

DUPLIN COUNTY ANIMAL CONTROL ORDINANCE

Adopted
03/21/2022

Effective
03/21/2022



Section 1 – Purpose

The purpose of this ordinance is to:

- 1) Ensure that animals are treated humanely;
- 2) Protect the citizens of Duplin County from rabies and other diseases transmitted by unconfined, uncontrolled, or unimmunized animals; and
- 3) Regulate animals that may be a nuisance or pose a risk to the safety of humans and other animals.

It is not the intent of this ordinance to conflict with the North Carolina General Statutes (N.C.G.S.) regulating, restricting, authorizing, or otherwise affecting dogs used for purposes of hunting, if the dogs are under the control of the owner and are being used in compliance with applicable statutes, regulations, or ordinances; nor is it the intent of this ordinance to further regulate the normal practices of raising "farm animals" as defined in N.C.G.S., Section 153A-145.4.

Section 2 – Application and Severability

- 1) The County may promulgate and establish such rules and regulations as may be necessary to give effect to the intent and purpose of this Ordinance.
- 2) The County may impose such fines and fees as are necessary for the implementation and administration of this ordinance, and as approved by resolution of the Board of County Commissioners.
- 3) This ordinance shall be effective within the unincorporated areas of Duplin County and within all municipalities and townships which have a standing resolution or ordinance adopting this ordinance.
- 4) If any section, subsection, sentence, clause, or provision of this ordinance shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this article.

Section 3 – Definitions

As used within this ordinance, the following words, terms, and phrases shall have the meanings indicated within this section. No attempt is made to define any words which are used in accordance with their established dictionary meaning except when necessary for purposes of clarification.

- (a) **"Abandon"** means to forsake, neglect, or refuse to provide for the care, sustenance, protection, and shelter of an animal by any person being the owner or possessor of such animal.
- (b) **"Adequate Food"** means the provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain 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.
- (c) **"Adequate Shelter"** means the provision of an enclosure to keep the animal out of the direct path of natural elements, at an appropriate temperature level, and able to move about freely and lie comfortably:
 1. The enclosure shall be a wind-proof 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 raised off the ground, (excluding range animals) with, an opening entrance large enough to allow access for the animal, but placed in such a way as to keep the animal out of the direct path of natural elements.
 2. The enclosure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shaving, or the equivalent.
 3. The enclosure and containment area shall be free of accumulated waste and debris so that the animal shall be free to walk freely or lie down without encountering any such waste or debris. A suitable method of drainage shall be provided to rapidly eliminate excess water or moisture.
 4. No animal may be confined in a building, enclosure, car, boat, vehicle, or vessel of any kind when extreme heat or extreme cold will be harmful to its health. Metal barrels, transport cages, and airline crates are not acceptable for use as a proper shelter for animals.
- (d) **"Adequate Water"** means the provision of constant access to a supply of clean, fresh, potable

- water, sufficient to maintain the health and well-being of each animal. Such water shall be provided in a clean receptacle, dish, or container and must not be frozen or too hot to be utilized for drinking.
- (e) **"Animal"** means every nonhuman primate, vertebrate creature, except for fish.
 - (f) **"Animal Bite"** means an occurrence during which the teeth of an animal either scratch or break the skin of a human being or another animal, without regard to the specific location of the injury.
 - (g) **"Animal Cruelty Investigator"** means any person(s) employed with Duplin County Animal Services who is designated by the Board of County Commissioners to investigate reports of Animal Cruelty or abuse pursuant to Article 4 Chapter 19A of N.C.G.S. Animal Cruelty Investigator(s) shall attend and satisfactorily complete an animal cruelty investigator course or otherwise have experience in animal cruelty investigations.
 - (h) **"Animal Control Officer"** means any person(s) employed by the Duplin County Animal Services, entrusted with the duties of enforcing all states laws and county ordinances pertaining to the management, welfare, and control of animals within Duplin County.
 - (i) **"Animal Shelter"** means any premises or facility designated by the County for the purposes of impounding and caring for any animal seized or found to be stray, abandoned, quarantined, running at large, or otherwise subject to impounding under the authority of the North Carolina General Statutes or other applicable law. This term includes shelters under contract with, owned, operated, or maintained by either local government or a nonprofit organization devoted to the welfare, protection, rehabilitation, or humane treatment of animals.
 - (j) **"At Large"** means not on the owner's property and not under the immediate, continuous control, charge, or possession of the owner or other responsible person, such as by means of a fence, cord, or chain of sufficient strength to restrain the animal.
 - (k) **"Dangerous/Vicious Dog"** means any dog that per the records of the Duplin County Animal Services or other animal control or law enforcement authority:
 1. Has, without provocation, killed or inflicted severe injury upon a person;
 2. Has been deemed dangerous/vicious in another County or State;
 3. Has been used primarily or in part for dog fighting or is trained for dog fighting; or
 4. Is determined by Duplin County Animal Services or its designee to be potentially dangerous because the dog has engaged in one or more of the behaviors listed under the definition of "Potentially dangerous dog" below.
 - (l) **"Direct Control"** means immediate and continuous control of an animal at all times such as by means of a fence, leash, cord, or chain of sufficient strength to restrain the same; or in case of specifically trained or hunting animals which immediately respond to such commands, control shall also include aural or oral control.
 - (m) **"Domestic Animal/Fowl"** means any animal or fowl converted to domestic habitat.
 - (n) **"Duplin County Animal Services"** means the Duplin County Animal Services Department and all designated Duplin County Animal Services Officers.
 - (o) **"Dangerous Exotic Animal"** includes any mammal, reptile or fowl that is not indigenous to the continental United States, which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, natural instincts, mode of life, vicious nature or other characteristics, would constitute a danger to human life or property.
 - (p) **"Harbor/Harboring"** means the act of keeping and caring for an animal or of providing premises to which the animal returns for food, shelter, or care for a period of at least forty-eight (48) hours. Harboring shall not include circumstances where an individual captures an animal and immediately notifies Animal Services of the animal's location.
 - (q) **"Home Confinement"** means the animal is kept isolated from the public within the owner's physical dwelling or attachment thereon, or within the owner's yard, appropriately chained, in an enclosed kennel, or otherwise under the immediate control of the adult owner or adult member of the owner's family by being muzzled or on a foot lead.
 - (r) **"Impounded"** means any animal which is received into custody by an employee of Duplin County Animal Services.
 - (s) **"Impoundment"** means the placement of an animal into the custody of Duplin County Animal Services or a person or entity duly authorized by the Board of County Commissioners or by state law for such purpose.
 - (t) **"Inherently Dangerous Reptile"** includes any member of the class reptilia which:
 1. is venomous. A venomous reptile shall include all members of the families Helodermidae (Gila monsters and Mexican bearded lizards), Viperidae (vipers), Crotalidae (pit vipers), Atractaspidae (burrowing asps), Hydrophilidae (sea snakes), and Elapidae (cobras, coral

