

COMPREHENSIVE ANIMAL SERVICES ORDINANCE

Part I. General

Section 1. 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); 153A-131 (Dangerous Animals; 67-4.5 (Dangerous Dogs); and other applicable laws.

Section 2. Provisions of Part I Applicable to Reminder of Ordinance.

The provisions contained within this Part (Part I) are applicable to Parts II, III, IV, V, VI, and VII except for those provisions within Part I which expressly state otherwise.

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 Application

This Ordinance shall be effective within the unincorporated areas of Pitt County and within any towns which have a Resolution or Ordinance adopting this County Ordinance.

Section 5. Effective Date

This Ordinance is effective upon adoption by the Pitt County Board of Commissioners; except Part V. Large Commercial Breeders becomes effective one year after this Ordinance is adopted.

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. Enforcement

- A. Enforcement of this Ordinance shall rest with Pitt County Animal Services 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 have 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, or warnings 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 or citation may be issued at the discretion of the enforcement officer.

Section 8. Reenactment and Repeal of Existing Animal Control Ordinances

- A. This Ordinance is intended to reenact and continue in force some of the provisions of existing Pitt County Animal Control Ordinances (Animal Control Ordinance No. 1: Animal Cruelty and Neglect, Animal Control Ordinance No. 2: Animal Nuisance Ordinance, Animal Control Ordinance No. 3: Dangerous Dog Ordinance, Animal Control Ordinance No. 4: Canine Control Ordinance) previously enacted and amended by the County. All provisions which are not reenacted are hereby repealed.
- B. All pending civil actions or pending criminal prosecutions resulting from the violation of any Pitt County Animal Control Ordinance in effect before now, shall not be dismissed or abandoned by reason of the adoption of this Ordinance, but may proceed the same as if this Ordinance had not been adopted; and civil actions or criminal prosecutions which have not been initiated, may still be filed for acts or omissions, which occurred prior to the adoption of this Ordinance and violated any Pitt County Animal Control Ordinance in effect at that time.
- C. All violations of this Ordinance occurring after the effective date of this Ordinance or the effective date of the relevant Part of this Ordinance, may be enforced in a criminal action or civil action.

Section 9. Penalties

Any person violating the provisions of this Ordinance may be subject to the following actions and penalties in Paragraph A through Paragraph C. The actions and penalties in Paragraph A through Paragraph C are cumulative. No penalty shall be assessed without notice of the violation.

- A. *Civil Penalty for Parts II, III, V, and VI:* The County may assess a civil penalty of \$100.00 for a first offense, \$200.00 for a second offense, and \$300.00 for all subsequent offenses, which must be paid within 10 days and 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. *Civil Penalties for Part IV Dangerous Dog:* As specified within that Part.
- C. *Injunction and Order of Abatement.* The provisions of this Ordinance may be additionally enforced by injunction and order of abatement.
- D. *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 \$100.00 for a first offense, \$200.00 for a second offense, and \$300.00 for all subsequent offenses or imprisonment for not more than thirty (30) days. Each day a violation occurs shall be a separate offense.

Section 10. Definitions

Animal: The term "animals" includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia, but not including humans or invertebrates.

Animal Services Officers: Any Animal Services Officer employed or authorized by Pitt County.

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

Animal Shelter: The Animal Shelter operated and maintained by Pitt County and/or a county approved animal protection society for the purpose of impounding animals under the authority of this Ordinance or

the General Statutes of North Carolina for the care, confinement, return to owner, adoption, or humane euthanasia.

Animal Shelter Director: That person designated by appropriate authority in Pitt County, and where appropriate, his or her designee, charged with the responsibility and authority to operate the animal program in Pitt County.

At Large: Refers to an animal that is not in an enclosure, or is otherwise not under physical control, or is not under the control of the owner or other responsible person by means of a leash, cord, chain or other means of physical restraint. This definition is applicable only to Part III of this Ordinance.

Attack by a dog: Any assault or battery by a dog upon a person or domestic animal, to include biting, felling or toppling, tearing of clothing, provoking flight to escape attack, or any other act which could reasonably cause physical injury to the person or domestic animal.

Bite by a dog: Any seizing, gripping or grasping, no matter how slight or momentary, by a dog between its jaws of the body parts of a person or domestic animal, so as to cause physical injury to such person or domestic animal. This does not include playful behavior by a puppy that is welcome and not likely to cause any injury, fear or harm to the person or animal.

Cruelty and Cruel Treatment: The terms "cruelty" and "cruel treatment" include every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted.

Cat: A domestic feline of either sex including stray.

Dangerous dog: Any of the following dogs:

- A. A dog that without provocation has killed or inflicted severe injury on a person,
- B. A dog that has killed or inflicted severe injury upon a domestic animal when not on the real property of the owner of the dog,
- C. A dog that has approached a person when unrestrained and not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack, or
- D. A dog that has been declared Dangerous or Potentially Dangerous, either under State law or local ordinance, by any North Carolina county or municipality.

Dangerous Exotic or Wild Animal: Any of the following exotic or wild animals:

- A. Panthera genus,
- B. Venomous amphibians,
- C. Venomous reptiles,
- D. Nonvenomous reptiles weighing over 50 pounds at maturity, or
- E. Wolves.

