

Chapter 4 - ANIMALS AND ANIMAL CONTROL

Sec. 4-1. - Definitions.

Addressed in Orange County Unified Animal Control Ordinance.

NOTE: The Unified Ordinance defines “Tethering” as: “To restrain a dog outdoors by means of a rope, chain, wire or other type of line for holding a dog one end of which is fastened to the dog and the opposite end of which is connected to a stationary object or to a cable or trolley system. This does not include walking a dog with a handheld leash.” Sec. 4-1(o) of the Town’s ordinance defines “Tethering” as “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.” Council may want to consider either keeping the Town’s definition in Sec. 4-1 or defining “tethering” in Sec. 4-5.

For the purposes of this chapter the following definitions shall apply:

- ~~(a) *Animal*: Any live vertebrate creature specifically including, but not limited to dogs, cats, farm animals, birds, fish and reptiles.~~
- ~~(b) *Adequate food*: The provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition for the animal. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.~~
- ~~(c) *Adequate water*: A constant access to a supply of clean, fresh water provided for in a sanitary manner.~~
- ~~(d) *Adequate shelter*: That shelter which will keep a non-aquatic animal dry, out of the direct path of winds and out of the direct sun and at a temperature level that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris. A suitable method of draining shall be provided to rapidly eliminate excess water or moisture. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move.~~
- ~~(e) *Cruel and cruel treatment*: Every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. Such acts or omissions shall include, but not be limited to: beating, choking, kicking, hanging, submerging under water, suffocating, poisoning, confining in a closed vehicle without functioning air conditioning or ventilation whenever the ambient temperature exceeds seventy (70) degrees Fahrenheit, confining in the closed trunk of a vehicle, setting on fire and depriving of adequate food, water, shelter and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare.~~
- ~~(f) *Custodian*: The custodian shall be the person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal.~~
- ~~(g) *Restraint*: A dog is under restraint within the meaning of the chapter if:
 - ~~(1) It is on or within a vehicle being driven or parked;~~
 - ~~(2) It is within a secure enclosure;~~
 - ~~(3) It is controlled by means of a chain, leash or other like device. If an unattended animal is restrained by a chain, leash or other like device, it shall be designed and placed to prevent choking or strangulation. Such restraint will not be less than ten (10) feet in length and either on a swivel designed to prevent the animal from choking or strangling itself, or on a chain-run.~~~~

~~(4) It is on the premises of the custodian and attended by and under the control of a competent person.~~

~~(h) *Competent person:* A person of suitable age and discretion to keep an animal under sufficient control in order to prevent harm to the animal, to persons, to other animals or to property.~~

~~(i) *Stray dog:* Any dog within the town limits, off the premises of the custodian and not under restraint.~~

~~(j) *Wild and dangerous animals:* Wild animals which are dangerous to persons and property include, but are not limited to: all felines (other than the domestic house cat), nonhuman primates, bears, wolves, coyotes, reptiles (poisonous, crushing and giant), and any crossbreed of such animals which have similar characteristics of the animals specified herein.~~

~~(k) *Exotic animals:* Exotic animals are animals other than domestic animals, farm animals, and wild animals which are not native to North Carolina.~~

~~(l) *Vicious animal:* Any animal, on or off the premises of its custodian, which is three (3) months of age or older and without provocation has killed, bitten or caused physical harm through bite(s) to a person; or has without provocation attempted to bite or cause physical harm through bite(s) to a person; or without provocation has injured, maimed or killed a pet or domestic livestock.~~

~~(m) *Provocation:* Any act that would reasonably be expected to cause an animal to defend itself, its young, its custodian or the property of the custodian of said animal.~~

~~(n) *Life threatening injury:* Any injury which is serious enough to require immediate medical attention to preserve the life of the injured person.~~

~~(o) *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.~~

Sec. 4-2. - Office of animal control.

(a) The office of animal control is established by the Town of Chapel Hill. It shall be the duty of the animal control officer to perform all of the duties incident to the administration and enforcement of this chapter, and to perform such other duties as by general law or ordinance may be imposed.

