

HARNETT COUNTY

ANIMAL CONTROL ORDINANCE

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BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HARNETT COUNTY

SECTION I. PURPOSE

The purpose of this ordinance is to protect the people of Harnett County from rabies transmitted by unconfined, uncontrolled or un-immunized animals, to regulate dogs and other animals that may be a nuisance, to insure that all animals are treated in a humane manner and the promotion of responsible pet ownership and animal welfare.

SECTION II. DEFINITIONS

- A. **Animal:**
Any live, vertebrate creature, wild or domestic, other than human beings.
- B. **Animal Control Department Head:**
The person placed in charge of the Harnett County Animal Control or authorized representative.
- C. **Animal Control Officer:**
A person employed to pick up, restrain, impound, care for, sell 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, or by state laws, or by the Animal Control Department head. The Animal Control Officer is under direct supervision of the Animal Control Supervisor.
- D. **Animal Shelter:**
A facility which is used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals and which is under contract with, owned, operated or maintained by a county, city, town or other municipality devoted to the welfare, protection, rehabilitation or humane treatment of animals.
- E. **Castrated male:**
Any male which has been surgically operated on to prevent reproduction.
- F. **Cat:**
A domestic feline of either sex.
- G. **Direct Control:**
An animal is under direct control under this ordinance if it is controlled and is obedient to a person's commands, or within a vehicle, or is within a secure enclosure. A hunting or working dog in the field training or working will be considered to be under direct control.
- H. **Dog:**
A domestic canine of either sex.
- I. **Euthanasia:**
The humane destruction of an animal accomplished by a method that involves rapid unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

- J. Exotic Animal:
Any animal, which is not native or indigenous to North Carolina, does not have an established wild population in North Carolina, or is not regulated by the North Carolina State Wildlife Commission.
- K. Health Director:
The Director of the Harnett County Health Department or authorized representative.
- L. Isolation:
The placing of an animal away from all other animals, food and equipment in the area for the sole purpose of preventing the spread of disease.
- M. Owner:
Any person, group of persons, firm, partnership, or corporation owning, keeping, having charge of, sheltering, feeding, harboring, or taking care of any animal.
- N. Restraint:
A leash, chain, or other physical device of sufficient strength to maintain the direct control over an animal by its owner.
- O. Running at Large:
The running or wandering of animals not under direct control of the owner/caretaker and not restrained by fence, tether, or other enclosure.
- P. Sanitize:
To make physically clean and to remove and destroy to a practical minimum, agents injurious to health.
- Q. Secure Enclosure:
An enclosure from which an animal cannot escape unless freed by an owner.
- R. Spayed Female:
Any female which has been operated upon to prevent reproduction.
- S. Stray Animal:
A domestic animal that roams at large with no apparent ownership.
- T. Vaccination:
The administration of anti-rabies vaccine, approved by the United States Bureau of Animal Industry, the North Carolina Department of Agriculture, and the North Carolina Commission for Health Services.
- U. Veterinary Hospital:
An establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases, and injuries of animals.
- V. Wild Animals:
All warm and cold blooded animals not normally domesticated. By way of example, wild animals shall include but not be limited to lions, tigers or other wild cats, wolves, bears, raccoons, monkeys, apes, reptiles and any other non-domesticated animal.

SECTION III. AUTHORITY AND RESPONSIBILITY OF ANIMAL CONTROL

Animal Control Officers shall:

- A. **Enforcement:**
Have the power to issue citations for the violation of the Harnett 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. **Investigate Cruelty to Animals:**
Investigating cruelty or abuse to dogs, cats and all other animals.
- C. **Rabies Control:**
Act as Rabies Control Officers and enforce and carry out all laws of North Carolina and all ordinances of Harnett County pertaining to rabies control.
- D. **Animal Bites:**
Be responsible for the investigation of all reported animal bites and for the quarantine of any such animal for a period of not less than ten days. Be responsible for the procedures required for rabies testing if needed.
- E. **Animal Shelter:**
Be responsible for the operation of the County Animal Shelter.
- F. **Seizure and impoundment:**
Be responsible for the seizure and impoundment, where deemed necessary, of any dog, cat or other animal in Harnett County involved in a violation of this or any other County Ordinance or any state statute.

