

**Chapter 4 ANIMALS**  
**ARTICLE I. IN GENERAL**

**Secs. 4-1--4-30. Reserved.**

**ARTICLE II. ANIMAL AND RABIES CONTROL**

**Sec 4-31. Purpose Declared**

These rules are enacted for the purpose of protecting the people of Richmond County from rabies transmitted by unconfined, uncontrolled and unimmunized animals, and to regulate animals that are a particular nuisance or danger.

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

**Sec 4-32. Definitions and Terms**

- A. **Abandonment** shall mean the willful discarding or deserting of a live animal, leaving an animal for a period in excess of twelve (12) hours without providing adequate food, water, or shelter for the duration of the absence or releasing or dumping an animal from a vehicle without demonstrating intent to recover the animal.
- B. **Adequate Food** shall mean the provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain nutrition in each animal. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.
- C. **Adequate Water** shall mean a constant access to a supply of clean, fresh water suitable for drinking and provided in a sanitary manner. No mold shall be in the receptacle and water must not be frozen or too hot to be utilized for drinking.
- D. **Adequate Shelter** shall mean that shelter or outside enclosure which will keep a non-aquatic animal dry and out of the direct sun, at a temperature level that is healthful for the animal. For dogs, cats, and other small animals, the shelter shall be a wind and moisture resistant structure of suitable size to accommodate the animal. It shall include four walls, a roof and a solid floor raised off the ground, with an opening entrance large enough to allow access to the animal. The animal must have access to shaded areas other than the shelter during warm or hot days. Owners are allowed to utilize plastic barrels anywhere and metal barrels in shaded areas only. For all animals, the containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris, and drainage shall be provided to eliminate excess water or moisture. Aquatic or semi aquatic animals shall have an adequate amount of clean water in which to move.

- E. **Agents of the Animal Control Program** shall refer to any personnel of the Richmond County Health Department authorized by the Health Director to perform animal control or animal control-related duties, such as the Animal Control Officers and the Environmental Health staff.
- F. **Animal** shall include every living creature, domestic or non domestic, but does not include humans.
- G. **Animal Control Officer** shall mean any person or persons designated by the Health Director to pick up, restrain, impound, care for, euthanize or dispose of animals, and who is responsible for discharging such other duties or functions as may be prescribed by this or any other county ordinance, provision or by State law or by the Richmond County Board of Health.
- H. **At Large** shall mean any animal off the property of its owner and not under direct control of a competent person.
- I. **Bite** means to cut, wound, or tear with the teeth and includes injuries ranging from minor to severe. A break in the skin caused by teeth is considered a bite for the purposes of this Ordinance.
- J. **Confinement** shall mean restricted interaction.
- K. **Cruelty and Cruel Treatment** shall mean every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. Examples include slapping, beating, kicking, hanging, submerging under water, suffocating, poisoning, setting on fire, and depriving of food, water and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare.
- L. **Dangerous Dog** shall refer to a dog that has killed a person; or has been deemed dangerous in another county or state; or is determined by the person or board designated by the Richmond County Board of Health to be responsible for such determination to be dangerous because the dog has engaged in one (1) or more of the behaviors listed in this subsection:
1. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or
  2. Any dog, while not on the owner's real property, that has inflicted a bite on a person, which requires first aid or treatment from a medical professional.
- M. **Domestic Animal** shall mean any of various animals, such as dogs, cats, equine, sheep, cattle, goats, hogs, poultry, ferrets, llamas, emus, and/or other animals domesticated by man so as to live and/or breed in a tame condition.
- N. **Exotic Animal** shall mean any living animal, which is strikingly or excitingly different or unusual and not ordinarily kept as a pet or domesticated animal. By way of example, exotic animals shall include, but are not limited to, lions, tigers, apes, monkeys, poisonous reptiles, and poisonous spiders. A hybrid of any animal listed in the example above, regardless of genetic percentages, shall be deemed exotic.
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- O. **Exposed to Rabies** shall refer to an animal that has been bitten by, or been in the presence of, any animal known or suspected to have been infected with rabies.
- P. **Feral Cat** shall mean a cat that is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.
- Q. **Fine** shall refer to a directive, issued by the Animal Control Officer, authorized by these Rules this Ordinance, to pay a civil penalty for violation of this Ordinance.
- R. **Health Department (Office of Health Department)** shall refer to the Richmond County Health Department.
- S. **Impoundment** shall be the possession or seizure of an animal by the Animal Control Officer.
- T. **Nuisance** shall mean an animal or group of animals which:
1. Damages, soils, or defiles private or public property; or
  2. Interferes with, molests, or attacks persons or other animals; or
  3. Is/are repeatedly at large, with the exception of feral cats; or
  4. Causes unsanitary, dangerous or offensive conditions; or
  5. Chases, snaps at, harasses or impedes pedestrians, bicyclists or vehicles; or
  6. By virtue of number assertive tendencies is offensive or dangerous to the public health, safety, or welfare; or
  7. Is diseased or dangerous to the public health.
- U. **Owner** shall include any person, group of persons, firm, partnership, organization, association or corporation owning, keeping or harboring an animal, assumes care of an animal or acts as a custodian of an animal, unless the animal is being boarded for a fee. If the keeper of an animal is a minor child, the parent or guardian of such minor shall accept the responsibility and held liable for noncompliance with the provisions of this Ordinance.
- V. **Potentially Dangerous Dog** shall refer to any dog, when not on the owner's real property, that has killed or inflicted severe injury upon a domestic animal; or when not on the owner's real property, that has approached a person in a vicious or terrorizing manner in an apparent attitude of attack; or that has been deemed potentially dangerous in another county or state.
- W. **Provocation or Provoking** shall mean any actions designed to goad, inflame, instigate, or stimulate an aggressive or defensive response on the part of an animal, but provocation shall not include any part of an individual that pertain to reasonable efforts of self-defense against an unprovoked animal.
- X. **Reasonable Diligent Attempts** shall mean attempts have been made to locate owners including scanning, rabies tag check and checking Animal Control and RCAS lost and found reports.
- Y. **Restraint** shall mean that an animal is under sufficient physical control such as a leash, cage, bridle, or similar effective and humane device that restrains and controls the animal, or adequately contained by a fence on the premises or other secure enclosure. If any unattended
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animal is restrained by a chain, leash or similar device, it shall be designed and placed to prevent choking or strangulation. Such chain or restraint shall not be less than eight feet in length and must have a swivel on both ends. A dog that is considered vicious or a public nuisance must be on a leash at all times when off of the owner's property.

