

Animal Control Ordinance

Wayne County, North Carolina

The mission of Wayne County Animal Services is to balance the health, safety and welfare needs of the people and animals in our County. Through our mission we will educate the public about responsible companion animal ownership, aggressively investigate animal cruelty cases, reunite lost animals with their owners, provide compassion and humane care for unwanted, stray, abused, and abandoned animals in our County, and give adoptable animals a second chance at a forever home.



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ARTICLE I: INTRODUCTION

Section 10-1: Definitions

Adequate Shelter: A structure that shall protect the animal from the elements consisting of at least three solid walls a roof and a floor and suitable bedding material and shall provide enough room for the animal to stand and turn around.

Animal Shelter: Any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this ordinance.

At Large: Any animal shall be deemed to be at large when he is off the property of its owner and not under restraint of a competent person.

Attack: An approach to a person by an unrestrained animal in a vicious, terrorizing or threatening manner or apparent attitude of attack, without the animal having been teased, molested, provoked, beaten, tortured, or otherwise harmed.

Attack Training Facility: Any person, group of persons, partnership or corporation engaged in boarding, breeding, selling or training dogs or other animals in mode of attack.

Dangerous Animal: Any animal that has demonstrated a fierce or dangerous propensity or tendency to do any act which may endanger persons or property and/or any non-domesticated animal indigenous to the state of North Carolina including hybrid animals that are part wild. This would include but not be limited to any dog which (1) assaults, bites, attacks or inflicts serious injury on a human being without provocation on public or private property and/or (2) which has killed or injured a pet or domestic animal without provocation and/or (3) approaches a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack. **Exceptions:** No dog is dangerous pursuant to this definition if at the time the threat, injury or damage was sustained, the person attacked was teasing, tormenting, abusing or assaulting the dog, or has in the past teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. Nor shall a dog be considered dangerous pursuant to this definition if it has attacked or injured a pet or domesticated animal in defense of an attack by another animal or if it is protecting or defending its young.

Dealer: Any person who is licensed by the U.S. Department of Agriculture as a dealer.

Domestic Animal: Any of various animals as horses, sheep, cattle, goats, hogs, poultry, etc; domesticated by man so as to live and breed in a tame condition.

Exhibitor: Any person who is licensed by the U.S. Department of Agriculture as an exhibitor.

Exposed to Rabies: An animal has been exposed to rabies within the meaning of this ordinance, if it has been bitten by, or been exposed to, any animal known or suspected to have been infected with rabies.

Inherently Dangerous Mammal: Inherently dangerous mammal is any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

- A. Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis Familiaris*).
- B. Felidae, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).
- C. Ursidae, including any member of the bear family, or any hybrids thereof.

Kennel, Dealer, or Breeder: Any person, group of persons, partnership or corporation engaged in buying, selling, breeding or boarding animals.

Neutered: Any male animal which has been operated upon to prevent reproduction.

Owner: Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions and behavior of his animals. In the event that the owner of an animal is a minor, the parent or guardian of such minor shall be held liable for non-compliance with the provision of this ordinance.

Pet: A domesticated animal kept for pleasure rather than utility.

Restraint: An animal is under restraint within the meaning of this ordinance if it is (1) controlled by means of a chain, leash, or other like device; (2) on or within a vehicle being driven or Parked; (3) within a secure enclosure; or (4) within the dwelling house of the owner.

Secure Enclosure: A fence or structure of adequate height, forming or causing a humane enclosure suitable to prevent the animal from escaping and to prevent the entry of young children. For purposes of this definition, a home, mobile home or separate garage do not meet this definition.

Spayed: Any female animal which has been operated upon to prevent conception.

Stray: Any dog or cat that appears homeless or unwanted, and any dog that is not displaying a valid rabies tag unless exempted under Section 10-19 or 10-20.

Suitable Food: Food that provides proper nutrition in adequate amounts to sustain a healthy lifestyle.

Untimely: Between the hours of 11:00 P.M. and 7:00 A.M.

