

Chapter 5 - ANIMALS

FOOTNOTE(S):

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Editor's note— An ordinance adopted November 21, 2013, amended chapter 5 in its entirety to read as herein set out. Former chapter 5, §§ 5-1—5-28, 5-30—5-38, 5-43, pertained to similar subject matter. See Code Comparative Table for complete derivation.

Cross reference— Motor vehicles and traffic, ch. 12; parks and recreation, ch. 13; animals running at large in parks, § 13-6; catching, killing, etc., animals in parks, § 13-7. ([Back](#))

State Law reference— Livestock, G.S. 68-15 et seq.; animal diseases, G.S. 106-304 et seq.; authority of county to define and prohibit the abuse of animals, G.S. 153A-127; authority of county to levy taxes to support animal protection and control programs, G.S. 153A-149(c)(6); annual license tax on keeping dogs and other pets throughout county, G.S. 153A-153. ([Back](#))

ARTICLE I. - IN GENERAL

Sec. 5-1. - Definitions.

In the construction of this article, the following definitions shall be observed:

Adequate exercise or exercise: The opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

Adequate shelter: Provision of and access to shelter that is suitable for the species, age, condition, size and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, and the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provides a solid surface, resting platform, pad, floormat or similar devices that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelter whose wire grid, or slat floors which (i) permit the animals' feet to pass through the openings, (ii) sag under the animal's weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Adequate space: Sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. Birds must be provided with adequate perches appropriate to the species which allow the bird to stand completely upright without having any head contact with the ceiling of the cage and any tail contact with the floor or grate of the cage. Cages must be sufficient size to allow the bird to fully extend its wings. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

Ambient temperature: The temperature surrounding the animal.

Animal: Every living creature, domestic or nondomestic, but does not include humans and does not include invertebrates.

Animal control: The animal control component of the agency which includes the animal control function for the jurisdiction, however denominated.

Animal control officers: Any animal control officer employed by the jurisdiction.

Animal control supervisor: The officer or employee placed in supervision of the animal control officers and activities of the jurisdiction. In Guilford County the animal control supervisor is the animal shelter director or designee.

Animal cruelty investigators: All persons appointed by the board of county commissioners as county animal cruelty investigators under G.S. chapter 19A.

Animal shelter: The animal shelter operated and maintained by Guilford County for the purpose of impounding animals under the authority of this chapter or the General Statutes of North Carolina for the care, confinement, return to owner, adoption, or humane euthanasia.

At large: Refers to an animal that is not in an enclosure or is otherwise not under physical control or is not under the control of the owner or other responsible person by means of a leash, cord, or chain.

Cat: A domestic feline of either sex.

Dangerous or vicious animal: Any animal, whose behavior constitutes a risk of injuring a human or domestic animal or which, by nature, is commonly accepted as dangerous or non-domesticated. Such behavior includes, but is not limited to, the animal's biting or attacking or attempting to bite or attack any person or other domestic animal. The following criteria will be used in identifying an animal that is attacking or attempting to attack:

- (1) Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack.
- (2) Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
- (3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.
- (4) An animal shall not be deemed dangerous solely because it bites, attacks, or menaces:
 - a. Anyone assaulting the owner or trespassing upon the property of the owner;
 - b. Any person or other animal that has tormented or abused it; or
 - c. While protecting or defending its young.

Department: The Guilford County Animal Shelter.

Dog: A domestic canine of either sex.

Domestic animal: Any of various animals such as horses, sheep, cattle, goats, hogs, poultry and the like, domesticated by humans so as to live and breed in a tame condition.

Exotic or wild animal: An animal that would ordinarily be confined to a zoo; one that would ordinarily be found in the wilderness of this or any other country; one that is a species of animal not indigenous to the United States or to North America; or one that otherwise is likely to cause a reasonable person to be fearful of significant destruction of property or of bodily harm, and the latter includes, but is not limited to, monkeys, raccoons, squirrels, venomous reptiles and other such animals. Such animals are further defined as being those mammals or non-venomous reptiles weighing over 20 pounds at maturity, which are known at law as free nature. Exotic or wild animals specifically do not include animals of a species customarily used in the state as ordinary household pets, animals of a species customarily used in the state as domestic farm animals, fish confined in an aquarium other than piranha, birds, or insects.

Exposed to rabies: Any animal or human bitten by or exposed to any animal known or suspected to have been infected with rabies.

Harboring an animal: An animal shall be deemed to be harbored if it is fed or sheltered seven days or more, unless the animal is being boarded for a fee.

Harsh weather conditions: Conditions of extreme temperature and/or perception, and including exposure to sunlight, which may cause a risk of harm to an animal subjected to prolonged exposure without receiving shelter.

High-volume dog breeder: Any breeder who, during any calendar year maintains more than seven or more intact female dogs. A veterinarian who provides whelping services within a veterinarian-client-patient relationship, and has no ownership interest in the bitch, is not included in this definition.

High-volume dog retailer: Any person who sells, resells or transfers ownership of more than 50 dogs during any calendar year, including sale, resale and transfer of dogs to pet stores, breeders, kennels and dealers, and sale, resale, and transfer that occur via the internet.

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

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

Impounded: Any animal which is received into custody by any employee of animal control.

Incorporated area: On property within the City of High Point, within the City of Greensboro, or within the Town of Jamestown. This term shall also apply to area within the corporate limits of any town or municipality in Guilford County if the governing body of such town or municipality adopts a resolution indicating that it is to be treated as an incorporated area under this chapter.

Keeper: A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person.

Manager: The manager of the jurisdiction or his/her designee.

Neutered male: Any male dog or cat which has been rendered sterile by a surgical procedure.

Outside enclosure: A pen large enough to provide each dog less than 25 pounds with a kennel of at least three feet by ten feet in size, and each dog 25 pounds or greater with a kennel of at least five feet by ten feet in size. Animal control services reserves the right to determine if a space is considered suitable for the number and size of dogs housed in an outdoor enclosure.

Owner: Any person, group of persons, firm, partnership, corporation, organization, association owning, keeping or any person having charge of, sheltering, feeding, harboring, or taking care of for seven or more consecutive days unless the animal is being boarded for a fee. The owner is responsible for the care, actions and behavior of his animals.

Properly cleaned: Carcasses, debris, food waste, excrement and standing water or liquid wastes are removed from the shelter or enclosure with sufficient frequency to minimize the animal's contact with the above-mentioned contaminants and keep the shelter or enclosure in a sanitary condition reasonably free of disease-causing agents and odors offensive to the public; and the shelter or enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with any stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

Properly lighted: When referring to a facility, sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals. When referring to a private residential dwelling and its surrounding grounds, properly lighted means sufficient illumination to permit routine maintenance and cleaning therefore, and observation of companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

Public health director: The director of the Guilford County Department of Public Health.

Restraint: An animal is under restraint if it is under sufficient physical restraint such as a leash, cage, bridle, or similar effective and humane device which restrains and controls the animal, or within a vehicle, or adequately contained by a fence on the premises, or an invisible fence or other secure enclosure. If any animal is restrained by a chain, leash or similar restraint, it shall be designed and placed to prevent

choking or strangulation. Such chain or restraint shall not be less than ten feet in length and either on a swivel designed to prevent the animal from choking or strangling itself, or on a chain run.

Security dog: A dog on a premises specifically for the purpose of protecting the premises from any intruder and for attacking a person coming in the vicinity of the dog. A dog that is trained or conditioned to attack or otherwise respond aggressively without command.

Spayed female: A female dog or cat which has been rendered sterile by a surgical procedure.

Stray: Any domestic animal that is not under restraint or is not on the property of its owner and is wandering at large, or is lost, or does not have an owner, or does not bear evidence of the identification of any owner.

Suspected of having rabies: An animal which has bitten a person or another animal or a wild animal which has bitten a person or a domestic animal.

Trespass: Trespass means that the victim of a bite or attack by an animal wrongfully invaded the property of the owner. The cause of the individual to be on the property and any other relevant circumstances shall be considered in order to determine whether or not a trespass has occurred. A child under the age of seven shall not be deemed to be a trespasser.

Tethering: tying out or fastening a dog outdoors on a rope, chain or other type of line for holding a dog. This shall not include tying out or fastening of a dog outdoors on an attended leash.

