

PERSON COUNTY ANIMAL SERVICES ORDINANCE

The Person County Board of Commissioners is authorized under the provisions of G.S. 153A-121, 153A-153 and 153A-442 to adopt ordinances.

SECTION 1: DEFINITIONS

As used in this ordinance the following terms mean:

- A. **Animal Services Officer:** A county employee designated as Person County Animal Services Officer, Person County Animal Services official or other designations that may be used whose responsibility includes Person County Animal Services.
- B. **Owner:** Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions, and behavior of his/her animals.
- C. **Kennel, Dealer, Breeder, or Pet Shop:** Any person, group of persons, partnership, or corporation engaged in buying, selling, breeding or boarding pet animals.
- D. **At Large:** Any animal shall be deemed at large when it is off the property of its owner and not under control of a competent person.
- E. **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; or, is secured within a vehicle being driven or parked; or, is within a secure enclosure.
- F. **Spayed Female:** Any female which has been operated upon to prevent conception.
- G. **Neutered Male:** Any male which has been operated upon to prevent reproduction.
- H. **Animal Shelter:** Any premises designated by the County for the purpose of impounding and caring for animals found running at large or otherwise subject to impoundment in accordance with the provisions of this ordinance.
- I. **Exposed to Rabies:** An animal has been exposed to rabies within the meaning of this ordinance, if it has been bitten by, or been exposed to any animal known or suspected to have been infected with rabies.
- J. **Potentially Dangerous Dog:** A dog that:
 - 1. Inflicted a bite on a person either upon public or private real property
 - 2. Killed or inflicted severe injury upon a domestic animal or livestock when not on the owner's real property.

3. Approached a person when not on the owner's property in a vicious or terrorizing manner, or an apparent attitude of attack.
- K. **Dangerous Dog:** A dog that:
1. Without provocation has killed or inflicted severe injury on a person; or animal.
 2. Is declared vicious by the Director of Person County Animal Services pursuant to N.C.G.S. 130A-200.
 3. Is determined by the Director of Person County Animal Services to be dangerous and, after this determination, engages in one or more of the behaviors listed in subsection J of this section.
- L. **Stray Dog or Cat:** Any dog or cat, within the County wandering at large or lost, or any dog or cat that does not have an owner, or any dog or cat, within the County, whose owner fails to list animal for license purposes, or fails to have said dog or cat vaccinated against rabies by a veterinarian or certified rabies vaccinator, or any dog or cat not wearing a collar and/or evidence of an owner (e.g. current rabies tag.)
- M. **Acts Deemed Public Nuisance:** An act of public nuisance is defined as any animal that repeatedly chases, snaps at, or attacks pedestrians, bicyclists or vehicles and also includes animals that turn over garbage pails, or damages gardens, flowers or vegetables. Public nuisance includes the owner permitting a female animal to run at large during the estrous stage of reproduction.
- N. **Rabies Vaccination:** the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator. Rabies vaccines given by a certified rabies vaccinator are only valid for one year. Rabies vaccines given by a veterinarian are valid for one year to three years as determined by State Law.
- O. **Animal:** refers primarily to domestic cats and dogs unless provided for by state law. Domestic livestock is part of the jurisdiction of Person County Animal Services as set out by state law. Ferrets are included for the purpose of rabies vaccines.
- P. **Proof of Ownership:** Can include but is not limited to veterinary records, photos, registration papers, bill of sale, microchip or adoption contract.

SECTION 2: DUTIES OF PERSON COUNTY ANIMAL SERVICES DEPARTMENT:

The State laws regarding the care of animals will be enforced by the Person County Animal Services Department.

The Person County Animal Services Department shall be further charged with the responsibility of:

- A. Enforcing all State or County laws, ordinances and resolutions relating to dogs and cats, and the care, custody and control of animals.

- B. Aiding the Health Director to insure public safety and assisting in the enforcement of the laws of the State of North Carolina with regard to animals and especially with regard to vaccination of animals against rabies and the confinement or leashing of dangerous and potentially dangerous animals.
- C. Investigating animal cruelty, neglect or abuse.
- D. Making such canvasses of the county, including the homes in the county, as it deems necessary for the purpose of ascertaining that all dogs, cats and ferrets are vaccinated against rabies.
- E. Operating, pursuant to policies of the Board of County Commissioners;
- F. Maintaining a reference file of rabies vaccination in accordance with the provisions of this ordinance and the policies of the Board of County Commissioners.

