

1. Glen Alpine

Chapter 3 - ANIMALS AND FOWL

State Law reference-Authority to regulate domestic animals, G.S. § 160A-186; authority to prohibit abuse of animals, G.S. § 160A-182; authority to create bird sanctuary, G.S. § 160A-188; authority to tax animals, G.S. § 160A-212; authority to establish animal shelters, G.S. § 160A-493; authority to regulate dangerous animals, G.S. § 160A-187; rabies control, G.S. § 130A-184 et seq.

ARTICLE I. - IN GENERAL

Sec. 3-1. - Bird sanctuary-Designated.

The area embraced within the corporate limits of the Town and the lands owned and leased by the Town is hereby designated as a bird sanctuary.

Sec. 3-2. - Same-Trapping, hunting, etc., birds within area.

It shall be unlawful for any person to trap, hunt, shoot or otherwise kill, within the sanctuary established by Section 3-1, any wild bird; provided, that it shall be lawful to trap Starlings or other similar birds or fowl when such birds or fowl are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property.

Sec. 3-3. - Same-Signs giving notice of provisions.

The bird clubs of the Town are hereby granted permission to erect such artistic signs, giving notice of the regulations provided in sections 3-1 and 3-2, at such places and of such design as may be approved by the Planning Board.

Sec. 3-4. - Keeping of livestock.

- (a) It shall be unlawful for any person with less than ten acres of land to keep, harbor or maintain swine, horses, mules, cattle, goats, sheep or other domestic animals classified as "livestock" within the corporate limits.
- (b) Except for the keeping of swine, this section does not apply to the owner or occupant of any parcel of land consisting of at least ten acres of land provided the land is contiguous, and providing the owner maintains a 200-foot buffer between the livestock and all adjoining property lines. Excluding the buffer area, not more than one animal classified as livestock may be maintained for each two acres of land inside the buffer area.
- (c) It shall be unlawful for any person to keep, harbor, or maintain any swine or rooster within the Town.

Sec. 3-5. - Livestock at large.

It shall be unlawful for any person to permit any horse, cow, mule, sheep, goat or other livestock owned or controlled by such person to run at large within the Town.

Sec. 3-6. - Vicious or dangerous animal at large.

No person owning or having the custody of any vicious or dangerous dog or other animal shall allow such dog or other animal to run at large.

State Law reference- Female dogs in heat at large, G.S. § 67-2; allowing dogs to run at large at night, G.S. § 67-12; authority to regulate dangerous animals, G.S. § 160A-187; confinement or leashing of vicious animals, G.S. § 130A-200.

Sec. 3-7. - Domestic fowl at large.

It shall be unlawful for the owner or person having custody of any turkeys, geese, ducks, chickens, pigeons, roosters or other domestic fowl to permit the same to run at large in the Town.

Sec. 3-8. - Pens and enclosures—Cattle, etc.; cleanliness.

Every stable or other place where cattle, horses or other animals are kept in the Town shall be maintained at all times in a clean and healthful condition.

Sec. 3-9. - Same—Poultry; proximity to church or school.

No person shall open, maintain, operate or conduct, within 200 feet of any church or Sunday School or any public school building in the Town any poultry yard or poultry house or carry on any poultry business, wherein is kept live chickens, ducks, geese, turkeys or other fowl for sale, barter or exchange, nor shall any person buy and sell live chickens, ducks, geese, turkeys or other fowl or unload the same or place the same within any building within 200 feet of any church, Sunday School, or public school. This section shall not prohibit retail or other dealers keeping on hand such fowl as are needed in their daily business, not exceeding, however, 20 at any one time.

Cross reference— For zoning generally, see Appendix A.

It shall be the duty of the Animal Control Officer to seize and impound any dog, horse, mule, cow, sheep, goat or other animal which is running at large. A fee of fifty (\$50.00) dollars for capture of the animal, and any charges of the Animal Shelter may charge.

State Law reference— Authority to establish animal shelter, G.S. § 160A-493.

Sec. 3-11. - County's animal control ordinance; adopted by reference.

The County's animal control ordinance is hereby adopted by reference to include all amendments and updates made in the future and is on file in the office of the Town Administrator. Pursuant to G.S. 153-A-122, the Animal Control Ordinance adopted by Burke County on August 6, 2019, shall be applicable within the Town of Glen Alpine municipal limits and enforced within the Town of Glen Alpine by proper officers and employees of the County of Burke according to the terms of the County's ordinance and pursuant to G.S. 153-A-123.

Sec. 3-12. - Animal Control Officer.

The provisions of this Ordinance shall be enforced by an Animal Control Officer. The Town Board of Aldermen is hereby authorized to appoint one or more Animal Control Officer, or to contract with Burke County or any other governmental unit for the provision of services on an Animal Control Officer within the Town of Glen Alpine. The Town may designate any such Animal Control Officer as an officer with police powers.

Sec. 3-13. - Authority of Police Officers.

Members of the Police Department of the Town of Glen Alpine shall be empowered to perform the duties of the Animal Control Officer.

Sec. 3-14. - Responsibility of Owner.

Owners of animals are responsible for the acts of their animals. The owner of any animal which commits a nuisance upon the property of another person, or which damages another person's property or person, is fully responsible and accountable for those acts. Nothing in this Ordinance shall change of affect or limit such liability or responsibility.

Sec. 3-15. - Inoculation.

No dog or cat shall be permitted within the corporate limits of the Town unless it shall have been inoculated against rabies as required by the General Statutes of North Carolina, and proof of such inoculation shall be attached to said dog or cat.

Sec. 3-16. – Obstruction or Interference with Animal Control Officer.

It shall be unlawful for any person to obstruct or interfere with in any way the performance by any Animal Control Officer of his or her duties under this Ordinance. It shall be unlawful for any person to obstruct or interfere with in any way the impoundment of any dog or cat found in violation of the provisions of this Ordinance. It shall be unlawful for any person to release, or attempt to release, any dog or cat which has been impounded, without having met the requirements of this Ordinance for such release.

3-17—3-30. - Reserved.

ARTICLE II. - ABATEMENT OF NUISANCES

State Law reference— Authority to abate nuisances, G.S. §§ 160A-174, 160A-175, 160A-192, 160A-193.

Sec. 3-31. – Definitions

The following words, whenever they are used in this article, shall be deemed to have the following meanings:

Animal Control Officer. The person or persons employed by the County or Town as its enforcement officer(s), either full-time or designated temporarily.

Animal Services Director. The person designated by the Burke County Board of Commissioners and the County Manager in Burke County and where appropriate, his or her designee, charged with the responsibility, discretion and authority to interpret, implement and enforce the animal services programs in Burke County. The animal services director is the person charged with the supervision, administration, and operation of the Burke County Animal Services Center; and who has final determination on the care, treatment, control, impounding, and disposition of animals.

At large. Any animal shall be deemed to be at large when it is not under restraint and is off the property of its owner or keeper.

Owner. Any person, groups of persons, or corporation that owns, keeps, or harbors a dog or dogs or other animals.

Restraint. An animal is under restraint within the meaning of this article if it is:

- (1) Confined in a fenced enclosure, building, or house and unable to escape.
- (2) Restricted by leash, chain, rope, or similar device under the control of the owner or keeper.
- (3) Confined within a vehicle and unable to escape.
- (4) Under voice command of the owner, or other persons and the animal is expected to obey the voice command.

Sec. 3-32. - Conditions declared to constitute public nuisance.

The existence of any of the following conditions within the corporate limits is hereby declared to be dangerous and prejudicial to the public health, welfare or safety and to constitute a public nuisance; any animal or groups of animals which:

- (1) Is found at large and off the property of its owner or keeper and not under physical restraint;
- (2) Damages, soils, or defiles person or property of anyone other than its owner;
- (3) Is vicious, or interferes with, molests, or attacks persons or other animals;
- (4) Causes fouling of the air by odors;
- (5) Causes unsanitary conditions of enclosures or surroundings;
- (6) By virtue of number or type is offensive or dangerous to the public health, safety, or welfare;

- (7) Excessively makes disturbing noises;
- (8) Is diseased and dangerous to the public health;
- (9) Chases, snaps at, harasses, or impedes pedestrians, bicyclists, or vehicles.

Sec. 3-33. - Running at-large prohibited.

Animals shall not be permitted to run at-large within the Town of Glen Alpine municipal limits.

Sec. 3-34. - Impoundment.

Animals found running at large shall be taken up by either the Burke County Animal Control Officer or designated Town official, and impounded in a properly designated facility.

Sec. 3-35. - Investigation.

The Town Administrator, upon notice from any person of the possible existence of any of the conditions described in section 3-32, shall cause to be made by the appropriate County Health Department official, or designated Town official, such investigations as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in section 3-32.

Sec. 3-36. - Right of Animal Control Officer to enter for inspections, etc.

- (a) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter, or other applicable law, or whenever the Animal Control Officer or designated Town official has reasonable cause to believe that there exists in any building or upon the premises any violation of the provisions of this article or other applicable law, the Animal Control Officer or his authorized representative is hereby empowered to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the Animal Control Officer or designated Town official by this article or other applicable law, but only if the consent of the occupant or owner of the property is freely given or a search warrant is obtained as hereinafter provided:
 - (1) If such property is occupied, he shall first present proper credentials to the occupant and request entry, explaining his reason therefor;
 - (2) If such property is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the property, present proper credentials and request entry, explaining his reasons therefor; and
 - (3) If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the animal control officer or designated Town official shall obtain a warrant to conduct a search or inspection of the property.
- (b) Notwithstanding any other provision of this article, the Animal Control Officer or designated Town official shall have the authority to enter upon any property to enforce the provisions of this article, or other applicable law if a violation of such law is being committed in the presence of such officers. "Committed in the presence of such officers" shall not be construed to refer to any alleged violation of this article or other applicable law which is committed within any building or other enclosed structure unless such officer is also lawfully within such building or enclosed structure. The Police Department will assist the Burke County Animal Control Officer and the designated Town official when necessary.

Sec. 3-37. - Notice to owner; hearing.

If it appears that such conditions exist, the Town Administrator shall cause to be delivered or mailed to the owner of the property upon which the conditions exist, or the owner of the animal, a notice stating the reasons why the conditions may constitute a violation and giving 48 hours from the time of notification to abate the violation. The owner or any parties in interest shall have the right to file an answer to the notice and request a hearing before the Town Administrator and to appear in person, or otherwise give evidence at the place and time fixed in the notice. The hearing will be held before the Town Administrator at a place therein fixed and such hearing is to be held in not less than ten, nor more than 30 days after the delivery or mailing of the notice. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings.

Sec. 3-38. - Notification of public nuisance conditions; order to abate.

If, after a hearing, a determination is made that such conditions, constituting a public nuisance, exist, the Town Administrator shall notify, in writing, the owner of the premises in question, or the owner of the animal, of the conditions constituting such public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of such written notice.

Sec. 3-39. - Failure to abate nuisance; removal by Town.

If the owner, having been ordered to abate or remove the condition constituting the nuisance within 15 days from receipt of the order, [fails to do so], the Town Administrator shall cause the condition to be removed or otherwise remedied by having employees of the Town to go upon the premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Town Administrator. Any person who has been ordered to abate a public nuisance may, within the time allowed by this article, request the Town in writing to remove such condition, the cost of which shall be paid by the person making such request.

Sec. 3-40. - Cost of abatement to be borne by owner.

- (a) *Statement of charges mailed to owner; when due and payable.* The actual cost incurred by the Town and/or the County in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land or animal, and it shall be the duty of the Town Administrator to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within 30 days from the receipt thereof.
- (b) *Unpaid charges to become lien; collected as unpaid taxes.* In the event charges for removal or abatement of a public nuisance are not paid within 30 days after receipt of a statement or charges as provided in subsection (a), such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

Sec. 3-41. - Impoundment and disposition.

General regulation.

Any animal which appears to be lost, stray, unwanted, or which is found not wearing a valid rabies vaccination tag as required by state law or this chapter, and not under restraint in violation of this chapter, shall be impounded by the animal control division by any means necessary and confined in the county animal services center in a humane manner. Impoundment of such animal shall not relieve the owner thereof from any penalty which may be imposed for violation of this chapter. All impounded animals will be scanned for a microchip to aid in the notification of the legal owner.

Sec. 3-42. - Notice to owner.

Immediately upon impounding an animal, the animal control officer / animal services employees shall make reasonable effort to notify the owner and inform such owner of the impoundment. If the owner is unknown or cannot be located, animal services shall hold the animal for a minimum of 72 hours and then make the animal available for adoption, transferred to a rescue, transferred to a foster or, barring extenuating circumstances pursuant to G.S. 19A-32.1(b)(2), euthanization after the five-day impoundment period.

If an animal shelter transfers possession of an animal under this subsection, at least one photograph depicting the head and face of the animal shall be displayed at the animal services center in a conspicuous location that is available to the general public during hours of operation, and that photograph shall remain posted until the animal is disposed of.

Sec. 3-43. - Redemption by owner.

- (a) The owner of an animal impounded under this article may redeem the animal and regain possession thereof within 72 hours from the time notification of impoundment is given by complying with all applicable provisions of this chapter and paying any necessary veterinary fees and boarding fees set and approved by the County Board of Commissioners.

- (b) No owner may be permitted to adopt his own animal under the provisions of this article in order to reclaim an animal that has been impounded pursuant to state law or this article in order to avoid paying the applicable fees associated.
- (c) The owner of any animal that is turned over to animal services will be able to retrieve the animal after the release form has been signed. The owner will be responsible for paying the \$25.00 handling fee the day that said animal was turned in.

Sec. 3-44. - Adoption or euthanization of unredeemed animals.

- (a) If an impounded animal is not redeemed by the owner within the period described in this article, it shall become the property of the County and will be:
 - (1) Transferred to an approved nonprofit rescue/adoption group registered with the County's animal services division for domesticated animals only, thus excluding wild animals;
 - (2) Offered for adoption to individuals who have paid the current adoption fees; or
 - (2.5) Transferred to an approved foster. If the animal services center places an animal in foster care, the animal services center may, in writing, appoint the person or organization possessing the animal to be an agent of the center. After the expiration of the minimum holding period, the center may (i) direct the agent possessing the animal to return it to the center, (ii) allow the agent to adopt the animal consistent with the center's adoption policies, or (iii) extend the period of time that the agent holds the animal on behalf of the center. The animal services center may terminate an agency created under this subsection at any time by directing the agent to deliver the animal to the center. The animal services center, as principal in the agency relationship, shall not be liable to reimburse the agent for the costs of care of the animal and shall not be liable to the owner of the animal for harm to the animal caused by the agent, absent a written contract providing otherwise.
 - (3) Euthanized in a humane manner after the five-day impoundment period, space permitting and barring extenuating circumstances pursuant to G.S. 19A-32.1(b)(2).
- (b) No animal which has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted from the animal services center during a period of emergency rabies quarantine invoked pursuant to article II of this chapter, except by special authorization of the County Health Director.
- (c) Adoption contract. Any eligible individual adopting a dog or cat from the animal services center shall be required to sign an adoption contract with the animal services center which states that the applicant accepts all ownership responsibilities and liabilities associated with the adoption. Spay and neuter will be mandatory for all animals adopted from the animal services center.

