

Chapter 3

ANIMALS

Sec. 3-1. Definitions.

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

Adequate food means the provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain nutrition in each animal. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

Adequate water means a constant access to a supply of clean, fresh water suitable for drinking and provided in a sanitary manner. No mold shall be in the receptacle and water must not be frozen or too hot to be utilized for drinking.

Adequate shelter means that shelter or outside enclosure which will keep a non-aquatic animal dry and out of the direct sun, at a temperature level that is healthful for the animal. For dogs, cats and other small animals, the shelter shall be a wind and moisture resistant structure of suitable size to accommodate the animal. It shall include four walls, a roof and a solid floor raised off the ground, with an opening entrance large enough to allow access to the animal. The animal must have access to shaded areas other than the shelter during warm or hot days. Owners are allowed to utilize plastic barrels anywhere and metal barrels in shaded areas only. For all animals, the containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris, and drainage shall be provided to eliminate excess water or moisture. Aquatic or semi aquatic animals shall have an adequate amount of clean water in which to move.

Animal means any live, vertebrate creature, wild or domestic, other than human beings, endowed with the power of voluntary motion.

Animal control officer means any person or persons hired under the county's personnel policy to pick up, restrain, impound, care for, sell or dispose of animals, and who is responsible for discharging such other duties or functions as may be prescribed by this chapter or any other county ordinance provision or by state laws or by the chief animal control officer.

Animal shelter means any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this chapter.

At large means any animal off the property of its owner and not under direct control of a competent person. An animal that is not owned and is wandering about both public and private property will be deemed to be at large.

47 *Bite* means to cut, wound, or tear with the teeth and includes injuries ranging from minor to
48 severe. A break in the skin caused by teeth is considered a bite for the purposes of this ordinance.
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50 *Chief animal control officer* means the person under the county's personnel policy who is
51 responsible for the management of the animal control program, including enforcement of the
52 county and state laws pertaining to animal and rabies control, and the supervision of all
53 employees in the animal control department. The animal services manager shall serve as the
54 chief animal control officer and is under the direct supervision of the County Manager, and the
55 authority of the Chief Animal Control Officer may be delegated at the County Manager's
56 discretion.
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58 *Cruelty and cruel treatment* means every act, omission or neglect whereby unjustifiable physical
59 pain, suffering or death is caused or permitted. Examples include slapping, beating, kicking,
60 hanging, submerging under water, suffocating, poisoning, setting on fire, and depriving of food,
61 water and medical treatment, or otherwise subjecting the animal to conditions detrimental to its
62 health or general welfare. See section 3-8 for definitions.
63

64 *Dangerous Dog*. See section 3-8 for definitions.
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66 *Direct control* refers to an animal that is controlled and is obedient to a competent person's
67 commands, or is within a secure enclosure. A hunting or working dog in the field training or
68 working will be considered under direct control.
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70 *Dog* means a dog of either sex.
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72 *Health director* means the director of the county health department or his authorized
73 representative.
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75 *Neutered male* means any male animal that has been operated upon to prevent reproduction.
76

77 *Non-profit Animal Rescue Group* means any group who is currently recognized by the IRS as a
78 501 c 3 entity.
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80 *Outside enclosure means* a pen large enough for the animal to assume any normal body position
81 including standing, sitting, lying and walking. An outside enclosure shall be free of accumulated
82 waste and debris so that the animal shall be free to walk or lie down without coming in contact
83 with any such waste or debris, and drainage shall be provided to eliminate excess water or
84 moisture. Animal control officers reserve the right to determine if a space is considered suitable
85 for the number and size of dogs housed in an outdoor enclosure.
86

87 *Owner or caretaker* means any person, group of persons, firm, partnership, or corporation
88 owning, keeping, having charge of, sheltering, feeding, harboring, or taking care of any animal
89 or stray animal after forty-eight (48) hours without notifying the animal shelter of the animal's
90 whereabouts.
91

92 *Potentially Dangerous Dog*: See section 3-8 for definitions
93

94 *Provocation or provoking means* any action designed to goad, inflame, instigate or stimulate an
95 aggressive or defensive response on the part of an animal, but provocation shall not include any
96 actions on the part of an individual that pertain to reasonable efforts of self-defense against an
97 unprovoked animal.

98
99 *Public Nuisance:* See Sec. 3-8 for definitions

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101 *Reasonable diligent attempts* means attempts have been made to locate owners including
102 scanning, rabies tag check and checking animal services and control’s lost and found log.

103
104 *Restraint* means that an animal is under sufficient physical control such as a leash, cage, bridle,
105 or similar effective and humane device that restrains and controls the animal, or adequately
106 contained by a fence on the premises or other secure enclosure. If any unattended animal is
107 restrained by a chain, leash or similar device, it shall be designed and placed to prevent choking
108 or strangulation. Such chain or restraint shall not be less than eight feet in length and must have a
109 swivel on both ends. A dog that is considered potentially dangerous, dangerous or a public
110 nuisance must be on a leash at all times when off of the owner’s property.

111
112 *Secure enclosure* means an enclosure from which an animal cannot escape unless freed by an
113 owner, or, except for the purposes of section 3-9, a chain of sufficient strength to tie an animal to
114 a stationary object and to prevent the animal from moving further than the length of the chain
115 from that stationary object. An automobile, truck or other vehicle shall be considered a secure
116 enclosure only if an animal cannot escape from it unless freed by an owner, and said animal is
117 not at risk of illness, injury or death due to temperature extremes.

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119 *Severe injury* means any physical injury that results in broken bones or disfiguring lacerations or
120 requires cosmetic surgery or hospitalization.

121
122 *Spayed female* means any female animal that has been operated upon to prevent reproduction.

123
124 *Stray animal* means a domestic animal that roams at large with no apparent ownership.

125 *Unaltered animal* means an animal that has not been spayed or neutered.

126
127 *Vaccination* means the administration of anti-rabies vaccine approved by the United States
128 Bureau of Animal Industry, the North Carolina State Department of Agriculture and the North
129 Carolina Board of Health.

130 *Veterinary hospital* means an establishment maintained and operated by a licensed veterinarian
131 for surgery, diagnosis and treatment of diseases and injuries of animals.

132
133 *Wild and exotic animals:*

134 (1) *Wild animals dangerous to humans and property.* Wild animals are any animals not
135 normally domesticated. For purposes of this chapter, wild animals are deemed inherently
136 dangerous. They are deemed as such because of their vicious propensities and capabilities, the
137 likely gravity of harm inflicted by their attack and unpredictability despite attempts at
138 domestication. The category of wild animals includes but is not limited to:

- 139 a. Members of the Canidae family such as wolves (*canis lupus*) and coyotes (*canis*
140 *latrans*) and wolf-coyote hybrids.
- 141 b. Members of the Ursidae family that includes any member of the bear family or

- 142 hybrids thereof.
- 143 c. Members of the Felidae family such as wild cats, cougars, mountain lions, or
- 144 panthers.

