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Owner's real property means any real property owned or leased by the owner of the animal. This does not include any public right-of-way or a common area of a residential development, condominium, apartment complex, or any similar development.

Potentially dangerous dog means a dog that the health director determines to have: Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

Premises means a definite portion of real estate with its appurtenances, buildings or part of buildings.

Restraint means when an animal is, within the meaning of this chapter, (1) controlled by means of a chain, leash, or other like device; (2) within a vehicle being driven or parked; (3) within a secure enclosure; or (4) within the dwelling house of the owner.

Secure enclosure means a fence or structure of adequate height, forming or causing a humane enclosure suitable to prevent the animal from escaping and to prevent the entry of children. A home, mobile home, underground fence or separate garage is not a secure enclosure. (Secure enclosure is for dangerous dogs only, not to be confused with animal quarantine.)

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

Stray means any animal, which is running at large or appears to be lost, unwanted or abandoned, or whose owner is unknown.

(Ord. of 7-9-2012, eff. 8-1-2012)

- **Sec. 4-2. - Establishment and composition of the animal control section.**

(a)

There is hereby created the Animal Control Section of Nash County, which shall be composed of such employees, officers and officials, as shall be determined by the board of commissioners. The administration of the animal control ordinance shall be by the ~~board of health~~ **Nash County Human Services Board**, the health director and his designees.

(b)

Employees or agents enforcing this chapter shall be designated as animal control officers. In the performance of their duties, animal control officers shall have all the powers, authority and immunity granted under this chapter and by the laws of this state to enforce the provisions of this chapter and state laws, relating to the care, treatment, control or impounding of animals.

(c)

Except as may be otherwise provided by statutes, laws or ordinances, no officer, agent or employee of the county charged with the duty of enforcing the provisions of this chapter or other applicable laws shall be personally liable for any damage that may accrue to persons, animals or property as a result of any act required or permitted in the discharge of their duties.

(Ord. of 7-9-2012, eff. 8-1-2012)

- **Sec. 4-3. - General duties of animal control section.**

(a)

The animal control section shall be charged with the responsibility of:

(1)

Enforcing all applicable state rabies control laws and this chapter;

(2)

Assisting in the enforcement of the laws of the state with regard to animals and especially with regard to vaccination of animals against rabies and the confinement or controlling of dangerous dogs;

(3)

Investigating cruelty or abuse of animals;

(4)

Making such canvasses of the county, including the homes in the county, as it deems necessary or as requested by law enforcement within Nash County for the purpose of ascertaining that all animals are vaccinated against rabies as required by law;

(5)

Operating, pursuant to policies of the Nash County ~~Board of Health~~ Human Services Board, the county animal shelter(s).

(b)

It shall be the duty of the animal control section to keep, or cause to be kept, accurate and detailed records of:

(1)

Impoundment and disposition of all animals coming into the animal shelter or shelters;

(2)

Bite cases, violations and complaints, and the investigation of same;

(3)

Revenues derived from impoundment fees, penalties and adoption/sales of animals;

(4)

All other matters deemed necessary by the Nash County Health Director or the director's designee.

(Ord. of 7-9-2012, eff. 8-1-2012)

• **Sec. 4-4. - General duties of keepers of animals.**

(a)

It shall be unlawful for any person to abuse an animal.

(b)

The owner or keeper is responsible for the actions and behavior of his animal.

(c)

It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to leave, place or allow that animal on a street, road, highway, public place or on any private property without having made adequate provision for the animal's care.

(d)

It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions or fail to provide proper medical attention for sick, diseased or injured animals, as well as required inoculation against disease, according to the species of animal kept.

(e)

Any nonprofit institution or exhibitor or dealer, which owns or harbors inherently dangerous animals for research or education, provided that such institution/facility/premises are licensed by the U.S. Department of Agriculture or Interior.

(2)

Traveling fairs, circuses and carnivals shall also be exempt from this section while animals are in the custody of these organizations.

(c)

Recapturing. The owner of any inherently dangerous animal shall reimburse Nash County for all costs incurred while attempting to recapture any said animal. If the animal is sheltered or euthanized by animal control, the owner shall also pay these costs.

(Ord. of 7-9-2012, eff. 8-1-2012)

• **Sec. 4-12. - Dangerous dogs or potentially dangerous dogs.**

(a)

The Nash County Health Director shall have the authority to determine when a dog is a dangerous dog or a potentially dangerous dog. When the determination is made that a dog is dangerous or potentially dangerous, the health director must notify the owner in writing, giving the reasons for the determination. The health director may consider any written response by the owner to the notification. The owner of the dog must maintain the dog under constant restraint on the owner's property until all appeals have been exhausted and a final decision rendered or no appeal is requested and the decision is final.

