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**At Large** Any animal shall be deemed to be at large when it is off the property of its owner and not under restraint or control of a competent person.

**Attack** An approach to a person by an unrestrained animal in vicious, terrorizing or threatening manner or apparent attitude of attack, without the animal having been teased, molested, provoked, beaten, tortured, or otherwise harmed.

**Dangerous Dog** Any dog that has demonstrated a fierce or dangerous propensity or tendency to do any act which may endanger persons or property. This would include but not be limited to any dog which (1) assaults, bites, attacks or inflicts serious injury on a human being without provocation on public or private property and/or (2) which has killed or injured a pet or domestic animal

**Exotic Animal** Any non-domesticated animal which is not native to North Carolina nor governed by the NC Wildlife Resource Commission. This term is exclusive of birds, ferrets, hedgehogs, chinchilla, sugar gliders, mice, hamsters, gerbils, degus, guinea pigs, rabbits, fish, and non-venomous reptiles except members of the crocodile family, komodo dragons and crocodile monitors.

**Potentially Dangerous Exotic Animal** Any exotic animal which is a non-domesticated feline (lion, tiger, leopard, etc) or its hybrid (excluding Bengals, Chaussies, Savannahs, and Safari Cats), a non-domesticated canine (wolves, coyotes, foxes, etc) or its hybrid, bears, elephants, rhinoceros, hippopotamus, non-human primates, venomous reptiles, members of the crocodile family, komodo dragons, crocodile monitors, African Rock Pythons, Burmese Pythons, Reticulated Pythons and Anacondas.

**Exhibitor** Any person who is licensed by the U.S. Department of Agriculture as an exhibitor.

**Owner** Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal for more than three (3) days. The owner is responsible for the care, actions and behavior of his animals. In the event that the owner of an animal is a minor, the parent or guardian of such minor shall be held liable for non-compliance with the provision of this ordinance.

**Person** Means an individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate or any other legal entity, and any officer, member, shareholder, director, employee, agent or representative thereof.

87                   **Possess**       As referred to in section 12 means any person who owns,  
88 possesses, keeps, harbors, brings into the county, has in one’s possession, acts as a  
89 custodian, or has custody or control of an exotic animal.  
90

91                   **Restraint**       An animal is under restraint within the meaning of this  
92 ordinance if it is (1) controlled by means of a chain, leash, or other like device; or  
93 (2) on or within a vehicle being driven or parked; or (3) within a secure enclosure;  
94 or (4) within the dwelling house of the owner.  
95

96                   **Secure Enclosure**   Shall mean a building or an enclosed area (1) to  
97 which all entrances and exits can be securely locked, (2) which will prohibit the  
98 ability of an animal coming into contact with another animal or any person  
99 outside of the enclosure and (3) which is located on the animal owner’s premises.  
100

101                   **Stray**       Any animal which is running at large and appears to be lost,  
102 unwanted or abandoned.  
103

104 **SECTION 2 Establishment and Composition of the Animal Control Program**  
105

- 106           A.       There is hereby created the Animal Control Program of Davidson County,  
107 which shall be composed of the county animal shelter, its employees, the  
108 animal control officers and such employees and/or officials as shall be  
109 determined by the Board of Commissioners.  
110
- 111           B.       In the performance of their duties, animal control officers and Law  
112 Enforcement Officers shall have all the powers, authority and immunity  
113 granted under this Ordinance and by the general laws of this state to  
114 enforce the provisions of this Ordinance, and the General Statutes of North  
115 Carolina as they relate to the care, treatment, control or impounding of  
116 animals.  
117

118 **SECTION 3 General Duties of Animal Control Program**  
119

120           The Animal Control Program shall be charged with the responsibility of:

- 121
- 122           1.       Enforcing, in this county, all state and county laws, ordinances,  
123                   rules, and resolutions relating to the care, custody and control of  
124                   animals.
  - 125           2.       Investigating cruelty or abuse with regard to animals.
  - 126           3.       Operating the county animal shelter.
- 127  
128  
129

130 **SECTION 4 Cruelty to Animals**  
131

132           The Davidson County Board of Commissioners as provided under North Carolina  
133 General Statute §19A-45 may appoint an animal cruelty investigator(s). An animal

