

CHAPTER 90: ANIMALS

Section

General Provisions

- 90.01 Cruelty to animals
- 90.02 Animals at large
- 90.03 Keeping and feeding of waterfowl prohibited
- 90.04 Bird sanctuary
- 90.05 Keeping of livestock prohibited
- 90.06 Chickens

Dogs

- 90.20 Definitions
- 90.21 Compliance with state law
- 90.22 Inoculation of pets
- 90.23 Running at large
- 90.24 Nuisances
- 90.25 Cruelty and abandonment
- 90.26 Female dogs in heat
- 90.27 Dog waste cleanup
- 90.28 Removing tags or collars; molesting dog

- 90.98 Violations
- 90.99 Penalty

Statutory reference:

Authority to regulate domestic animals, see G.S. § 160A-186

Editor's note:

As the county is responsible for impoundment and disposing of impounded dogs, these sections have been deleted from the town code.

GENERAL PROVISIONS

§ 90.01 CRUELTY TO ANIMALS.

It shall be unlawful to mistreat any animals or to willfully frighten them, to attend or stage any animal or fowl fight or to poison any animal.

(OC, § 8-2-1) (Am. Ord. passed 3-9-89) Penalty, see § 90.99

Statutory reference:

Cruelty to animals generally, see G.S. §§ 14-360 et seq.

Municipal authority to prevent the abuse of animals, see G.S. § 160A-182

§ 90.02 ANIMALS AT LARGE.

No horses, goats, cattle, chickens, or other animals, shall be permitted to run at large within the town limits, unless otherwise allowed in areas designated by the town. All animals unless claimed within four days shall be disposed of as the town shall deem best.

(OC, § 8-2-2) (Am. Ord. 2014-O3, passed 2-18-14; Am. Ord. 2017-012, passed 11-14-17) Penalty, see § 90.99

§ 90.03 KEEPING AND FEEDING OF WATERFOWL PROHIBITED.

(A) Except as hereinafter provided, it shall be unlawful to keep or maintain any duck, goose or other waterfowl on any lot or within any pen or other enclosure or building within the corporate limits of the town.

(B) Notwithstanding the provision of division (A) of this section it shall be lawful to maintain ducks, geese and waterfowl on private property which directly abuts the White Oak River and which is in an area zoned B-1, B-2, or Historic Business District Overlay; provided, however, that the ducks, geese and waterfowl shall not be kept within any pen or other enclosure or building upon the property.

(C) Except as hereinafter provided it shall be unlawful to feed any duck, goose or other waterfowl within the corporate limits of the town, or to scatter or otherwise place any material edible by the ducks, geese or other waterfowl in a manner intended or clearly likely to attract the ducks, geese or other waterfowl within the corporate limits of the town.

(D) Notwithstanding the provisions of division (C) of this section, it shall be lawful to feed ducks, geese and waterfowl on private property which directly abuts the White Oak River, and which is zoned either B-1, B-2, or Historic Business District Overlay.

(E) Where the duck, goose or other waterfowl is an animal used for therapy documented by a medical professional.

(OC, § 8-2-3) (Ord. passed 3-16-93; Am. Ord. 2016-05, passed 5-10-16) Penalty, see § 90.99

§ 90.04 BIRD SANCTUARY.

(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 starlings or similar birds or domestic 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 in the opinion of the proper authorities of the town or county then in that event the authorities shall meet with representatives of the Audubon Society, bird club, garden club or humane society or as many of these clubs as are found to exist in the town after having given at least three days actual notice of the time and place of the meeting to the representatives of the clubs.

(B) If as a result of the meetings no satisfactory alternative is found to abate the nuisance, then the birds or domestic fowl may be removed or destroyed in such numbers and in the manner as is deemed advisable by the authorities under the supervision of the Chief of Police of the town.

(OC, § 8-2-4) (Ord. passed 2-14-57; Am. Ord. passed 3-9-89) Penalty, see § 90.99

§ 90.05 KEEPING OF LIVESTOCK PROHIBITED.

It shall be unlawful to keep or maintain any cow, hog, 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 with the exception of chickens, see § 90.06.

(OC, § 8-2-5) (Am. Ord. passed 3-9-89; Am. Ord. 2014-O3, passed 2-18-14) Penalty, see § 90.99

§ 90.06 CHICKENS.

Chickens are permitted for personal domestic use in the corporate limits as provided herein:

(A) No more than six hens are allowed per single family parcel in the corporate limits. Roosters are not permitted.

(B) Chickens shall be confined on the property within an enclosure. Such enclosure shall be restricted to the rear yard, and shall meet the accessory structure setback requirements of the prevailing zoning district, refer to the Unified Development Ordinance, Article 10, Zoning Districts and Zoning Map. Enclosures shall allow for a minimum of three square feet per fowl. A building permit will be required, but there shall be no fee.

(C) Slaughter is not permitted.

(D) Other domestic fowl, such as (but not limited to) peacocks, geese, and turkey, are prohibited.

(E) Nuisance conditions shall be abated through the provisions of §92.25.

(Ord. 2014-O3, passed 2-18-14) Penalty, see § 90.99

DOGS

§ 90.20 DEFINITIONS.

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

ABANDONMENT. Allowing a dog to provide its own resources in finding shelter, food or water; leaving a dog for more than 36 hours without human attention or supervision.

DOG. A male or female dog of any age.

OFFICER. Shall be intended to mean any police officer, animal control officer or any other person authorized or employed by the town or county whose duty it is to preserve the peace, to make arrests or to enforce the law.

OWNER. Any person or persons, firm, association or corporation owning, feeding, keeping or harboring a dog.

RUNNING AT LARGE. Any dog while roaming, running or hunting for itself off the property of its owner or custodian and not under its owner's or custodian's immediate control.

