

**RESOLUTION AMENDING CHAPTER 4 OF THE  
DURHAM COUNTY CODE OF ORDINANCES CONCERNING ANIMALS**

**WHEREAS**, the North Carolina Legislature has, through Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to counties the power to regulate by ordinance acts, omissions, or conditions detrimental to the health safety and welfare of its citizens and the peace and dignity of the county; and

**WHEREAS**, the Commissioners of the County of Durham, pursuant to their authority granted under Article 6 of Chapter 153A of the North Carolina General Statutes, enacted an Animal Ordinance to regulate acts, omissions, and conditions detrimental to the health safety and welfare of its citizens and the peace and dignity of the County; and

**WHEREAS**, free roaming cats which have not been spayed or neutered can breed at a prolific rate, and their habits include many which are disruptive to the public peace and health and destructive of public and personal property; and

**WHEREAS**, free roaming cats tend not to receive regular veterinary care, leaving them subject to communicable diseases; and

**WHEREAS**, it has been represented that the benefits of a Trap-Neuter-Vaccinate-Release program can promote the health of these free roaming cats, reduce their disruptive and offensive behaviors, and reduce the population of these cats; and

**WHEREAS**, interested advocates for animals have proposed that, if permitted by local ordinance, there are community groups and concerned citizens who would be willing to provide services as part of a Trap-Neuter-Vaccinate-Release program, which would provide essential health care, to include vaccinations and spay/neuter services to free roaming cats, and public education regarding the program, de-escalation of complaints, and assistance with deterring community cats from entering properties where they are not wanted; and

**WHEREAS**, these interested advocates contend that a Trap-Neuter-Vaccinate-Release program administered by these community groups will reduce the number of free roaming cats brought into the shelter, and reduce the demands on the Sheriff's Office to deal with complaints about stray and nuisance cats; and

**WHEREAS**, the Board of County Commissioners wish to amend the Animal Ordinance to permit the creation of a Trap-Neuter-Vaccinate-Release program to try to manage and reduce the population of unhousted cats within Durham County should community groups be formed, or existing ones join together, to fund and administer such a program; and,

**WHEREAS**, the Animal Protection Society wishes to establish a working cat program whereby unsocialized cats can be adopted; and,

**WHEREAS**, the statutes of North Carolina provide for a minimum hold period of 72 hours in the shelter before ownership can pass to the County or their designee and having this ownership grants authority to provide non-emergency care and make animals available for adoption; and,

**WHEREAS**, almost all redemptions currently occur within the first 72 hours that the animals are brought into the shelter; and,

**WHEREAS**, the Board of County Commissioners wish to amend the Animal Ordinance to set the minimum hold time for animals to be held at the shelter to 72 hours.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH ORDAIN:**

1. Chapter 4 of the Durham County Code of Ordinances is amended as specified below:
  - A) That section 4-2 of the Durham County Code of Ordinances is hereby amended as follows:

Sec. 4-2. - Purpose and objective.

This chapter is established for the following purposes and objectives:

- (1) *Animal license*. To establish rules and procedures for licensing a dog or cat.
- (2) *Animal abuse*. To define and prohibit the abuse of animals.
- (3) *Rabies*. To protect citizens and other animals of the county from rabies transmitted by unconfined, uncontrolled or unimmunized dogs, cats or other animals.
- (4) *Animals at large*. To regulate, restrict and prohibit the running at large of any domestic animals.
- (5) *Stray animals*. To regulate, restrict or prohibit the keeping of any stray domestic animals.
- (6) *Animal nuisance*. To regulate animals that may be a nuisance.
- (7) *Exotic animals and dangerous animals*. To regulate, restrict or prohibit the harboring or keeping or ownership of exotic animals and dangerous animals.
- (8) *Impoundment of animals*. To regulate and establish procedures for the impoundment and confinement of animals.
- (9) *Redemption of impounded animals*. To regulate and establish procedures for redeeming animals impounded in the county's animal shelter.
- (10) *Disposition of animals*. To regulate and establish procedures for the disposition of diseased, stray, unwanted, or unclaimed animals.

(11) *Community cat program.* To permit the establishment of a program allowing community cats to be properly cared for, while limiting their growth, and respecting the rights of others.

B) That section 4-13 of Chapter 4, of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 4-13. - Definitions.

