

**RULES FOR THE CONTROL OF
RABIES WITHIN
DAVIDSON COUNTY
AMENDED NOVEMBER 1, 2016**

DAVIDSON COUNTY BOARD OF HEALTH

**NORTH CAROLINA
DAVIDSON COUNTY**

BEFORE THE BOARD OF HEALTH

RULES FOR THE CONTROL OF RABIES WITHIN DAVIDSON COUNTY

Section 1: Enactment and Citation.

These Rules are hereby enacted by the Davidson County Board of Health and may be cited as the Davidson County Rabies Control Rules.

Section 2: Purpose and Intent.

The Board of Health recognizes that the prevention and control of rabies is essential to promoting and protecting the public health of the citizens and animal life in Davidson County. These Rules are intended to supplement the laws of North Carolina regarding rabies control, rabies vaccination and animal bites through procedures and remedies for enforcing these laws, including civil penalties and citations, standards for the confinement of animals which have or may have rabies, defining the powers and duties of the Davidson County Health Director and animal control officers in rabies control, restricting the movement of animals during quarantine periods, requiring notification of dog and cat bites or of animals which have or may have rabies, determining the disposition of animals which have or may have rabies, and implementing the laws and policies of North Carolina regarding the vaccination of dogs, cats and ferrets against rabies. These rules are also intended to allow the Davidson County Health Department to obtain the assistance of other agencies and persons, including but not limited to law enforcement and animal control agencies and officers in Davidson County, in enforcing these Rules.

Section 3: Authority.

The Board of Health is authorized pursuant to N.C.G.S. §130A-39(a) to adopt rules necessary to protect and promote the public health in Davidson County, implement and administer the powers and duties of the Health Department and Health Director in the control of rabies, enforce and supplement the rabies control and quarantine laws of North Carolina and provide remedies for the violations of these Rules. Pursuant to the general authority under N.C.G.S. §130A-194 to promulgate rules and regulations to protect and promote the public health and supplement the rabies control laws of North Carolina, the Board of Health may provide civil penalties for violations of these rules. In addition to civil remedies, these Rules may be enforced by injunctive relief pursuant to N.C.G.S. §130A-25. These Rules are not intended to limit the authority or duties of the Board of Health or Health Director set forth in the statutes, rules, and regulations of North Carolina.

Section 4: Geographical Area.

Pursuant to N.C.G.S. §130A-39(c), these rules shall apply to all the geographical area of Davidson County including the area within the corporate limits of any municipality within Davidson County.

Section 5: Definitions.

(A) **Animal Bite** shall mean the breaking of any portion of the skin of a human being or any portion of an animal by the teeth of any animal.

(B) **Animal control officer** shall mean an employee of Davidson County or a municipality within Davidson County whose responsibility includes animal control and the enforcement of animal control laws, rules and regulations, including the Rabies Control Rules.

(C) **Animal Shelter** shall mean the Davidson County Animal Shelter and any facility operated by Davidson County Government for the housing of animals.

(D) **Business Day** shall mean a day other than a Saturday, Sunday, a day recognized by resolution of the Davidson County Board of Commissioners as a holiday for Davidson County Government, or a day on which weather or other conditions have caused the offices of the Davidson County Health Department to be closed for the transaction of business.

(E) **Cat** shall mean a domesticated carnivorous animal of the family *Felidae*. Cat shall not mean any wild specie of the family *Felidae* and no such wild specie shall be considered domesticated, even if such animal is raised or kept in a domestic surrounding.

(F) **Certified rabies vaccinator** shall mean a person appointed by the Health Director pursuant to N.C.G.S. §130A-186 and certified by the State Public Health Veterinarian to administer rabies vaccinations pursuant to N.C.G.S. §130A-186.

(G) **Confinement** shall mean the placement and keeping of an animal within a secure enclosure or on real property owned or leased or controlled by the owner of the animal.

(H) **Destroy** shall mean the act of euthanizing or causing the death of an animal.

(I) **Dog** shall mean a domesticated carnivorous animal of the family *Canine*. Dog shall not mean any wild specie of the family *Canine* and no such wild specie shall be considered domesticated, even if such animal is raised or kept in a domestic surrounding.

