

## Chapter 4 ANIMALS\*

**\*Editors Note**— Ord. No. 2007-1001, Art. XX, § 3, adopted Oct. 26, 2007, repealed ch. 4, arts. I, II, §§ 4-1--4-3, 4-31--4-34 in its entirety. Articles I, II, III, VIII, X, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX and XX of Ord. No. 2007-1001 and Ord. No. 2007-1003, adopted Oct. 26, 2007 enacted new provisions to read as herein set out. Prior to amendment, Ch. 4 pertained to similar subject matter. See Code Comparative Table for derivation.

**Cross References**— Environment, [ch. 10](#).

**State Law References**— Protection of animals, G.S. 19A-1 et seq.; dogs generally, G.S. 67-1 et seq.; rabies control, G.S. 130A-184 et seq.; regulation of domestic animals, G.S. 160A-186.

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## **ARTICLE I. IN GENERAL**

### **Sec. 4-1. Authority.**

This chapter is established pursuant to the following grants of statutory authority:

(1) North Carolina General Statute 153A-121 which delegates to counties the power to regulate by ordinance, acts, omissions, or conditions detrimental to the health, safety or welfare of their citizens and the peace and dignity of the county.

(2) North Carolina General Statute 153A-123, which authorizes counties to levy fines and penalties for violation of their ordinances and allows counties to secure injunction and abatement orders to further insure compliance with their ordinances.

(3) North Carolina General Statute 153A-127 which authorizes counties to define and prohibit the abuse of animals.

(4) North Carolina General Statute 153A-131 which authorizes counties to regulate, restrict or prohibit the possession or harboring of animals which are dangerous to persons or property.

(5) North Carolina General Statute 153A-422 which authorizes counties to establish, equip, operate and maintain animal shelters.

(6) North Carolina General Statute 130A-192 which authorizes animal control officers to determine if there are any dogs and cats not wearing valid rabies vaccination tags.

(7) North Carolina General Statute 67 which authorizes health directors to declare a dog potentially dangerous.

(8) North Carolina General Statute 14-4 which makes it a misdemeanor, unless otherwise specified, if any person shall be found guilty of violating an ordinance of the county.

(Ord. No. 2007-1001, Art. I, (1), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

#### **Sec. 4-2. Purpose and objective.**

This chapter is established for the following purposes and objectives:

- (1) *Animal cruelty*. To define and prohibit the abuse of animals;
- (2) *Rabies*. To protect citizens and animals of Brunswick County from rabies transmitted by unconfined, uncontrolled, or unimmunized dogs or cats;
- (3) *Animals at large*. To regulate, restrict or prohibit the running at large of any domestic animals;
- (4) *Stray animals*. To regulate, restrict or prohibit the keeping of stray domestic animals;
- (5) *Animal nuisance*. To regulate animals that may be nuisance;
- (6) *Wild or exotic animals, poisonous reptiles and dangerous animals*. To regulate, restrict or prohibit the harboring or keeping or ownership of, wild or exotic animals, poisonous reptiles and dangerous animals;
- (7) *Animal bites*. To establish rules and procedures for dealing with animal bites;
- (8) *Impoundment of animals*. To regulate the impoundment and confinement of animals;
- (9) *Redemption of impounded animals*. To regulate and establish procedures and fees for redeeming impounded animals in the county's animal shelter; and
- (10) *Destruction of animals*. To regulate and establish procedures for destroying diseased, strayed, unwanted or unclaimed animals.

(Ord. No. 2007-1001, Art. I, (2), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

#### **Sec. 4-3. General provisions.**

The following general provisions shall apply to this chapter:

- (a) *Animal services*. Authority is hereby granted to Brunswick County animal services to enforce this chapter. This chapter shall be enforced by all animal services officers (as defined in subsection (c), having all rights, powers and immunities granted in this subsection (a)(1)—(13).

All employees of animal services are hereby granted the following rights, powers, and immunities and said employees, through animal services shall:

- (1) Have the responsibility, along with law enforcement agencies to enforce all laws of North Carolina and all ordinances of Brunswick County pertaining to animals and shall cooperate with all law enforcement officers within Brunswick County in fulfilling this duty;
- (2) Enforce and carry out all laws of North Carolina and all ordinances of Brunswick County pertaining to rabies control;
- (3) Be responsible for the investigation of all reported animal bites, for the quarantine of any dog or cat having or suspected of having rabies for a period of not less than ten days, and for reporting to the local health director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal;
- (4) Be responsible for the operation of the animal shelter;
- (5) Be responsible for the seizure and impoundment, when necessary, of any animal of Brunswick County involved in a violation of this or any other ordinance or state law;
- (6) Investigate cruelty or abuse of animals and protect animals from cruelty or abuse;
- (7) Be empowered to seize animals pursuant to G.S. 19A-46, or with the consent of an owner or occupant of the property, or as evidence if the animals are in "plain view", or by criminal or administrative search warrant if the animals are being cruelly treated or abused;
- (8) Make canvasses of homes and businesses in the county as necessary for the purpose of ascertaining compliance with this chapter or state statute;
- (9) Keep, or cause to be kept, accurate and detailed records of seizures, impoundments, and disposition of animals coming into the custody of animal services, bite cases, violations, complaints, investigations, and monies collected;
- (10) Be empowered to issue notices of violation and assess civil penalties for violations of this chapter;
- (11) Be empowered to go in the yard of animal owners to inspect the condition of animals;
- (12) Be empowered to make inspections of buildings or dwellings with the consent of the owner or occupant, or by administrative search warrant, or criminal search warrant when there is reasonable cause to believe that this chapter or state law is being violated; and
- (13) Be empowered to go upon private property to seize animals pursuant to the provisions of this chapter or court order.

(b) *Animal services director.* The Brunswick County animal services director shall be the chief animal services officer, be in charge of animal services, and supervise the Brunswick County Animal Shelter. The animal services director shall have the authority to delegate to his animal services officers or administrative staff any of the powers granted him by this chapter. Any act done by an animal services officer or a member of the administrative staff that is in

compliance with or within the scope of this chapter, shall be considered the official act of the animal services director.

(c) *Animal services officer.* All persons employed by the Brunswick County animal services department shall be considered animal services officers and shall have all rights, powers, and immunities granted under this chapter and by the general laws of this state to enforce the provisions of this chapter and the General Statutes of North Carolina as they relate to animal control and animal welfare. All animal services officers are hereby appointed animal cruelty investigators.

(Ord. No. 2007-1001, Art. I, (3), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

#### **Sec. 4-4. Nuisance pets.**

(a) *Nuisance pets* are defined as dogs, or other domesticated animals, present on Bald Head Island:

(1) Who are permitted by owners to roam off the owners' premises, not accompanied by a responsible person. (This does not include a pet that is previously reported as "lost" and is being searched for);

(2) Who chase, snap at, or otherwise harass pedestrians, bicyclists, or vehicle drivers;

(3) Who damage or destroy property of another person;

(4) Who obtain entrance to outside garbage enclosures and scatter their contents;

(5) Who regularly harass other wildlife or pets on Bald Head Island; or

(6) Who engage in prolonged noisemaking.

(b) Regulations and remedies herein are cumulative and not exclusive of those of other laws or regulations.

(c) A written and signed complaint statement is required to be submitted to the department of public safety by the reporting party within ten days of the incident; and the opportunity for a written reply would be accorded to the pet owner before a pet is determined to be a "nuisance pet" by the Bald Head Island department of public safety.

