



Harnett
C O U N T Y
NORTH CAROLINA

County of Harnett

ANIMAL SERVICES ORDINANCE

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**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF HARNETT COUNTY**

SECTION I. TITLE

This Ordinance shall be known and cited as the “Harnett County Animal Services Ordinance” (hereinafter referred to as “Ordinance”).

SECTION II. PURPOSE

There is created the Animal Control Division of Harnett County, which shall be composed of the General Services Director, Animal Control Program Manager and such employees as shall be determined by the General Services Director and Animal Control Program Manager and funded by the Board of Commissioners. The General Services Director, Animal Control Program Manager and the employees shall be compensated in accordance with the personnel policies of Harnett County.

The Animal Control Division shall designate employees or agents enforcing this Ordinance as Animal Control Officers. In performance of their duties, animal control officers shall have the power, authority, and immunity granted under this Ordinance and by the general laws of this state to enforce the provisions of this ordinance, and the General Statutes as they relate to the care, treatment, control, or the impounding of animals.

Except as may be otherwise provisions of this Ordinance or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties unless he acts with actual malice.

It shall be unlawful for any person to interfere with, hinder, or molest any animal control officer, police officer, veterinarian or other duly appointed agent while in performance of any duty authorized by this Ordinance or seek to release any animal in the custody of such agent, except in the manner as herein provided. Each animal control officer while performing his/her respective duties shall wear an identification insignia of size and design to be determined by the General Service Director and the Animal Control Program Manager.

Animal control officers may store at the animal control office or carry in departmental vehicles firearms approved for use and use such firearms when necessary to enforce sections of this Ordinance or under applicable laws for the control of wild, dangerous, vicious or diseased animals.

State Law reference—Appointment of animal control officers authorized, G.S. 67-30 et seq.; ordinance power and enforcement, G.S. 153-121 et seq.; Interference unlawful, G.S. 19A- 48.

SECTION III. DEFINITIONS

1. *Adequate Shelter* – Shelter which will keep a nonaquatic animal dry, out of direct path of winds, out of direct sun, and at a temperature level that is healthful for the animal. For dogs, cats and other small animals, the shelter shall be a windproof and moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall include four walls, a roof, and a solid floor raised up off the ground, with an opening entrance large enough to allow access to the animal, but placed in such a way to keep the animal out of the direct path of winds. Barrels, pet crates, and similar devices do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. The structure shall be provided with sufficient quantity of suitable bedding material consisting of hay, straw, cedar shaving, or the equivalent. 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 a suitable method of draining shall be provided to rapidly eliminate excess water or moisture. Aquatic or semi-aquatic animals shall have an adequate amount of clean water in which to move. **Adequate shelter does not apply to the following domesticated livestock:** cattle, oxen, bison, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, llamas, alpacas, lagomorphs, ratites, and poultry.
2. *Adequate Water* – A constant access to a supply of clean, fresh water provided in a sanitary manner. In a near or below freezing temperatures, the water must be changed frequently to prevent freezing, unless heated.
3. *Adequate Food* – The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age and sufficient to maintain a reasonable level of 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.
4. *Adoptions Coordinator / Shelter Program Manager* – the person placed in charge of Adoptions and Shelter operations or authorized representative.
5. *Animal* – Any live, vertebrate creature, wild or domestic, other than human beings.
6. *Animal Services Director* – The director of Harnett County Animal Services or authorized representative.
7. *Animal Control Program Manager* – The person placed in charge of Harnett County Animal Control or authorized representative.
8. *Animal Control Officer* – employees and agents designated by Harnett County Animal Control to enforce this ordinance. In the performance of their duties, animal control officers shall have all the powers, authority and immunity granted under this ordinance and by the general laws of this state to enforce the provisions of this ordinance, and the General Statutes as they relate to the care, treatment, control or impounding of animals.

