CITY OF TRINITY

ANIMAL CONTROL ORDINANCE

Section 1-1. Definitions.

(a) For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

(1) Dog: The word "dog" shall mean both male and female animals of the canine species.

(2) Owner: The word "owner" shall mean any person or persons owning, harboring, keeping or permitting any dog to remain on his premises under the charge, control or protection of oneself or a member of one's family.

(3) At large: The words "at large" shall mean off the premises of the owner and not under immediate and effective control of the owner or other responsible person by leash, cord, chain, or otherwise.

(4) Animal Control Officer: The words "animal control officer" shall mean the official designated by the City Manager of the City of Trinity to serve in the official capacity of collector of animals or enforcer of this ordinance.

(5) Vicious Dog: The words "vicious dog" shall mean any dog which has bitten one or more persons without provocation, or a dog in which a propensity to attack or bite humans exists which propensity is known or reasonably should be known to the owner.

(6) Dangerous Dog: The word "dangerous dog" shall mean any dog as defined by and referred to in NC General Statute 67-4.1.

(7) Dog Tags: For the purpose of this ordinance, dog tags shall mean up to date rabies vaccination and Randolph County privilege tax tags.

(8) Stray dog: The words "stray dog" shall mean any dog not collared with either identification information or county tags and not under the obvious effective control of an owner or confined upon a particular premises.

Section 1-2. Dogs Running at Large.

(a) It shall be unlawful to permit or suffer a dog to run at large or roam within the city limits of the City of Trinity except in the company of the owner or a member of the owner's family upon a leash, cord, or chain or under the immediate and effective control of the owner or a member of the owner's family at all times or on the property of the owner of the dog. The owner of any dog permitted or suffered to run at large in violation of this ordinance shall be guilty of a misdemeanor.

(b) It shall be unlawful for any person to prevent the animal control officer from carrying out his duties of impounding a dog subject to impoundment under this ordinance.

Section 1-3. Nuisance.

It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance or a nuisance to neighbors. By way of example, and not of limitation, the following acts or actions of an owner, harboror, or possessor of an animal are hereby declared to be a public nuisance and are therefore unlawful:

(a) Having an animal that disturbs the rights of, threatens the safety of or damages a member or the general public, or interferes with the ordinary use and enjoyment of their property; or

(b) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables, or desecrating upon the property of another; or

(c) Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare, or safety or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease; or

(d) Maintaining property that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property; or

(e) Allowing or permitting an animal to bark, whine, or howl in an excessive, continuous, or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises; or

(f) Maintaining an animal that is diseased and dangerous to the public health; or

(g) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, dogs walked on a leash by owners, bicycles or vehicles; or

Section 1-4. Dangerous Dogs.

(a) The Trinity City Council has appointed the Animal Control Officer as the person designated to determine when a dog is dangerous or potentially dangerous. The Appeals Board appointed by the Randolph County Board of Commissioners consisting of the Randolph County Health Director, the Chairman of the Board of Health and the veterinarian member of the Board of Health shall serve as the Appeals Board for the City of Trinity.

(b) In addition to North Carolina General Statute 67-4.1 through 67-4.5, Dangerous Dogs and Potentially Dangerous Dogs in the City of Trinity shall be subject to these requirements:

1. Any dog determined to be a dangerous dog or a potentially dangerous dog must be confined according to the law and this ordinance until the dog dies, is destroyed or the determination is overturned on appeal.

2. The owner of a dangerous dog or potentially dangerous dog must prominently display a "Dangerous Dog" sign at the entrance to the owners property and on all sides of the enclosure containing the dog. The sign at the entrance must be 2 ft. x 2 ft. and the signs at all sides of the enclosure must be a minimum of 8.5 in. x 11 in. and read

BEWARE OF DOG
STAY AWAY
THIS DOG IS DANGEROUS
(according to State Law NCGS 67-4.1)

The signs must be clearly readable.

Section 1-5. Registration.

(a) All dogs kept, harbored or maintained by an owner in the City shall be registered for taxation, collared, equipped with dog tags and otherwise registered as required from time to time by the regulations of the County of Randolph. Any dog bearing no collar, dog tags nor obviously within the possession and control of an owner, may be deemed by the Animal Control Officer to be a stray dog roaming at large in violation of this ordinance and thus subject to impoundment.

(b) All dogs kept, harbored or maintained by an owner in the City, registered for taxation and possessing the proper dog tags and otherwise registered as required from time to time by the regulations of the County of Randolph residing exclusively within an owner's residence not bearing a collar or dog tags, shall not be considered to be a stray dog roaming at large in violation of this ordinance and thus subject to impoundment if upon request by the Animal Control Officer, the owner can produce the proper registration(s), dog tags and any other required permits and registrations as required from time to time by the County of Randolph.

Section 1-6. Impoundment by Animal Control Officer.

(a) Any dog found running at large contrary to the provisions of this ordinance may be impounded by the animal control officer upon notice thereof to him, in the Randolph County Animal Shelter or other suitable place. The animal control officer or other designated official of the city, upon receiving any dog, shall make a complete registry entry to the best of his ability of the breed, color and sex of such dog and whether licensed and tagged. If licensed and tagged, he shall enter the name and address of the owner and the number(s) of the license tag(s) if determinable.

