

## CHAPTER 90: ANIMALS

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### ***GENERAL PROVISIONS***

#### **§ 90.01 TITLE.**

This chapter is entitled “Animal Control Ordinance for Gates County, North Carolina” and may be cited as the “Animal Control Ordinance”.  
(Ord. passed 7-29-2014)

#### **§ 90.02 AUTHORITY AND PURPOSE.**

This chapter is adopted for the purpose of establishing procedures and standards for the Animal Control Officer and/or his or her duly appointed assistant(s) with the responsibility of enforcing the county and state laws, ordinances, and resolutions relating to animals or to the care, custody, and control of animals.  
(ord. passed 7-29-2014)

#### **§90.03 JURISDICTION**

This chapter shall govern all territory within Gates County, North Carolina.  
(Ord. passed 7-29-2014)

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### § 90.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADEQUATE FEED.** A quantity of wholesome foodstuff suitable for the species and age, to each animal, sufficient to maintain a reasonable level of nutrition provided at reasonable intervals, not to exceed 24 hours. Such foodstuff shall not be served in a tainted receptacle, dish, or container.

**ADEQUATE WATER.** A constant access to a supply of clean, fresh, potable water provided in a clean manner or provided at suitable intervals for the species and not to exceed 24 hours at any interval.

**ANIMAL.** Any animals kept as pets for pleasure or work, including but not limited to: dogs, cats, horses, lamas, alpacas, fowl, goats, sheep, and the like. Animals that fall under animal control. Commercial poultry and meat animals are exempt from animal control ordinances. (Animals sold for meat purposes, i.e., Perdue chickens governed by the USDA).

**DANGEROUS DOG.** According to G.S. § 67 – 4.1 is a dog that:

- (1) Without provocation has killed or inflicted severe injury on a person:
- (2) Is determined by the person or Board designated by the county or municipal authority responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed under the section for potentially dangerous dog; or
- (3) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

**EXOTIC ANIMAL.** Any mammal, bird, reptile, or fish that poses a potential threat to humans. This includes, but is not limited to, large or poisonous snakes, monkeys, chimps, tigers, and other large cats, crocodiles, alligators, large iguanas, and piranha. Small birds such as parakeets, canaries, cockatoos, parrots, and other animals such as livestock and domestic dogs and cats are exempt from this definition.

**EXPOSED TO RABIES.** An animal shall be deemed to have been exposed to rabies if it has been bitten by, or been in the presence of, any animal known or suspected to have been infected with rabies.

**HEALTH DEPARTMENT.** Gates County Department of Health (dba ARHS).

**HEALTH DIRECTOR.** Health Director of the Gates County Department of Health (dba ARHS).

***IMPOUNDMENTS.*** Any animal in custody of a person or animal shelter duly authorized by the Board of Commissioners.

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***INHUMANE CONDITONS.*** Pens full of feces, water full of algae and dirt, moldy food, foul odor, or unclean decomposing or diseased animals producing pungent/fetid odors.

***NUSIANCE.*** An animal or group or animals shall be considered a nuisance if it does one or more of the following:

- (1) On multiple occasions damage, soil, or defiles private or public property;
- (2) Shows aggression towards or attacks persons or domestic animals and livestock;
- (3) Chases, snaps at, harasses, or impedes pedestrians, bicyclists, or vehicles;
- (4) Habitually or repeatedly makes loud noises or other sounds that tend to annoy, disturb, or frighten citizens of the county; or
- (5) Allowing a female dog to run at large when in heat.

***OWNER/KEEPER.*** A person having custody of any animal including strays, feral cats or dogs kept on their property and provided sustenance for ten days or more after first reporting.

***PERSON.*** Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

***PET.*** Any animal kept for pleasure.

***POTENTIALLY DANGEROUS DOG.*** A dog that the person and/or board designated by the County Board of Commissioners responsible for animal control determines to have:

- (1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization;
- (2) Killed or inflicted sever injury upon a domestic animal when not on the owner's real property; or
- (3) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

***PROPER SHELTER.*** Constant access to sufficient shelter, three walls and a roof, that protects from the weather (i.e., rain, wind, snow, hail, sleet, and/or sun).

