitten by or that has come in contact with the saliva or nervous tissue of any animal known or suspected to have been infected with rabies.

Security dog means any dog used, kept or maintained on the premises of its owner for the purpose of protecting any person or property. Any such dog shall be further classified as follows:

- (1) **Patrol dog** means a dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.
- (2) **Sentry dog** means a dog that is trained or conditioned to attack or otherwise respond aggressively without command.
- (3) **Watchdog** means a dog that barks and threatens to bite any intruder that has not been specially trained or conditioned for that purpose.

Spayed female means any female which has been operated upon to prevent conception.

Stray means any domestic animal that is wandering at large or is lost and (1) is not an identified animal, (2) the animal control officer does not otherwise know who the owner is , or (3) does not have an owner..

Suspected of having rabies means an animal that has bitten a person or another animal.

Under restraint means that an animal is under sufficient physical restraint such as (1) a leash, cage, bridle, or similar effective and humane device that restrains and controls the animal; (2) sufficiently near the owner to be under his or her direct control and is obedient to that person's commands; (3) on or within a vehicle being driven or parked and secured in such a manner as to prevent the animal from escaping or causing injury to persons approaching or passing by the vehicle; (4) adequately contained by a fence or other secure enclosure; or (5) within the property limits of its owner. If any unattended animal is restrained by a chain, leash or similar restraint, it shall be designed and placed to prevent choking or strangulation.

Vaccination means the administration of an animal rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator, which vaccine is licensed by the USDA and approved for use by the state, as well as the administration of those vaccines recommended by the county health director.

Veterinary hospital means any place or establishment maintained and operated under the supervision of a licensed veterinarian as a hospital where animals are harbored, boarded and cared for incidental to the treatment, prevention or alleviation of disease processes during the routine practice of the profession of veterinary medicine for surgery, diagnosis and treatment of diseases and injuries of animals.

Vicious animal means any animal on or off the premises of its owner, security dogs excluded, which animal is three months of age or older and without provocation has bitten, killed, or caused physical harm through bites to a person who is not trespassing (as determined by the county health director pursuant to N.C.G.S. 130A-200) or has bitten or killed an animal that is not where its owner has been told such animal cannot be.

Sec. 90-4. JURISDICTION.

This chapter shall be effective in all areas of the County outside the corporate limits and extra-territorial jurisdiction of any municipality and upon all lands owned or controlled by the County used for recreational purposes whether or not such lands are located within the jurisdictional limits of any municipality in the County.

Sec. 90-5. ANIMAL SHELTER.

The county shall operate and maintain a county animal shelter for the purpose of impounding or caring for animals held under authority of state law, this chapter, or any other county ordinance. The county may contract for the operation of the animal shelter as it deems appropriate.

Sec. 90-6 CREATION OF COUNTY ANIMAL CONTROL DEPARTMENT.

There is created an animal control department of the county.

Sec. 90-7. ANIMAL CONTROL OFFICERS.

The county may appoint one or more animal control officers. Any such officers shall be county employees. The Animal Control Department shall be supervised by an Animal Control Director, who shall be the director of that department, appointed by the county manager. County animal control officers shall not have the power to arrest.

Sec. 90-8. ANIMAL CONTROL PROGRAM.

The county animal control program, as described in this chapter and as otherwise described in other county ordinances related to animals and as otherwise described in state laws, shall be administered by the animal control director. Specifically:

(1) The animal control director shall designate employees or agents enforcing this Chapter as animal control officers and rabies control officers. Animal cruelty investigators may be appointed by the board of county commissioners as provided by law. In the performance of their duties, officers and investigators shall have all the power, authority and immunity granted under this chapter and by the general laws of this state to enforce the provisions of this chapter, and the laws of this state as they relate to the care, treatment, control or impounding of animals. All investigations of reported or observed animal cruelty or animal abuse shall be the joint responsibility of and shall be jointly carried out by animal cruelty investigators and the animal control officers of the county.

(2) Except as may be otherwise provided by law, no officer, agent or employee of the county charged with the duty of enforcing the provisions of this chapter or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duty unless he or she acts with actual malice.