Unincorporated area: Any area of Guilford County not within an "incorporated area" as defined above.

Vaccination: The administration of rabies vaccine as required by the law.

Veterinarian consultant: An accredited licensed veterinarian who will provide veterinarian services including the administering of drugs used for euthanasia and observation and release (if appropriate) of rabies cases.

Watch dog: A dog that barks and threatens to bite any intruder that has not been specially trained or conditioned for that purpose.

(Ord. of 11-21-13)

Sec. 5-2. - Territorial application.

This chapter shall be effective within the unincorporated areas of Guilford County and within all towns which have a standing resolution or ordinance adopting county ordinances. This chapter shall be effective within the City of High Point and the City of Greensboro upon passage by the respective city councils of a resolution adopting this chapter.

(Ord. of 11-21-13)

Sec. 5-3. - General duties of animal control.

Animal control shall be charged with the responsibility of:

- (1) Enforcing all laws of North Carolina and all ordinances of the jurisdiction pertaining to animals and shall cooperate with all law enforcement officers within the jurisdiction in fulfilling this duty.
- (2) Cooperating with the health director and assisting in the enforcement of all laws of North Carolina with regard to animals and especially with regard to vaccination of dogs against rabies and the confinement or leashing of vicious animals.
- (3) Making canvasses of the county, including homes and any businesses in the county, as necessary for the purpose of ascertaining compliance with this chapter or state statute.
- (4) Investigating all reported animal bites or other human physical contact with the suspected rabid animal, enforcing quarantine ordered of any animal involved, and submitting bite reports and reports of human contacts to the health director.

- (5) Investigating complaints of county residents with regard to animals.
- (6) Protecting animals from neglect and abuse. Investigating cruelty or animal abuse with regard to dogs, cats and other animals and enforcement of state law and county ordinance regarding cruelty.
- (7) Investigating all reports or observations of incidents of harassment of or injuries to domesticated livestock caused by animals.
- (8) Seizing and arranging for impoundment, where deemed necessary, of any dog or other animal in the county involved in a violation of this or any other county ordinance or state law.
- (9) Keeping, or causing to be kept, accurate and detailed records of:
 - a. Seizure, impoundment, and disposition of all animals coming into custody of the animal control division.
 - b. Bite cases, violations and complaints, and investigation of same, including names and addresses of persons bitten, date, circumstances, and breed.
 - c. All monies belonging to the county which were derived from penalties.
 - d. Any other matters deemed necessary by the animal control supervisor and manager.
- (10) Being empowered to issue notices of violations or citations of this chapter in such form as the animal control supervisor may prescribe.

(Ord. of 11-21-13)

Sec. 5-4 - Regulation of high volume breeders and retailers.

- (1) No person may act as a high volume breeders or retailer except in accordance with a permit issued pursuant to this section.
- (2) Animal control shall issue the permit required by this section. Before issuing the permit, animal control shall require proof that each of the conditions set out herein have been met by the breeder.
- (3) The application for a permit shall include the name, address, and telephone number of the owner of the animals, the address and physical location of the kennel. It shall also include the number, breed, type and age of the animals.
- (4) Housing.
 - a. Housing—Shall provide for sanitary and safe housing for dogs, and shall provide adequate space appropriate to the age, size, weight, and breed of the dog and that allows the dog to engage in normal body movements, including the ability to sit, stand up, turn about freely, or lie fully recumbent in a natural position. The primary enclosure shall provide at least partial solid flooring. Nonsolid flooring must be safe for the breed, size, and age of the dog; be free from protruding sharp edges; and be designed to that the paw of the dog is unable to extend through or become caught in the flooring.
 - b. Each dog, if housed in a primary enclosure, whether housed alone or with other compatible dogs, shall be provided a minimum amount of space, calculated as:
 - i. For nonbreeding dogs housed together, the primary enclosure shall provide 100 percent of the required space for each dog, if maintained separately.
 - ii. Each bitch with nursing puppies must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accord with generally accepted husbandry practices as determined by the attending veterinarian. If the additional amount of floor space for each nursing puppy is less than five percent of the minimum requirement for the bitch, such housing must be approved by the county.

- iii. The interior height of a primary enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.
- iv. Innovative primary enclosures not precisely meeting the floor area requirements provided in paragraphs b(i), b(ii), and b(iii) of this section, but that provide the dogs with a sufficient volume of space and the behavioral needs stated in section 5-7 may be used at an operation when approved by the county.
- c. Shelter—Shall provide protection from harmful extremes of temperature, air movement, moisture, light and other climatic elements to ensure proper health and well-being of the dog.
- d. Storage facilities—Shall be designed and maintained as to provide adequate storage to protect food, medicines, supplies, and bedding from deterioration, contamination, and vermin infestation. Any potentially toxic substance should be stored in a manner to avoid contamination and potential for harm to the dogs.
- e. Structure—Shall be structurally sound, in good repair, have no sharp edges or points that could injure the dog(s), and shall securely contain the dogs while precluding access by other animals. Structural surfaces should be sanitizable or replaceable.
- f. Waste disposal—All excreta, feces, debris, and food wastes must be removed from enclosures, at least once daily, and from under primary enclosures as often as necessary, to prevent an excessive accumulation of feces and food waste, to prevent soiling of dogs contained in the enclosure, and to reduce disease hazards, insects, pests and odors. Premises must be kept free of accumulations of trash, junk, waste products, and discarded matter. Waste must be handled and disposed of in a manner that poses minimal hazards to dogs and personnel, and reduces the likelihood of contamination of the soil or ground water with chemicals and/or microorganisms.
- g. Cleaning and sanitation—Hard surfaces with which the dogs come in contact must be spot-cleaned daily and sanitized at least once every two weeks and more often if necessary to prevent accumulation of dirt, debris, food waste, excreta, and other disease hazards. When steam or water is used to clean the primary enclosure, whether by hosing, flushing or other methods, dogs must be removed, unless the enclosure is large enough to ensure the dogs will not be harmed, wetted, or distressed in the process. Standing water must be removed from the primary enclosure and dogs in other primary enclosures must be protected from being contaminated with water and other wastes during cleaning.
- h. Lighting—The facility shall have sufficient lighting by natural and/or artificial means as to allow observation of the physical condition of the dogs being housed, and to permit inspection and cleaning of the facility. A diurnal lighting cycle should be provided.
- i. Environment—Dogs shall be protected from extreme temperatures so as to maintain their health and render their environment comfortable. When climatic conditions pose a threat to a dog's health or wellbeing, taking into consideration such factors as the dog's age, breed, overall health status and acclimation, appropriate measures must be taken to alleviate the impact of those conditions. Adequate ventilation shall be provided to minimize odors, drafts, ammonia levels, and to prevent the condensation of moisture.
- j. Pest control—An effective program for the control of insects, external parasites affecting dogs, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the dogs and reduce contamination by pests in dog areas.
- k. Retreat area—Dogs shall also be provided in their primary enclosure some form of a den, which shall comprise at least a solid floor and visual barrier, as to allow rest and retreat.
- l. Whelping box—All bitches with litters shall be provided an appropriate whelping box, which should provide means to contain the puppies during whelping, and provide some form of substrate, insulation or heat source so as to prevent dissipation of heat so that all puppies are able to maintain appropriate body temperature. If a heat source is provided, care must be taken to protect the bitch and puppies from thermal injury.

(5) Nutrition and hydration.

- a. Adequate food—A dog shall be fed at least once daily, or as otherwise required on the advice of a veterinarian. The food should be free from contaminants and be of sufficient nutritive value and quantity to maintain the normal condition and weight of the dog as germane to its age, sex, breed, and reproductive status.
- b. Potable water—Shall be provided at all times, unless otherwise directed by a veterinarian.
- c. Food and water receptacles—Shall be readily accessible to all dogs and shall be located to minimize contamination and to protect them from precipitation. Any non-disposable receptacles shall be durable, cleaned daily, and sanitized at least once per week; disposable receptacles shall be replaced daily, and automatic feeders shall be cleaned and sanitized regularly to prevent the growth of mold and deterioration or caking of feed. Automatic watering devices shall be kept clean, be properly and regularly sanitized, and be tested daily to ensure they are functioning correctly.

