

Clay County Animal Control Ordinance

Section I: Definitions

Animal—Every living creature, domestic or non-domestic, but does not include humans.

Animal Shelter—Any premises designated by the County Health Director for the purpose of impounding and caring for animals.

At large—An animal shall be deemed to be at large when it is off the property of its owner or keeper and not under physical restraint.

Commercial Animal Establishment—Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, animal exhibition, or kennel.

County Board of Health—Clay County Board of Health.

County Health Department—Clay County Health Department.

County Health Director—County Health Director of the Clay County Health Department.

Exposed to rabies—An animal shall be deemed to have been exposed to rabies if it has been bitten by, or been in the presence of, any animal known or suspected to have been infected with rabies.

Grooming Shop—Any establishment, whether operated separately or in connection with another business enterprise which provides hair and nail clipping, bathing, and other cosmetic services for animals.

Impoundment—Any animal in custody of a person or animal shelter duly authorized by the County Health Director.

Keeper—A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person.

Kennel—Any premises wherein a person boards, lets for hire, trains for a fee, breeds, buys or sells dogs or cats. This shall not include the ownership of dogs which are part of the household or which are maintained adjoining a private residence for hunting, tracking practice, exhibition, or the guarding or protection of the owner's property when no more than two (2) litters of dogs per year are sold by such owner.

Nuisance—An animal or group of animals shall be considered a nuisance if it or they:

- A. damages, soils, or defiles private or public property;
- B. interferes with, molests, or attacks persons or other animals;
- C. causes unsanitary, dangerous or offensive conditions including fouling of the air by odors;
- D. chases, snaps at, harasses, or impedes pedestrians, bicyclists, or vehicles;
- E. by virtue of number or type is offensive or dangerous to the public health, safety, or welfare;
- F. is diseased or dangerous to the public health.

Owner—A person having the right of property in an animal.

Person—any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet—Any animal kept for pleasure rather than utility.

Pet Shop—Any commercial establishment whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells or boards any species of animal.

Riding School or Stable—Any place which has available for hire, boarding and/or riding instruction any horse, pony, donkey, llama or burro.

Restraint—Any animal shall be considered under restraint if it is within the real property limits of its owner, or secured by a leash or lead, or confined.

Security Dog—Any dog used, kept or maintained in the county for the purpose of protecting any person or property. Any such dog shall be further classified as a patrol dog, sentry dog, or watch dog.

A. *Patrol dog*—A dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.

B. *Security dog*—A dog that is trained or conditioned to attack or otherwise respond aggressively without command.

C. *Watch dog*—A dog that barks and threatens to bite any intruder and that has not been specially trained or conditioned for that purpose.

Stray—Any (domestic) animal not under restraint and found off the property of its owner or keeper.

Suspected of having rabies—An animal which is unvaccinated against rabies or has bitten a person.

Veterinary Hospital—Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Vicious Animal—An animal that constitutes a physical threat to humans or other domestic animals. (see also NC General Statutes 67-4.1-4.5 "Dangerous Dogs")

Section II: Agency Authority and Responsibility

Authority is hereby granted to the Clay County Board of County Commissioners to establish and maintain an animal control program, to employ and/or contract animal control officers and such other employees as shall be determined necessary by the Board of County Commissioners, and to appoint and compensate animal control officers and such other employees in accordance with policies of Clay County. The employees of the animal control program shall:

- A. Have the responsibility along with law enforcement agencies to enforce all laws of North Carolina and all ordinances of Clay County pertaining to animals and shall cooperate with all law enforcement officers within Clay County in fulfilling this duty.
- B. Enforce and carry out all laws of North Carolina and all ordinances of Clay County pertaining to rabies control.
- C. Cooperate with Clay County Health Department to investigate all reported animal bites, when necessary, quarantine any dog or cat involved and suspected of having rabies, for a period of not less than ten (10) days, and for reporting to the County Health Director or designee as soon as practical the occurrence of any such animal bite and the condition of any quarantined animal.
- D. Be responsible for the operation of the animal shelter.

E. Be responsible for the seizure and impoundment, where deemed necessary, of any dog or other animal in Clay County involved in a violation of this or any other county ordinance or state law.