(d) The village department of public safety is authorized to issue warnings or appropriate fines to owners of nuisance pets dependent upon the frequency of filed complaint. Civil fines, if issued, will be \$100.00 for first offense, increasing in \$50.00 increments for each subsequent offense within a 12-month period of the most recent offense.

(Ord. No. 2009-0504, 5-15-2009; Ord. No. 2013-0501, 5-17-2013)

**Secs. 4-5--4-50. Reserved.**

## **ARTICLE II. RABIES CONTROL**

#### **Sec. 4-51. Definitions.**

As used in this article the following terms are defined below:

*Bite* means the act of an animal seizing flesh with its teeth or jaws so as to tear, pierce or injure the flesh.

*Cats* means any and all domestic felines.

*Confinement* means impoundment within the county's animal shelter or other appropriate facility.

*Dogs* means any and all domestic canines.

*Owner* means any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on its property for more than 72 hours.

*Rabies vaccinator* means a person appointed and certified to administer rabies vaccine or a licensed veterinarian.

*Rabies vaccine* means an animal rabies vaccine approved by the United States Department of Agriculture for use in this state.

*Restraint* means a secure enclosure, chain, leash or other physical device of sufficient strength which allows the owner to maintain direct control of an animal.

*Vaccination* means the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

(Ord. No. 2007-1001, Art. II, (1), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

#### **Sec. 4-52. Vaccination for rabies.**

Owners of dogs and cats shall comply with the provisions of this section.

(1) *Vaccination*. The owner of every dog or cat shall have the animal vaccinated against rabies at four months of age, again at 16 months of age and then every three years by a licensed veterinarian or by a certified rabies vaccinator with a rabies vaccine approved by the United States Department of Agriculture and approved by the North Carolina Commission for Health Services for use in this state.

(2) *Rabies tags*. A licensed veterinarian or a certified rabies vaccinator who administers rabies vaccine to a dog or cat shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words North Carolina or the initials "NC" and the words "rabies vaccine". The owner shall make sure that the dog or cat wears the rabies tag at all times.

(3) *Rabies vaccination certificates*. The owner of a dog or cat must be able to produce a current rabies vaccination certificate. This certificate shall be issued by a licensed veterinarian or a certified vaccinator at the time the dog or cat is vaccinated. A copy of the certificate shall also be mailed or delivered to the animal services director by the licensed veterinarian or certified rabies vaccinator within 45 days of the animal being vaccinated. The animal services director

may implement another method for collecting vaccination certificates. Brunswick County residents who have their animals vaccinated outside of Brunswick County are responsible for filing the rabies vaccination certificate within animal services within five days of the inoculation or within five days of their return to the local area.

(4) *Nontransferable.* Rabies tags cannot be transferred from animal to animal.

(5) *Lost, destroyed or stolen rabies tags.* If a rabies tag is lost, destroyed or stolen, a duplicate tag must be obtained from the veterinarian at a fee not to exceed the actual cost of the tag, link and rivets, plus transportation cost.

(Ord. No. 2007-1001, Art. II, (2), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

#### **Sec. 4-53. Bites.**

In order that rabies may be controlled and treated, all persons shall comply with the provisions of this section.

(1) *Persons bitten.* Wounds inflicted by any animal known to be a potential carrier of rabies shall be reported immediately to the county health director and the animal services director by the person who has been bitten, or in case of a child, his or her parents or guardian or other responsible party. Any person who has knowledge of a dog or cat inflicting a wound shall immediately report the same to the county health director and/or the animal services director, and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved, if known. Every physician who treats a wound inflicted by any animal known to be a potential carrier of rabies shall report the incident to the county health director and/or the animal services director and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved, if known, within 24 hours of rendering treatment.

(2) *Confinement of biting dogs and cats and confinement of animals suspected of having rabies.* Every dog or cat that bites a human being shall be confined immediately. The animal shall be delivered within eight hours of the incident, by the owner, to the county animal shelter or to a licensed veterinary hospital. The animal shall be confined for observation for not less than ten days. The owner shall be responsible for the cost of confinement at either place. The animal services director shall have authority to order confinement of a dog or cat to the county's animal shelter or any other appropriate facility. Brunswick County Animal Services may waive the cost of confining the animal at the shelter if the bite occurred on the owner's premises and the animal was provoked. Final authority as to place of confinement rests with the county health director. After reviewing the circumstances of a particular case, the county health director may permit the animal to be confined on the premises of the owner, but only after an inspection and recommendation from the animal services director. The animal services director's recommendation shall be based on whether or not there is a suitable secure enclosure on the premises and other circumstances warrant confinement on the owner's premises.

a. An owner or possessor of an animal which is suspected of having rabies shall immediately notify the county health director or animal services director and shall securely



confine the animal until further instructed by the county health director or animal services director.

(3) *Destruction of infected dogs and cats.* If a dog or cat, in or out of confinement, develops rabies, as determined by a licensed veterinarian, it shall be the duty of the owner to have such animal euthanized under the supervision of the animal services director. Any dog or cat known to have been bitten by another animal which is known or proved to be rabid shall be euthanized immediately by the owner or by the animal services director unless the dog or cat has been vaccinated against rabies more than three weeks prior to being bitten and is given a booster dose of rabies vaccine within three days of the bite.

(Ord. No. 2007-1001, Art. II, (3), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

#### **Sec. 4-54. Sanctions, penalties, fines and remedies.**

Violations of this article [and Article II of the Brunswick County Animal Control Ordinance], are punishable by prosecution in criminal court as provided by G.S. 14-4, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in article VII, or both. Collection of civil penalties may be by civil action or by the use of a collection agency.

(1) *Failure to keep rabies tags on dogs and cats at all times.* It shall be a violation if a dog or cat is observed by an animal services officer not wearing a valid rabies tag, regardless of whether or not the animal is on or off the owner's property and regardless of whether or not the animal has been vaccinated.

(2) *Failure to produce proof of vaccination and/or failure to have animal vaccinated when the owner is known.* In addition to any civil penalties imposed for violation of subsection (1) above, the owner of a dog or cat may be assessed another civil penalty, if he or she fails to produce proof of vaccination and/or fails to have the animal vaccinated within 72 hours of the issuance of a written notice of violation and civil penalty. The notice of violation and civil penalty shall specify that the owner has 72 hours to produce proof of vaccination and/or to have the animal vaccinated and failure to do so shall result in the assessment of a civil penalty. If the owner presents proof of vaccination, within 72 hours of the issuance of the notice of violation, the civil penalty shall not be assessed. Having the animal vaccinated or showing proof of vaccination shall not discharge the civil penalties assessed for violation of subsection (1) above.

a. If the animal is not vaccinated and/or the civil penalty is not paid within 72 hours, animal services shall have the authority to summarily seize the animal. The owner shall have give five days from the date of seizure to redeem the animal. The owner may redeem the animal by paying the civil penalty, the redemption fee and all boarding fees. If the owner wishes to request a review of the seizure of the animal, the owner must file a written request with the board of health's environmental committee within five days of the seizure. If a timely request is filed, the board of health's environmental committee shall convene within ten days of the receipt of said request. If the owner disagrees with the board of health's environmental committee decision, the owner must seek a review by the Brunswick County Superior Court within ten days of the issuance of the board committee's written decision. If the owner fails to redeem the animal, or fails to timely request a review of the seizure, or fails to timely appeal the board committee's

written decision, the animal shall become the property of Brunswick County and shall be disposed of according to this chapter.

b. The animal services officer may, in addition, issue a criminal summons or warrant, pursuant to the G.S. 130A-25 for the owner's violation of the G.S. 130A-185 or 130A-192. Any owner, if convicted, shall be guilty of a misdemeanor and shall be fined not more than \$500.00 or imprisoned for not more than six months.