*Abandon* means to intentionally, knowingly, recklessly, or negligently leave an animal at a location without providing for the animal's care for 24 or more consecutive hours. A community cat caregiver who provides care to, or has temporary custody of, a community cat in accordance with a Trap-Neuter-Vaccinate-Release Program as defined in this Chapter is not deemed to have abandoned the cat merely by letting it reside outdoors.

*Adequate shelter* means an enclosure having at least three solid sides, a roof and a floor, that remains dry inside, is ventilated and has sufficient room for an animal to move about freely and lie down comfortably and promotes the retention of body heat.

*Animal* means every nonhuman species, both domestic and wild.

*At large* means any animal found off of the property of its owner and not under restraint, or any animal previously determined to be dangerous or potentially dangerous that is not confined to a secure enclosure while on the property of its owner. This definition shall exclude any dog, which is in a dog park. This definition shall exclude any dog being used by a law enforcement officer while carrying out the law enforcement officer's official duties.

*Attended leash* means that the tethered dog is in visual range of the responsible party, and the responsible party is located outside with the dog.

*Bite* means the act of an animal seizing flesh with its teeth or jaws, so as to tear, pierce or injure the flesh.

*Board of commissioners* means the Durham County Board of County Commissioners.

*Cats* means any and all domestic felines.

*City* means the City of Durham, North Carolina.

*Community cat* means a cat that is abandoned, stray, lost, or feral, and cared for by a community cat caregiver pursuant to this Chapter. Community cats that are ear-tipped indicate the animal has been sterilized and vaccinated against rabies at least one time.

*Community cat caregiver means.*

(1) A person who, in accordance with the Trap-Neuter-Vaccinate-Release (TNVR) program defined in this chapter:

- (a) Provides care, including food, shelter, or medical care to a community cat; or
- (b) Has temporary custody over a community cat.

(2) A community cat caregiver shall not be considered the owner or keeper of a community cat for purposes of this ordinance.

This ordinance does not provide any immunity for civil or criminal actions otherwise available under law.

*Confinement* means impoundment within the county's animal shelter or other appropriate facility.

*County* means Durham County, North Carolina.

*Cruelty* and *cruel treatment* means every act, omission, or act of neglect whereby unjustifiable pain, suffering or death is caused or permitted, or attempted to be caused or permitted against animals, as well as acts or attempted acts of teasing, molesting, baiting or trapping of animals unlawfully.

*Dog park* means an area or tract designated by the owner of the property to be a place in which a dog or dogs are not required to be under restraint. The area or tract designated by the owner of the property must be a secured enclosure. The owner of the property shall post in a conspicuous place and manner a sign on the outside of the enclosure, which designates the area or tract as a dog park.

*Dogs* means any and all domestic canines.

*Exotic animal* means a species of animal not indigenous to this state. The term specifically does not include animals of a species customarily held in this state as ordinary household pets, animals of a species used in the state as a domestic farm animal, fish, birds, nonvenomous insects, nonvenomous reptiles and species that are deemed inherently dangerous under article XII of this chapter or regulated by the North Carolina Wildlife Resource Commission.

*Feral cat* means a domestic cat which is unsocialized and has adapted to survive in the wild.

*Flood-prone area* means an area in which two or more inches of standing water is likely to accumulate during a period of normal rainfall.

*Habitual violation* means three or more violations of this chapter in the past three years and the most recent violation was within the past 12 months.

*Impoundment* means possession or seizure of an animal by the sheriff and his/her designees for placement in the county's animal shelter or other appropriate facility.

*In estrus* means a female animal in what is commonly called "heat".

*Livestock* shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, and swine as set forth in G.S. ch. 68, art. 3.

*Microchip* refers to a tiny permanent identification system, implanted under the animal's skin and read by a chip scanner which identifies the owners name and address which is available on regional or national data bases. Implantation is done with an injector that places the chip under the loose skin over the animal's shoulder.

*Nuisance* means any act of an animal that disturbs the rights of, threatens the safety of, or damages the person or property of, a member of the general public or interferes with the ordinary use and enjoyment of private or public property. The following-is a non-exclusive list of actions which shall be evidence of a nuisance:

- (1) Gets into or turns over garbage containers.
- (2) Walks on and/or sleeps on automobiles of another.
- (3) Damages gardens, foliage or other real or personal property.
- (4) Continuously or frequently roams or is found on the property of another.
- (5) Is maintained in an unsanitary condition so as to be offensive to sight or smell.
- (6) Is not confined to a building or secure enclosure while in estrus.
- (7) Chases, snaps at, attacks, or otherwise molests pedestrians, bicyclists, motor vehicle passengers, farm stock, or domestic animals.
- (8) Urinates or defecates on private property without the permission of the owner.
- (9) Is diseased or dangerous to the health of the public.
- (10) Is maintained outside less than 15 feet from a public street, road, or sidewalk and poses a threat to the general safety, health, and welfare of the general public.