(3) It shall be unlawful for any person to interfere with, hinder or molest any animal control officer, rabies control officer, animal cruelty investigator, or law enforcement officer while in the performance of any duty authorized by this chapter or the animal control program, or to seek to release any animal in the custody of any of those agents, except in the manner as provided in this section.

(4) Animal control officers, rabies control officers and animal cruelty investigators are not authorized to carry on their person firearms of any kind except as provided in this section. The animal control program may store at the animal control department and use firearms (as allowed by state law) when necessary to enforce sections of this chapter or under applicable law for the control of wild, vicious or diseased animals.

(5) The animal control program shall:

a. Have the authority, along with the county health director and law enforcement agencies and where applicable with animal cruelty investigators, to enforce all state and local laws, including ordinances, regulations and proclamations of the county pertaining to the ownership and control of dogs, cats, and other animals, and cooperate with the county health director and all law enforcement officers in fulfilling this duty.

b. Enforce and carry out all laws of the state and all ordinances of the county pertaining to rabies control in cooperation with the county health director and local law enforcement officers.

c. Be responsible, in consultation with the county health director, for the investigation of all reported animal bites, for the quarantine of any dog or cat exposed to or suspected of having rabies, for a period of not less than ten days, and for reporting to the county health director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal.

- d. Be responsible for the investigation of reports or observations of incidents of harassment of or injuries to domesticated livestock caused by dogs or other animals.
 - e. Be responsible for the seizure and arranging for the impoundment, where deemed necessary, of any dog or other animal in the county involved in a violation of this chapter or any other county ordinance or state law.
 - f. Investigate reported or observed animal cruelty or abuse independently or with a duly appointed animal cruelty investigator.
 - g. Make such investigations or inquiries as necessary for the purpose of ascertaining compliance with this chapter or applicable state statute.
 - h. Keep, or cause to be kept, accurate and detailed records of:
 - 1. Seizure, impoundment and disposition of all animals coming into the custody of the animal control program.
 - 2. Bite cases, violations and complaints, and their investigation, including names and addresses of persons bitten, date, circumstances and breed.
 - 3. Any other matters deemed necessary by the animal control director or required by state law.
 - i. Be empowered to issue notices of violation, assess civil penalties for violations of this chapter, and issue citations when authorized by law.
 - j. Have employees who are trained to standards to be established by the animal control director, which training shall include but not be limited to training in animal first aid taught by a licensed veterinarian.
 - k. Be responsible for monitoring the county animal shelter to ensure compliance with all county policies and procedures and any and all contracts entered into by the county for the operation of the animal shelter.
 - l. Administer in consultation with the county health director, rabies vaccines to impounded, non-vaccinated animals pursuant to N.C.G.S. §130A-186, and assist the county health director in all scheduled rabies control clinics as required by state law.
 - m. Give every person a proof of rabies vaccination card at the time of adoption of a dog or cat if it is four (4) months of age or older. The card will be completed by a licensed veterinarian or certified rabies vaccinator as provided in this chapter.
 - n. Give owners of impounded animals an opportunity to provide proof of rabies vaccination prior to redemption or vaccination under this Section.
- (6) The premises for all animal shelters operated by or for the county shall meet the standards prescribed by N.C.G.S. §153A-442, as amended by S.L. 2004-199, Section 39 (a), and as may be amended from time to time.

Sec. 90-9. RELATION TO HUNTING LAWS.

Nothing in this chapter is intended to be in conflict with the laws of the state 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 chapter should be read and enforced consistent with any such law.

Sec. 90-10. NOTICE IN CASE OF INJURY.

It shall be unlawful for any person who causes injury to an animal, including but not limited to running over or hitting the animal with any vehicle, to fail to notify immediately at least one of the following:

- (1) The owner of the animal (if known or ascertainable with reasonable efforts made to locate the owner);
- (2) An animal control officer;
- (3) The sheriff's department; or
- (4) The animal shelter.

Sec. 90-11. MISTREATMENT OF ANIMALS UNLAWFUL.