Dog: A domesticated animal (*canis familiaris*) of the Canidae family; provided that no wild specie of the Canidae family, such as a wolf, fox, or coyote, shall be considered a domesticated animal, even though raised by humans in domestic surroundings.

Dog At Large: A dog off the property of the owner and not under the physical restraint of its owner. This shall include stray dogs found to be running at large or appearing to be lost, unwanted or abandoned; or

whose owner is unknown or not readily available. This definition is applicable only to Part IV of this Ordinance.

Domestic Animal: A domesticated dog or cat.

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

Guard dog: A dog trained by a skilled trainer to recognized security industry or other reasonable standards and presently used under the control of trained handlers to protect persons and property.

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: A person having custody of a dog or who keeps or harbors a dog or who knowingly permits a dog to remain on or about any property occupied or controlled by such person.

Large Commercial Breeder: Any person, persons, partnership or corporation that owns, has custody of, or maintains 10 or more female dogs or 10 or more female cats, for the purposes of breeding offspring to sell or trade.

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.

Law enforcement dog: A dog, trained for police work to recognized law enforcement standards and presently used by and under the control of a law enforcement officer to carry out the law enforcement officer's official duties.

Owner: Any person, group of persons, business organization or association having the right of property or custody of a dog that keeps or harbors a dog or knowingly permits a dog to remain on or about property occupied by that person, group of persons, business organization or association.

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.

Premises: That portion of land owned or occupied by an owner or keeper, not including any portion of such land that is accessible to the public as a right of way.

Restraint: A dog is under restraint within the meaning of this ordinance if it is (1) presently in the physical custody of the owner or other person who has assumed control and controlled by means of a chain, leash, or other like device; (2) on or within a vehicle being driven or parked; (3) within a secure enclosure; or (4) within the dwelling house of the owner.

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.

Severe injury: Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

Territorial jurisdiction of Pitt County: All territory within the boundaries of the County of Pitt, North Carolina, except the incorporated area of a municipality, unless such municipality has consented to the application and enforcement of this Ordinance in such areas.

Venomous: secreting venom; capable of injecting venom by means of a bite or sting.

Vicious dog: Any of the following dogs:

- A. A dangerous dog, as defined herein, that after having once committed an act making it a dangerous dog or having been determined hereunder to be a dangerous dog, commits a subsequent attack on a person or domestic animal.
- B. A dog that, without provocation, has killed or inflicted severe injury on a person.
- C. A dog that has been declared Vicious by any North Carolina county or municipality.

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 11. Animal Services Advisory Board

- A. *History of the Citizen's Advisory Committee for Animal Control:* The Pitt County Board of Commissioners on November 5, 2002 established a Citizen's Advisory Committee for Animal Control. The Committee initially established had eight seats, with certain attributes for each seat. On October 17, 2005 the Board of County Commissioners voted to make all seats on Committee at-large seats as vacancies occurred, which removed the seat attributes. On April 6, 2009 the Board of County Commissioners added an additional at-large seat to the Committee for a total of nine at-large seats. On March 24, 2014 the Board of County Commissioners added one additional seat, but limited this tenth seat to one term of two years, the appointee to this seat resigned on December 18, 2014, and no other appointment was made to fill remainder of this term, this tenth seat expired on March 24, 2016.
- B. *Changing the Name of the Citizen's Advisory Committee for Animal Control to the Animal Services Advisory Board.* The Pitt County Citizen's Advisory Committee for Animal Control is now hereby renamed the Pitt County Animal Services Advisory Board (ASAB) which shall have the same membership, 9 at-large members, and shall have the same the rights, duties, and responsibilities of the Committee. Nothing about this renaming modifies the term of appointment of any current member. The stated purposes for creating the original Committee are hereby restated and made applicable to the ASAB:
 1. To advise the County Staff and Board of Commissioners concerning Animal Shelter operations and Animal Services policies in general.
 2. To recommend schedules and changes thereto for the services provided.
 3. To recommend and document operational procedures and changes thereto to the staff and/or Pitt County Board of Commissioners.
 4. To advise staff and the Pitt County Board of County Commissioners regarding the development, design, and renovation of new and existing facilities.
 5. To review and have input to the Animal Services Budget.

6. To promote spay and neuter programs and other animal population control programs in the community.
7. To organize and promote the solicitation of private funds and in-kind contributions to the Animal Services Department.
8. To promote the adoption of unwanted animals.

C. *ASAB Meetings*: ASAB shall meet at least quarterly, but may meet more frequently if needed. ASAB may adopt and amend rules of procedure not inconsistent with this Ordinance.

D. *Dangerous Dog Appeals Hearings*: ASAB is responsible for hearing any appeals of dangerous dog determinations made by the Animal Services Director under Part IV of this Ordinance.

Section 12. Duties of Pitt County Animal Services

A. Director of Animal Services

1. The Director of Animal Services is responsible the enforcement of this Ordinance. The Director is responsible for management and oversight of all Pitt County Animal Services employees, including all Animal Services Officers and all Animal Shelter personnel, as they carry out duties under this Ordinance and all those duties necessarily implied to provide Animal Services in Pitt County.
2. The Director is responsible for attending ASAB meetings. The Director will keep ASAB informed of Animal Services' operations and may provide reports, data, and other information as necessary. The Director shall designate some Pitt County Animal Services employee to record minutes of ASAB meetings.
3. The Director is responsible for making determinations under Part IV of this Ordinance. The Director may conduct his or her own investigation or rely on reports gathered by Animal Services personnel. The Director may designate a Pitt County Animal Service employee to make these determinations.

