

BERTIE COUNTY ORDINANCE, #1982-1

BERTIE COUNTY ORDINANCE FOR THE CONTROL OF DOGS AND OTHER DOMESTICATED ANIMALS AND RABIES

The Board Of Commissioners Of Bertie County, North Carolina, Do Ordain As Follows:

ARTICLE I. PURPOSE AND INTENT

Section 1. To protect persons and property from dangerous or threatening or vicious dogs or other domesticated animals running at large.

Section 2. To encourage and assist in an active program of rabies inspection and control in Bertie County.

Section 3. To control and restrict dogs and other domesticated animals running at large.

Section 4. To provide an orderly and humane means for the disposition of stray or unwanted dogs or other domesticated animals.

Section 5. To prevent cruelty to animals.

ARTICLE II. DEFINITIONS

Section 1. Owner: Any person, group of persons, firms, 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 or her or its animals.

Section 2. Dog: Any dog of any age, male or female.

Section 3. Pet: A domesticated animal kept for pleasure rather than utility.

Section 4. At Large: Any animal shall be deemed to be at large when it is off the property or its owner and not under the control of a competent person.

Section 5. 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 sufficiently near the owner or handler to be under his or her direct control and is obedient to that person's commands; or, is on or within a vehicle being driven or parked; or, is within a secure enclosure.

Section 6. Animal Shelter: The Bertie County Dog Pound or any other premises designated by the County for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this ordinance and other law.

Section 7. 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 by an animal control officer to have been infected with rabies.

Section 8. Vicious Animal: Any animal that has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts on the skin or one which habitually or repeatedly attacks farm stock or other pets.

Section 9. Stray Dog: Any dog within the County wandering at large or lost and which does not have an owner, or any dog within the County whose owner fails to pay for and procure a dog tax tag or fails to have said dog vaccinated against rabies.

Section 10. Acts Deemed Public Nuisance: Any dog which habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicyclists, or vehicles or turns over garbage pails, damages gardens, vegetable or flower, damages plant beds or crops, or damages livestock, or conducts itself so as to be a public nuisance. Additionally, a female dog running at large while in heat is a public nuisance.

Section 11. Dog Warden: The person so designated and appointed by the Board of Commissioners of Bertie County.

Section 12. Rabies Control Officer: The person so designated and appointed by the Bertie County Board of Health.

Section 13. Unwanted Dog: A dog owned by or in the control of any person who desires to dispose of the same voluntarily by adoption or euthanasia.

Section 14. Quarantine: Any period of time designated by the Board of Commissioners of Bertie County or by the Bertie County Board of Health or by any State officer or agency having jurisdiction and authority therefor, during which dogs or other animals are re-

quired to be kept in isolation or confined within a secure building or enclosure or restrained by means of a chain or leash or other device, for the purpose of controlling or preventing the spread of rabies or other animal diseases, or for the purpose of enforcing vaccination, or for the purpose of controlling vicious animals or dogs running at large or stray dogs or unwanted dogs or dogs which constitute a public nuisance.

#### ARTICLE III. OFFICERS

Section 1. Dog Warden: This Board shall appoint a Dog Warden, and such Deputy Dog Wardens as this Board shall authorize from time to time, who shall serve at the pleasure of this Board, receive such compensation as authorized and provided by this Board, and have the duties and powers imposed by the Statutes of North Carolina and by this Ordinance.

Section 2. Rabies Control Officer: The Bertie County Board of Health shall appoint a Rabies Control Officer, and such Deputy Rabies Control Officer as the Bertie County Board of Health shall authorize from time to time, who shall serve one-year terms commencing on the 1st day of January and ending on the 31st day of December of each year, receive such compensation as authorized by the Bertie County Board of Health and provided by the Board of Commissioners of Bertie County, and have the duties and powers imposed by the Statutes of North Carolina and by the Ordinances and Regulations of the Bertie County Board of Health.

Section 3. One Person Serving As Dog Warden and Rabies Control Officer: By agreement of the Board of Commissioners of Bertie County and the Bertie County Board of Health one person may serve as Dog Warden and as Rabies Control Officer and one person may serve as Deputy Dog Warden and Deputy Rabies Control Officer.

#### ARTICLE IV. RABIES CONTROL

Section 1. Vaccination: All dogs in Bertie County shall be vaccinated with a rabies vaccine at such times and with such vaccine

or serum and by such Rabies Control Officers or other authorized person as shall be prescribed by law and required by the ordinances and regulations of the Bertie County Board of Health.

Section 2. Payment of Fees: The owner of any dog shall pay the fee for rabies vaccination as required by the ordinances and regulations of the Bertie County Board of Health.

Section 3. Collar and Tag: It shall be unlawful for the owner of any dog more than six (6) months old not to have in the owner's possession and physically attached to the dog a collar and tag to prove current and valid rabies vaccination as required by law and by the ordinances and regulations of the Bertie County Board of Health.

#### ARTICLE V. VICIOUS DOGS AND DOGS RUNNING AT LARGE

Section 1. Vicious Dog: It shall be unlawful for any owner to keep any vicious, fierce or dangerous animal within the county, unless it is confined within a secure building or enclosure, or unless it is securely muzzled and under control by a competent person who, by means of a leash, chain or rope, has such animal firmly under control at all times. The premises on which any animal under this section is confined shall be clearly marked with a warning sign.

Section 2. Dog A Nuisance and Running at Large: It shall be unlawful for an owner to permit any dog to run at large, if such dog is reported as creating a public nuisance and the Dog Warden determines, after investigation, that the reports are supported by the evidence. In such cases, and only in such cases, the owner must keep the animal that has been found to be creating a public nuisance on his or her own property at all times, unless the animal is under restraint. For the purposes of this section, public nuisance includes, without limitation, the following: animals that habitually or repeatedly chase, snap at, attach or harass pedestrians, bicyclists or vehicles, or tip over garbage pails, or damage yards, gardens, flowers, vegetables, crops, or personal property, or in the case of a female animal, one that is allowed to run at large during estrus.

Section 3. Barking Disturbance: It shall be unlawful for any

dog owner to keep or have a dog that habitually or repeatedly barks, whines or howls in such a manner or to such an extent that it is a public nuisance.

Section 4. Complaint: Upon receipt of a written complaint signed by two or more residents of Bertie County, each complainant residing in separate dwellings in the vicinity in which the violation and issue occurred, made under oath before an individual authorized by law to take acknowledgments, setting forth the nature and the date of the act, the apparent owner of the animal, the address of the said apparent owner and a description of the animal doing such act, the Dog Warden shall investigate the complaint to determine whether the act complained of violates this ordinance.

#### ARTICLE VI. IMPOUNDMENT AND DISPOSITION

Section 1. Generally: Any dog which appears to be lost, stray or unwanted, or which is found to be not wearing a currently valid rabies vaccination tag as required by State law or by the ordinances and regulations of the Bertie County Board of Health or by this ordinance and not under restraint in violation of this ordinance, shall be impounded by the Dog Warden and confined in the Bertie County Dog Pound in a humane manner. Impoundment of such an animal shall not relieve the owner thereof from any penalty which may be imposed for violation of this ordinance.

Section 2. Notice to Owner: Immediately upon impounding a dog, the Dog Warden shall make "reasonable effort to notify the owner: and inform such owner of the conditions whereby the animal may be redeemed. If the owner is unknown or cannot be located, a notice of such impoundment showing the time of impoundment shall be posted for five (5) days, or until the animal is disposed of, whichever is last.

Section 3. Redemption: The owner of any dog impounded under this article may redeem the dog and regain possession thereof within one hundred twenty (120) hours (five (5) days) after notice of impoundment is given or posted as required by Section 2, by complying with all applicable provisions of this ordinance and paying

the fees for impounding and redemption, fee for vaccination, and daily boarding fee at rates to be determined by resolution of this Board of Commissioners. Fee rates shall be available for public inspection in the office of the Clerk of this Board and in the office of the County Manager and shall be posted at the Bertie County Dog Pound.

