



County of Harnett ANIMAL SERVICES ORDINANCE

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SECTION I. TITLE

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

SECTION II. PURPOSE

There is created the Harnett County Animal Services Division (hereinafter referred to as “Animal Services”), which shall be composed of the General Services Director, Animal Services Manager and such employees as shall be determined by the General Services Director and Animal Services Manager and funded by the Board of Commissioners.

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

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

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

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

SECTION III. DEFINITIONS

1. *Adequate Food* – The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age and sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.
2. *Adequate Shelter* – Shelter which will keep a nonaquatic animal dry, out of direct path of winds, out of direct sun, and at a temperature level that is healthful for the animal. For dogs, cats and other small animals, the shelter shall be a windproof and moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat. It

shall include four walls, a roof, and a solid floor raised up off the ground, with an opening entrance large enough to allow access to the animal, but placed in such a way to keep the animal out of the direct path of winds. Barrels, pet crates, and similar devices do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. The structure shall be provided with sufficient quantity of suitable bedding material consisting of hay, straw, cedar shaving, or the equivalent. For all animals, the containment area shall be free of accumulated waste, excrement, debris, and other toxic or hazardous materials so that the animal shall be free to walk or lie down without coming in contact with any such waste, excrement, debris or other toxic or hazardous material, and a suitable method of draining shall be provided to rapidly eliminate excess water or moisture. Aquatic or semi-aquatic animals shall have an adequate amount of clean water in which to move. **Adequate shelter does not apply to the following domesticated livestock:** cattle, oxen, bison, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, llamas, alpacas, lagomorphs, ratites, and poultry.

3. *Adequate Water* – A constant access to a supply of clean, fresh water provided in a sanitary manner. In a near or below freezing temperatures, the water must be changed frequently to prevent freezing, unless heated.
4. *Animal* – Any live, vertebrate creature, wild or domestic, other than human beings.
5. *Animal Services Manager* – The manager of Harnett County Animal Services or authorized representative.
6. *Animal Control Officer* – employees and agents designated by Harnett County Animal Services to enforce this Ordinance. In the performance of their duties, animal control officers shall have all the powers, authority and immunity granted under this Ordinance and by the general laws of this state to enforce the provisions of this Ordinance and the North Carolina General Statutes as they relate to the care, treatment, control or impounding of animals.
7. *Cat* – A domestic feline of either sex of the genus and species *Felis catus*.
8. *Crossbreed* – An animal produced by mating or hybridizing two different species, breeds, or varieties and offspring from all subsequent generations of that crossbred animal, such as the crossbreed between a wolf and a dog.
9. *Direct Control and Restraint* – An animal is under direct control and restraint if it is obedient to a competent person's commands at all times; is within a secure enclosure; is obedient to an electronic collar or wireless device; is located within a vehicle, trailer, or other conveyance; or is leashed, chained, or restrained by a device of sufficient strength by a person or to a fixed object. A service dog and a hunting or working dog in the field or working are presumed to be under direct control and restraint.
10. *Dog* – A domestic canine of either sex of the genus, species, and subspecies *Canis lupus familiaris*.

11. *Euthanasia* – The humane destruction of an animal accomplished by a method that involves rapid unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.
12. *Exotic Animal* – Any animal which is not native or indigenous to North Carolina, does not have an established wild population in North Carolina, or is not regulated by the North Carolina State Wildlife Commission.
13. *Feral Cat* – Cats unsuitable for adoption, as determined by the Animal Services Manager or designee.
14. *Feral Dog* – Dogs unsuitable for adoption, as determined by the Animal Services Manager or designee.
15. *Ferret* – A domestic mammal of the genus, species, and subspecies *Mustela putorius furo*.
16. *General Services Director* - The Director of the Harnett County General Services Department or authorized representative. The General Services Director is responsible for overall management of Animal Services; incorporating both Animal Control and Shelter Operations.
17. *Health Director* – The Director of the Harnett County Health Department or authorized representative.
18. *Hunting/Working Dog* – A dog which is trained or being trained to assist in herding or hunting activities.
19. *Isolation/Quarantine* – The placing of an animal away from all other animals, food, and equipment in the area, for the sole purpose of preventing the spread of disease.
20. *Neutered Male* – Any male which has been surgically operated on or medically treated to prevent reproduction.
21. *Owner/Person in Possession* – Any person, group of persons, firm, partnership, or corporation owning, keeping, having charge of, sheltering, feeding, possessing, or taking care of any animal.
22. *Reptile* – Any cold-blooded air breathing vertebrate with horny scales or plates such as a snake, lizard, or tortoise.
23. *Running at Large* – The running or wandering of animal(s) not under direct control of the owner, caretaker, and/or possessor that is not restrained by fence, tether, or other enclosure.