- Z. **RCAS** shall refer to the Richmond County Animal Shelter as it is currently managed and is a place provided and operated for the restraint, care, and disposition of animals.
- AA. **Secure Enclosure** shall mean an enclosure from which an animal cannot escape unless freed by an owner, or, a chain of sufficient strength to tie an animal to a stationary object and to prevent the animal from moving further than the length of the chain from that stationary object. An automobile, truck or other vehicle shall be considered a secure enclosure only if an animal cannot escape from it unless freed by an owner, and said animal is not at risk of illness, injury, or death due to temperature extremes.
- BB. **Severe Injury** shall mean any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.
- CC. **Stray Animal** shall refer to a domestic animal that roams at large with no apparent Ownership.
- DD. **Vaccination** shall mean the administration of anti-rabies vaccine approved by the United States Bureau of Animal Industry, the North Carolina State Department of Agriculture, and the North Carolina Board of Health.
- EE. **Wild Animal** shall mean any animal which can be normally found in the wild state, particularly those exotic, dangerous or non-domestic animals which generally do not live in or about the habitation of humans (i.e. raccoons, snakes, bats). 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:
- Members of the Canidae family such as wolves (*canis lupus*) and coyotes (*canis latrans*) and wolf-coyote hybrids.
  - Members of the Ursidae family that includes any member of the bear family or hybrids thereof.,
  - Members of the Felidae family such as wild cats, cougars, mountain lions, or panthers.

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

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

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### **Sec 4-33. Appointment of Animal Control Officers**

- A. Animal Control Officers are appointed by the Health Director and considered to be employees of the Richmond County Health Department. Animal Control Officers are hereby designated as Rabies Control Officers for Richmond County.
- B. Animal Control Officers shall have all the powers, authority and immunity granted under the Laws of this State and this Ordinance to enforce provisions as they relate to the care, treatment, and control or impounding of animals.
- C. Except as may be otherwise provided by General Statute and this Ordinance, no officer, agent or employee of Richmond County charged with the duty of Animal Control 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/she has acted in malice.

### **Sec 4-34. Powers and Duties of the Animal Control Officers**

The Animal Control Officers shall:

- A. Have the power to issue citations for the violation of the Richmond County Animal Control Ordinance and other laws of the state of North Carolina relating to the ownership, control, care, and custody of dogs, cats, and other animals.
  - B. Have right of entry upon the premises of any place where entry is necessary to enforce the provisions of this Ordinance. If consent for entry is not obtained, an administrative search and inspection warrant shall be obtained pursuant to N.C.G.S. §15-27.2. However, if an imminent hazard exists, no warrant is required for entry upon the premises.
  - C. Have the responsibility to enforce all State Laws and local Ordinance pertaining to the ownership and control of animals and shall cooperate with all other law enforcement offices in fulfilling this duty.
  - D. Be responsible for the investigation of all reported animal bites and impose the quarantine of any animals involved for a period not less than ten (10) days and shall submit a report to the Health Department as soon as practical of any such animal bite and the condition of any quarantined animals.
  - E. Act as rabies control officers and enforce and carry out all state laws and all county ordinances pertaining to rabies control Cooperate and assist with the annual Rabies Clinic.
  - F. Seize and impound animals in Richmond County involved in a violation of State Laws and local Ordinance.
  - G. Investigate cruelty or animal abuse with regard to dogs, cats, other pets and livestock.
  - H. Utilize a record keeping system with the RCAS. Documentation from the point of admission to the disposition of the animal shall be maintained between Richmond County Animal Control
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and RCAS. Records of the animal picked-up, when, where, why, description and whether the animal was returned to the owner, impounded at the RCAS, placed elsewhere, euthanized or released shall be part of the records system.

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

#### **Sec 4-35. Animal Control Offenses**

- A. Dogs not under direct control. A dog not under direct control of its owner and determined to be at large by the animal control officer can be picked up by such officer, and the owner may be subject to a fine as outlined in this Ordinances.
    - 1. Upon conducting a complaint investigation, any animal not under the direct control of its owner and determined to be at large by the animal control officer can be picked up by such officer, and the owner will be subject to a fine as outlined in this Ordinance.
    - 2. 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 if under the control of the owner.
  - B. Female dogs during the estrus period. It shall be unlawful for any dog or cat owner to permit a female dog or cat to run at large during estrus (heat). Every female dog or cat, while in estrus, shall be confined in such a manner that she will not be in contact with male dogs and cats, nor create a nuisance by attracting other animals. This Section does not prohibit the intentional breeding of animals on the premises of the animals' owner. Restraint in this instance does not mean tied to a stationary object.
  - C. Possession of animals owned by another. It shall be unlawful for any person to knowingly or intentionally, unless with consent of the owner, harbor, feed and keep in his possession, by confinement or otherwise, any dog or other animal that does not belong to him unless he has within forty-eight (48) hours from the time such dog or other animal has come into his possession notified the animal control officer.
    - 1. Upon receiving such notice, the animal control officer may in his discretion place the dog or other animal in the animal shelter. It shall be unlawful for any person refuse to surrender any such dog or other animal to the animal control officer upon demand.
    - 2. The purpose of this section is to aid in rabies control and to prevent the intentional or unintentional possession of the pets of other persons.
  - D. Deceased Animals.
    - 1. It shall be the duty of the owner or person in charge of any animals that die from any cause, and the owner, lessee or person in charge of any land upon which any animals die, to bury the dead animals to a depth of at least three (3) feet beneath the surface of the
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ground, or to completely burn such animals within twenty-four (24) hours after the death of the animals is known, or to otherwise dispose of the animals in a manner approved by the state veterinarian.