(6) Behavioral requirements.

- a. General.
 - i. The following behavioral needs shall be met at least daily, except as stated otherwise. All persons should have a documented protocol regarding how to meet the following necessary behavioral needs, and sufficient facilities and/or staff to meet them.
 - ii. The goal shall be to allow dogs the opportunity to partake in species-specific behaviors. Dogs shall not be housed for extended periods of time in a manner devoid of any enrichment and/or activity and/or social contact.
- b. Conspecific socialization—Dogs shall be provided with full-body physical contact with other compatible dogs daily, except as necessary for reasons such as veterinary treatment or quarantine, or prior to parturition for a bitch. Prior to weaning, a bitch and her litter shall fulfill all conspecific socialization needs among the group.
- c. Human socialization—Dogs shall be provided with daily positive human contact and socialization. Contact during feeding time alone is not sufficient to meet this requirement. Every effort should be made to provide dogs that are housed singly with visual enrichment, such as visual contact with conspecifics or humans, except as necessary for veterinary care, quarantine, or prior to parturition for a bitch.
- d. Locomotion.
 - i. Persons shall ensure that each dog that is weaned has access to "locomotory activity"; this activity should allow for an animal to move sufficiently to develop and/or maintain normal muscle tone and mass as pertinent for the age, breed, sex and reproductive status of the dog. Provisions for locomotory activity should also allow the dog an opportunity to achieve a running stride.
 - ii. The provided area for locomotion should be separate from the primary enclosure if the primary enclosure does not allow for fulfillment of adequate locomotion enrichment and social activities. The area must be kept clean, free of infestation by pests or vermin, and prevent escape of the dogs.
 - iii. Forced activity, other than for veterinary treatment, is neither sufficient nor appropriate for fulfilling these needs. Physical activity that is repetitive, restrictive of other activities, solitary, and not goal oriented is neither sufficient nor appropriate for fulfilling all activity needs.

(7) Grouping.

- a. Dogs having locomotory activity in groups and/or social interaction must be compatible and free of infectious disease.

- b. Females in heat shall not be housed in the same primary enclosure with males, except for breeding purposes.
 - c. Any dog exhibiting a vicious or aggressive behavior shall be housed separately, as needed to prevent injury to other dogs. As with quarantine, separation of dogs due to aggression should be accompanied by a program to resolve the underlying causes of this disorder.
 - d. Isolation of any dog with an infectious disease or condition—If a dog is infected with a contagious disease or condition as determined by a licensed veterinarian, one must house the dog separately from healthy animals, and shall handle the dog in a manner that will minimize the likelihood of contagion. Handlers must wash their hands before and after handling each infected or contagious dog.
- (8) Staff.
- a. An adequate number of trained staff must be provided to ensure appropriate upkeep of the facility and that all minimum care requirements for the dogs can be met.
 - b. The permittee shall not hire individuals who have pled no contest or have been found to have violated any federal, state or local laws or regulations pertaining to animal cruelty within one year of application for employment, or more than one year if the board/agency determines the circumstances render the applicant unfit for employment.
 - c. The permittee shall report to the board/agency any no contest pleas or convictions pertaining to animal cruelty involving any of his/her employees that occur during the time they are employed by licensee.
- (9) Handling. Handling of all dogs should be done as carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm or unnecessary discomfort.
- (10) Health and veterinary care. All persons shall:
- a. Ensure that necessary routine and preventive veterinary care is provided under the direction of a licensed veterinarian, and maintain a written health care management protocol addressing routine veterinary care. At a minimum, regular preventive care should include examination at least once yearly by a licensed veterinarian for breeding dogs.
 - b. Assess each dog's health and welfare daily; this should include observation of body condition (e.g., appropriate weight, skin/coat/nail condition), behavior, and whether the dog is eating, drinking, urinating, and defecating normally.
 - c. Provide prompt treatment of illness or injury under the direction of a licensed veterinarian.
 - d. Maintain records of any veterinary care, including records of regular preventive veterinary care.
 - e. Ensure that humane euthanasia is performed when necessary and only by a licensed veterinarian, or other certified personnel pursuant to state regulations, using methods cited in the American Veterinary Medical Association's Guidelines on Euthanasia and in accordance with applicable federal and state laws.
 - f. Upon written approval by a licensed veterinarian or the county, any dog may be exempted from any of the standards of care mentioned in section 5-5 reasonable expiration date must be provided for such exemptions at which time the exemption shall be re-evaluated to determine whether it is still appropriate.
 - g. All veterinary care provided pursuant to the requirements in this Act shall be provided within a veterinarian-client-patient relationship, and in accord with the state veterinary practice act, with provisions for both routine and emergency care.
- (11) a. Any person, household, or business entity permitted to conduct breeding operations shall allow Guilford County Animal Control to inspect, at reasonable times, without notification, at least one time per year, any premise used by the breeder for breeding animals. The purpose of the

inspection shall be to insure the safety and health of the animals used in the breeding operation and compliance of the breeder with laws regulating the breeding and care of the animals in the care, custody, and control of the breeder. Animal control may revoke the permit of any breeder who refuses to allow an inspection of the breeder's premises used for breeding operations. Any breeder or retailer must demonstrate compliance with relevant, applicable local regulations.

- b. The requirements of this section apply to all breeders in operation on the effective date of this section, as well as any established thereafter.
- c. A permit issued in accordance with this section may be revoked by Animal control for violation of any of the conditions enumerated under the subsection above. Animal control shall state the reason for revocation in writing and shall deliver the determination of revocation to the permittee personally or by registered or certified mail, return receipt requested.
- d. Any person who is denied a permit or whose permit is revoked pursuant to this section shall have 30 days to comply with the requirements of this section or to reduce the number of animals not spayed or neutered on the premises to not more than four.
- e. Any person who is denied a permit or who has a permit revoked may appeal the denial or revocation to the county manager or their designee by giving written notice of appeal to the county manager within 30 days after the receipt of the written determination. The county manager or their designee shall conduct a de novo hearing to determine if the permit should be denied or revoked. Any enforcement action shall stay pending upon determination of an appeal pursuant to this subsection.

(Ord. of 11-21-13)

Sec. 5-5. - Additional requirements for dog breeders and dog retailers who are maintaining facilities in violation of this chapter.

- (1) This section applies to:
 - a. Any dog breeder or dog retailer who is not required to obtain a permit pursuant to section 5-4 of this chapter, and
 - b. Has been determined to operate a kennel or operate as a dog retailer in violation sections, 5-11, 5-12, 5-13., 5-14, 5-15, and 5-24 of this chapter.
- (2) Any person subject to the requirements of this section must meet the standards of section 5-4 for the breeding and/or dog retail operation for a period of two years after the notice of violation; such fees as set out in the fee schedule.
- (3) For the purposes of this section any person who has received a notice of violation for any of the above referenced sections will be deemed covered by the requirements of this section; if any/all citations or penalties issued are at some point overturned or deemed void, the person will have no further obligations under this section; however, the compliance review cost, plus any other costs incurred by the person, pursuant to the provision of this section during such time when compliance was necessary, may not be recovered.

(Ord. of 11-21-13)

Sec. 5-6. - Interference or concealment.

- (a) *Interference.* It shall be unlawful for any person to interfere with, hinder, molest, resist, or obstruct employees of animal control or its agents or veterinarians in the performance of any duty authorized by law or ordinance, or to seek to release any dog or cat in the custody of such agents (including from traps, cages, or other enclosures) except as specifically provided or authorized by animal control.

- (b) *Concealment of animal.* It shall be unlawful for any person to conceal, for the purpose of evading the licensing requirement or rabies vaccination requirement of the law or any applicable ordinance, any unlicensed or unvaccinated animal from any employee of animal control.

(Ord. of 11-21-13)

Sec. 5-7. - General duties of keepers/owners of animals.

