

A RECOMMENDATION FOR A NEW ANIMAL WELFARE ORDINANCE FOR BURKE COUNTY

Attached is a draft Animal Welfare Ordinance written by a committee of concerned animal welfare advocates in Burke County. The committee included representatives from A Better Life Animal Rescue, Partners for Cats, REASON, The Cats' Cradle and other citizens concerned about the treatment of animals in the county and the high kill rates at the county shelter.

This draft represents careful research over many months as well as many hours of work to create a comprehensive document. The committee looked at NC state laws and animal ordinances from many counties and cities in NC and elsewhere in the country. It also considered information on shelters in other counties and reports of shelter initiatives aimed at reducing kill rates and promoting adoptions. Every effort was made to capture best practices from all resources. The committee believes that such practices can be implemented in Burke County to improve treatment of companion animals and reorient the county shelter from life-taking to life-saving.

We invite the public to review this draft and provide comments or suggestions to ONE of the following e-mail addresses.

ABetterLifeAR@gmail.com
Info@Reason-NC.org
PartnersForCats@gmail.com
TheCatsCradleNC@yahoo.com

Burke County also has a draft ordinance posted with a survey for comments on its website at <http://burkenc.org>. We encourage you to review that document also and provide comments and suggestions.

This is NOT a competition between proposed ordinances. We all have the same interests – the welfare of companion animals. Our hope is that the final outcome will represent the best parts of all proposed ordinances.

We hope to work with county personnel and county commissioners to produce an ordinance which will best serve companion animals in Burke County without unduly burdening citizens with unnecessary requirements.

ARTICLE I. GENERAL

Sec. 6-1. Definitions.

- A. *Abandon*: To intentionally, knowingly, recklessly, or negligently leave an animal at a location for more than forty-eight (48) consecutive hours without providing for the animal's continued care; to forsake, desert, or give up an animal previously under the custody or possession of a person without having secured another owner or custodian, or to fail to make reasonable arrangements for adequate care for a period of twenty-four (24) or more consecutive hours. This does not apply to community cat colonies. Trap-Neuter-Return of feral/community cats does not constitute abandonment.
- B. *Adequate Food*: The provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean and in which agents injurious to health have been removed to a practical minimum.
- C. *Adequate Shelter*: A suitable weather-proof structure intended to be inhabited by an animal, built in such a way as to have four (4) sides, one (1) side having an ample opening to allow for entrance for the animal or a structure manufactured for the sole purpose of housing animals. Said structure should have a roof and a floor raised off the ground, and inside space large enough for the animal to turn around inside, move about freely and lie down comfortably. It shall include protection from the weather and be maintained in a humanely clean state as described below:
1. Indoor standards of shelter shall include an ambient temperature compatible with the health of the animal and adequate ventilation by natural or mechanical means to provide for the health of the animal at all times.
 2. The shelter shall be dry and structured and positioned to keep dogs or cats out of the direct path of sun, winds, rain, sleet or snow and any and all inclement weather that may cause harm or suffering to the animal.
 3. The structure shall be windproof and moisture proof and of a suitable size to accommodate the animal and allow retention of body heat.
 4. The structure shall be structurally sound and maintained in good repair, and provided with a sufficient quantity of suitable bedding material consisting of straw, cedar shavings or the equivalent to protect the animal from cold or other inclement weather.
 5. The structure and its surrounding containment area shall be maintained in a *Humanely Clean State*. Shelters shall have adequate drainage and shall be free

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of accumulated waste, feces, trash, debris and/or anything else that would prevent the animal from walking, sitting or lying without coming into contact with anything that would harm or endanger its health and well-being. It shall also provide a suitable method of drainage to eliminate excess water.

6. The containment area shall include constant access to an adequate supply of clean, fresh water provided in a sanitary manner.
 7. The containment area shall have sufficient shade by natural or artificial means to protect the animal from direct sunlight.
 8. The following DO NOT constitute adequate shelter:
 - a. Underneath outside steps, decks, and stoops
 - b. Inside or underneath vehicles
 - c. Inside metal or plastic barrels or cardboard boxes
 - d. Rooms, sheds or other buildings without windows or proper ventilation
 - e. Shelters surrounded by waste, debris, obstructions or impediments that may endanger the animal
- D. *Adequate Water:* Constant access to a supply of clean, fresh water provided in a sanitary manner that facilitates proper hydration of an animal.
- E. *Animal:* Every living vertebrate in the classes Amphibia, Reptilia, Aves, Pisces, and Mammalia except human beings.
- F. *Animal Abuse:* Treating an animal in a harmful or injurious way; socially unacceptable behavior that causes pain, suffering, distress to and/or death of an animal. Such abuse may be physical, sexual or psychological or may take the form of neglect, to include intentionally or unintentionally denying the animal adequate food, water, shelter, veterinary care or physical exercise.
- G. *Animal Shelter:* A facility which is used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals and which is under contract with, owned, operated, or maintained by a county, city, town, or other municipality, or by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, rehabilitation, or humane treatment of animals.

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- H. *Animal Welfare Organization*: Any person, group or organization whose purpose is to rehabilitate, rescue, or provide housing and care for an animal with the intent to make such animal available for adoption to the public.
- I. *At Large*: Any animal found off the property of its owner and not under restraint or any animal that has been the subject of a previous at large complaint when found unrestrained whether on or off the property of its owner, or any animal previously determined to be dangerous that is not confined to a secure enclosure while on the property of its owner.
- J. *Attack*: An approach to a person or another animal by an unrestrained animal in a vicious, terrorizing or threatening manner or apparent of attitude of attack, without the attacking animal having been teased, molested, provoked, beaten, tortured or otherwise harmed.
- K. *Attack Training Facility*: Any person, group of persons, partnership or corporation engaged in boarding, breeding, selling or training dogs or other animals in the mode of attack.
- L. *Bite*: The act of an animal seizing flesh with its teeth or jaws so as to tear, pierce or injure the flesh as to where blood can be seen.
- M. *Breeder*: Any person or establishment that breeds animals for the purpose of resale to the general public or dealers.
- N. *Cat*: An animal of the species felis catus or felis silvestris (feral/community cat).
- O. *Community Cat*: A cat that is abandoned, stray, lost, or feral. Community cats are often in colonies that congregate in areas where they find food and shelter.
- P. *Community Cat Caregiver*: A person who provides care, including food, shelter or medical care to a community cat, in accordance with Trap-Neuter-Return, while not being considered the owner, custodian, harbinger, controller, or keeper of a community cat. See also *Trap-Neuter-Return* below.
- Q. *Confinement*: Means impoundment within the county’s animal shelter or other appropriate facility.
- R. *Containment Area*: Any area wherein the free range of an animal is restricted.
- S. *Cruelty and Cruel Treatment*: Any 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 of animals unlawfully. See also North Carolina General Statutes §14-360.

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- T. *Dangerous Animals Other Than Dogs*: Any non-domesticated animal indigenous to the State of North Carolina (excludes feral/community cats); including hybrid animals that are part wild; any exotic animal identified in Sec. 6-60 B (dealing with prohibited exotic animals) of this ordinance.
- U. *Dealer*: Any person who is licensed by the U.S. Department of Agriculture as a dealer. See North Carolina General Statutes §19A 23 (7).
- V. *Dog*: An animal of the species *canis familiaris*.
- W. *Domestic Animal*: Any of various animals such as dogs, cats, horses, sheep, cattle, goats, domestic swine, poultry, etc., which generally live in or about the habitation of humans.
- X. *Eartipping*: The removal of the one-quarter ($\frac{1}{4}$) inch tip of a community cat's ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to identify the community cat as being neutered and lawfully vaccinated for rabies.
- Y. *Exhibitor*: Any person who is licensed by the U.S. Department of Agriculture as an exhibitor.
- Z. *Exotic Animal*: Any living animal as set forth in Article VI of this ordinance.
- AA. *Exposed to Rabies*: Any person or animal that has bitten, been bitten by or otherwise has come into contact with the bodily fluids of any animal known or suspected to have been infected with rabies.
- BB. *Ferret*: *Mustela putorius furo*, an animal belonging to the family Mustelidae.
- CC. *Flood Prone Area*: An area in which two (2) or more inches of standing water are likely to accumulate during a period of normal rainfall.
- DD. *Habitual Violator*: An animal, owner or any other person that has been cited for violating this ordinance on three (3) or more occasions in the past three (3) years and the most recent violation was within the past twelve (12) months.
- EE. *Hoarding/Hoarder*: Hoarding transcends simply owning or caring for what is normally considered to be more than the typical number of pets. A person shall be considered a hoarder if he/she possesses more than a typical number of pets AND the individual is unable to provide minimal standards of nutrition, sanitation, shelter, and veterinary care, with this neglect often resulting in starvation, illness, and/or death. In most cases, the hoarder is in denial of his/her inability to provide this minimum care and of the impact of that failure on the animals, the household, and human occupants of the dwelling.