2. It shall be unlawful for any person to remove the carcasses of dead animals from his premises to the premises of any other person without the written permission of the person having charge of such premises and without burying such carcasses as provided in this section.
3. It shall not be the responsibility for the Animal Control officer to pick up and/or dispose of any deceased animal.

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

E. Public Nuisance Animals.

1. An animal may be determined by the animal control supervisor to be a public nuisance when it commits any of the following acts two (2) or more times, or any combination of two (2) or more of the following acts one (1) or more times:
    - a. Chases, snaps at, or molests pedestrians, bicyclists, motor vehicle passengers, or farm stock or domestic animals
    - b. Turns over garbage pails
    - c. Damages gardens or other foliage or other real or personal property
    - d. Habitually or continuously loiters on school grounds or official county recreation areas; or
    - e. Commits other acts that constitute a public nuisance.
    - f. Failing to confine a female dog or cat while in heat in a secure enclosure in such a manner that will prevent the animal from coming into contact with a male of its species, or attract other animals.
  2. Special Preventative Measures may be determined by the Animal Control Officer for any animal deemed as a public nuisance. If it is determined that the circumstances require special preventive measures, then the animal control officer shall have the authority to require appropriate, specific preventive measures which might include, but are not limited to, the following:
    - a. Necessary repairs to any fence or enclosure.
    - b. Measures to ensure that a gate will remain secure.
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- c. A fence or secure dog fence or any other similar device that would provide greater assurance for the confinement of the dog, subject to specific approval by the animal control officer.
3. Upon determining that an animal is a public nuisance, an animal control officer shall make a good faith attempt to notify the owner in writing of such determination, and make a good faith attempt to obtain the owner's written acknowledgement of such determination. However, such acknowledgement shall not constitute a necessary element for a violation by the owner of this section.
4. The owner may appeal the determination by filing written objections with the animal control officer supervisor within three (3) days. Any requests for appeal shall be reviewed by the appellate board, known as the animal grievance committee. The appellate board shall hear any requests for appeal of the animal control supervisor's determination of public nuisance.
5. If an animal has been determined to be a public nuisance under this Ordinance, it shall be unlawful for the owner to permit the animal to run at large or in any way leave the owner's property unless under restraint.
6. If an owner of a public nuisance animal does not abide by the terms under this Ordinance, the animal shall be impounded at the RCAS by the Animal Control Officer.

**State law references:** G.S. §§ 153A-121; 160A-174

- F. Cruelty to Animals: The following acts or omissions relating to the mistreatment of animals are unlawful and violations of this Section:
1. Any person to beat, ill-treat, torment, overload, overwork, or otherwise abuse an animal.
  2. It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate food and water. With respect to domesticated animals or wild animals in captivity or under restraint, it shall additionally be unlawful to deprive or cause to be deprived any such animal of adequate shelter or veterinary care.
  3. It shall be unlawful to restrain any animal except in a humane fashion as defined in this Ordinance.
  4. It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on or off the property of its owner or keeper.
  5. It shall be unlawful to leave an animal in a parked vehicle when temperatures inside the vehicle may adversely affect the animal's health and welfare. When the conditions inside a parked vehicle constitute an imminent threat to the animal's health or safety, Animal
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Control, any law enforcement agency, or fire agency may remove any animal left unattended in a parked vehicle.

6. It shall be unlawful to leave an animal in any vehicle where it must stand, sit or lie on extremely hot or cold surfaces including but not limited to truck beds.
  7. It shall be unlawful for any person to abandon or forsake any animal within the County.
  8. No animal shall be used for fighting, training of other animals to fight, or used as bait to encourage fighting behavior in other animals.
  9. No person shall own, possess, keep, harbor, train, lend, borrow, or handle any dog, cat, bird/fowl, or other domestic, feral or wild animal with the intent that such animal shall be engaged in any animal fight/fight training, exhibition of animal fighting or being used as bait for fighting animals.
  10. No person shall train, assist, umpire/referee or in any way participate in the training of any animal to be used for animal fighting or used as bait or for animal fighting, or torment, badger or bait any animal for the purpose of fighting the primary purpose of which is the training/conditioning of animals for vicious behavior during animal fights or exhibitions of fighting animals.
  11. No person shall charge admission to, participate in, or be present as a spectator, handler, timekeeper, referee, guard, etc. at any animal fight/battle.
  12. No person shall profit from any activity connected with any animal fight or exhibition of animals fighting or training, or competitions or matches of fighting animals.
  13. Any animal found to be used in violation of this section will be immediately confiscated by animal services and control.
  14. No person shall, for the purpose of any exhibition/occurrence of animal fighting, or training for animal fighting:
    - a. Build, make, maintain, or keep a pit or other animal fighting arena or area, whether permanent or portable, on premises owned or occupied by him;
    - b. Allow a pit or other animal fighting arena or area whether permanent or portable, to be built, made, maintained, or kept on his premises; or
    - c. Build, make, maintain, or keep a pit or other animal fighting arena or area, whether permanent or portable, on public or private property.
  15. No person shall possess, use, sell, give, trade, or loan apparatus, paraphernalia, pit supplies, implements, programs, drugs or equipment used to train or condition animals for fights or battles.
  16. No person shall use any animal as bait or as a lure in training dogs for fights or battles.
  17. No person shall willfully initiate, engage in, or in any way further act in cruelty to any animal, or any act tending to produce such cruelty. The Animal Control Officers shall
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impound the animal, and charges shall be assessed against the violator as a cost of abatement

- G. It shall be a violation for any person injuring a dog or cat by vehicular collision, to fail to notify immediately the owner thereof, if known, the Richmond County Animal Control, RCAS or Richmond County Sheriff's Department.
- H. Non-domestic animals: No person shall possess or harbor any non-domestic animal(s) which are dangerous to persons or property or which have the potential of being dangerous to persons or property. This Section does not apply to bona fide circuses, petting zoos, or other traveling commercial exhibitions of limited duration.
- I. Any business owning, maintaining or harboring a dog or other animal for sentry or guard purposes must display a warning sign that a sentry animal is on the premises. The sign shall be plainly visible and capable of being read from the public highway or street. The provisions of this Section do not apply to law enforcement animals.
- J. It shall be a violation for any person to interfere with, hinder or molest the agents of the Animal Control program in the performance of any duty authorized by this Ordinance, or to seek to release an animal impounded or in the custody of such agents.