(b) Whenever any person or animal has been bitten by a dog within the city, The animal control officer shall have the right and authority to examine and observe such dog under such conditions as might be prescribed and may impound such dog for observation for such period as may be necessary to determine if it has rabies or any symptoms thereof. In the event it should be determined that a dog does have rabies or symptoms thereof within the city limits, the animal control officer shall cause such dog to be euthanized in a humane manner by the proper Randolph County employees at the Randolph County animal control facility. If no evidence of rabies is determined in a dog held for observation for rabies, the dog shall be returned to the owner or person who had custody of the animal at the time it was delivered for observation; provided, that the usual impoundment fees are paid within three (3) days after notification to the owner or such person having custody of such dog at the time it was delivered; and if the fees are not be paid within three (3) days, the dog shall be turned over to Randolph County for disposal.

(c) Upon impounding of a dog under this ordinance, the animal control officer shall notify the owner of the dog so impounded, if the name of the owner is ascertained from dog tags, collar or other information readily available to the animal control officer, and such owner may redeem such dog within three (3) days after notification by posting notice in the U.S. mail or advising the owner orally, by paying all fees then due for such dog.

(d) The owner of any dog impounded pursuant to this ordinance may reclaim such dog by proceeding as follows:

(1) If the dog has been properly tagged or licensed, the owner shall apply for redemption of the impounded dog to the animal control officer; and;

(2) If the dog is not properly tagged or licensed under the ordinances of Randolph County, the owner shall present to animal control officer with proof of payment of any such license or tag fees or taxes along with the tag to be placed on the dog, shall pay ten dollars ($10.00) for each day or part of a day that the dog has been impounded for its care and feed or the actual expense of keeping such dog as determined by the city manager whichever is greater, and provide proof of vaccination for rabies of such dog within the past three years or arrange for immediate vaccination by a

veterinarian to the satisfaction of the animal control officer, whereupon the dog shall be released to the owner.

Section 1-7. Disposition of Impounded Dogs.

(a) Any dog impounded under the provisions of this ordinance whose owner fails to pay for and procure county license tags when required or fails to have said dog vaccinated in accordance with the laws of North Carolina and this ordinance, which dog is not redeemed by the owner as herein provided may be disposed of as follows:

(1) Any dog impounded under this ordinance whose owner is unknown to the animal control officer, shall be: turned over to the county animal control officer by the city for disposal or destruction, or may be sold by the animal control officer to any individual arranging for rabies vaccination and payment of pound fees after such dog has been held for a minimum of two (2) days by the city animal control officer, or may be destroyed in a humane manner.

(2) Any dog infected with rabies or other infectious or communicable disease shall be destroyed in a humane manner as soon as possible or turned over to the Randolph County animal control officer for disposal in his usual course of business.

(3) Any dog whose owner is known to the animal control officer and has been notified under the provisions of this ordinance to redeem his animal and is not redeemed by its owner within three (3) days of such notification shall be disposed in accordance with paragraph (a) of this section as if the dog's owner were unknown, in the discretion of the animal control officer.

Section 1-8. Rabies Control.

A. Prevention.

1. In accordance with state law, the owner of every dog and cat over four months of age shall have the animal vaccinated against rabies. The time or times of vaccination shall be established by the North Carolina Commission for Health Services. Rabies vaccine shall be administered

only by a licensed veterinarian. Only animal rabies vaccine licensed by the United States Department Agriculture and approved by said Commission shall be used on animals in this state.

2. A licensed veterinarian who administers rabies vaccine to a dog or cat shall complete a three-copy rabies vaccination certificate. The original rabies vaccination certificate shall be given to the owner of each dog or cat that receives rabies vaccine. A record of the rabies vaccination certificate shall be retained by the licensed veterinarian. Upon request a copy shall be provided to the Animal Control Officer.

3. A licensed veterinarian who administers rabies vaccine to a dog or cat shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "rabies vaccine". Dogs and cats shall wear the rabies vaccination tags at all times.

B. Quarantine.

When reports indicate a positive diagnosis of rabies to the extent that lives of persons are endangered, the Animal Control Officer in conjunction with the Randolph County Health Director, may declare an area-wide quarantine for such period as is deemed necessary. Upon invoking of such quarantine, no dog or cat may be taken or shipped from the City of Trinity without written permission of the Animal Control Officer. During such quarantine, the Animal Control Officer may seize and impound any dog or cat found running at large in the City of Trinity. After reasonable effort has been made to apprehend any animals violating the quarantine, the animals may be destroyed and their bodies properly disposed of as per approved methods. During the quarantine period the Animal Control Officer in conjunction with the Randolph County Health Director, shall be empowered to provide for a program of mass immunizations by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

C. Confinement/Destruction.

1. When a person has been bitten by, or exposed to the saliva of an animal on broken skin or mucous membrane, the person or parent, guardian or person standing in loco parentis or the person, and the person owning the animal or in control of possession of the animal shall notify the Animal Control Officer immediately and give the name and address of the person

bitten, the name and address of the owner of the animal, and a description of the animal. All dogs and cats that bite a person shall immediately be confined for ten (10) days in a place designated by the Animal Control Officer. After reviewing the circumstances of the particular case, the Animal Control Officer may allow the owner to confine the animal on the owner's property to the satisfaction of the Animal Control Officer. If the owner refuses to confine the animal as required by state law and this ordinance, the Animal Control Officer may order seizure of the animal and its confinement for ten (10) days at the expense of the owner. A physician who attends a person bitten by an animal known to be a potential carrier of rabies shall report within twenty-four (24) hours to the Animal Control Officer the name and address of that person.

