

# **PITT COUNTY ANIMAL CRUELTY AND NEGLECT ORDINANCE**

## **Part I ADMINISTRATION**

### **Section .01 AUTHORITY**

This Ordinance is adopted pursuant to the authority vested in Pitt County by the General Statutes of North Carolina, particularly Chapter 153A-121 (General Ordinance-making Power); 153A-127 (Abuse of Animals); and other applicable laws.

### **Section .02 PURPOSE**

It is the purpose of this Ordinance to supplement Article 47 of the North Carolina General Statutes G.S. 14-360-14-363.2; to define, regulate, prohibit, or abate acts, omissions or conditions detrimental to the health, safety and welfare of the citizens of Pitt County and the peace and dignity of the County; and to prohibit the cruel treatment, neglect and abuse of animals.

### **Section .03 TITLE**

This Ordinance shall be known as the Pitt County Animal Cruelty and Neglect Ordinance.

### **Section .04 JURISDICTION**

This Ordinance shall be effective and enforced within all areas of Pitt County. Animal Control Officers associated with a municipality may also enforce this Ordinance if the municipality has a resolution or ordinance adopting this County Ordinance.

### **Section .05 SEVERABILITY**

If any section, specific provision, or standard of this Ordinance is found by a court of competent jurisdiction to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision or standard of this Ordinance except the provision in question. The other portions of this Ordinance not affected by the decision of the court shall remain in full force and effect.

### **Section .06 RELATION TO OTHER ORDINANCES**

This Ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule, regulation or other provision of law. If the provisions of this Ordinance conflict with provisions of any other validly enforceable ordinance(s) or laws, the most stringent provisions shall apply.

Nothing in this Ordinance is intended to be in conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this exception applies while the dogs are under the control of the owner or keeper, or another competent person and are actually lawfully being used for hunting or training in compliance with applicable statutes, regulations or ordinances. This Ordinance should be read and enforced consistent with any such law.

## Part II GENERAL

### Section .07 DEFINITIONS

**Animal:** Living creature, domestic or non-domestic, but not including humans or invertebrates.

**Animal Control Officer:** Any Animal Control Officer employed by the jurisdiction.

**Animal Control Director:** The officer or employee placed in supervision of the Animal Control Department.

**Animal Cruelty Investigator:** Any Animal Control Officer who has attended and satisfactorily completed an Animal Cruelty Investigator course.

**Animal Shelter:** The Animal Shelter operated and maintained by Pitt County for the purpose of impounding animals under the authority of this chapter or the General Statutes of North Carolina for the care, confinement, return to owner, adoption, or humane euthanasia.

**Enclosure:** Pen, paddock, stall, stable, or pasture with properly hung and marked fence.

**Harboring of Animal:** An animal shall be deemed to be harbored if it is fed or sheltered seven days or more, unless the animal is being boarded for a fee.

**Hazard:** Any natural or artificial object, above or below ground, that could cause harm or injury to the animal.

**Hunting Kennel:** Any kennel owned by a person holding an unexpired North Carolina hunting license and solely operated to house dogs used for hunting purposes.

**Impounded:** Any animal which is received into custody by the Pitt County Animal Shelter, housed at the Shelter or another location designated by the Shelter.

**Keeper:** Any person, acting in the capacity of the owner, or at the owner's request, who is responsible for the care, welfare, and maintenance of the animal.

**Lawful Hunt:** A hunt for lawful game conducted on public or private property with the consent of the owner or custodian of the property by a person with a valid license (if required) during the lawful season for the game concerned using dogs customarily employed and suitable for such game.

**Owner:** Any person, group of persons, firm, partnership, corporation, organization, or association owning, keeping, having charge of, sheltering, feeding, harboring, or boarding any animal for a fee. The owner is responsible for the care, actions and behavior of his animal(s).

**Owner's Real property:** Any real property owned or leased by the owner of the animal, not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

**Stray:** 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, or does not have any owner, or does not bear evidence of the identification of any owner.

**Wild Animal:** Any animal which can normally be found in the wild state, particularly those feral, exotic, dangerous or non-domestic animals which generally do not live in or about the habitation of humans, including, but not limited to, deer, bears, lions, monkeys, raccoons, skunk, squirrels, tigers and snakes.