Any eligible rescue or approved foster accepting an animal from the animal services center shall complete the required transfer contract.
- (d) Exceptions from adoption policy.
 - (1) Animal services may refuse adoption of animal to a person less than 18 years of age.
 - (2) Persons who have previously been cited under this chapter.
 - (3) Person/household that has adopted three animals in a calendar year.
 - (4) Animals that exhibit non-person aggressive behavior will be deemed adoptable with full disclosures made to rescues and potential adopters of the aggression type (i.e., food, territory, small prey, etc.).
- (e) Animals that exhibit fierce, dangerous, or person-aggressive behavior shall not be offered for adoption.

- (f) Any animal officially surrendered by the owner to animal services may be placed for adoption as authorized in this section. No animal will be euthanized prior to the state mandated three-day impoundment period or the County's five-day impoundment period if space is available in the animal services center, barring extenuating circumstances as deemed by the animal services director pursuant to G.S. 19A-32.1(b)(2), which is applicable when "the animal is seriously ill or injured, in which case the animal may be euthanized before the expiration of the minimum holding period if the manager of the animal services center determines, in writing, that it is appropriate to do so. The writing shall include the reason for the determination."
- (g) Any animal impounded that is gravely injured or seriously ill and has no identification can be euthanized in a humane manner pursuant to G.S. 19A-32.1(b)(2). If the animal has identification, an animal control officer or animal services employee shall attempt to notify the owner before euthanizing; but if the owner cannot be reached readily and the animal is enduring prolonged, unnecessary suffering, the animal control officer certified to euthanize or animal services employee certified to euthanize may euthanize the animal in a humane manner.

Sec. 3-41. – Civil Penalties.

- (a) Any person, firm, or corporation violating any provision of this Ordinance shall be subject to the imposition by citation of a Civil Penalty for each such violation in the amount of One Hundred Dollars (\$100.00) which shall be paid in full within seventy-two (72) hours of the service of the citation in accordance with North Carolina General Statute § 160A-175.
- (b) Any person, firm, or corporation violating any provision of this Ordinance shall further be subject to Glen Alpine enforcing the provisions of this Ordinance by applying to a court of competent jurisdiction in the General Court of Justice for equitable relief including, but not limited to mandatory or prohibitory injunctions and/or orders in accordance with North Carolina General Statute § 160A-175.
- (c) Each day of violation shall be considered a separate and distinct offense for the purpose of the enforcement of this Ordinance.
- (d) Failure to make payment and to correct the violation within the Seventy-Two (72) hour period will result in an additional fine of Twenty-five Dollars (\$25.00) per day for a total of Fifteen (15) days. The penalty and delinquent charge may be recovered by the Town in a civil action.
- (e) Violation of this Ordinance shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes § 14-4.
- (f) After five (5) violations of this Ordinance within one (1) year of receiving the first (1) penalty, owner of the animal will be prohibited from having domestic animals within the corporate limits of the Town or at the same physical address of violations.

2. Momeyer

- C. Restricted Activity: Pens, runs, and/or storage located outdoors shall be a minimum of 500 feet from any dwelling or other structure used for human habitation, unless a Special Use Permit to locate such uses closer than 500 feet **has been** obtained. In issuing such a permit the Board of Adjustment shall determine that the design and/or location of the proposed activity is consistent with the adjacent land uses or that it is not likely to disrupt the activities of the adjacent land uses. All livestock must be penned or enclosed and not allowed free range.
- D. Club Activity Provisions: Students who are members of agricultural clubs such as 4H are permitted to raise animals, including swine, for the purpose of showing the animals.
- E. Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.

3. Woodfin

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal shelter means the place provided and operated for the restraint, care, and disposition of animals, whether such animal shelter is public or private in nature.

At-large means off the premises of the owner and not under the control of the owner, a member of his immediate family, or other responsible person, either by leash, cord, or chains.

Dog means both male and female, more than six months old.

Head of household means the person who maintains the household or, if no one person maintains the household, the head of the household shall be the eldest person residing in the household.

Impounded means having been taken or received into the custody of the animal control officer or any authorized representative thereof.

Owner means any person, firm, association or corporation owning, keeping, or harboring a dog. For the purpose hereof, the head of a household shall be deemed to be the owner in respect to any dog owned, kept, or harbored on the premises by any person residing in said household.

Stray means any dog which does not wear proper identification tags; collar and ID tag, rabies tag and owners name and number.

Vicious dog means any dog which has bitten one or more persons without provocation, or one in which a propensity to attack humans exists, and such propensity is known or ought to reasonably be known to the owner.

(Code 1995, § 91.01; Ord. of 8-19-1980)

Sec. 6-2. - Nonapplicable.

This chapter shall not be intended to apply to dogs whose owners are nonresidents temporarily within the town for not more than 30 days, nor to dogs brought into the town for the purpose of participating in any dog show; nor to Seeing Eye dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place.

(Code 1995, § 91.02; Ord. of 8-19-1980)

Sec. 6-3. - Tag and collar.

No owner of a dog shall own, keep or harbor a dog over the age of six months unless it is identified as herein provided. Every owner of a dog over six months shall cause the dog to wear separate identification in the form of an identification tag containing the name of the dog, the dog's owner's name, address, and telephone number. Every owner is required to see that the tag is securely fastened to his dog's chain, collar, or harness, which the dog must wear at all times unless it is accompanied by its owner or is engaged in hunting or some other sport in which a collar might endanger its safety.

(Code 1995, § 91.03; Ord. of 8-19-1980)

Sec. 6-4. - Animal control officer.

The mayor is authorized, in his discretion, to appoint one or more animal control officers. This authority shall include the right to contract with the county for the enforcement of this chapter. This includes the county animal control officers and director of the animal shelter or his agents.

(Code 1995, § 91.04)

Sec. 6-5. - Running at large prohibited.

It shall be unlawful for any owner or keeper of any dog to permit such dog to run at large.

(Code 1995, § 91.05; Ord. of 8-19-1980)

Sec. 6-6. - Impoundment of unidentified dogs.

Any dog found running at large within the town, which dog does not have an identification tag affixed to a collar worn by the dog, shall be deemed to be a stray dog and shall be taken by the animal control officer or his agent and delivered to the county dog shelter. The dog then becomes

the responsibility of the county and its further disposition shall be under the applicable county or state law.

(Code 1995, § 91.06; Ord. of 8-19-1980)

Sec. 6-7. - Impoundment of identified dogs.

Any dog found running at large within the town, which dog is wearing a collar displaying the proper identification tags, shall be apprehended by the animal control officer or his agent and impounded in a pound. The official impounding the dog shall make a complete registry of the dog including breed, color, sex, rabies tag number, and the name and address of the owner.

(Code 1995, § 91.07; Ord. of 8-19-1980)

Sec. 6-8. - Notice to owner.

As soon as he impounds a dog whose owner is known to the animal control officer, the animal control officer or his agent shall mail a certified letter, with return receipt requested, to the owner informing him that his dog has been impounded and how he may regain custody of the dog. In the event the certified letter is returned as undeliverable, the county shall be relieved of all responsibility of contacting the owner of the dog.

(Code 1995, § 91.08; Ord. of 8-19-1980)

Sec. 6-9. - Redemption of impounded dog.

The owner of any dog impounded which contains the proper identification tags of this chapter may redeem such dog by:

- (1) Having the dog duly vaccinated for rabies if it has not been currently vaccinated before the redemption date.
- (2) Paying to the county an apprehension and notice fee imposed by the county.
- (3) Paying an impoundment fee as imposed by the county per day for each day, or portion thereof, which the dog has been impounded.
- (4) Paying such other costs and charges which may, from time to time, be imposed by the county board of aldermen.
- (5) Complying with such rules, regulations, and procedures as may, from time to time,

be established by the animal control officer, or his agent, for the orderly operation of the pound.

(Code 1995, § 91.09; Ord. of 8-19-1980)

Sec. 6-10. - Unclaimed dogs.

If at the expiration of five days from the date notice is given to the owner of a dog, or five days from the date that the letter is returned undelivered, the dog has not been claimed or redeemed by the owner, the dog shall either be placed for adoption in a suitable home or humanely euthanized.

(Code 1995, § 91.10; Ord. of 8-19-1980)

Sec. 6-11. - Protection in lieu of impoundment.

In addition to impounding a properly identified dog found running at large, the animal control officer or his agent may issue to the known owner of the dog a notice of violation of this chapter. The notice shall cite its owner to appear in court to answer to charges of violating this chapter and subject to a fine no less than \$10.00 minimum and cost of court.

(Code 1995, § 91.11; Ord. of 8-19-1980)

Sec. 6-12. - Dangerous, fierce, or vicious dogs.

When, in the reasonable judgment of the animal control officer or his agent, it is determined that any dog found running at large is dangerous, fierce, vicious, or represents a threat to the safety or health of members of the public, the dog may be slain by the animal control officer or his agent or by any police officer or other designated official forthwith.

(Code 1995, § 91.12; Ord. of 8-19-1980)

Sec. 6-13. - Vaccination.

It shall be unlawful for the owner of any dog to keep, harbor, or maintain any dog unless it shall be vaccinated by a licensed veterinary surgeon or through the county rabies clinic with anti-rabies vaccine as required by the General Statutes of North Carolina and proof of inoculation shall be attached to the collar of the dog.

(Code 1995, § 91.13; Ord. of 8-19-1980)

Sec. 6-14. - Barking, howling or whining dogs.

It shall be unlawful for the owner of any dog to keep, harbor, or maintain within the town any dog that habitually or repeatedly barks, howls, or whines in such a manner or to such an extent that it is a public nuisance. No dog over six months old may run at large at night unless accompanied by its owner, a member of the owner's family, or a person who has the owner's permission.

(Code 1995, § 91.14; Ord. of 8-19-1980)

Sec. 6-15. - Teasing and molesting.

Its shall be unlawful for any person to tease, molest, or in any way bother any dog not belonging to such person or legally under his control.

(Code 1995, § 91.15; Ord. of 8-19-1980)

Sec. 6-16. - Dog care.

It shall be unlawful for any owner to fail to provide his dog with sufficient, good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse any dog.

(Code 1995, § 91.16; Ord. of 8-19-1980)

Sec. 6-17. - Abandonment of dogs.

No owner of any dog shall abandon the dog within the town.

(Code 1995, § 91.17; Ord. of 8-19-1980)

Sec. 6-18. - Confinement of female dogs in heat.

The owner of any female dog shall, when such is in heat, confine the dog in a building or secure enclosure in such manner that she will not be in contact with another dog or create a nuisance by attracting other dogs; provided, however, that this section shall not be construed to

prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal being bred.

(Code 1995, § 91.18; Ord. of 8-19-1980)

Sec. 6-19. - Muzzling.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia (i.e., rabies), the mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine the dog on the owner's premises unless the dog shall be muzzled with a muzzle of sufficient strength to prevent its biting any person.

(Code 1995, § 91.18; Ord. of 8-19-1980)

Sec. 6-20. - Leashing.

All dogs are required to be secured on a leash when taken off of the owner's premises.

(Code 1995, § 91.19; Ord. of 8-19-1980)

Sec. 6-21. - Responsibility of owners.

Owners of dogs are responsible for the acts of their dogs.

(Code 1995, § 91.20; Ord. of 8-19-1980)

Sec. 6-22. - Spaying and neutering requirements; unaltered animals permit required.

No person shall own or harbor any dog or cat over the age of six months that has not been spayed or neutered unless such person holds an unaltered animal permit issued for such animal by the town, or any successor agency authorized by law to issue such a permit, except:

- (1) Persons who own or harbor service dogs or police work dogs;
- (2) Individuals who are non-residents of the county and reside temporarily therein for a period not to exceed 30 days;
- (3) Animal shelters and veterinary hospitals; and
- (4) Persons who own or harbor a dog or cat and who are in possession of a certification signed by a licensed veterinarian stating that such animal is unfit to be

spayed or neutered because such procedure would endanger the life of such animal.

(Code 1995, § 91.21; Ord. of 12-16-2014, § 90.21)

Sec. 6-23. - Obtaining an unaltered animal permit.

- (a) Applicants must apply for permits required by section 6-22 with the town administrator or his designees. The fee for an unaltered animal permit shall be \$100.00. A tag will be issued identifying the animal as an unaltered animal and must be displayed at all times.
- (b) Citations will be issued to owners of unaltered animals not holding a permit. If the animal is altered within 30 days, the citation will be waived. A citation will only be issued under this section if the animal is in violation of another provision of this chapter.

(Code 1995, § 91.22; Ord. of 12-16-2014, § 90.22)

Sec. 6-24. - Animal care.

It shall be unlawful for any person to hoard animals. An owner, a keeper, possessor, or caretaker shall be guilty of this offense if he possesses five or more animals; fails to provide suitable care for such animals as prescribed by this chapter; keeps the animals in a severely overcrowded or unsanitary environment; and displays an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the animals are living and the deleterious impact such conditions have on the animals' health and well-being.

(Code 1995, § 90.21; Ord. of 1-20-2015, § 90.21)

Sec. 6-25. - Bird sanctuary.

The entire area embraced within the corporate limits of the town is hereby designated as a bird sanctuary.

(Code 1995, § 91.35)

Sec. 6-26. - Hunting, shooting and the like.

- (a) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner

any bird or wild fowl or to rob bird nests or wild fowl nests; provided, however, if pigeons, crows, starlings, or English sparrows are found to be congregated in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the county health officer, the health officer shall meet with the representatives of the Audubon Society, bird club, garden club or Humane Society, or as many of such clubs as are found to exist in the city, after having given at least three days' actual notice of the time and place of the meeting to the representatives of such clubs.

- (b) If, as a result of the meeting, no satisfactory alternative is found to abate such nuisance, the birds may be destroyed in such numbers or in such manner as is deemed advisable by the board, and shall be done under the supervision of the chief of police.

(Code 1995, § 91.36)

Sec. 6-27. - Keeping of livestock.

It shall be unlawful to keep or maintain any cow, bull, calf, hog, pig, horse, mule, pony, goat, or sheep, or other livestock, on any parcel of land less than one acre in area within the town, except as provided in section 6-30; provided this section shall not prohibit the assembling of livestock for shipment or from the unloading of the same within the city; provided, further, section 6-30 shall not apply to livestock assembled for fairs and expositions, or to the keeping of household pets on the premises of the owner. Any parcel of land one acre or more in area is allowed two animals per acre.

(Code 1995, § 91.37)

Sec. 6-28. - Wild animals or dangerous insects.

It shall be unlawful for any person to keep any live reptiles, wild animals or insects likely to be dangerous or injurious to human life, within the city, except as provided for in sections 6-30 and 6-32.

(Code 1995, § 91.38)

Sec. 6-29. - Keeping fowl.

