

ARTICLE I. ANIMAL CONTROL

SEC. 1. DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Adult Animal-means any dog or cat over the age of six (6) months

Animal-for the purpose of enforcement by animal control officers acting pursuant to this article in the unincorporated areas of the county, and any included municipality, shall mean dogs and cats.

Animal exposed to rabies-means any animal bitten by or that has associated with any animal determined by the county health officer or the animal control officer to be infected with rabies.

Animal quarters-means the premises and all buildings, pens, yards and their appurtenances used for keeping dogs and cats.

Dog under restraint-shall mean any canine secured by a leash, chain, rope, tether or cable and trolley; securely and humanely confined within a vehicle, parked or in motion; caged or tethered in the open bed of a pickup truck; confined within a house, building, fence, crate, pen or other enclosure; or controlled by the voice command of a responsible person who is with the dog at all times.

Canine hobby breeder-means a person, other than a pet dealer, who breeds a single breed of dog to conform to an approved standard of competition.

County-means the unincorporated areas of the county, any included municipality, or the administration of the county.

Hobby breeder facility-means kennels operated by a canine hobby breeder that conforms to the standards set out in this article.

Impounding or holding facility-means any one or combination of a pet shop, kennel, cattery or humane society facility or any facility or place the county may so designate.

Licensed veterinarians-means all veterinarians actively engaged in the practice of that profession in the state, who are duly registered and licensed as such by the state, and who are authorized to vaccinate dogs and cats against rabies and to execute certificates of vaccination.

Owner-means any person possessing, harboring, keeping or having control or custody of an animal or, if the animal is owned by a person under age eighteen (18), that person's parent or guardian.

Pet dealer-means any person who in the ordinary course of business engages in the sale of more than two litters, or twenty (20) dogs or cats, per year, whichever is greater, to the public. Such definition includes breeders of animals who sell such animals directly to a consumer.

Public nuisance animal-means any animal to which any of the following conditions apply:

- (1) Animals that are found within a residential area and are off of the premises of the owner and are not under restraint as defined in this article; or, in areas other than residential, are off the premises of the owner and not under command of the owner;
- (2) An animal that damages the property of anyone other than its owner;
- (3) Animals that are dangerous animals;
- (4) Animals that cause unsanitary conditions of enclosures or surroundings as determined by the county health officer;
- (5) Animals that are diseased animals dangerous to human health; or
- (6) Animals that have been determined to be strays.

Stray (used as a noun)-means any unlicensed and unattended animal off the premises of its owner with no identification tags or marked collars.

Unprovoked-means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

SEC. 2. PENALTY

A violation of this article is a civil infraction which shall be handled through the magistrate court and carries a maximum civil penalty not to exceed five hundred dollars (\$500.00). If a person who has committed such a civil infraction does not contest a citation issued to him or her, the civil penalty shall be less than the maximum civil penalty. Any expenses imposed on the owner of an animal by operation of this article which remain unpaid as of the time of judicial handling shall be ordered paid as a part of the court's disposition. The county also may seek payment of outstanding expenses as restitution in any companion or related criminal prosecution. Nothing herein shall relieve that owner of civil liability for injuries or damage, which result from actions or inactions that are violations of the provisions herein.

SEC. 3. JURISDICTION; PERSONS AUTHORIZED TO ENFORCE ARTICLE.

This article shall apply to and be enforced in the unincorporated areas of the county. This article may be enforced by either animal control officers or law

enforcement officers of the county and any municipality which contracts with the county to enforce this article and the animal control laws of the state.

SEC. 4. CONFLICTING PROVISIONS.

This article shall supersede any and all other ordinances dealing with animal control within the unincorporated areas of the county.

SEC. 5. ANIMAL CONTROL OFFICERS.

- (a) **Animal control authority.** The authority and primary responsibility of the county for enforcement of this article and the animal control laws of the state is hereby delegated to the Board of Commissioners, the animal control division and each animal control officer who is certified according to the laws of the state. Each animal control officer so certified shall have the power to enforce this article.
- (b) **Definition.** For purposes of this section, the term “animal control officer” means any individual employed, contracted with or appointed by the Board of Commissioners or their designee for the purpose of aiding in the enforcement of this article or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and included any state or local law enforcement officer or other employee whose duties in whole or in part include the seizure or impoundment of any animal.

SEC. 6. INTERFERENCE WITH ANIMAL CONTROL OFFICER.

