

AN ORDINANCE ON ANIMALS: TAXATION, REGULATION,  
CONTROL AND CARE

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ARTICLE I

DEFINITIONS

Section 1 Definitions.

Unless otherwise specifically provided or unless otherwise clearly required by the context, the word and phrases defined in this section shall have the meaning indicated when used in this chapter.

(1) Administrator. The person designated by the Town Board to perform the functions assigned by this chapter to the administrator.

(2) Animal. Any live, vertebrate creature.

(3) Domestic animal. An animal that typically is found in a domesticated or tame state and usually is kept as a pet. This definition includes but is not limited to dogs and cats.

(4) Livestock. An animal that typically is kept principally for productive or useful purposes, rather than as a pet. The definition includes but is not limited to horses, cows, goats, sheep, mules and chickens.

(5) Runs at large. An animal runs at large when it is off the premises of the owner and is not under the immediate and effective constraint of the owner or other competent person in charge of the animal.

(6) Wild animal. An animal that typically is found in a nondomesticated state and that poses or reasonably appears to pose a potential danger to persons, other animals, or property.

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ARTICLE II

REGULATION AND CONTROL

Section 2 Animals Permitted and Prohibited; Running at Large.

(a) No person may keep within the town any pigs, swine, horses, ponies, peafowl or guinea fowl. All other domestic animals, wild animals, and livestock are permitted but must be confined to the property of the owner.

(b) No person owning or having possession, charge, custody, or control of any animal shall cause, permit, or allow the animal to stray or in any manner to run at large upon any public street, sidewalk or other public property or to stray, run at large, or otherwise trespass upon the private property of another.

Section 3 Animals Creating a Nuisance.

(a) No person may have or keep within the town, after receiving the notice of removal prescribed in Subsection (c), any animal that:

(1) Habitually or repeatedly without provocation chases, snaps at or attacks pedestrians, bicycles, or other vehicles even if the animal never leaves its owner's property or does so only to transgress upon the adjacent right of way and then returns to its owner's property.

(2) Seriously interferes with the reasonable use and enjoyment by neighboring residents of their property because of its habitual barking, howling, or whining; or

(3) Without provocation and off the premises of the animal's owner, inflicts on any person a serious injury requiring treatment by a physician, including but not limited to a bite or scratch that breaks the skin.

(b) If the administrator determines that any animal is creating a nuisance as described in (a)(1) or (a)(2), he shall in writing inform the animal's owner of the nature of the violation and shall indicate that unless these violations are corrected, the owner shall be required to remove the animal from the town."

(c) If the administrator determines that any animal cited for a violation of Subdivisions (a)(1) or (a)(2) has, within two weeks after service of a notice prescribed in Subsection (b), continued to cause a nuisance as described in those subdivisions, or if the administrator at any time determines that an animal has caused a nuisance as described in (a)(3), then the administrator shall in writing notify the animal's owner that the animal must forthwith be removed from the Town. The administrator shall also notify the owner of his right to appeal this determination in accordance with Section 4.

(d) In making any determination authorized by this section, the administrator may act solely at his own initiative or upon receipt of a complaint, but in any case shall make a sufficient investigation to ensure that his determination is well founded.

#### Section 4 Appeals.

(a) The owner of any animal who is required to remove his animal from the town pursuant to Section 3 may appeal to the Animal Control Board of Appeals within ten days after receiving the written notice of the determination appealed from. An appeal is taken by filing a written notice of appeal with the administrator and stays all enforcement efforts of the administrator until the appeal is disposed of.

(b) The Animal Control Board of Appeals shall consist of three members and one alternate appointed by the Board of Commissioners. The Board of Commissioners shall designate one member as chairman. The members shall serve a three-year term and shall be appointed initially for a term of three years.

(c) The board shall meet within twenty days after notice of appeal is filed. A quorum of the board shall consist of three members, and all decisions shall be made by majority vote. The board may uphold, reverse or modify the determination appealed from, and the administrator shall thereafter continue or cease his enforcement efforts in accordance with the board's decision.

(d) The burden of justifying the administrator's determination shall be on the administrator. Strict rules of evidence need not be followed, but all witnesses must be

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sworn, the board may consider only what a witness knows of his own knowledge, and no decision may be based on hearsay alone.

(e) The board shall reach a decision as expeditiously as possible and shall provide the appellant and the administrator with a written decision stating the reasons therefor.

#### Section 5 Vicious Animals.

In accordance with G.S. Chapter 130A, Part 6 (Rabies) when an animal becomes vicious or a menace to the public health, the owner of such animal or person harboring such animal may not permit such animal to leave the premises on which kept unless on a leash in the care of a responsible person. (Note: This section is included for informational purposes only; persons violating its provisions will be prosecuted for a violation of the referenced state statute.)

