

## Chapter 4

### ANIMALS\*

#### Article I. In General

Secs. 4-1—4-30. Reserved.

#### Article II. Animal Services

##### Division 1. Generally

Sec. 4-31. Animal services; establishment and composition.  
Sec. 4-32. Authority and duties of animal services.  
Sec. 4-33. Definitions.  
Secs. 4-34—4-36. Reserved.

##### Division 2. Unlawful and Prohibited Acts

Sec. 4-37. Cruelty to animals.  
Sec. 4-38. Abuse of animals.  
Sec. 4-39. Teasing and molesting of animals.  
Sec. 4-40. Animals creating nuisance.  
Sec. 4-41. Animals running at large.  
Sec. 4-42. Possession or release of inherently dangerous exotic animals.  
Sec. 4-43. Allowing dangerous animals to be unrestrained.  
Sec. 4-44. Failure to report certain acts by dangerous animals.  
Sec. 4-45. Operating attack training facilities restricted.  
Sec. 4-46. Failing to provide proper shelter for equine and dogs.  
Sec. 4-47. Signage required for animals used for sentry or guard duty.  
Sec. 4-48. Interference with enforcement of chapter.  
Secs. 4-49—4-60. Reserved.

##### Division 3. Standards

Sec. 4-61. Tethering.  
Sec. 4-62. Enclosures.  
Sec. 4-63. Secure enclosures.  
Secs. 4-64—4-90. Reserved.

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**\*Editor's note**—An ordinance adopted July 18, 2011, amended ch. 4, in effect repealing and replacing §§ 4-31—4-39, 4-61—4-66, 4-91—4-99, 4-121—4-127, 4-161—4-170, 4-191—4-195, 4-216—4-219, and enacting similar new provisions in lieu thereof as §§ 4-31—4-33, 4-37—4-48, 4-61—4-63, 4-91, 4-121—4-126, and 4-191—4-197. Formerly, such provisions derived from ordinances adopted May 2, 1983, §§ 1—App. A; and May 19, 1997, §§ 2-3-1—2-3-31.

**Cross reference**—Environment, ch. 12.

**State law references**—Authority to prohibit the abuse of animals, G.S. 153A-127; authority to establish and operate animal shelters, G.S. 153A-442.

## LEE COUNTY CODE

### Division 4. Rabies Control

- Sec. 4-91. Compliance with state law required.
- Secs. 4-92—4-120. Reserved.

### Division 5. Impoundment, Redemption, and Adoption of Animals

- Sec. 4-121. Impoundment.
- Sec. 4-122. Notice of impoundment.
- Sec. 4-123. Redemption by owner of impounded animal.
- Sec. 4-124. Disposition of unredeemed animal.
- Sec. 4-125. Procedure for adoption of unvaccinated dog or cat.
- Sec. 4-126. Suspected rabid animal not to be redeemed or adopted.
- Secs. 4-127—4-160. Reserved.

## **Article III. Service Fees and Enforcement**

### Division 1. Service Fees

- Secs. 4-161—4-190. Reserved.
- Sec. 4-191. Impoundment fees.
- Sec. 4-192. Euthanasia fees.
- Sec. 4-193. Special permit fees.

### Division 2. Enforcement

- Sec. 4-194. Enforcement responsibility.
- Sec. 4-195. Authorized enforcement actions.
- Sec. 4-196. Other remedies.
- Sec. 4-197. Severability.

**ARTICLE I. IN GENERAL****Secs. 4-1—4-30. Reserved.****ARTICLE II. ANIMAL SERVICES****DIVISION 1. GENERALLY****Sec. 4-31. Animal services; establishment and composition.**

(a) There is hereby created the animal services section of the county which shall be composed of such number of employees as shall be determined by the board of commissioners. Unsworn animal services employees shall be appointed by the health director and compensated in accordance with the personnel policies of the county. Sworn animal services employees shall be appointed by the Lee County Sheriff and compensated in accordance with the personnel policies of the county.

(b) Employees or agents enforcing this chapter shall be designated as animal services officers. In the performance of their duties, animal services officers shall have all powers, authority and immunity granted under this chapter and by the general laws of this state to enforce the provisions of this chapter, and the General Statutes of North Carolina as they relate to the care, treatment, control or impounding of animals.

(c) Except as may be otherwise provided by statutes, local laws or ordinances, no law enforcement officer, or animal services officer or agent enforcing the provisions of this chapter or other applicable state laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties, unless he acts with actual malice.  
(Ord. of 7-18-2011)

**Sec. 4-32. Authority and duties of animal services.**

(a) Sworn animal services officers shall be charged with the responsibility of:

- (1) Enforcing, in this county, all state laws and county ordinances and resolutions relating to the care, custody and control of animals;

- (2) Assisting in the enforcement of the laws of the state with regard to animals and especially with regard to the vaccination of animals against rabies and the confinement or controlling of dangerous animals and inherently dangerous exotic animals;

- (3) Investigating animal cruelty and abuse;

- (4) Making such canvasses of the county, including the homes in the county, as it deems necessary for the purpose of ascertaining that all animals are vaccinated against rabies as required by local ordinance or state statutes.