B. Duties of Animal Services Officers

1. **Investigation**: The Animal Services Officers shall be responsible for investigating violations of this Ordinance and enforcing the provisions of this Ordinance.
2. **Warnings in Lieu of All Other Penalties**: If an Animal Services Officers believes the circumstances warrant a warning, then that Animal Services Officer may issue a warning in lieu of all other penalties under this Ordinance.

C. Pitt County Animal Shelter

1. The Pitt County Animal Shelter houses animals under the following circumstances:
 - a. Animals impounded under any Part of this Ordinance.
 - b. Animals surrendered by owners, after all applicable fees under the Fee Manual are paid.
 - c. Animals brought in by Pitt County municipalities, after all applicable fees under the Fee manual are paid.
 - d. Animals being held for rabies and bite quarantines.

- e. Animals seized by the Pitt County Sheriff's Office or other law enforcement agencies,
 - f. Any other circumstances that the Animal Services Director deems to be appropriate.
2. No animals may be redeemed by their owners until all applicable fines and fees are paid in full. Any person claiming ownership of an animal must present sufficient proof to establish ownership.
3. Animals not reclaimed by owners within time period prescribed by the relevant Part of this Ordinance may be adopted to qualifying persons or rescue groups, or may be disposed of by humane euthanasia.

Part II. Animal Cruelty and Neglect

Section 1. 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.

- A. Food, water, and shelter shall be provided as follows:
 1. 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 reasonable level of nutrition.
 2. All Animals shall have access to a constant supply of clean, fresh water.
 3. 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:
 - a. Underneath outside steps, decks and stoops.
 - b. Underneath houses.
 - c. Inside or underneath motor vehicles.
 - d. Inside metal barrels.
 - e. Inside cardboard boxes.
 - f. Inside temporary animal carriers or crates.
 - g. Shelters located in flood prone areas.
 - h. Shelters that cannot be accessed by the animal for any reason. The following list is a non-exhaustive illustration of situations that violate this provision:
 - i. A shelter surrounded by debris, obstructions, or impediments that may endanger an animal.
 - ii. A shelter that is overturned or turned on its side.
 - iii. A shelter that cannot be accessed because the animal's tether or chain does not allow entry.
- B. *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 Services Department of the condition. A sick animal shall go no longer than 24 hours without veterinary care.

Section 2. Cruel Treatment

A. *Animal cruelty.* It shall be unlawful for any person to intentionally 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:

1. Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.
2. Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.
3. Allowing a dog, cat or other domesticated pet to be left outside in inclement weather or extreme temperatures without adequate shelter.
4. Intentionally allowing animals to engage in a fight.
5. Confinement in unsanitary conditions. An unsanitary confinement area is any confinement area that does not allow for the animal to sit down, lie down, or stand, without doing so in urine, feces, mud, or standing water.
6. Allowing animals to live in crowded conditions. Each animal must be able to sit, stand, lie down, and turn around without interference from other animals or objects.
7. Failure or refusal to obtain medical treatment for an animal when, in an Animal Services Officer's or Animal Cruelty Investigator's opinion, such treatment is needed.
8. Using lethal force against an animal, either on or off the owner's property, unless (1) the animal is in the act of attacking and causing severe injury to a human being or any other domestic animal, or unless (2) a human is reasonably afraid the animal is about to attack and cause injury to a himself, herself, or another, or unless (3) the animal has, or appears to have rabies.
9. 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.

Section 3. 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 Services officer, the appropriate police or sheriff department, or the animal shelter.

Section 4. 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 Services Officer and trapped in a humane, live-capture animal trap, or tranquilized by Animal Services, may be humanely destroyed in the field upon the authorization of the Animal Services Director.

Section 5. Animal Trapping

The Animal Services 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 Services officer to remove any animal from any Animal Services' trap, or to damage, destroy, move or tamper with any Animal Services' trap. The

Animal Services Department is authorized to receive and impound animals that are trapped by other agencies or persons within Pitt County.

Section 6. Impoundment

It shall be the duty of the Animal Services Department to seize and impound, subject to the provisions of this Ordinance, all animals found in violation of the provisions of this Ordinance whether such animal shall be in the immediate custody of its owner or otherwise.

Section 7. Humane Euthanasia

Notwithstanding any other provision of this Part, any animal impounded that is badly injured, wounded or diseased (not rabies suspect) and that has 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 Services 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 Services Department shall have no liability for euthanizing injured, wounded or diseased animals.

Section 8. 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 Services 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. Canine Control

Section 1. Exclusion for Hunting Dogs

This Part shall not be interpreted as restricting persons owning specially trained hunting/working dogs from actually using their dogs for active hunting/working of said dogs in the presence of and/or under the control of the owner or an agent of the owner, while said dogs are actually lawfully being used for hunting or training for hunting in compliance with applicable statutes, regulations, or ordinances of the State of North Carolina and Pitt County and where an active North Carolina hunting license exists.

Section 2. Dogs at Large Prohibited

Every dog shall have an owner who shall be responsible for its care and control.