(b) The animal control office shall be composed of the animal control officer and such employees as shall be determined by the town council. The said employees shall be appointed and compensated in accordance with the personnel ordinance of the town. In lieu of employees, the council may authorize by contract the assignment of the duties of the animal control office to the Orange County Animal Society or some other designated agency.

(c) The animal control division shall be charged with the responsibility of:

(1) Enforcement of the town laws, ordinances and resolutions relating to animals or to the care, custody and control of animals;

(2) Cooperation with and assistance to the county health director in the enforcement of the laws of the State of North Carolina with regard to animals; vaccination of dogs and cats against rabies; and to the confinement and leashing of animals. Reference is particularly made to the state laws as set out and contained in Sections 67-1 to 69-29 and 106-387 of the General Statutes of North Carolina;

(3) Investigations of reported and observed cruelty or animal abuse with regard to all animals pursuant to the pertinent provisions of Section 14-360 of the Statutes of North Carolina; and reported or observed violations of any section of this chapter.

Sec. 4-3. - Animals to be seized humanely; tranquilizing animals; putting animals to death in attempting to seize.

Addressed in Orange County Unified Animal Control Ordinance.

- ~~(a) Any animal control officer or law enforcement officer, in carrying out his or her duties under this chapter, shall make every effort to deal humanely with all animals.~~
- ~~(b) If in the considered judgement of any animal control officer or law enforcement officer, an attempt to seize an animal would be dangerous to the person attempting that seizure, the animal control officer or law enforcement officer may inject the animal with a chemical tranquilizer which will result in limiting the activity of the animal. Such use of a tranquilizer will be used only when every other reasonable method of seizure has been attempted.~~
- ~~(c) If in the considered judgement of any animal control officer or law enforcement officer, an attempt to seize an animal would be dangerous to the person attempting that seizure, then and only then shall an animal control officer or law enforcement officer be authorized to humanely put the animal to death. It is the intent of the subsection to note that killing an animal is to be done only after every reasonable effort has been made to seize an animal and only after all other procedures are judged impossible.~~

Sec. 4-4. - Responsibility of custodian of animals.

- (a) The custodian of every animal shall be responsible for the care, licensing, vaccination and behavior of such animal.
- (b) The custodian of every animal shall take whatever action(s) is necessary to insure that the animal not pose a risk to health or safety of the public.

Sec. 4-5. - Cruelty to animals.

- (a) ~~Addressed in Orange County Unified Animal Control Ordinance. It shall be unlawful to commit any of the acts of cruel treatment as described in subsection 4-1(e).~~
- (b) ~~Addressed in Orange County Unified Animal Control Ordinance. It shall be unlawful for any person willfully or through neglect to overdrive, overload, wound, injure, torment, torture, deprive of adequate food, adequate water or adequate shelter, cruelly beat, choke, needlessly mutilate or kill any animal or cause any of the aforesaid things to be done.~~
- (c) It shall be unlawful to allow animals to live in crowded conditions (less than one hundred (100) square feet of unobstructed area per each animal weighing twenty (20) pounds or under, less than two hundred (200) square feet of unobstructed area per each animal weighing greater than twenty (20) pounds).
- (d) It shall be unlawful to tether a dog except under the following circumstances:
 - (1) Tethering for a period not to exceed seven (7) consecutive days while actively engaged in:
 - (i) Shepherding or herding livestock.
 - (ii) Lawful dog activities such as hunting training and hunting sporting events, field and obedience training, field or water training, law enforcement training, veterinary treatment and/or the pursuit of working or competing in these legal endeavors.
 - (iii) Meeting the requirements of a camping or recreational area.
 - (2) When participating in recognized exempt activities or when a dog is on an attended leash, tethered dogs shall be attended by a responsible person and shall be tethered in a manner that does not cause unjustifiable pain, suffering, or risk of death. Tethers must be made of rope, twine, cord, or similar material with a swivel on one end or must be made of a chain that is at least ten (10) feet in length with swivels on both ends and which does not exceed ten (10) percent of the dog's body weight. All collars or harnesses used for the purpose of tethering a dog must be made of nylon or leather.

