

ANIMAL CONTROL & ANIMAL WELFARE ORDINANCE  
SURRY COUNTY, NORTH CAROLINA

An Ordinance of the County of Surry Providing for  
Animal Control and Related Matters

*BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF  
SURRY IN REGULAR SESSION ASSEMBLED:*

ARTICLE I  
ORGANIZATIONAL MATTERS

SECTION 1. TITLE AND PURPOSE OF THIS ORDINANCE.

- a. Title. This Ordinance shall be known as the Surry County Animal Control & Animal Welfare Ordinance.
- b. Purpose. The purpose of this Ordinance is to:
  - 1) Protect the people of Surry County from dangerous, exotic or uncontrolled animals; and
  - 2) Supplement, not supersede, the State Rabies Control Statutes; and
  - 3) Insure the humane treatment of animals within the county.
- c. This ordinance shall not apply to animals otherwise regulated by state or federal law.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning defined herein, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future and past tense; words in the plural number include the singular number; words in the singular number include the plural number; and words in the masculine gender include the feminine gender.

- a. Adequate Food: The provision on a daily basis of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, and maintain the animal in good health and comfort. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean and from which agents injurious to health have been removed or destroyed to a practical minimum.
- b. Adequate Shelter: A non-metal enclosure which is structurally sound, maintained in good repair and constructed in such a manner that it is water and wind resistant and provides some shade from the direct rays of the sun and assures adequate ventilation and light.
- c. Adequate Water: A constant access to a supply of clean, fresh, water provided in a sanitary manner. In near or below freezing temperatures, the water must be changed frequently so as to prevent freezing.
- d. Animal. Every vertebrate non-human species of animal, wild or domestic, male or female, including but not limited to dogs and cats.
- e. Animal Control Officer (ACO). A County employee designated as a dog warden, rabies control officer, rabies control official, or other designated County representative or agent, whose responsibility includes rabies and animal control.

- f. 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 the provisions of the Ordinance or any other County ordinance or directive or State law.
- g. At Large. An animal shall be deemed to be at large when it is off the property of its owner and not under the restraint of a competent person.
- h. Cat. A domestic feline.
- i. County. The County of Surry.
- j. Dangerous Dog. A dog that
- without provocation has killed or inflicted severe injury on a person; or
  - is owned or harbored primarily or in part for the purpose of dog fighting; as well as any dog trained for fighting.
- k. Dog. A domestic canine.
- l. Identified Animal. An animal with an identification tag, tattoo, or other marking on which is inscribed the owner's name, address, and telephone number.
- m. Owner. Any person, group of persons, firm, association, partnership, corporation, or other entity 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.
- n. Potentially Dangerous Dog. A dog so designated by the duly appointed person or board because the dog
- 1) inflicted a bite on a person that resulted in broken bones, disfiguring lacerations, or hospitalization; or
  - 2) killed or inflicted severe injury on a domestic animal when not on its owner's premises; or
  - 3) approached a person when not on its owner's premises in a vicious or terrorizing manner.
- o. Public Nuisance Animal. Any animal that unreasonably annoys humans, endangers the life or health of domestic animals or persons, or substantially interferes with the rights of citizens, other than its owner, to enjoyment of life or property. The term shall include, but is not limited to, any animal that
- is repeatedly at large;
  - damages the property of anyone other than its owner;
  - molests or intimidates pedestrians or passersby;
  - chases vehicles;
  - excessively makes disturbing noises, including, but not limited to, continued or repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored due to the neglect of the animal's owner;
  - is offensive or dangerous to the public health, safety, or welfare;
  - attacks other domestic animals; or
  - has been found by the Animal Control Committee, after notice of its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

p. Restraint. An animal is under restraint within the meaning of this Ordinance if it is:

- 1) controlled by means of a chain, leash, trolley or other like device;
  - a. No tie out device shall employ a restraint of less than fifteen (15) feet in length and must have swivels on both ends.
  - b. Any chain, tether, or tie out device must be attached to a dog by means of a properly fitting harness or a buckle-type nylon/leather collar measuring not less than one (1) inch in width.
  - c. Collars used to attach a dog to a tie out device shall not be a choke type.
- 2) on or within a vehicle being driven or parked;
- 3) within a secure enclosure; or
- 4) within the property limits of its owner or keeper.

q. Severe Injury. Any physical injury to a person that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization as defined in G. S. 67-4.1 (a) (5).