***STRAY.*** Any domestic animal without identification tag, not under restraint, and found off the property of its owner or keeper.

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***SUSPECT OF HAVING RABIES.*** An animal which not vaccinated against rabies or has bitten a person.

***VETERINARY HOSPITAL.*** Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

***VICIOUS ANIMAL.*** Any animal that has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts of the skin; or one which habitually or repeatedly attacks other pets and farm stock.  
(Ord. passed 7-29-2014)

### ***AGENCY AUTHORITY AND RESPONSIBILITY***

#### **§ 90.15 RESPONSIBILITY.**

The Animal Control Officer and/or designees shall:

(A) Serve ~~at the pleasure and~~ under the supervision of the ~~County Sheriff~~ **County Manager** ~~or designee~~; and

(B) Be appointed by the ~~County Sheriff~~ County Manager.  
(Ord. passed 7-29-2014)

#### **§ 90.16 ADMINISTRATION.**

(A) The authority and responsibility in hereby established for the ~~Sheriff's Office~~ County Manager's Office, Department of Animal Control and/or their designees:

(1) Have the authority to write citations for violations of all laws of the state and all ordinances of the county pertaining to animals pursuant to G.S. § 15A-302 and 67-31.

(2) Will exercise authority of physical custody for any person found in violation of the laws of the state or the ordinances of the county pertaining to all animals, where allowed by state general statues; and

(3) Be authorized to store at the animal shelter or carry in **division assigned** vehicles **firearms tranquilizer darts and equipment** approved for use by the County **Sheriff Manager** and use

such ~~firearms equipment~~ when necessary to enforce sections of this chapter or other applicable law for the control of wild, vicious, or diseased animals.

(B) The County Animal Control Officer shall:

(1) ~~Maintain appropriate certifications as required by the Health Director, County Manager, or recommended by the Animal Shelter Manager.~~ Have the responsibility ~~along with law enforcement agencies~~ to enforce all laws of the state and all ordinances of the county pertaining to animals and shall cooperate with all law enforcement officers within the county in fulfilling this duty;

(2) Enforce and carry out all laws of the state and all ordinances of the county pertaining to rabies control;

(3) Organize and conduct, in conjunction with the Health Department, semi-annual rabies vaccination clinics for which shall be charged a nominal fee as established by the Board of Commissioners;

(4) Be responsible for the investigation of all reported animal bites, for the quarantine of any dog or cat involved and suspected of having rabies, for a period of not less than ten days, and for reporting to the Health Director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal;

(5) Be responsible for the operation of the animal quarantine shelter;

(6) Be responsible for the seizure and impoundment, where same is legally permissible, acknowledging the need for a court order absent exigent circumstances in certain cases, of any other animal in the county involved in violation of this chapter or any other county ordinance or state law;

(7) Investigate cruelty or abuse with regard to animals;

(8) Make such canvasses of the county as necessary for the purpose of ascertaining compliance with this chapter or state statute;

(9) Keep, or cause to be kept, accurate and detailed records of :

(a) Seizures, impoundments, and disposition of all animals coming into the custody of the animal control program; and

(b) Bites cases, violations and complaints, and investigation of same.

(10) Be empowered to issue notices of violation of this chapter in such form as the County ~~Sheriff Manager~~ and/or state general statutes may prescribe.

(Ord. passed 7-29-2014)

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### § 90.17 CRUELTY TO ANIMALS.

(A) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare of any animal, or to cause or procure such action.

(B) The words *TORTURE* and *TORMENT* shall be held to include every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted; however:

(1) Such terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission:

(2) Nor to prohibit the Animal Control Officer or persons duly authorized by a law enforcement officer or veterinarian from destroying dangerous, unwanted, or injured animals in a humane manner.

(3) Nor to prohibit the lawful use of animals in scientific research.

(4) Owners may humanly euthanize (immediate death, not to prolong suffering) their own animal that is terminally ill, seriously injured, or vicious, (Nothing in this chapter shall be construed to allow the sale or donation animals from the county animal shelter for use in scientific research.); and

(5) Whenever an animal is seized by an Animal Control Officer for cruelty, it may be taken to a veterinarian contacted by the county for a physical evaluation prior to its being placed in the animal shelter or other facility, if there is evidence of cruelty. Reference division € below for recoup of expenses from owner.