(3) *Dogs or cats without valid rabies tags and the owner is unknown.* If a dog or cat is observed not wearing a valid rabies vaccination tag and the owner is unknown and cannot be found, the animal services director or his designee may impound the animal. Written notice of impoundment shall be posted at the animal shelter for a minimum of five days. If the animal has not been redeemed by the owner after five days the animal shall become the property of Brunswick County to be disposed of according to this chapter. If the owner is found, the animal shall be released upon payment of all redemption fees and a civil penalty for failure to wear a valid rabies vaccination tag. The owner may also be subject to other appropriate penalties described in Article IV [of the Brunswick County Animal Control Ordinance], plus a civil penalty for the animal being at large.

(4) *Failure to provide animal services with rabies vaccination certificates.* Any veterinarian or certified rabies vaccinator who willfully refuses to turn over rabies vaccination certificates to animal services pursuant to G.S. 130A-189, shall be subject to the issuance of a criminal summons or warrants or the filing of a civil action to obtain the certificates.

(5) *Failure to notify the county health director and/or the animal services director of a biting incident and failure to confine biting dogs and cats.* If the owner of a dog or cat, or the person being bitten, or the parent of a child or other legal guardian or person standing in loco parents of the person, fails to notify the health director and/or the animal services director and provide the names and addresses of the person(s) bitten and the names and addresses of the owner(s) of any animals involved in a biting incident; or the owner, who has knowledge of a dog or cat biting incident, fails to confine the animal pursuant to section [4-53](#), the animal services director or the county health director may seek the issuance of a criminal summons or warrant charging the person with a violation of G.S. 130A-196.

(Ord. No. 2007-1001, Art. II, (4), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-55--4-75. Reserved.**

### **ARTICLE III. ANIMAL CRUELTY**

#### **Sec. 4-76. Definitions.**

As used in this article the following terms are defined below:

*Adequate shelter:* An enclosure of at least three sides, a roof and a floor. The enclosure shall be ventilated and must have sufficient room for the animal(s) to move around freely and to lie down comfortably. Animals housed under the following conditions shall not constitute adequate shelter:

- (1) Underneath outside steps, decks and stoops; or
- (2) Inside of vehicles; or
- (3) Underneath vehicles; or
- (4) Inside metal barrels placed in direct sunlight during the summer; or
- (5) Inside cardboard boxes.

*Animal:* Every nonhuman species, both domestic and wild.

*Cruelty and cruel treatment:* Every act, omission, or act of neglect whereby unjustifiable, pain, suffering or death is caused or permitted, or attempted to be caused or permitted, against animals, as well as acts or attempted acts of teasing, molesting, baiting or trapping animals unlawfully. By way of example and not limitation, the following acts or conditions shall constitute prima facie evidence of animal cruelty:

- (1) A collar, rope or chain embedded in or causing injury to an animal's neck;
- (2) Dogs or cats left out in the rain, snow, extreme heat or cold without shelter;
- (3) Animals that have not been fed or watered adequately;
- (4) Intentionally allowing animals to engage in a fight;
- (5) Allowing animals to live in unsanitary conditions; and
- (6) Allowing animals to live under crowded conditions; and
- (7) Failure or refusal of an owner to obtain medical treatment for an animal when in an animal services officer's opinion such treatment is needed.

*Owner:* Any person or group of persons owning, keeping, having charge of or taking care of an animal.

*Person:* Any human being, firm, partnership or corporation including any nonprofit corporation.

(Ord. No. 2007-1001, Art. III, (1), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

#### **Sec. 4-77. Exemptions.**

This article shall not apply to agencies conducting biomedical research or training, lawful activities for sport, the production of livestock or poultry for sale as a consumer product and the lawful destruction of any animal for the purpose of protecting livestock, poultry or humans.

(Ord. No. 2007-1001, Art. III, (2), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

#### **Sec. 4-78. General care and prohibited acts.**

All animals shall be kept and treated under sanitary and humane conditions and failure of the owner or possessor of the animal to abide by the provisions listed below shall subject the owner or possessor to the sanctions described in section [4-80](#).

(1) *Food, water and shelter.* All animals in the possession of any persons shall be provided proper and adequate food and water. All animals, unless otherwise indicated in this chapter, shall be given at suitable intervals not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a healthful level of nutrition. All animals shall have access to a constant supply of clean, fresh water. All animals shall be provided proper and adequate shelter from the weather at all times.

(2) *Clean shelter.* All shelter for animals and the area surrounding said shelter shall be kept clean at all times.

(3) *Medical treatment.* All owners or possessors of animals shall provide proper medical attention for sick, diseased or injured animals. A sick animal shall go no longer than 24 hours without veterinary care.

(4) *Cruelty and cruel treatment.* No person shall beat, torment, overload, overwork, tease, molest or bait an animal or otherwise cruelly treat an animal as defined in section [4-76](#). No person shall shoot a dog or any other animal, either on or off the owner's property, unless the animal is in the act of attacking a human being, sheep, cattle, hog, goat, or poultry or any domestic animal or as otherwise allowed by the North Carolina Wildlife Resources Commission. This shall not apply to animal services officers when in the performance of their duties. No person shall trap a dog or cat without the permission of animal services.

(5) *Illegal contest or combat.* No person shall cause, permit or instigate any dogfight, cockfight, bullfight or other illegal contest or combat between animals or animals and humans.

(6) *Poisoning of animals.* No person shall expose any known poisonous substance or mix a poisonous substance with food, so that it will likely be eaten by any animal. This does not include acts or attempts of persons to rid their own property of rats or any other acts permitted by the North Carolina Wildlife Resources Commission.

(7) *Confining animals to motor vehicles or transporting animals.* No person shall leave an animal in a closed car, truck or other vehicle for such duration or at temperatures as an animal services officer, in his sole discretion, deems harmful or potentially harmful to the animal. No person shall carry or cause to be carried in or upon any vehicle or other conveyance, any animal in a cruel or inhumane manner.

(8) *Abandonment.* No person shall turn loose or discard any domesticated animal or pet with the intent of abandoning such animal or pet.

(9) *Disposing of dead animals.* All possessors or owners of animals that die, from any cause, shall bury the dead animal to a depth of at least three feet beneath the surface of the ground on his or her leased or owned property. No animal shall be buried within 300 feet of any flowing stream or public body of water. In the alternative, said animal shall be completely burned or otherwise disposed of in a manner approved by the state veterinarian. In any event, all dead animals shall be disposed of within 24 hours after knowledge of the death. No possessor or owner of a dead animal[(s)] shall remove the carcass of a dead animal from his premises to the premises of another person without written permission of the person having charge of such premises and without burying said carcass as provided above.

