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Animal Control Ordinance

\*ANIMALS\*

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ARTICLE I. GENERAL

Sec. 1-1 Definitions

In the construction of this article, the following definitions shall be observed:

**Animal:** Living creature, domestic or non-domestic, does not include humans or invertebrates.

**Animal Control Officers:** An enforcement officer employed by Duplin County in regard to animal control.

**Animal Cruelty Investigator:** An enforcement officer sworn by the Duplin County Board of Commissioners pursuant to N.C. Gen. Stat. §19A-41.

**Animal Control Supervisor:** The officer or employee placed in supervision of the Animal Control Department.

**Animal Shelter:** The animal shelter operated and maintained by Duplin County for the purpose of impounding animals under the authority of the chapter or the General Statutes of North Carolina for the care, confinement, return to owner, adoption, or humane euthanasia.

**Cat:** A domestic or feral feline of either sex.

**Dog:** A domestic canine of either sex.

**Equine:** Horse, mule, donkey, and pony

**Enclosure:** Pen, paddock, stall, stable, or pasture with properly hung and marked fence

**Harboring of Animal:** An animal shall be deemed to be harbored if it is fed or sheltered seven (7) days or more, unless the animal is being boarded for a fee.

**Hazard:** Any object above or below ground natural or artificial that could cause harm or injury to the animal.

**Hunting Kennel.** Any kennel owned by a person holding an unexpired North Carolina hunting license and solely operated to house dogs used for hunting purposes.

**Impounded:** Any animal which is received into custody by the Duplin County Animal Shelter.

**Incorporated Area:** This term shall apply to the area within the corporate limits of any

town or municipality within Duplin County if the governing body of such town or municipality adopts a resolution indicating that it is to be treated as an incorporated area under this chapter

**Large-Volume Breeders:** Any person, corporation, owner, or keeper that sells at retail or wholesale any dog or cat for any purpose. The term "Large Volume Breeder" shall not include retail pet stores that obtain all their dogs and cats at wholesale from other sources, or non-profit 501(c)(3) animal rescue organizations. In addition, the term "Large-Volume

Breeder" shall not include any person, corporation, owner or keeper who, during any calendar year

- (a) Sells not more than 25 dogs or cats at wholesale or retail to the public; or
- (b) Does not whelp more than 6 litters of dogs or cats, and sells only dogs or cats bred or raised on the premises of the person, corporation owner, or keeper directly at retail to persons who purchase such animals for their own use and enjoyment and not for resale.

**Neutered Male:** Any male dog or cat which has been rendered sterile by a surgical procedure

**Owner:** Any person, group of persons, firm, partnership, corporation, organization, or association owning, keeping, having charge of, sheltering, feeding, harboring, or boarding any animal for a fee. The owner is responsible for the care, actions and behavior of his animal(s).

**Keeper:** Any person, acting in the capacity of the owner, or at the owner's request, who is responsible for the care, welfare, and maintenance of the animal.

**Spayed Female:** A female dog or cat which has been rendered sterile by a surgical procedure

**Stray:** Any domestic animal that is not under restraint or is not on the property of its owner and is wandering at large, or is lost, or does not have an owner or does not bear evidence of the identification of any owner.

**Vaccination:** The administration of rabies vaccine as required by State Law.

**Wild Animal:** Any animal which can normally be found in the wild state, particularly those feral, exotic, dangerous or non-domestic animals which generally do not live in or about the habitation of humans, including, but not limited to, deer, lions, monkeys, raccoons, skunks, squirrels, tigers and snakes.

Sec. 1-2. Territorial Application

This chapter shall be effective within the un-incorporated areas of Duplin County.

Sec. 1-3. Duties of Animal Control Officer/ Animal Cruelty Investigator

a The animal control officer shall be responsible for the enforcement within respective jurisdictions of all state and local laws pertaining to the ownership and control of animals and shall cooperate with all other law enforcement officers operating within there jurisdiction In fulfilling this responsibility.

b The animal control officer shall also serve as Rabies Control Officer. He will implement and enforce the provisions of the state rabies law, including but not limited to the following activities:

- 1 Collect and impound stray animals,
- 2 Canvass area of the county for vaccination of dog/cats,
- 3 Assist practicing veterinarians in the county in conducting rabies clinics,
- 4 Maintain the animal shelter including records of impounded destroyed, reclaimed and adopted animals,
- 5 Provide at the end of each day, upon request, a list containing complete description of all animals impounded.
- 6 Investigate reports of animal bites to determine, whether based on the findings, confinement or isolation of the animal is required for the minimum of ten (10) days of observation.

c The Animal Cruelty Investigator shall investigate reports of animal cruelty or abuse. Any Animal Control Officer who has attended and satisfactorily completed an Animal Cruelty Investigator course shall be appointed as an animal cruelty investigator by the County on a yearly basis as required by statute.

~~d The Health Director may execute memorandums of agreement with 501(c)(3) non-profit groups or other public agencies to obtain variances from this ordinance or achieve purposes consistent with this Ordinance.~~

Sec. 1-4.

Animal Shelter

a The Duplin County Animal Control Department shall maintain the Duplin County Animal Shelter for the purpose of impounding lost, strayed, abandoned or unwanted animals within the county. These animals are to be held a minimum of five (5) days unless for specific health reasons the Duplin County Health Director determines it should be reduced to three (3) days which is the minimum allowed by State Law. The Animal Control office will use every reasonable effort to locate and inform the owners of these animals.

b The Animal Shelter may be used for the confinement of an animal following a biting incident or when it becomes vicious or a menace to the public health and the owner does not have a secure place, as defined by the Health Director. The animal will be quarantined for the appropriate time of observation.

Sec. 1-5.

Interference or Concealment

a Interference. It shall be unlawful to interfere with, hinder, molest, resist, or obstruct employees of animal control or its agents or veterinarians in the performance of any duty authorized by law or ordinance,

including removing animals from traps, cages, or other enclosures, except as specifically provided or authorized by Animal Control.

b Concealment of animal. It shall be unlawful for any person to conceal, for the purpose of evading the licensing requirement or rabies vaccination requirement of the law or any applicable ordinance, any unlicensed animal from any employee of Animal Control.

(c) All animals within the county shall remain under the immediate control of their owner or keeper. For the purpose this section immediate control by owner or keeper shall be construed to mean:

1 Restrained upon the property of the owner or keeper of the animal either by being tied, chained, within the confines of a fence designed to restrain the animal; or in electronically operated fence sufficient to restrain the animal upon the property; or in the presence of the owner or keeper.

2 While being walked or exercised off the premises or property of the owner or keeper, the animal must be restrained by a leash connected to a collar or harness, sufficient to restrain the animal from breaking loose. Cats shall be exempt from this provision of Section 1-6 (a) (2).

Sec. 1-7. Running at large

Animals shall not be allowed to run at large by their owners or keepers.

(a) For the purpose of this section running at large shall mean any animal that roams, runs, or self-hunts off the property of its owner or keeper and that is not under the immediate control of its owner or keeper.

Sec. 1-8 Public nuisance

(a) The actions of an animal constitute a public nuisance when an animal disturbs the rights of, threatens the safety of or damages a member of the general public, or interferes with the ordinary use and enjoyment of another person's property.

(b) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance, By way of example and 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 damages a member of the general public, or interferes with ordinary use and enjoyment of another person's property.

(2) Allowing or permitting an animal to damage the property of anyone other than its owner, possessor, including but not limited to, turning over garbage

containers, or damaging gardens, flowers, or vegetables or defecating upon the property of another. Owners shall remove any fecal waste deposited by their animals on public property or the property of others.

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

(4) Maintaining ~~the owners~~ property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type variety, density, or location of the animals on the property.

(5) Allowing or permitting an animal to habitually bark, whine, howl, crow, cackle, or any other noise that might interfere with the reasonable use and enjoyment of neighboring premises between the hours of 10:00p.m. and 6:00a.m.

(6) Maintaining an animal that is diseased and dangerous to the public health and not obtaining appropriate medical treatment for the animal.

