

STATE OF NORTH CAROLINA	)	AN ORDINANCE CREATING A STOKES COUNTY
	)	ANIMAL CONTROL DEPARTMENT, PRESCRIBING
	)	THE DUTIES OF THE DEPARTMENT,
	)	REGULATIONS REGARDING ANIMAL,
	)	AND PROVIDING FOR THE ENFORCEMENT OF
COUNTY OF STOKES	)	SAID REGULATIONS

**ARTICLE I. GERERAL**

**Section 1. Definitions.**

As used in this ordinance, the following words mean:

**Acceptable restraint:** To tether an animal to a running line, pulley, or trolley system using a properly fitting buckle-type collar, or body harness (cannot be made of metal, rope, wire or any material that would be hazardous to the animal’s health) Any tethering device used shall be at least ten feet in length and attached in such a manner as to prevent strangulation or other injury to the animal or entanglement with objects. It must have swivels on both ends and does not exceed ten percent of the animal's body weight. All collars or harnesses used for the purpose of the lawful tethering of an animal must be made of nylon or leather. The tethering device must not deprive the animal full access to adequate food, water and shelter.

**Adequate Shelter for Dogs:** The shelter shall have access that is suitable for the species, age, condition, size and type of animal. It shall consist of 4 walls, a roof, a raised / elevated floor, be structurally sound and in good repair. It must protect the animal from the elements (wind/rain/ice/sleet/snow/sun). The structure should be provided with a sufficient quantity of suitable bedding material consisting of straw, cedar or pine shavings or equivalent to help provide protection against cold and promote retention of body heat. When sunlight is likely to cause heat stroke of an animal tied or confined outside, sufficient shade by natural or artificial means (not to include the dog house) must be provided to protect the animal.

**Animal Control Officer:** The person designated by the Stokes County Board of Commissioners to enforce this Ordinance and carry out such other duties with respect to Animal Control as may be designated by the Board.

**Agricultural operation:** means an activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry.

**Animal Shelter:** Any premises designated by the County for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with provisions of this ordinance.

**At Large:** Any animal shall be deemed to be at large when he is off the property of his owner and not under the control of a competent person.

**Exposed to Rabies:** An animal has been exposed to rabies within the meaning of this ordinance, if it has been bitten by, or exposed to, any animal known or suspected to have been infected with rabies.

**Dangerous Dog:** A dog that:

- a) Without provocation has killed or inflicted severe injury on a person; or
- b) Is determined by the Animal Control Officer to be potentially dangerous because the dog has engaged in one or more of the behaviors listed under “Potentially Dangerous Dog”.
- c) Is owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
- d) When unprovoked: (a) Inflicts severe injury on a human being on public or private property; or (b) kills a domestic animal or livestock while off the owner's property; or (c) has been previously declared potentially dangerous and the owner having received notice of such declaration and the dog subsequently aggressively bites, attacks or endangers the safety of humans or domestic animals or livestock.

**Kennel, Dealer, Breeder** or **Pet Shop:** Any person, group of persons, partnership or corporation engaged in buying, selling, breeding, or boarding pet animals on a commercially zoned property.

**Neutered Male:** Any male which has been operated upon to prevent reproduction.

**Nuisance:** Any animal is deemed a public nuisance and a threat to public health, safety, welfare, and tranquility if it repeatedly:

- a) Chases pedestrians, bicycles, animals, or motorized vehicles; or
- b) Snaps at people; or
- c) Roams in packs; or
- d) Fights with other animals; or
- e) Barks or howls; or
- f) Destroys or defaces lawns, shrubs, trees, agricultural crops, or other property; or
- g) Scatters garbage out of cans or other containers; or
- h) Takes personal property from where it belongs; or
- i) Creates a nuisance in any other way

**Owner:** Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions and behavior of his animals.

**Potentially Dangerous Dog:** a dog that the Animal Control Officer determines to have:

- a) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or
- b) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
- c) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

**Restrain:** Any animal is under restraint within the meaning of this ordinance if it is controlled by means of a tether or leash or it is within a vehicle being driven or parked; or is within a secure enclosure.