**Section .08            MISTREATMENT OF ANIMALS; PROHIBITED ACTS.**

All animals shall be kept and treated under sanitary and humane conditions, and it shall be unlawful for any person to subject, or cause to be subjected, any animal to cruel treatment. It shall likewise be unlawful for any person 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.

I.        ***Adequate food, water and shelter.***

Food, water and shelter shall be provided as follows:

- A. All animals shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition.
- B. All animals shall have access to a constant supply of clean, fresh water.
- C. All animals shall be provided with adequate shelter from the weather and humanely clean conditions at all times. Examples of inadequate shelter include but are not limited to the following:
  - 1.        Underneath outside steps, decks and stoops.
  - 2.        Underneath houses.
  - 3.        Inside or underneath motor vehicles.
  - 4.        Inside metal barrels.
  - 5.        Inside cardboard boxes.
  - 6.        Inside temporary animal carriers or crates.
  - 7.        Shelters located in flood prone areas.
  - 8.        Shelters surrounded by debris, obstructions or impediments that may endanger an animal.

II.       ***Medical care.*** It shall be unlawful for any person in contact with or having knowledge of a sick, diseased or injured animal to fail or refuse to provide proper medical treatment for the animal or notify the Animal Control Department of the condition. A sick animal shall go no longer than 24 hours without veterinary care.

## Section .09 CRUEL TREATMENT

- I. ***Animal cruelty.*** It shall be unlawful for any person to 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 procure any such actions to be inflicted upon any animal. Examples of cruel treatment include but are not limited to the following:
  - A. Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.
  - B. Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.
  - C. Allowing a dog, cat or other domesticated pet to be left outside in inclement weather or extreme temperatures without adequate shelter.
  - D. Intentionally allowing animals to engage in a fight.
  - E. Allowing animals to live in unsanitary conditions.
  - F. Allowing animals to live in crowded conditions.
  - G. Failure or refusal to obtain medical treatment for an animal when, in an Animal Control Officer's or Animal Cruelty Investigator's opinion, such treatment is needed.
  - H. Using lethal force against an animal, either on or off the owner's property, unless the animal is in the act of attacking and causing severe injury to a human being or any other domestic animal.
  - I. Trapping a dog, cat or other unwanted or nuisance animal without a request for an animal trap issued and placed by the Animal Control Department.
  - J. Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or themselves.
- II. ***Motor vehicles.***
  - A. Confinement in motor vehicles prohibited. 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 duration or at such temperatures as to endanger the health or wellbeing of such animal.
    1. After making a reasonable effort to find the driver of a vehicle in which an animal is confined, an employee of the Animal Control Department, at the direction of a law

enforcement officer, may use the least intrusive means to break and enter the vehicle, if necessary, to remove the animal where reasonable cause exists to believe that the animal is in the vehicle in violation of this subsection.

2. The Animal Control Officer removing the animal shall then impound the animal and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed. The officer may also issue a warning citation for violation of this subsection.

B. Intentional striking prohibited. It shall be unlawful for any person to intentionally strike an animal with an automobile or other vehicle causing injury or death.

#### **SECTION .10 NOTICE IN CASE OF INJURY.**

It shall be unlawful for any person who causes injury to an animal including, but not limited to running over or hitting a domesticated animal with any vehicle to fail to notify immediately at least one of the following: the owner(s) or keeper(s) of the animal if known or ascertainable with reasonable efforts made to locate the owner or keeper, an animal control officer, the appropriate police or sheriff department, or the animal shelter.

#### **SECTION .11 DESTRUCTION OF ANIMALS.**

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

#### **SECTION .12 ANIMAL TRAPPING**

The Animal Control Department or its designated agent is authorized to place, upon request, live animal traps on public or private property to trap and remove stray, at large, unwanted or nuisance animals, including cats. It is unlawful for any person other than an animal control officer to remove any animal from the trap, or to damage, destroy, move or tamper with the trap. The Animal Control Department is authorized to receive and impound animals that are trapped by other agencies or persons within Pitt County.

