

FRANKLIN COUNTY  
ANIMAL SERVICES  
ORDINANCE

Adopted Effective  
4/19/2021

# Franklin County Animal Services Ordinance

## ARTICLE I

### Section 1-1 – Definitions

County Animal Shelter	Any premises designated by Franklin County for the purpose of impounding and caring for animals that are either found to be at-large, to be wandering stray, or that are otherwise subject to impoundment in accordance with the provisions of this ordinance.
Animal	Includes every living vertebrae in the classes Amphibia, Reptilia, Aves, and Mammalia except for humans.
At-large	Off of the owner’s property and not under the control of the owner, or another individual, either by leash, cord, chain, or other means of restraint. Dogs are not considered to be at- large when they are in the course of assisting persons who are lawfully hunting.
Bite	The act of an animal seizing flesh with its teeth or jaws or beak so as to tear, pierce, or otherwise injure the flesh.
Confiscate	To take possession of.
Dangerous Animal	Any animal that, without sufficient provocation, bites, attacks, or inflicts serious injury on a human regardless of whether said human is on public or private property. Sufficient provocation includes, but is not limited to, the bitten, attacked, or seriously injured human taunting, tormenting, or abusing the animal at any time prior to said human being bitten, attacked, or seriously injured.

OR

- Any animal that, without sufficient provocation, bites, attacks, or inflicts serious injury on a pet or domestic animal. Sufficient provocation includes, but is not limited to, (a) the pet or domestic animal being on the property of the owner of the animal biting, attacking, or seriously injuring such pet or domestic animal. or (b) the pet or domestic animal posing a reasonable threat to the progeny of the animal biting, attacking, or seriously injuring such pet or domestic animal.

Dangerous animals must be so designated by the Franklin County Animal Services Director after he or she has been presented with sufficient evidence to so designate. Such designation includes, but is not limited to, a determination of whether there has been sufficient provocation.

A dangerous animal that is also a dog (i.e. a dangerous dog) may be treated differently under this ordinance than other dangerous animals that are not also dogs.

Dealer	Any person who is licensed by the U.S. Department of Agriculture as a dealer.
Domestic Animal	Any of various animals that. in North Carolina. normally and customarily live on private property and normally and customarily depend on humans to willingly provide them with food and shelter. Such animals include. but are not limited to, cats, dogs, bovines, horses, swine, fowl, sheep, and goats.
Exhibitor	Any person who is licensed by the U.S. Department of Agriculture as an exhibitor.
Exposed to Rabies	An animal shall be considered to have been exposed to rabies when such animal is reasonably suspected of being exposed to the saliva or nervous tissue of a proven rabid animal or an animal reasonably suspected of having rabies.
Exotic Animal	Unless such animal is included in the definition of domestic animal or the definition of inherently dangerous mammal. an exotic animal is any animal that is not indigenous to North Carolina and is either a carnivore, primate, or poisonous snake or other venomous animal.
Humane Destruction	(1)Any animal is humanely destroyed if it receives an intravenous injection of sodium pentobarbital; (2) if the animal is a cat, kitten, or puppy, it is humanely destroyed if it receives an intraperitoneal injection of sodium pentobarbital; (3) if the animal is unconscious or deeply anesthetized, it is humanely destroyed if it receives an intracardiac injection of sodium pentobarbital; (4) any dog is humanely destroyed if it receives either an intravenous injection, or an intracardiac injection as long as the dog is unconscious or deeply anesthetized, of Beuthansia-D.
Impound	Any animal that is confined by and under the care of Franklin County Animal Services

Inherently Dangerous Mammal	<p>Any live member of the Canidae, Felidae, or Ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and that include:</p> <p><u>Canidae</u>: including any member of the dog family not customarily domesticated by man, or any hybrids that are a cross between a wolf and a domestic dog, but not including domestic dogs (i.e., canis familiaris).</p> <p><u>Felidae</u>: including any member of the cat family weighing over (15) fifteen pounds not customarily domesticated by man, or any hybrids thereof, but not including, domestic cats (<i>i.e.</i>... felis catus).</p> <p><u>Ursidae</u>: including any member of the bear family, or any hybrids thereof.</p>
Kennel, Dealer, or Breeder	Any person, group of persons, firm, partnership, or corporation engaged in buying, selling, breeding, or boarding animals.
Neutered	Any male animal that has been successfully operated upon to prevent reproduction.
Owner	Any person, group of persons, firm, partnership, or corporation that, either customarily or temporarily, owns, keeps, has charge of, shelters, feeds, harbors, or takes care of any animal. The owner is responsible for the care, actions, and behavior of the owner's animal(s). In the event that the owner of an animal is younger than (18) eighteen-years old, the parent or guardian of such owner shall be held liable for non-compliance with the provisions of this ordinance.
Owner's Property	That area described in a deed of conveyance or the area described in a lease. In a situation involving town homes or condominiums, The Franklin County Animal Services Director will treat the common areas as being owned by the homeowner's association. In a situation involving leased apartments, the Franklin County Animal Services Director will treat the common areas as being owned by the lessor/property owner. A motor vehicle is not part of the owner's property unless It is physically located on the area described in a deed of conveyance or the area described in a lease. A motor vehicle that is physically located in or on the common areas of town homes, condominiums, or leased apartments, or other public areas shall be treated as being off of the owner's property.