### SECTION 3. ANIMAL CONTROL COMMITTEE

There is hereby created the Animal Control Committee, the purpose of which shall be to (i) advise the Surry County Animal Control Section; (ii) carry out the directives of, perform investigations for, and advise the Surry County Board of Health with respect to rabies control and other animal related matters as determined by the Board of Health; and (iii) carry out such other functions as may be established under this Ordinance. The Animal Control Committee shall be composed of five (5) members for two-year rotating terms in compliance with by-laws established and approved by the Surry County Board of Health. The Board shall have the authority and responsibility conferred by said by-laws. Members shall be appointed by the Surry County Board of Commissioners.

## ARTICLE II ANIMAL CONTROL PROGRAM

### SECTION 1 ANIMAL CONTROL PROGRAM

A. The Animal Control Program of Surry County, hereinafter referred to as the Animal Control Program, is composed of the Health Director, and such employees as shall be determined by the Surry County Board of Health and approved by the Surry County Board of Commissioners.

### SECTION 2 ENFORCEMENT

- A. The Health Director shall designate employees or agents enforcing this Ordinance as Animal Control Officer(s) (ACO). In the performance of said duties, ACO shall have all the powers, authority and immunity granted under this Ordinance and by the general laws of this state to enforce the provisions of this chapter, and the General Statutes of North Carolina as they relate to the care, treatment, control or impounding of animals.
- B. Except as may be otherwise provided by statutes, local laws or ordinances, no officer, agent or employee of the county charged with the duty of enforcing the provisions of this chapter or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties unless he acts with actual malice.
- C. The Animal Control Program shall apply in those areas over which municipal animal control programs are not applicable.

### SECTION 3 GENERAL DUTIES OF ANIMAL CONTROL PROGRAM

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

- A. Enforcing, in this county, all state and county laws, ordinances and resolutions relating to the care, custody, and control of animals.
- B. 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 leashing of dangerous animals, dangerous dogs and exotic animals. Investigate all reported animal bites or other human physical contact of with suspected rabid animals
- C. Investigate allegations of cruelty to, neglect, or abuse of dogs, cats and other animals
- D. Making such canvasses of the county, as is deemed necessary for the purpose of ascertaining that all animals are vaccinated against rabies as required by local ordinance or state statute.
- E. Operate the county animal shelter pursuant to policies of the Health & Nutrition Center and as defined in NCGS 19A Section 3 & 02 NCAC 52J.
- F. Seize and impound where deemed necessary, any animal involved in a violation of this or any other county ordinance or state law.
- G. Be authorized to place live-capture animal traps on private property, with the consent of the landowner, or on public property, in order to trap and remove stray, at large, abandoned, or nuisance domestic animals.

### SECTION 4 RABIES CONTROL OFFICER

A. Any Animal Control Officer may hereby be designated as the Rabies Control Officer for Surry County and shall have such powers, duties, and responsibilities as are provided by the provisions of the North Carolina General Statutes, However, such powers, duties, and responsibilities as the Rabies Control Officer shall not conflict with or supersede the powers, duties, and responsibilities of the Director of the Surry County Health & Nutrition Center or rabies inspectors appointed under the provisions of the North Carolina General Statutes.

B. If an ACO is deemed a Certified Rabies Vaccinator by the Health Director, the vaccinator shall complete the training course required by the State Division of Public Health; shall vaccinate only at the Surry County Animal Shelter or approved site; shall vaccinate only for business related to the animal control program; and shall not vaccinate personal animals or outside parameters defined by the animal control program.

