

ANIMAL CONTROL ORDINANCE OF SAMPSON COUNTY

WHEREAS, the Sampson County Board of Commissioners adopted a Sampson County Animal Control Ordinance in April, 2008; and

WHEREAS, the Sampson County Board of Commissioners, after a duly advertised public hearing held on March 31, 2014, did approve on its first reading on April 7, 2014, and again on its second reading on May 5, 2014 a revised Animal Control Ordinance of Sampson County; and

WHEREAS, the Board of Commissioners finds the Animal Control Ordinance of Sampson County to be in the public interest and to promote the public health, safety and welfare,

Now, therefore, be it ordained by the Sampson County Board of Commissioners that the Animal Control Ordinance of Sampson County is hereby adopted as follows:

CHAPTER 1 - Animals

- Article I Administration**
- Article II General Provisions**
- Article III Dangerous Dogs.**
- Article IV Rabies Control and Animal Bites**
- Article V Injured Animal Stabilization Fund**
- Article VI Miscellaneous**
- Article VII Enforcement**

Article I Administration:

Section 1-1 Animal Control:

- a. Sampson County will provide animal control pursuant to the roles and responsibilities of Sheriff’s Office, Animal Shelter and the Health Department. This will be a collaboration between the Animal Shelter, Sheriff’s Office and Health Department.

Section 1-2 Functions of Animal Control:

- a. Animal Control shall have and perform the roles and responsibilities of each department, shall enforce the provisions of this Chapter and of State Law relating to animal control and animal welfare, shall administer and enforce an animal control program within the County and operate the County Animal Shelter.

Section 1-3 Dangerous Dog Appeal Board Established:

- a. There is established the Dangerous Dog Appeal Board by the Sampson County Board of Commissioners.
- b. The Dangerous Dog Appeal Board shall consist of the Sampson County Board of Health.
- c. The powers and duties of the Dangerous Dog Appeal Board shall include:
 - 1. The Chair of the Board of Health will preside over its appeal hearings;
 - 2. Hearing the appeals of the determinations of potentially dangerous dogs by Sampson County Law Enforcement officers pursuant to Article III of this ordinance or Chapter 67 of the General Statutes of North Carolina.
- d. The Health Director shall be the Clerk to the Sampson County Board of Health when serving as the Dangerous Dog Appeal Board.

Article II General Provisions:

Section 1-4 Definitions:

- a. As used in this ordinance, the following terms shall have the meanings respectively ascribed to them in this section:
 - "Abandon" means to cease providing for the care, control or maintenance of an animal without the transfer of ownership of such animal.
 - "Animal Shelter or Department's Shelter" means the premises operated by Sampson County for the purposes of impounding, sheltering or caring for animals or any other premises operated by another entity with which the County contracts for such purposes.
 - "Law Enforcement Officer" means a Certified Law Enforcement Officer employed by the Sheriff's Office in the impoundment of animals, controlling of animals running at large, and as otherwise provided or required in this Chapter.
 - "At large" or "running at large" means any animal which is not confined on the property of its owner, the leased premises of the animal's owner, under the actual physical control of a competent person, or hunting dogs under supervision while engaged in a lawful actual or simulated hunt.

"Confinement" means to secure an animal in a locked house, run, enclosure or fenced yard within the boundaries of the owner's, leaseholder's, or keeper's property (i.e., house, fenced yard).

"County Manager" shall mean the duly appointed County Manager of the County or his/her designee.

"Cruelty" is defined Article 47 of Chapter 47 of North Carolina General Statutes.

"Feral" means an animal that is not socialized.

"Fee Schedule" means any schedule of fees related to the administration of this ordinance, which may be adopted by the Board of Commissioners.

"Fowl" means chickens, guineas, geese, ducks, pigeons, and other avian animals.

"Harboring" means feeding, sheltering or caring for an animal.

"Impoundment" means placing an animal in an animal control vehicle or unit, or holding an animal at the Animal Shelter, or holding an animal at any other location, pursuant to the law under the written direction of the Sheriff's department, health director, or shelter director.

"Keeper" A person having custody of an animal, or who keeps or harbors an animal, feeds or shelters, or who permits an animal to remain on or about any premises occupied or controlled by such person. A keeper shall be legally responsible for ensuring compliance with all sections of this Article for any such animal(s) kept on or about their premises.

"Livestock" includes, but is not limited to, equine animals, bovine animals, sheep, goats, llamas and swine.

"Neuter" means to render a male dog or cat unable to reproduce.

"Owner" shall mean anyone taking care of or having custody of an animal, such as by providing food, water, shelter or medical care, but shall not include taking care or having custody of the animal for compensation.

"Potentially Dangerous Dog" and "Dangerous Dog" shall have the meanings set forth in Article III.

"Rabies Exposure" any animal or human bitten by or that has come in contact with the saliva or nervous tissue of any animal known or suspected to have been infected with Rabies.

"Restraint" means that an animal is actually physically controlled by leash or tether held by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street or confined within the property limits of its owner or keeper.

"Run" means an area used to confine a dog or dogs of a size that complies with any of the requirements of this Chapter.

"Sanitary" means to make physically clean and to remove and destroy to a practical minimum, agents injurious to health.

"Spay" means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce.

"State Law" means the General Statutes and Regulations by the State of North Carolina.

"Stray" means an animal that meets both of the following conditions:

- a. Is beyond the limits of confinement or lost
- b. Is not wearing any tags, microchips, tattoos, or other method of identification.

"Tethered" or "tethering" mean attaching an animal to a stationary object by means of a chain, cable, rope or similar restraint.

"Vaccination" means an injection of United States Department of Agriculture approved Rabies vaccine administered by a licensed veterinarian or certified Rabies vaccinator as defined in G.S. 130A-186.

"Transfer" means to convey or change ownership from one person to another with or without the exchange of money or other consideration.

- b. All other words or phrases used herein shall be defined and interpreted according to their common usage.

Section 1-5 Applicability of State Laws to Custody of Animals:

No person owning or having in his custody any animal shall violate any laws, rules, or regulations of the state applicable thereto. The provisions of this Chapter shall govern where the provisions of the laws, rules and regulations of the state are less restrictive than the provisions of this chapter.

Section 1-6 Injuring, poisoning or trapping animals prohibited:

- a. A person who accidentally or otherwise strikes an animal with an automobile and injures it shall promptly notify the Animal Control shelter or any law enforcement agency having jurisdiction.
- b. No person shall knowingly expose or give to any animal any poisonous substance, whether mixed with food or not. This provision, however, does not apply to the eradication or population control of certain species of rodents.
- c. No person shall set or expose an open jaw type trap, leg hold trap, or any type trap which would likely cause physical harm or injury to any animal. This provision shall not apply to persons who are licensed by the state to trap animals, to Law Enforcement Officers or to persons using humane live capture traps.

Section 1-7 Diseased Animals; Injured or Sick Animals:

- a. Every person owning or having any animal under his charge which he knows or suspects to be sick or injured shall isolate the animal from other animals, shall obtain or provide appropriate treatment for such animal within two days or may have the animal humanely euthanized.

Section 1-8 Property owner may impound animal:

- a. Any person who finds a domesticated animal or fowl on his property to his injury or annoyance may:
 - 1. Take such animal to the Animal Shelter; or
 - 2. Retain possession of such animal or fowl and, within one business day, notify the Animal Shelter of this custody, giving a description of the animal and the owner's name, if known. Any person removing the animal from the impounder's property shall remove the animal in such a manner so as not to cause injury to the animal.

Section 1-9 Nuisance Animals; Animals Posing a Threat to the Public:

- a. For the purposes of this section, "nuisance" means the conduct or behavior resulting from any act of omission or commission by the owner or keeper of any small or large animal, fowl, cat or dog which molests passersby or passing vehicles, damages private or public property; is unconfined in season; habitually defecates on the property of someone other than the owner; or habitually eats or otherwise destroys the plants, shrubs or similar landscaping on the property of someone other than the owner.