- A. It shall be unlawful for any owner to permit a dog to be at large.
- B. An owner may lawfully permit a dog to be at large in the course of a show, obedience school, tracking tests, field training, or other events sanctioned or supervised by a recognized organization, as long as the dog has not been declared dangerous under Part IV of this Ordinance or by any other local government in North Carolina.
- C. It shall be unlawful for any person owning or having possession, charge, custody or control of any dog to take the dog into or allow the dog to enter any public park without being at all times under restraint as defined in this Ordinance.
- D. It shall be unlawful for any person owning or having possession, charge, custody or control of a female dog to allow that dog to be at large during its estrous period. During this period, the owner or person having possession of the dog must restrain the dog in an enclosure in such a manner that will prevent the dog from coming in contact with a male of its species. This section shall not

be construed to prohibit the intentional breeding of dogs on the premises of the owners or keepers of the dogs involved.

- E. The Animal Shelter shall insert a microchip in all dogs who have been impounded pursuant to this Ordinance, prior to reclamation by the dog's owner. The actual cost of the microchip shall be paid by the owner prior to reclamation.

Section 3. Impoundment

- A. Any dog found to be at large in violation of this Part, shall be impounded by an Animal Services officer, law enforcement officer, or other person as authorized by the County.
- B. Pitt County Animal Services may, at its discretion, issue a written warning to the owner in lieu of impoundment if a dog is found running at large whose owner has been verified, and whose owner promptly and properly restrains said dog.

Section 4. Redemption

A. Redemption

1. *Notice:* A good faith effort shall be made to notify owners of impounded dogs. If the owner is known, a written notice of impoundment shall be served on the owner or affixed to the owner's property. The written notice shall describe the dog, state the date, time and place the dog was picked up and inform the owner of the conditions whereby the dog may be redeemed. Instructions on how to determine if a dog has been impounded shall be posted at the Animal Shelter. The posting of these instructions at the Animal Shelter shall constitute adequate notice to an unknown owner.
2. *Ownership.* Any person attempting to redeem an impounded dog shall present proof sufficient to satisfy shelter personnel of ownership of the dog.

B. Time Limits

1. Any person attempting to redeem a dog must make contact with the Pitt County Animal Shelter within 120 hours (5 days) of the dog being impounded.

C. Payment of Penalties

1. The owner of an impounded dog must pay all reclamation fees, boarding fees and civil penalties assessed against the dog before it may be released from the Shelter.
 - a. A dog shall become the property of the County if the owner fails to pay all amounts due and if the appropriate holding period has passed without the dog being claimed and all sums due paid in full.
 - b. Civil fees and penalties may be recovered by the County in a civil action in the nature of debt if the offender does not make prompt payment after being cited as set forth herein.

Part IV. Dangerous Dog

Section 1. Application of Ordinance; Exceptions

The provisions of this Part do not apply to:

- A. A law enforcement dog or guard dog being used by a law enforcement officer or bona fide professional security guard to carry out the law enforcement officer's or security guard's official duties or professional responsibilities;
- B. A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner, keeper or harborer, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or
- C. A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

Section 2. Reporting Requirements

- A. *Report required:* (i) An owner, keeper or harborer of a dangerous dog or a dog that has attacked or bitten a person or domestic animal; (ii) a victim of or person witnessing such an attack or biting; (iii) a veterinarian treating a domestic animal for such an attack or biting; or (iv) a health care professional treating a person for such an attack or biting, shall report the following events to the Animal Services Department within ten (10) business days after the event has occurred:
 - 1. attack or biting by a dog upon any person or domestic animal, or
 - 2. The transfer, gift, sale, or other conveyance of ownership or possession of a dangerous dog, its confinement in a veterinary facility, its removal from the territorial jurisdiction of the county, or its death.
- B. *Report data required:* The data required in the report and the format thereof shall be as set forth in administrative procedures promulgated by the Animal Services Director. Any owner, keeper, or harborer of a dangerous dog that transfers, gifts, sells, or otherwise conveys that dangerous dog must inform the County all of the following within ten (10) business days:
 - 1. The name of the new owner, keeper, or harborer,
 - 2. The address of the new owner, keeper, or harborer,
 - 3. A telephone number for the new owner, keeper or harborer, and,
 - 4. The date the dangerous dog was transferred.

Section 3. Determination That a Dog is Dangerous or Vicious

- A. *Generally.* Upon a complaint, or when he has reasonable suspicion, that a dog is dangerous or vicious, the Animal Services Director or his designee shall make a determination whether or not such dog is dangerous or vicious. Any determination that a dog is dangerous or vicious shall be made in a writing which summarizes the available evidence and which shall be mailed certified mail, return receipt requested, to both the complainant and the dog owner. If the determination is made that the suspect dog is dangerous, or vicious, the written determination shall order compliance with the appropriate provisions of this Part and the Director may impose reasonable conditions to maintain the public health and safety. The Director or his designee shall assess appropriate civil penalties if he determines that violations of this Ordinance have been established and may elect to pursue other remedies authorized by law.
- B. *Appeals from determinations.*