## ARTICLE III LOST OR STRAY ANIMALS

### SECTION 1. IMPOUNDMENT

Any domestic animal which appears, in the sole discretion of the animal control officer, to be lost, a stray, unwanted, or in imminent danger shall be impounded by the Animal Control Section and confined in the Animal Shelter.

### SECTION 2. NOTICE TO OWNER.

Immediately upon impounding and identified animal, the Animal Control Section shall make reasonable efforts, as determined by Health Department policy, to notify the owner and inform such owner of the conditions under which the animal may be redeemed. Such

conditions include, but shall not be limited to, the charging of those fees as are described in Section 4 below. If, after three (3) days, the owner is unknown or cannot be located, or if the owner has not contacted the Animal Control Section, the animal may be disposed of as described in Section 5 (a).

### SECTION 3. REDEMPTION BY OWNER

The owner of an animal impounded under this Article may redeem the animal and regain possession thereof at any time during normal business hours within the three (3) day period after notice of impoundment is given, by complying with all applicable provisions of this Ordinance and paying such redemption fee and daily boarding fee as may be established by the County.

### SECTION 4. DESTRUCTION OR ADOPTION OF UNREDEEMED ANIMALS.

- a. Failure to Redeem. If an impounded animal is not redeemed by the owner in compliance with Article II, Section 4, it may be destroyed in a humane manner or shall become the property of the Animal Shelter and may be offered for adoption to any responsible adult who (i) pays the adoption fee as established by the County, and (ii) in the sole discretion of the animal control officer is found to be able and willing to comply with the provisions of this Ordinance. As between destruction or adoption of the animal under this subparagraph (a), the preference, where reasonably possible, shall be for adoption.
- b. Spray/Neutering. Any animal adopted from the Surry County Animal Shelter shall be spayed/neutered within a timeframe prescribed by the Animal Control Office. Fees for the spaying/neutering of any animal shall be collected at the shelter prior to spay/neutering by a veterinarian.
- c. Rabies Quarantine. No impounded animal shall be allowed to be adopted from the Animal Shelter during a period of emergency rabies quarantine as invoked by the Surry County Public Health Director.

### SECTION 5. RABID ANIMAL NOT REDEEMED OR ADOPTED.

Notwithstanding any other provision of the Article, an impounded animal, which appears to be suffering from rabies, shall not be redeemed or adopted.

### SECTION 6. INJURED, SICK, OR DISEASED ANIMALS.

When the owner of an injured, sick, or diseased animal can be located, it shall be the owner's responsibility to provide veterinary care for the animal or authorize Animal Control to humanely euthanize the animal. If the owner cannot be located, and the animal is not severely injured, sick, or diseased, it shall be taken to the animal shelter and held for twenty-four (24) hours. After said twenty-four (24) hour period, the animal may then be adopted with the agreement that the person adopting the animal will bear the cost of veterinary care. If the animal is severely injured, sick, or diseased, the animal shall be destroyed under the direction of the animal control officer.

## ARTICLE IV ANIMALS CREATING A NUISANCE

### SECTION 1. ANIMAL CREATING A NUISANCE.

The owner of an animal shall not permit the animal to be a public nuisance as defined in Article I, Section 2. If, after investigation of a written complaint, as required under Article V below, the animal control officer determines that an animal is creating or has created a public nuisance, the animal control officer shall issue a written warning and shall instruct the owner to remedy the nuisance. If the ACO thereafter determines, upon investigation of a subsequent complaint under Article V below, that the animal has again created a public nuisance, the owner shall receive a written civil citation from the ACO,

and the ACO shall instruct the owner to remedy the nuisance. Should the animal control officer determine that the animal is creating or has created a public nuisance following the 3<sup>rd</sup> civil citation, the owner shall be charged with a violation of this Section, and the animal control officer may apply for a misdemeanor warrant to issue and be served upon the owner.