The following acts or failure to act relating to the mistreatment of animals are unlawful and violations of this chapter:

- (1) It shall be unlawful for any person to subject or cause to be subjected any animal to cruel or abusive treatment or to deprive or cause to be deprived any animal of adequate food and water. With respect to domesticated animals or wild animals in captivity or under restraint, it shall additionally be unlawful to deprive or cause to be deprived any such animal of adequate shelter or veterinary care.
- (2) It shall be unlawful to restrain any animal except in a humane fashion.
- (3) It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner, or to seize, molest or tease any animal while the animal is held or controlled by its owner or while the animal is on or off the property of its owner.
- (4) It shall be unlawful for any person to abandon or forsake any animal within the county.
- (5) It shall be unlawful for any person to leave an animal in a closed vehicle or other enclosure for such duration or at such temperatures as an animal control officer or animal cruelty investigator deems harmful or potentially harmful to the animal.

Sec. 90-12. CONTROL OF VICIOUS ANIMALS.

A. The purpose of this Section is to supplement the state laws governing vicious animals, and more specifically, N.C.G.S. §130A-200.

B. It shall be unlawful for any person to keep any vicious animal within the county, unless under restraint and on the premises of the owner. C. Upon an animal control officer's observation of a vicious animal at large or off the premises of its owner and not restrained by a competent person, such officer shall impound the animal and inform the county health director.

D. Upon an animal control officer's receipt of a complaint that an animal is behaving or has behaved viciously and is at large or off the premises of its owner and not restrained by a competent person, the animal control officer, in cooperation with the county health director, shall investigate the complaint and, upon a finding that there is probable cause to believe a violation of this chapter or other applicable law or regulation has occurred, shall take any action allowed by this chapter or state law as the circumstances may require.

E. If an animal is impounded as vicious, authorization for reclamation after any required holding period shall be granted when the county health director, in consultation with the animal control director, is reasonably assured that the animal is not vicious or that the vicious animal will be properly restrained on the premises of its owner.

Sec. 90-13. SECURITY DOGS.

- A. All persons owning security dogs shall register such animals with the animal control director; the owner of any dog that is classed as a patrol dog or sentry dog under this chapter shall place prominently a sign or placard on his premises noting "Beware of Dog" or other information noting the presence of security dogs.
- B. It shall be unlawful for any person to keep any security dog within the county, unless under restraint and in the control of a competent person or under restraint and on the premises of the owner.
- C. Security dogs are subject to all other provisions of this chapter while off the premises of their owner.

Sec. 90-14. IMPOUNDMENT OF ANIMALS.

- A. A domesticated animal impounded under this chapter may be reclaimed by its owner according to the procedures of the animal shelter. The owner of an impounded domesticated animal shall be responsible for and shall pay all vaccination expenses, boarding costs, redemption or adoption fee(s) and costs associated with such impoundment prior to reclaiming the animal. Unless reclaimed, the impounded domesticated animal may be allowed to be adopted or humanely euthanized according to state law and animal shelter procedures; provided, however, that domesticated animals impounded pursuant to this Section shall be held by the animal shelter for a period of Ten (10) days prior to adoption or euthanasia, as applicable. The owner of an impounded domesticated animal shall also comply with any vaccination and identification directives and be responsible for the payment to the county of all civil penalties and costs imposed or associated with the animal's impoundment as prescribed in any citation or notice issued by the animal control director. Bite quarantined animals not reclaimed within 72 hours after the end of the quarantine period will be considered abandoned and will become the property of the county animal shelter and disposed of according to standard animal shelter procedures.
- B. In lieu of impoundment, the animal control director, in consultation with the county health director, is authorized to issue a confinement order to the animal owner that would require the owner to confine a vicious animal pursuant to N.C.G.S. §130A-200 or an animal otherwise violating provisions of this chapter. Failure to thus confine the animal would constitute a further violation of this chapter, subjecting the owner to appropriate criminal or civil penalties.

Sec. 90-15. HANDLING OF STRAY ANIMALS.