1. Any party having a direct interest in the matter and aggrieved by any determination as provided in this Part may within three (3) business days of receiving such determination appeal such determination in writing, within three (3) business days to the Animal Services Board. The ruling of Animal Services Advisory Board shall be final, subject only to such appeal or certiorari proceeding as may be provided by law to the Superior Court for Pitt County, filed within ten (10) days of the date of the final determination by the Animal Services Advisory Board.
2. Any determination of the Animal Services Director may be appealed to the Animal Services Advisory Board by filing written objections with the Chairman of the Animal Services Advisory Board within three (3) days after such determination. The Animal Services Advisory Board shall schedule a hearing on such appeal within ten (10) business days of the filing of the written objections. The Animal Services Advisory Board shall render its decision as expeditiously as possible after the hearing. It shall deliver it to the parties and any person appearing at the hearing and requesting notice thereof, certified mail-return receipt requested, and file it concurrently with the Animal Services Director and the Office of the Pitt County Attorney.
3. Any appeal hearing before the Animal Services Advisory Board shall be conducted as follows:
 - a. The hearing shall be subject to the Open Meetings Law, and the notice required thereunder shall be posted and given as applicable;
 - b. The parties may appear pro se or be represented by an attorney;
 - c. Any person adversely affected by the appeal may appear and participate fully in the proceeding;
 - d. Participants may make any statements, present any evidence, or offer any witnesses on their behalf, on any relevant issue;
 - e. Participants shall be entitled to the right of cross examination;
 - f. The hearing shall be quasi-judicial in nature and all testimony shall be under oath;
 - g. Any participant shall be entitled to transcribe the proceeding at his own cost;
 - h. The Animal Services Advisory Board may affirm, deny, or affirm with conditions the determination appealed from. Any conditions imposed by the Animal Services Board shall be reasonable, shall be relevant to the issues in the matter, and shall have the effect of promoting the public health, safety and welfare.
 - i. The Animal Services Advisory Board shall announce its decision at an open meeting and render it in writing as expeditiously as possible at or following the hearing. Its decision shall contain findings of fact and conclusions in support of its decision.

Section 4. Registration and Permit Required

- A. *Registration Generally.* Any person owning, keeping, or harboring a dog determined as set forth above to be dangerous shall register such dog with the Animal Services Department within five (5) days of such determination or may, in lieu of any hearing, register such dog voluntarily, which such voluntary registration shall constitute an admission and determination that the dog is dangerous.
- B. *Registration of dog determined to be potentially dangerous or dangerous in other jurisdictions.* Any person transporting a dog determined as set forth above to be potentially dangerous or dangerous

into Pitt County from another North Carolina county or municipality must, within ten (10) days of entry of Pitt County, register said dog with the Animal Services Department.

- C. *Relief from civil penalty.* Voluntary registration of a dangerous dog by the owner, keeper or harborer thereof prior to a determination that a dog is dangerous, or within five (5) days (I) of an event establishing reasonable cause to believe that a dog is dangerous, or (II) of the acquisition of a dangerous dog, whichever later occurs, shall relieve such person from assessment of a civil penalty for any violation of this Ordinance occurring between such date, event, or acquisition and the date of registration.
- D. *Permanent registration number required.* Each dog registered as set forth above shall be assigned a registration number by the Animal Services Department, and the registered dog must be able to be identified by the registration number in one of the following ways: permanent chip implant, tattoo, microchip, branding, or some other permanent means by or at the expense of the owner, keeper, or harborer of the dog. No person shall remove such *registration number* once it is assigned and affixed.
- E. *Permits Generally.* After registration of a dangerous dog, or after a determination that such dog is dangerous, no person shall own, keep or harbor such dog thereafter within the territorial jurisdiction of this Ordinance without applying for and obtaining a permit from the Animal Services Department.
- F. *Issuance of permit.* The Animal Services Department shall issue a permit for a dangerous dog only upon submission of a complete, verified application, payment of the permit fee, and a finding by the director or his designee that required arrangements for housing of the dog and other public health and safety provisions are in effect, and that each dog for which a permit is issued does not pose an unreasonable threat to the public health, safety and general welfare if the permittee shall comply with the provisions of this Ordinance and the conditions of the permit. Each permit shall be conditioned on continued compliance with the provisions of this Part and other provisions of law, on continued compliance with and maintenance of the arrangements for housing and safety set forth in the permit application, and any special conditions the Director may deem reasonably necessary to protect the public health, safety and welfare in view of the particular circumstances and history of the dog concerned.
- G. *Temporary permits.* Following the registration of a dangerous dog or the impoundment of such a dog, upon application therefor and for good cause, the Director may issue a temporary permit allowing the owner, keeper or harborer of a registered dangerous dog to retain possession of such dog or to confine such dog at a veterinary facility or kennel approved by the Director. A temporary permit also may be issued to allow the transport of a dangerous dog from the territorial jurisdiction of this Ordinance. A temporary permit shall be issued subject to the same conditions to which a regular permit is subject and to any other conditions the Director may deem necessary to protect the public health, safety and welfare consistent with the provisions of this Ordinance. A temporary permit shall be valid only until the earlier of its expiration, revocation or the issuance or denial of a permit under the provisions of subparagraph (F).
- H. *Term of permits and renewal thereof.* No permit shall be issued under subparagraph (F) for a term of more than three (3) years but may in the Director's discretion be issued for a shorter period. Permits may be renewed, subject to the same terms and conditions required for initial permits.
- I. *Revocation of permits.* The Director may, upon notice and hearing and for good cause shown, revoke any permit or modify any terms, conditions or provisions thereof. If the Director deems it necessary to protect the public health or safety from any imminent threat or danger thereto, he may, without hearing, suspend any permit or any portion thereof for not more than thirty (30) days. Good cause for revocation or modification of a permit shall include, without limitation, violation of or failure to comply with any provision of this Ordinance or with any term, condition or provision of a permit.