**Restraint of a dangerous or potentially dangerous dog:** Confinement in a securely enclosed pen or other structure having a roof, cement floor, and secured by a padlock. When this type of dog is outside this pen or structure, it must be restrained and held by the owner, or one who is in direct control, by an adequate leash, and the dog must be muzzled with a humane muzzle at all times. At no time shall restraint of this type of dog be accomplished by tethering it outside the pen or structure.

**Running at Large:** A dog or cat is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

**Spayed Female:** Any female which has been operated upon to prevent conception.

**Stray:** 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 trails, tracking tests, field trials, schools or other similar events sanctioned and supervised by a recognized organization.

**Tethering:** Attaching an animal to a stationary object by means of a chain, cable, rope, or similar device that has swivels on both ends that is of appropriate size for the animal so not to obstruct its ability to move freely.

**Vicious Animal:** An animal that has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts of the skin that requires a visit to the doctor, urgent care or hospital; or one which habitually or repeatedly attacks farm stock and other pets.

## **Section 2. Establishment and Composition of an Animal Control Department, Appointment, and Compensation of Department Employees**

There is hereby created an Animal Control Department of the county, which shall be composed of such employees as shall be determined by the Board of County Commissioners. Such employees shall be hired and compensated in accordance with the policies of the County of Stokes Personnel Policies Handbook.

## **Section 3. General Duties of Animal Control Department**

The Animal Control Department shall be charged with the responsibility of:

- a) Enforcing in this county, all state and county laws and ordinances relating to the care, custody, and control of animals
- b) Cooperating with the Health Director and assisting in the enforcement of laws of the state with regard to animals and especially with regard to vaccination of dogs and cats against rabies and the confinement or leashing of vicious animals
- c) Investigating cruelty or animal abuse with regard to all animals.
- d) Making such canvasses of the county, including the homes in the county, as it deems necessary for the purpose of ascertaining that all dogs are duly and properly listed for tax purposes, and that all dogs, cats and ferrets are vaccinated against rabies
- e) Operating the Animal Control Shelter pursuant to policies of the Board of County Commissioners and the State of North Carolina.

## **Section 4. Records to be kept by the Animal Control Department**

It shall be the duty of the Animal Control Department to keep or cause to be kept, accurate and detailed records of:

- a) Impoundment and disposition of all animals coming into animal shelter
- b) Bite cases, violations and complaints, and investigation of same.
- c) All monies belonging to the county which were derived from impoundment fees, penalties, adoptions and sales of animals.

d) All other records deemed necessary by the county manager.

## **Section 5. Animal Control Advisory Council**

There is hereby created an Animal Control Advisory Council to advise the Board of County Commissioners and the county manager with respect to animal control matters. The Animal Control Advisory Council shall be composed of members appointed by the Board of County Commissioners to serve at the pleasure of the Board.

## **Section 6. General Duties of Keepers of Animals**

It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions or to fail to provide proper food and fresh water daily, proper shelter from weather and reasonably clean-living quarters for such animals, or to fail to provide proper medical, attention for sick, distressed, or injured animals, as well as adequate inoculation against disease, according to the species of animals kept.

### **Section 6.1 Adequate Shelter for Dogs**

The shelter shall have access that is suitable for the species, age, condition, size and type of animal. It shall consist of 4 walls, a roof, a raised / elevated floor and be structurally sound and in good repair and must protect the animal from the elements (wind/rain/ice/sleet/snow/sun). The structure should be provided with a sufficient quantity of suitable bedding material consisting of straw, cedar or pine shavings or equivalent to help provide protection against cold and promote retention of body heat. When sunlight is likely to cause heat stroke of an animal tied or confined outside, sufficient shade by natural or artificial means (not to include the dog house) must be provided to protect the animal.

## **Section 7. Cruelty to Animals**

It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare of any animal, or to cause or procure 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 constructed to prohibit lawful shooting of birds, deer, or other game for humane food; nor to prohibit the animal control department or its agents or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner. (reference- N.C.G.S. 14-360)

## **Section 8. Confinement, Muzzle, and Control of Vicious or Dangerous Dogs or Animals**

It shall be unlawful for any owner to keep any vicious, fierce, dangerous, or potentially dangerous dog or animal within the county, unless it is confined within a secure building, pen or enclosure as defined in this Ordinance, or unless it is securely muzzled and under restraint by a competent person who, by means of a secure leash, and have such animal firmly under control at all times.