snakes, and their allies), as well as any "rear-fanged" snakes of the family Colubridae that are known to be dangerous to humans (including, but not limited to Dispholidus typus (boomslang), Thebtonis kirtlandii (Twig snake) and Rhabdophisspp (keelbacks),

2. is a member of the order of Crocodilia (crocodiles, alligators, and caiman).

- (u) **"Medical Attention"** means the provision of reasonable medical care when an animal is or has been suffering from illness, injury, disease, excessive parasitism, or malformed or overgrown hoof.
- (v) **"Owner"** means any person, group of persons, firm, partnership, corporation, organization, business, trust, estate, or other legal entity possessing, harboring, or having control or custody of an animal. In the case an owner is under eighteen (18) years of age, that person's parent or legal guardian shall be held responsible.
- (w) **"Owner's Real Property"** means any real property owned or leased by the owner of the animal, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.
- (x) **"Potentially Dangerous Dog"** includes any dog that per the records of Duplin County Animal Services or other animal control or law enforcement Authority
 - 1. Has inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization;
 - 2. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property;
 - 3. Approached a person when not on the owner's property in a vicious terrorizing manner in an apparent attitude of attack.
- (y) **"Provocation"** means any action designed to goad, inflame, instigate, or stimulate an aggressive or defensive response on the part of an animal. It shall not include any action on the part of an individual that pertain to reasonable efforts of self-defense against an unprovoked animal.
- (z) **"Puppy Mills/Puppy Farms"** means any commercial dog breeding facility that is operated with an emphasis upon obtaining profits without appropriate regard to animal welfare.
- (aa) **"Rabies Vaccination"** means the vaccination of a dog, cat, or other domestic animals with an anti-rabies vaccine approved by the United States Department of Agriculture and administered by a Duplin County Animal Services staff member or veterinarian.
- (bb) **"Reasonable Attempts"** in this Ordinance refers to efforts to locate owners by scanning for a microchip, checking for a rabies tag, or otherwise attempting to make contact where information is available.
- (cc) **"Restraint"** means controlled by means of a chain, leash, or other like device secured in such a manner as to prevent the animal from running freely, escaping, or causing injury to others.
- (dd) **"Severe Injury"** means any physical injury to a human being or domestic animal that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery. Such injury may be the direct result of an animal attack or the indirect result as when an injury is sustained during an attempt to avoid the animal.
- (ee) **"Sterilization"** means any surgical or chemical procedure, such as a neuter or spay, performed by a licensed veterinarian that renders any male or female animal permanently incapable of reproducing.
- (ff) **"Stray"** means any domestic animal that is not under restraint or is not on the property of its owner and is wandering at large, or is lost, including but not limited to any animal that does not have an owner or does not bear evidence of the identification of any owner.
- (gg) **"Wildlife/fowl"** means animal/fowl of any kind which is indigenous to the State of North Carolina, but not included in the definition of a domestic animal/fowl, and shall include any hybrid animal/fowl which is part wild animal/fowl.

Section 4 – Establishment, Composition, and General Duties of Animal Services and Animal Control Officers

- 1) The Animal Services Department of Duplin County shall be composed of such employees or officials as determined by the Board of County Commissioners.
- 2) The Animal Services Supervisor is the individual so designated by the Board of County Commissioners.
- 3) Employees or agents enforcing this Ordinance shall be designated as Animal Control Officers. In the performance of their duties, Animal Control Officers shall have all the powers, authority, and immunity granted under this Ordinance and by the North Carolina General Statutes to enforce the

provisions of this Ordinance relating to the care, treatment, custody, control, impounding, or disposition of animals including:

- a. Enforcing all state or county laws, ordinances, and resolutions relating to animals in the County;
 - b. Cooperating with the Public Health Director and assisting in enforcement of state law with regards to animals, including vaccination of dogs, cats, and ferrets against rabies and the confinement or leashing of vicious animals (without limiting the foregoing, reference is particularly made to the State laws as set out and contained in N.C.G.S. 130A-184 to 130A-201);
 - c. Operating the County animal shelter pursuant to regulations adopted by the Board of County Commissioners and guidelines established by the North Carolina Department of Agriculture and Consumer Services;
 - d. Seizing and impounding animals, as deemed necessary, following a violation of any state statute or local ordinance;
 - e. Protecting animals from neglect and abuse;
 - f. Investigating cruelty or animal abuse regarding dogs, cats, and other animals, and enforcement of state law and county ordinance regarding cruelty; and
 - g. Keeping accurate and detailed records of seizures, impoundments, and disposition of animals coming into the custody of Animal Services for any reason.
- 2) It shall be unlawful to interfere with, hinder, molest, resist, or obstruct employees of Animal Services or licensed veterinarians in the performance of any duty authorized by State Statute or Local Ordinance.