SECTION IV: RECORD KEEPING AT THE ANIMAL SHELTER

It shall be the duty of the Animal Control Officers and Shelter Staff to keep, or cause to be kept, accurate and detailed records of:

- A. Origin of animals and the date the animals were received.
- B. Description of animals including species, age, sex, breed and color markings.
- C. Location of animals if not kept at the Animal Shelter.
- D. Disposition of animals and the corresponding date.
- E. Bite cases, violations and complaints, and investigations of the same.
- F. All monies belonging to the County which are derived from impoundment fees, penalties, sale of animals, and licenses.
- G. All other records deemed necessary by the Animal Control Supervisor.

SECTION V: ANIMAL CONTROL – OFFENSES

- A. **Dogs Not Under Direct Control:**
A dog not under direct control of its owner or the owner's agent and determined to be at large by the Animal Control Officer can be picked up by such officer. The owner, if identified, may be subject to a fine as outlined in Penalties in Section XV of this ordinance.
- B. **Female Dog During the Estrus Period:**
A female dog during the estrus period must be kept in a secure enclosure and be at all times under restraint. Restraint in this instance does not mean tied to a stationary object without being confined in a secure enclosure.
- C. **Possession of Animals Owned by Others:**
It shall be unlawful for any person to knowingly or intentionally, unless with the consent of the owner, harbor, feed or keep in his possession, by confinement or otherwise, any dog, cat or other animal which does not belong to him unless he has within forty-eight hours from the time that such dog, cat or other animal has come into his possession notified the Animal Control Office. The purpose of this section is to aid in rabies control, and to prevent the intentional possession of pets of other persons.
1. Upon receiving such notice, the Animal Control Officer may at his discretion place the dog, cat or other animal in the Animal Shelter. It shall be unlawful for any person to refuse to surrender any such dog, cat or other animal to the Animal Control Officer upon demand.
- D. **Vicious and Public Nuisance Animals:**
1. The Harnett County Animal Control Department Head may declare an animal to be vicious and a menace to the public health when the animal has attacked a person causing bodily harm without being teased, molested, provoked, beaten, tortured, or otherwise harmed. When an animal has been declared to be vicious and a menace to the public's health, the Department Head 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 (G.S. 130A-200).
 2. An animal may be determined by an Animal Control Officer to be a public nuisance when it commits any of the following acts two or more times, or any combination of two or more of the following acts one or more times:
 - a. chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers, or farm livestock or domestic animals; or
 - b. turns over garbage pails; or
 - c. damages gardens or other foliage or other real or personal property; or
 - d. habitually or continuously barks, whines, or howls in an excessive nature; or
 - e. habitually or continuously loiters on school grounds or official county recreation areas; or
 - f. commits other acts that constitute a public nuisance.

E. Injuring or Trapping of Animals:

1. A person who accidentally or otherwise strikes an animal with an automobile and injures it shall promptly notify the Animal Control Department or any law enforcement agency having jurisdiction.
2. No person shall set or expose an open jaw type trap, leg hold trap or any type trap which would likely cause physical harm or injury to any animal. This provision shall not apply to persons licensed by the State to trap animals, to Animal Control Officers or to persons using live capture traps.

F. Diseased, Injured or Sick Animals:

1. Any person owning or having any animal under his charge which he knows or suspects to be sick or injured shall isolate the animal and shall obtain or provide appropriate treatment for such animal with two business days or have the animal humanely euthanized.

G. Animal Abandonment:

1. No person shall abandon or cause to be abandoned, their dog, cat or any other type of animal.
2. No person shall take in their possession an animal they do not own, and take the animal/s to another to be or cause to be abandoned.

H. Tether Violation:

1. No person shall, at any time, fasten, chain or tie an animal 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.
2. No owner shall have over three dogs chained or tethered on their property at any given time. This allows for dogs to be in kennels or runs and does not limit the amount of dogs on the property.

