

**WARREN COUNTY NORTH CAROLINA
ANIMAL CONTROL & PROTECTION ORDINANCE
Revised April 2018**

ARTICLE 1. GENERAL

Section 1. Definitions.

For the purpose of this Ordinance, the following definitions shall apply unless the context indicates or requires a different meaning:

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

Abuse and Neglect means the following:

- a. Failing to provide an animal with adequate food and adequate water;
- b. Molesting, harassing, injuring, setting on fire or sexually assaulting any animal in a manner causing physical pain, suffering, or death to the animal;
- c. Failing to provide adequate medical attention for any sick, diseased, or injured animal in order to prevent physical pain, suffering, disability, or death to the animal;
- d. Keeping any animal under condition which causes or could cause physical pain, suffering, disability, or death to the animal or which increases the probability of the transmission of disease;
- e. Failing to provide adequate shelter, as defined herein, for an animal; and/or
- f. Conveying or confining any type of animal in a motor vehicle, wagon, or trailer, or in the bed of a truck in such a way as to cause physical pain, suffering, disability, or death to the animal.

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, which is served in a sanitized receptacle, dish or container.

Adequate shelter means an enclosure having at least three solid sides, a roof, and a solid floor raised above the ground with sufficient room for the animal to move about freely and lie down comfortably, structurally sound, water and wind resistant, maintained in good repair and constructed in a manner to provide shade from the direct rays of the sun, adequate ventilation and light. Barrel style enclosures are considered adequate provided they are kept in good, safe repair, waterproof and are stable for the animal.

Adequate water means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed 24-hours at any interval.

Adoptable animal means an animal that, in the opinion of the Animal Control Director, is physically well, spayed or neutered, exhibits behaviors or socialization and compatibility with living in the human environment, does not pose an undue risk of injury to people or other animals and which would be considered desirable for companionship.

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

Animal Control Officer means a county employee and staff member of the Warren County Animal Control Department authorized to enforce this Ordinance and all state laws regarding rabies and animals.

Animal Control Director means the department head of the Animal Control Department, or Chief Animal Control Officer.

Animal Shelter means any premises designated by the County for the purpose of impounding and providing care of animals found running at large or otherwise subject to impoundment in accordance with this ordinance or state laws.

Appropriate Documentation means a rabies certificate or official veterinary record validating that the animal has, at least once previously, received a USDA-licensed rabies vaccination. If it was a single vaccination, the animal was vaccinated at least 28 days prior to the exposure date.

At Large means any animal found off of the real property of its owner or keeper and not under restraint of a competent person or any animal previously determined to be dangerous or potentially dangerous that is not under restraint or confined to a secure enclosure while on the property of its owner.

This definition shall exclude a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;

- a. dog being used in a lawful hunt
- b. dog working as a herding dog, or predator control dog on the property of, or under the control of, its owner or keeper.

For purposes of this definition, the term "real property" shall include any property owned or occupied by the owner of such animal but shall not include any of the common areas (including without limitation, walks, drives, recreation and open space area, etc.) within any subdivision or multifamily residential development.

Attack means to approach in a terrorizing or threatening manner without teasing, molesting, provoking, beating, torturing or otherwise being harmed.

Bite means the skin has been penetrated by an animal's teeth or an animal seizing flesh with its teeth or jaws. This also includes cat scratches.

Business day means any day that the County of Warren conducts routine business and that the animal control facility is open to the public.

Cat means any and all domestic felines.

Confinement unless otherwise specified herein means to secure within a building or similar adequate shelter, so that the animal cannot escape without human assistance.

Control means the power to direct, manage, oversee and/or restrict the physical action of an animal.

Cruelty and cruel treatment means every act, omission, or act of neglect whereby unjustifiable 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 or any acts prohibited by State law or this ordinance.

Dangerous dog means any dog that:

- a. Without provocation has killed or inflicted severe injury on a person; or

- b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or
- c. Any dog that is determined by the Animal Control Director as a Potentially Dangerous Dog because the dog has engaged in previous behaviors defined as a potentially dangerous dog.

Potentially Dangerous Dog means:

- a. A dog that is determined by the Animal Control Director to be potentially dangerous because the dog has engaged in one or more following behaviors;
 - 1. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or
 - 2. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
 - 3. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
- b. Exclusions to the definition of Potentially Dangerous Dog are restricted to:
 - 1. A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties; or
 - 2. A dog being used in a lawful hunt; or
 - 3. A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or
 - 4. A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

Dog means any and all domestic canines.

Domestic animal means any dog, cat, ferret that has been made tame by socialization and that is fit for the human environment.

