

**ORDINANCE AMENDING CHAPTER 4 OF THE
DURHAM COUNTY CODE OF ORDINANCES
ANIMALS**

WHEREAS, the North Carolina Legislature has, through Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to counties the power to regulate by ordinance acts, omissions or conditions detrimental to the health safety and welfare of its citizens and the peace and dignity of the county; and

WHEREAS, the Commissioners of the County of Durham, pursuant to their authority granted under Article 6 of Chapter 153A of the North Carolina General Statutes, enacted an Animal Ordinance to regulate acts, omissions and conditions detrimental to the health safety and welfare of its citizens and the peace and dignity of the County; and

WHEREAS, the Board of County Commissioners wish to amend the Animal Ordinance to repeal the requirement for an annual license of dogs and cats in the County.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH ORDAIN:

1) That the Title of Chapter 4, Article II, of the Durham County Code of Ordinances, is hereby amended to read:

~~ARTICLE II. - LICENSING OF ANIMALS AND RABIES CONTROL~~

2) That Chapter 4, Article II, sections 4-36, 3-37 and 4-38 of the Durham County Code of Ordinances, are hereby struck in their entirety and Reserved.

Sec. 4-36. – ~~Licensing.~~ Reserved.

~~The owner of every dog or cat shall comply with the provisions of this section:~~

~~(1) — Licensing of animals, payment of license tax.~~

~~There is hereby levied on the owner of every dog or cat an annual license tax for the privilege of keeping any dog or cat within the territorial boundaries of the county. Said annual license tax shall be in the following amounts:~~

\$75.00	For each unaltered dog or cat
\$10.00	For each altered dog or cat
\$10.00	For each dog or cat for which the owner has furnished a statement from a licensed veterinarian that the animal has a health condition that permanently precludes the animal from undergoing sterilization because of a significant risk of injury or death.

~~(2) — Administrative provisions.~~

~~a. — The owner of every dog or cat that is kept within the territorial boundaries of this County shall list the animal with the Durham County Tax Administrator within 30 days of bringing the animal into the county, such that a license is generated for each animal.~~

- ~~b. — Any person who owns, maintains, possesses or controls five or more animals of the same species may apply to the Durham County Tax Administrator for an alternate tax on kennels as set forth in section 4-37.~~
- ~~e. — The Durham County Tax Administrator shall mail to all owners of dogs and cats an annual tax listing form. The owner shall complete and return the tax listing form with the appropriate tax to the Durham County Tax Administrator. The license tax shall be past due if not paid within 30 days of the date of mailing of the tax listing by the Durham County Tax Administrator.~~
- ~~d. — The license tax imposed by this article shall be collected by the Durham County Tax Administrator. The owner of every dog or cat shall retain the owner's portion of the listing form which constitutes the animal's license when the entire tax is paid.~~
- ~~e. — If a dog or cat is impounded pursuant to any provision of this chapter or state law. The license tax, then due and owing, shall be immediately payable and the dog or cat shall not be redeemed by the person claiming ownership or released by the Sheriff and his/her designees until such license tax, together with any other fees or penalties authorized by this chapter, is paid in full.~~

~~(3) — *Transfer of license.*~~

~~The license issued pursuant to the provisions of this article shall not be transferable to another dog or cat or owner. If an animal is transferred to a new owner, the new owner must obtain a new license for the animal.~~

Sec. 4-37. - Kennel licenses Reserved.

~~(a) — Any person may apply to the Durham County Tax Administrator for a kennel license as follows:~~

~~(1) — General kennel license: Any person who owns, maintains, possesses or controls five or more animals of the same species that have been spayed or neutered may apply for a general kennel license. The tax for a kennel license shall be in lieu of the animal license set forth in section 4-36, above. The amount of the tax for a kennel license shall be:~~

a.	5-10 animals	\$40.00
b.	11-20 animals	\$80.00

~~(2) — Show/breeder kennel license: Any person who owns, maintains, possesses or controls five or more animals of the same species that have not been spayed or neutered may apply for a show/breeder kennel license. The tax for a show/breeder kennel license shall be in lieu of the animal license set forth in section 4-36, above. The amount of the tax for a kennel license shall be:~~

a.	5-10 animals	\$300.00
b.	11-20 animals	\$675.00
e.	21 or more animals	\$1,200.00

~~(3) — Individual hunter kennel license: Any person who owns, maintains, possesses or controls five or more animals of the same species may apply for an individual hunter kennel license. The tax for an individual hunter kennel license shall be in lieu of the animal~~

license set forth in section 4-36, above. The amount of the tax for a kennel license shall be:

a.	<u>5-8 animals</u>	<u>\$300.00</u>
b.	<u>9-15 animals</u>	<u>\$420.00</u>
c.	<u>16-24 animals</u>	<u>\$675.00</u>

- ~~(4) — Hunt club kennel license: Any person who owns, maintains, possesses or controls five or more animals of the same species may apply for a hunt club kennel license. The tax for a hunt club kennel license shall be in lieu of the animal license set forth in section 4-36, above. The amount of the tax for a kennel license shall be:~~

a.	<u>25-49 animals</u>	<u>\$1,200.00</u>
b.	<u>50 or more animals</u>	<u>\$3,000.00</u>

- ~~(b) — Each applicant for a kennel license shall submit a listing form to the Durham County Tax Administrator containing the following information:~~