F. Investigate cruelty or abuse with regard to animals.

G. Make such canvasses of the county, including the homes in the county, as necessary for the purpose of ascertaining compliance with this ordinance or state statute.

H. Keep, or cause to be kept, accurate and detailed records of:

- (1) Seizure, impoundment, and disposition of all animals coming into the custody of the animal control program. Be empowered to issue notices of violation of this ordinance in such form as the County Health Director may prescribe.
- (2) Report bite cases, violations and complaints, and investigation of same to the Clay County Health Department.
- (3) All monies and records belonging to the Clay County Health Department and/or county which were derived from fees, penalties, license tags, sales of animals, or other sources.
- (4) Any other matters deemed necessary by the Clay County Health Director and County Manager.

Section III: Cruelty to Animals

- A. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission; nor to prohibit the Animal Control Officers or persons duly authorized by the County Health Director or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner.
- B. It shall be unlawful for any owner or keeper to fail to provide his animal or animals with proper shelter and protection from the weather, sufficient and wholesome food as deemed by a licensed veterinarian or county agent and water to keep his animal or animals in good health and comfort, the opportunity for vigorous daily exercise, veterinary care when needed to prevent suffering, and humane care and treatment.
- C. It shall be unlawful for any person to sell or offer for sale, barter or give away within the county baby chickens, baby ducklings or other fowl under six (6) weeks of age or rabbits under (8) weeks of age as pets, toys, premiums or novelties; provided, however, that this section shall not be construed to prohibit the sale or display of such baby chickens,

ducklings other fowl or such rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes other than for pet or novelties.

D. It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits.

E It shall be unlawful for any person to tether any fowl.

Section IV: Confinement, muzzling, and control of vicious or dangerous domestic animals

It shall be unlawful for any person to keep any vicious, fierce or dangerous domestic animal within the county unless it is confined within a secure building or enclosure, or it is securely muzzled and under restraint by means of a leash, chain or rope and firmly under control at all times.

Section V: Animals creating nuisance prohibited

A. It shall be unlawful for an owner or keeper to permit an animal or animals to create a nuisance, or to maintain a nuisance created by an animal or animals.

B. Compliance shall be required as follows:

(1) When an animal control officer, law enforcement officer, or person duly authorized by the County Health Director observes a violation, the owner or keeper will be provided written notification of such violation and be given 48 hours from time of notification to abate the nuisance.

(2) Upon receipt of a written detailed and signed complaint being made to the County Health Director by any person or persons that any other person is maintaining a nuisance as defined in this ordinance, the County Health Director shall cause the owner or keeper of the animal or animals in question to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing.

(3) If the written findings indicate that the complaint is justified, then the County Health Director or person duly authorized by the County Health Director, shall cause the owner or keeper of the animal or animals in question to be so notified in writing, and ordered to abate such nuisance within forty-eight (48) hours by whatever means may be necessary. In the event the owner or keeper of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the

animal or animals shall be posted for forty-eight (48) hours at the animal shelter and the county courthouse.

(4) In the event the owner or keeper of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals shall be posted for forty-eight (48) hours at the animal shelter. If after 48 hours the owner or keeper of the animal or animals remains unknown, the animal may be impounded or humanely destroyed.

C It shall be unlawful for a person to fail or refuse to abate the nuisance as required in this ordinance.

Section VI Noisy animals

It shall be unlawful for any person to own, keep, or have within the county an animal that habitually, excessively, or repeatedly makes noises or other sounds that tend to annoy, disturb, or frighten its citizens.

Section VII: Luring, enticing, seizing, molesting, or teasing an animal

It shall be unlawful of any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or; keeper.

Section VIII: Dogs—County Identification Tag

A. It is the purpose of this section to supplement State law by providing a procedure for the enforcement of laws requiring dogs to wear a County Identification tag. This tag may be purchased through the agency or agencies designated by the County Commissioners at a fee set on an annual basis

(2) Upon receipt of a written detailed and signed complaint being made to the Clay County Animal Control Officer by any person or persons that any other person is maintaining a nuisance as defined in this ordinance, the County Animal Control Officer shall cause the owner or keeper of the animal or animals in question to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing.

B. It shall be unlawful for any dog owner or keeper to fail to provide his dog with a Clay County Identification tag to be issued annually by Clay County and to take such action

as is necessary to insure that said Clay County Identification tag is worn by said dog at all times except as otherwise provided in this ordinance.

- C It shall be the duty of the Clay County Tax Department to obtain identification information of dog owners during the tax listing period. After receipt of the tag fee and verification of appropriate rabies vaccination, Clay County Health Department shall furnish all persons listing a dog with a ~~privilege tax~~ tag which is to be of such color, shape, texture, or in some other way to clearly indicate the year for which the tag has been issued. The tag is to contain a number or other designation, and a record is to be kept of the person to whom the tag has been mailed or otherwise delivered. Dog tags shall be obtained from the Clay County Health Department or the animal shelter.
- D. In addition to all other penalties prescribed by law, a dog is subject to impoundment in accordance with the provisions of this ordinance if the dog is found not to be wearing a currently valid Clay County Identification tag. Provided, however, that the provisions of this section shall not apply to any dog being kept in any governmental facility, veterinary hospital, or licensed commercial animal establishment.
- E. It shall also be unlawful for any individual moving into Clay County who owns or keeps a dog to fail to obtain valid rabies vaccination and a Clay County Identification tag within thirty (30) days of moving into the county.

Section IX: Compliance with state rabies laws—supplemental to state rabies laws

- 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 ordinance to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

Section X: Vaccination of dogs, cats, and other pets

- A. It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary by the County Health Director or the Board of County Commissioners that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for that pet.
- B. A rabies vaccination shall be deemed "current" for a cat if the vaccination has been given within the preceding twelve (12) months. A rabies vaccination shall be deemed "current" for a dog if two vaccinations have been given one year apart and booster doses of rabies

vaccine administered every three years thereafter. These requirements may be changed only based on the requirements of the NC State Veterinarian's requirements.

- C All antirabies vaccine shall be administered by a licensed veterinarian unless according to NC rules an individual is designated and trained to administer rabies vaccinations in the county.

Section XI: Vaccination tag and certificate

- A. Upon complying with the provisions of Section X of this ordinance, there shall be issued to the owner or keeper of the dog or cat vaccinated a rabies tag, stamped with a number and the year for which issued, and a rabies vaccination certificate.
- B. It shall be unlawful for any dog owner or keeper to fail to provide the dog with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times.
- C. In addition to all other penalties as prescribed by law, a dog is subject to impoundment in accordance with the provisions of this ordinance if the dog is found not to be wearing a currently valid rabies tag.
- D. It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than the one using the tag.
- E. All dogs or cats shipped or otherwise brought into this county, except for exhibition purposes where the dogs or cats are confined and not permitted to run at large, shall be securely confined and vaccinated within one week after entry, and shall remain confined for two additional weeks after vaccination unless accompanied by a certificate issued by a licensed veterinarian showing that said dog or cat is apparently free from rabies and has not been exposed to same and that said dog or cat has received a proper dose of rabies vaccine not more than six months prior to the date of issuing the certificate. provide current vaccination against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary.

Section XII: Notice to County Health Director when person bitten; confinement of animal

- A. When a person has been bitten by an animal having rabies or suspected of having rabies, it shall be the duty of such person, or his parent or guardian if such person is a minor, and the person owning such animal or having the same in his possession or under his control, to notify the County Health Director or person duly authorized by the County Health Director immediately. Individuals shall give their names and addresses; and the owner or person having such animal in his possession or under his control shall immediately securely confine it for ten (10) days at the expense of the owner in such place as may be designated by the County Health Director. It shall be the duty of every physician, after his first professional

attendance upon a person bitten by any animal to report to the County Health Director the name, age and sex of the person so bitten, and precise location of the bite wound, within twenty-four (24) hours after first having knowledge that the person was bitten. If the owner of or a person who has in his possession or under his control an animal having rabies or suspected of having rabies refuses to confine the animal as required by this ordinance or by G.S. 106-378, the County Health Director may order seizure of the animal and its confinement for ten (10) days in such place as the County Health Director designates.