Violators of this section shall be guilty of a Class Three (3) Misdemeanor under N.C.G.S. 14-49(a) and shall be fined not more than \$500 per violation.

## **Section 9. Animals Creating Nuisance Subject to Specific Security Measures**

- a) If an animal is reported to an Animal Control Officer as being a nuisance, the Animal Control Officer shall investigate to determine whether the animal in question falls within the definition of Nuisance in Section 1. If the Animal Control Officer finds that the animal is a Nuisance, the Animal Control Officer shall order the animal to be secured and subject to the following specific security measures:
- b) Specific Security Measures Required:
  - 1) While the animal is outside unsupervised, the animal must be secure on the owner's property in a 10 ft. x 10 ft. kennel with a solid floor and solid roof with padlock on kennel door. While outside the animal still must be in compliance with all county and North Carolina State Laws regarding proper housing and life sustaining substances.
  - 2) While the animal is outside being supervised, the animal may be on a non-retractable leash controlled by someone at least 18 years of age who has full control of the animal at all times.
  - 3) Animal must be current on Rabies Vaccinations at all times as outlined in North Carolina General Statute 130A-185. A vaccination – the owner of a cat, dog, or ferret over 4 months of age shall have the animal vaccinated against rabies.
  - 4) The animal's owner may not sell, give away or in any way move the animal from the location where the animal lives without 24 hours prior notification to the Stokes County Animal Control Department.
- c) In addition to criminal penalties, any person violating the order set forth in subsection (a) above shall be subject to the following civil penalties:
  - 1) First Offense – Written Warning
  - 2) Second Offense - \$100 civil penalty
  - 3) Third Offense - \$200 civil penalty
  - 4) Fourth Offense - \$300 civil penalty
  - 5) Fifth Offense - \$400 civil penalty
  - 6) Sixth Offense and subsequent offense - \$500 civil penalty and seizure of the animal
- d) The animal's owner shall comply with the ORDER no later than the due date specified by implementing the specified security measures which must be approved by Stokes County Animal Control Department unless a written appeal is filed within three (3) days of service of the order with the Stokes County Manager at the Stokes County Administrative Building, 1014 Main Street, Danbury, NC 27016.

## **Section 10. Dog Privilege Tax Tag**

- a) It is the purpose of this Section to supplement State Law by providing a procedure for the enforcement of laws and requiring dogs to wear a privilege tax tag
- b) It shall be unlawful for any dog owner or keeper to fail to provide his dog with a dog privilege tax tag to be issued annually by Stokes County and to take such action as is necessary to ensure that said privilege tax tag is worn by said dog at all times except as otherwise provided in this ordinance.
- c) It shall be the duty of the Stokes County Tax Department to provide the animal shelter with a privilege tax list so that tags may be mailed. The tag is to contain a number or other designation, and a record is to be kept of the person whom the tag has been mailed or otherwise deferred. After the initial mailing by September 1, dog tags may be obtained at the animal shelter only.
- d) In addition to all other penalties prescribed by law, a dog is subject to impoundment in accordance with the provisions of this ordinance if the dog is found not to be wearing a currently valid dog privilege tax tag. Provided, however, that the provisions of this section shall not apply to any dog being kept in any governmental facility or veterinary hospital.

- e) It shall also be unlawful for any individual moving into Stokes County who has or keeps a dog to fail to obtain a valid rabies tag and dog privilege tax tag within (30) days of moving into the County.
- f) The fee for the privilege tax tag shall be six dollars (\$6.00) per animal. In the event the tag is lost or stolen, a replacement tag can be obtained at the animal shelter for six dollars (\$6.00) per animal.

### **Section 11. Exemptions from Ordinance**

Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals and exempt from of the provisions of this ordinance, except Sections 6,7,8,9.

### **Section 12: Interference with Enforcement of Ordinance**

It shall be unlawful for any person to interfere with, hinder or molest the animal control department or its agents or animal control officers or veterinarians in the performance of any duty authorized by this ordinance, or to seek to release any animal in the custody of such agents, except as otherwise specifically provided.