*Owner* means any person, group of persons, firm, partnership, or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on his/her property. Any person keeping, having charge of, taking care of, or allowing a community cat to remain on their property is not considered the owner of that animal for the purposes of this ordinance.

This ordinance does not provide any immunity for civil or criminal actions otherwise available under law.

*Owner's property* means that area described in a deed of conveyance or the area described in a lease. In a situation involving townhomes or condominiums, the common areas will be treated as being owned by the homeowner's association. In a situation involving leased apartments, the common areas will be treated as being owned by the lessor/property owner.

*Person* means any human being, firm, partnership, or corporation, including any nonprofit corporation.

*Pet shop* means a business or enterprise, that acquires for the purpose of resale animals bred by others whether as owner, agent or on consignment and sells, trades or offers to sell or trade such animals to the general public at retail or wholesale.

*Rabies vaccinator* means a person appointed and certified to administer rabies vaccine or a licensed veterinarian.

*Restraint* means a secure enclosure located on the owner's property, attended leash, or electronic device of sufficient strength which allows the owner to maintain control of an animal. Voice command is not recognized as adequate restraint.

*Secure enclosure* unless otherwise specifically defined herein, means an enclosure from which an animal cannot escape by means of digging under or jumping over the enclosure, or otherwise becoming free unless freed by the owner. A motor vehicle shall not constitute a secure enclosure.

*Stray, lost, or unwanted* means any animal found within the county wandering at large which does not have identification of an owner.

*Tethering* means tying out or fastening a dog outdoors on a rope, chain or other type of line for holding a dog. This shall not include tying out or fastening a dog outdoors on an attended leash.

*Trap-Neuter-Vaccinate-Release* means the process of humanely trapping, sterilizing, vaccinating for rabies and FVRCP (Feline Viral Rhinotracheitis, Calicivirus, and Panleukopenia) ear-tipping, and returning community cats to their original location, or an alternative location where they will be welcomed.

*Vaccination* means the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator. For community cats, the term vaccination shall also include FVRCP.

*Wild animal* means any animal that is or once was native to this state or any species of wild bird which naturally occurs or historically occurred in this state, being native or migratory.

*Working days* means any day of the week excluding Saturday, Sunday and legal holidays. If the last day of the time period specified herein, shall fall on a Saturday, Sunday or legal holiday, then the action required shall be undertaken on the next day that is not a Saturday, Sunday or legal holiday.

C) That section 4-39 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 4-39. - Rabies control.

- (a) Every owner shall comply with the requirements of G.S. 130A-184 et seq., and other applicable state laws concerning rabies control.
- (b) If an owner of an animal fails to produce proof of rabies vaccination or fails to have the animal vaccinated, after having been issued a notice to vaccinate pursuant to G.S. 130A-192, the sheriff and his/her designees may enforce applicable state laws and county ordinances.
- (c) The owner may consent to allow an officer, who is also a certified rabies vaccinator, to vaccinate the animal.
  - (1) The owner shall be responsible for all costs associated with the officer's effort to vaccinate the animal.
  - (2) If an owner fails to pay the costs of having the animal vaccinated, the county may commence legal proceedings to recover these costs.
- (d) Nothing in this article shall be construed to preclude any criminal remedy available under the laws of the State of North Carolina or the United States, or the pursuit by any person, of civil or criminal remedies available under said laws.
- (e) Cats shall be exempt from the requirement to wear a rabies tag, but the owner of the cat shall maintain the rabies vaccination certificates as written evidence to prove that the cat has a current rabies inoculation.
- (f) The owners of all animals are encouraged to have their pets microchipped, and to have them wear rabies and identification tags, in order to facilitate their prompt identification and reunification.

D) That the Durham County Code of Ordinances is hereby amended by adding an ARTICLE V, which reads as follows:

ARTICLE V. – Community Cats

Sec. 4-111 Community Cats.

The County of Durham adopts this community cat initiative subchapter.