Section 5 – Animal Advisory Board

- 1) The Animal Advisory Board was created by the Board of County Commissioners to assist with developing public policies concerning animal issues such as shelter programs and services, and to assist in the goal-setting and long-range planning for Animal Services.
- 2) The Animal Advisory Board is also directed to review and make recommendations on reducing pet overpopulation in Duplin County and reducing the intake of animals within the County animal shelter.
- 3) The Animal Advisory Board shall not operate in a regulatory or authoritative capacity.

Section 6 – Animal Shelter

- 1) The County shall maintain an animal shelter for impounding lost, strayed, abandoned, or unwanted animals, subject to the following provisions:
 - a. Impounded animals are to be held a minimum of seventy-two (72) hours
 - i. During this time, Animal Services will make every reasonable effort to contact the owner(s) of any identified animals regarding the location and status of the animal. (G.S. 130A-192 & 19A-32.1)
 - b. The Animal Shelter may be used for the confinement and observation of an animal following its classification as dangerous/vicious or potentially dangerous or following a biting incident that resulted in serious injury if the owner is unable to provide a secure enclosure. The animal will be quarantined for the appropriate time of observation. (N.C.G.S. 130A-196 & 153A-442)

Section 7 – Standards of Care

- 1) It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate food or water, adequate medical attention, adequate shelter, humanely clean conditions, or adequate space.
 - a. Adequate food and water. No person owning or responsible for any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.
 - i. Adequate food shall mean the provision in suitable intervals, not to exceed twenty-

- four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrients for each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean and having no agents injurious to the health of the animal.
 - ii. Adequate water shall mean constant access to a supply of clean, fresh water provided in a sanitary manner. Such water shall be provided in a clean receptacle, dish, or container and must not be frozen or too hot to be utilized for drinking.
- b. Adequate medical attention. No person owning or responsible for any animal shall fail to provide the animal with reasonable medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasitism, or malformed or overgrown hoof.
- c. Adequate shelter. No person owning or responsible for any animal may fail to supply the animal with adequate shelter. Adequate shelter shall mean the provision of an enclosure to keep the animal out of the direct path of natural elements, at an appropriate temperature level, and able to move about freely and lie comfortably as prescribed in this section.
 - i. The enclosure shall be a wind-proof 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 raised off the ground, (excluding range animals) with an opening entrance large enough to allow access for the animals but placed in such a way as to keep the animal out of the direct path of natural elements.
 - ii. The enclosure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shaving, or the equivalent.
 - iii. The enclosure and containment area shall be free of accumulated waste or debris so that the animal shall be free to walk freely or lie down without encountering any such waste or debris. A suitable method of drainage shall be provided to rapidly eliminate excess water or moisture.
 - iv. No animal may be confined in a building, enclosure, car, boat, vehicle, or similar vessel of any kind when extreme heat or extreme cold will be harmful to the animal's health. Barrels, transport cages, and airline crates are not acceptable for use as a proper shelter for animals.
- d. Humanely clean conditions. Minimum standards of sanitation necessary to provide humanely clean conditions for outdoor or indoor enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt, and trash to minimize health hazards. Commercial farms shall meet the requirements of any federal and state regulations as to minimum standards.
- e. Adequate space. Adequate space means sufficient space to allow each animal to easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and to interact safely with other animals.
 - i. Tethering. When an animal is tethered, adequate space means that the tether to which the animal is attached permits the above actions; is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness that is configured to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; does not, by its material, size, weight or any other characteristic, cause injury or pain to the animal; does not weigh more than one-tenth of the animal's body weight, and does not have weights or other heavy objects attached to it.
 - ii. The walking of an animal on a leash by a human shall not constitute the tethering of the animal for the purpose of this definition.
 - iii. Properly fitted collars are required. An owner or keeper of any animal shall not permit injury to or infliction of pain upon such animal from an improperly fitting or embedded collar, harness, or halter. An animal's collar, halter, or harness shall be a well-fitted device, appropriate to the age and size of the animal, attached to the animal in such a way as to prevent trauma or injury to the animal.

Section 8 – Cruelty and Neglect to Animals

- 1) It shall be unlawful for any person to abuse, molest, torture, torment, deprive of necessary

sustenance, cruelly beat or treat, needlessly mutilate or kill, wound, injure, poison, abandon or subject any animal to conditions detrimental to its health or general welfare, or to cause or procure such action(s). The words "torture" and "torment" and the term "cruelly beat or treat" shall be held to include every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused.