(b) It shall be the duty of sworn and unsworn animal services officers, as their assigned duties require, to keep, or cause to be kept, records of:

- (1) The impoundment and disposition of all animals coming into the county animal shelter and other shelters that may be used by the county;

- (2) Bite cases, violations of state law or county ordinance, complaints and investigations of complaints;

- (3) All monies belonging to the county derived from the collection of service fees authorized by this chapter and fines and convictions for the violation of the criminal provisions of this chapter; and

- (4) Any other matter related to the operation of animal services as directed by the Health Director of Lee County or the Sheriff of Lee County, as appropriate.

(Ord. of 7-18-2011)

**Sec. 4-33. Definitions.**

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

*Altered* means an animal that has been surgically spayed or neutered.

*Animal shelter* means any premises designated by the county for the purpose of impounding and

caring for all animals found running at large or otherwise subject to impoundment in accordance with the provisions of this chapter.

*At large* means the animal is on the property of a person other than the animal's owner without that person's consent and not under the physical control of its owner or another competent person.

*Attack* means the approach of an animal, on or off its owner's property, toward a person in a vicious, terrorizing or threatening manner, or apparent attitude of attack, without the animal having been teased, molested, provoked, beaten, tortured or otherwise harmed.

*Attack training facility* means a place operated by any person that is used for boarding, breeding, selling or training dogs or other animals in mode of attack, except for facilities providing canine law enforcement training or support; or training for lawful, organized canine sports and competition; or training of personal protection canines under the guidance of a certified trainer, and that are members in good standing of the National Tactical Police Dog Association, the Protection Sports Association, or other national accrediting organization approved by the Lee County Health Director.

*Dangerous animal* means any animal that without provocation has killed or inflicted severe injury on a person; or is determined by the animal services supervisor or appeals board, as provided for in section 4-43, potentially dangerous because the animal has engaged in one or more of the following behaviors: Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; 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 property in a vicious or terrorizing manner in an apparent attitude of attack.

*Domestic animal* means any of various animals domesticated by men so as to live and breed in a timely condition, including but not limited to horses, sheep, cattle, goats, hogs, poultry, cats, and dogs.

*Health director* means the Director of Lee County Public Health Department.

*Inherently dangerous exotic animal* is any member of the canidae, felidae or ursidae families, includ-

ing hybrids thereof, which due to their inherent nature, as generally described below, may be considered dangerous to humans, and any member of the class reptilia which is venomous or the order of Crocodilia. Inherently dangerous exotic animals include, but are not limited to:

- (1) Canidae including any member of the dog (canid) family not customarily domesticated by man, or any hybrids of such canidae, thereof, including wolf hybrids, which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*);
- (2) Felidae including any member of the cat family weighing over 15 pounds not customarily domesticated by man, e.g., lions, tigers, cougars, cheetahs, pumas, or any hybrids of such felidae, but not including domestic cats (*Felis catus*);
- (3) Ursidae including any member of the bear family, or hybrids of such ursidae;
- (4) A venomous reptile including all members of the families Helodermidae (e.g., gila monsters and Mexican bearded lizards), Viperidae (vipers), Crotalidae (pit vipers), Atractaspidae (burrowing asps), Hydrophilidae (sea snakes), and Elapidae (cobras, coral snakes, and their allies), as well as any "rear fanged" snakes of the family Colubridae that are known to be dangerous to humans e.g., *Dispholidus typus* (boomslang), *Thebitornis kirtlandii* (Twig snake) and *Rhabdophis* spp (keelbacks); and
- (5) Members of the order of Crocodilia (e.g., crocodiles, alligators, and caiman).

*Exposed to rabies* means an animal, except for a human being, which has been bitten by or been exposed to any animal known or reasonably suspected to have been infected with rabies.

*Microchipped* means to permanently implant a radio-frequency identification chip into an animal containing information identifying the animal's owner.

*Neutered* means any male animal which has been operated upon to prevent conception.

*Owner* means any person keeping, having charge of, sheltering, feeding, harboring or taking care of

any animal for 72 hours or more. If the owner of an animal is a minor, the parent or guardian of such minor shall be considered the animal's owner.

*Person* means an individual human being.

*Pet* means a domesticated animal kept for pleasure rather than utility.

*Restraint* means an animal that is:

- (1) Controlled by means of a tether or leash;
- (2) On or within a vehicle being driven;
- (3) Within an enclosure or a secure enclosure as defined in this chapter; or
- (4) Within the dwelling house of the owner.

*Secure enclosure* means a structure as defined in section 4-63. A dwelling place, garage, out-building or similar structure is not considered to be a secure enclosure.

*Spayed* means any female animal which has been operated upon to prevent conception.

*Stray* means any dog or cat that appears stray, homeless or unwanted, and any dog that is not displaying a valid rabies tag, except when the dog is being displayed or performing at a show, hunting, performing at obedience trials, tracking tests, field trails, schools or other similar events sanctioned and supervised by a recognized organization.