I. "Dangerous" or "Potentially Dangerous" dog violation:

Due to the dangerous conditions of these animals, any violation of this section authorizes Animal Control immediate authority to impound the dog. This does not relieve the owner of any penalties or fees that result from impounding the animal.

1. No owner of a dog deemed "dangerous" or "potentially dangerous" may violate the conditions required in keeping of said animal as listed in Section IX of this ordinance.

SECTION VI. RABIES CONTROL

A. Immunization:

It shall be unlawful for any dog or cat owner to keep any such animal which is four months of age or older unless such animal has been immunized against rabies in accordance with North Carolina Statute with an approved rabies vaccine. This vaccine is to be administered by a licensed veterinarian or a certified rabies vaccinator.

B. Bites:

1. Wounds inflicted by any animal upon humans shall be reported immediately to the Animal Control Department, or the Sheriff's Office by the person who has been bitten, or in the case of a child, his or her parents or guardian or other responsible party. Physicians treating an animal bite wound shall report the incident to the Sheriff's Department or Animal Control within twenty-four hours of treatment.
2. Every dog or cat that bites a human being and does not have a valid rabies vaccination tag shall be delivered within eight hours of the bite incident by the owner to the Animal Shelter, where the animal shall be confined for observation for not less than ten days. The owner shall be responsible for the cost of such confinement.
3. Every dog or cat that bites a human being and has a valid rabies vaccination tag shall be delivered within eight hours of the bite incident by the owner to the Animal Shelter or to a licensed veterinary hospital, at the choice of the owner, where the animal shall be confined for observation for not less than ten days. The owner shall be responsible for the cost of such confinement. An Animal Control Officer may, at his discretion, permit the animal to be confined on the premises of the owner only when, after personal inspection by the Officer, he determines that there is a suitable secure enclosure on the premises and that other circumstances warrant such action.
4. In the case of stray animals whose ownership is not known, the supervised quarantine required by this section shall be at the Animal Shelter.
5. If evidence of rabies does not develop within ten days after a dog, cat or ferret is quarantined under this section, the animal may be released from quarantine. If the animal has been confined at the Animal Shelter, the owner shall pay a redemption service fee plus a boarding fee upon reclaiming the animal. Fees will be approved by the Harnett County Board of Commissioners.

C. Animals Bitten by Rabid Animals:

Any domestic animal bitten by a proven rabid animal or animal suspected of having rabies that is not available for laboratory diagnosis shall be destroyed immediately by its owner, an Animal Control officer or a peace officer, unless a) the owner agrees to strict isolation of the animal at a veterinary hospital for a period of six months or b) the animal has been vaccinated against rabies more than three weeks prior to being bitten, and is given a booster dose of rabies vaccine within three days of the bite.

If a dog develops rabies as determined by a licensed veterinarian, it shall be the duty of the owner to have such animal killed and properly disposed of, subject to the provisions of Section 130A-199 of the North Carolina General Statutes, providing for the killing of rabid animals and the laboratory examination of the heads of such animals.

SECTION VII. UNLAWFUL KILLING, RELEASING, ETC. OF CERTAIN ANIMALS

It shall be unlawful for any person to kill, subject to the provisions of Section VI C., or release 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 Supervisor or Department Head.

SECTION VIII. FAILURE TO SURRENDER ANIMAL FOR QUARANTINE

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in Section VI of this ordinance when demand is made therefore by an Animal Control Officer, Supervisor or the Department Head.

SECTION IX. DANGEROUS DOGS

Article IA of Chapter 67 of the N.C. General Statutes entitled "Dangerous Dogs" is hereby incorporated and made a part of this Animal Control Ordinance. As part of N.C. Gen. Stat. 67-4.1(c), the Animal Control Department Head is designated as the person to be responsible for determining when a dog is a "potentially dangerous dog" as defined in Chapter 67. A separate Board to hear any appeal of the Department Head's determination shall be composed of three members and one alternate. At least one of the regular Board members shall be a licensed veterinarian. All the members and the alternate shall be residents of Harnett County and appointed by the Harnett County Board of Commissioners to serve until a successor is appointed.