## **ARTICLE II. RABIES CONTROL**

### **Section 13. Compliance with State Law; Article as Supplement to State Law**

- a) It shall be unlawful for any dog, cat, or ferret owner to fail to comply with the state laws relating to the control of rabies. A civil penalty for non-compliance of one hundred (\$100) shall be imposed if owner does not comply within 72 hours of a written warning. (G.S. 130A-192)

### **Section 14. Inoculation of Dogs, Cats and other Animals**

- a) It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for any dog, cat or ferret four (4) months of age or older. Should it be deemed necessary by the County Health Director or the State Public Health Veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that animal.
- b) A dog, cat, or ferret that has not been previously vaccinated against rabies is considered “currently vaccinated” against rabies 28 days after the date of the initial, or primary, rabies vaccination.

### **Section 15. Inoculation Tag for Dogs**

- a) Upon complying with the provisions of Section 14, there shall be issued to the owner of the dog inoculated a numbered metallic tag, stamped with the number and the year for which issued, and indicating that the dog has been inoculated against rabies.
- b) It shall be unlawful for any dog owner to fail to provide his dog with a collar or harness to which a current tag issued under this section is secure attached. The collar or harness, with attached tag, must be worn at all times, except during the time the dog is performing at shows, obedience trials, tracking tests, field trails, training schools or other events sanctioned and supervised by a recognized organization.
- c) It shall be unlawful for any person to use for any dog a rabies inoculation tag issued for a dog other than the one using the tag.

### **Section 15.1 Evidence of Inoculation of Cats and Ferrets**

Cats and Ferrets shall not be required to wear the metallic tag referred to in Section 15, but the owner of the cat or ferret shall maintain sufficient written evidence to prove that his/her cat or ferret has a current rabies inoculation

### **Section 16. Reports and Confinement of Animals Biting Persons or Showing Symptoms of Rabies.**

- a) Every animal which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the animal control department, and thereupon shall be securely quarantined, at the direction of the animal control department, for a period of ten (10) days, and shall not be released from such quarantine except by written permission from the animal control department.
- b) Animals quarantined under this section shall be confined in a veterinary hospital or at the county animal shelter, at the expense of the owner; provided, however, that if any animal control officer determines that the owner of an animal which must be quarantined has adequate confinement facilities upon his own premises, the animal control officer shall authorize the animal to be confined on the owner's premises, the animal control officer shall revisit the premises for inspection purpose at approximately the middle of the confinement period and again at the conclusion of the confinement period.
- c) In the case of stray animals whose ownership is not known, the supervised quarantine required by this section shall be at the county animal shelter.
- d) If rabies does not develop within ten (10) days after an animal is quarantined under this section, the animal may be released from quarantine with the written permission of the animal control department. If the animal has been confined in the county animal shelter, the owner shall pay the sum equal to ten dollars (\$10.00) for each day of confinement to defray the cost of feeding, upon reclaiming the animal.

### **Section 17. Destruction or Confinement of Animal Bitten by Rabid Animal**

In accordance with General Statute 130A-197 when the local health director reasonably suspects that an animal required to be vaccinated under this Ordinance has been exposed to the saliva or tissue of a rabid animal or animal reasonably suspected of having rabies, the animal shall be considered to have been exposed to rabies. An animal exposed to rabies shall be destroyed immediately by its owner, the county Animal Control Officer or a peace officer unless the animal has been vaccinated against rabies in accordance with this Ordinance for more than 28 days prior to being exposed, and has been given a booster dose of rabies vaccine within five days of the exposure. As an alternative to destruction, the animal may be quarantined at a facility approved by the local health director for a period up to six months, and under reasonable conditions imposed by the local health director.

### **Section 18. Area-wide Emergency Quarantine**

- a) When reports indicate a positive diagnosis of rabies, the county director of public health shall order an area-wide quarantine for such period as it deems necessary. Upon invoking of such emergency quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no animal may be taken or shipped from the county without permission of the animal control department, each member of the animal control department and the police and sheriff's department hereby fully authorized, during such emergency, to impound any animal found running at large in the county.

During the quarantine period, the animal control department or the local health authorities shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

- b) In the event, there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the county director of public health.