****Refer existing noise ordinance. (Attachment # 2).**

- b. For the purposes of this section, “nuisance animal” means any animal that commits any of the acts, conduct or behaviors defined as constituting a nuisance in this section.
- c. No person shall keep any animal which is a nuisance animal or which causes a nuisance as defined in this section.
- d. Notice of violation. When a Law Enforcement Officer determines that a violation of this section has occurred, he may issue a written warning of violation and notice of public nuisance, which shall be served on the owner or keeper of the animal. The owner or keeper shall be responsible for abating the nuisance within seventy-two (72) hours by making sure his animal does not engage in any further act or acts which may constitute a nuisance under this section.
- e. Failure to abate the nuisance. If the Law Enforcement Officer determines that the animal has engaged in any further act(s) constituting a nuisance, or if the owner or keeper of the animal fails to abate the condition which constitutes the nuisance within seventy-two (72) hours after issuance of the written warning of violation, the Law Enforcement Officer may issue a notice of violation and civil penalty for the first offense and additional penalties for each subsequent offense. If the owner fails to abate the nuisance after the second civil penalty, the Law Enforcement Officer may seize and impound the animal. If the animal is seized, the Law Enforcement Officer must post a notice of seizure and impoundment with the owner or keeper of the animal. The owner or keeper may reclaim the animal upon payment of any civil penalties and shelter fees or charges for the impoundment. If the animal is not reclaimed within five (5) days, it shall become the property of the Animal Shelter and shall be disposed of according to the Shelter’s policies.
- f. Owner unknown. In situations where the owner of a nuisance animal is unknown, the Law Enforcement Officer shall impound the animal without posting notice of the impoundment. If the owner does not redeem the animal within five (5) days, the animal shall become the property of the Animal Shelter and shall be disposed of according to the shelter’s policies.
- g. Animal housed or restrained less than fifteen (15) feet from public way. When a Law Enforcement Officer has determined that an animal is being housed or restrained within fifteen (15) feet of a public street, road or sidewalk, and the animal poses a threat to the public, but the animal is not in the street, road or on the sidewalk, the Law Enforcement Officer shall issue a warning to the owner or keeper of the animal directing that the animal be moved to a distance greater than fifteen (15) feet from the

public street, road or sidewalk. If the owner or keeper refuses to move the animal, the Law Enforcement Officer shall issue a notice of violation and civil penalty for the first offense and additional penalties for each subsequent offense. After the second offense the Law Enforcement officer may impound the animal. The Animal Control Officer must leave a notice of impoundment with the owner keeper or affix the notice to the premises from which the animal has been seized. The owner shall have five (5) days to redeem the animal. If the animal is redeemed, the owner must pay all civil penalties and shelter fees for the impoundment. If the owner fails to redeem the animal within five (5) days the animal shall become the property of the Animal Shelter and shall be disposed of according to the shelter's policies.

- h. Animals found in the public way. If an animal is housed or restrained within fifteen (15) feet of a public street, road or sidewalk and the animal poses a threat to the public, and the Law Enforcement Officer finds it to be in the public street, road or on the sidewalk and the owner or keeper is not at home or refuses to remove the animal from the public street, road or sidewalk, the Law Enforcement Officer may impound the animal. The Law Enforcement Officer must leave a notice of impoundment with the owner or keeper or affix the notice to the premises from which the animal was housed or restrained.

The Law Enforcement officer may issue a notice of violation and civil penalty for a first offense and additional penalties for each subsequent offense. The owner shall have five (5) days to redeem the animal. If the animal is redeemed the owner or keeper must pay all civil penalties and shelter fees for the impoundment. If the owner or keeper fails to redeem the animal within five (5) days the animal shall become the property of the Animal Shelter and shall be disposed of according to the Shelter's policies.

- i. Private remedies. This section shall not be construed to prevent a private citizen from pursuing a private cause of action for damages against the owner or keeper of any animal that has caused injury to said private citizen or his property for damages or any other loss resulting from an animal being a nuisance as defined by this section or otherwise.

Section 1-10 Animal Fighting and Animal Fighting Paraphernalia Prohibited:

- a. No person shall permit or conduct any dog fights, cock fights, or other combat between animals, or between animal and human.
- b. It shall be unlawful for any owner or person to keep, own, possess, maintain, control, or use materials used or intended to be used in dog fighting or cock fighting. Such items shall include but

are not limited to treadmills; fighting or fight training pit; wooden sticks or handles used or capable of being used to pry open jaws; magazines, photographs, film, or videotapes depicting animal fighting or animal fight training; breeding stands; jaw strengthening devices; spurs; gaffs or slasher cases; gaff or knife gauges; mounting blocks; leather wraps; scabbards and leg or wing bands; training, conditioning, or fight contracts or records; veterinary drugs; suture kits, needles; and syringes and other veterinary supplies used for the administration of veterinary treatment for wounds or injuries from animal fighting or animal fight training.

- c. Upon criminal charges being brought for violations of this section, Law Enforcement Officer may petition the court for the confiscation of any animals kept or involved, or materials used or intended to be used in such fighting.

Section 1-11 Keeping of Wild or Exotic Animals:

Wild & Exotic Animals:

- a. *Wild animals dangerous to humans and property.* Wild animals are any animals not normally domesticated. For purposes of this chapter, wild animals are deemed inherently dangerous. They are deemed as such because of their vicious propensities and capabilities, the likely gravity of harm inflicted by their attack and unpredictability despite attempts at domestication. The category of wild animals includes but is not limited to:
 - 1. Members of the Canidae family such as wolves, coyotes, and hybrids of those breeds.
 - 2. Members of the Ursidae family which includes any member of the bear family or hybrids thereof.
 - 3. Members of the Felidae family such as wild cats, cougars, mountain lions, or panthers.
- b. *Exotic animals dangerous to humans and property.* Exotic animals are also considered to be inherently dangerous for purposes of this chapter. Like wild animals, exotic animals are dangerous because of their vicious propensities and capabilities, the gravity of harm inflicted by their attack, and unpredictability despite attempts at domestication. The category of exotic animals includes, but is not limited to:
 - 1. Reptiles which are poisonous or constricting reptiles more than ten (10) feet in length.

2. Nonhuman primates weighing greater than twenty-five (25) pounds.
 3. Members of the feline family other than domestic house cats, including, but not limited to lions, tigers and leopards.
 4. Reptiles which are members of the crocodile family, including, but not limited to alligators and crocodiles.
- c. Wild and exotic animals do not include:
1. Wolf-dog cross breeds.
 2. Foreign rodents such as guinea pigs, hamsters, ferrets, and chinchillas.
 3. Members of the reptile and amphibian family not specifically mentioned above such as small lizards and iguanas, salamanders, turtles and frogs.
 4. Vietnamese pot bellied pigs, and other members of the suidae family, except wild boar and peccary.
 5. Horses and other members of the Equidae family.
 6. Cows and other members of the Bovidae family.
 7. Deer and other members of the Cervidae family.
 8. Domestic dogs and cats.
- d. It is unlawful to keep, harbor, breed, sell or trade any wild or exotic animal for any purpose, except as may be licensed by the state Wildlife Resources Commission under its regulations pertaining to wildlife rehabilitators.

Section 1-12 Inhumane or Cruel Treatment Prohibited:

- a. It is unlawful for any owner or person to:
1. Perform or carry out any inhumane or cruel treatment against any animal; or
 2. Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities or which constitute or become a health hazard as determined by a Law Enforcement Officer or Sampson County Environmental Health Supervisor.

Section 1-13 Strays; Confinement of Animals in Season:

- a. Every female dog or cat in season (heat) shall be kept confined in such a manner that such female dog or cat cannot come in contact with other animals, except for controlled breeding purposes. Female animals picked up by the Law Enforcement Department which are in season (heat) shall be kept separate from male animals at all times
- b. No impounded animal shall be returned to its owner until any applicable impoundment and boarding, vaccination, other fees or costs and any penalties are paid.
- c. Any impounded animal not claimed by its owner after a three (3) day holding period, exclusive of Saturdays, Sundays and County-observed holidays, shall become the property of the County and shall be disposed of in accordance with the shelter's policies.

Section 1-14 Records; Disposition of Animals; Adoption:

- a. A Law Enforcement Officer, upon receiving any animal for impoundment, shall record the description, breed, color and sex of the animal and whether or not it is licensed and the date and time of impoundment. If the owner is known, the Animal Shelter shall telephone the owner or, if unsuccessful in attempting to telephone such owner, shall mail notice at the address shown on the Department's records to notify the owner, that unless reclaimed within seventy-two (72) hours after mailing of notice, Saturdays, Sundays and County-observed holidays excluded, the animal may be disposed of by in accordance with the shelter's policies. Attempts to contact the owner will be recorded on the impoundment record.
- b. After the seventy-two (72) hours of impoundment as prescribed above, animals that have not been reclaimed by the owner thereof shall be adopted or otherwise disposed of in a humane manner and as required by law. Provided, however, in the discretion of the Animal Control Director, a healthy animal may be retained for an additional period for the purpose of adoption or transferred to an approved local animal adoption or rescue agency.
 1. Before any dog or cat is released for adoption from the Department's shelter, the adopter shall pay such fee(s) as may be prescribed therefore in any fee schedule adopted from time to time by the board of commissioners. Such dog or cat also shall be issued any required Rabies vaccination.

2. There is hereby established a grace period of five (5) days beginning on the day of adoption and ending at the close of business of the fifth day thereafter (or the first business day which falls after the fifth day if such fifth day is a Saturday, Sunday or legal holiday), during which period an animal adopted from the Animal Shelter may be returned to the animal shelter without refund for a replacement animal, conditioned solely upon the presentation of written certification of a licensed veterinarian that the adopted animal is in poor health.