9. *Cat* – A domestic feline of either sex.
10. *Direct Control and Restraint* – An animal is under direct control and restraint if it is obedient to a competent person’s commands at all times; is within a secure enclosure; is obedient to an electronic collar or wireless device; is located within a vehicle, trailer, or other conveyance; or is leashed, chained, or restrained by a device of sufficient strength by a person or to a fixed object. A service dog and a hunting or working dog in the field or working are presumed to be under direct control and restraint.
11. *Dog* – A domestic canine of either sex.
12. *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.
13. *Exotic Animal* – Any animal or reptile 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.
14. *Feral Cat* – Cats unsuitable for adoption, as determined by the General Services Director or designee.
15. *Feral Dog* – Dogs unsuitable for adoption, as determined by the General Services Director or designee.
16. *General Services Director* - The Director of the Harnett County General Services Department or authorized representative. The General Services Director is responsible for overall management of Animal Services; incorporating both Animal Control and Shelter Operations.
17. *Health Director* – The Director of the Harnett County Health Department or authorized representative.
18. *Hunting/Working Dog* – A dog which is trained or being trained to assist in herding or hunting activities.
19. *Isolation/Quarantine* – 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.
20. *Neutered Male* – Any male which has been surgically operated on or medically treated to prevent reproduction.
21. *Owner/Person in Possession* – Any person, group of persons, firm, partnership, or corporation owning, keeping, having charge of, sheltering, feeding, possessing, or taking

care of any animal.

22. *Reptile* – Any cold-blooded air breathing vertebrate with horny scales or plates such as a snake, lizard, or tortoise.
23. *Running at Large* – The running or wandering of animal(s) not under direct control of the owner, caretaker, and/or possessor that is not restrained by fence, tether, or other enclosure.
24. *Sanitize* – To make physically clean, remove and destroy to a practical minimum, agents injurious to health.
25. *Secure Enclosure* – An enclosure from which an animal(s) cannot escape unless freed by an owner, caretaker, and/or possessor.
26. *Service Dog* – Any dog which is trained or being trained to do work or perform tasks for a person who is blind, hearing impaired, or otherwise disabled. A dog whose sole function is to provide comfort or emotional support does not qualify as a service dog.
27. *Spay Female* – Any female animal which has been surgically operated upon to prevent reproduction.
28. *Stray Animal* – A domesticated animal that roams at large with no apparent ownership.
29. *Tethering/Chaining* – a chain, cable, rope, or the like, by which an animal is fastened to a fixed object so as to limit its range of movement.
30. *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 Service.
31. *Veterinary Hospital* – An establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.
32. *Wild Animals* – All warm and cold blooded animals not normally domesticated including, but not be limited to, lions, tigers, or other wild cats, wolves, bears, raccoons, monkeys, apes, reptiles and any other non-domesticated animal.

SECTION IV. AUTHORITY AND RESPONSIBILITY OF ANIMAL CONTROL

1. Animal control services responsibilities:
 - A. Enforcement of all state laws, county ordinances, health regulations and resolutions relating to the care, custody, and control of domestic animals, especially with regard to vaccination of dogs, cats, and ferrets against rabies, and the secure confinement or leashing and muzzling of dangerous and/or vicious animals within the County.

Notwithstanding the foregoing, reference is particularly made to G.S. 67-1 et seq. (Dogs) and G.S. 130A-184 et seq. (Public Health)

- B. Investigation of cruelty, animal abuse or neglect with the regard to dogs, cats, and other domestic animals.
- C. Making such canvass of the County, including homes in the County, as deemed necessary for the purpose of ascertaining that all dogs, cats, and ferrets are duly vaccinated against rabies.
- D. Issuance to owner of a citation for rabies vaccination for any unvaccinated dog, cat, and ferret four months of age or older. The animal shall be vaccinated by a licensed veterinarian, a registered veterinary technician under the direct supervision of a licensed veterinarian, or certified rabies vaccinator and the proof of certification is to be returned to the animal control division by the owner of the dog, cat, or ferret within three business days. If the rabies vaccination is administrated within 72 hours, the citation shall be void. Individuals who fail to vaccinate their pet within 72 hours may be issued another citation.
- E. Issuance of citations to any person if there is probable cause to believe that such person has violated any of the provisions of this ordinance. Citations so issued may be served in person upon the violator by the animal control program manager or any animal control officer or they may be mailed by certified mail. Any citation so served or mailed shall direct the alleged violator to make payment of the fine provided therein to animal control division on or before a specific date stated on the citation and the period so specified shall not be less than 20 business days after service. If the violator is served by mail, the violator shall have 20 business days from the date of the citation to pay said citation. The citation fines may be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty within 20 business days after being cited. Any alleged violator may make written appeal of the citation to the animal control program manager or his designee within 20 business days of the date of the citation. The right to appeal from the animal control program manager is to the Harnett County Superior Court.
- F. In addition to and/or in lieu of the civil citation provided for in the above subsection, the animal control program manager or any animal control officer may forthwith have a criminal complaint entered against the violator and secure and issue a warrant for his/her arrest or issue a summons against such person to appear in court. The arrest or summons shall be for the violation section of this ordinance charged in the citation and upon conviction, the defendant shall be subject to the penalties prescribed by this ordinance.