(C) It shall be unlawful for any owner or keeper to fail to provide their animal or animals with constant access to proper shelter and protection from the weather, adequate and wholesome food and water to keep the animal or animals in good health and comfort, the opportunity for vigorous daily exercise, veterinary care when needed to prevent suffering, and humane care and treatment.

(D) The county may seek assistance for impounded large animals through the Humane Society of America, the U.S. Equine Rescue League, or other qualified organizations.

(E) When animals are seized during and after a cruelty investigation, the county may seek a power of forfeiture to allow the county to recoup expenses from the owner.

(G.S. § 19A-70) (Ord. passed 7-29-2014) Penalty, see § 90.99

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### § 90.18 CONFINEMENT, MUZZLING, AND CONTROL OF VICIOUS OR DANGEROUS DOMESTIC ANIMALS.

It shall be unlawful for any person to keep any vicious or dangerous domestic animal within the county, unless it is confined within a secure building or enclosure or unless it is securely muzzled and under restraint by a competent adult who, by means of a leash, chain, or other like device, always has such animal firmly under control when off the owner's property.

### § 90.19 POTENTIALLY DANGEROUS DETERMINATION.

Pursuant to G.S. § 67-4.1 (c), the Animal Control Officer shall be responsible for determining when a dog is a "potentially dangerous dog" as provided by that statute. The County ~~Sheriff's office~~ **County Manager's office** shall be the appellate board to which an owner or keeper of a dog determined as being a "potentially dangerous dog" may appeal such determination. The appellate board shall include the ~~Sheriff~~, **Health Director or designee, County Manager**, a Commissioner, and a private citizen. Any appeal from the final decision of the appellate board shall be taken to Superior Court.

(Ord. passed 7-29-2014)

### § 90.20 ANIMALS CREATING A NUISANCE PROHIBITED.

(A) It shall be unlawful for an owner or keeper to permit an animal or animals to create a nuisance, or to maintain a nuisance created by an animal or animals.

(B) Compliance shall be required as follows.

(1) When an animal control officer, law enforcement officer, or person duly authorized by the ~~County Sheriff~~ **County Manager** observes a violation, the owner or keeper will be provided written notification of such violation and be given 48 hours from time of notification to abate the nuisance.

(2) If the written findings indicated that the complaint is justified, then the Animal Control Officer or person duly authorized by the ~~County Sheriff~~ **County Manager** shall cause the owner or keeper of the animal or animals in question to be so notified in writing, and ordered to abate such nuisance within 48 hours, unless the animal is determined to be dangerous to persons or property, by whatever means may be necessary. In the event the owner or keeper of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals shall be posted for 48 hours at the animal shelter and the county courthouse.

(3) In the event the owner or keeper of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals shall be posted for seven days at the animal shelter. If after seven days, the owner or keeper of the animal or animals shall be posted for seven days at the animal shelter. If after seven days the owner or



keeper of the animal or animals remains unknown, the animals may be impounded or humanely destroyed.

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(C) It shall be unlawful for a person to fail or refuse to abate the nuisance as required by this section.

(Ord. passed 7-29-2014) Penalty, see § 90.99

### **§ 90.21 PUBLIC NUISANCES PROHIBITED.**

(A) The actions of an animal constitute a public nuisance when an animal disturbs the rights of, threatens the safety of, or in way injures a member of the general public, or interferes with the ordinary use and enjoyment of another's property or interferes with law enforcement duties.