- a. Request for determination hearing. The Animal Control Officer or any person who otherwise suspects that such a dog is potentially dangerous or dangerous, may request a determination hearing by written application to the Animal Control Supervisor setting forth such suspicions, provided that, such request is made no later than five (5) days after the event arousing suspicion. Upon receipt of such a request, the Supervisor of the Animal Control Department shall investigate the matter and turn over his/her findings to the Director.
- b. The dog owner must receive written notice before his or her dog may be considered potentially dangerous or dangerous and then may appeal by filing written objections with the appellate board within three (3) days. An appeal from a final decision of the appellate board can be taken to the superior court by filing a notice of appeal and a petition for review within ten (10) days of the final decision of the appellate board. An appeal to superior court is heard de novo before a superior court judge sitting in the same county as the appellate board.

Once a dog is deemed potentially dangerous or dangerous, there are specific requirements an animal owner must follow:

1. **Permanent Identification mark required.** Any dog declared dangerous or potentially dangerous will be permanently identified by means of a tattoo located on the inside thigh or by electronic implant. The cost of said tattoo/implant will be paid for by the owner of the dog. The owner is hereby required to allow and assist the county authority responsible for overseeing the dangerous dog ordinance in viewing the tattoo or reading the electronic implant at such times as deemed reasonable or at such time the identification of the animal is in question, either by county authority or by a complaint filed by a third party.
2. **Signage.** An owner, harbinger or keeper of a dog that has been deemed potentially dangerous or dangerous, will place a “beware of dog” sign in plain view of the public. Said signs will be placed in such a manner as to be visible from the common entrance (s) to the property, specifically the driveway, but not limited to that point. They will also place a “beware of dog” sign on the dog’s pen. The owner, harbinger or keeper has twenty (20) days to comply.
3. **Sterilization.** An owner, harbinger or keeper of a dog that has been deemed potentially dangerous or dangerous, will have their dog sterilized. Such altering will be performed by any veterinarian licensed to practice in the State of North Carolina. Said surgery will be performed within twenty (20) days of the declaration. All fees will be paid in full by the owner to the satisfaction of the veterinarian prior to release.
4. **A secure pen.** Each dog deemed potentially dangerous or dangerous will be kept in a secure enclosure. The pen must be constructed of materials strong enough to contain the dog. This includes the sides, the top and the floor of the pen. The pen will also be lockable. The lock will be of the padlock or combination type and will be constructed of materials strong enough to contain the dog. The owner, harbinger or keeper has twenty (20) days to comply.

Although N.C.G.S. 67-4.2 (a) (1) does not give a specific description of how an enclosure should be constructed, the following is Harnett County’s requirements:

- a. The enclosure should be large enough for the canine (depending on the size of the canine) to move around in freely. If the enclosure is to secure the animal outdoors, it shall have shelter from the sun and inclement weather.
- b. The enclosure should be constructed of a six foot high fence at least nine (9) gauge chain link, with a solid floor. The enclosure will also have a fence or solid top constructed of the same material.
- c. If the floor is constructed of dirt, the requirement is for an eight foot fence with two feet buried in the ground to prevent digging out.
- d. The structure will have a lockable gate and be locked at all times when the dog is inside.