### **Section 19. Postmortem Diagnosis**

- a) If an animal dies while under observation of rabies, the head of such animal shall be submitted to the state laboratory in Raleigh for diagnosis.
- b) The carcass of any dead animal exposed to rabies shall be surrendered to the Animal Control Department. The head of such animal shall be submitted to the state laboratory in Raleigh for diagnosis.

### **Section 20. Unlawful Killing or Releasing of Certain Animals.**

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, any animal that has bitten a human, or to remove such animal from the county without written permission from the animal control department and the county director of public health.

### **Section 21. Failure to Surrender Animal for Quarantine or Destruction**

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this article, when demand is made therefore by the animal control department.

## **ARTICLE III. IMPOUNDMENT**

### **Section 22. General Provisions**

- a) Any animal which appears to be lost, strayed or unwanted, or which is found to be not wearing a currently valid rabies vaccination tag, as required by state law or this ordinance, or which is found at large or not under restraint in violation of this ordinance shall be impounded by the animal control department and confined in the animal shelter in a humane manner. Impoundment of such an animal shall not relieve the owner thereof from any penalty which may be imposed for violation of this ordinance.
- b) It shall be unlawful for any owner or his agent to permit a female animal to run at large or be tethered or kept where more animals can breed during estrus. Any such animal must be kept in an enclosure that cannot be breached or have accessible openings of 1” or more or be, at all times, under restraint or direct control of the owner or agent.
- c) Any person violating the order set forth in subsection (b) above shall be subject to the following civil penalties:
  - 1) First Offense – Written Warning
  - 2) Second Offense - \$100 civil penalty
  - 3) Third Offense - \$200 civil penalty
  - 4) Fourth Offense - \$300 civil penalty
  - 5) Fifth Offence - \$400 civil penalty



- 6) Sixth Offense and subsequent offense - \$500 civil penalty and seizure of the animal

**Section 23. Notice to Owner**

Immediately upon impounding an animal, the animal control department shall make reasonable effort to notify the owner and inform such owner of the conditions whereby the animal may be redeemed. If the owner is unknown, notice of such impoundment shall be posted for 72 hours, or until the animal is disposed of, on a bulletin board at the animal shelter, and the time and place of the taking of such animal, together with the time and date of posting the notice shall be stated therein.

**ARTICLE IV. FEES**

**Section 24. Redemption by Owner**

The owner of an animal impounded under this article may redeem the animal and regain possession thereof within seventy-two (72) hours (three days) after notice of impoundment is given or posted, as required by Section 23, by complying with all applicable provisions of this ordinance and paying a redemption fee of twenty-five dollars (\$25.00) plus a boarding fee of ten dollars (\$10.00) for each day the animal is held at the animal shelter. Valid proof of ownership is required for redemption of animal. Examples of valid proof of ownership could be but is not limited to current rabies vaccination certificates, vet records, current county tax tag, or receipt of purchase. The owner of an animal impounded and not redeemed within the required holding period shall be responsible for the fees incurred, whether or not the animal is claimed.

Redemption Fee	\$25.00
Boarding Fee	\$10.00
Rabies vaccination	\$10.00
County Taxes	\$6.00

**Section 24-1. Kennel Permits**

Any individual who operates a breeding kennel that has five (5) or more female breeding dogs must acquire breeding permit from the Animal Control Department. The fee for this breeding permit applies per year per location used for housing breeding animals. The permit allows inspection by animal control Monday-Friday (8:30 am to 5:00 pm). The fee for a permit is as follows:

0 – 50 dogs	\$300.00
51 – 75 dogs	\$500.00
76 – 100 dogs	\$850.00
100 + dogs	\$850.00 plus \$5.00 per dog over 100

## **Section 25. Destruction or Adoption of Unredeemed Animals**

- a) If an impounded animal is not redeemed by the owner within the period prescribed in Section 24, it may be destroyed in a humane manner or offered for adoption by any responsible adult who is willing to comply with this ordinance. Such animal may be adopted by an approved adopter and pays an adoption fee. There will be no tag required for cats or out of county dogs. The services included in the adoption fee for dogs are as follows:
1. Spay or neuter
  2. Heart worm test
  3. Rabies shot or voucher
  4. Stokes County taxes for current year
  5. Parasite treatment
  6. First dhpp shot

The services included in adoption for cats are as follows:

1. Spay or neuter
  2. Rabies shot or voucher
  3. FIV & Feline leukemia test
  4. FVRCP & leukemia shots
  5. Parasite treatment
- b) Any person that elects to surrender an animal that they have had in their custody and care for at least 72 hours (3 days) to the animal shelter, shall pay a fee of forty dollars (\$40.00). Also, any person that elects to surrender a litter of puppies or kittens shall pay a fee of forty dollars (\$40.00) and will receive forty dollars (\$40.00) voucher towards the spay or neuter of an animal.
- c) No dog owner may be permitted to adopt his own dog under the provisions of this section, but he must comply with the provisions of Section 24, in order to reclaim a dog that has been impounded pursuant to state law or this article.
- d) No animal which has been impounded by reason of being a stray, unclaimed by its owner, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to Section 18, except by special authorization of the public health officials.

## **ARTICLE V. TETHERING**

### **Section 26. Tethering**

- a) No person shall tether, fasten, chain, tie, or restrain an animal, or cause an animal to be tethered, fastened, chained, tied, or restrained, to a structure, tree, fence, or any other stationary object, except as specifically set forth in this Article V.
- b) During periods of acceptable restraint, no animal shall be tethered to a running line, pulley, or trolley system by means of a pinch, choke, or prong collar. No tow chains or logging chains are permitted. The line connecting the animal to the trolley system must have a swivel at each end. No more than one animal may be tethered to one restraint device at one time.

- c) No person shall tether or restrain an animal outdoors by any means during extreme weather (at or below freezing temperatures/ high heat) or during periods of driving rain, tornado, hurricane, or periods when a severe weather warning has been issued for the area where the animal is located.
- d) No person shall tether outdoors an animal who is severely sick, diseased, injured or a puppy under the age of 6 months.
- e) Under no circumstances may the tethering device itself be placed around the animal's neck.
- f) Notwithstanding subdivision (a), a person may do any of the following:
  - 1. Tether an animal pursuant to the requirements of a camping or recreational area, not to exceed 7 days.
  - 2. Tether an animal while engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the State of North Carolina if the activity for which the license is issued is associated with the use or presence of an animal. Nothing in this paragraph shall be construed to prohibit a person from restraining an animal while participating in activities or using accommodations that are reasonably associated with the licensed activity.
  - 3. Tether an animal while actively engaged in any of the following:
    - i. Conduct that is directly related to the business of shepherding or herding cattle or livestock.
    - ii. Conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the animal.
    - iii. Conduct involving law enforcement activities.
- g) Nothing in this Article shall be construed to prohibit a person from walking a dog with a hand-held leash.
- h) The minimum enclosure size for dogs must be 100 square feet per dog up to 50 pounds. Dogs 51 pounds or more must have 200 square feet per dog per kennel. Excrement must be removed daily from any dog enclosure.
- i) Violations:
  - 1. A person who violates this Article is guilty of a violation or a misdemeanor as defined by Section 31 of this ordinance.
  - 2. Notwithstanding subdivision (f), animal control may issue a correction warning to a person who violates this chapter, requiring the owner to correct the violation, in lieu of a civil violation or misdemeanor, unless the violation endangers the health or safety of the animal, the animal has been wounded as a result of the violation, or a correction warning has previously been issued to the individual.
  - 3. A correction warning must be in writing and can be no longer than 3 days to correct unless it is not safe for the animal and then corrective measures must be immediately taken.

## **ARTICLE VI. RUNNING AT LARGE**

### **Section 27. Running at large**

- a) It shall be unlawful for:
  - 1. 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 sub-section shall not be construed to prohibit the intentional breeding of animals on the premises of the owner of the animal.

- b) Exceptions.
  - 1. A dog or cat 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. A dog or cat that is running freely and remains on the owner's property.
  - 3. A dog in a designated dog park, school, building or other area approved for dogs to run off of a leash. The dog must have a current rabies vaccination. Proof of a current rabies vaccination must be with the dog or cat at all times as required by Article II Section 15 of this ordinance.
  - 4. This exception does not exempt an owner from otherwise complying with any other provision of this Chapter.
- c) Animal Control shall impound at the county animal shelter any dog or cat 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 microchipped at the owner's expense within thirty days of the date the animal is reclaimed. Proof of microchipping the animal impounded must be provided to Animal Control. Animal control may microchip the animal at the owners request and expense.
- e) Dogs and cats shall be vaccinated by the animal shelter when reclaimed at the owner's expense or written proof of rabies vaccination must be provided at the time of reclamation by the owner.
- f) 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 thirty 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 (3) business days of impoundment.