(10) *Reporting injured or killed domestic animals.* All persons who injure or kill a domesticated animal by running over, into, or otherwise coming in contact with such an animal with an automobile, motorcycle, bicycle or other vehicle shall notify the owner of the animal immediately. If the owner is not known, the person who injured or killed the animal shall immediately notify the animal services director, or the department of public safety if the injury or death occurred in the city, or the sheriff's department if the injury or death occurred in the county. The person who injured or killed the animal shall give his or her name and address to the appropriate authority. An owner or lessee of real property who finds an injured or suffering domesticated animal on his property shall report the same to animal services as soon as the animal is discovered on the real property.

(11) *Animals given away as prizes.* No live animal shall be given away, raffled or offered as a prize, premium or advertising device for, or as an inducement to enter, any contest, game or other competition involving skill or chance.

(12) *Public exhibits of animals.* Animal services shall have the authority to inspect public exhibits of animals which are a part of fairs, carnivals, festivals, fund raising events, petting zoos and any other activity or function carried on in Brunswick County. Brunswick County Animal Services shall have the authority to close down any exhibit, function or activity if it is determined that animals are being cruelly treated or animals run the risk of causing injury or harm to the public or run the risk of being injured or harmed themselves. Animal services, the health department nor brunswick county accept any liability for any injury, damage of property or loss visiting or monitoring public exhibits of animals.

(Ord. No. 2007-1001, Art. III, (3), 10-26-2007; Ord. No. 2007-1003, 10-26-2007; Ord. No. 2013-0501, 5-17-2013)

#### **Sec. 4-79. Failure to report animal cruelty.**

An owner or lessee of property who knows, or based on facts and circumstances should know, that animals are being or have been cruelly treated on the owner's or lessee's real property, shall report said act or acts of cruelty to the animal services department. The owner or lessee of real property who fails to report acts of animal cruelty shall be subject to the appropriate sanctions described in section 4-80, below.

(Ord. No. 2007-1001, Art. III, (4), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

#### **Sec. 4-80. Sanctions, penalties, fines and remedies.**

Violations of this article [and Article III of the Brunswick County Animal Control Ordinance], are punishable by prosecution in criminal court as provided by G.S. 14-4, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties, as prescribed in Article VII, or both. Collection of civil penalties may be by civil action or by the use of a collection agency.

(1) *Failure to adequately provide for animals and cruel treatment of animals.* Whenever it has been determined by an animal services officer that an animal is not being adequately provided for or is being cruelly treated, as defined in section [4-78](#), above, he may file with the magistrate a sworn complaint requesting an order allowing him to take immediate custody of,

and provide suitable care for, the animal. The magistrate, pursuant to G.S. 19A-46 and this chapter, shall issue the order only when he finds probable cause to believe that the animal is being cruelly treated and that it is necessary for the animal services officer to take immediate custody. Any magistrate's order issued under this section shall be valid for only 24 hours after its issuance. After the animal services officer executes the order, he shall return it with a written inventory of the animal(s) seized to the clerk of court.

a. The animal services officer may request that a law enforcement officer accompany him to help seize the animal. He may forcibly enter any premises or vehicle when necessary to execute the order only if he reasonably believes that the premises or vehicle is unoccupied by any person and that the animal is on the premises or in the vehicle and only if the animal services officer is accompanied by a law enforcement officer. In any case, he must give notice of his identity and purpose to anyone who may be present before entering the premises. If the premises is occupied and access to the premises and the animal is denied by the occupant, the animal services officer shall obtain a judicial order from a district court judge authorizing forcible entry. Forcible entry shall only be used during the daylight hours.

b. When the animal services officer seizes an animal, he must leave with the owner, if known, or affix to the premises or vehicle a copy of the magistrate's order and a written notice of the description of the animal, the place where the animal will be taken, the reason for taking the animal, a list of conditions, if any, which must be met before the owner can redeem the animal and the animal services officer's intent to file a complaint in district court requesting custody of the animal if the conditions are not met.

c. When the animal services officer takes custody of such an animal, he shall file a verified complaint asking the district court to determine custody of the animal. The animal services officer may also seek injunctive relief and any other relief he deems appropriate. This complaint shall be filed as soon as possible, but in no event longer than 30 days after the taking of the animal. If the owner surrenders the animal, the animal services officer does not have to file a complaint seeking custody of the animal.

d. The animal services officer must take any animal seized directly to a safe and secure place and provide suitable care for it. The necessary expenses of caring for a seized animal, including necessary veterinary care, shall be a charge against the animal's owner and a lien on the animal to be enforced as provided by G.S. 44A-4.

(2) *Alternative remedy and sanction.* If it is determined by an animal services officer that an animal is not in immediate danger, or the condition or problem which gives rise to inadequate care or cruel treatment can be corrected immediately or within a short period of time, not to exceed 72 hours, he may, in lieu of subsection (1), above, issue a written notice of violation requesting the owner or possessor of the animal to cease and desist or to correct the problem within 72 hours. If the condition or problem is not corrected within 72 hours or the owner or possessor of the animal fails to cease or desist from the cruel treatment or fails to adequately provide for the animal, the animal services officer may take action as outlined in subsection (1), above.

(3) *Violation of section 4-78(2); (clean shelter)*. Notwithstanding the other provisions and sanctions of this article, when it has been determined by an animal services officer that animals have been allowed to live in unsanitary conditions, and that said conditions resulted from the owner's unwillingness or inability to clean the area where animals are housed or that the conditions resulted from the number of animals involved, animal services may summarily seize the animals. Before the animals are seized, the animal services director or health director shall issue a declaration of unsanitary conditions and notice of seizure to the owner. If the owner wishes to request a review of the seizure of the animals, the owner must file a written request with the board of health's environmental committee within five days of the seizure. If a timely request is filed, the board of health's environmental committee shall convene within ten days of the filing of said request. If the owner disagrees with the board of health's environmental committee decision, the owner must seek a review by the Brunswick County Superior Court within ten days of the issuance of the board committee's written decision. If the owner fails to timely request a review of the seizure or fails to timely appeal the committee's written decision, the animal shall become the property of Brunswick County and shall be disposed of according to this chapter.

(4) *Violation of section 4-78(4)--(9)*. When it has been determined by an animal services officer that there has been a violation of one or more of the following subsections (4)--(9), he may initiate the issuance of a criminal summons or warrant for violating the following criminal statutes:

- a. G.S. 14-360, Cruelty to Animals;
- b. G.S. 14-361.1, Abandonment of Animals;
- c. G.S. 14-362 and 14-362.1, Cockfighting and other Animal fights;
- d. G.S. 14-363, Transporting Animals Cruelly;
- e. G.S. 14-401, Animal Poisoning;
- f. G.S. 106-403 and 106-405, Disposing of Dead Animals.

Any person found guilty under any of the above criminal statutes shall be subject to the penalty therein prescribed, or if no penalty therein prescribed, or if no penalty is prescribed, then according to G.S. 14.4.

(5) *Violation of section 4-78(10); (reporting injured or killed domestic animals)*. When it has been determined by an animal services officer that a domesticated animal has been injured or killed, as a result of coming into contact with an automobile, motorcycle, bicycle or other vehicle, and the person operating said conveyance fails to report the same, and the operator can be identified by an eyewitness or physical evidence, the animal services officer may issue a written notice of violation and civil penalty to the operator.

a. Any owner or lessee of real property who fails to report the existence of an injured or suffering domesticated animal on his property as required by section 4-78(10) above, may be issued a written notice of violation and civil penalty.