- (a) No person shall interfere with, hinder, resist or obstruct the animal control officer in the lawful performance of their duties as set forth in this article.
- (b) No person shall, without proper authority, release, remove or attempt to release or remove any animal from the custody of the animal control officer.
- (c) No person shall tear down, burn, deface, destroy or otherwise injure an impounding facility or enclosure.
- (d) Any person found in violation of this section shall be subject to the penalties as outlined in this article.

SEC. 7. IMPOUNDMENT.

- (a) **Animals subject to impoundment.**

(1) Any unrestrained or unlicensed animal required to be licensed, that has no identification tags or marked collar, that is found to be off of the owners property may be impounded by the animal control officer.

(2) Any animal creating a public nuisance as defined in this article may be impounded by the animal control officer, except that working dogs and hunting dogs shall be exempt from the terms of subsections (1) and (6) of the definition of the term “public nuisance animal” in section (1) when engaged in a hunt or not under restraint as a result of off season training or a hunt during legally

declared hunting seasons, as designated year to year by the state Department of Natural Resources.

(b) Redemption of impounded animals.

(1) Where an animal bears an indicium of ownership, the animal control officer shall notify the owner or keeper of said animal by the most expedient means, i.e., telephone message, posted written notice or certified mail, return receipt requested, of the animal impoundment. Said animal shall only be required to be confined for three days from the date said certified mail return receipt is received by the animal control officer. At the expiration of said three days, if no owner has appeared to claim said animal, said animal shall be deemed unowned and may be disposed of as provided in subsection © of this section.

(2) Each day of the three-day period shall only occur on a day in which the impounding facility is open for normal operating activities.

(c) Disposition of impounded animals.

Any unclaimed animal shall become the property of the county, and may be humanely destroyed, transferred to an animal care organization or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with all of the provisions of this article.

(d) Fees. Impounding agencies shall charge impoundment fees plus fees for the animal's care, feeding and maintenance. These fees shall be established by the Board of Commissioners and must be consistent with the fees charged by local agencies providing similar services.

(e) Impounding facilities. The county may construct and operate impounding or holding facilities or contract with organizations with such facilities to provide adequate animal impounding for the county.

SEC. 8. METHODS OF ENFORCEMENT; INVESTIGATION

(a) Procedures.

(2) An animal control officer who has probable cause to believe that a person has committed an act in violation of this article shall do one of the following:

(a) Issue a notice of violation to the person who is in violation of this article. Such notice of violation shall state the date and time of the issuance of the notice, the name and address of the person in violation, the date of the offense, the offense committed, a description of the animal involved, and a demand that the offense be abated within twenty four (24) hours after the issuance of the notice. If the person shall fail to abate the offense, then the animal control officer may issue a citation to the person; and/or

(b) Impound the animal involved. Such animal may be redeemed as provided in section (7).

(c) Issue a citation to the person who is in violation of this article. Such a citation may be contested in the Magistrate Court. If a person fails to pay the civil penalty or fails to appear in court to contest the citation,

the court may issue an order to show cause upon the request of the Board of Commissioners or their designee. This order shall require such a person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such an order fails to appear in response to the court's directive, that person may be held in contempt of court.

(2) Certain aggravated violations of this article which result in the unprovoked biting, attacking or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of local animal cruelty laws; or violations resulting in the issuance of a third or subsequent citation to a person will require a mandatory court appearance.

(b) Investigations. The animal control officer may request the owners of an animal to exhibit the animal, and, if applicable, the license of such animal.

(1) It shall be the duty of the animal control officer to keep the following records:

a. Accurate and detailed records of the licensing, impoundment and disposition of all animals coming into their custody;

b. Accurate and detailed records of all reported bite cases and investigations for a period of three years;

c. Accurate and detailed records of all money collected and expended in the operation of the functions of their office.

(3) All records required by this section shall be subject to inspection by the county.

SEC. (9) DANGEROUS DOG CLASSIFICATION AND HEARING PROCESS

See State Law Chapter 11 Article 1 4-8-20 to 4-8-29

SEC. (10.) DUTY OF ANIMAL OWNERS TO BE RESPONSIBLE OWNERS.

(a.) It shall be the duty of every owner of any animal, or anyone having any animal in his or her possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property and animals from injuries or damage which might result from his or her animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

(b.) In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this article are complied with.

(c.) Any person found in violation of this section is subject to the penalties prescribed in section 2.

SEC. (11.) VACCINATION OF DOGS AND CATS.