Pets	Any animal that is (1) of a type of animal generally considered to be a companion of humans and (2) that has been domesticated. This definition does not exclude those domesticated animals kept for both companionship and utility. Note that it is not necessary for an animal to be a domestic animal to be a pet; rather, it is necessary that it be domesticated.
Restraint	An animal is under restraint within the meaning of this ordinance if it is (1) controlled by means of a chain, leash, or other like device; (2) within a vehicle being driven or parked; (3) within a secure enclosure; or (4) within the residence of the owner.
Secure Enclosure	A humane enclosure suitable to prevent the enclosed animal from escaping and to prevent the entry of persons younger than (8) eight-years old. In order to be deemed humane, such enclosure must remain dry inside, be ventilated, promote the retention of body heat, and have sufficient room for the enclosed animal to turn around freely and lie down comfortable. For purposes of this definition, a home, mobile home, and separate garage are not secure enclosures.
Seized	Having taken possession of evidence for use in a criminal prosecution.
Shelter	An enclosure sufficient to provide shelter from extremes of weather and means to remain dry and comfortable. Such enclosure shall consist of at least (3) three solid sides, a roof and a floor. Such enclosure shall be ventilated and have sufficient room for the animal to move about freely, lie down comfortably.
Spayed	Any female animal that has been successfully operated upon to prevent conception.
Wandering Stray	Any animal that is not wearing a valid rabies vaccination tag as required by North Carolina state law or by this ordinance, or any animal that is both not under restraint and that appears homeless or unwanted.

## **Section 1-2- Basis and Authority of the Animal Services Director**

The Animal Services Director of Franklin County, hereinafter referred to as the Animal Services Director, shall be responsible for the enforcement of the provisions of this ordinance. North Carolina General Statutes 130A-184 through 130A-200 designate the County Health Director is the local official responsible for rabies control. The Franklin County Sheriff has appointed the Animal Services Director as the local official responsible for dangerous dogs in the county

The basis for this ordinance lies with the inherent responsibilities and authority granted by those General Statutes listed. And as inherent under North Carolina General Statutes 130A-39, this ordinance also contains items specific to Franklin County that the Board of Health has identified as having significant effect on the public health.

- A. Employees or agents enforcing this ordinance shall be designated as Animal Services Officers, and is subject to the provisions of G.S. 153A-103. In the performance of their duties, Animal Services Officers shall have all the powers, authority, and immunity granted under this ordinance and by the General Statutes of North Carolina.

## **Section 1-3- General Duties of the Animal Services Director**

- A. The Animal Services Director shall be charged with the responsibility of:
  1. Enforcing in Franklin County all state and county laws, 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 vaccination of animals against rabies and the confinement or controlling of dangerous animals (e.g., dangerous dogs).
  3. Investigating cruelty, abuse, or neglect with regard to animals.
  4. Making such canvasses of Franklin County as it deems necessary for the purpose of ascertaining that all animals are vaccinated against rabies as required by local ordinance or State statute.
  5. Operating, pursuant to policies of the Franklin County Board of Commissioners, the County Animal Shelter.
- B. It shall be the duty of the Animal Services Director to keep, or cause to be kept, accurate and detailed records of:
  1. Impoundment and disposition of all animals coming into a County Animal Shelter.
  2. Bite cases, which include violations, complaints, and investigations of animal bites.

3. All monies belonging to Franklin County which were derived from impoundment fees, penalties, and sales or adoptions of animals.
4. All other records deemed necessary.