Exotic animal means any non-indigenous, predatory carnivores including but not limited to lions, tigers, leopards, ocelots, jaguars, cheetah, wolves or hybrids thereof. Exclusions to the definition of Exotic animal are restricted to traveling circuses or exhibits with a current authorization of and by federal, NC state law or county code or permit.

Exposed to rabies means any person or animal that has been bitten by or otherwise come into contact with the saliva or nervous tissue of a proven rabid animal or any animal reasonable known or suspected to have been infected with rabies that is not available for laboratory diagnosis.

Feral means a domestic animal which is not socialized.

Ferret means a domestic mammal of the genus, species, and subspecies *Mustela putorius furo*.

Health Director means the department head of the Warren County Health Department.

Impoundment means possession or seizure of an animal by the Warren County Animal Control Department.

In estrus means a female animal in what is commonly termed, "in heat", or "in season".

Keeper means a person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person.

Nuisance means any act of an animal or its owner that disturbs the rights and privileges common to the public or enjoyment of private property, damages real or personal property, threatens the safety of a member of the general public or the general health and welfare of the general public. Actions defined as a nuisance include but are not limited to:

- a. An animal that is at large.
- b. An animal that causes damage or soils the real or personal property of another.
- c. Failing to confine a female dog or cat while in estrus in a building or secure enclosure in such a manner that she cannot come into contact with another dog or cat or create a nuisance by attracting other animals. However, this subsection shall not be construed to prohibit the intentional breeding of animals within an enclosed, concealed area on the premises of the owner of an animal which is being bred.
- d. An animal that chases, snaps at, or otherwise molests persons or other animals.
- e. An animal allowed to loiter on public or private places.
- f. An animal that is diseased or unsafe to the health of the public unless under the care of a licensed veterinarian or a person as designated by the Health Director.

The barking of dogs, regardless of the manner or repetition of the barking, is specifically excluded as a nuisance under the purview of this section.

Owner means any person, legal entity, firm, partnership or corporation owning, keeping, having charge of or that has a possessory right in an animal.

Owner's observation means under the owner's strict supervision and control (leash walk, fenced yard, no travel or boarding unless approved by the local department of health, no outings at doggie park or other parks, etc.). There should be no contact with animals or people other than the caretaker(s) until the local health director has released the animal from the 45-day observation period.

Owner's real property means any real property owned or leased by the owner of an animal but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

Person means any individual, family, group of individuals, corporation, partnership, organization or institution recognized by law as a person.

Provocation means any act towards an animal that a reasonable person would expect to irritate or enrage such an animal to the extent that the animal would be likely to bite or attack, including, but not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. Provocation does not include any actions on the part of an individual that pertain to reasonable efforts of self-defense or defense of others.

Rabies vector means any species commonly recognized to be a carrier of rabies, such as, but not limited to dogs, cats, raccoons, foxes, skunks, coyote and bats.

Rabies means the acute viral disease of the central nervous system that affects humans and other mammals, also known as hydrophobia.

Rabies vaccine means an animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in this State by the Commission for Public Health.

Restraint means to limit the movement of an animal by means of a chain, leash, fence or other physical or electronic device of sufficient strength, which allows the control of an animal.

Secure enclosure, unless otherwise specifically defined herein, means an enclosure from which an animal cannot escape by means of digging under, going through or jumping over the enclosure, or otherwise becoming free unless freed by the owner.

Serologic monitoring means blood testing for an animal that has been exposed to rabies when the owner is not able to provide documentation of a past rabies vaccine. It is a method for evaluating an animal's immune response as evidence of prior rabies vaccination.

Severe injury means any physical injury including but not limited to broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

Stray or lost means any animal found within the county or applicable municipality wandering at large which does not have an owner and does not bear evidence of identification of any owner, or any animal whose owner, if determinable, has failed to attach a valid rabies tag or identification tag for the animal.

Security Dog means any dog used, kept or maintained by its owner or keeper for the purpose of protecting any person or property.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations or requires reconstructive surgery or hospitalization.

Surrender means to give up entirely, to relinquish all ownership rights of an animal.

Vaccination means the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

Wild animal means any animal that is not domesticated. A hybrid of any animal, regardless of genetic percentages, shall be deemed a wild animal.

Section 2. Authority and Responsibility

This Ordinance is adopted pursuant to the authority vested in Warren County by the General Statutes of North Carolina, particularly Chapter 67-4.1 thru 4.5 (Dangerous Dogs); 14-360 thru 363 (Cruelty to Animals); 130A-184 thru 201 (Rabies); 153A-121 (General Ordinance-making Power); 153A-123 (Enforcement of Ordinances); 153A-127 (Abuse of Animals); 153A-131 (Dangerous Animals); 153A-442 (Animal Shelters); and other applicable laws. This purpose of this Ordinance is to protect the health, safety, and welfare of Warren County residents and the animals residing within the County and to regulate and control the conduct, keeping, and care of those animals.