Section 10-2: Establishment and Composition of the Animal Control Program

- A. There is hereby created the Animal Control Program of Wayne County, hereinafter referred to as The Animal Control Program, which shall be composed of such employees and or officials as shall be determined by the Board of Commissioners.
- B. Employees or agents enforcing this ordinance shall be designated as animal control officers. In the performance of their duties, animal control officers shall have all the powers, authority and immunity granted under this ordinance and by the general laws of this state to enforce the provisions of this ordinance, and the General Statutes of North Carolina as they relate to the care, treatment, control or impounding of animals.
- C. Except as may be otherwise provided by statutes, local laws or ordinances, an officer, agent or employee of the county charged with the duty of enforcing the provisions of this ordinance or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties unless he acts with actual malice.
- D. There is hereby created an advisory committee to advise the Board of County Commissioners and the County Executive Officer with respect to animal control matters. The advisory committee is to be composed of members appointed by the Board of County Commissioners to serve at the pleasure of said board.

Section 10-3: General Duties of Animal Control Program

- A. The Animal Control Program shall be charged with the responsibility of:
 - 1. Enforcing, in this county, all state and county laws, ordinances and resolutions relating to the care, custody and control of animals.
 - 2. Assisting in the enforcement of the laws of the state with regard to animals and especially with regard to vaccination of animals against rabies and the confinement or controlling of dangerous animals and dangerous dogs.
 - 3. Investigating cruelty or abuse with regard to animals.
 - 4. Making such canvasses of the county, including the homes in the county, as it deems necessary for the purpose of ascertaining that all animals are vaccinated against rabies as required by local ordinance or State statute.

5. Operating, pursuant to policies of the Board of County Commissioners, the county animal shelter(s).
- B. It shall be the duty of The Animal Control Program to keep, or cause to be kept, accurate and detailed records of:
1. Impoundment and disposition of all animals coming into the animal shelter or shelters.
 2. Bite cases, violations and complaints, and investigation of same.
 3. All monies belonging to the county which were derived from impoundment fees, penalties and sales of animals.
 4. All other records deemed necessary.
- C. The employees of Wayne County are hereby empowered to issue civil citations and criminal summons as described in Sections 10-36 through 10-37 upon the observance of a violation of this chapter. It is the intent of this ordinance that each person is responsible for the proper management of his animals.

Section 10-4: Cruelty to Animal

It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful shooting of birds, deer and other game for human food; nor to prohibit an animal's owner, a veterinarian, the Health Director or Animal Control Program agents from destroying dangerous, unwanted or injured animals in a humane manner, nor to prohibit the lawful use of animals in scientific research.

- A. Domestic pets shall be provided with adequate shelter.
- B. Domestic animals shall be provided suitable food and have access to clean drinking water at all times.

Animal cruelty investigator(s) may be appointed by the Wayne County Board of Commissioners as provided under General Statute 19A-45. An animal cruelty investigator(s) have the responsibility for carrying out the defined duties of an animal cruelty investigator as mandated by General Statutes 19A and 46-47. An animal control officer may be requested to accompany the investigator on animal seizures.

Section 10-5: Animal(s) at Large

- A. It shall be unlawful for any owner to permit an animal to be at large.

The Animal Control Program shall confiscate any animal(s) found to be at large and impound such animal(s) at the Wayne County Animal Shelter in accordance with the provisions of Article III.

- B. An owner may lawfully permit an animal which is not dangerous to be at large in the course of a show, obedience school, tracking tests, field training, or other events sanctioned or supervised by a recognized organization. Hunting dogs may be at large in the course of hunting or training for hunting if under the control of the owner. However, this provision does not exempt an owner from otherwise complying with Section 10-6 or any other provision of this Chapter.
- C. Any owner permitting an animal(s) to be at large shall be subject to the penalties in Sections 10-35 through 10-37 and be responsible for any applicable reclaim and boarding fees.

Section 10-6: Animal(s) Creating Nuisance

- A. It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a nuisance.
- B. The actions of an animal constitute a nuisance when an animal 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 private or public property. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a nuisance and are therefore unlawful:
1. Maintaining an animal that habitually or repeatedly disturbs or interferes with human beings.
 2. Maintaining an animal that tips over garbage pails or damages gardens, flowers or vegetables.
 3. Failing to confine in a building or secure enclosure a female dog while in estrus.
 4. Allowing or permitting an animal to bark, whine, howl or yowl in an excessive or continuous fashion, or to make other noise in such a manner

so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

5. Maintaining an animal that chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers or farmstock or domestic animals.
6. Maintaining an animal that habitually or continuously loiters on public places.
7. Maintaining an animal that is diseased and dangerous to the health of the public unless under the care of a licensed veterinarian.