*Tethered or tethering* means attaching an animal to a stationary object by means of a chain, cable, rope, or similar device.  
(Ord. of 7-18-2011)

## DIVISION 2. UNLAWFUL AND PROHIBITED ACTS

### **Sec. 4-37. Cruelty to animals.**

(a) It is unlawful for any animal owner or other person to fail to comply with G.S. 14-360 through 14-401, as may be amended, prohibiting animal cruelty. Criminal punishment for violations of the animal cruelty statutes shall be as provided for by North Carolina law.

(b) An animal cruelty investigator may be appointed by the county board of commissioners as provided for under G.S. 19A-45. This person shall

have the responsibility for carrying out the defined duties of an animal cruelty investigator as mandated by G.S. 19A-46 and 19A-47. Animal services may be requested to accompany the investigator on animal seizures.

(Ord. of 7-18-2011)

### **Sec. 4-38. Abuse of animals.**

(a) It is unlawful for the owner of any animal to fail to:

- (1) Provide at suitable intervals, and at least once every 24 hours, a quantity of wholesome foodstuff suitable for the species' physical condition and age, and sufficient to maintain an adequate level of nutrition for the animal; and
- (2) Provide continuous access to a supply of clean, fresh, potable water, either free-flowing or in a receptacle. If pans or dishes are used as receptacles, they must have weighted bottoms or be mounted or secured in a manner that prevents tipping; and
- (3) Provide proper shelter for the animal as defined in this chapter; [and]
- (4) Provide veterinarian care and medical treatment for debilitating injuries, parasites and disease sufficient to maintain the animal in good health and minimize suffering; and
- (5) Shelter or enclose an animal in any place that does not provide adequate drainage.

(b) Animal services is authorized to impound an animal for which there is reasonable cause to believe has been abused or, in the alternative, to request the general court of justice to issue a seizure order for any animal for which there is probable cause to believe has been abused.

(Ord. of 7-18-2011)

### **Sec. 4-39. Teasing and molesting of animals.**

It shall be unlawful for any person to tease, bait or in any way molest any animal.

(Ord. of 7-18-2011)

**Sec. 4-40. Animals creating nuisance.**

(a) It shall be unlawful for the owner of any animal to maintain the animal in such a manner so as to constitute a public nuisance. The actions of an animal constitute a nuisance when the animal disturbs the rights of, threatens the safety of, damages a member of the general public or interferes with the ordinary use and enjoyment of private or public property. By way of example and not of limitation, the following acts or actions by an animal are hereby declared to be a nuisance and are therefore prohibited and unlawful:

- (1) Habitually or repeatedly disturbs, interferes with or annoys human beings;
- (2) Tipping over garbage pails or damaging gardens, flowers or vegetables gardens;
- (3) Failing to confine in the owner's dwelling place, another building or secure enclosure a female dog or cat while in heat;
- (4) Howling, barking, crying, meowing, squawking, or making other loud sounds or noises continuously for a period of ten minutes or more, or intermittently for one-half hour or more, at any time with the noise or sound disturbing the quiet comfort, repose, or health of a reasonable individual of normal sensitivities. It shall not be a violation of this section if, at the time the animal is making the illegal noise, a person is trespassing or threatening to trespass upon private property in or upon which the animal is situated or has teased or provoked the animal. Any resident, owner, occupant, or tenant of property upon which the animal is situated shall be deemed a person in charge or otherwise exercising control over such animal. This provision shall not apply to public zoos or private animal attractions operated for profit to which the public has general admission and for which a permit has been issued by proper authority;
- (5) Chasing, snapping at, attacking or otherwise molesting pedestrians, bicyclists, motor vehicle passengers or farm stock or domestic animals;
- (6) Habitually or continuously loitering on public place; or

(7) Being diseased and dangerous to the health of the public unless under the care of a licensed veterinarian.

(b) Abatement of nuisance.

(1) When an animal services officer observes a violation of this section, he shall provide the animal's owner a written notice of the violation and an order that the nuisance must be abated within 48 hours from time of the notice. If the nuisance is not abated within 48 hours, animal services is authorized to impound the animal.

(2) Upon receipt of a written detailed and signed complaint that a person is maintaining a nuisance as defined in this section, animal services shall provide the animal's owner a written notice that a complaint has been received and shall investigate the complaint and prepare a written report summarizing the facts and conclusions of the investigation.

(3) If the written report concludes the complaint is substantiated, animal services shall issue to the animal's owner a written notice of violation and an order that the nuisance must be abated within 48 hours from time of the notice. If the nuisance is not abated within 48 hours, animal services is authorized to impound the animal.

(4) If the owner of the animal creating the nuisance is unknown and cannot be reasonably ascertained, the animal shall be immediately impounded. A notice of violation and order of abatement, along with a general description of the animal creating the nuisance, shall be posted for three business days on or near the property where the animal was creating a nuisance, if practical, and at the county animal shelter. If after three business days, the owner of the animal remains unknown, the animal may be adopted, transferred to an animal rescue organization, or euthanized in compliance with this chapter and state law.