(6) *Violation of section 4-78(11) or (12); (animals as prizes and public exhibits of animals).* Any person who violates section 4-78(11) shall be subject to the issuance of a criminal warrant or summons and, if convicted, shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00 or imprisoned for not more than six months. Any person who fails or refuses to close down an exhibit, function or activity after being instructed to do so by animal services shall be subject to the issuance of a criminal warrant or summons and, if convicted, shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00 or imprisoned for not more than six months.

(Ord. No. 2007-1001, Art. III, (5), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-81--4-120. Reserved.**

## **ARTICLE IV. DANGEROUS DOG OR OTHER DANGEROUS ANIMAL**

### **📖 Sec. 4-121. Definitions.**

As used in this article the following terms shall have the meanings set forth below:

At large means when any previously determined dangerous dog or other dangerous animal is off of the property of its owner and not under restraint or when any previously determined dangerous dog or other dangerous animal is not confined to a secure enclosure while on the property of its owner, it shall be deemed at large.

*Dangerous animal* means:

(1) A dog or other animal that:

- a. Without provocation has killed or inflicted severe injury on a person, or
- b. Is determined by the health director to be potentially dangerous because the animal has engaged in one or more of the behaviors listed in the definition of a potentially dangerous animal; or

(2) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

*Potentially dangerous animal* means a dog or any other animal that without provocation has killed or inflicted severe injury on a person, or a dog or another animal that has:

(1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or

(2) Killed or inflicted severe injury upon 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.



*Owner* means any person, group of persons, firm, partnership or corporation owning, keeping, harboring, having charge of or taking care of a dangerous dog or other dangerous animal or allowing a dangerous dog or other dangerous animal to remain on its property for 72 hours.

*Owner's property* means any real property owned or leased by the owner of a dangerous dog or other dangerous animal, not including any public right-of-way or the common areas of a condominium, apartment complex or townhouse development.

*Restraint*: means a dangerous or potentially dangerous animal is restrained if it is firmly under the control of a competent person by means of a leash, chain, or rope at all times. When the animal is not in a secure enclosure but on the owner's property it shall be securely under restraint by a competent person who by means of a leash, chain, or rope has the animal firmly under control at all times. When a dangerous or potentially dangerous animal is off of the property of its owner, restraint shall also include a secure muzzle on the animal. For purposes of this section, tying a dangerous animal or potentially dangerous animal to a stake, pipe, tree or any other stationary object shall not constitute restraint. When the animal is not under the control of a competent person, restraint shall mean confinement to a secure enclosure deemed appropriate by the health director or his designee.

*Secure enclosure* means an enclosure from which dangerous animal or potentially dangerous animal cannot escape unless freed by an owner. Enclosures shall be of a size appropriate for the animal it will hold, and must have a concrete floor. The enclosure shall be constructed with a minimum of 11½ gauge galvanized chain link fencing securely attached to the frame of said enclosure. The enclosure shall have a wire top also constructed of a minimum 11½ gauge galvanized chain link fencing. The enclosure's exit/entry gate must be equipped with a pad lock. Such facilities must be approved by the health director or his designee. Human dwelling units shall not be approved as enclosures for dangerous animals.

(Ord. No. 2007-1001, Art. VIII, (1), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

#### **Sec. 4-122. Exemption.**

This article shall not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties, or a dog being used in a lawful hunt, or a dog used as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, or 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 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. 2007-1001, Art. VIII, (2), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

#### **Sec. 4-123. Determination of dangerousness.**

If the health director receives information that a dog or any other animal has exhibited or committed any of the acts described in the potentially dangerous animal definition above, he must make a determination as to whether the animal is potentially dangerous. The health director must issue a written determination within five days of learning about the dangerous propensity of the animal. Whatever determination makes must be placed in writing. The written decision must

contain his reasons for declaring or not declaring the animal potentially dangerous. If the animal is declared potentially dangerous, specific instructions in accordance with section [4-124](#), of this article and any other controls as deemed as necessary by the health director or his designee shall be given. These instructions must be followed during the pendency of any appeal filed by the owner and at all times thereafter unless the owner prevails on appeal. Animals declared dangerous or potentially dangerous shall be seized by Brunswick County Animal Services and impounded at Brunswick County Animal Shelter or other facility approved by the health director or his designee. The animal shall be impounded for 14 days or until such time as the secure enclosure is constructed by the owner at the discretion of the health director and approved by the health director or his designee. All fines penalties and fees shall be paid by the owner of the dangerous animal or potentially dangerous animal prior to the animal being reclaimed. Dangerous animals or potentially dangerous animals not reclaimed by the owner after 20 days of being deemed dangerous shall become property of Brunswick County and be humanely destroyed. The written decision shall be served on the owner of the animal. If the owner of the animal disagrees with the health director's decision, he must file a written appeal and request for hearing with the board of health's environmental committee within five days of receiving the written decision. The board of health's environmental committee shall schedule a hearing within ten days of receiving the appeal and request for hearing. The board of health's environmental committee shall render a written decision within three days after the hearing and serve the same on the owner. The owner may appeal the board of health's environmental committee decision to the superior court by filing notice of appeal and a petition for review within ten days of the final decision of the board of health's environmental committee. The appeal shall be heard de novo in superior court pursuant to G.S. 67 4.1(c).

(Ord. No. 2007-1001, Art. VIII, (3), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**📖 Sec. 4-124. Confinement and restraint of a dangerous dog or other dangerous animal.**

The owner of a dangerous dog or other dangerous animal shall keep the animal within a secure enclosure, as defined in section [4-121](#), of this article, on his property, or on the property of another with written permission. When the animal is not in a secure enclosure but on the owners property it shall be securely under restraint by a competent person who by means of a leash, chain or rope has the animal firmly under control at all times. When the animal is off of the property of the owner, it shall be securely muzzled and under restraint by a competent person who by means of a leash, chain or rope has the animal firmly under control at all times. The owner shall notify animal services immediately of an escape by the animal. All dangerous dogs must be microchipped for identification by a licensed Veterinarian within 20 days at the owner's expense and animal services provided with the identification number. All owners of dangerous dogs must purchase a sign from animal services that states "DANGEROUS DOG" and post same on the enclosure where said dog is confined.

(Ord. No. 2007-1001, Art. VIII, (4), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**📖 Sec. 4-125. Transfer of ownership of a dangerous animal.**

If the owner of a dangerous animal or potentially dangerous animal transfers ownership or possession of the animal to another person, the owner shall provide written notice to the new owner or person taking possession that the animal is dangerous, as defined in this article and the owner shall provide animal services with written notice that ownership or possession of the animal prior to the transfer of ownership.

(Ord. No. 2007-1001, Art. VIII, (5), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**📖 Sec. 4-126. Sanctions, penalties, fines and remedies.**

Violations of this article [and Article VIII, of the Brunswick County Animal Control Ordinance], are punishable by prosecution in criminal court as provided by G.S. 14-4, unless a greater penalty is provided elsewhere, or by the imposition of civil penalties as prescribed in article VII, or both. Collection of civil penalties may be by civil action or by the use of a collection agency.