SECTION 3: DOGS, CATS AND FERRETS MUST WEAR COLLAR AND RABIES TAG

- A. It shall be unlawful for any dog, cat or ferret owner to fail to comply with the State laws relating to the control of rabies. It shall be unlawful for any dog, cat or ferret owner to fail to provide any dog, cat or ferret he or she owns with a suitable collar or harness for the wearing of the rabies tag to be issued upon vaccination.
- B. The rabies tag is to be worn by said dog or cat at all times except as otherwise provided by State Law. Exceptions include but are not limited to performing at shows, obedience trials, tracking tests, field trials, training schools or other events sanctioned and supervised by a recognized organization and a hunting dog owned by a person who has a valid license to hunt in Person County or in the State of North Carolina and the dog is engaged on a hunt or training for a hunt and the dog has been vaccinated against rabies. Proof of rabies must be presented upon request of the Person County Animal Services Officer as required by the NC G.S. 130A-192.
- C. Unless proof of rabies vaccination is available, it shall be the duty of the Person County Animal Services staff to insure that any redeemed animal over the age of four months is vaccinated against rabies at the owner's expense before release and that a record be maintained of the vaccination.
- D. A dog, cat or ferret is subject to impoundment in accordance with the provisions of this ordinance if it is not wearing a current rabies tag or if the owner cannot furnish evidence of vaccination.
- E. It shall be unlawful for any person to use for any animal a rabies vaccination tag not issued for that animal.
- F. It is recommended that animals be micro-chipped in the event that the collar and tags are lost for identification purposes.

- G. It is the purpose of this ordinance to supplement the State law by providing a procedure for the enforcement of State laws relating to rabies control.

SECTION 4: POSSESSION OF DOGS OR CATS

It shall be unlawful for any person knowingly to harbor, feed, or keep in his or her possession, by confinement or otherwise, any dog or cat that does not belong to him or her unless he or she has:

- A. The consent of the owner or custodian of the dog or cat.
- B. If a dog or cat is not wearing tags, or other mode of identification indicating its owner, and is delivered to an animal shelter by;
1. A person who has found and captured the dog or cat.
 2. By an approved rescue organization that received the dog or cat from a person who found and captured the dog or cat.
 3. The Person County Animal Services may, in writing, appoint the finder or approved rescue organization to be the agent of the Person County Animal Services.
 4. For purposes of this subsection, the term "approved rescue organization" means a nonprofit corporation or association that cares for stray animals that has been favorably assessed by the Director of Person County Animal Services through the application of written standards.
 - a. The finder or approved rescue organization shall hold the dog or cat for the 72-hour holding period.
 - b. After the expiration of the applicable holding period, the shelter may:
 - 1) Transfer the dog or cat to the person or organization that has held it as agent.
 - 2) Extend the period of time the finder or rescue organization holds the dog or cat as agent of the shelter.
 - c. The privilege to act as an agent for the shelter may be revoked during the holding period at any time by directing the finder or rescue organization to deliver the animal to the shelter.
 - d. The city, county, or organization operating the animal shelter, as principal in the agency relationship, shall not be liable to reimburse the agent for the costs of care of the animal and shall not be liable to the owner of the animal for harm to the animal caused by the agent.
 - e. During the 72-hour or longer holding period established, an animal shelter may place an animal it is holding in foster care.

- f. If the Person County Animal Services transfers physical possession of an animal under subsections of this section, a photograph which depicts the head and face of the animal shall be displayed at the shelter in a conspicuous location that is available to the general public during hours of operation. This will remain posted for the 72-hour or longer holding period.

Comments: Humane traps may be obtained from Person County Animal Services on a first come first serve basis for domestic dogs or cats only. There will be a deposit fee as established in the Adopted Fee Schedule.

SECTION 5: POSSESSION OF LIVESTOCK/POULTRY/DOMESTIC FOWL

The Person County Animal Services Department shall enforce the applicable State Laws in reference to the care and possession of livestock, poultry and domestic fowls.

SECTION 6: POST RABIES EXPOSURE MANAGEMENT

- A. The Person County Animal Services Department shall enforce the applicable state laws related to post rabies exposure management. As of October 1, 2017, The General Assembly enacted General Statute 130A-197 which reads as rewritten:

§ 130A-197. Management of dogs, cats, and ferrets exposed to rabies.