24. *Sanitize* – To make physically clean, remove and destroy to a practical minimum, agents injurious to health.
25. *Secure Enclosure* – An enclosure from which an animal(s) cannot escape unless freed by an owner, caretaker, and/or possessor.
26. *Service Dog* – Any dog which is trained or being trained to do work or perform tasks for a person who is blind, hearing impaired, or otherwise disabled. A dog whose sole function is to provide comfort or emotional support does not qualify as a service dog.
27. *Spayed Female* – Any female animal which has been surgically operated upon to prevent reproduction.
28. *Stray Animal* – A domesticated animal that roams at large and is not wearing any tags, microchips, tattoos, or other methods of identification.
29. *Tethering/Chaining* – a chain, cable, rope, or the like, by which an animal is fastened to a fixed object so as to limit its range of movement.
30. *Vaccination* – The administration of anti-rabies vaccine, approved by the United States Bureau of Animal Industry, the North Carolina Department of Agriculture, and the North Carolina Commission for Public Health.
31. *Veterinary Hospital* – An establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.
32. *Wild Animals* – All warm and cold blooded animals (other than livestock) not normally domesticated including, but not be limited to, lions, tigers, or other wild cats, wolves, bears, raccoons, monkeys, apes, reptiles, and any other non-domesticated animals including hybrids bred with these animals and domestic species, that because of their size or dangerous propensity or because they are poisonous, venomous, or for any other substantial reason, pose a potential danger to persons, other animals, or property, whether bred in the wild or in captivity.

SECTION IV. AUTHORITY AND RESPONSIBILITY OF HARNETT COUNTY ANIMAL SERVICES

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

- B. Investigation of animal cruelty, abuse, or neglect with the regard to dogs, cats, and other domestic animals.
- C. Making such canvass of the County, including homes in the County, as deemed necessary for the purpose of ascertaining that all dogs, cats, and ferrets are duly vaccinated against rabies.
- D. Issuance to the owner of a citation for rabies vaccination for any unvaccinated dog, cat, and ferret four months of age or older. The animal shall be vaccinated by a licensed veterinarian, a registered veterinary technician under the direct supervision of a licensed veterinarian, or certified rabies vaccinator and the proof of certification is to be returned to the animal control division by the owner of the dog, cat, or ferret within three business days. If the rabies vaccination is administrated within seventy-two (72) hours, the citation shall be void. Individuals who fail to vaccinate their pet within seventy-two (72) hours may be issued another citation.
- E. Issuance of civil citations to any person if there is probable cause to believe that such person has violated any of the provisions of this Ordinance. Citations so issued may be served in person upon the violator by the Animal Services Manager or any Animal Control Officer or they may be mailed by certified mail. Any citation so served or mailed shall direct the alleged violator to make payment of the fine provided therein to Animal Services on or before a specific date stated on the citation and the period so specified shall not be less than thirty (30) days after service. If the violator is served by mail, the violator shall have thirty (30) days from the date of the citation to pay said citation. The citation fines may be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty within thirty (30) days after being cited. Except for the appeal processes set forth for public nuisances in Section VI.6 and dangerous dogs in Section IX of this Ordinance, any alleged violator may make written appeal of the citation to the General Services Director or his/her designee within thirty (30) days of the date of the citation. The right to appeal from the General Services Director is to the Harnett County Superior Court. All orders issued by the Harnett County Public Health Director must be appealed to Harnett County Superior Court.
- F. In addition to and/or in lieu of the civil citation provided for in the above subsection, the Animal Services Manager or any Animal Control Officer may forthwith have a criminal complaint entered against the violator and secure and issue a warrant for his/her arrest or issue a summons against such person to appear in court. The arrest or summons shall be for the violation section of this Ordinance charged in the citation, and upon conviction, the defendant shall be subject to the penalties prescribed by this Ordinance.

- G. Maintenance of all records with respect to the citation forms and their disposition so that all such forms be capable of an immediate accounting. Records of citations shall be maintained in the Animal Services Office.
 - H. Periodic investigation by the General Services Director or his/her representative of the records of Animal Services for the purpose of determining the disposition of the citation forms and shall report the result of such investigation to the County Manager from time to time upon request by the County Manager. For the purpose of making this investigation, he/she shall have access to the records of Animal Services.
2. Animal Control Officer responsibilities:
- A. Enforcement - Have the power to issue citations for the violation of the Harnett County Animal Services Ordinance and other laws of the State of North Carolina relating to the ownership, control, care, and custody of dogs, cats and other animals.
 - B. Investigate Cruelty to Animals - Investigating cruelty or abuse to dogs, cats, and other animals.
 - C. Rabies Control – Act as rabies control officers and enforce and carry out all laws of North Carolina and all County ordinances pertaining to rabies control.
 - D. Animal Bites – Be responsible for the investigation of all reported animal bites and for the quarantine of any such animal for a period of not less than ten (10) days. Be responsible for the procedures required for rabies testing if needed.
 - E. Seizure and Impoundment – Be responsible for the seizure and impoundment, where deemed necessary, of any dog, cat, or other animal in Harnett County involved in a violation of this or any other County ordinance or any state statute.