145 (2) *Exotic animals dangerous to humans and property.* Exotic animals are also considered to be
 146 inherently dangerous for purposes of this chapter. Like wild animals, exotic animals are
 147 dangerous because of their vicious propensities and capabilities, the gravity of harm inflicted by
 148 their attack, and unpredictability despite attempts at domestication. The category of exotic
 149 animals includes, but is not limited to:

- 150 a. Reptiles which are poisonous or constricting reptiles more than ten (10) feet in length.
- 151 b. Nonhuman primates weighing greater than twenty-five (25) pounds.
- 152 c. Members of the feline family other than domestic house cats, including, but not
- 153 limited to lions, tigers and leopards.
- 154 d. Reptiles that are members of the crocodile family, including, but not limited to
- 155 alligators and crocodiles.

156 Wild and exotic animals do not include:

- 157 (1) Wolf-dog cross breeds.
- 158 (2) Foreign rodents such as guinea pigs, hamsters, ferrets, and chinchillas.
- 159 (3) Members of the reptile and amphibian family not specifically mentioned above such as small
- 160 lizards and iguanas, salamanders, turtles and frogs.
- 161 (4) Vietnamese pot bellied pigs, and other members of the Suidae family, except wild boar and
- 162 peccary.
- 163 (5) Horses and other members of the Equidae family.
- 164 (6) Cows and other members of the Bovidae family.
- 165 (7) Deer and other members of the Cervidae family.
- 166 (8) Domestic dogs and cats.

167 These animals do not have dangerous propensities and pose no serious threat to the safety of
 168 persons and property within Iredell County.

169 (Ord. of 5-6-86, § III; Ord. of 4-4-89, § III; Ord. of 6-1-99, § I; Ord. of 3-4-03; Ord. of 6-3-03)

170 **Cross-references:** Definitions and rules of construction generally, § 1-3.

171 **State law references:** Handling of poisonous reptiles, G.S. § 14-416 et seq.; definitions relating
 172 to civil remedy for protection of animals, G.S. § 19A-1; definitions relating to the
 173 Animal Welfare Act, G.S. § 19A-23; definitions relating to veterinarians, G.S. § 90-181; local
 174 health director, G.S. §§ 130A-40, 130A-41; definitions relating to rabies, G.S. § 130A-184;
 175 animal shelters, G.S. § 153A-442.

176
 177 **Sec. 3-2. Purpose.**

178 The purposes of this chapter are to:

- 179 (1) Protect the people of the county from rabies transmitted by unconfined, uncontrolled or
 - 180 unimmunized dogs;
 - 181 (2) Regulate dogs and other animals that may be a nuisance; and
 - 182 (3) Ensure that dogs and other animals are treated in a humane manner, and other purposes.
- 183 (Ord. of 5-6-86, § 1; Ord. of 44-89, § 1)

184 **State law references:** Purposes of Animal Welfare Act, G.S. § 19A-21.

185
 186 **Sec. 3-3. Conflicting provisions.**

187 Insofar as the provisions of this chapter are inconsistent with the provisions of any other law
 188 except a provision of state or federal law, the provisions of this chapter shall control.

189 (Ord. of 5-6-86, § XX; Ord. of 4-4-89, § XX)

190 **Sec. 3-4. Enforcement in municipalities; restricted.**

191 (a) Animal control officers shall have no authority to enforce this chapter within the boundaries
192 of any municipality unless the governing body of that municipality adopts a resolution stating
193 that Iredell County is empowered to enforce the provisions of this chapter within that
194 municipality, and repeals any inconsistent ordinances.

195 (b) The animal control officers shall be prohibited from enforcing the provisions of any
196 ordinance or municipal law not adopted according to the provisions of this section.

197 (Ord. of 5-6-86, § XXI; Ord. of 4-4-89, § XXI)

198 **State law references:** Territorial jurisdiction of county ordinances, G.S. § 153A-122.

199

200 **Sec. 3-5. Animal Services and Control Department created.**

201 There is hereby created an animal services and control department of the county, which shall be
202 composed of such number of employees as shall be determined by the board of commissioners.
203 Such employees shall be hired under the county personnel policy. The board of commissioners
204 may also appropriate funds from its general fund, or any nontax or surplus funds to pay the
205 salaries and travel allowances of such personnel in the animal services and control office.

206 (Ord. of 5-6-86, § IV; Ord. of 4-4-89, § IV; Ord. of 3-4-03)

207 **Cross references:** Administration, Ch. 2.

208 **State law references:** Animal cruelty investigators, G.S. § 19A-45 et seq.; county animal
209 control officers, G.S. § 67-30; powers and duties of county dog warden, G.S. § 67-31.

210

211 **Sec. 3-6. Officers’ duties and responsibilities.**

212 The chief animal control officer and animal control officers shall:

213 (1) Have the responsibility to enforce all state laws and all county ordinances pertaining to the
214 ownership, control, care and custody of dogs and other animals, and shall cooperate with the
215 health director and all other law enforcement officers within the county in fulfilling this duty;

216 (2) Investigate cruelty or animal abuse with regard to dogs, cats, other pets and livestock.

217 (3) Act as rabies control officers and enforce and carry out all state laws and all county
218 ordinances pertaining to rabies control;

219 (4) Be responsible for, according to sections 3-8 and 3-9, the investigation of all reported animal
220 bites and for facilitating the quarantine of any animal involved and suspected of having rabies,
221 for a period of not less than ten (10) days;

222 (5) Be responsible for the operation of the county animal shelter;

223 (6) Be responsible for the seizure and impoundment, where deemed necessary, of any dog or
224 other animal in the county involved in a violation of this chapter or any other county ordinance
225 or any state law.

226

227 (Ord. of 5-6-86, § V; Ord. of 4-4-89, § V; Ord. of 3-4-03)

228 **State law references:** Powers and duties of dog warden, G.S. § 67-31; confinement of animals
229 suspected of having rabies, G.S. § 130A-198.

230

231 **Sec. 3-7. Department to keep records.**

232 It shall be the duty of the animal control department to keep, or cause to be kept, accurate and
233 detailed records of:

234 (1) Impoundment and disposition of all animals coming into the animal shelter;

235 (2) Bite cases, violations and complaints, and investigations of same;

236 (3) All monies belonging to the county that were derived from impoundment fees, penalties, sale
237 of animals, and licenses;

- 238 (4) Records of reported lost and found animals; records to be kept for a minimum of thirty days.
- 239 (5) All other records deemed necessary by the county manager.