It shall be unlawful for any keeper or owner of animals, to keep animals under unsanitary or inhumane conditions or to fail to provide proper food and water daily, adequate exercise, adequate shelter which is properly cleaned and properly lighted, adequate space, or to fail to provide proper medical attention for sick, diseased or injured animals, including treatment by a veterinary consultant if appropriate for the animal's health or condition, as well as adequate inoculation against disease, according to the species of the animal kept. If an animal control officer or law enforcement officer seizes an animal, and no attempt is made by the owner(s) to recover or appeal the seizure, the animal will be deemed abandoned after six working days and all owners' rights shall be forfeited to Guilford County.

(Ord. of 11-21-13)

Sec. 5-8. - Bird sanctuaries.

Previous designations of bird sanctuaries by cities or towns in Guilford County are unaffected by adoption of this chapter and remain in effect.

(Ord. of 11-21-13)

Sec. 5-9. - Animals running at large prohibited.

- (a) It shall be unlawful for any person owning or controlling any animal to allow the same to create a nuisance or public danger by running at large. It shall be the duty of animal control and/or law enforcement officers to take up and deliver any domesticated animal (e.g., dog, cat), including fowl and other domestic animals within the meaning of this ordinance found running at large to the county animal shelter. Each person owning or controlling an animal, including fowl, shall be responsible for taking whatever measures are reasonably necessary for keeping the animal on the owner's premises or under the owner's control when off his premises.

(1) *Restraint of animals* (in incorporated areas or on less than one acre). It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, excluding cats, to keep such animal on or off his premises unless such animal is under sufficient physical restraint such as a leash, bridle, cage or similar device which restrains and controls the animal (subject to the provisions set out in section 5-14 of this chapter), within a vehicle or adequately contained by a fence on the premises or other secure enclosure. If the owner possesses and maintains an effective and working invisible fence system to restrain his/her animals, a visible and permanent sign must be on the premises that states an invisible fence system is in use.

(2) *Restraint of animals* (on one acre or more in unincorporated areas). Notwithstanding the provisions of subsection (1) above, animals kept on a lot or parcel of real property in an unincorporated area one acre or greater in size do not have to be kept within a fence or other secure enclosure or under any physical restraint while on such premises. This exemption does not relieve any person of the duty to prevent his/her animal from constituting a nuisance under section 5-10 below.

- (b) This chapter shall not be interpreted as restricting persons owning specially trained hunting/working dogs, which can be controlled by voice commands, from actually using their dogs for hunting/working (in the presence of and under the voice control of the owner or an agent of the owner) in unincorporated areas of Guilford County where such activities are not prohibited by law.

(Ord. of 11-21-13)

Sec. 5-10. - Public nuisances prohibited.

- (a) The actions of an animal constitute a public nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of another's property.
- (b) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a public nuisance and are therefore unlawful:
 - (1) Having an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of one's property.
 - (2) Allowing or permitting an animal to damage the property of anyone other than its owner/possessor, including, but not limited to, turning over garbage containers, or damaging gardens, flowers, or vegetables, or defecating upon the property of another.
 - (3) Maintaining the animals in an unsanitary environment which results in offensive odors or is dangerous to the animal or the public health, safety or welfare, or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease.
 - (4) Maintaining the owner's property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property.
 - (5) Allowing or permitting an animal to bark, whine, howl, crow or cackle in a long-continued or frequent fashion so as to interfere with the reasonable use and enjoyment of neighboring premises.
 - (6) Maintaining an animal that is diseased and dangerous to the public health.
 - (7) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, animals walked on a leash by owners, bicycles or other vehicles.
 - (8) Being repeatedly at large or failing to exercise sufficient restraint necessary to control a dog.
 - (9) Failing to confine a female dog or cat while in heat in a building or secure enclosure in such a manner that she will not be in contact with another dog or cat or attract other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of the animal which is being bred.

In addition to any other enforcement remedies available under this chapter, if the animal control supervisor declares an animal to be a nuisance under this section, then the animal control supervisor has the authority to order the owner to confine the animal in accordance with the animal control supervisor's instruction. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order.

(Ord. of 11-21-13)

Sec. 5-11. - Confinement and control of inherently dangerous mammals.

- (a) *Generally.* It shall be unlawful for any owner to keep an inherently dangerous mammal within the county.
- (b) *Exemptions.* The following shall be exempt from this chapter:
 - (1) Any nonprofit institution or exhibitor or dealer, which owns or harbors inherently dangerous mammals for research; provided that, the institution/facility/premises are licensed by the U.S. Department of Agriculture or Interior;
 - (2) Traveling fairs, circuses and carnivals shall also be exempt from this section; and

- (3) Any inherently dangerous mammal registered with the animal control section prior to June 3, 1990.
- (c) *Recapturing.* The owner of any inherently dangerous mammal shall reimburse the county for all costs incurred while attempting to recapture any mammal. If the animal is sheltered or euthanized by animal control, the owner shall also pay these costs.

(Ord. of 11-21-13)

Sec. 5-12. - Dangerous or vicious animals restricted.

- (a) *General provisions.* It shall be unlawful for any person to own or in any way maintain or harbor any animal which is dangerous or vicious, except as provided in this chapter.
- (b) *Enforcement.* If an animal control officer or law enforcement has determined that an animal is dangerous, then the animal control officer or law enforcement officer shall notify the owner immediately in writing. The owner shall turn the animal over to the county animal shelter or to an animal control approved veterinary clinic within 24 hours of such notification. After six working days, the county animal shelter or animal control officer shall have the duty and authority to impose one of the following remedies:
- (1) Require forfeiture of ownership of the animal(s) to Guilford County; or
 - (2) Enforce compliance with subsection (e) of this section.

Any animal declared to be a dangerous or vicious animal, by the animal control officer or law enforcement officer, shall not be disposed of for research or experimental purposes. Failure to comply with this section or any parameters herein may result in assessed civil penalties and/or forfeiture of animal(s).

- (c) *Appeal.* Any person who owns an animal that has been declared dangerous or vicious by an animal control officer or law enforcement officer shall have the right to appeal this decision to an appellate board in accordance with G.S. 67-4.1 et seq. The owner of an animal declared dangerous or vicious shall have the right to request a hearing contesting that determination by submitting a written request to the office of the manager or his/her designee within five working days of the animal control officer's or law enforcement officer's determination that the animal is dangerous or vicious. A deposit may be required by the owner equal to the estimated costs, including veterinary care for ten days boarding. Failure to pay said deposit when required shall be deemed a waiver of all rights regarding the animal.
- (d) *Hearing procedures.* The manager or his/her designee, serving as the appeal's hearing officer shall chair an appellate board to conduct a hearing to determine that the animal control officer's or law enforcement officer's determination that the animal is dangerous or vicious should be upheld. The board shall:
- (1) Make a determination as to whether or not the animal is dangerous or vicious, or otherwise possess a sufficient risk to the health or personal property of others;
 - (2) Determine the appropriate means of compliance in accordance with subsection (b) above; and,
 - (3) Issue such other order of direction as is necessary to enforce compliance with this section.

If the animal is determined, based on the discretion of the board, not to be dangerous or vicious, it shall be returned to the owner. If the board determines the animal to be dangerous or vicious, then the county animal shelter or animal control officer or law enforcement officer shall dispose of the animal in accordance with the determination of the appeals board. In the event of an appeal of the board's decision to the courts, the animal shall be confined at the county animal shelter pending the appeal. The owner of the animal shall be responsible for paying all boarding, veterinarian, and other expenses associated with keeping the animal during the appeal.

- (e) *Enclosures for dangerous or vicious animals.* If an animal has been determined to be dangerous or vicious, as specified in this section, and at the appeals board's discretion, the owner may retain the

animal upon satisfying the following conditions. The owner must erect, within 30 days of declaration of dangerous or vicious status by an animal control officer or law enforcement officer, or in the event of an appeal, within 15 days from the decision of the appeals board a proper structure and display warning signs. This structure must be inspected and approved by a code enforcement official; designated animal control officer; or installed by a qualified professional as meeting the following requirements and standards (Note: With appropriate findings, the appeals panel may require alternative method(s) of enforcement of equal to or more restrictive than the requirements such forth below.)