### **Section 1-4 – Exemption from Director Authority and Responsibility**

- A. **Dead Animals:** The Animal Services Director has legal responsibility and authority to prevent the occurrence and spread of rabies. The Animal Services Director does not deal with dead animals except when called upon to investigate allegations of cruelty to animals under section 1-6 of this ordinance. Thus, Animal Services Officers should not be called upon to deal with dead animals unless the threat of rabies exists, or an allegation of animal cruelty has been made.
- B. **Wildlife:** Instances involving wildlife that are not governed by this ordinance should be referred to local wildlife officials. The Animal Services Director may assist wildlife officials in actual or suspected cases of rabies.
- C. **Animals on Roads and Road Right-of-Ways:** The Animal Services Director is not responsible for dead animals on roads or road rights-of-way. The State Highway Patrol and Department of Transportation shall be called to maintain traffic flow on roads and their right of ways.
- D. **Animals from other Municipalities:** Municipalities with their own ordinances are responsible for their own enforcement of such ordinances. Nonetheless, animals from other municipalities caught or entrapped within Franklin County by appropriate Franklin County personnel may be taken to a County Animal Shelter, at which time the animal will be treated as other animals are under this ordinance. At the point of surrender, the appropriate Franklin County personnel giving the animal to an Animal Services Officer or directly to a County Animal Shelter may be considered the owner of the animal. The animal will be kept at a County Animal Shelter as provided in this ordinance. Animals not claimed within (3) three days may be adopted out or humanely destroyed. The (3) three-day waiting period commences when the animal is turned over to a County Animal Shelter and shall be suspended during those days that the County Animal Shelter holding the animal is closed.
  1. Municipalities who seize an animal and place the animal in the protective custody of Franklin County Animal Shelter for care will be responsible for paying any necessary veterinarian's fees and boarding fees to Franklin County Animal Shelter for the duration of the animal's impoundment.

### **Section 1-5- Power and Authority of Animal Services Officers**

- A. **Inspections.** Whenever it is necessary to make an inspection to enforce any of the provisions of this ordinance, or other applicable law, or whenever an Animal Services Officer has reasonable cause to believe that there exists in any building or upon any premises any violation of this ordinance or other applicable law, an Animal Services Officer is empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon him or her by this ordinance or other applicable law, but only if the consent of the owner or occupant of the property is freely given or an administrative search warrant or criminal search warrant is obtained.

1. At any time, an Animal Services Officer may obtain an appropriate warrant to conduct a search or inspection of the property, or seizure on the property.
2. If an Animal Services Officer has not obtained an appropriate warrant, the Animal Services Officer may conduct a search or inspection of the property, or seizure on the property if the Animal Services Officer presents credentials to the owner or occupant of the property, requests entry, explains the reason(s) for requesting entry, and entry is granted by the owner or occupant.

Notwithstanding any other provision of this ordinance, an Animal Services Officer shall have the authority to enter upon any land to enforce the provisions of this ordinance or other applicable law if a violation of this ordinance or such law is being committed in the presence of the Animal Services Officer and requires immediate action on the part of the Animal Services Officer to protect the health or safety of the animal or the public. In the case of any animal that is at-large, wandering stray or exposed to rabies, so long as the animal is within sight of the Animal Services Officer, this section shall not be interpreted to require that a warrant be obtained before seizing the animal.

- B. Interference. It shall be unlawful for any person to interfere with, hinder, molest, resist, or obstruct an Animal Services Officer while he or she is carrying out any duty created under this ordinance or other applicable law.
- C. Concealment of an animal. It shall be unlawful for any person to conceal, for the purpose of evading the licensing requirement, permit requirement, rabies inoculation requirement, or other requirements of this ordinance or any applicable law, any unlicensed, un-inoculated, non-permitted, or other unlawful animal from any Animal Services Officer.
- D. Concealment of a license, permit, or rabies inoculation. It shall be unlawful for any person to refuse to show proof of a license, permit, or a rabies inoculation to any Animal Services Officer upon request.
- E. Unauthorized release. It shall be unlawful for any person to seek to release, attempt to release, or to release any animal in the custody of Animal Services Officers or, generally, in the custody of a County Animal Shelter, except as otherwise specifically provided in this ordinance. An animal captured in a trap set by Animal Services Officers shall be deemed to be in the custody of the Animal Services Director.
- F. This section in no way restricts the power or authority granted to Animal Services Officers in other sections of this ordinance.

### **Section -1-6- Cruelty to Animals**

- A. It shall be unlawful for any person to torture, torment, cruelly beat, cruelly molest, needlessly mutilate, needlessly wound, needlessly injure, needlessly poison, needlessly abandon, needlessly kill, or needlessly subject to conditions detrimental to its health or general welfare of any animal. Every such offender shall be guilty of a Class 1 Misdemeanor.
- B. It shall be unlawful for the owner of an animal to fail or refuse to provide such animal with adequate food, water, and shelter. Every such offender shall be guilty of a Class 1 Misdemeanor.



- C. As used in this section, "torture," "torment," and "cruelly" include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, "needlessly" means without justifiable excuse and the justification shall be based on a reasonable owner standard. As used in this section, "adequate food" means the provision at suitable intervals, not to exceed (24) twenty-four hours, of a quantity of wholesome foodstuff suitable for the species and age, and sufficient to maintain a reasonable level of nutrition in each animal. As used in this section, "adequate water" means the provision of, or ready access to, a supply of clean, fresh, potable water provided in a sanitary manner (24) twenty-four hours a day.
- D. It shall be unlawful for the owner of a dog to restrain a dog to a stationary object with a device less than 10 feet long. Such device shall be:
1. of adequate size/weight for the dog's breed, size, weight, and age.
  2. attached and located such that the dog cannot become entangled and prevent the dog from moving about freely, lying down comfortably or having access to adequate food, water and shelter.
  3. attached to an adequately fitted collar/harness of appropriate size for the dog restrained.