240
 241 (Ord. of 5-6-86, § VI; Ord. of 4-4-89, § VI; Ord. of 3-4-03)

242 **State law references:** Animal shelters, G.S. § 153A-442.

243
 244 **Sec. 3-8. Offenses.**

245 (a) *Dogs not under direct control.* A dog not under direct control of its owner and determined to
 246 be at large by the animal control officer can be picked up by such officer, and the owner may be
 247 subject to a fine as outlined in section 3-19.

248 (b) *Female dogs during the estrus period.* A female dog during the estrus period must be kept in
 249 a secure enclosure or be at all times under restraint. Restraint in this instance does not mean tied
 250 to a stationary object.

251 (c) *Possession of animals owned by another.* It shall be unlawful for any person to knowingly or
 252 intentionally, unless with consent of the owner, harbor, feed and keep in his possession, by
 253 confinement or otherwise, any dog or other animal that does not belong to him unless he has
 254 within forty-eight (48) hours from the time such dog or other animal has come into his
 255 possession notified the animal control officer.

- 256
- 257 (1) Upon receiving such notice, the animal control officer may in his discretion place the dog
- 258 or other animal in the animal shelter. It shall be unlawful for any person to refuse to
- 259 surrender any such dog or other animal to the animal control officer upon demand.

- 260 (2) The purpose of this section is to aid in rabies control and to prevent the intentional or
- 261 unintentional possession of the pets of other persons.

262
 263 (d) *Public nuisance animals.*

264 (1) An animal may be determined by the chief animal control officer to be a public
 265 nuisance when it commits any of the following acts two (2) or more times, or any
 266 combination of two (2) or more of the following acts one (1) or more times:

- 267 a. Chases, snaps at, or molests pedestrians, bicyclists, motor vehicle passengers, or farm
- 268 stock or domestic animals
- 269 b. Turns over garbage pails
- 270 c. Damages gardens or other foliage or other real or personal property
- 271 d. Habitually or continuously loiters on school grounds or official county recreation
- 272 areas; or
- 273 e. Commits other acts that constitute a public nuisance.
- 274 f. Failing to confine a female dog or cat while in heat in a secure enclosure in such a
- 275 manner that will prevent the animal from coming into contact with a male of its
- 276 species, or attract other animals.

- 277
- 278 (2) Upon determining that an animal is a public nuisance, an animal control officer shall
- 279 make a good faith attempt to notify the owner in writing of such determination, and also
- 280 make a good faith attempt to obtain the owner’s written acknowledgement of such
- 281 determination. However, such acknowledgement shall not constitute a necessary element
- 282 for a violation by the owner of this section.

- 283
- 284 (3) The owner may appeal the determination by filing written objections with the chief
- 285 animal control officer within ten (10) days. The appellate board, known as the animal

286 grievance committee shall hear any requests for appeal of the chief animal control
287 officer’s determination of public nuisance.

288
289 (4) If an animal has been determined by an animal control officer to be a public nuisance
290 under this chapter, it shall be unlawful for the owner to permit the animal to run at large
291 or in any way leave the owner’s property unless under restraint.

292
293 (e) *Cruelty to animals.* The following acts or omissions relating to the mistreatment of animals
294 are unlawful and violations of this article:

295
296 (1) Any person to beat, ill-treat, torment, overload, overwork, or otherwise abuse an
297 animal.

298 (2) It shall be unlawful for any person to subject or cause to be subjected any animal to
299 cruel treatment or to deprive or cause to be deprived any animal of adequate food and
300 water. With respect to domesticated animals or wild animals in captivity or under
301 restraint, it shall additionally be unlawful to deprive or cause to be deprived any such
302 animal of adequate shelter or veterinary care.

303 (3) It shall be unlawful for any person to sell, offer to give away, or barter puppies,
304 kittens, or baby ducklings less than eight (8) weeks of age or rabbits less than eight (8)
305 weeks of age.

306 (4) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby
307 chickens or other fowl or rabbits.

308 (5) It shall be unlawful for any person to tether any fowl. For the purposes of this article,
309 this does not apply to raptors (Falconiformes).

310 (6) It shall be unlawful to restrain any animal except in a humane fashion as previously
311 defined in this ordinance.

312 (7) It shall be unlawful for any person to entice or lure any animal out of an enclosure or
313 off the property of its owner or keeper, or to seize, molest or tease any animal while the
314 animal is held or controlled by its owner or keeper or while the animal is on or off the
315 property of its owner or keeper.

316 (8) It shall be unlawful to leave an animal in a parked vehicle when temperatures inside
317 the vehicle may adversely affect the animal’s health and welfare. When the conditions
318 inside a parked vehicle constitute an imminent threat to the animal’s health or safety,
319 Animal Control, any law enforcement agency, or fire agency may remove any animal left
320 unattended in a parked vehicle.

321 (10) It shall be unlawful to leave an animal in any vehicle where it must stand, sit or lie
322 on extremely hot or cold surfaces including but not limited to truck beds.

323 (11) It shall be unlawful for any person to abandon or forsake any animal within the
324 County.

325 (12) No animal shall be used for fighting, training of other animals to fight, or used as
326 bait to encourage fighting behavior in other animals.

327

328 (13) No person shall own, possess, keep, harbor, train, lend, borrow, or handle any dog,
329 cat, bird/fowl, or other domestic, feral or wild animal with the intent that such animal
330 shall be engaged in any animal fight/fight training, exhibition of animal fighting or being
331 used as bait for fighting animals.

332
333 (14) No person shall train, assist, umpire/referee or in any way participate in the training
334 of any animal to be used for animal fighting or used as bait or for animal fighting, or
335 torment, badger or bait any animal for the purpose of fighting the primary purpose of
336 which is the training/conditioning of animals for vicious behavior during animal fights or
337 exhibitions of fighting animals.

338
339 (15) No person shall charge admission to, participate in, or be present as a spectator,
340 handler, timekeeper, referee, guard, etc. at any animal fight/battle.

341
342 (16) No person shall profit from any activity connected with any animal fight or
343 exhibition of animals fighting or training, or competitions or matches of fighting animals.

344
345 (17) Any animal found to be used in violation of this section will be immediately
346 confiscated by animal services and control.

347 (18) No person shall, for the purpose of any exhibition/occurrence of animal fighting, or
348 training for animal fighting:

349 (a) Build, make, maintain, or keep a pit or other animal fighting arena or area,
350 whether permanent or portable, on premises owned or occupied by him;

351 (b) Allow a pit or other animal fighting arena or area whether permanent or
352 portable, to be built, made, maintained, or kept on his premises; or

353 (c) Build, make, maintain, or keep a pit or other animal fighting arena or area,
354 whether permanent or portable, on public or private property.