- a. Nothing in this section shall be construed to prohibit an Animal Control Officer, his/her agents, or veterinarians from euthanizing dangerous, unwanted, or injured animals in a humane manner.
 - b. Nothing in this section shall be construed to prohibit the use of force against an animal that is in the act of causing severe injury to a human being or a domestic animal.
- 2) It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate food and water, necessary medical attention, proper shelter, protection from the weather, or humanely clean conditions.
- 3) It shall be unlawful for an owner of any animal to permit injury or infliction of pain upon an animal caused by an improperly fitting or embedded collar, harness, or halter.
- 4) It shall be unlawful for any person(s) to operate and/or maintain a puppy mill or puppy farm.
- 5) It shall be unlawful for an owner of any animal to intentionally abandon that animal on a street, road, highway, or on public or private property without provision for its continuous care, sustenance, and shelter.
 - a. When there is reasonable suspicion that an animal has been abandoned on public property, the animal may be impounded immediately.
 - b. When there is reasonable suspicion that an animal has been abandoned on private property, within a house or in a fenced area, Animal Services will first make a reasonable effort to locate the owner or manager of the premises or property prior to impounding the animal.
 - i. The premises or property will be posted for twenty-four (24) hours after which time the animal may be removed from the location and impounded in conjunction with an appropriate warrant to seize the animal obtained by an Animal Control Officer.
 - ii. If the owner contacts Animal Services to reclaim the animal, an explanation for the animal's abandonment must be provided to the satisfaction of the Animal Services Supervisor before the animal may be redeemed.
 - iii. If the animal is unclaimed by its owner after seventy-two (72) hours of notification, the animal shall become the property of Duplin County and may be adopted, fostered, transferred, or humanely euthanized.
- 6) It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle for such a period as to endanger the health or well-being of such animal due to temperature, lack of food or water, or such other conditions as may reasonably be expected to cause suffering, disability, or death.
 - a. When there is reasonable suspicion that an animal has been placed or confined in a motor vehicle to its detriment and in violation of this section, Animal Services will make a reasonable effort to locate the driver of the vehicle.
 - b. If the driver is unable to be located, an Animal Control Officer may assist a sworn Law Enforcement Officer in entering the vehicle and removing the animal for impoundment.
 - c. The Animal Control Officer shall leave written notice of the impoundment including a brief description of the animal and where it may be redeemed in a prominent place in or on the motor vehicle.
- 7) It shall be unlawful for any person to leave or deposit poison or any substance containing poison in any common street, alley, lane, or thoroughfare of any kind, or in any yard or enclosure other than a yard or enclosure occupied or owned by such person.
- 8) It shall be unlawful for any person who causes injury to a domesticated animal, including but not limited to running over or hitting a domesticated animal with any vehicle, regardless of intent, to fail to immediately notify at least one of the following:
 - a. The owner(s) of the animal (if known or ascertainable with reasonable effort)
 - b. Animal Services
 - c. Law Enforcement
- 9) It shall be unlawful to use an animal for fighting, training other animals for fighting, or using an animal as bait to encourage fighting between other animals. This also prohibits any person profiting from, participating in, or being present for any animal fighting/baiting.

- 10) Nothing in this section shall be construed to further regulate the normal practices of raising "farm animals" as defined within N.C.G.S., Section 153A-145.4.
- 11) The penalty for a violation of this section shall be as set forth in Section 31 of this Ordinance.

Section 9 – Duty of Owner to Control Animals

- 1) It shall be unlawful for any animal to be outside of the immediate control of its owner.
- 2) For the purpose of this section, "immediate control" shall mean:
 - a. Confined upon the property or leased premises of the owner or keeper;
 - b. Under the control of the owner; or
 - c. Restrained by a leash connected to a collar or harness sufficient to prevent the animal from breaking loose, during instances where the animal is being walked or exercised off the property or leased premises of the owner. This provision does not apply to domesticated cats.

Section 10 – Possession of Animals Owned by Another

- 1) It shall be unlawful for any person, without the consent of the owner, to knowingly and intentionally harbor, possess, or confine any animal that does not belong to him/her and whose owner is reasonably identifiable, without having notified Animal Services of the animal's location within seventy-two (72) hours.
- 2) It shall be unlawful for any person, other than the owner of an animal, to remove the collar, license tag or rabies tag, or electronic device from around the neck of an animal without the consent of the owner.
- 3) The penalty for a violation of this section shall be as set forth in Section 31 of this Ordinance.

Section 11 – Dogs At-Large Prohibited

- 1) It shall be unlawful for any person to permit any dog to be at large upon any public property or street, sidewalk, or park, or on the private property of another person without his/her consent.
- 2) Provided sufficient precautions are taken by the owner to ensure the safety and protection of both the public and other animals, a dog will not be considered at large if:
 - a. The dog is under the direct control of its owner;
 - b. The dog is engaged for purposes of hunting, training, or returning from a hunt or training, so long as its owner has a valid North Carolina Hunting License;
 - c. The dog is engaged for purposes of an obedience demonstration, show, trial training exercise, competition, or another educational program; or
 - d. The dog is subject to enclosure using an electronic confinement system, if all equipment is properly worn, utilized, and maintained in continuous working order.
- 3) The penalty for a violation of this section shall be as set forth in Section 31 of this Ordinance.

Section 12 – Nuisance Animals Prohibited

- 1) It shall be unlawful for any person to own, keep, possess or maintain an animal in a manner that constitutes a nuisance.
- 2) For the purpose of this section, "nuisance" shall mean an animal that causes any disturbance, threat, or damage to a person's rights and/or safety, or an animal that causes any interference with a person's ordinary use and enjoyment of life or property, including but not limited to an animal that:
 - a. Knocks over garbage pails or otherwise disturbs or destroys trash;
 - b. Damages gardens, flowers, vegetables, or other plants;
 - c. Damages real or personal property;
 - d. Chases, snaps at, attacks, or otherwise interferes with pedestrians, bicyclists, etc...
 - e. Carries disease or otherwise constitutes a potential danger to public health, unless under the documented care of a licensed veterinarian
- 3) The penalty for a violation of this section shall be as set forth in Section 31 of this Ordinance.
- 4) Commercial farms are exempt from Section 12.

Section 13 – Destruction of Animals That Cannot Be Seized by Reasonable Means

- 1) Notwithstanding any other provision of this Ordinance, an animal that cannot be seized by reasonable and normal means may be trapped in a humane, live-capture animal trap or tranquilized by an animal control officer, and may be humanely destroyed in the field upon authorization of the Animal Services Supervisor.

Section 14 – Setting Humane Animal Traps and Authority to Receive Trapped Animals

- 1) Animal Services is authorized to place, upon request, live animal traps on public or private property for removing and impounding stray, at large, unwanted, or nuisance animals.
- 2) It shall be unlawful for any person other than an Animal Control Officer to remove any animal from a trap placed by Animal Services, or to damage, destroy, move or tamper with such a trap.
- 3) The penalty for a violation of this section shall be as set forth in Section 31 of this Ordinance.

