

STATE OF NORTH CAROLINA

ANIMAL ORDINANCE

COUNTY OF MADISON

1.01 Authority to Impound Stray Dogs and Cats

Animal Control Officers are authorized to impound stray dogs and cats under the following conditions:

- (a) the animal is running at large and is causing a nuisance, or injury to property or injury to other animals or the public and/or the animal is injured or in other obvious distress or in imminent danger of injury and the animal is on public land; or
- (b) the animal is running at large and is causing a nuisance, or injury to property or injury to other animals or the public and/or the animal is injured or in other obvious distress or in imminent danger or injury and the animal is confined on private property and the property owner has called Animal Control to request the impounding of the stray and give the officer permission to be on the property.

1.02 Disposition of Identifiable Animals

If an animal is apprehended or placed in the custody of the Animal Control Division, officers of such department shall make every reasonable effort to return the animal, properly identified.

If the owners cannot be contacted with reasonable effort, the animal will be confined by the Animal Control Department. Thereafter, an Animal Control Officer will make a reasonable effort to contact the owner and inform him/her of the apprehension and location of the animal. Such owner shall have the right to claim and receive his animal upon payment of the fee of \$3.00 for each day or part thereof that the animal was in custody of the Animal Control Department and any other fees, fines and penalties then due and owing.

1.03 Disposition of Abandoned Animals

After any animal in the custody of the Animal Control Department is unclaimed for 72 hours after the end of the day the animal is confined, it shall be deemed abandoned, and any person may claim and receive such animal upon payment of adoption fee. After the required holding periods, all animals then deemed abandoned may be humanely euthanized if no person claims them or unless the Animal Control officer determines, in his/her discretion, that there is ample room to safely house the animals at the shelter for an additional length of time to allow the animals to be claimed.

1.04 Disposition of Unidentified Animals –Generally

If any animal which is not collared and tagged with owner information is apprehended by or placed in the custody of the Animal Control Division, officers of that department will make reasonable inquiry in the neighborhood wherein the animal was apprehended or taken into custody to determine who has maintained the animal. If ownership cannot be determined by such efforts, the officer will make a record in a permanent log of the animal's species, size, weight, sex, color, breed, condition and time and place found. All such unidentified animals shall be held for 72 hours during which period they may be claimed by their owners and returned to them upon payment of all applicable fees and penalties then due and owing. If after this 72 hour period, the animal has not been claimed by its owner, it will be deemed abandoned.

Animals that are deemed abandoned and are not adoptable shall be humanely euthanized. Animals that are deemed abandoned, but are adoptable may be held at the shelter or other authorized location until adopted as space allows. If no space is available, then the abandoned animal may be humanely euthanized. Any person may adopt an animal that has been deemed abandoned yet adoptable upon payment of the adoption fee.

1.05 Disposition of Seriously Injured Animals

Any seriously injured animal which is suffering from a painful and in all likelihood mortal injury, after reasonable efforts have been made to contact its owner, may be deemed abandoned by the Animal Control Officer and humanely euthanized. In all such instances, the officer shall maintain adequate information on the nature and extent of the animal's injuries and the reasons for his/her actions.

Article II. Impoundment and Disposition of Nuisance Animals

2.01 Maintaining Animals as a Nuisance

It shall be unlawful for any person to own, keep, possess, or maintain any animal(s) in such a manner so as to constitute a public nuisance. As an example, and not as limitation, the following acts of an animal owner, harbinger or possessor are hereby declared to be a public nuisance and are therefore unlawful:

- a. Owning or having an animal that injures a member of the general public, injures another animal owned by a member of the general public, or interferes with the ordinary use and enjoyment of their property; or
- b. Allowing or permitting an animal to damage the property of anyone other than its owner.

- c. Maintaining animal(s) in an unsanitary environment which results in offensive odors or if dangerous to the public health, welfare, or safety so as to increase the probability of the transmission of disease.
- d. Maintain an animal(s) that is dangerous to the public health.

When the Animal Control Division receives a complaint of a suspected nuisance Animal, the investigating animal control officer shall try to determine the owner of the animal and shall contact the owner to warn them of any violations under this section. Said owner shall be responsible for immediately taking all necessary action to prevent any further violations to this section.

If the animal appears to be a stray,, feral, or otherwise abandoned animal and no owner can be located, the animal control officer may apprehend the animal if possible or use humane live capture traps (in the case of small animals) to remove the animal. Any county resident may use a county owned humane live capture trap to remove any untagged, uncollared, feral, or otherwise abandoned animal from his property, providing that such trapped animals are immediately turned over to the animal control division.

If any animal owner, harborer, or possessor continues to promote or allow the animal to engage in any of the acts or actions as stated in this section after having actual or constructive notice of such violation from the animal control department or law enforcement officer, they shall be subject to a civil penalty in the amount of twenty-five dollars (\$25.00) for each violation.

2.02 Impoundment

Officers of the Animal Control Division are authorized to use humane live capture traps to apprehend any untagged, uncollared, stray, feral, or otherwise abandoned animal.