Sec. 4-6. - Penalty for cruelty to animals.

If any person shall willfully instigate, promote, engage in or do any act toward the furtherance of any act of cruelty to any animal, he or she shall be guilty of a misdemeanor and be subject to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.

Sec. 4-7. - Abandonment of animals; reporting same.

Addressed in Orange County Unified Animal Control Ordinance.

- ~~(a) It shall be unlawful for any person to abandon, drop off or leave any animal to fend for itself or to become a nuisance or danger to the public or to other animals.~~
- ~~(b) Citizens should report to the animal control officer or to a law enforcement officer all abandonments as previously described.~~

Sec. 4-8. - Prohibited acts.

It shall be unlawful for any person within the town to do any of the following:

- (1) *Injure.* To injure a cat, dog or other animal by running over or into the same with a motor vehicle and fail to notify immediately the custodian, animal control officer or the police department.
- (2) *Sale or gift of animals.* To sell, give or cause to be sold or given any dog, cat or other animal within any area zoned by the town for business. This subsection shall not apply to any business licensed by the town or State of North Carolina for such purposes.
- (3) *Use of electric training devices.* To use any electric training device which administers a shock to the animal.
- (4) *Interference with animal control officer.* Addressed in Orange County Unified Animal Control Ordinance. ~~To interfere with, hinder or molest the animal control officer or other authorized officers in the performance of any duty authorized by this article, or seek to release any animal in the custody of such person.~~
- (5) *Rabies vaccination.* Addressed in Orange County Unified Animal Control Ordinance. ~~To have custody of any dog or cat over the age of four (4) months which is not currently vaccinated against rabies.~~

Sec. 4-9. - Penalty for violation of section 4-8.

- (a) Any town official authorized by the town manager or his/her designated agent may issue to the known owner or custodian of any animal, or to any other violator, a citation giving notice of the violation of section 4-8 herein. Citations so issued may be delivered in person or mailed by registered mail to the person charged if that person cannot be readily found. The citation issued shall impose upon the custodian or violator a civil penalty of twenty-five dollars (\$25.00) for a violation of section 4-8(1) through 4-8(4) and a civil penalty of one hundred dollars (\$100.00) for a violation of section 4-8(5), which may be paid to the town revenue collector within fourteen (14) days of receipt in full satisfaction of the assessed civil penalty. This penalty is in addition to any other fees authorized by this chapter.
- (b) In the event that the custodian of the animal or any other violator does not appear in response to the above described citation or the applicable civil penalty is not paid within the time period prescribed, a criminal summons may be issued against the custodian of the animal or any other violator for violation of this chapter and upon conviction the custodian or other violator shall be punished as provided by state law and be subject to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.

Sec. 4-10. - Keeping certain animals in town.

- (a) *Wild and dangerous animals.* It shall be unlawful to keep or cause to be kept wild and dangerous animals as described in section 4-1(j) within the town limits. Wild animals within the town temporarily

as part of a bona fide circus shall be exempt. Any such animal shall be confined within a secure building or enclosure or under restraint.