SECTION V: RECORD KEEPING AT ANIMAL SERVICES

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

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

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

SECTION VI: ANIMAL CONTROL OFFENSES

1. Dogs Not Under Direct Control:

A dog not under direct control of its owner or the person in possession determined to be at large by an Animal Control Officer. The owner or person in possession, if identified, will be subject to Penalties in Section XIII of this ordinance.

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

2. Female Dog During Estrus Period:

A female dog during the estrus period must be kept in a secure enclosure and be at all times under restraint. Restraint in this instance does not mean tethered to a stationary object without being confined in a secure enclosure.

3. Permitting bitch at large:

If any person owning or having any bitch shall knowingly permit her to run at large during the erotic stage of copulation he shall be guilty of a Class 3 misdemeanor.

4. Possession of Stray Animals and Animals Owned by Others:

A. It shall be unlawful for any person to knowingly or intentionally, unless with the consent of the owner, or the person in possession, to harbor, feed or keep in his/her possession, by confinement or otherwise, any dog, cat, or other animal which does not belong to him/her unless he/she has within forty-eight (48) hours from the time that such dog, cat or other animal has come into his/her possession notified the Animal Services Office. The purpose of this Section is to aid in rabies control, and to prevent the intentional possession of pets belonging to other persons. Any person who gives away, sells, or allows otherwise stray or abandoned animal to be adopted without first notifying the animal shelter, shall have no authority over the animal and ownership shall remain with the previous owner to the extent the previous owner is able to be identified.

B. It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or person in possession, or to seize any animal while the animal is held or controlled by its owner or person in possession or while the animal is on the property of its owner or person in possession.

5. Vicious Animals:

The Harnett County Health Department Director may declare an animal to be vicious and a menace to the public health when the animal has attacked a person causing bodily harm without being teased, molested, provoked, beaten, tortured, or otherwise harmed. When an animal has been declared to be vicious and a menace to the public's health, the Health Department Director shall order the animal to be confined to the owner's or person in possession's property. However, the animal may be permitted to leave its owner's or person in possession's property when accompanied by a responsible adult and restrained on a leash.

6. Public Nuisance:

A. An Animal Control Officer, Animal Services Manager, General Services Director, or any other person permitted by this Ordinance or law may determine an animal to be a public nuisance when it commits any of the following acts:

- 1) Habitually or repeatedly, without provocation, chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers, farm livestock, or domestic animals while off the owner's or person in possession's property; or
- 2) Habitually or repeatedly, without provocation chases, snaps at, attacks, or otherwise molests persons lawfully entering the owner's or person in possession's property, including but not limited to delivery drivers, contractors, government officials in the performance of their legal duties, licensees, guests, and invitees, even if the animal never leaves the property, except that this provision shall not apply if such animal is restrained by a leash, tether, pen, fence, or other secure enclosure. For purposes of this section, an underground electronic or "invisible" fence shall only be considered secure if it in fact contains the animal and a sign or other notification is present to alert others that the animal is restrained; or
- 3) Damages the real or personal property of anyone other than its owner or person in possession including, but not limited to, turning over garbage pails, damaging gardens, flowers, shrubbery, trees, fences, gates, equipment, or vehicles, causing physical harm to domesticated pets or livestock; or
- 4) Habitually or continuously loiters on school grounds or official county recreation areas; or
- 5) Habitually walks on or sleeps on automobiles of another person; or
- 6) Is not confined to a building or secure enclosure when in estrus; or
- 7) Habitually or repeatedly eliminates on private property without the permission of the property owner; or

- 8) Is diseased or dangerous to the health of the public.

B. Violations

1) Determining Violations

- a. Animal Control Officer, Animal Services Manager, or Law Enforcement Officer: An Animal Control Officer, Animal Services Manager, or Law Enforcement Officer who observes a violation of this Section shall provide to the owner or person in possession of the animal written notification of the nature of the violation(s) in the form of an Abatement Order that shall indicate that unless these violations are abated and measures taken to prevent their reoccurrence within twenty-four (24) hours or such lesser time as designated in the notice, the owner or person in possession shall be required to remove the animal from the County.
 - b. Written Complaint: Upon receipt of a written detailed and signed complaint alleging a public nuisance violation, the Animal Services Manager shall cause the owner or person in possession of the animal in question to be notified that a complaint has been received and shall investigate the complaint and make written findings. If the written findings confirm a violation of this Section, the Animal Services Manager shall provide the owner or person in possession written notification of the nature of the violation(s) in the form of an Abatement Order that shall indicate that unless these violations are abated and measures taken to prevent their reoccurrence within twenty-four (24) hours or such lesser time as designated in the notice, the owner or person in possession shall be required to remove the animal from the County.
- 2) Failure to Abate Violation: If the public nuisance is not abated in accordance with the Abatement Order, then the Animal Services Manager shall notify the owner or person in possession in writing that the animal may be impounded, a civil penalty may be issued, and/or a criminal summons may be issued.
 - 3) Animals Removed from the County: The owner or person in possession of any animal that has been removed from the County pursuant to this Section shall, within five (5) days after removal, inform the Animal Services Manager in writing of the animal's present location, including the name, address, and telephone number of the animal's new owner or person in possession. If the animal has been destroyed, the Animal Services Manager shall be informed of the name, address, and telephone number of the person who destroyed such animal.