- A. It shall be unlawful for any person, without the consent of the owner, knowingly and intentionally to harbor, keep in possession by confinement or otherwise any animal that does not belong to him, unless he has, within 72 hours from the time such animal came into his possession, notified an animal control officer or the animal shelter.
- B. Any animal at large may in a humane manner be seized, impounded and confined in the animal shelter and thereafter adopted out or disposed of pursuant to procedures of the animal shelter and applicable state law.
- C. An owner may lawfully permit an animal which is not dangerous to be at large in the course of a show, obedience school, tracking tests, field training, or other events sanctioned or supervised by a recognized organization. Dogs may be at large in the course of hunting if under the control of the owner as otherwise provided in this chapter. However, this provision does not exempt an owner from otherwise complying with the provisions of this chapter, including identification of animals.
- D. Upon impounding an animal, the animal control department shall make reasonable effort to identify the animal, notify the owner, and inform such owner of the conditions whereby the identified animal may be redeemed.

E. Impoundment of such an animal shall not relieve its owner from any penalty that may be imposed for violation of this chapter.

F. Any animal seized and impounded that is badly wounded or diseased and has no identification may be euthanized pursuant to procedures of the animal shelter and applicable state law. If the animal has rabies or is suspected of having rabies, the body shall be disposed of in accordance with applicable state regulations. If the animal has identification, the animal shelter shall attempt expeditiously to notify the owner before euthanizing such animal; in any event, and except as may be otherwise provided by law, the animal shelter, animal control program, county health director and county law enforcement officers shall have no liability for euthanizing wounded or diseased animals when such action is taken upon the advice or recommendation of a veterinarian who has been advised of the animal's condition.

Sec. 90-16. PUBLIC NUISANCE.

It shall be unlawful for an owner to permit an animal to create a public nuisance, or to maintain a public nuisance created by an animal. Compliance shall be required as follows:

(1) When an animal control officer or law enforcement officer observes a violation, the owner will be provided written notification of such violation and be given 24 hours or less to abate the nuisance.

(2) Upon receipt of a written detailed and signed complaint alleging that any person is maintaining a public nuisance, the animal control director shall cause the owner of the animal in question to be notified that a complaint has been received, and shall cause the situation complained upon to be investigated and a written report to be prepared.

(3) If the written findings indicate that the complaint is justified, the animal control director shall cause the owner of the animal in question to be notified in writing, and shall order abatement of such nuisance within 24 hours or such lesser amount of time, which shall be designated on the abatement order.

(4) If, after 24 hours or such lesser time as is designated in the abatement order, the nuisance is not abated, the animal creating the nuisance may be impounded or a civil penalty may be issued and/or a criminal summons may be issued.

Sec. 90-17. RABIES CONTROL.

It shall be unlawful and a violation of this chapter for any animal owner or other person to fail to comply with the requirements of N.C.G.S. §130A-184 *et seq.* and other laws of the state relating to the control of rabies.

Any animal reasonably suspected to have been exposed to a proven rabid animal, or animal suspected of having rabies that is not available for laboratory diagnosis shall be immediately reported to the animal control department and the county health director.

Sec. 90-18. BITES.

A. Every owner of a dog or cat that has bitten a human being, or any person bitten by a dog or cat, shall comply with the reporting requirements of NCGS §130A-196 or NCGS §130A-198 and other applicable laws concerning animal bites by notifying the county health director.

B. Animal control officers shall notify the county health director as soon as practicable of animal bites reported to the animal shelter.

C. An animal that is confined to the animal shelter pursuant to the provisions of NCGS §130A-196 or §130A-198 shall become the property of the county if the owner does not redeem the animal within 24 hours following the last day of the ten-day confinement period required by statute.

D. Animal control shall leave with the owner or affix to the owner's residence a notice or order from the county health director, as applicable, containing the beginning and ending dates of confinement and stating that the owner must redeem the animal within 24 hours of the ending date of confinement stated in the notice.

E. The owner of an animal confined at the animal shelter pursuant to this section shall be responsible for the costs of caring for the animal while at the shelter and all fees shall be paid at the time of redemption.

F. Surrender of an animal or failure to redeem an animal shall not relieve the owner of responsibility for payment of any outstanding medical costs, penalties, and fees that have accrued as a result of the animal being confined at the animal shelter.

Sec. 90-19. RABIES TAG; IDENTIFICATION REQUIRED.