- (b) *Animals which may pose a risk to the health or safety of the public.* The custodian of an animal which may pose a threat to the public must:
 - (1) Provide signs, warnings and notifications; and restraints to restrict the access of said animal to the public.
 - (2) Provide safe access to those persons who have legal authority to be on the custodian's property.
- (c) *Cows, swine, goats, horses, sheep, cattle.* It shall be unlawful for any person to keep or maintain any cow, swine, goat, horse, sheep or cattle within the corporate limits of the town on any lot or parcel of land less than four (4) acres in size, and within one hundred (100) feet of a residence other than that of the custodian.
- (d) *Chickens.*
 - (1) No person shall allow his or her chickens to run at large within the corporate limits of the town.
 - (2) It shall be unlawful for any person to keep more than ten (10) chickens within the corporate limits of the town.
 - (3) Chickens must be kept a minimum of thirty (30) feet from the nearest residence other than that of the owner and may not be kept between the street and a line drawn parallel to the street facing walls of a residence.
 - (4) All chicken houses and lots must be maintained in a clean and sanitary condition at all times.
 - (5) It shall be unlawful to raise chickens for commercial purposes within the corporate limits of the town.
- (e) *Noisy fowl.* It shall be unlawful for any person to keep or maintain on any premises or lot within the town any rooster, duck, goose or other such bird or fowl that by loud and habitual crowing, quacking or honking or in any other manner constitutes a public nuisance. Failure to abate such nuisance within two (2) days after written notice to do so from the town manager shall be unlawful.
- (f) *Exotic animals.* It shall be unlawful for any person to keep or maintain on any premises or lot within the town any exotic animal, as described in section 4-1(k), that by loud and habitual noise or offensive odor causes a public nuisance. Failure to abate such nuisance within two (2) days after written notice to do so from the town manager shall be unlawful. Any exotic animal kept in the town limits must be provided with adequate shelter, food and water for its species.
- (g) *Number of dogs.* It shall be unlawful to maintain in one household more than four (4) dogs over the age of three (3) months.
- (h) The restrictions in section 4-10(a)(b)(c)(d) shall not apply to animals that are at the office of a licensed veterinarian for the purpose of obtaining medical treatment. Animals must be in secure enclosures or under restraint while being transported and while receiving treatment.
- (i) *Fighting animals.* It shall unlawful to own or harbor any animal for the purpose of fighting or training for fighting.
- (j) *Animals for which there is no anti-rabies vaccine.* It shall be unlawful to keep animals which are susceptible to rabies and for which there is no anti-rabies vaccine available.
- (k) Any animal used for bona fide medical, scientific or educational purposes at the University of North Carolina shall be exempt from section 4-10 of this chapter.

Cross reference— Zoning districts, uses and dimensional standards, App. A, Art. 3.

Sec. 4-11. - Sale of baby chicks and rabbits; possession of dyed or painted chicks, ducklings and rabbits.

Addressed in Orange County Unified Animal Control Ordinance.

- ~~(a) It shall be unlawful, within the town limits, for any person to sell, offer for sale, to permit to be sold or to permit to be offered for sale baby chicks or ducklings less than three (3) weeks and baby rabbits less than sixty (60) days of age in lots less than six (6) per single sale.~~
- ~~(b) It shall be unlawful, within the town limits, to possess chicks, ducklings or rabbits which have been dyed, painted or in any way changed from their natural color.~~

Sec. 4-12. - Horses on sidewalks.

No person shall ride or drive a horse or horses upon the sidewalks of the town.

Sec. 4-13. - Breaking up birds nests, killing or catching young birds prohibited.

The breaking up of bird nests, or the killing or catching of young birds within the corporate limits of the town is prohibited.

Sec. 4-14. - Certain acts declared public nuisances.

Addressed in Orange County Unified Animal Control Ordinance.

~~The following acts are defined as public nuisances. Animals may be impounded by the animal control officer for any of the following, subject to redemption in the manner provided in this article:~~

- ~~(1) Any animal which habitually and repeatedly makes noises sufficient to interfere seriously with neighboring residents' reasonable use of their property;~~
- ~~(2) Any animal which is offensive to others due to an odor caused by the animal;~~
- ~~(3) Any animal which repeatedly turns over garbage cans, damages flower or vegetable gardens, or causes damage to property of others;~~
- ~~(4) A female dog in heat not in a building or secure enclosure in such a manner that she will not be in contact with another dog;~~
- ~~(5) Any stray dog which is away from the premises of the custodian, or in a public place or on any public property in the town, unless the dog is under restraint;~~
- ~~(6) Any dog on the premises of the custodian and not attended by and under the control of a competent person;~~
- ~~(7) Any dog or cat off the premises of the custodian not wearing current license tags and rabies control tags as required by this chapter;~~
- ~~(8) Any animal which unprovoked, chases or approaches a pedestrian, bicycle rider or vehicle in a menacing fashion or apparent attitude of attack.~~

Sec. 4-15. - Penalty for public nuisance.