(7) Maintaining an animal that habitually or repeatedly chases, snaps at or attacks, pedestrians, joggers, animals walked on a leash by owners, bicycles, or other vehicles.

(8) Failing to confine a female dog or cat while in heat in a building or secure enclosure 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.

(c) Upon filing a written Complaint in regard to an above-referenced nuisance, an animal control officer shall endeavor to investigate the complaint within 24 hours. If through investigation the complaint is substantiated, the animal control officer shall request that the nuisance be corrected within a twenty-four (24) hour period after notifying the owner/keeper. The animal control officer will make a return visit to determine whether the initial cause for complaint has been corrected and may then institute proper legal procedures if the nuisance has not been abated. In the event that the owner/keeper cannot be located within a twenty-four (24) hour period of time, the animal control officer may file a civil or criminal action against the owner and obtain a court order to seize the animal(s).

(d) Commercial farms are exempt from this section.

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, then 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 the order.

~~Sec. 1.8.1. — Regulation of large volume breeders~~

~~(a) All Large Volume Breeders shall:~~

~~1— Register the owner's name, business name, business address, business phone number, and name and address of registered agent if a corporation, with the Onslow County Health Department.~~

~~2— Show proof of appropriate license, registration, or notification by, with, or to the Food and Drug Administration,~~

~~3— Prepare, retain, and make available for inspection and copying a record of (1) the name and address of the person from whom each dog or cat was purchased or otherwise acquired if not whelped on premises, (2) the date each dog or cat was acquired; (3) the name and description of the mother of each dog or cat whelped on the premises if any dogs or cats were sold from the litter either in wholesale or retail; (4) the date of the litter if whelped on the premises; (5) the name and address of the person who purchased each dog or cat, (6) the date each dog or cat was acquired or sold.~~

~~(b) All Large Volume Breeders shall be subject to inspection by the Onslow County Health Department without prior notice during regular business hours to ensure the premises is in compliance with North Carolina Animal Welfare regulations, the department's facilities and operating standards for animal care which shall be available for public inspection and copies at the Onslow County Board of Health, as well as all other provisions this Ordinance including, without limitation, Section 4-9 (Mistreatment of Animals Prohibited) and Section 4-8 (Public Nuisance). Large volume breeders shall remain in compliance with all such regulations and standards identified herein.~~

~~(c) It shall be unlawful for any Large Volume Breeder to violate any provisions of Sections 4-8.1(a) or 4-8.1(b). In addition to all other available remedies, animals in the possession, care, or custody of a Large Volume Breeder found to be in violation of this Section may be impounded.~~

Sec. 1-9 Mistreatment of Animals Prohibited

It shall be unlawful for any person to subject or cause to be subjected any

animal to cruel treatment or to 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.

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

- 1 Adequate food. The provision of suitable intervals, not to exceed 24 hours of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrients for each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean.
- 2 Adequate water. A constant access to a supply of clean, fresh water provided in a sanitary manner.

b Reasonable medical attention. No person owning or responsible for any animal shall fail to provide the animal with reasonable medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasitism, or malformed or overgrown hoof.

c Proper shelter, protection from the weather and humanely clean conditions. No person owning or responsible for any animal shall fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions.

(1) ~~Outdoor Standards. Minimum outdoor standards of shelter shall be as follows:~~

~~a. When sunlight is likely to cause heat exhaustion of an animal tied or confined outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.~~

~~b. If a dog is tied or confined unattended outdoors for longer than 60 minutes, an artificial shelter with a minimum of four solid sides, with one side having an adequate opening to allow the animal to enter and exit the shelter safely, and firmly attached to a waterproof roof with a floor above ground with sufficient space to allow for normal sitting, standing, turning, stretching and sleeping positions, and appropriate to the local climate conditions for the species concerned, manufactured for the sole purpose of sheltering dogs shall be provided for the health of the animal. All vehicles/vessels are excluded for the use of shelter for all animals. Barrels, transport cages, airline crates are not acceptable for use as shelter for animals.~~

~~(2) When confinement prohibited. No animal may be confined in a building, enclosure, car, boat, vehicle, or vessel of any kind when extreme heat or extreme cold will be harmful to its health.~~

~~a. The shelter shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.~~

~~b. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. (Inadequate space may be indicated by evidence of overcrowding, debility, stress, or abnormal behavior patterns.)~~

~~c. Equine See definitions on Enclosure and Hazard.~~

3 Humanely clean conditions. Minimum standards of sanitation necessary to provide humanely clean conditions for outdoor or indoor enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt and trash to minimize health hazards.

4 Properly fitted collars required. An owner or keeper of any animal shall not permit injury to or infliction of pain upon such animal from an improperly fitting or embedded collar, harness, or halter.

Sec. 1-10.

Cruel treatment prohibited

a Molestation, torture, etc. prohibited. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat or treat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal or to cause or procure such action. The words "torture" and "torment" and the term "cruelly beat or treat" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit an Animal Control Officer, Animal Cruelty Investigator, his agents or veterinarians from euthanizing dangerous, unwanted, or injured animals in a humane manner.

b Luring, enticing, seizing, molesting, or teasing an animal. It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest, or tease 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 for the purpose of causing harm to the animal; but such actions of luring, enticing and seizing shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulations of this chapter by duly authorized Animal Control Officers or Animal Cruelty Investigator.

c Abandonment. It shall be unlawful for any owner or person responsible for any animal to drop or leave such animal on a street, road, highway, or in a public place or on private property with intent to abandon without provision for its continuous care, sustenance and shelter. No owner of an animal shall abandon such animal except to relinquish the animal to the Animal Shelter. If the Animal

Control Department finds that an animal has been abandoned, the animal may be impounded. When it has been suspected the animal has been abandoned in a house or within a fenced area, the Animal Control Office must make a reasonable effort to locate the owner or manager of the property. The property will be posted for seventy-two (72) hours at which time the animal will be removed from the property. If the owner contacts the Animal Control Office to reclaim the animal, an explanation for the animal's abandonment must be provided to the satisfaction of the Animal Control Supervisor before the animal is reclaimed by the owner. Owner shall reimburse Animal Control for costs incurred in keeping the animal.

~~(d) Performing animal exhibitions. No person may sponsor, promote, or train a wild or domestic animal to participate in unnatural behavior in which the animal is wrestled, fought, harassed, or displayed in such a way that the animal is abused. This prohibition applies to events and activities taking place in either public or private facilities or property and applies regardless of the purpose of the event or activities and whether or not a fee is charged to spectators.~~

(d) Confinement of animals in motor vehicle. No person may place or confine an animal or allow an animal to be placed or confined in a motor vehicle for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food, or water, and such other conditions as may reasonably be expected to cause suffering, disability or death.

1 After making a reasonable effort to find the driver of a vehicle in which an animal is confined, an Animal Control Officer shall obtain a search warrant to enter the vehicle to obtain the animal if reasonable cause exists that the animal is suffering and/or a violation of this Ordinance has occurred. In the event the vehicle is locked, the Animal Control Officer shall contact local law enforcement. The law enforcement officer shall endeavor to open the vehicle for the Animal Control Officer.

2 The Animal Control Officer removing the animal shall then impound the animal and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed. The officer may also issue a warning citation for violation of this subsection.

(e) Intentionally striking animals with motor vehicle. It shall be unlawful

for any person to intentionally strike an animal with an automobile or other vehicle causing injury or death.

(f) Authority to use force against animals. Nothing in this section shall prohibit use of force against an animal which is in the act of causing severe injury on a human being or a domestic animal.

Sec. 1-11. ~~Notice in case of injury~~

~~It shall be unlawful for any person who causes injury to an animal (including livestock) including, but not limited to running over or hitting a domesticated animal with any vehicle to fail to notify immediately at least one of the following: the owner(s) or keeper(s) of the animal (if known or ascertainable with reasonable efforts made to locate the owner or keeper), Animal Control Officer, the appropriate police or Sheriff's Department, or the animal shelter.~~

Sec. 1-12. Destruction of animals that cannot be seized by reasonable means

Notwithstanding any other provision of this chapter, an animal that cannot be seized by reasonable and normal means, retrieved by an Animal Control Officer, trapped in a humane, live-capture animal trap, or tranquilized by animal control, may be humanely destroyed in the field upon the authorization of the animal control supervisor.

