

ORDINANCE NO. 2012-04

**AN ORDINANCE BY THE TOWN COUNCIL
OF THE TOWN OF PINEVILLE, NC,
AMENDING CHAPTER 90, ANIMALS, AT SECTIONS 90.056
AND 90.057 REGARDING PERMITS TO ENHANCE
LANGUAGE AND SET PERMIT FEE**

WHEREAS, the Town Council for the Town of Pineville, North Carolina wishes to enhance its current regulations pertaining to the permitting of outdoor animals; and

WHEREAS, in order to do so has deemed it necessary to strengthen and clarify portions of its ordinance; and

WHEREAS, these changes are being put forth to better administer the ordinance and for the safety, health, and well-being of residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PINEVILLE, NORTH CAROLINA:

SECTION 1. That Chapter 90, Animals, under TITLE IX is added or amended as follows:

§ 90.056 ANIMAL PERMITS.

(A) Required. It shall be unlawful for any person to own, keep, have or maintain any equine animals, cloven-hoofed animals or other livestock or 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 the animals or fowl after a permit has been denied. Any potentially dangerous wild or invasive animal or insect is strictly prohibited. All animals kept outdoors shall be provided sturdy and humane protection from the elements. Any minimum space or shelter requirements shall be per individual animal. 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 rabbit that is kept exclusively inside its owner's residence. The permit shall be valid for one calendar year and shall be renewed annually. The annual fee for the permit shall be per household and shall be \$10. The application shall list all of these 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 animals or 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, and report the findings to the town designee.

(B) Denial. When a permit is denied for any reason, the applicant shall be given a written explanation of the reason for denial.

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(C) *Compliance required prior to issuance.* An owner or possessor of the animals or fowl shall comply and maintain all local, state, and federal regulations before a permit is issued. Compliance with the following applicable divisions 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 the animals or 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 specifically identified animals.* The keeping of chickens, turkeys, ducks, guineas, geese, pheasants or other domestic fowl or rabbits shall be in compliance with the following.

(a) The animals must be confined on site within a fence or similar enclosure located in the side or rear yard only, at all times.

(b) The coop or fowl house must be used for fowl only and the hutch for rabbits only, be well ventilated, provide shelter from the weather, and be not less than 18 inches in height.

(c) The coop, fowl house or hutch shall have a minimum of four square feet of floor area for each fowl or rabbit.

(d) The run must be well drained so there is no accumulation of moisture. The property shall be kept clean, sanitary and free from accumulation of animal excrement and objectionable odors.

(e) The coop, fowl house or hutch shall be cleaned daily, and all droppings and body excretion shall be placed in a fly-proof container and properly disposed of so as to eliminate buildup of odors or harbor pests.

(f) The coop, fowl house or hutch shall be a minimum of 25 feet from any property line.

(g) No more than 20 such fowl or rabbits shall be kept or maintained per acre. The number of fowl or rabbits 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) *Cloven-hoofed animals.* The keeping of cloven-hoofed animals, equines and other livestock shall be in compliance with the following.

(a) The animals must be provided with adequate shelter to protect them from the elements.

(b) The shelter shall be kept clean, sanitary and free from accumulations of animal excrement and objectionable odors

(c) The shelters for cows and other large livestock shall be kept at a minimum of 75 feet from any property line. The shelters for goats, pot-bellied pigs and other small livestock shall be

kept at a minimum of 25 feet from any property line.

(d) Each cow or other large livestock, including equines, shall have a minimum clear grassy pasture area of two acres. Each goat, sheep or other small livestock shall have a minimum clear grassy pasture area of one-fourth acre.

(4) *Slaughter.* Any slaughter of any livestock or poultry not regulated by state law or otherwise allowed or regulated shall be done only in a humane and sanitary manner and shall not be done open to in view of any public area or to adjacent property owners.

(5) *Annexation.* An owner or possessor of animals 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.

(6) *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 and the like.

(D) *Revocation,*

(1) The town may revoke any permit:

(a) When the permit has been mistakenly issued without compliance with this section;

(b) When the applicant has submitted false information;

(c) When the applicant refuses to allow inspections for compliance;

(d) For a violation of any of the sections of this chapter;

(e) When, in the opinion of the Town Administrator or his or her designee, the health, safety or welfare of any person or property is menaced by the keeping of the animals; or

(f) When the animals become a nuisance.

(2) If a permit is revoked, the applicant shall be given a written explanation of the reasons for the revocation. Upon the termination 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.

(3) Penalty shall be \$50 per violation and/or \$50 per day for violations not corrected after the due date.

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§ 90.057 PERMIT FOR THREE OR MORE DOGS OR CATS KEPT OUTSIDE.

(A) It shall be unlawful for any person to own, to keep custody of or to take care of three or more dogs or cats or any combination of three dogs and cats or more, four months or older, which are frequently outside on the premises, unless the person has a permit issued by the town. All applicable regulations in this chapter and section 90.056 apply.

(B) Three or more dogs or cats that remain outdoors for the majority of time must be kept in a fenced side or rear yard and provided sturdy and humane shelter from the weather.

(C) If a person has three or more dogs or cats frequently outside on the premises, the Town Administrator or his or her designee must make the following five findings in order to issue a permit:

(a) Noise from the dogs or cats will not interfere with an abutting occupant's use and peaceful enjoyment of the property;

(b) Any odor or unsanitary conditions caused by the dogs or cats will not interfere with an abutting occupant's use and peaceful enjoyment of the property;

(c) Dogs or cats must be flea and tick free and not pose any health problem or disease exposure for abutting occupants or their animals; and

(e) The dogs or cats do not interfere in some other similar manner with the peaceful use and enjoyment of abutting property.

(D) If the town designee denies a person a special permit, the town designee must state the reasons for the denial in writing.

Section 2. This ordinance shall become effective as of _____, 2012.

ADOPTED this _____ day of _____ 2012.

Mayor, George C. Fowler

ATTEST:

Town Clerk, Barbara Monticello