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- FF. *Humane Care and Treatment*: Maintenance of an animal in a sanitary environment suitable to the age, size, health, and heartiness of the animal while providing adequate fresh food and water daily and medical care when necessary.
- GG. *Impoundment*: The placement of an animal in the custody of an animal shelter or approved animal welfare organization by the sheriff or his duly authorized designee.
- HH. *In Estrus*: A female animal in the erotic stage of copulation.
- II. *Inherently Dangerous Mammal*: Any live member of the Canidae, Felidae, or Ursidae families, including hybrids thereof, which due to their inherent nature, may be considered dangerous to humans and which include:
1. Canidae: including any member of the Canid dog family not customarily domesticated by man or any hybrids thereof, including wolf hybrids that are a cross between a wolf and a domestic dog, but *not including domestic dogs (Canis Familiaris)*.
 2. Felidae: including any member of the cat family weighing over (15) fifteen pounds not customarily domesticated by man or any hybrids thereof, but *not including domestic cats (Felis Catus)*.
- JJ. *Kenel*: Any person, group of persons, partnership or corporation engaged in boarding or breeding animals for monetary gain.
- KK. *Lost, Stray or Unwanted Animal*: Any animal, other than a community cat, found within the county wandering at large that does not bear evidence of identification of any owner.
- LL. *Necessary Medical Attention*. Prompt treatment of illness, injury, or disease, including excessive parasitism. Such treatment will include treatment by a licensed veterinarian for conditions that do not, or are not likely to, respond to basic first aid.
- MM. *Neutered*: Any animal that has been operated upon to prevent reproduction.
- NN. *Nighttime*: The time from sunset until sunrise.
- OO. *Nuisance*: Any act of an animal or its owner that annoys or disturbs rights and privileges common to the public or enjoyment of private property.
- PP. *Owner*: Any person, group of persons, firm, partnership or corporation owning, keeping, having custody of control over, sheltering, feeding, harboring or allowing the animal to remain on or about their property for more than 72 consecutive hours. In the event that the owner of an animal is a minor, for the purposes of this ordinance, the parent or guardian of such minor shall be considered the owner of

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that animal. Community cat caregivers are not considered owners of feral/community cats.

- QQ. *Owner's Property*: That area described in a deed of conveyance or the area described in a lease. In a situation involving townhouses or condominiums, Animal Control will treat the common areas as being owned by the homeowner's association. In a situation involving leased apartments, Animal Control will treat common areas as being owned by the lessor or property owner. A motor vehicle is not a part of the owner's property unless it is physically located on the area described in a deed of conveyance or the area described in a lease. A motor vehicle that is physically located in or on the common areas of townhouses, condominiums, or leased apartments, or other public areas shall be treated as being off the owner's property.
- RR. *Person*: Any human being, firm, partnership or corporation, including but not limited to, any non-profit corporation.
- SS. *Pet or Companion Animal*: Any animal of a species that has been developed to live in or about the habitation of humans, is dependent on humans for food and shelter, and is kept for pleasure rather than utility or commercial purposes.
- TT. *Poisonous Reptile*: Any animal that crawls or moves on its belly as a snake or on small short legs as a lizard and has the capability of injecting humans or animals with venom which may cause death or physical injury.
- UU. *Potentially Dangerous Dog*: See North Carolina General Statutes §67-4.1.
- VV. *Prior Complaint*: Any prior oral or written complaint to Animal Control about a specific animal, or any oral or written complaint about any animals or a specific owner being in violation of any section of this ordinance.
- WW. *Rabies Vaccinator*: A licensed veterinarian; a registered veterinary technician under the direct supervision of a licensed veterinarian; a certified rabies vaccinator.
- XX. *Restraint*: An animal is under restraint within the meaning of this ordinance if it is controlled by means of a chain, leash, or other like device; on or within a vehicle being driven or parked; within a secure enclosure; or within the dwelling house of the owner.
- YY. *Secure Enclosure*: A fence or structure of adequate height, forming or creating a humane enclosure suitable to prevent an animal from escaping and to prevent the entry of young children. For purposes of this definition, a home, mobile home or separate garage does not meet this definition.

PROPOSED

ZZ. *Severe Injury*: Any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

AAA. *Spayed*: Any female animal that has been operated upon to prevent reproduction.

BBB. *Tethering*: The practice of fastening a dog to a stationary object or stake as a means of keeping the animal under control (i.e., restrained). The term does not refer to periods when an animal is walked on a leash.

CCC. *Trap-Neuter-Return*: The process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their outdoor homes. This is the only proven method of controlling the population of community cats and ensuring their health.

DDD. *Vaccination*: The administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

EEE. *Vicious Animal*: An animal that has, without provocation, killed or inflicted serious injury upon a human or another animal such that professional medical treatment is required. An injury is considered serious if it causes great pain and suffering.

FFF. *Wild Animal*: Any animal that is not normally domesticated and which can normally be found in the wild state, specifically those feral, exotic, dangerous or nondomestic animals which generally do not live in or about the habitation of humans, including but not limited to deer, lions, monkeys, raccoons, skunks, squirrels, tigers, snakes, and any animal resulting from crossbreeding of/with wild animal species. Feral/community cats are not considered to be wild animals.

GGG. *Working or Business Day*: Any day of the week excluding Saturday, Sunday, and legal holidays. If the last day of a time period specified in this ordinance falls on a Saturday, Sunday, or legal holiday, the action required shall be undertaken on the next following day that is not a Saturday, Sunday or legal holiday.

Sec. 6-2. General Duties of Animal Control.

A. The Office of Animal Control shall be charged with the responsibility of:

1. Protecting animals from abuse, neglect and homelessness.
2. Promoting reduction of killing animals for which medical treatment or adoption is possible.
3. Promoting the utilization of Trap-Neuter-Return (TNR) practices as a means of controlling the community cat population.

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4. Partner with veterinary clinics and/or local animal welfare organizations and animal rescue groups to implement a Shelter-Neuter-Return (SNR) Program for community cats.
5. Educating the community on rabies eradication, animal care and disease prevention, and animal population control through spaying and neutering.
6. Partnering with local, regional and national animal rescues/adoption placement organizations and local veterinarians to save lives. This includes partnering with area animal welfare groups to take animals, especially those with special needs, medical needs, older pets, or those stressed in a shelter environment. Animal Control will provide any organization or individual taking an animal with all known information about the animal, including any history of biting, pictures and emergency room report of the bite, and any temperament assessment of the animal.
7. Working with all Burke County animal welfare organizations and rescue groups to develop a reasonable, mutually-agreed-upon set of standards for organizations and adopters desiring to accept animals from the county shelter.
8. Working with animal rescue/welfare organizations to develop and maintain a Do Not Adopt (DNA) list of known animal abusers and verified animal hoarders.
9. Taking pictures of available animals and posting them on media sites to assist with placing them in suitable adoptive homes and seeking volunteers to transport dogs and cats to verified no-kill organizations willing to take them.
10. Notifying all animal rescue organizations in Burke County via email or telephone of any animal that has been surrendered by its owner and is at risk of being killed and holding such animal for a period of time not less than 72 hours to allow time for an organization to retrieve the animal.
11. Actively seeking to reunite lost animals with their owners. This requirement includes, but is not limited to, screening all dogs and cats for microchips.
12. Verifying ownership of all animals being surrendered or redeemed. Documentation must include either properly signed adoption papers/purchase papers and/or medical records on the animal or proof that the animal has been on their property for the time specified in the definition of “owner” in Article I of this ordinance. Persons claiming ownership must show one of the following: valid driver’s license; special identification card issued under provisions of North Carolina General Statutes §20-37.7; military identification card; or valid passport. Documentation of identification used is required.

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13. Utilizing the Canine Behavioral Assessment and Research Questionnaire (C-BARQ) when assessing the behavior of dogs being judged for aggressiveness. Such assessment shall not be conducted in the shelter environment.
 14. Issuing permits/registration certificates required by this ordinance.
 15. Enforcing, in this county, all state laws, rules and regulations and all county ordinances relating to the care, custody and control of dogs and cats and other companion animals.
 16. Assisting in the enforcement of the laws of North Carolina with regard to animals and especially with regard to the vaccination of animals against rabies and the confinement or controlling of dangerous animals.
 17. Investigating cruelty or abuse with regard to all animals and pursuing prosecution of responsible individuals to the fullest extent of the law.
 18. Operating, pursuant to policies of the Board of Health, Board of County Commissioners, and written operating procedures of the county animal shelter.
 19. As currently operating, the Burke County Animal Shelter/Animal Control is not a rescue facility. The animal's owner must sign a release in order for the county to take any animal.
 20. Providing all owners or, in the case of stray dogs and cats, anyone involved in surrendering an animal to the county shelter with a written notice making them aware that the chance for adoption of any surrendered animal is minimal and that in all likelihood the animal will be killed.
 21. Checking animals offered for sale at flea markets in Burke County for compliance with rabies vaccination laws and for signs of illnesses resulting from neglect on the part of the owner.
- B. It shall be the duty of the Office of Animal Control to keep or cause to be kept complete, accurate and detailed records of:
1. Impoundment and disposition of all animals coming into the animal shelter.
 2. All animals surrendered by owner.
 3. Bite cases, violations and complaints and investigation of same.
 4. Assessments conducted in accordance with Section 6-2.A.13, above.
 5. All rabies vaccinations given in the county by veterinarians.

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6. “Do Not Adopt” list of known animal abusers and verified animal hoarders.
7. All other records deemed necessary by the county commissioners or this ordinance.

