

AN ORDINANCE TO AMEND
CHAPTER 6 (“ANIMALS”)
OF THE
CRAVEN COUNTY
CODE OF ORDINANCES

BE IT ORDAINED by the Craven County Board of Commissioners as follows:

1. *That Chapter 6 (“Animals”) be amended, by adding a new Article VI (“Animal Cruelty; General Welfare; Tethering; Penalties; Appeals”), to read as follows:*

Sec. 6-151. – Definitions.

For purposes of this Article VI, the following terms shall have the following definitions:

Abandon means to intentionally, knowingly, recklessly or negligently leave an Animal at any location without providing for the Animal's care and well-being.

Accumulated Waste means animal urine, feces and other debris (household or otherwise).

Animal means every non-human species that has been domesticated by man. For purposes of Section 6-154, however, this term does not include farm animals (as defined in G.S. Section 153A-145.4).

Flood-prone area means an area in which two or more inches of standing water are likely to accumulate during a period of normal rainfall.

Impound means to take possession of or seize an Animal by Animal Control for placement in the County’s animal shelter or other appropriate facility.

Tethering means to restrain an Animal outdoors by means of a rope, leash, chain, wire or other type of line for holding an Animal, one end of which is fastened to the Animal and the opposite

end of which is connected to a stationary object, or to a cable or trolley system. This term does not include walking an Animal with a handheld leash.

Torture and *Torment* shall 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 an animal's owner, a veterinarian, County employees, or Animal Control Officers and agents from destroying dangerous, unwanted, or injured animals in a manner that does not result in prolonged suffering, nor to prohibit the lawful use of animals in scientific research.

Sec. 6-152 - Cruelty to Animals.

A. It shall be unlawful for any person to abuse, molest, torture, torment, deprive of necessary sustenance, 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.

B. Animal Cruelty Investigator(s) may be appointed by the Board of Commissioners as provided under G.S. Sec. 19A-45. An Animal Cruelty Investigator has the responsibility for carrying out the defined duties of an Animal Cruelty Investigator as mandated by G.S. Ch. 19A, Art. 4. If appointed, an Animal Control Officer may be requested to accompany the Investigator on animal seizures.

Sec. 6-153. - General Welfare.

All Animals shall be kept and treated under sanitary and humane conditions, and it is unlawful for any person to engage in one or more of the following acts:

A. *Provision of adequate food.* All Animals, unless otherwise indicated in this Article, must be given at suitable intervals, at least once in a 24-hour period, a quantity of wholesome foodstuff in a container suitable for the age and species of the Animal and sufficient to maintain a reasonable level of nutrition. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

B. *Provision of adequate water.* All Animals must have access to a supply of clean, fresh, potable water, provided in a sanitary manner. If access is not constant, then adequate amounts of water must be provided at least twice in a 24-hour period.

C. *Provision of adequate shelter.* Animals must be provided with adequate shelter to reasonably protect them from the elements and from the weather at all times. It shall be within the discretion of Animal Services to determine what constitutes adequate shelter. This Section does not apply to aquatic animals or livestock and other large animals which are normally pastured or otherwise live in the open. 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 barrels (provided, however, plastic barrels are adequate shelter).
5. Inside cardboard boxes.
6. Inside temporary animal carriers or crates.
7. Shelters located in flood-prone areas or areas that lack a suitable method of draining so as to eliminate excess water or moisture.
8. Shelters surrounded by waste, debris, obstructions or impediments that may endanger an animal.

D. *Provision of proper medical treatment for Animals.* An owner of an Animal must, at all times, provide the Animal with adequate veterinary care and must take steps necessary to protect the health of the Animal.

E. *Prohibition on Leaving an Animal in a closed motor vehicle, etc.* Leaving an Animal in a closed motor vehicle or other enclosure for such duration or at such temperatures as an Animal Control Officer deems harmful or potentially harmful to the Animal is prohibited.

Sec. 6-154. – Prohibitions as to Tethering.