(1) Dangerous animal or potentially dangerous animal found at large.

a. If an animal, which has previously been determined to be dangerous or potentially dangerous by the health director, is found at large, it may be tranquilized or humanely destroyed by an animal services officer with or without prior notice to the owner, only after unsuccessful attempts to catch it and authorization from the animal services director. If an animal services officer does tranquilize or humanely destroy such an animal, he shall submit a written report of the incident to the animal services director within 72 hours of the incident and shall make a good faith attempt to notify the owner of the incident.

b. If an animal which previously has been determined to be dangerous or potentially dangerous by the health director is determined by an animal services officer to pose immediate danger to the health and safety of any person or animal, the dangerous animal or potentially dangerous animal may be tranquilized or humanely destroyed at the animal service officer's discretion, with or without prior notification to the owner. In the event the animal services officer does tranquilize or humanely destroy such animal, he shall submit a written report of the incident to the animal services director within 72 hours of the incident and shall make a good faith attempt to notify the owner of the incident.

c. If a dangerous animal or potentially dangerous animal is caught while at large or seen at large, it may be impounded and humanely destroyed. Animal services may go upon private property to seize the animal. The health director may issue a notice of intent to destroy the animal to the owner. The owner may appeal this intended action by filing a written request with the board of health's environmental committee within five working days of receiving the written decision. The board of health's environmental committee shall schedule a hearing within ten days of receiving the appeal and request for hearing. The board of health's environmental committee shall hear the appeal and render a final written decision within three working days after the hearing and serve the same on the owner. The owner may appeal the board of health's environmental committee decision to the superior court by filing notice of appeal and a petition for review within ten days of the final decision of the board of health's environmental committee. If the owner fails to seek a timely review of the animal services director's notice of intent to

destroy the animal or if he fails to file a timely appeal of the board of health's environmental committee's decision, animal services may humanely destroy the animal.


d. If the owner of a dangerous or potentially dangerous animal has failed to adhere to the written dangerous dog instructions provided by the health director, the health director may issue an order of seizure with intent destroy the animal to the owner. The owner may appeal this intended action by filing a written request with the board of health's environmental committee within five working days of receiving the written decision. The board of health's environmental committee shall schedule a hearing within ten days of receiving the appeal and request for hearing. The board of health's environmental committee shall hear the appeal and render a final written decision within three working days after the hearing and serve the same on the owner. The owner may appeal the board of health's environmental committee decision to the superior court by filing notice of appeal and a petition for review within ten days of the final decision of the board of health's environmental committee. If the owner fails to seek a timely review of the health director's notice of intent to destroy the animal or if he fails to file a timely appeal of the board of health's environmental committee's decision, animal services may humanely destroy the animal.

(2) Failure to confine or restrain a dangerous animal and failure to provide notice of transfer. Any owner who fails to confine or restrain a dangerous animal or any owner who fails to provide the written notices described in section [4-125](#), above or violates any provisions of this article shall be subject to the sanctions, fines, penalties and remedies mentioned above as well as being subject to the issuance of a criminal warrant or summons. If convicted, the owner shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00 or imprisonment for not more than six months, or both (G.S. 67-4.2)(c)).

(Ord. No. 2007-1001, Art. VIII, (6), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-127--4-145. Reserved.**

## **ARTICLE V. INTERFERENCE**

 **Sec. 4-146. Interference.**

It shall be unlawful for any person to interfere with, hinder, or molest an employee of animal services or any other person duly authorized by this chapter while in the performance of duty. It shall also be unlawful for any person to seek release, or attempt to release, or to release any animal in the custody of animal services, except as otherwise specifically provided in this chapter. The animal services director may initiate the issuance of a criminal warrant for any person violating this article. If convicted, the person shall be guilty of a misdemeanor punishable by a fine of up to \$500.00 or imprisonment for not more than six months.

(Ord. No. 2007-1001, Art. X, 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-147--4-180. Reserved.**

## **ARTICLE VI. IMPOUNDMENT OF ANIMALS**

### **📖 Sec. 4-181. Definitions.**

As used in this article, the following terms shall have the meanings set forth below:

*Animal* means every nonhuman species, both domestic and wild.

*Feral cat* means a domestic cat which has adapted to survive in the wild, is homeless and ownerless, having descended from stray and possibly generations of abandoned house pets.

*Impoundment* means possession or seizure of an animal by Brunswick County Animal Services for placement in the county's animal shelter or any other appropriate facility.

(Ord. No. 2007-1001, Art. XII, (1), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

### **📖 Sec. 4-182. Impoundment.**

Not inconsistent with the proceeding articles of this chapter, any healthy animal, with the exception of a feral cat, which appears to be lost, strayed or unwanted, or any dog or cat which is found not wearing a current valid rabies vaccination tag, or any wild or exotic animal or poisonous reptile which has escaped or poses the danger of escaping may be confined to the animal shelter or any other appropriate facility in a humane manner for a minimum period of five days, unless otherwise specified by this chapter, for redemption by the owner. Any animal not redeemed within five days shall become the property of Brunswick County and shall be disposed of pursuant to this chapter. Brunswick County Animal Services is authorized to obtain suitable board, maintenance and care from any available source for any impoundment animal for which the animal shelter is not equipped to care. The owner of any animal impounded and cared for under this provision of the ordinance may redeem the animal upon payment of all costs for maintenance, transportation and care plus regular redemption fees provided in this article.

(Ord. No. 2007-1001, Art. XII, (2), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

### **📖 Sec. 4-183. Feral cats.**

A feral cat shall be held for three working days for redemption by a possible owner. If the feral cat is not redeemed within three working days, it may be euthanized pursuant to this chapter. Before a feral cat is euthanized, a panel of three persons must unanimously declare the cat a feral cat. If the panel cannot agree unanimously, the cat must be held for five days. The panel is to be made up of three animal services staff members, each with a minimum of one year's experience with animal services.

(Ord. No. 2007-1001, Art. XII, (3), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

### **📖 Sec. 4-184. Notice.**

A good faith effort shall be made to notify known owners of impounded animals. If the owner is known, a written notice of impoundment shall be served on the owner or affixed to the owner's premises. The written notice shall describe the animal, state the date, time and place the animal

was picked up and inform the owner of the conditions whereby the animal may be redeemed. Instructions on how to determine if an animal has been impounded shall be posted at the animal shelter. The posting of these instructions at the animal shelter shall constitute adequate notice to an unknown owner.

(Ord. No. 2007-1001, Art. XII, (4), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**📖 Sec. 4-185. Boarding fees.**

The animal services director, with the assistance of shelter personnel, shall charge to the owner the following fees, which must be paid before an animal may be redeemed:

Boarding fee for dogs, per day . . . . . \$10.00

Boarding fee for cats, per day . . . . . 10.00

Boarding fee for all other animals kept at the animal shelter, per day . . . . . 10.00

Boarding fee for all other animals not kept at the animal shelter . . . . . The actual amount charged by the caretaker or boarder of the animal.

Nonroutine charge for transporting the animal . . . . . The actual amount charged by the person providing the transportation.

The above fees are in addition to the redemption fees set forth in article VIII and are subject to adjustment or change by the Brunswick County Board of County Commissioners at any time.

(Ord. No. 2007-1001, Art. XII, (5), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-186--4-230. Reserved.**

**ARTICLE VII.  
CIVIL PENALTIES**

**📖 Sec. 4-231. Civil penalties.**

Animal services is authorized to assess civil penalties for violations of this chapter. Any assessed civil penalty not paid within 20 days of issuance may be turned over to a collection agency or efforts made to collect in civil court.

