

## **An Ordinance Governing the General Control Of Animals in Randolph County**

### **PURPOSE**

To provide for the orderly, humane treatment of domesticated animals, to control and prevent the spread of rabies and other communicable diseases, to regulate the possession or harboring of exotic reptiles and wild and dangerous animals, to provide for the operation of an animal shelter for such animals, to appoint animal control officers as well as animal cruelty investigators, and to promote the health, safety and welfare of the citizens of Randolph County, the Board of County Commissioners of Randolph County does enact the following ordinance:

### **Section 1. DEFINITIONS**

**Animal Control Officers** - Person or persons properly appointed by the Randolph County Health Director to enforce all sections of this ordinance and who are responsible for discharging such other duties and functions as may be prescribed by the Randolph County Health Director through the authority described in NCGS 67-30

**Animal Cruelty Investigator** - Person or persons appointed by the Randolph County Board of Commissioners under North Carolina General Statutes 19A-45 to investigate suspected cases of cruelty to animals

**Animal** - Domestic or wild mammals capable of transmitting rabies or other communicable diseases to other animals or humans

**Animal Shelter** - Any premises designated by the Randolph County Commissioners for the purpose of impoundment, adoption, and disposal of animals

**Appeals Board** - The animal control sub-committee of the Randolph County Board of Health who serves by virtue of their position. The sub-committee is made up of the chairman of the Board of Health, the physician who serves on the Board of Health, and the veterinarian who serves on the Board

**At Large** - An animal shall be deemed to be at large when it is off the property of its owner and not under physical restraint of some competent person

**Board of County Commissioners** - Randolph County Board of Commissioners

**Cage** - Enclosures constructed of bars or wire mesh of adequate strength, or equivalent material, which secures all sides, top and bottom from entry or egress

**Cat** - A domestic feline

**Competent Person** - A person of suitable age and discretion to keep an animal under sufficient restraint and control in order to prevent harm to persons, to the animal and to other animals, including but not limited to domestic livestock or property

**County** - Randolph County

**Dangerous Dog** - Any dog that without provocation has killed or inflicted severe injury on a person, or killed or inflicted severe injury upon a domestic animal when not on the owner's real property, or approached a person when not on the owner's real property in a vicious or terrorizing manner in an apparent attitude of attack

**Dog** - A domestic canine

**Entrance to Owner's Property** - The part of the owner's real property where the majority of visitors enter the property and would be most likely to see a "Dangerous Dog" sign

**Exotic Mammals** – All mammals designated by the Centers for Disease Control and Prevention, Department of Agriculture or other National or State public health protection agencies as embargoed or prohibited under legal protection orders. No reference or regulations in this ordinance applies to exotic mammals under the control of the North Carolina Zoological Park.

**Exotic Reptiles** - All reptiles not native to North Carolina. No reference or regulations in this ordinance apply to exotic reptiles under the control of the North Carolina Zoological Park.

**Exposed to Rabies** - An animal shall be deemed to have been exposed to rabies if it has been bitten by or been in the presence of or suspected of being in the presence of any animal known or suspected to have been infected with rabies

**Health Director** - Health Director of the Randolph County Health Department or designated representative

**Impoundment** - The confinement of an animal in an animal shelter or in the custody of an animal control officer or other person authorized by the Health Director to have custody of such animal

**Livestock** – Includes but is not limited to equine animals, bovine animals, sheep, goats, llamas, alpacas, swine, domestic fowl, or other animals kept for profit or pleasure.

**Owner, Harboring, Possessor** - Any person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person for more than ten days.

**Owner's Real Property** - Any real property owned, leased by, or in the lawful possession of the owner but does not include any public right-of-way or a common area of a condominium, apartment complex or townhouse development

**Person** - Any individual or parent/guardian of a minor, corporation, partnership, organization, or institution recognized as a legal entity

**Restraint** - To humanely control an animal by leash, cage, bridle, or similar effective device for the purposes of protecting the animal from other animals or protecting people or other animals from the animal

**Severe Injury** - Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic or corrective surgery or hospitalization

**Shelter** – A structure with a minimum of three sides, a roof, and a bottom used to house the animal and protect it from the weather

**Sheriff** - Randolph County Sheriff or his authorized representative

**Stray** - Any animal not under restraint and found off the property of its owner or not bearing evidence of identification of its owner

**Tethering**- The act of tying, chaining, or restraining a dog to a fixed object with a rope, chain or other device in order to keep the dog confined

**Veterinarian** - A person licensed to practice veterinary medicine in the State of North Carolina

**Wild and Dangerous Animals** - Animals of the cat, bear and wolf species and non-human primates which are normally born and live in a wild habitat, even though such species may be raised and kept in captivity. No reference or regulation in this ordinance applies to wild and dangerous animals that are under the control of the North Carolina Zoological Park.

