

Article

- I. IN GENERAL
- II. RABIES CONTROL
- III. REPEALED
- IV. REPEALED
- V. LIVESTOCK
- VI. ANIMAL CRUELTY

Notes

- ¹ Cross-reference:
Removal of dead animals, § 11-108(F); Human and animal waste, dead animals, § 12-106; certain animals which emit loud noises prohibited, § 14-201(D); animals running at large in parks, § 16-205; persons riding animals to obey traffic laws, § 20-303.

ARTICLE I: IN GENERAL

Section

- 4-101 Definitions
- 4-102 Animal Control Officer designation
- 4-103 Same: interference with
- 4-104 Restraining
- 4-105 Nuisance
- 4-106 Repealed
- 4-107 Running on owner's premises
- 4-108 Repealed
- 4-109 Dangerous dogs
- 4-110 Precautions against attacks by dangerous dogs
- 4-111 Penalty for attacks by dangerous dogs and strict liability
- 4-112 Requirements for the confinement of a potentially dangerous, or dangerous, dog
- 4-113 Removal of vicious dog from town
- 4-114 Animals on town property
- 4-115 to 4-199 Reserved

§ 4-101 DEFINITIONS.

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

ABANDONED ANIMAL. Any animal that has been left alone for at least 24 continuous hours without having provided for it reasonable sustenance at regular intervals, and has not had continuous access to potable water shall, for the purposes of this article, shall be considered **ABANDONED**.

ABUSE. The intentional, and willful, physical or mental mistreatment of an animal by depriving it of adequate shelter and protection from the elements, failure to provide adequate food, and failure to provide adequate clean and fresh water, and intentionally and willfully subjecting the animal to unsanitary conditions by being surrounded by waste, debris, trash, or garbage.

ADEQUATE SHELTER. An enclosure consisting of a solid floor, walls, and a roof that is so constructed as to remain dry inside, be structurally sound and in good repair, and promote the retention of body heat.

ANIMAL.

(1) Includes the male or female, neutered or sterilized.

(2) **ANIMAL**, as used in this article, shall include all warm-blooded, domesticated mammals.

ANIMAL OWNER. Every person in possession of, or who harbors, any animal, or who shall suffer any animal to remain about his or her premises for a period of five days.

HARBORING. The occupant of any premises on which an animal is kept, or to which it customarily returns daily for food and care for a period of three days, is presumed to be **HARBORING**, or keeping, the animal within the meaning of this article.

NEGLECT. The omission, failure, or refusal to reasonably provide adequate shelter, food, water, and sanitary conditions, as provided in this article.

RABIES VACCINATION. The inoculation of a dog, cat, or other animal with a rabies vaccine approved by the County Department of Health.

REASONABLE CONTROL. When an animal is accompanied by, and under the supervision of, its owner, or by some member of the family, or by some employee, or agent, of the owner.

RUNNING AT LARGE. To be off the premises of the owner, and not under the reasonable control of the owner, or of an authorized person, either by leash or otherwise, but an animal within the automobile, or other vehicle, of its owner shall be deemed to be upon the owner's premises.

VICIOUS DOG. Any dog that inflicts, unprovoked, bites, or attacks human beings or other animals, either on public or private property, or in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places. (See § 4-113.)

(Code 1976, § 11.8) (Ord. 5-75, passed 5-5-1975; Ord. 17-2008, passed 7-7-2008; Ord. 9-2009, passed 4-6-2009)

Cross-reference:

Definitions and rules of construction generally, § 1-102.

§ 4-102 ANIMAL CONTROL OFFICER DESIGNATION.

The Chief of Police, or his or her designee, is hereby designated as the Animal Control Officer for the town.

(Code 1976, § 11.33) (Ord. 5-75, passed 5-5-1975)

Cross-reference:

Officers and employees, §§ 2-401 et seq.

§ 4-103 SAME: INTERFERENCE WITH.

It shall be unlawful for any person to interfere with, molest, hinder, or prevent the Town Animal Control Officer, or his or her authorized representatives, in the discharge of their duties as prescribed in this article, or to violate any of the provisions of this article.

(Code 1976, § 11.33) (Ord. 5-75, passed 5-5-1975) Penalty, see §1-111

§ 4-104 RESTRAINING.

(A) It shall be unlawful for any person owning, or having charge of, any dog or other animal, except a domestic house cat, to permit such animal to be off the owner's own premises, and not under control either by a leash, cord, chain, or some other mechanical device whereby the dog, or other animal, is physically held under the immediate control of the owner, or other responsible person, as set forth in § 4-101.