When the local health director reasonably suspects that an animal required to be vaccinated under this Part has been exposed to the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis, the animal shall be considered to have been exposed to rabies. The recommendations and guidelines for rabies post-exposure management specified by the National Association of State Public Health Veterinarians in the most current edition of the Compendium of Animal Rabies Prevention and Control shall be the required control measures.

- B. The current compendium of animal rabies prevention and control can be found at the National Association of Public Health Veterinarians website www.nasphv.org and posted at the Animal Services Department offices.

SECTION 7: POTENTIALLY DANGEROUS OR DANGEROUS ANIMALS

The behaviors that can result in a dog being considered potentially dangerous or dangerous are listed in the definitions.

- A. The provisions of this Section do not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties. A working dog will be handled in accordance with state law. A dog shall not be considered a dangerous dog under this Article if 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 been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

- B. The Director of Person County Animal Services must notify the owner of a potentially dangerous dog in writing giving the reasons for his or her determination that the animal is dangerous under this Section. The owner may appeal the determination of the Person County Animal Services Director by giving written notice of the appeal within five (5) days of receiving this notification. Written notice of appeal should be sent to the Director of Person County Animal Services. The dog will be considered potentially dangerous pending the appeal. The appeal will be reviewed by the Person County Animal Services Advisory Committee within two (2) weeks. The owner will be notified of the Committee's decision within ten (10) days. The committee's decision can be appealed to Superior Court within ten (10) days pursuant to NC G.S. 67-4.1 Chapter 10.
- C. It is unlawful for an owner to:
1. Leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog in accordance with General Statute 67-4.2.
 2. Permit a dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.
- D. If the owner of a dangerous dog or a potentially dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide written notice to the Director of Person County Animal Services, stating the name and address of the new owner of the dog and to the person taking possession of the dog; specifying the dog's dangerous behavior and the Director of Person County Animal Services' determination.
- E. A dog that has been determined to be dangerous or potentially dangerous may be humanely destroyed in the following instances:
1. If the Director of Person County Animal Services determines that a dog that was previously determined to be dangerous or potentially dangerous either bit a person so as to cause a break in the skin or was at large on two or more separate occasions after such determination, the Director of Person County Animal Services may seek a court order that the dog to be humanely destroyed.
 2. If the Director of Person County Animal Services in determining that a dog is dangerous or potentially dangerous also determines that the dog, without provocation, has killed or inflicted severe injury on a person, animal, livestock, or domestic fowl, the Director of Person County Animal Services may seek a Court Order that the dog be humanely destroyed.
- F. A dog that has been determined to be dangerous or potentially dangerous may not be released from the animal shelter except to original owner.
- G. The owner or custodian of any dog that has been determined to be dangerous or potentially dangerous, shall report immediately to the Person County Animal Services Officer if the dog gets loose or is otherwise unconfined or it attacks a person or another animal.

- H. A Person County Animal Services Officer shall inspect the premises where a dog determined to be dangerous is kept to insure it conforms to the requirements of this ordinance.
- I. If an animal is observed engaged in any of the acts identified as a public nuisance as defined in the definition section of this ordinance, and an official complaint is filed and the owner, if known, is notified the owner is required to keep said animal contained. Each day said animal is not contained constitutes a separate violation of this ordinance, and the owner shall be so charged with violation of this ordinance.

SECTION 8: NOISY DOGS

It shall be unlawful for the owner or custodian of any dog to allow it to bark, whine, howl, or make any other noise for a protracted period so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

SECTION 9: PUBLIC NUISANCE

It shall be unlawful for the owner or custodian to allow an owned animal to repeatedly chase, snap at, or attack pedestrians or vehicles or to turn over garbage pails, damage garden flowers or vegetables, or conduct itself to be a nuisance. It shall also be unlawful for the owner or custodian to permit a female animal to run at large during the estrous stage of reproduction.

SECTION 10: INJURING ANIMALS, NOTICE REQUIRED

It shall be unlawful for any person to injure a domestic animal by running over, into, or coming into contact with animal, by automobile, motorcycle, bicycle, or other vehicle and fail to notify immediately, the owner of the animal or Emergency Communications for the appropriate response.

SECTION 11: CRUEL TREATMENT

It shall be unlawful for any person to tease, bait, molest, torture, deprive of necessary sustenance, or cruelly beat, 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, or cruelly" 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 lawful shooting of birds, deer and other game for human food nor to prohibit the lawful trapping of game pursuant to the provisions of the NC General Statutes and the regulations of the Wildlife Resources Commission; nor to prohibit the Person County Animal Services Department or their agents or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner.