## Section 2. AGENCY AUTHORITY AND RESPONSIBILITY

The Randolph County Board of Commissioners, in establishing this ordinance, grants authority to:

The Randolph County Health Director

- to employ and supervise animal control officers
- to seize and impound animals in violation of this ordinance
- to issue notices of violation of this ordinance
- to control the spread of rabies in animals and persons
- to educate the public concerning rabies control
- to establish and maintain the general animal control program as described herein
- to establish and to operate the animal shelter for the purpose of humanely impounding animals and to collect fees as approved by the Board of County Commissioners
- to keep accurate and detailed records of all animal control activities
- to investigate all reported animal bites

- to offer animals for adoption, humanely destroy, or otherwise dispose of animals in ways approved by this ordinance
- to investigate cruelty or abuse with regard to animals

The Randolph County Tax Department

- to charge and collect a privilege fee from all persons listing a dog for county taxes as set by the Board of County Commissioners

The Randolph County Sheriff's Department

- to assist the Health Director when requested to carry out the provisions of this ordinance

### Section 3. ANIMAL CONTROL

#### A. Shelter Operation

##### 1. Impoundment

- In performing duties under the provisions of this ordinance, the Health Director may impound any seized animal. He/she may also impound animals released by their owners to the County.
- The Health Director will use all reasonable means to notify promptly the owners of impounded animals. Animals will be held for a minimum of 72 hours (excluding weekends and holidays). This time period will begin at the time of impoundment.
- The Health Director will provide impounded animals with daily care such as sanitary conditions, adequate water and food, protection from extremes of weather, protection from injury from fighting with other animals, and protection from obviously sick animals, and will prohibit females in heat from being impounded in the same cage with males.

##### 2. Adoption/Redemption/Release from Owner

- If after 72 hours the impounded animal is unclaimed, the animal becomes the property of the County and is eligible to be released for adoption. The Randolph County Health Department shall develop and periodically review and revise standards for adoption taking into consideration the health and safety of animals and people.

The owner of an animal impounded under this ordinance may redeem the animal and regain possession within 72 hours after complying with all applicable provisions of the ordinance by paying applicable fees as determined by the Board of Commissioners. Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems an animal at the shelter

will be given a “proof of rabies vaccination notice” at the time of redemption or adoption. This notice will be stamped with a date stating the maximum time limit allowed to take the animal to the veterinarian of such person’s choice for rabies vaccination. The licensed veterinarian will complete the notice by verifying that the vaccination was given and returning the form to the animal shelter. Payment for vaccination is the responsibility of the owner of the animal. The time limits for dogs and cats four (4) months and older will be seventy-two (72) hours, with Sundays and holidays excluded. For puppies and kittens under four (4) months, the time limit will vary according to their age.

- b. Any animal surrendered by its owner to the Animal Control Program of the Health Department may be immediately placed for adoption or humanely destroyed when:
    - i. The owner directs in writing that the animal be placed for adoption or humanely destroyed; and
    - ii. The owner affirmatively represents in writing that he or she is the legal owner of the animal; and
    - iii. The owner agrees that he or she will indemnify and hold the Randolph County Health Department harmless from any loss or damage he or she may sustain, including attorney’s fees, by reason of the destruction or placement for adoption of said animal; and
    - iv. The owner transfers ownership of said animal to the County and releases the Health Director from any and all future claims with respect to this animal.
3. Euthanasia
- a. If its owner does not redeem an animal within 72 hours, it may be humanely destroyed.
  - b. Euthanasia is to be performed by animal control personnel who have completed training by a licensed veterinarian. Euthanasia procedures must be signed and approved by a licensed veterinarian.
  - c. Any animal seized and/or impounded which is badly wounded, diseased (not a rabies suspect), or unweaned and has no identification shall be immediately humanely destroyed. If the animal has identification, the Health Director shall attempt to notify the owner before destroying said animal. If the owner cannot be reached readily, and the animal is suffering, the Health Director may destroy the animal at his/her discretion in a humane manner.
4. Municipalities Requesting Animal Shelter Services
- a. Municipalities within the County of Randolph which elect to impound animals

in the Randolph County Animal Shelter, or release animals to the County for euthanasia or disposition under this ordinance, must certify in writing that the animal has been lawfully obtained.