## **Section 28. Procedure with Respect to Redemption or Adoption of Unvaccinated Animals**

- a) Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems an animal at the animal shelter shall be given a "proof of rabies vaccination card" at the time of the redemption or adoption. This card shall be stamped with the date stating the maximum time limit allowed to take the animal to the veterinarian of such person's choice for rabies vaccination. The time limit for dogs and cats four (4) months and older will be forty-eight (48) hours, with Sundays and Holidays excluded. For puppies and kittens under four (4) months, the time limit will vary according to their age.
- b) The proof of rabies vaccination card will be completed and returned to the animal shelter by the veterinarian. If this card is not returned to the animal shelter within the time specified on the card, an animal control officer will be dispatched to retrieve the dog or cat.
- c) Payment for the rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the dog or cat.
- d) The adoption fee includes rabies vaccine or voucher.

## **Section 29. Suspected Rabid Animals Not to be Redeemed or Adopted**

Notwithstanding any other provision of this article, an animal impounded which appears to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with Article II of this Ordinance.

### **Section 30. Destruction of Wounded or Diseased Animals**

- a) Notwithstanding any other provisions of this article, any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the animal control department shall attempt to notify the owner before disposing of such animal, but if the owner cannot be reached readily, and the animal is suffering, the animal control department may destroy the animal at its discretion in a humane manner.
- b) If an animal is determined by the animal control officer or any law enforcement officer to pose an immediate danger to the health and safety of any person, the animal may be destroyed on-site with or without prior notification to the owner if all other means of capture have been unsuccessful, or if trying to capture the animal would put the officer in a dangerous situation.
- c) If the animal control officer and/or law enforcement officer does destroy an animal on site, he/she shall submit a written report of the incident to the Chief Animal Control Officer within twenty-four (24) hours (weekends and holidays excluded) of the incident and shall make a good faith attempt to notify the owner of the destroyed animal. The Chief Animal Control Officer will review the incident with the County Manager.

### **Section 31. Penalties**

- a) Criminal Penalties – Persons violating this ordinance shall be guilty of a Class Three (3) Misdemeanor and shall be fined not more than Five Hundred Dollars (\$500). Each day of a violation shall constitute a separate offense. The payment of a fine imposed in criminal proceedings does not relieve the person of liability for any taxes, fees, costs or civil penalties otherwise imposed by this ordinance.
- b) Civil Penalties – In addition to criminal penalties, persons who violate this ordinance shall be subject to civil penalties for each violation in the amount established by this Ordinance. Each day of a violation shall constitute a separate offense. (References- Section 22. General Provisions(c))
- c) Citations – The Animal Control Officer is authorized to issue criminal and civil citations to violators of this ordinance. All civil penalties must be paid within 72 hours. No impounded animal may be redeemed until all civil penalties, fees and costs are paid in full.
- d) Civil Action – Civil penalties may be recovered against violators in a civil action by the County. In addition to the civil penalties, the County may recover court costs including reasonable attorney fees incurred by the County.
- e) Equitable Remedies – Enforcement of this ordinance may also be by appropriate equitable remedy, injunction or order of abatement issued by the District Court of Stokes County.

### **Section 32. Severability**

If any section or part of this ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this ordinance are severable.

### **Section 33. Effective Date**

This ordinance shall become effective May 1, 1975 as adopted by the Stokes County Board of Commissioners on April 7, 1975 and readopted on September 12, 1977, and amended on December 16, 1985, December 21, 1987, February 7, 1994, June 21, 2001, July 1, 2004, May 24, 2010, June 27, 2012, February 9, 2015, December 28, 2015, February 8, 2016, November 12, 2019, and April 12, 2021

---

**Andy Nickelston, Chairman**  
**Stokes County Board of Commissioners**

ATTESTED BY: \_\_\_\_\_  
**Shannon B. Shaver**  
**Clerk to the Board**