- (a) *Required.* It shall be unlawful for any person to own, keep, have, or maintain any

chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl in the town without first receiving from the town a permit to do so or to continue to have any of such fowl after a permit has been denied. This section shall not apply to, and no permit shall be required for, any agricultural operation within G.S. 106-700, which pertains to nuisance liability of agricultural operation, or to any fowl or bird that is kept exclusively inside its owner's residence. The permit shall be valid for one year from the date of issuance and shall be renewed annually. The annual fee for such permit shall be \$0.00 per household. The application shall list all such animals and fowl on the premises. Before a permit is issued an employee of the town shall inspect the premises to determine if the keeping of the fowl on the premises will endanger or is likely to endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business.

- (b) *Denial.* When a permit is denied for any reason, the applicant shall be given a written explanation of the reason for denial.
- (c) *Compliance required prior to issuance.* An owner or possessor of such fowl shall comply with the following applicable subsections before a permit is issued. Compliance with the following applicable subsections will create a rebuttable presumption that a permit shall be issued. That presumption may only be rebutted by specific findings supported by competent evidence that, despite compliance with the following, the presence of such fowl is still likely to endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business:
 - (1) *Fowl and other birds.* The keeping of chickens, turkeys, ducks, guineas, geese, pheasants or other domestic fowl shall be in compliance with the following:
 - a. Such fowl must be confined in a coop or fowl house not less than 18 inches in height. The fowl must be kept within the coop or fowl house between sunrise and sunset and must be confined to the property of the owner at all times when not actively being transported in a cage or similar device. Failure to confine fowl to the property of the fowl owner will constitute a violation of this chapter for which the permit may be revoked by the town.
 - b. The coop or fowl house must be used for fowl only, and both must be well ventilated.
 - c. The coop or fowl house shall have a minimum of four square feet of floor area

for each fowl.

- d. The run must be well drained so there is no accumulation of moisture.
- e. The coop or fowl house shall be kept clean, sanitary and free from accumulation of animal excrement and objectionable odors. It shall be cleaned daily, and all droppings and body excretion shall be placed in a flyproof container and double-bagged in plastic bags or composted in accordance with good practices and state and local ordinances.
- f. The coop or fowl house shall be a minimum of 25 feet from any property line.
- g. No more than 20 such fowl shall be kept or maintained per acre. The number of fowl should be proportionate to the acreage.

(2) *Pigeons.* Pigeons, while allowed to fly to and from the premises, must be provided with adequate space on the premises, and sanitary conditions must be maintained.

(3) *Slaughter.* Any slaughter of any poultry not regulated by state law or otherwise forbidden or regulated shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another.

(4) *Annexation.* An owner or possessor of fowl on property that is newly annexed has 90 days from the date of annexation to bring the property into compliance and to have obtained permits required by this section.

(5) *Exceptions.* A permit shall not be required for animals of any kind if the animals are kept by a governmental authority or other appropriately certified and recognized academic institution, museum, raptor center, etc.

(d) *Revocation.* The town may revoke any permit:

- (1) When the permit has been mistakenly issued without compliance with this section;
- (2) When the applicant has submitted false information;
- (3) For a violation of any of the sections of this chapter;
- (4) When, in the opinion of the town administrator, the health, safety or welfare of any person or property is menaced by the keeping of such animals; or
- (5) When the birds or fowl become a nuisance.

If a permit is revoked, the applicant shall be given a written explanation of the reasons for the revocation. Upon the determination of a violation of this section, and if the violation pertains to a correctable condition on the property, the owner shall have 30

days in which to bring the property or condition into compliance with this chapter. All appeals to permit denial or revocation shall be made to the board of aldermen whose determination shall be final.

(Code 1995, § 91.39; Ord. of 10-18-2011)

Sec. 6-30. - Special permission to keep animals.

Special permission may be granted by the town administrator for the keeping of any animals, fowl or insects prohibited by this chapter for temporary periods for exhibition, demonstration or experimental purposes, provided that, before granting such special permit, the administrator shall require written approval from the county health department, that the animals, fowl or insects may be kept within the city, with any conditions to be made a part of such special permit.

(Code 1995, § 91.40)

Sec. 6-31. - Sale or giving of baby fowl or rabbits.

It shall be unlawful for any person to sell, offer for sale, barter, or give away any baby chickens, ducklings, or other fowl under three weeks of age, or rabbits under two months of age, as pets, toys, premiums or novelties, or to color, dye, stain or otherwise change the natural color of baby chickens, ducklings, or other fowl, or rabbits, or to bring or transport the same into the town; provided, however, this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings, or other fowl, or such rabbits, in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising.

(Code 1995, § 91.41)

Sec. 6-32. - Bees.

- (a) It shall be unlawful for any person to locate, construct, reconstruct, alter, maintain or use on any lot or parcel of land within the corporate limits of the town, any hives or other enclosures for the purpose of keeping any bees or other such insects unless every part of such hive or enclosure is located at least 75 feet from a dwelling house located on the adjoining property.
- (b) On lot sizes of 15,000 square feet or less, no more than four hives (colonies of bees) will be permitted. The hives shall be no closer than 15 feet from any property line. On

lots larger than 15,000 square feet, additional hives will be permitted on the basis of one hive for each 5,000 square feet in excess of 15,000 square feet.

- (c) This section shall pertain only to honey bees maintained in moveable frame hives and it does not authorize the presence of hives with non-moveable frames or feral honey bee colonies (i.e., honey bees in trees, sides of houses and the like).
- (d) The hives (colonies) of bees may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location.

(Code 1995, § 91.42)

Sec. 6-33. - Penalty.

- (a) Any person who violates any provision of this chapter for which no other penalty is set forth shall be subject to a criminal penalty of not more than \$500.00.
- (b) Any person who violates any provision of sections 6-1 through 6-21 shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$50.00. If the violation is continued, each day's violation shall be a separate offense.
- (c) Any person who violates section 6-5 shall be given a warning upon the first offense, but shall be subject to a fine of not more than \$500.00 upon a second offense.

(Code 1995, § 91.99)

4. New Bern

- (a) *Wild and dangerous animals.* It shall be unlawful to keep or cause to be kept wild and dangerous animals, as defined in this chapter, within the city limits. Wild animals within the city temporarily as part of a bona fide circus or an educational event shall be exempt. Any such animal shall be confined within a secure building or enclosure or under restraint.
- (b) *Vicious animals.* It shall be unlawful to keep or cause to be kept any vicious animal, as defined in this chapter, unless confined as provided in section 6-15.
- (c) *Animals which may pose a risk to the health or safety of the public.* The custodian of an animal which may pose a threat to the public must:
 - (1) Provide signs, warnings and notifications; and provide restraints to restrict the access of said animal to the public.
 - (2) Provide safe access to those persons who have legal authority to be on the custodian's property.
- (d) *Cows, swine, goats, horses, sheep, cattle.* It shall be unlawful for any person to keep or maintain any cow, swine, goat, horse, sheep or cattle within the corporate limits of the city, unless such animals are housed in a barn or shelter located at least 200 feet from the nearest dwelling. For purposes of this section, cows, swine, goats, horses, sheep and cattle include all of such animals in the same genus, but excluding pigs weighing no more than the largest dog species that are kept indoors as family pets.
- (e) *Chickens.*
 - (1) No person shall allow his or her chickens to run at large within the corporate limits of the city.
 - (2) It shall be unlawful for any person to keep more than ten chickens within the corporate limits of the city.
 - (3) Chickens must be kept a minimum of 30 feet from the nearest residence other than that of the owner and may not be kept between the street and a line drawn parallel to the street facing walls of a residence.
 - (4) All chicken houses and lots must be maintained in a clean and sanitary condition at all times.
 - (5) It shall be unlawful to raise chickens for commercial purposes within the corporate limits of the city.

- (f) *Noisy fowl.* It shall be unlawful for any person to keep or maintain on any premises or lot within the city any rooster, duck, goose or other such bird or fowl that by loud and habitual crowing, quacking or honking or in any other manner constitutes a public nuisance. Failure to abate such nuisance within two days after written notice to do so from the city manager shall be unlawful.
- (g) *Exotic animals.* It shall be unlawful for any person to keep or maintain on any premises or lot within the city any exotic animal, as described in section 6-2, that by loud and habitual noise or offensive odor causes a public nuisance. Failure to abate such nuisance within two days after written notice to do so from the animal control officer shall be unlawful. Any exotic animal kept in the city limits must be provided with adequate shelter, food and water for its species.
- (h) *Number of dogs and cats.* It shall be unlawful to maintain in one household more than a total of seven dogs and/or cats, in any combination, over the age of four months.
- (i) *[Exceptions to section 6-10(a) and (b).]* The restrictions in section 6-10(a) and (b) shall not apply to animals that are at the office of:
 - (1) A licensed veterinarian for the purpose of obtaining medical treatment; or
 - (2) In the care of wildlife rehabilitator properly licensed by the North Carolina Wildlife Resources Commission.

Animals must be in secure enclosures or under restraint while being transported and while receiving treatment.

- (j) *Fighting animals.* It shall unlawful to own, harbor, or breed any animal for the purpose of fighting or training for fighting.
- (k) *Animals for which there is no anti-rabies vaccine.* It shall be unlawful to keep animals which are susceptible to rabies and for which there is no effective anti-rabies vaccine reasonably available.

(Ord. No. 17-030, § 1, 8-8-17)

5. Oxford

CHAPTER 4: ANIMALS AND FOWL

Section

- 4-1. Statement of purpose
- 4-2. Definitions
- 4-3. Bird sanctuary
- 4-4. Duties and responsibilities of animal control officers
- 4-5. Authority of Granville County animal control officers
- 4-6. Records
- 4-7. Unlawful to interfere with animal control officers or veterinarians
- 4-8. Rabies control
- 4-9. Failure to surrender animal
- 4-10. Improper rabies tag; unauthorized removal
- 4-11. Dogs at large; defecation on streets and private property
- 4-12. Female dogs in heat
- 4-13. Public nuisance and vicious animals
- 4-14. Impoundment
- 4-15. Methods of impoundment of animals
- 4-16. Redemption of impounded animals
- 4-17. Deceased animals
- 4-18. Wild animals
- 4-19. Commercial breeding; limitation on number within city
- 4-20. Domestic fowl running at large
- 4-21. Unlawful to keep livestock
- 4-22. Beehives
- 4-23. Permit to keep livestock near residence
- 4-24. Penalties

Cross-reference:

Health and Sanitation, see Ch. 10

Interments of animals, see § 6-14

Vicious animals, see § 18-36

§ 4-1 STATEMENT OF PURPOSE.

The presence of animals at large, stray animals, nuisance animals, abused animals and diseased animals within the corporate limits of the city is hereby declared to be a public nuisance. The animals are a threat to the health of the community and the safety of persons and property alike. In order to abate and control this nuisance and to protect the people of the city from diseases transmitted by unconfined, uncontrolled or non-immunized dogs and cats and to ensure that animals are treated in a humane manner, there is hereby created, with the Police Department, the position of animal control officer who shall serve at the pleasure of the Chief of Police and City Manager.

(`86 Code, § 4-1) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-2 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any live vertebrate creature, wild or domestic, other than a human being, endowed with the power of voluntary motion, specifically including, but not limited to dogs, cats, farm animals, birds, fish and reptiles.

ANIMAL CONTROL OFFICER. Any person employed by the city to carry out the duties set forth in this chapter.

ANIMAL CONTROL SHELTER. Any holding or other facility designated by the city for the detention of animals.

ANIMAL UNDER RESTRAINT. Any animal confined within a vehicle, confined in a secure enclosure within the real property limits of its owner or secured by leash, lead, chain or other physical device of sufficient strength to maintain the physical control of any animal or under the strict voice control of its owner.

AT LARGE ANIMAL. Any animal not physically located on the property of its owner and not under sufficient physical restraint such as a leash, cage, bridle or similarly effective device to allow the animal to be controlled.

CAT. Any domestic feline of either sex.

DOG. Any domestic canine of either sex.

OWNER. Any person owning, keeping, harboring, possessing or acting as custodian of any animal.

PUBLIC NUISANCE ANIMAL. Any animal or group of animals which:

- (1) Is repeatedly found at large;

- (2) Damages the property of anyone other than its owner;
- (3) Is vicious;
- (4) Causes fouling of the air by odors;
- (5) Causes unsanitary condition of enclosures or other surroundings, including turning over garbage receptacles;
- (6) By virtue of the number or type, is offensive or dangerous to the public health, safety or welfare;
- (7) Excessively makes disturbing noises, including barking, whining or howling;
- (8) Is diseased and dangerous to the public health;
- (9) Chases or molests pedestrians, bicyclists, motor vehicles or their passengers, livestock or other domestic animals; or
- (10) Is a stray animal.

SECURE ENCLOSURE. An enclosure or other device from which an animal cannot escape unless freed by the owner.

STRAY ANIMAL. Any domestic animal that roams at large without any apparent owner.

VACCINATION or INOCULATION. The administration of the anti-rabies vaccine approved by the U.S. Bureau of Animal Industry, the State Department of Agriculture and the State Board of Health.

VICIOUS ANIMAL. Any animal which constitutes a physical threat to human beings or other animals by virtue of biting, chasing, attacking, molesting as to cause or have potential to cause physical injury or property damage.

WILD ANIMAL. Any warm- or cold-blooded animal not normally domesticated, including poisonous, crushing and giant reptiles regulated by the state or country, including, but not limited to lions, tigers, wild cats, wolves, bears, raccoons, monkeys and apes.

('86 Code, § 4-2) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-3 BIRD SANCTUARY.

(A) The area embraced within the corporate limits of the city and all land owned or leased by the city outside the corporate limits is hereby designated as a bird sanctuary.

(B) It shall be unlawful to intentionally trap, hunt, shoot or otherwise kill, within the sanctuary hereby established, any native wild bird. It shall be lawful to trap starlings, pigeons or similar birds or fowl when the birds or fowl are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to the public health or property.

('86 Code, § 4-3) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-4 DUTIES AND RESPONSIBILITIES OF ANIMAL CONTROL OFFICERS.

(A) The animal control officer shall have the responsibility to enforce all state laws and city ordinances pertaining to the ownership, control, care and custody of dogs, cats and other animals covered hereunder, and shall cooperate with the Health Director and other law enforcement officers within the city, county and adjoining areas in fulfilling this duty and any other duty enumerated herein. In addition thereto, the animal control officer shall have the authority to:

(1) Investigate all complaints with regard to animals covered by this chapter, including, but not limited to cruelty or animal abuse with regard to dogs, cats and other animals;

(2) Act as rabies control officer and enforce and carry out all state laws and all city ordinances pertaining to rabies control which shall include making canvasses of the city as deemed necessary and practical, for the purpose of ascertaining that all dogs are properly licensed and that all dogs are vaccinated against rabies;

(3) Be responsible for the investigation of all reported animal bites and for the quarantine of any dog or cat involved and suspected of having rabies, for a period of not less than ten days; and

(4) Be responsible for the seizure and impoundment, whenever deemed necessary, of any dog, cat or other animal in the city involved in a violation of this chapter or any other city ordinance or state law.

(B) (1) In the performance of his or her duties, the animal control officer shall have the power and authority to issue a citation and/or summons and shall have the immunity of a peace officer, as described in the state statutes, but only in regard to enforcing the provisions of this chapter and the laws of the state which relate to the care, treatment and impoundment of animals.

