



MECKLENBURG COUNTY ANIMAL CONTROL ORDINANCE

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- **Shelter** means any facility designated by the city for the purpose of sheltering any animal lawfully impounded by the bureau.
- **Spayed female** means a female dog or cat that has been rendered sterile by surgical means (ovariohysterectomy).
- **Trespass** means the wrongful or legally unauthorized entrance onto or invasion of the property of an animal owner or lawful possessor. The cause of the individual to be on the property and any other relevant circumstances shall be considered in order to determine whether or not a trespass has occurred. A child under the age of seven shall not be deemed to be a trespasser.

SEC. 3-4

Effective Date. The effective date of this Ordinance when first passed was ~~shall be~~ August 1, 2005.
As revised, this ordinance is effective upon approval.

SEC. 3-5 – 3-30 RESERVED

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

SEC. 3-31. BUREAU

- (a) Created; authority. The Charlotte-Mecklenburg Animal Control Bureau is a consolidated bureau created by the execution of an interlocal agreement between the county and the city. Pursuant to that agreement, the bureau is under the authority of the city.
- (b) Duties of manager and officers. There shall be a bureau manager of the bureau. The bureau manager and animal control officers shall be charged with the responsibilities of the following:
 - (1) Enforcing and carrying out the sections of this chapter and of any other ordinance assigning animal control duties and of all relevant state laws, except that the bureau manager and animal control officers shall have no duties or responsibilities whatsoever with respect to organizing and carrying out any rabies vaccination clinics.
 - (2) Making canvasses, including homes and businesses, for the purpose of:
 - a. Ascertaining that all dogs, cats and ferrets are properly licensed, if required;
 - b. Ascertaining that all dogs and cats and ferrets are vaccinated against rabies;
 - c. Organizing and carrying out any such canvas having sole and exclusive authority, control and responsibility for such actions; and
 - d. Ascertaining that sections of this chapter are being followed.
 - (3) Investigating complaints regarding animals.
 - (4) Enforcing the laws with regard to the vaccination of dogs, cats and ferrets against rabies and enforcement of the county rabies ordinances; investigating all reported animal bites or other human physical contact of the suspected rabid

such as a leash, cage, bridle or similar effective device which restrains and controls the animal, or within a vehicle or adequately contained by a fence on the premises or other secure enclosure. If the physical restraint used is a leash, bridle, or other device requiring a person to control the animal, then the person using such restraint must be of sufficient age and physical size or ability to reasonably restrain the animal. If the secure enclosure is an effective, working invisible fence, then there must be a visible, permanent sign on the premises stating that there is an invisible fence.

1. *Exception.* This section shall not apply to ~~animals~~dogs kept on the owners premises five acres or greater in size, do not have to be kept with a fence or other secure enclosure, or under any physical restraint while on such premises.
- (b) *Adult with animal on premises.* If a responsible adult is physically outdoors, and immediately adjacent to the animal, on the land where the owner of the animal resides, and the animal is under the person's direct control and is obedient to that person's commands, this section shall not apply during the duration of the time the animal is in the company and under the control of that adult and the animal is on the premises. An adult is defined as a person 18 years of age or older.
- (c) *Public parks.* It shall be unlawful for any person owning or having possession, charge, custody, or control of any dog to take the dog into or allow the dog to enter any public park without being at all times under the restraint of a leash, except while in designated off-lease areas, in accordance with the rules and regulations pertaining to such off-lease areas. This sub-section shall not apply to the following:
- 1) Parks that have been designated as leash free parks by the governmental agency responsible for the park.
 - 2) Guide and hearing aid dogs that are in the company of blind or deaf persons or being trained for such purposes.
 - 3) Dogs employed or hired by law enforcement agencies or by the governmental agency responsible for the park to perform a governmental purpose within the park.
- (d) *Hunting on or off premises.* Hunting dogs shall be excluded from this subsection requiring physical restraint while the dogs are engaged in hunting provided that the hunting complies with state law and provided that the hunters are not trespassing.

animal.