Section 3. Article Cumulative

Procedures set forth in this Ordinance shall be in addition to any other remedies that may exist under law or ordinance.

Section 4. Territorial Jurisdiction

This ordinance shall be effective within the unincorporated areas of Warren County, North Carolina and within the corporate limits and extraterritorial jurisdiction of any municipality within the county which shall so agree by appropriate resolution.

Section 5. Effective Date

This Ordinance is effective upon adoption by the Warren County Board of Commissioners.

Section 6. Severability

If any section, sentence, clause, or phrase of this Ordinance is, for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Relation to Hunting Laws

Nothing contained in this ordinance shall be in conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this exception applies only while the dogs are in the presence of the owner, keeper, or competent person, and are actually and lawfully being used for hunting or training for hunting and in compliance with applicable statutes, regulations or ordinances. This ordinance shall be read and enforced consistently with any such law.

Section 8. Applicability to Animal Shelter

Warren County shall operate and maintain a County Animal Shelter, known as the Warren County Animal Ark, for the purpose of impounding and caring for animals held under the authority of state law, this Ordinance, or any other county ordinance. Warren County may contract for Animal Shelter operations and needs as deemed appropriate.

Section 9. Animal Control Department

- a. Authority is hereby granted to the Warren County Animal Control Department to enforce this ordinance. This ordinance shall be enforced by all nonsworn animal control officers as well as by sworn law enforcement officers utilizing the additional rights, powers and immunities granted to sworn officers.
- b. Authority is hereby granted to the Warren County Animal Control Department to establish and maintain an animal control program, to employ animal control officers and such other employee(s) as shall be determined necessary by the County, and to appoint and compensate animal control officers and such other employees in accordance with policies of the County of Warren.
- c. The Animal Control Department shall:
 1. Have the responsibility along with law enforcement agencies, and where applicable with animal cruelty investigators, to enforce all laws of the state and all ordinances of the county pertaining to animals and shall cooperate with all law enforcement officers within the county in fulfilling this duty.
 2. Enforce and carry out all laws of the state and all county ordinances pertaining to animals and rabies control in cooperation with the Health Director, except as herein provided.

3. Operate the county animal shelter known as the Warren County Animal Ark.
 4. Be responsible for the seizure and arranging for the impoundment, where deemed necessary, of any animal in the county involved in a violation of this ordinance or any other county ordinance or state law.
 5. Make such investigations or inquiries as necessary for the purpose of ascertaining compliance with this ordinance or applicable state statute.
 6. Be empowered to issue civil penalties or notices of violation of this ordinance in such form as the Animal Control Director may prescribe.
 7. Be empowered to enter upon private property to investigate violations of this ordinance and/or of state law and to seize and impound animals pursuant to this ordinance or by an order of a court in competent jurisdiction of this state.
- d. The Animal Control Department shall 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 in compliance with the regulations enacted pursuant to the NC Animal Welfare Act.
 2. Animal bites to humans, rabies control investigations, ordinance and other violations and complaints, and their investigation.
 3. All monies belonging to the county, including but not limited to fees, penalties and donations.
 4. Any other matters deemed necessary by the Animal Control Director.

Section 10. Ordinance Enforcement.

- a. It shall be unlawful for any person to interfere with, hinder or molest an employee of the Animal Control Department while in the performance of any duty as set out in this ordinance or to tamper or remove animal control equipment. It shall also be unlawful for any person to seek to release, attempt to release, or to release any animal in the custody of the Animal Control Department, except as otherwise specifically provided in this ordinance.
- b. This ordinance shall be enforced by imposing the specific sanctions, penalties, fines and remedies described herein, by seeking injunctive relief, orders of abatement and any other means prescribed by statute or common law.
- c. Enforcement of this ordinance may be by any appropriate equitable remedy, penalty, injunction, of order of abatement issuing from a court of competent jurisdiction pursuant to G.S. § 153A-123(d) and (e), or any other applicable law.
- d. The Animal Control Director or any other person duly authorized by the County may commence legal action on behalf of the County to take necessary legal steps to collect any amount for outstanding costs, fees or penalties assessed pursuant to this ordinance.

Section 11. Sanctions, penalties, fines, remedies.

- a. Notwithstanding any civil penalties outlined in this ordinance, the violation of any provision of this ordinance shall be a Class 3 misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4 and G.S. 153A-123 and may be subject to a fine of not more than \$500.00 or imprisonment. Such violation may be punishable by any other applicable law. Each day's violation of this ordinance is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this ordinance does not relieve a person of his liability for registration, fees, or civil penalties imposed under or pursuant to this ordinance.
- b. The Animal Control Director may cause issuance to an owner or keeper or a person in violation of this ordinance or applicable state law, warnings, notices, civil penalties giving notice of violation(s). Any

such penalty issued shall impose upon the owner a civil penalty as listed in the county fee schedule. Penalties shall increase for each subsequent offense.

- c. Unless otherwise specified in this ordinance, all notices or civil penalties required by this ordinance to be sent or delivered shall be made by personal service; by first class or certified mail; or by affixing the notice to the last known residence.
- d. Civil penalties are due 20 days from the date of issuance and are to be paid to the Animal Control Department.
- e. All fees and costs associated with the care of an animal shall be paid by the owner at the time of redemption. Animals not redeemed within 3 business days shall become the property of Warren County. Surrender or abandonment of an animal or failure to redeem an animal from impoundment shall not relieve a recipient of civil penalties or animal owner from the responsibility for payment of any outstanding civil penalty or fees assessed prior to the animal being surrendered, abandoned or as a result of an animal being impounded.
- f. Authorization to initiate legal or other proceedings for failure to remit payment for a civil penalty or fee after 20 days of issuance or expiration of impoundment is hereby granted to the Animal Control Department or other authorized County office to recover the amount of the penalty or fee.
- g. If the recipient of a civil penalty imposed by this ordinance does not appear in response to such penalty, or if the applicable penalty is not paid within the time prescribed, a criminal summons may be issued against the violator or owner or person having custody of the animal in violation of this ordinance, and upon conviction, the violator shall be in addition to penalties prescribed for violation of this ordinance be punished as the court prescribes for failure to pay the civil penalties imposed by this ordinance.
- h. The Board of County Commissioners may impose fees for penalties and services rendered by the Animal Control Department and use debt set-off as a means of collection of monies owed.

Section 12. Animal Control Department Fees

See attached Fee Schedule

ARTICLE II. RABIES CONTROL

Section 1. Compliance with state law; article as supplement to state law.

It is the purpose of this article to supplement state laws, as amended, for the enforcement of state laws relating to rabies control, including but not limited to;

- a. It shall be unlawful for any animal owner/keeper or other person to fail to comply with the state laws or this ordinance relating to the control of rabies.
- b. It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required.
- c. Upon approval of the Health Director, Animal Control Department employee(s) may be appointed as certified rabies vaccinator(s) to possess and administer rabies vaccine for animals in the County until the appointment by the Health Director has been terminated.
- d. The Warren County Health Director may delegate specific rabies control activities to the Animal Control Department.
- e. Animal Control Officers are authorized to canvass the county to determine if there are any dogs or cats not wearing the required rabies vaccination tag.

Section 2. Vaccination of dogs, cats, and ferrets.

- a. The owner or keeper of every dog, cat and ferret four months of age or older shall maintain current rabies vaccination for each animal.
- b. All dogs and cats shall wear a valid rabies tag.
- c. It shall be unlawful for any person to use, for any animal, a rabies vaccination tag issued for another animal.

Section 3. Vaccination and confinement of animals brought into the State

- a. A dog or cat brought into the State shall immediately be securely confined and shall be vaccinated against rabies within one week after entry and shall remain confined for two weeks after rabies vaccination.
- b. Exceptions to this section are restricted to a dog or cat brought into the State accompanied by a certificate issued by a licensed veterinarian showing that the dog or cat is apparently free from and has not been exposed to rabies and that the dog or cat is current on the rabies vaccine.

Section 4. Animal Bites—Quarantine

- a. Animal bites to humans shall be reported immediately to the Animal Control Department and/or the Health Director.
- b. Every owned dog, cat or ferret which has bitten any person shall be immediately impounded at the animal shelter, confined at a veterinary facility or other facility approved by the Health Director for a minimum period of ten calendar days or a minimum of 240 hours from the time of the bite.
- c. Every dog, cat or ferret which has bitten any person whose ownership is unknown shall be immediately impounded at the County Animal Shelter for a minimum of 3 business days. If the animal owner has not been identified within 3 business days, the animal may be euthanized and sent for rabies testing.
- d. The Health Director may authorize a dog trained and used by a law enforcement agency to be released from confinement/impoundment to perform official duties upon submission of proof to the Animal Control Department that the dog is currently vaccinated against rabies in compliance with State law.
- e. The owner/keeper of a dog, cat or ferret confined or impounded shall be responsible for all fees and penalties imposed as a result of such confinement or impoundment.

Section 5. Destruction or confinement of dogs and cats exposed to rabid animals

- a. Dogs or cats that have been bitten or otherwise have been exposed to a rabid or potentially rabid animal who have been vaccinated against rabies at least 28 days prior to the bite or exposure and have appropriate documentation, shall receive immediate veterinary care with a rabies booster dose within 96 hours of the exposure and placed under owner observation for 45 days. Owners or keepers shall allow animal control officers to enter during reasonable hours to inspect the animal.
- b. Dogs or cats that have been bitten or otherwise have been exposed to a rabid or potentially rabid animal who have never been vaccinated against rabies shall be euthanized or receive immediate veterinary care with a rabies vaccination within 96 hours of the exposure, shall be immediately impounded and confined at a veterinary facility for a period of 4 months.
- c. Dogs and cats that have been bitten or otherwise have been exposed to a rabid or potentially rabid animal who are overdue for a rabies vaccination but have appropriate documentation of prior rabies vaccination shall receive immediate veterinary care with a rabies booster dose within 96 hours of exposure and placed under owner observation for 45 days.
- d. Dogs and cats that have been bitten or otherwise have been exposed to a rabid or potentially rabid animal that are overdue for a rabies vaccination with no documentation of a prior rabies vaccination

shall be euthanized or receive immediate veterinary care with a rabies vaccination given within 96 hours of the exposure and immediately impounded and confined at a veterinary facility for a period of 4 months. Dogs and cats may also undergo prospective serologic monitoring after receiving immediate veterinary care and a rabies vaccination. If there is evidence of prior vaccination the animal will be placed under owner observation for 45 days allowing animal control officers to enter during reasonable hours to inspect the animal. If no evidence of prior vaccination the animal will be treated as unvaccinated and will be euthanized or confined to a veterinary facility for a period of 4 months

- e. If the rabies booster is delayed, the local health director may consider increasing the observation period (case-by-case) or quarantine period (from 4 to 6 months), considering the severity of the exposure, length in delay in vaccination, current health status, and number of prior rabies vaccines and lapses.

ARTICLE III. - ANIMAL CRUELTY

Section 1. Compliance with state law; article as supplement to state law.

It is the purpose of this article to supplement state laws, as amended, relating to animals.

The Animal Control Director shall serve as the animal cruelty investigator and is empowered with the duties and powers described by § 19A-45 through § 19A-49.

Section 2. Prohibited acts.

- a. It shall be unlawful for any animal owner/keeper or other person to fail to comply with the state laws relating to the control, care and custody of animals.
- b. It shall be unlawful for any person to abuse, molest, maim, disfigure, torture, torment, deprive of necessary sustenance, adequate food, water and shelter, to cruelly beat, mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action.
- c. The words “torture” and “torment” shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful shooting of birds, deer and other game for human food; not to prohibit an animal’s owner, a veterinarian, the Health Director or the Animal Control Department from destroying dangerous or injured animals in a humane manner, nor to prohibit the lawful use of animals in scientific research.
- d. It shall be unlawful for any person knowing and intentionally to harbor, feed, keep in possession by confinement or otherwise, any animal which does not belong to him, without the permission of the owner, unless he has within 72 hours from the time such animal came into his possession, notified the Animal Control Department.
- e. It shall be unlawful for any person to confine an animal in a vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or under other endangering conditions.
- f. It shall be unlawful for any owner or keeper to abandon or forsake any animal within the County.

Section 3. Manner of keeping and treating animals generally

Owners and keepers of dogs, cats, and other animals shall provide food, shelter, and medical attention to such animals, including, but not limited to, the following:

1. Sufficient wholesome food that is nutritious for the species;
2. Fresh, potable drinking water;
3. Medical attention to relieve such animal from suffering;

4. When sunlight is likely to cause overheating and discomfort, sufficient shade shall be provided to allow all dogs and cats kept outdoors to protect themselves from the direct rays of the sun;
5. Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three (3) sides, roofed, and have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind and rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn completely. The enclosure shall be structurally sound in good repair. Under this section, shelters whose wire, grid or slat floors, permit the animals' feet to pass through the openings, sag under the animals' weight, or otherwise do not permit the animal's feet or toes from injury are not adequate shelter;
6. A suitable method shall be provided to rapidly eliminate excess water;
7. The following arrangements do not constitute adequate shelter and protection during extreme or inclement weather condition:
 - i. Underneath exterior steps, stoops or similar structures
 - ii. Inside of vehicles
 - iii. Inside cardboard boxes,
 - iv. Inside buildings or rooms within buildings, without proper air circulation, and
 - v. Crates used for transportation.

ARTICLE IV. ANIMAL NUISANCE

Section 1. Animal creating a nuisance.

- a. It shall be unlawful for a person, owner or keeper to permit or cause an animal to create or maintain a nuisance.
- b. Upon receipt of a written, certified complaint alleging that any person, owner or keeper is creating or maintaining a nuisance, the Animal Control Director shall cause the owner or keeper 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.
- c. When an animal control officer or law enforcement officer observes a violation of this section, a written report shall be prepared; the person, owner or keeper shall be provided written notification of such violation and be given 48 hours to abate the nuisance.
- d. If, after 48 hours as is designated in an abatement order, the nuisance is not abated, the owner or keeper may be issued a civil penalty or other appropriate legal remedy.