SECTION 12: MANNER OF KEEPING AND TREATING ANIMALS GENERALLY

In accordance with State Laws, any person must provide domesticated animals with adequate shelter, proper food, adequate water and space in accordance with the standards set out in subsections A-C below. In addition, the provisions of subsections D and E shall apply to dogs and cats and sick or injured animals.

- A. Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.
- B. Provide proper food and adequate water means provision of and access to clean, fresh potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.
- C. Adequate space means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other animal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.
- D. Dogs and cats must not be in extended contact with wet surroundings.
- E. Sick or injured animals:
1. Where an illness has affected the quality of life or is life threatening, the animal shall be taken to a licensed veterinarian and treatment administered or humanely euthanized within a 24-hour period.
 2. Diseased animals that are contagious to other animals or humans should be quarantined in an area that can be properly disinfected. They shall be treated until determined to no longer be contagious or humanely euthanized.
 3. Diseased animals that are contagious to humans shall be reported to the state veterinarian and treated as directed by the state and local veterinarians.
 4. Animals infested with parasites shall be treated along with the environment as to avoid re-infestation.

5. Injured animal with an open wound that exposes deeper tissue, fractured bones, or persistent pain caused by soft tissue damage, should be treated by a veterinarian, or humanely euthanized.

The provisions above are in accordance with State Laws for each type of animal under the jurisdiction of Person County Animal Services. It is recommended that animals have adequate vaccination against disease, according to the species of the animal. See Standard Operating Procedures Handbook. Animals are required to be on the owner's property and under control at all times. The City of Roxboro requires animals to be on a leash or physically restrained.

SECTION 13: IMPOUNDING ANIMALS

Any animal which appears to be lost, stray or unwanted, or which is found not wearing a current valid rabies vaccination tag as required by State law, shall be confined in the Animal Shelter in a humane manner for a minimum of three (3) business days, for redemption by the owner and a maximum of 15 business days for adoption. Animals may be redeemed once it is established to the satisfaction of the Person County Animal Services Director that it has been vaccinated against rabies. If the animal has not been vaccinated against rabies, the animal will be vaccinated before release at the owner's expense. The owner will be given a date by which the vaccine must be given to any animal under four months. (Refer to section on Rabies control.)

- A. **Sale or Destruction:** If an impounded animal is not redeemed by the owner within three (3) business days, it becomes the property of the county. As such, it may be offered for adoption, placed with a rescue group or humanely euthanized by the Person County Animal Services Department. Animals that are sick, injured, from a quarantine area, being held for legal reasons or a danger to the public will not be available unless provided for elsewhere in this ordinance. Animals may be humanely euthanized in order to comply with regulations governing space requirements when there is insufficient space and that situation will be noted on the records.
- B. **Adoption:** The animal can be adopted by any responsible adult who is willing to comply with the Person County Animal Services Ordinance and the conditions of the adoption contract. Identification will be required. The adoption fees and spay/neuter deposit must be paid at the time of adoption. Adoption personnel have discretion to approve/deny adoption requests.
- C. **Notifying Owner:** Immediately upon impounding an animal, the Person County Animal Services Department will make reasonable efforts to notify the owner, and inform such owner of the conditions under which the animal may be reclaimed.
- D. **Animal Rescue Organizations:** It is the county's policy to make animals available to organizations in order to attempt to find homes for as many animals as possible, reduce euthanasia rates and for all organizations that care for homeless animals to work together to provide the greatest opportunity for adoption without prejudice towards organizations that are forced to euthanize animals. It is further the County's policy to foster a community cooperative approach to reducing pet overpopulation with all shelters and rescue groups working together to place all healthy, adoptable animals with families in their community. Animal protection and rescue organizations that possess an IRS Code section 501 designation that meet the requirements of the Rescue Group Procedures as defined in the Standard Operating Procedures Handbook shall have the right to obtain possession of any animal in the possession of the County set out in this ordinance except for animals which are rabid or suspected to be so, necessary for criminal or

civil judicial purposes, necessary for the disposition of law enforcement investigations, required to be held or disposed of to protect the public health or safety of the citizens of the county or ordered to be held or disposed of by a court of competent jurisdiction. In making animals available to organization as provided for in this subsection, the County does not warrant the physical condition or disposition of any animal. The organization obtaining animals hereunder shall be responsible for any and all damages and injuries sustained by any person or animal on account of such animals and shall hold the County harmless for any claims of damages and injuries sustained by any person or animal on account of such animals.