- G. Maintenance of all records with respect to the citation forms and their disposition so that all such forms be capable of an immediate accounting. Records of citations shall be maintained in the animal control office.
- H. Periodic investigation by the General Services Director or his/her representative of the records of the division for the purpose of determining the disposition of the citation forms and shall report the result of such investigation to the County Manager. For the purpose of making this investigation, he/she shall have access to the records of the division.

State Law reference— G.S. 130A-34 et seq.; G.S. 130A-185 et seq.; provision of local health

2. Animal control officer responsibilities:

- A. Enforcement - Have the power to issue citations for the violation of the Harnett County Animal Services 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 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 (10) days. Be responsible for the procedures required for rabies testing if needed.
- E. 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 V: RECORD KEEPING AT ANIMAL SERVICES

It shall be the duty of the Adoptions Coordinator / Shelter Program Manager to keep, or cause to be kept, accurate and detailed records of the below listed items and be responsible for the operation of the Harnett County Animal Shelter.

1. Origin of animals and the date the animals were received.
2. Description of animals including species, age, sex, breed and color markings.
3. Location of animals if not kept at the animal shelter.
4. Disposition of animals and the corresponding date.
5. Bite quarantine and complaints.

6. All monies belonging to the County which are derived from impoundment fees, penalties, sale, and/or auction of animals.
7. All other records deemed necessary by the Animal Services Program Manager or designee.

SECTION VI: ANIMAL CONTROL – OFFENSES

State Law reference—Animal welfare act, G.S. 19A-20 et seq.

1. Dogs Not Under Direct Control: N.C.G.S. 67-12 – A dog not under direct control of its owner, caretaker and/or possessor determined to be at large by the Animal Control Officer. The owner, caretaker, and/or possessor, if identified, will be subject to Penalties in Section XV of this ordinance.

Exemption: A hunting or working dog in the field training or working will be considered to be under direct control.

2. Female Dog During 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 tethered to a stationary object without being confined in a secure enclosure.

N.C.G.S. 67.2 67-2 Permitting bitch at large. If any person owning or having any bitch shall knowing permit her to run at large during the erotic stage of copulation he shall be guilty of a Class 3 misdemeanor.

3. Possession of Animals Owned by Others: N.C.G.S. 14-81, 14-82, 14-85, 14-100 – It shall be unlawful for any person to knowingly or intentionally, unless with the consent of the owner, or the person in possession, to harbor, feed or keep in his/her possession, by confinement or otherwise, any dog, cat or other animal which does not belong to him/her unless he/she has within forty-eight hours from the time that such dog, cat or other animal has come into his/her possession notified the Animal Services Office. The purpose of this section is to aid in rabies control, and to prevent the intentional possession of pets belonging to other persons. Any person who gives away, sells, or allows otherwise stray or abandoned animal to be adopted without first notifying the animal shelter, shall have no authority over the animal and ownership shall remain with the previous owner to the extent the previous owner is able to be identified.
4. Vicious and Public Nuisance Animals: N.C.G.S. 130A-200
 - A. The Harnett County Animal Control Program Manager or Animal Control Officer may declare an animal to be vicious and a menace to the public health when the animal has attacked a person or other domestic animal 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 animal may be seized or

impounded and the owner of said animal could be subject to a fine of not less than \$100.00. The Program Manager or Animal Control Officer 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, muzzled and restrained on a leash. The Program Manager may request an animal to be surrendered by its owner to Animal Services if it has violated items (1 and 5 of section B) (3) three or more times within a (12) twelve month period.

- B. 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:
1. Chase, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers, farm livestock, or domestic animals; or
 2. Turns over garbage pails; or
 3. Damages gardens or other foliage or other real or personal property; or
 4. Habitually or continuously barks, whines, or howls in an excessive nature; or
 5. Habitually or continuously loiters on school grounds or official county recreation areas; or
 6. Walks on or sleeps on automobiles of another person; or
 7. Is not confined to a building or secure enclosure when in estrus; or
 8. Eliminates on private property without the permission of the owner; or
 9. Is diseased or dangerous to the health of the public; or
 10. Is housed or restrained less than five feet from a public street, road, or sidewalk and, in the discretion of the animal control officer, poses a threat to the general safety, health, and welfare of the general public; or
 11. Commits other acts that constitute a public nuisance.
5. Injuring or Trapping of Animals:
- A. No person shall set or expose an open jaw trap, leg hold trap, or any type of 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.
 - B. No person shall maliciously tease, molest, bait or in any way bother any animal.
6. Diseased, Injured or Sick Animals: N.C.G.S. 14-360

A. 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 within two business days or have the animal humanely euthanized.

7. Animal Abandonment: N.C.G.S. 14-361.1

A. No person shall abandon or cause to be abandoned, their dog, cat, or any other type of animal.

B. 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.

8. Tether Violation: N.C.G.S. 14-363

A. 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 to cause or threaten to cause injury to that animal. Choker chains, chains no less than 10 feet in length, or prong (pinch) collars are prohibited while animal is tethered. Animal must be given access to adequate food, water and shelter while tethered.

B. No owner or the person in possession 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.

9. “Dangerous” or Potentially Dangerous dog Violation: N.C.G.S. 67-4.1, 67-4.2, 67-4.3

Due to the dangerous conditions of these animals, any violation of this section authorizes Animal Services immediate authority to impound the dog. This does not relieve the owner of any penalties or fees that result from impounding the animal. No owner of a dog deemed “dangerous” or “potentially dangerous” may violate the conditions required in keeping of said animal as listed in Section X of this ordinance.

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

11. It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions, or to fail to provide proper food and water at all times, shelter from the weather, reasonably clean quarters, and proper medical attention for sick, diseased,

or injured animals as defined in G.S. 19A-23, as well as adequate inoculation against disease, according to the species of the animal kept.

SECTION VII. RABIES CONTROL

1. Immunization:

It shall be unlawful for any dog or cat owner or the person in possession 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.

2. Bites:

A. 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/her parent(s), guardian(s) 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.

B. Every dog or cat that bites a human being and does not have a valid rabies vaccination tag shall be surrendered by its owner to an Animal Control Officer upon request. The animal shall be confined for observation for no less than ten (10) days at the Harnett County Animal Shelter. The owner shall be responsible for the cost of such confinement.

C. Every dog or cat that bites a human being and has a valid rabies vaccination tag shall be surrendered by its owner or the person in possession to an Animal Control Officer upon request 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 (10) days. The owner or the person in possession shall be responsible for the cost of such confinement. An Animal Services Officer may, at his discretion, permit the animal to be confined on the premises of the owner or the person in possession only when, after personal inspection by the Officer, he/she determines that there is a suitable secure enclosure on the premises and that other circumstances warrant such action.

D. In the case of stray animals whose ownership is not known, the supervised quarantine required by this section shall be at the Animal Shelter.

E. If evidence of rabies does not develop within ten (10) 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 or the person in possession 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.

3. 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 or the person in possession, an Animal Services Officer or a Law Enforcement Officer, unless the animal has been vaccinated against rabies more than twenty-eight (28) days prior to being exposed, and is given a booster dose of rabies vaccine with five (5) days of the exposure, or the owner or the person in possession agrees to strict isolation of the animal at a veterinary hospital for a period of six months.

4. Rabies Animals Testing Procedure:

An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its head sent to the State Laboratory of Public Health. The heads of all dogs and cats that die during a confinement period required by this Part, shall be immediately sent to the State Laboratory for Public Health for rabies diagnosis.

State Law reference— G.S. 130A-34 et seq.; G.S. 130A-185 et seq.; provision of local health

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

It shall be unlawful for any person to kill, subject to the provision of Section VII.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 Director.

SECTION IX. 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 VII of this ordinance when demand is made therefore by an Animal Control Officer, Supervisor, or Department Director.

State Law reference— G.S. 130A-34 et seq.; G.S. 130A-185 et seq.; provision of local health

SECTION X. DANGEROUS DOGS

1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. Dangerous dog means:

1. A dog that without provocation has killed or inflicted severe injury on a person;
or
2. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

B. Owner's real property means any real property owned or leased 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.

C. Potentially dangerous dog means a dog that:

1. Inflicted a bite on a person that resulted in broken bones or broken skin or required cosmetic surgery or hospitalization;
2. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

D. Injury means any physical injury that result in medical treatment exceeding the cost of \$100.00.

E. General Services Appointed Review Committee:

1. A three member committee appointed by the General Services Director to complete a record review to determine when a complaint of dangerous dog or potentially dangerous dog is founded.
2. Can be appealed by either complainant or dog owner.

F. Dangerous Dog Committee:

1. A three member appellate review committee for General Services Appointed Review Committee.
2. Appointed by Harnett County Board of Commissioners.

2. Exclusions.

The provisions of this article do not apply to:

- A. A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
- B. A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a lawful 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
- C. A dog where the injury was 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; or had tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.

3. Procedure.

- A. The General Services Appointed Review Committee will be responsible for determining when a dog is a dangerous or potentially dangerous dog. When making the determination that a dog is a dangerous dog or a potentially dangerous dog, animal services must notify the owner in writing, giving the reasons before the dog may be considered dangerous or potentially dangerous under this article. The committee shall consider any written response by the owner to the written notification. If there is a split decision, the director or his designee will make the final determination. Once a decision has been made, the owner must provide animal services with a current address where the dog will be housed, notify animal services within 48 hours of any change in address of the owner or the dangerous dog, and follow all state laws and County ordinances dealing with dangerous or potentially dangerous dogs until all appeals have been exhausted and a final decision rendered or no appeal is requested; and the decision is final.
- B. The owner may appeal the determination of a dangerous dog or potentially dangerous dog to the Dangerous Dog Committee. Notice of appeal is by filing written objections with the Dangerous Dog Committee within ten business days after receiving written notice, together with such appellant's filing fees as may be established by the Harnett County Board of Commissioners. The Dangerous Dog Committee shall schedule a hearing of said appeal and the dog owner and complainant will be notified of the hearing date ten business days prior to said hearing. Until the appeal is final, the dog must be controlled and confined pursuant to the ruling from which the appeal was taken. Any appeal from the final decision of the Dangerous Dog Committee shall be taken to Harnett County Superior Court by filing notice of appeal and a petition for review within ten business days from the final decision of the Dangerous Dog Committee.
- C. Appeals from ruling of the Dangerous Dog Committee shall be heard in the Harnett County Superior Court. The appeal shall be heard de novo before a superior court judge sitting in the County.

4. Precautions against attacks by dangerous or potentially dangerous dogs.

- A. If so ordered in the determination made pursuant to Section X. 3, it is unlawful for an owner to:
 1. Leave a dangerous dog or potentially dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and padlocked pen with a concrete bottom and a secure top, along with the posting of the premises with four clearly visible warning signs adequate to inform the public, including children, of the presence of a dangerous dog, and strategically placed on the property as designated by the appropriate County authority.

2. Permit a dangerous dog or potentially dangerous dog to go beyond the owner's real property unless the owner or guardian has the dog leashed and the leash in hand and the dog muzzled or otherwise securely restrained and muzzled.
3. Even in the presence of an owner or others, permit a dangerous dog or potentially dangerous dog on the owner's property, not confined in a secured enclosure, to be without a muzzle.

In the Section X.3 determination, any of the measures included in this section may be waived by the committee or the appellate board, or other similar measures or conditions may be substituted in their place.

- B. Within seven days after a dangerous dog or potentially dangerous dog determination becomes final, the owner must have the dangerous dog or potentially dangerous dog tattooed with an identification number or micro-chip identification as directed by the animal control manager on the inside of the right hind leg. Within 30 days the dog must be surgically sterilized. Within 72 hours of the death of a dangerous dog or potentially dangerous dog, the owner of the dog shall provide written notification of the dog's death to the animal services. If the dog's body is not available, the notification shall fully identify the dog and shall bear the notarized signature of the owner and a licensed veterinarian, all attesting to the dog's death.
- C. If the owner of a dangerous dog or potentially dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide written notice within 48 hours to:
 1. The authority that made the determination under this article, stating the name and address of the new owner or possessor of the dog; and
 2. The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.
- D. The person taking ownership of the dog shall notify animal services within 48 hours of the dog's change of address and their knowledge of the committee's determination.
- E. Violation of this section is a misdemeanor punishable by a fine not to exceed \$500.00 or imprisonment for not more than 30 days or both.

5. Violation of conditions; Euthanasia

- A. Animal Services may take possession of any dog concerning whom it has cause to believe an owner has violated Section X.4. For this purpose, the requirements for sufficient cause shall be satisfied if an officer observes the violation or if animal services obtains an affidavit setting forth the violation. In the event that a dog, which has been determined dangerous or potentially dangerous, receives a final

determination that the conditions imposed pursuant to Section IX.4, the dog must be surgically sterilized. An owner who violates Section IX.4 in a willful or negligent manner may be found by the committee to have forfeited all rights or ownership of the dog; and upon final determination of such violation, the dog may be humanely euthanized by animal services.