(a.) Required. Annually or every three years depending on the vaccine used recommendations, every owner of any adult dog or cat within the county shall have such cat or dog vaccinated against rabies by a licensed veterinarian of his choice. Evidence of such vaccination shall

consist of a current certificate or tag issued by the veterinarian administering the vaccine or other reasonable proof and such certificate or tag shall be considered a county license. However, no dog or cat need be vaccinated where:

- (1.) A licensed veterinarian has examined the animal and certified that, at such time, vaccination would endanger its health because of its age, infirmity, debility, illness or other medical consideration; and
 - (2.) Such exception certificate is presented to the animal control officer within five days of such examination. However, the animal shall be vaccinated against rabies as soon as its health and age permit. Unvaccinated animals must be confined to the owner's property or a veterinary facility.
- (b.) The cost of the rabies vaccination shall be born by the owner of the animal.
- (c.) Certificate of vaccination. Upon vaccination, the veterinarian administering the vaccine shall furnish to the owner of the animal, as evidence thereof, a certificate of vaccination and a tag.
- (d.) Penalty. Any person found in violation of this section is subject to the penalties prescribed in section 2.

SEC. (12.) RABIES CONTROL

- (a.) Report of animals infected with or showing signs of rabies. It shall be the duty of the owner or of any person knowing of an animal infected with or showing suspicious symptoms of rabies or any unusual behavior to report same within twelve (12) hours to the county health officer or the animal control officer.
- (b.) Duties of county health officer or animal control officer.
- (1.) The county health officer or animal control officer shall enforce the applicable state statutes and the applicable rules of the state Health Department.
 - (2.) Whenever the county health officer or animal control officer is informed that an animal has bitten or scratched a person or is suspected of having or showing suspicious symptoms of rabies or other infectious or contagious disease, the county health officer or animal control officer may capture such animal, alive, if possible, and quarantine it under observation for a period of at least ten days from the date of the bite or scratch.
 - (3.) The quarantine shall be in the holding facility designated by the county or, at the owner's request and with the approval of the county health officer or animal control officer, in a licensed veterinary hospital. Quarantined animals shall be released only upon approval of the county health officer or animal control officer. The owner shall bear the cost of the care, feeding and maintenance of a quarantined animal.

- (4.) If a quarantined animal dies, the county health officer, animal control officer, the bite victim, and the owner of the animal shall be notified by the operators of the quarantine facility; and the head of the animal shall be forwarded to one of the State Board of Health laboratories for examination.**
- (5.) In the event that rabies exists in any given area to the extent that circumstances indicate a necessity of quarantine and if such quarantine is ordered by the county health officer or animal control officer, the following requirements shall be enforced by the county health officer or animal control officer in the area of quarantine:**

 - a. All animals, vaccinated and unvaccinated, must be confined to their owners premises and will be permitted to be away from the premises only when under proper restraint as described in section 2. Confinement to the owners' premises may be by fence, cage or chain attached to a stake or animal run.**
 - b. All animals found not under proper restraint are to be impounded. Animals may be released to their owners or agents upon payment of impounding costs. No animals will be released from the holding facility except to owners or agents. Unvaccinated animals which have been impounded will not be released to the owners or agents until said animals have been vaccinated or until arrangements have been made with the animal control officer to vaccinate the animals. Animals will not be adopted during a quarantine period.**
- (6.) The owner of any dog or cat vaccinated with an approved antirabies vaccine within the effective time frame of the vaccine, except such dog or cat exempted from the vaccination in section 11 after receiving approval from the county health officer or the animal control officer, may have such dog or cat quarantined and confined in a place other than the places specified in subsection (b)(3) of this section. However, if at any time during the quarantine it is determined by the county health officer or animal control officer that the quarantine is not properly maintained in order to ensure the isolation of the animal, this exemption shall be void, and the animal shall be impounded at the owners expense.**
- (7.) Quarantined animals may, with the county health officer or animal control officer's permission, be quarantined at or on the owner's property.**
- (8.) Any animal subject to quarantine shall not be vaccinated before the quarantine period has expired.**

- (c.) **Penalty.** Any person found in violation of this section is subject to the penalties prescribed in section 2.

SEC. (14.) RESTRAINT OF DANGEROUS ANIMALS WHILE ON THE PROPERTY OF OWNER

- (a.) **Dangerous animals.** An owner who maintains any dangerous dog as determined by the animal control officer out of doors must fence a portion of his or her property with a perimeter or area fence. Within this perimeter fence, the dangerous dog must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides and the sides must be either buried two feet into the ground, sunk into a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked.
- (b.) **Penalty.** Any person found in violation of this section is subject to the penalties prescribed in section 2.