(Ord. of 7-18-2011)

**Sec. 4-41. Animals running at large.**

- (a) It shall be unlawful for:
- (1) An animal to be "at large" as defined in this chapter.
  - (2) A dog to be in a park, school, building or other area to which the public has access unless the dog is, at all times, on a leash.
  - (3) A female dog or cat to be at large during its estrus period. During this period, the owner must restrain the animal in a manner that will prevent it from coming in contact with a male of its species. This subsection shall not be construed to prohibit the intentional breeding of animals on the premises of the owner of the animal.

(b) Exceptions.

- (1) An animal which is not dangerous may be at large in the course of a show, obedience school, tracking tests, field training or other events sanctioned or supervised by a recognized organization. Hunting dogs may be at large in the course of hunting, provided they are under the control of the owner.
- (2) This exception does not exempt an owner from otherwise complying with any other provision of this chapter.

(c) Animal services shall impound at the county animal shelter any animal found to be at large in violation of this section.

(d) A dog or cat impounded for running at large may be reclaimed by its owner only upon the owner's agreement to have the animal micro-chipped at the owner's expense within 30 days of the date the animal is reclaimed.

(e) A dog or cat impounded for running at large for a second or subsequent time may be reclaimed by its owner only upon the owner's agreement to have the animal altered at the owner's expense within 30 days of the date the animal is reclaimed. Notwithstanding this requirement, a dog or cat impounded for running at large a second or subsequent time will not be required to be altered provided the owner has notified the animal shelter of the missing animal within three business days of impoundment.

(f) Disposition of an impounded animal shall be as provided in section 4-121.  
(Ord. of 7-18-2011)

**Sec. 4-42. Possession or release of inherently dangerous exotic animals.**

(a) It shall be unlawful for any person to harbor or to release from captivity in Lee County an inherently dangerous exotic animal. Harboring of an inherently dangerous exotic animal is any person, regardless of ownership, who allows an inherently dangerous exotic animal to remain, lodge, be fed, or be given shelter or refuge in any place over which the person has control.

(b) This section does not apply to:

- (1) Veterinarian clinics in possession of such animals for treatment or rehabilitation purposes.
- (2) Any institute or organization, which exists primarily to educate the public in the areas of science and nature; which receives or has received financial support from federal, state, and/or local governments; which has a paid membership open to and composed of members of the general public; which is directed by a board of directors or similar body elected by the membership; and which has been declared a 501(c)(3) exempt organization by the Internal Revenue Service.
- (3) Non-resident circuses or carnivals during the period for which they are authorized to operate in the county pursuant to a permit issued by appropriate authority.
- (4) Persons temporarily transporting such animals through the county provided that such transit time shall not be more than 24 hours.

(c) Impoundment authorized.

- (1) Any person who harbors an inherently dangerous exotic animal in violation of this section shall be given a notice of violation by animal services and the animal impounded. If the harboring is not present when the animal is impounded, the notice of violation will be posted at the place where the animal was impounded.

- (2) Any animal impounded pursuant to this section will be held three business days for the harboring to claim pursuant to paragraph (3) of this section. However, if the animal cannot be impounded safely by animal services or if proper and safe housing cannot be found for the animal, animal services shall immediately euthanize the animal.
- (3) The harboring of the animal can reclaim the animal upon conditions established by the animal services supervisor, and approved by the health director, including that a safe transfer of the animal to an appropriate location outside of the county has been arranged and shall immediately be made.
- (4) If the harboring does not claim the animal or cannot be located within three business days after impoundment, animal services may sell, transfer ownership of, or euthanize the animal at the discretion of the health director.
- (5) All costs of impoundment and care of the animal will be charged to its harboring regardless of whether the animal is claimed by or returned to said harboring. In the event the animal is reclaimed, such costs shall be paid in full prior to the harboring taking possession of the animal. If the animal is not reclaimed, the cost of impoundment and care shall be considered a debt to the county and collectable in a civil action.

(Ord. of 7-18-2011)

**Sec. 4-43. Allowing dangerous animals to be unrestrained.**

(a) It is unlawful for any owner to possess a dangerous animal, as defined in this chapter, unless it is restrained.

(b) Animal services shall immediately impound any unrestrained dangerous animal at the owner's expense, except as provided below.

(c) As an alternative to impoundment, animal services shall notify the owner in writing that the dangerous animal is required to be confined in a secure enclosure complying with section 4-63. The owner also shall be notified that a sign stating that a dan-

gerous animal is on the premises must be purchased from animal services and posted on the secure enclosure.

(d) The owner shall have 30 days from the date of notification to provide a secure enclosure. The animal deemed "dangerous" shall be under constant restraint on the owner's property during this period.