Section 10-7: Confinement and Control of Inherently Dangerous Mammals

- A. It shall be unlawful for any owner to keep an inherently dangerous mammal within the county.
- B. Exemptions - The following shall be exempt from this ordinance:
 1. Any nonprofit institution or exhibitor or dealer which owns or harbors inherently dangerous mammals for research, provided that such institution /facility/premises are licensed by the U.S. Department of Agriculture or Interior.
 2. Traveling fairs, circuses and carnivals shall also be exempt from this section.
 3. Any inherently dangerous mammal registered with the Animal Control Program prior to the adoption of this ordinance.
- C. Recapturing Costs

The owner of any inherently dangerous mammal shall reimburse Wayne County for all cost incurred while attempting to recapture any escaped inherently dangerous mammal. If the animal is sheltered or euthanized by Animal Control, the owner shall also pay these costs.

Section 10-8: Confinement and Control of Dangerous Animals and Dangerous Dogs

- A. It is unlawful for any owner to maintain or harbor unconfined or unrestrained any dangerous dog or animal.

- B. The owner will be notified in writing to confine the dog or animal in a humane secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog or animal is on the premises. Said sign shall not exceed one foot by two feet or two square feet in area; and, shall be deemed an incidental sign for the purposes of the Wayne County Zoning Ordinance.
- C. The owner shall have 30 days from the date of notification to provide a humane, secure enclosure. The animal deemed "Dangerous" shall be under constant restraint on the owner's property during this period.
- D. An animal control officer is empowered to confiscate the dog or animal and harbor it at the owner's expense pending the owner's construction of a humane secure enclosure. If any dangerous animal or dog is confiscated under this provision, the owner of the dangerous dog or animal shall be given written notice at the time of confiscation that if the owner fails to provide a secure enclosure upon the expiration of thirty days from confiscation Animal Control is authorized to dispose of the animal. If the owner constructs a secure enclosure which is approved by Animal Control, and the animal is not being destroyed pursuant to 10-16 B and C, the animal may be redeemed within thirty days from confiscation so long as all fees owed to Animal Control for harboring, caring and maintaining the animal are paid.
- E. Dogs or animals trained or being trained in mode of attack are subject to the provision of B, C and D of this section.

Section 10-9: Requirements for Attack Training Facility

It shall be unlawful for any person, group of persons, partnership or corporation to conduct training in mode of attack for dogs or other animals at any location unless such training is conducted within a secure enclosure.

Such training within a secure enclosure within the meaning of this ordinance if it is performed within (1) a fence or structure of adequate height to prevent the dog or animal from jumping, climbing or otherwise escaping from the enclosure and (2) said training is conducted in the presence of the owner(s) or trainer(s) at all times.

Any dog or animal trained or being trained in mode of attack is deemed to be dangerous and is subject to all the provision of this ordinance relative to dangerous dogs or dangerous animals.

Section 10-10: Confiscation of Animals

Any dangerous animal or dangerous dog not kept in accordance with the requirements of this chapter, may be confiscated by the animal control officer and harbored at the owner's expense until the owner complies with the requirements of this ordinance, or disposed of as provided in Section 10-8.

Section 10-11: Required Notification to Animal Control Program by Owners of Dangerous Animals or Dangerous Dogs

The owner of a dangerous animal or dangerous dog shall inform the Animal Control Program, as soon as practicable, but not later than 24 hours, after the occurrence of any of the following:

1. An assault, attack or biting upon any human being committed by any such animal in the owner's care or control.
2. An attack or biting upon any domesticated animal or pet.
3. The destruction of or damage to property of another by such animal.
4. The roaming or escape of any animal required to be restrained or confined to a secure enclosure.

Section 10-12: Dogs or Animals Used for Sentry or Guard Duty

Any person owning, maintaining or harboring a dog or other animal for sentry or guard purposes must register said dog or animal with the Animal Control Program. A sign warning that there is a guard or sentry dog or animal on the premises shall be displayed. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog or animal is on the premises. Said sign shall not exceed one foot by two feet or two square feet in area; and, shall be deemed an incidental sign for the purposes of the Wayne County Zoning Ordinance if applicable.

Section 10-13: Teasing and Molesting

It shall be unlawful for any person to tease, antagonize, or in any way molest any animal. This does not apply to the Animal Control Program in trying to catch stray and violation animals.

Section 10-14: Law Enforcement Dogs Excluded

Any dog used by a law enforcement agency in the investigation of crimes or as otherwise necessary in the enforcement of the law is excluded from requirements of this ordinance with the exception that they are regulated by the provisions of Articles II and III of this Ordinance.