- B. Appeals from rulings of the Dangerous Dog Committee shall be heard in the Harnett County Superior Court. The appeal shall be heard de novo before a superior court judge sitting in the County.

N.C.G.S. 67-4.1, 67-4.2, 67-4.

SECTION XI. SEIZURE AND IMPOUNDMENT OF ANIMALS

1. Power of Seizure and Impoundment: N.C.G.S. 19A – 70

A. The Animal Services 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 Services Officer, or Program Manager.
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, or the person in possession, thereof from any penalty which may be imposed for violation of this ordinance.

2. Dead Animals: N.C.G.S. 106-403

Animal Services Officers shall not be required to pick up dead animals.

3. Dangerous Conditions:

Animal Services 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.

4. Notification to Owners or the Person in Possession:

Upon impoundment, the Animal Services Officer shall make a reasonable, diligent attempt to determine the ownership of the impounded animal, if not already know,

and to notify the owner or the person in possession of the impoundment and the procedures for redemption according to the provisions of this ordinance.

5. Impoundment Time Periods: N.C.G.S. 19A-32.1

A. Impounded animals shall be held for the following periods of time:

1. Impounded stray animals shall be held for seventy-two (72) hours before becoming available for adoption or euthanasia.
2. In appropriate cases, the Animal Services Officer may, at his discretion, extend the three (3) day holding period.
3. 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 Services Officer may use his/her discretion to reduce the three (3) day holding period and to euthanize the animal immediately or at such appropriate time as determined by the Program Manager.

B. After the holding period, animals may be disposed of by the following methods:

1. By adoption.
2. By sale pursuant to the provisions of Section XI of this Ordinance.
3. Euthanasia by injection or by a humane euthanasia.
4. Public auction.

SECTION XII. REDEMPTION OF ANIMALS

N.C.G.S. 130A-192

1. During the time an animal is impounded at the Animal Shelter it shall be available for redemption by the owner or the person in possession 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 or the person in possession of an impounded animal can be identified and if the owner or the person in possession chooses not to redeem his/her animal, the Program Manager may charge said owner or the person in possession for the animal's boarding and veterinarian costs. In order to recover said boarding and veterinarian costs, the Program Manager may adopt or euthanize an impounded animal, if the owner or the person in possession cannot be identified or if the owner or the person in possession refuses to redeem the animal pursuant to the provision of.

SECTION XIII. RABIES VACCINATION TAG

1. Dogs and cats shall wear rabies tags at all times.
2. 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 or the person in possession.
3. The Animal Services 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 Services Officer shall check to see if the owner's or the person in possession's identification can be found on the animal. If the animal is wearing an owner or the person in possession identification tag, or if the Animal Services Officer otherwise knows who the owner or the person in possession is, the Animal Services Officer shall notify the owner or the person in possession in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Services Officer within three (3) days of notification. If the animal is not wearing an owner or the person in possession identification tag and the Animal Services Officer does not otherwise know who the owner or the person in possession is, the Animal Services Officer may impound the animal under the provision of Section XI. (N.C.G.S. 130A-192)
4. Before an owner or the person in possession is charged for violation of this rabies tag provision, the Animal Services Officer shall give the owner or the person in possession the opportunity to produce a rabies vaccination certificate to the Animal Services Officer showing the dog or cat to have been properly vaccinated and if said certificate is produced no citation shall be issued.

State Law reference— G.S. 130A-34 et seq.; G.S. 130A-185 et seq.; provision of local health

SECTION XIV. INHERENTLY DANGEROUS EXOTIC ANIMALS

N.C.G.S. 14-416, 14-417, 14-417.1, 14-417.2, 14-418, 14-419

1. At no time may any person or persons harbor an inherently dangerous exotic mammal.
 - A. An inherently dangerous exotic mammal is any member of the canidea, felidae, or ursidae families, including hybrids thereof, which due to their inherent nature, may be considered dangerous to humans.
 - 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. At no point in time may any person or persons harbor an inherently dangerous reptile.