(b)

The owner may appeal the determination of a dangerous or potentially dangerous dog. Appeals must be by filing written objections with the Nash County ~~Board of Health~~ **Human Services Board**, which will serve as the appellate board, within ten business days after receiving written notice. The appellate board shall schedule a hearing within ten business days of the receipt of the appeal. Any appeal from the final decision of such appellate board shall be taken to superior court. Appeals to superior court must be filed within ten days of the final decision of the appellate board. Until all appeals are final, the dog must remain under restraint.

(c)

It is unlawful for any person to maintain or harbor any dangerous dog or potentially dangerous dog not in a secure enclosure.

(d)

Except as provided in subsection (j), any dog which has killed a person shall be euthanized by animal control. This action may be delayed upon request from law enforcement.

(e)

Upon notification of the determination that a dog is dangerous or potentially dangerous, the owner shall maintain the dog under constant restraint on the owner's property until such time as a secure enclosure is provided.

(f)

The owner shall have 30 days from the date of notification to provide a humane, secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog is on the premises. Said sign shall not violate any county ordinance.

(g)

The owner shall have the animal tattooed or microchipped by a licensed veterinarian and provide animal control with documentation of said tattoo or microchip within 30 days thereafter.

(h)

Any dog used by a law enforcement agency in the investigation of crimes or as otherwise necessary in the enforcement of the law is excluded from requirements of this chapter.

(Ord. of 7-9-2012, eff. 8-1-2012)

- **Sec. 4-19. - Relation to hunting laws.**

Nothing in this chapter is intended to be in conflict with the general statutes regulating, restricting, authorizing or otherwise affecting dogs while used in lawful hunting.

(Ord. of 7-9-2012, eff. 8-1-2012)

- **Sec. 4-20. - Relation to ~~Livestock-animal-agriculture.~~**

The intent of this chapter is not to regulate or restrict generally accepted practices related to livestock ~~and animal agriculture.~~

(Ord. of 7-9-2012, eff. 8-1-2012)

- **Sec. 4-21. - Interference with enforcement of chapter.**

It shall be unlawful for any person to interfere with, hinder, assault or molest animal control section agents or officers or veterinarians in the performance of any duty authorized by this chapter, or to seek to release any animal in the custody of such agents or officers.

(Ord. of 7-9-2012, eff. 8-1-2012)

- **Sec. 4-22. - Imposition of penalties for violations of chapter.**

(a)

The violation of any provision of this article shall be a Class 3 misdemeanor punishable by a fine not to exceed \$500.00. Each day's violation of this article 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 penalties or citations imposed under this chapter.

(b)

In addition, enforcement of this chapter may be by 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)

In addition to and/or in lieu of the criminal sanctions imposed by law, the county may issue civil citations, in such amounts as established below, for any violation of this chapter. Each separate violation under this chapter shall constitute a distinct offense under this chapter. Payment of said citations shall be made within 72 hours of issuance of a notice of violation. The notice of violation may be delivered by hand delivery to the person or may be mailed to said person at his last known address.

(d)

The civil penalties for any violation of sections 4-6—4-8, 4-17, and 4-30 shall be escalating. The first offense shall be a warning, the second offense shall be a \$50.00 penalty, the third offense shall be a \$75.00 penalty, the fourth offense shall be a \$100.00 penalty, the fifth and subsequent violations shall be a \$250.00 penalty per violation.

- (e) The civil penalty for violation of section 4-5 shall be \$500.00.
- (f) The civil penalty for violation of sections 4-9, 4-11, 4-12, and 4-19 shall be \$100.00.
- (g) The civil penalty for violation of any provision of this chapter not specifically addressed shall be \$25.00.
- (h) The animal(s) involved in the violation of this chapter may be surrendered to animal control in lieu of payment of civil penalties.
- (i) Failure to pay the penalties within the prescribed time shall subject the offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of \$100.00, together with the cost of the action, including reasonable attorney's fees to be taxed by the court.

(Ord. of 7-9-2012, eff. 8-1-2012)

- **Sec. 4-23. – Tethering of Dogs.**

- (A) No person shall tether more than five dogs simultaneously at the same property location.
- (B) Except as provided herein, no dog shall be tethered at a vacant or unoccupied property unless the owner or his agent is present at the property.
- (C) Chain, choke or prong collars are prohibited during tethering of an animal.
- (D) During periods of tethering, any tethering device used shall be at least 12 feet in length and attached in such manner as to prevent strangulation or other injury to the dog and entanglement with objects and shall contain swivel ends on one or both sides of the tether. If a cable trolley system is used for tethering, the length of the cable along with the tethering device must be at least 12 feet in length and the dog must be able to move 10 feet away from the cable perpendicularly and be attached to the dog in such a manner to prevent strangulation or other injury to the dog and entanglement with objects.
- (E) Tethered dogs shall have access to adequate food, water, and shelter. This includes shelter from extreme heat or near freezing temperatures, flooding, tornadoes, thunderstorms, tropical storms and hurricanes.
- (F) Tethering and restraint of dogs shall be allowed when actively engaged in organized and lawful animal activities including but not limited to hunting, camping, obedience training, field and water training, law enforcement training, herding or shepherding of livestock, and/or in the pursuit of working or competing on those legal endeavors, or for 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.
- (G) Any person found in violation of the regulations described in this section shall be subject to the following fines:
 - (i) First offense: Written warning will be given including notice of this ordinance.
 - (ii) Second offense: Subject to citation and \$100 fine (if the dog is not spayed or neutered, the fine may be voided in lieu of the owner having the pet spayed or neutered by a veterinarian and providing to the animal control officer documented proof of such within 14 days).
 - (iii) Third offense: Subject to a class 3 misdemeanor and fine of up to \$250.
 - (iv) Fourth offense: Subject to a class 3 misdemeanor and fine of up to \$500 and forfeiture of the dog(s) to Nash County Animal Control.