- 4) Subsequent Violations: The Animal Services Manager may impound an animal if a third verified violation occurs within one year of any previous violations of this Section.
- 5) Right of Appeal. An owner or person in possession may appeal an Order of Abatement to the General Services Director within five (5) days of receipt of the Order. An owner or person in possession may appeal the General Services Director's determination to the Dangerous Dog Committee in accordance with the procedures set forth in Section IX.3.B.

7. Injuring or Trapping of Animals:

No person shall set or expose an open jaw trap, leg hold trap, or any type of trap which would likely cause physical harm or injury to any animal. This provision shall not apply to persons licensed by the State to trap animals, to Animal Control Officers or to persons using live capture traps.

8. Teasing and Molesting Animals:

No person shall maliciously tease, molest, bait, or in any way bother any animal.

9. Diseased, Injured, or Sick Animals:

Any owner or person in possession which knows or suspects to be sick or injured shall isolate the animal and shall obtain or provide appropriate treatment for such animal within two (2) business days or have the animal humanely euthanized.

10. Animal Abandonment:

- A. No owner or person in possession shall abandon or cause to be abandoned, their dog, cat, or any other type of animal.
- B. No person shall take in their possession an animal they do not own and take the animal(s) to another to be or cause to be abandoned.

11. Tether Violation:

- A. It shall be unlawful to tether an animal to a stationary object for a period of time or under conditions that an Animal Control Officer deems harmful or potentially harmful to the animal. Tethering may be allowed in certain cases if there is no sign of obvious neglect and the animal is not exhibiting health or temperament problems.
- B. Tether shall have swivels on both ends to reduce entanglement. Choker chains, logging chains, chains no less than fifteen (15) feet in length, or prong (pinch) collars are prohibited while animal is tethered. Animal must be given access to adequate food, water and shelter while tethered.

- C. No owner or person in possession shall have over three (3) dogs chained or tethered on their property at any given time except that an owner or person in possession may have more than three (3) hunting dogs chained or tethered on the property so long as such hunting dogs are provided adequate food, shelter, and water and other necessary provisions to ensure the health and safety of such dogs. This allows dogs to be in kennels or runs and does not limit the amount of dogs on the property.

12. Cruelty to Animals:

- A. It shall be unlawful for any person to molest, torture, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon, or subject to conditions detrimental to its health or general welfare any animal or to cause or procure such action. The term "torture," "torment," or "cruelty" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted.
- B. It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions, or to fail to provide proper food and water at all times, adequate shelter, protection from the weather, reasonably clean quarters, and proper medical attention for sick, diseased, or injured animals, as well as adequate inoculation against disease, according to the species of the animal kept.
- C. It shall be unlawful for any person to confine an animal in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or under other endangering conditions.
- D. This Section shall not apply to the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission; agencies conducting biomedical research or training; lawful activities conducted for the primary purpose of providing food for human or animal consumption; lawful activities conducted for veterinary purposes; lawful destruction of any animal for the purposes of protecting the public, other animals, property, or the public health; and the physical alteration of livestock or poultry for the purposes of conforming with breed or show standards.

13. Animal Fighting:

- A. It shall be unlawful for a person to bait, instigate, promote, conduct, provide an animal for, or allow property under a person's ownership or control to be used for any dog fights, cock fights, or other combat between animals.
- B. This Section shall not apply to the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, the use of dogs in earthdog trials that are sanctioned or sponsored by entities approved by the Commissioner of Agriculture, and the use of dogs engaged in the working of domesticated livestock for agricultural, entertainment, or sporting purposes.

