

CHAPTER 90: ANIMAL CONTROL

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§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL OFFICER. The official designated by the City Manager to serve in the official capacity of collector of animals or enforcer of this chapter.

AT LARGE. 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.

DANGEROUS DOG. Any dog as defined by and referred to in G.S. § 67-4.1.

DOG. Both male and female animals of the canine species.

DOG TAGS. Up to date rabies vaccination and Randolph County privilege tax tags.

OWNER. Any person or persons owning, harboring, keeping or permitting any dog to remain on his or her premises under the charge, control or protection of oneself or a member of one's family.

STRAY DOG. 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.

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VICIOUS DOG. Any dog which has bitten 1 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.
(Ord. passed 8-21-2001)

§ 90.02 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 chapter shall be guilty of a misdemeanor.

(B) It shall be unlawful for any person to prevent the Animal Control Officer from carrying out his or her duties of impounding a dog subject to impoundment under this chapter.
(Ord. passed 8-21-2001) Penalty, § 90.99

§ 90.03 NUISANCE.

It shall be unlawful for any person to own, keep, possess or maintain an animal in 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 of the general public, or interferes with the ordinary use and enjoyment of their property;

(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;

(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;

(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;

(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;

(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.
(Ord. passed 8-21-2001) Penalty, § 90.99

§ 90.04 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 Chairperson 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 G.S. §§ 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 chapter 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 owner's property and on all sides of the enclosure containing the dog. The sign at the entrance must be 2 feet by 2 feet and the signs at all sides of the enclosure must be a minimum of 8.5 inches by 11 inches and read:

BEWARE OF DOG
STAY AWAY
THIS DOG IS DANGEROUS
(according to State Law N.C.G.S. 67-4.1)

(3) The signs must be clearly readable.
(Ord. passed 8-21-2001)

§ 90.05 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 chapter and thus subject to impoundment.

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(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 chapter and thus be 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.

(Ord. passed 8-21-2001)

§ 90.06 IMPOUNDMENT BY ANIMAL CONTROL OFFICER.

(A) Any dog found running at large contrary to the provisions of this chapter may be impounded by the Animal Control Officer upon notice thereof to him or her, 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 or her ability of the breed, color and sex of the dog and whether licensed and tagged. If licensed and tagged, he or she 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 the dog under conditions that might be prescribed and may impound the dog for observation for a 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 the 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 3 days after notification to the owner or the person having custody of the dog at the time it was delivered; and if the fees are not be paid within 3 days, the dog shall be turned over to Randolph County for disposal.

(C) Upon impounding of a dog under this chapter, 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 the owner may redeem the dog within 3 days after notification by posting notice in the U.S. mail or advising the owner orally, by paying all fees then due for the dog.

(D) The owner of any dog impounded pursuant to this chapter may reclaim the 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 license or tag fees or taxes

along with the tag to be placed on the dog, shall pay \$10 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 the dog as determined by the City Manager, whichever is greater, and provide proof of vaccination for rabies of the dog within the past 3 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.

(Ord. passed 8-21-2001)

§ 90.07 DISPOSITION OF IMPOUNDED DOGS.

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

(A) Any dog impounded under this chapter 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 the dog has been held for a minimum of 2 days by the city Animal Control Officer, or may be destroyed in a humane manner.

(B) 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 or her usual course of business.

(C) Any dog whose owner is known to the Animal Control Officer and has been notified under the provisions of this chapter to redeem his or her animal and is not redeemed by its owner within 3 days of notification shall be disposed in accordance with division (A) of this section as if the dog's owner were unknown, in the discretion of the Animal Control Officer.

(Ord. passed 8-21-2001)

§ 90.08 RABIES CONTROL.

(A) *Prevention.*

(1) In accordance with state law, the owner of every dog and cat over 4 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 vaccines shall be administered only by a licensed veterinarian. Only animal rabies vaccine licensed by the United States Department Agriculture and approved by the 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 3-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

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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.*

(1) 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 a period as is deemed necessary. Upon invoking of quarantine, no dog or cat may be taken or shipped from the City of Trinity without written permission of the Animal Control Officer. During a quarantine, the Animal Control Officer may seize and impound any dog or cat found running at large in the City of Trinity.

(2) 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 of 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 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 chapter, the Animal Control Officer may order seizure of the animal and its confinement for 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 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 chapter more than 3 weeks prior to exposure and is given a booster dose of rabies vaccine within 3 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 10-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 chapter in 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.

(Ord. passed 8-21-2001)

§ 90.09 CATS RUNNING AT LARGE.

(A) It shall be unlawful for any person owning or having the custody of any cat to allow the 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 the private property is hereby authorized to capture and remove from his or her property any cat found on the property providing that the 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 the animal from any person who has taken control of the animal pursuant to division (A).

(Ord. passed 8-21-2001) Penalty, see § 90.99

§ 90.99 PENALTIES AND FINES.

(A) The violation of any provision of this chapter shall be a misdemeanor and any person convicted of a violation shall be punishable as provided in G.S. § 14-4. Each day's violation of this chapter is a separate offense. Payment of a fine imposed in a criminal proceeding pursuant to this chapter does not relieve a person of his or her liability for taxes or fees imposed under this chapter.

(B) Enforcement of this chapter may include any appropriate equitable remedy injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. § 160A-175.

(C) In addition to or in lieu of any penalties as specified in the North Carolina General Statutes section G.S. § 14-4 and any other sanctions provided in this chapter and in accordance with G.S. § 160A-175, a violation of this chapter may also subject the offender to the civil penalties hereinafter set forth:

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(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 chapter, 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 be readily found. The ticket or citation shall impose upon the violator a minimum civil penalty of \$25, or greater amounts for subsequent offenses as may be set by the chapter. Civil penalties shall be paid in full to the City Manager or his or her designee within 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 chapter.

(2) 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 chapter, 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.

(3) The following civil penalties are hereby established for indicated violations of this chapter:

Animal Control Civil Penalty Fee Schedule

<i>Code Section</i>	<i>Violation Description</i>	<i>Fee</i>
§ 90.03	Nuisance violations First violation Second violation Third violation	\$25 \$50 \$100
§ 90.02	Animals running at large First violation Second violation Third violation	\$25 \$50 \$100
§ 90.04	Dangerous dogs	\$100
§§ 90.05 and 90.08	Rabies vaccination tag and certificate	\$50
§ 90.08(B)	Violation of quarantine	\$100
§ 90.08(C)	Rabies confinement for observation	\$200

(Ord. passed 8-21-2001)