



Doc ID: 018918200003 Type: CRP
Recorded: 04/03/2019 at 11:45:59 AM
Fee Amt: \$0.00 Page 1 of 3
Gaston, NC
Susan S. Lockridge Register of Deeds

BK 5033 PG 1780-1782

3 RECORDING FEE Return to Clerk

RESOLUTION TITLE: TO AMEND SUBSECTION 3-5(h) OF THE GASTON COUNTY CODE OF ORDINANCES (PREVENTATIVE MEASURES FOR DANGEROUS ANIMALS) (SECOND READING)

WHEREAS, Chapter 3 of the Gaston County Code of Ordinances concerns Animals; and,

WHEREAS, Subsection 3-5(h) of said Ordinance enumerates preventative measures for a dangerous animal; and,

WHEREAS, Gaston County wishes to modify this subsection enabling County Staff to require an owner of a dangerous animal to obtain liability insurance for such animal and also require an owner of a dangerous animal to pay for impoundment fees in advance if the animal is impounded while such owner completes required preventative measures pursuant to the subsection; and,

WHEREAS, the subsection is also amended to clarify several other provisions in the ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby modifies Section 3-5(h) of the Gaston County Code of Ordinances as follows:

Sec. 3-5(h), Preventative measures for a dangerous animal

(h) Preventive measures for a dangerous animal.

- (1) Upon the animal control administrator or designee making a declaration that a dog is potentially dangerous, the animal control administrator or designee shall have the authority to require the owner of a dog to comply with specific preventive measures within thirty (30) days of its issuance, as described below. Said list is for illustrative purposes only and is not intended to be comprehensive or to exclude any act of the animal control administrator or designee:
 - a. Necessary repairs to any fence or enclosure.
 - b. Requiring that the animal stay within a secure fence or enclosure.
 - c. Measures to ensure that a gate will remain secure.

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	JBrown	AFrale	BHovis	TKelgher	TPhilbeck	RWorley	Vote
2019-077	03/26/2019	TK	CB	A	A	AB	A	A	A	A	U

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A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

- d. Installing a secure fence or any other similar device that would provide greater assurance for the confinement of the dog.
 - e. Requiring the owner to tattoo or microchip the dog at the owner's expense.
 - f. Posting of "Beware of Dog" signage.
 - g. Requiring the animal to be neutered or spayed.
 - h. Requiring that the animal not go beyond the owner's real property unless securely restrained, muzzled, and the individual restraining the animal is physically able to do so.
 - i. Requiring the owner of an animal having been found to be potentially dangerous or dangerous to continuously maintain in force, at the owner's expense, liability insurance of at least One Hundred Thousand Dollars (\$100,000), and upon demand present proof of the same to the animal control administrator or designee. The liability insurance described herein shall be procured for the benefit of any person who suffers damages, injury, or death caused by the animal.
- (2) If the animal control administrator or designee feels that it is necessary for the safety and welfare of the public for the animal to be impounded while the owner undertakes the required preventative measures as described above, such animal may be impounded, with the owner paying for the impoundment fees in advance until the owner completes such requirements as described herein for up to thirty (30) days. The owner of the animal is responsible for all impoundment fees and costs incurred in fabricating or improving such fence or gate. If the owner fails to pay for the impoundment fees or complete the ordered preventative measures within the allotted time, the animal may be impounded and disposed of by Gaston County to include options of adoption, rescue, euthanasia, or any other measure deemed appropriate by the County.
- (3) If the animal control officer determines that a dog owner must take specific preventive measures, the animal control officer shall make reasonable efforts to notify the owner by a written order, stating the reasons that preventive measures are required, identifying the specific preventive measures that must be implemented, and stating the designated time period for compliance with the written order. The written order shall further state that failure to comply within the time period prescribed may result in the assessment of civil penalties and/or seizure of the animal. The animal control officer shall have the authority to allow for reasonable extensions of time limits based on good faith progress of implementation of the preventive measures. Any approved extensions shall be in writing.
- (4) It shall be unlawful for an owner to fail to comply with a written order to take preventive measures within the designated time for compliance stated in the written order or any extension thereof. Additionally, the animal control officer shall have authority to seize and impound and dispose of the animal to include options of adoption, rescue, euthanasia, or any other measure deemed appropriate by the County if the owner fails to comply with the aforementioned order. Each day of non-compliance shall constitute a new violation.
- (5) As an alternative to requirements established above, the owner is permitted to transfer ownership of the animal to an individual outside county limits or to the Gaston County Animal Shelter. If the owner wishes to transfer the animal outside the county limits, the animal in the interim may be impounded or have the animal boarded at a veterinary's office. The owner shall be responsible for all impoundment fees. The owner of a dangerous animal must provide the