(B) For the purpose of this article, a dog or other animal shall likewise be deemed not under reasonable control when:

(1) Such dog, or other animal, inflicts damage or injury (by biting, jumping upon, pollution of vegetation, or by any other means whatsoever) to the person, or property, of anyone other than the owner, except in the defense of the owner, his or her family, or property; and

(2) Any un-spayed/un-neutered dog is not securely confined in the owner's yard, pen, or other enclosure.

(Code 1976, § 11.23) (Ord. 5-75, passed 5-5-1975) Penalty, see §1-111

§ 4-105 NUISANCE.

(A) It shall be unlawful for any animal owner, or keeper, to harbor, maintain, or permit on any lot, parcel of land, or premises under his or her control, any dog, or other animal, which by any sound, or cry, shall disturb the peace and comfort of the inhabitants of the neighborhood, or interfere, in any manner, with any person in the reasonable and comfortable enjoyment of life or property.

(B) It shall be unlawful for the owner, or a person having the custody or care, of an animal to allow the animal to

defecate, or deposit, any excretory matter (waste) on any property other than that of the animal's owner, or person having care or custody of the animal, unless such owner, or person with custody or care, immediately removes the animal waste (feces or solid excretory matter) using a plastic bag, or other suitable container, and depositing same in a receptacle suitable for such purpose.

(C) Any person who is walking, is in charge of, or is in possession of, an animal on public property, a public right-of-way, a public park, or private property without the consent of the owner of the private property, shall have, in his or her possession, a bag, or other container that closes and which is suitable for removing feces or solid excretory matter that may be deposited by the animal, and failure to possess such a bag, or other container, shall be unlawful.

(D) Violations of this section may be enforced by any one, all, or a combination of the remedies and penalties set forth in § 1-111, including, but not limited to, a civil penalty in the amount of \$50 to be recovered by the town in a civil action in the nature of a debt if the offender does not pay the penalty within ten calendar days, or such longer period of time as may be prescribed, after he or she has been cited for violation of this article.

(Code 1976, § 11.24) (Ord. 5-75, passed 5-5-1975; Ord. 12-94, passed 6-20-1994; Ord. 3-2018, passed 1-15-2018)
Penalty, see § 1-111

Cross-reference:

General Provisions, Ch. 1.

§ 4-106 REPEALED.

[Repealed]

(Code 1976, § 11.25) (Ord. 5-75, passed 5-5-1975; Ord. 17-2008, passed 7-7-2008)

§ 4-107 RUNNING ON OWNER'S PREMISES.

The provisions of this article do not prohibit animals from running at large on the premises of the owner, or person having charge of such animal.

(Code 1976, § 11.26) (Ord. 5-75, passed 5-5-1975)

§ 4-108 REPEALED.

[Repealed]

(Code 1976, § 11.27) (Ord. 5-75, passed 5-5-1975; Ord. 17-2008, passed 7-7-2008)

Statutory reference:

Confinement of vicious animals, G.S. § 130A-200.

§ 4-109 DANGEROUS DOGS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

DANGEROUS DOG. A dog that:

- (a) Without provocation has killed, or inflicted severe injury, on a person;
- (b) Is determined by the person, or board designated by the Town Council, to be potentially dangerous because the dog has engaged in one, or more, of the behaviors listed in the definition of **POTENTIALLY DANGEROUS DOG** below; or
- (c) Any dog owned, or harbored, primarily, or in part, for the purpose of dog fighting, or any dog trained for dog fighting.

POTENTIALLY DANGEROUS DOG. A dog that the person, or board designated by the Town Council, determines to have:

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

OWNER. Any person, or legal entity, that has a possessory property right in a dog.

OWNER'S REAL PROPERTY. Any real property owned, or leased, by the owner of the dog, but does not include any public right-of-way, or a common area of a condominium, apartment complex, or townhouse development.

SEVERE INJURY. Any physical injury that results in broken bones or disfiguring lacerations, or requires cosmetic surgery or hospitalization.

(B) The provisions of this section do not apply to:

- (1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
- (2) A dog being used in a lawful hunt;
- (3) A dog where the injury, or damage, inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage, or injury, was to a species, or type, of domestic animal appropriate to the work of the dog; or
- (4) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass, or other tort, was tormenting, abusing, or assaulting the dog, and tormented, abused, or assaulted the dog, or was committing, or attempting to commit, a crime.