- B. Law enforcement agencies investigating animal bites, shall report such bites immediately to the County Health Director or person duly authorized by the County Health Director and give the names and addresses of persons bitten and owner of animal.
- C. Animals confined per "A" above shall not be released from confinement except by permission from the County Health Director.
- D. Animals confined per "A" above shall be confined at the expense of the owner or keeper.
- E. In the case of an animal whose owner or keeper is not known, the animal shall be kept for the supervised confinement period required by this ordinance at the animal shelter.
- F. Badly wounded, diseased, or suffering animals which are suspected of having rabies may be humanely destroyed immediately and the head forwarded for examination. The Health Department shall be notified for instructions in shipping of specimen for laboratory examination to rule out rabies infection.

Section XIII: Destruction or confinement of animal bitten by a known rabid animal

Animals not vaccinated against rabies which are bitten by a known rabid animal shall be immediately destroyed, unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for a period of six (6) months at the owner's or keeper's expense. If the animal has a current rabies vaccination, it shall be revaccinated and returned to the owner or keeper.

Section XIV: Area-wide emergency quarantine

- A. When reports indicate a positive diagnosis of rabies to the extent that lives of persons are endangered, the County Health Director may declare an area-wide quarantine for such period as he/she deems necessary. Upon invoking of such emergency quarantine, no dog or cat may be taken or shipped from the county without written permission of the County Health Director. During such quarantine, the County Health Director, law enforcement officers, or persons duly authorized by the County Health Director may seize and impound any dog or cat found running at large in the county. During the quarantine period the County Health Director shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

- B. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the County Health Director.

Section XV: Postmortem diagnosis

- A. If an animal dies while under observation for rabies, the head of such animal shall be submitted to the County Health Department for shipment to the Laboratory Section of the North Carolina Division of Health Services for rabies diagnosis. The Health Department shall be contacted immediately to arrange for specimen preparation and shipment. Deterioration of the specimen must be prevented to insure correct lab evaluation for rabies.
- B. The carcass of any animal suspected of dying of rabies shall be surrendered to the County Health Department. The head of such animal shall be shipped to the Laboratory Section of the North Carolina Division of Health Services for rabies diagnosis.

Section XVI: Unlawful killing or releasing of certain animals

It shall be unlawful for any person to kill or release any animal under observation for rabies, or any animal under observation for biting a human, or to remove such animal from the county without written permission from the County Health Director, provided that a licensed veterinarian, or the County Health Director, or persons duly authorized by the County Health Director, may authorize any animal to be killed for rabies diagnosis.

Section XVII: Failure to surrender animal for confinement or destruction

It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this ordinance, when demand is made therefore by the County Health Director.

Section XVIII: Impoundment

- A. Any animal which appears to be lost, stray or unwanted, or not wearing a currently valid Clay County Identification tag or a currently valid rabies vaccination tag, as required by state law or this ordinance, or not under restraint in violation of this ordinance, may be seized, impounded, and confined in a humane manner in an animal shelter.

- B. Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty which may be imposed for violation of this ordinance.

Section XIX: Notice to owner or keeper

- A. Upon impounding an animal, notice of such impoundment shall be posted for a minimum of seventy-two (72) hours, beginning with the time the animal enters the animal shelter, or until the animal is disposed of. Reasonable effort shall be made to identify the owner or keeper and inform such owner or keeper of the conditions whereby the animal may be redeemed.

Section XX: Redemption by owner or keeper

- A. The owner or keeper of an animal impounded under this ordinance may redeem the animal and regain possession thereof within seventy-two (72) hours after notice of impoundment is posted as required by this ordinance and complying with all applicable provisions of this ordinance by paying any applicable fees as determined by the Clay Board of Health.
- B. No animal owner or keeper may be permitted to adopt his own animal under the provisions of this ordinance, but he must comply with the provisions of this ordinance in order to reclaim an animal that has been impounded pursuant to state law or this ordinance.
- C. The provisions of this section shall have no application with respect to animals surrendered by the owner or keeper to the County Health Department for immediate adoption or destruction as provided for in Section XXIII.

