

CHAPTER 81: ANIMALS*

*State Law References: Dogs, G.S. Ch. 67; livestock running at large, G.S. §§ 14-366, 68-16; municipal regulation of animals, G.S. §§ 160A-182, 160A-186 et seq.; protection of animals, G.S. Ch. 19A; animal taxes, G.S. § 160A-212; animal shelters, G.S. § 160A-493; agriculture, G.S. Ch. 106; rabies, G.S. § 130A-184 et seq.; cruelty to animals, G.S. § 14-360 et seq.

§ 81.01 DEFINITIONS.

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

"PROPER ENCLOSURE." A building or other structure from which a dog cannot escape, or an outside area enclosed by a fence at least four feet in height secured to the ground in a manner so that a dog cannot escape. The minimum dimensions for a single dog pen shall be 10 ft. x 10 ft. x 4 ft. in height.

Adequate space/shelter means sufficient space for each animal to easily stand, sit, lie and turnabout and make all normal body movements comfortably and allow for safe interaction with other animals in the enclosure.

Tethering. Dogs may not be tethered to a stationary object unless a responsible adult (at least 18 years of age) is in the immediate presence of the dog and the following conditions are met:

- 1- A tether shall be equipped with a swivel at both ends.
- 2- A tether shall be a minimum of 10 ft. in length.
- 3- A tether shall be connected to a collar or harness and is not allowed to be placed directly around the neck of a dog.
- 4- The tether shall be used so as to eliminate any possibility of entanglement, strangulation or other injury.
- 5- Only one dog shall be attached to a tether.
- 6- Pulley systems, running lines and trolley systems may be used with a tether. These systems/lines must be minimum 10 ft. in length and no more than 7 ft. above ground level.
- 7- No tether shall be used which would allow the dog within 5 ft. of a property line.

At Large. Any animal shall be deemed to be at large when it is off the property of their owner and not under the direct control of a competent person by way of a leash or chain; in a vehicle or a secure enclosure.

Animal Abuse. It shall be unlawful for any person in possession of an animal to fail to provide it with sufficient food, clean water, shelter, protection from the weather, and adequate veterinary care to prevent suffering and provide humane care and treatment. It shall be unlawful for any person to abusively tease, molest or bait any animal. It shall be unlawful for any person to entice or lure an animal out of an enclosure or off the property of its owner/keeper.

Animal Cruelty.

- A- It shall be unlawful and constitute cruelty to animals for any person to:
 - 1- Override, overdrive, overload, molest, torture, torment, ill-treat, abandon or willfully inflict inhumane injury or pain, or cruelly, maliciously, or unnecessarily beat, maim, mutilate, wound, poison or kill or subject to conditions detrimental to its health and general welfare any animal whether belonging to themselves or another person.
 - 2- Keep animals under unsanitary and inhumane conditions.
 - 3- Willfully engage in, instigate or in any way commit an act of cruelty towards an animal.
- B- A person found guilty of cruelty to animals may be ordered by a court not to own an animal within the city limits for a period of 5 years.
- C- The penalty for any person found guilty of cruelty to animals shall be \$100.00 per offense.

"DOG, CAT, OTHER DOMESTICATED ANIMALS HAVING DANGEROUS OR DESTRUCTIVE PROPENSITIES," A dog, cat, or other domesticated animal which

constitutes a physical threat to humans or other animals, or which habitually turns over garbage receptacles, habitually destroys shrubs, flowers, grass, and other plant growth, habitually kills other animals, habitually attacks or attempts to attack persons, or habitually performs other similar acts shall be deemed a danger to the public. The penalty/fine for any person found guilty of this offense shall be \$100.00 per offense.

§ 81.02 DANGEROUS DOGS, CATS, & OTHER DOMESTICATED ANIMALS: BARKING.

- (A) The keeping of any dog, cat, or other domesticated animal having dangerous or destructive propensities is declared to be a public nuisance and shall be abated as provided in this chapter.
- (B) The keeping or maintenance of any dog, cat, or other domesticated animal which by prolonged and habitual barking, howling, or whining cause serious annoyance to neighboring residents and interfere with the reasonable use and enjoyment of the premises occupied by such residents, or with the reasonable use and enjoyment of the public streets, sidewalks or other public areas, is declared to be a public nuisance, and shall be abated as provided in this chapter. The penalty/fine for any person found guilty of this offense shall be \$100.00 per offense.