(2) In that the animal control officer's authority is limited, as described herein, the officer shall not be considered to be a law enforcement officer for purposes of retirement benefits or any special allowance or benefit available to law enforcement officers.

(C) (1) The animal control officer is not authorized to carry on his or her person any firearm of any kind unless specifically authorized by the Chief of Police and the City Manager.

(2) The animal control officer may use any authorized firearms when necessary to enforce sections of this chapter or other applicable law for the control of wild, vicious, diseased or potentially dangerous animals when the officer deems necessary.

(D) The animal control officer, while performing his or her duties, shall wear a badge of a size and design to be determined by the Chief of Police.

('86 Code, § 4-4) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-5 AUTHORITY OF GRANVILLE COUNTY ANIMAL CONTROL OFFICERS.

The county animal control officers are hereby authorized to enforce this chapter or any other law or regulation law adopted in accordance with the provisions of this chapter.

('86 Code, § 4-5) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-6 RECORDS.

The animal control officer shall keep, or cause to be kept, accurate and detailed records of any impoundment, complaint, violation or investigation and any other records deemed necessary by the Chief of Police or City Manager.

(`86 Code, § 4-6) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-7 UNLAWFUL TO INTERFERE WITH ANIMAL CONTROL OFFICERS OR VETERINARIANS.

It shall be unlawful for any person to interfere with, hinder or molest an animal control officer, law enforcement officer or agent or veterinarian, authorized by law or ordinance, while in the performance of their duties or to seek to release any animal in the officer's or veterinarian's custody in an unauthorized manner.

(`86 Code, § 4-7) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-8 RABIES CONTROL.

(A) *Immunization.*

(1) It shall be required that any dog or cat over the age of four months be vaccinated against rabies with an approved anti-rabies vaccine administered by a veterinarian or certified vaccinator in accordance with G.S. § 130A-185.

(2) All dogs and cats must wear a collar and identification tag and a rabies vaccination tag at all times.

(B) *Bites.* Wounds inflicted by an animal upon human beings shall be reported immediately to the Police Department who will then notify an animal control officer to investigate.

(1) Every dog or cat that bites a human being and does not have a valid rabies vaccination tag shall be delivered within eight hours of the bite incident by the owner to an animal control officer or the animal control shelter, where the animal shall be confined for observation for not less than ten days. Confinement in a veterinary clinic will be at the discretion of the animal control officer. Both confinement in the shelter and the veterinary clinic will be at the expense of the owner.

(2) Every dog or cat that bites a human being and has a valid rabies vaccination tag shall be delivered within eight hours of the bite incident to a animal control officer or the county shelter. At the discretion of the animal control officer, the animal may be confined at a veterinary clinic of the owners choice or may be confined on the property of the owner. The expense of confinement at the county shelter or at a veterinary clinic shall be the responsibility of the animal owner.

(3) In the case of stray animals whose ownership is not known, the supervised quarantine required by this section shall be at the county animal control shelter.

(4) (a) If rabies does not develop within ten days after an animal is quarantined under this section, the animal may be released to the owner.

(b) If the animal was confined at the county shelter, the owner shall pay a per-day boarding fee, according to the county fee manual.

(C) *Dog or cat bitten by rabid animal.* Any dog or cat bitten by a rabid animal or an animal suspected of having rabies that is not available for laboratory diagnosis shall be destroyed immediately by its owner, animal control officer or a peace officer unless the dog or cat has been vaccinated in accordance with this section more than three weeks prior to being bitten, is given a booster dose of rabies vaccine within three days of the bite and the owner agrees to a strict six weeks of confinement either at the owner's property or at a veterinary clinic depending on circumstances and the discretion of the animal control officer.

(`86 Code, § 4-8) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-9 FAILURE TO SURRENDER ANIMAL.

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies or any animal having bitten a human being or to remove the animal from the corporate limits of the city or from the county without the written permission of the animal control officer and the Director of Public Health.

(`86 Code, § 4-9) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-10 IMPROPER RABIES TAGS; UNAUTHORIZED REMOVAL.

(A) It shall be unlawful for any person to counterfeit a rabies vaccination tag or to use a rabies vaccination tag that has not been properly obtained from a licensed veterinarian or a certified vaccinator in accordance with this chapter or to use a rabies vaccination tag for an animal other than the animal for which the tag was issued.

(B) It shall be unlawful for any person to remove a rabies vaccination tag or identification tag from any animal belonging to another person residing in the city unless by the direction of the animal's owner.

(C) It shall be unlawful for any owner to permit their dog or cat to be off the property of the owner without a rabies vaccination tag and identification tag.

(`86 Code, § 4-10) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-11 DOGS AT LARGE; DEFECATION ON STREETS AND PRIVATE PROPERTY.

(A) It shall be unlawful for the owner of any dog to allow the animal to be at large in the city or on any city property.

(B) It shall be unlawful for any person owning, harboring, keeping or in charge of any dog to fail to remove feces deposited by the dog on any street, sidewalk, park or other publicly-owned area.

(C) It shall be unlawful for any person owning, harboring, keeping or in charge of any dog to fail to remove feces deposited by their dog on any private property unless the owner of the property has given permission allowing the use of the property.

(`86 Code, § 4-11) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-12 FEMALE DOGS IN HEAT.

Every female dog, while in heat, shall be confined in a building or secure enclosure in a manner that she will not be in contact with another dog, nor create a nuisance by attracting other animals. This section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal being bred.

(`86 Code, § 4-12) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-13 PUBLIC NUISANCE AND VICIOUS ANIMALS.

(A) It shall be unlawful to own, keep or harbor a public nuisance or vicious animal within the city.

(B) The following procedure shall apply with respect to the detection and disposition of animals which are alleged to be public nuisance or vicious animals, in addition to the issuance of a citation or summons.

(1) *Complaint and notice.* Upon receipt of a written detailed and signed complaint being made to the Animal Control Division of the Police Department by any resident or residents that any person is maintaining a public nuisance or vicious animal as defined herein, the animal control officer shall cause the owner of the animal or animals in question to be notified that a complaint has been received and shall conduct an investigation into the situation complained of prepare a written report of his or her findings.

(2) *Abatement.* If the written findings of the animal control officer indicate that the complaint is valid, then the Chief of Police or his or her designee shall cause the owner or keeper of the animal or animals in question to be so notified in person by the animal control officer and the owner or keeper shall thereby be ordered to abate the nuisance within two days and further shall be issued a citation for the violation. In the event the owner of the animal or animals is unknown or cannot be ascertained, the animal control officer is hereby authorized to impound the animal or animals immediately pending notification of the owner.

(3) *Impoundment upon failure to abate.* If any person, after being notified as set forth above, shall fail or refuse to abate the nuisance upon the order of the Chief of Police within the specified time, the Chief of Police may cause the animal or animals to be impounded, as set forth in this chapter.

(4) *Right of appeal.* Within the two-day notice period set forth above, the owner or keeper of the nuisance or vicious animal may appeal the findings of the Chief of Police to the City Manager by giving written notice to the Chief of Police or the City Manager. The final determination shall be made by the City Manager.

(5) *Redemption; destruction.* If the owner or keeper shall so request, the animal or animals may be redeemed pursuant to the procedure set forth in this chapter and upon the further condition that the owner or keeper execute a written agreement to comply with the abatement order. If no redemption and execution of agreement is made, as specified in this chapter, then the animal or animals shall be disposed of in a humane manner.

(6) *Vicious animals.*

(a) All animals determined to be vicious, including dogs that have a history of unlawfully biting human beings, shall be confined by the owner within a building or secure enclosure or by the animal control officer in the animal control shelter. The animals shall not be released from confinement unless securely muzzled and restrained.

(b) An animal that has been determined to be vicious, as set forth herein, and is found to be at large may be tranquilized or destroyed by the animal control officer with or without prior notification to the owner, but only after attempts to capture the animal have been unsuccessful.

(c) The animal control officer may also tranquilize or destroy any vicious animal if the animal poses an immediate threat to the safety of any human being or animal.

(`86 Code, § 4-13) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-14 IMPOUNDMENT.

(A) The animal control officer and any law enforcement officers are empowered to seize or capture and impound any animal in violation of this chapter and may issue a court summons or citation, as deemed necessary by the investigating officer.

(B) Impoundment of any animal does not relieve the owner thereof from any penalty that may be imposed for violation of this chapter, any other city ordinance or any state or federal law.

(C) The animal control officer shall not be required to pick up dead animals.

(D) The animal control officer shall not, in the process of seizing or impounding animals, place himself or herself in a situation that may jeopardize his or her health and safety.

(E) Upon impounding an animal, the animal control officer will make a reasonable attempt to determine ownership of the impounded animal and notify the owner(s) of the impoundment.

(F) Impounded animals shall be held in the animal control shelter for the minimum allowable time under state

law unless deemed necessary or appropriate to extend the minimum holding time or to waive the minimum holding time and destroy any animal that may be suffering from an affliction of a disease that may be contagious or a serious injury.

(G) Owner-relinquished animals may be disposed of immediately by way of adoption or euthanasia or by any other means authorized by the laws of the state.

(H) Owners may redeem their animal or animals upon notification by the animal control officer or as soon as the owner discovers that the animal has been impounded provided that discovery is within the minimum allowable holding time. Animals held after the minimum allowable time may be disposed of by any humane means allowable under state law.

(`86 Code, § 4-14) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-15 METHODS OF IMPOUNDMENT OF ANIMALS.

(A) The animal control officer shall be empowered to seize and impound animals that are determined to be a nuisance and or in violation of the articles set forth in the city animal control ordinances. The following approved methods and equipment may be used:

- (1) An approved humane trap;
- (2) An approved net;
- (3) Humane animal immobilizing equipment; and/or
- (4) Tranquilization.

(B) An animal shall be considered impounded if the animal control officer has had to utilize the method of tranquilization. The animal becomes impounded the moment the tranquilizer dart has penetrated the animal and injected the tranquilizer solution.

(`86 Code, § 4-15) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-16 REDEMPTION OF IMPOUNDED ANIMALS.

During the time an animal is impounded, it shall be available for redemption to the owner when the following provisions have been met:

(A) Any control, restraint or enclosure modifications necessary to comply with this chapter have been completed; and

(B) A redemption service fee of \$10 per day or the boarding fees, as shown in the county fee manual, have been paid.

(`86 Code, § 4-16) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-17 DECEASED ANIMALS.

(A) It shall be the duty and responsibility of the owner or person in charge of any animals that die from any cause and the owner, lessee or person in charge of any property upon which any animals die shall bury or cause to be buried, the carcass to a depth of at least three feet beneath the surface of the ground, or to completely burn the animal carcass within 24 hours after death of the animal is known, or to otherwise dispose of the animal's remains in a manner as approved by the State Veterinarian.

(B) It shall be unlawful for any person to remove the carcasses of any dead animals from their premises to the premises of another person without the written permission of the person having charge of the premises and without burying or otherwise disposing of the carcasses, as provided in this section.

(`86 Code, § 4-17) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-18 WILD ANIMALS.

(A) Neither this section nor any section of this chapter shall have the effect of permitting any activity or condition with respect to a wild animal native to the state which is prohibited or more severely restricted by state statutes or by regulations of the State Wildlife Resources Commission or of permitting any activity or condition with respect to any animal which is prohibited or more severely restricted by federal statute or regulation.

(B) Wild animals and the owners of wild animals shall be subject to this chapter, except those that are applicable solely to dogs and or cats and the owners of dogs and or cats.

(C) Wild animals shall be maintained, at all times, in a secure enclosure on the owner's property or, with consent, on the property of another unless the animal is under restraint of the owner. For the purposes of this section, a

chain attaching the animal to a stationary object shall not be considered to be a secure enclosure.

(D) All owners of wild animals shall register their animals with the animal control officer within ten working days of acquisition or upon coming within the definition of a wild animal. The registration shall be for information and safety only and there shall be no fee for the registration.

(`86 Code, § 4-18) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-19 COMMERCIAL BREEDING; LIMITATION ON NUMBER WITHIN CITY.

(A) It shall be unlawful for any owner to keep, breed or raise any dogs or cats or any other animal for commercial purpose within the incorporated limits of the city. A person is deemed to be keeping, breeding or raising any dogs or cats or any other animal for a commercial purpose if such is a primary source of income for the purpose. No owner shall keep, harbor or own more than three dogs or cats as pets or for private use at any time, provided this provision shall not apply to dogs or cats less than four months of age.

(B) The purpose of this section is to prohibit the keeping, breeding and raising of dogs and cats or any other animal to the extent that doing so may cause or create a public nuisance.

(`86 Code, § 4-19) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-20 DOMESTIC FOWL RUNNING AT LARGE.

It shall be unlawful for any person to allow any turkeys, geese, ducks, chickens or any other domestic fowl to run at large within the corporate limits of the city. The domestic fowl shall be confined to a pen or other secure enclosure or otherwise restricted to the property of the owner. The owner having received notice of the violation and after three days fails to or refuses to confine the fowl to their property will be subject to fine and the fowl may be destroyed by order of the Chief of Police.

(`86 Code, § 4-20) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-21 UNLAWFUL TO KEEP LIVESTOCK.

It shall be unlawful for any person to keep livestock within the corporate limits of the city. Livestock includes, but is not limited to cattle, mules, donkeys, sheep, goats or swine.

(`86 Code, § 4-21) (Am. Ord. 01-09-01, passed 9-18-01; Am. Ord. 08-02-01, passed 2-12-08)

§ 4-22 BEEHIVES.

It shall be unlawful for any person to own or keep a hive of bees within 50 feet of:

(A) Any street or alley; or

(B) The property line of an adjoining land owner.

('86 Code, § 4-22) (Am. Ord. 01-09-01, passed 9-18-01)

§ 4-23 PERMIT TO KEEP LIVESTOCK NEAR RESIDENCE.

(A) No person shall stable, tie, or otherwise keep any horse or pony within 500 feet of any dwelling, house, apartment, or other residence occupied by any person, without first obtaining a livestock permit duly signed by the City Manager.

(B) Any person desiring such permit shall apply therefor in writing to the City Manager. Such application shall, at a minimum, state:

(1) The type and number of horses or ponies to be stabled, pastured, tied or otherwise kept;

(2) The places such animals will be stabled, pastured, or otherwise kept. The minimum pasture size shall be one acre. The pasture shall be enclosed with a five foot fence having a minimum height of five feet and suitable to keep all horses within the pasture. There shall be a maximum of two horses for the first acre, and one additional acre for every additional horse over two. Each horse shall be provided with a stable capable of providing adequate shelter from the outside elements;

(3) The name of one adult occupant, if any, of each dwelling house, apartment, or residence within 500 feet of such places;

(4) The distance of each such dwelling house, apartment, or other residence from such places; and

(5) Any other pertinent information that the applicant wishes to submit in connection with the application for permit.

(C) Each applicant for such permit shall pay to the city the fee established by the Board of Commissioners.