SECTION VII. RABIES CONTROL

1. Immunization:

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

2. Bites:

- A. When a person has been bitten by a dog, cat, or ferret, the person or parent, guardian or person standing in loco parentis of the person, and the owner or person in control of the animal shall immediately notify the Health Director and provide the name and address of the person bitten and the owner or person in possession of the animal. Physicians treating an animal bite wound shall report the incident to the Health Director within twenty-four (24) hours of treatment.
- B. Every dog, cat, or ferret that bites a human being and does not have a valid rabies vaccination tag shall be surrendered by its owner or person in possession to an Animal Control Officer upon request. The animal shall be confined for observation for no less than ten (10) days at the Harnett County Animal Shelter. The owner or person in possession shall be responsible for the cost of such confinement.
- C. Every dog or cat that bites a human being and has a valid rabies vaccination tag shall be surrendered by its owner or person in possession to an Animal Control Officer upon request or to a licensed veterinary hospital, at the choice of the owner or person in possession, where the animal shall be confined for observation for not less than ten (10) days at a place designated by the Health Director. The owner or person in possession shall be responsible for the cost of such confinement. Upon review of the circumstances of the particular case, the Health Director may permit the animal to be confined on the premises of the owner or person in possession. The Health Director may authorize a dog trained and used by a law enforcement agency to be released from confinement to perform official duties upon submission of proof that the dog has been vaccinated for rabies in compliance with this Section.
- D. In the case of stray animals whose ownership is not known, the supervised quarantine required by this section shall be at the Animal Shelter. If the owner or person in possession cannot be identified within seventy-two (72) hours of the event, the Health Director may authorize the animal be euthanized and the head of the animal shall be immediately sent to the State Laboratory of Public Health for rabies diagnosis. If the event occurs on a weekend or State holiday, the time period for owner or person in possession identification shall be extended twenty-four (24) hours.
- E. If evidence of rabies does not develop within ten (10) days after a dog, cat, or ferret is quarantined under this Section; the animal may be released from quarantine. If

the animal has been confined at the Animal Shelter, the owner or person in possession shall pay a redemption service fee plus a boarding fee upon reclaiming the animal. Fees will be approved by the Harnett County Board of Commissioners.

3. Animals Bitten by Rabid Animals:

Any domestic animal bitten by a proven rabid animal or animal suspected of having rabies that is not available for laboratory diagnosis shall be destroyed immediately by its owner or person in possession, an Animal Control Officer or a Law Enforcement Officer, unless the animal has been vaccinated against rabies more than twenty-eight (28) days prior to being exposed, and is given a booster dose of rabies vaccine with five (5) days of the exposure, or the owner or person in possession agrees to strict isolation of the animal at a veterinary hospital for a period of six months.

4. Management of Animals Exposed to Rabies:

When the Health Director reasonably suspects that a dog, cat, or ferret 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.

5. Rabies Animals Testing Procedure:

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

6. Unlawful Killing, Release, Etc. of Certain Animals:

It shall be unlawful for any person to kill, subject to the provision of this Section, or release any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the County without written permission from the Animal Services Manager.

7. Failure to Surrender Animal for Confinement:

It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this Section. If the owner or person in possession refuses to confine the animal as required by this Section, the Health Director may order seizure of that animal and its confinement for ten (10) days at the expense of the owner or person in possession.

SECTION VIII. RABIES VACCINATION TAG

1. Dogs shall wear rabies tags at all times. Cats and ferrets shall not be required to wear rabies tags; however, the owner or person in possession of a cat or ferret shall maintain records of rabies vaccination and provide such proof up request by an Animal Control Officer or the Animal Services Manager.
2. It shall be unlawful for any person to remove the rabies vaccination tag from any dog, cat, or ferret belonging to another person residing in Harnett County unless by the direction of the owner or person in possession.
3. Animal Control Officers shall canvass the County to determine if there are any dogs not wearing the required rabies vaccination tag. If a dog is found not wearing the required tag, the Animal Control Officer shall check to see if the owner's or person in possession's identification can be found on the dog. If the dog is wearing an owner or person in possession identification tag, or if the Animal Control Officer otherwise knows who the owner or person in possession is, the Animal Control Officer shall notify the owner or person in possession in writing to have the animal vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal Control Officer within three (3) days of notification. If the dog is not wearing an owner or person in possession identification tag and the Animal Control Officer does not otherwise know who the owner or person in possession is, the Animal Control Officer may impound the animal pursuant to the provisions of Section X.
4. Before an owner or the person in possession is charged for violation of this rabies tag provision, the Animal Control Officer shall give the owner or person in possession the opportunity to produce a rabies vaccination certificate to the Animal Control Officer showing the dog, cat, or ferret to have been properly vaccinated and if said certificate is produced no citation shall be issued.

SECTION IX. DANGEROUS DOGS

1. Definitions.

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

A. "Dangerous dog" means:

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

- B. “Owner's real property” means any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.
- C. “Potentially dangerous dog” means a dog that:
 - 1. Inflicted a bite on a person that resulted in broken bones or broken skin or required cosmetic surgery or hospitalization;
 - 2. Killed or inflicted severe injury upon a domestic animal when not on the owner’s real property; or
 - 3. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
- D. “Injury” means any physical injury that result in medical treatment exceeding the cost of \$100.00.
- E. “Severe Injury” means any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.
- F. “Dangerous Dog Committee”: A three-member appellate review committee appointed by the Harnett County Board of Commissioners that hears appeals from the General Services Director.