§ 81.03 ENFORCEMENT.

- (A) **Complaint and notice.** On receipt of a written detailed and signed complaint being made to the town by any resident that any person is maintaining a public nuisance as described in § 81.01 and 81.02 above, the Police Department shall cause the owner or keeper of the dog, cat, or other domesticated animal in question to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report and findings written.

(B) **Abatement.** If the written findings of the investigation indicate that the complaint is justified, then the Police Department shall cause the owner or keeper of the animal in question to be so notified in writing, and ordered to abate the nuisance within 48 hours by destruction or removal of the dog, cat, or other domesticated animal, or by construction of a proper enclosure, as the case may necessitate. In the event the owner or keeper of the dog, cat, or other domesticated animal is unknown and cannot be ascertained, the notice shall be posted for 48 hours at the Town Hall.

(C) Should any animal owner or caretaker fail to comply with an abatement order within 48 hours they shall be fined \$100.00 per offense as defined in Section §81.00, Paragraph (A).

(D) **Impoundment on failure to abate; destruction.** If any person being the owner or keeper of a dog, cat, or other domesticated animal herein above described, shall fail or refuse to abate the nuisance on order of the town within the specified time, the County Animal Control Officer shall cause the dog, cat, or other domesticated animal in question to be apprehended and impounded in a suitable place, and the owner or keeper shall be notified of the impoundment. If no request for release of the animal is made within the five day period, the County Animal Control Officer shall take action in accordance with their policies

In the event the owner or keeper of a dog, cat, or other domesticated animal, is unknown, the County Animal Control Officer shall cause apprehension and impoundment to be carried out. If no one claims the animal within 48 hours after the notice, order, and description were posted, a notice of impoundment, along with a general description of the animal shall be posted for five days at the Town Hall. If no request for release of the animal is made within the five day period, the County Animal Control Officer shall take action in accordance with their policies

§ 81.04 LIVESTOCK - TO INCLUDE FOWL OR CHICKEN AS PER COUNCIL AMMENDMENT 7-27-92

(A) Keeping of livestock prohibited. It shall be unlawful to keep or maintain any cow, horse, pony, mule, sheep, goat, other livestock on any lot or within any pen, stable, or other enclosure or building within the corporate limits. This section shall not be deemed to prohibit the assembling of livestock for shipment or the unloading from shipment of livestock, provided that such livestock are not kept within the corporate limits for more than 24 hours prior to shipment or subsequent unloading.

(B) Effect upon existing livestock. Persons keeping or maintaining within the corporate limits any of the animals named in § 81.04 shall remove them from the corporate limits in order to comply with § 81.04 above not later than six months from the effective date of this section. (Former Code, § 81.04)

§ 81.05 BIRD SANCTUARY.

(A) The territory within the corporate limits of the municipality is declared a bird sanctuary.

(B) It shall be unlawful for any person to kill, trap, or otherwise, take any bird within the corporate limits except hawks, crows, starlings, pigeons, and domesticated fowls. Penalty, see § 81.99

State law reference- Establishment of bird sanctuaries authorized, G.S. 160A-188.

§ 81.99 PENALTY.

- (A) If any person, being the owner or keeper of a dog, cat, or other domesticated animal respecting which an order of abatement has been issued, shall fail or refuse to abate the nuisance as ordered, he shall pay a fine of \$100.00. Each day the violation of Section §81.01 or §81.02 continues shall be a separate and distant offense.
- (B) In addition, enforcement of this chapter may be by injunction, restraining order, or order of abatement in a court of competent jurisdiction, as provided by G.S. 160A-175 (d) and (e).
- (C)
- (1) The violation of any provision of § 81.04 shall subject the offender to a civil penalty in the amount of \$100.00 to be recovered by the town. Violators shall be issued a written citation which must be paid within 72 hours.
- (2) Each day the violation of § 81.04 continues shall be a separate and distinct offense.
- (3) Notwithstanding division (C) (1) above, this provision may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction or by criminal penalties as provided in G.S. 14-4.
(Former Code, § 81.99)