(J) **Exposed or exposed to rabies or exposure to rabies** shall refer to an animal which has been bitten by or is reasonably suspected of having come into contact with the saliva or nervous tissue of any animal known or suspected to have been infected with rabies. These terms shall refer to a human who has scratches, abrasions, open wounds or mucous membranes which have been in contact with the saliva or other fluids of an animal or who has been bitten by an animal known or suspected to have been infected with rabies.

(K) **Fence** shall mean a barrier which is at least four (4) feet high, surrounding an area of at least one hundred fifty (150) square feet and securely enclosing such area so as to prevent a dog, cat, or ferret exceeding fifteen (15) inches in height (measured to the animal's shoulder) or

is deemed capable of climbing a four (4)-foot fence, the Health Director may require the barrier to have a minimum height of six (6) feet to meet the definition of a fence.

(L) **Ferret** shall mean a domesticated animal classified as a *Mustela furo* or commonly referred to as an albino European polecat. Ferret shall not mean any wild specie which otherwise would be considered a ferret and no such wild specie shall be considered domesticated, even if such animal is raised or kept in a domestic surrounding.

(M) **Health Department** shall mean the Davidson County Health Department.

(N) **Health Director** shall mean the Davidson County Health Director.

(O) **Impoundment** shall mean the act of an animal control officer or a law enforcement officer restraining or taking custody of an animal.

(P) **Law enforcement dog** shall mean a dog trained for law enforcement work according to recognized law enforcement standards and presently used by and under the control of a law enforcement officer to assist in the performance of official duties.

(Q) **NASPHV Rabies Compendium** shall mean a publication of the National Association of State Public Health Veterinarians containing the latest recommendations for the prevention and management of animal rabies outbreaks.

(R) **Owner** shall mean any person who has title to or owns or keeps or harbors or possesses an animal. An animal is harbored for purpose of the definition of owner if It is fed or sheltered for three consecutive days or more or if it is fed or sheltered on a regular basis by a single person or group of persons or by a person under the control of such persons. Further, there is hereby established the purposes of these rules only but not between any other persons a rebuttable presumption that the adult tax-listing property owner or lessee of the real property at which the animal is harbored is the owner or keeper of an animal.

(S) **Person** shall mean an individual, partnership, corporation, association, firm, or other entity.

(T) **Quarantine** shall mean an order by the Health Director which requires an animal within a designated geographic area of Davidson County, or the entire geographic area of Davidson County, to be confined to the residence of the owner of the animal, the Animal Center or a veterinary hospital.

(U) **Rabies control officer** shall mean the Health Director, or an animal control officer, or a law enforcement officer or any other person designated by the Health Director to assist in the enforcement of these Rules.

(V) **Rabies vaccine** shall mean an animal rabies vaccine licensed by the United States Department of Agriculture and approved for use in the State of North Carolina by the North Carolina Commission for Health Services.

(W) **Residence** shall mean a place of dwelling or abode by a person.

(X) **Restraint** shall mean securing an animal by leash or leading an animal under the control of a responsible person and obedient to such person's commands or the confinement of an animal on the premises owned by or in the possession of the owner of the animal or at the Animal Shelter or a veterinary hospital.

(Y) **Secure enclosure** shall mean a building or an enclosed area (1) to which all entrances and exits can be securely locked, (2) which will prevent the ability of an animal in the enclosure from coming into contact with another animal or any person outside of the enclosure and (3) which is located on property controlled by the animal owner.

(Z) **State Public Health Veterinarian** shall mean a person appointed by the North Carolina Secretary of Health and Human Services to direct the state public health veterinary program.

(Z2) **Vaccination** shall mean the administration of a rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

Words not defined in this section shall have their ordinary meanings.

Section 6: Enforcement of Rules.

(A) **Powers of Rabies Control Officers:** Rabies control officers may investigate reports of violations of these Rules, animal bites and the possible exposure of animals or persons to rabies, impound or seize animals as provided in these Rules, serve and execute orders issued by the Health Director pursuant to these Rules and otherwise take actions necessary to assure compliance with these Rules.

