

CHAPTER 92. ANIMALS

Sec. 92.01. County ordinance; enforcement.

- (a) The Cleveland County ordinances regulating animals shall be applicable within the corporate limits of the Town of Boiling Springs. The county animal services department as established and governed by county ordinance shall enforce such county ordinance within the town limits with the full cooperation of the town.
- (b) In addition to the Cleveland County ordinance, the town manager or their designee may enforce the regulations set forth in Section 92.04 as needed to maintain the general welfare of the residents of the town without interfering with the regulations set forth in the Cleveland County ordinance.
- (c) Where any conflict appears between the provisions of this chapter and such county ordinance, the more restrictive shall apply and control.

Sec. 92.02. Exclusions.

The provisions of this chapter shall not apply to any sworn law enforcement officer or law enforcement dog acting in the course of his/her normal duties as an employee of the town, county, state or other law enforcement agency working in conjunction with the police department.

Sec. 92.03. Territorial application.

This chapter shall apply only within the corporate boundaries of the town as the same may exist and as may hereafter be amended by the town council.

Sec. 92.04. Restraint and Keeping of Animals; penalty.

- (a) The keeping of any animal in such manner or in such numbers as to constitute a public nuisance is hereby prohibited. For the purposes of this section, a public nuisance shall include, but not be limited to, the following:
 - 1) Having an animal that disturbs the rights of, threatens the safety of, or injures a member of the general public, or interferes with the ordinary use and enjoyment of their property;
 - 2) The keeping of any animal which by continued or repeated loud noises would disturb the quiet, comfort or repose of a reasonably prudent person;
 - 3) No animal shall be kept, maintained or allowed off of the premises owned or controlled by its owner or keeper unless it is then controlled by a tether, leash or similar device.
 - 4) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers, damaging gardens, flowers, or vegetables, or defecating upon the property of another;
 - 5) Maintaining animals in an unsanitary environment which results in unsightly or offensive animal waste, litter, or odor which would disturb a reasonable person;
 - 6) The keeping, possession, harboring or feeding of animals; wild, feral or domesticated, which threaten the public health, safety and welfare of the community;
- (b) Enforcement by civil citations shall be in accordance with the following:

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- 1) Civil citations may be used to enforce any section of this chapter. Such citations may be used independently or in conjunction with any other enforcement method. Violations related to enforcement of ordinances through interlocal agreements may only be enforced by the issuance of a civil citation.
 - 2) Each day that an ongoing violation continues shall be considered a separate and distinct violation from any previous or subsequent violation, and each separate violation may be the basis for a citation.
 - 3) The penalties assessed by civil citations subject to an escalating civil penalty must be evidenced by the issuance of a civil citation or a criminal conviction arising from a prior offense before the next escalated penalty for subsequent offenses may be assessed. Penalties shall only escalate when the same offense has been committed by the same owner in the past. No offense occurring more than ten (10) years before the current offense shall be considered.
 - 4) In addition to civil citations that are subject to an escalating civil penalty, violations determined to be a repeated offense may also be enforced using the following methods:
 - i. First offense: Warning issued.
 - ii. Second offense: \$100 fine.
 - iii. Third offense: \$200 fine and/or restraint measures of the offending animal
 - iv. Fourth offense: \$500 fine and/or restraint measures of the offending animal

Sec. 92.05. Additional remedies.

In addition to the penalties provided in this chapter, enforcement of this chapter may be by injunction, restraining order or order of abatement from a court of competent jurisdiction, as provided by G.S. § 160A-175(d) and (e).