2. Exclusions.

The provisions of this article do not apply to:

- A. A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
- B. A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a lawful hunting dog, herding dog or predator control dog on the property of or under the control of its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or
- C. A dog where the injury was inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort; was tormenting, abusing or assaulting the dog; or had tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.

3. Procedure.

- A. A witness of an alleged dangerous dog or potentially dangerous dog, including an Animal Control Officer or law enforcement officer, or a victim of an alleged dangerous or potentially dangerous dog may file a Dangerous Dog Hearing Request form to have the dog declared dangerous or potentially dangerous. The General Services Director will be responsible for reviewing the form and making a determination as to whether a dog is a dangerous or potentially dangerous dog. When making the determination that a dog is a dangerous dog or a potentially dangerous dog, Animal Services must notify the owner or person in possession in writing, giving the reasons before the dog may be considered dangerous or potentially dangerous under this article. The General Services Director shall consider any written response by the owner or person in possession to the written notification. Once a decision has been made, the owner or person in possession must provide Animal Services with a current address where the dog will be housed, notify Animal Services within forty-eight (48) hours of any change in address of the owner or person in possession or the dangerous dog, and follow all state laws and County ordinances dealing with dangerous or potentially dangerous dogs until all appeals have been exhausted and a final decision rendered or no appeal is requested.
- B. The owner or person in possession may appeal the determination of a dangerous dog or potentially dangerous dog to the Dangerous Dog Committee by filing written objections with the Dangerous Dog Committee within ten (10) business days after receiving written notice, together with such appellant's filing fees as may be established by the Harnett County Board of Commissioners. The Dangerous Dog Committee shall schedule a hearing of said appeal and the dog owner or person in possession and complainant will be notified of the hearing date ten (10) business days prior to said hearing. Until the appeal is final, the dog must be controlled and confined pursuant to the ruling from which the appeal was taken. Any appeal from the final decision of the Dangerous Dog Committee shall be taken to Harnett County Superior Court by the owner or person in possession filing a notice of appeal and a petition for review within ten (10) business days from the final decision of the Dangerous Dog Committee. The appeal shall be heard de novo before a superior court judge sitting in the County.

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

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

presence of a dangerous dog, and strategically placed on the property as designated by the appropriate County authority.

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

In making a determination pursuant to Section IX.3, any of the measures included in this section may be waived by the General Services Director or the Dangerous Dog Committee, or other similar measures or conditions may be substituted in their place.

- B. Within seven (7) days after a dangerous dog or potentially dangerous dog determination becomes final, the owner or person in possession must have the dangerous dog or potentially dangerous dog tattooed with an identification number or micro-chip identification as directed by the Animal Services Manager on the inside of the right hind leg or micro chipped in the standard location between the shoulder blades. Within thirty (30) days, the dog must be surgically sterilized. Within seventy-two (72) hours of the death of a dangerous dog or potentially dangerous dog, the owner or person in possession of the dog shall provide written notification of the dog's death to Animal Services. If the dog's body is not available, the notification shall fully identify the dog and shall bear the notarized signature of the owner or person in possession and a licensed veterinarian, all attesting to the dog's death.
- C. If the owner or person in possession of a dangerous dog or potentially dangerous dog transfers ownership or possession of the dog to another person, the owner or person in possession shall provide written notice within forty-eight (48) hours to:
 - 1) Animal Services and, if declared dangerous or potentially dangerous by another county or municipality, the authority that made such determination stating the name and address of the new owner or possessor of the dog; and
 - 2) The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the dangerous dog or potentially dangerous dog determination.
- D. The person taking ownership of the dog shall notify Animals Services within forty-eight (48) hours of the dog's change of address and their knowledge of the dangerous dog or potentially dangerous dog determination.