A. It is the purpose of this section to supplement the state law by providing a procedure for the enforcement of state laws relating to rabies control. All dogs shall wear a valid rabies tag except when the dog is confined in an enclosure on the owner's property. It shall be unlawful for any person to use a vaccination tag issued for a dog other than the one using the tag. In addition to all other penalties prescribed by law, a dog is subject to impoundment in accordance with the provisions of this chapter and state law if the dog is found not to be wearing a currently valid rabies tag. Pursuant to NCGS §130A-190, domesticated cats are exempted from wearing rabies tags. Owners of cats and dogs without tags shall produce proof of rabies vaccination upon request of an animal control officer, a law enforcement officer or the county health director.

B. All cats and dogs shall have an identification tag, tattoo, microchip, or other marking from which the animal owner's name, address and contact information may be ascertained.

Sec. 90-20. PENALTIES.

The following penalties shall pertain to violations of this chapter:

(1) The violation of any provision of this chapter shall be a misdemeanor, and any person convicted of such violation shall be punishable as provided in N.C.G.S. §14-4, by a fine not to exceed \$50.00 or imprisonment not to exceed 30 days, or other applicable law. Each day's continuing violation of this chapter is a separate and distinct offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his or her liability for fees or civil penalties imposed under this chapter.

(2) Enforcement of this chapter may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d), (e).

(3) In addition to and independent of any criminal penalties and other sanctions provided in this chapter, a violation of this chapter may also subject the offender to civil penalties, costs and fees as follows:

a. A schedule of civil penalties, costs and fees shall be adopted by the board of commissioners and placed on file with the clerk to the board of commissioners, animal control director and county health director.

b. Civil penalties may be assessed for each violation of this chapter. The animal control director shall issue to the known owner of any animal, or to any other violator of the provisions of this chapter, a ticket or citation giving notice of the alleged violation and of the civil penalty imposed. Tickets or citations so issued may be delivered in person or mailed by first class mail to the person charged if that person cannot readily be found. This civil penalty shall be paid to the animal control director or his designee within 14 days of receipt of the ticket

or citation. This civil penalty is in addition to any other fees, costs or fines imposed that are authorized by this chapter.

c. Failure on the part of the owner of an animal or other alleged violator to pay the applicable civil penalty within the time period prescribed is unlawful and a violation of this chapter. If an assessed civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty.

Sec. 90-21. REGULATION OF DOMESTIC ANIMALS ON COUNTY RECREATIONAL PROPERTY.

Running at large forbidden. It shall be unlawful for any person to allow a domestic animal, including a dog or cat, within his or her possession, ownership, or control, to run at large within or upon any lands owned by or under the control of Macon County used for recreational purposes. Any domestic animal brought to or allowed to enter upon any county property used for recreational purposes shall, at all times, be kept within the control and under restraint by the owner or other competent person having the possession thereof.

Sec. 90-22. FOX HUNTING.

- A. The fox is hereby classified as a game animal in Macon County and may be taken only with dogs at any time during the day or night throughout the county.
- B. Foxes, or parts thereof, shall not be bought or sold, except live foxes may be bought or sold for the purpose of restocking.
- C. Notwithstanding the prior provisions hereof, it shall be lawful for any person to take foxes committing or about to commit depredations to person or property.
- D. This section shall be applicable and in force in all areas of Macon County outside the corporate limits and extraterritorial jurisdiction of any municipality.

Sec. 90-23. ANIMAL CONTROL ADVISORY COMMITTEE.

The board of commissioners shall have authority to create and appoint an Advisory Committee of such number and composition as they shall determine. The members shall serve terms as established by the board of commissioners.

Sec. 90-24. FALSE REPORTS OR FRIVOLOUS COMPLAINTS.

- A. It shall be unlawful for any person to file a false report with the animal control department or to knowingly provide false information to an animal control officer involving investigation of any reported violation of this Chapter.
- B. It shall be unlawful for any person to repeatedly file frivolous or unfounded complaints with the animal control department in order to intimidate or harass any member of the animal control department or any animal owner, or to otherwise hinder or interfere with the animal control program.

Duly adopted October 13, 2008; Effective date of April 6, 2009 amended to be effective June 1, 2009.