Sec. 1-13. Setting humane animal traps and authority to receive trapped animals

Animal Control is authorized to place, upon request, live animal traps on private or public property to trap and remove stray, at large, unwanted, or nuisance animals, including cats. It is unlawful for any person other than an Animal Control Officer to remove any animal from the trap, or to damage, destroy, move or tamper with the trap. Animal Control is authorized to receive and impound animals that are trapped by other agencies or persons within Duplin County.

Sec. 1-14. Impoundment

It shall be the duty of Animal Control to seize and impound, subject to the provisions of this chapter, all animals, whether domesticated or non-domesticated, found in violation of the provisions of this chapter whether such animal shall be in the immediate custody of its owner or otherwise:

- a Each animal impounded shall be identified by permanent records which indicate: date of impoundment, reason for impoundment, sex, color, general description, breed, method of acquisition, identification marks, and note the presence of tattoos;

b Any animal impounded which can be traced to its legal owner: the owner will be notified that the animal is in custody of Animal Control. Upon payment of the current impoundment fee and maintenance fees, which shall include any boarding, transportation, and veterinarian fees, the animal shall be returned to its owner unless otherwise so provided for by the owner in writing. However, the payment of such impoundment fees shall not bar the imposition of any fine, which may be imposed for the violations of this chapter;

c Animal Control Officers are hereby authorized to enter upon any unfenced/fenced lot, tract, or parcel of land for the purpose of seizing and impounding any animal found thereon in violation of this chapter once obtaining a valid Search Warrant;

d Any animal which cannot be traced to its legal owner may, after a minimum detainment of five (5) days be placed in an adoptive status. No live animal may be released from the shelter either for sale or for donation, to research laboratories or related facilities, as breeding stock for puppy mills or wholesales for further resale for use in any illegal entrapment or fighting, or for human consumption. A permanent record describing the final disposition of an animal, date, names, and addresses where applicable, and subsequent fees paid shall be kept at all times for a period of three (3) years from the date of adoption. Monies received from fines, fees, or adoptive placement will be turned over to Duplin County in accordance with County Finance policies.

~~e—When an animal is presented by an Animal Control Officer to an attending veterinarian and when in the professional judgment of that attending veterinarian the animal should be humanely euthanized because it is suffering from disease and or injury, then the attending veterinarian in taking action to euthanize the animal shall be acting as an agent for the county and shall not be held professionally liable for his/her decision to euthanize.~~

f If the owner of any animal impounded under this article shall fail to redeem his/her animal within the time allowed for redemption, any other person may, upon complying with all provisions of this article adopt the animal from the shelter and be the lawful owner of the animal thereafter.

Sec. 1-15. Humane euthanasia of injured or diseased animals

Notwithstanding any other provision of this chapter, any animal impounded which is badly injured/wounded or diseased (not rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has

identification, the animal shelter shall attempt expeditiously to notify the owner or keeper before euthanizing such animal, but if the owner cannot be reached readily and the animal is suffering, the Animal Control Supervisor or his designee may cause the animal to be euthanized at his/her discretion in a humane manner. The Animal Shelter and Animal Control section shall have no liability for euthanizing injured/wounded or diseased animals.

Sec. 1-16. Handling of stray animals by the Public

It shall be unlawful for any person, without the consent of the owner or keeper, knowingly and intentionally to harbor, keep in possession by confinement or otherwise any animal that does not belong to him/her. Any person in possession of a stray animal shall contact the Animal Control section within seventy-two (72) hours to arrange for impoundment or provide notification of the stray animal's description and location. It shall be unlawful for any person, other than the owner or keeper of an animal, to remove the collar, license tag or rabies tag from around the neck of the animal.

Sec. 1-17 Relation to hunting laws

Nothing in this chapter is intended to be in conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this exception applies while the dogs are under the control of the owner or keeper, or competent person and are actually lawfully being used for hunting or training in compliance with applicable statutes, regulations, or ordinances. This chapter should be read and enforced consistent with any such law.