(e) Notwithstanding any other provision of this section, animal services may in its sole discretion impound a dangerous animal and harbor it at the owner's expense pending the owner's construction of a secure enclosure. If an animal is impounded under this section, the owner shall be given written notice that he may reclaim the animal if a secure enclosure is provided within 30 days. The owner shall be given written notice that failure to provide a secure enclosure within 30 days will result in the animal being euthanized.

(f) Appeals allowed.

(1) An owner may appeal from a determination by animal services that an animal is dangerous. The appeal shall be to a panel consisting of three members of the board of health, one of which must be a licensed veterinarian.

(2) An appeal must be in writing and be made to animal services within three business days of issuance of the notice of violation. The appeals board will hold a hearing on the appeal within ten business days, if practical.

(3) If, by majority vote, an animal is determined not to be dangerous, the owner will be relieved of any previous order to construct a secure enclosure and if the animal has been impounded, it shall be immediately returned upon payment of boarding fees incurred prior to notice of appeal being given.

(4) If, by majority vote, an animal is determined to be dangerous, and the animal has been impounded, it will promptly be altered and micro-chipped at the owner's expense. If an animal is determined to be dangerous, but is still in the owner's custody, the owner shall provide to animal services within 30 days satisfactory proof the animal has been altered and microchipped.

- (5) The owner of any animal determined to be dangerous is required to purchase a sign from animal services stating "Dog Deemed Dangerous by Lee County" and post the sign at the entrance to the secure enclosure in a manner that is visible to persons outside the enclosure.

(g) Animal services may inspect a secure enclosure at any time to ensure it complies with section 4-63.

(Ord. of 7-18-2011)

**Sec. 4-44. Failure to report certain acts by dangerous animals.**

The owner of a dangerous animal shall inform animal services no later than 24 hours after the occurrence of any of the following:

- (1) An assault, attack or biting upon any human being by such animal in the owner's care or control.
- (2) An attack or biting upon any domesticated animal or pet while the animal is off the owner's property.
- (3) The running at large or escape of any animal required to be restrained or confined to a secure enclosure.

(Ord. of 7-18-2011)

**Sec. 4-45. Operating attack training facilities restricted.**

It shall be unlawful for any person, group of persons, partnership or corporation to operate any attack training facility as defined in this article.

(Ord. of 7-18-2011)

**Sec. 4-46. Failing to provide proper shelter for equine and dogs.**

(a) It shall be unlawful for any owner to fail to provide for each equine or dog in his care proper shelter as described herein.

- (1) Reserved.
- (2) Proper shelter for a dog shall have a roof, a solid floor, and at least three sides sufficient to prevent exposure to the elements. All shelters must be large enough to allow the dog to lie comfortably and contain dry bedding at

all times. During the daytime in April thru October, the shelter must provide a cooler temperature inside than the ambient outside temperature.

(b) The area underneath exterior steps decks and stoops; inside of vehicles; underneath vehicles; inside barrels or cardboard boxes; inside rooms, and sheds or other buildings that do not provide windows or adequate ventilation shall not be considered proper shelter.

(Ord. of 7-18-2011; Ord. of 11-2-2015)

**Sec. 4-47. Signage required for animals used for sentry or guard duty.**

A sign warning that there is a guard or sentry animal on the premises shall be visible to persons outside the premises.

(Ord. of 7-18-2011)

**Sec. 4-48. Interference with enforcement of chapter.**

It shall be unlawful for any person to interfere with, hinder, obstruct or delay, or assault an officer or agent of animal services or veterinarians in the performance of any duty authorized by this chapter, or to seek to release any animal in the custody of such persons.

(Ord. of 7-18-2011)

**Secs. 4-49—4-60. Reserved.**

**DIVISION 3. STANDARDS**

**Sec. 4-61. Tethering.**

(a) If an owner chooses to tether an animal, the following requirements and standards will apply:

- (1) The animal must not be tethered for more than 12 hours in any 24-hour period.
- (2) If fixed tethering is utilized, the animal must be tethered to a ground anchor by a coated cable wire not shorter than 15 feet. Chains and ropes shall not be used as a tether line.
- (3) If running tethering is utilized, the animal must be tethered to a coated cable runner wire not shorter than 15 feet and the runner wire must be firmly secured to two fixed

anchor points, e.g., posts, trees, or fences. The running tether must be attached to a runner wire and have a swivel connector to prevent entanglement.

- (4) All tethers must be attached to a properly fitting and secure nylon or leather collar. Wire or choke collars are not permitted as collars. All tethers must have swivels attached at both ends to prevent entanglement. The tether must be arranged so as to clear any obstacle that may limit the length of the tether. Adequate shade, protection from precipitation, and access to drinking water must be within reach of a tethered animal.

(b) Animal services is authorized to impound or, in the alternative, request the general court of justice to issue a seizure order, for any animal for which there is probable cause to believe has not been tethered as required by this Section.  
(Ord. of 7-18-2011)

**Sec. 4-62. Enclosures.**

(a) Dogs are not required to be contained in a pen.