**State law references:** Chapter 14: Criminal law - Article 23: Trespasses to personal property, G.S. § 14-163 Poisoning livestock, G.S. § 14-163.1 Assaulting a law enforcement agency animal or an assistance animal, Article 47: Cruelty to animals, G.S. § 14-360 Cruelty to animals; construction of section, G.S. § 14-361 Instigating or promoting cruelty to animals, G.S. § 14-361.1 Abandonment of animals, G.S. § 14-362 Cock fighting, G.S. § 14-362.1 Animal fights, other than cock fights, and animal baiting, G.S. § 14-363 Conveying animals in a cruel manner, G.S. § 14-363.1 Living baby chicks or other fowl, or rabbits under eight weeks of age; disposing of as pets or novelties forbidden, G.S. § 14-363.2 Confiscation of cruelly treated animals, Article 49: Protection of livestock running at large, G.S. § 14-366 Molesting or injuring livestock, G.S. § 14-368 Placing poisonous shrubs and vegetables in public places, G.S. § 14-401 Putting poisonous foodstuffs, antifreeze, etc., in certain public places, prohibited, Chapter 19A: Protection of animals - Article 1: Civil remedy for the protection of animals, G.S. § 19A-1 Definitions, G.S. § 19A-1.1 Exemptions, G.S. § 19A-2 Purpose, G.S. § 19A-3 Preliminary injunctions, G.S. § 19A-4 Permanent injunctions, Article 4: Animal cruelty investigators, G.S. § 19A-45 Appointment of animal cruelty investigators; term of office; removal; badge; oath; bond., G.S. § 19A-46 Powers; magistrate's order; execution of order; petition; notice to owner., G.S. § 19A-47 Care of seized animals, G.S. § 19A-48 Interference [with animal cruelty investigator] unlawful, G.S. § 19A-49 Educational requirements., Chapter 153A: Counties - 153A-127: Abuse of animals, Chapter 160: Cities and towns - 160A-182: Abuse of animals

#### **Sec 4-36 Wild Animals and Exotic Animals.**

- A. This subsection shall apply to all animals defined as a wild or exotic animal in Section 2. Neither this subsection or any section of this Ordinance shall have the effect of permitting any activity or condition with respect to the state which is prohibited or more severely restricted by
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the state statutes or the state Wildlife Resources Commission, or of permitting any activity or condition with respect to any animal which is prohibited or more severely restricted by federal statute or regulation.

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

C. Exemptions:

1. Veterinary clinics and licensed rehab centers in possession of such animals for treatment or rehabilitation purposes.
2. Any institution licensed by appropriate state and/or federal agencies that exist primarily to educate the public in the areas of science and nature.
3. Bona fide traveling circuses certified by the United States Department of Agriculture any non-resident carnivals and fairs are exempt for not longer than two weeks (14 days) per each separate location where such events are held within the county, per calendar year.
4. Persons temporarily transporting such mammals or reptiles through the county provided that such transit time should not be more than twenty-four (24) hours.
5. Zoological parks, petting zoos and marine mammal show licensed by the United States Department of Agriculture.

**State law references:** intentionally expose humans to venomous reptiles. G.S. §§ 14-416 et seq., raise American alligators without a proper license. G.S. § 106-763.1, release exotic species of wild animals or wild birds into an area for the purpose of stocking the area for hunting or trapping. G.S. § 113-292(e).

#### **Sec 4-37. Tethering.**

- A. No person shall fasten, chain, or tie an animal for more than twelve (12) hours in any twenty-four (24) hour period or cause such animal to be fastened, chained, or tied in such a manner as to cause or threaten to cause injury to that animal.
  - B. Any animal tethered in a fixed manner, must be tethered to a ground anchor by a coated cable wire not shorter than fifteen (15) feet. Ropes shall not be used as a tether line.
  - C. Any animal tethered in a running manner, must be tethered to a coated cable runner wire not shorter than fifteen (15) feet and the runner wire must be firmly secured to two fixed anchor points. The running tether must be attached to a runner wire and have a swivel connector to prevent entanglement.
  - D. All tethers must be attached to a properly fitting and secure nylon or leather collar. Wire or choke collars are not permitted as collars. All tethers must have swivels attached at both ends to prevent entanglement. The tether must be arranged so as to clear any obstacle that may
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limit the length of the tether. Adequate shade, protection from precipitation, and access to drinking water must be within reach of a tethered animal.

- E. Animal Control is authorized to impound or, in the alternative, request the general court of justice to issue a seizure order, for any animal for which there is probable cause to believe has not been tethered as required by this Section.