- ~~(1) — The type of kennel license for which the tax listing is submitted.~~
- ~~(2) — The name, breed, sex and age of each animal.~~
- ~~(3) — The location where the animals are to be housed, kept or maintained.~~
- ~~(4) — If the owner is a hunter, proof of a valid hunting license for the current year.~~

- ~~(c) — The following conditions must be met before a kennel license will be issued:~~

- ~~(1) — General kennel license:~~

- ~~a. — Proof of ownership of each animal identified in the license application.~~
- ~~b. — Proof of current rabies vaccination for each animal identified in the license application.~~
- ~~c. — Proof that all animals identified in the application have been spayed or neutered.~~
- ~~d. — No outstanding violations of the county animal control ordinance, including outstanding redemption or boarding fees or civil penalties.~~
- ~~e. — Consent for inspection of the area where the animals are housed by the Sheriff or his/her designee. It shall be a continuing condition of the kennel license that the Sheriff or his/her designee are permitted to inspect the area where the animals are housed at any time.~~

- ~~(2) — All other types of kennel license:~~

- ~~a. — Proof of ownership of each animal identified in the license application.~~
- ~~b. — Proof of current rabies vaccination for each animal identified in the license application.~~
- ~~c. — No outstanding violations of the county animal control ordinance, including outstanding redemption or boarding fees or civil penalties.~~
- ~~d. — Inspection of the area where the animals are housed by the Sheriff or his/her designee. It shall be a continuing condition of the kennel license that the Sheriff and his/her designee are given written consent to inspect the area where the animals are housed at any time.~~
- ~~e. — The kennel license shall be valid for one year and is renewable each year. The owner shall submit a new listing form to the Durham County Tax Administrator if there has been a change to any of the information contained in the original listing form. Failure to submit a new listing form when required by this article may result in revocation of the license or refusal to renew the license.~~

- f. ~~The license tax shall be past due if not paid within 30 days of the date of mailing of the tax listing by the Durham County Tax Administrator.~~
- (d) ~~Sanctions, penalties, fines, remedies:~~
- (1) ~~The Durham County Tax Administrator may deny, revoke or refuse to renew a kennel license if any of the following conditions exist:~~
- a. ~~A material misstatement in the listing form required by this article.~~
 - b. ~~Failure to comply with all conditions required for the type of kennel license for which a listing form has been submitted or renewal or reinstatement is sought.~~
 - c. ~~Violation of any provision of this chapter.~~
 - d. ~~Failure to pay all taxes, fees or penalties required by this article.~~
- (2) ~~If the issuance or renewal of a kennel license is denied, or if a kennel license is revoked, the Durham County Tax Administrator shall serve upon the owner a written notice stating the reasons for the denial or revocation and also indicating what measures must be taken before the license will be issued, renewed or reinstated.~~
- a. ~~In the case of a revocation or a refusal to renew, the Durham County Tax Administrator shall allow the owner ten working days to comply with all license requirements.~~
 - b. ~~A kennel license shall be reinstated or reissued upon a showing that the owner is in compliance with all license requirements and payment of any civil penalty issued as a result of the revocation of the license.~~
 - c. ~~If the owner fails to comply with all kennel license requirements within the time period allowed for corrective action the owner shall pay the full non-kennel license fee for each animal in accordance with section 4-36 and shall no longer be eligible for the kennel license.~~
- (3) ~~In addition to any other remedies provided by law, the Durham County Tax Administrator may use the remedies stated in G.S. § 153A-147, in collecting the taxes provided for herein.~~

Sec. 4-38. - Exemptions Reserved.

- (a) ~~The following persons or organizations shall be exempt from the licensing fees:~~
- (1) ~~Any person possessing or utilizing an animal primarily for the purpose of serving the public, or that has been certified to assist handicapped individuals, upon showing proof that the animal has been trained by a duly authorized agency as a service animal. This shall include retired service animals upon proof of service record.~~
 - (2) ~~An owner 65 years of age or older upon showing proof that his/her animal, for which the owner is seeking an exemption, has been spayed or neutered.~~
 - (3) ~~Research institutions owning dogs and/or cats solely for research purposes.~~
- (b) ~~An owner may apply at the time of listing for an exemption by making application to the Durham County Tax Administrator. The Durham County Tax Administrator shall have the authority to grant the requested exemption upon showing proof of one or more of the conditions described above. But in no event shall an exemption be granted for a dog that has been declared dangerous or potentially dangerous pursuant to section 4-191.~~

~~(c) — The Durham County Tax Administrator shall maintain a master file designated by year to contain all applications for an exemption and any documentation relating to action taken on the application.~~

~~(d) — Nothing in this section shall relieve an owner of any animal from the licensing or vaccination requirements set forth in this article.~~

~~(e) — All animal fees which are due and owing as of the effective date of this ordinance amendment shall continue in full force and effect as if this amendment had not been made.~~

~~(f) — The ordinance from which this section derived shall be effective on and after November 1, 2008.~~

2) The Chapter, as amended, is effective July 1, 2013.

**ORDINANCE AMENDING CHAPTER 4 OF THE
DURHAM COUNTY CODE OF ORDINANCES
ENTITLED ANIMALS**

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ARTICLE II. - RABIES CONTROL

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Sec. 4-36. – **Reserved.**

Sec. 4-37. – **Reserved.**

Sec. 4-38. – **Reserved.**

3) The Chapter, as amended, is effective July 1, 2013.