- b. By delivering such animals to the Randolph County Animal Shelter, such municipalities consent to the jurisdiction of Randolph County in respect to the matters set forth in this ordinance and warrants to Randolph County that the animal may be processed or destroyed within the terms and conditions of this ordinance. Delivery of such animals to the Randolph County Animal Shelter for processing and disposition under this ordinance shall constitute a conclusive presumption that such municipality by resolution has allowed this ordinance to be applicable within the municipality in respect to the animals so delivered to the animal shelter.

## B. Animals Out of Control

### 1. Nuisance

It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance or a nuisance to neighbors. By way of example, and not of limitation, the following acts or actions of an owner, harborer, or possessor of an animal are hereby declared to be a public nuisance and are therefore unlawful:

- a. Having an animal that disturbs the rights of, threatens the safety of or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property; or
- b. Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables, or defecating upon the property of another; or
- c. Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare, or safety or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease; or
- d. Maintaining property that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property; or
- e. Allowing or permitting an animal to bark, whine, or howl in an excessive, continuous, or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises; or
- f. Maintaining an animal that is diseased and dangerous to the public health; or

- g. Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, dogs walked on a leash by owners, bicycles or vehicles; or
- h. Failing to confine a female cat or dog while in season in a building or secure enclosure in such a manner that she cannot come into contact with another dog, or create a nuisance by attracting other animals, provided this section shall not be construed to prohibit the intentional breeding of animals within an enclosed, concealed area on the premises of the owner of an animal which is being bred.

## 2. Running at Large

It shall be unlawful for any person owning or controlling any animal or livestock to allow the same to create a danger to the public by running at large. Animal control officers may pick up and confine at the Randolph County Animal Shelter any animal or livestock endangering property, people or livestock. Officers may also issue civil citations with fines for animals or livestock in violation. Each person owning or controlling an animal or livestock shall be responsible for taking whatever measures are reasonably necessary for keeping the animal or livestock on the owner's property, or restrained on a leash or in a vehicle (passenger compartment, trailer or bed enclosure) when off the owner's property.

- a. On property one acre or less- It shall be unlawful for any person owning or having possession, custody or control of any animal or livestock, to keep such animal on his property unless such animal or livestock is under sufficient restraint such as a leash, bridle, cage, (or similar device which restrains and controls the animal) or adequately contained by a fence or other enclosure. If the owner maintains an effective and working electronic pet containment system to restrain his/her animals or livestock, a visible and permanent sign must be on the premises that states such a system is in use.
- b. On property greater than an acre- Animals kept on a parcel of land greater than one acre must remain under the control of their owner on that parcel of land but do not have to be kept in a fence or other secure enclosure if control can be maintained and the animal restricted to the owner's property. Livestock however must be contained by a fence or enclosure on property greater than an acre.
- c. This article does not restrict the lawful use of dogs engaged in hunting activities or the use of specially trained dogs that can be controlled by voice commands, including search and rescue dogs, drug dogs, arson dogs and others used in public safety programs.
- d. It is a violation of this ordinance to interfere with an animal control officer while he is performing his duties.

## 3. Stray Animals/Animals Without Tags

- a. It is the responsibility of all animal owners to place a collar on their animal and attach currently valid rabies vaccination tags to the collar to be worn at all times.

It is a violation of this ordinance to use tags identifying one animal and place them on another animal. Any animal which appears to be lost, stray or unwanted, or not wearing a currently valid rabies vaccination tag, as required by state law or this ordinance, may be seized, impounded, and confined in a humane manner in the animal shelter.