5. **Inspection.** The Director of the Animal Control department shall cause inspections to be made of the premises of an owner of a potentially dangerous or dangerous dog to determine compliance with the provisions of this section.
6. **Muzzle.** Anytime the animal is out of the enclosure, the dog will be on a secure leash and be wearing a muzzle.
7. **Location.** If you are not in the yard with the dog on a leash or you are not at home, the animal will be in a securely locked pen.
8. **Relocation.** If you move, you must notify the Animal Control department within (3) working days prior to the move. You must also inform this office of the new address or location of the animal.
9. **Notification of Death.** The owner, harborer or keeper will notify this office when the animal is deceased.
10. **Possession.** No dog declared “dangerous” or “potentially dangerous” may be given away, sold, traded or placed for adoption. The owner of said dog will retain possession of the dog until the dog dies, is destroyed or surrendered to the County authority for euthanasia.
11. **Bites or Attacks.** If a dog that has been deemed “dangerous” or “potentially dangerous” bites or attacks a person the animal will be surrendered for euthanasia and the owner will be cited for the violation.
12. **Violation.** Any violation of the terms of ownership of a “dangerous” or “potentially dangerous” dog will result in the maximum fine. The owner found in violation will receive a citation for four hundred dollars (\$400.00) per offense. The animal will be impounded and held until the violation is remedied and all debts are paid in full. If the owner is found in violation of this section more than once, the animal will be surrendered for euthanasia and the owner will be cited.

SECTION X. SEIZURE AND IMPOUNDMENT OF ANIMALS

A. Power of Seizure and Impoundment:

The Animal Control Officer and other law enforcement officers are empowered to seize and impound the following:

1. Any animal determined to be vicious or a public nuisance under the provisions of this ordinance.
2. Any animal which has been found to be a victim of cruel treatment as determined by the Animal Control Officer, Supervisor, or Department Head.
3. Any wild or exotic animal determined to be held in violation of the provisions of this ordinance.
4. Any dog or cat appearing not to be in compliance with the rabies control provisions of this ordinance.

B. Impoundment of such animal shall not relieve the owner thereof from any penalty which may be imposed for violation of this ordinance.

- C. **Dead Animals:**
Animal Control Officers shall not be required to pick up dead animals.
- D. **Dangerous Conditions:**
Animal Control Officers shall not be required, in the process of seizing or impounding animals, to place themselves in a situation which may jeopardize their health or safety.
- E. **Notification to Owners:**
Upon impoundment, 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 procedures for redemption according to the provisions of this ordinance.
- F. **Impoundment Time Periods:**
 - 1. Impounded animals shall be held for the following periods of time:
 - a. Impounded stray animals shall be held for seventy-two hours before becoming available for adoption or euthanization.
 - b. In appropriate cases, the Animal Control Officer may, at his discretion, extend the three-day holding period.
 - c. In appropriate cases, e.g., for animals which are badly wounded or diseased with a highly contagious disease such as distemper or parvovirus, the Animal Control Officer may use his discretion to reduce the three day holding period and to destroy the animal immediately or at such appropriate time as determined by the Supervisor or Department Head.
 - 2. After the holding period, animals may be disposed of by the following methods:
 - a. By adoption.
 - b. By sale pursuant to the provisions of Section XI of this Ordinance.
 - c. Euthanasia by injection with a humane euthanasia.

SECTION XI. REDEMPTION OF ANIMALS

During the time an animal is impounded at the Animal Shelter it shall be available for redemption by the owner unless the animal is under quarantine under the provisions of this ordinance. A redemption service fee shall be charged each time an animal is redeemed plus a boarding fee per day. Fees will be approved by the Harnett County Board of Commissioners. If the owner of an impounded animal can be identified and if the owner chooses not to redeem his animal, the Supervisor or Department Head may charge said owner for the animal's boarding and veterinarian costs. In order to recover said boarding and veterinarian costs, the Supervisor or Department Head may sell an impounded animal, if the owner cannot be identified or if the owner refuses to redeem the animal pursuant to the provisions of N.C.G.S. 130A-192.

SECTION XII. RABIES VACCINATION TAG

- A. Dogs and cats shall wear rabies tags at all times (N.C.G.S. 130A-190).

- B. It shall be unlawful for any person to remove the rabies vaccination tag from any dog or cat belonging to another person residing in Harnett County unless by the direction of the owner.
- C. The Animal Control Officer shall canvas the County to determine if there are any dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's identification can be found on the animal. If the animal is wearing an owner identification tag, or if the Animal Control Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three days of the notification. If the animal is not wearing an owner identification tag and the Animal Control Officer does not otherwise know who the owner is, the Animal Control Officer may impound the animal under the provisions of Section X. (N.C.G.S. 130A-192).