(B) **Entry Upon Real Property:** For the purposes of enforcing these Rules and subject to the provisions of this subsection, rabies control officers may enter upon the property of an animal owner, including but not limited to all dwellings, dwelling units, rooming units, barns and other outbuildings, and any portion or section thereof, as well as any field, yard or other enclosure in which animals are kept. Prior to entry into and upon such property, the rabies control officer shall either (1) obtain the consent of the owner or occupant of such premises or (2) obtain an administrative search warrant as provided by N.C.G.S. §15-27.2 or other law. However, neither the property owner's consent nor a warrant shall be required if there exist conditions or circumstances which require the rabies control officer to enter the real property without the owner's consent or a warrant in order to protect the health or safety of an individual or the public or when such consent or warrant is otherwise not required by the constitutions or laws of the United States or North Carolina. Nothing in this subsection shall be construed to

authorize the violation of the constitutions, statutes or other laws of the United States or North Carolina regarding searches or seizures of persons or property.

Section 7: Rabies Vaccination.

(A) **Vaccination Required:** Every dog, cat and ferret which is older than four (4) months of age shall be vaccinated against rabies by a licensed veterinarian or a certified rabies vaccinator. The owner of such dog, cat or ferret shall obtain the required vaccination for the dog, cat or ferret. The person who performs the rabies vaccination shall certify in triplicate that the dog, cat or ferret has received the vaccination, with (1) an original being delivered to the owner, (2) a copy being retained by the person performing the vaccination and (3) a copy being delivered to the Health Department. The person shall prepare and deliver to the owner a metallic vaccination tag showing the year of the vaccination, the words "North Carolina" or "N.C." and the words "rabies vaccine." It shall be a violation of these Rules for any person to certify or otherwise represent that a dog, cat or ferret has been properly vaccinated for rabies when such a person knows or in the exercise of reasonable care should know that the dog, cat or ferret has not received a valid current rabies vaccination from a licensed veterinarian or certified rabies vaccinator.

(B) **Dogs, Cats and Ferrets to Wear Vaccination Tags:** An owner of a dog, cat or ferret which is required to have a vaccination against rabies shall cause the animal to wear at all times on its collar a metallic tag stamped with the number and year for which the tag has been issued and indicating that the dog, cat or ferret has been vaccinated against rabies. No person shall cause or permit a dog, cat or ferret not to wear a tag indicating that such dog, cat or ferret has a valid current rabies vaccination. No person shall use a rabies vaccination tag for any animal other than the animal for which such tag is issued. A tag shall not be required for which no rabies vaccination is required by these Rules or other applicable law.

(C) **Failure of Dog, Cat, or Ferret to Wear Rabies Vaccination Tags:** (i) *Identity of owner ascertainable.* If a dog, cat or ferret is not wearing a rabies vaccination tag as required by Section 7(B), but the dog, cat or ferret is wearing an owner's identification tag or if the owner's identity is otherwise known, such owner shall be served with a citation for not causing the dog, cat or ferret to wear a vaccination tag in violation of these rules. Such owner shall produce proof to the Health Department by no later than three (3) days after service of the citation that the animal has received a valid current rabies vaccination by no later than the expiration of the three (3)-day period set forth in this Paragraph. If the owner complies with the preceding sentence, no civil penalty shall be assessed. If the proof required by this Paragraph is not presented to the Health Department within the time period, it shall be rebuttably presumed that the dog, cat or ferret does not have a valid current rabies vaccination and the owner of such animal shall be subject to civil penalties unless the owner produces to the Health Department proof that such animal obtained a valid current rabies vaccination prior to the expiration of the three (3)-day period set forth in this Paragraph.

(ii) *Identity of owner not ascertainable.* If the dog, cat or ferret is not wearing a vaccination tag as required by Section 7(B) and if the identity of the owner of such animal is not

ascertainable, a rabies control officer may impound the dog, cat or ferret for a period of not less than seventy-two (72) hours. During the impoundment, the rabies control officer shall make reasonable efforts to locate the owner. If the dog, cat or ferret is not reclaimed by the owner during the impoundment period, the rabies control officer may (1) return the dog, cat or ferret to its owner if the owner is located, (2) make the dog, cat or ferret available for adoption or foster care or (3) euthanize the animal. No impounded dog, cat or ferret which is at least three (3) months old shall be released from the Animal Shelter unless such animal has received a rabies vaccination. A dog, cat or ferret which is less than three (3) months old at the end of the impoundment may be released without a rabies vaccination; however, the owner of such dog, cat or ferret may be issued a notice to vaccinate the animal requiring the owner to provide a rabies vaccination for the dog, cat or ferret when it attains the age of three (3) months. The cost of any vaccination provided by Davidson County shall be paid by the owner or person adopting or providing foster care for such dog, cat or ferret and such costs shall be recoverable in the nature of a debt if such costs are not paid within three (3) days after the animal has received a vaccination. A dog, cat or ferret which is required to be vaccinated against rabies pursuant to this Paragraph shall be required to have and wear a rabies vaccination tag set forth in Section 7(B).