Section 10-15: Interference with Enforcement of Ordinance

It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Program agents or officers or veterinarians in the performance of any duty authorized by this ordinance, or to seek to release any animal in the custody of such agents, except as otherwise specifically provided.

ARTICLE II: RABIES CONTROL

Section 10-16: Compliance with State Law, Article as Supplement to State Law

- A. 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.
- B. It is the purpose of this article 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 state law.

Section 10-17: Inoculation of Dogs, Cats and Other Pets

- A. It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary by the County Health Director, the Board of County Commissioners, or the State Public Health Veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.
- B. A rabies inoculation shall be deemed "current" for a dog and cat if two inoculations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.

Section 10-18: Inoculation Tag

- A. Upon complying with the provision of Section 10-18/20 of this article, there shall be issued to the owner of the animal inoculated a numbered metallic tag, stamped with the number and the year for which issued, and indicating that the animal has been inoculated against rabies.
- B. It shall be unlawful for any dog owner to fail to provide the dog with a collar or harness to which a current tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times, except during the time the dog is hunting or is performing at shows, obedience trials, tracking tests, field trials, schools or other events sanctioned and supervised by a recognized organization.
- C. It shall be unlawful for any person to use for any animal a rabies inoculation tag issued for an animal other than the one using the tag.

Section 10-19: Evidence of Inoculation of Cats

Cats shall not be required to wear the metallic tag referred to in Section 10-19 of this article, but the owner of a cat shall maintain the rabies vaccination certificates as written evidence to prove that the cat has a current rabies inoculation.

Section 10-20: Report and Confinement of Animals Biting Persons or Showing Symptoms of Rabies

- A. Every dog or cat which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the Animal Control Program, and thereupon shall be securely quarantined, at the direction of the Animal Control Program, for a period of ten (10) days, and shall not be released from such quarantine except by written permission from the Animal Control Program.
- B. Dogs and cats quarantined under this section shall be confined in a veterinary hospital, boarding kennel, or county animal shelter, at the expense of the owner; provided, however, that if an animal control officer determines that the owner of an animal which must be quarantined has adequate confinement facilities upon his own premises, the animal control officer shall authorize the animal to be confined on such premises. The animal control officer may not authorize the animal to be confined on the owner's premises unless the owner has a fenced-in area in his yard and the fenced-in area has no entrances or exits that are not locked, and the animal had been currently vaccinated against rabies. Proof will be required at the time of investigation. If the animal is confined on the owner's premises, the animal control officer shall

revisit the premises for inspection purposes at approximately the middle of the confinement period and again at the conclusion of the confinement period.

- C. In the case of stray dogs or cats whose ownership is not known, the dogs or cats may be euthanized and the head examined for rabies or kept for the supervised quarantine period required by this section at the county animal shelter.
- D. If rabies does not develop within ten (10) days after a dog or cat is quarantined under this section, the dog or cat may be released from quarantine with the written permission of the animal control program. If the dog or cat has been confined in the county animal shelter, the owner shall pay any necessary veterinarian fees and a boarding fee approved by the Board of County Commissioners.
- E. In the case of any carnivore or bat the animal may be euthanized and the head examined for rabies.

Section 10-21: Infected Dogs and Cats to be Destroyed; Protection of Vaccinated Dogs and Cats

When the local health director reasonably suspects that a dog or cat has been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the dog or cat shall be considered to have been exposed to rabies. A dog or cat exposed to rabies shall be destroyed immediately by its owner, the county Animal Control Officer or a peace officer unless the dog or cat has been vaccinated against rabies in accordance with this Part and the rules of the Commission more than three weeks prior to being exposed, and is given a booster dose of rabies vaccine within three days of the exposure. As an alternative to destruction, the dog or cat may be quarantined at a facility approved by the local health director for a period up to six months, and under reasonable conditions imposed by the local health director. (1935, c. 122, s. 14; 1953, c. 876, s. 10; 1983, c. 891, s. 2; 2000-163, s. 4.)

Section 10-22: Area-Wide Emergency Quarantine

- A. When reports indicate a positive diagnosis of rabies, the County Director of Public Health may order an area-wide quarantine for such period as he deems necessary. Upon invoking of such emergency quarantine, no dog, cat or other carnivores shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no dog or cat or other carnivore may be taken or shipped from the county without written permission of the Animal Control Program, and the police and sheriff's departments are hereby directed during such emergency, to impound any dog, cat or other

carnivore found running at large in the county. During the quarantine period, the Animal Control Program or local health authorities 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.