Before an owner is cited for violation of this rabies tag provision, the Animal Control Officer shall give the owner the opportunity to produce a rabies vaccination certificate to the Animal Control Officer showing the dog or cat to have been properly vaccinated and if said certificate is produced no citation shall be issued.

SECTION XIII. INTERFERENCE

It shall be unlawful for any person to interfere with, hinder, or molest the Animal Control Supervisor, Department Head, Animal Control Officers or other certified law officers or their agents or veterinarians, in the performance of any duty authorized by this ordinance.

SECTION XIV. INHERENTLY DANGEROUS EXOTIC ANIMALS

POSSESSION OF INHERENTLY DANGEROUS EXOTIC ANIMALS IS ILLEGAL IN HARNETT COUNTY.

- A. At no time may any person or persons harbor an inherently dangerous exotic mammal or inherently dangerous reptile.
 - 1. An inherently dangerous exotic mammal is any member of the canidae, felidae or ursidae families, including hybrids thereof, which due to their inherent nature, may be considered dangerous to humans.
 - (a) Canidae include any member of the dog (canid) family not customarily domesticated by man, or any hybrids of such canidae, thereof, including Wolf hybrids, which are a cross between a wolf and a domestic dog, but not including domestic dogs (Canis Familiaris).
 - (b) Felidae include any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, or any hybrids of such felidae, but not including domestic cats (Felis catus).
 - (c) Ursidae include any member of the bear family, or hybrids of such ursidae.

2. Inherently dangerous reptile is any member of the class reptilia which:
 - (a) is venomous. A venomous reptile shall include all members of the families Helodermidae (gila monsters and Mexican bearded lizards), Viperidae (vipers), Crotalidae (pit vipers), Atractaspidae (burrowing asps), Hydrophilidae (sea snakes), and Elapidae (cobras, coral snakes, and their allies), as well as any "rear fanged" snakes of the family Colubridae that are known to be dangerous to humans (including, but not limited to Dispholidus typus (boomslang), Thebtonis kirtlandii (Twig snake) and Rhabdophisspp (keelbacks),
 - (b) is a member of the order of Crocodilia (crocodiles, alligators, and caiman).
3. Harbinger of an inherently dangerous exotic mammal or inherently dangerous reptile is any person or persons, regardless of ownership, who allows an inherently dangerous exotic mammal or inherently dangerous reptile to remain, lodge, or be fed or to be given shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or other premises in which the person resides over which the person has control.

EXCEPTIONS.

This article does not apply to:

1. Veterinarian clinics in possession of such mammals or reptiles for treatment or rehabilitation purposes.
2. Any institute or organization, which exists primarily to educate the public in the areas of science and nature; which receives or has received financial support from federal, state, and/or local governments; which has a paid membership open to and composed of members of the general public; which is directed by a Board of directors or similar body elected by the membership; and which has been declared a 501(c)(3) exempt organization by the Internal Revenue Service.
3. Non-resident circuses for no longer than one (1) seven-(7) day period, per each separate location where such circus is held within the County, per calendar year.
4. Non-resident carnivals for no longer than one (1) seven-(7) day period, per each separate location where such carnival is held within the County, per calendar year.
5. Persons temporarily transporting such mammals or reptiles through the County. Provided that such transit time shall not be more than 24 hours.

IMPOUNDMENT

- A. Any inherently dangerous exotic mammal or inherently dangerous reptile which is kept by any person in contravention of the above listed statements of this Article may be impounded by the Animal Control Officer for the protection and health of the animal and/or the protection of the public. Whenever possible, the Animal Control Officer shall impound the animal in the presence of its owner or harbinger; however, if such is not practicable, then the Animal Control Officer may impound such animal consistent with the provisions of this section.
- B. If an animal is impounded pursuant to this section the owner or harbinger of the animal shall be notified by the Animal Control Officer as soon as possible.