- b. Citizens of Randolph County may call the animal shelter during operating hours and report stray animals. Animal control officers will respond to these calls in order of priority.
- c. If an animal cannot be seized by reasonable means and the Sheriff or Health Director deems it necessary to seize the animal at the cost of its life, then the Sheriff or an authorized animal control officer may humanely destroy the animal. All consideration must be given to protecting surrounding people and property when this action is necessary.
- d. It is a violation of this ordinance for any person to abandon an animal or livestock.
- e. The County will purchase and maintain a number of humane animal traps to use for capturing stray and feral animals. If a sufficient number of traps are available, the animal shelter staff will loan traps to citizens of the County to capture stray or feral animals. Citizens borrowing traps will be required to agree to use the traps in accordance with County policy. If the trap suffers intentional or neglectful damage while it is the responsibility of the citizen who borrowed it on loan, the citizen is responsible for repair or replacement costs. The decision to loan traps will be based on availability of traps, signature of a responsible person and danger to the community posed by uncaptured animals. It is a violation of this ordinance to interfere with a trap set by an animal control officer or a citizen in accordance with the County policy.

#### 4. Dangerous Dogs

- a. The Randolph County Board of County Commissioners has appointed the Health Director as the person designated to determine when a dog is dangerous or potentially dangerous. The Appeals Board appointed by the Commissioners shall consist of the Chairman of the Board of Health, the veterinarian member, and the physician member.
- b. In addition to North Carolina General Statute 67-4.1 through 67-4.5, dangerous dogs and potentially dangerous dogs in Randolph County will be subject to these requirements:
  - i. Any dog determined to be a dangerous dog or a potentially dangerous dog must be confined according to the law and this ordinance until the dog dies, is destroyed or the determination is overturned on appeal.

- ii. The owner of a dangerous dog or potentially dangerous dog must prominently display a “Dangerous Dog” sign at the entrance to the owner’s property and on all sides of the enclosure containing the dog. The sign at the entrance must be 2 ft. x 2 ft., and the signs at all sides of the enclosure must be a minimum of 8.5 in. x 11 in. and read

BEWARE OF DOG  
STAY AWAY  
THIS DOG IS DANGEROUS  
(according to State Law NCGS 67-4.1)

The signs must be clearly readable.

## 5. Wild and Dangerous Animals

- a. It shall be unlawful for any person to possess or harbor a wild and dangerous animal or their hybrids.
- b. Wild and dangerous animals privately owned on July 13, 1999 may remain in the county but must be registered with the Animal Control section of the Health Department.
- c. Breeding or allowing the reproduction of wild and dangerous animals as defined in this ordinance is prohibited.
  - i. At the time of registration owners must submit a recapture plan in the event their animal escapes.
  - ii. Escapes of wild and dangerous animals must be reported to 911 immediately.
  - iii. Owners are liable for costs to local agencies associated with the recapture of an escaped wild and dangerous animal.
  - iv. Owners of all wild and dangerous animals registered with Animal Control must house the animal in an enclosure which properly contains the animal, provides secondary containment from escape, and is adequately ventilated, cooled, heated, lighted and constructed that it may be kept in a clean and sanitary condition. The physical and psychological health and well-being of the animal may not be endangered by the manner of confinement. The keeper/caregiver must have adequate knowledge of the nutritional, physical and behavioral needs of the species in his care. The owner/caregiver must be able to identify the veterinarian providing medical care for the animal.

## 6. Exotic Reptiles

- a. Individuals must be greater than eighteen years of age to own a venomous exotic reptile or an exotic reptile weighing over 40 lbs.

- b. Owners are required to report to 911 any escapes of venomous exotic reptiles and exotic reptiles weighing over 40 lbs.
- c. It is unlawful for exotic reptiles to run loose unsupervised.
- d. Owners are required to register venomous exotic reptiles with the Animal Control section of the Randolph County Health Department. Animal Control will notify 911 of the location of venomous reptiles in order to protect rescue workers and the public during any emergency situations.
- e. Owners are liable for costs to local agencies associated with the recapture of an escaped exotic reptile.

#### 7. Exotic Mammals

- a. It shall be unlawful for any person to possess, sell or harbor an exotic mammal or their hybrids.
- b. Exotic mammals privately owned prior to any embargo or protection orders may remain in the county if so allowed by the order but must be registered with the Animal Control section of the Health Department.
- c. Breeding or allowing the reproduction of exotic mammals as defined in this ordinance is prohibited.