- J. *Inspections.* The Director shall cause periodic inspections to be made of the premises of a permittee to assure compliance with the provisions of this Part and the applicable permit.
- K. *Insurance.* Every person owning, keeping or harboring a dog that has been declared dangerous shall purchase and maintain a policy of liability insurance covering any injury or property damage caused by the dog. Minimum policy limits shall be one hundred thousand dollars (\$100,000.00) personal injury or property damage, per occurrence. Such person shall cause a certificate or declaration of insurance to be furnished to the Director annually. Every calendar day that the required insurance is not in full force and effect shall constitute a violation of this Ordinance.

Section 6. Regulation of Dangerous and Vicious Dogs.

No person shall own, keep or harbor a dangerous or vicious dog except in compliance with all provisions of this Ordinance, including:

- A. *Dangerous Dogs.* Dangerous dogs shall be subject to the following regulations:
 - 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:
 - a. 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.
 - b. Securely kept in a locked enclosure which has secure sides, top and bottom and is constructed out of materials and in a manner which will preclude escape by the dog and prevent entry by small children. An underground electric fence is not a sufficient method of enclosure.
 - c. While outside a building or enclosure described above, securely leashed with a leash no longer than four (4) feet in length in the hands of and under the control of a responsible and competent person capable of such control and muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
 - d. 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 materials and in a manner which will preclude escape by the dog and prevent entry by small children.
 - 2. No person owning, keeping, or harboring such a dog shall remove such a dog from the real property of such person except to bring such dog to a veterinarian or to the animal shelter, to remove such dog permanently from the territorial jurisdiction of this Ordinance, or to provide bona fide exercise necessary for the dog's continued good health. In the event of such removal, such dog shall be leashed and muzzled or otherwise securely restrained and muzzled.
 - 3. Such dog shall be sterilized within 10 days from the final determination that the dog is dangerous.
- B. *Signage.* Any owner of a dangerous dog shall erect a sign (2' x 2') on the enclosure housing said dog which shall read:

BEWARE OF DOG
- C. *Vicious dogs.* No person shall keep or harbor a vicious dog within the territorial jurisdiction of this Ordinance, except as follows:

1. Pending appeal, in the care and custody of a veterinarian, at the owner's sole expense, for the purposes of treatment or quarantine or pending appeal as herein provided of the determination that the dog is vicious, in which case the dog shall be kept and secured by the veterinarian as provided herein for a dangerous dog.
2. Pending appeal, in the custody of the animal shelter, at the owner's sole expense, pending disposition in accordance with the provisions of this Ordinance.
3. Upon exhaustion of all appeals, a vicious dog shall be surrendered to the animal shelter to be humanely disposed of in accordance with the rules and regulations of the animal shelter.

Section 7. Impoundment of Dangerous Dogs

- A. *Apprehension and surrender.* Upon an initial determination or upon registration of a dog to be dangerous, or if the Director has reasonable suspicion to believe that a dangerous dog is being kept or harbored within the territorial jurisdiction of this Ordinance in violation of it or of a permit issued hereunder, Animal Services Officers and law enforcement officers of Pitt County and of any municipality subject to this Ordinance shall impound such dog. It shall be a violation of this Ordinance to fail or refuse to surrender such dog to such officers upon their lawful demand. The officer impounding such a dog shall deliver the same to the animal shelter.
- B. *Confinement.* A dog impounded by or surrendered to an Animal Services Officer or law enforcement officer as provided herein shall be confined in the animal shelter or, upon request of the owner, keeper or harborer of the dog, or a permittee hereunder, and at such person's expense, at a private veterinary facility or kennel approved by the Director, subject to the following conditions:
 1. *Costs of impoundment.* Impoundment shall be at the expense of the owner, keeper or harborer of the dog, or of the permittee. Costs of impoundment at the animal shelter shall be paid by the person liable therefor at the daily rate therefore. The costs of impoundment at a veterinary facility or kennel shall be paid by the person liable therefore pursuant to the terms of the agreement between such person and the proprietor of such facility or kennel. In no event shall Pitt County or any municipality subject to this Ordinance be liable for or pay for impoundment at such private facility or kennel.
 2. *Release from impoundment.* No such dog shall be released from impoundment as provided herein except upon registration of such dog and issuance as provided herein of a permit or temporary permit allowing such release. No such dog shall be released from the animal shelter until costs of confinement of such dog, any registration and permit fees for such dog, and any civil penalties assessed in connection with such dog have been paid in full.
 3. *Disposition of unclaimed or abandoned dogs.* The following dogs impounded at the animal shelter pursuant to this Ordinance shall be deemed abandoned and disposed of in accordance with the provisions of this Ordinance and the rules and regulations of the animal shelter:
 - a. Any dog which remains unclaimed by its owner, keeper or harborer or permittee thereof for a period more than ten (10) days or a period of lawful quarantine, whichever is longer.
 - b. Any dog claimed by its owner, keeper or harborer, which is confined for a period in excess of ten (10) days, or a period of lawful quarantine, whichever is longer, during which no application has been made for a permit or temporary permit; provided, however, the Director shall extend such time upon a showing of justifiable delay in such action by the owner, keeper, harborer or permittee thereof.