To Amend Subsection 3-5(h) of the Gaston County Code of Ordinances (Preventative Measures for Dangerous Animals) (Second Reading)

Page 3

county police department with written notice of transfer of ownership or possession stating the name and address of the new owner or possessor of the animal and with written notice to the new owner or possessor specifying the animal's dangerous behavior and the animal control administrator's declaration that the animals are dangerous. Additionally, the owner of a dangerous animal must notify the county animal control in writing of any change in the owner's address or location where the animal resides.

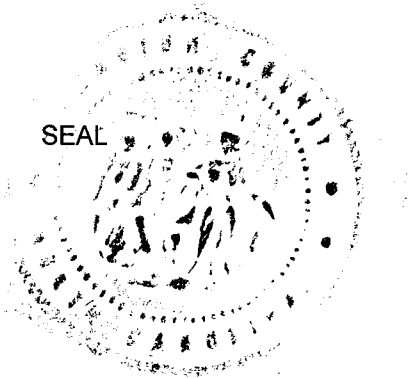
- (6) Any animal previously declared to be dangerous or potentially dangerous that has been subsequently found by the animal control advisory board to have:
- a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or
 - b. Killed or inflicted serious injury upon a domestic animal when not on the owner's real property; or
 - c. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent manner of attack, shall be impounded upon proper identification and destroyed in a humane manner.

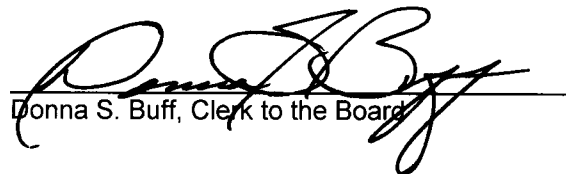
This Ordinance amendment shall be effective immediately upon its adoption.

Adopted the 26th day of March, 2019.

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above, as filed with the Clerk to the Board, is a true and accurate copy of the ordinance amendment entitled TO AMEND SUBSECTION 3-5(h) OF THE GASTON COUNTY CODE OF ORDINANCES (PREVENTATIVE MEASURES FOR DANGEROUS ANIMALS) (SECOND READING) as adopted by the Board of Commissioners on March 26, 2019 and is to be set forth in the Gaston County Code of Ordinances upon adoption.




Donna S. Buff, Clerk to the Board



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

County Attorney

Board Action

File #: 19-060

Commissioner Keigher - County Attorney - To Amend Section 3-5 of the Gaston County Code of Ordinances Concerning Dangerous Animals (Second Reading)

STAFF CONTACT

Charles Moore - County Attorney - 704-866-3194

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

Upon recommendation by the Gaston County Animal Care and Enforcement Advisory Board, Gaston County Staff is requesting the Board of Commissioners to amend the ordinance concerning dangerous animals. In addition to technical corrections, the amendment will authorize staff to require the owner of a dangerous animal to obtain liability insurance for the dangerous animal. The amendment will also authorize staff to impound the animal at the owner's expense while the owner undertakes the specified preventative measures ordered by the County to help protect the public from the animal.

DATE OF INTRODUCTION (First Reading): 2/26/2019

POLICY IMPACT

See background.

ATTACHMENTS

Resolution

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I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	JBrown	AFraley	BHovis	TKeigher	TPhilbeck	RWorley	Vote
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