- (4) Any animal owner 62 years of age or older who owns a sterilized animal may receive their license free of charge.
- (5) Any handicapped owner of a dog which is used for seeing or hearing purposes and is spayed or neutered shall obtain a license free of charge.
- (6) Any governmental agency that owns for a governmental purpose an animal subject to licensing shall obtain their license free of charge.
- (c) *Guard dog license:* It shall be unlawful for any dog owner, possessor or harbinger to bring a dog into the county to function as a guard dog without first obtaining a guard dog license. Such license will supersede the normal dog license required by subsection (a) of this section.
- (d) *Rabies Inoculation:* It shall be unlawful for any person who owns, possesses, or harbors a dog, cat, or ferret not to have the animal inoculated against rabies.
- (e) *Rabies tag:* It shall be unlawful for the owner, possessor, or harbinger of any dog or cat in the county not to have the dog or cat wear the rabies vaccination tag issued to them by the veterinarian administering the rabies vaccine. It shall be unlawful for the owner, possessor, or harbinger of any ferret in the county not to have in the owner's possession the rabies vaccination tag issued to that person by the veterinarian administering the rabies vaccination. Dogs and cats not wearing such tags, and for which the owner cannot promptly display a valid rabies tag, may be impounded pursuant to section 3-131.
- (f) *Reclaiming Animal:* If the bureau has lawfully acquired custody or control of an animal and the bureau has probable cause to believe that the animal does not have the lawfully required inoculation against rabies, then the bureau shall have the authority to inoculate the animal against rabies. The owner, possessor, or harbinger of the animal shall not have the right to reclaim the animal until the owner, possessor, or harbinger has paid the Animal Control Bureau for the cost of the rabies inoculation.

SEC. 3-~~101~~102. COUNTY PERMITS.

- (a) *Required.* It shall be unlawful for any person to own, keep, have, or maintain any equine animals, cloven-hoofed animals or other livestock or any chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl in the county without first receiving from the bureau a permit to do so, or to continue to have any of such animals or fowl after a permit has been denied.

This section shall not apply to, and no permit shall be required for, any agricultural operation within G.S. 106-700, which pertains to nuisance liability of agricultural operation, meets the exception under section 3-71(a)(1), or to any rabbit that is kept exclusively inside its owner's residence. The permit shall be valid for one year from the date of issuance and shall be renewed annually. The annual fee for such permit shall be \$40.00 per household. The application shall list all such animals and fowl on the premises. Before a permit is issued, an employee of the bureau shall inspect the premises to determine if the keeping of the animals or fowl on the premises will endanger or is likely to endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business.

- (b) *Denial.* When a permit is denied for any reason, the applicant shall be given a written explanation of the reason for denial.
- (c) *Compliance required prior to issuance.* An owner or possessor of such animals or fowl shall comply with the following applicable provisions before a permit is issued. Compliance with the following applicable subsections will create a rebuttal presumption that a permit shall be issued. That presumption may only be rebutted by specific findings supported by competent evidence that, despite compliance with the following, the presence of such animals or fowl are still likely to endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business:

- (1) *Fowl and other specifically identified animals.* The keeping of chickens, turkeys, ducks, guineas, geese, pheasants or other domestic fowl or rabbits shall be in compliance with the following:

~~a. Such animals must be confined in a coop, fowl house or rabbit hutch not less than 18 inches in height. The fowl must be kept within the coop or fowl house and the rabbits in the hutch at all times.~~

~~b. The coop or fowl house must be used for fowl only and the hutch for rabbits only, and both must be well ventilated.~~

~~c.a. The coop, fowl house or hutch shall have a minimum of four square feet of floor area for each fowl or rabbit.~~

~~d.b.~~ The run must be well-drained so there is no accumulation of moisture.

~~e.c.~~ The coop, fowl house or hutch shall be kept clean, sanitary and free from accumulation of animal excrement and objectionable odors. It shall be

cleaned daily, and all droppings and body excretion shall be placed in a fly proof container and double-bagged in plastic bags.

~~f.d.~~ The coop, fowl house or hutch shall be a minimum of 25 feet from any property line.

~~g.e. No more than 20 such fowl or rabbits shall be kept or maintained per acre. The number of fowl or rabbits should be proportionate to the acreage.~~

(2) *Pigeons*. Pigeons, while allowed to fly to and from the premises, must be provided with adequate space on the premises, and sanitary conditions must be maintained.

(3) *Cloven-hoofed animals*. The keeping of Cloven-hoofed animals, equines and other livestock shall be in compliance with the following:

- a. Such animals must be provided with adequate shelter to protect them from the elements.
- b. The shelter shall be kept clean, sanitary and free from accumulations of animal excrement and objectionable odors.
- c. The shelters for cows and other large livestock, which are covered by the zoning ordinance, shall be kept at a minimum of 75 feet from any property line. The shelters for goats and other small livestock shall be kept at a minimum of 25 feet from any property line.

~~d. Each cow or other large livestock, excluding equines, shall have a minimum pasture area of two acres. Each goat, sheep or other small livestock shall have a minimum pasture area of one fourth acre.~~

(4) *Slaughter*. Any slaughter of any livestock or poultry not regulated by state law or otherwise forbidden or regulated, shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another.

(5) *Exceptions*. A permit shall not be required for animals of any kind if the animals are kept by a governmental authority or other appropriately certified and recognized academic institution, museum, raptor center, etc.

(d) *Revocation*. The bureau may revoke any permit: