

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**BRIEFING  
DRAFT**

MEETING DATE: October 4, 2018

AGENDA ITEM NUMBER: 14

**SUBJECT: ORDINANCE REVISING CHAPTER 6 OF THE FORSYTH COUNTY CODE  
ENTITLED "ANIMALS" (FORSYTH COUNTY ATTORNEY'S OFFICE)**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS:  YES  NO

SIGNATURE: \_\_\_\_\_ COUNTY MANAGER

DATE: \_\_\_\_\_

## Chapter 6

### ANIMALS\*

\* **Editors Note:** Ord. No. 5-99, § 1, adopted Nov. 8, 1999, amended Ch. 6, animals, in its entirety to read as herein set out. By ordinances/resolutions adopted by their governing bodies, the ordinance from which this chapter is derived is applicable within the corporate limits of the following Forsyth County municipalities: Town of Bethania (Ord. No. 1, adopted on 6-12-1995), Village of Clemmons (Ord. adopted on 12-3-1986, § 1, Town of Kernersville (Ord. No. 2000-12, adopted on 5-2-2000, with amendments), Town of Lewisville (Ord. adopted on 8-15-1991, §§ 1--3), Town of Rural Hall (Ord. No. 170, adopted on 5-11-1981), Village of Tobaccoville (Ord. adopted on 9-23-1991, §§ 1--3), Town of Walkertown (Ord. No. 1, adopted on 8-23-1984), and the City of Winston-Salem (Winston-Salem City Code, § 6-16). For the complete derivation of former Ch. 6, see the Code Comparative Table at the back of this volume.

**Cross References:** Noisy animals, § 15-1(b)(4).

**State Law References:** Authority of county to levy taxes to support animal protection and control programs, G.S. 153A-149(c)(6); authority of county to prohibit the abuse of animals, G.S. 153A-127; authority to establish and operate animal shelters, G.S. 153A-442; dogs, G.S. 67-1 et seq.; county authority to levy animal tax, G.S. 153A-153; authority of county to regulate the possession or harboring of dangerous animals, G.S. 153A-131; county authority to prohibit the abuse of animals, G.S. 153A-127.

#### Article I. In General

Sec. 6-1. Definitions.

Sec. 6-2. Establishment and composition of animal ~~control~~ services department; appointment and compensation of department employees.

Sec. 6-3. General duties of animal ~~control~~ services department.

Sec. 6-4. Records to be kept by animal control department.

Sec. 6-5. Animal ~~control~~ services advisory board.

Sec. 6-6. General duties of keepers of animals.

Sec. 6-7. Cruelty to animals.

Sec. 6-8. Confinement, muzzling, and control of vicious animals.

Sec. 6-9. Animal creating nuisance prohibited.

Sec. 6-10. Registration of dogs and cats required.

Sec. 6-10.1. Application for registration and renewal.

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Sec. 6-11. Repealed.

Sec. 6-12. Interference with enforcement of chapter.

Sec. 6-13. Running at large prohibited.

Sec. 6-14. Destruction of animals that cannot be seized by reasonable means

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Sec. 6-16. Dog required to be spayed/neutered.

Sec. 6-17. Animal bite.

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#### Article II. Rabies Control

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Sec. 6-25. Inoculation of dogs, cats and other pets.

Sec. 6-26. Inoculation tag and proof of vaccination for dogs and cats.

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Sec. 6-29. Area-wide emergency quarantine.

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#### Article III. Impoundment

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- Sec. 6-45. Notice to owner.
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- Sec. 6-55. Violations and penalties.

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- Sec. 6-56. Appealable actions.
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**Article VIII. Dangerous Dogs and Potentially Dangerous Dogs**

- Sec. 6-58. Registration and notification required.
- Sec. 6-59. Dangerous dog or potentially dangerous dog declaration.
- Sec. 6-60. Dangerous dogs—Additional requirements.
- Sec. 6-61. Penalties.
- Sec. 6-62. Exceptions.
- Sec. 6-63. State law.

**ARTICLE I.**

**IN GENERAL**

**Sec. 6-1. Definitions.**

As used in this chapter, the following words mean:

*Abandon:* To forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care for a period of twenty-four (24) or more consecutive hours.

*Abuse:*

- (1) Failing to provide an animal with adequate food and drinkable water at suitable intervals sufficient to maintain the animal's health and well-being;
- (2) Overworking or overdriving any animal causing physical pain, suffering, or death to the animal;

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~~6-1. Definitions: Amend this section to include definitions of "farm animals" and "standards of care for farm animals," drawn from newly established G.S. 153A-145.4. Also revise the definition of "exotic animal" to exclude "farm animals."~~

- (3) Cruelly beating, torturing, molesting, harassing, injuring, tormenting, poisoning, baiting, or mutilating any animal causing physical pain, suffering, or death to the animal;
- (4) Failing to provide adequate medical attention for any sick, diseased, or injured animal in order to prevent physical pain, suffering, disability or death to the animal;
- (5) Keeping any animal under conditions which cause physical pain, suffering, disability or death to the animal or which increase the probability of the transmission of disease;
- (6) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.), physical suffering, and impairment of health, and which is large enough to allow the animal to make normal body movements;
- (7) For animals which are kept outside, under weather conditions which adversely affect the animal's health, failing to provide a shelter for the animal which is surrounded on three (3) sides, covered by a roof, and has a floor (excluding barns), and which is structurally sound, maintained in good repair, and constructed in such a manner that it is water and wind resistant. This provision does not apply to farm animals as defined in General Statute 153A-145.4;
- (8) Conveying any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle or in a truck or the back of a truck in such a way as to cause physical pain, suffering, disability, or death to the animal; or
- (9) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to cause physical pain, suffering, disability or death to the animal due to temperature, lack of food or drink, or such other conditions.

*Animal:* Excluding fish, any nonhuman vertebrate species, domestic or nondomestic.

*Animal bite:* An animal bite occurs when the teeth of the animal scratch or break the skin of a human being or animal, regardless of the location of the scratch or bite on the body.

*Animal shelter:* Any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this chapter.

*At large:* An animal is deemed to be at large when it is off its owner's property and not under the physical restraint of a competent person.

*Attack:* An animal, not adequately restrained on or off its owner's property, that approaches a person or animal in a vicious, terrorizing, or threatening manner or apparent attitude of aggression, without the animal having been molested, cruelly beaten, tortured, or otherwise harmed.

*Dangerous animal:* Any animal whose aggressive behavior constitutes a foreseeable risk of injuring a human or animal or damaging personal or real property. Such behavior includes, but is not limited to, an animal

biting or attempting to attack a human or another animal.

*Dangerous dog:* Any dog that, when unprovoked: (a) Inflicts severe injury on a human being on public or private property; or (b) kills a domestic animal or livestock while off the owner's property; or (c) has been previously declared potentially dangerous and the owner having received notice of such declaration and the dog subsequently aggressively bites, attacks or endangers the safety of humans or domestic animals or livestock.

*Exotic animal:* Any animal which is not native or indigenous to North Carolina, does not have an established wild population in North Carolina, and is not regulated by the North Carolina State Wildlife Commission. No animal identified as a *farm animal* as defined in G.S. 153A-145.4 shall be considered an exotic animal.

*Exposed to rabies:* An animal has been exposed to rabies within the meaning of this chapter if it has been bitten by, or been in contact with, any animal known or suspected to have been infected with rabies.

*Farm animal.* The term farm animal shall be as defined in G.S. 153A-145.4.

*Guard 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.

*Guard dog- or aggression-training facility:* Any person, group of persons, firm, organization, association, partnership, syndicate or corporation that schools, trains or conditions canines to bite, attack or exhibit aggressive behavior towards humans or other domestic animals for any purpose, including, but not limited to, the security of business property, personal security or dogfighting, whether operated as a licensed business or as a hobby or interest.

*Harboring of an inherently dangerous exotic mammal, inherently dangerous reptile, or wild animal:* Any person, regardless of ownership, who knowingly allows an inherently dangerous exotic mammal, an inherently dangerous reptile, or a wild animal to remain, lodge, or be fed or to be given shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

*Impoundment:* The placement of an animal in the custody of the Forsyth County Animal ~~Control~~ Services Department or person or entity duly authorized by ordinance of the board of county commissioners or by state law for such purpose.

*Inherently dangerous exotic mammal:* Any member of the *canidae*, *felidae*, or *ursidae* families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and further defined as follows:

- (1) *Canidae* include any member of the dog (*canid*) family not customarily domesticated by humans, and any hybrids of such *canidae*, including but not limited to wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*).
- (2) *Felidae* include any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by humans, and any hybrids of such *felidae*, but not including domestic cats (*Felis*

*catus*).

- (3) *Ursidae* include any member of the bear family, and hybrids of such *ursidae*.

*Inherently dangerous reptile*: Any member of the class *reptilia* which:

- (1) Is venomous. A venomous reptile shall include all members of the families *Atractaspidae* (burrowing asps), *Crotalidae* (pit vipers), *Elapidae* (cobras, coral snakes, and their allies), *Helodermidae* (gila monsters and Mexican beaded lizards), *Hydrophilidae* (sea snakes), *Viperidae* (vipers), and as well as any "rear fanged" snakes of the family *Colubridae* that are known to be dangerous to humans, including, but not limited to, *Dispholidus* (boomslangs), *Rhabdophisspp* (keelbacks), and *Thebtornis kirtlandii* (twig snakes); or
- (2) Is a member of the order *Crocodylia* (alligators, caimans, and crocodiles).

*Invasive surgery*: Any surgery which includes, but is not limited to, any surgical or other medical procedure which is commonly performed by a veterinarian while the animal is under anesthesia.