**State law references:** G.S. §§ 153A-121; 160A-174

#### **Sec 4-38. Rabies Control**

- A. Dogs cats, and ferrets four (4) months of age and older shall be immunized against rabies according to N.C.G.S.§130A-185.
  - B. It shall be the responsibility of the owner of such animals to possess a current rabies vaccination tag or other certificates of rabies vaccination at all times and provide proof to the Animal Control Officers upon request.
  - C. When an animal has bitten a person, the person or parent, guardian or person in loco parentis of the person, and the person owning, controlling, or possessing the animal shall notify Richmond County Animal Control immediately and give the name and address of the person bitten and the owner of the animal. Every physician treating a bite wound shall report the incident to Richmond County Animal Control.
  - D. All dogs, cats, or ferrets that bite a person shall be immediately be confined for 10 days in a place designated by the Animal Control Officers in compliance with N.C.G.S.§130A-196.
  - E. After reviewing the circumstances of the particular case, the Health Director or his designee may allow the owner to confine the animal on the owner's property or other secure confinement designated by the Health Director. An owner who fails to confine his animal in accordance with the instructions shall be guilty of a Class 2 misdemeanor.
  - F. If the owner or the person who controls or possesses an animal that has bitten a person refuses to confine the animal as required by this section, the Health Director may order seizure of the animal and its confinement for 10 days at the expense of the owner.
  - G. Animals, which are unvaccinated or not currently vaccinated against rabies, which are bitten by or exposed to a known rabid animal, shall immediately be destroyed. However, the owner or keeper may agree to a strict quarantine of the animal at a veterinary hospital for a minimum of six months at the owner's expense.
  - H. It shall be unlawful for any person to counterfeit a rabies vaccination tag or to use such vaccination tag, which has not been properly obtained from a licensed veterinarian or certified rabies vaccinator.
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- I. It shall be unlawful for any person to remove a rabies vaccination tag from any dog or cat belonging to another person residing within Richmond County unless by the direction of the owner thereof.
- J. Failure to comply with the provisions of this Section or surrender of the animal shall result in a first offense fine of \$100, a second offense fine of \$200, and a third offense fine of \$500— after which the animal shall be confiscated by the Animal Control Officer. The Richmond County Animal Control Notice of Violation form (RCACNOV1) shall be used as the legal instrument to implement these penalties. Physicians, in accordance with N.C.G.S. §130A-196, must report every animal bite, to a human being, to the Health Department within twenty-four (24) hours on the Animal Bite Report Form, which is provided to medical offices by the Health Department. The Health Department will investigate, and the animal will be confined at the owner's expense for not less than ten (10) days after the animal bite.

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

#### **Sec 4-39 Area-Wide Emergency Quarantine.**

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

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

#### **Sec 4-40. Failure to Surrender Animal.**

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or euthanization as required in this Ordinance, when demand is made therefore by animal control.

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

#### **Sec 4-41. Killing, Releasing or Removing; Restricted.**

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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 to remove such animal from the county without written permission from animal control and the local health director.

**Sec 4-42. Improper Tags; Unauthorized Removal.**

- A. Improper tags. It shall be unlawful for any person to counterfeit a rabies vaccination tag or to use a rabies vaccination tag that has not been properly obtained from a licensed veterinarian in accordance with the provisions of G.S. Section 106-366.
- B. Removal.
  - 1. It shall be unlawful for any person to remove a rabies vaccination tag, an identification tag or license tag from any animal belonging to another person unless by the direction of the owner.
  - 2. It shall be unlawful for any owner to permit his dog to be off the property of the owner without a rabies vaccination tag or can provide a valid rabies certificate except under Sec 4-38.

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

**Sec 4-43. Seizure and Impoundment of Animals.**

- A. Powers of officers. Animal control officers and other law enforcement officers are empowered to seize and impound:
    - 1. Dogs running at large in violation of Sec4-35(A);
    - 2. Dogs unlawfully possessed by a person other than the owner in violation of Sec4-35(C);
    - 3. Dogs determined to be a public nuisance under the provisions of Sec4-35(E);
    - 4. Animals that have been found to be a victim of cruel treatment under the provisions of Sec4-35(F);
    - 5. Wild animals determined to be held in violation of the provisions of Sec4-36;
    - 6. Animals appearing not to be in compliance with the rabies control provisions of Sec 4-38;
    - 7. Dogs in violation of Sec 4-37; Tethering;
    - 8. Dogs in violation of Sec 4-45; Dangerous and Potentially Dangerous Dogs.
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- B. It shall be the responsibility of the person having controlled custody or possession of an animal, in which an animal is being surrendered to Animal Control, to be subject to an impoundment fee, determined by the Richmond County Board of Commissioners, per visit.
- C. Responsibility for penalties. Impoundment of such an animal shall not relieve the owner thereof from any penalty that may be imposed for violation of this Ordinance, or which is found to be creating a public nuisance, rabies vaccination, or dangerous or potentially dangerous dog in violation of this Ordinance.
- D. Dangerous conditions. Animal control officers shall not be required, in the process of seizing or impounding animals, to place themselves in a situation that may jeopardize their health and safety.
- E. Notification to owners. Upon impounding an animal, the animal control officer shall make a reasonable diligent attempt to determine the ownership of the impounded animal, if not already known, and to notify the owners of the impoundment and the procedure for redemption according to the provisions of the [Richmond County Animal Shelter](#). All cats and dogs must be scanned for microchips. Reasonable diligent attempts include scanning, rabies tag check, and checking animal control's lost and found reports.

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

#### **Sec 4-44. Interference.**

It shall be unlawful for any person to interfere with, hinder, or molest the animal control supervisor, animal control officers, or other certified law officers, or their agents, or veterinarians, in the performance of any duty authorized by these Rules.

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

#### **Sec 4-45. Dangerous and Potentially Dangerous Dogs**

- A. 1. Dangerous dog means a dog that:
  - a. Has killed a person; or
  - b. Has been deemed dangerous in another county or state; or
  - c. Is determined by the person or board designated by the county to be responsible for such determination to be dangerous because the dog has engaged in one (1) or more of the behaviors listed in this subsection:
    - 1). Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or

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

2. Potentially dangerous dog means:

- a. Any dog, when not on the owner's real property, that has killed or inflicted severe injury upon a domestic animal; or
- b. Any dog, when not on the owner's real property, that has approached a person in a vicious or terrorizing manner in an apparent attitude of attack; or
- c. Any dog that has been deemed potentially dangerous in another county or state.