Addressed in Orange County Unified Animal Control Ordinance.

- ~~(a) An animal is declared a public nuisance by the animal control officer, who will issue a citation to the custodian for the violation. Citations may be delivered in person or sent by registered mail to the custodian, if that person cannot readily be found. The citation issued shall impose upon the custodian a civil penalty of twenty five dollars (\$25.00) for the first violation of section 4-14, fifty dollars (\$50.00) for the second violation of section 4-14, one hundred dollars (\$100.00) for the third violation of section 4-14, one hundred fifty dollars (\$150.00) for the fourth violation of section 4-14, and two hundred dollars (\$200.00) for the fifth or successive violation of section 4-14. The violator~~

~~may pay the citation to the town revenue collector within fourteen (14) days of receipt in full satisfaction of the assessed civil penalty. This penalty is in addition to any other fees authorized by this article.~~

- ~~(b) In the event that the custodian does not appear in response to the described citation or the civil penalty is not paid within the period prescribed, a criminal summons may be issued against the custodian for violation of this chapter and upon conviction, the custodian shall be punished as provided by state law and be subject to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.~~

Sec. 4-16. - Vicious animals.

Addressed in Orange County Unified Animal Control Ordinance.

- ~~(a) It shall be unlawful for any person to harbor any animal, which is three (3) months of age or older, which on or off the property of its custodian and without provocation has:~~
- ~~(1) Killed or caused life threatening injuries through bite(s) to a person;~~
 - ~~(2) Bitten or caused physical harm through bite(s) to a person;~~
 - ~~(3) Attempted to bite or cause physical harm through bite(s) to a person;~~
 - ~~(4) Injured, maimed or killed any pet or domestic livestock.~~
 - ~~(5) On two (2) separate occasions, while not properly restrained, approached a person in a menacing fashion or apparent attitude of attack.~~
- ~~(b) The animal control officer shall issue a citation to the custodian for the attack or attempted attack as described in section 4-16(a). Citations may be delivered in person or by registered mail if the custodian is not readily found. The citation issued shall impose upon the custodian a civil penalty of fifty dollars (\$50.00). The violator may pay the citation to the town revenue collector within fourteen (14) days of receipt in full satisfaction of the assessed civil penalty. This penalty is in addition to any other fees authorized under this chapter.~~
- ~~(c) In the event that the custodian of the violator does not appear in response to the described citation or the civil penalty is not paid within the period prescribed, or if the violator previously has been declared vicious upon payment of a citation or the conviction of the custodian, a criminal summons may be issued against the custodian for violation of this chapter and upon conviction, the custodian shall be punished as provided by state law.~~
- ~~(d) Upon the payment of a citation or the conviction of the custodian for having an animal which without provocation has committed any of the acts described in section 4-16(a)(1)–(4), said animal is declared a vicious animal.~~
- ~~(e) Upon the issuance of a citation for an animal which has committed any of the acts described in section 4-16(a)(1)–(4); the animal must be confined either in the home of the custodian, at an animal shelter, a kennel or a veterinarian's office until such time that the required pen is constructed, the animal is found to be vicious and destroyed per section 4-16(a)(1), or a judge finds that the animal is not a vicious animal. The animal control officer has the authority at any time to require that the animal not be kept in the custodian's home. The animal must stay confined through any legal appeals. The custodian shall be responsible for the costs incurred in the animal's confinement. If the animal is found not to be a vicious animal, the town shall be responsible for the cost.~~
- ~~(f) Upon the payment of a citation or the conviction of the custodian for having an animal which on or off the property of the custodian and without provocation has killed or caused life threatening injuries through bite(s) to a person, section 4-16(a)(1), the animal will be impounded by the animal control officer and destroyed in a humane manner.~~
- ~~(g) The custodian of a declared vicious animal, as described in section 4-16(a)(2)–(4), is required to keep the animal securely confined indoors or in a securely enclosed and locked pen or structure. This pen or structure must be suitable to prevent the entry of young children and designed to prevent~~