- (1) The structure must be a minimum size of 15 feet by six feet by six feet with a floor consisting of a concrete pad at least four inches thick. If more than one animal is to be kept in the enclosure, the floor area must provide at least 45 square feet for each animal. The walls and roof of the structure must be constructed of welded chain link of a minimum thickness of 12 gauge, supported by galvanized steel poles at least two and one-half inches in diameter. The vertical support poles must be sunk in concrete-filled holes at least 18 inches deep and at least eight inches in diameter. The chainlink fencing must be anchored to the concrete pad with galvanized steel anchors placed at intervals of no more than 12 inches along the perimeter of the pad. The entire structure must be freestanding and not be attached or anchored to any existing fence, building, or structure. The structure must be secured by a child-resistant lock.
 - (2) A warning sign of at least 120 square inches must be visible from each exposure of the structure which is visible to any adjoining property. Each sign must have a graphic representation of an appropriate animal such that the dangerousness or viciousness of the animal is communicated to those who cannot read, including young children.
 - (3) The owner of the animal will be responsible for ensuring that the enclosure is maintained in such a condition as to meet the requirements of this chapter. Failure to maintain or repair the enclosure shall subject the owner to penalty under this chapter.
 - (4) Prior to inspection of the enclosure by the appropriate personnel as described in (e) above the owner shall pay the current fee for the inspection of an accessory building. The animal shall not be returned to the owner's property until such time as this enclosure and warning signs have been approved. While this structure is being erected, the animal must be boarded at the county animal shelter at the owner's expense. A deposit may be required by the owner equal to the estimated costs, including veterinary care for ten days boarding. Failure to pay said deposit when required shall be deemed a waiver of all rights regarding the animal.
- (f) *Confinement, muzzling and control of vicious animals.* It shall be unlawful for any owner or person to keep any vicious animal within the county unless it is confined within a secure building or enclosure or unless it is securely muzzled and under restraint by a competent adult who, by means of a leash, chain or rope, has such animal firmly under physical restraint at all times. Failure to comply will result in a civil penalty and/or forfeiture of the animal in accordance with (b)(1) of this section.
- (g) *Owners of animals deemed dangerous or vicious.* Owner(s) of an animal declared to be dangerous or vicious must immediately notify Guilford County Animal Control, in writing, of any change of address or transfer of ownership of animal(s).

(Ord. of 11-21-13)

Sec. 5-13. - Animal fighting and baiting prohibited.

- (a) *Causing, instigating or permitting.* No person shall bait, cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between an animal and a human.
- (b) *Facilities and equipment.* It shall be unlawful for any person to maintain, own or possess facilities or equipment for the purpose of training an animal, including a cock, with the intent that the animal be used in fighting or baiting of that animal or any other animal. Treadmills, log pulls, break sticks, hanging devices or cockspurs, or other equipment possessed with the intent to violate this chapter shall be contraband and such material shall be seized whenever found and shall be destroyed upon conviction of the possessor or owner under this chapter. This chapter does not prohibit the

possession of facilities or equipment for the training of animals by kennels or animal obedience schools if such kennels or schools are registered with the North Carolina Department of Agriculture.

- (c) *Transportation.* It shall be unlawful for any person to transport an animal, including a cock, with the intent that the animal be used in fighting or baiting of that animal or any other animal.
- (d) *Transfer.* It shall be unlawful for any person to buy, sell, give, transfer, or deliver an animal to another with the intent that the animal be used in fighting or baiting of that animal or any other animal.

(Ord. of 11-21-13)

Sec. 5-14. - Mistreatment of animals prohibited.

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, necessary medical attention, adequate shelter, protection from the weather or humanely clean conditions.

- (a) *Adequate food and water.* No person owning or responsible for any animal may fail to supply the animal with sufficient supply of food and water as prescribed in this section.
 - (1) *Adequate food.* The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, 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.
 - (2) *Adequate water.* A constant access to a supply of clean, fresh water provided in a sanitary manner.
- (b) *Necessary medical attention.* No person owning or responsible for any animal shall fail to supply the animal with necessary medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasitism or malformed or overgrown hoof.
- (c) *Proper shelter, protection from the weather and humanely clean conditions.* No person owning or responsible for any animal shall fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section.
 - (1) *Indoor standards.* Minimum indoor standards of shelter shall be as follows:
 - a. The ambient temperature shall be compatible with the health of the animal.
 - b. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.
 - (2) *Outdoor standards.* Minimum outdoor standards of shelter shall be as follows:
 - a. When sunlight is likely to cause heat exhaustion of an animal tied or confined outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
 - b. Shelter shall be as follows:
 - 1. An adequate artificial shelter with a minimum of three sides, floor and a waterproof roof appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
 - 2. If a dog is tied or confined unattended outdoors under harsh weather conditions which adversely affect the health of the dog, a shelter of suitable size with a floor above ground and waterproof roof shall be provided to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 30 minutes.

- (3) *When confinement prohibited.* No animal may be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health.
 - (4) *Standards for chaining.* No animal may be chained outdoors unattended without a chain/cable designed and placed to prevent choking or strangulation. Such chain/cable or restraint shall not be less than ten feet in length with the area free of obstacles so that the animal may have access to his food, water and shelter.
 - (5) *Space standards.* Minimum space requirements for both indoor and outdoor enclosures shall include the following:
 - a. The housing facility shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
 - b. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns.
 - (6) *Humanely clean conditions.* Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt and trash to minimize health hazards.
- (d) *Properly fitted collars required.* An owner or keeper of a dog or cat shall not permit injury to or infliction of pain upon such animal from an improperly fitting or embedded collar.

(Ord. of 11-21-13)

Sec. 5-15. - Cruel treatment prohibited.

- (a) *Molestation, torture, etc. prohibited.* It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat or treat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal or to cause or procure such action. The words "torture" and "torment" and the term "cruelly beat or treat" 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 an animal control officer, his agents or veterinarians from euthanizing dangerous, unwanted, or injured animals in a humane manner.
- (b) *Luring, enticing, seizing, molesting or teasing an animal.* 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 the property of its owner or keeper; but such actions of luring, enticing and seizing shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulations of this chapter by duly authorized animal control officers.
- (c) *Abandonment.* It shall be unlawful for any owner or person responsible for any animal to drop or leave such animal on a street, road, highway, or in a public place or on private property with intent to abandon without provision for its continuous care, sustenance and shelter. No owner of an animal shall abandon such animal except to relinquish the animal to the animal shelter. If animal control finds that an animal has been abandoned, the animal may be impounded. If the animal has been abandoned in a house or within a fenced area, animal control must make a reasonable effort to locate the owner or manager of the property. If the property owner or manager is not the animal owner, then animal control shall secure permission to remove the animal. If the property owner is also the animal owner and this individual cannot be located, animal control shall secure an appropriate warrant to seize the animal. An animal seized pursuant to this section shall be impounded for a period of at least 72 hours. If the owner contacts animal control to reclaim the animal, an explanation for the animal's abandonment must be provided to the satisfaction of the animal control supervisor before the animal is reclaimed by the owner. If the animal is unclaimed by

its owner after being held as long as practicable, the animal shall be placed in adoption or humanely euthanized.