Sec. 6-3. Cruelty to Animals Prohibited. In addition to what is prohibited by North Carolina General Statutes, the following acts or failure to act relating to the mistreatment of animals are unlawful and are violations of this ordinance:

- A. Abandoning or forsaking any companion animal within Burke County.
- B. Keeping an animal under unsanitary or inhumane conditions or failing to provide proper food and water daily, adequate exercise, adequate shelter which is properly cleaned, properly lighted, and large enough for the animal to assume any normal body position, including standing, sitting, walking or lying down.
- C. Failing to provide adequate drainage to prevent surface water from standing in the area of the pen or enclosure where the animal is kept. It shall be within the discretion of Animal Control as to what constitutes adequate drainage.
- D. Failing or refusing to provide necessary medical attention for sick, diseased or injured animals, including treatment by a veterinary consultant, if appropriate, for the animal's health or condition. A sick, diseased or injured animal shall go no longer than 24 hours without veterinary care.
- E. Allowing a dog or cat to be left outside in inclement weather or extreme temperatures without adequate shelter.
- F. Confining an animal in a building, enclosure, boat, vehicle, or vessel of any kind when extreme heat or extreme cold will be harmful to its health.
- G. Confining or restraining an animal on the premises of a vacant or abandoned structure.
- H. Leaving an animal in any vehicle where it must stand, sit or lie on extremely hot or cold surfaces, including, but not limited to, truck beds.
- I. Transporting an animal in the closed trunk of a vehicle, or closed compartment on a vehicle or trailer when the ambient temperature in the vicinity of the vehicle or trailer is 70 degrees Fahrenheit or higher.
- J. Transporting an animal in an open truck bed on public roads unless secured by cross-tethering suitable and acceptable for the size of animal in such a manner that they cannot fall or jump over the side or contained in a properly secured and ventilated cage. This provision shall not be applicable to:

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1. Law enforcement dogs while being used for investigation, tracking and similar duties under the supervision of a certified law officer;
 2. Search and rescue dogs while being used for their intended purpose and under the control of a trained handler;
 3. Hunting dogs while being used in a legal hunt on private property, private roads or public secondary roads;
 4. Farm dogs while being used for agricultural purposes on private property or private roads; or
 5. Farm dogs while being used for agricultural purposes on secondary roads within one mile of property owned, leased or otherwise used for farm purposes.
- K. Enticing or luring any animal out of an enclosure or off the property of its owner or keeper, or seizing, molesting or teasing any animal while the animal is held or controlled by its owner or keeper or while the animal is on or off the property of its owner or keeper.
- L. Intentionally removing or destroying an electronic collar or other electronic device placed on a dog by its owner to maintain control of the dog.
- M. Intentionally allowing animals to engage in a fight
- N. Failure or refusal to report injured domestic animals.
1. All persons who injure a domesticated animal by running over, into or otherwise coming into contact with such animal with an automobile, motorcycle, bicycle or other vehicle shall notify the owner of the animal immediately.
 2. If the owner is unknown, the person who injured the animal shall immediately notify Animal Control by giving his or her name and address, a description of the animal and the location of the incident.
- O. Performing surgical procedures, including cosmetic procedures, on any household pet except by a licensed veterinarian. This includes, but is not limited to, tail docking, ear cropping, castration, de-clawing, and dew claw removal.
- P. Trapping a dog or cat without the use of a recognized humane live animal trap.
- Q. Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or themselves. Animal Control

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Officers shall have the authority to inspect and to close down public exhibits of animals which are part of fairs, carnivals, festivals, fund raising events, petting zoos and any other activity or function carried out in the county if it is determined that animals are being cruelly treated, abused or run the risk of causing injury to the public or themselves.

R. Restraining a dog in a manner that does not conform to the following provisions:

1. A tethered dog must be currently vaccinated against rabies and must wear current rabies vaccination tags when tethered.
2. No person shall tether a sick, injured and/or diseased dog, nor any dog less than six (6) months of age, unless a responsible adult in the immediate area and within sight of the animal at all times.
3. During periods of tethering that are not unlawful under this subsection, any tethering device used shall be at least fifteen (15) feet in length and attached in such manner as to prevent strangulation or other injury to the dog and entanglement with objects.
4. During periods of tethering that are not unlawful under this subsection, the length of a cable along which the tethering device can move must be at least fifteen (15) feet, and the tethering device must be of such length that the dog is able to move at least fifteen (15) feet away from the cable perpendicularly and must be attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with objects.
5. No person shall tether a dog with a chain or other device to, or cause such attachment to, any collar other than a properly fitting buckle type collar or body harness.
6. No person shall tether a dog with a chain or other device to, or cause such attachment to, a head harness, choke-type collar or pronged collar. All collars used for the purpose of tethering must be made of nylon or leather.
7. Wires or tethers made of rope, twine, cord or similar material will not be used as tethering devices.
8. No person shall tether a dog with a chain or other device where the weight of the tethering device and the collar combined exceeds ten percent of the dog's body weight.

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9. No person shall tether a dog with a chain or other device in such manner that does not allow the dog access to adequate food, water, and shelter.
10. No person shall allow a dog to be chained or tethered such that the dog is not confined to the owner's property or such that the chain or tether can become entangled and prevent the dog from moving about freely and lying down comfortably.
11. When it has been determined that a dog housed or restrained less than fifteen (15) feet from a public street, road, sidewalk, or right-of-passage constitutes a public nuisance, but the dog is not in the street, road, sidewalk, or right-of-passage, an Animal Control Officer shall issue a notice to the owner directing the owner to move the dog.
12. Notwithstanding the provisions 3 and 4 of this subsection, a person may, tether and restrain a dog while actively engaged in:
 - a. Shepherding or herding livestock, or
 - b. The business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog, or
 - c. Lawful hunting activities, if the restraint is reasonably necessary for the safety of the dog, or
 - d. Training or performance events, including but not limited to field trials and obedience trials, where tethering does not occur for a period exceeding seven (7) consecutive days, or
 - e. Camping or other recreation where tethering is required by the camping or recreational area where the dog is located, or
 - f. Any activity where a tethered dog is in visual range of its owner or keeper, and the owner or keeper is located outside with the dog.

Sec. 6-4. Preventative Measures and Dangerous Animals.

- A. The purpose of this section is to protect people from unnecessary injury caused by dangerous animals. This section primarily applies to dogs but can apply to any owned animal that has been deemed dangerous by Animal Control and/or the Dangerous Animal Appeals Board, provided that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by the appropriate authority.

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- B. The provisions of Sections 6-4 through 6-10 of this ordinance (dealing with dangerous animals) do not apply to the following:
1. An animal being used by a law enforcement officer to carry out law enforcement duties.
 2. An animal being used in a lawful hunt, or for lawful agriculture purposes.
 3. An animal where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to work of the dog.
 4. An animal where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

Sec. 6-5. Circumstances Requiring Preventative Measures.

- A. In order for Animal Control to declare a dog a dangerous or at-risk dog, the following factors must be considered prior to this declaration:
1. *Nature of the particular animal.* The behavior, size, temperament, capacity for inflicting serious injury, the number of animals involved or other such factors which would be relevant;
 2. *Adequacy of confinement.* The adequacy of the enclosure or confinement, if any;
 3. *Immediate surrounding area.* The likelihood that the animal's confinement is detrimental to the safety and welfare of a reasonably prudent person in the vicinity;
 4. *Children, elderly and disabled living in close proximity.* Children under the age of seven, elderly persons and disabled persons who live in close proximity to the premises occupied by the animal;
 5. *Prior attacks or apparent attitude of attack.* The animal bites a human being or another domesticated animal without provocation or approaches a person in an apparent attitude of attack;
 6. *Aggressiveness.* Animals trained for fighting or aggressive attack;

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7. *History of the animals.* Whether restrictions were previously placed on the animal in this city or in another jurisdiction; and
 8. *Reputation of the animal.* Whether the animal has a known propensity, reputation, or tendency to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- B. The Animal Control Officer(s) making the determination that an animal is a dangerous or at-risk animal will maintain a written record of the criteria by which the animal was judged.
- C. If the Animal Control officer determines that an animal owner must take specific preventive measures, the Animal Control officer shall make reasonable efforts to notify the owner by a written order, stating the reasons that preventive measures are required, identifying the specific preventive measures that must be implemented, and stating the designated time period for compliance with the written order. The written order shall further state that failure to comply within the time period prescribed may result in the assessment of a civil penalty and/or seizure of the animal. The Animal Control officer shall have the authority to allow for reasonable extensions of time limits based on good faith progress of implementation of the preventive measures. Any approved extensions shall be in writing.
- D. It shall be unlawful for an owner to fail to comply with a written order and to take preventive measures within the designated time for compliance stated in the written order or any extension thereof.
- E. If the Animal Control officer determines that the circumstances require special preventive measures, then the Animal Control officer shall have the authority to require measures which might include, but are not limited to, the following:
1. Necessary repairs to any fence or enclosure.
 2. Measures to ensure that a gate will remain secure.
 3. A secure fence or any other similar device that would provide greater assurance for the confinement of the animal.
 4. Requiring the owner to tattoo or microchip the animal at the owner's expense.
 5. Posting of "Beware of Dog" or other like signage.
 6. Requiring the owner to purchase and show proof of sufficient liability insurance. If the Animal Control supervisor determines that an animal has bitten a human, then the supervisor shall have the authority to require the owner to procure liability insurance in the amount of at least \$100,000.00 at the owner's expense.

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7. Any other reasonable measure to ensure the health and safety of other persons and property.
 8. Any other restriction as set forth in North Carolina General Statutes §67 as amended.
- F. The owner of any dangerous animal shall reimburse Burke County for all costs incurred while attempting to recapture any escaped dangerous animal. If the animal is sheltered or euthanized by Animal Control, the owner shall pay all costs.

Sec. 6-6. Appeals to Dangerous or At-Risk Designation.

- A. Any person who receives a notice of violation, or order to remove, abate, or remedy a violation of this ordinance may, within five business days of the day the notice was received, not including the day the notice was received, submit a written appeal to the Burke County Commissioners, delivered to the Burke County Manager's Office. The appeal notice shall specifically state the reasons for the appeal with a copy of the notice of violation attached thereto.
- B. The County Manager shall schedule a hearing for the Dangerous Animal Appeals Board in accordance with North Carolina General Statutes §67-4.1 and notify the appellant of the date, time, and pertinent information concerning Board procedures.
- C. The Dangerous Animal Appeals Board shall render a decision upholding, denying or modifying the notice of violation. Accrual and imposition of the civil penalties shall be stayed pending the appeal. If the decision of the Animal Control Officer is affirmed, accrual and imposition shall resume. Any appeal not filed within five business days as specified in Section 6-6.A, above, shall not be considered

Sec. 6-7. Establishment of Dangerous Animal Appeals Board.