134 cruelty investigator(s) has the responsibility for carrying out the defined duties of an  
135 animal cruelty investigator as mandated by North Carolina General Statutes §19A-46 and  
136 §19A-47. An animal control officer may be requested to accompany the investigator on  
137 animal seizures.  
138

139 SECTION 5 Animals Creating Nuisance  
140

141 A. It shall be unlawful for any person to own, keep, possess or maintain an  
142 animal in such a manner so as to constitute a nuisance. This provision  
143 does not apply to animals used during the course of lawful hunting.  
144

145 B. The actions of an animal constitute a nuisance when an animal disturbs the  
146 rights of, threatens the safety of, or damages a member of the general  
147 public; or interferes with the ordinary use and enjoyment of private or  
148 public property. By way of example and not of limitation, the following  
149 acts or actions by an owner or possessor of an animal are hereby declared  
150 to be a nuisance and are therefore unlawful:  
151

152 1. Maintaining an animal that damages property.  
153

154 2. Maintaining an animal that chases, snaps at, attacks or otherwise  
155 molests pedestrians, bicyclists, motor vehicle passengers, domestic  
156 or exotic animals.  
157

158 3. Allowing an animal to create a danger to the public while running  
159 at large.  
160

161 C. Any owner permitting an animal(s) to create a nuisance shall pay a civil  
162 penalty of:  
163

164 Fees Effective May 11, 2004:  
165

166 1. First violation - \$25.00 plus shelter reclaim fee & boarding fee if  
167 applicable as well as an order of restraint.  
168

169 2. Second violation - \$50.00 plus shelter reclaim fee & boarding fee  
170 if applicable.  
171

172 3. Subsequent violation - \$100.00 plus shelter reclaim fee & boarding  
173 fee if applicable.  
174

175 D. Said penalty shall be paid within five (5) business days of the issuance of a  
176 citation for violation of this section.  
177

178 SECTION 6 Destruction of Dangerous or Nuisance Animals at Large that Cannot be  
179 Seized by Reasonable Means  
180

181 Notwithstanding any other provision of this ordinance, a dangerous or nuisance  
182 animal at large that cannot be seized by reasonable and normal means, retrieved by an  
183 animal control officer, trapped in a humane, live-capture animal trap provided by the  
184 animal control division, or tranquilized by animal control personnel, may be humanely  
185 destroyed in the field.

186  
187 SECTION 7 Identification for Dogs and Cats  
188

189 Each person who owns or maintains a dog or cat that is located in this county  
190 shall affix to such dog or cat the following identification:

- 191  
192 A. A rabies tag in accordance with section 7(B) of the “Rules for the Control  
193 of Rabies within Davidson County.”  
194  
195 B. Some form of identification with the owner’s name, address and phone  
196 number.  
197  
198 C. Any owner not in compliance with Section 7(B) of this Ordinance shall  
199 pay a civil penalty of:

200 Fees Effective May 11, 2004:

- 201  
202 1. First violation – written warning.  
203  
204 2. Subsequent violation - \$5.00 plus shelter reclaim fee & boarding  
205 fee if applicable.  
206  
207  
208 D Said penalty shall be paid within five (5) business days of the issuance of a  
209 citation for violation of this section.  
210

211 SECTION 8 Control of Over Population of Dogs and Cats  
212

213 No person shall own or harbor any dog or cat over the age of six months that has  
214 not been spayed or neutered unless such person holds an unaltered animal permit issued  
215 by animal control for each un-spayed or un-neutered animal.

216 A. Un-spayed or un-neutered dogs or cats may be possessed without a permit  
217 under the following circumstances:

- 218 1. The animals are either service dogs or police work dogs; or  
219 2. the animals belong to non-residents of Davidson County and will  
220 reside temporarily therein for a period not to exceed thirty days; or  
221 3. the animals are housed in animal shelters or in veterinary hospitals;  
222 or

- 223 4. a certification is provided signed by a licensed veterinarian stating  
224 that a dog or cat is unfit to be spayed or neutered because such  
225 procedure would endanger the life of the animal.
- 226 B. A citation will only be issued under this Section if the animal(s) is in  
227 violation of or being investigated for a violation(s) of another provision(s)  
228 of this Ordinance.
- 229 C. Each unaltered animal without a permit shall represent a separate offense.
- 230 D. For 60 days after the effective date of this provision, warning citations will  
231 be issued for unaltered animals without a permit. After this 60 day period  
232 citations will be issued to owners of unaltered animals not holding a  
233 permit.
- 234 E. A tag will be issued identifying the animal as an unaltered animal and  
235 must be displayed on the animal at all times.