Section 4. Release Conditioned on Vaccination: No impounded dog shall be released without proof of valid, current rabies vaccination.

Section 5. Adoption: If an impounded dog is not redeemed by the owner within the period prescribed in Section 3, it shall be disposed of as provided in this Article or it shall become the property of the County Dog Pound and be offered for adoption to any responsible adult who is willing to comply with this ordinance. Such dog may be adopted by the first such person who pays the fees imposed on the dog under Section 3.

Section 6. Disposition in Humane Manner: Every dog impounded under this article and not redeemed or adopted as herein provided shall be by the Dog Warden disposed of in a humane manner. For the purpose of this ordinance humane disposition shall include:

(a) Sale or gift and release to any agency of the State of North Carolina.

(b) Sale or gift and release to any agency licensed by the United States Department of Agriculture, Animal and Plant Health and Inspection Service.

(c) Euthanizing by any drug approved by the North Carolina Department of Agriculture, State Veterinary, for use in the disposition of animals.

(d) If any dog is unmanageable or a threat to any person, the Dog Warden shall use such force and means as is reasonably necessary to control or destroy the dog.

Section 7. Interment: The bodies of all dogs euthanized or destroyed as in this article provided shall be buried and covered with earth in the manner prescribed by the Bertie County Board of Health or by any agency of the State of North Carolina having jurisdiction over the same.

Section 8. Application of Fees: All fees paid by the owner or adopting party for any dog released from the Bertie County Dog Pound shall be paid to the Bertie County Dog Warden who shall account for, use and apply the same as provided by law.

#### ARTICLE VII - DOG POUND

Section 1. Generally: Bertie County will maintain an animal shelter or dog pound on the Bertie County Farm Tract.

Section 2. Operation of Dog Pound: The Dog Pound shall be under the management and control of the Bertie County Dog Warden or Deputy Dog Warden.

Section 3. Admission and Release by Dog Warden: Dogs shall be admitted to and released from the Dog Pound by the Bertie County Dog Warden or Deputy Dog Warden.

Section 4. Emergencies: In the absence or disability of the Dog Warden or Deputy Dog Warden or other emergency, the Bertie County Manager is authorized and directed to designate or employ some competent person to manage and control the Bertie County Dog Pound and to admit dogs to it and release dogs from it.

Section 5. Unlawful Entry or Damage to Dog Pound: It shall be unlawful for any person or persons to make any unauthorized or forced entry into the gate and fence within which the Bertie County Dog Pound is located or into any dog pen or storage house in the dog pound. It shall be unlawful for any person or persons to cut, break, remove or in any manner damage any part of the fence or gate surrounding the Bertie County Dog Pound or any fence or wall or floor or roof or gate or door on any dog pen or storage house. It shall be unlawful for any person or persons to force open or break or remove any lock, hinge or other fastening or securing device on the gate of the Bertie County Dog Pound or on any dog pen or storage house therein.

#### ARTICLE VIII - RECORDS

Section 1. Records Kept: It shall be the duty of the County Dog Warden to keep, or cause to be kept, accurate and detail records of:

(a) Impoundment and disposition of all animals coming into the Dog Pound.

(b) Bite cases, violations, and complaint investigations.

(c) All monies belonging to the County which were derived from impoundment fees, penalties and sales of animals.

(d) All other records deemed necessary by the County Manager and Finance Officer.

#### ARTICLE IX. CRUELTY TO ANIMALS

Section 1. Teasing and Molesting: It shall be unlawful for any person to tease, molest, bait, or in anyway bother any dog not belonging to him or legally under his control.

Section 2. Cruel Treatment: It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly 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 "tortue", "torment", or "cruelty" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted; however, nothing in this ordinance shall be construed to prohibit otherwise lawful shooting, hunting, or trapping of birds or animals nor to prohibit the County Dog Warden or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner.