### **Section 1-7- Animals At-Large and Wandering Stray**

- A. It shall be unlawful for the owner of an animal to permit such animal to be wandering stray and to be at-large.

The Animal Services Director may confiscate any animal found to be wandering stray and to be at-large and impound such animal at a County Animal Shelter in accordance with the provisions of article III or section 2-5 of article II.

- B. The owner of an animal may lawfully permit such animal, unless such animal is a dangerous animal, to be at-large in the course of a show, obedience school, tracking test, field training, or other event sanctioned or supervised by an organization approved by the Animal Services Director. This provision does not exempt an owner from otherwise complying with section 2-3 or any other provision of this ordinance.
- C. The owner of animal(s) who are confiscated by Franklin County Animal Services and impounded shall be subject to fees as prescribed in Section 3-3 in Article III of this ordinance upon redemption of their animal from the Franklin County Animal Shelter.
- D. Successive violations depend on a particular owner, not on a particular animal. By way of illustration, assume owner X permits dog A to be wandering stray and to be at-large. Owner X will be issued a citation for a first violation. Later, owner X permits dog B to be wandering stray and to be at-large. Owner X will be issued a citation for a second violation.

- E. Persons who find a stray animal in Franklin County and do not wish to turn the stray animal over to Franklin County Animal Shelter must report the animal as found to Franklin County Animal Shelter within 48 hours and provide their name, contact information and the location where the animal was found. The finder must also either provide proof that the animal has been scanned for a microchip by a veterinarian or bring the animal to the Animal Shelter to be scanned for a microchip. The finder must provide a photograph of the animal in which the animal shelter must then post a photograph of the animal and the finders contact information as found on social media and in the Animal Shelter for a minimum of 30 days.

### **Section 1-8 - Animals Creating Nuisance**

- A. It shall be unlawful for any owner to keep, possess, or maintain an animal in such a manner so as to allow such animal to engage in any prohibited act as set out hereinafter.
- B. The actions of an animal constitute a prohibited act when such animal disturbs the personal property rights of, threatens the safety of, or damages a member of the general public. However, barking dogs, regardless of the manner or repetition of the barking, are not engaging in a prohibited act solely due to their barking. By way of example and not of limitation, the following acts or actions by an owner are deemed to allow the owner's animal to engage in a prohibited act and are therefore unlawful.
  - 1. Keeping, possessing, or maintaining an animal that habitually causes damage to real or personal property such as gardens, dwellings, or parts thereof.
  - 2. Failing to confine to a secure enclosure or building a female dog while in estrus.
  - 3. Keeping, possessing, or maintaining an animal that repeatedly or persistently chases, snaps at, or otherwise molests pedestrians, bicyclists, motor-vehicle passengers, or domestic animals or pets.
  - 4. Keeping, possessing, or maintaining an animal that habitually or continually loiters about public places.
  - 5. Keeping, possessing, or maintaining an animal that is diseased and dangerous to the health of the public. If such animal is under the care of a licensed veterinarian, an owner does not violate this section.

## **Section 1-9 - Confinement and Control of Inherently Dangerous Mammals**

A. It shall be unlawful for any owner to keep an inherently dangerous mammal within Franklin County.

B. Exemptions:

The following parties shall be exempt from this ordinance:

1. Traveling fairs, circuses, and carnivals provided that such fair, circus, or carnival is granted approval by the Animal Services Director to bring the inherently dangerous mammal into Franklin County, and the inherently dangerous mammal is not located in Franklin County for a period exceeding (10) ten days. This exemption shall apply only for a single (10) ten-day period per every (365) three-hundred-and-sixty-five days.
2. Any zoo or other public exhibition provided that such zoo or public exhibition has previously applied for and has been granted the appropriate permit under Franklin County's Land Use Ordinance.

C. Recapturing

The owner of any inherently dangerous mammal that has escaped the custody of the owner while within Franklin County, or has escaped elsewhere and has entered Franklin County, shall reimburse Franklin County for all costs incurred by Franklin County while attempting to recapture the escaped inherently dangerous mammal. If the animal is sheltered or humanely destroyed by Franklin County, the owner shall also pay for all costs incurred.

## **Section 1-10 – Confinement and Control of Exotic Animals**

A. It shall be unlawful for any owner to keep any exotic animal within Franklin County unless (1) it is confined within a secure enclosure approved by the Animal Services Director or (2) it is being transported to receive veterinary care, to be sold, or to be humanely destroyed and it is securely muzzled and under restraint by a competent person who by means of a leash, chain, rope, or other device suitable to adequately restrain the particular animal, has such animal firmly under control at all times.