## SECTION 2. DETERMINATION OF OWNERSHIP OF ANIMAL CREATING A NUISANCE.

If the following investigation of a written complaint regarding a public nuisance animal, the animal control officer is unable to determine ownership of an animal creating a nuisance, the animal control officer may impound the animal and hold and dispose of the same in accordance with the provisions of Article III above. It shall be presumed that such animal is unwanted in such instance. Said presumption may be rebutted by its owner redeeming the animal in compliance with the Ordinance. The animal control officer shall follow Surry County Health Department policy in attempting to identify the owner of said animal.

## SECTION 3. ESTROUS ANIMAL

It shall be unlawful for any person owning or having possession, charge, custody or control over a female dog or female cat to allow that animal to be at large during its estrous period. During this period, the owner of such animal having possession of the animal must restrain the animal in a secure enclosure in such a manner that it will prevent the animal from coming in contact with a male of its species. This Section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners or keepers of the animals involved.”

# ARTICLE V DANGEROUS OR VICIOUS DOGS

## SECTION 1. PURPOSE.

The purpose of this Article shall be to supplement the provisions of the North Carolina General Statutes governing dangerous and vicious dogs, and more specifically G. S. 130A-200 and Article IA of Chapter 67.

## SECTION 2. DETERMINATION OF “POTENTIALLY DANGEROUS DOG.”

Pursuant to G. S. 67-4.1 (c), the Surry County Public Health Director (hereinafter the “Director”), or his designee, is hereby designated as the person responsible for determining when a dog is a “potentially dangerous dog” under Article 1A of Chapter 67 of the North Carolina General Statutes. The Animal Control Committee is further designated as the “separate board” which shall hear any appeal pursuant to NCGS 67-4.2 (c).

## SECTION 3. IMPOUNDMENT OF “DANGEROUS DOGS”; DISPOSITION.

In addition to the remedies provided in Article 1A of Chapter 67 of the North Carolina General Statutes, the Director or his designee shall impound a “dangerous dog” as defined under G. S. 67-4.1 (a) (1), as follows:

- a. Dangerous Dogs. In the case of a “dangerous dog” that without provocation has killed or inflicted severe injury on a person under G. S. 67-4.1 (a) (1) a.1., then, following investigation of a complaint of the same under Article V below and a determination by the Director or his designee that the dog did cause such death or severe injury, the dog shall be impounded immediately at the Animal Shelter or a Veterinarian’s office, held for ten (10) days, and then destroyed by the Animal Control Section or the Veterinarian. The animal control officer shall make a reasonable effort to determine and provide notice to the dog’s owner in the manner provided by Article II, Section 3 of this ordinance.

- b. Potentially Dangerous Dogs. In the case of a “potentially dangerous dog” complaint under Article V, upon attempted notification of the owner consistent with Article II, Section 3, the dog shall be held at the Animal Shelter or a Veterinarian’s office pending the resolution of all proceedings under G. S. 67-4.1 (c). In the event of a final determination that the dog is not a “potentially dangerous dog”, the dog shall immediately be released to its owner upon compliance by the owner with all applicable provisions of this Ordinance and payment of such redemption fee and daily boarding fee as may be established by the County under Article II, Section 4. Prior to the release of the animal, proof of rabies vaccination is to be presented to the Director or his designee. In the event of a final determination that the dog is a “potentially dangerous dog”, such dog shall be disposed of as follows:
- i. If the owner of the dog is known, said owner may redeem the dog by payment of such redemption fees and daily boarding fees as may have been established by the County under Article II, Section 4 above; provided, that it shall be an express condition of any such redemption that the owner keep the dog under restraint at all times thereafter pursuant to G. S. 67-4.2. Prior to release, the rabies vaccination shall be current.
  - ii. If, after redemption of a potentially dangerous dog as set forth in section (i) above, the dog is thereafter determined by the Director or his designee, following investigation of a complaint of Article V below, to have engaged in any of the behaviors prohibited under G. S. 67-4.1 (a) (1) or (2), or to have not been kept under restraint by the owner at all times, the dog shall be impounded immediately at the Animal Shelter and shall be destroyed by the Animal Control Section.
  - iii. If the owner of the dog is not known, such dog shall be destroyed by the Animal Control Section.