(C) The Town Council shall designate a person, or a board, to be responsible for determining when a dog is a potentially dangerous dog, dangerous dog, or vicious dog, and shall designate a separate board to hear any appeal. The person, or board, making the determination that a dog is a potentially dangerous dog, dangerous dog, or vicious dog must notify the owner, in writing, giving the reasons for the determination, before the dog may be considered potentially dangerous under this article. The owner may appeal the determination by filing written objections with the appellate board within three days. The appellate board shall schedule a hearing within ten days of the filing of the objections. Any appeal from the final decision of such appellate board shall be taken to the superior court by filing notice of appeal, and a petition for review within ten days of the final decision of the appellate board. Appeals from rulings of the appellate board shall be heard in the superior court division. The appeal shall be heard de novo before a superior court judge sitting in the county in which the appellate board, whose ruling is being appealed, is located.

(Ord. 23-94, passed 10-3-1994; Ord. 17-2008, passed 7-7-2008)

§ 4-110 PRECAUTIONS AGAINST ATTACKS BY DANGEROUS DOGS.

(A) It is unlawful for an owner to:

- (1) Leave a dangerous, or potentially 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; or
- (2) Permit a dangerous, or potentially dangerous, dog to go beyond the owner's real property unless the dog is leashed and muzzled, or is otherwise securely restrained and muzzled.

(B) If the owner of a dangerous, or potentially dangerous, dog transfers ownership, or possession, of the dog to another person, the owner shall provide written notice to:

- (1) The authority that made the determination under this article, stating the name and address of the new owner, or possessor, of the dog; and
- (2) The person taking ownership, or possession, of the dog, specifying the dog's dangerous behavior and the authority's determination.

(C) Violation of this section is a Class 3 misdemeanor.

(Ord. 23-94, passed 10-3-1994; Ord. 17-2008, passed 7-7-2008) Penalty, see §4-111

§ 4-111 PENALTY FOR ATTACKS BY DANGEROUS DOGS AND STRICT LIABILITY.

(A) The owner of a dangerous, or potentially dangerous, dog that attacks a person and causes physical injuries requiring medical treatment in excess of \$100 shall be guilty of a Class 1 misdemeanor.

(B) The owner of a dangerous dog shall be strictly liable in civil damages for any injuries of property damage the dog inflicts upon a person, his or her property, or another animal.

(Ord. 23-94, passed 10-3-1994; Ord. 17-2008, passed 7-7-2008)

Statutory reference:

Penalty and strict liability, G.S. §§ 67-4.3 and 67-4.4.

§ 4-112 REQUIREMENTS FOR THE CONFINEMENT OF A POTENTIALLY DANGEROUS, OR DANGEROUS, DOG.

The town hereby establishes the following requirements for housing a potentially dangerous, or dangerous, dog:

- (A) A fully-enclosed chain link fence of nine-gauge wire with a height of six feet must be constructed to house the animal;
- (B) The fence must be cemented at ground level so as to keep the animal from escaping under the fence;
- (C) A lock must be kept on the gate of the fence, and must be engaged at all times;
- (D) A barrier must be placed over the entire top of the facility, or in the alternative, barbed wire must be installed along the top of the fence to keep the animal from escaping; and
- (E) (1) The owner shall have 14 calendar days from the date a notice of violation is issued to comply with this section.

(2) If the owner fails to comply within the timeframe, the owner shall be guilty of a Class 2 misdemeanor.

(3) For violations of this section, each day past the time given for compliance shall constitute a separate offense.

(Ord. 23-94, passed 10-3-1994; Ord. 17-2008, passed 7-7-2008)

§ 4-113 REMOVAL OF VICIOUS DOG FROM TOWN.

The town hereby establishes the following process for the removal of a vicious dog:

(A) A vicious dog is a dog that is defined in §4-101 of this article; has been previously determined to be dangerous, potentially dangerous, or vicious; and fits the following criteria:

(1) The dog has bitten a human while off its own premises, causing physical injury and requiring medical treatment in excess of \$300 at least once; or

(2) The dog has approached a person when not on the owner's property in a vicious, or terrorizing, manner in an apparent attitude of attack on at least two separate occasions.