- C. Any animal impounded pursuant to this section will be held three (3) days for the owner to claim pursuant to subsection D of this section, but if the animal cannot be impounded safely by the Animal Control Officer or if proper and safe housing cannot be found for the animal, the Animal Control Officer can immediately destroy the animal.
- D. The owner or harbinger of the animal can reclaim the animal if the person satisfies the Department Head or Supervisor of the Animal Control Department that a safe transfer of the animal to an appropriate location outside of the County has been arranged.
- E. If no owner or harbinger can be located or will claim the animal within three (3) days after impoundment, the Animal Control Department may sell, adopt, or euthanize the animal at the discretion of the Department.

All costs of impoundment and care of the animal will be charged to its owner or harbinger regardless of whether the animal is claimed by or returned to said owner or harbinger; and in the event the animal is reclaimed, such costs shall be paid in full prior to the owner or harbinger reclaiming the animal pursuant to subsection D of this section.

SECTION XV. PENALTIES

- A. **Misdemeanor:**
Notwithstanding any civil penalties outlined herein, any person violating any provision of this ordinance may be guilty of a Class 2 misdemeanor under North Carolina General Statutes 15A-1340.20et. seq. or any other applicable section for misdemeanor sentencing. For a continuing violation, each day's violation may be deemed to be a separate offense.
- B. **Equitable Remedies:**
This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- C. In addition to other remedies for violation of this ordinance, the Animal Control Officer or any person authorized by him may issue to the known owner, or person having custody or control of said animal, a ticket giving notice of the violation of this ordinance. Any such official shall be authorized to secure the name and address of the owner or person in control of the animal in violation. Tickets so issued may be delivered in person or mailed by registered or certified mail to the person charged if he cannot otherwise be readily located. Any such ticket shall impose upon the owner a civil penalty approved by the Harnett County Board of Commissioners. Said penalties must be paid within twenty days to the County Department of Human Resources or the Animal Control Shelter. In the event the owner of the animal or violator does not appear in response to the above described ticket, or if the applicable penalty is not paid within the time prescribed, a criminal summons shall be issued against the violator or owner or person having custody of the animal in violation of this ordinance, and upon conviction, the violator or owner or person having custody of the animal shall be punished as the court prescribes under Section XIV A.

SECTION XVI. SEVERABILITY

If any part of this ordinance or any portion of any provision thereof, 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 severable.

SECTION XVII. 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.

SECTION XVIII. APPLICATION TO MUNICIPALITIES

- A. Authority in Municipalities:
Animal Control Officers shall have no authority to enforce this ordinance within the boundaries of any municipality unless the governing body of the municipality negotiates an agreement with Harnett County regarding the enforcement of the provisions of this ordinance within the municipality, and repeals any inconsistent ordinance.
- B. Non-Enforcement of Inconsistent Ordinances:
The Animal Control Officer shall be prohibited from enforcing the provisions of any ordinance or municipal law not adopted according to the provisions of this ordinance.

SECTION XIX. EFFECTIVE DATE

This ordinance shall be in effect from and after November 15, 1993.

Amended December 4, 1995

Amended January 6, 1997

Revised May 6, 2002

Revised April 17, 2006

THE HARNETT COUNTY BOARD OF COMMISSIONERS

Teddy J. Byrd, Chairman

ATTEST:

Kay S. Blanchard, Clerk to the Board

NORTH CAROLINA

HARNETT COUNTY

ACKNOWLEDGEMENT

I, a Notary Public of the County and State aforesaid, certify the Teddy J. Byrd personally appeared before me this day who being by me duly sworn, deposes and says: that he is the Chairman of the Harnett County Board of Commissioners and Kay S. Blanchard is the clerk of said Board, that the seal affixed to the foregoing instrument is the official seal of Harnett County, that said instrument was signed and sealed by him, attested by the Clerk and the County's seal affixed thereto, all by authority of the Board of Commissioners of said County, and the said Teddy J. Byrd acknowledged said instrument to be the act and deed of Harnett County.

Notary Public

My Commissioner expires: _____