Sec. 4-112 Trap-Neuter-Vaccinate-Release (TNVR) Programs.

(A) Organizations or individuals that engage in TNVR are encouraged to register through a sponsoring organization. Organizations performing or supporting TNVR in Durham County shall identify themselves to the Sheriff of Durham County and nominate a community cat sponsoring organization, which shall serve as a single point of contact for the dissemination of information and requests for assistance.

(B) Responsibilities of the community cat sponsoring organization:

- (1) Provide a single point of contact to the Sheriff's Office for the coordination of TNVR, calls about at large cats, and calls about complaints related to feral, stray, or community cats, and facilitate resolution of those complaints.
- (2) Make available to the public information about TNVR and community cats,
- (3) Attempt to notify the appropriate community cat caregiver when notified by the Sheriff's Office about an impounded ear-tipped cat.

(C) Responsibilities of the community cat caregiver:

- (1) Cats must be trapped using humane trapping techniques;
- (2) Cats must be assessed by a veterinarian and deemed healthy at the time of spay/neuter surgery;
- (3) Cats must be scanned for a microchip indicating if they have an owner, and for cats without a tag or microchip, the person bringing them in must verify that the cats are unowned and residing on their property using a form designed by the Sheriff of Durham County, This form shall be retained by the community cat sponsoring organization. If there is no community cat sponsoring organization, the forms, and any forms held by a previously serving community cat organization, shall be provided to the Sheriff's Office.
- (4) Cats must be evaluated for their adoption potential and adoptable animals offered for adoption either by a rescue group or the animal shelter.
- (5) Cats must be spayed or neutered;
- (6) Cats must be vaccinated for rabies and FVRCP (Feline Viral Rhinotracheitis, Calicivirus, and Panleukopenia);
- (7) Cats must be ear-tipped;

(8) Cats must be released on property owned by the community cat caregiver, or property where the owner has provided consent for the cat's return.

(9) A community cat caregiver must make appropriate arrangements for the community cats' care, to include shelter, feeding, watering, and elimination, and do so in a way which does not create a nuisance for others.

(10) A community cat caregiver must accept responsibility for addressing and resolving complaints caused by the community cats, seeking to foster good relations with their neighbors, and encouraging their acceptance of the community cats as part of the TNVR program

(11) If the community cat caregiver is overwhelmed by their responsibilities, they must contact the community cat sponsoring organization or the Sheriff's Office and seek assistance.

(12) Cat bites must be reported to the Durham County Sheriff's Office and Department of Public Health.

(D) Responsibilities of the Sheriff of Durham County:

(1) Persons that contact the Sheriff's Office about stray or community cats shall be provided information about Trap-Neuter-Vaccinate-Release and referred to the community cat sponsoring organization.

(2) When a person contacts the Sheriff's Office with a complaint about an ear-tipped community cat, the Sheriff's Office will contact the community cat sponsoring organization for assistance in resolving the complaint.

(3) If there is no local sponsoring organization, or the one identified is not capable of providing prompt and effective community engagement, or when, in the opinion of the Sheriff, or their designee, the complaint about a stray or community cat indicates a need for prompt action and does not permit time for making the referrals above, the Sheriff's Office may act immediately to address the situation.

E) That section 4-166 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 4-166. - Notification to animal control division.

(a) Any person who has knowledge of or keeps, feeds, harbors or possesses a stray or abandoned animal must notify the sheriff or his/her designee within 24 hours of having knowledge of the animal or the animal coming into his possession or control. This obligation does not apply to an ear-tipped cat.

(b) Any person required to notify the sheriff or his/her designee under subsection 4-166(a) shall provide the following information to animal control:

(1) The name, address and telephone number of the person completing the lost/found report.

(2) A description of the animal, including its color, breed, sex and age.



(3) The location where the animal was discovered.

- (c) Any person who gives away, sells or allows an otherwise stray or abandoned animal to be adopted without first surrendering said animal to the animal shelter shall have no authority over the animal and ownership shall remain with the previous owner to the extent the previous owner is able to be identified.

F) That section 4-167 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 4-167. - Surrender of stray animals.

- (a) Any person having knowledge of or keeping, feeding, harboring or possessing a stray animal shall surrender the animal upon demand by the sheriff or his/her designee.
- (b) All stray animals surrendered may be taken to the county animal shelter. If the owner does not redeem the animal within 72 hours, the animal shall become the property of the county and may be disposed of according to this chapter.