(D) **Veterinarian to Confine Dogs, Cats and Ferrets Without Vaccination:** A veterinarian who treats or examines a dog, cat or ferret which is at least three (3) months old and does not have a valid current rabies vaccination shall not release such dog, cat or ferret to its owner or any other person until the dog, cat or ferret receives a vaccination against rabies, unless the veterinarian determines in the exercise of professional judgment that vaccination of such animal is not effective or of value to the health of the animal or would be harmful to the health of the animal. A veterinarian who treats or receives a dog, cat or ferret which is at least three (3) months old and does not have a valid current rabies vaccination is authorized to administer a rabies vaccination. The owner of the animal shall be solely responsible to the veterinarian or veterinary hospital for the costs of such vaccination, care or custody of animals which are assessed by the veterinarian or veterinary hospital. Davidson County, the Davidson County Board of Health (and its members) and the Health Department (including officers, agents and employees thereof) shall not be responsible for the costs or expenses of any vaccination, care or custody of such animal by the veterinarian or veterinary hospital or for any injury, damage or adverse condition experienced by the animal as a result of any vaccination administered to the animal or the housing of the animal by a veterinarian or veterinary hospital. A dog, cat or ferret receiving a rabies vaccination pursuant to this subsection shall be required to have a rabies vaccination tag set forth in Section 7(B). Nothing in these Rules requires a veterinarian or veterinary hospital to examine, treat, or house any animal or excuses any person from any debt or obligations which may be owed to the veterinary hospital or veterinarian.

Section 8: Animals Suspected of or Having Rabies:

(A) **Notification to Health Director:** An owner of a dog, cat or ferret or a person who is in possession of a dog, cat or ferret which shows signs of rabies or a person who treats such a dog, cat or ferret shall promptly notify the Health Director that such symptoms have been observed on the dog, cat or ferret. When the Health Director reasonably suspects that a dog, cat or ferret has been exposed to the saliva or nervous tissue of or bitten by an animal which is

proven or reasonably suspected of having rabies and is not available for laboratory diagnosis, such dog, cat or ferret shall be evaluated in accordance with the provisions of the NASPHV Rabies Compendium.

(B) Destruction or Confinement of Rabid Exposed or Rabid Dog, Cat or Ferret:

The Health Director's disposition of any rabid dog, cat or ferret shall be in accordance with the NASPHV Rabies Compendium or any succeeding document.

Section 9: Report of Dog, Cat and Ferret Bites.

(A) Report of Bite Required: If a person has been bitten by a dog, cat or ferret, such person or person's parent, legal guardian or person standing in loco parentis and the owner of such dog, cat or ferret shall notify a rabies control officer and provide to the extent possible the name and address of the person bitten and the owner of the dog, cat or ferret biting such person. A person who treats or attends to a person bitten by any animal having rabies, showing symptoms of rabies or otherwise suspected of having rabies shall report to the Health Director or a rabies control officer the name, age and gender of the person bitten. It shall be a violation of these Rules for any person required by this paragraph to report a bite to not provide a rabies control officer with the required information within twenty-four (24) hours after such person discovers or should have reasonably discovered such bite.

