

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS85039-LL-40 (1/26)

Short Title: Disposal of Unclaimed Animals.

(Public)

Sponsors: Senator McKissick.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND APPLICATION OF THE LAW CONCERNING THE HOLDING
3 AND DISPOSAL OF UNCLAIMED ANIMALS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 130A-192 reads as rewritten:

6 "§ 130A-192. **Dogs and cats not wearing required rabies vaccination tags.**

7 (a) The Animal Control Officer shall canvass the county to determine if there are any
8 dogs or cats not wearing the required rabies vaccination tag. If a dog or cat is found not
9 wearing the required tag, the Animal Control Officer shall check to see if the owner's
10 identification can be found on the animal. If the animal is wearing an owner identification tag,
11 tag with information enabling the owner of the animal to be contacted, or if the Animal Control
12 Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner
13 in writing to have the animal vaccinated against rabies and to produce the required rabies
14 vaccination certificate to the Animal Control Officer within three days of the notification. If the
15 animal is not wearing an owner identification tag and the Animal Control Officer does not
16 otherwise know who the owner is, the Animal Control Officer may impound the animal. The
17 duration of the impoundment of these animals shall be established by the county board of
18 commissioners, but the duration shall not be less than 72 hours. During the impoundment
19 period, the Animal Control Officer shall make a reasonable effort to locate the owner of the
20 animal. If the officer has access at no cost or at a reasonable cost to a microchip scanning
21 device, the officer shall scan the animal and utilize any information that may be available
22 through a microchip to locate the owner of the animal, if possible. If the animal is not
23 reclaimed by its owner during the impoundment period, the animal shall be disposed of in one
24 of the following manners: returned to the owner; adopted as a pet by a new owner; sold to
25 institutions within this State registered by the United States Department of Agriculture pursuant
26 to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by
27 rules adopted by the Department of Agriculture and Consumer Services or, in the absence of
28 such rules, by a procedure approved by the American Veterinary Medical Association, the
29 Humane Society of the United States or of the American Humane Association.

30 Before an animal may be sold or put to death, it must be made available for adoption under
31 procedures that enable members of the public to inspect the animal, except in cases in which
32 the animal is found by the operator of the shelter to be unadoptable due to injury or defects of
33 health or temperament.



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1 A person who comes to an animal shelter attempting to locate a lost pet is entitled to view
2 every animal held at the shelter, subject to rules providing for such viewing during at least four
3 hours a day, three days a week.

4 The Animal Control Officer shall maintain a record of all animals impounded under this
5 section which shall include the date of impoundment, the length of impoundment, the method
6 of disposal of the animal and the name of the person or institution to whom any animal has
7 been released.

8 (b) In addition to domesticated dogs and cats not wearing the required rabies tags, the
9 provisions of subsection (a) of this section concerning the holding of animals for at least 72
10 hours and the permissible means of disposition of animals after expiration of that holding
11 period also apply to:

12 (1) Feral cats;

13 (2) Animals other than livestock, in addition to dogs and cats, that appear to be
14 pet animals;

15 (3) Dogs and cats that are wearing rabies tags but are taken into custody for
16 violation of statutes or ordinances not related to rabies control, such as
17 ordinances requiring the leashing or restraining of dogs and cats; and

18 (4) Animals surrendered to an animal shelter by the owners of the animals,
19 unless an owner provides to the shelter some proof of ownership of the
20 animal and signs a writing consenting to the disposition of the animal in a
21 manner authorized by this section before the expiration of the 72-hour
22 holding period or of a longer period established by ordinance or local rule to
23 which the shelter is subject.

24 (c) If an animal not wearing tags or other mode of identification indicating its owner is
25 delivered to the animal shelter by a person who has found and captured the animal, or by an
26 approved rescue organization with which such finder has deposited the animal, the shelter may
27 in writing appoint the finder or approved rescue organization to be the agent of the shelter to
28 hold the animal for the 72-hour holding period provided for in subsection (a) of this section or
29 such longer holding period that may be applicable to the shelter by ordinance or local rule.
30 After the expiration of that holding period, the shelter may transfer the animal by adoption to
31 the person or organization that has held it as agent or may extend the period of time the finder
32 or rescue organization holds the animal as agent of the shelter. A shelter may terminate an
33 agency created under this subsection at any time by directing the finder or rescue organization
34 to deliver the animal to the shelter. The city, county, or organization operating the animal
35 shelter, as principal in the agency relationship, shall not be liable to reimburse the agent for the
36 costs of care of the animal and shall not be liable to the owner of the animal for harm to the
37 animal caused by the agent, absent a written contract providing otherwise. For purposes of this
38 subsection, the term "approved rescue organization" means a nonprofit corporation or
39 association that cares for stray animals that has been favorably assessed by the operator of the
40 animal shelter through the application of written standards.

41 (d) During the 72-hour or longer holding period established under subsection (a) of this
42 section, the animal shelter may place an animal it is holding in foster care. During this period,
43 an animal that is seriously ill or injured may be euthanized if a veterinarian states in a signed
44 writing that it is appropriate to do so."

45 **SECTION 2.** G.S. 130A-184(1) reads as rewritten:

46 "(1) "Animal Control Officer" means a city or county employee designated as
47 dog warden, animal control officer, animal control official or other
48 designations that may be used whose responsibility includes animal control.
49 The term "Animal Control Officer" also includes agents of a private
50 organization that is operating an animal shelter under contract with a city or

1 county whenever those agents are performing animal control functions at the
2 shelter."

3 **SECTION 3.** This act becomes effective January 1, 2010.