355 (19) No person shall possess, use, sell, give, trade, or loan apparatus, paraphernalia, pit
356 supplies, implements, programs, drugs or equipment used to train or condition animals
357 for fights or battles.

358 (20) No person shall use any animal as bait or as a lure in training dogs for fights or
359 battles.

360
361 (f) *Dangerous dogs*. As used in this subsection 3-8(f), unless the context clearly requires
362 otherwise and except as modified in subsection (f)(7) of this section, the term:

363 *Dangerous dog* means a dog that:

364 a. Has killed a person; or

365 b. Has been deemed dangerous in another county or state; or

366 c. Is determined by the person or board designated by the county to be
367 responsible for such determination to be dangerous because the dog has engaged in one
368 (1) or more of the behaviors listed in this subsection:

369 1. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or
370 any dog trained for dog fighting; or

371 2. Any dog, while not on the owner’s real property, that has inflicted a bite on a person,
372 which requires first aid or treatment from a medical professional.

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- (2) *Potentially dangerous dog* means:
 - a. Any dog, when not on the owner’s real property, that has killed or inflicted severe injury upon a domestic animal; or
 - b. Any dog, when not on the owner’s real property, that has approached a person in a vicious or terrorizing manner in an apparent attitude of attack; or
 - c. Any dog that has been deemed potentially dangerous in another county or state.
- (3) *Owner* means any person, group of persons, firm, partnership, or corporation owning, keeping, having charge of, sheltering, feeding, harboring, or taking care of any animal or stray animal after forty-eight (48) hours without notifying the animal shelter of the animal’s whereabouts.
- (4) *Owner’s real property* means any real property owned or leased (with written permission to harbor the dog) by the owner of the dog but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.
- (5) “Severe injury” means any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.
- (6) The chief animal control officer has the authority to determine whether a dog is dangerous or potentially dangerous and must notify the dog’s owner in writing giving reasons for the determination.
- (7) *The provisions of this subsection do not apply to:*
 - a. A dog being used by a law enforcement officer to carry out the law enforcement officer’s official duties, or an assistance dog trained and used as an assistance dog for the physically disabled; or
 - b. A dog being used in a lawful hunt unless the target or victim is not the intended prey of said hunt.
 - c. 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
 - d. 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 or was in any way provoked to attack.
- (8) *Appeals Process.*
 - (a) The owner may appeal the determination by filing written objections with the chief animal control officer within ten (10) days. An appellate board, known as the animal grievance committee shall hear any requests for appeal of the chief animal control officer’s determination of dangerous, or potentially dangerous, dog.

421 (b) The animal grievance committee shall consist of five (5) representatives and one
 422 (1) alternate appointed by the county board of commissioners. Two members shall
 423 be appointed for an initial term of three years, two members shall be appointed for
 424 an initial term of two years, one member shall be appointed for an initial term of
 425 one year, and all members shall thereafter be appointed for terms of three years.
 426 All five members of the board shall hear appeals whenever all five can be present,
 427 but three members shall constitute a quorum in the event that all five are not able
 428 to be present. The alternate member will sit on the committee when an even
 429 number of members is present. To avoid tie votes, all appeals shall be heard by an
 430 odd number of members, either three (3) or five (5). Committee members shall
 431 disclose any potential conflict of interest they have with a case and recuse
 432 himself, or herself, accordingly. The animal grievance committee shall have
 433 jurisdiction to hear and determine all appeals from determinations made by the
 434 chief animal control officer excluding matters referred for criminal prosecution or
 435 civil actions for injunctive relief.

436 (c) Upon timely receipt of an appeal, the chief animal control officer shall schedule a
 437 hearing before the appeals board within thirty (30) days of the filing of the appeal.
 438 Any appeal from the final decision of the animal grievance committee shall be
 439 taken to superior court of Iredell County by filing notice of appeal and a petition
 440 for review within ten (10) days of the final decision of the appellate board.
 441 Appeals from the rulings of the animal grievance committee shall be heard de
 442 novo before a superior court judge. During an appeal process, the dog is to be
 443 housed at the animal shelter with the owner paying a daily boarding fee as set by
 444 the Iredell County Board of Commissioners, or the dog may be boarded at a
 445 veterinarian’s office at the owner’s expense if pre-approved by the chief animal
 446 control officer. Any party has the right to have counsel present before the board,
 447 to examine and cross-examine witnesses and to have witnesses testimony be
 448 sworn.

449
 450 (9) Precautions against attacks by potentially dangerous dogs.

451 (a) Any dog determined to be potentially dangerous shall be delivered within twenty-four
 452 (24) hours to the animal shelter and there it shall be held until a secure enclosure is built.
 453 A potentially dangerous dog may be boarded at a veterinarian’s office at the owner’s
 454 expense if pre-approved by the chief animal control officer. It shall remain boarded at the
 455 veterinarian’s office until a secure enclosure is built. The secure enclosure shall be
 456 suitable for the dog based upon its size and approved by the animal services and control
 457 department or the appellate board. All types of confinement must be approved by the
 458 chief animal control officer or the appellate board and all transports must be done by
 459 animal services and control. The owner shall pay the balance of the board fee when the
 460 enclosure is complete. The enclosure shall be completed and the dog claimed within
 461 fourteen (14) days or the dog will be euthanized by the animal services and control
 462 department or the owner given the option to have it humanely euthanized by a licensed
 463 veterinarian on the fifteenth day at owner’s expense if transported by animal services and
 464 control.

465 (b) Any dog determined to be potentially dangerous shall have a microchip implanted by
 466 a licensed Iredell County veterinarian or by the Iredell County Animal Services and
 467 Control department within (3) days. The veterinarian will be required to immediately
 468 forward the microchip information to the animal control department.

469 (c) The owner shall post the entrance of the property where the potentially dangerous dog
470 is kept with a sign that is legible from the road or sidewalk with notification that states
471 “Potentially Dangerous Dog.”

472 (d) The owner of a potentially dangerous dog shall be required to maintain five hundred
473 thousand dollars (\$500,000.00) liability insurance with evidence of insurance to be
474 furnished to the animal services and control department within seventy-two (72)
475 hours of the determination of the potentially dangerous dog.

476
477 (e) It shall be unlawful for an owner to:

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479 (1) Leave a potentially dangerous dog unaccompanied on the owner’s real property
480 unless the dog is confined indoors, or in the secure enclosure.