#### Section 6 Location and Maintenance of Animal Pens and Enclosures.

(a) Lots, pens, coops, and other enclosures where animals are kept or fed shall be located at such distance from dwelling and places of concentrated human activity and at such distance from sources of water or food supply or food preparation as may be necessary to protect the public health, but in no instance nearer than fifty feet from a dwelling on adjacent property or nearer than fifteen feet from an exterior property line.

(b) All such lots, pens, coops, and other enclosures shall be maintained at all times in a sufficiently clean and sanitary manner to protect adjacent properties from offensive odors.

\* (c) Animals must either be in a quality pen or on a leash under the supervision of the owner.

(d) Dog pens must be at least fifteen feet square and no part thereof is allowed to be closer than fifteen feet of the adjoining property line. Dog pen fences must be maintained so that dogs cannot climb over, tunnel under or escape through holes in the fence.

### ARTICLE III

#### IMPOUNDMENT, RELEASE AND DESTRUCTION

##### Section 7 Impoundment; Notice to Owner.

(a) The administrator may impound any animal that is:

(1) Found running at large.

(2) Found to be without proper care because of the incapacitation or absence of its owner.

(b) Whenever an animal is impounded or whenever an animal otherwise lawfully comes into the possession of the administrator, that animal shall be taken to the county animal shelter until released or destroyed in accordance with the provisions of this article. The administrator may keep the impounded animal in the facilities available to the Town until it can conveniently be transported to the county animal shelter. The administrator may charge a minimum sum of \$15.00 (or such larger sum which actually represents the expenses) for each day or any part of a day in which an animal remains in the Town's impoundment facilities as a condition under which the animal may be reclaimed.

##### Section 8 Release to Owners, Adoption, Destruction.

An animal taken to the county animal control shelter shall be reclaimed by the owners or adopted by others or destroyed in accordance with the policies and procedures adopted by the county for the administration of the animal control shelter.

### ARTICLE IV

#### CARE AND PROTECTION

##### Section 9 Care Required; Abandonment Prohibited.

(a) No owner may fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather and veterinary care when needed to prevent suffering.

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(b) No owner of an animal may abandon such animal.

Section 10 Cruelty to Animals.

In accordance with G.S. 14-360, no person shall intentionally overdrive, overload, wound, injure, torment, kill or deprive of necessary sustenance any animal or cause or procure the same.

Section 11 Responsibility of Person Injuring Animal.

Any person who, as the operator of a motor vehicle or bicycle, strikes and injures a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report the incident to the animal's owner. If the owner cannot be ascertained or located with reasonable effort, the operator shall notify the administrator by contacting the town police department.

ARTICLE V

MISCELLANEOUS

Section 12 Interference with Administrator.

(a) No person may distract, interfere with, hinder, or molest the administrator in the lawful performance of any duty authorized by this chapter.

(b) No person may release or attempt to release any animal that is in the custody of the administrator.

ARTICLE VI

PENALTIES AND REMEDIES

Section 13 Penalties and Remedies.

(a) Violation of any of the provisions of this chapter shall constitute a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than thirty days or both.

(b) Each and every violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of fifty dollars (\$50.00): For a fourth violation, the dog must be removed from the town. If the offender

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fails to pay this penalty within fifteen calendar days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of a debt.

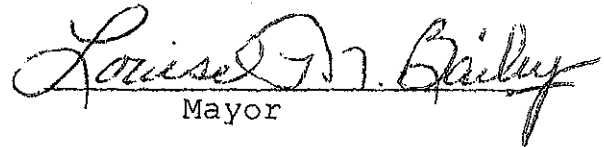
(c) Each day that any violation continues, after a person has been notified that such violation exists and that he is subject to the penalties specified in Subsections (a) and (b), shall constitute a separate offense or violation.

(d) This chapter may also be enforced by an appropriate equitable action, including injunctions or orders of abatement.

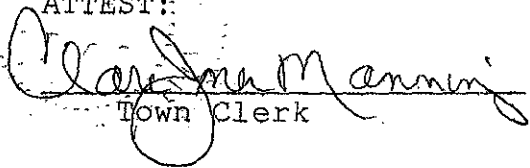
(e) The town may enforce this chapter by any one or any combination of the foregoing remedies.

Originally adopted the November 8, 1982, to become effective January 1, 1983.

Adopted with amendments August 11, 2009. \*June 8, 2010

  
Mayor

ATTEST:

  
Town Clerk

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