(B) The owner will be notified, in writing, of any such occurrence(s) by the person, or board, designated in §4-109, and the owner will be afforded the same rights of appeal used in that section;

(C) The dog must be sheltered, in accordance with herewith at the County Animal Shelter, until such time as a final determination is made;

(D) If the final determination is that the dog is vicious, then the owner must remove the animal from the municipal limits of the town through perpetuity;

(E) If the owner transfers, or surrenders, ownership to another person, the notification requirements under §4-110(B) shall apply; and

(F) The owner of the dog will surrender the animal in the instance of a bite under the provisions hereof. Upon conclusion of the quarantine requirements, the owner may, at the owner's choosing, lawfully obtain the dog from the shelter, and take the animal to a new home outside of the corporate limits of the town, or the owner may relinquish ownership of the dog, and ownership will revert to the County Animal Control Section for final disposition. Under no circumstance will a dog removed, under the provisions of this section, be allowed to re-enter the corporate town limits. Any owner who brings a vicious dog back into the municipal limits of the town will be guilty of a Class 1 misdemeanor. The dog brought back into the town limits shall be immediately seized and delivered to the County Animal Control Facility for quarantine and disposal.

(Ord. 17-2008, passed 7-7-2008) Penalty, see §1-111

Statutory reference:

Penalty and strict liability, G.S. §§ 67-4.3 and 67-4.4.

§ 4-114 ANIMALS ON TOWN PROPERTY.

(A) No persons owning, or having charge, care, or custody of any animal, shall allow said animal to enter, or remain, in any town-owned building, unless:

(1) The animal is a service animal in use or in training;

(2) The animal is in the service of, or contracted for service, by a law enforcement agency; or

(3) Unless otherwise provided by law.

(B) No persons owning, or having charge, care, or custody of any animal, shall allow said animal to enter, or remain, in any of the following town-sponsored events, excluding animals listed in subsections (A)(1) through (A)(3) above:

(1) Maiden Fall Festival; or

(2) Maiden Spring Fest.

(C) The first violation of this section is subject to a written warning, and each subsequent violation is subject to a \$50 dollar penalty.

(Ord. 21-2015, passed 10-19-2015)

§§ 4-115 TO 4-199 RESERVED.

ARTICLE II: RABIES CONTROL

Section

4-201 Vaccinations

4-202 Designation of qualified persons

4-203 Proof

- 4-204 Duty to report
- 4-205 Quarantine of animals
- 4-206 Removal of animals from quarantine
- 4-07 to 4-299 Reserved

§ 4-201 VACCINATIONS.

(A) *Required.*

(1) Every person owning, or harboring, a dog or cat four months of age or older for three or more days shall have such dog or cat vaccinated against rabies with an approved vaccine by a licensed veterinarian.

(2) If other species of animals are vaccinated, such vaccination shall be with a vaccine approved by the County Department of Health.

(3) Vaccinations shall be kept current in accord with the requirements of the County Department of Health.

(B) *Certificate of vaccination.* Upon vaccination, the veterinarian administering the vaccine shall execute, and furnish to the owner of the animal, a certificate as evidence of the vaccination.

(Code 1976, § 11.9)

§ 4-202 DESIGNATION OF QUALIFIED PERSONS.

All veterinarians who are duly registered, and licensed as such, by the state are hereby designated as authorized to vaccinate animals against rabies, and to execute certificates of vaccination as provided by law.

(Code 1976, § 11.12) (Ord. 5-75, passed 5-5-1975)

§ 4-203 PROOF.

It shall be unlawful for any person who owns, or harbors, any dog, cat, or other animal to fail to refuse to exhibit his or her copy of the certificate of vaccination upon demand to any person charged with the enforcement of this article.

(Code 1976, § 11.13) (Ord. 5-75, passed 5-5-1975) Penalty, see §1-111

§ 4-204 DUTY TO REPORT.

Any person having knowledge of an animal bite shall immediately report the incident to the police, Animal Control Officer, and to the County Department of Health.

(Code 1976, § 11.14) (Ord. 5-75, passed 5-5-1975; Ord. 17-2008, passed 7-7-2008)

Statutory reference:

Confinement of biting animals, notice, G.S. § 130A-196.

§ 4-205 QUARANTINE OF ANIMALS.

Any animal which has bitten a person shall be observed for a period of ten days from the date of the bite. Confinement shall be in the County Animal Shelter, and such confinement shall be at the expense of the owner. Stray animals, whose owners cannot be located, shall be confined in the County Animal Shelter. The owner of any animal that has been reported as having inflicted a bite on any person shall, on demand, produce the animal for quarantine, as prescribed in this section. Refusal to produce the animal constitutes a violation of this section, and each day of such refusal shall constitute a separate, and individual, violation.