*Kennel, dealer, breeder or pet shop*: Any person, group of persons, partnership or corporation engaged in buying, selling, breeding or boarding pet animals.

*Leash*: A cord, thong, or chain not more than nine (9) feet in length by which an animal is physically controlled by the person accompanying it.

*Microchip implant*: A passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for the purposes of identification and/or recovery of the animal.

*Neutered male*: Any male animal which has been successfully operated upon to prevent reproduction.

*Owner*: Any person, organization, group of persons, or association that has a property right in an animal, keeps or harbors an animal, has an animal in their care or acts as a custodian of an animal for seven (7) or more consecutive days, except for a temporary caretaker acting on behalf of the animal's owner, and excluding the county animal shelter and every nonprofit animal welfare agency that operates an animal sheltering facility registered by the Animal Welfare Section of the North Carolina Department of Agriculture and Consumer Services.

*Owner's property*: Any real property owned or leased by the owner of the dog, but not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

*Potentially dangerous dog*: Any dog that: (a) Inflicts bites on a human, domestic animal or livestock without provocation either on public or private property; or (b) without provocation, chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or (c) has a known propensity, tendency or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

*Proof of ownership*: Documentation in support of a property right in an animal that includes, but is not

limited to, veterinary records, rabies vaccination certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third-party verifications.

*Proper enclosure of a dangerous dog:* While on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of ~~young~~ children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides, secure flooring, and a secure top, and shall also provide protection from the elements for the dog.

*Provoke:* Any action designed to goad, inflame, instigate or stimulate an aggressive response on the part of an animal, but not including any actions on the part of an individual that pertain to reasonable efforts of self-defense against a dangerous animal.

*Provocation:* Includes, but is not limited to situations where threat, injury, or damage is sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

*Public nuisance:* An animal or group of animals may be considered to be a public nuisance if, by way of example and not of limitation, it:

- (1) Damages, soils, or defiles community or neighborhood private property or public property;
- (2) Interferes with the ordinary use and enjoyment of a person's property;
- (3) Turns over garbage containers or damages flower or vegetable gardens;
- (4) Causes unsanitary or offensive conditions; or
- (5) Impedes the safety of pedestrians, bicyclists, or motorists.

*Restraint:* Excluding an animal participating in an event specified in section 6-10(d), an animal is under restraint within the meaning of this chapter if it is controlled by a competent person by means of a chain, leash, or other like device; or it is within a vehicle being driven or parked; or it is within a secure enclosure.

*Secure enclosure:* A facility, suitable building, or fenced area that will prevent an animal from coming in contact with another animal or person, to which all entrances and exits can be securely locked, has a top and a concrete floor, and which facility has been approved by an animal ~~control~~services officer.

*Severe injury:* Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery, or hospitalization.

*Spayed female:* Any female animal which has been successfully operated upon to prevent conception.

*Standards of care for farm animals.* This phrase includes the following: the construction, repair, or improvement of farm animal shelter or housing; restrictions on the types of feed or medicines that may be administered to farm animals; and, exercise and social interaction requirements.

*Sterilization:* Any surgical or chemical procedure performed by a licensed veterinarian that renders any male or female animal permanently incapable of reproducing.

*Stray:* Any animal which is running at large; off its owner's property; appears to be lost, unwanted, or abandoned; or whose owner is unknown or not readily available.

*Vicious:* Showing a propensity without sufficient provocation to do any act which endangers the safety of persons, animals or property.

*Wild animal:* Any animal which would ordinarily be confined to a zoo, which would normally be found in the wilderness or wild state, or which would otherwise cause a reasonable person to be fearful of significant destruction of property or of bodily harm, particularly those feral, exotic, dangerous or non-domestic animals which generally do not live in or about the habitation of humans, including, but not limited to bobcats, deer, lions, monkeys, ocelots, raccoons, skunks, snakes, squirrels, tigers, wolves and hybrid wolves, and other such animals, or one which causes zoonotic diseases. *Wild animal* does not include animals of a species customarily used in North Carolina as domestic farm animals, fish confined in an aquarium, pool or pond, birds, or insects. (Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2008, § 1, 9-22-08)

### **Sec. 6-2. Establishment and composition of animal ~~control-services~~ department; appointment and compensation of department employees.**

There is hereby created an animal ~~control-services~~ department of the county, which shall be composed of such number of employees as shall be determined by the board of county commissioners, county manager and animal ~~control-services~~ department. Such employees shall be appointed and compensated in accordance with policies of the board of county commissioners, county manager and animal ~~services control~~ department. (Ord. No. 5-99, § 1, 11-8-99)

**State Law References:** Authority to create departments, G.S. § 153A-76; authority to appoint animal control officers, G.S. § 67-30.

### **Sec. 6-3. General duties of animal ~~control-services~~ department.**

The animal ~~control-services~~ department is responsible for:

- (1) Enforcing in this county all state and county laws, ordinances, and resolutions relating to animals and their care, custody and control.
- (2) Enforcing this chapter within the corporate limits of those municipalities of this county which have a standing resolution or ordinance duly adopting this chapter or its underlying ordinances.
- (3) Enforcing the municipal laws, ordinances and resolutions within the corporate limits of those municipalities of this county relating to animals and their care, custody and control which have been duly adopted by the municipalities and which the board of county commissioners by ordinance or resolution has authorized the animal ~~control-services~~ department to enforce in accordance with the policies of the animal ~~control-services~~ department.
- (4) Cooperating with the health director and assisting in the enforcement of the laws of the state with



regard to animals and especially with regard to the vaccination of dogs and cats against rabies and the confinement or leashing of vicious animals.

- (5) Investigating cruelty or animal abuse with regard to dogs, cats and other animals.
- (6) Making such canvasses of the county, including the homes and businesses in the county, as it deems necessary for the purpose of ascertaining that all dogs and cats are duly and properly registered, that all dogs and cats of proper age are vaccinated against rabies, and that all dogs are properly tagged.
- (7) Operating, pursuant to policies of the animal control-services department, the county animal shelter.
- (8) Issuing dog and cat registration tags and maintaining a reference file in connection therewith, all in accordance with the provisions of this chapter and the policies of the animal control-services department.

(Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2008, § 2, 9-22-08)

#### **Sec. 6-4. Records to be kept by animal control-services department.**

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

- (1) Impoundment and disposition of all animals coming into the county animal shelter.
- (2) Bite cases, violations and complaints, and investigation of same.
- (3) All monies belonging to the county which were derived from impoundment fees, penalties and sales of animals.
- (4) All other records deemed necessary by the county manager or by law.

(Ord. No. 5-99, § 1, 11-8-99)

#### **Sec. 6-5. Animal control-services advisory board.**

There is hereby created an advisory board, called the "Animal Control-Services Advisory Board," (hereinafter referred to as the advisory board) to advise the board of county commissioners, county manager and animal control-services department with respect to animal control-services matters. The advisory board shall adopt by-laws governing the purposes, duties, and operations, ~~and membership~~ of the advisory board, which by-laws shall be approved by the Forsyth County Manager or his/her designee and which bylaws shall be consistent with this Chapter and other County resolutions, ordinances, and policy. The advisory board members shall be appointed by the Forsyth County Board of Commissioners consistent with the categories of membership as outlined in the approved by-laws. In addition to the appointed members, the director of the animal control-services department or his/her designee shall serve as an ex-officio, nonvoting member of the advisory board.

(Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2006, § 1, 2-13-06)

**State Law References:** Authority to create commissions, boards and other government agencies, G.S. § 153A-76.

**Sec. 6-6. General duties of keepers of animals.**

(a) *Unlawful conduct.* It shall be unlawful for any person to abuse an animal as "abuse" is defined in this chapter.

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

(c) *Breeding and reproduction of diseased animals prohibited.* A person owning or having possession, charge, custody or control of an animal shall not breed, sell, give away, or allow to reproduce any animal with a disease contagious to other animals or human beings.

(d) *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.

1. 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.

2. 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.

1. 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.

1. No person shall tether with a chain or a wire or other device to, or cause such attachment to, a head harness, choke-chain type collar or spiked/pointed studded/pronged collar to a dog.

1. 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.

1. No person shall tether with a chain or wire or other device a dog in such a manner that does not allow the dog full access to adequate food, water and shelter.

1. No person shall tether a sick, diseased and/or injured dog, or puppy (a dog that is one year of age or younger).

1. Notwithstanding the provisions of 6-6(d) 1. and 2. of this section, a person may, subject to:

- the provisions of subsections 6-6(d) 3.- 8.;
- the requirements that any stationary tethering device used, shall be at least ten feet in length; and

- the requirements 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;

Tether and restrain a dog while actively engaged in:

- Usage of the dog in shepherding or herding livestock, or
- Use of the dog in the business of cultivating agricultural products, if the restraining is reasonably necessary for the safety of the dog, or
- Use of the dog in lawful hunting activities if the restraint is reasonably necessary for the safety of the dog, or
- Use of the dog at 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
- Camping or other recreation where tethering is required by the camping or recreational area where the dog is located, or
- 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, or
- Taking possession of a dog that appears to be a stray dog in accordance with these provisions for a period not to exceed seven days, after advisory animal services~~control~~ authorities of the capture of the dog, as the person having taken possession of the dog is seeking the identity of the dog, or
- Walking a dog with a handheld leash.