B. Any exotic animal that is not properly confined within a secure enclosure or secured or restrained as required by section 1 - 10A of this article, or that has injured or endangered any person, domestic animal, or pet may be confiscated and/or impounded at the owner's expense.

C. Recapturing

The owner of any exotic animal that has escaped the custody of the owner while within Franklin County, or has escaped elsewhere and has entered Franklin County, shall reimburse Franklin County for all costs incurred by Franklin County while attempting to recapture the escaped exotic animal. If the animal is sheltered or humanely destroyed by Franklin County, the owner shall also pay for all costs incurred.

## **Section 1-11 – Required notification to Animal Services Director by the Owner of a Potentially Dangerous Animal**

It is unlawful for an owner to fail to inform the Animal Services Director as soon as practicable but no later than (24) twenty-four hours after the owner is apprised of any information from which a reasonable person would determine that any of the following has occurred:

1. The owner's animal has bitten, attacked, or inflicted serious injury on a human regardless of whether said human is on public or private property
2. The owner's animal has bitten, attacked, or inflicted serious injury on a domestic animal or pet.
3. The owner's animal, when such animal is required by this ordinance to be restrained or confined to a secure enclosure, is at-large.

Compliance with this section does not exempt an owner from the requirements of sections 2-5 and 2-9 of article II.

## **Section 1-12-Confinement, Control, and Designation of Dangerous Animals**

- A. It is unlawful for any owner of an animal designated as dangerous by the Animal Services Director to not confine or restrain such animal in accordance with this section.
- B. After an investigation of a dangerous animal complaint is completed by an Animal Services Officer, and there is evidence to support such a finding, said animal may be designated as dangerous by the Animal Services Director. If said animal is designated as dangerous by the Animal Services Director, the owner will be notified in writing to confine the animal in a secure enclosure. The owner must post a plainly visible sign upon the secure enclosure warning that a dangerous animal is on the premises. Said sign shall be no smaller than one foot by two feet or two square feet in area and said sign shall read: "Warning! Dangerous Animal on Premises" in letters legible to a person of ordinary vision from (20) twenty feet.
- C. The owner shall have (30) thirty days from the date of written notification to provide the secure enclosure described in section 1-12B of this article, such secure enclosure must be approved by an Animal Services Officer. The dangerous animal must be under constant restraint on the owner's property during this period until it can be confined in the approved section 1-12B secure enclosure unless the dangerous animal is confiscated by an Animal Services Officer for purposes of section 2-5 of article II or any other provision of this ordinance.
- D. An Animal Services Officer is empowered to confiscate the dangerous animal and harbor it at the owner's expense pending the owner's construction of a secure enclosure. If a dangerous animal is confiscated under this provision, the owner of the dangerous animal shall be given a written notice at the time of confiscation. Such written notice shall state that if the owner fails to provide an approved section 1-12B secure enclosure before the expiration of (30) thirty days from confiscation, the Animal Services Director is authorized to have the animal humanely destroyed. If the owner constructs an approved section 1-12B secure enclosure, the animal may be redeemed within (30) thirty days from confiscation so long as all fees owed to the Animal Services Director for harboring, caring, and/or maintaining the dangerous animal are paid and the animal was not humanely destroyed under article II.

### **Section 1-13 – Confiscation of Animals**

Any animal not kept in accordance with the requirements of this article may be confiscated by an Animal Services Officer and impounded at a County Animal Shelter in accordance with the provisions of article III.

### **Section 1-14 – Dogs or Other Animals Used for Security or Guard Duty**

Any person owning, maintaining, or harboring a dog or other animal for sentry or guard purposes must register said dog or other animal with the Animal Services Director.

A sign warning that there is a guard or sentry animal on the premises must be displayed such that persons are made aware of the presence of a guard or sentry animal before they enter the property. Such sign shall specify what type of animal the guard or sentry animal is.

### **Section 1-15 Law Enforcement Dogs Excluded**

Any dog used by a law enforcement agency in the investigation of crimes or as necessary in the enforcement of the law shall be excluded from the purview of this ordinance except as to rabies regulations and enforcement.

## **ARTICLE II – RABIES CONTROL**

### **Section 2-1 – Compliance with State law, Article as Supplement to State Law.**

- A. It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.
- B. It is the purpose of this article to supplement the state laws by providing a procedure for the enforcement of state laws, in addition to the criminal penalties provided by state law, relating to rabies control.

### **Section 2-2 – Inoculation of Dog, Cats, and other Pets**

- A. It shall be unlawful for an owner to fail to provide current inoculation against rabies for any of the owner's dog(s) and cat(s) that are (4) four months of age or older. Should it be deemed necessary by the County Health Director, the Board Commissioners, the Board of Health, or the State Public Health Veterinarian that other animals 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 rabies inoculation shall be deemed “current” for a dog and cat if two inoculations have been given within a (12) twelve-month period and adequate booster doses of a rabies vaccine are given thereafter.
- C. Only rabies vaccinations administered by a licensed veterinarian or certified rabies vaccinator are considered to adequately vaccinate an animal against rabies. Owner- administered vaccines do not satisfy this requirement unless such owner is a licensed veterinarian or a certified rabies vaccinator.