(Refer to the Rescue Group Procedures for guidelines and information for animal rescue organizations who want to take possession of an animal at the shelter.)

- E. **Intact Dogs and Cats:** The Person County Animal Services Department shall require that at the appropriate age all dogs and cats adopted from the Animal Shelter be spayed or neutered. The owner must provide proof from the veterinarian that surgery has been completed.
- F. **Suspected Rabies:** Animals impounded which have been bitten by a rabid animal or which the Person County Animal Services Officer has reasonable grounds to suspect has been exposed to a suspect rabid animal, or appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with as provided in Section 6 entitled "Post Rabies Exposure Management" of this ordinance. Unvaccinated animal from a rabies quarantine area cannot be released.

Comments: When quarantine for County has been activated, no animals will be released from the shelter, unless it has a current rabies vaccination.

- G. **Unwanted Animals:** If an animal is officially surrendered by the owner to the Person County Animal Services Department, it may be offered for adoption, placed with a rescue or humanely euthanized without waiting three (3) days if the owner provides proof of ownership. If animal is sick or injured, the animal will be euthanized humanely without a waiting period.
- H. **Diseased or Injured Animals:** Any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification shall be humanely euthanized immediately. If the animal has identification, the Person County Animal Services Department will attempt to notify the owner before the animal is euthanized, but if the owner cannot be reached, and the animal is suffering, the Person County Animal Services Department may euthanize the animal at its discretion, in a humane manner.
- I. **Feral Animals:** The Person County Animal Services Director is primarily responsible for public health including the employees of the Person County Animal Services Department. If it is determined that there is a danger to people to hold an animal for three (3) days, the animal may be humanely euthanized without a waiting period.

SECTION 14: RECLAIM AND ADOPTION PROCEDURE FOR IMPOUNDED ANIMALS

Every person must provide proof of rabies vaccination at the time of reclaim or the animal will be vaccinated by a certified rabies vaccinator at the owner's expense. If not four months of age at the time of reclaim, owner must provide proof of rabies vaccination when animal reaches four months of age.

A. Reclaim Procedure

1. The owner shall be entitled to reclaim his or her animal, except as provided for in this ordinance, upon compliance with the provisions of this ordinance and the payment of shelter fees incurred. In addition to the reclaim fee, a holding fee per day must be paid before animals may be reclaimed. A rabies vaccine shall be administered at the shelter before the animal can be reclaimed unless the owner provides proof of a current rabies vaccine. Owner will be charged for this rabies vaccine in accordance with the Adopted Fee Schedule.
2. If the dog or cat is under four months, the owner will be given a proof of rabies vaccination card at the time of the reclaim. This will include the date stating the time limit allowed to have the dog or cat vaccinated for rabies. The owner must provide proof of the rabies vaccine and submit a copy to Person County Animal Services. If this is not returned to Person County Animal Services within the time limit, a Person County Animal Services' officer will be dispatched to retrieve the dog or cat and the owner can be cited for violation of state law.

B. Adoption Procedure

1. All animals will be vaccinated against rabies before leaving the shelter unless they are under four months of age. Rabies vaccines that are given by a certified rabies vaccinator are for one year only.
2. Adoption fee covers age appropriate vaccinations and will be paid at the time of adoption.
3. There will be a spay/neuter deposit for all animals adopted from the shelter unless already spayed/neutered. This deposit will be returned once the proof of sterilization has been returned, unless the owner opted for a voucher. The sterilization must be completed within 30 days if the animal is six months of age or older. If the animal is under six months, a date will be set and listed on the adoption papers. In order to receive a refund of the deposit, surgery must be done by the date set unless there is a documented medical reason to delay surgery. (See Standard Operating Procedures for Spay and Neuter Voucher.)
4. Documentation from a veterinarian will be required for any spay/neuter deposits to be returned.

Comments: For a list of these fees, see the Adopted Fee Schedule.

SECTION 15: EXEMPTIONS

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this ordinance except for the sections on cruel treatment and the manner of keeping animals as per state law.

SECTION 16: INTERFERENCE

It shall be unlawful for any person to interfere with a member of the Person County Animal Services Department or Person County Animal Services Officers or Veterinarians in the performance of any duty authorized by this ordinance, or to seek to release any animal in the custody of said agents.