3. Owner means shall include any person, group of persons, firm, partnership, organization, association or corporation owning, keeping or harboring an animal, assumes care of an animal or acts as a custodian of an animal, unless the animal is being boarded for a fee. If the keeper of an animal is a minor child, the parent or guardian of such minor shall accept the responsibility and held liable for noncompliance with the provisions of this Ordinance.

4. Owner's real property means any real property owned or leased (with written permission to harbor the dog) by the owner of the dog but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

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

6, The animal control supervisor has the authority to determine whether a dog is dangerous or potentially dangerous and must notify the dog's owner in writing giving reasons for the determination.

#### B. Duty of Animal Control Officer

Upon receipt of a complaint of a dangerous animal, it shall be the duty of the Animal Control Officer to seize the animal and impound the animal the RCAS until a resolution is determined. If the owner is known, the Animal Control Supervisor shall promptly conduct a hearing, after reasonable notice to the owner, to determine if the animal is dangerous.

If the Animal Control Supervisor determines that an animal is dangerous or potentially dangerous as defined in this Ordinance, he shall enter an order in writing identifying the animal in detail, the owner, and the facts upon which he determines that the animal is or is not dangerous or potentially dangerous.

#### C. Animals Determined Not Dangerous or Potentially Dangerous

If the Animal Control Supervisor determines that the animal is not dangerous or potentially dangerous, the animal shall be released on the same terms as impounded animals are ordinarily released under the provisions of this Ordinance. No person shall knowingly file a false complaint.

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#### D. Animals Determined to be Dangerous or Potentially Dangerous

When an animal has been declared to be dangerous or potentially dangerous and a menace to public health, the Animal Control Supervisor shall order the animal, to be confined to its owner's property. However, the animal may be permitted to leave its owner's property when accompanied by a responsible adult and restrained on a leash.

#### E. Animal Found to Be Dangerous or Potentially Dangerous

If after the hearing by the Animal Control Supervisor, the animal is found to be dangerous or potentially dangerous; his order shall further provide the following:

The owner shall be required to keep the dangerous or potentially dangerous animal confined at all times in a secure enclosure abiding by at least the minimum cage requirements as follows:

- a. 10 x 10 x 6 feet heavy gauge chain link fence.
- b. Four-inch concrete slab.
- c. Roof suitable to contain the dog.
- d. Double padlock.
- e. "Beware of dog" signs posted on the lot.

Once the animal owner is notified that any animal has been declared to be a dangerous or potentially dangerous dog, the owner will have up to three (3) weeks to construct the dog lot and have it approved by the county animal control supervisor.

Any animal declared a dangerous dog or potentially dangerous dog is required to remain confined at the RCAS until such time as the owner constructs or makes available confinement facilities which are adjudged by county animal control officials to be secured and in keeping with all requirements. The owner shall furnish the Animal Control Officer current proof that the animal is vaccinated against rabies.

- i. The owner shall pay any fees to the RCAS for each day the animal has been impounded to the date it is released.
  - ii. The owner shall file written consent with the Animal Control Officer that the Animal Control Officer may go on the premises of the owner at anytime during the next five (5) years after the order is entered to determine if the owner is complying with the order. The consent shall further authorize the Animal Control Officer to confiscate, impound and destroy the dangerous or potentially dangerous animal, if it is found the animal is not being kept within the enclosure as required by the order
  - iii. The dangerous or potentially dangerous animal will be released to the owner only after the owner has complied with the requirements of the order.
  - iv. Unless the requirements of the order are complied with within thirty (30) days after its entry, the dangerous or potentially dangerous animal shall be destroyed unless the owner has appealed to the Animal Grievance Board.
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F. Confiscation and Destruction of Dangerous or Potentially Dangerous

If the owner of a dangerous or potentially dangerous animal fails to comply with the order within thirty (30) days after its entry, the Animal Control Officer shall destroy the animal unless the owner has filed an appeal.

G. Dangerous or Potentially Dangerous Animal Penalty

The owner of the animal, which has been found to be a dangerous or potentially dangerous animal, who fails at any time to keep the dangerous or potentially dangerous animal confined as required by the order of the Animal Control Supervisor, shall be guilty of a misdemeanor and shall be prosecuted by the Superior Court of Richmond County. The Animal Control Supervisor may bring a civil proceeding in the Richmond County Superior Court to enforce the provisions of this Ordinance in accordance with North Carolina General Statute 130A-18.

H. The provisions of this subsection do not apply to:

1. A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties, or an assistance dog trained and used as an assistance dog for the physically disabled; or
2. A dog being used in a lawful hunt unless the target or victim is not the intended prey of said 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 the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or
4. A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime or was in any way provoked to attack.

I. Appeals Process.

1. The owner may appeal the determination by filing written objections with the animal control supervisor within ten (10) days. An appellate board, known as the animal grievance committee, shall hear any requests for appeal of the animal control supervisor's determination of dangerous, or potentially dangerous, dog.
  2. The animal grievance committee shall consist of five (5) representatives and one (1) alternate appointed by the county board of commissioners. Two members shall be appointed for an initial term of three years, two members shall be appointed for an initial term of two years, one member shall be appointed for an initial term of one year, and all members shall thereafter be appointed for terms of three years. All five members of the board shall hear appeals whenever all five can be present, but three members shall constitute a quorum in the event that all five are not able to be
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present. The alternate member will sit on the committee when an even number of members are present. To avoid tie votes, all appeals shall be heard by an odd number of members, either three (3) or five (5). Committee members shall disclose any potential conflict of interest they have with a case and excuse him, or her, accordingly. The animal grievance committee shall have jurisdiction to hear and determine all appeals from determinations made by the animal control supervisor excluding matters referred for criminal prosecution or civil actions for injunctive relief.