- B. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the County Director of Public Health.

Section 10-23: Postmortem Diagnosis

- A. If an animal dies while under observation for rabies, the head of such animal shall be submitted to the Wayne County Animal Control Program for shipment to the State Laboratory of Public Health for rabies diagnosis.
- B. The head of any animal suspected of dying of rabies shall be surrendered to the Animal Control Program.

Section 10-24: Unlawful Killing, Releasing, etc, of Certain Animals

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the county without written permission from the Animal Control Program and the County Director of Health.

Section 10-25: Failure to Surrender Animal for Quarantine or Destruction

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this article, when demand is made therefore by the Animal Control Program.

ARTICLE III: IMPOUNDMENT

Section 10-26: Generally

Any animal which appears to be lost, stray or unwanted, or which is found to be not wearing a valid rabies vaccination tag, as required by state law or this ordinance, and not under restraint in violation of this ordinance, shall be impounded by the Animal Control Program and confined in an animal shelter in a humane manner. Impoundment of such an animal shall not relieve the owner thereof from any penalty which may be imposed for violation of this ordinance.

Section 10-27: Notice to Owner

Immediately upon impounding an animal, the animal control program shall make reasonable effort to notify the owner and inform such owner of the conditions whereby the animal may be redeemed. If the owner is unknown or cannot be located, notice of such impoundment shall be posted for five (5) days, or until the animal is disposed of, on a bulletin board at the animal shelter, and the time and place of the taking of such animal, together with the time and date of posting the notice shall be stated herein.

Section 10-28: Redemption by Owner Generally

- A. The owner of an animal impounded under this article may redeem the animal and regain possession thereof within one hundred twenty (120) hours five (5) days after impoundment is given or posted, as required by Section 10-27, by complying with all applicable provisions of this chapter and paying any necessary veterinarian's fee and a boarding fee approved by the Board of County Commissioners.
- B. No animal owner may be permitted to adopt his own animal under the provisions of Section 10-29 in order to reclaim an animal that has been impounded pursuant to state law or this article.
- C. The Shelter fees shall be as follows:
 - 1. Ordinary Redemption:
 - a. 1st impoundment within a one year period - \$25.00
 - b. 2nd impoundment within a one year period - \$50.00
 - c. 3rd impoundment within a one year period - \$75.00
 - 2. Or as adopted in the County Annual Budget Ordinance.

Section 10-29: Destruction or Adoption of Unredeemed Animals Generally

- A. If an impounded animal is not redeemed by the owner within the period prescribed in Section 10-28; it may be destroyed in a humane manner or shall become the property of the animal shelter(s) and offered for adoption to any responsible adult who is willing to comply with this ordinance. Such animal may be adopted or purchased by the first such person who pays the adoption or purchase fee.

- B. All unsterilized dogs and cats 5 months of age or older adopted from the Wayne County Animal Shelter shall be either spayed or neutered within 1 month of their adoption. All animals adopted under 5 months of age shall be spayed or neutered at or by 7 months of age. Written proof of the sterilization shall be promptly provided by the adopter to the Wayne County Animal Control.
- C. Any dog or cat adopted from the Wayne County Animal Shelter which has previously been sterilized will be adopted for a fee of \$25.00. If said animal cannot be determined by visual examination to have been sterilized, the adopter will be required to pay the unsterilized adoption fee.
- D. No animal which has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to Section 10-22, of this ordinance, except by special authorization of the Director of Public Health.
- E. Any animals that exhibit fierce, dangerous or aggressive behavior will not be offered for adoption.

Section 10-30: Procedure with Respect to Redemption or Adoption of Unvaccinated Dog or Cat

- A. Unless proof of a current rabies vaccination can be furnished, said animal shall be vaccinated prior to redemption or adoption. If the animal in question is too young for vaccination, a proof of rabies vaccination card shall be issued at the time of the redemption or adoption. This card will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of such person's choice for rabies vaccination. The time-limit for dogs and cats four (4) months and older will be seventy-two (72) hours, with Sundays and holidays excluded. For puppies and kittens under four (4) months, the time limit will vary according to their age.
- ~~B.~~ The "proof of rabies vaccination card" will be completed and returned to the animal shelter by the veterinarian. If this card is not returned to the animal shelter within the time limit specified on the card, an animal control officer will be dispatched to retrieve the dog or cat.
- C. Payment for the rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.

Section 10-31: Suspected Rabid Animals Not to be Redeemed or Adopted

Notwithstanding any other provision of this article, animals impounded which appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with Article II of this ordinance.

Section 10-32: Destruction of Wounded or Diseased Animals

- A. It shall be unlawful for any person(s) injuring or killing a dog or cat by running over, or into same, or coming into contact with same, with automobile, motorcycle, bicycle, or other vehicle, to fail to notify immediately the owner of said dog or cat, the Animal Shelter/Control Program, of the Police Department if in the City, of the Sheriff's Department if in the County.
- B. Notwithstanding any other provision of this article, any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the Animal Control Program shall attempt to notify the owner before disposing of such, but if the owner cannot be reached readily, and the animal is suffering, the Animal Control Program may destroy the animal at its discretion in a humane manner.

Section 10-33: Effective Date

This ordinance repeals the Wayne County Animal Control Ordinance passed August 1, 1986 and thereafter amended. This ordinance is adopted on February 4, 2003.

ARTICLE IV: VIOLATIONS AND PENALTIES

Section 10-34: Punishments Generally

- A. Nothing in this Article shall be construed to prevent investigating law enforcement agencies from pursuing additional charges as permitted under North Carolina General Statutes. In the event that law enforcement agencies not associated with the Animal Control Program deem additional appropriate misdemeanor or felony charges appropriate, compliance of a civil citation shall not prevent the prosecution of said charges.
- B. The employees of the Animal Control Program are empowered to issue civil citations and criminal summons upon the observance of a violation of this ordinance. It is the intent of this ordinance that each person is responsible for the proper management of his animals. Civil citations so issued may be delivered in person or mailed by registered mail to the person charged if that

person cannot be readily found. Criminal citation shall be delivered in person. The County may list the names of non-paying individuals who have been cited in violation of this in newspapers and electronically.

Section 10-35: Penalties

- A. Pursuant to the authority establish in N.C.G.S. 153A-123, unless otherwise provided for within this article or by General Statute, any person found to be in violation of this chapter shall be subject to the following civil penalties: \$100.00 for the first offense, \$200.00 for the second offense, and \$500.00 for a third or subsequent offense. For the purposes of this subsection Wayne County will consider violations any and all violations within the last 5 years.
- B. Payment of all civil penalties shall be due within fourteen (14) days. If any person upon whom a civil penalty is imposes by this section does not pay the civil penalty in full within 14 days of its issuance, the penalty shall be increased by an additional fifty dollars (\$50.00). The County shall have the right to collect payments and delinquency charges through civil action in the nature of a debt.
- C. Following a third or subsequent civil citation under this chapter, the County will pursue criminal charges as authorized under N.C.G.S. 14.4. Any person convicted of such violation shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). Each day's violation of this Chapter is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for civil penalties or fees imposed under this ordinance.
- D. If any animal shall, without provocation attack and kill a human being, the owner shall be subject to any applicable criminal charges as determined by investigating law enforcement agencies and pay a five hundred dollar (500.00) civil penalty. Said animal shall be confiscated and destroyed after a ten (10) day holding period.
- E. If any animal shall, without provocation attack, assault, wound, bite or otherwise injure a human being, the owner shall be subject to any applicable criminal charges as determined by investigating law enforcement agencies and pay a two hundred and fifty dollar (250.00) civil penalty. Additionally, said animal may be confiscated and destroyed after a ten (10) day holding period and completion of an investigation by Animal Control into the circumstances of the bite.
- F. If any animal shall, when unprovoked, kill, wound, or assist in killing or wounding any domestic animal or pet, the owner of said animal shall be subject to any applicable criminal charges as determined by investigating law

enforcement agencies and be subject to a one hundred and twenty five dollar (\$125.00) civil penalty and Animal Control is empowered to confiscate said animal and after a ten(10) day holding period and upon completion of an investigation into the circumstances of the attack, may destroy said animal.

- G. Enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.

Section 10-36: Miscellaneous provisions

- A. In addition to the penalties described in this Chapter, any costs or fees incurred by the Animal Control Department for the special handling of animals shall be billed to the Owner on an at-cost basis. Such fees may include but are not limited to: veterinary care, special dietary needs, boarding fees, reclaim fees, or other costs associated with storage of animals.