SECTION 17: RECORDS

It shall be the duty of the Person County Animal Services Department to keep accurate and detailed records of:

- A. Impoundment and disposition of all animals coming into the Person County Animal Services;
- B. Bite cases, violations, and complaint investigations;
- C. All monies belonging to County which were derived from impoundment fees, penalties and adoption of animals;
- D. All other records deemed necessary by the County Manager and/or State law.

SECTION 18: FEES

Fees shall be charged in accordance with the Fee Schedule adopted by the Person County Board of Commissioners in the Budget Ordinance.

SECTION 19: PENALTIES

This ordinance may be enforced by any and all of the procedures set out below:

- A. Under authority of NC G.S. 153A. 123 (b) violation of this ordinance is a misdemeanor punishable by a fine and/or imprisonment for not more than thirty days.
- B. The Animal Services Officer may institute an action for injunctive relief and an order of abatement as provided for in NC G.S. 153 A-123 (e) for any condition found unlawful in this ordinance.
- C. The Animal Services Officer may also enforce this Ordinance by issuing a Notice of Civil Penalty pursuant to NC GS 153A-123(c).
 - 1. The Civil penalties provided for herein shall be as set forth in the Fee Schedule adopted by the Person County Board of County Commissioners. Such Civil Penalties shall be in addition to, and not in lieu of, the Criminal penalties and other remedies provided by this Ordinance or by State law. The animal services officer shall be authorized to issue a citation to the person(s), violating this ordinance and shall give notice of the violation in the manner prescribed below. Citations so issued may be delivered in person or mailed by registered or certified mail, return receipt requested, to the person charged. The civil penalty or penalties set forth in the citation must be paid within seventy-two (72) hours of the receipt of the citation and shall be paid to the Animal Services Department. The Animal Services Department shall forward all such penalties collected to the Finance Office for the County of Person for application as by law provided.

2. If the person charged fails to pay the civil penalty within seventy-two (72) hours from the time the citation was issued an additional civil penalty as provided for in the Fee Schedule shall be assessed.

3. Such civil penalties may be recovered by Person County in a civil action in the nature of debt or may be collected in such other manner as prescribed herein.

4. Such notice shall, among other things:

a) State upon its face the amount of the penalty, and

b) Provide that such offender may answer the said notice by mailing said notice, and paying the stated penalty to the Person County Animal Services Department at its mailing address stated in the notice or by making payment to the Person County Animal Services Department directly and that upon payment, such case or claim and right of action by Person County will be deemed compromised and settled, and

c) State that such penalties must be paid within seventy-two (72) hours from issuance of such notice, and

d) State that if such notice of violation is not paid within said seventy-two (72) hour period, civil action to recover the debt may be instituted to include but not be limited to the debt collection procedures of NC GS Chapter 105A Setoff Debt Collection Act, (interception of state income tax refunds), and

e) State that the Person County Animal Services Department is authorized to accept such payments in full and final settlement of the claim or claims, right or rights of action which Person County may have. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such contended violation or violations, and

f) Each day of continued violation of this ordinance is a separate and distinct offense as provided for in NC G.S.153A-123(g).

SECTION 20: PERSON COUNTY ANIMAL SERVICES DEPARTMENT

The Person County Animal Services Department, as created the 21st day of April, 1981, shall be composed of such positions as shall be determined by the Board of County Commissioners. The said employees shall be hired and compensated in accordance with the Person County Personnel Policy.

SECTION 21: ADVISORY COMMITTEE

An Advisory Committee shall advise the Board of County Commissioners and the County Manager with respect to Person County Animal Services matters. The Advisory Committee is composed of members appointed by the Board of County Commissioners to serve at the pleasure of said Board.

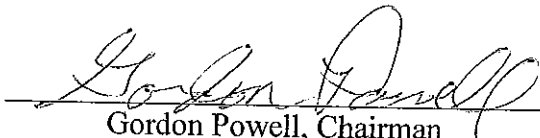
SECTION 22: SEVERABILITY

If any section or part of this ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this ordinance are severable.

SECTION 23: EFFECTIVE DATE

This ordinance shall become effective the 5th day of April 2021 and supersedes any previous versions of the ordinance.

Adopted, this, the 5th day of April 2021.



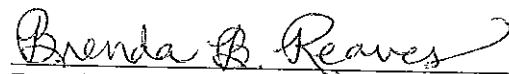
Gordon Powell, Chairman
Person County Board of Commissioners

4-8-21

Date



Attested by:



Brenda B. Reaves, Clerk to the Person County Board of Commissioners