(B) Confinement: Upon receiving a report of a dog, cat or ferret bite and upon reasonable cause to believe that such bite has occurred, the Health Director shall order confinement of the dog, cat or ferret which has reportedly committed the biting for a period of ten (10) days. As authorized by N.C.G.S. §130A-196, the Health Director may designate the place of confinement as the Animal Shelter, the residence of the owner of the dog, cat or ferret or a veterinary hospital. The Health Director may order the seizure of the animal for laboratory testing and diagnosis of the presence of rabies or if the animal is to be confined to the Animal Shelter. If the dog, cat or ferret is ordered to be seized, the order shall provide for the immediate surrender of such animal by the owner to a rabies control officer or the seizure of such animal by a rabies control officer. If the order permits the animal to be confined to the residence of the owner, the animal shall not be permitted to leave the residence and shall be restrained by a leash or similar instrument or shall remain inside the owner's building or a secure enclosure on the owner's property. It shall be a violation of these Rules for any person to violate an order issued pursuant to this subsection or to fail or refuse to surrender a dog, cat or ferret as required by an order issued pursuant to this subsection. The Health Director shall not permit a dog, cat or ferret to be confined to a premises unless the owner or possessor first provides proof that the dog, cat or ferret has received a valid current rabies vaccination if vaccination is required by Section 7(A). A dog, cat or ferret confined to the owner's premises shall be seized and confined to the Animal Shelter or a veterinary hospital if the dog, cat or ferret is found to not have a valid current rabies vaccination (unless such dog, cat or ferret is not required to have a rabies vaccination) or if the owner fails to keep the dog, cat or ferret confined as required by the order. A dog, cat or ferret which is at least three (3) months old and which is confined to the Animal Shelter or a veterinarian hospital shall be vaccinated for rabies at the expense of the owner or possessor of the dog, cat or ferret and shall not be released from the Animal Shelter or veterinary hospital

unless and until such dog, cat or ferret receives a valid current rabies vaccination, which shall be administered at the end of the ten (10)-day quarantine period. A dog, cat or ferret which is less than three (3) months of age at the end of the confinement may be released without a rabies vaccination; however, the veterinarian confining the animal or the Animal Shelter may issue a notice to vaccinate to the owner of such animal directing the owner to obtain a valid rabies vaccination at the time the dog, cat or ferret becomes three (3) months old, as determined in the professional judgment of the veterinarian. A dog, cat or ferret receiving a rabies vaccination pursuant to this subsection shall be required to have a rabies vaccination tag as set forth in Section 7(B).

Section 10: Quarantine of Designated Area for Rabies.

(A) **Authority to Quarantine:** The Health Director may declare any area of Davidson County to be under a quarantine against rabies upon (1) receipt of a large number of rabies cases within a brief period of time or (2) reports which otherwise indicate a positive diagnosis of rabies to the extent the lives or health of persons may be endangered. The Health Director shall establish the area and duration of the quarantine and may extend the time and area of a quarantine. The area of quarantine may include all of Davidson County or any portion of Davidson County.

(B) **Confinement of Dogs, Cats and Ferrets in Quarantine Area:** If the Health Director declares an area to be under quarantine as provided in Section 10(A), every dog, cat and ferret within the quarantined area must be securely confined to the residence of the owner or a veterinary hospital. If a dog, cat or ferret is moving uncontrolled within a quarantined area, the rabies control officer shall make reasonable efforts to apprehend such animal. If the rabies control officer cannot apprehend the animal after reasonable efforts, the officer may immediately destroy and properly dispose of such animal. If such animal is apprehended, such animal shall be impounded at the Animal Shelter.

(C) **Restrictions on Transportation, Adoption or Foster Care of Animals:** During the period of the quarantine, no animal may be taken or transported into, within or out of the quarantined area without the prior written permission of the Health Director. During the period of any quarantine established for any portion of Davidson County, an animal which has been impounded or seized and confined to the Animal Shelter or a veterinary hospital or which does not have a valid current rabies vaccination at the time of impoundment shall not be made available for adoption or foster care without the prior written permission of the Health Director.

Section 11: Harboring or Housing of Dog, Cat or Ferret.

No person shall harbor or house the dog, cat or ferret of another when such animal has been ordered to be confined to the owner's residence, a veterinarian hospital or the Animal Shelter pursuant to Sections 8, 9 or 10. The person harboring or housing an animal in violation of this section shall immediately surrender the animal to a rabies control officer. It shall be a violation of these Rules to not surrender an animal as required by this Section. A rabies control officer may seize the animal (in a manner consistent with the requirements for searches and seizures as set forth in the United States of North Carolina Constitutions, statutes or other

applicable law) if the person harboring or housing the animal does not surrender the animal. Any animal harbored or housed in violation of this Section shall be taken to the Animal Shelter and the owner of such animal shall be informed that such animal was harbored or housed in violation of this section and that the animal has been taken to the Animal Shelter. Such animal may be released from the Animal Shelter only in accordance with Sections 8, 9 or 10 (as applicable).