Section XXI: Destruction or adoption of unredeemed animal generally

- A. If an impounded animal is not redeemed by the owner or keeper within the period prescribed in Section XX, it may be destroyed in a humane manner or shall become the property of the animal shelter(s) and offered for adoption to a responsible adult who is willing to comply with this ordinance and with policies promulgated by the Clay County Board of Health.
- B. No animal which has been impounded by reason of its being a stray, unclaimed by its owner or keeper, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to this ordinance, except by special authorization of the County Health Director.

Section XXII: Procedure with respect to redemption or adoption of unvaccinated dog or cat

- A. Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog or cat at the animal shelter will be given a "proof of rabies vaccination notice" at the time of the redemption or adoption. This notice will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of such person's choice for rabies vaccination. The time limit for dogs and cats four (4) months and older will be seventy-two (72) hours, with Sundays and holidays excluded. For puppies and kittens under four (4) months, the time limit will vary according to their age.
- B. The "proof of rabies vaccination notice" will be completed by the veterinarian and returned to the animal shelter by the animal owner or keeper.
- C. Payment for rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.

Section XXIII: Immediate placement for adoption or destruction of owner surrendered animals

- A. Any animal surrendered by its owner to the Animal Control Division of the County Health Department may be immediately placed for adoption or humanely destroyed by the Animal Control Division of the County Health Department when:
- (1) The owner directs in writing that the animal be placed for adoption or humanely destroyed; and
 - (2) The owner affirmatively represents in writing that he or she is in fact the legal owner of said animal; and
 - (3) The owner agrees that he or she will indemnify and hold the Animal Shelter and Clay County Health Department harmless from any loss or damage it may sustain, including attorneys' fees, by reason of the destruction or placement for adoption of said animal; and
 - (4) The owner transfers ownership of said animal to the Animal Shelter and releases the Animal Shelter from any and all future claims with respect to the said animal.

Section XXIV: Destruction of wounded, diseased, or unweaned animals

Notwithstanding any other provision of this ordinance, any animal seized and impounded which is badly wounded, diseased (not a rabies suspect), or unweaned and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the Animal Shelter shall attempt to notify the owner or keeper before disposing of such

animal. If the owner or keeper cannot be reached readily, and the animal is suffering, the Animal Shelter may destroy the animal at its discretion in a humane manner.

Section XXV: Destruction of animals which cannot be seized by reasonable means

Notwithstanding any other provision of this ordinance, an animal which cannot be seized by reasonable means may be humanely destroyed by order of the Animal Shelter or person duly authorized by the County Health Director.

Section XXVI: Injuring animals, notice required

It shall be unlawful for any person injuring an animal to fail to notify immediately the owner or keeper of said animal, or an animal control agency, or a local humane society.

Section XXVII: Keeping stray animals: requirements, failure to surrender

- A. It shall be unlawful for any person in the county knowingly and intentionally to harbor, feed, keep in possession by confinement, or otherwise allow to remain on his property any animal which does not belong to him, unless he has, within seventy-two (72) hours from the time such animal came into his possession, notified the Animal Control Shelter, Sheriff's Department or person duly authorized by the Animal Control Officer. Upon receiving such notice, the Animal Control Officer or person duly authorized by the Animal Control Officer shall take such animal and place it in the animal shelter and shall deal with it as provided by the Animal Shelter policy.
- B. It shall be unlawful for any person to refuse to surrender any such stray animal to the Animal Control Officer/County Health Director or person duly authorized by the Animal Control Officer upon demand.

Section XXVIII: Security Dogs—permit required

- A. It shall be unlawful to keep, maintain, or use any dog in the county for the purpose of protecting any commercially or industrially used property or person on such property unless a permit for the same shall have been obtained from the County Health Director in

accordance with the provisions of this section and unless such permit shall remain unsuspended and unrevoked.