#### **SECTION .13 IMPOUNDMENT**

It shall be the duty of the Animal Control Department to seize and impound, subject to the provisions of this Ordinance, all animals found in violation of the provisions of this

chapter whether such animal shall be in the immediate custody of its owner or otherwise.

**SECTION .14 HUMANE EUTHANASIA**

Notwithstanding any other provision of this Ordinance, any animal impounded that is badly injured, wounded or diseased (not rabies suspect) and has that no identification shall be destroyed immediately in a humane manner. If the animal has identification, the animal shelter shall attempt expeditiously to notify the owner or keeper before euthanizing such animal, but if the owner cannot be reached readily and the animal is suffering, the Animal Control Supervisor or his/her designee may cause the animal to be euthanized at his/her discretion in a humane manner. The Animal Shelter and Animal Control Department shall have no liability for euthanizing injured, wounded or diseased animals.

**SECTION .15 HANDLING OF STRAY ANIMALS BY THE PUBLIC**

It shall be unlawful for any person, without the consent of an animal's owner or keeper, to knowingly and intentionally harbor or keep in possession by confinement any animal that does not belong to him/her. Any person in possession of a stray animal shall contact the animal control section within 72 hours to provide notice of the stray animal's description and location or to arrange for impoundment. It shall also be unlawful for any person other than the owner or keeper of an animal to remove its collar, license tag or rabies tag.

**Part III ENFORCEMENT and PENALTIES**

**SECTION .16 DUTIES OF ANIMAL CONTROL OFFICER**

The Animal Control Officer shall be responsible for the investigation of reports of animal cruelty, neglect or abuse. Any Animal Control Officer who has attended and satisfactorily completed an Animal Cruelty Investigator course shall hereby be appointed as an Animal Cruelty Investigator by the County.

**SECTION .17 ENFORCEMENT**

(A) Enforcement of this article shall rest with Pitt County Animal Control officers and those governmental agencies and personnel authorized to exercise police powers by North Carolina statute to include, without limitation, the Pitt County Sheriff's Department and the Police Departments of any municipality that by resolution or ordinance has adopted this Ordinance within its municipal boundaries.

(B) Enforcement personnel are authorized to investigate suspected violations of this chapter and are empowered to issue citations, warning citations, or letters of warning when any of the provisions of this chapter have been violated. Citations shall be delivered by enforcement officials in person to the alleged violator or delivered by registered mail return receipt requested to the person so charged.

(C) Where enforcement personnel determine that a violation is a first offense for the person charged, a written warning letter or citation may be issued at the discretion of the enforcement officer.

#### **SECTION .18 PENALTIES**

Any person violating the provisions of this chapter shall be subject to the following criminal and/or civil penalties and actions. No penalty shall be assessed without notice of the violation.

(A) **Civil Penalty.** The County may assess a civil penalty of \$50.00 for a first offense, \$100.00 for a second offense, and \$250.00 for all subsequent offenses, which amount(s) may be recovered by the county in a civil action in the nature of debt. Each day a violation occurs shall be a separate violation. The County may, in its discretion, additionally seek restitution for the actual cost of maintaining, transporting, boarding, or providing veterinarian services for any animal impounded under this Ordinance.

(B) **Injunction and Order of Abatement.** The provisions of this Ordinance may be additionally enforced by injunction and order of abatement.

(C) **Criminal Penalties.** Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of \$50.00 for a first offense, \$100.00 for a second offense, and \$250.00 for all subsequent offenses or imprisonment for not more than thirty (30) days. Each day a violation occurs shall be a separate offense.

#### **SECTION .18 ARTICLE CUMULATIVE**

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

The Board of Commissioners intends, and it hereby ordains, that the provisions of this Ordinance shall become and be made part of the Code or Ordinances, Pitt County, North Carolina, and the sections of this Ordinance may be renumbered to accomplish such intention. This Ordinance supplements all other Pitt County Animal Control Ordinances and becomes effective January 1, 2009.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2008.

PITT COUNTY, NORTH CAROLINA

By: \_\_\_\_\_  
Melvin McLawhorn, Chairman  
Pitt County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Patricia Staton, Clerk to the Board