G) That section 4-194 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 4-194. - Sanctions, fines, penalties and remedies.

In addition to criminal penalties provided by state law and civil penalties set forth in section 4-9, any person who violates this article shall be subject to the following sanctions and remedies:

- (1) If a dog which has been declared dangerous or potentially dangerous is found at large it shall be seized and impounded. If attempts to seize the dangerous or potentially dangerous dog are unsuccessful, the sheriff or his/her designee may tranquilize or destroy the animal, without prior notice to the owner. The officer shall thereafter make a good faith attempt to notify the owner of the incident.
- (2) If the dog has caused injury to a person or another domestic animal while at large and not confined within a secure enclosure, the sheriff or his/her designee may, in addition to seizing the dog, issue to the owner a notice of intent to destroy the dog.
- (3) If an inspection of the premises where a dog which has been declared dangerous or potentially dangerous is confined reveals that the owner has not complied with state law for confining a dangerous dog, the sheriff or his/her designee may, in addition to criminal sanctions authorized by G.S. 67-4.2, issue a \$500.00 civil penalty in accordance with section 4-9 and may impound the dog at the animal shelter.
- (4) If the impounded dog is not redeemed within 72 hours the dog shall become the property of the county and shall be disposed of in accordance with this chapter.
- (5) Nothing in this article shall prevent a private citizen from bringing an action against the owner of an animal, which has caused injury to the private citizen or his property, for damages or any other loss resulting from the animal being dangerous or potentially dangerous.

H) That section 4-221 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 4-221. - Authority.

- (a) Not inconsistent with the preceding articles of this chapter any healthy animal which appears to be lost, stray or unwanted, or any dog or cat which is impounded pursuant to any provision of this chapter, or any exotic animal which has escaped or poses the danger of escaping may be confined to the animal shelter or any other appropriate facility in a humane manner for a minimum of 72 hours, unless otherwise specified in this chapter, for redemption by the owner. Any animal not redeemed within 72 hours shall become the property of the county and shall be disposed of pursuant to this chapter.
- (b) An ear-tipped cat shall not be impounded under this section unless a complaint has been lodged against the cat pursuant to other applicable sections of this chapter.
- (c) The sheriff or his/her designee may obtain suitable board, maintenance and care from any available source for any impounded animal for which the animal shelter is not equipped to care. Unless otherwise provided herein, the owner of any animal impounded and cared for under any provision of this chapter may redeem the animal upon payment of all fees, costs and penalties authorized by this chapter.

I) That section 4-222 of the Durham County Code of Ordinances is hereby repealed and that section reserved.

J) That section 4-223 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 4-223. - Notice.

- (a) A good faith effort shall be made to notify known owners of impounded animals. Instructions on how to determine if an animal has been impounded shall be available at the animal shelter and shall constitute adequate notice to an unknown owner.
- (b) For ear-tipped cats, the animal shelter shall notify the community cat sponsoring organization of the location where the animal was impounded.

K) That the Durham County Code of Ordinances is hereby amended by adding a section, to be numbered 4-242.1, which section reads as follows:

Sec. 242.1 Redemption of community cats

A community cat caregiver may redeem a community cat by:

- (a) Providing written verification the community cat has been in their care and resides on their property.
- (b) Paying the costs of redemption detailed in this Chapter, and of the community cat being part of the TNVR program, or for updated vaccinations.

L) That section 4-243 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 4-243. - Time limits.

Unless otherwise provided by this chapter or state law, any animal impounded at the animal shelter or other appropriate facility must be redeemed within 72 hours of the date of impoundment. Any person attempting to redeem an animal must appear in person at the animal shelter and make payment of redemption and other applicable costs, fees and penalties within 72 hours of the date of impoundment.

M) That section 4-261 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 4-261. - Unredeemed, injured, sick or diseased animals.

- (a) An impounded animal shall become the property of the county without further notice to the owner if the owner fails to pay all amounts due at redemption or if the owner fails to redeem the animal before the time limit for redemption has expired.
- (b) Once the animal becomes the property of the county, ownership shall transfer, by operation of law, to the agency responsible for operating the Durham County Animal Shelter, which may dispose of the animal in accordance with its policies and the provisions of this Chapter.
- (c) Any animal impounded, which is badly injured, sick or diseased, and has no identification may be euthanized in a humane manner without waiting 72 hours. If the animal has identification, animal control shall attempt to notify the owner before disposing of such animal; but if the owner cannot be reached readily, and the animal is suffering, animal control, or the agency responsible for operating the Durham County Animal Shelter may euthanize-the animal in a humane manner within its discretion.

N) That section 4-281 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 4-281. - Permit required.

- (a) It shall be unlawful for any person, organization, agency or institution to trap, by cage or mechanical device, a dog or cat without a permit issued by the sheriff or his/her designee.
  - (1) The sheriff or his/her designee may issue a 30-day permit to any person, organization, agency or institution to install or maintain an approved trap or other mechanical device.
  - (2) A permit issued pursuant to this subsection may be renewable thereafter for 30 days.
- (b) It shall not be a violation of this article for a person to apprehend an animal on his property by hand; however, the person must call animal control within 24 hours of catching the animal.
- (c) Community cats may be humanely trapped in cages by any person, organization, agency, or institution for the purpose of participating in a TNVR program without the need for a permit. Community cats cannot be returned to a location unless the person or entity trapping the

community cat either owns the property where they were trapped or has permission from the owner to return the community cat to that location.

O) That section 4-305 of the Durham County Code of Ordinances is hereby amended to read as follows:

Sec. 4-305. - Sanctions, penalties, fines, remedies.

Any person who fails, refuses, or otherwise violates this article shall be subject to the following sanctions or penalties:

- (1) *Escape of an exotic animal.*
  - a. If an exotic animal escapes from its cage, pen or enclosure it may be tranquilized with or without prior notice to the owner.
  - b. If an exotic animal escapes and poses a danger to the health and safety of any person or property, the animal may be destroyed, with or without prior notice to the owner. If the officer does destroy such an animal, he shall make a good faith attempt to notify the owner of the incident.
  - c. If the exotic animal has caused injury to a person or another animal while at large, the officer in addition to seizing the animal, may issue to the owner a notice of intent to destroy the animal.
- (2) *Seizure of unpermitted exotic animals.* Any exotic animal that the owner does not have a required federal, state or county permit may be subject to seizure in accordance with state law. The costs of confinement shall be charged to the owner.
- (3) *Cost of recapturing.* The owner of any exotic animal shall reimburse the county for any overtime hours or special costs or expenses incurred by county employees while in the course of or as a result of attempts to recapture an escaped animal.
- (4) Nothing herein shall have the effect of permitting any activity or condition with respect to an animal that is prohibited or more severely restricted by regulations of the North Carolina Wildlife Resources Commission.
- (5) Pursuant to G.S. 19A-1, 19A-2, 19A-3, and/or 19A-4, an officer may obtain an order to take possession of the animal.
- (6) If an immediate threat to the health or safety of the animal or the public is evident, an officer may summarily seize the animal in accordance with state law.
  - a. A notice of seizure describing the exigent circumstances warranting the seizure shall be left with the owner or affixed to the premises or other property from whence the animal was seized.
  - b. If the owner fails to redeem the animal within 72 hours, the county may take custody of the animal. The costs of caring for the animal pending final determination of court proceedings shall be charged against the owner.
- (7) If it is determined by the officer that the animal or public is not in immediate danger, or the problem which gives rise to the violation can be corrected within 72 hours, the officer may issue a written notice of violation directing the owner or possessor of the animal to

correct the problem within 72 hours. If the condition or problem is not corrected within 72 hours, the animal control officer may take action as outlined in subsections (1) through (6) above.

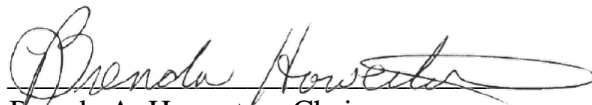
- (8) Notwithstanding the other provisions and sanctions of this article, the officer may issue a civil penalty for violation of any provision of this section in accordance with section 4-9.
- (9) *Second violations.* Second violations of this article may be punishable as criminal offenses.
- (10) Nothing in this article shall be construed to preclude any criminal remedy available under the laws of the State of North Carolina or the United States, or the pursuit by any person, of civil or criminal remedies available under said laws.

2. This Ordinance shall be effective upon its adoption.

3. The Clerk to the Board shall integrate these amendments into the existing Chapter 4 and otherwise file and index these amendments into the ordinance book.

Approved by the Durham County Board of Commissioners by Ordinance this 12th day of June, 2023.

SIGNED:



Brenda A. Howerton, Chair  
Durham County Board of Commissioners