#### 8. Tethering Dogs

- a. It shall be unlawful to tether a dog(s) as a regular method of keeping the dog(s) on the owner's property.
- b. Owners may tether a dog(s) for a reasonable period of time to allow for waste elimination.
- c. Owners may tether a dog(s) on a runner for a reasonable period of time that allows the dog(s) to exercise.
- d. The provisions of paragraphs (b) and (c) above notwithstanding, it shall be unlawful for a dog to be tethered twenty-four (24) hours a day.
- e. Owners may only tether their dog(s) for reasons other than those set out in paragraphs (b) and (c) or for extended periods in emergency situations or under extreme extenuating circumstances. Owners should be prepared to explain to Animal Control Officers what circumstances existed that required them to tether their dog(s).

### Section 4. RABIES CONTROL

#### A. Prevention

1. In accordance with state law, the owner of every dog and cat over four months of age shall have the animal vaccinated against rabies. The time or times of vaccination shall be established by the North Carolina Commission for Health Services. Rabies vaccine shall be administered only by a licensed veterinarian. Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by said Commission shall be used on animals in this state.
2. The local Health Director shall organize or assist other County departments to organize quarterly countywide rabies vaccination clinics for the purpose of vaccinating dogs and cats. Public notice of the time and place of rabies vaccination clinics shall be published in a newspaper having general circulation within the area.
3. A licensed veterinarian who administers rabies vaccine to a dog or cat shall complete a three-copy rabies vaccination certificate. The original rabies vaccination certificate shall be given to the owner of each dog or cat that receives rabies vaccine. A record of the rabies vaccination certificate shall be retained by the licensed veterinarian. Upon request a copy shall be given to the Health Director.
4. A licensed veterinarian who administers rabies vaccine to a dog or cat shall issue a rabies vaccination tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "rabies vaccine". Dogs and cats shall wear the rabies vaccination tags at all times.

#### B. Quarantine

When reports indicate a positive diagnosis of rabies to the extent that lives of persons are endangered, the Health Director may declare an area-wide quarantine for such period as is deemed necessary. Upon invoking of such quarantine, no dog or cat may be taken or shipped from the county without written permission of the Health Director. During such quarantine, the Health Director or persons duly authorized by the Health Director may seize and impound any dog or cat found running at large in the county. After reasonable effort has been made to apprehend any animals violating the quarantine, persons mentioned above may destroy the uncontrolled animals and properly dispose of their bodies. During the quarantine period the Health Director shall be empowered to provide for a program of mass immunizations by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

#### C. Confinement/Destruction

1. When a person has been bitten by, or exposed to the saliva of an animal on broken skin or mucous membrane the person or parent, guardian or person standing in loco parentis of the person, and the person owning the animal or in control of possession of the animal shall notify the Health Director immediately and give the name and address of the person bitten, the name and address of the owner of the animal, and a

- description of the animal. All dogs and cats that bite a person shall immediately be confined for ten (10) days in a place designated by the Health Director. After reviewing the circumstances of the particular case, the Health Director may allow the owner to confine the animal on the owner's property. If the owner refuses to confine the animal as required by state law and this ordinance, the Health Director may order seizure of the animal and its confinement for ten (10) days at the expense of the owner. A physician who attends a person bitten by an animal known to be a potential carrier of rabies shall report within twenty-four (24) hours to the Health Director the name and address of that person.
2. An animal exposed to rabies shall be destroyed immediately by its owner, the Health Director or her agents unless the dog or cat has been vaccinated against rabies in accordance with this ordinance more than three weeks prior to exposure and is given a booster dose of rabies vaccine within three days of the exposure.
  3. A person who owns an animal which is suspected of having rabies shall immediately notify the Health Director and shall securely confine the animal in a place designated by the Health Director. Other non-domestic animals may be destroyed at the discretion of the State Public Health Veterinarian.
  4. An animal diagnosed as having rabies by a licensed veterinarian shall be destroyed and its head sent to the State Laboratory of Public Health. The heads of all dogs and cats that die during the ten-day confinement period shall be immediately sent to the State Laboratory of Public Health for rabies diagnosis.
  5. The Sheriff will notify the Health Director of all animal bites reported to the Sheriff's office. The Health Director will direct the animal control officers to investigate all animal bites in a timely manner and carry out the provisions of this ordinance and the directions of the Health Director in such investigations. A copy of all animal bite reports will be sent to the Health Director as soon as investigations are complete.