481 (2) Permit a potentially dangerous dog to go outside the secure enclosure unless the dog
482 is leashed or is otherwise securely restrained. Dogs off of owner’s property must be
483 muzzled with a muzzle that allows dog to pant and breathe.

484 (3) Transfer ownership of a potentially dangerous dog without having notified the animal
485 services and control department in writing ten (10) days prior to transfer of
486 ownership. The person receiving ownership of the dog shall have a secure enclosure
487 prior to taking possession of the dog.

488 (4) To move any animal deemed dangerous or potentially dangerous that has bitten a
489 human that results in severe injury from one location to another without written
490 permission from the animal services and control department.

491 (5) Transfer ownership of a potentially dangerous dog without having notified in writing
492 the person taking ownership or possession of the dog, of the dog’s dangerous
493 behavior and the determination of the dog as potentially dangerous.

494 (6) Violations.

495 (i) If a dog that has been declared potentially dangerous is found to be in violation
496 of this subsection, the owner will be issued a civil penalty as set by the Iredell county
497 board of commissioners for the first and second offense, and if the dog is found to in
498 violation for a third time, the dog is to be immediately surrendered to the animal
499 services and control department by the owner to be euthanized or taken to a licensed
500 veterinarian for humane euthanization at the owner’s expense and transported by
501 animal services and control. If the owner contests this violation, the owner may file a
502 written appeal with animal services and control within three (3) days of the
503 notification of the violation. A hearing with the appellate board shall be scheduled
504 within ten (10) days. If the owner appeals this violation, the dog is to be held at the
505 animal services and control department, boarded in a secure environment until the
506 appeal is heard. If the owner of the potentially dangerous dog does not appeal the
507 violation within three (3) days, the dog will be euthanized at the beginning of the
508 fourth day. If the owner loses the appeal, the dog will be euthanized at the beginning
509 of the next day.

510
511 (ii) A dog that has been declared dangerous for inflicting a bite that results in
512 severe injury to a person is to be immediately surrendered to the animal services
513 and control department by the owner to be euthanized. Owner has the option for
514 animal to be transported by animal services and control to a licensed veterinarian
515 for humane euthanasia at owner’s expense. If the owner contests this
516 determination, the owner may file a written appeal with animal services and

517 control within three (3) days of the notification of the dog as dangerous. The dog
518 is to be housed at the animal shelter with the owner paying a daily boarding fee as
519 set by the Iredell County Board of Commissioners. A hearing with the appellate
520 board shall be scheduled within ten (10) days. The determination of the appellate
521 board shall be final.

522 (iii) If a cat, dog or ferret has bitten a person, and the owner fails to quarantine the
523 animal within eight (8) hours, the owner is to be held in the Iredell County jail
524 until such time as the animal is surrendered for quarantine.

525
526 **(f) Deceased animals.**

527 (1) It shall be the duty of the owner or person in charge of any animals that die
528 from any cause, and the owner, lessee or person in charge of any land upon which
529 any animals die, to bury the dead animals to a depth of at least three (3) feet
530 beneath the surface of the ground, or to completely burn such animals within
531 twenty-four (24) hours after the death of the animals is known, or to otherwise
532 dispose of the animals in a manner approved by the state veterinarian.

533 (2) It shall be unlawful for any person to remove the carcasses of dead animals
534 from his premises to the premises of any other person without the written
535 permission of the person having charge of such premises and without burying
536 such carcasses as provided in this section.

537
538 **(g) Wild animals and exotic animals.**

539 (1) This subsection shall apply to all animals defined as a wild or exotic animal in
540 section 3-1. Neither this subsection or any section of this chapter shall have the
541 effect of permitting any activity or condition with respect to the state which is
542 prohibited or more severely restricted by the state statutes or the state Wildlife
543 Resources Commission, or of permitting any activity or condition with respect to
544 any animal which is prohibited or more severely restricted by federal statute or
545 regulation.

546 (2) It shall be unlawful for any owner or other person to possess or harbor a wild
547 animal or exotic animal as heretofore defined within the county.

548 (3) Exemptions: The following shall be exempt from subsection 3-8(h):

549 a. Veterinary clinics and licensed rehab centers in possession of such
550 animals for treatment or rehabilitation purposes.

551 b. Any institution licensed by appropriate state and/or federal agencies
552 that exist primarily to educate the public in the areas of science and nature.

553 c. Bona fide traveling circuses certified by the United States Department
554 of Agriculture and any non-resident carnivals and fairs are exempt for not
555 longer than two weeks (14 days) per each separate location where such
556 events are held within the county, per calendar year.

557 d. Persons temporarily transporting such mammals or reptiles through the
558 county provided that such transit time should not be more than twenty-
559 four (24) hours.

560 e. Zoological parks, petting zoos and marine mammal show licensed by
561 the United States Department of Agriculture.

562 (Ord. of 5-6-86, § VII; Ord. of 4-4-89, § VII; Ord. of 6-1-99, § II; Ord. of 3-4-03; Ord. of
563 6-3-03)

564 State law references: Cruelty to animals, G.S. § 14-360 et seq.; putting poisonous compounds,
565 etc., in public places, G.S. § 14-401; permitting bitch to run at large, G.S. § 67-2; disposition of
566 dead domesticated animals, G.S. §§ 106-700, 106-701; confinement or leashing of vicious
567 animals, G.S. § 130A-200; department of transportation to remove dead animals from roads,
568 G.S. § 136-18(21); adoption of rules by wildlife resources commission, G.S. § 143-243; power
569 of county to define and prohibit the abuse of animals, G.S. § 153A-127; abatement of public
570 health nuisances by county, G.S. § 153A-140.

571
572 **Sec. 3-9. Rabies control.**

573 (a) Immunization.

574 (1) It shall be required that any dog four (4) months of age or younger be kept in a secure
575 enclosure or be at all times under restraint or direct control of the owner.

576 (2) It shall be unlawful for any dog or cat owner to keep any dog or cat three (3) months of
577 age or older unless such dog or cat has been immunized against rabies in accordance with
578 county ordinance and with an approved anti-rabid vaccine administered by a veterinarian, or
579 certified rabies vaccinator, and proof of rabies vaccination is provided upon request of animal
580 services and control An owner complying with all of the requirements of this section need
581 not display said rabies vaccination tags on dogs during the actual duration of organized
582 hunting activities only if:

- 583 a. The dog is on private property with the consent of the owner of that property; and
- 584 b. The owner is in actual physical possession of such rabies vaccination tag or proof
585 of rabies vaccination during the organized hunting activities.

586 (3) If state law dealing with rabies control is amended to include other types of animals in the
587 class of those required to have rabies vaccinations, or if any other change not consistent with
588 this section is made, the amended law of the state shall apply.