- A. In accordance with North Carolina General Statutes §67-4.1, there is hereby created a Dangerous Animal Appeals Board to serve as the official appellate body that hears all dangerous animal appeals. The Board shall have the power to hear, decide and review appeals from any order, requirement, decision, or determination made by the Animal Control officer in the performance of his/her duties.
- B. The Appeals Board will convene at the direction of the Burke County Board of Commissioner or its designee.
- C. County employees who serve as members of the Dangerous Animals Appeals Board shall receive no additional compensation, but all times spent by them while so serving shall be deemed spent by them in the performance of their regular county duties.

- D. The Dangerous Animal Appeals Board shall consist of members as follows, appointed by the Burke County Board of Health. Individuals noted in 1 and 2 below will be members for as long as they hold that position. Members noted in 3 through 5 will serve one (1) year terms, with membership rotating among county veterinarians and among all local animal rescue/animal welfare organizations.
1. The Department Head of Burke County Health Services, who shall serve as Chairperson.
 2. The Burke County Attorney.
 3. A veterinarian who practices in Burke County.
 4. A representative from an animal rescue/animal welfare organization local to Burke County.
 5. A member of the general public selected by the Burke County Board of Commissioners.
 6. If the animal being assessed is an exotic animal as defined in Article VI of this ordinance, the Dangerous Animals Appeals Board shall also include a representative from the North Carolina Wildlife Resources Commission and a representative from Burke County Emergency Services, both of whom shall serve on an as needed basis.
- E. The Burke County Department of Health shall work with the Burke County Attorney to establish written rules governing operational procedures for the Dangerous Animal Appeals Board. Such procedures shall include the following:
1. A quorum of the Board, necessary to conduct any business of the Board, shall consist of three-fifths of the total membership of the Board. The concurring vote of a simple majority of the total membership of the Board shall be necessary in order to reverse any order, requirement, decision or determination of the Animal Control Officer; or to decide in favor of the applicant any matter upon which it is required to pass by this ordinance.
 2. The Board shall give due notice of matters coming before it.
 3. The Board shall keep a record of its meetings, including the vote of each member on every question, a fair and accurate summary of the evidence submitted, any submitted documents and all official actions.
 4. The Chairperson of the Board is authorized to administer oaths to any witnesses in any matter coming before the Board.

PROPOSED

5. All evidence presented to the Dangerous Animal Appeals Board shall be sworn.
 6. In presenting an appeal, the animal's owner shall bear the burden of proof, which shall be the greater weight of the evidence.
 7. In no case shall any decision to destroy a dog be upheld by the Appeals Board unless the owner shall have been given an opportunity to appear in person before the Board to present argument and/or points and authorities of law.
 8. Upon decision of the Dangerous Animal Appeals Board, the Board shall serve the animal's owner with the decision by certified mail. Such letter shall also provide the owner with notice of his/her right to appeal the decision of the appellate Board through the judicial system in accordance with North Carolina General Statutes §67-4.1.
- F. In conducting its proceedings, the Dangerous Animals Appeal Board will adhere to the following principles:
1. Follow procedures specified by North Carolina General Statutes §67-4.1 and any that are included in this ordinance.
 2. Conduct hearings in accordance with fair trial standards.
 3. Base findings on fact, upon competent, material, and substantial evidence.
 4. In the decision, state the facts on which the Appeals Board relied.

Sec. 6-8. Requirements for Attack Training Facility.

- A. It shall be unlawful for any person, group of persons, partnership or corporation to conduct training in a mode of attack for animals at any location in Burke County without prior approval from Burke County Animal Control. Such training must be conducted within a secure enclosure. A request in writing, including documentation of the organization or individual conducting training, activities included, and safeguards for the public shall be submitted to Animal Control for consideration before approval.
- B. Such training within a secure enclosure within the meaning of this ordinance means that it is performed within:
1. A fence or structure of adequate height to prevent the dog or animal from jumping, climbing, or otherwise escaping from the enclosure; and
 2. Training is conducted in the presence of the owner(s) or trainer(s) at all times.

PROPOSED

- C. Any dog or animal trained or being trained in a mode of attack is deemed to be dangerous and is subject to all the provisions of this ordinance related to dangerous dogs or dangerous animals.

Sec. 6-9. Notification of Violation of Preventative Measures Compliance. The owner of a dangerous animal shall inform the Office of Animal Control as soon as practicable, but not later than twenty-four (24) hours after the occurrence of any of the following

- A. An assault, attack, or biting upon any human committed by any such animal in the owner's care or control.
- B. An attack or biting upon any domestic animal or pet while said animal is off the owner's property.
- C. The destruction of, or damage to, property of another by such animal.
- D. The roaming or escape of any animal required to be restrained or confined to a secure enclosure.
- E. If the owner of a dangerous animal wishes to transfer ownership or possession of the animal to another person, the owner shall provide written notice to the authority that made the determination under this ordinance, stating the name and address of the new owner or possessor of the animal before the animal is transferred.
- F. If the owner of a dangerous animal plans to relocate and/or change address, the owner shall provide written notice to the authority that made the determination under this ordinance, stating the new address and/or date of relocation prior to the occurrence.

Sec. 6-10. Interference with Enforcement of Ordinance.

- A. It shall be unlawful for any person to resist, obstruct, delay, interfere with, or hinder the Animal Control Officers or veterinarians in the performance of any duty authorized by this ordinance.
- B. It shall also be unlawful for any person to release any animal in the custody of the Animal Control Office, whether it be in the dog box in the back of a truck or in a live trap or any other type of confinement device.
- C. Anyone in violation of this section will be subject to a fine of three hundred dollars (\$300.00) for each violation.

PROPOSED

Sec. 6-11. Stray or Abandoned Animals.

- A. Animal Control shall seize any animal, including any animal abandoned by reason of a set out, eviction or abandonment of real property as defined by North Carolina General Statutes §14-361.1 at the time of the offense.
- B. Notice of seizure shall be posted on the premises from which the animal was seized; for a set out or eviction, notice shall be sent to the last known address or possessor of the animal. It is the owner's responsibility to make a visual inspection of the animal shelter if he has reason to believe that the animal has been impounded at the shelter.
- C. If an owner is forced to give up animal(s) for any reason, for example a landlord having pet limits or not allowing pets, Animal Control will give the owner ten (10) days to find another home for the pet(s), or to place them with a rescue group to re-home.
- D. If an abandoned animal is not claimed within ten (10) business days from the date of impoundment, the animal shall become the property of the county. At this time the animal may be put up for adoption or placed with an approved 501(c)(3) animal welfare organization or rescue group.
- E. Once an adopter, animal welfare organization or animal rescue group accepts an animal from Animal Control, said animal ceases to be the property of the county, all previous owner rights and responsibilities are terminated, and all responsibility for the animal transfers to the new owners.
- F. Animal Control shall not seize cats unless they are sick, injured, distressed, or in danger, such as being victims of abuse or cruelty. Cats are not required to wear rabies tags; however, owners must provide proof of rabies vaccination when asked to do so.
 - 1. Before accepting a surrendered stray cat, Animal Control shall tell the person surrendering the cat that the cat may be part of a Trap-Neuter-Return program.
 - 2. In cases where a cat has a notched or clipped ear, the universal sign that a cat has been neutered and vaccinated, Animal Control will alert individual community cat caregivers or notify area animal rescue groups about the cat(s). Colony caregivers should affiliate with a local rescue so that the rescue group can redeem the cat if the caregiver is unable to do so.
- G. It shall be unlawful for Animal Control to kill any animal when an animal welfare or rescue group is willing to take the animal.

PROPOSED

- Sec. 6.12. Reserved.
- Sec. 6.12. Reserved.
- Sec. 6.12. Reserved.
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- Sec. 6.12. Reserved.
- Sec. 6.12. Reserved.

ARTICLE II. RABIES CONTROL

Sec. 6-20. Compliance with State Law. It is the purpose of this Article to supplement laws of the state of North Carolina by providing a procedure for the enforcement of those laws relating to rabies control in addition to the criminal penalties provided by those laws.

Sec. 6-21. Immunization of Dogs, Cats and Ferrets.

- A. It shall be required that any dog, cat or ferret four (4) months of age or younger be kept in a secure enclosure or be at all times under restraint or direct control of the owner.
- B. It shall be unlawful for any owner to keep any dog, cat or ferret four (4) months of age or older unless such animal has been immunized against rabies with an approved rabies vaccine administered by a licensed veterinarian, registered veterinary technician under the direct supervision of a licensed veterinarian or certified rabies vaccinator, and proof of rabies vaccination is provided upon the request of Animal Control. Owners must ensure that rabies immunizations are kept current.
- C. If state law dealing with rabies control is amended to include other types of animals in the class of those required to have rabies vaccinations, or if any other change not consistent with this section is made, the amended law of the state shall apply.

Sec.6-22. Rabies Vaccination Tag.

- A. Upon complying with Section 6-21.B, above, there shall be issued by the inoculator to the owner of the animal inoculated, a vaccination certificate and a metallic rabies vaccination tag, as specified by state law.
- B. It shall be unlawful for any person to counterfeit a rabies vaccination tag or to use a rabies vaccination tag that has not been properly obtained from a licensed veterinarian or certified rabies vaccinator.