Section 2. Control of Security dogs.

- a. Security dogs are subject to all provisions of this ordinance.
- b. All persons owning or keeping a Security dog shall register such dog(s) with the Animal Control Department within 15 days providing such information as the Animal Control Department requires.
- c. The premises in which a Security Dog is kept or allowed access to shall display at least one plainly visible sign posted upon each side of the secure enclosure warning that a Dangerous or Potentially Dangerous dog is on the premises. Such signage shall be no smaller than one foot by two feet or two square feet in area and said sign shall read: "Warning! Dangerous Dog on Premises" in letters and height legible to a person of ordinary vision from 20 feet. In addition, the owner or keeper shall post at least one plainly visible sign displayed upon each side of the premises in which a Security Dog is kept or allowed access to no smaller than one foot by two feet or two square feet in area with a graphic representation of an appropriate animal such that the dangerousness of the animal is communicated to those who cannot read, including young children.

ARTICLE V. IMPOUNDMENT OF ANIMALS and ADOPTION

Section 1. Impoundment

- a. Animal Control is hereby granted the authority to seize and impound animals in violation of this ordinance, stray animals and animals surrendered by the owner.
- b. The duration of impoundment of stray animals shall not be less than 3 business days. During the impoundment period Animal Control shall make a reasonable effort to locate the owner of the animal.
- c. A surrendered animal shall become property of Warren County at the time of impoundment.
- d. A domestic animal impounded under this Ordinance may be reclaimed by its owner or keeper according to the procedures of the animal shelter.
- e. Animals not reclaimed within 3 business days are considered surrendered or abandoned and become the property of the Animal Control Department and disposed of according to animal shelter procedures.
- f. Notwithstanding any other provision of this Ordinance, an animal that has or is endangering a human or domesticated animal and cannot be seized by reasonable and normal means, may be tranquilized or be humanely destroyed in the field.

Section 2. Adoption Exceptions

- a. No person under the age of 18 years old shall be permitted to adopt an animal.
- b. The Warren County Animal Shelter may refuse, at the discretion of the Animal Control Director, to adopt animals to persons or organizations cited or charged for violations of this Ordinance or state law or where there exists reasonable suspicion of abuse, neglect or mistreatment of animals.
- c. The Warren County Animal Shelter may refuse adoption to persons who have surrendered animals to the animal shelter within the past 12 months.
- d. Animal welfare and adoption organizations shall provide evidence that all required veterinarian and related services will be provided to the animals, and that all necessary permits and licenses have been obtained prior to being approved for adoption of animals from the Warren County Animal Shelter. Approved animal welfare and adoption organizations are responsible for all applicable fees and related costs associated with the animals being adopted.
- e. The Warren County Animal Shelter shall not offer for adoption dogs or other animals that have been deemed dangerous or potentially dangerous.
- f. No owner shall be permitted to adopt his or her own animal.

ARTICLE VI. – DANGEROUS AND POTENTIALLY DANGEROUS DOGS

Section 1. Compliance with state law; article as supplement to state law.

It is the purpose of this Ordinance to supplement state laws for the enforcement of state laws relating to Dangerous dogs and Potentially Dangerous dogs

Section 2. Potentially Dangerous Dog Appeals Board.

- a. There is hereby created a Potentially Dangerous Dog Appeals Board to hear appeals of determinations of Potentially Dangerous dogs.
- b. The Potentially Dangerous Dog Appeals Board is voluntary and shall be composed of five regular members and two alternates. All the members and the alternates shall be residents of Warren County and appointed by the Warren County Board of Commissioners to serve a three-year term. At least one of the

regular members shall be a licensed veterinarian, if available, one a livestock owner, one a sworn law enforcement officer and two or three members representing the public at large.

- c. At any hearing, an employee of the Warren County Animal Control department shall be assigned to take minutes, of which shall be considered a matter of public record and the Animal Control Department shall be the custodian thereof.
- d. A quorum of at least three members (any combination of regular members and alternates) must be present at an appellate board hearing in order for the Potentially Dangerous Dog Appeals Board to conduct business.
- e. The members of the Potentially Dangerous Dog Appeals Board shall disclose any personal involvement they have had with the case to be heard, the individuals involved or other conflicts of interest, and upon a motion of the Potentially Dangerous Dog Appeals Board, be recused for the hearing at hand.