~~(d) — *Restraint and confinement to property.* It shall be unlawful for any person to utilize chaining, fastening, leashing, or otherwise tethering to confine dogs in a manner which:~~

- ~~(1) — Constitutes abuse, abandonment, or cruelty as defined in chapter 6 of the Forsyth County Code; or~~
- ~~(2) — Subjects the dog to injury by choking or strangling; or~~
- ~~(3) — Causes neurotic or aggressive behavior; or~~
- ~~(4) — Subjects the dog to harassment or insect bites so as to cause injury or death, or subjects the dog to attacks by people or other animals, or theft; or~~
- ~~(5) — Fails to properly protect a female dog during its estrous period from unintentional breeding; or~~
- ~~(6) — Deprives the dog of adequate food, shade, shelter, potable water or proper exercise; or~~
- ~~(7) — Causes the tether to become entangled with other objects resulting in overturned food or water bowls; or~~
- ~~(8) — Unduly restricts the dog's movement; or~~
- ~~(9) — Results in the dog being confined in its own waste; or~~
- ~~(10) — Exposes the dog to extreme temperatures for such duration as to cause injury or death.~~

~~(e) Subsection 6-6(d) shall become effective twenty-four (24) months after the adoption of this amendment. Any person who violates subsection 6-6(d) after its adoption date, but prior to the twenty-four (24) months period following the date of Ordinance No. 3-2011 shall be issued a written warning giving the violator notice of the provisions of Ordinance No. 3-2011. Any person who violates this amendment after the expiration of the 24-month period following the adoption date of Ordinance No. 3-2011 shall be subject to the penalties established in section 6-55, violations and penalties of the Forsyth County Code. (Ord. No. 5-99, § 1, 11-8-99; Ord. No. 3-2011, 9-12-11)~~

### **Sec. 6-7. Cruelty to animals.**

(a) *Unlawful conduct.* It shall be unlawful for any person to abuse, molest, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill, wound, injure, poison, abandon or subject to conditions which cause physical pain, suffering, disability or death to any animal, or to cause or procure such action. The words "torture" and "torment" 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 the lawful shooting of birds, deer and other game for human food; nor to prohibit the animal control services department or its agents or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner. This section does not address cruelty involving standards of care for farm animals.

(b) *Surgery.* It shall be unlawful for any person other than a duly licensed veterinarian to perform invasive surgery upon a domestic animal.

(c) *Rescue.* Any animal control services enforcement officer or law enforcement officer shall have the authority to rescue any animal that appears to be suffering from an serious-imminent medical emergency. The rescued animal shall be provided with immediate veterinary care if the officer deems such care to be necessary to prevent physical pain, suffering, disability or death to the animal. The animal's owner shall be responsible for all expenses incurred for the rescue and subsequent treatment of the animal.  
(Ord. No. 5-99, § 1, 11-8-99)

**State Law References:** Similar provisions, G.S. § 14-360; authority of county to prohibit abuse of animals, G.S. § 153A-127.

### **Sec. 6-8. Confinement, muzzling, and control of vicious animals.**

It shall be unlawful for any owner or person to keep any vicious or dangerous 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 person who, by means of a leash, chain, or rope, has such animal firmly under physical restraint at all times. The animal control services department has the authority to remove an unrestrained vicious animal from on or off its owner's property to ensure public safety, subject to section 1-10 of the Forsyth County Code and other applicable laws.  
(Ord. No. 5-99, § 1, 11-8-99)

### **Sec. 6-9. Animal creating nuisance prohibited.**

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~~6-7. Cruelty to animals: Revise subsection (a) to exempt allegations based upon standards of care for farm animals, to satisfy the new G.S. 153A-145.4, created by Session Law 2015-192.~~

It shall be unlawful for any owner or custodian to permit his or her animal, or an animal in his or her care, to create a public nuisance. In such cases, and only in such cases, the owner or custodian must keep the animal that has been determined by the animal ~~control-services~~ department director to be creating a public nuisance on his or her own property at all times unless the animal is under physical restraint. If the animal ~~control-services~~ department director declares an animal to be a public nuisance under this section, then the director has the authority to instruct the animal's owner or custodian in writing to confine the animal in a secure enclosure when the animal is on the owner's or custodian's property and to restrain the animal by means of a leash, chain, or other like device when the animal is off the owner's or custodian's property. It shall be unlawful for the animal's owner or custodian to fail to comply with the animal ~~control-services~~ department director's instructions.

(Ord. No. 5-99, § 1, 11-8-99)

**Sec. 6-10. Registration of dogs and cats required.**

(a) An owner of any dog or cat must obtain a registration for such animal within sixty (60) days after the dog or cat is acquired. New residents shall have sixty (60) days to register any dog or cat.

Failure to register within the proper time period will result in a late fee, which shall be fifty (50) percent of the annual license tax registration fee.

In an effort to reduce the number of unwanted dogs and cats in Forsyth County and as an incentive to owners of dogs and cats to have their animals sterilized, registration of all nonexempt dogs and cats shall require payment of an annual license tax registration fee, which shall be assessed based upon whether or not the animal is fertile.

Therefore, there is hereby imposed an annual license tax registration fee (hereinafter referred to as "registration fee") on the privilege of keeping all nonexempt dogs and cats within Forsyth County as outlined below. There is hereby imposed an additional annual registration fee in the amount of one hundred dollars (\$100.00) per dog on the privilege of keeping a dog within the county that has been declared to be a "dangerous dog" by the county health department or the county animal ~~control-services~~ department as outlined below.

	Dogs	Cats	Duplicate Tag	Late Fee
Unfertile (Sterilized)	\$5.00	\$5.00	\$5.00	\$2.50
Fertile (Unsterilized)	\$25.00	\$25.00	\$5.00	\$12.50
Dangerous Dogs	\$100.00	-0-	\$5.00	\$50.00

(b) The animal ~~control-services~~ department shall maintain records of the dog and cat registration numbers and the person to whom the registration tag is issued.

(c) It shall be unlawful for any person to use for any dog or cat a registration tag issued for a dog or cat other than the animal for which the registration tag was issued.

(d) It shall be unlawful for any owner of any dog or cat to fail to provide any dog or cat with a current registration tag as provided in this section. Such failure shall constitute a violation of this section and a class 3 misdemeanor as provided by G.S. 14-4. No registration or permit will be issued unless written proof of current rabies vaccination is shown at the time of application for registration.

(e) It shall be unlawful for any owner of a dog to fail to provide said animal with a collar or harness to which a current registration tag issued under this section is securely attached. The collar or harness, with attached registration tag, must be worn by the animal at all times, except while the animal is participating in bona fide animal shows, obedience trials, tracking tests, field trials, training events or training schools, or other events sanctioned and supervised by a recognized organization, or except while the animal is involved in lawful hunting activities, provided that the animal's owner or keeper has the tag in his or her actual possession at these times.

(f) It shall not be required for any owner of a cat to provide said animal with a collar or harness to which the registration tag issued under this section is attached, however, it shall be unlawful for any owner of a cat to fail to have in his or her actual possession a current registration tag for said animal.  
(Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2004, § 1, 6-26-04)

#### **Sec. 6-10.1. Application for registration and renewal.**

(a) Initial application for registration may be made at the department of animal ~~control~~services or designated facility, or by mail and shall include the name and address of applicant, description of animal, proof of rabies vaccination, proof of sterilization, if appropriate, and proof of animal's registration in exempting events (for show animals) or a valid hunting license (for hunting dogs), if applicable, and the appropriate fee. Upon receipt of the application for registration and all required supporting documentation, the department of animal ~~control~~services will issue a durable tag stamped with a registration number.

(b) Registrations issued under this section shall be valid for a term of one (1) year, commencing with the date of issuance. The dog or cat owner must renew the registration annually by submitting a renewal application and paying the appropriate registration fee. Upon receipt of all required documentation and payment of the appropriate fee, if applicable, the department of animal ~~control~~services will issue a new registration to indicate the new period of valid registration. Renewal fees received thirty (30) or more days after expiration will be subject to a late fee, which shall be fifty (50) percent of the registration fee.

(c) If a registration tag is lost or stolen, a duplicate tag may be obtained by completing an application for duplicate tag and paying the appropriate fee. A duplicate tag cannot be issued until fifteen (15) days after the application and fee are received by the department of animal ~~control~~services. Application forms for duplicate tags are available from the department of animal ~~control~~services or other designated facility.  
(Ord. No. 1-2004, § 2, 6-26-04)

#### **Sec. 6-10.2. Registration payment exemptions.**

(a) Owners of the following dogs and cats must complete an application for registration, but are exempt from paying the annual registration fee:

- (1) Handicap assistance dog, provided the dog is sterilized.
- (2) An animal, which is a working member of a law enforcement or public safety agency, regardless whether the animal is fertile or infertile.

(3) Any animal in the care and custody of a not-for-profit 501(c)3 animal welfare organization that requires sterilization before adoption.

(b) An owner of a fertile dog or fertile cat which participates in at least three (3) nationally recognized confirmation shows or professionally organized events during the previous twelve-month period shall be exempt from paying the twenty-five dollars (\$25.00) registration fee for the show animal. The registration fee for such an exempt owner shall be five dollars (\$5.00) for each such dog or cat. In order to qualify for said exemption, each year the owner must furnish the county with proof of the animal's registration in the exempting events.

(c) An owner of fertile hunting dogs shall be exempt from paying the twenty-five (\$25.00) dollars registration fee for each hunting dog. The registration fee for such an exempt owner shall be five dollars (\$5.00) for each such dog. In order to qualify for said exemption, each year the owner must furnish the county with a valid hunting license.

(d) An owner of a fertile dog or cat, who provides the county with a written statement from a licensed veterinarian which states that, due to the animal's health, the animal cannot be sterilized, shall be exempt from paying the twenty-five dollars (\$25.00) registration fee for that animal. The registration fee for such an animal shall be five (\$5.00) dollars.

(e) The annual registration fee may be waived for the first 12-month period a dog or cat is registered as spayed or neutered. A certificate from a veterinarian, or if such is unavailable, a statement from the owner under oath, must be presented certifying that the dog or cat for which a registration application is made is either a spayed female or a neutered male.