(D) Upon determining that a proper application has been filed; that all applicable fees have been paid and upon finding that the stabling, pasturing, tying, or otherwise keeping of such animals in the location designated on the application will not endanger the health of any person occupying a dwelling house, apartment, or residence within 500 feet of such place, or any other citizen or inhabitant of the city, the City Manager shall issue a permit specifying the number and type of animals to be stabled, pastured, or kept, and the places such animals may be stabled, pastured, tied, or otherwise kept. The written assent to the issuance of such permit shall be signed by one adult occupant of each such dwelling, apartment, or other residence then occupied by human beings and within 500 feet of the places such animals are to be stabled, pastured, or otherwise kept.

(E) Each permit shall be and remain valid until December 31 of each calendar year, or until the permit is revoked as provided herein. At any time within 30 days before the expiration of any permit, the holder thereof may apply for its renewal, which renewal shall be

issued upon the same conditions as hereinabove provided for the issuance of the original permit unless the City Manager determines that there has been a change in circumstances regarding the issuance of the permit and in that event, a new permit shall be issued based on said changes provided each of the conditions set forth herein are met.

(F) Any such permit issued shall be revoked upon a finding that the stabling, pasturing, or otherwise keeping of such animal endangers the health or safety of the city or any person living within 500 feet of the permit location. Such revocation shall be effective ten days after the mailing by registered or certified mail of a notice thereof to the last known address of the holder of the permit.

(G) The permit is not assignable or transferable in any way.

(Ord. 08-02-01, passed 2-12-08)

§ 4-24 PENALTIES.

Violations of this chapter shall be punishable, as follows:

(A) First offense: \$25;

(B) Second offense: \$50;

(C) Third offense: \$100; and

(D) Fourth or subsequent offenses: mandatory court appearance, but the penalty shall not to exceed \$500 and/or imprisonment of not more than 90 days.

('86 Code, § 4-23) (Am. Ord. 01-09-01, passed 9-18-01)

Noah Saldo

From: Martin, Wendy <Wendy.Martin@thomasville-nc.gov>
Sent: Wednesday, July 20, 2022 11:26 AM
To: Noah Saldo
Subject: RE: [clerks] Animal Ordinance

Here's what we have:

6. Thomasville

- **Chapter 10 - ANIMALS^[1]**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTION](#)

Footnotes:

-- (1) --

Cross reference— Animals prohibited in cemeteries, § 26-5; health and sanitation, ch. 46; removal of dead animals, § 66-16; zoning, app. A.

State Law reference— Animal welfare act, G.S. 19A-20 et seq.; general authority to regulate animals, G.S. 160A-186 et seq.

- **ARTICLE I. - IN GENERAL**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTION](#)

- **Sec. 10-1. - Keeping poultry.**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTION](#)

Any person owning or having in his possession or being in charge of any chickens, pheasants or any other fowl or poultry shall keep the poultry or fowl in an enclosure such as a fenced-in lot or yard. The owner or person in charge of such poultry or fowl shall maintain adequate buildings for housing such poultry or fowl, which buildings shall at all times be maintained in a sanitary manner. Such buildings may not be located within 50 feet of buildings of adjoining property owners. Any person owning, having in his possession or being in charge of any poultry or fowl shall permit any police officer to enter the premises where such poultry or fowl is being kept for the purpose of inspecting such premises.

(Code 1983, § 4-1)

- **Sec. 10-2. - Keeping swine.**

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It shall be unlawful for any person to keep or raise any pig or hog or to own, keep or maintain any pigpen or hog pen on any lot or premises owned, rented or leased within the corporate limits of the city.

(Code 1983, § 4-2)

- **Sec. 10-3. - Cleanliness of stables and cow pens.**

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(a)

Any person having a stable or cow pen on a lot occupied by him shall keep such stable or cow pen thoroughly cleaned. In case the owner of the lot upon which the stable or cow pen is situated is a nonresident of the city and cannot be found, the city manager shall have the cleaning and disinfecting of such stable or cow pen done. The cost of such cleaning shall attach to the property upon which such stable or cow pen was situated and shall be a tax on the property, collected as other taxes.

(b)

Any person failing to thoroughly clean and put into a healthy condition any cow pen or stable on his premises as provided in this section, after being notified by the city manager, shall be liable to a penalty as provided in [section 1-7](#) for each day it is allowed to remain in an unhealthy condition after being notified.

(Code 1983, § 4-3)

- **Sec. 10-4. - Bird sanctuary created; molesting birds.**

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(a)

There is hereby created and established a bird sanctuary within the territorial limits of the city.

(b)

It shall be unlawful for any person to hunt, kill or trap any birds within the city except pursuant to a permit issued by the state wildlife resources commission under G.S. 113-274(c)(1a) or under any other license or permit of the wildlife resources commission specifically made valid for use in taking birds within city limits; however, this section shall not be construed to protect any bird classed as a pest under G.S. 113-300.1 et seq., G.S. 143-434 et seq. or G.S. 106-65.22 et seq., and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971.

(Code 1983, § 4-4)

State Law reference— Bird sanctuaries, G.S. 160A-188.

- **Secs. 10-5—10-30. - Reserved.**

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7. Four Oaks

CHAPTER 91: ANIMALS

Section

General Provisions

- 91.01 Purpose and intent
- 91.02 Definitions
- 91.03 Nuisances
- 91.04 Keeping of exotic animals
- 91.05 Restraint and confinement; generally
- 91.06 Restraint of guard dogs
- 91.07 Restraint of vicious or dangerous animals
- 91.08 Property owners may impound
- 91.09 Impoundment
- 91.10 Notice to owner and redemption
- 91.11 Keeping horses, fowl and the like
- 91.12 Riding or leading horses, mules or ponies on sidewalks

Dogs

- 91.20 Permitting bitch at large
- 91.21 Limitation on number of dogs to be kept

Honey Bees

- 91.30 Purpose
- 91.31 Definitions
- 91.32 Certain conduct prohibited; nuisance
- 91.33 Domestic beekeeping
- 91.34 Right to inspect

- 91.99 Penalty

GENERAL PROVISIONS**§ 91.01 PURPOSE AND INTENT.**

The purposes of this chapter are to promote the public health, safety and general welfare of the citizens of the town and to ensure the humane treatment of animals regulating the care and control of animals within the town.

(Ord. passed - -)

§ 91.02 DEFINITIONS.

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any live creature, both domestic and wild, except humans. **ANIMAL** includes fowl, fish and reptiles.

ANIMAL CONTROL OFFICER. Any employee or agent of the town, designated by the Town Council to administer and enforce the licensing, inspection and enforcement requirements contained within this chapter.

ANIMAL NUISANCE. Any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

AT HEEL. A dog is directly behind or next to a person and obedient to that person's command.

AT LARGE. An animal is off the premises of the owner and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

DOMESTIC ANIMAL. Includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

EXOTIC ANIMAL. Any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals.

GUARD OR ATTACK DOG. A dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

IMPOUNDMENT. The taking into custody of an animal by any police officer, animal control officer or any authorized representative thereof.

MUZZLE. A device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

OWNER. Any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this chapter. An animal shall be deemed to be **HARBORED** if it is fed or sheltered for three or more consecutive days.

PUBLIC NUISANCE ANIMAL. Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term **PUBLIC NUISANCE ANIMAL** shall include, but not be limited to:

- (1) Any animal that is repeatedly found running at large;
- (2) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint;
- (3) Any animal that damages, soils, defiles or defecates on any other property other than that of its owner;
- (4) Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances, causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
- (7) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks or otherwise interferes with the freedom of movement of persons in a public right-of-way;

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- (8) Any animal that chases motor vehicles in a public right-of-way;
- (9) Any animal that attacks domestic animals;
- (10) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; or
- (11) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

UNDER RESTRAINT. An animal secured by a leash or lead under the control of a person physically capable of restraining the animal and obedient to that person's commands or securely enclosed within the real property limits of the owner's premises.

VICIOUS OR DANGEROUS ANIMAL.

(1) Any animal that attacks, bites or physically injures human beings, domestic animals or livestock without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite or physically injure human beings, domestic animals or livestock.

(2) Any wild animals or any animal that without provocation has bitten or attacked a human being or other animal shall be prima facie presumed ***VICIOUS*** or ***DANGEROUS***.

WILD ANIMAL. Any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal that can normally be found in the wild state. The term ***WILD ANIMAL*** does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild and captive-bred species of common cage birds.
(Ord. passed - -)

§ 91.03 NUISANCES.

It shall be unlawful for any person to keep any animal on any property located within the corporate limits of the town when the keeping of the animal constitutes a public nuisance or menace to public health or safety.

(Ord. passed - -) Penalty, see § 10.99

§ 91.04 KEEPING OF EXOTIC ANIMALS.

It shall be unlawful for anyone to own, harbor or permit at large any exotic animal without the written permission of the Town Council. The permission shall be given only if it is demonstrated to the satisfaction of the Council that the animal will not constitute a threat to public health or safety. (Ord. passed - -) Penalty, see § 10.99

§ 91.05 RESTRAINT AND CONFINEMENT; GENERALLY.

(A) It shall be unlawful for the owner of any animal to fail to keep the animal under restraint or to permit the animal to run at large upon the streets and public ways of the town.

(B) Any dog, while on a street, sidewalk, public way or in any park, public square or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.

(C) No owner or custodian of any animal shall fail to exercise proper care and control of the animal to prevent the same from becoming a public nuisance.

(D) Every female dog in heat shall be confined in a building or other enclosure in such a manner that the female dog cannot come into contact with another animal, except for planned breeding. (Ord. passed - -) Penalty, see § 10.99

§ 91.06 RESTRAINT OF GUARD DOGS.

(A) Every owner of a guard or attack dog shall keep the dog confined in a building, compartment or other enclosure. Any enclosure shall be completely surrounded by a fence at least six feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three strands of equally-separated barbed wire stretched between them.

(B) All anti-climbing devices shall extend inward at an angle of not less than 45 degrees nor more than 90 degrees when measured from the perpendicular.

(C) The areas of confinement shall all have gates and entrances thereto securely closed and locked and all fences properly maintained and escape proof.

(D) The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies.

(Ord. passed - -) Penalty, see § 10.99

§ 91.07 RESTRAINT OF VICIOUS OR DANGEROUS ANIMALS.

Every vicious animal shall be confined by its owner or authorized agent of its owner within a building or secure enclosure and, whenever off the premises of its owner, shall be run securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not more than three feet in length, or caged. Every person harboring a vicious animal is charged with an affirmative duty to confine the animal in a way that children do not have access to the animal.

(Ord. passed - -) Penalty, see § 10.99

§ 91.08 PROPERTY OWNERS MAY IMPOUND.

Any person finding an animal at large upon his or her property may remove the same to any animal shelter that will take possession of the animal. If no shelter is available, the property owner may hold the animal in his or her own possession and, as soon as possible, notify the Police Department. The property owner shall provide a description of the animal and the name of the owner if known. The Department shall dispatch an officer to take possession of the animal.

(Ord. passed - -)

§ 91.09 IMPOUNDMENT.

In addition to any other remedies provided in this chapter, an animal control officer or a police officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

- (A) Any dog without a valid license;
- (B) Any animal at large;
- (C) Any animal constituting a public nuisance or considered a danger to the public;
- (D) Any animal that is in violation of any quarantine or confinement order of the town or County's Chief Health Officer;
- (E) Any unattended animal that is injured or otherwise in need of care;
- (F) Any animal that is reasonably believed to have been abused or neglected;
- (G) Any animal that is reasonably suspected of having rabies;

(H) Any animal that is determined to be "potentially dangerous" or "dangerous", in accordance with the appropriate articles of G.S. Chapter 67;

(I) Any animal that a court of competent jurisdiction has ordered impounded or destroyed; and

(J) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his or her regular place of residence.

(Ord. passed - -)

§ 91.10 NOTICE TO OWNER AND REDEMPTION.

(A) Upon impoundment of an animal, the Police Department shall immediately attempt to notify the owner by telephone or certified mail. If the owner is unknown, the Department shall post written notice for three days, describing the animal and the time and place of taking. Any notice to the owner shall also include the location of the shelter or hospital where the animal is confined, hours during which the animal can be reclaimed and fees to be charged to the owner. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

(B) An owner reclaiming an impounded animal shall pay a fee of \$25 for each day the animal has been impounded. The daily rate charged for any subsequent impoundment occurring within 12 months shall be double that which was charged for each day of confinement during the first impoundment.

(C) Any animal not reclaimed by its owner within three working days shall become the property of the town and shall be turned over to the County Animal Control Office.

(Ord. passed - -)

§ 91.11 KEEPING HORSES, FOWL AND THE LIKE.

It shall be unlawful for any person, firm or corporation to keep, feed, maintain in pens or open areas any horses, mules, ponies, pigs, goats, chickens or domestic fowl or any kind of farm animal within the corporate limits of the town.

(1992 Code, § 91.01) (Ord. 72-AO, passed 7-10-1972) Penalty, see § 91.99

§ 91.12 RIDING OR LEADING HORSES, MULES OR PONIES ON SIDEWALKS.

It shall be unlawful for any person to ride or lead any horse, mule or pony upon the public sidewalks within the corporate limits of the town.

(1992 Code, § 91.02) (Ord. 73-AO, passed 3-6-1973) Penalty, see § 91.99

DOGS**§ 91.20 PERMITTING BITCH AT LARGE.**

No person owning or having any bitch shall knowingly permit her to run at large during the erotic stage of copulation.

(1992 Code, § 91.15) (Ord. 60-DO, passed 8-1-1960) Penalty, see § 91.99

§ 91.21 LIMITATION ON NUMBER OF DOGS TO BE KEPT.

(A) It shall be unlawful for any person to keep on any one lot or premises within the corporate limits more than two dogs. This limitation shall not apply to dogs which are less than three months of age.

(B) Upon written and signed complaint being made to the Police Department by a person specifying the location here more than two dogs are being kept the Police Department shall investigate and, if it is determined that division (A) of this section is being violated, the Police Department shall notify the person or persons responsible for keeping such dogs and upon such notice from the Police Department, the responsible person or persons shall remove from the premises the number of dogs in excess of two which are prohibited by division (A) of this section within 48 hours from the time of notification.

(C) Any person failing or refusing to remove from the premises the number of dogs required to comply with division (A) above within 48 hours from the time of notification shall be guilty of a misdemeanor and shall be subject to the penalty provided in § 91.99.

(1992 Code, § 91.18) (Ord. 83-1, passed 7-3-1983) Penalty, see § 91.99

HONEY BEES**§ 91.30 PURPOSE.**

The purpose of this subchapter is to provide standards for the keeping of bees. It is intended to enable residents to keep an appropriate number of bees on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood(s). This subchapter is intended to create standards and requirements that ensure that bees kept by residents do not adversely impact the use and enjoyment of neighborhood properties surrounding the property on which the bees are kept. (Ord. passed 7-8-2013)

§ 91.31 DEFINITIONS.

For the purposes of this subchapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

BEE. Any stage of the common domestic honey bee, *apis melifera* species, excluding the Africanized Honeybee (*apis melifera scutellata*).