Section 1-15 Redemption of Impounded Animals; Impoundment Where No One is Present to Care for an Animal:

- a. An owner shall be entitled to resume possession of his impounded dog or cat or other small animal kept as a house pet, upon compliance with the vaccination provisions of this Chapter and payment of any applicable impoundment, boarding, vaccination or other fees. Animals four (4) months old and older will be vaccinated for Rabies by shelter Rabies vaccinators. New owners of adopted animals less than four (4) months old shall have three (3) business days from the time that the animal reaches the age of four (4) months, in which to have the animal vaccinated against Rabies and return the proof to the Animal Shelter Director. Failure to obtain the required Rabies vaccination shall constitute a violation of this section.
- b. When a Law Enforcement Officer takes a person into custody who is in possession of an animal, and no other competent person is immediately present at the scene to take care of the animal, the animal will be impounded for its welfare. The animal will be impounded at the Animal Shelter until contact can be made with the animal's owner and an appropriate disposition of the animal determined. Once a Law Enforcement Officer makes contact with the owner, the owner will have seventy-two (72) hours to arrange for the appropriate disposition of the animal. After the seventy-two (72) hour period expires, the animal shall become the property of the County and shall be disposed of as provided in this Chapter.

Section 1-16 Spaying or Neutering as Condition for Adoption of Dogs and Cats; Violations:

- a. No dog or cat may be adopted from the Animal Shelter unless the animal has been surgically spayed or neutered, or the adopting owner agrees to do have the animal surgically spayed or neutered in accordance with any time limit imposed by the Animal Shelter Director.

- b. The Animal Shelter Director shall implement procedures to enforce this section.
- c. The failure of any person adopting an impounded animal to comply with this section shall constitute a violation of this section and shall constitute the forfeiture of the animal to the Sampson County Sheriff's Office or Sampson County Animal Shelter.

Section 1-17 Keeping of Animals; Mistreatment, Abandonment Prohibited; Care; Restraining of Dogs; Exercise Area for Dogs:

- a. All dogs, cats and other small animals kept as house pets shall be housed, fed and protected from the weather.
- b. No person shall willfully or negligently:
 - 1. Torture, cruelly beat, injure, maim, mutilate or without good cause destroy or kill any animal, whether wild or tame, belonging to himself or to another;
 - 2. Deprive any animal of food, drink or shelter; or
 - 3. Cause any other person to do any of the above acts.
- c. If an animal is found by any Law Enforcement Officer to be in one of the above described conditions in subsection 1-17 (a) and (b), the officer shall take appropriate measures, including civil or criminal enforcement, to protect the welfare of the animal. If the Law Enforcement Officer determines that a confined animal's life is in immediate danger or the animal has been abandoned, the Law Enforcement Officer shall seize such animal if such seizure is not prohibited by applicable law. The Law Enforcement Officer shall leave a notice for the owner or keeper advising why the animal has been taken.
- d. No dog, cat or other small animal shall be confined within or on a motor vehicle under such conditions as may endanger the health or well-being of the animal, including, but not limited to, dangerous temperature or lack of adequate food or water.
- e. No person shall abandon or cause to be abandoned any dog, cat or any other type of animal.
- f. Owners and keepers of dogs, cats and other small animals shall provide food, shelter and medical attention to such animals, including but not limited to the following:
 - 1. Sufficient wholesome food that is nutritious for the species;
 - 2. Fresh, potable drinking water;

3. Medical attention to relieve such animals from suffering;
 4. Shade from the sun; and
 5. Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three (3) sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind or rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair.
- g. Animals that are tethered shall be in accordance with this subsection.
1. The tether is not placed directly round the dog's neck and is attached to a properly fitting collar or harness of nylon or leather worn by the dog; and
 2. The weight of the tether does not exceed more than one-tenth of the dog's body weight; and
 3. The tether is unlikely to become tangled or twisted; and
 4. The tether is arranged to be free of any obstacles which may limit the moveable length of the tether; and
 5. The dog is tethered in a manner that permits access to necessary shelter and water.
 6. Any dog that remains tethered in violation of this subsection for more than fourteen (14) days after the owner receives a notice of violation may be seized by law enforcement officers and impounded at the animal shelter. If the dog's owner does not show that an adequate confinement complying with the requirements of this ordinance has been installed on the owner's property within seventy-two (72) hours of the impoundment, exclusive of Saturdays, Sundays and County government holidays, the dog shall be deemed to have been forfeited to the County and shall be disposed of in accordance with the shelter's policy.
- h. Any animal confined within a fenced yard or run must have an adequate space for exercise. Provided, however, that where animals are kept or housed on property without a fenced yard and such dogs are kept in an enclosure or enclosure or run shall provide adequate space for exercise. Such an enclosure or run shall be constructed of chain link or similar type of materials with all four

sides enclosed. The enclosure shall be of sufficient height to prevent the animal from escaping from such enclosure. The top of such enclosure shall be sufficiently covered to provide the dog with adequate shade and protection from the elements.

Section 1-18 Dead Animal Pickup; Relinquishing Animals to the Shelter:

- a. Dead animals will not be picked up by Animal Control. Owners must bury dead animals within 12 hours after the animals' death. An animal must be buried at least three feet deep and no less than 300 feet from any flowing stream or public body of water. Alternately, the responsible person may contact the state veterinarian at the Department of Agriculture to seek approval for another method of disposal. NC DOT is charged with removing and disposing of dead animals from primary and secondary roads.
- b. Owners may relinquish their animals to the Animal Shelter provided the owner signs an impoundment card releasing possession of the animal to the shelter. Once the animal is released to the shelter, the animal shall become the property of the County and may be adopted or humanely disposed of in accordance with the Animal Shelter's policies.

Section 1-19 Apprehension of Wild Dogs:

- a. If the Sheriff or his designee shall determine that:

A dog or dogs are running wild in any area within the jurisdiction of this ordinance; such dogs are feral and do not have an owner, keeper or custodian; such dogs appear not to have been vaccinated for Rabies because such dogs are not wearing current and valid Rabies tags; such dogs are substantially interfering with the use and enjoyment of property or the conduct of business, or are harassing or threatening persons; and that such dogs cannot after extraordinary effort be apprehended; or
- b. An animal or animals are running wild and appear to be diseased, present an imminent threat to any person or to livestock or domestic pets, or are harassing and threatening persons, and cannot be apprehended without extraordinary effort; then the Sheriff or his designee shall be authorized to cause deadly force to be used to humanely euthanize said dogs or wild animals. Prior to making such a determination, in the case of wild dogs, the Sheriff or his designee shall have documented that persistent and repeated efforts to apprehend such dogs through use of traps, baited food, and/ or tranquilizer darts have been ineffective. After making such a determination, the Sheriff or his designee may:

1. Authorize any Law Enforcement Officer that has, in the discretion of the Sheriff or his designee, received appropriate training and certification in firearms to use deadly force; or
 2. Request assistance from appropriate municipal police authorities in order that the application of deadly force shall be effected by a sworn Law Enforcement Officer that has a marksman rating and/or qualification; or
 3. Seek the services of any private business, corporation, organization or other governmental organization or agency as may be approved by the County Manager for the application of deadly force.
- c. If such deadly force is proposed to be effected, the Sheriff or his designee shall take every precaution to assure the safety of persons and property in the area within which the dogs or animals are running wild.

Section 1-20 Regulation of the Number of Dogs and Cats Which May be Kept on Certain Premises:

- a. In any area in which the applicable zoning regulations are more restrictive as to the keeping of pets/animals/cats than the requirements of this section, the applicable zoning regulations may restrict the number of cats and dogs in any area covered by such regulations.
- b. This section shall not be construed to limit the right of any landlord to have the right to impose restrictive limits on the number of pets which may be possessed on any leased premises.

Section 1-21 thru 1-29 Reserved:

Article III Dangerous Dogs:

Section 1-30 Definition:

For the purposes of this Article, the following words and phrases shall have the following meanings:

“Attack by a dog” means any behavior or action by a dog which could reasonably be expected to cause physical injury to a person or domestic animal, to include biting, felling or toppling, tearing of clothing, or provoking flight to escape attack.

“Bite by a dog” means any seizing, gripping or grasping, no matter how slight or momentary by a dog between its jaws of the body parts of a person or domestic animal, so as to cause physical injury to such person or domestic animal.

“Dangerous dog” means any of the following dogs:

1. A dog that without provocation has killed or inflicted severe injury on a person; or
2. A dog that has been determined as provided herein to be potentially dangerous; or
3. A dog that is owned or harbored primarily, or in part, for the purpose of dog fighting or a dog trained for dog fighting.

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

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

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

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

“Owner of a dog” or “owning a dog” means any person or legal entity that has a possessory property right in a dog, including the harbinger or keeper of a dog with the consent of the owner or of a dog that has been abandoned by or escaped the custody of its owner.