- **Secs. 4-24—4-27. - Reserved.**

- **ARTICLE II. - RABIES CONTROL**

- **Sec. 4-28. - Compliance with state law; article as supplement to state law.**

(a)

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

(b)

It is the purpose of this article to supplement state law by providing a procedure for the enforcement of state law relating to rabies control, in addition to the criminal penalties provided by state law.

(c)

The cost of rabies vaccinations provided at any county rabies clinic shall be determined by the ~~board of health~~-Nash County Human Services Board.

(Ord. of 7-9-2012, eff. 8-1-2012)

- **Sec. 4-29. - Inoculation of dogs, cats and other pets.**

(a)

It shall be unlawful for an owner or keeper to fail to provide current inoculation against rabies for any dog or cat four months of age or older. Should it be deemed necessary by the county health director, state health director, the county manager, or the state public health veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.

(b)

When a licensed veterinarian administers rabies vaccine to a dog or cat, the dog or cat shall be re-vaccinated one year later and every three years thereafter.

(Ord. of 7-9-2012, eff. 8-1-2012)

- **Sec. 4-30. - Inoculation tag, identification tag and proof of vaccination for dogs and cats.**

(a)

Upon complying with the provisions of this article, there shall be issued to the owner of the animal inoculated a numbered metallic tag, stamped with the number and the year for which issued, and indicating that the animal has been inoculated against rabies.

(b)

It shall be unlawful for any dog owner or keeper to fail to provide the dog with a collar to which a rabies tag is securely attached. The collar with attached tag must be worn at all times, except during the time the animal confined to an enclosure on the owner's premises is performing at shows, obedience trials, tracking tests, field trials, schools or other events sanctioned and supervised by a recognized organization.

(c)

It shall be unlawful to use for an animal a rabies inoculation tag issued for another animal.

In the case of a non-domestic carnivore or bat, the animal may be euthanized and the head examined for rabies.

(Ord. of 7-9-2012, eff. 8-1-2012)

- **Sec. 4-32. - Destruction of infected dogs or cats, protection of vaccinated dogs and cats.**

When the health director or designee reasonably suspects that a dog or cat has been exposed to the blood, saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the dog or cat shall be considered to have been exposed to rabies. ~~The Health Director or designee shall follow the control measures, recommendations and guidelines for rabies post-exposure management specified by the National Association of State Public Health Veterinarians in the most current edition of the Compendium of Animal Rabies Prevention and Control, all as governed by N.C.G.S. 130A-197. If the dog or cat has a current rabies vaccination and the first vaccination was administered not less than three weeks prior to the exposure it must be given a booster dose of rabies vaccine within five days of the exposure and may be returned to the owner. If the dog or cat does not have a current rabies vaccination or does not get a booster dose within five days of exposure it shall be destroyed immediately. Or, as an alternative to destruction, the dog or cat may be quarantined at a licensed veterinary hospital or boarding kennel approved by the health director for a period of six months. Neither the county animal shelter nor the owner's premises may be used for the purpose of this quarantine.~~

(Ord. of 7-9-2012, eff. 8-1-2012)

- **Sec. 4-33. - Area-wide emergency quarantine.**

(a)

When reports indicate a positive diagnosis of rabies, the health director may order an area-wide quarantine for such period as he deems necessary. Upon invoking of such emergency quarantine, no dog, cat or other carnivores shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no dog or cat or other carnivore may be taken or shipped from the county without written permission of the animal control section, and the police and sheriffs departments are hereby directed during such emergency, to impound any dog, cat or other carnivore found running at large in the county. During the quarantine period, the animal control section or local health authorities shall provide for a session of mass immunization by the establishment of temporary emergency rabies vaccination facilities 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 7-9-2012, eff. 8-1-2012)

- **Sec. 4-34. - Postmortem diagnosis.**

(a)

If an animal dies while under observation for rabies, the head of such animal shall be submitted to the State Laboratory of Public Health for rabies diagnosis.

(b)

The carcass of any animal suspected of dying of rabies shall be surrendered to the animal control section. The head of such animal may be submitted to the State Laboratory of Public Health for rabies diagnosis.

(Ord. of 7-9-2012, eff. 8-1-2012)