Failure to wear rabies tag . . . . . \$50.00

Failure to vaccinate . . . . . 100.00

Failure to notify, or provide information of a bite . . . . . 100.00

Manner of keeping and treating animals . . . . . 100.00

Failure to give notice of injuring animal . . . . . 50.00

Failure to give notice of injured animal on property . . . . . 50.00

Unprovoked dog bite while running at large . . . . . 500.00

Animals running at large 1st time . . . . .	50.00
2nd time . . . . .	75.00
3rd time . . . . .	100.00
4 or more . . . . .	150.00
Failure to confine dog/cat in estrus . . . . .	75.00
Animal public nuisance 1st time . . . . .	50.00
2[nd] or more . . . . .	75.00
Harboring stray animals . . . . .	50.00
Dangerous dog violations . . . . .	100.00
Violation of exotic animal ordinance (per day) . . . . .	50.00
Interference with officer . . . . .	150.00
Interference with trap or cage . . . . .	100.00
Unspecified violations of the ordinance (each) . . . . .	50.00
Miscellaneous fees--Euthanasia by request . . . . .	10.00
Tranquilize small animal by request . . . . .	10.00
Tranquilize large animal by request . . . . .	15.00
Lost darts . . . . .	10.00

These amounts may be changed by the Brunswick County Board of Commissioners at any time.

(Ord. No. 2007-1001, Art. XIII, 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-232--4-275. Reserved.**

## **ARTICLE VIII. REDEMPTION OF ANIMALS**

### **📖 Sec. 4-276. Redemption of animals.**

An owner of an animal, which has been impounded by animal services, may resume possession of the animal, except as already provided or in other articles of this chapter, upon compliance with the following provisions:

(1) *Proof and acknowledgement of ownership.* Any person attempting to redeem an impounded animal shall present proof sufficient to satisfy shelter personnel of ownership of the animal. Evidence of ownership may include but is not limited to any of the following.

- a. License tag from another county;

- b. Rabies tag for the animal;
- c. Ownership documents, pedigree papers, bill of sale and any other document identifying the person as owner of the animal;
- d. Photographs of the animal with the owner or other family members; or
- e. Affidavit from two people in the community stating that the animal has been seen in the presence or possession of the person attempting to resume possession.

Any person attempting to redeem an animal on behalf of an owner shall present proof sufficient to satisfy shelter personnel that he or she is acting as agent for the owner.

(2) *Time of redemption.* Any person attempting to redeem an animal must make contact with the animal shelter within five days of the animal being impounded at the animal shelter or some other appropriate facility. After making contact, that person shall be given a reasonable amount of time to prove ownership of the animal not to exceed five additional days.

(3) *Payment of redemption fees, boarding fees and civil penalties.* The owner of an impounded animal must pay all redemption fees, boarding fees and civil penalties assessed against the animal before it can be released from the shelter. Any person, after presenting sufficient proof of ownership, may redeem the animal after paying the following fees and costs:

1st Redemption by owner . . . . \$50.00 + Boarding fee + Civil penalty

2nd Redemption by owner . . . . 75.00 + Boarding fee + Civil penalty

3rd Redemption by owner . . . . 100.00 + Boarding fee + Civil penalty

4th and subsequent redemption . . . . 150.00 + Boarding fee + Civil penalty

If an owner cannot prove a current rabies vaccination, he/she will be charged an additional \$10.00 for a rabies vaccination certificate.

These amounts may be changed by the Brunswick County Board of Commissioners at any time. The animal shall become the property of Brunswick County if the owner fails to pay all amounts due and if the appropriate holding period has passed, and will then be disposed of as provided by this chapter.

(Ord. No. 2007-1001, Art. XIV, (1), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-277--4-300. Reserved.**

## **ARTICLE IX. DISPOSITION AND ADOPTION OF IMPOUNDED ANIMALS**

### **📖 Sec. 4-301. Disposition of impounded animals.**

If an animal is not redeemed by its owner within the allowed time for redemption, the animal shall become the property of Brunswick County without any further notice to the owner. Once the animal becomes the property of Brunswick County, the animal services director is authorized to adopt the animal out or euthanize it. Any sick or diseased animal, which appears to be lost,



strayed or unwanted and is found not wearing a rabies vaccination tag or any other form of identification may be euthanized immediately by order of the animal services director. Any sick or diseased animal, with proof of ownership, confined in the county animal shelter, may be euthanized by order of the animal services director after recommendation of a licensed veterinarian.

(Ord. No. 2007-1001, Art. XV, (1), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Sec. 4-302. Adoption fees.**

Adoption fees shall be set by the board of county commissioners.

All dogs over six months . . . . \$65.00

Includes a physical examination, heartworm test, rabies vaccination, and spay or neuter.

All dogs under six months . . . . 46.00

Includes a physical examination, rabies vaccination, and spay or neuter.

All female cats and kittens . . . . 55.00

Includes a physical examination, feline leukemia/F.I.V. test, rabies vaccination, and spay or neuter.

All male cats . . . . 35.00

Includes a physical examination, feline leukemia/F.I.V. test, rabies vaccination, and spay or neuter.

Bonafide rescue groups . . . . 5.00

Nonprofit animal rescue groups that provide their own medical services and documentation thereof to animal services are entitled to this reduced rate.

(Ord. No. 2007-1001, Art. XV, (2), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Sec. 4-303. Recovery of adopted animal.**

The animal services director is authorized to recover, reclaim or repossess an animal and dispose of the animal according to this chapter if the adopting party violates the adoption agreement.

(Ord. No. 2007-1001, Art. XV, (3), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-304--4-335. Reserved.**

**ARTICLE X.  
SERVICE AND RETURN OF SERVICE**

**Sec. 4-336. Method of service and return.**

Unless otherwise specified in this chapter, all notices or citations required to be sent or delivered pursuant to this chapter shall be served and return of service made as follows:

(1) *Personal service.* The animal services director or animal services officer may deliver notices or citations to all persons due a notice or citation pursuant to this chapter. If he does so, he must get the person to sign a certificate verifying that the notice or citation was in fact received, and the animal services director or animal services officer shall sign a return of service certificate verifying that he is fact served the notice or citation. If the person being served refuses to sign the notice or citation verifying receipt of the same, the person making service shall write in the appropriate space "refused to sign". The person's refusal shall not invalidate the service. The animal services director or animal services officer may leave the notice or citation with anyone of suitable age and discretion at the residence or place of business of the person being served. The person serving said notice or citation shall have the recipient sign the service certificate.

(2) *Registered or certified mail.* The animal services director may serve notices or citations by registered or certified mail, return receipt requested.

(Ord. No. 2007-1001, Art. XVI, (1), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-337--4-365. Reserved.**

## **ARTICLE XI. APPEALS AND REQUESTS FOR REVIEW**

### **📖 Sec. 4-366. Appeal procedure.**

All civil citations may be appealed in writing. The notice of appeal must be addressed to  
Brunswick County Animal Services,

*Attention:*

Animal Services Director,

P.O. Box 92,

Supply, NC 28462

and postmarked or personally delivered within 20 days of receipt of the citation.