236 SECTION 9 Obtaining an Unaltered Animal Permit.

237 Applicants must apply for permits required under the provisions of Section 8 with  
238 the animal control division of the Davidson County Sheriff's Department.

- 239 A. The fee for an unaltered animal permit for individual pet owners shall be  
240 \$100 for each animal that is to remain unaltered.
- 241 B. Unaltered Animal Permit Fees for owners of multiple animals shall be as  
242 follows:
- 243 a. \$100 per animal for the first 5 animals; and,
- 244 b. \$50 per animal for each additional animal.
- 245 C. This permit fee shall be valid for the life of the animal.
- 246 D. Permits will be issued upon identification of the unaltered animals.  
247 Options of identification shall be at least one (1) of the following:
- 248 a. Microchip;
- 249 b. Registration papers;
- 250 c. Photographs; and,
- 251 d. Veterinary records.
- 252 E. Verification of proper registration of an unaltered animal shall be the  
253 presentation of the permit.

254 SECTION 8 Setting Humane Animal Traps and Authority to Receive Trapped Animals  
255  
256

257 The Animal Control Program is authorized to place, upon request by the property  
258 owner/controller, live-capture animal traps on private or public property to trap and  
259 remove stray, at large, abandoned, or nuisance animals. It is unlawful for any person  
260 other than an animal control officer or the officer's designee to remove any animal from  
261 a County owned trap or to damage, destroy, move, or tamper with the trap. The animal  
262 control department is authorized to receive and impound animals that are trapped by  
263 other agencies or persons.

264  
265 SECTION 9 Confinement and Control of Dangerous Dog(s)

- 266
- 267 A. It is unlawful for any owner to maintain or harbor unconfined or  
268 unrestrained any dangerous dog.
- 269
- 270 B. The owner will be notified in writing to confine the dangerous dog in a  
271 humane secure enclosure. The owner shall post a plainly visible sign upon  
272 the secure enclosure warning that a dangerous dog is on the premises.  
273 Said sign shall not exceed one foot by two feet or two square feet in area;  
274 and shall be deemed an incidental sign for the purposes of the Davidson  
275 County Zoning Ordinance.
- 276
- 277 C. The owner shall have a total of ten (10) days from the date of notification  
278 to provide a humane, secure enclosure. The animal deemed "dangerous"  
279 shall be under constant restraint on the owner's property during this  
280 period. An animal control officer is empowered to confiscate the  
281 dangerous dog and harbor it at the owner's expense pending the owner's  
282 construction of a humane secure enclosure (as defined). If any dangerous  
283 dog is confiscated under this provision and the owner of the dangerous  
284 dog fails to provide a secure enclosure within the ten (10) days from the  
285 date of notification, Davidson County Animal Control is authorized to  
286 dispose of the animal. If the owner constructs a secure enclosure (as  
287 defined), and the animal is not being destroyed pursuant to Section 15 B  
288 and C, the dog may be redeemed within ten (10) days from confiscation  
289 provided: (1) all fees owing to Animal Control for harboring, caring and  
290 maintaining the animal are paid; and, (2) confirmation by the Animal  
291 Control Officer of the construction of the secure enclosure.
- 292
- 293 D. When a dangerous dog escapes, the owner is required to inform the  
294 Animal Control Program, as soon as practicable, but not later than 24  
295 hours, after the escape.
- 296

297 SECTION 10 Dogs or Animals Used for Sentry or Guard Duty

298  
299 Any person owning, maintaining or harboring a dog or other animal for sentry or  
300 guard purposes must post a plainly visible sign upon the secure enclosure warning that a  
301 dangerous dog or animal is on the premises. Said sign shall not exceed one foot by two

302 feet or two square feet in area; and, shall be deemed an incidental sign for the purposes of  
303 the Davidson County Zoning Ordinance.