BEEKEEPER. A person who owns or is in charge of a hive. The beekeeper shall reside in the town.

HIVE. A place where bee colonies are kept. (Ord. passed 7-8-2013)

§ 91.32 CERTAIN CONDUCT PROHIBITED; NUISANCES.

(A) *Nuisance.* Notwithstanding compliance with the provisions of this subchapter, it shall be a violation of this subchapter for any beekeeper to keep a colony or colonies in such a manner or in such disposition as to cause any unhealthy condition or interfere with the normal use or enjoyment of any property in the vicinity by humans or animals. The following actions are hereby declared to be a public nuisance and are, therefore, unlawful:

(1) Multiple bees stinging, attacking or otherwise molesting others including pedestrians, bicyclists, motor vehicle passengers, or domestic animals.

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(2) Hive placement and related bee movement such that the bees, without provocation, interfere with the freedom of movement of persons in a public right-of-way, or the location of the bees poses a threat to the general safety, health and welfare of the general public; or

(3) The keeping of overcrowded, diseased or abandoned hives.

(B) *Complaint and notice.* Upon their own initiative or upon receipt of a detailed written and signed complaint being made to the town by any of the town residents that any person is maintaining nuisance bees, the town may cause the owner of the bees in question to be notified that a complaint has been received, or take immediate action to abate the nuisance if deemed necessary.

(C) *Abatement.* If investigation of the town indicates that the complaint is justified, but that action by town staff immediately abate the nuisance is not deemed necessary, then the town shall cause the owner or keeper of the bees in question to be notified and ordered to abate such nuisance and may issue a citation for the violation. However, if immediate abatement of the nuisance is deemed necessary, then the town may cause the bees and/or hive in question to be seized and relocated, or if the nuisance bees and/or hive cannot be reasonably seized or relocated, the town may cause them to be destroyed in the field. In such instances, the owner of the bees shall be responsible for any cost incurred to effectuate the seizure, relocation, or destruction of the bees and/or hives.

(D) *Seizure and relocation upon future to abate.* If any person actually or constructively receiving notice in the manner herein described shall fail or refuse to abate the nuisance upon order of the town within a specified amount of time, the town may cause the domesticated bees and/or hive in question to be seized and relocated. In such instances, the owner of the bees shall be responsible for any costs incurred to effectuate the seizure and relocation of the bees and/or hive.

(E) *Notice to the owner.* Upon seizing bees and/or their hive, the town shall cause a prompt and reasonable effort to be made to locate and notify the owner of the bees, if the owner is known or ascertainable. A notice of seizure shall be left with the owner or affixed to the premises of the owner, or if the owner is known or reasonably ascertainable.

(F) *Redemption; destruction.* If the owner shall so request in writing within five days of the seizure of the bees and/or hive, the bees and/or hive that have been seized and relocated may be redeemed upon the owner's execution of a written agreement to comply with the abatement order and payment of all sums due hereunder. If no such written request is made, or if such a request is made, but a written agreement to comply with the abatement order is not delivered to the town within five days of the seizure, then the bees and hive shall be deemed abandoned and shall be destroyed in a humane manner, or become the property of a member of a legitimate beekeeping association provided that bees are maintained in compliance with the provisions of this subchapter.

(Ord. passed 7-8-2013)

§ 91.33 DOMESTIC BEEKEEPING.

Domestic beekeeping shall be permitted withstanding the following criteria:

(A) The minimum lot size required for beekeeping shall be 6,000 square feet.

(B) The maximum size of the hive shall be equal to one standard hive.

(C) The maximum number of hives allowed shall be determined based on lot size as follows:

<i>Lot Area (square feet)</i>	<i>Maximum Number of Hives Allowed</i>
6,000 - 20,000	2
20,001 - 30,000	2
30,001 - 40,000	3
40,001 - 50,000	4
50,001 - 60,000	5
60,001 - 70,000	6
70,001 - or larger	7

(D) No hive shall be established or kept within 25 feet of a property line.

(E) No hive shall be placed in a front or side yard.

(F) A constant and adequate on-site source of fresh water supply shall be provided, and shall be located closer to the hive than any other water source on adjacent property.

(G) A special permit must be obtained and filed by the town. The hive permit must include a plot plan that indicates the actual size of the lot, the number of hive(s), the location of the hive(s) and water source(s), and their respective distances from the property lines.

(H) In the event that a nuisance is not abated in accordance with § 91.32 with no final appeal made, the town may revoke the beekeeper's special permit and the beekeeper shall be unable to reapply for another special permit for domestic beekeeping for a period of 12 months. The beekeeper shall appeal revocation of the permit to the Town Council.
(Ord. passed 7-8-2013)

§ 91.34 RIGHT TO INSPECT.

(A) The town, by and through its employees, shall have the right to inspect any hive to ensure compliance with this subchapter.

(B) Beekeepers will be responsible for all fees associated with any or all enforcement actions associated with noncompliance of this subchapter.

(C) Current beekeepers will need to meet the requirements as noted in this subchapter.
(Ord. passed 7-8-2013)

§ 91.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

(a) A citation for said civil penalty shall be issued by the Police Chief.

(b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.
(1992 Code, § 91.99) (Am. Ord. passed 7-8-2013)

8. Lincolnton

CHAPTER 90: ANIMALS AND FOWL

Section

General Provisions

- 90.01 Keeping of livestock prohibited
- 90.02 Fowl at large
- 90.03 Pigeons to be confined
- 90.04 Continuation of activities after area annexed into the city
- 90.05 Horses or livestock on Lincolnton Rail-Trail
- 90.06 Animals at special events
- 90.07 County ordinance; adopted
- 90.08 County ordinance; enforcement
- 90.09 County ordinance; conflict

Dogs at Large

- 90.20 Generally
- 90.21 Dangerous dogs
- 90.22 Duty of Lincoln County Animal Services Department per Lincoln County § 92.04 for the following
- 90.23 Removal of canine waste

Dogs and Rabies Control

- 90.35 Vaccination of dogs

Cross-reference:

Keeping noisy animals, see § 93.016

Statutory reference:

- Animal fights, see G.S. § 14-362.1
- Animal protection, see G.S. §§ 19A-1 et seq.
- Authority of city to prohibit cruelty, see G.S. § 160A-182
- Authority to regulate domestic animals, see G.S. § 160A-182
- Overworking, cruelty to animals, see G.S. § 14-360

GENERAL PROVISIONS

§ 90.01 KEEPING OF LIVESTOCK PROHIBITED.

(A) It shall be unlawful to keep or maintain any cow, horse, pony, mule, sheep, goat or other livestock on any lot or within any pen, stable or other enclosure or building within the corporate limits.

(B) This section shall not be deemed to prohibit the assembling of livestock for shipment or the unloading from shipment of livestock, provided the livestock are not kept within the corporate limits for more than 24 hours prior to shipment or subsequent to unloading.

(Prior Code, § 3-1) Penalty, see § 10.99

§ 90.02 FOWL AT LARGE.

It shall be unlawful for any person to keep any ducks, geese, guinea, roosters or other domestic fowl in the city. Residents of single family homes may keep hens as authorized under this section.

(A) The tract on which the hens will be kept shall be at least one-third of an acre in size.

(B) A maximum of five hens shall be permitted on a tract of land that is between one-third and one-half acre in size and a maximum of ten hens on a tract of land that is larger than one-half acre in size.

(C) No person shall allow his or her hens to run at large. Such hens must be contained in a fowl house, coop or other secure, fenced enclosure at all times.

(D) Such fowl house, coop or other enclosure must be situated at least 15 feet from all property lines,

at least 50 feet from the nearest residence other than that of the owner and may not be located between the street and a line drawn parallel to the street facing walls of a residence.

(E) Fowl houses, coops and enclosures must be kept in a neat and sanitary condition at all times to prevent offensive odors.

(Prior Code, § 3-2) (Ord. O-04-16, passed 6-2-2016) Penalty, see § 10.99

§ 90.03 PIGEONS TO BE CONFINED.

It shall be unlawful for any person to keep pigeons, except when the pigeons are properly kept in a cage or enclosure at all times.

(Prior Code, § 3-3) Penalty, see § 10.99

§ 90.04 CONTINUATION OF ACTIVITIES AFTER AREA ANNEXED INTO THE CITY.

(A) Any activity described in this chapter shall be allowed to continue in the same manner as is being carried out at the time it is annexed into the city.

(B) No activity shall be expanded or enlarged beyond the size, dimension and intensity that exists at the time the land on which the activity is located is annexed into the city.

(Prior Code, § 3-4) (Ord. O-31-94, passed 3-3-1994) Penalty, see § 10.99

§ 90.05 HORSES OR LIVESTOCK ON LINCOLNTON RAIL-TRAIL.

(A) It shall be unlawful to have or use horses or other livestock on the Lincolnton Rail-Trail for any purpose including as a means of transportation.

(B) Violation of this section shall be punishable as a misdemeanor.

(Prior Code, § 3-5) (Ord. O-66-98, passed 12-10-1998) Penalty, see § 10.99

§ 90.06 ANIMALS AT SPECIAL EVENTS.

(A) It shall be unlawful for any owner to take an animal into or allow the animal to enter or remain within the boundaries of a festival, concert or other public gathering (special events). The event boundary shall include any area that is part of the event and shall include any public street, sidewalk or other publicly-owned area within the confines of such event.

(B) The following animals are exempt from the prohibitions contained in division (A):

(1) Service animals. A SERVICE ANIMAL is defined as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals. (An emotional support animal does not fall under the provisions of a service animal.)

(2) Animals under the control of the duty law enforcement personnel.

(3) Animals that are part of an authorized exhibit or attraction approved by the event organizers.

(C) Any animal that shows any sign of aggression in nature may be removed from an event regardless of whether or not it is a service animal. However, the mere breed of an animal alone does not satisfy the requirements of showing aggression.

(Ord. O-06-07, passed 11-1-2007; Ord. O-10-14, passed 11-6-2014; Ord.-, passed 9-4-18) Penalty, see § 10.99

§ 90.07 COUNTY ORDINANCE; ADOPTED.

The Lincoln County Animal Control Ordinance, as from time to time amended, is hereby adopted and incorporated by reference as if fully set out herein.

(Ord. O-09-18; passed 9-4-18)

§ 90.08 COUNTY ORDINANCE; ENFORCEMENT.

The Lincoln County Animal Control Ordinance shall be applicable within the corporate limits of the city. The Lincoln County Animal Control Department as established and governed by the county ordinance shall enforce such county ordinance within the city limits with the full cooperation of the city.

(Ord. O-09-18; passed 9-4-18)

§ 90.09 COUNTY ORDINANCE; CONFLICT.

Where any conflict appears between the provisions of this chapter and such county ordinance, the more

restrictive shall apply and control.
(Ord. O-09-18; passed 9-4-18)

DOGS AT LARGE

§ 90.20 GENERALLY.

It shall be unlawful for the owner or person in charge of any dog to permit the same to be at large on the streets or sidewalks, or to be off the owner's premises, in the city unless under the physical control of the owner or person in charge of the dog, either by leash or chain.

(Prior Code, § 3-20) (Ord. O-09-18, passed 9-4-18) Penalty, see § 10.99

§ 90.21 DANGEROUS DOGS.

The authority and responsibility for dangerous dogs is delegated to the Animal Services Department of Lincoln County per Lincoln County § 92.07 Dangerous Dogs.

(A) Dangerous dogs prohibited. It shall be unlawful for anyone to own, maintain, or harbor a dog cited and identified as a DANGEROUS ANIMAL in the county, as defined in Lincoln County § 92.02.

(B) A DANGEROUS DOG is defined by Lincoln County § 92.02 definitions as:

(1) Any dog that without provocation has killed or inflicted severe injury on a person; or any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or is determined by the Animal Control Supervisor or his or her designee or the Board of Animal Appeals to be potentially dangerous because the dog has engaged in one or more of the following behaviors:

(a) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization;

(b) Inflicted severe 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 attitude of attack.

(2) This definition shall not include:

(a) A dog being used by a law enforcement officer to carry out the officer's official duties;

(b) A dog being used in a lawful hunt;

(c) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or

(d) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(3) A dog may not be deemed dangerous strictly because of its breed or part thereof.

(Prior Code, § 3-21) (Ord. O-09-18, passed 9-4-18) Penalty, see § 10.99

§ 90.22 DUTY OF LINCOLN COUNTY ANIMAL SERVICES DEPARTMENT PER LINCOLN COUNTY § 92.04 FOR THE FOLLOWING.

(A) It is hereby declared the duty of the Lincoln County Animal Services Department to pick up any dog going at large per Lincoln County § 92.11 Impoundment and Adoption.

(B) Any dog at large picked up by the Lincoln County Animal Services Department shall be held or redeemed per Lincoln County § 92.11 Impoundment and Adoption.

(C) Animal bites. The Animal Services Supervisor or his or her designee shall be responsible for the county investigation of all reported animal bites, and for the quarantine of any animal involved for a period of ten days.

(D) Animal shelter. The Animal Services Supervisor or his or her designee shall be responsible for the county animal shelter's operation and maintenance.

(E) Arrest and enforcement. Animal Services Officers shall have the power to enforce all animal control laws of the state and violations of this subchapter in cooperation with the Health Director and by the authority of the County Sheriff.

(F) Investigations. The Officer shall:

(1) Investigate all complaints of cruelty or abuse to any animal;

(2) Investigate complaints involving and concerning animals and animal welfare; and
(3) Investigate kennels and pet shops to ensure they are in compliance with animal control laws of the state and this subchapter.

(G) Rabies control. The Animal Services Officer shall enforce and carry out all rabies control laws of the state and this subchapter.

(H) Seizure and impoundment. The Officer shall be responsible for the seizure and impoundment of dogs and cats in violation of any animal control law of the state or this subchapter.

(Prior Code, § 3-22) (Ord. O-09-18, passed 9-4-18) Penalty, see § 10.99

§ 90.23 REMOVAL OF CANINE WASTE.

(A) Any person owning, harboring, walking, in possession of or in charge of a dog which defecates on public property, public park property, public right-of-way or any private property without the permission of the private property owner, shall remove all feces immediately after it is deposited by the dog. All feces removed in accordance with this section shall be placed in a suitable bag or other container that closes and disposed of in a lawful manner.

(B) Any violation of this section shall constitute a non-criminal violation punishable by a fine or a civil penalty in accordance with § 10.99.

(C) The provisions of this section shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability.

(D) Nothing in this subchapter shall prevent a private citizen from bringing an action to abate a nuisance or from bringing an action for damage, loss or injury to the private citizen or his or her property resulting from the animal being a public nuisance.

(Ord. O-09-18, passed 9-4-18) Penalty, see § 10.99

DOGS AND RABIES CONTROL

§ 90.35 VACCINATION OF DOGS.

(A) The authority and responsibility for animal services is delegated to the Animal Services Department of Lincoln County per Lincoln County § 92.06 responsibility of animal owner/harbinger.