(B) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner as cause public nuisance. By way of example, yet not limited to, the following acts or actions by an owner or possessor of an animal are hereby declared to be a public nuisance and are therefore unlawful:

(1) Having an animal that disturbs the rights of, threatens the safety of, or in any way injures a member of the public, or interferes with the ordinary use an enjoyment of one's property:

(2) Allowing or permitting an animal to damage the property of anyone other than that of the owner/possessor, including, but not limited to, turning over garbage containers, damaging gardens, flowers, or vegetables, or defecating upon the property of another;

(3) Maintaining the animals in an unsanitary environment which results in an offensive odor or is dangerous to the animal or the public health, safety, or welfare or failure to maintain a condition of good order and cleanliness;

(4) By allowing or permitting an animal to bark, whine, howl, crow, cackle, and the like in a long continued or frequent fashion so as to interfere with the reasonable use and enjoyment of neighboring premises;

(5) Maintaining an animal that is diseased and dangerous to the public health;

(6) Maintaining an animal that habitually or repeatedly harasses, snaps at, attacks, or barks at pedestrians and/or animals being walked on a leash;

(7) Failing to confine a female dog or cat while in abuilding of four walls or in an enclosed area in such a manner that she will not be in contact with another dog or cat or attract other animals; provided this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of the animal which is being bred; and/or

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(8) Any exotic animal owned, harbored, or possessed prior to this effective date of this amendment shall be legal with proper documentation. These animals must be registered with the County Sheriff's office within 30 calendar days of the effective date of this amendment. (Ord. passed 7-29-2014) Penalty, see §§ 90.99

### **§90.22 LURING, ENTICING, TEASING, AND THE LIKE.**

It shall be unlawful of any person, other than an animal control official acting in his or her capacity as such, to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper. (Ord. passed 7-29-2014) Penalty § 90.99

## ***RABIES PREVENTION***

### **§ 90.35 VACCINATION OF DOGS, CATS AND OTHER PETS.**

#### *(A) Current vaccination.*

(1) It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for any dog or cat four months of age or older. Should it be deemed necessary by the Health Director or the Board of County Commissioners that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner or keeper to fail to provide a current vaccination against rabies for their pet.

(2) A rabies vaccination shall be deemed "current" for a dog or cat if two vaccinations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.

#### *(B) Vaccination tag and certificate.*

(1) Upon complying with the provisions of this section. there shall be issued to the owner or keeper of the dog or cat vaccinated, a rabies vaccination certificate and a rabies tag, stamped with a number and the year for which issued.

(2) It shall be unlawful for any dog or cat owner or keeper to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with attached tag, must be always worn. (Ord. passed 7-29-2014; Ord. passed 4-6-2018) Penalty, see § 90.99

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### § 90.36 NOTICE TO HEALTH DIRECTOR AFTER BITE.

(A) When a person has been bitten by an animal having rabies or suspected of having rabies, it shall be the duty of such person, or his or her parent or guardian if such person owning such animal or having the same in his or her possession or under his or her control, to notify the local Health Director and give the name and address of the person that has been bitten and the owner or person having such animal in his or her possession or under his or her control shall immediately relinquish custody of the animal for quarantine in the Tri-County Animal Shelter for a period of ten days. It shall be the duty of every physician, after his or her first professional attendance upon a person bitten by any animal having rabies or suspected of having rabies, to report to the Health Director the name, age, and sex of the person so bitten, and precise location of the bite wound, within 24 hours after first having knowledge that the person was bitten. If the owner of, or a person who has in his or her possession or under his or her control, an animal having rabies or suspected of having rabies refuses to confine the animal as required by this section or by G.S. § 130A-196, the Health Director designates.

(B) Law enforcement agencies investigating animal bites shall report such bites immediately to the Health Director or Animal Control Officer and give the names and addresses of persons bitten and the owner of the animal.

(C) Animals confined per division (A) above shall not be released from confinement except by permission from the Health Director.

(D) Animals confined per division (A) above shall be confined at the expense of the owner or keeper.

(E) In the case of an animal whose owner or keeper is not known, the animal shall be kept for the supervised confinement period required by this section at the animal quarantine shelter.

(F) Badly wounded or suffering animals which are suffering animals which are suspected of having rabies may be humanely destroyed immediately and tested for rabies as appropriate.

~~(G) The Animal Control Officer will come before the County Board of Commissioners at their regularly scheduled September meeting each year to set the vaccination fee for the next 12 months.~~

~~(Ord. passed 7-29-2014; Ord. passed 4-6-2018)~~

### § 90.37 DESTRUCTION OR CONFINEMENT OF ANOMAL BITTEN BY KNOWN RABID ANIMAL.

Animals not vaccinated against rabies which are bitten by a known rabid animal shall be immediately destroyed, unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for a period of six months at the owner's or keeper's expense. If the animal has a current rabies vaccination, it shall be re-vaccinated within 72 hours and returned to the owner or keeper.