“Owner or keeper's real property” means any real property owned or leased by the owner or keeper of the dog, not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

“Potentially dangerous dog” means a dog that had been determined, as provided herein, to have:

1. Inflicted a bite on a person that resulted in broken bones or

disfigure lacerations or required cosmetic surgery or hospitalization; or

2. Killed or inflicted injury upon a domestic animal when not on the real property of the owner of the dog; or
3. Attacked a person or approached a person in an area of the keeper's property open and accessible to invitees, or when not on the owner's property, in a vicious or terrorizing manner in an apparent attitude of attack.

“Severe injury” means any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

“Territorial jurisdiction of Sampson County” means all territory within the boundaries of the County of Sampson, North Carolina, except the incorporated area of a municipality, unless such municipality has consented to the application and enforcement of this Chapter in its jurisdiction.

Section 1-31 Application of Ordinance; Exceptions:

The provisions of this Article do not apply to:

1. A law enforcement dog or guard dog being used by a law enforcement officer or a bona fide professional security guard while in the performance of official duties or professional responsibilities;
2. A dog being used in a lawful hunt;
3. 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 control of its owner, and the damage or injury was to a species or a type domestic animal appropriate to the work of the dog; or
4. A dog where the injury inflicted by the dog was sustained by a person who at the time of the injury, was tormenting, abusing, or cruelly treating the dog, or had tormented, abused, or cruelly treated the dog, or was committing or attempting to commit a crime.

Section 1-32 Reporting requirements:

- a. Reporting required. An owner of a dog that has attacked or bitten a person or domestic animal, a victim of an attack or biting by a dog, the owner of any domestic animal that has been attacked or

bitten by a dog, any person witnessing such an attack or biting, a veterinarian treating a domestic animal for such an attack or biting, or a health care professional treating a person for such an attack or biting, shall report the following events to the Sheriff's Office and the Health Department within three (3) business days after the event has occurred:

1. Any attack or biting by a dog upon any person or domestic animal; or
2. The transfer, gift, sale or other conveyance of ownership or possession of a dangerous or potentially dangerous dog, its confinement in a veterinary facility, its removal from the territorial jurisdiction of the County, or its death.
3. Report data required. The data required in the report and the format thereof shall be as set forth in administrative procedures established by the Sheriff or his designee.

Section 1-33 Determination That a Dog is Potentially Dangerous; Appeals:

- a. Generally. Upon receipt of a report submitted in accordance with subsection 1- 32, or upon the receipt of any other complaint, or when he has reasonable suspicion that a dog is potentially dangerous, the Law Enforcement Officer shall make a determination whether or not such dog is a potentially dangerous dog. Any determination that a dog is potentially dangerous shall be made in a writing stating the facts relied upon by the Law Enforcement Officer to make this determination. The written declaration shall be personally delivered to the owner of the subject dog or shall be mailed by certified mail, return receipt requested, to the owner. If the determination is made that the subject dog is potentially dangerous, the written determination shall order compliance with the appropriate provisions of this Article and the Law Enforcement Officer may impose reasonable conditions to maintain the public health and safety. The Law Enforcement Officer may pursue such other civil or criminal penalties and remedies as authorized by this Chapter or State Law.
- b. If, at any time after the receipt of any report or complaint made pursuant to section 1-32, the Law Enforcement Officer determines that the conditions under which the subject dog is being kept or confined do not adequately protect the public health or safety, the officer shall require that the subject dog be impounded at the Animal Shelter until completion of the investigation and any appeal of the decision of law enforcement.
- c. Appeals from determinations.
 1. The owner of any dog determined by the Law

Enforcement Officer to be potentially dangerous may appeal the decision of the Law Enforcement Officer to the Health Director within three (3) business days of receiving notice of the determination. Appeal to the Sampson County Board of Health may be taken by filing written objections to the Law Enforcement Officer's determination with the Clerk (Health Director) for the Appeal Board.

2. The Appeal Board shall schedule and hear such appeal within ten (10) business days of the filing of the written objections.
 3. The vote of the Appeal Board shall be taken, and the announcement of its decision shall be made, in an open public meeting. A written statement of the decision of the Appeal Board shall be delivered to the Law Enforcement Officer, the appellant, and the complainant. The notice shall be sent by certified mail, return receipt requested, and filed concurrently with the County Manager, and the Sampson County Attorney.
- d. An appeal hearing before the Appeal Board shall be conducted as follows:
1. The hearing shall be subject to the Open Meetings Law, and the required notice shall be posted and given as applicable;
 2. The Chairperson of the Sampson County Board of Health shall preside at the hearing;
 3. The Law Enforcement Officer and the appellant may make any statements, present any evidence, or offer any witnesses on their behalf, on any relevant issue;
 4. The Chairperson of the Sampson County Board of Health shall rule on the admissibility of any evidence and on any procedural issues that might arise;
 5. The hearing shall be quasi-judicial in nature and all testimony shall be under oath;
- e. The appellant shall be entitled to obtain the minutes of the proceedings.
- f. The Appeal Board shall announce its decision at an open meeting and render it in writing as expeditiously as possible at or following the hearing. Its decision shall contain findings of fact and conclusions in support of its decision.

- g. The purpose of the hearing before the Appeal Board shall be to determine whether or not the determination of the Law Enforcement Officer is in the best interests of the public's health, safety and welfare.
- h. The function of the Appeal Board shall be to affirm, reverse, or modify the determination of the Law Enforcement Officer which has been appealed. Any conditions imposed by the Appeal Board shall be reasonable, relevant to the issues in the matter, and have the effect of promoting the public's health, safety and welfare.
- i. The hearing shall be administrative in nature and the decision of the Appeals Board shall be final.

Section 1-34 Registration Required:

- a. Registration. Any person owning a dangerous dog as defined by this Chapter or Chapter 67 of the General Statutes, shall register such dog with the Sheriff's Office within five (5) days of such event which established the dog to be dangerous or may, in lieu of any hearing, register such dog voluntarily, which shall constitute an admission and final determination that the dog is dangerous.
- b. Permanent identification mark required. Each dog registered pursuant to this section shall be assigned a registration number by the Sheriff's Department, which shall be affixed to the dog by permanent chip implant, at the expense of its owner.
- c. No person shall remove such identification once it is assigned and affixed.

Section 1-35 Permits Required:

- a. Generally -. After registration of a dangerous dog or after a final determination that such dog is potentially dangerous in accordance with this Chapter or Chapter 67 of the General Statutes, no person shall own such dog thereafter within the territorial jurisdiction of this Chapter without applying for and obtaining a permit from the Sheriff's Department.
- b. Issuance of permit. The Sheriff's Office shall issue a permit for a dangerous dog only upon submission of a complete, verified application, payment of the permit fee and a finding by the Law Enforcement Officer or his designee that:
 - 1. The required conditions for keeping and housing the dog and other public health and safety protective measures are in effect, and

2. The dog for which a permit is issued does not pose an unreasonable threat to the public's health, safety and general welfare if the owner shall comply with the provisions of this Article and the conditions of the permit.
- c. Issuance of a permit shall be conditioned on continued compliance with the provisions of this Article and other provisions of State Law, on continued compliance with and maintenance of the conditions for housing the dog and public safety set forth in the permit, and any special conditions the Law Enforcement Officer may deem reasonably necessary to protect the public's health, safety and welfare in view of the particular circumstances and history of the dog for which the permit is issued.
- d. Term of permits and renewal thereof. No permit shall be issued under this section for a term of more than one (1) year. Permits must be renewed, subject to the same terms and conditions required for initial permits.
- e. Revocation of permits. The Law Enforcement Officer may, upon notice and hearing and for good cause shown, revoke any permit or modify any terms, conditions or provisions thereof. If the Law Enforcement Officer deems it necessary to protect the public's health or safety from any imminent threat or danger thereto, he may, without hearing, suspend any permit or any portion thereof for not more than thirty (30) days. Good cause for revocation or modification of a permit shall include, without limitation, violation of or failure to comply with any provision of this Article or with any term, condition or provision of a permit.
- f. Inspections. Law Enforcement Officers shall cause periodic inspections to be made of the premises of the owner of a permitted dangerous or potentially dangerous dog to assure compliance with the provisions of this Article and the applicable permit.
- g. Insurance. Every person owning a dangerous dog, as determined in accordance with this Article or Chapter 67 of the General Statutes, shall purchase and maintain a policy of liability insurance covering any injury or property damage caused by the dog. Minimum policy limits shall be One Hundred Thousand Dollars (\$100,000.00) for personal injury or property damage, per occurrence. Such owner shall cause a certificate or declaration of insurance to be furnished to the Sheriff's department annually. Every day that the required insurance is not in full force and effect shall constitute a violation of this Article.