304  
305 SECTION 11 Law Enforcement Dogs Excluded

306  
307 Any dog used by a law enforcement agency in the investigation of crimes or as  
308 otherwise necessary in the enforcement of the law is excluded from requirements of this  
309 ordinance.

310  
311 SECTION 12 Potentially Dangerous Exotic Animals

312  
313 A. Intent

314  
315 It is the intent of the Davidson County Commissioners to protect the  
316 public against health and safety risks that exotic animals pose to the  
317 community and to protect the welfare of the individual animals held in  
318 private possession.

319  
320 B. Keeping of Potentially Dangerous Exotic Animals Regulated

321  
322 It shall be unlawful for any person to own, possess, keep, harbor, breed,  
323 bring into the county, have in one's possession, act as a custodian, or have  
324 custody or control of any exotic animal or potentially dangerous exotic  
325 animal, except as defined by this ordinance.

326  
327 1. Certain Potentially Dangerous Exotic Animals Prohibited

328  
329 No person shall own, possess, keep, harbor, breed, bring into the  
330 county, or have in one's possession, act as a custodian, or have  
331 custody or control of potentially dangerous exotic animals as  
332 follows: felids of the Panthera family (lions, tigers, jaguars, etc)  
333 and their hybrids, species of lynx and their hybrids, non-  
334 domesticated canids (wolves, coyotes, etc) and their hybrids, all  
335 non-human primates which are great apes or apes (gorilla,  
336 chimpanzee, gibbons, orangutans, etc), all non-human primates  
337 which are old world monkeys (languars, mandrills, macaques,  
338 baboons, etc), polar bears, grizzly bears, elephants, rhinoceroses,  
339 hippopotamuses, venomous reptiles, komodo dragons, water  
340 monitors, crocodile monitors, members of the crocodile family,  
341 African Rock Pythons, Burmese Pythons, Reticulated Pythons and  
342 Anacondas.

343  
344 Exemptions

345  
346 a. Animal control or law enforcement agencies or officers  
347 acting under the authority of this ordinance.  
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- b. Licensed veterinary hospitals or clinics who are temporarily treating/housing potentially dangerous exotic animals.
  - c. Any licensed and accredited research, medical or educational institution.
  - d. Any person who is in legal possession of a prohibited potentially dangerous exotic animal prior to the effective date of this ordinance shall be allowed to continue to possess the animal(s) provided that person:
    1. Register such animal(s) with the Davidson County Animal Control Program in accordance with Section 12(C) of this ordinance.
    2. Submits an emergency contingency and recapture plan to the Davidson County Animal Control Program in accordance with Section 12(D) of this ordinance.
    3. Maintains liability insurance coverage of a minimum of \$100,000.00.
    4. Has each animal(s) implanted with a microchip at the expense of the possessor by or under the supervision of a veterinarian and provide the Davidson County Animal Control office with the microchip number. This provision does not apply if a veterinarian determines that the implant of a microchip would endanger the well-being of the animal(s).
    5. Has the proper caging requirements to house such animal(s) so as to provide for the welfare of the animals and protect the public, as set forth in Section 12(F) of this ordinance.
  - e. Persons temporarily transporting or exhibiting potentially dangerous exotic animals in or through the county as set forth in Section 12(E)(2) of this ordinance.

387 2. Provision for Unlawful Acts Against Prohibited Potentially  
388 Dangerous Exotic Animals.  
389

390 If any person other than a law enforcement officer, the owner, or a  
391 veterinarian acting under the authority of the owner willfully or  
392 intentionally kills or maims or causes to be killed or maimed a  
393 prohibited potentially dangerous exotic animal while on or in the  
394 owner's property, the owner of such animal may acquire a

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replacement animal of the same species without being in violation of this ordinance. It is the intent of this provision to prevent the criminal destruction of any prohibited potentially dangerous exotic animal and not to allow replacement of the animal if it is destroyed while creating a danger running at large, unless the animal's escape was caused by the criminal act of a person other than the owner. A necropsy of the deceased animal may be required in order to replace the animal.