PROPOSED

- C. It shall be unlawful for any person to remove a rabies vaccination tag, an identification tag or license tag from any animal belonging to another person unless by direction of the owner.
- D. It shall be unlawful to misrepresent compliance by the display of a rabies vaccination tag or presentation of a rabies certificate which belongs to another animal.
- E. It shall be unlawful for any dog owner to fail to provide the dog with a collar or harness to which a current rabies vaccination tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times except as noted in Section 6-22.G (dealing with identification tags for cats and ferrets).
- F. An owner complying with all of the requirements of this section need not display a dog's rabies vaccination tag under the following circumstances:
 - 1. The dog is engaged in lawful organized hunting activities on private property with the consent of the owner, and the owner is in physical possession of such rabies vaccination tag or proof of rabies vaccination during the organized hunting activities.
 - 2. The dog is participating in a show, obedience school, tracking test, field training or other event sanctioned or supervised by an organization approved by the Animal Control Director. The owner must be in physical possession of the animal's rabies vaccination tag or proof of rabies vaccination during the event.
- G. Cats and ferrets are not required to wear the rabies vaccination tag, but the owner of a cat or ferret or the caregiver of a community cat colony must maintain the rabies vaccination tag and the written rabies vaccination certificate as proof that the cat has a current rabies inoculation.

Sec. 6-23. Report and Confinement of Animals Biting Persons or Showing Rabies Symptoms.

- A. Every dog, cat or ferret that has bitten a human must be confined immediately by its owner and must be promptly reported to the Animal Control Director. The animal shall be securely quarantined for a period of ten (10) days in a veterinary hospital or boarding kennel approved by the Office of Animal Control, or the Burke County animal shelter, at the expense of the owner. During the period of confinement, the animal must be assured of proper feeding, watering, cleanliness of kennel, and any other means of humane treatment. Providing that the animal has been vaccinated against rabies and the owner can show proof of vaccination at the time of the investigation, the Animal Control Officer may, under authority designated by the Burke County Health Director and after personal inspection of the owner's real

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property, authorize the animal to be confined on the owner's premises in the following circumstances:

1. If the owner has a fenced area in his/her yard, and the fenced area has no entrances or exits that are not locked, and the animal is currently vaccinated against rabies. Proof of vaccination will be required at the time of investigation. If the animal is confined on the owner's premises, the Animal Control Officer shall revisit the premises for inspection purposes at approximately the middle of the confinement period and again at the conclusion of the confinement period.
 2. If the animal is an indoor dog, it must be kept on the owner's property during the period of confinement and must be muzzled and leashed during any time outside. Cats and ferrets must be kept confined indoors. As an exception, animals may be transported to and from a veterinary facility if medical treatment is needed.
- B. If rabies does not develop within ten (10) days after a dog, cat or ferret is quarantined under this section, the dog, cat or ferret may be released from quarantine with the written permission of the Animal Control Office. If the dog, cat or ferret has been confined in the Burke County animal shelter, the owner shall pay any fines, necessary veterinarian fees and a boarding fee set by and approved by the Burke County Board of Commissioners. Any animal that bites a person that has not been reclaimed by the owner within twenty-four (24) hours from the end of the ten (10) day rabies observation quarantine period or any animal whose ownership is not known shall become the property of the Burke County Animal Control Office and shall be offered for adoption, placed with an approved 501(c)(3) animal welfare organization or rescue group or, as a last resort, humanely destroyed. The provisions of Section 6-11 E apply to transfer of ownership. Animal Control is authorized to initiate legal proceedings against the owner to recover the costs of caring for an animal confined at the shelter pursuant to this section if the animal is not redeemed. In the case of animals whose ownership is not known, Animal Control may require an adopter other than a 501(c)(3) organization to pay any fees associated with boarding the animal during the quarantine period.
- C. In the case of stray dogs or cats that have bitten a human, Animal Control will make every reasonable effort to determine ownership, to include scanning for a microchip. If ownership cannot be determined within seventy-two (72) hours (extended twenty-four (24) hours if the biting event occurs on a weekend or State holiday), Animal Control will contact approved 501(c)(3) rescues to determine whether any will agree to take the dog or cat upon completion of confinement if no symptoms of rabies develop. Rescue organizations will not be required to pay fees. If none agree to take the animal, as a last resort, it may be euthanized.

PROPOSED

- D. Any 501(c)(3) rescue organization accepting an animal under provisions of Section 6-23.B or 6-23.C, above, must agree to the following in writing:
1. The organization must have the animal evaluated by a certified trainer, animal behaviorist, or individual within the rescue who has direct experience working with that species of animal for at least five years. Such evaluation will not occur in any shelter environment. A record of this evaluation must be maintained by the organization.
 2. An animal assessed in Section 6-23.D.1, above, as being at significant risk of biting again will not be offered for adoption to the public.
 3. An animal assessed in Section 6-23.D.1 above as not likely to bite again may be offered for adoption to the public provided that the adopter is informed that the animal has bitten and under what circumstances; is made aware of any other history of biting, if known; and is furnished a copy of the animal's evaluation mandated by Section 6-23.D.1, above.
- E. Animal Control will comply with the provisions of Section 6-2.A.6 (dealing with partnering with local animal welfare organizations).
- F. A dog, cat or ferret exposed to rabies, suspected of being exposed to rabies, or showing signs of rabies must be reported immediately to the Animal Control Director. An animal shall be considered to have been exposed to rabies when such animal is reasonably suspected of being exposed to the saliva or nervous tissue of a proven rabid animal or an animal reasonably suspected of having rabies.
- G. Animals cited in Sec. 6-23.F, above, that have been vaccinated against rabies more than 28 days prior to being exposed must receive a booster dose of rabies vaccine within five days of exposure. If these two conditions are not met, the provisions of (6) below shall apply.
- H. Owners of animals cited in Sec. 6-23.F, above, without proof of current rabies vaccinations will be given the option to quarantine the animal at a facility approved by the Animal Control Director for six (6) months or to have the animal transported by Animal Control to a licensed veterinarian for euthanasia at the owner's expense, or to have the animal humanely destroyed at the Burke County animal shelter.
- I. In the case of a dog or cat showing symptoms of rabies that is a wandering stray, Animal Control will make every reasonable effort to locate the owner, including scanning for a microchip. If the ownership of such dog or cat cannot be reasonably determined, the animal may be humanely destroyed and the head of such dog or cat removed and submitted to the Burke County Health Department for shipment to the North Carolina State laboratory of Public Health for rabies diagnosis.

PROPOSED

- J. Upon seizing any animal whose ownership is known or can be determined, Animal Control shall leave with the owner or affix to the owner's residence a notice containing the beginning and ending dates of confinement and stating that the owner must redeem the animal and pay assessed fees within twenty-four (24) hours of the ending date of confinement stated in the notice.

Sec. 6-24. Area-Wide Emergency Quarantine. When reports indicate a positive diagnosis of rabies, the Burke County Health Director may order an area-wide quarantine when the disease exists to the extent that the lives of people are endangered, for such period as he deems necessary. Upon invoking of such emergency quarantine, each animal in the area required to be vaccinated shall be confined on the premises of the owner or in a veterinary facility unless the animal is on a leash or under the direct control and in sight of a responsible adult. Animals requiring veterinary care must be secured within a vehicle for transport. During such quarantine, no animal may be taken or shipped from the county without written permission of the Animal Control Office and the Burke County Health Director. During the quarantine period, the local health authorities shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

Sec. 6-25. Post Mortem Diagnosis.

- A. If an animal dies while under observation for rabies, the head of such animal shall be submitted to the Burke County Health Department for shipment to the North Carolina State Laboratory of Public Health for rabies diagnosis.
- B. The carcass of any animal suspected of dying of rabies shall be surrendered to the Burke County Animal Control Office. The head of such animal shall be submitted to the Burke County Health Department for shipment to the North Carolina State Laboratory of Public Health for rabies diagnosis ONLY if the animal was involved in a bite. Raleigh will not test specimens if a bite has not occurred.

Sec. 6-26. Unlawful Killing, Releasing, etc. of Certain Animals. It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal which has bitten a human, or to remove such animal from the county without written permission from the Animal Control Office.

Sec. 6-27. Failure to Surrender for Quarantine or Destruction. It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this article when demand is made by the Animal Control Office.

Sec. 6-28. Reserved.

Sec. 6-29. Reserved.

PROPOSED

ARTICLE III. IMPOUNDMENT

Sec. 6-30. General

- A. Any animal, other than a community cat, which appears to be lost, a stray, or unwanted, injured, or any dog which is found to be not wearing a valid rabies vaccination tag as required by state law or this ordinance, and not under restraint in violation of this ordinance, may be impounded by the Animal Control Office. Impoundment of such animal shall not relieve the owner of the animal from any penalty which may be imposed for violation of this ordinance.
- B. The following applies to care while the animal is in the county shelter:
 - 1. Animal Control shall provide animals with fresh food, fresh water, a clean facility, humane care, socialization, exercise, and relief from suffering, including veterinary care.
 - 2. Animal Control staff shall welcome volunteers to increase quality care of animals.
 - 3. Animal Control shall partner with all area animal welfare groups to take animals, especially those with special needs, such as mother dogs and cats with litters, orphaned baby animals, medical needs such as upper respiratory infections or injuries, older pets, and those simply stressed in a shelter environment. The provisions of Section 6-11.E apply to transfer of ownership.

Sec. 6-31. Notice to Owner

- A. Immediately upon impounding an animal, the Animal Control Officer shall make a reasonable effort to notify the owner and inform such owner of the impoundment and the conditions under which the animal may be redeemed. A reasonable effort includes, but is not limited to, scanning each animal for a microchip, checking for a rabies tag, and calling the owner if the number is on the collar or can be found by other means.
- B. If the owner is unknown or cannot be located, Animal Control shall hold the animal for ten (10) business days and then put it up for adoption by the first person whose adoption application is approved, or release it to any approved 501(c)(3) animal welfare organization or rescue group. The provisions of Section 6-11.E apply to transfer of ownership. It shall be unlawful for Animal Control to euthanize an animal when an approved individual or animal welfare organization or rescue group is willing to take it.