(Ord. passed 7-29-2014)

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### **§ 90.38 AREA- WIDE EMERGENCY QUARANTINE.**

(A) When reports indicate a positive diagnosis of rabies to the extent that lives of persons are endangered, the Health Director may declare an area-wide quarantine for such period as he or she deems necessary. Upon invoking of such emergency quarantine, no dog or cat may be taken or shipped from the county without written permission of the Health Director. During such quarantine, the Health Director, law enforcement officers, Animal Control Officer, or persons duly authorized by the Health Director may seize and impound any dog or cat found running at large in the county. During the quarantine period, the Health Director shall be empowered to provide for a program of mass immunizations by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

(B) In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine, such period of quarantine may be extended at the discretion of the Health Director.

(Ord. passed 7-29-2014)

### **§ POSTMOREM DIAGNOSIS.**

(A) If an animal dies after having been diagnosed with rabies, the head of such animal shall be submitted to the Health Director for shipment to the laboratory section of the state's Division of Health Services for rabies diagnosis.

(B) The carcass of any animal suspected of dying of rabies shall be surrendered to the Health Director. The head of such animal shall be shipped to the laboratory section of the state's Division of Health Services for rabies diagnosis.

(Ord. passed 7-29-2014)

### **§ UNLAWFUL KILLING OR RELEASING OF CERTAIN ANIMALS.**

It shall be unlawful for any person to kill or release any animal under observation for rabies, or any animal under observation for biting a human, or to remove such animal from the county without written permission from the Health Director; provided, that a licensed veterinarian, the Animal Control Officer, or persons duly authorized by the Health Director may authorize any animal to be killed for rabies diagnosis.

(Ord. passed 7-29-2014) Penalty, see § 90.99

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### **§ 90.41 FAILURE TO SURRENDER ANIMAL FOR CONFINEMENT OR DESTRUCTION.**

It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this subchapter, when demand is made therefore by the Health Director or Animal Control Officer.

(Ord. passed 7-29-2014) Penalty, see § 90.99

### ***ADDITIONAL REGULATIONS***

#### **§ 90.55 IMPOUNDMENTS**

When a valid complaint has been made, any animal which appears to be lost, stray, or unwanted or a dog not wearing a currently valid rabies tag as required by state law or this chapter, or not under restraint in violation of this chapter, may be seized, impounded, and confined in a humane manner in ~~an~~ the Tri-County animal shelter.

(Ord. passed 7-29-2014)

#### **§ 90.56 DESTRUCTION OR ADOPTION OF UNREDEEMED ANIMAL.**

(A) If an impounded animal is not redeemed by the owner or keeper within the period prescribed in this section and after reasonable attempts have been made to notify the owner, it may be destroyed in a humane manner or shall become the property of the animal shelter and its operators, or if this is not possible, an organization duly chartered by the Society for the Prevention of Cruelty to Animals or the Humane Society of the United States. It may be offered for adoption to a responsible adult who is willing to comply with this chapter, with policies promulgated by the Tri-County Animal Shelter and qualified according to the requirements set forth in the animal shelter operator's adoption contract.

(B) No animal which has been impounded by reason of its being a stray, unclaimed by its owner or keeper, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to this chapter, except by special authorization of the Health Director.

(Ord. passed 7-29-2014)

#### **§ 90.57 DESTRUCTION OF ANIMALS WHICH CANNOT BE SEIZED BY REASONABLE MEANS.**

Notwithstanding any other provision of this chapter, an animal which cannot be seized by reasonable means may be humanely destroyed by order of the County Sheriff or person duly authorized by the ~~County Sheriff~~ County Manager.

(Ord. passed 7-29-2014)

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### **§ 90.58 PROCEDURE FOR REDEMPTION OR ADOPTION OF VACCINATED DOG OR CAT.**

(A) Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog or cat at the animal shelter will be given a “proof of rabies vaccination notice” at the time of the redemption or adoption. This notice will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of such person’s choice for rabies vaccination. The time limit for dogs and cats four months and older will be 72 hours, with Sundays and holidays excluded. For puppies and kittens under four months and older will be 72 hours, with Sundays and holidays excluded. For puppies and kittens under four months, the time limit will vary according to their age.