Section 12: Interference with Enforcement.

No person shall resist, obstruct or delay a rabies control officer or other governmental officer, agent or employee in the enforcement of these Rules or the rabies control laws of North Carolina.

Section 13: Citations.

A rabies control officer may issue a citation to any person who violates these Rules. A citation shall describe with reasonable particularity the violation of these rules and shall state the amount of the civil penalty (if any), the time period within which and where the penalty (if any) must be paid and direct the person to whom the citation is issued to correct all cited violations. A citation shall be served either in person, by registered or certified mail, return-receipt requested or by other means reasonably calculated to give the violator actual notice of the violation and the penalty for such violation. Citation shall be in such form as approved by the Davidson County Board of Health. All citation forms shall be serially numbered in triplicate. The Health Director shall be the custodian of records of citations (including the disposition of citations).

Section 14: Remedies.

(A) **Civil Penalties:** (i) *General.* Subject to paragraph (ii) of this subsection, civil penalties may be assessed immediately for violations of these Rules. The amounts of civil penalties for violations of these rules shall be as set forth in the Appendix entitled Civil Penalties Schedule. Civil penalties must be paid by no later than three (3) days after service of a citation upon the violator. Civil penalties shall be in the nature of a debt. If the civil penalty is not paid within the time limits set forth in this Paragraph, such penalty shall be recoverable by an action instituted in the appropriate division of the General Court of Justice in Davidson County. The payment of a civil penalty does not relieve the violator of the duty to correct violations of or otherwise comply with these Rules.

(ii) *No penalty if proof of timely correction of failure to vaccinate or wearing of rabies vaccination tag.* If a citation is issued for failure of a dog, cat or ferret to have a valid current rabies vaccination as required by Section 7(A) or to wear a rabies vaccination tag as required by Section 7(B), no penalty shall be assessed if the owner presents to the Health Director timely proof that the dog, cat or ferret has obtained a current valid rabies vaccination prior to the issuance of the citation or by no later than three (3) days after service of the citation in accordance with Section 13. If such proof is not presented to the Health Director within the aforementioned time period, then there shall be a rebuttable presumption that the animal does not have a valid current rabies vaccination and the owner shall be subject to civil penalties to be assessed for each day after the expiration of the three (3)-day period set forth in this paragraph. However, the civil penalty for a violation of Section 7(A) or 7(B) shall be excused if the owner

presents proof that the animal received a valid current rabies vaccination prior to the expiration of the time period set forth in this paragraph.

(B) **Injunctive Relief:** As authorized by N.C.G.S. §130A-18(a), the Health Director may enforce these rules through seeking a mandatory injunction to require a person to comply with enforcement of these Rules or cease any activity or abate any condition which violates these Rules. Such relief may be sought regardless of whether there is an adequate remedy at law. Pursuant to N.C.G.S. §130A-18(a), such action shall be brought in the Superior Court Division of the General Court of Justice in Davidson County.

(C) **Criminal Prosecution:** Nothing in these rules shall prevent a rabies control officer or any other person from instituting or participating in any criminal prosecution for any violation of state laws and rules and regulations.

(D) **Continuing Violation:** Each day's violation shall constitute a separate offense. Subject to Section 14(A)(ii), a citation may be issued and the appropriate civil penalty may be assessed for each day in which a violation continues.

Section 15: Miscellaneous Provisions.

(A) **Jurisdiction and Venue:** Jurisdiction over any legal action or proceeding instituted and maintained by or against the Health Director, the Davidson County Board of Health, the Health Department or Davidson County or any commissioner, agent, officer and employee or member thereof or any rabies control officer arising from any violation or enforcement of these Rules shall be only in the appropriate division of the General Court of Justice in Davidson County.

(B) **No Liability Against County, Health Department or Board of Health:** The Board of Health declares that all actions, functions, duties, inspections and enforcement provided by these rules are declared to be essential activities of Davidson County. Neither Davidson County, the Health Department or the Board of Health nor any of its commissioners, members, agents, employees or officers shall be liable for any damage to persons or property arising from any action or omission in the enforcement of these Rules.