3. Upon timely receipt of an appeal, the animal control supervisor shall schedule a hearing before the appeals board within thirty (30) days of the filing of the appeal. Any appeal from the final decision of the animal grievance committee shall be taken to district court of Richmond County by filing notice of appeal and a petition for review within ten (10) days of the final decision of the appellate board. Appeals from the rulings of the animal grievance committee shall be heard de novo before a district court judge. During an appeal process, the dog is to be housed at RCAS with the owner paying a daily boarding fee as set by the Richmond County Board of Commissioners, or the dog may be boarded at a veterinarian's office at the owner's expense if pre-approved by the animal control supervisor. Court shall be the same as in N.C.G.S. §150B-51.

#### J. Owner Responsibilities

It shall be unlawful for an owner to:

1. Leave a dangerous or potentially dangerous dog unaccompanied on the owner's real property unless the dog is confined indoors, or in the secure enclosure.
  2. Permit a dangerous or potentially dangerous dog to go outside the secure enclosure unless the dog is leashed or is otherwise securely restrained. Dogs off of owner's property must be muzzled with a muzzle that allows dog to pant and breathe.
  3. Transfer ownership of a dangerous or potentially dangerous dog without having notified the animal control section in writing ten (10) days prior to transfer of ownership. The person receiving ownership of the dog shall have a secure enclosure prior to taking possession of the dog.
  4. To move any animal deemed dangerous or potentially dangerous that has bitten a human that results in severe injury from one location to another without written permission from the animal control section of the Richmond County Health Department.
  5. Transfer ownership of a dangerous or potentially dangerous dog without having notified in writing the person taking ownership or possession of the dog, of the dog's dangerous behavior and the determination of the dog as potentially dangerous. If the owner transfers ownership or possession of the dog, he must notify the animal control section or local health director of the name and address of the new owner or possessor. He must also notify the new owner or possessor about the dog's dangerous behavior and any determination made by the local dangerous dog official or board.
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6. Violations.

- i. If a dog that has been declared dangerous or potentially dangerous is found to be in violation of this subsection, the owner will be issued a civil penalty as set by the Richmond County Board of Commissioners for the first and second offense, and if the dog is found to be in violation for a third time, the dog is to be immediately surrendered to the animal control section of the Richmond County Health Department by the owner to be euthanized or taken to a licensed veterinarian for humane euthanization at the owner's expense and transported by animal control. If the owner contests this violation, the owner may file a written appeal with the animal control supervisor within three (3) days of the notification of the violation. A hearing with the appellate board shall be scheduled within ten (10) days. If the owner appeals this violation, the dog is to be held at the RCAS, boarded in a secure environment until the appeal is heard. If the owner of the potentially dangerous dog does not appeal the violation three (3) days, the dog will be euthanized at the beginning of the fourth day. If the owner loses the appeal, the dog will be euthanized at the beginning of the next day.
- ii. A dog that has been declared dangerous for inflicting a bite that results in severe injury to a person is to be immediately surrendered to the animal control section of the Richmond County Health Department by the owner to be euthanized. The owner has the option for animal to be transported by animal control to a licensed veterinarian for humane euthanasia at owner's expense. If the owner contests this determination, the owner may file a written appeal with animal control supervisor within three (3) days of the notification of the dog as dangerous. The dog is to be housed at the RCAS with the owner paying a daily boarding fee. A hearing with the appellate board shall be scheduled within ten (10) days. The determination of the appellate board shall be final.
- iii. If a cat, dog, or ferret has bitten a person, and the owner fails to quarantine the animal within eight (8) hours, the owner is to be held in the Richmond County jail until such time as the animal is surrendered for quarantine.

**State law references:** Article 1: Owner's liability- G.S. § 67-1: Liability for injury to livestock or fowls, G.S. §67-3: Sheep killing dogs to be killed, G.S. §67-4: Failing to kill mad dog, Article 1A: Dangerous dogs- G.S. §67-4.1: Definitions and procedures, G.S. §67-4.2: Precautions against attacks by dangerous dogs, G.S. §67-4.3: Penalty for attacks by dangerous dogs, G.S. §67-4.4: Strict liability, G.S. §67-4.5: Local ordinances. Chapter 130A: Public health - 130A-200: Confinement or leashing of vicious animals. Chapter 153A: Counties - 153A-131: Possession or harboring of dangerous animals. Chapter 160A: Cities and towns - 160A-187: Possession or harboring of dangerous animals

**Sec 4-46. Damage, Destruction, and/or Theft of County Animal Control Property**

- A. It shall be a violation for any person to damage, destroy, or remove property belonging to the Richmond County Animal Control program. Violators will be fined in accordance with the
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provisions of Section 24 of these Rules to include the cost of replacement or repair of the damaged, destroyed, or stolen property.

- B. No animal trap will be placed upon property located within the county without the consent of the owner or person in control of the property.
- C. A citizen may petition the appellate board for a hearing to determine the circumstances regarding the exemption of payment for the loss or damage of animal traps. The board may determine the extent of non-intentional loss, destruction or damage to traps, including any lack of negligence. The board may relieve the citizen of any financial responsibility. The burden of proof, however, will be upon the citizen to show that the loss was not the result of negligence or intentional loss, damage or destruction. Failure of any person, assessed restitution for the loss of or damage to a trap, to remit the restitution within thirty (30) days of the written notification may be prosecuted by the District Court of Richmond County.

#### **Sec 4-47. Supplemental of Other Laws**

The powers conferred by this Ordinance shall be in addition and supplemental to powers conferred by any other Law and adopted by reference.

#### **Sec4-48. Invalidity**

If any part of this Ordinance or the application thereof to any person or condition is held invalid, such invalidity shall not affect other parts of this Ordinance or their application to any other person or condition; and to this end, the provisions of this Ordinance are hereby declared to be separable.

#### **Sec 4-49. Conflict**

Insofar as the provisions of this Ordinance are inconsistent with the provisions of any other law, except a provision of State or Federal law, the provisions of this Ordinance shall control.

#### **Sec 4-50. Enforcement in Municipalities; Restricted**

- A. Animal control officers shall have no authority to enforce this chapter within the boundaries of any municipality unless the governing body of that municipality adopts a resolution stating that Richmond County is empowered to enforce the provisions of this chapter within that municipality, and repeals any inconsistent ordinances.
- B. The animal control officers shall be prohibited from enforcing the provisions of any ordinance or municipal law not adopted according to the provisions of this section.

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

#### **Sec 4-51. Exemptions**

This ordinance shall not apply to the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, lawful activities of agencies conducting or sponsoring

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biomedical research or training, lawful activities for sport, the production of livestock, or the lawful destruction of any animal for the purpose of protection of humans or livestock.

#### **Sec 4-52. Redemption**

When any dog or cat is seized, it shall be impounded and notice thereof shall be given to the owner (if known). In order for the dog or cat to be redeemed, the owner shall comply with all requirements of the RCAS, including, but not restricted to, rabies vaccinations, spay or neuter fees, and impoundment fees at the discretion of the RCAS.

#### **Sec 4-53. Animal Registration and Micro-chipping**

- A. Public nuisance, dangerous and potentially dangerous dog registration and micro-chipping required. Any person who owns, harbors, possesses, or maintains any dog which has lawfully been declared to be a public nuisance or dangerous or potentially dangerous animals pursuant to this Section shall be micro-chipped and registered with the Richmond County Health Department Animal Control.
- B. Owners of such animals must have such animals micro-chipped with such submitted for record to Animal Control.
- C. Owners of dangerous or potentially dangerous animals must obtain a permit from Richmond County Health Department Animal Control Section within 15 days of such declaration or final appeal determination at a fee established by the board of commissioners.
- D. Owners of such animals must register such animals annually and pay fee established by the board of commissioners. The fee must be paid by such owner by the 10<sup>th</sup> day of July of each year thereafter until such time as the dog in question expires, or ownership of such dog is relinquished to another person or to the animal shelter. The Richmond County Health Department Animal Control must be notified at any time as to any change in the status of such animal. i.e., Expired; relinquished to another person; etc.
- E. Violation of this provision, including failure to pay registration and renewal fees, will result in immediate seizure of such animal by Animal Control, and immediate termination of ownership rights to such animal. The determination of the animal's final disposition will be at the discretion of the animal control supervisor or his/her designee.
- F. Public nuisance, dangerous, and potentially dangerous dog records may be made available to the public. The location in which any dog lawfully deemed to be a public nuisance, dangerous, or a potentially dangerous dog under this Section or N.C.G.S. 67-4.1 et seq. is kept shall be made available to the public, provided that such location falls under the jurisdiction of this Ordinance.

**State law references:** G.S. §§ 153A-121; 160A-174

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#### **Sec 4-54. Penalties**

Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor and may be punishable by N.C.G.S. §130A-25. The county may secure injunctions and abatement orders to further ensure compliance with its Regulations, as provided by N.C.G.S. §130A-18-20 and §153A-123(a). Each day's violation of this Ordinance shall be a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of liability for taxes or fees imposed under this Ordinance.

Unless otherwise stated, a first offense fine of \$25.00, a second offense fine of \$50.00, and a third offense fine of \$100.00—shall punish violations of any provision of this Ordinance. Such penalty shall be paid within seventy-two (72) hours from issuance of the notice referred to above. After the seventy-two (72) hour period, the civil penalty will increase by twenty-five dollars (\$25.00) and an additional twenty-five dollars (\$25.00) for every five (5) work day period in which the fine is not paid, not to exceed one thousand dollars (\$1,000). The Richmond County Animal Control Notice of Violation form (RCACNOV1) shall be used as the legal instrument to implement these penalties.

The Health Director or his designee is authorized to accept such payments in full and as final settlement of the claim or claims, right or rights of action which the County may utilize to enforce such penalty by civil action in the nature of a debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such alleged violation or violations.

Any complainant, requesting a live animal trap, will be subject to a deposit, determined by the Richmond County Board of Health, per trap. The deposit will be returned to the complainant upon the retrieval of any undamaged trap. Traps will be placed on the complainant's property, until animal is captured or a period of time that does not exceed seven (7) business days.

Restitution for damage, destruction, or theft of Animal Control property shall be based on repair or replacement costs at fair market value.

#### **Sec 4-55. Appeals Procedures**

- A. The owner may appeal the determination by filing written objections with the chief animal control officer within ten (10) days. An appellate board, known as the animal grievance committee shall hear any requests for appeal of the chief animal control officer's determination of dangerous, or potentially dangerous, dog
  - B. The animal grievance committee shall consist of five (5) representatives and one (1) alternate appointed by the county board of commissioners. Two members shall be appointed for an initial term of three years, two members shall be appointed for an initial term of two years, one member shall be appointed for an initial term of one year, and all members shall thereafter be appointed for terms of three years. All five members of the board shall hear appeals whenever all five can be present, but three members shall constitute a quorum in the event that all five are not able to be present. The alternate member will sit on the committee when an even number of members is present. To avoid tie votes, all appeals shall be heard by an odd number of members, either three (3) or five (5). Committee members shall disclose any potential conflict of
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interest they have with a case and recuse him, or her, accordingly. The animal grievance committee shall have jurisdiction to hear and determine all appeals from determinations made by the animal control supervisor excluding matters referred for criminal prosecution or civil actions for injunctive relief.

- C. Upon timely receipt of an appeal, the animal control supervisor shall schedule a hearing before the appeals board within thirty (30) days of the filing of the appeal. Any appeal from the final decision of the animal grievance committee shall be taken to district court of Richmond County by filing notice of appeal and a petition for review within ten (10) days of the final decision of the appellate board. Appeals from the rulings of the animal grievance committee shall be heard de novo before a district court judge. During an appeal process, the dog is to be housed at RCAS with the owner paying a daily boarding fee as set by the Richmond County Board of Commissioners, or the dog may be boarded at a veterinarian's office at the owner's expense if pre-approved by the animal control supervisor. Court shall be the same as in N.C.G.S. §150B-51.

**Effective Date**

Adopted by Richmond County Board of Commissioners July 8, 2013.

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