(f) [Reserved.]

(Ord. No. 1-2004, § 2, 1-26-04; Ord. No. 1-2011, 8-29-11)

### **Sec. 6-11. ~~Repealed~~Reserved.**

~~Editors Note: Ord. No. 1-2004, § 3, adopted June 26, 2004, repealed § 6-11, which pertained to annual license tax and derived from Ord. No. 5-99, § 1, adopted Nov. 8, 1999, and Ord. No. 1-2001, adopted July 23, 2001.~~

### **Sec. 6-12. Interference with enforcement of chapter.**

It shall be unlawful for any person to interfere with, hinder or molest the animal ~~control~~ services department, its employees and agents, law enforcement officers, or veterinarians in the performance of any duty authorized by this chapter, or to seek to release any animal in the custody of the department or such persons, except as otherwise specifically provided herein.

(Ord. No. 5-99, § 1, 11-8-99)

### **Sec. 6-13. Running at large prohibited.**

(a) *Unlawful conduct.* It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to allow that animal to run at large. Hunting dogs shall be excluded from the provisions of this section while the dogs are engaged in hunting, provided the hunting complies with North Carolina law and the hunters are not trespassing.

(b) *Public parks.* It shall be unlawful for any person owning or having possession, charge, custody or control of any dog to take the dog into or allow the dog to enter any public park without the dog being at all times under the restraint of a leash; provided, however, that this subsection shall not apply within the boundaries of a "dog park." For purposes of this subsection, "dog park" means a secure, fenced area within a park which has been designated by the City of Winston-Salem and/or Forsyth County as an area wherein dogs may be off-leash so long as supervised by a responsible party and in compliance with such rules and regulations as may be adopted from time to time with regard to such dog parks.

(c) *Estrous period.* It shall be unlawful for any person owning or having possession, charge, custody or control of a female dog or female cat to allow that animal to be at large during its estrous period. During this period, the owner or person having possession of the animal must restrain the animal in a secure enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners or keepers of the animals involved.

(Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2003, § 1, 1-27-03)

#### **Sec. 6-14. 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~~-services officer, trapped in a humane, live-capture animal trap provided by the animal ~~control~~-services department, or tranquilized by animal ~~control~~-services department personnel, may be humanely destroyed in the field upon the authorization of the animal ~~control~~-services department director or the director's 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~~-services department director or animal ~~control~~-services officer, such destruction is necessary for the protection of the public health and safety of the citizens.

(Ord. No. 5-99, § 1, 11-8-99)

#### **Sec. 6-15. Setting humane animal traps and authority to receive trapped animals.**

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

(Ord. No. 5-99, § 1, 11-8-99)

#### **Sec. 6-16. Dog required to be spayed/neutered.**

In the event that a dog is declared to be a "dangerous dog" or "potentially dangerous dog" by the animal ~~control~~-services department, or has bitten a human or animal without being provoked, the dog's owner shall have the dog spayed/neutered within thirty (30) days of said event and shall provide proof that the dog has been spayed/neutered to the animal ~~control~~-services department upon request.

(Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2008, § 3, 9-22-08)

#### **Sec. 6-17. Animal bite.**



(a) *Unlawful conduct.* It shall be unlawful for any person owning or having possession, charge, custody or control of an animal to allow that animal to bite a human being or a domestic animal.

(b) *Preventive measures authorized.* If the animal control-services department determines that an animal has bitten a human being or a domestic animal, then the department shall have the authority to order the preventive measures authorized by section 6-18(c). The department shall have the authority to require the owner to notify the department if the animal escapes, and the department shall have the authority to seize and impound the animal if the owner fails to comply with the provisions of this chapter.

(c) *Waiver.* The animal control-services department director shall have the authority to waive any or all of the requirements set forth in this section if the director determines that the bite was inconsequential. (Ord. No. 5-99, § 1, 11-8-99)

#### **Sec. 6-18. Preventive measures for confinement of animals.**

(a) *Circumstances requiring special preventive measures.* When the animal control-services department deems that preventive measures are appropriate, the department shall have the authority to require the person owning or having possession, charge, custody or control of an animal to comply with specific preventive measures, as described below in subsection (c), after taking into consideration the following circumstances:

- (1) Nature of the particular animal. The behavior, size, temperament, breed, capacity for inflicting serious injury, the number of animals or other such similar factors which would be relevant to a determination of whether or not additional preventive measures need to be imposed for a particular situation;
- (2) Adequacy of confinement. The adequacy of the enclosure or confinement, if any; and
- (3) Immediate surrounding area. The likelihood that the conditions pertaining to the particular animal and the animal's confinement are detrimental to the safety or welfare of citizens or the peace and tranquility of citizens in the immediate surrounding area.

(b) *Additional factors.* In considering whether to order a special preventive measure, the department is authorized to consider additional factors as aggravating circumstances that might warrant the ordering of special preventive measures, including, but not limited to:

- (1) Child under thirteen (13) years of age. There is a child under the age of thirteen (13) who lives in close proximity to the animal, or children walk by or are otherwise in close proximity to the property occupied by the animal;
- (2) Bite. The animal has bitten a human being or domestic animal without provocation;
- (3) Dog trained for fighting or attack. The dog is kept primarily or in part for the purpose of

dogfighting, or the dog has been trained for attack;

- (4) Attitude of attack incident. The animal, without provocation, has approached a person in an apparent attitude of attack; and
- (5) Reputation of animal. The individual animal has a known propensity, reputation, or tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(c) *Preventive measures.* If the animal ~~control-services~~ department determines that the circumstances require special preventive measures, the department shall have the authority to require appropriate, specific preventive measures which shall include, but are not limited to, the following: Requiring repairs deemed appropriate by the department to any fence or enclosure, measures to ensure that a gate will remain closed, a "fence" or "secure dog fence" or any other similar device that would provide greater assurance for the confinement of the animal, all of which are subject to being specifically approved for their adequacy by the department. The department shall have the authority to establish the fencing and enclosure requirements on a case-by-case basis.

When the department deems that preventive measures are appropriate, the department shall have the authority to require the animal's owner or person having possession, charge, custody or control of the animal to install a microchip implant in the animal at the owner's or keeper's expense, if that is deemed necessary by the department for identification, investigative or enforcement purposes.

The department shall have the authority to require the animal's owner or keeper to procure liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) at the owner's or keeper's expense for the benefit of any person who suffers damages, injury, or death caused by the animal, and to display a sign on the premises warning of the animal on the premises, for as long as the animal remains in the county. The department shall have the authority to require the owner or keeper to provide written proof of the liability insurance and to require the owner or keeper to have the insurer notify the department of any change in the insurance coverage or policy. The animal's owner or keeper shall have the duty to immediately notify the animal ~~control-services~~ department if the animal escapes. The department shall have the authority to seize and impound the animal if the owner or keeper fails to comply with any provision of this section.

The animal ~~control-services~~ department director shall have the authority to waive any or all of the requirements set forth in this section if the director determines that the incident is inconsequential.

(d) *Written order.* In order to protect the public's safety and welfare, if the animal ~~control-services~~ department determines that specific preventive measures should be implemented by the animal's owner or keeper, the department shall promptly issue a written order directed to the owner or keeper, stating the reasons why preventive measures are required, describing the specific preventive measures that must be implemented and designating the time period during which the owner is to comply with the written order. The department shall have the authority to exercise discretion in providing for extensions of time for the owner's or keeper's compliance if the department deems an extension to be reasonable in view of the owner's or keeper's good-faith progress in implementing the preventive measures.

- (e) *Failure to comply with written order.* It shall be unlawful for the animal's owner or keeper to fail

to comply with a written order from the department within the designated time for compliance stated in the order or any extension thereof. In addition to the penalties set forth in section 6-55, the penalty for a failure to comply with the written order shall be one hundred dollars (\$100.00).

(f) *Seizure and disposition of animals ~~deemed dangerous or detrimental to public safety or public health~~*. In addition to any other authority or procedure authorized by this chapter or any other ordinance or law to seize an animal, the animal control-services department shall have the authority to summarily seize any animal from a premises when the department determines that the animal in the surrounding circumstances is dangerous or detrimental to the public safety or public health and to seize an animal at any other time when so authorized by this chapter.

The written order issued pursuant to section 6-18(d) shall explicitly state that the animal control-services department has the authority to terminate ownership rights to the animal, including the possible humane destruction of the animal, if there is a failure to comply with the written order.

*~~Seizure and disposition of animals by written order or court order~~*

If the animal control-services department presents an animal's owner or keeper with a written order or a court order to seize the animal, it shall be unlawful for the owner or keeper to fail to comply with the order or to interfere with the animal control-services officer.

The animal's owner or keeper shall be entitled to redeem the animal from the animal control-services department within five (5) days of the date of the animal's seizure (unless the department retains the animal upon some other basis of legal authority) by paying all applicable fees, citation fees, boarding fees, any other costs that are attributable to the animal and by complying with any outstanding department order and court order.

If an animal's owner or keeper fails to comply with the requirements that constituted the basis for seizing the animal or fails to reclaim the animal within five (5) days of its seizure, the animal control-services department shall have the authority to humanely destroy the animal or place the animal for adoption by the public, all in accordance with this chapter.

(g) *Appeal from preventive measures order*. An owner or keeper of an animal may appeal from a preventive measures order issued by the animal control-services department under this section by filing an appeal according to the requirements and procedures outlined in article VII of this chapter. (Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2006, § 2, 2-13-06)

**Sec. 6-19. Found domestic animals; reporting and/or registration.**

Any person who finds and harbors an animal, subject to registration pursuant to section 6-10 of this chapter, shall notify the animal control-services department within twenty-four (24) hours and furnish a description of the animal. The finder may surrender the animal to the animal control-services department or retain its possession, subject to surrender, upon demand of the animal control-services department or its lawful owner. Should such animal violate any provision of this chapter while retained by the finder, such finder shall be responsible for any penalty assessed hereunder. Should the finder retain the animal for a period of sixty (60) days, the finder must then register the animal as a newly acquired animal.