PROPOSED

- C. Owner refers to animal welfare organizations and rescue groups as well as to individuals. When it is clear that an animal belongs to an animal welfare organization or rescue group, Animal Control must notify an individual within such organization. Animal welfare organizations and rescue groups shall not be charged a redemption fee.

Sec. 6-32. Redemption by Owner

- A. The owner of an animal impounded under this article may redeem the animal and regain possession thereof within ten (10) business days from the time notification of impoundment is given, as required by Section 6-31.A, above, by complying with all applicable provisions of this article and paying any necessary veterinary fees and boarding fees set and approved by the Burke County Board of Commissioners. A seventy-five-dollar (\$75.00) fee shall be applied to all unneutered animals. This fee will be refunded if the owner provides Animal Control with proof of neutering by a licensed veterinarian within fourteen (14) days from the date of release
- B. Any person surrendering an animal to Animal Control must show proof of ownership as described in Section 6-2.A.12, and a record of such will be maintained by Animal Control. No animal that has been surrendered to Animal Control will be returned to that owner after the release form has been signed unless the owner agrees to pay a twenty-five-dollar (\$25) handling fee the day the animal was turned in, or a seventy-five-dollar (\$75.00) fee if the pet is unneutered. The latter fee will be refunded if the owner provides Animal Control with proof of neutering by a licensed veterinarian within fourteen (14) days from the date of release. For any surrendered animal not redeemed by the surrendering owner, the provisions of Section 6-2.A.10 apply.
- C. Community cat caretakers are authorized to reclaim impounded community cats, exempt from any fee or identification requirement.

Sec. 6-33. Release or Adoption of Unredeemed Animals

- A. If an impounded animal is not redeemed by the owner within the period described in Article III (dealing with impoundment) it shall become the property of Animal Control and offered for adoption by the first such person whose adoption application is approved and who pays the adoption fee, or transferred to an approved 501(c)(3) animal welfare organization or rescue group. The provisions of Section 6-11.E apply to transfer of ownership.
- B. No animal which has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to Article II of this ordinance (dealing with rabies), except by special authorization of the Burke County Health Director.

PROPOSED

- C. Any person adopting a dog or cat from the animal shelter shall be required to sign an adoption contract with the animal shelter.
- D. The Animal Control Office has the right to refuse adoption of animals to:
 - 1. Persons less than eighteen (18) years of age.
 - 2. Persons who have previously been cited as having violated this ordinance.
- E. The maximum number of animals that may be adopted by the same household is three (3) per calendar year.
- F. Animals that have exhibited fierce, dangerous, or aggressive behavior will not be offered for adoption directly to members of the general public.
- G. Any animal that is not redeemed by the owner within ten (10) business days, shall be offered for adoption or released to an approved 501(c)(3) animal welfare organization or rescue group. The provisions of Section 6-11.E apply to transfer of ownership. It shall be illegal for Animal Control to kill any animal that an individual, an animal welfare organization, or an animal rescue group is willing to take.
- H. Any animal impounded that is badly wounded or diseased and has no identification shall be transported to a licensed veterinarian to be relieved of its suffering, including euthanasia if the veterinarian determines the animal cannot be saved. If the animal has identification, an Animal Control Officer shall attempt to notify the owner before disposing of that animal.
- I. If an animal is officially surrendered by the owner to the Animal Control Officer, said owner must show proof of ownership and record of such shall be maintained by Animal Control. The animal may then be released for adoption to anyone whose adoption application is approved, or released to a 501(c)(3) animal welfare organization or rescue group. The provisions of Section 6-11.E apply to transfer of ownership. It shall be illegal for Animal Control to kill any animal that an individual or 501(c)(3) humane organization or rescue group is willing to take.
- J. Community cats may be diverted to Trap-Neuter-Return with a local cat rescue organization.
- K. Animals shall not be released for research to a biological supply company or to a veterinary researcher.

Sec. 6-34. Procedure with Respect to Redemption or Adoption of Unvaccinated Dogs, Cats or Ferrets. All dogs, cats or ferrets four (4) months of age or older that leave the animal shelter or any animal hospital or veterinary clinic, or any animal welfare

organization or rescue group, shall be required to have a current rabies vaccination and be spayed or neutered.

Sec. 6-35. Suspected Rabid Animals Not to be Redeemed or Adopted.

Notwithstanding any other provision of this article, animals impounded that appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with Article II of this ordinance (dealing with rabies).

Sec. 6-36. Reserved.

Sec. 6-37. Reserved.

Sec. 6-38. Reserved.

Sec. 6-39. Reserved.

ARTICLE IV. MISCELLANEOUS

Sec. 6-40. Enforcement in Municipalities; Restricted. Animal Control Officers shall have no authority to enforce this ordinance within the boundaries of any municipality unless the governing body of that municipality adopts a resolution stating that Burke County is empowered to enforce the provisions of this ordinance within that municipality and repeals any inconsistent ordinance.

Sec. 6-41. Deceased Animals.

- A. It shall be the duty of the owner or person in charge of any animal that dies from cause, and the owner, lessee or person in charge of any land upon which any animal dies, to bury the dead animal to a depth of at least three (3) feet beneath the surface of the ground and 300 feet from any ground water source within twenty-four (24) hours after the death of the animal is known, or to otherwise dispose of the animal in a manner approved by the state veterinarian.
- B. It shall be unlawful for any person to leave or place the carcass of any animal that he or she owns upon any public street, alley, or lot (or premises of another person without written permission of the person having charge of such premises) or to allow the animal to remain unburied on his/her property.
- C. The Animal Control Office does not pick up any deceased animal from properties or roadways. This function is the responsibility of the Department of Transportation.

Sec. 6-42. Animals Creating a Nuisance.

- A. The following acts or actions by an owner or possessor of an animal are hereby declared to be unlawful. Owners of the animal will be issued one (1) animal nuisance warning before receiving a citation or fine:

PROPOSED

1. The keeping of any animal which by continued or repeated howling, yelping, barking or otherwise causing loud noises which would interfere with the reasonable use and enjoyment of the premises occupied by neighboring residents.
 2. Maintaining animals in an unsanitary environment that results in unsightly or offensive animal waste, litter, or odor that would disturb neighboring residents.
 3. Maintaining an animal that is diseased and dangerous to the public health.
 4. Allowing or permitting an animal to damage the real or personal property of anyone other than its owner, including, but not limited to, turning over garbage containers, or damaging gardens, flowers, or vegetables, or defecating upon the property of neighboring residents.
 5. Maintaining an animal that habitually chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicles, livestock, or domestic animals.
 6. Animal owners shall clean up feces left by their animal on public or private property that is not owned by the owner.
 7. A community cat shall not be deemed a nuisance simply for being at large.
- B. Property owners have the right to prohibit domestic animals from being present on their property. If any domestic animal is on a citizen's property and the mere presence of the domestic animal is a nuisance, then the property owner may follow the complaint process described below. (NOTE: This measure described in this paragraph is intended to give property owners the right to identify specific domestic animals that are creating a nuisance. This does not bind Animal Control to keep all animals off any property. Animal Control will not act on complaints requesting that all domestic animals be kept off a person's property.) Complaint process and remedial action.
1. Fill out a complaint form provided by Animal Control stating that there is a domestic animal on their property that is creating a nuisance by its mere presence.
 2. The complainants must identify themselves as the complainants and identify the name and address of the owner of the domestic animal that is creating a nuisance, if known.
 3. The complaint will be sent by certified mail (with return receipt) or will be hand delivered by Animal Control to the owner of the domestic animal creating the nuisance, if known.

PROPOSED

4. After the owner of the domestic animal receives the complaint, he/she has twenty-four (24) hours to ensure that the identified domestic animal in the complaint is not present on the complainant's property.
5. If the identified domestic animal in the complaint is again found to be present on the complainant's property, the owner of the domestic animal will be deemed in violation of this ordinance.

Sec. 6-43. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the ordinance, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Sec. 6-44. Reserved.

Sec. 6-45. Reserved.

Sec. 6-46. Reserved.

Sec. 6-47. Reserved.

Sec. 6-48. Reserved.

Sec. 6-49. Reserved.

ARTICLE V. REMEDIES

Sec. 6-50. General.

- A. Civil Penalties. Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to the imposition by citation of a civil penalty for each such violation which shall be paid in full within ten (10) days of the service of the citation by a representative of the Burke County Animal Control Office or any law enforcement officer in accordance with North Carolina General Statutes §153A-123. If the offender does not pay the penalty within ten (10) days, the county may recover said penalty plus court costs in a civil action in the nature of debt. Failure to correct the violation or violations within the ten (10) day period will result in an additional penalty of fifty dollars (\$50) per violation per day until the violation is corrected. All civil fees are subject to associated legal fees in the collection of delinquent fees.
 1. Unless otherwise stated in this ordinance, any person, firm, etc., violating any provision of this Article shall be subject to a Graduated Penalty of \$50, \$100, \$200 with a timeframe of one (1) year on the last citation.
 - a. First Offense = \$50 Penalty
 - b. Second Offense = \$100 Penalty

- c. Third Offense = \$200 Penalty
 - d. All offenses after Third = \$200 Penalty per incident
 - 2. If any dangerous animal or dangerous dog, as defined in North Carolina General Statutes §67-4.1, when unprovoked, attacks, assaults, wounds, bites or otherwise injures or kills a human being, the owner shall pay a three-thousand-dollar (\$3,000.00) civil penalty. After a ten (10) business day waiting period, the owner may reclaim the animal or dangerous dog in injury cases only. Animals that kill a human being will be euthanized when it has been proven through the legal process.
 - 3. If any dangerous animal or dangerous dog, as defined in North Carolina General Statutes §67-4.1, when unprovoked, kills, wounds or assists in killing or wounding any domestic animal or pet, the owner of that animal or dog shall pay a civil penalty of two hundred dollars (\$200.00). For each subsequent violation, the owner of said animal or dog shall pay a civil penalty of four hundred dollars (\$400.00).
 - 4. If any dangerous animal or dangerous dog runs at large, the owner of said animal or dog shall pay a two hundred dollar (\$200.00) civil penalty. For each subsequent violation, the owner of said animal or dog shall pay a civil penalty of three hundred dollars (\$300.00).
 - 5. Any person in possession of or keeping an any animal listed in Section 6-60.B of this ordinance (dealing with prohibited exotic animals), within the county shall be in violation of this ordinance and shall be subject to the fines and penalties specified in Section 6-60.C of this ordinance.
 - 6. If the offender does not pay the full amount of the penalty within ten (10) days, the county may recover all attorney fees in a civil action in the nature of debt.
 - 7. The owner shall also be responsible for any costs incurred such as a tranquilizer fee, costs of which are at a minimum of fifty dollars (\$50.00).
- B. Criminal Sanctions. Violation of this ordinance shall be a misdemeanor for which a criminal summons may be issued. Any person convicted of such violation shall be punishable as provided in North Carolina General Statutes §14.4. Each day's violation of this section is a separate offense.
- C. Injunctive Relief. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.