3. Certain Potentially Dangerous Exotic Animals Regulated

Any person may own, possess, keep, harbor, breed, bring into the county, have in one's possession, act as a custodian, or have custody of any potentially dangerous exotic animal not otherwise prohibited by this ordinance, provided they:

- a. Register such animals with the Davidson County Animal Control Office in accordance with Section 12(C) of this ordinance.
- b. Submit an Emergency Contingency and Recapture Plan to the Davidson County Animal Control Office in accordance with Section 12(D) of this ordinance.
- c. Maintain liability insurance coverage of a minimum of \$100,000.00.
- d. Do not breed, exhibit, or sell any un-prohibited Dangerous Exotic animal(s) unless licensed by the United States Department of Agriculture (USDA) under the Federal Animal Welfare Act.

C. Registration

- 1. All persons who are in legal possession of potentially dangerous exotic animals prior to the effective date of this Ordinance shall register said animals within 30 days with the Davidson County Animal Control Office by submitting a completed Davidson County Exotic Animal Registration Form. Within 120 days of the enactment of this Ordinance, all persons shall be in full compliance.
- 2. All persons who acquire un-prohibited potentially dangerous exotic animals after the date of this Ordinance shall register with the Davidson County Animal Control Office and complete the Davidson County Exotic Animal Registration Form within five (5)

441 business days of acquiring the animal(s). Proof of liability  
442 insurance for all un-prohibited potentially dangerous exotic  
443 animals shall be submitted along with the Davidson County Exotic  
444 Animal Registration Form.

445  
446 3. All persons who possess potentially dangerous exotic animals shall  
447 notify the Davidson County Animal Control Office of any changes  
448 to the stated information on the Davidson County Exotic Animal  
449 Registration Form including, but not limited to, the death,  
450 disposition or escape of any registered animal.

451  
452 4. A one-time registration fee of \$5.00 will be charged for each  
453 animal registered.

454  
455  
456 D. Escapes

457  
458 1. Any person possessing a potentially dangerous exotic animal(s) as  
459 defined by this Ordinance shall submit to the Davidson County  
460 Animal Control Office a plan for the quick and safe recapture of  
461 the exotic animal(s) if the exotic animal(s) escapes. If recapture is  
462 impossible, the registrant must have a plan for the destruction of  
463 the exotic animal(s).

464  
465 2. If an exotic animal escapes, or damage to the enclosure could  
466 result in an escape, the possessor of the exotic animal shall  
467 immediately contact 911. The possessor is liable for all expenses  
468 associated with efforts to recapture the animal.

469  
470 3. No person may intentionally release an exotic animal. If an exotic  
471 animal is intentionally released the possessor is liable for all  
472 expenses associated with efforts to recapture the animal.

473  
474 E. Temporary Exhibitors and Transporters

475  
476 1. Temporary exhibitors of potentially dangerous exotic animals,  
477 such as circuses which operate for periods of not more than seven  
478 (7) consecutive days, no more than twice in the same calendar year  
479 may possess and exhibit potentially dangerous exotic animals  
480 provided they:

481  
482 a. Register with the Davidson County Animal Control Office  
483 by submitting a completed Davidson County Exotic  
484 Animal Registration Form prior to or within 24 hours of  
485

486 bringing any potentially dangerous exotic animal(s) into the  
487 county.

488  
489 b. Submit a plan for the quick and safe recapture of the exotic  
490 animal(s) if the exotic animal(s) escapes. If recapture is  
491 impossible, the registrant must have a plan for the  
492 destruction of the exotic animal(s).

493  
494 c. Provide proof of liability insurance of a minimum of  
495 \$100,000.00.

496  
497 d. Have all required Federal and State licenses and permits.

498  
499 2. Persons transporting potentially dangerous exotic animals through  
500 Davidson County for a period of no longer than 48 hours.

501

502

503 F. Caging Requirements for Potentially Dangerous Exotic Animals

504

505 All potentially dangerous exotic animals shall be confined in a secure  
506 enclosure.

507

508 1. Secure enclosures shall be constructed of material and of such  
509 strength as appropriate for the animal(s) involved. Indoor and  
510 outdoor facilities shall be structurally sound and shall be  
511 maintained in good repair to protect the animal(s) from injury and  
512 to contain the animals. All outdoor housing facilities must be  
513 constructed in a manner to prevent escape by the animal(s). All  
514 secure enclosures must be constructed to prevent unauthorized  
515 persons from entering or coming into contact with the animal(s).