Section 1-36 Regulation of Dangerous Dogs; Security and Restraint Requirements:

No person shall own a dangerous dog except in compliance with

all provisions of this Ordinance, including the following regulations:

1. While on the real property of its owner, such dog shall be kept, secured and restrained as follows:
 - a. In a building with doors, windows and other exits securely fastened shut and under the supervision and control of a responsible, capable adult person; or
 - b. Securely kept in a locked enclosure which has secure sides, top and bottom and is constructed out of materials and in a manner which will preclude escape by the dog and prevent entry by small children; or
 - c. While outside a building or enclosure described above, securely leashed with a leash no longer than four (4) feet in length in the hands of and under the control of a responsible competent person capable of such control and muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
2. Such dog shall only be removed from the real property of its owner as follows:
 - a. For transportation to and from a veterinarian or the Animal Shelter; or
 - b. For its permanent removal from the territorial jurisdiction of this Chapter; or
 - c. To provide bona fide exercise necessary for its continued good health.
3. While off its owner's real property such dog shall be securely leashed with a leash no longer than four (4) feet in length in the hand of and under the control of a responsible competent person capable of such control and muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
4. Notwithstanding the foregoing, no person shall own a dangerous dog that has killed a person, except in the care and custody of a veterinarian for the purposes of treatment or quarantine; or in the custody of the Department's shelter pending disposition in accordance with the provisions of this Chapter, the Department's policies, or the order of any court.

5. Signage. The owner of a dangerous dog shall erect a sign with dimensions of at least 2'x2' on the enclosure housing such dog which shall read:

BEWARE OF DOG THIS DOG IS DANGEROUS STAY AWAY!

Section 1-37 Impoundment of Dangerous Dogs:

- a. Apprehension and surrender. Upon an initial determination of a dog as potentially dangerous or upon registration of a dog to be dangerous, or if the Law Enforcement Officers has reasonable suspicion to believe that a dangerous, or potentially dangerous dog is being kept or harbored within the territorial jurisdiction of this Chapter in violation of it or of a permit issued hereunder, Law enforcement officers of Sampson County and of any municipality subject to this Chapter shall impound such dog. It shall be a violation of this Article to fail or refuse to surrender such dog to such officers upon their lawful demand. The officer impounding such a dog shall deliver the same to the Animal Shelter.
- b. Surrender. Hiding, removing or failing to surrender a dangerous or potentially dangerous dog, or impeding any investigation concerning the same shall be a violation of this Ordinance.
- c. Confinement. A dog impounded by or surrendered to a law enforcement officer as provided herein shall be confined in the Animal Shelter or, upon request of the owner hereunder, and at such person's expense, at a private veterinary facility or kennel approved by Law Enforcement, subject to the following conditions:
 1. Costs of impoundment. Impoundment shall be at the expense of the owner of the dog. Costs of impoundment at the Animal Shelter shall be paid by the person liable therefore at the daily rate. The costs of impoundment at a veterinary facility or kennel shall be paid by the person liable therefore pursuant to the terms of the agreement between such person and the proprietor of such facility or kennel. In no event shall Sampson County or any municipality subject to this Chapter be liable for or pay for impoundment at such private facility or kennel.
 2. Release from impoundment. No such dog shall be released from impoundment as provided herein except upon registration of such dog and issuance of a permit. No such dog shall be

released from the Animal Shelter until costs of confinement of such dog, any registration for such dog, and any civil penalties assessed in connection with such dog have been paid in full.

3. Disposition of unclaimed or abandoned dogs. The following dogs impounded at the Animal Shelter pursuant to this Ordinance shall be deemed abandoned and shall be disposed of in accordance with the provisions of this Chapter and the rules and regulations of the Animal Shelter:
 - c. Any dog which remains unclaimed by its owner for a period more than ten (10) days or a period of lawful quarantine, whichever is longer; and
 - d. Any dog claimed by its owner which is confined for a period in excess of ten (10) days, or a period of lawful quarantine, whichever is longer, during which no application has been made for a permit or temporary permit; provided, however, the Animal Shelter shall extend such time upon a showing of justifiable delay in such action by the owner.

Section 1-38 Violations, Penalties and Other Remedies:

- a. Violations. Each act or conduct prohibited by this ordinance-and each failure to comply with a mandatory provision hereby and each day's continuing failure to comply shall constitute a separate and distinct offense.
- b. State law violations.
 1. Nothing in this Chapter shall be constructed to prevent a Law Enforcement Officer or any other person from pursuing remedies under Chapter 67, Article IA, of the North Carolina General Statutes.
 2. The Sheriff or his designee is designated as the person responsible for making the determination required under Section 67-4.1(c) of the North Carolina General Statutes. In making such determinations, the Sheriff or his designee shall follow the procedure set forth in this Ordinance.
 3. The Sampson County Board of Health is designated as the appellate board to hear appeals of determinations made pursuant to N.C.G.S., Section 67-4.1 (c).

Section 1-39 Administrative Provisions:

- a. Responsibility. The Sheriff or his designee shall administer and enforce this ordinance and shall promulgate rules and regulations for such administration and enforcement as may be necessary or desirable to such end.
- b. Authority to enter upon premises. Law Enforcement Officers shall have authority to enter into and inspect any premises, dwellings, rooming units, barns and other outbuildings, any part of the curtilage thereof, or any yard or other enclosure to:
 1. Conduct any investigation of a dog alleged or suspected of being potentially dangerous or dangerous, or
 2. Apprehend a dog determined to be potentially dangerous or dangerous or as to which there is reasonable suspicion to believe is potentially dangerous or dangerous, or
 3. Investigate any violation of this ordinance or
 4. Serve a citation upon a person for violation of this ordinance.
- c. Notwithstanding the foregoing, Law Enforcement Officers shall only make such entry upon consent, pursuant to an administrative search warrant under G.S. 15-27.2, or otherwise as authorized by law.
- d. Authority to immobilize or kill a dangerous or potentially dangerous dog.
 1. If in the course of investigating, apprehending or otherwise taking custody of a potentially dangerous or dangerous dog, or a dog as to which there is reasonable suspicion to believe is potentially dangerous or dangerous, such dog is not securely restrained and a law enforcement officer has reasonable cause to believe the dog poses an imminent risk of serious physical injury or death to any person or domestic animal, said officer shall have authority to render such dog immobile or euthanize by any lawful means, then the officer may dispose of said dog.
 2. If a potentially dangerous or dangerous dog impounded in the Animal Shelter cannot be cared for or handled without risk of serious physical injury or death to persons caring for or handling such dog or to other animals, the Shelter Manager shall render such

dog immobile or euthanize by any lawful means, then the Animal Shelter may dispose of said dog.

3. A Law Enforcement Officer or certified Animal Shelter employee may dispose of any dog being investigated under the provisions of this Ordinance at the request of or with the consent of its owner.

Article IV Rabies Control and Bite:

Section 1-40 Rabies Control:

Enforcement authority. The Sheriff or his designee and the Sampson County Health Director are authorized to enforce the Rabies control provisions in Part 6 of Chapter 130A of the North Carolina General Statutes and are further authorized to implement any reasonable administrative procedures necessary to enforce this State Law locally.

- a. Impoundment term. The impoundment period for animals held pursuant to this section shall be seventy-two (72) hours, excluding Saturdays, Sundays and legal holidays.
- b. Compliance with Rabies law. It shall be unlawful for any animal owner or other person to fail to comply with the State Laws relating to the control of Rabies.
- c. Provisions supplementary to State Law. It is the purpose of this section to supplement the State Laws by providing a procedure for the enforcement of State Laws relating to Rabies control, in addition to the criminal penalties provided by the State Law.
- d. Vaccination required. It shall be unlawful for an owner or keeper to fail to provide current vaccination against Rabies (hydrophobia) for any dog, cat or ferret four (4) months of age or older. Should the County Health Director deem it necessary that other pets be vaccinated in order to prevent a threatened Rabies epidemic or control an existing Rabies epidemic, it shall be unlawful for an owner or keeper to fail to provide vaccination for that pet.
- e. Vaccination schedule. A Rabies vaccination shall be deemed current for a dog, cat or ferret if the first two (2) doses of vaccine are administered twelve (12) months apart and each subsequent booster dose of vaccine is administered according to the manufacturer's recommended schedule.
- f. Persons to administer; issuance of a certificate. All Rabies vaccines shall be administered by a licensed veterinarian, a registered veterinary technician under the direct supervision of a licensed veterinarian, or a certified Rabies vaccinator. A person who administers a Rabies vaccine shall complete a Rabies vaccination

certificate in such form as is approved by the County Health Director pursuant to the regulations of the Commission for Public Health. An original Rabies vaccination certificate shall be given to the owner of the animal that receives the Rabies vaccine. A copy of the Rabies vaccination certificate shall be retained by the licensed veterinarian or the certified Rabies vaccinator.