Sec. 6-51. Reserved.

PROPOSED

- Sec. 6-52. Reserved.
- Sec. 6-53. Reserved.
- Sec. 6-54. Reserved.
- Sec. 6-55. Reserved.
- Sec. 6-56. Reserved.
- Sec. 6-57. Reserved.
- Sec. 6-58. Reserved.
- Sec. 6-59. Reserved.

ARTICLE VI. EXOTIC ANIMALS

Sec. 6-60. General. It is the intent of Burke County to protect the public against health and safety risks that exotic animals pose to the community and to protect the welfare of the individual animals held in private possession. By their very nature, exotic animals are wild and potentially dangerous and do not adjust well to a captive environment.

A. Definitions.

1. *Exotic Animal* means any living member of the kingdom Animalia, including those born or raised in captivity, except the following, to which this article does not apply:
 - a. The species *Homo sapiens* (humans);
 - b. The species *Canis familiaris* (dogs) (excluding hybrids with wolves, coyotes, or jackals);
 - c. The species *Felis catus* and *Felis silvestris catus* (cats) (excluding hybrids with ocelots or margays)
 - d. The species *Equus caballus* (domestic horses);
 - e. The species *Equus asinus* (asses, donkeys); mules;
 - f. The following members of the sub-family Bovine: the species *Bos Taurus* (cattle), the genus *Bison* (American Buffalo), and the genus *Bubalus* (water buffalo);
 - g. The species *Ovis ammon aries* (sheep);
 - h. The species *Capra hircus* (goats);
 - i. The subspecies *Sus scrofa domestica* (domestic swine);

- j. Domesticated races of the species *Gallus gallus* or *Meleagris gallapavo* (poultry);
- k. Domesticated races of the species *Mesocricetus auratus* (golden hamsters);
- l. Domesticated races of the subspecies *Cavia aperea procellus* (guinea pigs);
- m. Domesticated races of rats and mice (white or albino, trained, laboratory reared);
- n. Domesticated races of the species *Chinchillas laniger* (chinchillas);
- o. Domesticated races of the species *Oryctolagus cuniculus* (rabbits);
- p. Domesticated species of the family Camelid (including camels, llamas, and alpacas);
- q. All captive-bred members of the species of the families Psittacidae (parrots, parakeets), Anatidae (ducks), Fringillidae (finches), Columbidae (doves and pigeons), and Ratite (flightless birds, including ostriches, emus, and rheas);
- r. All captive-bred members of the species *Serinius canaria* of the class Aves (canaries);
- s. Domesticated races of the species *Carassius auratus* (goldfish);
- t. Captive-bred members of the superorder Teleostei of the class Osteichthyes (common freshwater and salt-water aquarium fish);
- u. Captive-bred, non-poisonous members of the suborder Serpentes (snakes);
- v. Captive-bred members of the suborder Cryptodira (turtles);
- w. All species of the class insecta (insects) not considered life-threatening to humans, specifically including, but not limited to, *Apis mellifera* (common honeybee);
- x. Hawks, eagles, owls and other birds of prey.
- y. All species of the class Arachnida (spiders, scorpions, and related) not considered life-threatening to humans; and
- z. Any other animal reviewed by the Burke County Board of Commissioners and determined to be exempt from this ordinance.

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2. *Harbor* means to knowingly allow an exotic animal, as defined herein, to remain, lodge, be fed, shelter or take refuge within a home, yard, enclosure, outbuilding, abandoned vehicle, building, place of business, or any other premises.
 3. *Impoundment* means the placement of an animal in the custody of Burke County Animal Control or the person or entity duly authorized by ordinance of the Board of County Commissioners or by state law for such purpose.
 4. *Burke County Animal Control* means the Burke County Animal Control Department and all designated Burke County Animal Control Officers of Burke County.
- B. Prohibition Against Possession of Exotic Animals. Except in accordance with Section 6-60.D, below, it shall be unlawful for any person or entity to possess, harbor or have under their control any of the following exotic animals in Burke County:
1. Family Canidae, excluding *Canis familiaris* (dogs); (including hybrids with wolves, coyotes, or jackals)
 2. Family Felidae, excluding *Felis catus* and *felis silvestris catus* (cats); (including hybrids with ocelots or margays)
 3. Family Ursidae (bears, including hybrids);
 4. Family Mustelidae (wolverines);
 5. Family Hyaenidae (hyenas);
 6. Order Primates (monkeys, apes, etc.);
 7. Order Proboscidae, Family Elephantidae (elephants);
 8. Order Perissodactyla, Family Rhinocerotidae (rhinoceroses);
 9. Order Artiodactyla, Family Suidae (warthogs) and Family Hippopotamidae (hippopotamuses);
 10. Order Crocodylia (crocodiles, alligators, and caimans);
 11. Venomous reptiles, Including all members of the following families:
 - a. Helodermidae (gila monsters and Mexican beaded lizards);
 - b. Viperidae vipers;

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- c. Crotalidae (pit vipers);
- d. Hydrophilidae (sea snakes);
- e. Elapidae (cobras, coral snakes, and related); and
- f. Any rear-fanged snakes of the family Colubridae that are known to be life-threatening to humans, including but not limited to the following:
 - (1) Dispholidus typus (boomslang);
 - (2) Thebtornis kirtlandii (twig snake); and
 - (3) Rhabdophis (keelbacks).
- 12. Any constricting snake greater than four (4) feet in length or twenty (20) pounds in weight;
- 13. Any species of the class Insecta (insects) considered life-threatening to humans in general;
- 14. Any species of the class Arachnida (spiders, scorpions, and related) considered life-threatening to humans in general;
- 15. Any species of the genera Catoprion, Pygocentrus, Pygopristis, Rooseveltiella, Serrasalmus, Serrasalmo, and Taddyella of the superorder Teleostei of the class Osteichthyes (piranhas); and
- 16. Any other exotic animal, as determined by the Burke County Board of Commissioners, that may be a danger to the health, safety and general welfare of the residents of Burke County and any other persons present in the county.

C. Penalties

- 1. For the protection of the public, failure to comply with the provisions of Article VI of this ordinance shall be grounds for immediate seizure and impoundment of any exotic animal(s) by Burke County Animal Control without the necessity of any written order or court order.
- 2. Criminal penalties. If any persons or entities in violation of any provisions of Article VI of this ordinance, they shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). Each day of violation of any provision of this section shall constitute a separate offense. The payment of a fine imposed in criminal proceedings pursuant to this subsection

does not relieve the person of liability for any taxes, fees, costs, or penalties otherwise imposed under this ordinance.

3. Civil penalties. In addition to all other penalties prescribed by law and seizure of the exotic animal(s), any person or entity who violates any provision of Article VI of this ordinance shall be subject to a civil penalty of one thousand dollars (\$1,000) per exotic animal and an additional two hundred and fifty dollars (\$250) per day for each day the exotic animal is in the custody of Burke County plus any additional costs incurred by Burke County in the seizure of the exotic animal(s).
 4. Citations. Burke County Animal Control is authorized to issue written citations to violators of this ordinance. If a monetary penalty is prescribed, that penalty must be paid within seventy-two (72) hours after the person has been cited for violation of this ordinance. The citation may be delivered in person to the violator; or, if the violator cannot be readily found, the citation may be mailed to the violator by certified mail. No impounded animal may be redeemed from the county animal shelter until all incurred penalties have been paid in full; and until arrangements have been made for the safe transportation of the animal to a location outside Burke County.
 5. Enforcement. Burke County Animal Control and/or any law enforcement agency having jurisdiction where an exotic animal is found shall have authority to enforce this article of this ordinance.
 6. Registration must be renewed on an annual basis.
- D. Exemptions. Provided that each exotic animal, as defined by this ordinance, is maintained in a secure enclosure constructed and maintained to prevent the exotic animal's escape and compliant with the requirements of North Carolina General Statutes §14-417, §14-417.1, and §14-417.2, and the further requirements set forth herein, the prohibitions of this ordinance shall not apply to:
1. Federal or State licensed wildlife rehabilitators engaged in the rehabilitation of sick, injured, or orphaned native wildlife to the extent permitted by their license, provided that said wildlife is housed on a parcel or tract of land with all structures, boundary fences, perimeter fences and animal enclosures located five hundred (500) feet or more from the property line; and provided further that the rehabilitator maintains liability insurance with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the wildlife; and provided further that the rehabilitator has first obtained a permit in accordance with Section 6-60.G of this ordinance (dealing with the issuance of permits to possess exotic animals). Possession of wildlife not native to Burke County is strictly prohibited.