(b) However, if an individual owner chooses to contain a dog in a pen, the following requirements will apply:

- (1) An enclosure for one dog must provide a minimum of 100 square feet surface area with sides that are a minimum of six feet high.
- (2) If two or more dogs are contained in an enclosure, the minimum square feet surface area must be 100 square feet plus an additional one square foot for each pound that the total weight of all dogs exceeds 100 pounds.
- (3) Enclosures utilized by government agencies are exempt.
- (4) Individual owners may receive a temporary exemption from the requirements of subparagraphs (1) and (2) for up to 30 days once

every six months upon inspection and approval of the pen by an animal services representative.

(Ord. of 7-18-2011)

**Sec. 4-63. Secure enclosures.**

(a) A secure enclosure must be at least 100 square feet for each dangerous animal. It must have a concrete floor. The sides of the enclosure must be at least six feet high and constructed of at least 16-gauge wire with openings no greater than 1" x 1". The sides must be securely anchored to the roof and to the floor in a manner that will prevent the animal from escaping. Any entrance to the enclosure must be kept locked when the animal is in the enclosure.

(b) Animal services must approve the secure enclosure before it may be used.

(c) The animal must be muzzled at all times when it exits the enclosure and must be on a leash.  
(Ord. of 7-18-2011)

**Secs. 4-64—4-90. Reserved.**

DIVISION 4. RABIES CONTROL

**Sec. 4-91. Compliance with state law required.**

It shall be unlawful for any person to fail to comply with G.S. 130A-184 through 130A-201 relating to rabies control.

(Ord. of 7-18-2011)

**Secs. 4-92—4-120. Reserved.**

DIVISION 5. IMPOUNDMENT, REDEMPTION, AND ADOPTION OF ANIMALS

**Sec. 4-121. Impoundment.**

Animals may be impounded as provided for in this chapter. Impoundment of an animal shall not prevent animal services from using any other remedy provided by this chapter.

(Ord. of 7-18-2011)

**Sec. 4-122. Notice of impoundment.**

Immediately upon impounding an animal, animal services shall make reasonable effort to notify the

owner of the impoundment and the conditions under which the animal may be redeemed. If the owner is unknown or cannot be located, notice of such impoundment shall be posted at the place where the animal was found for three business days. The time and place of the taking of such animal, together with the time and date of posting the notice shall be stated in such notice.

(Ord. of 7-18-2011)

**Sec. 4-123. Redemption by owner of impounded animal.**

The owner of an animal impounded under this chapter may redeem the animal and regain possession thereof within three business days after notice of impoundment is given or posted, as required by section 4-122, by complying with all applicable provisions of this chapter and paying any required fees. (Ord. of 7-18-2011)

**Sec. 4-124. Disposition of unredeemed animal.**

(a) If an impounded animal is not redeemed by the owner within the period prescribed in section 4-123, it may be euthanized. Animals that are not euthanized shall become the property of the county and may be offered for adoption to any responsible adult who evidences a willingness and ability to comply with this chapter.

(b) All unaltered dogs and cats adopted from animal services shall be altered and micro-chipped within 30 days of their adoption. All dogs and cats adopted from animal services shall be vaccinated for rabies by 16 weeks of age. Written proof that the dog or cat has been altered shall be promptly provided by the adopter to animal services. Animal services is authorized to obtain an adoption agreement from an applicant to implement the provisions of this section. Failure to comply with the adoption agreement requires the applicant to return the animal to animal services and also authorizes animal services to impound the animal.

(c) No animal shall be adopted during a period of emergency rabies quarantine, as defined in section 4-91, except by special authorization of the health director.

(d) Any animal that in the opinion of animal services exhibits characteristics or tendencies making it unsuitable as a pet shall not be offered for adoption. (Ord. of 7-18-2011)

**Sec. 4-125. Procedure for adoption of unvaccinated dog or cat.**

(a) The proof of rabies vaccination certificate shall be returned to the animal shelter by the applicant for adoption. If this certificate is not returned to animal services within 30 days, animal services is authorized to impound the dog or cat.

(b) Payment for the rabies vaccination required herein shall be the responsibility of the applicant. (Ord. of 7-18-2011)

**Sec. 4-126. Suspected rabid animal not to be redeemed or adopted.**

Notwithstanding any other provision of this chapter, animals impounded which appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with division 4 of this chapter.

(Ord. of 7-18-2011)

**Secs. 4-127—4-160. Reserved.**

**ARTICLE III. SERVICE FEES AND ENFORCEMENT**

**DIVISION 1. SERVICE FEES**

**Secs. 4-161—4-190. Reserved.**

**Sec. 4-191. Impoundment fees.**

(a) Impoundment fees shall be set by the Lee County Board of Health and at a minimum be the following amounts:

- (1) First impoundment \$25.00;
- (2) Second impoundment \$50.00;
- (3) Third impoundment \$100.00.

(b) The boarding fees shall be set by the Lee County Board of Health at a minimum \$10.00 per animal per day.