Section 15 – Determination of Dangerous/Potentially Dangerous Dogs

- 1) When an incident involving any Dangerous or Potentially Dangerous dog is reported, Animal Services shall investigate during confinement as defined in Section 27.
 - a. When an animal is confined at Animal Services during the course of an investigation, the owner shall be responsible for any cost of care.
 - b. Failure to pay the cost when required shall be deemed a waiver and release of all rights regarding the animal.
- 2) Following an investigation, the Animal Services Supervisor will issue a determination as to whether sufficient cause exists to classify a dog as Dangerous or Potentially Dangerous, as defined in Section 3.
 - a. Any dog determined to be either Potentially Dangerous or Dangerous will be treated as dangerous for purposes of enforcing this Ordinance;
 - b. If a dog is determined to be either Potentially Dangerous or Dangerous, Animal Services shall promptly notify the owner of the determination in writing by registered mail, certified hand delivery, or service of process in conformance with Chapter 67-4.1(c) of the North Carolina General Statutes.
 - c. If a dog is determined to be either Potentially Dangerous or Dangerous, Animal Services shall immediately impound the dog pending compliance with Section 22 or pending the outcome of any appeal.
- 3) If the owner does not wish to appeal a determination of Potentially Dangerous or Dangerous, the owner shall be given fourteen (14) calendar days from the date of notification, unless otherwise specified, to comply with provisions of Section 19, whereby the dog may be released from impoundment.
- 4) If the owner does wish to appeal the determination, appellate procedures will occur as provided in Section 17.
- 5) Within fourteen (14) calendar days from the date of notification of a Potentially Dangerous or Dangerous notification, the owner shall obtain a certificate of registration for the dog from Animal Services. This certificate shall be renewed annually at the set fee determined by the Board of County Commissioners.

Section 16 – Exceptions for Dangerous/Potentially Dangerous Dogs

- 1) No dog may be declared Dangerous or Potentially Dangerous if the threat, injury, or damage was sustained by a person who;
 - a. Was committing a trespass or another tort;
 - b. Was teasing, tormenting, abusing, or assaulting the dog;
 - c. Had in the past been observed or reported to have teased, tormented, abused, or assaulted the dog; or
 - d. Was committing or attempting to commit a crime.
- 2) Neither shall an animal be declared Dangerous or Potentially Dangerous if the dog is
 - a. Being used by a law enforcement officer to carry out official duties; or

- b. Being used in lawful hunting, herding, or predator control.

Section 17 – Appeal of a Determination of a Dog as Dangerous/Potentially Dangerous

- 1) The owner of a dog determined to be Potentially Dangerous or Dangerous will have three (3) business days beginning on the date the determination was received to issue a written objection of the final determination to the Dangerous Dog Appeals Board. The appeal must be postmarked by the third day.
- 2) The Dangerous Dog Appeals Board will schedule a hearing on the determination within ten (10) days of the filing of the owner's written objection and will thereafter issue a final determination as to whether a dog is Dangerous or Potentially Dangerous.
- 3) Any further appeal from the determination by the Dangerous Dog Appeals Board shall be heard in Superior Court. Any petition for review in Superior Court must be filed within ten (10) days of the final determination by the Dangerous Dog Appeals Board.

Section 18 – Dangerous Dog Appeals Board

- 1) The Dangerous Dogs Appeals Board shall include a maximum of five (5) person appointed and designated by the Duplin County Board of Commissioners to review and affirm or reverse Potentially Dangerous or Dangerous dog determinations by the Animal Services Supervisor pursuant to this Article and Article 1A, Chapter 67 of the North Carolina General Statutes. The Animal Advisory Board may also serve as the Dangerous Dog Appeals Board.

Section 19 – Duties of Owner of Dangerous/Potentially Dangerous Dogs

- 1) Following the classification of a dog as Dangerous or Potentially Dangerous, the owner shall be required to comply with the following provisions within fourteen (14) calendar days from the date of notification unless otherwise specified within the determination:
 - a. The owner will not leave the dog alone unless the dog is indoors or in a secure enclosure that has been inspected and approved by Animal Services.
 - b. The owner will provide a secure enclosure for the dog.
 - i. "Secure enclosure" shall mean either indoors or in an outdoor structure consisting of secure sides and cover constructed from at least nine (9) gauge chain link fencing that is at least six (6) feet high all the way around and designed to prevent escape over, under, or through and to prevent the entry of children.
 - ii. The floor of the structure must be concrete that is at least four (4) inches thick.
 - iii. The structure shall be kept locked.
 - iv. The structure shall not hinder the dog's ability to move freely within its confines and shall provide the dog protection from the natural elements.
 - v. These requirements may be modified for safety reasons if approved by the Animal Services Supervisor.
 - c. The owner will affix a "Beware of Dog" sign on both the property and the dog's secure enclosure so that the sign is in the plain view of the public, visible from the driveway and other common entrance(s).
 - d. The owner will have the dog implanted with a microchip so that it may be permanently identified.
 - i. The owner will be responsible for any cost associated with the implantation;
 - ii. The owner will provide proof of registration of the implantation to Animal Services, where it will be maintained along with a physical description and photograph of the dog; and
 - iii. The owner will allow Animal Services to read the implant during regular inspections or if the identification of the dog is in question, and the owner will assist Animal Services with this process.
 - iv. The owner will have twenty (20) days from the date of notification to comply.
 - e. The owner will have the dog sterilized as defined in Section 3.
 - i. The owner will be responsible for any cost associated with the sterilization; and
 - ii. The owner will have twenty (20) days from the date of notification to comply.
 - f. The owner will provide Animal Services with access to the property or premises where

the dog is located to conduct inspections and determine compliance with these provisions.

- g. The owner will secure the dog using a collar or harness, leash not to exceed six (6) feet in length, and a muzzle during any such time that the dog is off the owner's property or premises, such as for transport or exercise.
- h. The owner will notify Animal Services at least three (3) business days prior to relocation of the dog and provide all updated contact information including the new address or location.
- i. The owner will notify Animal Services within ten (10) days of the dog's death.
- j. The owner will not give away, sell, trade, place for adoption, or otherwise transfer the dog without written permission from Animal Services. Written notification of the dog's dangerous behavior shall be provided by the owner to the person taking possession of the dog.