- (d) *Performing animal exhibitions.* No person may sponsor, promote, or train a wild or domestic animal to participate in unnatural behavior in which the animal is wrestled, fought, harassed, or displayed in such a way that the animal is abused or stressed. This prohibition applies to events and activities taking place in either public or private facilities or property and applies regardless of the purpose of the event or activities and whether or not a fee is charged to spectators.
- (e) *Baby animals, novelties and fowl.* It shall be unlawful for any person to sell or offer for sale, barter or give away baby chickens, baby ducklings or fowl under six weeks of age as pets, toys, premiums or novelties; provided, however, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings or other fowl or such rabbits in proper facilities with adequate food, water, and shelter by breeders or stores engaged in the business of selling the animals for the purposes other than pets or novelties.
 - (1) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or fowl or rabbits.
 - (2) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contest, game, or other competition, or as an inducement to enter a place of amusement, or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade, or sell chances, coupons, or tickets to be redeemed for any live animal, bird or fish.
 - (3) It shall be unlawful for any person to tether any fowl.
- (f) *Transport of animals.* It shall be unlawful for any person to transport an animal in the trunk of a vehicle, or closed compartment on a vehicle or trailer, or in a truck or the back of a truck in such a way as to cause pain, suffering or possible pain or death to the animal. Nothing in this section shall be deemed to prohibit the humane transportation of horses, cattle, sheep, poultry, or other livestock in trailers or other vehicles designed, constructed, and adequate for the size and number of animals being transported.
- (g) *Confinement of animals in motor vehicle.* No person may place or confine an animal or allow an animal to be placed or confined in a motor vehicle under such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or water, and such other conditions as may reasonably be expected to cause suffering, disability, or death.
 - (1) After making a reasonable effort to find the driver of a vehicle in which an animal is confined, an employee of the animal control division may use the least intrusive means to break and enter the vehicle if necessary to remove the animal where reasonable cause exists to believe that the animal is in the vehicle in violation of this subsection.
 - (2) The animal control officer removing the animal shall then impound it and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed. The officer may also issue a citation for violation of this subsection.
- (h) *Intentionally striking animals with motor vehicles.* It shall be unlawful for any person to intentionally strike an animal with an automobile or other vehicle causing injury or death.
- (i) *Tethering.* It shall be unlawful for any person to restrain a dog using a chain, wire or other type of tethering device in a manner prohibited by this subsection.
 - a. No person shall tether, fasten, chain tie, or restrain a dog, or cause such restraining of a dog, to a tree fence, post, dog house, or other stationary object. During periods of tethering that are not unlawful under this subsection, any tethering device used shall be at least ten feet in length and attached in such a manner as to prevent strangulation or other injury to the dog or entanglement with objects

- b. No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a cable trolley system, that allows movement of the restraining device. During periods of tethering that are not unlawful under this subsection, the length of the cable along which the tethering device can move must be at least ten feet, and the tethering device must be of such length that the dog is able to move ten feet away from the cable perpendicularly and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with objects. During periods of lawful tethering under this subsection, tethers must be made of rope, twine, cord, or similar material with a swivel on one end or must be made of a chain that is at least ten feet in length with swivels on both ends and which does not exceed ten percent of the dog's body weight. All collars or harnesses used for the purpose of the lawful tethering of a dog must be made of nylon or leather.
- c. No person shall tether a dog with a chain or wire or other device to, or cause such attachment to, any collar other than a buckle type collar or body harness.
- d. No person shall tether with a chain or a wire or other device to, or cause such attachment to, a head harness, choke-type collar or pronged collar to a dog.
- e. No person shall tether with a chain, wire or other device to a dog where the weight of the tethering device and the collar combined exceeds ten percent of the dog's body weight.
- f. No person shall tether with a chain or wire or other device a dog in such a manner that does not allow the dog access to adequate food, water and shelter.
- g. No person shall tether a sick, diseased and/or injured dog, or puppy (a dog that is one year of age or younger).
- h. Notwithstanding the provisions of 5-15(i)a. and b. of this section, a person may, subject to the provisions of subsections 5-15(i)c.—h., and subject to the requirement that any stationary tethering device used, shall be at least ten feet in length, and subject to the requirement that for any cable trolley system used the length of the cable along which the tethering device can move must be at least ten feet, and the tethering device must be of such length that the dog is able to move ten feet away from the cable perpendicularly, may:
 - i. Tether and restrain a dog while actively engaged in:
 - 1. Usage of the dog in shepherding or herding livestock, or
 - 2. Use of the dog in the business of cultivating agricultural products, of the restraining is reasonably necessary for the safety of the dog, or
 - 3. Use of the dog in a lawful hunting activities if the restraint is reasonably necessary for the safety of the dog, or
 - 4. Use of the dog at a dog training or performance events, including but not, limited to the field trials and obedience trials where tethering does not occur for a period exceeding seven consecutive days, or
 - 5. Camping or other recreation where tethering is required by the camping or recreational area where the dog is located, or
 - ii. 6 Any activity where a tethered dog is in visual range of its owner or keeper, and the owner or keeper is located outside with the dog. After taking possession of a dog that appears to be a stray dog and after having advised animal control authorities of the capture of dog, tether and restrain the dog in accordance with the provisions for a period not to exceed seven days as the person having taken possession of the dog is seeking the identity of the dog.
 - iii. Walk a dog with a handheld leash.
- (j) *Inspection of pet stores/dealer facilities.* Animal control officers shall have the authority to conduct inspections of pet stores, to the extent not pre-empted by state law, in order to determine if there is abuse of animals. Abuse of animals shall include any act described in this section or any other act

which is detrimental to the well-being of the animal. It shall be unlawful for any pet store employee or pet store owner to violate this section.

- (k) *Authority to use force against animals.* Nothing in this section shall prohibit use of force against an animal which is in the act of attacking a human or a domestic animal.

(Ord. of 11-21-13)

Sec. 5-16. - Notice in case of injury.

It shall be unlawful for any person who causes injury to an animal (including livestock) including, but not limited to, running over or hitting a domesticated animal with any vehicle, to fail to notify immediately at least one of the following: the owner(s) or keeper(s) of the animal (if known or ascertainable with reasonable efforts made to locate the owner or keeper), an animal control officer, the appropriate police or sheriff's department, or the animal shelter.

(Ord. of 11-21-13)

Sec. 5-17. - Destruction of animals that cannot be seized by reasonable means.

Notwithstanding any other provision of this chapter, an animal that cannot be seized by reasonable and normal means, retrieved by an animal control officer, trapped in a humane, live-capture animal trap provided by animal control, or tranquilized by animal control division personnel may be humanely destroyed in the field upon the authorization of the animal control division director or his/her designee. Provided, a vicious animal, a dangerous animal so designated by the public health director, or an animal attacking a human being, another pet, or livestock may be immediately destroyed if, in the opinion of the animal control supervisor or animal control officer, such destruction is necessary for the protection of the public health and safety.

(Ord. of 11-21-13)

Sec. 5-18. - Setting humane animal traps and authority to receive trapped animals.

Animal control is authorized to place, upon request, live-capture animal traps on private or public property to trap and remove stray, at large, unwanted, or nuisance animals, including cats. It is unlawful for any person other than an animal control officer or their designee to remove any animal from the trap or to damage, destroy, move, or tamper with the trap. Animal control is authorized to receive and impound animals that are trapped by other agencies or persons.

(Ord. of 11-21-13)

Sec. 5-19. - Impoundment.

- (a) *Generally.* Any animal found being mistreated or kept under unsanitary or inhumane conditions, as provided in section 5-11; any animal found to be cruelly treated, as provided in section 5-12; any animal found to be a public nuisance, as provided in section 5-8; any dog found running at large or not under restraint in violation of section 5-7; or any animal which appears to be lost, strayed or unwanted, or any dog or cat is found to be not wearing a currently valid rabies vaccination tag, as required by state law, shall be seized, impounded, and confined by the animal control officer and confined in the animal shelter in a humane manner. Impoundment of such animal shall not relieve the owner thereof of any penalty which may be imposed for violation of any provision of this chapter.
- (b) *Notice to owner.* Immediately upon impounding an animal, the animal control officer shall make reasonable effort to notify the owner and inform such owner of the conditions whereby the animal may be redeemed.
- (c) *Redemption by owner generally.* The owner of an animal impounded under this chapter may redeem the animal and regain possession thereof in accordance with the rules and fees set by the board of county commissioners in the policies for operation of the county animal shelter and by complying with all applicable provisions of this chapter and by paying all fees and penalties due. Fee rates shall

be available for public inspection in the office of the clerk to the board of county commissioners and at the county animal shelter. Owner shall also be responsible for any additional costs associated with the seizure and sheltering of the animal. All fees must be paid prior to redemption. Failure to pay shall constitute waiver of all rights regarding the animal.