- g. Owner or keeper to be issued Rabies tag. Upon vaccination pursuant to this section, the owner or keeper of the dog, cat or ferret that has been vaccinated shall be issued a Rabies tag stamped with a number and the yard for which issued and a Rabies vaccination certificate.
- h. Unlawful for dog, cat or ferret not to wear Rabies tag. It shall be unlawful for any dog, cat or ferret owner or keeper to fail to provide the dog, cat or ferret with a collar or harness to which a current Rabies tag issued under this section is securely attached. The collar or harness, with the attached tag, must be worn at all times the animal is off its owner's property.
- i. Untagged dog, cat or ferret subject to impoundment. In addition to all other penalties prescribed by law, a dog, cat or ferret may immediately be impounded in accordance with the provisions of this section if it is found off its owner's or keeper's property not wearing a currently valid Rabies tag.
- j. Unlawful to switch Rabies tag. It shall be unlawful for any person to use for any animal a Rabies vaccination tag issued for an animal other than the one assigned the tag.
- k. Animals exposed to Rabies.
 - 1. If the County Health Director determines that an animal has not been vaccinated against Rabies at least twenty-eight (28) days prior to being exposed to Rabies from a suspected rabid animal, the animal shall be immediately euthanized unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for a period of six (6) months at the owner's or keeper's expense.
 - 2. If the County Health Director determines that an animal with a current Rabies vaccination has been exposed to Rabies from a suspected rabid animal, it shall be revaccinated and returned to the owner or keeper who shall be responsible for the cost of the Rabies vaccination.
- l. Health Director may declare quarantine. When reports indicate a positive diagnosis of Rabies, to the extent that the lives of persons are endangered, the County Health Director may declare a County-

wide quarantine for such period of time as he/ she deems necessary. Once such emergency quarantine is declared, no dog, cat or ferret may be taken or shipped from the County without written permission of the County Health Director. During such quarantine, the County Health Director, the Animal Shelter Director, Law Enforcement Officers, or other persons duly authorized by the County Health Director or Animal Shelter Director may seize and impound any dog, cat or ferret running at large in the County. During the quarantine period the County Health Director shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency Rabies vaccination facilities strategically located throughout the County. If additional confirmed cases of Rabies occur during the quarantine period, the County Health Director in his/her discretion may extend the quarantine period.

- m. Carcass to be surrendered to animal shelter. The carcass of any animal suspected of dying of Rabies, or dying while under observation for Rabies, shall be submitted to the shelter for the implementation of appropriate diagnostic procedures.
- n. Unlawful to kill or release animal under observation. It shall be unlawful for any person to kill or release any animal under observation for Rabies, any animal under observation for biting a human, or to remove such animal from the County without written permission from the County Health Director, provided that a licensed veterinarian or the County Health Director or Law Enforcement Officers, may authorize any animal to be killed for Rabies diagnosis.
- o. Unlawful to fail to surrender animal. It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this Article, when demand is made therefore by the County Health Director, or any law enforcement officer.
- p. Unlawful to fail to provide proof of vaccination. It shall be unlawful for any person to fail or refuse to provide proof of Rabies vaccination for any animal that they own or control when request is made therefore by the Sheriff , the County Health Director or his/her designee, or any sworn Law Enforcement Officer.
- q. Animals subject to impoundment. Any animal which appears to be lost, stray, unwanted, not wearing a currently valid tax tag or a currently valid Rabies vaccination tag as required by State Law or this section, or not under restraint in violation of this Chapter, may be seized, impounded and confined in a humane manner in the shelter. Any dog or cat that has bitten or scratched a human must be quarantined for ten (10) days, either at the home of its owner or keeper, if an Animal Control Officer determines that the public health and safety shall be reasonably maintained by such

quarantine, or otherwise in the shelter or in a veterinary hospital at such owner's or keeper's expense. If such dog, cat or ferret is quarantined at the home of its owner or keeper and escapes, any Law Enforcement Officer shall impound such dog, cat or ferret at the shelter for ten (10) days.

- r. Owner liable. Impoundment of such animal shall not relieve the owner/keeper thereof from any penalty which may be imposed for violation of this section.
- s. The County Health Director or Law Enforcement Officer shall direct the disposition of any animal found to be infected with Rabies.

Section 1-41 Reports of Bite Cases; Report by Veterinarian:

- a. Every physician, veterinarian or health care provider shall report to the Law Enforcement Officers and Health Department the names and addresses of persons treated for bites and scratches inflicted by animals that break the skin, together with such other information as will be helpful in Rabies control.
- b. Every licensed veterinarian shall report to Law Enforcement Officers his diagnosis of any animal observed by him to be a suspect rabid animal.

Section 1-42 Records:

The Animal Shelter Director and Law Enforcement officers shall keep or cause to be kept:

1. An accurate and detailed record of the licensing, impounding and disposition all live animals, fowl and domestic birds coming into his custody and any dead dogs or cats picked up that possess Rabies tags or County license; and
2. An accurate and detailed record of all bite cases reported to him, with a complete report of the investigation or disposition of each case.

Section 1-43 Interference:

No person shall interfere with, hinder, delay or obstruct any Law Enforcement Officer or authorized representative of the County in the performance of any duty under this ordinance or seek to release any animal in the custody of Law Enforcement or its shelter impounded pursuant to this Article, except as provided by law.

Section 1-44 thru 1-49 Reserved:

Article V Injured Animals:

Section 1-50 Control of Injured Animals:

- a. Any Law Enforcement Officer is authorized to take possession of any seriously injured dog, cat, wildlife, livestock, bird or other animal which has suffered a painful and potentially mortal injury and which is found in any location open or accessible to the public, any public or private vehicular right of way, or apparently off the property of its owner. Any such animal which does not have a current Rabies tag or identification tag shall be conclusively presumed abandoned for purposes of this Article.
- b. Any Law Enforcement Officer finding any such animal shall make reasonable efforts to locate the owner of any such animal. If the owner is promptly located, the owner shall immediately seek veterinary care of the animal or shall authorize such officer to humanely euthanize such animal. If the owner cannot be promptly located or contacted, the Law Enforcement Officer is authorized, in his or her discretion, to humanely euthanize such animal in an emergency situation where safe, humane transport of the animal is not possible, or promptly transport such animal for stabilization of such animal's injuries. Every owner of any animal so found shall conclusively be presumed to have irrevocably appointed any such officer, his or her authorized agent for any purposes under this Article. Every such owner also shall be deemed to have released any officer, from any cause of action or claim arising out of or related to any action such officer may take under this Article, except for actions which constitute gross negligence.
- c. Each Law Enforcement Officer acting under this Article shall within a reasonable time report to the Animal Shelter Director the nature and extent of the injuries of each such animal and the disposition thereof. The Animal Shelter shall maintain a record of the nature and extent of each such animal's injuries and of the disposition thereof. If owner is found and acknowledge that it is his animal, the owner will be responsible for any fees.
- d. Any Animal Control Officer or Law Enforcement Officer, or any veterinarian to which an injured animal may be transported under this Article for stabilization of injuries, shall be deemed to be an authorized agent of and acting on behalf of Sampson County and its Animal Shelter pursuant to the authority of this Article. Any such officer acting pursuant to this Article shall be entitled to all the defenses, immunities and rights afforded by

law or available to Sampson County and its officers, employees or agents.

- e. If any owner of an animal transported under this section to a veterinarian shall subsequently be identified by Law enforcement , he or she shall make restitution to the veterinarian.

Section 1-51 thru 1-59 Reserved:

Article VI Miscellaneous:

Section 1-60 Keeping Chickens or Rabbits - Sanitation Requirements:

It shall be unlawful to keep, house or pen chickens or rabbits on premises which fail to meet sanitary standards established by the Sampson County Board of Health.

Section 1-61 Stables to be Kept Clean:

Every stable or other place where cattle, horses or animals are kept shall be maintained at all times in a clean and healthful condition.

Section 1-62 Grazing Animals:

It shall be unlawful for any owner or keeper to stake or graze any cow, horse or other animal in any park, cemetery or other public place or near any public sidewalk.

Section 1-63 Selling Live Animals in Public Rights of Way and Other Public Property Prohibited:

It is unlawful to sell, auction, trade, barter, and display for commercial purposes or give away any live animal within the right of way of any public highway, public vehicular area, public sidewalk, public property or street within Sampson County. The Sheriff's Office may immediately take custody of and impound any live animals found being sold in violation of this section.

- b. This section shall not apply to any animal welfare organization or humane society qualified under Section 501(c) (3) of the Internal Revenue Code acting pursuant to a permit issued by the Sheriff's Department, which permit may be conditioned on reasonable conditions to assure the health, welfare and safety of the animals being sold, auctioned, traded, bartered, displayed or given away.