Officer of the Animal Control Division and law enforcement officers are authorized to apprehend and impound nuisance animals in the case of repeated nuisance violations. In the case in which the owner of the nuisance animal has been identified they are to be properly notified by the officer impounding the animal(s).

2.03 Disposition of Identifiable Animals

If an animal is apprehended or placed in the custody of the Animal Control Division, officers of such department shall make every reasonable effort to return the animal, if properly identified.

If the owners cannot be contacted with reasonable effort, the animal will be confined by the animal control department. Thereafter, an animal control officer will make reasonable effort to contact the owner and inform him/her of the apprehension and location of the animal. Such owner shall have the right to claim and receive his animal upon payment of the fee of \$3.00 for each day or part thereof that the animal was in the

custody of the Animal Control Department and any other fees, fines, and penalties then due and owing. Abandoning the animal or signing the animal over the Animal Control Department does not relieve the owner of the responsibility of paying any and all fees, fines and penalties then due and owing.

2.04 Disposition of Abandoned Animals

After any animal in the custody of the Animal Control Department is unclaimed for 72 hours after the end of the day the animal is confined, it shall be deemed abandoned, and any person may claim and receive such animal upon payment of an adoption fee. After the required holding periods, all animals then deemed abandoned may be humanely euthanized if no person claims and receives them or unless the Animal Control Officer determines, in his/her discretion, that there is ample room to safely house the animals at the shelter for an additional length of time to allow persons to claim and receive them

2.05 Disposition of Unidentified Animal- Generally

If any animal which is not collared and tagged with owner information is apprehended by or placed in the custody of the Animal Control Division, officers of that department will make reasonable inquiry in the neighborhood wherein the animal was apprehended or taken into custody to determine who has maintained the animal. If ownership cannot be determined by such efforts, the officer will make a record in a permanent log of the animal's species, size, weight, sex, color, breed, condition and time and place found. All such unidentified animals shall be held for 72 hours during which period they may be claimed by their owners and returned to them upon payment of all applicable fees and penalties then due and owing. If after this 72 hour period, the animal has not been claimed by its owner, it will be deemed abandoned.

Animals that are deemed abandoned and are not adoptable shall be humanely euthanized. Animals that are deemed abandoned, but are adoptable may be held at the shelter or other authorized location until adopted as space allows. If no space is available, then the abandoned animal may be humanely euthanized. Any person may adopt an animal that has been deemed abandoned yet adoptable upon payment of the adoption fee.

2.06 Disposition of Seriously Injured Animals

Any seriously injured animal which is suffering from a painful and in likelihood mortal injury, after reasonable efforts have been made to contact its owner, may be deemed abandoned by the Animal Control Officer and humanely euthanized. In all such instances, the officer shall maintain adequate information on the nature and extent of the animal's injuries and the reasons for his/her actions.

2.07 Disposition of Surrendered Animals

Any health and adoptable animal surrendered to Animal Control Division by its owner shall be immediately available for adoption as provided by this article so long as space is available. If space is not available, or if the animal is deemed to be unadoptable by the Animal Control Officer, the animal shall be humanely euthanized immediately.

2.08 Imposition of Penalty –Generally

{Notwithstanding other provisions of this article} any civil penalty authorized by this article shall be imposed as provided in this division.

When an Animal Control office or other law enforcement officer has determined that a violation of this article has occurred, which makes the violator subject to a civil penalty, that officer shall issue a written citation to the violator specifying the nature of the violation and the amount of the penalty imposed for such violation.

The officer shall serve the citation on the violator in person or by placing the citation in the U.S. Postal System in an enveloped addressed in the name of the violator at his/her last known address, postage paid, with return receipt requested. The citation shall be deemed received upon delivery into the postal service, provided that a certificate by the issuing officer, that such delivery has been made, is executed and placed in the records of the Animal Control Division on the date of such delivery.

A civil penalty shall be due from and owed by a violator upon his receipt of a citation imposing such penalty and shall be paid within thirty (30) days following such penalty. Notwithstanding such provision, the Animal Control division may refuse to release an animal apprehended under the provisions of this article until the person claiming such animal pays any civil penalty imposed upon such person.

If payment of a civil penalty is not received as provided in this section, the Animal Control Division shall initiate a small claim action in the district court of the county to recover the amount of the penalty.

3.01 Owned Animal Pickup

The Madison County Animal Board requests that the Madison County Commissioner allow the County Animal Control Department to institute a fee for the pickup and transportation of owned animals to the Animal Shelter. The fee would be based on the location of the animal relative to the Madison County Animal Shelter. The County would be divided into 3 circular zones radiating from the Shelter. Animals housed in Zone 1 would be transported for a fee of \$25.00, animals in Zone 2 for \$35.00 and animals in Zone 3 for \$45.00. Exemptions from this fee would be allowed for elderly citizens who are already receiving the County elderly exemption as well as for handicapped residents who do not own a vehicle. Owners who transport their own animals to the Shelter will continue to be able to do so without incurring any fees.

4.01

No provision of this article shall be construed or applied to interfere with the use of dogs in lawful hunts.