Section 20 – Penalties for Dangerous/Potentially Dangerous Dog Violations

- 1) Any violation of the terms of ownership of a "Dangerous or Potentially Dangerous" dog will result in the issuance of a citation carrying a maximum fine of five hundred dollars (\$500.00) per offense.
 - a. Each day's violation shall be considered a separate and distinct offense.
- 2) The dog will be impounded and held until the violation is remedied, and all debts are paid in full, or until the animal has been surrendered.

Section 21 – Impoundment of Animals

- 1) It shall be the duty of Animal Services to seize and impound any animal found to be in violation of the provisions of this Ordinance, any animal surrendered by its owner, or any animal quarantined for observation.
 - a. Impounded animals shall be identified by permanent records which indicate the date of impoundment, sex, color, general description, and breed.
 - b. Owners of impounded animals will be held responsible for all fees, including but limited to impoundment fees and daily maintenance fees, without regard to the reason (violation, surrender, or quarantine) for the animal's impoundment.
 - c. The payment of fees shall not bar the imposition of any additional fine, which may be imposed for violations as set forth in Section 31 of this Ordinance.
- 2) If an impounded animal can be traced to its owner through reasonable attempts, notification will be provided when the animal is in the custody of Animal Services.
 - a. Upon proof of ownership and payment of fees and any applicable fine(s), the animal shall be returned to its owner, unless otherwise so provided for by the owner in writing.
- 3) If an impounded animal cannot be traced to its owner, or if a duly-notified owner fails to redeem an animal within the required holding period of seventy-two (72) hours, the animal shall become the property of Duplin County and may be adopted, temporarily fostered, transferred or humanely euthanized.

Section 22 – Impounded Animals in a State of Pain/Suffering and Humane Euthanasia

- 1) If an impounded animal has no identification and readily appears to be seriously injured, wounded, or diseased, it shall be immediately euthanized in a humane manner, without regard to the seventy-two (72) hours redemption period. (N.C.G.S. 19A-32.1(b) (2)).
- 2) If an impounded animal has identification and readily appears to be seriously injured, wounded, or diseased, the Animal Services Supervisor or a designated Animal Services representative shall expeditiously attempt to contact the owner.
 - a. If the owner cannot be reached within the seventy-two (72) hour waiting period and the animal is apparently suffering, the Animal Services Supervisor may cause the animal to be euthanized in a humane manner at his/her discretion.
- 3) If an impounded animal is presented to a veterinarian who exercises his/her professional judgment that the animal should be humanely euthanized due to its suffering from injury, wound, or disease, then the veterinarian shall be acting as an agent for the County in euthanizing the animal and shall

not be held professionally liable for his/her action.

- 4) Animal Services or its agent acting in compliance with the provisions of this Ordinance shall have no liability for the humane euthanasia of injured, wounded, or diseased animals in an apparent state of suffering.

Section 23 – Redemption of Animals

- 1) Animals that have been impounded and are not suffering from or suspected to have an infectious or contagious disease, and are not injured to such an extent that it would cause unjustifiable pain or suffering, shall be held for redemption for a minimum of seventy-two (72) hours, excluding county-observed holidays.
 - a. Such animals that are not claimed within the time limit specified will become the property of Duplin County and may be placed for adoption, temporarily fostered, transferred, or humanely euthanized.
 - b. The Animal Services Supervisor or a designated Animal Services representative shall expeditiously attempt to contact the owner of any such impounded animal wearing a current tag or an implanted microchip before either disposition occurs.
- 2) Every animal redeemed by its owner shall be microchipped prior to its release from Animal Services.
- 3) Animal Services shall create and maintain a permanent record describing the final disposition of any redeemed animal including the applicable dates, names, addresses, and payment of any fees or fines.
 - a. Monies received by Animal Services from fees, fines and adoptive placement will be turned over to the County in accordance with finance policies.
- 4) Animal Services shall not release any live animal for sale or donation to research laboratories or related facilities, as breeding stock for puppy mills, or as wholesales for further resale for use in any illegal entrapment or fighting, or for human consumption.
- 5) Any person who adopts an animal in compliance with the provisions of this Ordinance shall thereafter become the legal owner of the animal.

Section 24 – Adoption of Animals

- 1) Any person adopting an animal from Animal Services shall be required to sign an adoption contract and pay adoption fees as approved by the Duplin County Board of Commissioners.
- 2) Adopted dogs and cats must be sterilized prior to adoption or within a specified period as approved by the Animal Services Supervisor. The adoption fee will cover the cost of sterilization if the procedure is completed by Animal Services.

Section 25 – Rabies Vaccination Required for Dogs and Cats

- 1) The owner of any dog or cat in Duplin County shall have such animal vaccinated against rabies by four (4) months of age with a twelve (12) month vaccine approved by the United States Department of Agriculture and the Compendium of Rabies Control developed by the National Association of State Public Health Veterinarians.
 - a. The owner will be responsible for any cost associated with the vaccination.
- 2) The owner of any dog or cat shall revaccinate said animal twelve (12) months after the initial vaccination. Thereafter, revaccination shall occur every twelve (12) months or every three (3) years based on the type of vaccine previously administered. Veterinarians shall recognize vaccinations for their duration of immunity as indicated by the manufacturer's guidelines.
 - a. The owner will be responsible for any cost associated with the continued vaccination.
- 3) Evidence of rabies vaccination shall consist of a County rabies vaccination certificate signed by Duplin County Animal Services staff administering the vaccine. One (1) copy of the certificate shall be retained by the veterinarian for at least one (1) year after the vaccination expires, and copies shall be distributed to the owner and to Animal Services.
- 4) The owner of any dog or cat is exempt from the requirements within this section following written certification by a licensed veterinarian that to vaccinate would be injurious to the animal's health. However, such animal shall be vaccinated against rabies as soon as its health permits.
- 5) The owner of a dog or cat not having an attached current rabies vaccination tag must provide a

valid and current rabies vaccination tag or form within seventy-two (72) hours of demand by any Animal Control Officer or law enforcement officer. Failure to produce the tag or form under this Subparagraph is a separate offense for each animal owned by such owner and will result in a two-hundred and fifty dollars (\$250.00) fine. (Ref. N.C.G.S. 130A-192).