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2. Lawfully operated non-resident carnivals, circuses, and traveling fairs for no longer than seven consecutive days, and a maximum of two times per calendar year; provided that the owner and/or operator maintains liability insurance with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the exotic animal; and provided further that the owner and/or operator has first obtained from the Burke County Animal Control Office a permit certifying that the exotic animals are held, maintained and exhibited in compliance with Article VI of this ordinance.
3. Veterinary clinics operated by a veterinarian licensed by the North Carolina Veterinary Medical Board in possession of exotic animals for treatment or rehabilitation purposes.
4. Persons temporarily transporting exotic animals non-stop through Burke County on state maintained highways, provided that such time in Burke County shall not exceed twenty-four (24) hours; and provided further that the transporter maintains liability insurance with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by transportation of the exotic animals.
5. Properly licensed and established zoos provided said zoo is established or exists on a parcel or tract of land containing not less than one hundred acres; and provided further the structures, boundary fences, perimeter fences and animal enclosures are located five hundred (500) feet or more from the property line; and provided further that the zoo maintains liability insurance with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the exotic animal(s); and provided further that the zoo has first obtained a permit in accordance with Section 6-60.G of this ordinance.
6. Any institution or organization that 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 Service provided that the animals are housed on a parcel or tract of land with all structures, boundary fences, perimeter fences and animal enclosures located five hundred (500) feet or more from the property line; and provided further that the rehabilitator maintains liability insurance with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the wildlife; and provided further that the institution or organization has first obtained a permit in accordance with Section 6-60.G of this ordinance.

PROPOSED

7. No references or restrictions in this ordinance shall apply to exotic animals under the exclusive custody and control of the North Carolina Zoological Park.

E. Impoundment and Disposition of Animals

1. Any exotic animal which is kept by any person or entity in violation of this ordinance may be immediately seized without notice and impounded by Burke County Animal Control without the necessity of a written order or a court order, for the protection of the public or the health of the exotic animal.
2. If the exotic animal cannot be seized and impounded safely by Burke County Animal Control or if, after making every reasonable effort to place the animal in a safe environment, proper and safe housing cannot be found, Burke County Animal Control may immediately destroy the exotic animal.
3. The owner of an impounded exotic animal shall be afforded the opportunity to reclaim the exotic animal if the person or entity provides proof of ownership and satisfies Burke County Animal Control that a safe and prompt transfer of the exotic animal to an appropriate location outside the county has been arranged, and provided further that all monetary fines, penalties and costs imposed under this ordinance have been paid in full.
4. If the owner of an impounded exotic animal cannot be located or if an impounded exotic animal remains unclaimed, Burke County Animal Control will make every reasonable effort to locate a safe environment for the animal. Burke County Animal Control may transfer the animal to a safe environment, turn the exotic animal over to the North Carolina Museum of Natural Science or to the North Carolina Zoological Park, allow it to be lawfully adopted by a zoo, return it to an appropriate wilderness, or, as a last resort, euthanize the animal.

F. Permit Process

1. This permit process shall apply to Sections 6-60.D.1, D.5, and D.6 of this ordinance. These paragraphs deal with specific exemptions from the prohibition against possession of exotic animals.
2. Payment of the nonrefundable annual permit fee of one thousand dollars (\$1,000.00) shall constitute the beginning of the permit process. Any other cost incurred during this permit process shall be the responsibility of the owner or possessor of the exotic animal.
3. Applicants beginning the permit/registration process for an exotic animal shall be given a list of restrictions that must be in place before a permit will be issued.

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4. Restrictions for the issuance of a permit for an exotic animal shall include, but not be limited to the following:
 - a. Proof of liability insurance coverage with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the exotic animal, or in lieu of insurance, a surety bond posted with the county manager in the same amount, conditioned upon payment of such damages.
 - b. At the direction of Burke County Animal Control, installation of permanent signage at all points of entry to the property in question to identify the presence of the exotic animal to any law enforcement or emergency personnel having valid reason to enter the property.
 - c. Required signage shall consist of a minimum size of three (3) square feet and shall at a minimum identify the following in reflective letters of a contrasting color as to be easily read on the background of the sign:
 - (1) The word "Warning" in all capitals at least four (4) inches high;
 - (2) The common name of the exotic animal;
 - (3) The location on the property of the exotic animal; and
 - (4) The potential danger posed by the exotic animal (biting, clawing, venom, constriction, kicking, etc.)
5. When possible, a county veterinarian will implant a microchip under the skin of the exotic animal to aid in identification, or such veterinarian will certify that the animal has a previously implanted microchip. The owner will obtain a health certificate from a veterinarian detailing the health and condition of the exotic animal.
6. The owner will provide a written emergency response plan, approved by Burke County Animal Control, in the event of any escape of the exotic animal, including a paragraph detailing the owner or possessor's understanding and agreement that if the escaped exotic animal poses any immediate danger whatsoever to life, limb, or property (other than the property of the exotic animal owner), then it may be destroyed at that time by law enforcement officers, emergency responders, or any citizen having the means to do so. This emergency response plan shall be signed and dated by the owner.
7. All exotic animals shall be housed in facilities designed with the characteristics and potential dangers of the particular exotic animal in mind,

PROPOSED

and shall comply with the provisions of North Carolina General Statutes §14-417, §14-417.1, and §14-417.2.

G. Issuance of a Permit

1. When the exotic animal owner or possessor has completed the list of requirements, but no later than ninety (90) days from the beginning of the permit process, the owner shall arrange for an initial inspection by Burke County Animal Control, which shall not unreasonably delay this initial inspection.
2. When Burke County Animal Control has conducted its initial inspection and found the list of requirements to have been completed in a satisfactory manner, it shall issue the permit to the owner or possessor of the exotic animal.
3. For all persons or entities claiming exemption to this ordinance through Section 6-60 D-1 above, the term of each permit shall be six (6) months. This shall be renewable only upon proof of evaluation of the exotic animal(s) in the last ten (10) days by a licensed North Carolina veterinarian who determines that the exotic animal(s) require additional rehabilitation. Continuing renewal after one year shall also require payment of the annual fee of one thousand dollars (\$1,000).
4. For all persons or entities claiming exemption to this ordinance though Section 6-60.D.5 and 6-60.D.6, above, the initial term of this permit shall be twelve (12) months. This permit shall be renewable every twelve (12) months for either the life of the exotic animal or the length of its residency in Burke County, whichever is less, upon payment of an annual permit renewal fee and satisfactory completion of a follow-up inspection by Burke County Animal Control of the facility housing the exotic animal.
5. This permit shall be presented for renewal prior to the expiration of the current term; otherwise, the permit is considered expired.
6. Any owner or possessor of an exotic animal with an expired permit for that exotic animal shall be in violation of this ordinance, and the owner or possessor shall be subject to the penalties listed in Section 6-60.C of this ordinance.
7. A permit holder must correct within seven (7) calendar days any defects that may arise in connection with that permit or face the penalties of Section 6-60.C.

H. Costs

1. In the event any investigation of an exotic animal facility (other than the inspection associated with the renewal of a permit in Section 6-60.G.4) is

required or requested, and the complaint is substantiated by Burke County Animal Control, then all reasonable costs of the investigation shall be assessed against the owner or possessor of the exotic animal.

2. If at any time it becomes necessary to Impound or destroy an exotic animal pursuant to this ordinance, the cost of such impoundment or destruction shall be assessed against the owner or possessor of the exotic animal.

I. Breeding/Reproduction

1. Breeding or allowing the reproduction of prohibited exotic animals listed in Section 6-60 B of this ordinance is specifically prohibited.
2. Any owner or possessor of an exotic animal found to be in violation of the prohibition against breeding exotic animals shall be subject to immediate seizure of involved exotic animals and the imposition of a fine for each exotic animal of one thousand dollars (\$1,000) plus two hundred fifty dollars (\$250) per day for each day the exotic animal is in the custody of Burke County, plus any additional costs to the county that may arise in connection with the seizure and disposition of the exotic animal(s).

- Sec. 6-61. Reserved.
- Sec. 6-62. Reserved.
- Sec. 6-63. Reserved.
- Sec. 6-64. Reserved.
- Sec. 6-65. Reserved.
- Sec. 6-66. Reserved.
- Sec. 6-67. Reserved.
- Sec. 6-68. Reserved.
- Sec. 6-69. Reserved.

Article VII. Animal Welfare Advisory Board

Sec. 6-70. Establishment, Composition, and Duties.

- A. There is hereby established a Burke County Animal Welfare Board to advise the County Commissioners on matters related to the welfare of animals in Burke County, excluding livestock.
- B. Each of the following shall be represented by one member on the Board:
 1. Each animal welfare organization or animal rescue group in Burke County.

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2. The Animal Control Department or the Sherriff's Office, non-voting.
 3. The Burke County Health Department, non-voting
- C. Initially three members shall be appointed for one-year terms and the rest of the members for two year terms. Subsequently, all appointments shall be for two-year terms.
- D. At the first meeting of each calendar year the Board shall select a chairperson, vice-chairperson, and a recorder. The recorder shall prepare official minutes of each meeting and shall submit those minutes via email to all members of the Board for approval. Once the minutes are approved, the chairperson shall submit the minutes to the County Commissioners.
- E. The Board shall meet on a quarterly basis to discuss any issue(s) related to the welfare of animals in Burke County. Additional meetings may be scheduled as necessary by the chairperson of this Board or by the County Commissioners.

- Sec. 6-71. Reserved.**
- Sec. 6-72. Reserved.**
- Sec. 6-73. Reserved.**
- Sec. 6-74. Reserved.**
- Sec. 6-75. Reserved.**
- Sec. 6-76. Reserved.**
- Sec. 6-77. Reserved.**
- Sec. 6-78. Reserved.**
- Sec. 6-79. Reserved.**

PROPOSED