(OC, § 8-2-11) (Ord. passed 7-1-71; Am. Ord. passed 3-9-89)

§ 90.21 COMPLIANCE WITH STATE LAW.

(A) It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.

(B) It is the purpose of this subchapter to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

(OC, § 8-2-12) (Ord. passed 7-1-71; Am. Ord. passed 3-9-89) Penalty, see § 90.99

Statutory reference:

State provisions for rabies control, see G.S. §§ 130A-184 through 130A-200

§ 90.22 INOCULATION OF PETS.

(A) It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for any dog or cat four months of age or older. Should it be deemed necessary by the Town Board of Commissioners, County Health Director, Board of County Commissioners, or State Public Health Veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.

(B) A rabies inoculation shall be deemed current for a cat if the inoculation has been given within the preceding 12 months. A rabies inoculation shall be deemed current for a dog if two inoculations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.

(OC, § 8-2-13) (Ord. passed 7-1-71; Am. Ord. passed 3-9-89) Penalty, see § 90.99

Statutory reference:

For state law provisions, see G.S. § 130A-185

§ 90.23 RUNNING AT LARGE.

(A) No owner shall allow his dog to run at large in the town unaccompanied by the owner or by some member of the owner's family or some other person by the owner's permission, unless otherwise allowed in areas designated by the town.

(B) Duties of the owner to control the animal(s) shall include:

(1) All animals within the city shall remain under the immediate control of their owner or keeper, unless otherwise allowed in areas designated by the town. For the purpose of this section, immediate control by owner or keeper shall be construed to mean:

(a) Restrained upon or within the property of the owner or keeper of the animal either by being tied, chained, within the confines of a fence designed to restrain the animal, or within an electronically operated fence sufficient to restrain the animal upon the property.

(b) While being walked or exercised off the premises or property of the owner or keeper, the animal must be restrained by a leash connected to a collar or harness, sufficient to restrain the animal from breaking loose, unless otherwise allowed in areas designated by the town.

(C) Cats shall be exempt from this section.

(OC, § 8-2-14) (Ord. passed 7-1-71; Am. Ord. passed 3-9-89; Am. Ord. 2008-07, passed 3-18-08; Am. Ord. 2017-012, passed 11-14-17) Penalty, see § 90.99

§ 90.24 NUISANCES.

(A) Any person keeping within the corporate limits of the town one or more dogs which by prolonged and habitual barking, howling or whining, cause serious annoyance to the neighboring residents and thereby interfere with the reasonable use and enjoyment of the premises occupied by those residents, shall be guilty of maintaining a nuisance.

(B) Any person keeping within the corporate limits of the town one or more dogs and who fails to maintain its premises or enclosure in a sanitary condition and thereby creates obnoxious odors or serious annoyance to the neighboring residents shall be guilty of maintaining a nuisance.

(C) Upon written and signed complaint being made to the Police Department by any resident or residents referred to in this section, a representative of the Police Department shall notify that person against whom the complaint is directed that a complaint has been received and thereupon that person shall abate the nuisance declared in divisions (A) and (B) above within 24 hours from time of notification.

(OC, § 8-2-15) (Ord. passed 7-1-71) Penalty, see § 90.99

§ 90.25 CRUELTY AND ABANDONMENT.

It shall be unlawful to intentionally dump, dispose, turn free or abandon any dog for the purpose of total abandonment with the town. A law enforcement officer in the performance of their duties may find it necessary to take action against the animal. A person is guilty of a misdemeanor who maliciously kills, maims, wounds or beats an animal which is the property of others, or who having charge or custody of an animal as owner or otherwise tortures, deprives of necessary sustenance, drink or shelter, beats, mutilates or kills an animal or inflicts unnecessary cruelty upon an animal.

(OC, § 8-2-16) (Ord. passed 3-9-89) Penalty, see § 90.99

§ 90.26 FEMALE DOGS IN HEAT.

No owner of any female dog in heat shall keep the animal within the town during that period, except when securely confined to the premises of the owner or other person with that person's consent.

(OC, § 8-2-17) Penalty, see § 90.99

§ 90.27 DOG WASTE CLEANUP.

No owner, keeper, or other person in charge, possession, custody, or control of any dog shall cause or allow the dog to defecate on any street, sidewalk, public right-of-way, publicly-owned or leased area, park, or private property without the permission of the owner, agent, or lawful occupant of the property; unless the excrement is immediately removed by the owner, keeper, or person in charge of the dog, placed in a sealed container, and disposed of in an approved sewage collection system or in an appropriate container designed for solid waste disposal.

(Ord. 2008-015, passed - - 08) Penalty, see § 90.99

§ 90.28 REMOVING TAGS OR COLLARS; MOLESTING DOG.

(A) It shall be a misdemeanor for any person, other than the owner or lawful possessor to do any of the following:

(1) To remove the collar or rabies vaccination tag from the neck of the dog or to entice any dog out of the enclosure or house on the premises of its owner or lawful possessor;

(2) To seize or molest any dog while held or led by its owner or lawful possessor.

(B) Upon conviction thereof punishment shall be as prescribed in §90.99 of this chapter.

(OC, § 8-2-19) (Am. Ord. passed 3-9-89)

§ 90.98 VIOLATIONS.

Any owner found violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with state statute.

(OC, § 8-2-18) (Am. Ord. 2008-15, passed - - 08) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty in § 10.99.

(B) Any person who violates any provision of Chapter 90 shall be guilty of a misdemeanor and shall be fined not more than \$100 or imprisoned for not more than 30 days.

(OC, § 8-2-3(e)) (Ord. passed 3-16-93; Am. Ord. 2014-O3, passed 2-18-14)