- A. Inherently dangerous reptile is any member of the class reptilian which is venomous or is a member of the order of Crocodylia (crocodiles, alligators, and caiman).
 - B. 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 (boom slang), Thebtonia kirtlandii (twig snake) and Rhabdophis spp (keel backs).
3. Owner or person in possession 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 resided over which the person has control.
 4. Exceptions. This Section does not apply to:
 - A. Veterinarian clinics in possession of such mammals or reptiles for treatment or rehabilitation purposes.
 - B. 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 Services.
 - C. 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.
 - D. Non-resident carnivals for longer than one (1) seven (7) day period, per each separate location where such carnival is held within the County, per calendar year.
 - E. Persons temporarily transporting such mammals or reptiles through the County, provided that such transit time shall not be more than 24 hours.
 5. 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 Section may be impounded by the Animal Services Officer for the protection and health of the animal and/or the protection of the public. Whenever possible, the Animal Services Officer shall impound the animal or reptile in the presence of its owner or the person

in possession; however, if such is not practicable, then the Animal Services Officer may impound such animal or reptile consistent with the provisions of this Section.

- B. If an animal or reptile is impounded pursuant to this Section, the owner or the person in possession of the animal or reptile shall be notified by the Animal Services Officer as soon as possible.
- C. Any animal or reptile impounded pursuant to this Section will be held three (3) days for the owner or the person in possession to claim pursuant to subsection D of this Section, but if the animal or reptile cannot be impounded safely by the Animal Services Officer or if proper and safe housing cannot be found for the animal or reptile, the Animal Services Officer can immediately euthanize the animal or reptile.
- D. The owner or person in possession of the animal or reptile can reclaim the animal or reptile if the person satisfies the Program Manager of the Animal Services Department that a safe transfer of the animal or reptile to an appropriate location outside of the County has been arranged.
- E. If no owner or the person in possession can be located or will claim the animal or reptile within three (3) days after impoundment, the Animal Services Department may, adopt, or euthanize the animal or reptile at the discretion of the Program Manager.
- F. All costs of impoundment and care of the animal or reptile will be charged to its owner or the person in possession regardless of whether the animal or reptile is claimed by or returned to said owner or the person in possession. In the event the animal or reptile is reclaimed, such costs shall be paid in full prior to the owner or the person in possession reclaiming the animal or reptile pursuant to Subsection D of this Section.

SECTION XV. PENALTIES

1. 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 153A.123 (N.C.G.S. 153.123) or any other applicable section for misdemeanor sentencing. For a continuing violation, each day's violation may be deemed to be a separate offense.

2. Equitable Remedies:

This Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

3. In addition to other remedies for violation of this Ordinance, the Animal Control Program manager or any person authorized by him/her may issue to the known owner, or the person in possession or control of said animal, a citation giving notice of the

violation of this Ordinance. Any such official shall be authorized to secure the name and address and birth date of the owner or the person in possession of the animal in violation. Citations issued may be delivered in person or mailed by registered or certified mail to the person charged if he/she cannot otherwise be readily located. Any such citation shall impose upon the owner or the person in possession a civil penalty approved by the Harnett County Board of Commissioners. Said penalties must be paid within twenty (20) consecutive days to the County Department of General Services or the Animal Services Shelter. In the event the owner or the person in possession of the animal or violator does not appear in response to the above described citation, or if the applicable penalty is not paid within the time prescribed, a criminal summons shall be issued against the violator or owner or the person in possession or person having custody of the animal in violation of this Ordinance, and upon conviction, the violator or owner or the person in possession of the animal shall be punished as the court prescribes under Section XV.1.

SECTION XVI. SEVERABILITY

If any part of this Ordinance or 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

If so far as the provisions of this Ordinance are inconsistent with the provisions of any other law except a provision of state or federal law, the provision of this Ordinance shall control.

SECTION XVIII. APPLICATION TO MUNICIPALITIES

1. Authority in Municipalities:

Animal Services 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.

2. Non-Enforcement of Inconsistent Ordinances:

The Animal Services 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

Revised February 2, 2018

THE HARNETT COUNTY BOARD OF COMMISSIONERS

Gordon Springle, Chairman

ATTEST:

Margaret Wheeler, Clerk to the Board

NORTH CAROLINA

HARNETT COUNTY

ACKNOWLEDGEMENT

I, a Notary Public of the County and State aforesaid, certify that _____
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 Margaret Wheeler 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 said _____ acknowledge said instrument to be the act and
deed of Harnett County.

Notary Public

My Commission expires: _____