Section 3. Declaration of Dangerous or Potentially Dangerous Dog

- a. The Animal Control Director may find and declare a dog Dangerous or Potentially Dangerous if probable cause is found to believe that the dog falls within the definitions set forth in this ordinance. The finding must be based upon one or more of the following:
 1. The written and signed complaint of a citizen, who is willing to testify that the dog has acted in a manner that is defined as a Dangerous Dog or Potentially Dangerous Dog.
 2. Authenticated dog bite reports filed with the Animal Control Department;
 3. Actions of the dog witnessed and reported upon by any Animal Control Officer or Law Enforcement Officer;
 4. The declaration by a judicial authority or another animal control authority pursuant to G.S. § 67.1
 5. Other credible evidence.
- b. The declaration notice of Potentially Dangerous dog or Dangerous dog shall be in writing and shall be served on the owner in person, or by certified mail, to the owner's last known address.
- c. The declaration shall state:
 1. A description of the dog;
 2. The name and address of the owner of the dog, if known;
 3. The whereabouts of the dog if it is not in the custody of the owner;
 4. The facts upon which the declaration is based;
 5. The restrictions placed on the dog as a result of the declaration;
 6. Penalty for violation of this Article, state law or other, applicable laws, including the possibility of destruction of the dog.

Section 4. Right to Appeal

- a. The owner of a dog which has been declared Potentially Dangerous has the right to appeal the declaration to the Potentially Dangerous Dog Appeals Board.
 1. The owner of a dog which has been declared Potentially Dangerous has the right to appeal the declaration by filing a written objection, stating the grounds for the appeal, with the Animal Control Department within seven business days of receipt of the Potentially Dangerous Dog declaration letter.
 2. After declaration that a dog is Dangerous or Potentially Dangerous and during any part of the appeals process, the owner or keeper of the dog shall adequately confine the dog.
 3. The Potentially Dangerous Dog Appeals Board shall hold a hearing within ten business days of the receipt of the written objections.
 4. The Animal Control Director shall have the burden of proof and may request witnesses be present and introduce evidence.

5. The owner requesting the appeal will be given an opportunity to disprove the element(s) which constitute the declaration.
 6. The Animal Control Director will be given a final opportunity to clarify any conflicts, ambiguities or inconsistencies created by or arising from the statements or evidence. The Potentially Dangerous Dog Appeals Board may ask questions at any time during the appeal hearing and may request additional evidence from either party.
 7. The final decision of the Potentially Dangerous Dog Appeals Board shall be in writing and shall be maintained as public record.
- b. If the decision is in favor of the appellant, the Animal Control Department shall immediately cease efforts to implement any sanction(s) imposed by this Article. Any decision rendered by the Potentially Dangerous Dog Appeals Board applies only to the violation(s) appealed and the specific dog(s) in question and does not prevent the Animal Control Department from enforcing a subsequent violation of the same provision or any other provision of this ordinance.
 - c. If the Potentially Dangerous Dog Appeals Board upholds or affirms the declaration of the Animal Control Director or his/her designee, the owner is responsible for all applicable fees and civil penalties
 - d. The final decision of the Potentially Dangerous Dog Appeals Board hearing shall be sent to the owner of the dog within seven working days following the decision of the Potentially Dangerous Dog Appeals Board.
 - e. Any appeal from the final decision of the Potentially Dangerous Dog Appeals Board shall be taken to the Superior Court by filing a notice of appeal and petition for review within ten business days of receipt of the final decision of the Potentially Dangerous Dog Appeals Board.
 - f. If the owner of the dog does not file a written appeal of the Potentially Dangerous Dog Appeals Board ruling with the Superior Court within the time period required or if the owner of the dog does not comply with the confinement requirements as specified in this Article within 21 calendar days of the final decision of the Potentially Dangerous Dog Appeals Board or Superior Court, the dog becomes the property of the County and subject to seizure.

Section 5. Protection from Dangerous and Potentially Dangerous Dogs.

- a. The owner of a dog declared dangerous or potentially dangerous shall immediately confine the dog as provided in this Section and within 21 calendar days of the declaration or final decision of the Potential Dangerous Dog Appeals Board, by providing;
 1. Such dog shall be kept, secured and restrained while on the real property of the person owning, keeping or harboring it only in the following ways:
 - i. In a building with doors, windows, and other exits securely fastened shut under the supervision and control of a responsible adult person capable of such supervision and control.
 - ii. Securely kept in a locked enclosure which has secure side, top and bottom and is constructed out of materials and in a manner that will preclude escape by the dog and prevent entry by small children. An underground electric fence is not a sufficient method of enclosure.
 - iii. It shall be unlawful for the owner or keeper of a Dangerous dog or Potentially Dangerous dog to permit the dog to be outside the enclosure/confinement unless the dog is muzzled and restrained by a substantial chain or leash not more than (9) feet in length and under physical restraint of a competent and responsible person, at least eighteen (18) years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
 - iv. Notwithstanding the foregoing, a dangerous dog shall not be left unattended on the owner's real property unless the dog is confined indoors, in a securely

enclosed and locked pen, or in a locked enclosure which has secure sides, top and bottom and is constructed out of material and in a manner, which will preclude escape by the dog and prevent entry by small children.