## ARTICLE VI ANIMAL WELFARE

### SECTION 1. PURPOSE OF THIS SECTION.

It is the purpose of this section to supplement Article 47 of the North Carolina General Statutes, and all other state laws regarding animals for which the Animal Control Division has enforcement authority pursuant to Article II, Section 3.

### SECTION 2. CRUELTY TO ANIMALS

It shall be unlawful for any person to abuse, molest, maim, disfigure, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to the health or general welfare any animal, or to cause or procure such action. As used in this section the words “torture”, “torment” and “cruelty” include or refer to any act, omission or neglect causing or permitting unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission; nor to prohibit the Animal Control Program or persons duly authorized by the Health Director or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner; nor to prohibit the lawful use of pesticides for control of insects, rodents, or household and farm pests.

### SECTION III. ANIMAL WELFARE

- a. Owners must provide adequate food, shelter, and water as defined in Article I.

- b. Dogs continuously maintained on a restrictive chain, rope or other kind of tether shall be deemed to be improperly confined. However, tethering may be acceptable in certain cases where adequate daily socialization and exercise off the tether have been afforded and verified. Owners restraining animals must follow the provisions as defined in Article I.

## ARTICLE VII REPORTS, COMPLAINTS, AND INVESTIGATION

### SECTION 1. EMERGENCY COMPLAINTS.

Notwithstanding the provisions of Section 2 above, any person may in the case of an emergency make a verbal complaint through the County Communications Center or directly to the animal control officer or the Director or his designee, as appropriate, of a violation of Article III or IV above. Such verbal complaint shall, as soon as practicable after response to the emergency, be confirmed by the complainant in writing on the prescribed form.

### SECTION 2. VERBAL REPORTS.

Any person may make a verbal report to the County of a violation of Article II of this Ordinance, or of an animal, which appears to be lost, a stray, unwanted, or in imminent danger. All such reports shall be made by telephone to the County Communications Center, or by telephone or in person to the Animal Control Section. Telephone reports received by the County Communications Center shall be relayed to the Animal Control Section or appropriate municipal police for such action as may be authorized or appropriate under this Ordinance.

### SECTION 3. WRITTEN COMPLAINTS.

Any person may make a complaint to the County of a violation of Article III or IV of this Ordinance. All such complaints shall be written and shall be on a form prescribed by the County. Such complaints shall be presented as follows:

- a. Article III and Article IV Complaints. A written complaint of a violation of Article III or Article IV shall be presented to the Animal Control Section. The Animal Control Section shall develop a written complaint form and shall maintain copies of the same at all times, which shall be made available for inspection upon request to any person. The form shall require such information as shall be deemed sufficient by the Animal Control Section to permit a sufficient investigation to determine if a violation of Article III or Article IV has occurred, along with any other information deemed appropriate by the animal control officer. The form shall further require the signature of the person making the complaint.

### SECTION 4. INVESTIGATIONS.

The animal control officer, Health Director or his designee, upon complaint of a violation of Article II, III, or IV above, shall conduct such investigation, as he shall deem appropriate in determining whether such violation has occurred and whether impoundment of an animal is appropriate or required under the provisions of this Ordinance. Investigations may include, but are not limited to, the interviewing of witnesses and taking of written statements, inspection of premises where an animal is owned or held, reasonable examination of a person or property to determine if injury or damage has been inflicted by an animal under the provisions of Article III or IV, reasonable examination of an animal being investigated, and such other steps as shall be determined to be necessary or appropriate in carrying out investigations of violations of this Ordinance. The animal control officer and the Director or his designee may, if necessary, request the assistance of the Surry County Sheriff's Office or municipal police in impounding any animal as permitted under the provisions of this Ordinance.