E. Violation of this Section is a Class 3 misdemeanor.

5. Violation of conditions; Euthanasia

- A. Animal Services may take possession of any dog concerning whom it has cause to believe an owner or person in possession has violated Section IX.4. For this purpose, the requirements for sufficient cause shall be satisfied if a law enforcement officer or Animal Control Officer observes the violation or if Animal Services receives an affidavit setting forth the violation.
- 1) If Animal Services receives an affidavit and there is a probable cause to believe a violation has occurred, Animal Services may impound the dog and investigate the complaint.
 - 2) Upon a finding by the Animal Services Manager that the owner or person in possession willfully or negligently violated Section IX.4, Animal Services may seize the dog and issue the owner or person in possession a notice of intent to euthanize the dog within five (5) days.
 - 3) If the Animal Services Manager determines the owner or person in possession did not violate Section VIII.4, the owner or person in possession shall have five (5) days upon notification from Animal Services to redeem the dog. If the owner or person in possession fails to reclaim the dog, the dog may be disposed of in accordance with this Ordinance.
 - 4) The Animal Services Manager, in their sole discretion based on the nature and severity of the violation of Section IX.4, may release the dog back to the owner or person in possession if the Animal Services Manager is reasonably assured that the dangerous or potentially dangerous dog will be properly confined on the premises of its owner or person in possession. Such a determination does not absolve the owner or person in possession of any fees, fines, or penalties associated with the violation.
- B. The owner or person in possession of a dog that has been seized for violation of Section IX.4 and issued a notice of intent to euthanize the dog, may appeal the decision to the General Services Director prior to the date set forth in the notice of intent to euthanize. The owner or person in possession may appeal the General Services Director's determination to the Dangerous Dog Committee by filing their written objections in accordance with the procedures set forth in Section IX.3.B. Appeals of the Dangerous Dog Committee shall be heard in the Harnett County Superior Court. The appeal shall be heard de novo before a superior court judge sitting in the County.
- D. The owner or person in possession of a dog that has been deemed dangerous or potentially dangerous that attacks a person and causes physical injuries requiring

medical treatment in excess of one hundred dollars (\$100.00) shall be guilty of a Class 1 misdemeanor.

- E. Nothing in this article shall prevent a private citizen from bringing an action against the owner or person in possession of a dog which has caused injury to a person, their property, or another animal for damages, injuries, or any other loss resulting from the dog being dangerous or potentially dangerous.

SECTION X. SEIZURE AND IMPOUNDMENT OF ANIMALS

1. Power of Seizure and Impoundment:

A. Animal Control Officers and other law enforcement officers are empowered to seize and impound the following:

- 1) Any animal determined to be vicious or a public nuisance under the provisions of this Ordinance.
- 2) Any animal which has been found to be a victim of cruel treatment as determined by an Animal Control Officer, or Animal Services Manager.
- 3) Any wild or exotic animal determined to be held in violation of the provisions of this Ordinance.
- 4) Any dog, cat, or ferret appearing not to be in compliance with the rabies control provisions of this Ordinance.
- 5) Any animal running at large or which appears to be lost or strayed.
- 6) Any dog that has been deemed dangerous or potentially dangerous and is suspected of violating conditions set forth in Section IX.4.
- 7) Any animal that is in need of life-saving medical assistance or if the conditions pose an imminent threat of death or severe injury to the animal.

B. Impoundment of such animal shall not relieve the owner, or the person in possession, thereof from any penalty which may be imposed for violation of this Ordinance.

2. Dead Animals:

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

3. Dangerous Conditions:

Animal Control Officers shall not be required, in the process of seizing or impounding animals, to place themselves in a situation which may jeopardize their health or safety.

4. Notification to Owners or the Person in Possession:

Upon impoundment, the Animal Control Officer shall make a reasonable, diligent attempt to determine the ownership of the impounded animal, if not already known, and to notify the owner or the person in possession of the impounded animal and the procedures for redemption according to the provisions of this Ordinance.

5. Impoundment Time Periods:

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

- 1) Impounded stray animals shall be held for seventy-two (72) hours before becoming available for adoption or euthanasia.
- 2) In appropriate cases, the Animal Services Manager may, at his/her discretion, extend the three (3) day holding period.
- 3) In appropriate cases, e.g., for animals which are badly wounded or diseased with a highly contagious disease such as distemper or parvovirus, the Animal Services Manager may use his/her discretion to reduce the three (3) day holding period and to euthanize the animal immediately or at such appropriate time as determined by the Animal Services Manager.

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

- 1) By adoption.
- 2) By sale.
- 3) By humane euthanasia.
- 4) Public auction.

SECTION XI. REDEMPTION OF ANIMALS

1. During the time an animal is impounded at the Animal Shelter it shall be available for redemption by the owner or the person in possession unless the animal is under quarantine under the provisions of this Ordinance or if the animal was impounded due to cruel treatment. A redemption service fee shall be charged each time an animal is redeemed plus a boarding fee per day. Fees will be approved by the Harnett County Board of Commissioners. If the owner or the person in possession of an impounded animal can be identified and if the owner or the person in possession chooses not to redeem his/her animal, the Animal Services Manager may charge said owner or the person in possession for the animal's boarding and veterinarian costs. In order to recover said boarding and veterinarian costs, the Animal Services Manager may adopt or euthanize an impounded animal, if the owner or the person in possession cannot be

identified or if the owner or the person in possession refuses to redeem the animal pursuant to the provision of.

2. Any person attempting to redeem an impounded animal shall present proof sufficient to satisfy the Animal Services Manager or other Animal Services personnel of ownership of the animal. Evidence of ownership may include, but is not limited to, the following:
 - A. A valid animal license from Harnett County or another county;
 - B. A valid rabies tag for the animal;
 - C. Ownership documents, pedigree papers, bill of sale, or any other document identifying the person as the owner or person in possession of the animal; or
 - D. Photographs of the animal with the person claiming ownership or possession of the animal.