(B) All owners or custodians shall keep animals under sanitary and humane conditions; provide proper food and potable water daily September 25, 2018; provide shelter from weather and maintain clean and sanitary quarters for the animals; provide medical attention for sick, diseased or injured animals and comply with G.S. § 130A-185, which requires all dogs and cats over four months of age to be vaccinated against rabies. A violation of this section shall be considered abuse of animals pursuant to G.S. § 153A-127.

(Prior Code, § 3-23) (Ord. O-09-18, passed 9-4-18) Penalty, see § 10.99

Statutory reference:

Rabies vaccination required, see G.S. § 130A-185

9. Shelby

ARTICLE I. IN GENERAL

Sec. 4-1. Location of pigpens.

It shall be unlawful for any person who owns or maintains hogs, pigs or swine within the corporate limits of the city to keep them closer than 400 feet to any residence, place of business, cemetery, playground or park within the city limits.

(Code 1985, § 3-3)

State law reference(s)—Similar provisions, G.S. 106-80Sec. 4-2. Livestock running at large.

It shall be unlawful for any person owning or having in his care or custody any horse, mule, cow, calf, ox, hog, pig, sheep, lamb, goat or any other animal to permit any such animal to run at large upon the streets or sidewalks or the property of another.

(Code 1985, § 3-4)

State law reference(s)—Allowing livestock to run at large, G.S. 68-16, 68-42; authority to regulate domestic animals, G.S. 160A-186.

Sec. 4-3. Fowl running at large.

It shall be unlawful for any person who is the owner or has the care or custody of any chicken or any other fowl to permit such fowl to run at large upon the streets and sidewalks or the property of another.

(Code 1985, § 3-5)

State law reference(s)—Fowl running at large after notice, G.S. 68-25; authority to regulate domestic animals, G.S. 160A-186.ec.

Sec. 4-4. Impoundment.

It shall be the duty of the animal control officer to impound all animals and fowl found running at large within the corporate limits of the city.

(Code 1985, § 3-6)

State law reference(s)—Impounding livestock at large, G.S. 68-17 et seq.

Sec. 4-5. Dangerous and potentially dangerous animals.

It shall be unlawful for any person to own, keep or otherwise maintain any dangerous or potentially dangerous animal within the city. For purposes of this section, a dangerous animal is defined as an animal that without provocation has killed or inflicted severe injury on a person or another animal. A potentially dangerous animal means an animal that has been determined by the city to have carried out an injury causing attack on a person; approached a person in a vicious or terrorizing manner in an apparent posture of attack; or an animal, whether or not domesticated or tamed, that belongs to a species or subspecies, such as wolves, that generally does not live in or about the immediate habitation of humans. This section shall not apply to zoological parks, performing animal exhibits, circuses, pet stores, veterinarian offices, animal hospitals or similar establishments.

(Code 1985, § 3-8; Ord. No. 45-98, § 1, 8-17-1998)

Sec. 4-6. Animals on sidewalks.

It shall be unlawful for any person to ride, lead or drive or cause to be ridden, led or driven any horse or other animal, except dogs, upon any curb or sidewalk or footway in the city, except for the purpose of crossing such sidewalk at the entranceway to adjacent lots, and then only for the purpose of going into or out of such lots.

(Code 1985, § 3-9)

Cross reference(s)—Streets, sidewalks and other public places, ch. 40Secs. 4-7—4-40. Reserved.

10. Forest City

[ARTICLE II. - PUBLIC NUISANCE]

Sec. 3-20. - Vicious, dangerous and potentially dangerous animals.

- (a) It shall be unlawful any person to own, possess or harbor any animal that has been declared vicious, dangerous and/or potentially dangerous.
- (b) Any animal declared to be vicious, dangerous and/or potentially dangerous shall be immediately impounded and held for a ten-calendar-day quarantine period and then humanely destroyed unless an appeal is filed as prescribed in this chapter. If an appropriate appeal is filed, the dog shall be held at the shelter, at the owner's expense, pending the final outcome of the appeal.
- (c) The owner shall deposit with the shelter the anticipated fee for the estimated time of the appeal beginning with the first day of quarantine. Such amount shall be calculated based on transportation fees, boarding fees and any known veterinary care the animal is in need of at the time the quarantine period begins. Payment of the fees is a required part of the appeals process. If the owner fails to pay the determined amount of fees, the appeal application will be deemed incomplete and no appeal heard.
- (d) Nothing in this section shall prohibit the owner from voluntarily releasing the animal to be destroyed in a humane way.

(Ord. No. 579, 10-5-09)

Sec. 3-21. - Public nuisance.

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 his property;
- (2) The keeping of any animal which by continued or repeated howling, yelping, barking or otherwise, causes loud noises which would disturb the quiet, comfort or repose of a reasonably prudent person;
- (3) The keeping of any animal which is at large;
- (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;
- (7) Failing to confine a female animal while in heat in a secure enclosure in such a manner that she will not be in contact with another animal, or attract other animals;
- (8) The tethering of any animal to public property or in a public right-of-way;
- (9) An animal which damages or scratches the property of another;
- (10) This section shall not apply to a working police dog in the course and scope of its duties.

(Ord. No. 579, 10-5-09)

Sec. 3-22. - Preventive measures for public nuisance.

Upon the finding of any violation in this chapter, or the animal control officer making declaration that a dog is a public nuisance, the animal control officer shall have the authority to require the owner of a dog to comply with specific preventive measures, 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 officer:

- (1) Necessary repairs to any fence or enclosure.
- (2) Measures to ensure that a gate will remain secure.
- (3) A secure fence or any other similar device that would provide greater assurance for the confinement of the dog.
- (4) Requiring the owner to tattoo or microchip the dog at the owner's expense.
- (5) Posting of "Beware of Dog" signage.
- (6) The town may impound the animal until such fence or gate is fabricated or improved to the satisfaction of the town. The owner of the animal is responsible for all impoundment fees and costs incurred in fabricating or improving such fence or gate.
- (7) 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.
- (8) 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 the animal if the owner fails to comply with the aforementioned order. Each day of noncompliance shall constitute a new violation.
- (9) Nothing in this section shall prohibit the owner from voluntarily releasing the animal to be destroyed in a humane way.

(Ord. No. 579, 10-5-09)

Sec. 3-23. - Seizure and impoundment.

- (a) An animal control officer shall have the authority to seize and impound animals in violation of federal, state and/or local ordinances. If necessary, an animal control officer may tranquilize the animal by way of a dart gun or other method to subdue or trap such animal.
- (b) The seized or impounded animals, consistent with the provisions of this chapter, [can] be redeemed by the owner upon payment of all fines and impoundment fees. Upon failure of the owner to redeem the animal as set forth herein, the animal shall be disposed of by the animal shelter pursuant to county regulations. Neither the Town of Forest City nor the Forest City Police Department shall be under any obligation to notify the owner of the seizure the animal, however the Forest City Police Department shall make a good faith effort to notify said owner.
- (c) Any animal which appears to be lost, running at large, stray or unwanted, or which is found to be not wearing a currently valid rabies vaccination tag, as required by state law or this chapter or not under restraint in violation of this chapter, may be impounded by animal control and confined in the animal shelter in a humane manner. Impoundment of such an animal shall not relieve the owner thereof from any penalty that may be imposed for violation of this chapter.
- (d) Upon impounding an animal, the animal control officer shall inspect the animal for identification such as a tag, microchip or tattoo and make a reasonable effort to notify the owner and inform such owner

of the condition whereby the animal may be reclaimed. Any owner concerned about the loss or possible impoundment of an animal must check the animal shelter since all animals seized or impounded under this article shall be available for inspection and reclamation during the shelter's normal business hours.

(Ord. No. 579, 10-5-09)

Secs. 3-24—3-29. - Reserved.

ARTICLE III. - LIVESTOCK, FOWL AND EXOTIC PETS

Sec. 3-30. - Keeping of hogs, cows, horses, goats, sheep and other farm animals.

It shall be unlawful for any person to keep any hogs, cows, horses, goats, sheep or any other farm animals including fowl in the town on any property less than one acre in area. In any case of keeping horses and cows, such animals shall be kept within an enclosure on said property and the maximum population of said cows and/or horses shall not exceed one animal per acre of enclosed area. In any case of keeping of hogs, goats, sheep other farm animals or fowl other than horses and cows, such animals or fowl shall be kept in an enclosure which is at least two hundred (200) feet from any public street or dwelling which is to a part of the one acre property.

(Ord. No. 579, 10-5-09)

Sec. 3-31. - Maintenance of pens, coops, etc., where fowl kept.

Any person who owns or maintains pens, coops or shelters in which chickens, turkeys, ducks or other fowl are kept shall maintain such pens, coops or shelters in a sanitary condition. Manure accumulating in such pens, coops or shelters shall be placed in a bin which shall be watertight and so constructed that it is flyproof, or in a watertight barrel with a tight fitting lid, every five (5) days. Effective fly control methods, such as the use of an approved insecticide, shall be practiced during the fly breeding period from April 15 to November 1 of each year.

(Ord. No. 579, 10-5-09)

Sec. 3-32. - Maintenance of stables.

It shall be unlawful for any person who owns, operates or maintains a stable in the corporate limits, in which horses, mules or cows are kept, to keep such stable in an unclean or unsanitary condition. There shall be provided a bin or pit which shall be watertight, and so arranged, that it is flyproof, or a watertight barrel with a tightfitting lid. Manure accumulating in such stable shall be placed in the bin, pit or barrel each day, and the same shall be removed from such stable at intervals not longer than five (5) days, beginning on March 15 and continuing until the following September 15, and at intervals of one week from each September 16 to the following March 14.

(Ord. No. 579, 10-5-09)

Sec. 3-33. - Location of stables, lots, pens, etc., near residences.

No person shall erect, locate or maintain upon any lot within the city any cow, horse or mule stable or any chicken lot, pen or shelter nearer than two hundred (200) feet to any residence. No shelter, pen or lot or group of shelters, pens or lots housing three (3) or more dogs over the age of six (6) months shall be erected, located or maintained within two hundred (200) feet of any residence other than the residence of the owners of such dogs within the city.

(Ord. No. 579, 10-5-09)

Sec. 3-34. - Fowl running at large.

No person within the city shall permit chickens, guineas, turkeys, geese, ducks, pigeons, or other domesticated fowl to run at large.

(Ord. No. 579, 10-5-09)

Sec. 3-35. - Bird sanctuary.

The area embraced within the corporate limits and all parks and grounds used for municipal purposes are hereby declared a sanctuary for the protection of birds. The police officers of the city shall enforce strictly the state law for the protection of birds within such area. The city may post appropriate signs indicating that such area is a bird sanctuary; provided, that this section shall not be construed as protecting any birds classified as unprotected by the state wildlife resources commission or by law.

(Ord. No. 579, 10-5-09) **Sec. 3-36. - Riding horses.**

- (a) It shall be unlawful for any person to ride any horse or pony upon the public streets or sidewalks of the town except under the auspices of a parade permit.
- (b) It shall be unlawful for any person to ride any horse or pony upon public property in the town.
- (c) It shall be unlawful for any person to ride any horse or pony upon property in the town, without the consent of the owner.

(Ord. No. 579, 10-5-09) **Sec. 3-37—3-40. - Reserved.**

11. Cherryville

Chapter 6

ANIMALS*

Article I. In General

- Sec. 6-1. City declared bird sanctuary; molestation of birds; procedure where birds present hazard.
- Sec. 6-2. Allowing stock or poultry to run at large.
- Sec. 6-3. Allowing animal to graze upon the streets or public places.
- Sec. 6-4. Location of horse, pony or donkey lots.
- Secs. 6-5--6-35. Reserved.

Article II. Dogs

- Sec. 6-36. County ordinance adopted.

* **State Law References:** Municipal authority to regulate domestic animals, G.S. 160A-186.

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE I, OF THE CODE OF
ORDINANCES OF THE CITY OF CHERRYVILLE TO ADD SECTION 6-5**

Sec 6-5 Effective November 14, 2007, it shall be unlawful for any person to have on any lot or premises within the city limits of Cherryville a combination of more than six (6) dogs or cats over four (4) months of age. This section shall not apply to Veterinary or Animal Hospitals.

(Ord of 5-14-2007) (*NC State law reference: GS 160A-186)

~~Secs. 6-5—6-35. Reserved.~~

~~Secs. 6-6—6-35. Reserved.~~

ARTICLE I.

IN GENERAL

Sec. 6-1. City declared bird sanctuary; molestation of birds; procedure where birds present hazard.

(a) The entire area embraced within the corporate limits of the city is hereby a bird sanctuary.

(b) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests; provided, that if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the city, then such health authorities shall meet with the representatives of the Audubon Society, bird club, garden club or humane society, or as many of such clubs as are found to exist in the city after having given at least three days' actual notice of the time and place of such meeting to the representatives of such clubs.

(c) If as a result of such meeting no satisfactory alternative is found to abate such nuisance, then such birds may be destroyed in such numbers and in such manner as is deemed advisable by such health authorities under the supervision of the chief of police of the city.

(Code 1973, § 3-1)

Cross References: Use of weapons or missiles prohibited, § 20-4.

State Law References: Municipal authority of city to establish a bird sanctuary, G.S. 160A-188.

Sec. 6-2. Allowing stock or poultry to run at large.

It shall be unlawful for any person to permit stock or poultry to run at large.

(Code 1973, § 3-3)

Sec. 6-3. Allowing animal to graze upon the streets or public places.

It shall be unlawful for any person to stake, hold or in any other manner graze any horse, cow or other animal upon any of the streets or the public squares or lots of the city.

(Code 1973, § 3-4)

Sec. 6-4. Location of horse, pony or donkey lots.

It shall be unlawful for any citizen of the city to maintain a lot in which horses, ponies or donkeys are kept which is closer than 200 feet to any residence. (Code 1973, § 3-5)

Sec. 6-5. Allowed number of dogs and cats

Effective January 1, 2008, it shall be unlawful for any person to have on any lot or premises within the city limits of Cherryville a combination of more than six (6) dogs or cats over four (4) months of age. This section shall not apply to Veterinary or Animal Hospitals. (Ord of 6-11-2007)(*NC State law reference: GS 160a-186)

Secs. 6-6--6-35. Reserved.

ARTICLE II.

DOGS

Sec. 6-36. County ordinance adopted.

The city adopted the Gaston County ordinance entitled "An ordinance regulating dogs and other animals" on August 10, 1981. The ordinance is not set out herein, but is saved from repeal and is on file and available in the office of the city clerk.

ARTICLE I. IN GENERAL**Sec. 6-1. City declared bird sanctuary; molestation of birds; procedure where birds present hazard.**

(a) The entire area embraced within the corporate limits of the city is hereby a bird sanctuary.

(b) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests; provided, that if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the city, then such health authorities shall meet with the representatives of the Audubon Society, bird club, garden club or humane society, or as many of such clubs as are found to exist in the city after having given at least three days' actual notice of the time and place of such meeting to the representatives of such clubs.

(c) If as a result of such meeting no satisfactory alternative is found to abate such nuisance, then such birds may be destroyed in such numbers and in such manner as is deemed advisable by such health authorities under the supervision of the chief of police of the city.