- 6) The penalty for a violation of this section shall be as set forth in Section 31 of this Ordinance.

Section 26 – Reporting Animal Bites

- 1) Any person who has been bitten or has knowledge of or medically treats any person bitten by any animal shall report the incident to Animal Services within twelve (12) hours of its occurrence or when the person knew or should reasonably have known of its occurrence.
 - a. Birds and reptiles are not considered to be transmitters of the rabies virus, and therefore bites from these animals are excluded from the reporting requirements of this section.

Section 27 – Suspected Rabies Cases

- 1) If Animal Services is notified that any dog or cat has bitten any person or is suspected of having or is showing suspicious symptoms associated with rabies, Animal Services shall require that said dog or cat be captured and confined for observation at the owner's expense for a period of ten (10) calendar days from the date of the bite.
- 2) The procedure and place of confinement and observation shall be pursuant to rules and regulations promulgated by Animal Services.
 - a. Home confinement of a dog or cat required to be confined for observation shall be allowed only upon approval by Animal Services.
- 3) If rabies does not develop during the confinement period, the animal may be released to the owner with written permission from Animal Services, upon all associated debts having been paid in full.
- 4) It shall be unlawful for any person to refuse to surrender a dog, cat, or other animal for purposes of quarantine when required by this Ordinance or otherwise ordered by Animal Services.
- 5) It shall be unlawful for any person to remove from any place of confinement any dog or cat which has been confined pursuant to the requirements of this section without the consent, approval, and authorization of Animal Services.
- 6) The penalty for a violation of this section shall be as set forth in Section 31 of this Ordinance.

Section 28 – Possession of Dangerous Exotic Animals Prohibited

This section is adopted pursuant to the authority contained in N.C.G.S. Chapter 153A-121 and 153A-131. It is the intent of Duplin County to protect the public against the health and safety risks that exotic animals pose to the community and to protect the welfare of animals held in private possession. By their very nature, many exotic animals are wild and potentially dangerous and do not adjust well to a captive environment.

- 1) Except in accordance with Section 29 (Exceptions) of this section, it shall be unlawful for any person or entity to possess, harbor, or have under their control any Dangerous Exotic Animal(s) in Duplin County.
 - a. **Duplin County's prohibition against "Dangerous Exotic Animals"** includes, but is not limited to, any member of the Canidae, Felidae, or Ursidae families, including hybrids thereof, which due to their inherent nature, may be considered dangerous to humans.
 - i. Canidae include any member of the dog (canid) family not customarily domesticated by man, or any hybrids of such Canidae, thereof, including Wolf hybrids, which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis Familiaris*).
 - ii. Felidae include any member of the cat family weighing over fifteen (25) pounds not customarily domesticated by man, or any hybrids of such Felidae, but not including domestic cats (*Felis catus*).
 - iii. Ursidae include any member of the bear family or hybrids of such Ursidae.
 - b. **Dangerous Exotic Animals prohibited by Duplin County further include, without limitation, any "inherently dangerous reptile,"** defined as any member of the class reptilia which:
 - i. is venomous. A venomous reptile shall include all members of the families

- Helodermodidae (Gila monsters and Mexican bearded lizards), Viperidae (vipers), Crotalidae (pit vipers), Atractaspididae (burrowing asps), Hydrophilidae (sea snakes), and Elapidae (cobras, coral snakes, and their allies), as well as any "rear-fanged" snakes of the family Colubridae that are known to be dangerous to humans (including, but not limited to Dispholidus typus (boomslang), Thebtonis kirtlandii (Twig snake) and Rhabdophisspp (keelbacks),
- ii. is a member of the order of Crocodilia (crocodiles, alligators, and caiman).
- 2) This ordinance applies to any other exotic animal that may be deemed by Duplin County Animal Services or its designee as a danger to the health, safety, and general welfare of the residents of Duplin County or any other persons present in the County.
 - 3) The term "Dangerous Exotic Animal" does not apply to the following:
 - a. Domesticated dogs (excluding hybrids);
 - b. Domesticated cats (excluding hybrids with ocelots or margays);
 - c. Domesticated horses, asses, and donkeys;
 - d. Cattle, American buffalo, and Water buffalo;
 - e. Sheep;
 - f. Goats;
 - g. Domesticated swine;
 - h. Domesticated poultry;
 - i. Domesticated hamsters, guinea pigs, rats, mice, and chinchillas;
 - j. Domesticated rabbits;
 - k. Llamas, alpacas, and Camels;
 - l. Captive-bred species of parrots, parakeets, ducks, finches, doves, pigeons, and canaries, or other tame and domesticated birds that are sold by, or obtained from, a licensed animal dealer;
 - m. Flightless birds, including ostriches, emus, and rheas;
 - n. Domesticated species of goldfish;
 - o. Captive-bred common freshwater and saltwater aquarium fish;
 - p. Captive-bred, non-venomous snakes;
 - q. Captive-bred turtles;
 - r. All insect species not considered life-threatening to humans, specifically including, but not limited to the common honeybee;
 - s. All Arachnid species (such as spiders, scorpions, and related) that are not considered life-threatening to humans; and
 - t. Fox Hunting Preserves (Ref. 15A NCAC .1200 Controlled Fox Hunting Preserves).