### **Section 2-3 Inoculation Tag**

- A. Upon complying with section 2-2 of this article, there shall be issued to the owner of the animal inoculated a metallic tag that will be stamped with its number, the year the tag was issued, the initials “N.C. or the words “North Carolina,” and the words “rabies vaccine.”
- B. It shall be unlawful for any dog owner to fail to provide the dog with a collar or harness to which a current tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times, except during the time the dog is performing in the course of a show, obedience school, tracking test, field training, or other event sanctioned or supervised by an organization approved by the Animal Services Director.
- C. It shall be unlawful for any person to use for any animal a rabies inoculation tag issued for an animal other than the one for which the tag was issued.

### **Section 2-4 – Evidence of Vaccination of Cats**

Cats are not required to wear the metallic tag referred to in section 2 3A of this article, but the owner of a cat must maintain the rabies vaccination certificate(s) as written evidence to prove that the cat has a current rabies inoculation.

## **Section 2-5 – Report and Confinement of Animal Biting Persons Otherwise Showing Symptoms of Rabies**

- A. Every dog or cat that has bitten any human or that otherwise shows symptoms of rabies must be confined immediately by its owner and must be promptly reported to the Animal Services Director, and thereupon shall be securely quarantined, at the direction of the Animal Services Director, for a period of (10) ten days, and shall not be released from such quarantine except by written permission from the Animal Services Director.
- B. Dogs and cats quarantined under this section shall be confined in a veterinary hospital, boarding kennel, or County Animal Shelter at the expense of the owner; provided, however, that if an Animal Services Officer determines that the owner of an animal that must be quarantined has adequate confinement facilities upon his or her property, an Animal Services Officer shall authorize the animal to be confined within such facilities. If the animal has been designated as dangerous, an Animal Services Officer cannot authorize the animal to be confined on the owner's property unless it is within an approved section 1-12B secure enclosure, and the animal is currently vaccinated against rabies. If the animal has not been designated as dangerous, an Animal Services Officer cannot authorize the animal to be confined on the owner's property unless the owner has a fenced-in area in his or her yard from which the animal cannot escape and the fenced-in area has no entrances or exits that are not locked, and the animal is currently vaccinated against rabies. Proof of rabies vaccination will be required at the time of investigation. If the animal is confined on the owner's property, an Animal Services Officer shall revisit the property for inspection purposes at approximately the middle of the confinement period and again at the conclusion of the confinement period.
- C. In the case of any dog or cat found to be wandering stray or at-large, the dog or cat may be harbored at a County Animal Shelter in accordance with section 2-5A of this article if such dog or cat shows symptoms of rabies. In such a case, the notice requirements of section 3-2 of article III apply. In the case of any dog or cat showing symptoms of rabies that is both found to be wandering stray and the ownership of such dog or cat cannot be determined, such dog or cat may be immediately humanely destroyed and the head of such dog or cat removed and taken to the State Laboratory of Public Health for rabies diagnosis.
- D. If rabies does not develop within (10) ten days after a dog or cat is quarantined under this section, the dog or cat may be released from quarantine with the written permission of the Animal Services Director. If the dog or cat has been confined in a County Animal Shelter, the owner must pay any necessary veterinarian fees and boarding fees as set by the Board of Commissioners.

## **Section 2-6 - Disposition of Animal Bitten or otherwise Exposed to a Rabid Animal**

An animal shall be considered to have been exposed to rabies when such animal is reasonably suspected of being exposed to the saliva or nervous tissue of a proven rabid animal or an animal reasonably suspected of having rabies. Any animal exposed to rabies must be promptly reported to the Animal Services Director. Such animal shall be either immediately humanely destroyed by Franklin County or confined in accordance with section 2-5 of this article for a period of up to (4) four months. Any animal exposed to rabies that has been vaccinated against rabies in accordance with section 2-2 of this article more than (3) three weeks prior to being exposed and is given a booster dose of a rabies vaccine by a

licensed veterinarian or certified rabies vaccinator within (5) five days of being exposed, shall not be subject to the requirements of this section.

### **Section 2-7 – Area Wide Emergency Quarantine**

- A. When reports indicate a positive diagnosis of rabies, the County Health Director may order an area-wide quarantine for such period as he or she deems necessary. Upon invocation of such emergency quarantine, no dog, cat, or other carnivore may be off the owner's property unless secured within a vehicle that is transporting such dog, cat, or other carnivore to a County Animal Shelter or to receive veterinary care. During such quarantine, no dog, cat, or other carnivore may be taken or shipped from the county without written permission of the Animal Services Director, and the police and sheriff departments are hereby directed during such emergency to impound any dog, cat, or other carnivore found to be at-large or wandering stray in Franklin County. During the quarantine period, the Animal Services Director or 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 Franklin 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 Health Director.