(C) **Computation of Time:** In computing any periods of time prescribed by these Rules for performing an act, the day of the act or event upon which the designated period of time begins to run is not to be included except that the ten (10)-day period for confinement of a dog, cat or ferret pursuant to Section 9(B) shall include the day upon which the act or event requiring confinement occurs. The last business day of the period is to be included. The applicable time period for performing an act required by these Rules shall end at only a business day at 5:00 p.m. of such day. The last day to perform an act under these Rules shall not be a day which is not a business day. If the applicable time period is less than five (5) days, only business days shall be included in the time period; otherwise, calendar days shall be counted in the time period. For the definition of "business day," see Section 5(D).

(D) **Relationship of These Rules with Other Laws:** These rules shall be construed and enforced to the extent possible to be consistent with state and local laws, rules and regulations. If a conflict exists between a provision of these Rules and state or other local laws, rules and regulations, the more stringent regulation, rule or law shall control. Nothing herein shall be construed to limit the right of a private person to seek remedies to the extent permitted by law, regardless of whether the conduct for which such remedy is sought would constitute a violation of these Rules. Nothing herein shall be construed to limit the power of any other governmental agency to enforce its laws, rules or regulations.

(E) **Severability of Provisions:** If any provision of these Rules is declared invalid by a court of competent jurisdiction, the remaining valid provisions shall have full force and effect.

(F) **Effective Date:** These Rules as amended take effect on November 15, 2016.

This November 1, 2016.


 Rebecca Daley, RN Chairman
 Davidson County Board of Health

Attest:


 Lillian Koontz, M.P.A., R.E.H.S.
 Davidson County Health Director and Secretary
 to the Davidson County Board of Health

A duly advertised and notice public hearing on these Amended Rules was held on, November 1, 2016. These Amended Rules were adopted on November 1, 2016, on motion of The Environmental Health Subcommittee of the Davidson County Board of Health second by Board Member Tammy Troublefield and a vote of 11 in favor and 0 against.

APPENDIX: CIVIL PENALTIES SCHEDULE

1.	Failing to provide dog, cat or ferret with current valid rabies vaccination by no later than three (3) days after the initial issuance of a citation for failure to provide such vaccination or failure of dog, cat or ferret to wear rabies vaccination tag	\$100.00
2.	Certifying or representing that a dog, cat or ferret has a current, valid vaccination against rabies when the person certifying or representing such knows or in the exercise of reasonable care should know that such certification or representation is false	\$100.00
3.	Failure to report an animal bite as required by Section 9(A) of the Rabies Control Rules	\$ 50.00
4.	Failure to comply with order issued by Health Director pursuant to Section 9(B) of the Rabies Control Rules to confine or surrender animal to a rabies control officer or to surrender animal as required by Section 10 of the Rabies Control Rules	\$500.00
5.	Failure to comply with order to destroy or make available for destruction a dog, cat or ferret which the Health Director has determined is exposed to rabies (unless Health Director has authorized confinement pursuant to the NASPHV Rabies Compendium as adopted as a part of the Rabies Control Rules)	\$500.00
6.	Failing to confine a dog, cat or ferret which has been exposed to rabies as required by order of the Health Director (pursuant to Section 8 of the Rabies Control Rules)	\$500.00
7.	Releasing or causing or permitting the release of a dog, cat or ferret which has been confined pursuant to Section 8 of the Rabies Control Rules prior to the expiration of the confinement period required by the order of the Health Director	\$500.00
8.	Failing to confine dog, cat or ferret to your residence, premises which you own or a veterinary hospital in an area which has been declared by the Health Director to be under quarantine pursuant to Section 9 of the Rabies Control Rules	\$500.00
9.	Taking or transporting an animal into, within or out of an area for which the Health Director has declared quarantine pursuant to Section 9(A) without the written permission of the Health Director	\$500.00
10.	Resisting, obstructing or delaying a rabies control officer or other governmental agent, officer or employee in the enforcement of the Rules for the Control of Rabies Within Davidson County or the rabies control laws of the State of North Carolina	\$100.00
11.	Harboring or housing the animal of another which has been ordered to be confined to the owner's premises, the Animal Shelter or a veterinary hospital pursuant to Sections 8.	\$500.00