SECTION XII. INHERENTLY DANGEROUS WILD AND EXOTIC ANIMALS

1. At no time may any person, firm, partnership, or corporation harbor, keep, shelter, lodge, feed, or take care of an inherently dangerous wild or exotic animal within Harnett County. Inherently dangerous wild animals and exotic animals include all felines (other than domesticated house cats), nonhuman primates, bears, wolves, coyotes, reptiles (poisonous, crushing, and giant), and any crossbreed of such animals which have similar characteristics of the animals specified herein.
2. Exceptions.

This Section does not apply to:

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

3. Impoundment:

- A. Any inherently dangerous wild or exotic animal which is harbored, kept, sheltered, lodged, fed, or taken care of within Harnett County in contravention of this Section may be impounded by an Animal Control Officer for the protection and health of the animal and/or the protection of the public. Whenever possible, the Animal Control Officer shall impound the wild or exotic animal in the presence of its owner or the person in possession; however, if such is not practicable, then the Animal Control Officer may impound such wild or exotic animal consistent with the provisions of this Section.
- B. If a wild or exotic animal is impounded pursuant to this Section, the owner or the person in possession of the animal or reptile shall be notified by the Animal Control Officer as soon as possible.
- C. Any wild or exotic animal impounded pursuant to this Section will be held three (3) days for the owner or the person in possession to claim pursuant to Subsection 3(D) of this Section, but if the wild or exotic animal cannot be impounded safely by the Animal Control Officer or if proper and safe housing cannot be found for the wild or exotic animal, the Animal Control Officer can immediately euthanize the wild or exotic animal.
- D. The owner or person in possession of the wild or exotic animal can reclaim the wild or exotic animal if the person satisfies the Animal Services Manager that a safe transfer of the wild or exotic animal to an appropriate location outside of the County has been arranged.
- E. If no owner or the person in possession can be located or will claim the wild or exotic animal within three (3) days after impoundment the wild or exotic animal may be adopted or euthanized at the discretion of the Animal Services Manager.
- F. All costs of impoundment and care of the wild or exotic animal will be charged to its owner or the person in possession regardless of whether the wild or exotic animal is claimed by or returned to said owner or the person in possession. In the event the wild or exotic animal is reclaimed, such costs shall be paid in full prior to the owner or the person in possession reclaiming the wild or exotic animal pursuant to Subsection 3(D) of this Section.

SECTION XIII. PENALTIES

1. Misdemeanor:

Notwithstanding any civil penalties outlined herein, any person violating any provision of this Ordinance constitutes a misdemeanor and shall be punishable as provided under North Carolina General Statute §14-4. or any other applicable section for misdemeanor sentencing. Each day's continuing violation shall constitute a separate offense.

2. Equitable Remedies:

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

3. Civil Penalties:

In addition to other remedies for violations of this Ordinance, the Animal Services Manager or any person authorized by him/her may issue to the owner or the person in possession of said animal a citation giving notice of the violation of this Ordinance. Any such official shall be authorized to secure the name and address and birth date of the owner or the person in possession of the animal in violation. Citations issued may be delivered in person or mailed by registered or certified mail to the person charged if he/she cannot otherwise be readily located. Any such citation shall impose upon the owner or the person in possession a civil penalty of \$100.00 per animal for the first violation, \$200.00 for the second violation, and \$400.00 for the third and any subsequent violation. Said penalties must be paid within twenty (20) consecutive days to Harnett County Animal Services. In the event the owner or the person in possession of the animal or violator does not appear in response to the above described citation, or if the applicable penalty is not paid within the time prescribed, a criminal summons shall be issued against the violator or owner or the person in possession of the animal in violation of this Ordinance, and upon conviction, the violator or owner or the person in possession of the animal shall be punished as the court prescribes under Section XIII.1.

SECTION XIV. SEVERABILITY

If any part of this Ordinance or portion of any provision thereof, or the application thereof to any person or condition, is held invalid, such invalidity shall not affect other parts of this Ordinance or their application to any other person or condition, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION XV. CONFLICT

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

SECTION XVI. APPLICATION TO MUNICIPALITIES

1. Authority in Municipalities:

Animal Control Officers shall have no authority to enforce this Ordinance within the boundaries of any municipality unless the governing body of the municipality authorizes the enforcement of this Ordinance within its boundaries or the County and municipality enter into an interlocal agreement to enforce the municipality's ordinance.

2. Non-Enforcement of Inconsistent Ordinances:

An Animal Control Officer shall be prohibited from enforcing the provisions of any ordinance or municipal law not adopted according to the provisions of this Ordinance.

SECTION XVII. EFFECTIVE DATE

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

Amended December 4, 1995

Amended January 6, 1997

Revised May 6, 2002

Revised April 17, 2006

Revised June 4, 2018

Revised October 17, 2022