- B. It shall be unlawful to keep, maintain or use any patrol or sentry dog in the county for the purpose of protecting any residentially used property or person on such property unless a permit for the same shall have been obtained from the County Health Director in accordance with the provisions of this section and unless such permit shall remain unsuspended and unrevoked.
- C The Clay County Board of Health shall promulgate regulations and applicable fee schedule for the issuance of permits and shall include requirements for humane care of all security dogs and for the compliance with this provision of this ordinance and applicable laws. The Clay County Board of Health may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of security dogs.
- D. Notification of the presence of a security dog on the premises of a business or residence will be posted, in plain view of the public, on the establishment or residence maintaining a security dog. The permit for said security dog will be posted in plain view of the Animal Control Officer. Permits for security dogs may be purchased annually from the Animal Control Officer. Inspections for the posting, visibility, and validity of such permits and notifications will be made periodically by the Animal Control Officer.
- D. The County Health Director may revoke any permit if the person holding the permit refuses or fails to comply with this ordinance, the regulations promulgated by the Clay County Board of Health, or any law governing the protection and keeping of animals.

Section XXIX: Commercial Animal Estshlishment—permit required

- A. This section shall not apply to those specific areas of operation of a commercial animal establishment which are licensed and regulated under Chapter 19A of the General Statutes or by an agency of the United States Government. Any areas of operation of a commercial animal establishment not specifically subject to State or Federal licensing and regulation, shall be subject to the provisions of this section.
- B. No person, partnership or corporation shall operate a commercial animal establishment without first obtaining a permit in compliance with this section. Refer to kennel in definitions.
- C The Clay County Board of Health shall promulgate regulations and applicable fee schedule for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this ordinance and other applicable laws. The Clay County Board of Health may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

- D. Upon a showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the Clay County Board of Health, a permit shall be issued upon payment of the applicable fee.
- E. If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a transfer fee.
- F. Every facility regulated by this ordinance shall be considered a separate enterprise and requires an individual permit.
- G. No fee may be required of a veterinary hospital or government-operated facility. Commercial animal establishments operated in conjunction with a veterinary hospital are subject to this ordinance.
- H. Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.
- L The Clay County Board Board of Health may revoke any permit if the commercial animal establishment holding the permit refuses or fails to comply with this ordinance, the regulations promulgated by the Clay County Board of Health, or any law governing the protection and keeping of animals.
- M. No commercial kennel or animal establishment shall be constructed on less than 5 acres of continuous land. The facility shall be no closer than 200 feet from the property line. An adequate sewage system must be provided which meets the approval of the Clay County Environmental Health Specialist for the disposal of animal waste.

Section XXX: Non-domestic animals-prohibited

No person shall possess or harbor any non-domestic animal or animals which are dangerous to persons or property or which have the potential of being dangerous to persons or property. This section shall not apply to bonafide circuses, petting zoos, and other traveling commercial animal exhibitions of limited duration.

Section XXXI: Collecting dogs and cats for resale—permit required

- A. It shall be unlawful for any person to collect any dog or cat for the purpose of resale unless a permit for the same shall have been obtained from the County Health Director in accordance with the provisions of this section and unless such permit shall remain unsuspended and unrevoked.
- B. The Clay County Board of Health shall promulgate regulations and applicable fee schedule for the issuance of permits and shall include requirements for humane care and transportation of all cats and dogs for the compliance with the provisions of this

ordinance and applicable laws. The Clay County Board of Health may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of collected dogs and cats.

C The County Health Director may revoke any permit if the person holding the permit refuses or fails to comply with this ordinance, the regulations promulgated by the Clay County Board of Health, or any law governing the protection and keeping of animals.

Section XXXII: Interference with enforcement

It shall be unlawful for any person to interfere with, hinder or molest the employees of the Clay County Health Department or Animal Control Officers or persons duly authorized by this ordinance, or to seek to release any animal in the custody of such persons, except as otherwise specifically provided.

Section XXXIII: Penalty for violation

- A. The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4. Each day's violation of this ordinance is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes or fees imposed under this ordinance.
- B. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123 (d) and (e).
- C In addition to and not in lieu of the criminal penalties and other sanctions provided in this ordinance, a violation of this ordinance may also subject the offender to the civil penalties hereinafter set forth.
- (1) Such civil penalties may be recovered by Clay County in a civil action in the nature of debt or may be collected in such other amounts as prescribed herein within- the prescribed time following the issuance of notice for such violation.
 - (2) Such notice shall, among other things:
 - (a) State upon its face the amount of the penalty if such penalty be paid within 72 hours from and after the issuance of the notice and the late fee (\$1.00) if paid more than 72 hours after its issuance.
 - (b) Notify such offender that a failure to pay the penalties within the prescribed time shall subject such offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of twenty-five dollars (\$25.00), together with the cost of the action to be taxed by the Court.