(Code 1976, § 11.15) (Ord. 5-75, passed 5-5-1975; Ord. 17-2008, passed 7-7-2008)

Statutory reference:

Confinement of biting animals, G.S. § 130A-196.

§ 4-206 REMOVAL OF ANIMALS FROM QUARANTINE.

It shall be unlawful for any person to remove from any place of isolation, or quarantine, any animal which has been isolated, or quarantined, as authorized, without the consent of the impounding agency.

(Code 1976, § 11.16) (Ord. 5-75, passed 5-5-1975) Penalty, see §1-111

§§ 4-207 TO 4-299 RESERVED.

ARTICLE III: REPEALED

[Repealed]

Editor's note:

Ord. 23-2003, adopted July 21, 2003, repealed Art. III §§ 4-301 through 4-306, which pertained to dog licenses and derived from Ord. 5-75, originating May 5, 1975; Code §§ 11.17 through 11.22; and Ord. 9-79.

ARTICLE IV: REPEALED

[Repealed]

ARTICLE V: LIVESTOCK

Section

4-501 Horses

4-502 Pig pens

Cross-reference:

Butchering restricted, § 12-101; swine, § 12-105.

§ 4-501 HORSES.

No person shall ride, or lead, a horse or pony upon the sidewalks within the corporate limits. Riding, or leading, of horses and ponies shall be restricted to the roadways.

(Code 1976, § 11.34)

§ 4-502 PIG PENS.

No person shall maintain a pig pen, or other enclosure for pigs, within 150 feet of any dwelling, or room used for sleeping quarters.

(Code 1976, § 11.35)

Cross-reference:

Land use and zoning, §§ 17-301 et seq.

ARTICLE VI: ANIMAL CRUELTY

Section

4-601 General

4-602 Failure to provide adequate food

4-603 Failure to provide adequate water

4-604 Failure to provide adequate shelter

4-605 Provide reasonable care

4-606 Animal cruelty

4-607 Cruel restraint prohibited

4-608 Leaving animals unattended in vehicles

4-609 Authority for Animal Control Officer to act

4-610 Penalties

§ 4-601 GENERAL.

All animals shall be kept, and treated, under sanitary and humane conditions, and it shall be unlawful for any person to violate one, or more, of the sections of this article.

Penalty, see § 4-610

§ 4-602 FAILURE TO PROVIDE ADEQUATE FOOD.

All animals, unless otherwise indicated in this article, shall be given, at suitable intervals not to exceed 24 hours, a quantity of wholesome foodstuff in a container suitable for the age, and species, of the animal, and sufficient to maintain a healthful level of nutrition.

§ 4-603 FAILURE TO PROVIDE ADEQUATE WATER.

(A) All animals shall have constant access to a supply of clean, fresh, potable water, or a supply of clean, fresh potable

water provided at suitable intervals.

(B) If access is not constant, then adequate amounts of water must be provided at least twice in a 24-hour period. If water is provided at intervals, it must remain in the animal's enclosure for at least one hour during each interval.

§ 4-604 FAILURE TO PROVIDE ADEQUATE SHELTER.

(A) All animals shall be provided with adequate shelter from the weather at all times. It shall be within the discretion of the Town Animal Control Officer to determine what constitutes adequate shelter.

(B) Examples of inadequate shelter include, but are not limited to, the following:

- (1) Underneath outside steps, decks, and stoops;
- (2) Underneath houses;
- (3) Inside, or underneath, motor vehicles;
- (4) Inside metal, or plastic, barrels;
- (5) Inside cardboard boxes;
- (6) Inside temporary animal carriers or crates;
- (7) Shelters located in flood-prone areas; and
- (8) Shelters surrounded by waste, debris, obstructions, or impediments that may endanger an animal.

§ 4-605 PROVIDE REASONABLE CARE.

Failure, or refusal, of any owner of a sick, diseased, or injured animal to provide proper medical treatment for the animal is prohibited. A sick, diseased, or injured animal shall go no longer than 24 hours without veterinary care.

§ 4-606 ANIMAL CRUELTY.