Section 1-64 Provisions Only Applicable Within the Corporate Limits of Any Municipality in Which This Ordinance is Applied:

- a. No hogs, pigs, swine, or animals of the porcine family shall be kept within the corporate limits of any municipality in which this ordinance is applied.
- b. No horse, mule, pony, cow, or goat shall be stabled or housed within one hundred (100) feet of any dwelling house, school, church, or eating establishment within the corporate limits of any municipality in which this ordinance is applied.
- c. No more than ten (10) chickens or rabbits shall be kept, housed, or penned at a dwelling or on the lot on which such dwelling is located within the corporate limits of any municipality in which this ordinance is applied.
- d. No cow, horse, or other animal shall be tethered or permitted to graze or stand within thirty (30) feet of any wall, or within fifty (50) feet of the front door, of any residence within the corporate limits of any municipality in which this ordinance is applied.
- e. For the purpose of Sec. 1-09 of this ordinance, “nuisance” also includes the habitual accumulation of animal feces on the owner’s property in locations or amounts that produce odors that can be perceived from adjoining properties, within the corporate limits of any municipality in which this ordinance is applied.
- f. For the purpose of Sec. 1-36(e) of this ordinance, the owner of a dangerous dog shall erect a sign with the dimensions provided in that section, unless municipal sign regulations provide more stringent requirements for such warning signs in terms of size, height, and placement, within the corporate limits of any municipality in which this ordinance is applied.
- g. For the purpose of Sec. 1-60 of this ordinance, it shall be unlawful to keep, house, or pen chickens or rabbits on premises which fail to meet sanitary standards established by the Sampson County Board of Health or the code enforcement department of any municipality within the corporate limits in which this ordinance is applied.

Section 1-65 thru 1-69 Reserved:

Article VII Enforcement:

Section 1-70 Enforcement, Generally:

- a. The primary responsibility for the enforcement of this Chapter shall be vested in the Sheriff's Office.
- b. Any person authorized to enforce this Chapter may do so by issuing a notice of violation or civil penalty citation, or by applying to the General Court of Justice for a temporary restraining order, a preliminary injunction, a permanent injunction or an order to abate a nuisance, as may be appropriate in the circumstances.
- c. Upon information made known to or complaint lodged with the Sheriff's Office that any owner, possessor, or custodian of any dog or animal is in violation of this Chapter, a Law Enforcement Officer may investigate the complaint to determine whether to issue a notice of violation (civil citation) requiring the owner, possessor or custodian of the dog or animal to pay the stated civil penalty and abate the nuisance specified or whether to take such other enforcement action as may be authorized under this Chapter.
- d. If the owner, possessor or custodian of any dog or animal is not known and the dog or animal is upon the public streets, alleys, sidewalks, school grounds or other public places or premises, or another's property without that property owner's permission, in violation of this Chapter, the dog or animal shall be impounded in the Animal Shelter.
- e. Any decision of the Sheriff's Office or his designee to seize or impound any animal, other than a decision made pursuant to the provisions of Article III, may be appealed to the County Manager for review and final decision upon the owner or keeper of such seized or impounded animal giving written notice of appeal within three (3) business days of receiving notice of the Director's decision.

Section 1-71 Penalties for Violations:

- a. Any violation of this Chapter shall subject the offender to a civil penalty to be recovered by the County in a civil action in the nature of a debt, to include the cost of abating a public nuisance. Any costs of abatement and civil penalties shall be paid within seven (7) days of issuance of a notice of violation. Each day's continuing violation shall be a separate and distinct offense.
- b. A notice of violation shall specify the nature of the violation and the sections of this Chapter violated, and further notify the

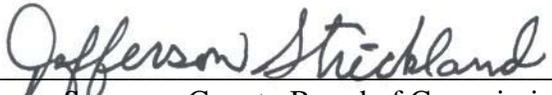
offender that the civil penalty specified therein shall be paid to the County at the finance office within seven (7) days.

- c. Unless otherwise provided in this Chapter, the civil penalty for a violation of this Chapter, shall be \$50 for a first violation or for a violation more than twelve (12) months after a previous violation. For subsequent violations within twelve (12) months of a previous violation, the penalty shall be \$100 for a second violation and \$200 for a third or subsequent violation within a twelve-month period of the first violation.
- d. In addition to the civil penalties prescribed in this section, any violation of this Chapter, also designated as the Sampson County Animal Control Ordinance, shall also constitute a criminal offense, classified as a Class 3 misdemeanor punishable by a fine of not more than \$100 and imprisonment of not more than twenty (20) days if the fine is not paid within thirty (30) days.

Section 1-72 Severability:

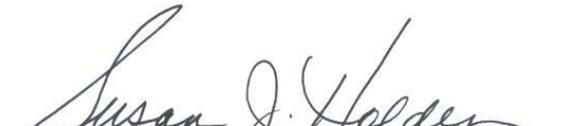
- a. If any section, sentence, clause or phase of this Ordinance is, for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.
- b. The Board of Commissioners intends, and it hereby ordains, that the provisions of this ordinance shall become and be made part of the Code of Ordinances of Sampson County, North Carolina, and the sections may be renumbered to accomplish such intention.
- b. This ordinance shall become effective May 5, 2014.

Section 1-73 thru 1-79 Reserved.



Chairman, Sampson County Board of Commissioners

ATTEST:



Clerk to the Board

Attachment # I

Relevant Statutes

1. Article 23 of Chapter 14- Trespasses to personal property
2. Article 47 of Chapter 14- Cruelty to Animals
§14-360 through §14-401
3. Article 1 of 19A Civil Remedy for the protection of Animals
§19A-1 through §19A-4
4. Article 4 of Chapter 19 Animal Cruelty Investigators
§19A-45 through §19A-49
5. Article 6 of Chapter 19A Care of Animal Subjected to Illegal Treatment
§19A-70
6. Part 6 of Chapter 130A Rabies
§130A-184 through §130A-201
7. Article 1A of Chapter 67 Dangerous Dogs
§67-4.1 through §67-4.5
8. Article 1 of Chapter 67 Owners Liability
§67-1 through §67-3
9. Article 2 of Chapter 67 License Taxes on Dogs
§67-12, § 67-14.1, § 130A-192
10. §153A-121. General ordinance-making power
11. §153A-131. Possession or harboring of dangerous animals
12. §160A-174 General ordinance-making power
13. Article 55 of Chapter 14 Handling of Poisonous Reptiles
§14-416 through §14-422
14. Article 3 of Chapter 19A Animal Welfare Act
§19A-20 through §19A-41
15. Article 5 of Chapter 19A Spay/Neuter Program
§19A-60 through §19A-64
16. §130A-190 Rabies Vaccination Tags

NOISE ORDINANCE

FOR

SAMPSON COUNTY

THAT WHEREAS, North Carolina General Statutes Section 153A-133 provides that a county may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens; and

THAT WHEREAS, there exists the production or emission of noises or amplified speech, music, or other sounds that do tend to annoy, disturb, or frighten the citizens of Sampson County; and

THAT WHEREAS, it is in the best interest of the citizens of Sampson County that the production of noises or amplified sounds that annoy, disturb, injure, or endanger the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities be regulated, restricted, or prohibited;

THEREFORE, it is hereby ordained by the Board of Commissioners of Sampson County that the following noise ordinance be adopted and hereafter enforced:

Section 1. Application and jurisdiction.

- (a) This ordinance shall apply at all times of the day or night to all parts of Sampson County, including all areas within the municipal limits of any incorporated town or city if such town or city does not have a duly adopted noise ordinance, and in the event that such town or city should have a duly adopted noise ordinance, then and in that event that town's or city's ordinance shall prevail.
- (b) This ordinance shall apply to any individual, association, partnership, or corporation and includes any officer, employee, department, agency, or instrumentality of any association, partnership, or corporation.

Section 2. General Prohibition

Subject to the provisions of this ordinance, it shall be unlawful to willfully make, continue, or cause to be made or continue any loud, raucous, and disturbing noise, and it shall be unlawful for a person who owns or is in apparent control of real property to knowingly permit the same to occur or exist thereon. The term loud, raucous, and disturbing noise shall mean any sound which, because of its volume level and duration or character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within Sampson County.

The following acts are declared to be loud, raucous, and disturbing noises in violation of this ordinance, but such enumeration shall not be deemed exclusive:

- (1) Using any loud, boisterous, or raucous language or shouting so as to annoy or disturb the quiet, comfort, or repose of any reasonable person of ordinary sensibilities in the vicinity.
- (2) Sounding any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound and the sounding of such device for any unreasonable period of time.
- (3) Operating or permitting to be operated any television, radio, boom box, stereo, tape or CD player, phonograph, musical instrument, or any sound production or amplifying equipment, whether from vehicles, buildings, or otherwise, in such manner or with such volume as to annoy or disturb the quiet, comfort, or repose of any reasonable person of ordinary sensibilities in the vicinity.