- (c) Further provide that such offender may answer the said County Health Director, Clay County Health Department at its mailing address, or by making payment to the County Health Director, Clay County Health Department at the appropriate address, and that upon payment, such case or claim and right of action by Clay County will be deemed compromised and settled.
- (d) State that such penalties must be paid within 72 hours from issuance of such notice. Such notice shall further state that if such notice of violation is not paid within said 72-hour period, court action by the filing of a civil complaint for collection of such penalty may be taken.
- (3) The County Health Director is authorized to accept such payments in full and final settlement of the claim or claims, right or rights of action which Clay County may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such contended violation or violations.
- (4) The civil penalty for violation of this ordinance is twenty-five dollars (\$25.00). Said penalty shall be paid within 72-hours from and after the issuance of the notice referred to above.
- (5) The notice of violation referred to herein may be delivered to the person violating the provisions of this ordinance in person, or may be mailed to said person at his last known address.
- (6) In addition to the penalty prescribed in subsection (4) above, a one-dollar (\$1.00) penalty shall be imposed in all those cases in which the above penalty has not been paid within the authorized 72-hour period. Should it become necessary to institute a civil action to collect any penalty hereunder, then the violation shall also be subject to an additional penalty of \$25.00.
- (7) All penalties paid to the County Health Director or as may be recovered in a civil action in the nature of debt as herein provided shall be paid into the general fund of Clay County with allocations to be used to fund the animal control program.

Section XXXIV: Effective Date

This ordinance shall be effective 90 days after it[s] adoption. Adopted this the day of
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MINUTES
CLAY COUNTY BOARD OF COMMISSIONERS
JULY 5, 1995

The regular meeting of the Clay County Board of Commissioners was called to order at 5:30 o'clock p.m. on Wednesday, July 5, 1995 by Chairman, Paul Jordan. Commissioners Kenneth Burrell and Harold Worley were present, along with County Manager, Terry Dailey, Clerk to the Board, Melissa Roach, Becky Bailey of the Clay County Progress and members of the public.

The first item of business was discussion for No-Wake zones on Lake Chatuge. Steven Stackhouse, and other members of the public discussed issues concerning water safety in different coves on Lake Chatuge. The focus of the group's concern was a no-wake zone for the different coves. Discussion followed. Paul Jordan read a letter received from the Tennessee Valley Authority, addressed to the Clay County Commissioners, signed by T.V.A. and the Clay County Sheriff's Department, requesting certain areas be designated as no-wake zones. Paul Jordan advised the group that the Wildlife Commission would have to check areas concerned and advise the Board if the coves needed a no-wake zone.

The next item of business was the second reading of the Animal Control Ordinance. Discussion followed. The Board agreed to direct all nuisance calls for animals to the Sheriff's Department. Motion was made by Paul Jordan to adopt the Animal Control Ordinance. The motion was seconded by Harold Worley. Motion carried.

The next item of business was the Building Fees schedule. Paul Jordan stated there had been problems with the fee schedule for the building permits. County Manager, Terry Dailey, presented a proposed fee schedule. Paul Jordan made the motion to approve the fee schedule for the building permits. Motion was seconded by Kenneth Burrell. Motion carried.

The next item of business was budget amendments. Paul Jordan stated that all departments, except for EMS, needed budget amendments and requested the Board approve such amendments as soon as the list was prepared. The Board agreed unanimously to approve budget amendments.

The next item of business was changes in the Personnel Policy. Paul Jordan stated that the mileage rate for county employees travel expense had been set at \$0.22 per mile for a number of years and requested the rate be changed to \$0.26 per mile. Mr. Jordan also suggested the smoking policy for county employees would go under the "personal conduct" section in the county employee handbook. This would enable the department heads to enforce smoking in county buildings by county employees, and violation would be equal to violation under personal conduct. Motion was made by Harold Worley to approve changes in county