### **Section 2-8 – Postmortem Diagnosis**

- A. If any animal dies while under observation for rabies, the head of such animal shall be removed and taken to the State Laboratory of Public Health for rabies diagnosis.
- B. The carcass of any animal suspected of dying of rabies must be surrendered to the Animal Services Director. The head of such animal shall be removed and taken to the State Laboratory of Public Health for rabies diagnosis.

### **Section 2-9 - Unlawful Killing. Releasing. etc. of Certain Animals**

It shall be unlawful for any person, without written permission from the Animal Services Director and the County Health Director, to remove from Franklin County, release, or kill any animal suspected of being exposed to rabies or any animal that has bitten a human or that otherwise shows symptoms of rabies.

### **Section 2-10 - 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 humane destruction as required by this article when demand is made by an Animal Services Officer.



## **ARTICLE III - IMPOUNDMENT**

### **Section 3-1 - Generally**

Any animal found to be at-large, wandering stray, or that is otherwise subject to impoundment in accordance with the provisions of this ordinance shall be impounded at the direction of the Animal Services Director and confined in a humane manner. Impoundment of such an animal will not relieve the owner thereof from any penalty that may be imposed under this ordinance.

### **Section 3-2 - Notice to Owner**

Immediately upon the impounding of an animal, reasonable efforts shall be made to notify the owner and inform such owner of the conditions whereby the animal may be redeemed. If the owner is unknown or cannot be located, the animal shall remain in custody of the County Animal Shelter for (3) three days, or until such time thereafter as the animal is humanely destroyed or adopted out. The (3) three-day notice period shall be suspended during those days that the County Animal Shelter holding the animal is closed.

### **Section 3-3- Redemption by Owner Generally**

- A. Unless this ordinance requires otherwise, the owner of an impounded animal may redeem and regain possession of the animal, within (3) three days after notice of impoundment is posted or is given to the owner by complying with all applicable provisions of this ordinance and paying any necessary veterinarian's fee, unpaid civil penalties, redemption fees and boarding fees set by the Board of Commissioners.
- B. No animal owner or any agent of the owner will be permitted to adopt the owner's animal under the provisions of section 3-2 of this article in order to reclaim an animal that has been impounded pursuant to state law or this article.
- C. The owner of animal(s) who are impounded by Franklin County Animal Services shall be subject to fees upon redemption of their animal from Franklin County Animal Shelter.
  - 1. First Impoundment- Redemption Fee plus Board fee plus Rabies Vaccine (if no proof of current vaccine)
  - 2. Second Impoundment- Double redemption fee plus Board fee plus Rabies Vaccine (if no proof of current vaccine)
  - 3. Third Impoundment- Triple redemption fee plus Board fee plus Rabies Vaccine (if no proof of current vaccine)
  - 4. Fourth Impoundment- Animal becomes property of Animal Services for adoption, rescue, or humane destruction.

- D. All unpaid civil penalties must be paid before an animal may be redeemed from Franklin County Animal Shelter.
- E. The redemption fees and boarding fees shall be set each year in the Budget Ordinance and may be subject to change each year by action of the Board of Commissioners. See Animal Services current fee schedule.
- F. Successive impounds depend on a particular owner, not on a particular animal. By way of illustration, assume owner X redeems dog A. Later, Dog B is impounded into the Animal Shelter and owner X redeems dog B. Owner X will be charge second impoundment fees for dog B.

**Section 3-4-Destruction or Adoption of Unredeemed Animals Generally**

- A. If an impounded animal is not redeemed by the owner within the period prescribed in section 3-3 of this article, it may be humanely destroyed or become the property of the County Animal Shelter and offered for adoption to any responsible adult who is willing to comply with this ordinance. Such animal may be adopted by the first such person who pays the adoption fee.
- B. All un-sterilized animals (5) five months of age or older adopted from a County Animal Shelter must be either spayed or neutered within (30) thirty days of their adoption. All un-sterilized animals adopted that are under (5) five months of age must be spayed or neutered before the animal reaches (6) six months of age. Written proof of the spaying or neutering must be promptly provided to the Animal Services Director by the adopter. The adoption of any animal that is not spayed or neutered pursuant to this section shall be deemed to violate is section and must be returned to the County Animal Shelter from which the animal was adopted. The Animal Services Director is authorized to obtain an adoption agreement from an applicant in order to implement the provisions of this section.
- C. When adopting an unspayed or unneutered animal from the county animal shelter
  - 1. An Animal Services employee will schedule an appointment for the adopter with a veterinarian for the adopted animal to be spayed/neutered (at the Adopter's expense) within the time outlined in section 3-4 (b) of this article

OR

- 2. The Adopter will provide proof of a scheduled appointment with a Veterinarian for the adopted animal to be spay/neutered (at the Adopter's expense) within the time outlined in section 3-4 (b) of this article

Should the spayed/neutered appointment not be scheduled at the time of adoption due to the Veterinarian's office being closed, the appointment must be scheduled on the next business day the Veterinarian is open.