- v. At least one plainly visible sign posted upon each side of the secure enclosure warning that a dangerous dog is on the premises. Such signage shall be no smaller than one foot by two feet or two square feet in area and said sign shall read: "Warning! Dangerous Dog on Premises" in letters and Height legible to a person of ordinary vision from 20 feet. In addition, the owner shall post at least one plainly visible sign displayed upon each side of the secure enclosure no smaller than one foot by two feet or two square feet in area with graphic representation of an appropriate animal such that the dangerousness of the animal is communicated to those who cannot read, including young children.
2. Evidence of a current policy of liability insurance, held in the name of the Dangerous or Potentially Dangerous dog owner/keeper in the amount of at least one hundred thousand dollars (\$100,000.00) at the owner's expense for the benefit of any person who suffers damages, injury, or death caused by a Dangerous or Potentially Dangerous dog for as long as the dog remains in the County and that the insurer shall immediately notify the Animal Control Department of any changes in the insurance coverage or policy.
3. At least one (1) photograph, acceptable to the Animal Control Department, of the dog declared as Dangerous or Potentially Dangerous.
4. A functional and registered microchip implanted into the dog declared as Dangerous or Potentially Dangerous, the current and active microchip registration number filed with the Animal Control Department.
5. The dog's owner or keeper shall have the duty to immediately notify the Animal Control Department and Sheriff's Department if the dog escapes or is otherwise not in confinement.
6. The owner or keeper shall be strictly liable in civil damages for any injuries or property damage caused or inflicted by the Dangerous or Potentially Dangerous dog.
7. The Animal Control Department shall have the authority to summarily seize and impound the dog if the owner or keeper fails to comply with any provisions of this section.
8. The owner must allow officers of the Animal Control Department to make whatever inquiries deemed necessary to assure compliance with these provisions including inspection of the owner's premises where the Dangerous or Potentially Dangerous dog is confined.

Section 6. Transfer of ownership of Dangerous and Potentially Dangerous Dogs.

- a. The owner of a Dangerous dog or Potentially Dangerous dog transferring ownership or possession of the dog to another person shall provide the Dangerous or Potentially Dangerous dog declaration notice to the new owner or possessor upon the transfer of the dog.
- b. The owner of a Dangerous dog or Potentially Dangerous dog transferring ownership or possession of the dog to another person shall provide the Animal Control Department a notice containing the name and address of the prior/current owner or possessor of the dog and the new owner or possessor of the dog within 3 business days of the transfer.

Article VII. Unlawful removal or destruction of dog collars.

It is unlawful to intentionally remove or destroy electronic/tracking/identification collars or other electronic devices or identification placed on a dog by its owner to maintain control and/or identify the dog or the dog's location.

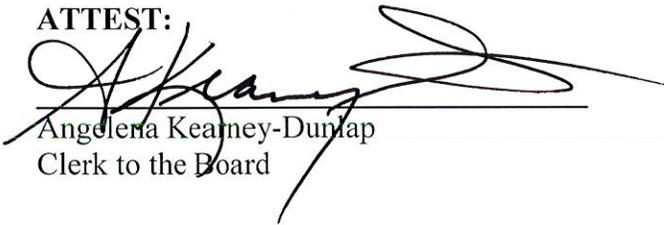
Article VIII. - Exotic Animals prohibited.

It shall be unlawful for any person, firm or corporation to import, sell, possess, transport or participate in importation, for the purpose of selling or possession of any non-indigenous predatory carnivores such as but not limited to:

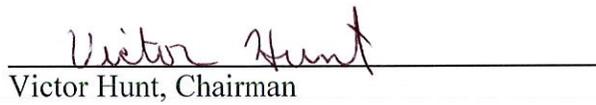
1. Lions, tigers, leopards, ocelots, jaguars, cheetah, wolves or hybrids thereof.
2. Any exotic animal, which by its physical characteristics or natural instincts is capable of causing death or serious bodily injury to persons.
3. Exclusions to this section are restricted to traveling circuses or exhibits with a current authorization of and by federal, NC state law or county regulation, code or permit.

This ordinance becomes effective upon its adoption on this the 2nd day of June, 2018.

ATTEST:


Angelenia Kearney-Dunlap
Clerk to the Board

WARREN COUNTY BOARD OF COMMISSIONERS


Victor Hunt, Chairman

Composed & Submitted by:


Hassan Kingsberry, Attorney
County of Warren