Section 8. Violations, Penalties and Other Remedies

A. *Violations.* Each act or conduct prohibited by this Part and each failure to comply with a mandatory provision of this Part shall constitute a violation. Each day's continuing act or conduct prohibited hereby and each day's continuing failure to comply shall constitute a separate and distinct offense. Violations shall subject the violator to civil penalties and to other remedies allowed by law. For the purposes of assessing civil penalties, violations of this Part are classified as follows:

1. *Class I violations:*

- a. Failure to report an event for which a report is required.
- b. Failure to register a potentially dangerous, dangerous or vicious dog as required.
- c. Any other violation not otherwise classified in this Section.

2. *Class II violations:*

- a. Keeping or harboring a vicious dog within the territorial jurisdiction of this Ordinance in violation of this Ordinance.
- b. Keeping or harboring a dangerous dog within the territorial jurisdiction of this Ordinance in violation of terms, conditions and provisions of a permit or of the housing and restraint requirements of this Ordinance.
- c. Failure to surrender a potentially dangerous or dangerous dog to an Animal Services Officer or law enforcement officer for impoundment as required by this Ordinance.
- d. Willfully or negligently allowing a potentially dangerous, dangerous or vicious dog to leave the premises where it is required to be kept and harbored.

3. *Class III violations:*

- a. Willfully or negligently allowing a potentially dangerous, dangerous or vicious dog to leave the premises where it is required to be kept and harbored, when such dog has thereafter committed an attack or a biting.
- b. Refusal to surrender a vicious dog to an Animal Services Officer or law enforcement officer for impoundment as required by this Ordinance.
- c. Failure to maintain insurance as required herein.

B. *Civil penalties.* The following civil penalties shall be assessed for each class of violation:

1. *Class I violations:*

- a. One hundred dollars (\$100.00) for each day of a violation.

2. *Class II violations:*

- a. Two hundred dollars (\$200.00) for each day of a violation.

3. *Class III violations:*

- a. Three hundred (\$300.00) for each day of a violation.

Section 9. Administrative Provisions

- A. *Responsibility.* The Director shall administer and enforce this Ordinance and shall promulgate rules and regulations for such administration and enforcement as may be necessary or desirable to such end.
- B. *Citations assessing civil penalties.* The Director or any Animal Services Officer shall have authority to investigate alleged or suspected violations of this Ordinance and upon the determination by such person, based on observation or other evidence, that a violation has occurred, each such person shall have the authority to issue a written citation for violation of this Ordinance and to assess a civil penalty in the amount due. Such citation shall be mailed the violator by an Animal Services Officer, a law enforcement officer, certified mail, return receipt requested, addressed to the last known address of the violator, or shall be personally delivered to the violator or to some responsible person at the violator's residence. Service shall be complete upon personal delivery as provided herein or upon execution of a receipt for the certified mail by the violator or his agent in the event of such service. If a civil penalty duly assessed is not paid when due, the Director shall initiate an action in a court of competent jurisdiction to collect such amount due.
- C. *Authority to enter upon premises.* Animal Services Officers shall have authority to enter into and inspect any premises, dwellings, rooming units, barns and other outbuildings, any part of the curtilage thereof, or any yard or other enclosure to (I) conduct any investigation of a dog alleged or suspected of being dangerous or vicious, or (II) apprehend a dog determined to be dangerous or vicious or as which there is reasonable suspicion to believe is dangerous or vicious, or (III) to investigate any violation of this Ordinance, or (IV) to serve a citation upon a person for violation of this Ordinance. Notwithstanding the foregoing, any Animal Services Officer shall only make such entry upon consent, pursuant to an administrative search warrant under G.S. 15-27.2, or otherwise as authorized by law.
- D. *Authority to immobilize or kill a dangerous or vicious dog.*
 - 1. If in the course of investigating, apprehending or otherwise taking custody a dangerous or vicious dog, or a dog as to which there is reasonable suspicion to believe is dangerous or vicious, such dog is not securely restrained and an Animal Services Officer or a law enforcement officer has reasonable cause to believe the dog poses an imminent risk of serious physical injury or death to any person or domestic animal, said officer shall have authority to render such dog immobile by means of tranquilizers or other safe drugs or, if that is not safely or timely possible under the circumstances, then said officer may humanely dispose of said dog.
 - 2. If a dangerous or vicious dog impounded in the animal shelter cannot be cared for or handled without risk of serious physical injury or death to persons caring for or handling such dog or to other animals, an Animal Services Officer shall have the authority to render such dog immobile by means of tranquilizers or other safe drugs or, if that is not safely or timely possible under the circumstances, then said officer may humanely dispose of said dog.
 - 3. An Animal Services Officer may humanely dispose of any dog being investigated under the provisions of this Ordinance at the request of or with the consent of its owner, keeper, or harborer.