(d) *Adoption or euthanasia of unredeemed animal:*

- (1) If any impounded animal is not redeemed by the owner within the period prescribed in the policies for operation of the county animal shelter, filed as stated in subsection (c) above, then such animal may be offered for adoption or destroyed in a humane manner in accordance with such policies.
 - (2) No animal owner may be permitted to claim his own animal under the provisions of this section unless and until he shall comply with the provisions of the policies for operation of the county animal shelter for same.
 - (3) All unsterilized dogs and cats adopted from the Guilford County Animal Shelter shall be either spayed or neutered in accordance with the policies for operation of the county animal shelter. Written veterinary proof of the sterilization shall be promptly provided by the adopter to the animal control division. The adoption of any dog or cat not sterilized pursuant to this section shall be deemed incomplete and the dog or cat must be returned by the applicant for adoption to the Guilford County Animal Shelter. If such dog or cat is not returned to the animal shelter, an animal control officer may be dispatched to retrieve the dog or cat. The animal control supervisor is authorized to obtain a copy of the adoption agreement from the county animal shelter in order to implement the provisions of this section. If the person adopting the unsterilized animal fails to cause the animal to be sterilized within the prescribed by the animal shelter or veterinarian, such failure shall constitute a violation of this chapter and shall subject said person to a civil penalty in the amount of \$200.00.
- (e) *Suspected rabid dogs or cats not to be redeemed or adopted.* Notwithstanding any other provision of this chapter, dogs or cats impounded which appear to be suffering from rabies shall not be redeemed or adopted but shall be dealt with in accordance with G.S. chapter 130A.
- (f) *The county may require a deposit* from the owner in an amount equal to the estimated costs (including seizure, shelter and veterinary care) for ten days, as determined by the county in its discretion. Failure to pay said deposit shall be deemed a waiver to any right of redemption. Upon redemption, the county will repay any unexpended portion of the deposit.

(Ord. of 11-21-13)

Sec. 5-20. - Procedure with respect to redemption of unvaccinated animal.

- (a) Unless proof of a current rabies vaccination can be furnished, every person who redeems a dog or cat at the animal shelter must obtain and submit the fee for a rabies voucher at the time of redemption. This voucher will be presented with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of such person's choice for rabies vaccination.
- (b) The rabies voucher will be completed and returned to the animal shelter by the veterinarian. If the voucher is not returned to the animal shelter within the specified time limit, an animal control officer may be dispatched to retrieve the dog or cat if corrective action has not been taken by the animal's owner.
- (c) Payment for the rabies vaccination provided for this section will be the responsibility of the person redeeming the dog or cat.

(Ord. of 11-21-13)

Sec. 5-21. - Humane euthanasia of wounded or diseased animals.

Notwithstanding any other provision of this chapter, any animal impounded which is badly wounded or diseased (not rabies suspect) and has no identification shall be destroyed immediately in a humane

manner. If the animal has identification, the animal shelter shall attempt expeditiously to notify the owner or keeper before euthanizing such animal, but if the owner cannot be reached readily and the animal is suffering, the animal shelter director or his/her designee may cause the animal to be euthanized at his/her discretion in a humane manner. The animal shelter and animal control division shall have no liability for euthanizing wounded or diseased animals.

(Ord. of 11-21-13)

Sec. 5-22. - Handling of stray animals by the public.

It shall be unlawful for any person, without the consent of the owner or keeper, knowingly and intentionally to harbor, keep in possession by confinement or otherwise any animal that does not belong to him. Any person in possession of a stray animal shall contact the animal control division or animal shelter within 72 hours to arrange for impoundment or to provide notification of the stray animal's description and location.

(Ord. of 11-21-13)

Sec. 5-23. - Security dogs.

- (a) The owner of a security dog shall comply with the following requirements prior to using the dog as a security dog.
 - (1) *Identification.* It shall be unlawful for any owner of a security dog to fail to provide said dog with a current rabies tag and a security dog identification tag. A security dog's owner must provide proof of current rabies vaccination of the dog prior to being issued a security dog ID tag.
 - (2) *Registration.* It shall be unlawful for any owner and keeper of a security dog to use said dog as a security dog in the county without first having registered the dog with the animal control division and having obtained a current rabies tag and security dog ID tag.
 - (3) *Signs.* The owner or keeper of any security dog and the owner of any premises using a security dog must conspicuously post on the premises in plain view of the public a sign that identifies the name, address, and telephone number of the owner of the security dog.
 - (4) *Physical control.* The owner and user of a security dog must ensure that an adequate physical control of the security dog is provided during operational hours to prevent the security dog from coming in contact with the general public on the premises. If a security dog escapes and while either off or on the premises of his owner bites someone other than a trespasser, the animal control supervisor shall have the authority to prohibit dog from serving as a security dog within the jurisdiction. It shall be unlawful for any owner or keeper to use a dog as a security dog after the animal control supervisor has entered a prohibition regarding that particular dog.
- (b) Enforcement:
 - (1) If the animal control division seizes a security dog running at large, the dog shall not be returned to its owner until the owner has registered that dog and all other dogs of that owner used as security dogs within the jurisdiction and has demonstrated to the animal control division that appropriate corrections have been made to prevent said animals from escaping again.
 - (2) The animal control division has the authority to seize security dogs and issue citations for noncompliance with this section.

(Ord. of 11-21-13)

Sec. 5-24. - Relation to hunting laws.

Nothing in this chapter is intended to be in conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this exception applies while the dogs are under the control of the owner, keeper, or competent person and are actually

lawfully being used for hunting or training in compliance with applicable statutes, regulations, or ordinances. This chapter should be read and enforced consistent with any such law.

(Ord. of 11-21-13)

Sec. 5-25. - Wild animals.

No person shall keep or permit to be kept on his premises any dangerous wild animal. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(Ord. of 11-21-13)

Sec. 5-26. - Exotic animals.

It shall be unlawful for any person to own or shelter any exotic animal without a permit from the county. The permit shall identify the species and may include restrictions on care and sheltering of the animal. The county may charge a fee for the permit; said fee to be included in the schedule of fees published by the county. Any exotic animal deemed to be a dangerous wild animal within the meaning of section 5-25 of this Ordinance shall not be permitted. Zoos, authorized habitats, or animal refuge centers are exempt from the provisions of this section.

(Ord. of 11-21-13)

Sec. 5-27. - Penalties.

The following penalties shall pertain to violations of this chapter:

- (a) The violation of any provision of this chapter shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4 or other applicable law. Each day's violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes or of fees imposed under this chapter.
- (b) Enforcement of this chapter may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d) and (e).
- (c) Issuance of a citation for a violation of the section entitled "Restraint of Animals" is directed toward and against the owner and/or possessor of an animal. The purpose of the issuance of a citation is to effect the conduct of the owner of an animal by seeking to have an owner responsibly maintain sufficient restraint and confinement of his/her animal. Therefore, an owner of an animal shall be subject to escalating penalties for each violation of the section entitled allowed by the owner, whether the animal is the same animal, a different animal, or various animals belonging to the owner.
- (d) In addition to and independent of any criminal penalties and other sanctions provided in this chapter, a violation of this chapter may also subject the offender to the civil penalties hereinafter set forth in the schedule of fees attached hereto. The fees and civil penalties set out herein may be modified by the county.
 - (1) The animal control supervisor, or designee, may issue to the known owner or keeper of any animal, or to any other violator of the provisions of this chapter, a citation giving notice of the alleged violations(s). Citations so issued may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot readily be found. This civil penalty shall be paid in full to the animal control supervisor or his or her designee within 30 days of receipt of the citation assessing the civil penalty. This civil penalty is in addition to any other fees or costs authorized by this chapter. Failure to appeal any penalty within the designated time shall constitute a waiver of all rights of appeal.

- a. For violations of section 5-10, public nuisances prohibited (b)(2); security personnel for Guilford County are expressly authorized to issue citations for violations of the above referenced section occurring on Guilford County property.
- (2) In the event that the owner or keeper of an animal or other alleged violator does not appear in response to the above-described ticket or citation, or the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty, and/or a criminal summons may be issued against the owner or keeper or other alleged violator of this chapter, and upon conviction, the owner shall be punished as provided by state law. The animal control supervisor, or designee, is expressly authorized to collect the fees or penalties as a debt. Failure to appeal an action within the stated deadline shall constitute a waiver of any rights of appeal.
- (3) The Civil Penalties established for this Ordinance are set out in the Appendix attached hereto, which shall not be considered part of the Ordinance. These Civil Penalties may be amended by a vote of the Guilford County Board of County Commissioners.

(Ord. of -_____)

Sec. 5-28. - Severability.

If any part of this chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts.

(Ord. of 11-21-13)

Sec. 5-29. - Reserved.