Section 29 – Exceptions to Prohibited Exotic Animals

- 1) Provided that each Dangerous Exotic Animal, as defined by this Ordinance, is maintained in a secure enclosure constructed and maintained to prevent the animal's escape and compliant with the requirements of N.C.G.S. 14-417, 14-417.1, and 14-417.2, and the further requirements set forth herein, the prohibitions of this Ordinance shall not apply to:
 - a) Federal or State-licensed wildlife rehabilitators engaged in the rehabilitation of sick, injured, or orphaned native wildlife to the extent permitted by their license; provided that said wildlife is housed on a parcel or tract of land containing not less than one hundred acres, and all structures, boundary fences, perimeter fences, and animal enclosures are located five hundred (500) feet or more from the property line; and provided further that the rehabilitator maintains liability insurance with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the wildlife. Possession of wildlife not native to Duplin County is strictly prohibited.
 - b) Lawfully operated non-resident carnivals, circuses, and traveling fairs for no longer than seven consecutive days, and a maximum of two times per calendar year; provided that the owner and/or operator maintains liability insurance with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the animal(s).
 - c) Veterinary clinics operated by a veterinarian licensed by the North Carolina Veterinary Medical Board in possession of animals for treatment or rehabilitation purposes.
 - d) Persons temporarily transporting animals non-stop through Duplin County on state-maintained highways, provided that such time in Duplin County shall not exceed twelve (12) hours; and provided further that the transporter maintains liability insurance with a minimum of \$1,000,000

per claim to compensate any person for personal injury or property damage caused by transportation of the animals.

e) Properly licensed and established zoos provided said zoo is established or exists on a parcel or tract of land containing not less than one hundred acres; and provided further the structures, boundary fences, perimeter fences, and animal enclosures are located five hundred (500) feet or more from the property line; and provided further that the zoo maintains liability insurance with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the animal(s).

- 2) No references or restrictions in this Ordinance shall apply to animals under the exclusive custody and control of the North Carolina Zoological Park.

Section 30 – Impoundment and Disposition of Dangerous Exotic Animals

- 1) Any Dangerous Exotic Animal that is kept by any person or entity in violation of this Ordinance may be immediately seized without notice and impounded by Duplin County Animal Services without the necessity of a written order or a court order, for the protection of the public or the health of the animal.
- 2) If a Dangerous Exotic Animal kept by any person or entity in violation of this Ordinance cannot be seized and impounded safely by Duplin County Animal Services OR if proper and safe housing cannot be found for the animal, Duplin County Animal Services may immediately destroy the Dangerous Exotic Animal.
- 3) The owner of an impounded Dangerous Exotic Animal may apply to reclaim the Dangerous Exotic Animal if the person or entity provides proof of ownership and satisfies Duplin County Animal Services that a safe and prompt transfer of the Dangerous Exotic Animal to an appropriate location outside of the County has been arranged; and provided further that all monetary fines, penalty, bond, and costs imposed under this Ordinance or other applicable law have been paid in full.
- 4) If the owner of an impounded Dangerous Exotic Animal cannot be located or if an impounded Dangerous Exotic Animal remains unclaimed, Duplin County Animal Services may, in the discretion of the head of Duplin County Animal Services or his or her designee, euthanize the animal, turn the animal over to the North Carolina Museum of Natural Science or the North Carolina Zoological Park, allow the animal to be lawfully adopted by a zoo, or return the animal to an appropriate wilderness.
- 5) In the event any investigation of an individual or entity possessing, harboring, or controlling a Dangerous Exotic Animal is required or requested, and the complaint is substantiated by Duplin County Animal Services, then the reasonable costs of the investigation shall be assessed against the owner and/or possessor of the Dangerous Exotic Animal.
- 6) If at any time it becomes necessary to impound or destroy a Dangerous Exotic Animal pursuant to this Ordinance, then the costs of such impoundment or destruction shall be assessed against the owner and/or possessor of the Dangerous Exotic Animal.
- 7) The provisions of this section may be enforced in the District Court of Duplin County. The penalty for a violation of this section shall be as set forth in Section 31 of this Ordinance.

Section 31 – Enforcement and Penalties

- 1) The Animal Services Supervisor or Animal Control Officer(s) shall have the authority to investigate alleged or suspected violations of this Ordinance, to issue written citations for violation(s), and to assess penalties for violations as approved by the Board of Commissioners and provided within this section.
 - a. Civil Penalties
 - i. The Animal Services Supervisor or Animal Control Officer(s) shall have the authority to issue Notices of Violation and assess civil penalties in response to violations of this Ordinance.
 - ii. A Notice of Violation shall specify the nature of the violation and assess a civil penalty that shall be paid to Duplin County within a specified period.
 - iii. Civil penalties may be recovered by Duplin County in a civil action in the form of a debt.
 - iv. The penalty for a violation of **Section 8 - Cruelty and Neglect to Animals** shall be a two-hundred and fifty dollars (\$250.00) fine.

- v. Unless otherwise provided in this Ordinance, civil penalties shall be assessed as follows:
 - 1. \$50.00 for a first violation or a subsequent violation occurring more than twelve (12) months after a previous violation;
 - 2. \$100.00 for a second violation occurring within twelve (12) months of a previous violation;
 - 3. \$250.00 for a third or subsequent violation occurring within twelve (12) months of a previous violation.
- ii. Each day's violation shall be considered a separate and distinct offense.
- iii. The Animal Services Supervisor shall have the authority in his/her sole discretion to waive any civil penalties.
- b. Criminal Penalties
 - i. In addition to civil penalties prescribed in this section, any violation of this Ordinance shall also constitute a misdemeanor pursuant to North Carolina General Statute, Section 14-4 for which a criminal summons may be issued.
 - ii. Each day's violation shall be considered a separate and distinct offense.
- c. This Ordinance may be enforced by any other appropriate equitable remedy issuing from a Court of competent jurisdiction, pursuant to North Carolina General Statute, Section 153A-123.


Section 32 – Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.

Section 33 – Effective Date

This ordinance shall become effective and be in full force from and after the 21st day of March, 2022.

Adopted by the Duplin County Board of Commissioners this the 21st day of March, 2022.


Dexter B. Edwards, Chairman
Duplin County Board of Commissioners

ATTEST: 
Davis H. Brinson,
Clerk to the Board