No Animal shall be Tethered, except as follows:

A. Tethering devices shall be designed and utilized in a manner to prevent choking, strangulation, and injury. The Tethering device shall be connected to the Animal by a buckle-type collar or a body harness made of nylon or leather. Choke chains, ropes, and wire are prohibited methods of Tethering.

B. Tethering devices shall:

1. Be not less than 10 feet in length, nor less than 4 times the Animal's body length;
2. Have swivel hardware at each end to prevent tangling; and
3. Not weigh more than 1/8th of the Animal's body weight, without the prior written consent of Craven County Animal Control.

C. The area within which an Animal is Tethered shall be a minimum of 150 square feet, and large enough for the Animal to assume any normal body position including standing, sitting, lying and walking. The area of Tethering shall be free of Accumulated Waste so that the Animal shall be able to walk or lie down without coming in contact with the same. Drainage shall be provided in the area of Tethering to eliminate excess water or moisture.

D. A Tethered Animal shall be currently vaccinated against rabies, and shall wear current rabies vaccination tags when Tethered.

E. In no event may an Animal be Tethered for a period of time or under conditions that an Animal Control Officer deems harmful or potentially harmful to the Animal

F. Notwithstanding any of the other provisions of this Section, none of the following Animals may be Tethered:

1. A sick, injured and/or diseased Animal.
2. An Animal less than 6 months of age.

Sec. 6-155 - Penalties; Remedies.

An Animal Control Officer may undertake one or more of the following actions when a person fails or refuses to abide by or otherwise violates any provision of this Article VI:

A. Obtain a magistrate's order to take possession of the Animal.

B. Immediately Impound the Animal if the conditions pose an immediate threat to the health or safety of the Animal or the public. A notice of seizure describing the exigent circumstances warranting the seizure will be left with the owner or affixed to the premises.

C. Issue a written notice of violation directing the owner or possessor of the Animal to correct the problem within 72 hours, in lieu of subsection (A) or (B) above, 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. If the condition or problem is not corrected within 72 hours, the Animal Control Officer may take action as outlined in subsection (A) or (B) above.

D. Issue a civil penalty for violation of any provision of this section in accordance with Section 1-11 and 1.12.

E. Obtain a criminal summons or warrant. Violation of any provision of this Article VI shall constitute a misdemeanor; and any person convicted of such violation shall be punishable as provided in G.S. Section 14-4, or other applicable law

Sec. 6-156 – Appeals.

A. An owner affected by any ruling or action taken by Animal Control may request a review of the action by filing a written request for appeal with the County Health Director, except that:

1. There shall be no right of appeal for the seizure of an Animal pursuant to the order of a judicial official or magistrate.

2. There shall be no right of appeal heard where the person requesting the appeal admits the violation and/or does not dispute the facts of the incident, and the sanction imposed for the violation is mandated by state law.

B. Any appeal pursuant to this section must be delivered in writing to Animal Control within three business days of the action taken by Animal Control; who shall immediately forward the same to the County Health Director.

C. An appeal pursuant to this Section shall be heard and decided by the County Health Director, who shall issue a decision in writing within ten business days of the filing of the appeal.

D. All decisions by the County Health Director pursuant to this Section are final; but may be appealed to a court of competent jurisdiction in Craven County.

E. If the decision is in favor of the appellant, Animal Control shall immediately cease efforts to implement the sanction(s). Any decision rendered by the County Health

Director applies only to the violation(s) and sanction(s) appealed and does not prevent Animal Control from enforcing a subsequent violation of the same provision or any other provision of this Article.

F. If the decision is against the person making the appeal, the owner of the Animal remains responsible for any outstanding boarding and redemption fees, veterinary bills, or civil penalties that are not satisfied.

2. *This Ordinance is adopted this 21st day of August, 2017, and shall be effective the 1st day of January, 2018.*

CRAVEN COUNTY

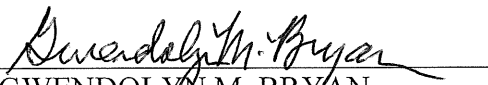
(County Seal)

By



THOMAS F. MARK, Chairman
Craven County Board of Commissioners

ATTEST:



GWENDOLYN M. BRYAN,
Clerk to the Board