~~the animal from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet; the size of the pen will be based on the size of the animal and must have sides six (6) feet in height with a device to prevent the animal from escaping over the top of the fence. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. The enclosure must also provide protection from the elements for the animal. The shelter must be inspected and receive written approval from the animal control officer.~~

- ~~(h) There must be posted on the premises of the custodian a sign or placard noting "Beware of Dog" or other information noting the presence of vicious animal(s).~~
- ~~(i) The animal control officer will inspect the pens of all animals deemed vicious at least twice annually to assure that the standards are maintained.~~
- ~~(j) A vicious animal shall be permitted at the following locations only:
 - ~~(1) On the premises of the custodian.~~
 - ~~(2) On private property, with the authorization of the owner of the property.~~
 - ~~(3) At a licensed veterinarian for treatment.~~
 - ~~(4) In a motor vehicle while being transported.~~
 - ~~(5) The vicious animal must be controlled by means of a chain, leash or other like device whenever it is not indoors or in the secure enclosure as described in section 4-16(g).~~~~
- ~~(k) An animal which has been declared vicious may be impounded by the animal control officer for being out of doors, out of a secure structure and not controlled by means of a chain, leash or other like device, or for being in a location other than described in section 4-16(j).~~
- ~~(l) The custodian of the aforementioned dog may be issued a citation for violation of section 4-16(j) and section 4-16(k). Citations may be delivered in person or mailed by registered mail if the custodian is not readily found. The citation issued shall impose upon the custodian a civil penalty of fifty dollars (\$50.00) which may be paid to the town revenue collector within fourteen (14) days of receipt in full satisfaction of the assessed civil penalty. This penalty is in addition to any other fees authorized by this chapter.~~
- ~~(m) Any animal previously declared vicious upon the payment of a citation or by conviction of the custodian for a violation of section 4-16(a), that commits a subsequent violation as described in section 4-16(a), will cause the custodian to be charged with that violation. Upon the custodian's conviction of that violation, the animal will be destroyed in a humane manner.~~
- ~~(n) Violation of this section is a misdemeanor and is subject to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.~~

Editor's note—

It should be noted that § 2 of Ord. No. 2001-07-02/O-2, provides, "In determining whether a criminal summons may be issued for a violation after an animal once previously has been declared vicious upon payment of a citation or conviction of the custodian, only acts committed after the effective date of this ordinance shall be considered. In determining whether an animal may be destroyed after a conviction of a custodian for a subsequent violation involving an animal previously declared vicious upon payment of a citation or conviction of the custodian, only acts committed after the effective date of this ordinance shall be considered."

Sec. 4-17. - License tags required; issuance; fees.

Addressed in Orange County Unified Animal Control Ordinance.

Every dog and cat over four (4) months old housed in the town shall be licensed by the county. An Orange County license tag will be issued upon payment of the license fee. The license fee shall be determined by the Orange County Commissioners. There is a charge for replacement of a lost tag.

Sec. 4-18. - Rabies control.

Addressed in Orange County Unified Animal Control Ordinance.

- ~~(a) Vaccination. Every dog or cat four (4) months of age or older housed in the town shall at all times be currently vaccinated against rabies. The custodian of all such animals shall provide proof of such vaccination upon demand of the animal control officer. Failure to provide such proof may result in such animal being impounded subject to redemption in the manner provided in this chapter.~~
- ~~(b) Confinement. Whenever any animal or person is bitten by a dog, cat or other animal within the town, the animal control officer shall have the right and authority to examine such animal to determine whether it has rabies. In such case, upon demand of the animal control officer, the custodian of such animal shall deliver it to the animal control officer who may impound such animal for a period as may be necessary to determine whether it has rabies. Such period will not be less than ten (10) days. The custodian is required to pay the cost of the confinement. If said custodian fails to pay for the confinement of said animal, the animal control officer is empowered to proceed as otherwise provided in this chapter. If the animal control officer finds that such animal has rabies or any symptoms thereof, then said animal control officer shall cause such animal to be destroyed.~~

~~If the custodian can provide proof of vaccination and such animal is found at the time of examination not to have rabies or any symptoms thereof, said animal may be returned to the custodian following the examination.~~

Sec. 4-19. - Impounding animals.