(Ord. No. 2-2011, 8-29-11)

Secs. 6-20--6-23. Reserved.

## ARTICLE II.

### RABIES CONTROL

#### Sec. 6-24. 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 the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law. (Ord. No. 5-99, § 1, 11-8-99)

State Law References: ~~Rabies control, G.S. §§ 106-364-106-387.~~ G.S. 130A-25, G.S. 130A-184 through 130A-201.

#### Sec. 6-25. ~~Inoculation~~ Vaccination of dogs, cats, ~~ferrets~~ and other animals ~~pets~~.

(a) *Unlawful conduct.* It shall be unlawful for an owner or person having possession, charge, custody or control of an animal to fail to provide current ~~inoculation~~ vaccination against rabies (hydrophobia) for any dog, ~~or cat~~ or ferret three (3) months of age and older. Should it be deemed necessary by the county ~~public~~ health director, the animal ~~control services~~ department director, the board of county commissioners or the state division of health services that other ~~pets~~ animals be ~~inoculated~~ vaccinated 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~~ vaccination against rabies for that ~~pet~~ animal.

~~(b) — Current inoculation for dogs. A rabies inoculation shall be deemed "current" for a dog if the initial inoculation has been administered to the animal by a veterinarian within the preceding twelve (12) months, and if any second or subsequent inoculation has been administered to the animal by a veterinarian within the preceding thirty-six (36) months.~~

~~(b) Rabies vaccine may only be administered by one of the following:~~

- ~~(1) A licensed veterinarian;~~
- ~~(2) A registered veterinarian technician under the direct supervision of a licensed veterinarian; or~~
- ~~(3) A certified rabies vaccinator (one year vaccination only).~~

(c) *Current ~~inoculation~~ vaccination for dogs, cats and ferrets.* A rabies ~~inoculation~~ vaccination shall be deemed "current" for a dog, cat or ferret 28 days after the initial vaccination and all subsequent vaccinations following manufacturer's specifications. ~~All rabies must be administered by a rabies vaccinator as defined in (b) of this Section. if the initial inoculation has been administered to the animal by a veterinarian within the preceding twelve (12) months and if any second or subsequent inoculation with a twelve-month vaccine has been administered to the animal by a veterinarian within the preceding twelve (12) months, or if any second or subsequent inoculation with a thirty-six-month vaccine has been administered to the animal by a veterinarian within the preceding thirty-six (36) months.~~

(Ord. No. 5-99, § 1, 11-8-99, G.S. 130A-185)

**Sec. 6-26. ~~Inoculation~~ Vaccination tag and proof of vaccination for dogs, ~~and cats~~ and ferrets.**

(a) Upon complying with the provisions of section 6-25, there shall be issued to the owner of the ~~inoculated~~ vaccinated animal a numbered metallic tag, stamped with the number and the year for which issued, with the words "North Carolina" or "N.C." and "rabies vaccination" ~~and~~ indicating that the animal has been ~~inoculated~~ vaccinated against rabies.

(b) It shall be unlawful for any owner or person having possession, charge, custody or control of a dog to fail to provide the dog with a collar or harness to which a current tag under this section is securely attached. The collar or harness, with attached tag, must be worn at all times, except while the dog is participating in an event specified in section 6-10(~~ed~~).

(c) Cats and ferrets shall not be required to wear the metallic tag referred to in subsection (a), but the owner or keeper of a cat or ferret shall maintain sufficient written evidence to prove that the cat or ferret has a current rabies ~~inoculation~~ vaccination.

(d) It shall be unlawful for any person to use for any animal a rabies ~~inoculation~~ vaccination tag issued for an animal other than the animal for which the tag was issued.

(e) It shall be unlawful for the owner or custodian of a dog, ~~or~~ cat or ferret to fail to provide written proof that the animal has a current rabies ~~inoculation~~ vaccination, when demand is made ~~therefor~~ thereof by the animal ~~control services~~ department or a law enforcement officer.  
(Ord. No. 5-99, § 1, 11-8-99)

**Sec. 6-27. Report and confinement of animals biting persons or showing symptoms of rabies.**

(a) Every animal required to be vaccinated under G.S. 130A-185 which has bitten, ~~scratched or otherwise exposed~~ any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the animal ~~control services~~ department, and thereupon shall be securely quarantined, at the direction of the animal ~~control services~~ department, for two hundred forty (240) hours commencing from the time of the bite, and shall not be released from such quarantine, ~~except by written permission from the animal control services department or the public health director.~~

(b) It shall be unlawful for any person to fail to report as soon as possible that an animal has bitten a person. It shall be unlawful for any person to fail to inform the animal ~~control services~~ department of the whereabouts of an animal that has bitten a person, if the owner or keeper has given the animal away or in any way caused the animal to be taken from the owner's or keeper's premises.

(c) If there is any evidence that an animal bite may have occurred, it shall be assumed by law that a bite did occur and quarantine procedures shall apply.

(d) Every animal quarantined under this section shall be confined at the expense of its owner or keeper in a veterinary hospital or at the county animal shelter, if space is available; provided, however, that if an animal ~~control services~~ officer determines that the owner or keeper of an animal which must be quarantined has

adequate confinement facilities upon his or her own premises, the animal ~~control services~~ officer may authorize the animal to be confined on such premises upon proof of current vaccination against rabies. The animal ~~control services~~ officer may not authorize the animal to be confined on its owner's or keeper's premises unless the premises contains a secure enclosure or a fenced-in area in the yard and the fenced-in area has no entrances or exits that are not locked. If the animal is confined on its owner's or keeper's premises, an animal ~~control services~~ officer shall revisit the premises for inspection purposes on approximately the seventh day of the confinement period. If the owner or keeper fails to provide continuous quarantine of the animal on his or her premises as instructed, the animal shall be removed by an animal ~~control services~~ officer and quarantined at a veterinary hospital or at the county animal shelter. The owner or keeper shall agree in writing to the above conditions prior to the animal ~~control services~~ officer authorizing confinement on the owner's or keeper's property.

(e) 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 or at a licensed veterinary hospital.

(f) If rabies does not develop within the two hundred forty (240) hour quarantine period under this section, the animal may be released from quarantine to its owner with the written permission of the animal ~~control services~~ department. If the animal has been confined in the county animal shelter, upon reclaiming the animal, the owner or keeper shall pay a fee determined by resolution or ordinance of the board of county commissioners for each day of confinement to defray the cost of sheltering the animal. 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. If the animal has been confined at a veterinary hospital, upon reclaiming the animal, the owner or keeper shall pay the board fee determined and charged by the veterinary hospital.

(g) Stray, owner-surrendered, or abandoned animals that have bitten a person shall not be considered adoptable and shall be disposed of as otherwise provided in this chapter.  
(Ord. No. 5-99, § 1, 11-8-99)

State Law References: ~~Confinement of animals suspected of having rabies~~ Notice and Confinement of biting animals, G.S. §§ ~~106-378, 106-380~~ G.S. 130A-196.

**Sec. 6-28. ~~Destruction or confinement of animal bitten by rabid animal~~ Management of dogs, cats, and ferrets exposed to rabies.**

~~When the local health director reasonably suspects that an animal required to be vaccinated under this Part has been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the animal shall be considered to have been exposed to rabies. The 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 shall be the required control measures. (1935, c. 122, s. 14; 1953, c. 876, s. 10; 1983, c. 891, s. 2; 2000-163, s. 4; 2009-327, s. 12; 2017-106, s. 1.)~~

~~State Law References: G.S. 130A-197~~

~~Animals bitten by a known rabid animal shall be immediately destroyed, unless the owner or keeper agrees to strict isolation of the animal in the county animal shelter or at a veterinary hospital for a period of six (6) months; or if the animal has a current rabies inoculation, revaccination and confinement for a period of six (6) weeks.~~

~~(Ord. No. 5-99, § 1, 11-8-99)~~

~~State Law References: Similar provisions, G.S. 106-377.~~

**Sec. 6-29. Area-wide emergency quarantine.**

(a) When reports indicate that rabies exists in an area to the extent that lives of persons are endangered, a positive diagnosis of rabies, the county ~~director of public health~~ director shall may order an area-wide quarantine for such period as the director deems necessary. Upon invoking of such emergency quarantine, no pet animal shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no animal may be taken or shipped from the county without written permission of the animal ~~control~~ services department, and each member of the animal ~~control~~ services department and the police and sheriff's departments is hereby fully authorized, during such emergency, to impound any animal found running at large in the county. During the quarantine period, the animal ~~control~~ services department or the local health authorities 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 county ~~director of public health~~ director.

(Ord. No. 5-99, § 1, 11-8-99)

State Law References: Quarantine in districts infected with rabies, G.S. ~~106-375~~ 130A-194-195.

**Sec. 6-30. Postmortem diagnosis.**

(a) If an animal dies for any reason during the quarantine period while under observation for rabies, the head of such animal shall be submitted to the county health department for shipment to the state laboratory of ~~hygiene~~ public health for diagnosis.

(b) The carcass of any dead animal exposed to rabies shall be surrendered to the animal ~~control~~ services department. The head of such animal shall be submitted to the county health department for shipment to the state laboratory of ~~hygiene~~ public health for diagnosis.

(Ord. No. 5-99, § 1, 11-8-99)

State Law References: Similar provisions, G.S. ~~106-379~~ 130A-199.