2. An animal exposed to rabies shall be destroyed immediately by its owner or the Animal Control Officer unless the dog or cat has been vaccinated against rabies in accordance with this ordinance more than three weeks prior to exposure and is given a booster dose of rabies vaccine within three days of the exposure.

3. A person who owns an animal, which is suspected of having rabies, shall immediately notify the Animal Control Officer and shall securely confine the animal in a place designated by the Animal Control Officer. Other non-domestic animals may be destroyed at the discretion of the State Public Health Veterinarian.

4. An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its head sent to the State Laboratory of Public Health. The heads of all dogs and cats that die during the ten-day confinement period shall be immediately sent to the State Laboratory of Public Health for rabies diagnosis.

5. The Animal Control Officer will investigate all animal bites in a timely manner and carry out the provisions of this ordinance in such investigations. A copy of all animal bite reports shall be kept on file and a copy shall be provided to the Randolph County Health Director as soon as investigations are complete.

Section 1-9. Cats Running at large – Generally.

(a) It shall be unlawful for any person owning or having the custody of any cat to allow such cat to run at large on public or private property without the permission of the owner or occupant of the private property. The owner or occupant of said private property is hereby authorized to capture and remove from his property any such cat found on such property providing that such capture and removal is done in a humane manner and removed either back to the owner or turned over to the proper city or county authorities only.

(b) The animal control officer is authorized to seize and impound any cat found running at large in violation of this chapter and to take possession of such animal from any person who has taken control of such animal pursuant to sub-section (a).

Section 1-10. Penalties and Fines.

(a) The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in North Carolina General Statutes Section 14-4. Each day's violation of this ordinance is a separate offense. Payment of a fine imposed in a criminal proceeding pursuant to this ordinance does not relieve a person of his liability for taxes or fees imposed under this ordinance.

(b) Enforcement of this ordinance may include any appropriate equitable remedy injunction or order of abatement issuing from a court of competent jurisdiction pursuant to North Carolina General Statutes Section 160A-175.

(c) In addition to or in lieu of any penalties as specified in North Carolina General Statutes Section and any other sanctions provided in this ordinance and in accordance with North Carolina General Statutes Section 160A-175, a violation of this ordinance may also subject the offender to the civil penalties hereinafter set forth:

1. The City Manager, or designee, may issue to the known owner or possessor of any animal, or to any other violator of the provisions of this ordinance, a ticket, citation, or warning giving notice of the alleged violation(s). Tickets, citations, or warnings so issued may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot readily be found. The ticket or citation shall impose upon the violator a minimum civil penalty of Twenty-Five Dollars ($25.00), or such greater amounts for subsequent offenses as may be set by the ordinance. Civil penalties shall be paid in full to the City Manager

or his designee within fourteen (14) days of receipt of the citation assessing the civil penalty. This civil penalty is in addition to any other fees or costs authorized by this ordinance.

1. In the event that the owner or possessor of an animal or other alleged violator does not appear in response to the above described ticket or citation, or the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty, and/or a criminal summons may be issued against the owner or possessor or other alleged violator of this ordinance, and upon conviction, the owner shall be punishable as provided by State law. The City Manager, or designee, is expressly authorized to initiate and prosecute small claims actions in District Court to collect civil penalties and fees due the City and may call on the jurisdiction's Attorney's Office for assistance as needed.

2. The following civil penalties are hereby established for the indicated violations of this ordinance:

Animal Control Civil Penalty Fee Schedule

SECTION	VIOLATION DESCRIPTION	FEE
1-3	Nuisance Violations	
	1st violation	$25.00
	2nd violation	$50.00
	3rd violation	$100.00
1-2	Animals Running at Large	
	1st violation	$25.00
	2nd violation	$50.00
	3rd violation	$100.00
1-4	Dangerous Dogs	$100.00
1-5 & 1-8	Rabies Vaccination Tag & Certificate	$50.00
1-8B	Violation of Quarantine	$100.00

1-8C Rabies Confinement for Observation----------$200.00

Section 1-11. Separability

If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

This Ordinance is hereby adopted on this the 21st day of August, 2001 by the City Council of the City of Trinity upon a motion made by Council member John Maddocks seconded by Council member Barbara Ewings and approved by a vote of unanimous.

Dean L. Spinks, Mayor

ATTEST:

Deborah B. Hanes, City Clerk