Addressed in Orange County Unified Animal Control Ordinance.

~~Any animal that in the considered judgement of the animal control officer has strayed, or which is found not to be wearing a currently valid license tag and rabies tag, or which has been determined to be a public nuisance, or has been determined to be a vicious dog out of doors, not in a secure pen or on a restraint may be impounded and confined in the Orange County animal shelter in a humane manner for a period hereinafter prescribed for redemption, adoption or destruction:~~

- ~~(1) *Owner notification.* Immediately upon impounding any animal, the supervisor of the Orange County animal shelter shall attempt to notify the custodian by telephone and inform that person of such impoundment, and the conditions whereby the animal may be redeemed. If unable to give notice by telephone, an official, dated, written notice shall be mailed to the registered owner by certified mail, return receipt requested, giving notice of the impoundment and the conditions whereby the animal may be redeemed.~~
- ~~(2) *Redemption.* Except as provided in section 4-16(m) concerning vicious animals, animals shall be held up to five (5) days for redemption after the date shown on the return receipt or refusal of said notice.~~
- ~~(3) *Adoption.* If an impounded animal is not redeemed by the custodian within five (5) days in which the shelter is open to the public, said animal may be offered for adoption to any person who meets the Orange County animal shelter adoption criteria and who is willing to comply with the animal control laws. An animal which has been declared vicious shall not be eligible for adoption.~~
- ~~(4) *Sale or destruction.* If an animal is not redeemed within the redemption period such animal may be destroyed in a humane manner or held for adoption for a period determined by the supervisor of the Orange County animal shelter and the supervisor of the animal control services for the town.~~

~~(5) *Diseased or injured animals.* Severely diseased or badly injured animals may be destroyed in a humane manner, if authorized by a licensed veterinarian, without waiting the required redemption or adoption period.~~

~~(6) *Time limits.* The time limits set forth in this section shall be exclusive of all Sundays and holidays.~~

Sec. 4-20. - Redemption procedures.

Addressed in Orange County Unified Animal Control Ordinance.

~~The custodian shall be entitled to resume possession of his or her animal except as already provided for certain animals, upon compliance with the provisions of this article and payment of redemption, adoption and spay/neuter deposit fees, as determined by the board of directors of the animal protection society.~~

~~In addition to other fees set out herein, a boarding fee, as determined by the board of directors of the animal protection society, shall be paid. The custodian of any animal confined at the Orange County animal shelter pursuant to section 4-18(b) of this chapter will be exempt from the redemption fee, but liable for the boarding fee. Before any animal is released from the Orange County animal shelter, evidence must be presented that the animal has a current rabies vaccination. The supervisor of the Orange County animal shelter may release an animal without such proof if the custodian has agreed in writing to have such vaccination performed within seventy-two (72) hours of redemption. Failure to present proof of rabies vaccination to an animal control officer within seventy-two (72) hours of redemption may result in the issuance of a criminal summons for violation of state law and Chapel Hill Code section 4-15.~~

Sec. 4-21. - Records.

Addressed in Orange County Unified Animal Control Ordinance.

~~It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed records of:~~

- ~~(1) Impoundment and disposition of all animals picked up by the animal control officer;~~
- ~~(2) Bite cases, violations, complaints and investigations of same.~~

Sec. 4-22. - State and federal laws.

Addressed in Orange County Unified Animal Control Ordinance.

~~This chapter will apply except where superseded by state or federal law.~~