(Ord. of 7-18-2011)

**Sec. 4-192. Euthanasia fees.**

Any owner may bring an animal to animal services to be euthanized. The euthanasia fee shall be set by the Lee County Board of Health at a minimum of \$20.00.  
(Ord. of 7-18-2011)

- (2) Considered a Class 3 misdemeanor punishable by a fine of up to \$500.00 and imprisonment for up to 30 days.

Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues.

**Sec. 4-193. Special permit fees.**

Any owner of a total of 30 or more dogs and/or cats shall have a permit to own greater than 30 animals. The special permit fee shall be set by the Lee County Board of Health at a minimum of \$200.00 per year.  
(Ord. of 7-18-2011)

- (d) When a person violates any other provision of this chapter, one or more of the following enforcement actions may be taken.

- (1) *Imposition of a civil penalty.*

- a. Any person violating any provision of this chapter shall be subject to a civil penalty in the amount of \$25.00. Any subsequent violation within a 12-month period of a first violation shall subject the violator to a civil penalty of \$50.00 and each subsequent violation after the second, regardless of when it occurs, subjects the violator to a civil penalty of \$100.00. Separate offenses shall be deemed committed on each subsequent day in which a violation occurs or continues.

- b. Imposition of a civil penalty shall be by issuance of a civil citation or notice of violation by a Lee County Deputy Sheriff which shall state upon its face, as a minimum, the nature of the violation with a citation to the provision of this chapter alleged to be violated, the amount of the civil penalty, that the civil penalty shall be paid in person or via United States Mail to the Lee County Sheriff's Office, Animal Control Section, 1401 Elm Street, Sanford, NC 27331 within five business days from the date the citation or notice of violation is issued, and notify the alleged violator that failure to pay the civil penalty within the prescribed time shall result in an additional late fee of \$50.00 and subject the alleged violator to a civil action in the nature of a collection of a debt to recover the stated penalty, a late fee if any, and the cost of the action as taxed by the court.

DIVISION 2. ENFORCEMENT

**Sec. 4-194. Enforcement responsibility.**

The Lee County Sheriff's Office shall have the authority and responsibility to enforce the provisions of this chapter and may, by the procedure established herein, initiate all authorized enforcement actions, including the imposition the civil penalties and the issuance of process for civil and criminal violations of the chapter.  
(Ord. of 7-18-2011)

**Sec. 4-195. Authorized enforcement actions.**

(a) Except as otherwise provided, no person violating this chapter shall be assessed a civil penalty, charged criminally, or be named a defendant in a civil action seeking an equitable remedy without first being warned in writing by a law enforcement officer that his action constitutes a violation of this chapter and given an opportunity to bring his conduct into compliance with this chapter.

(b) Violations of this chapter governing animal cruelty shall be punishable as provided in G.S. 14-360 through 14-401 as applicable. Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues.

(c) Violations of this chapter governing dangerous animals shall be punishable by:

- (1) A civil penalty in the amount of \$500.00 or;

(2) *Issuance of a criminal citation or arrest.*

- a. Any person who violates this article, shall be guilty of a Class 3 misdemeanor and shall be punished by a fine of not more than \$200.00 for a first offense, \$400.00 for a second offense committed within 12 months of a first offense conviction and \$500.00 for the third or subsequent conviction regardless of when the third or subsequent conviction is obtained. Imprisonment for up to 30 days is an additional authorized punishment for any violation.
- b. A criminal charge shall be initiated by issuance of a criminal citation by the Lee County Sheriff or deputy sheriff, except that the sheriff or deputy sheriff may arrest the alleged violator when he refuses to provide his name and address and any proof thereof as may be reasonably available to him; or the alleged violator refuses to promptly cease such illegal activity after being issued a civil or criminal citation.

Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues.

(3) *Equitable and injunctive remedies.*

- a. Lee County, the Lee County Sheriff, a Lee County Deputy Sheriff, or a Lee County Animal Services officer may seek equitable remedies from the General Court of Justice of Lee County for violations of this chapter through a civil action.
- b. The institution of a civil action for equitable relief shall not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this article.

(Ord. of 7-18-2011)

**Sec. 4-196. Other remedies.**

No provision of this article shall be construed to impair any common law or statutory cause of action

or legal remedy of any person for injury or damage to person or property, arising from violation of this article.

(Ord. of 7-18-2011)

**Sec. 4-197. Severability.**

It is hereby declared to be the intention of the Lee County Board of County Commissioners that the articles, sections, paragraphs, sentences, clauses and phrases of this chapter are severable and if any article, section, paragraph, sentence, clause or phrase of this chapter is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of the remaining portions of this article. It is hereby declared that this chapter would have been passed, and each article, section, paragraph, sentence, and clause hereof, ratified irrespective of the fact that any one or more its provisions might be adjudged to be unconstitutional or for any other reason invalid.

(Ord. of 7-18-2011)



**ARTICLE I. IN GENERAL****Sec. 14-1. Operation of county library system according to state law provisions.**

The appointments and terms of all present trustees of the Lee County Library are hereby terminated and the operation of the Lee County Library System shall be pursuant to G.S. ch. 153A, art. 14, from and after the effective date of this chapter.