516

517 2. All outdoor secure enclosures shall be equipped with a safety  
518 entrance. A safety entrance is defined as a double-gated entry that  
519 allows a keeper to enter and exit a cage without providing an  
520 avenue of escape to an animal(s).

521

522 3. All outdoor secure enclosures shall be equipped with a lockout  
523 area or shift cage which allows the keeper to access and clean the  
524 cage while the animal(s) is contained in a separate area. This can  
525 consist of a den box with a guillotine door that also has access  
526 from outside the cage which allows the animal(s) to be in one area  
527 while the caregiver accesses the other area, or some other method  
528 that allows positive separation of the animal(s) and the keeper.

529

530 4. All doors or gates shall be kept locked when not attended.

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G. Signs

The owner of any potentially dangerous exotic animal(s) shall post a plainly visible sign upon the secure enclosure warning that a potentially dangerous exotic animal(s) is on the premises. Said sign shall not exceed one foot by two feet or two square feet in area; and shall be deemed an incidental sign for the purposes of the Davidson County Zoning Ordinance.

H. Public Contact

Showing a potentially dangerous exotic animal(s) at any public property or commercial or retail establishment is prohibited unless said potentially dangerous exotic animal(s) is being transported to a licensed veterinarian or is otherwise in compliance with this Ordinance.

I. Inspection

The possessor of an exotic animal(s), at all reasonable times shall allow the Davidson County Animal Control Program, its staff, and its agents to enter the premises where the animal(s) is kept to ensure compliance with this Ordinance.

SECTION 13 Enforcement of Ordinance

The Davidson County Animal Control Program, its staff, its agents, or any law enforcement agents are authorized and empowered to enforce the provisions of this ordinance.

SECTION 14 Interference with Enforcement of Ordinance

It shall be unlawful for any person to interfere with, hinder or molest the Davidson County Animal Control Program agents or officers or veterinarians in the performance of any duty authorized by this ordinance, or to seek to release any animal(s) in the custody of such agents, except as otherwise specifically provided.

SECTION 15 Imposition of Penalties for Violations of Ordinance

A. Except as otherwise provided, any person who violates any provision of this ordinance, shall be fined a civil penalty of one hundred dollars (\$100.00). If the violation is continued, each day's violation shall constitute a separate offense. Payment of said such penalties shall be made within ten (10) days. Civil penalties may be assessed by citation and recovered by Davidson County in a civil action in the nature of a debt.

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B. Fines issued for violations of Section 8 of this ordinance will be waived if the animal(s) upon which the citation was based is altered within 60 days of receipt of the citation.

C. If any **dangerous dog** shall, when unprovoked, kill or wound, or assist in killing or wounding any domestic animal or pet, the owner of said dog shall pay a two hundred fifty dollar (\$250.00) civil penalty and the Animal Control Program is empowered to confiscate and, after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays, shall destroy said dangerous dog.

D. Violation of this ordinance may subject the violator to criminal as well as civil action. In addition to the civil penalties or fees imposed under this Ordinance, violation of this Ordinance shall be a misdemeanor for which a criminal summons may be issued. Any person convicted of such violation shall be punishable as provided in North Carolina General Statute §14-4. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes, civil penalties or fees imposed under this ordinance.

E. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.

SECTION 16 Ordinance not in Conflict with General Statutes or Wildlife Resources Regulations.

No provision of this article shall be construed or applied in conflict with the provisions of North Carolina General Statutes pertaining to the regulation of wildlife and wildlife resources; nor shall any provision of this ordinance be construed or applied to permit any activity or condition with respect to a wild animal which is prohibited or more severely restricted by regulations of the Wildlife Resources Commission.

SECTION 17 Severability of Provisions

If any provision of these Rules is declared invalid by a court of competent jurisdiction, the remaining valid provisions shall have full force and effect.

SECTION 18 Effective Date

This ordinance repeals Chapter 90: Animals of the Davidson County Code of Ordinances. This ordinance is adopted on May 11, 2004.