ARTICLE VIII  
PENALTIES AND ENFORCEMENT

SECTION 1. PENALTIES.

- a. Misdemeanor. Notwithstanding any civil penalties which may be assessed under subsection (b) below, any person violating any of the provisions of this Ordinance may be found guilty of a Class 3 Misdemeanor under G. S. 14-4 and 153A-123. For a continuing violation, each day's violation shall be deemed to be a separate offense.
- b. Civil Penalties. In addition to, and not in lieu of, the criminal penalties and other remedies provided by this Ordinance or by State law, a violation of any of the provisions of Article II, III, or IV of this Ordinance may also subject the offender to the civil penalties hereinafter set forth. The animal control officer shall be authorized to issue a citation to such person, giving notice of the violation. Citations so issued may be delivered in person or mailed by registered or certified mail, return receipt requested, to the person charged if such person cannot otherwise be readily located. The civil penalty or penalties set forth in the citation must be paid within seven (7) days of the receipt of the citation and shall be paid to the Animal Control Section. The Animal Control Section shall forward all such penalties collected to the Finance Office for the County of Surry for application as by law provided. If the person charged fails to pay the civil penalty within the time prescribed, a criminal summons shall be issued against such person charging a misdemeanor violation of this Ordinance under subsection (a) above and upon conviction, such person shall, in addition to the penalties prescribed for said misdemeanor violation of this Ordinance, be punished as the court prescribes for failure to pay the civil penalties imposed hereby. The civil penalties for a violation of this Ordinance shall be as follows:

- i. For a violation of any provision of Article II above, the civil penalty shall be Twenty-five Dollars (\$25.00) for a first offense, Fifty Dollars (\$50.00) for a second, and One Hundred Dollars (\$100.00) for a third or subsequent offense.
- ii. For a violation of any provisions of Article III, IV and VII, the civil penalty shall be One Hundred Dollars (\$100.00) for a first offense, Two Hundred Fifty Dollars (\$250.00) for a second offense, and Five Hundred Dollars (\$500.00) for a third or subsequent offense.
- iii. For the following specific violations of Article VII, the civil penalty shall be the following:
  - SECTION 1.c – Failure to report rabies information per GS 130A-192 - \$10 per day
  - SECTION 1.d – Tampering with traps - \$25; Stealing traps - \$125 for a cat trap and \$250 for a dog trap (or misdemeanor larceny)

SECTION 2. ENFORCEMENT.

This Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

ARTICLE IX  
GENERAL PROVISIONS

SECTION 1. INTERFERENCE WITH ENFORCEMENT OF ORDINANCE.

- a. No person shall interfere with, hinder, or molest the animal control officer or any agents or employees of the Animal Control Section, or the Surry County Public Health Director or his designee, in their performance of any duties under this Ordinance, nor seek to release any animal in the custody of the same or of the

Animal Shelter unless otherwise specifically authorized by law. The penalty for a violation of this Section shall be as set forth in Article VI above.

- b. No person may conceal any animal from the Animal Control, for the purpose of evading the requirements of this ordinance.
- c. No person may refuse to show proof of a rabies vaccination to any member of the Animal Control Division upon demand.
- d. No person, other than a member of the Animal Control Section, may remove any animal from a live-capture animal trap placed on private or public property by the Animal Control Section without the express authorization of a member of the Section. It shall also be unlawful for any person to damage, destroy, move or otherwise tamper with a trap placed by the Animal Control Section on private or public property.

## SECTION 2. SEVERABILITY.

If any part of this Ordinance or any portion or provision hereof, or the application hereof to any person or condition, is held to be invalid, such invalidity shall not affect the remaining parts of this Ordinance or their application to any other person or condition, and to this end the provisions of this Ordinance are hereby declared to be severable.