## Section 5. CRUELTY

### A. Appointment of Animal Cruelty Investigator

1. The Board of County Commissioners may appoint one or more animal cruelty investigators to serve in the county without any compensation or other employee benefits. In making these appointments, the Board may consider persons nominated by any society incorporated under North Carolina law for the prevention of cruelty to animals. Prior to making any such appointment, the Board of County Commissioners are authorized to enter into an agreement whereby any necessary expenses of caring for seized animals not collectable through charge to the owner may be paid by the animal cruelty investigator or by any society incorporated under North Carolina law for the prevention of cruelty to animals that is willing to bear such expense.

2. Animal cruelty investigators shall serve a one-year term subject to removal for cause by the Board of County Commissioners. Animal cruelty investigators shall, while in the performance of their official duties, wear in plain view a badge of a design approved by the Board identifying them as animal cruelty investigators, and provided at no cost to the County.
3. Upon approval by the Board of County Commissioners, the animal cruelty investigator or investigators may be reimbursed for all necessary and actual expenses, to be paid by the County.
4. Animal cruelty investigators appointed under the provision of this section shall not be considered for any purpose as employees, officers or agents of Randolph County.
5. The Sheriff may also investigate suspected cases of animal cruelty and issue citations for such.

#### B. Powers and Duties of the Animal Cruelty Investigator

The animal cruelty investigator is empowered with the duties and powers as prescribed by North Carolina General Statutes.

#### C. Cruelty to Animals

It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance and shelter, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon, deprive of needed veterinary care or subject to conditions detrimental to its health or general welfare any animal, or to aid and abet in such action. The words "torture" and "torment" shall be held to 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 taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, nor to prohibit the sheriff or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner; nor to prohibit the lawful use of animals in scientific research or lawful use for sport.

### Section 6. PENALTIES

- A. The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in North Carolina General Statutes 14-4. Each day's violation of this ordinance is a separate offense. Payment of a fine imposed in a criminal proceeding pursuant to this ordinance does not relieve a person of his liability for taxes or fees imposed under this ordinance.
- B. Enforcement of this ordinance may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to North Carolina General Statutes Section 153A-123 (d) and (e).

- C. In addition to or in lieu of any criminal penalties and other sanctions provided in the ordinance and in accordance with North Carolina General Statutes Section 153A-123, a violation of this ordinance may also subject the offender to the civil penalties hereinafter set forth:
1. The Health Director or designee may issue to the known owner or possessor of any animal, or to any violator of the provisions of this ordinance, a ticket, citation, or warning giving notice of the alleged violation(s). Tickets, citations, or warnings so issued may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot readily be found. The ticket or citation shall impose upon the violator a minimum civil penalty of Twenty-Five Dollars (\$25.00), or such greater amount for subsequent offenses as may be set by the ordinance. Civil penalties shall be paid in full to the Health Director or his or her designee within fourteen days of receipt of the citation assessing the civil penalty. The civil penalty is in addition to any other fees or costs authorized by this ordinance.
  2. In the event that the owner or possessor of an animal or other alleged violator does not appear in response to the above described ticket or citation, or the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty, and/or a criminal summons may be issued against the owner or possessor or other alleged violator of this ordinance, and upon conviction, the owner shall be punishable as provided by State law. The Health Director, or designee, is expressly authorized to initiate and prosecute small claims actions in District Court to collect civil penalties and fees due the Department and may call on the jurisdiction's Attorney's Office for assistance as needed.
  3. Issuance of a citation for a violation of the Section entitled "Running At Large" is directed toward and against the owner and/or possessor of an animal or livestock. The purpose of the issuance of a citation is to affect the conduct of the owner of an animal or livestock by seeking to have the owner responsibly maintain sufficient restraint and confinement of his/her animal or livestock. Therefore, an owner of an animal or livestock shall be subject to escalating penalties for each violation of the Section allowed by the owner, whether the animal is the same animal, a different animal, or various animals belonging to the same owner.

## Section 8. SEPARABILITY

If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## Section 9. REPEAL OF PRIOR ORDINANCES

“An Ordinance Governing the General Control of Animals in Randolph County,” enacted January 10, 2000, is hereby repealed on December 31, 2015.

Section 10. This ordinance shall become effective January 1, 2016.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was passed by the following vote:

Ayes:

Noes:

I, Amanda Varner, Clerk to the Board of the Randolph County Board of Commissioners, do hereby certify that the foregoing ordinance was duly adopted by the governing body of Randolph County at a regular meeting thereof, a quorum being present.

The 5th day of October, 2015.

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Amanda Varner, Clerk to the Board