ARTICLE II. - RABIES CONTROL

Sec. 5-30. - Compliance with state rabies laws; chapter supplemental to state rabies laws.

- (a) It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.

- (b) It is the purpose of this chapter to supplement the state laws by providing procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

(Ord. of 11-21-13)

Sec. 5-31. - Vaccination of dogs, cats, and other pets.

- (a) It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for any dog or cat four months of age or older. Should it be deemed necessary by the public health director or the board of county commissioners that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for that pet.
- (b) A rabies vaccination shall be deemed "current" for a dog or cat if the initial vaccination has been administered to the animal by a licensed veterinarian within the preceding 12 months, and if any subsequent vaccination has been administered to the animal by a licensed veterinarian within the preceding 36 months.
- (c) All rabies vaccines shall be administered by a licensed veterinarian or a certified rabies vaccinator who may be appointed by the health director.
- (d) The owner of a dog or cat not having a current rabies vaccination shall be subject to a civil penalty as set out in the fee schedule if such owner does not produce a valid and current rabies vaccination tag or form within 72 hours of the demand for same by any animal control or law enforcement officer. Failure to produce the tag or form under this subparagraph is a separate offense for each animal owned by such owner.

(Ord. of 11-21-13)

Sec. 5-32. - Vaccination tag and certificate.

- (a) *Issuance of tag.* Upon complying with the provisions of section 5-27 of this chapter, there shall be issued to the owner or keeper of the dog or cat vaccinated a rabies tag, stamped with a number and the year for which issued, and a rabies vaccination certificate.
- (b) *Provision and wearing of collar or harness.* It shall be unlawful for any dog or cat owner or keeper to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times, except during the time the dog is performing at shows, obedience trials, tracking tests, field trials, training schools or other events sanctioned and supervised by a recognized organization.
- (c) *Ear tag for cats.* In substitution for (b) above, an owner or keeper of a cat may obtain an ear tag for rabies identification.
- (d) *Impoundment for not wearing tag.* In addition to all other penalties as prescribed by law, a dog or cat is subject to impoundment in accordance with the provisions of this chapter if the dog is found not to be wearing a currently valid rabies tag or the owner of the cat cannot produce sufficient written evidence to prove it has a current rabies vaccine.
- (e) *Use of another's tag prohibited.* It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than the one using the tag.
- (f) *Confinement and vaccination of dogs and cats; certificate from licensed veterinarian.* All dogs or cats shipped or otherwise brought into this county, except for exhibition purposes where the dogs or cats are confined and not permitted to run at large, shall be securely confined and vaccinated within one week after entry and shall remain confined for two additional weeks after vaccination. The above provisions of subsection (f) shall not apply to dogs or cats accompanied by a current certificate issued by a licensed veterinarian showing that such dog or cat is apparently free from rabies and has not been exposed to same. A local rabies tag and certification shall be issued from a licensed veterinarian within two weeks after such entry.

(Ord. of 11-21-13)

Sec. 5-33. - Report and confinement of animals biting persons or showing symptoms of rabies.

- (a) *Quarantine.* Every animal which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the animal control division, and thereupon shall be securely quarantined, at the direction of the animal control division, for ten days commencing from the time of the bite. Every animal quarantined under this section shall be confined at the expense of its owner in an in-county veterinary hospital or an out-of-county veterinary hospital if approved by the health director or his designee.
- (b) *Authority to seize animals for noncompliance.* If the owner or the person who controls or possesses the dog or cat refuses to confine the animal as required by this section, the health director may order seizure of the animal and its confinement for ten days in such place as the health director designates at the expense of the owner.
- (c) *Release upon permission of health director.* Animals confined in this section shall not be released from confinement except by permission from the health director or the veterinarian consultant.
- (d) *Disposition of animal other than dog or cat.* The disposition of an animal other than a dog or cat that bites a person shall be at the discretion of the health director in consultation with the veterinarian consultant.
- (e) *Quarantine of stray animals.* In the case of stray animals whose ownership is not known, the supervised quarantine required by this section shall be at the county animal shelter.
- (f) *Authority to euthanize unclaimed animals.* If any animal is unclaimed after the ten-day confinement, then the county animal shelter director, in consultation with the veterinarian consultant, may humanely euthanize the animal unless the director receives instructions of a different nature from the health director.
- (g) *Release from quarantine.* If rabies does not develop with the ten-day quarantine period under this section, the animal may be released from quarantine to its owner with written permission from the animal shelter director or the veterinarian consultant. If the animal has been confined in the county animal shelter, upon reclaiming the animal, the owner shall pay [the] fee established by resolution of the board of county commissioners for each day of confinement to defray the cost of sheltering the animal.
- (h) *Report of bites.* Law enforcement agencies investigating animal bites shall report such bites immediately to the health director or person designated by the health director and give the names and addresses of persons bitten and owner of the animal.
- (i) *Euthanization of wounded, diseased or suffering animals.* Badly wounded, diseased, or suffering animals which are suspected of having rabies may be humanely euthanized immediately and the head forwarded for examination.

(Ord. of 11-21-13)

Sec. 5-34. - Destruction or confinement of animal bitten by a known rabid animal.

Animals not vaccinated against rabies which are bitten by a known rabid animal shall be immediately destroyed, unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for a period of six months at the owner's or keeper's expense. If the animal has a current rabies vaccination, it shall be revaccinated and confined for a period of six weeks and then returned to the owner or keeper.

(Ord. of 11-21-13)

Sec. 5-35. - Area-wide emergency quarantine.

- (a) When reports indicate a positive diagnosis of rabies in an animal found within Guilford County or an adjacent county, the health director may order an area-wide quarantine for such period as he deems

necessary. Upon invoking of such emergency quarantine, no dog or cat may be taken or shipped from the county without written permission of the county public health director. During such quarantine, the health director, law enforcement officers, animal control officers, or persons duly authorized by the health director may seize and impound any dog or cat found running at large in the county. During the quarantine period, the health director shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

- (b) In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the health director.

(Ord. of 11-21-13)

Sec. 5-36. - Postmortem diagnosis.

- (a) If an animal dies while under observation for rabies, the head of such animal shall be submitted to the health department for shipment to the state laboratory of hygiene for diagnosis.
- (b) The carcass of any dead animal exposed to rabies shall be surrendered to the animal control department. The head of such animal shall be submitted to the health department for shipment to the state laboratory of hygiene for diagnosis.

(Ord. of 11-21-13)

Sec. 5-37. - Unlawful killing, releasing, etc., of certain animals.

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the county without written permission from the animal control division or the health director.

(Ord. of 11-21-13)

Sec. 5-38. - Failure to surrender an animal for quarantine or euthanasia.

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or euthanasia as required in this chapter when demand is made therefore by the animal control division.

(Ord. of 11-21-13)

Secs. 5-39—5-42. - Reserved.

ARTICLE III. - BREEDER/LITTER PERMITS

Sec. 5-43. - Breeding permit/fee.

- (a) *Permit/payment of fee required; proof of rabies vaccination; penalty for failure to obtain permit or pay fee.* Breeders or other person(s) with the intention of breeding their domesticated (non-farm) animals must obtain a permit from the Guilford County Animal Shelter. The breeder shall pay a fee of \$10.00 for each litter produced. Before a permit is obtained, the breeder/owner must show proof of rabies vaccination for each animal intended for breeding. A person whose animal has produced a litter without having previously obtained a permit for that litter shall have ten days from the day the litter is produced in which to obtain a permit.

Persons who fail to obtain a permit or fail to pay the required fees will be subject to a civil penalty as set out in the fee schedule. The person otherwise liable for the civil penalty shall be exempt from the civil penalty if such person causes the animal which produced the litter to be spayed within ten days of being cited for such penalty.

- (b) *Effective date; inclusion of permit number in advertisements by domesticated animal transporters.*
This section shall be in effect until December 31, 1996, and shall no longer be effective after that date unless re-enacted by the Guilford County Board of Commissioners prior to that date.

Persons who advertise for the transfer of domesticated (non-farm) animals (with or without charge) shall include their permit number on the advertisement. Fees and penalties will be paid to the Guilford County Animal Shelter.

(Ord. of 11-21-13)