(Ord. No. 2007-1001, Art. XVII, (1), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

### **📖 Sec. 4-367. Appeal hearing.**

(a) Appeals of animal services civil citations shall be heard within 30 days of the notice of appeal, unless a continuance is mutually agreed upon. The appeal hearing shall be held by the health director or his designee. All testimony offered in a hearing held pursuant to this article shall be given under oath and recorded by tape recording or any other reasonable manner. The hearing shall be open to the public. The person requesting the hearing may be represented by an attorney. The animal services director or animal services officer shall have the burden of proving

that this chapter has been violated and that the proposed sanction is in accordance with the ordinance. The person requesting the hearing will then be given the opportunity to prove that this chapter has not been violated and/or that the sanction is not in compliance with the ordinance. The person requesting the hearing may admit the violation and confine his proof to showing that the sanction is not in accordance with the ordinance. The animal services director will then be given the opportunity to address any conflicts or inconsistencies created by the evidence or statements.

(b) The health director or his designee will render a decision and a notice of decision will be furnished to all parties concerned (complainant, bite victim, animal owner, etc.). If the sanctions/penalties are upheld, the animal owner will have 20 days to pay any fines or fees before collection efforts are initiated. The animal owner may further appeal the decision of the health director or his designee to Brunswick County Superior Court within ten days of the service of the notice of decision.

(Ord. No. 2007-1001, Art. XVII, (2), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-368--4-400. Reserved.**

## **ARTICLE XII. GENDER**

### **📖 Sec. 4-401. Gender statement.**

In this chapter, words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders, words importing the singular number shall include the plural number, and vice versa.

(Ord. No. 2007-1001, Art. XVIII, 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-402--4-435. Reserved.**

## **ARTICLE XIII. SEVERABILITY**

### **📖 Sec. 4-436. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional in any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and

such holding shall not affect the validity of the remaining portions of this chapter.

(Ord. No. 2007-1001, Art. XIX, 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-437--4-465. Reserved.**

## **ARTICLE XIV. ENFORCEMENT AND EFFECT OF THIS CHAPTER**

**Sec. 4-466. Enforcement.**

The animal services director or any other person duly authorized to initiate legal action on behalf of Brunswick County may take necessary legal steps to enforce this chapter. This chapter shall be enforced by imposing the specific sanctions, penalties, fines and other remedies described herein, by seeking injunctive relief, orders of abatement, orders of custody and any other means prescribed by statute or common law. Any violation of this chapter, which does not carry a specific sanction, penalty or fine, shall be punishable as a general criminal misdemeanor as defined by North Carolina law.

(Ord. No. 2007-1001, Art. XX, (1), 10-26-2007; Ord. No. 2007-1003, 10-26-2007)

**Secs. 4-467--4-479. Reserved.**

## **ARTICLE XV. SEA TURTLE SANCTUARY**

**Sec. 4-480. Activities within sea turtle sanctuaries.**

(a) The areas within the village limits above the mean low water mark, including the foreshore, are hereby declared to be a sea turtle sanctuary.

(b) It shall be unlawful for any person to willfully take any sea turtle or to take any action that may or will disturb or destroy any sea turtle, including but not limited to green, hawksbill, Kemp's ridley, loggerhead, and leatherback turtles, their nests, hatchlings, or eggs within the sea turtle sanctuary.

(c) Commercial fishing activities permitted by law that are conducted as specified in the General Statutes shall not be governed by this section.

(d) Notwithstanding article VII of this chapter, any violations of this article shall be deemed a civil violation, punishable by a civil fine of \$100.00. In addition, violation of this section shall be punishable pursuant to G.S. 14-4 as a class 3 misdemeanor with a fine that shall not exceed \$500.00 in the discretion of the court. Any violation of this section may also result in criminal charges as provided in G.S. 113-189 and 113-337. Nothing contained in this section shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2009-0901, 9-18-2009)

**Secs. 4-481--4-499. Reserved.**

## **ARTICLE XVI. LIVESTOCK AND WILD ANIMALS**

**Sec. 4-500. Definitions.**

*Livestock* means horses, mules, cattle, swine, goats, sheep, poultry and any and all other animals typically maintained individually or in flocks for productive or useful purposes and whether or not an animal is maintained by any specific individual as a pet.

*Wild animals* shall include any animal which is:

(1) Not normally domesticated or, because of its size or vicious propensities, or any other physical characteristics, propensities, or traits poses a potential danger to persons, animals or property, including but not limited to poisonous reptiles, wild cats, wolves, foxes, bears, raccoons, alligators, deer, otters, and possums; or

(2) Classified as a wild animal by the State Wildlife Resources Commission.

(Ord. No. 2009-0901, 9-18-2009)

**📖 Sec. 4-501. Feeding or harassment of wild animals is prohibited.**

(a) It shall be unlawful for any person to intentionally feed any wild animal within the confines of the village.

(b) It shall be unlawful for any person to intentionally annoy, harass, provoke, injure or otherwise infuriate or enrage a wild animal within the confines of the village.

(Ord. No. 2009-0901, 9-18-2009)

**📖 Sec. 4-502. Possession of livestock or wild animals prohibited.**

(a) It shall be unlawful for any person to bring or keep any livestock or wild animals within the confines of the village.

(b) Any violations of this article shall be deemed a civil violation, punishable by a civil fine pursuant to article VII of this chapter. To the extent article VII does not apply to a violation of this article, the violation shall be punishable by civil fine of \$50.00. Each day during or on which the violation continues to occur shall be deemed a separate offense. In addition, a violation of this section shall be punishable pursuant to G.S. 14-4 as a class 3 misdemeanor with a fine that shall not exceed \$500.00 in the discretion of the court.

(Ord. No. 2009-0901, 9-18-2009)

**Secs. 4-503 - 4-519. Reserved.**

## **ARTICLE XVII. UNRESTRAINED DOGS**

**📖 Sec. 4-520. Definitions.**

*Leash* means a physical tether not to exceed ten feet in length, one end of which is attached to a dog and the other is held by the dog's owner or custodian and by which such owner or custodian is physically capable of controlling the dog.

*Owner* means any person owning, keeping, or harboring a dog or cat. The head of the household shall be presumed to be the owner of any dog or cat kept or harbored by any person residing in the household.

*Turtle season* means that period of time from May 1 through November 15 of each year.

*Unrestrained dog* means any dog which is not:

- (1) Under the immediate control of its owner;
- (2) Within the limits and boundaries of the private property on which its owner or any person authorized by the owner to keep the animal shall reside; or
- (3) On or in any vehicle being operated or parked upon any public or private street and physically confined within the vehicle so as to prevent exit therefrom.

(Ord. No. 2009-0901, 9-18-2009)

**📖 Sec. 4-521. Unrestrained dogs prohibited.**

(a) It shall be unlawful for any owner to maintain an unrestrained dog within the confines of the village, whether by intentional or negligent act or omission of the owner.

(b) From sunset to sunrise of every day during turtle season, any dog on any beach must be physically restrained by a leash.

(c) The owner or custodian of any dog or cat that excretes any feces on public property, including the beach strand, or on private property without the consent of the owner or person in lawful possession thereof shall immediately remove such feces deposited by such animal and dispose of the feces in an appropriate manner.

(d) Any violations of this article shall be deemed a civil violation, punishable by a civil fine pursuant to article VII of this chapter. To the extent article VII does not apply to a violation of this article, the violation shall be punishable by a civil fine of \$50.00. In addition, a violation of this section shall be punishable pursuant to G.S. 14-4 as a class 3 misdemeanor with a fine that shall not exceed \$500.00 in the discretion of the court.

(Ord. No. 2009-0901, 9-18-2009)

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