## SECTION 3. EFFECTIVE DATE.

This Ordinance shall take effect and be in force upon adoption by the Surry County Board of Commissioners.

# ARTICLE X REGULATION OF OWNERSHIP, KEEPING AND HARBORING INHERENTLY DANGEROUS EXOTIC ANIMALS

## SECTION 1: DEFINITIONS

**1. Inherently Dangerous Exotic Animal:** An animal which falls within any of the following categories:

- (a) a non-human primate;
- (b) Canidae, including any member of the dog (Canid) family not customarily domesticated by man, or any hybrids thereof, including but not limited to wolves and wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*);
- (c) Felidae, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, and any hybrids thereof, but not including domestic cats (*Felis catus*);
- (d) Ursidae, including any member of the bear family, or any hybrids thereof;
- (e) reptiles, insects, or arachnids which are venomous and which are not indigenous to Surry County; or any reptile not indigenous to Surry County which weighs forty (40) pounds or more, whether venomous or not.

**2. Owner:** In this **Amendment to the Animal Control Ordinance**, the term "Owner" shall have the same meaning as defined in **Animal Control Ordinance Article 1 Section 2**. As used with Exotic Animals, Owner also includes one who allows an exotic animal to remain in, be lodged, fed, given shelter or refuge

within the Owner's home, store, yard, enclosure, out-building, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

## SECTION 2: PROHIBITION

It shall be unlawful to own, possess, keep, or harbor an inherently dangerous exotic animal within the County; provided, that the Owner of any inherently dangerous exotic animal as defined in this Ordinance who owned, possessed, kept or harbored such inherently dangerous exotic animal on or before the effective date of this Ordinance shall remove said animal(s) from the County within one (1) year following the adoption of this Ordinance.

## SECTION 3: EXEMPTIONS

This Article VIII shall not apply to:

1. Veterinary clinics in possession of such animals for treatment or rehabilitation purposes;
2. Institutions regulated by the USDA;
3. Institutions accredited by the American Zoo and Aquarium Association;
4. Registered non-profit humane societies;
5. Animal control authority or law enforcement officers acting under authority of this Act;
6. any wildlife rehabilitator licensed by the State;
7. Non-resident circuses for no longer than one 7-day period for separate locations where such circuses are held within the County per calendar year;
8. Non-resident carnivals for no longer than one 7-day period for separate locations where such carnivals are held within the County per calendar year;
9. Persons temporarily transporting such animals through the County, providing that such transport shall not be longer than 24 hours.
10. Any licensed or accredited research or medical institution or educational institution.

## SECTION 4: IMPOUNDMENT

Disposition of Impounded Animals:

- a. Any exotic animal which is kept by any person in violation of this Ordinance may be taken and impounded by the Animal Control Officer for the protection of the animal, the public, or both. Whenever possible, the Animal Control Officer shall take and impound the animal in the presence of its owner, however, if such is not practical, the Animal Control Officer may take and impound such animal consistent with the provisions of this Ordinance.
- b. If an animal is impounded pursuant to this Ordinance, the Owner of the animal shall be notified by the Animal Control Officer in person or by certified mail.
- c. Any animal impounded pursuant to this Ordinance will be held 3 days for the Owner to claim same, but if the animal cannot be taken and impounded safely by the Animal Control Officer, or if proper and safe housing cannot be found for the animal, the Animal Control Officer may immediately destroy the animal.
- d. The Owner of the animal can reclaim the animal if he or she can satisfy the Animal Control Officer that the safe transfer of the animal to an appropriate location outside the County has been arranged.
- e. If the owner cannot be located, or has not claimed the animal within 3 days after taking and impoundment, the Animal Control Officer shall have the discretion to sell, adopt or euthanize the animal.
- f. All costs of taking, impoundment and care of the animal will be charged to the owner regardless of whether the animal is claimed by or