Animal cruelty is prohibited. Examples of animal cruelty include, but are not limited to, the following:

- (A) Allowing a collar, rope, or chain to become embedded in, or cause injury to, an animal's neck;
- (B) Allowing a choke, or pinch, collar to be used as a primary collar when the animal is left unsupervised;
- (C) Allowing a dog, or cat, to be left outside in inclement weather, or extreme temperatures, without adequate shelter;
- (D) Intentionally allowing animals to engage in a fight;
- (E) Allowing animals to live in unsanitary conditions;
- (F) Allowing animals to live in crowded conditions;
- (G) Failure, or refusal, to obtain medical treatment for an animal when, in an Animal Control Officer's opinion, such treatment is needed;
- (H) Trapping a dog, or cat, without the use of a recognized humane live animal trap;
- (I) Permitting any exhibit, function, or activity where animals are being cruelly treated, or animals run the risk of causing injury to the public or themselves. The Town Animal Control Officer shall have the authority to inspect, and to close down, public exhibits of animals which are part of fairs, carnivals, festivals, fund raising events, petting zoos, and any other activity, or function, carried out in the corporate limits of the town if it is determined that animals are being cruelly treated, abused, or run the risk of causing injury to the public, or themselves;
- (J) Animals being confined to, or restrained on, the premises of a vacant, or abandoned, structure;
- (K) Failure to provide adequate drainage to prevent surface water from standing in the area of the pen, or enclosure, where the animal is kept. It shall be within the discretion of the Town Animal Control Officer as to what constitutes adequate drainage; and
- (L) Failure, or refusal, to report injured domestic animals.

§ 4-607 CRUEL RESTRAINT PROHIBITED.

(A) An owner shall not chain, or tether, an animal to a stationary object for a period of time, or under conditions that an Animal Control Officer deems harmful, or potentially harmful, to the animal.

(B) Examples of improper chaining, or tethering include, but are not limited to, the following:

- (1) Using a length, or weight, of a chain, or tether, that is not appropriate for the size, weight, and age of the animal. Guidelines for the proper weight and length of chains, or tethers, can be obtained from the Town Animal Control Officer;
- (2) Using a chain, or tether, made of rope, twine, cord, or similar material;

(3) Using a chain, or tether, that is less than ten feet in length, and/or does not have swivels on both ends. All chains, or tethers, must be attached to the animal by means of a properly-fitting harness or collar of not less than one inch in width;

(4) Allowing an animal to be chained, or tethered, such that the animal is not confined to the owner's property, or such that the chain, or tether, can become entangled and prevent the animal from moving about freely, lying down comfortably, or having access to adequate food, water, and shelter; and

(5) Using a chain as a primary collar. All collars used for the purpose of chaining, or tethering, an animal must be made of nylon or leather.

§ 4-608 LEAVING ANIMALS UNATTENDED IN VEHICLES.

An owner shall not leave an animal in a closed vehicle, or other enclosure, for such duration, or at such temperatures as an Animal Control Officer deems harmful, or potentially harmful, to the animal.

§ 4-609 AUTHORITY FOR ANIMAL CONTROL OFFICER TO ACT.

(A) If it is determined by the Animal Control Officer that the animal is not in immediate danger, or the problem which gives rise to the inadequate treatment, or abuse, can be corrected within 72 hours, the Officer may issue a written notice of violation, directing the owner, or possessor, of the animal to correct the problem within 72 hours. If the condition, or problem, is not corrected within 72 hours, the Animal Control Officer may take action as outlined below:

- (1) Seek a magistrate's order to take possession of the animal; and/or
- (2) Seek the issuance of criminal process.

(B) If it is determined by the Animal Control Officer that the animal is in imminent danger of death or serious bodily injury, the Animal Control Officer shall immediately:

- (1) Seek a magistrate's order to take immediate possession of the animal; and/or
- (2) Seek the issuance of criminal process.

(C) If the animal has been abandoned, as defined in this article, the Animal Control Officer is authorized to immediately take possession of the animal, and transport it to the County Animal Control Facility for care and shelter.

(D) When it has been determined by the Animal Control Officer that there has been a violation of one, or more, provisions of state law or this article, the Officer may initiate a criminal summons or warrant.

(E) Any time an animal is taken possession of by authority of this article, the owner shall be responsible, and liable, for any costs incurred for shelter, housing, and care of the animal.

§ 4-610 PENALTIES.

Any person who willfully fails, or refuses, to abide by, or otherwise violates, this article shall be subject to the following sanctions or penalties:

(A) Violations of this article are deemed to be a misdemeanor, and upon a verdict or plea of guilty, the violator shall pay a fine of \$50 and the costs of court; and

(B) Each additional violation of this article thereafter shall be deemed to be a separate misdemeanor, and upon a verdict or plea of guilty, the violator shall pay a fine of \$100 per misdemeanor and the costs of court.

(Ord. 9-2009, passed 4-6-2009)