Section 10. Computation of Time

In computing any period of time prescribed or allowed by this Part, the day of the act or event after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday when the Pitt County Animal Shelter is closed, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday when the Pitt County Animal Shelter is closed. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

Part V. Large Commercial Breeders

Section 1. - Standards of care for large commercial breeders.

- A. Any large commercial breeder shall provide the following for each animal owned, kept, or maintained by that person:
 1. Exercise on a daily basis outside of the animal's primary enclosure.
 2. Fresh food and water daily.
 3. Fresh food provided at appropriate intervals to maintain a healthy weight.
 4. Appropriate veterinary care, including routine and preventative care.
 5. Daily assessment of each animal's overall health and behavior.
 6. Appropriate and prompt treatment or attention to any deviation in health.
 7. Preventative care sufficient to keep animals free from internal and external parasites.
 8. When necessary, euthanasia performed humanely by a licensed veterinarian or Animal Services.
 9. A primary enclosure that:
 - a. Is constructed and maintained so that animals are securely confined;
 - b. Does not cause injury to the animals;
 - c. Protects the animals from extreme weather conditions;
 - d. Is maintained in a sanitary manner;
 - e. Is large enough that each animal can sit, stand, lie down, or turn around comfortably with no overcrowding. Minimum space requirements shall comply with the following formula:
 - i. $(\text{Length of the animal in inches} + 6) \times (\text{length of animal in inches} + 6) = \text{required floor space in inches per animal}$,
 - ii. $\text{Required floor space in inches} / 144 = \text{required floor space in square feet}$,
 - f. Allows for all animals to be removed from the enclosure during cleaning; and
 - g. Solid flooring that provides solid footing.
 10. No more than four (4) dogs or (4) cats shall be housed in the same primary enclosure without supervision.
 11. Lighting that provides a regular lighting cycle for the animals.
 12. Shall keep the whole facility and enclosures clean and free from debris and odor, shall remove feces and dispose of the same as frequently as necessary, and any bedding materials made available to the animals shall be clean and not pose a threat to the health and welfare of the dogs and/or cats.

- B. All large commercial breeders must register with Pitt County Animal Services.
- C. All breeders must complete an annual application and pay an annual nonrefundable registration fee of fifty dollars (\$50.00).
- D. Upon submission of the annual application and registration fee to Animal Services, all applicants must provide Animal Services sufficient documentation to show compliance with this subsection before any permit allowing any large breeder operation will be issued.
- E. All breeders are subject to annual and random inspections by Pitt County Animal Services. All random inspections are performed at the discretion of Pitt County Animal Services.
- F. Upon request of an animal services officer, the breeder shall furnish to animal services all medical records of all animals owned by the breeder.
- G. The provisions of this section are in addition to, and not in lieu of, any other law protecting the welfare of animals.
- H. This section shall not be construed to place any numerical limits on the number of dogs or cats a person may own when those animals are not being used for breeding.
- I. This section does not apply to kennels operated solely for the purpose of boarding dogs or cats or kennels exclusively used for training dogs or cats for hunting, sporting, field trials, or show.
- J. This Part shall go into effect one year after the passage of this ordinance.
- K. Pitt County Animal Services Department is tasked with educating and distributing material to any large commercial dog and/or cat breeder which state the County's guidelines, and how to comply with said guidelines.

Part VI. Exotic and Dangerous Exotic Animals

Section 1. Registration Period of One Year for Dangerous Exotic Animals.

- A. Dangerous Exotic Animals as defined by this Ordinance shall be registered with Pitt County Animal Services within one year from the date this Ordinance is adopted.
- B. An owner of a dangerous exotic animal must complete a registration application, which shall be supplied by the Director. The application, once completed, shall contain the following information:
 1. Name, address and telephone number of the applicant.
 2. A description of the animal, including species, sex and body weight.
 3. The address of the premises where the animal will be kept.
 4. Proof of the applicant's ability to respond in damages for bodily injury or death of any person or for damages to property owned by another person which may result from the ownership, keeping or maintenance of such animal. Proof of ability to respond in damages shall be given by filing with the Animal Services Director a certificate of insurance from an insurance company authorized to do business in the state, stating that the applicant is insured by a policy with a minimum coverage of one hundred thousand dollars (\$100,000.00) per claim to compensate persons for personal injury and property damage. In lieu of insurance the owner may post with the health director a surety bond in the same amounts conditioned upon payment of such damages. Such certificate of insurance or bond shall provide that no cancellation of the

insurance or bond will be made unless ten (10) days' written notice is first given to the Animal Services Director.

C. The Animal Services Director shall issue a permit to any applicant who submits a complete application meeting the requirements of this Section. Permits issued under this Section are not transferable.

Section 2. Ban of Dangerous Exotic Animals Not Registered Within One Year.

No person may own or possess any dangerous exotic animal within one year after this Ordinance is adopted unless the owner possesses a valid permit issued under Section 1.

Section 3. Exemption

This section shall not apply to lawfully operated and located pet shops, zoological gardens, scientific research laboratories, circuses, veterinarians, or travelling zoos, or zoos harboring such animals for purposes of providing professional medical treatment, wildlife rehabilitators with proper permits, or exhibitors licensed by the United States Department of Agriculture displaying such animals for educational purposes, provided that the animals are maintained in a manner so as to prevent escape.

Adopted this the 7th day of March, 2022.

Chairman Signature

Attest:

Clerk to the Board