589 (b) Bites.

590 (1) Bites that are inflicted by animals upon human beings shall be reported immediately
591 to animal services and control by the person who has been bitten, or in the case of a child,
592 his or her parents or guardian or other responsible party. Every physician treating a bite
593 wound shall report the incident to animal services and control immediately.

594 (2) Every dog, cat or ferret that bites a human being and does not have a valid rabies
595 vaccination tag shall be delivered within eight (8) hours of the bite incident by the owner
596 to the animal service and control shelter or to a licensed veterinary hospital, at the choice
597 of the owner, where the animal shall be confined for observation for not less than ten (10)
598 days. The owner shall be responsible for the cost of such confinement.

599 (3) Every dog, cat or ferret that bites a human being and has a valid rabies vaccination
600 shall be delivered within eight (8) hours of the bite incident by the owner to the county
601 animal services and control shelter or to a licensed veterinary hospital, where the animal
602 shall be confined for observation for not less than ten (10) days. The owner shall be
603 responsible for the cost of such confinement. An animal control officer may, in his sole
604 discretion, permit the animal to be confined on the premises of the owner only when,
605 after personal inspection by the officer, he determines that there is a suitable secure
606 enclosure on the premises and that other circumstances warrant such action.

607 (4) In the case of stray animals whose ownership is not known, the supervised quarantine
608 required by this section shall be at the animal services and control shelter unless an
609 interested party pays to board at a veterinarian’s office.

610 (5) If rabies does not develop within ten (10) days after an animal is quarantined under
611 this section, the animal may be released from quarantine with the written permission of

612 the animal services and control department. If the animal has been confined in the county
613 animal services and control shelter, the owner shall pay a fee as set by the Iredell County
614 Board of Commissioners for each day for dogs and for each day for cats or ferrets for
615 confinement to defray the cost of feeding upon reclaiming the animal.

616 (6) Animals *bitten by rabid animals*. Any animal known to have been bitten by another
617 animal that is known or proved to be rabid that has a current rabies vaccination shall be
618 revaccinated and confined for a period of six weeks. All other animals without proof of
619 current rabies vaccinations will be given the option of strict isolation at a veterinary
620 hospital for six months or immediate euthanasia by a licensed veterinarian at owners
621 expense if transported by animal services and control or euthanized at the animal services
622 and control shelter. If a dog develops rabies as determined by a licensed veterinarian, it
623 shall be the duty of the owner to have such animal euthanized and properly disposed of,
624 subject to the provisions of G.S. Section 106-379, providing for the euthanization of rabid
625 animals and the laboratory examination of the heads of such animals.

626 (Ord. of 5-6-86, § VIII; Ord. of 4-4-89, § VIII; Ord. of 9-17-96; Ord. of 3-4-03)

627 State law references: Rabies, G.S. § 130A-184 et seq.; vaccination of all dogs and cats, G.S. §
628 130A-185; rabies vaccination tags, G.S. § 130A-190; biting dogs and cats, procedures, G.S. §
629 130A-196; infected dogs and cats, procedures, G.S. § 130A-197; animals suspected of having
630 rabies, procedures, G.S. § 130A-198.

631

632 **Sec. 3-10. Area-wide emergency quarantine.**

633 (a) When reports indicate a positive diagnosis of rabies, the director of public health shall order
634 an area-wide quarantine for such period, as he deems necessary. Upon invoking of such
635 emergency quarantine, no pet animal shall be taken into the streets or permitted to be in the
636 streets during such period. During such quarantine, no animal may be taken or shipped from the
637 county without written permission of the animal services and control department. The police and
638 sheriff’s departments are hereby fully authorized, during such emergency, to impound any
639 animal found running at large in the county.

640 (b) If there are additional positive cases of rabies occurring during the period of quarantine, such
641 period of quarantine may be extended at the discretion of the director of public health.

642 (Ord. of 5-6-86, § IX; Ord. of 4-4-89, § IX)

643 **State law references:** Quarantine of districts infected with rabies, G.S. § 130A-194; destroying
644 stray dogs and cats in quarantine districts, G.S. § 130A-195.

645

646 **Sec. 3-11. Failure to surrender animal.**

647 It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or
648 euthanization as required in this chapter, when demand is made therefore by the animal services
649 and control department.

650 (Ord. of 5-6-86, § XI; Ord. of 4-4-89, § XI)

651

652 **Sec. 3-12. Killing, releasing or removing; restricted.**

653 It shall be unlawful for any person to kill or release any animal under observation for rabies, any
654 animal suspected of having been exposed to rabies or to remove such animal from the county
655 without written permission from the animal services and control department and the director of
656 public health.

657 (Ord. of 5-6-86, § X; Ord. of 4-4-89, § X)

658

659 **Sec. 3-13. Reserved.**

660 **Editor’s note:** Ord. of April 4, 1989, § XII, repealed the licensing provisions of the animal
661 control ordinance, which derived from Ord. of May 6, 1986, § XII and was formerly codified as
662 § 3-13.

663
664 **Sec. 3-14. Improper tags; unauthorized removal.**

665 (a) *Improper tags.* It shall be unlawful for any person to counterfeit a rabies vaccination tag or
666 license tag or to use a rabies vaccination tag that has not been properly obtained from a licensed
667 veterinarian in accordance with the provisions of G.S. Section 106-366.

668 (b) *Removal.*
669 (1) It shall be unlawful for any person to remove a rabies vaccination tag, an
670 identification tag or license tag from any animal belonging to another person unless by
671 the direction of the owner.

672 (2) It shall be unlawful for any owner to permit his dog to be off the property of the
673 owner without a rabies vaccination tag or can provide a valid rabies certificate except
674 under section 3-9(a)(2).

675 (Ord. of 5-6-86, § XVI; Ord. of 4-4-89, § XVI)

676 **State law references:** Rabies vaccination tags, G.S. § 130A-190.

677
678 **Sec. 3-15. Seizure and impoundment of animals.**

679 (a) *Powers of officers.* Animal control officers and other law enforcement officers are
680 empowered to seize and impound:

- 681 (1) Dogs running at large in violation of section 3-8(a) or (b);
- 682 (2) Dogs unlawfully possessed by a person other than the owner in violation of section 3-
683 8I
- 684 (3) Dogs determined to be a public nuisance under the provisions of section 3-8(d);
- 685 (4) Animals that have been found to be a victim of cruel treatment under the provisions of
686 section 3-8(e);
- 687 (5) Wild animals determined to be held in violation of the provisions of section 3-8;
- 688 (6) Animals appearing not to be in compliance with the rabies control provisions of
689 section 3-9;
- 690 (7) [Reserved.]
- 691 (8) Livestock at large under G.S. Chapter 68;
- 692 (9) Dogs in violation of section 3-8(f).

693
694 (b) *Responsibility for penalties.* Impoundment of such an animal shall not relieve the owner
695 thereof from any penalty that may be imposed for violation of this chapter, or which is found to
696 be creating a public nuisance in violation of this chapter.

697 (c) *Dangerous conditions.* Animal control officers shall not be required, in the process of seizing
698 or impounding animals, to place themselves in a situation that may jeopardize their health and
699 safety.

700 (d) *Notification to owners.* Upon impounding an animal, the animal control officer shall make a
701 reasonable diligent attempt to determine the ownership of the impounded animal, if not already
702 known, and to notify the owners of the impoundment and the procedure for redemption
703 according to the provisions of section 3-16. All cats and dogs must be scanned for microchips.
704 Reasonable diligent attempts include scanning, rabies tag check and checking animal services
705 and control’s lost and found log.

706 (e) *Impoundment time periods.*
707 (1) Impounded animals shall be held for the following periods of time:

708 a. Normally, impounded stray animals shall be held for three (3) full working
709 days before becoming available for adoption, released to a nonprofit animal
710 rescue group or euthanized.

711 b. Donated animals may be adopted immediately or released to a nonprofit
712 animal rescue group or euthanized if not suitable for adoption.

713 c. The chief animal control officer may, in his discretion, extend the three (3) day
714 holding period.

715 d. In appropriate cases, such as for animals that are badly wounded or diseased or
716 afflicted with a highly contagious disease such as distemper or parvo, the animal
717 control officer may use his discretion to reduce the three (3) day holding period
718 and to destroy the animal immediately or at such appropriate time as deemed by
719 the chief animal control officer as long as reasonable diligent attempts are made
720 to notify the owner.

721 (2) After the holding period animals may be disposed of by the following methods:

722 a. At the opening of the fourth full working day after impoundment the animal
723 may become available for adoption according to the provisions of section 3-17 or
724 euthanized if not suitable for adoption.

725 b. At the opening of the fourth full working day following impoundment the
726 animal may be euthanized unless in his discretion the chief animal control officer
727 elects to extend the adoption availability period. The animal shelter only may
728 utilize the following techniques of humane euthanasia:

729 1. Euthanasia by carbon monoxide in a chamber approved by the North
730 Carolina Department of Agriculture and Consumer Services, Veterinary
731 Division.

732 2. Intravenous (IV) Injection with a humane euthanasia solution approved by
733 the American Veterinary Medical Association such as sodium
734 pentobarbital, Beuthanasia-D (dogs only) or Euthasol.

735 3. Shelter employees who administer euthanasia to animals must be trained
736 according to regulations established by the North Carolina Department of
737 Agriculture and Consumer Services, Veterinary Division.

738 4. When animals are old, sick, injured, or under 4 months of age, euthanasia
739 by carbon monoxide will not be used. Intravenous (IV) injection (within
740 the vein) shall be the first choice. Sodium pentobarbital shall be
741 administered by intra-peritoneal (IP) injection (within the peritoneal
742 cavity) to cats, kittens, and puppies if IV injections are difficult or
743 impractical. Intra-cardiac (IC) injections (within the heart) shall not be
744 used unless animals are unconscious or deeply anesthetized.

745 c. Opening of the fourth full working day following impoundment, or thereafter,
746 any unclaimed animal that has been euthanized may be made available for sale to
747 a duly licensed biological supply company or veterinary researcher, at the
748 discretion of the chief animal control officer, but only upon the prior receipt of the
749 following information from those requesting to purchase animals:

750 1. Copy of United States Department of Agriculture license;

751 2. List of all facilities to which purchaser sells or purchases from;

752 3. Description or photographs of purchaser’s animal transportation vehicles and
753 description of the routes by which he will transport such animals;

754 4. Any other information or documentation that might in the discretion of the
755 chief animal control officer is required.

756 (f) Distemper *and parvo inoculations*. The chief animal control officer is authorized to
757 determine, upon receipt of animals into the animal control shelter, which animals should be
758 given initial inoculations for distemper and parvo, and in appropriate cases such inoculations
759 shall be administered immediately upon receipt of the animal into the animal shelter or as soon
760 as practicable thereafter. The owner or adopting person shall be responsible for further
761 inoculations.

762 (g) *Veterinary inspection*. A licensed veterinarian for the purpose of inspection of the animals
763 contained therein shall visit the animal shelter at least one (1) time monthly. (Ord. of 5-6-86, §
764 XIII; Ord. of 4-4-89, § XIII; Ord. of 5-1-00; Ord. of 3-4-03)

765 Notwithstanding any other provision of this ordinance, any impounded animal which is seriously
766 wounded or diseased (and not a rabies suspect) or continues to act in a feral manner after a
767 reasonable observation period, as determined by a licensed veterinarian, or the chief animal
768 control officer, the animal may be destroyed prior to the expiration of the required holding
769 period, and if the animal has no identification it shall be destroyed immediately in a humane
770 manner. If the animal has identification, the animal services and control department shall attempt
771 to notify the owner before disposing of such animal, but if the owner cannot be reached readily,
772 and the animal is suffering, the animal services and control department may destroy the animal at
773 its discretion in a humane manner. Such cases shall be documented on the animal custody record.
774 The animal services and control department has the authority to humanely destroy severely
775 injured livestock upon the owner's request or when the owner is unknown.

776 **State law references:** Euthanasia defined, G.S. § 19A-23(9); livestock law, G.S. § 68-15 et
777 seq.; disposition of dead domesticated animals, G.S. § 106-403.

778
779 **Sec. 3-16. Redemption of animals.**

780 During the time an animal is impounded at the animal shelter it shall be available for redemption
781 to the owner. Redemption service fees, boarding fees and trailering fees for livestock will be set
782 by Iredell County Board of Commissioners.

783 (Ord. of 5-6-86, § XIV; Ord. of 4-4-89, § XIV; Ord. of 3-4-03)

784
785
786
787 **Sec. 3-17. Adoption.**

788 (a) *Contract*.

789 (1) Any person adopting a cat from the animal shelter shall be required to pay an
790 adoption fee as set by the Iredell County Board of Commissioners and be required to sign
791 an adoption contract with the shelter.

792 (2) Any person adopting a dog from the animal shelter shall be required to sign an
793 adoption contract with the animal shelter, the major provisions of which are outlined in
794 this section.

795 (4) No animal that has been impounded by reason of its being a stray, unclaimed by its
796 owner, shall be allowed to be adopted from the animal shelter during a period of
797 emergency rabies quarantine except by approved nonprofit rescue groups, special
798 authorization of the public health officials and the chief animal control officer.

799
800 (b) *Fee*.

801 (1) Any person adopting a dog from the animal shelter shall be required to pay an
802 adoption fee as set by the Iredell County Board of Commissioners.

803 (2) An adopting person shall not be required to pay any boarding fee for adopting a dog.

804 (3) [Reserved.]

805 (4) Adopted animals must be altered prior to adoption or within a specified time as set by
806 animal services and control. The adoption fee will cover the cost of altering if an
807 appointment is made with animal services and control to utilize their spay/neuter services.
808 Adopter may elect to use their own veterinarian at their expense but must present in writing
809 proof of altering within a month to animal services and control. Failure to provide proof will
810 result in a fine as set by the Iredell County Board of Commissioners and an extension of one
811 month. After the warning failure to comply may result in forced relinquishment of said
812 animal and pay an additional fine as set by the Iredell County Board of Commissioners.

813 (c) *Exchange of adopted animals.* The county shall agree to provide an exchange for any animal
814 that requires major medical treatment or dies from natural causes within thirty (30) days
815 from the date of adoption under the following conditions only:

816 (1) Any major medical treatment must be certified as being necessary by a licensed
817 veterinarian.

818 (2) If the adopted animal dies within the thirty (30) days following adoption, the adopting
819 person must present satisfactory evidence (such as the carcass of the animal or the
820 veterinarian’s certification) of the date of the death of the animal.

821 (3) The request for an exchange must be made within thirty (30) days from date of the
822 adoption contract.

823 (4) The adopting person must bring the animal to a licensed veterinarian within five (5)
824 working days of the execution of the adoption contract.

825 (Ord. of 5-6-86, § XV; Ord. of 4-4-89, § XV; Ord. of 3-4-03)

826

827 **Sec. 3-18. Interference.**

828 It shall be unlawful for any person to interfere with, hinder, or molest the chief animal control
829 officer, animal control officers, or other certified law officers, or their agents, or veterinarians, in
830 the performance of any duty authorized by this chapter.

831 (Ord. of 5-6-86, § XVII; Ord. of 4-4-89, § XVII; Ord. of 3-4-03)

832 **State law references:** Obstructing public officers, G.S. § 14-223.

833

834 **Sec. 3-19. Penalties; equitable remedies.**

835 (a) This chapter may be enforced by an appropriate equitable remedy issuing from a court of
836 competent jurisdiction.

837 (b) Notwithstanding any civil penalties outlined in this chapter, any person violating the
838 provisions of this chapter may be found guilty of a misdemeanor under G.S. Sections 14-1 and
839 153A-123, and may be subject to a fine of not more than five hundred dollars (\$500.00) or
840 imprisonment for not more than six (6) months or both, for each offense. For a continuing
841 violation, each day’s violation may be deemed to be a separate offense.

842 (c) In addition to the other remedies for violation of this chapter, the animal control officer may
843 issue to the known owner, or person having custody or control of such animal a ticket giving
844 notice of the violation of Chapter 3. Any such official shall be authorized to secure the name and
845 address of the owner or person in control of the animal in violation. Citations so issued may be
846 delivered in person or mailed by registered or certified mail to the person charged if he couldn’t
847 otherwise be readily located. Any such citation issued shall impose upon the owner a civil
848 penalty related to the offense and fines as set by the Iredell County Board of Commissioners.

849 Such penalties must be paid within twenty (20) days to the chief animal control officer or any
850 person authorized by him to receive such funds. If the owner of the animal or other violator does
851 not appear in response to such citation, or if the applicable penalty is not paid within the time
852 prescribed, a criminal summons shall be issued against the violator or owner or person having
853 custody of the animal in violation of this, and upon conviction, the violator or owner or person
854 having custody of the animal shall in addition to penalties prescribed for violation of the chapter
855 be punished as the court prescribes for failure to pay the civil penalties imposed hereby.

856 (d) The animal control officer shall cause all citations to be serially numbered in duplicate and
857 shall cause the records of the issuance and disposition of such citations to be maintained so that
858 an accounting can be made.

859 (Ord. of 5-6-86, § XVIII; Ord. of 4-4-89, § XVIII; Ord. of 3-4-03)

860

861 **Section 3-20. Civil penalty.**

862 (a) Violation. Except as otherwise provided herein, any owner who violates any provision of this
863 article shall be subject to a civil penalty for each violation in accordance with subsection (c)
864 below. Fines shall be established by the county board of commissioners based on the nature of
865 the violation and number of repeat offenses. If the violation is continued, each day’s violation
866 shall constitute a separate offense. For the purposes of this section, repeat violations occur where
867 the agency has issued a fine for the same offense within a 24-month period. Nothing in this
868 section shall prevent agency representatives from issuing warning violations.

869 (b) Written notice of violation and penalty. The animal owner or keeper shall be issued a written
870 notice of violation and penalty which shall be required to make payment to the animal shelter
871 within 10 days of receipt of notice. Notice of the civil penalty and violation shall be delivered in
872 person to the violator or mailed by certified mail, return receipt requested, to the owner’s last
873 known address. If the applicable civil penalty is not paid within the time period prescribed, a
874 civil action may be commenced to recover the penalty and costs associated with collection of the
875 penalty.

876

877 **Section 3-21. Criminal penalties.**

878 Violation of this article may subject the violator to criminal as well as civil action. In addition to
879 the civil penalties or fees imposed under this article, violation of this chapter shall be a
880 misdemeanor for which a criminal summons or warrant may be issued. Any violator convicted of
881 such violation shall be punishable as provided in G.S. 14-4. Each day's violation of this section is
882 a separate offense and shall be fined not less than fifty-dollars per offense but no more than a
883 maximum of five-hundred dollars (\$500.00) per offense. Payment of a fine imposed in criminal
884 proceedings pursuant to this section does not relieve the violator of his liability for taxes, civil
885 penalties or fees imposed under this article.

886 (Ord. No. 96-5-8, § 1, 5-7-96; Ord. No. 98-3-15, § 1, 3-17-98; Ord. No. 02-11-11, § 1, 11-19-02)

887

888 **Section 3-22. Injunctions.**

889 Any provision of this article that makes unlawful a condition existing upon or use made of real
890 property may be enforced by injunction and order of abatement. When a violation of such a
891 provision occurs, the director through either the county attorney or applicable municipality's
892 attorney, or any resident of the county or applicable municipality, may apply to the general court
893 of justice for a mandatory or prohibitory injunction and order of abatement commanding the
894 defendant to correct the unlawful condition upon or cease the unlawful use of the property.

895 (Ord. No. 96-5-8, § 1, 5-7-96)