(Ord. of 3-17-80, § 1; Ord. of 4-18-2011, § 1)

**Sec. 14-2. Development and operation of county system; powers vested in board of trustees.**

Such powers as are now provided by statute of the State of North Carolina or by ordinances and/or resolution of the board of commissioners for Lee County, relating to the development and operation of library systems are hereby vested in the board of trustees of the Lee County Library System, to be exercised by it subject to all restrictions contained in such statutes, ordinances or resolutions.

(Ord. of 3-17-80, § 11; Ord. of 4-18-2011, § 11)

**State law reference**—Library board of trustees, G.S. 153A-265.

**Sec. 14-3. Disbursement and deposit of funds.**

Funds appropriated by the board of commissioners for Lee County and budgeted to the Lee County Library System shall be disbursed by the finance officer upon purchase orders issued by the board of trustees of the Lee County Library System and within the budget appropriations made. Funds received by the library system from sources other than budget appropriations shall be deposited by the finance officer to the credit and for the use of the library system and disbursed as budget funds are disbursed, except that funds received by gift, bequest, or otherwise shall be disbursed in accordance with the terms of such gift or bequest.

(Ord. of 3-17-80, § 8; Ord. of 4-18-2011, § 8)

**State law reference**—Financing library systems, G.S. 153A-268.

**Sec. 14-4. Fiscal year of library system.**

The fiscal year of the library system shall conform to that of the board of commissioners for Lee County.

(Ord. of 3-17-80, § 10; Ord. of 4-18-2011, § 10)

**Secs. 14-5—14-35. Reserved.**

**ARTICLE II. BOARD OF TRUSTEES\*****Sec. 14-36. Creation.**

There is hereby created a board to be known as the board of trustees of the Lee County Library System.

(Ord. of 3-17-80, § 2; Ord. of 4-18-2011, § 2)

**Sec. 14-37. Appointment; composition; terms; vacancies; compensation.**

The board of trustees of the Lee County Library System shall be appointed by the board of commissioners for Lee County and shall consist of seven members. Upon the expiration of the original terms, each succeeding term shall be for three years until such appointees' successors are appointed and qualify for office. Vacancies in the board shall be filled for the unexpired term by appointment of the board of commissioners for Lee County. The members shall serve without compensation.

(Ord. of 3-17-80, § 3; Ord. of 4-18-2011, § 3)

**Sec. 14-38. Officers; rules, meetings.**

The board of trustees of the Lee County Library System shall appoint from its membership a chairman and such other officers as it may deem necessary for the orderly procedure of its business, and may adopt bylaws, rules and regulations governing its procedure not inconsistent with the provisions of county ordinances and state laws. The board of trustees of the Lee County Library System shall, from time to time, make rules and regulations governing the operation and conduct of the library facilities operated by the board of trustees. The board of trustees of the Lee County Library System shall hold regular meetings at such times and places as it may designate.

(Ord. of 3-17-80, § 4; Ord. of 4-18-2011, § 4)

**Sec. 14-39. Maintenance, operation and supervision of facilities.**

The board of trustees of the Lee County Library System shall provide, maintain, operate and super-

**\*Cross reference**—Administration, ch. 2.

**State law reference**—Authority to appoint a board of trustees, G.S. 153A-265.

wise the library facilities owned or controlled by the board of commissioners for Lee County or leased or loaned to the board of trustees for the Lee County [Library] System by the owners thereof.

(Ord. of 3-17-80, § 5; Ord. of 4-18-2011, § 5)

**Sec. 14-40. Grants, gifts and donations; contracts and obligations.**

The board of trustees of the Lee County Library System may accept any grant, gift, bequest, or donation of any personal property offered or made for library purposes and, with the approval of the board of commissioners for Lee County, may accept any grant, gift, or devise of real estate. The board of trustees of the Lee County Library System shall have no authority to enter into any contract or incur any obligation binding the board of commissioners for the County of Lee other than for current obligations within the budget appropriations made by the board of commissioners for Lee County.

(Ord. of 3-17-80, § 6; Ord. of 4-18-2011, § 6)

**Sec. 14-41. Appointment of chief librarian; employment of staff.**

The board of trustees of the Lee County Library System shall have power to appoint and designate a chief librarian who possesses the necessary educational training and who demonstrates by actual work the ability to organize and direct a countywide library system. Such other trained persons as may be necessary in the maintenance and operation of the library system may be employed.

(Ord. of 3-17-80, § 7; Ord. of 4-18-2011, § 7)

**State law reference**—Qualifications of chief librarian, G.S. 153A-267.

**Sec. 14-42. Reports of meetings and copies of minutes submitted to board of commissioners.**

The board of trustees of the Lee County Library System shall make full and complete reports to the board of commissioners for Lee County at such times as may be requested and at such other times as the board of trustees of the Lee County Library System deem it proper. Copies of the minutes of all meetings of the board of trustees shall be sent to the board of commissioners.

(Ord. of 3-17-80, § 9; Ord. of 4-18-2011, § 9)