(B) The “proof of rabies vaccination notice” will be completed by the veterinarian and returned to the Animal Control Officer by the animal owner or keeper.

(C) Payment for rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.  
(Ord. passed 7-29-2014; Ord. passed 4-6-2018)

### **§ 90.59 PROCEDURE FOR ADOPTION OF UNSPAYED OR UNNEUTERED DOB OR CAT.**

(A) All unspayed or unneutered dogs and cats over six months of age adopted from the animal shelter shall be spayed or neutered within 30 days of the adoption. Animals adopted under six months of age shall be spayed and neutered at six months of age.

(B) At the time of adoption of an unspayed or unneutered dog or cat, the person adopting such dog or cat shall be provided with a “certificate of spay/neuter” to be completed by a veterinarian spaying or neutering the dog or cat and a copy of such certificate shall be returned to the animal shelter.

(C) Any person having adopted from the animal shelter an unspayed or unneutered dog or cat, and who fails to comply with her provisions of this section, will be subject to seizure of the adopted dog or adopted cat in addition to other penalty provisions of this chapter.

(D) Payment for spaying or neutering provided for in this section shall be the responsibility of the person adopting the animal.  
(Ord. passed 7-29-2014)

### **§ 90.60 IMMEDIATE PLACEMENT FOR ADOPTION OF OWNER-SURRENDERED ANIMALS.**

(A) Any animal surrendered by its owner to the Animal Control or to the animal shelter operators may be immediately placed for adoption by the operator of the animal shelter when:

- (1) The owner directs in writing that the animal be placed for adoption;

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(2) The owner affirmatively represents in writing that he or she is in fact the legal owner of the animal and produces an identification, a valid driver's license, military identification, or a valid driver's license, military identification, or some other form of identification satisfactory to the Animal Control Officer;

(3) The owner agrees that he or she will indemnify and hold the county, its officers and employees, and the animal shelter operators harmless from any loss or damage it may sustain, including attorneys' fees, by reason of placement for adoption of the animal; or

(4) The owner transfers ownership of the animal to the county and releases the county and the animal shelter operators from all future claims with respect to the animal.

(B) Upon receiving assurances as provided in division (A) above, the animal shelter may rely on those assurances and place the animal for adoption.  
(Ord. passed 7-29-2014)

### **§ 90.61 INJURING ANIMALS, NOTICE REQUIRED.**

It shall be unlawful for any person to injure an animal and fail to notify as soon as possible the owner or keeper of the animal, or an animal control agency, or a local humane society.  
(Ord. passed 7-29-2014) Penalty, see § 90.99

### **§ 90.62 KEEPING STRAY ANIMALS.**

(A) It shall be unlawful for any person in the county knowingly and intentionally to harbor, feed, keep in possession by confinement, or otherwise allow to remain on his or her property any animal which does not belong to him or her, unless her or she has, within ten days from the time such animal came into his or her possession, notified the Animal Control Officer. Upon receiving such notice, the Animal Control Officer or person duly authorized by the **County Sheriff County Manager** may take such animal and place it in the animal shelter or the animal may remain with the reporting person and be dealt with as provided by this chapter.

(B) It shall be unlawful for any person to refuse to surrender any such stray animal to the Animal Control Officer or person duly authorized by **Sheriff County Manager** upon demand, if the owner of the stray animal has been located and requests return of the stray animal.  
(Ord. passed 7-29-2014; Ord. passed 4-6-2018) Penalty see § 90.99

### **§ 90.63 INTERFERENCE WITH ENFOCEMENT.**

It shall be unlawful for any person to interfere with, hinder, annoy, disturb, or obstruct the employees of the county, County Health Department, Animal Control Officers, or persons duly

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authorized by this chapter, or to seek to release any animal in the custody of such person, except as otherwise specifically provided.