(4) Operating a motor vehicle so out of repair or so loaded, with inadequate mufflers, or in such manner that it creates a noise sufficient to annoy or disturb the quiet, comfort, or repose of any reasonable person of ordinary sensibilities in the vicinity. "Motor vehicle" shall mean any vehicle propelled other than by human or animal power on land, including, but not limited to, any automobile, motorcycle, dirt-bike, go-cart, or recreational vehicle.

(5) Possessing any animal (other than cattle, poultry, horses, sheep, or other similar farm animal) which, by habitual howling, yelping, barking, or other natural sound, creates a disturbing noise in a residential area. A "residential area" shall mean any neighborhood, subdivision, housing development, mobile home park, or any other area, whether on one or more streets or roads and whether intermixed with other types of development or land use, where two or more households are situated within hearing distance of each other.

Section 3. Exceptions.

The following are exempt from the provisions of this ordinance:

(1) Sound emanating from public or private secondary educationally sponsored outdoor athletic events.

(2) Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends for which building permits have been issued or are not required, providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment, manufacturer's mufflers, and noise-reducing equipment in use and in proper operating condition. "Construction" shall mean any site preparation, assembly, erection, repair, alteration, or similar action, including demolition of buildings or structures.

(3) Noise of safety signals, warning devices, emergency pressure relief valves, and all church bells. For purposes of this subsection, the term "church bells" shall not include electronic devices or artificial sound reproduction systems intended to sound like church bells.

(4) Noise resulting from any authorized law enforcement or emergency vehicle.

(5) Noise resulting from parades, lawful picketing, or other public demonstrations protected by the U.S. Constitution or federal or state law, for which a local permit has been granted by the County, provided such activity is of a temporary duration lasting no longer than two hours during any twenty-four (24) hour period. Regulation of noise emanating from activities under such permits shall be according to the conditions and limits stated on the permit.

(6) All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).

(7) Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to Article 54, Chapter 14 of the North Carolina General Statutes.

(8) Lawn mowers, power equipment, and landscape maintenance equipment used between the daylight hours of 7:00 a.m. and 9:00 p.m. when operated with all the manufacturer's standard mufflers and noise reducing equipment in use and in proper operating condition.

(9) Unamplified and amplified sound at community concerts conducted or sponsored by the county.

(10) Practice sessions or performances by marching bands.

(11) Noise from trains and associated railroad rolling stock when operated in proper repair and

manner.

(12) Agricultural equipment when operated in accord with the manufacturer's specifications and with all standard equipment, manufacturer's mufflers, and noise reducing equipment in use and in proper operating condition when used as a part of normal seasonal agricultural practices.

(13) Noise created by livestock and/or poultry kept or raised as part of normal agricultural practices.

(14) The discharge of firearms while engaged in activities permitted or sanctioned by law.

Section 4. Special permits authorized.

Notwithstanding any of the provisions of this ordinance, the Sampson County Board of Commissioners or its designee may, in its sole discretion, from time to time grant permission by way of a special permit upon written application, duly filed, to such persons, associations, partnerships, or corporations who apply for the right to conduct activities of a business, commercial, educational, or civic nature and which activity entails, or might reasonably be expected to entail, the creation of noise otherwise prohibited by this ordinance. Permits shall be issued in accordance with procedure established by the Sampson County Board of Commissioners. For purposes of this subsection, "civic" shall mean a project or undertaking in which citizens of a county cooperate to promote the common good and general welfare of the county.

Section 5. Enforcement and Penalties.

The provisions of this ordinance shall be enforced as follows:

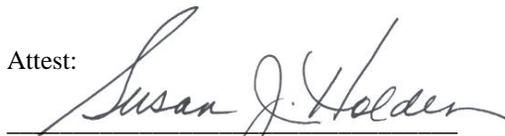
(1) If any person shall violate this ordinance or any provision thereof, that person shall be guilty of a Class 3 misdemeanor and shall be subject to a fine of up to five hundred dollars (\$500.00) (see G.S. 14-4(a)); or

(2) A law enforcement officer or animal control officer may issue a citation to any person violating this ordinance or any provision thereof. The violator shall thereby be subject to a one hundred dollar (\$100.00) civil penalty, which penalty may provide for a fifteen dollar (\$15.00) delinquency charge upon nonpayment, and which penalty and delinquency charge may be recovered by the city in a civil action. For purposes of this subsection, a law enforcement officer shall mean the sheriff of the county or any officer who possesses the power of arrest, who has taken the law enforcement oath administered under the authority of the State as prescribed by G.S. 11-11, and who is certified as a law enforcement officer under the provisions of Chapter 17C of the General Statutes or certified as a deputy sheriff under the provisions of Chapter 17E of the General Statutes.

This ordinance was passed following presentation to the Sampson County Board of Commissioners at a duly advertised regular board meeting held September 12, 2005. The same being passed by unanimous vote with all board members being present. The same to be entered in Sampson County's Book of Ordinances and to be effective immediately.


Kermit D. Williamson – Chairman

Attest:


Susan Holder – Clerk

FEE SCHEDULE

Civil penalty.

- (a) Violation. Except as otherwise provided herein, any owner who violates any provision of this article shall be subject to a civil penalty for each violation in accordance with subsection (c) below as well as to criminal penalties. Fines shall be established by the county board of commissioners based on the nature of the violation and number of repeat offenses. If the violation is continued, each day’s violation shall constitute a separate offense. For the purposes of this section, repeat violations occur where the agency has issued a fine for the same offense within a 24 hour period. Nothing in this section shall prevent agency representatives from issuing warning violations.
- (b) Payment of penalty and written notice of violation and penalty. The animal owner or keeper shall a written notice of violation and shall be required to make payment to the sheriff or his designee at the time the animal is redeemed or within ten days of the receipt of notice whichever comes first. Notice of the civil penalty and violation shall be delivered in person to the violator or mailed by certified mail, return receipt requested to the owner’s last known address. If 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.
- (c) Violations and fines.

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| Abandoning an animal | Section 1-17 |
| Animal attack on another animal | Section 1-30 |
| Animal bite to a human or animal | Section 1-41 |
| Animal causing property damage | Section 1-9 |
| Animal Fighting/ Animal fighting paraphernalia | Section 1-10 |
| Animal used for unnatural behavior | Section 1-17 |
| Concealment of an animal | Section 1-37 |
| Failure to comply with dangerous dog orders and regulations | Section 1-36 |
| Failure to confine a dog or animal | Section 1-30 |
| Failure to confine an animal in season | Section 1-13 |
| Failure to control a nuisance animal/abate a nuisance | Section 1-9 |
| Failure to correctly tether an animal | Section 1-17 |
| Failure to dispose of a dead animal | Section 1-18 |
| Failure to obtain permit for keeping of a dangerous dog | Section 1-35 |
| Failure to obtain rabies vaccination for dogs, cats, ferrets or other pets | Section 1-40 |
| Failure to obtain/provide treatment for diseased, injured or sick animals | Section 1-7 |
| Failure to provide food, water and/or shelter to an animal | Section 1-17 |
| Failure to provide proof of vaccination tag and/or certification | Section 1-40 |
| Failure to register a dangerous dog | Section 1-34 |

Attachment III

| | |
|---|--------------|
| Failure to spay/neuter adopted animal | Section 1-16 |
| Inhumane treatment/cruelty to animals | Section 1-12 |
| Injuring, Poisoning or Trapping Animals | Section 1-6 |
| Intentionally striking an animal with a motor vehicle | Section 1-6 |
| Interference with an officer | Section 1-43 |
| Keeping a wild or exotic animal | Section 1-11 |
| Keeping an animal too close to the property line | Section 1-9 |
| Maintaining animal wastes | Section 1-9 |
| Maintaining animals in a unsanitary environment | Section 1-60 |
| Promoting animal cruelty | Section 1-12 |
| Unsafe confinement of an animal in a vehicle | Section 1-17 |
| Unightly litter, foul or offensive odors | Section 1-9 |

| Civil Penalty Fees Schedule | | | | |
|-----------------------------|------------------|-------------------|------------------|----------------------------|
| | First Offense | Second Offense | Third Offense | Each additional Offense |
| | \$50.00 | \$100.00 | \$200.00 | \$200.00 |

(d) (Authority to waive fines) The director or his or her designee has the authority to waive fines for first time offenders if it can be demonstrated that the owner of the animal has come into compliance with the ordinance and the violation did not threaten the health, safety or welfare of the general public.

Criminal penalties

Violation of this article may subject the violator to criminal as well as civil action. In addition to civil penalties or fees imposed under this article, violation of this article shall be a misdemeanor for which a criminal summons or warrant may be issued. Any violator convicted of such violation shall be punishable as provided in G.S. 14-4. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve the violator of his liability of taxes, civil penalties or fees imposed under this article.