**Sec. 6-31. 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 which has bitten a human, or to remove such animal from the county without written permission from the animal ~~control~~ services department and the county ~~director of public health~~ director.

(Ord. No. 5-99, § 1, 11-8-99)

State Law References: G.S. 130A-196.

**Sec. 6-32. Failure to surrender animal for quarantine or destruction.**

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this article, or when demand is made ~~therefor~~ thereof by the animal ~~control~~ services department or the ~~county public~~ health director.

(Ord. No. 5-99, § 1, 11-8-99)

State Law References: G.S. 130A-196

**Secs. 6-33--6-43. Reserved.**

### **ARTICLE III.**

#### **IMPOUNDMENT**

**Sec. 6-44. Generally.**

Any animal which appears to be lost, strayed or abandoned, or which is found to be not wearing a currently valid registration tag or a currently valid rabies vaccination tag, as required by state law or this chapter, or which is found running at large or not under restraint in violation of this chapter, may be impounded by the animal ~~control-services~~ department and confined in the county animal ~~control-services~~ shelter in a humane manner. Impoundment of such an animal shall not relieve the owner thereof from any penalty which may be imposed for violation of this chapter.

(Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2008, § 4, 9-22-08)

**State Law References:** Authority of county to establish and operate animal shelters, G.S. § 153A-442.

**Sec. 6-45. Notice to owner.**

Immediately upon impounding an animal, the animal ~~control-services~~ department shall make reasonable effort to notify the animal's owner and inform such owner of the conditions whereby the animal may be redeemed. This section shall not apply to owner-surrendered, abandoned, or quarantined animals or to livestock or wildlife.

(Ord. No. 5-99, § 1, 11-8-99)

**State Law References:** Authority of county to establish and operate animal shelters, G.S. § 153A-442.

**Sec. 6-46. Redemption by owner generally.**

(a) *Redemption.* The owner of a registered animal impounded under this article may redeem the animal and regain possession thereof within one hundred twenty (120) hours/five (5) days of impoundment by complying with all applicable provisions of this chapter and by paying all fees and penalties due. The owner of an unregistered animal impounded under this article may redeem the animal and regain possession thereof within seventy-two (72) hours/three (3) days of impoundment 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. If an animal has been impounded for failure to wear a current registration tag, the animal must be registered, together with payment of any interest and penalties provided by law, before the animal may be redeemed. Failure to reclaim an animal shall not relieve the animal's owner from paying all applicable fees and penalties.

(b) *Microchip required.* Every dog and cat found to be in violation of this chapter, upon its redemption by its owner and prior to its release by the animal ~~control-services~~ department, shall be implanted with a microchip and registered for purposes of identification and recovery. The cost of this process shall be borne by the animal's owner and shall be paid prior to the animal being released.

(Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2008, § 5, 9-22-08)

**Sec. 6-47. Destruction or adoption of unredeemed animal generally.**



(a) If an impounded animal is not redeemed by the owner within the period prescribed in section 6-46, it may be destroyed in a humane manner or offered for adoption or acquisition by a new adult owner who agrees to comply with this chapter; provided, however, that any such prospective new owner shall not include an animal dealer who acquires animals for resale. Such animal may be adopted by a prospective new owner who pays the required fee and agrees to comply with all local ordinances and regulations and state law regarding animals. The county will not purposefully release for adoption any animal that has previously bitten a person, is aggressive or is potentially dangerous. However, the animal ~~control~~-services department director shall have the authority to waive the restriction on placement of animals that have bitten if the director determines that the bite was inconsequential and not related to an act of aggression.

(b) No animal owner may be permitted to adopt his or her own animal under the provisions of this section, but he or she must comply with the provisions of section 6-46 in order to reclaim an animal that has been impounded pursuant to state law or this chapter.

(c) All unsterilized dogs and cats adopted from the county animal shelter shall be spayed or neutered prior to their adoption or release from the shelter. The animal ~~control~~-services department director is authorized to obtain an adoption agreement from the applicant to implement the provisions of this section.

(d) No animal which has been impounded by reason of its being a stray, abandoned or unclaimed by its owner, shall be allowed to be adopted from the county animal shelter during a period of emergency rabies quarantine invoked pursuant to section 6-29, except by special authorization of the public health officials and the animal ~~control~~-services department director.

(Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2008, § 6, 9-22-08)

#### **Sec. 6-48. Procedure with respect to redemption or adoption of unvaccinated animal.**

(a) Unless proof of a current rabies vaccination can be furnished, each dog and cat shall be vaccinated against rabies at the owner's, redeemer's or adopter's expense before being released from the county animal shelter by either redemption or adoption. For puppies and kittens under the age of three (3) months, the animal ~~control~~-services department shall provide the redeemer or adopter with a voucher to obtain a rabies vaccination from a veterinarian, and the redeemer/adopter shall promptly have the animal vaccinated.

(b) The "adoption/medical agreement" will be completed at the time of adoption. If the adopter fails to comply with the agreement, an animal ~~control~~-services officer may be dispatched to retrieve the dog or cat if corrective action has not been taken by the animal's owner.

(c) At the adopter's expense, adopted animals shall be spayed or neutered, inoculated, and implanted with a microchip prior to being released for adoption by the animal ~~control~~-services department.

(Ord. No. 5-99, § 1, 11-8-99)

#### **Sec. 6-49. Suspected rabid animals not to be redeemed or adopted.**

Notwithstanding any other provision of this article, impounded animals which appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with article II of this chapter.

(Ord. No. 5-99, § 1, 11-8-99)

**Sec. 6-50. Destruction of wounded or diseased animals.**

Notwithstanding any other provision of this article, any impounded animal which has no identification and which is seriously wounded or diseased, ~~(and not a rabies suspect,) or continues to act in a feral manner after a reasonable observation period, as determined by a licensed veterinarian, or the Animal Control Services Department, or continues to act in a feral manner after a reasonable observation period, as determined by a licensed veterinarian, or the animal control services department, and upon the written determination of the shelter manager,~~ shall be destroyed immediately in a humane manner. If the animal has identification, the animal ~~control services~~ department shall attempt to notify the owner before disposing of such animal, but if the owner cannot be reached readily, and the animal is suffering, the animal ~~control services~~ department may, ~~upon the written determination of the shelter manager, in its discretion,~~ destroy the animal immediately in a humane manner. Such cases shall be documented on the animal custody record. The animal ~~control services~~ department has the authority to humanely destroy severely injured livestock under the same circumstances upon the owner's request or when the owner is unknown.

(Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2008, § 7, 9-22-08); G.S. 19A-32.1.

**Sec. 6-51. Immediate placement for adoption or destruction of animal surrendered by owner.**

An animal surrendered by its owner to the animal ~~control services~~ department may be immediately placed for adoption or humanely destroyed in the discretion of the animal ~~control services~~ department director or the director's designee without compliance with section 6-45 when the owner:

- (1) Affirmatively represents in writing that he or she is in fact the legal owner of said animal;
- (2) Agrees to hold the county and its officials and employees harmless from any liability, claims, or damages that may be sustained by reason of the adoption or destruction of said animal; and
- (3) Transfers ownership of said animal to the animal ~~control services~~ department.

(Ord. No. 5-99, § 1, 11-8-99)

**Sec. 6-52. Security for costs.**

(a) *Disposition.* Excluding animals under quarantine pursuant to the provisions of article II, any animal seized pursuant to the provisions of this chapter or state law may be humanely disposed of by adoption or euthanasia at the discretion of the animal ~~control services~~ department director after five (5) days following the date on which the animal was seized unless the animal's owner provides a security bond or cash in accordance with subsection (b).

(b) *Bond.* Any person claiming an ownership interest in any animal confined pursuant to this chapter may prevent the disposition of the animal after the five-day period set forth in section 6-52(a) by posting a security bond or cash with the animal ~~control services~~ department prior to the animal being adopted or euthanized in an amount sufficient to guarantee payment of all of the reasonable expenses expected to be

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~~\* 6-50, Destruction of wounded or diseased animals. We concur completely with Tim Jennings, Animal Services Director, concerning a necessary revision of this code section, to bring it in conformity with G.S. 19A-32.1.~~

incurred in caring and providing for the animal, including the estimated cost of medical care, for at least thirty (30) days; however, such security shall not prevent the animal control-services department from disposing of the animal at the end of the thirty-day period covered by the posted bond/cash, unless the person claiming an ownership interest in the animal posts an additional security bond or cash with the animal control-services department to secure payment of the animal's reasonable expenses for an additional thirty (30) days, and does so prior to the expiration of the first thirty-day period. The amount of the bond/cash shall be determined by the animal control-services department director based on the current rate for board and on the condition of the animal after examination by an animal control-services officer. Failure to timely post the security shall result in the animal being immediately forfeited to the animal control-services department for disposition in accordance with section 6-18(f).

(c) *Notice.* Excluding owner-surrendered animals, if the animal control-services department takes custody of an animal pursuant to this chapter, the department shall give notice of this section by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within twenty-four (24) hours of the time the animal was seized.

(d) *Security forfeited upon failure to pay costs.* If the fees, costs, and penalties owed for the animal are not paid in full by the end of each security period, the security already posted shall be forfeited to the county on said date and used to pay the remaining unpaid fees, costs, and penalties owing for the animal. The animal's owner shall remain responsible for all remaining unpaid fees, costs, and penalties. Any security bond/cash remaining after the payment of all fees, costs, and penalties shall be remitted to the person who posted the bond/cash.

(Ord. No. 5-99, § 1, 11-8-99)

#### ARTICLE IV.

#### GUARD DOGS AND AGGRESSION-TRAINED DOGS

##### Sec. 6-53. Guard dogs and aggression-trained dogs.

(a) *Registration of guard dogs and aggression-trained dogs.* The animal control-services department has the authority to determine whether any person or business entity is engaged in the aggression-training of dogs. If the department makes such a determination, then the person or business entity shall comply with the following requirements:

- (1) The person or business entity shall provide the registration information required by the animal control-services department as it pertains to the aggression-training of any kind of dog.
- (2) The person or business entity shall maintain a current registration of all dogs so trained, including the current location or address of each dog.
- (3) The person or business entity shall allow the department to inspect the premises where aggression-training is performed and to observe the training methods and the safety of the facility during the operating hours of the aggression-training facility.
- (4) All guard dogs and aggression-trained dogs must be adequately and safely confined. The

department has the authority to require all guard dogs and aggression-trained dogs to be confined within a secure fence at least six (6) feet high and, at the discretion of the department, topped by an anti-climb device.

(b) *Unlawful acts.* It shall be unlawful for any person or business entity to fail to comply with the requirements stated in this section. It shall be unlawful for any animal owner or keeper to fail to inform the animal ~~control~~-services department if their animal within the county has been subject to training or conditioning at an aggression-training facility or to fail to carry out the duty to provide registration information as required by the department.

(c) *Imposition of preventive measures.* If the animal ~~control~~-services department determines that a dog has been trained for fighting or aggressive attack, then the department has the authority to impose the preventive measures set forth in section 6-18.

(d) *Guard dogs.* Each owner and keeper of a guard dog shall comply with the following requirements prior to using the dog as a guard dog within the county.

(1) *Identification.* It shall be unlawful for any owner of a guard dog to fail to provide said dog with a current county registration tag and rabies tag. A guard dog's owner must provide proof of current rabies inoculation of the dog prior to being issued a county registration tag.

(2) *Registration.* It shall be unlawful for any owner or keeper of a guard dog to use said dog as a guard dog in the county without first having registered the dog with the animal ~~control~~-services department and having obtained a current registration tag and rabies tag.

(3) *Signs.* The owner or keeper of any guard dog and the owner of any premises using a guard 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 guard dog's owner and that a guard dog is present. The sign must be at least twelve (12) inches by sixteen (16) inches in size.

(4) *Physical control.* The owner and keeper of a guard dog must ensure that adequate physical control of the guard dog is provided during operational hours to prevent the guard dog from coming in contact with the general public on the premises. If a guard dog bites a person who is not a trespasser, the animal ~~control~~-services department director has the authority to prohibit the dog from acting as a guard dog within the county. It shall be unlawful for any owner or keeper to use a dog as a guard dog after the director has prohibited said use.

(5) *Enforcement.*

a. If the animal ~~control~~-services department seizes a guard 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 guard dogs within the county and has demonstrated to the animal ~~control~~-services department that appropriate corrections have been made to prevent said animals from escaping again.

b. The animal ~~control~~-services department has the authority to seize guard dogs and issue

citations for noncompliance with this section.

(e) *Exemption.* A guard dog specifically trained for and used by a law enforcement agency is exempt from the provisions of this section.  
(Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2008, § 8, 9-22-08)

## ARTICLE V.

### EXOTIC AND WILD ANIMALS

#### Sec. 6-54. Possession of inherently dangerous exotic animals and wild animals prohibited.

(a) *Unlawful conduct.* It shall be unlawful for any person or business entity to possess, harbor or have under their ~~control-services~~ within the county an inherently dangerous exotic mammal, an inherently dangerous reptile, or a wild animal.

(b) *Exemptions from article.* Provided that each such animal is maintained in a secure enclosure so constructed and maintained to prevent the animal's escape, this article shall not apply to:

- (1) Lawfully operated carnivals and circuses.
  - (2) Lawfully operated pet shops.
  - (3) Persons temporarily and lawfully transporting such animals through Forsyth County, provided that such transit time shall not be more than twenty-four (24) hours.
  - (4) Scientific research laboratories.
  - (5) Veterinary clinics in possession of such animals for medical treatment or rehabilitation purposes.
  - (6) Wildlife rehabilitators with proper permits.
  - (7) Zoos.
- (c) *Impoundment and disposition of animals.*

- (1) Any inherently dangerous exotic mammal, inherently dangerous reptile, or wild animal which is kept by any person in contravention of this article may be taken up and impounded by the animal ~~control-services~~ department in accordance with section 6-18(f), without the necessity of a written order or a court order, for the protection of the public or the health of the animal.
- (2) If the animal cannot be taken up safely by the animal ~~control-services~~ department or if proper and safe housing cannot be found for the animal, the department may immediately destroy the animal.
- (3) The owner or harbinger of an impounded animal may reclaim the animal if the person satisfies the

animal control services department director or the director's designee that a safe and prompt transfer of the animal to an appropriate location outside of the county has been arranged.

- (4) If an impounded animal's owner or harbinger cannot be located or if an impounded animal remains unclaimed, in the discretion of the animal control services department director or the director's designee, the animal control services department may euthanize the animal, allow it to be lawfully adopted by a zoo or return it to an appropriate wilderness.
- (5) All costs of impoundment and care of the animal shall be charged to its owner or harbinger regardless of whether the animal is claimed by or returned to said owner or harbinger. If an impounded animal is allowed to be reclaimed, such costs shall be paid in full prior to the animal being released by the animal control services department.

(Ord. No. 5-99, § 1, 11-8-99)

## ARTICLE VI.

### VIOLATIONS AND PENALTIES

#### Sec. 6-55. Violations and penalties.

(a) *Criminal penalties.* If any person or entity shall violate this ordinance or chapter or any provision thereof, ~~he or she~~ that person or entity shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). Each day of violation of any provision of this chapter shall constitute a separate offense. The payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve the person of the liability for any taxes, fees, costs, or penalties otherwise imposed under this chapter.

(b) *Civil penalties.* In addition to all other penalties prescribed by law, any person who violates any provision of this chapter shall be subject to a civil penalty for each violation in the amount established by ordinance of the board of county commissioners which is filed with the clerk to the board and is hereby incorporated by reference. Each day of violation of any provision of this chapter shall constitute a separate offense.

(c) *Citations.* The animal control services department is authorized to issue written citations to violators of this chapter. The penalty must be paid within seventy-two (72) hours after the person has been cited for violation of this chapter. No impounded animal may be redeemed from the county animal shelter until all incurred penalties have been paid in full. The citation may be delivered in person to the violator; or, if the violator cannot be readily found, the citation may be mailed to the violator by first-class or certified mail.

(d) *Penalties.* The owner (as distinguished from a temporary caretaker) of an animal shall be subject to escalating penalties for each violation of this chapter, whether the subject animal is the same animal, a different animal or various animals belonging to said owner. Each violation of this chapter shall subject the animal's legal owner to the following penalties:

Legal Owner's Offense	Penalty
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First	\$50.00 civil penalty and, if not already microchipped, the subject animal(s) must be microchipped by the animal <del>control</del> -services department at the owner's expense within fourteen (14) days of the issuance of the citation.
Second	\$75.00 civil penalty and, if not already microchipped, the subject animal(s) must be microchipped by the animal <del>control</del> -services department at the owner's expense within fourteen (14) days of the issuance of the citation.
Third	\$150.00 civil penalty; if not already microchipped, the subject animal(s) must be microchipped by the animal <del>control</del> -services department at the owner's expense within fourteen (14) days of the issuance of the citation; the subject animal(s) must be kept in a secure enclosure; and, if not already sterilized, the subject animal(s) must be spayed or neutered by a veterinarian within fourteen (14) days of the issuance of the citation.
Fourth	\$200.00 civil penalty; if not already microchipped, the subject animal(s) must be microchipped by the animal <del>control</del> -services department at the owner's expense within fourteen (14) days of the issuance of the citation; the subject animal(s) must be kept in a secure enclosure; and, if not already sterilized, the subject animal(s) must be spayed or neutered by a veterinarian within fourteen (14) days of the issuance of the citation.
Fifth and successive	\$500.00 civil penalty and the animal <del>control</del> -services department shall seize the subject animal(s) and proceed in accordance with the provisions of section 6-18(f).

(e) *Imposition of civil penalty for owning a dangerous dog.* The owner of any dog declared by the animal ~~control-services~~ department to be a "dangerous dog" shall be subject to a civil penalty in the amount of five hundred dollars (\$500.00) for violations of sections 6-58 and/or 6-60 of this chapter.

(f) *Failure to pay.* If any person upon whom a civil penalty is imposed by this section does not pay the civil penalty in full within fifteen (15) days of its issuance, each such penalty shall be automatically increased by an additional fifty dollars (\$50.00).

(g) *Authority for dismissal of penalties.* Penalties issued for violations of the pet registration requirement as set forth in section 6-10 may be dismissed by the director of the animal ~~control-services~~ department upon proof that the required pet registration(s) have been obtained within thirty (30) days of service of the notice(s) of violation.

(Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2006, § 3, 2-13-06; Ord. No. 1-2008, § 9, 9-22-08)

## ARTICLE VII.

### APPEAL

#### Sec. 6-56. Appealable actions.

The following actions may be appealed under this article: The entry of a preventive measures order by the animal ~~control-services~~ department under section 6-18 of this chapter, the issuance of a citation by the animal ~~control-services~~ department under section 6-55(c) of this chapter and/or the imposition of a fine, fee or penalty by the animal ~~control-services~~ department under section 6-55 of this chapter or a dangerous dog declaration under section 6-59 of this chapter. The advisory board is authorized to act as an appeal hearing tribunal on the conditions, measures, fines, fees, or penalties imposed by the animal ~~control-services~~ department pursuant to section 6-18 and/or 6-55 and/or 6-58 of the Forsyth County Code provided it will do so only according to procedures established by article VII [of ch.6]of the Forsyth County Code. This hearing function may be delegated to a subcommittee of the advisory board composed of not less than three (3) of its voting members.

(Ord. No. 1-2006, § 4, 2-13-06; Ord. No. 1-2008, § 10, 9-22-08)

#### Sec. 6-57. Appeal procedures.

(a) An owner, keeper or possessor of an animal may appeal from an appealable action as defined in section 6-56 by filing a written appeal with the director of the animal ~~control-services~~ department within ten (10) days of the issuance of the appealable action. The written appeal must contain the following information: the name and address of each person who is appealing the action (the "appellants"); a brief statement setting forth the action appealed and the reasons the action should be reversed, modified or otherwise set aside; the signature of each appellant; and a verification by each appellant as to the truth of the matters stated in the written appeal.

(b) A timely appeal which meets all requirements of this section will result in a stay of enforcement of any order, citation, fine, fee or penalty appealed; provided, however, that the filing of a timely appeal does not stay the animal ~~control-services~~ department's authority to seize and/or impound an animal which is determined to be aggressive, vicious, cruelly treated or otherwise dangerous.



(c) Except as otherwise provided herein, once a written appeal is timely received by the animal ~~control-services~~ director, the director will set a place and time for a hearing of the appeal by the advisory board. If the appellant is unable to attend the hearing on the date set by the director, the appellant may make a written request to reschedule the hearing. The written request to reschedule the hearing must be received by the director at least three (3) days prior to the originally scheduled hearing date. Appeals may be rescheduled one (1) time only.

(d) Until the appeal is resolved, the appellant is responsible for paying all costs associated with the daily care of the animal in question, including any necessary veterinary care, and/or the humane destruction of the animal in question, unless recommended otherwise by the advisory board upon good cause shown and agreed to by the animal ~~control-services~~ director.

(e) Failure to file an appeal within the designated ten-day time frame or failure to appear at a scheduled or rescheduled hearing of an appeal will be deemed a waiver of the appeal.

(f) The advisory board, in its role as the appeal hearing tribunal will make written recommendations on appeals to the animal ~~control-services~~ director, who will make the final decision on all appeals and issue a written decision within thirty (30) days of the conclusion of a hearing. Written decisions on appeals will be mailed to all appellants within five (5) days after they are issued, exclusive of weekends and holidays. (Ord. No. 1-2006, § 4, 2-13-06)

## ARTICLE VIII.

### DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS\*

\*State law reference—Dangerous dogs, G.S. 67-4.1 et seq.; county may adopt program for control of dangerous dogs, G.S. 67-4.5.

#### Sec. 6-58. Registration and notification required.

(a) It is unlawful for any owner of a dog declared by the animal ~~control-services~~ department to be a dangerous dog to keep such dog in Forsyth County unless such owner has registered the dog as a dangerous dog and paid the additional registration fee for dangerous dogs pursuant to section 6-10. This registration shall be completed within ten (10) working days following the service of such department declaration or, if the declaration is timely appealed pursuant to the provisions of sections 6-56 and 6-57, within ten (10) working days following the mailing of a decision affirming such determination; provided, that the director of the animal ~~control-services~~ department may grant an extension upon a showing of good cause.

(b) The owner of a dangerous dog must notify the animal ~~control-services~~ department in writing of any changes in the ownership or premises where the animal is to be maintained before such transfer occurs.

(c) The owner of a dangerous dog, or potentially dangerous dog, must notify any potential new owner in writing, with a copy to the animal ~~control-services~~ department, of the declaration as to such dog made pursuant to this chapter, including the associated conditions for registration pursuant to section 6-60. (Ord. No. 1-2008, § 11, 9-22-08)

**Sec. 6-59. Dangerous dog or potentially dangerous dog declaration.**

(a) The animal ~~control~~-services department may find and declare a dog potentially dangerous or dangerous if it has probable cause to believe that the dog falls within the definitions set forth in this chapter. The finding must be based upon:

- (1) The written complaint of a citizen who is willing to testify that the dog has acted in a manner which causes it to fall within the applicable definition in section 6-1;
- (2) Dog bite reports filed with the animal ~~control~~-services department as required by the ordinance codified in this chapter or state law;
- (3) Actions of the dog witnessed by any animal ~~control~~-services officer or law enforcement officer;
- (4) The declaration by another animal ~~control~~-services authority pursuant to G.S. § 67-4.1; or
- (5) Other credible evidence.

(b) The declaration of potentially dangerous or dangerous dog shall be in writing and shall be served on the owner in person, or by first-class or certified mail, to the owner's last known address. For purposes of this section, the notice to the owner will be deemed received the third day after the notice is placed in the mail.

(c) The declaration shall state:

- (1) A description of the dog;
- (2) The name and address of the owner of the dog, if known;
- (3) The whereabouts of the dog if it is not in the custody of the owner;
- (4) The facts upon which the declaration is based;
- (5) The restrictions placed on the dog as a result of the declaration;
- (6) The penalties for violation of the restrictions, including the possibility of destruction of the dog, and imprisonment or fining of the owner.

(d) If the owner of the dog wishes to appeal the declaration of potentially dangerous or dangerous dog the owner may, within ten (10) working days of receipt of the declaration, request a hearing by submitting a written appeal pursuant to section 6-56 and 6-57 of this chapter.

(e) If the hearing body finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.

(f) If the hearing body finds sufficient evidence to support the declaration, it will affirm the

declaration. The ruling of the hearing body shall be final, subject only to such appeal or certiorari proceeding as is provided by law to the Superior Court of Forsyth County, which appeal or certiorari proceeding must be filed within ten (10) days of the date of the final ruling of the hearing body.

(g) Following service of a dangerous dog or potentially dangerous dog declaration, and pending any appeal under this section, the owner of a dangerous dog or potentially dangerous dog must keep the animal ~~control-services~~ department apprised ~~of~~ of his/her current address and contact information and must follow all applicable state law and local ordinances pertaining to the dog.

(h) Following service of a dangerous dog or potentially dangerous dog declaration, and pending appeals under this section, the animal ~~control-services~~ department may, if circumstances require, impound the dog at the owner's expense, pursuant to the provisions of article III of this chapter, impoundment. A dog impounded under these circumstances may be redeemed by complying with the redemption requirements in article III.

(Ord. No. 1-2008, § 11, 9-22-08)

#### **Sec. 6-60. Dangerous dogs--Additional requirements.**

(a) The owner of a dog declared dangerous by the animal ~~control-services~~ department shall present to the animal ~~control-services~~ department sufficient evidence of:

- (1) A proper 6-sided enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and
- (2) A policy of liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) at the owner's or keeper's expense for the benefit of any person who suffers damages, injury, or death caused by a dangerous dog for as long as the dog remains in the county. The department shall have the authority to require the owner or keeper to provide written proof of the liability insurance and to require the owner or keeper to have the insurer notify the department of any change in the insurance coverage or policy. The dog's owner or keeper shall have the duty to immediately notify the animal ~~control-services~~ department if the dog escapes. The department shall have the authority to seize and impound the dog if the owner or keeper fails to comply with any provision of this section.
- (3) A photograph, acceptable to the animal ~~control-services~~ department, of the dog registered as dangerous.
- (4) A microchip implant and microchip registration number.
- (5) Proof of sterilization of the dog within sixty (60) days of the declaration of the dog as dangerous.

(b) The owner of a dangerous dog shall not permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash not more than nine (9) feet in length and under physical restraint of a responsible person, at least sixteen (16) years of age. The muzzle shall be made in a

manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

(Ord. No. 1-2008, § 11, 9-22-08)

### **Sec. 6-61. Penalties.**

Notwithstanding the provisions of the Forsyth County Code, and in addition to the penalties prescribed therein:

- (a) Any dangerous dog may be immediately confiscated if:
  - (1) The dog is not validly registered under section 6-10 of this chapter;
  - (2) The owner does not secure and maintain the liability insurance coverage required under section 6-60;
  - (3) The dog is not maintained in a proper enclosure;
  - (4) The dog is outside of the dwelling of the owner, or outside of the property enclosure and not under physical restraint of a responsible person.

(b) In addition to the penalties established in section 6-55, the owner of any dog confiscated under this subsection may recover such dog from the animal ~~control~~-services department upon the payment of a civil fine which shall be in the amount of two hundred fifty dollars (\$250.00) plus the fees and requirements established within section 6-46; provided, however, that in the event the owner has not picked up the dangerous dog within five (5) days of being notified by the animal ~~control~~-services department that such dog is under the ~~control~~-services of such department, the dog shall be destroyed in an expeditious and humane manner.

(c) Violation of any provision of this article is a Class 3 misdemeanor.  
(Ord. No. 1-2008, § 11, 9-22-08)

### **Sec. 6-62. Exceptions.**

The provisions of this article do not apply to:

- (1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
- (2) A dog being used in a lawful hunt;
- (3) A dog where the injury or damage inflicted by the dog was sustained by domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or
- (4) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the

injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(Ord. No. 1-2008, § 11, 9-22-08)

**Sec. 6-63. State law.**

(a) Nothing in this article or this chapter shall be construed to prevent an animal ~~control~~services officer or any other person from pursuing remedies under G.S. Ch. 67, Art. 1A.

(b) The animal ~~control~~services department director or his designee is designated as the person responsible for making the declaration required under G.S. § 67-4.1(c). In making such declarations, the director or his designee shall follow the procedure outlined herein.

(c) The animal ~~control~~services advisory board is designated as the appellate board to hear appeals of declarations made pursuant to G.S. § 67-4.1(c).

(Ord. No. 1-2008, § 11, 9-22-08)