(Ord. passed 7-29-2014) Penalty, see § 90.99

### **§ 90.64 RUNNING AT LARGE ON SCHOOL GROUNDS.**

It shall be unlawful for the owner or keeper of any dog or other domestic animal to allow or permit the animal to run at large on the property or on the grounds of any of the public schools of the county, if it in anyway pursues, worries, harasses, jumps upon, or in any other way bothers or causes fear to an adult person or child while on the school grounds.

(Ord. passed 7-29-2014) Penalty, see § 90.99

### **§ 90.65 GENERAL DUTIES OF ANIMAL OWNERS.**

(A) It shall be unlawful for any person to keep a domestic animal as a pet under inhumane conditions or to fail to provide proper food and water daily, shelter form the weather and reasonably clean living quarters for such animals, or to fail to provide proper medical attention for sick, diseased, or injured animals, as well as adequate inoculation according to the species of the animal kept.

(B) In addition to any other enforcement remedies available under this chapter, if the Animal Control Officer declares an animal to be a nuisance under this section, the Animal Control Officer has the authority to order the owner to confine the animal in accordance with the Animal Control Officer's instruction. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in this order.

(Or. Passed 7-29-2014) Penalty, see § 90.99

### **§ 90.66 MISTREATMENT OF ANIMALS.**

(A) (1) It shall be unlawful for any person to subject or cause to be subjected an animal to cruel treatment or deprive or cause to be deprived any animal of adequate food and water, necessary medical attention, proper shelter, protection from the weather, or humanely clean conditions.

(2) Adequate treatment includes:

(a) No person owning or responsible for any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section;

(b) Adequate food includes clean fresh food at intervals not to exceed 24 hours, sufficient and suitable for the animal being fed to sustain the animal in a healthy manner, in a clean container; and



## **Animals**

(c) Adequate water includes a constant access to a supply of clean fresh water provided in a clean manner.

(B) No person owning or being responsible for any animal shall fail to supply them with the proper medical attention when the animal is sick, injured, excessive parasitism, or malformed hoof (infested with worms or cracked and split hoofs that are too long).

(C) Proper shelter protection from the weather an humanely clean conditions.

(D) Private citizens shall not be allowed to perform operations on animals that normally are done by a qualified care giver such as a veterinarian. This included spay/neuter, ear cropping, and rabies shots.

(Ord. passed 7-29-2014) Penalty, see § 90.99

***Statutory reference:***

*Veterinarian regulations, see G.S. § 90-187*

### **§ 90.67 OUTDOOR STANDARDS.**

Minimum outdoor standards of shelter shall be as follows.

(A) *Shade.* Ehen direct sunlight is likely to cause heat exhaustion of an animal tied or confined outside, shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

(B) *Safety in vehicle.* No animal shall be confined in a motor vehicle in a manner that would jeopardize said animal's health and/or safety at any time.

(C) *Standards for chain/tethering a dog.* No animal shall be chained outdoors unattended without a chain, cable, or tether designed to be attached to a harness, if deemed necessary by the Animal Control Officer. The maximum limit for a chain or tether shall not exceed 10% of the Animal's body weight. All tethers shall have swivels at both ends to prevent twisting and tangling.

(D) *Humanely clean conditions.* Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleaning to remove excretions and other waste, including trash.

(Ord. passed 7-29-2014) Penalty, see § 90.99

### **§ 90.68 THREAT FROM AN ANIMAL.**

Citizens have the right to protect/defend themselves, family, and property from the threat of attack by an animal.

(Or. Passed 7-29-2014)

## Gates County – General Regulations

### § 90.99 PENALTY.

(A) Violations of this chapter shall be governed by G.S. § 14-4, 14-360, 14-361, 14-363, 14-363.2, and 153A-123. Monetary penalties shall be as follows.

<i>Number of Violations</i>	<i>Penalty</i>
1	\$50
2	\$100
3	\$200

(B) At a minimum, on the third violation further criminal action will be taken.

(C) In addition, enforcement of this chapter may be by appropriate equitable remedy, injunction, or order of abatement issued from a court of competent jurisdiction pursuant.

(D) In addition to, and not in lieu of, the criminal penalties and other sanctions provided in this chapter, a violation of this chapter may also subject the offender to civil penalties.  
(Ord. passed 7-29-2014)