- D. No animal that has been impounded by reason of its being found to be wandering stray shall be allowed to be adopted from the County Animal Shelter during a period of emergency rabies quarantine Invoked pursuant to section 2-7 of article II, except by special authorization of the Health Director.
- E. Any animals that exhibit fierce, dangerous, or aggressive behavior will not be offered for adoption.

**Section 3-5 - Procedure with Respect to Redemption or Adoption of Unvaccinated Animal**

**REPEALED**

**Section 3-6-Suspected Rabid Animals Shall Not Be Redeemed or Adopted**

Notwithstanding any other provision of this article, animals impounded that show symptoms of rabies shall not be redeemed or adopted but shall be dealt with in accordance with article II of this ordinance.

**Section 3-7-Destruction of Wounded or Diseased Animals**

Notwithstanding any other provision of this article, any animal Impounded that is diseased (but not a rabies suspect) or badly wounded and that has no identification shall be immediately humanely destroyed. If the animal has identification, reasonable attempts shall be made to notify the owner before the animal is humanely destroyed. If the owner cannot be reached readily, and the animal is suffering, the County Animal Shelter may humanely destroy the animal at its discretion.

## ARTICLE IV – PENALTIES

### **Section 4-1 – Imposition of Penalties for Violation of Article I**

- A. Except as otherwise provided, any person who violates any provision of this ordinance shall be fined a civil penalty of one hundred dollars (\$100.00). If the violation is continued, each day's violation shall constitute a separate offense. Payment of said penalties must be made within (10) ten days of each violation. Civil penalties may be assessed by citation and recovered by Franklin County in the nature of a debt.
- B. If any animal previously designated as dangerous pursuant to section 1-12 of article I assaults, attacks, wounds, bites, or otherwise injures or kills a human without sufficient provocation, the owner must pay a five hundred dollar (\$500.00) civil penalty and the Animal Services Director is empowered to confiscate and, after the expiration of a (10) ten-day rabies quarantine period, humanely destroy said dangerous animal.
- C. If any animal previously designated as dangerous pursuant to section 1-12 of article I kills, wounds, or assists in killing or wounding any domestic animal or pet without sufficient provocation, the owner of said animal must pay a two hundred fifty dollar (\$250.00) civil penalty and the Animal Services Director is empowered to confiscate and, humanely destroy said dangerous animal.
- D. A violation of this ordinance shall subject to violator to criminal as well as civil action. In addition to the civil penalties or fees imposed under this ordinance, violation of this ordinance, unless otherwise stated, shall be a Class 3 misdemeanor for which a criminal summons may be issued. Violation of Section 1-6 shall constitute a Class I offense. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his or her liability for taxes, civil penalties, or fees imposed under this ordinance.
- E. In addition, enforcement of this ordinance may occur by appropriate equitable remedy, injunction, or order of abatement issued by a court of competent jurisdiction.

### **Section 4-2 – Imposition of Penalties for Violations of Article II**

Penalties for violations of article II of this ordinance shall be in accordance with those penalties otherwise set out in State Law.

### **Section 4-3 - Appeals of Administrative Decisions**

Should an individual wish to appeal a decision of an Animal Services Officer enforcing this ordinance under direction of the Animal Services Director, he or she must notify the Animal Services Director of such appeal within (3) three days of the decision. The Animal Services Director will review all circumstances and make a decision, in writing, within (10) ten days. In those matters related to animals designated as dangerous by the Animal Services Director, the owner of such animal may appeal such designation by filing written objections within (3) days of the designation with the Animal Services Appellate Board, also serving as the Dangerous Animal Board, which shall consist of (3) three members as designated and appointed by the Board of Commissioners. The Dangerous Animal Board shall schedule a hearing within (10) ten days of the filing of the objections. The decision of the Dangerous Animal Board will be given to the owner within (10) ten days of the hearing.

In matters relating to the designation of dangerous animals, any appeal from the final decision of the Dangerous Animal Board may be taken to the Franklin County Superior Court by filing notice of appeal and a petition for review within (10) ten days of the final decision of the Dangerous Animal Board.

ARTICLE V - EFFECTIVE DATE

The effective date of this ordinance shall be upon its execution.

**ADOPTED** this the 19<sup>th</sup> Day of April 2021.

  
Michael S. Schriver, Chairman

  
Kristen G. King, Clerk to the Board



Approved as to form  