Sec. 1-18 Wild animals

No person shall keep or permit to be kept on his premises any dangerous wild animal. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

ARTICLE II. RABIES CONTROL

Sec. 2-1 Compliance with state rabies laws; chapter supplemental to state rabies laws

a It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.

b It is the purpose of this chapter to supplement the state law by providing procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

Sec. 2-2. Vaccination of dogs, cats and other pets

a It shall be unlawful for any person to keep, harbor or have in his custody or control for longer than fourteen (14) days a dog/cat four (4) months old or older unless such dog/cat has been vaccinated with rabies vaccine, approved by the United States Department of Agriculture. A certificate must be signed by a licensed veterinarian specifying the vaccine used, the rabies tag number, the sex and breed of the dog/cat and name of owner.

b Should it be deemed necessary by the County Health Director or the County Board of Health that other animals be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for any owner or keeper to fail to provide current vaccination against rabies for the dog/cat and for the animal designated.

c All rabies vaccines shall be administered by a licensed veterinarian or a certified rabies vaccinator who may be appointed by the County Health Director.

d The owner of a dog or cat not having an attached current rabies vaccination tag must produce a valid and current rabies vaccination tag or form within seventy-two (72) hours of demand by any animal control officer or law enforcement officer. Failure to produce the tag or form under this subparagraph is a separate offense for each animal owned by such owner.

Sec. 2-3

Wearing of collar and tags

a 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 worn at all times, except during the time the dogs are performing at show, obedience trials, tracking test, field trials, training school or hunting or other event sanctioned and supervised by a recognized organization.

b In addition to all other penalties as prescribed by law, a dog or cat is subject to impoundment in accordance with the provision of this chapter if the dog or cat is not wearing a current rabies tag or if the owner of the animal cannot produce sufficient written evidence of current rabies vaccination.

c It shall be unlawful for any person to use for any animal a rabies vaccination tag issued to another animal.

ARTICLE III. ENFORCEMENT AND

PENALTIES Sec. 3-1Enforcement

a Enforcement of this article shall rest with Duplin County Animal Control Department, its officers, employees and those governmental agencies and personnel authorized to exercise police powers by North Carolina statutes to include, without limitation, the Duplin County Sheriff's Department and the Police Departments of any municipality that by resolution or ordinance has adopted

this ordinance within its municipal boundaries.

b Animal Control Officers and/or Animal Cruelty Investigators are authorized to investigate suspected violations of this chapter and are empowered to issue citations, warning citations, or letters of warning when any of the provisions of this chapter have been violated. Citations shall be delivered by Animal Control Officers and/or Animal Cruelty Investigators or by law enforcement to the alleged violator by personal delivery or by registered mail return receipt requested to the person so charged.

c Where enforcement personnel determine that a violation is a first offense for the person charged, a written warning letter or citation may be issued at the discretion of the Animal Control Officers and/or Animal Cruelty Investigator.

Sec. 3-2

Penalties

Any person violating the provisions of this chapter shall be subject to the following criminal or civil penalties and actions. No penalty shall be assessed without notice of the violation.

a Civil Penalty: The County may assess a civil penalty of \$50.00 for a first offense, \$100.00 for a second offense, and \$250.00 for all subsequent offenses, which amount(s) may be recovered by the county in a civil or criminal action. Each day a violation occurs shall be a separate violation. The county may, at its discretion, additionally seek restitution for the actual cost of maintaining, transporting, boarding, or providing veterinarian services for any animal impounded under this chapter.

b Injunction and order of abatement: The provisions of this article may be additionally enforced by injunction and order of abatement.

c Criminal Penalties: Any person who violates the provisions of this Chapter shall be guilty of a misdemeanor and shall be subject to a fine of \$50.00 for a first offense, \$100.00 for a second offense, and \$250.00 for all subsequent offenses, or imprisonment. Each day a violation occurs shall be a separate offense.

Sec 3-3

Articles Cumulative

Procedures set forth in this Article shall be in addition to any other remedies that may exist under law or ordinance.

DUPLIN COUNTY  
BOARD OF COMMISSIONERS