SEC. (15.) RESTRAINT OF ANIMALS WHILE OFF PROPERTY OF OWNER.

- (a.) **Required.** It shall be the duty of the owner of any animal (with the exception of cats and animals described in SEC. 7 (a) 2.) or anyone having an animal in his or her possession to keep the animal under restraint and control at all times while the animal is off the real property limits of the owner, possessor or custodian. For the purpose of this section, an animal is deemed under control when it is:
- (1.) Securely confined within a vehicle, parked or in motion; or
 - (2.) Caged or tethered in the open bed of a pickup truck; or
 - (3.) Securely and humanely confined within a house, building, fence, crate, pen or other enclosure with the property owners consent; or
 - (4.) Humanely secured by a chain, cable and trolley, rope or tether of sufficient strength to prevent escape with the permission of the owner of the property where the restraint is being used; or
 - (5.) Leashed or otherwise controlled by a responsible person or is obedient to the commands of a person present with the animal at any time it is not secured as provided in subsection (a.)(1.), (2.), (3.) or (4.) of this section. The voice command must be demonstrated as an effective restraint if requested.
- (b.) **Penalty.** Any person found in violation of this section is subject to the penalties prescribed in section 2.

SEC. (16.) WARNING SIGNS ON PREMISES WHERE GUARD DOGS OR DANGEROUS DOGS ARE KEPT.

- (a.) All owners, keepers or harborers of any guard dog or dangerous dog shall display in a prominent place on their premises, and at each entrance or exit

to the area where such dog is confined, a sign, easily readable by the public warning of the dogs presence.

- (b.) Any person found in violation of this section is subject to the penalties prescribed in section 2.

SEC. (17.) NUISANCE ANIMALS.

Any owner whose animal is determined to be a public nuisance is subject to the penalties prescribed in section 2.

SEC. (18.) DOGS AND CATS TRANSPORTED INTO THE COUNTY FOR SALE OR GIFT; SALE OF ANIMALS AT OUTDOOR MARKETS.

- (a.) Governmental operated animal control agencies and registered, nonprofit humane organizations shall be exempt from the provisions of this section.

- (b.) The sale, transfer or display of all live animals at flea markets or related outdoor markets shall be subject to the following restrictions and/or limitations:

- (1.) All animals must be displayed in crates that meet current minimum United States Department of Agriculture requirements regarding the crating of live animals. There shall be no more than two (2) animals per crate.
- (2.) Crates will allow for a free flow of air. The crates shall be displayed in such a manner that access to the animals is controlled by the vendor.
- (3.) A source of heat and mechanical ventilation shall be available at the site for use as necessary.
- (4.) All animals must be kept in a clean and sanitary environment.
- (5.) All animals must be located under a permanent roofed structure and be in a shaded area.
- (6.) All animals shall be provided with adequate water and food which is available to them at all times.
- (7.) The animal control officer shall be advised as to the date, time and place that the animals are to be displayed.
- (8.) Any person found in violation of this section is subject to the penalties prescribed in section 2.

SEC. (19.) REMOVAL OF ANIMAL WASTE.

- (a.) The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s) on public walks, recreation areas or private property other than his or her own.

- (b.) Any person found to be in violation of this section is subject to the penalties prescribed in section 2.

SEC. (20.) DISPOSAL OF LIVE ANIMALS TO BE USED FOR EXPERIMENTATION OR VIVISECTION PROHIBITED.

- (a.) Live animals may not be disposed of to any school, college, university, person, firm, association, laboratory or corporation for experimentation or vivisection purposes, or to any person providing, selling or supplying dogs and cats and other animals to any school, college, university, person firm, association or corporation for experimentation or vivisection purposes.**
- (b.) Any person who violates any provision of this section is subject to the penalties prescribed in section 2.**

SEC. (21.) SELLING OR OBTAINING DOGS OR CATS FOR PURPOSE OF HUMAN OR ANIMAL CONSUMPTION.

- (a.) Dog or cats may not be obtained, sold or purchased in the unincorporated areas of the county for the purpose of human or animal consumption.**
- (b.) Any person who violates any provisions of this section is subject to the penalties prescribed in section 2.**

SEC. (22.) SELLING, OBTAINING OR BREEDING DOGS OR CATS FOR THE PURPOSE OF FIGHTING.

- (a.) No dog or cat shall be sold, bought, obtained or breed for the purpose of fighting.**
- (b.) No dog or cat shall be encouraged to attack another dog or cat.**
- (c.) Any person who violates any provision of this section is subject to the penalties prescribed in section 2.**