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It shall be unlawful for any citizen of the city to maintain a lot in which horses, ponies or donkeys are kept which is closer than 200 feet to any residence.

(Code 1973, § 3-5)

Secs. 6-5--6-35. Reserved.

ARTICLE II.**DOGS****Sec. 6-36. County ordinance adopted.**

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NEW SECTION FOR CHAPTER 6 (ANIMALS SECTION):

Any person owning, harboring, walking, in possession of, or in charge of any animal, which defecates on any public property, public park property, public right-of-ways OR on any private property without the permission of the property owner, shall remove the feces immediately after it is deposited by the animal and place it properly in a suitable bag or other container that closes/seals and dispose of it properly.

(Cherryville Code of Ordinances Section 6-6)

The above addition to the City of Cherryville Code of Ordinances was discussed and adopted by council effective 5.8.2017 (jsh)

12. Rutherfordton

ARTICLE I. IN GENERAL

Sec. 4-1. Purpose.

Pursuant to the authority granted by the General Statutes of North Carolina and the general police power of the town, this chapter is enacted to protect and promote the health, safety, and welfare of its citizens, and, without limiting the generality of the foregoing purpose, to specifically:

- (a) Regulate, restrict, and/or prohibit, if necessary, animals;
- (b) Protect the public from unvaccinated, diseased, stray, roaming, feral, nuisance, dangerous, aggressive, wild, and/or exotic animals;
- (c) Prohibit and make unlawful animals or acts of animals that interfere with or threaten the health, safety, or welfare of the public, and/or which interfere with the enjoyment of property or the peace of the community;
- (d) Protect animals from abuse or neglect, or conditions which are otherwise harmful to their well-being; and
- (e) Provide for certain remedies and enforcement mechanisms to carry out and/or implement such purposes.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-2. Definitions.

For purposes of this chapter, the following definitions shall apply:

Animal means every non-human living organism of the classes amphibia, reptilian, aves, and mammalia, possessing the capacity of voluntary motion or mobility, including but not limited to domestic animals as hereinafter defined, livestock as hereinafter defined, equine animals as hereinafter defined, exotic animals as hereinafter defined, birds, reptiles, amphibians, and fish.

Animal control officer means such person(s) as shall be appointed from time to time by the town, or any person designated or authorized to act within the town pursuant to inter-local agreement, to implement and enforce the provisions of this chapter and related applicable state laws, and discharging such other duties and functions related to animals as may be authorized from time to time by the town council.

Animal cruelty means any act, omission, or neglect which causes or permits unjustifiable physical pain, suffering, or death to an animal.

Dangerous animal means any animal, other than a working police dog, which has been specifically trained or taught to attack humans or other animals, or to engage in fights with other animals, or which has, without provocation, exhibited aggressive behavior toward humans or other animals by attacking, biting, threatening, terrorizing, injuring, or otherwise causing physical harm or reasonable fear of such harm while not on its owner's property, as hereinafter defined, or which has been otherwise determined by the animal control officer to be potentially dangerous due to propensities or tendencies exhibited by the animal which, under the totality of the circumstances, create a reasonable fear that there is a risk of such behaviors, as well as any animal which is found to be rabid or diseased.

Domestic animal means those animals indigenous to the area which normally and customarily share human habitat in the town, and which are normally dependent upon humans for food and shelter, including but not

limited to domestic cats, domestic dogs, domestic ferrets, caged birds, fish confined to an aquarium or fish pond, and such other animals which are normally kept as household pets and/or are subject to the laws of the State of North Carolina pertaining to rabies or other vaccination, but do not meet the definition of equine animals or livestock.

Equine animal means any horse, mule, pony, donkey, or hinny.

Exotic animal means any animal not indigenous to the area that would ordinarily be confined to a zoo, scientific or zoological exhibit, or similar facility, and which does not meet the definition of a domestic animal, equine animal, or livestock. Specifically excluded from the definition of exotic animal are caged birds and fish confined to an indoor aquarium or outdoor fish pond, which, even if not indigenous to the area, shall be considered domestic animals.

Kennel, cattery or pet shop means any facility or property which keeps, breeds, sells, or boards domestic animals for a fee, and any person who keeps, shelters, harbors, or feeds more than four domestic animals over 12 weeks of age at any one time shall be deemed to be operating a kennel, cattery, or pet store.

Livestock means all domesticated animals which are ordinarily and customarily kept for agricultural purposes, including but not limited to cattle and bovine animals, sheep, goats, bees, chickens, turkeys, llamas, and swine.

Lot means a single parcel of real property, together with any adjacent, contiguous, and/or adjoining parcels of real property if under common ownership.

Nuisance animal means any animal which causes or creates annoyance by noise or odor, or which has on more than one occasion, turned over garbage or recycling receptacles, or which has, on more than one occasion, destroyed or caused damage to gardens, shrubs, plantings, yards, real property, or personal property, or which is otherwise destructive or has otherwise disturbed the peace, or which has unreasonably interfered with the peaceful use and enjoyment of any public areas or neighboring properties. Any animal found to be roaming or running at large on more than one occasion, or which has been involved in multiple violations of this chapter, may also be declared to be a nuisance animal in the discretion of the animal control officer.

Owner means any person who keeps, harbors, shelters, or otherwise cares for any animal (excluding kennels and catteries), or who otherwise has a possessory property right in an animal, or has possession, charge, custody, or control of an animal.

Owner's property means any real property owned, leased, or occupied by the owner of an animal, over which real property the owner of the animal exerts control and has a right of exclusive possession, and specifically excludes any public or common areas.

Proper enclosure means a building or other enclosure from which an animal cannot escape, or an outside area enclosed by a fence of sufficient design and height to prevent the escape of the particular type(s) of animal to be contained, or suitable electric or invisible fencing such that the animal cannot leave the area enclosed by the fence.

Service animal means an animal that has been specially trained to provide assistance to persons with impaired senses, mobility, or other recognized impairments, and has been properly registered as such, as well as working police dogs.

Stray or feral animal means any animal other than a wild animal which is found to be roaming or running at large and which does not have an owner, or for which the owner of the animal cannot be immediately determined by collar tag or electronic chip, or otherwise determined in the exercise of reasonable diligence.

Wild animal means any animal that, while indigenous to the area, would ordinarily be confined to a zoo, scientific or zoological exhibit, or similar facility, and/or any other indigenous animal which does not meet the definition of a domestic animal, equine animal, or livestock, or which may cause a reasonable person to be fearful of bodily harm, disease, or property damage, including but not limited to squirrels, raccoons, skunks, opossums, groundhogs, deer, wolves, foxes, coyotes, bobcats and other wild felines, wild swine, venomous reptiles, reptiles weighing over 50 pounds at maturity, and any other animal known at law as ferae natura.

(Ord. No. 11-18, 12-6-2017)

ARTICLE II. DOMESTIC ANIMALS

Sec. 4-3. Physical restraint of domestic animals.

It shall be unlawful for the owner of any domestic animal to allow such domestic animal, excluding spayed/neutered domestic cats, to run at large or to otherwise leave the premises of the owner's property, unless such domestic animal is physically restrained by means of a leash or other suitable device by which the owner can restrain and/or control the domestic animal, or is confined within a vehicle.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-4. Control of domestic animals on the owner's property.

While on the owner's property, domestic animals, excluding spayed/neutered domestic cats, must be either in a proper enclosure, properly restrained as set forth in section 4-3 above, or in the physical presence of a responsible adult who is in the proximity of the domestic animal such that he or she could restrain or exert direct control over the domestic animal by verbal or physical means if necessary.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-5. Vaccinations and tags or chips.

The owners of all domestic animals of greater than four months of age shall have such domestic animals vaccinated against rabies, and shall maintain proper documentation or record of such vaccination, and further shall ensure that such domestic animal is at all times wearing a collar tag displaying a record of such vaccination as well as the name and address of the owner, and/or has an implanted electronic chip containing such information.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-6. Domestic animals in season.

The owner of every domestic animal that has not been spayed or neutered shall confine such domestic animal in a proper enclosure at all times that the domestic animal is in season, and shall take all steps necessary to ensure that it cannot come into contact with other domestic animals, and for purposes of this section electric or invisible fencing shall not be a proper enclosure because such installations do not prevent other domestic animals from entering onto the owner's property and coming into contact with the owner's domestic animal. Provided, however, that nothing herein shall prevent the intentional breeding of domestic animals within a proper enclosure on the owner's property (again, exclusive of invisible fencing), subject to the requirements of section 4-7 below.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-7. Kennels, catteries, and pet shops.

It shall be unlawful for any person to own or operate a kennel, cattery, or pet shop within the town except in accordance with the provisions of state laws and regulations concerning the operation of such facilities, and the Town's Unified Development Ordinance. Any such facility or property must be kept in a clean and sanitary condition such as not to allow any nuisance of noise or odor, or to in any way otherwise interfere with the quiet enjoyment of neighboring properties. All such facilities shall include proper enclosures suitable for the number of

domestic animals contained therein at any one time, and no kennel, cattery, or pet shop shall be located within 100 feet of any dwelling or residence, other than that of the owner of the property on which it is located.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-8. Public areas.

All domestic animals in public areas, including but not limited to Crestview Park, Kiwanis Park, Main Street Park, the Purple Martin Trail, and the Thermal Belt Rail-Trail, shall be subject to the following requirements:

- (1) All domestic animals in public areas shall be properly restrained in accordance with section 4-3 above, and shall not be allowed to run at large in any public area;
- (2) The owner of any domestic animal that defecates in any public area shall clean up after their animal and properly dispose of the waste by sealing it in a plastic bag and placing it in a trash receptacle;
- (3) Other than service animals, it shall be unlawful to allow any domestic animal into or onto any of the following areas at Crestview Park:
 - a. Tennis courts;
 - b. Basketball courts;
 - c. Restrooms;
 - d. Concession stand;
 - e. Picnic shelter; and/or
 - f. Baseball/softball playing fields.

(Ord. No. 11-18, 12-6-2017)

ARTICLE III. LIVESTOCK AND EQUINE ANIMALS

Sec. 4-9. Keeping of livestock and equine animals.

It shall be unlawful to keep or maintain any livestock or equine animals within the corporate limits of the town, except as specifically allowed in this article.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-10. Keeping of chickens.

It shall be unlawful for any person to keep or maintain any roosters or male chickens, and hens or female chickens may only be kept within the corporate limits of the town in accordance with the following:

- (1) Chickens may not be allowed to run at large and must be kept within a proper enclosure, which must be located as follows:
 - a. In the backyard of a residence and/or in such a manner that the enclosure is not visible from the road or street on which the residence is located, and for vacant lots, in such a manner that the enclosure is not visible from the street at the front of the lot;
 - b. More than 50 feet from any well, spring, stream, or other water source;
 - c. More than 50 feet from any drain, sewer, gutter, or similar feature which collects surface water run-off;

- d. More than 50 feet from the boundary of any adjoining property unless under common ownership; and
 - e. More than 100 feet from any dwelling or residence other than that of the owner of the property on which the enclosure is located.
- (2) No more than four hens may be kept on any lot, and no roosters may be kept.
 - (3) No outside slaughtering of chickens is permitted.
 - (4) The proper enclosure in which the chickens are kept must be maintained in a neat and clean condition, with all waste regularly and properly disposed of in such a manner to prevent offensive odors.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-11. Keeping of equine animals, sheep, or goats.

- (a) It shall be unlawful to keep any equine animal, sheep, or goat on any lot within the corporate limits of the town that is less than two acres in size. For any lot larger than two acres in size, the number of equine animals, sheep, or goats that may be kept is as follows:

Lots 2—5 acres in size	No more than five total animals
Lots 5—10 acres in size	No more than ten total animals
Lots larger than ten acres	No more than one animal per acre

- (b) Equine animals, sheep, or goats kept in accordance with this section may not be allowed to run at large, and must be kept in a proper enclosure, the outside perimeter of which is located as follows:
 - (1) More than 50 feet from any well, spring, stream, or other water source;
 - (2) More than 50 feet from any drain, sewer, gutter, or similar feature which collects surface water runoff;
 - (3) More than 50 feet from the boundary of any adjoining property, unless under common ownership; and
 - (4) More than 100 feet from any dwelling or residence other than that of the owner of the property on which the enclosure is located.
- (c) The proper enclosure in which the equine animals, sheep, or goats are kept must be maintained in a neat and clean condition, with all waste regularly and properly disposed of in such a manner to prevent offensive odors.
- (d) No outside slaughtering of sheep or goats is permitted.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-12. Keeping of bees.

The keeping of bees shall be allowed only in accordance with the following:

- (1) Any hive or other enclosure for the keeping of bees must be located at least 25 feet from any adjoining property boundary, unless under common ownership, and at least 100 feet from any residence other than that of the owner of the property on which it is located; and
- (2) No more than four hives may be located on a lot of less than two acres in size.

(Ord. No. 11-18, 12-6-2017)

ARTICLE IV. EXOTIC ANIMALS AND WILD ANIMALS

Sec. 4-13. Keeping of exotic animals.

It shall be unlawful to keep or maintain any exotic animal within the corporate limits of the town, subject to the following exceptions:

- (1) Properly permitted pet shops, to the extent permitted by and operated in accordance with the Town's Unified Development Ordinance;
- (2) Zoos, scientific or zoological exhibits, laboratories, or research facilities, to the extent permitted by and operated in accordance with the Town's Unified Development Ordinance; and
- (3) Exhibitors licensed by the United States Department of Agriculture for displaying such animals for educational purposes, provided that the animals are maintained in a manner sufficient to prevent escape.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-14. Keeping of wild animals.

It shall be unlawful to keep or maintain any wild animal within the corporate limits of the town, subject to the following exceptions:

- (1) Zoos, scientific or zoological exhibits, laboratories, or research facilities, to the extent permitted and operated in accordance with the Town's Unified Development Ordinance; and
- (2) Exhibitors licensed by the United States Department of Agriculture for displaying such animals for educational purposes, provided that the animals are maintained in a manner sufficient to prevent escape.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-15. Confinement/proper enclosure.

Any exotic animal or wild animal permitted under one of the listed exceptions under section 4-13 or 4-14 above may not be allowed to run at large and must be confined in a manner meeting all current regulations promulgated by the state wildlife commission and/or the United States Department of Agriculture, and which also meets the requirements of the North Carolina Animal Welfare Act. Further, the confinement must, in the judgment of the animal control officer, be sufficient to prevent escape and otherwise protect the safety and welfare of the public.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-16. Bird sanctuary.

The entire area embraced within the corporate limits of the town is designated as a bird sanctuary, pursuant to N.C.G.S. 160A-188.

(Ord. No. 11-18, 12-6-2017)

ARTICLE V. NUISANCE AND DANGEROUS ANIMALS

Sec. 4-17. Declaration of public nuisance.

It shall be unlawful to keep any nuisance animal within the corporate limits of the town, and the keeping of any such animal is hereby declared to be a public nuisance.

(Ord. No. 11-18, 12-6-2017)

Sec. 4-18. Keeping of dangerous animals.

It shall be unlawful to keep any dangerous animal within the corporate limits of the town.

(Ord. No. 11-18, 12-6-2017)