#### ARTICLE X. COOPERATION WITH TOWNS

Section 1. Dog Warden Into Towns Having Police Departments: The County Dog Warden shall cooperate with the incorporated towns in Bertie County by entering into towns that have police departments at the request of and for the purpose of assisting the town's police officers in enforcing state laws, the ordinances and regulations of the Bertie County Board of Health, the applicable provisions of this ordinance, and the ordinances of the Town with respect to the control of dogs and other animals and rabies.

Section 2. Dog Warden Into Towns Without Police Departments: The County Dog Warden shall cooperate with incorporated towns in Bertie County which do not have police departments by entering into the towns at the request of the Mayor or any member of the Town

Council or Board of Commissioners or other authorized officer or employee of such town for the purpose of assisting the Town in enforcing state laws, the ordinances and regulations of the Bertie County Board of Health, the applicable provisions of this ordinance, and the ordinances of the Town with respect to the control of dogs and other animals and rabies.

#### ARTICLE XI. INTERFERENCE

Section 1. Generally: It shall be unlawful for any person to interfere with, hinder or molest the Bertie County Dog Warden or any Deputy Dog Warden or the Bertie County Rabies Control Officer or any Deputy Rabies Control Officer in the performance of any duty authorized or required by law or by this ordinance or by any ordinance or regulation of the Bertie County Board of Health or seek to release any animal in the custody of the County Dog Warden or in the Dog Pound.

#### ARTICLE XII. VIOLATIONS

Section 1. Misdemeanor: Pursuant to the law of North Carolina it is a misdemeanor punishable by a fine of not to exceed Fifty Dollars (\$50.00) or imprisonment not to exceed thirty (30) days to violate any ordinance adopted by a Board of County Commissioners.

#### ARTICLE XIII. SEVERABILITY

Section 1. Generally: 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.

#### ARTICLE XIV. EFFECTIVE DATE

Section 1. General: This ordinance shall become effective on the 1st day of November, 1982.

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This ordinance was introduced at the regular meeting of the Board of Commissioners of Bertie County on the 19th day of October, 1982 by Mr. Eugene C. Watson and seconded by Mr. W. J. Barnacascel. By unanimous agreement, the Commissioners continued further action on this Ordinance until the 1st of November, 1982. At the November 1st, 1982 meeting of the Board of Commissioners, Chairman C. H. Edwards called for a vote on the revised BERTIE COUNTY ORDINANCE, #1982-1 which was introduced and seconded on October 19, 1982 entitled:

BERTIE COUNTY ORDINANCE, # 1982-1

BERTIE COUNTY ORDINANCE FOR THE CONTROL OF DOGS AND OTHER DOMESTICATED ANIMALS AND RABIES

Commissioners Edwards, Barnacascel, Spruill and Watson being present, Commissioner Brown absent at the time the vote was taken; after discussion, the ordinance was approved and adopted by the Board of Commissioners of Bertie County at the regular meeting on November 1, 1982. The vote on the adoption of the ordinance was: Those voting "AYE" were: Mr. C. H. Edwards, Mr. W. J. Barnacascel, Mr. Joseph W. Spruill and Mr. Eugene C. Watson. Those voting "NAY" were: none.

The Chairman declared the ordinance adopted by the unanimous vote of the Commissioners.

C. H. Edwards  
C. H. Edwards, Chairman

Peggy R. Jones  
Peggy R. Jones, Clerk

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NORTH CAROLINA

BERTIE COUNTY

This is to certify that the foregoing is a true copy of Bertie County Ordinance #1982-1, as adopted by the Board of Commissioners of Bertie County at their regular meeting held November 1, 1982 and recorded in ORDINANCE BOOK 1, PAGE 21, as kept in the office of the Clerk to this Board.

Witness my hand and seal this the 11th day of November, 1982.

Peggy R. Jones  
Clerk to the Board of Commissioners of Bertie County