

## Chapter 4 ANIMALS AND ANIMAL CONTROL\*

**\*Editor's note:** Ord. No. 88-10-10/O-1, § 1, adopted Oct. 10, 1988, amended Ch. 4 to read as herein set out in §§ 4-1--4-22. Prior to inclusion of said ordinance, Ch. 4 pertained to animals and fowl and derived from Ord. of June 17, 1942, §§ 1--4; Comp. 1961, p. 56, § 1, p. 57, p. 58, § 1, p. 60, p. 63, § 1; Ord. of Aug. 27, 1962, §§ 4--8; Ord. No. O-73-25-A, § 1, adopted Oct. 22, 1973; Ord. No. O-74-6, §§ 1--3, adopted Jan. 21, 1974; Ord. No. O-74-61, § 1, adopted July 16, 1974; Ord. No. O-75-35, § 1, adopted June 16, 1975; Ord. No. O-77-68, adopted Oct. 10, 1977; Ord. No. O-80-49, adopted July 14, 1980; Ord. No. O-80-69, § 1, adopted Dec. 8, 1980 and Ord. No. O-82-55, §§ 1--4, adopted July 12, 1982.

**Charter references:** Territory within corporate limits declared bird sanctuary, § 5.1.

**Cross references:** Regulation of animals in cemeteries, § 6-4; garbage and trash, Ch. 8; slaughtering animals for sale within town limits, and slaughterhouses, prohibited, § 10-23; insanitary conditions on premises, § 11-22 et seq.

**State law references:** City authority to regulate domestic animals, G.S. § 160A-186; city authority to regulate or prohibit animals dangerous to person or property, G.S. § 160A-187; City power to levy license tax on keeping domestic animals, G.S. § 160A-212; city may define and prohibit animal abuse, G.S. § 160A-182 Cruelty to animals, G.S. § 14-360; vaccination of dogs and cats, G.S. § 130-185; rabies vaccination tags, G.S. § 130A-190; time of rabies vaccination, 10A N.C. Admin. Code 41G.0101.

- Sec. 4-1. Definitions.
- Sec. 4-2. Office of animal control.
- Sec. 4-3. Animals to be seized humanely; tranquilizing animals; putting animals to death in attempting to seize.
- Sec. 4-4. Responsibility of custodian of animals.
- Sec. 4-5. Cruelty to animals.
- Sec. 4-6. Penalty for cruelty to animals.
- Sec. 4-7. Abandonment of animals; reporting same.
- Sec. 4-8. Prohibited acts.
- Sec. 4-9. Penalty for violation of section 4-8.
- Sec. 4-10. Keeping certain animals in town.
- Sec. 4-11. Sale of baby chicks and rabbits; possession of dyed or painted chicks, ducklings and rabbits.
- Sec. 4-12. Horses on sidewalks.
- Sec. 4-13. Breaking up birds nests, killing or catching young birds prohibited.
- Sec. 4-14. Certain acts declared public nuisances.
- Sec. 4-15. Penalty for public nuisance.
- Sec. 4-16. Vicious animals.
- Sec. 4-17. License tags required; issuance; fees.
- Sec. 4-18. Rabies control.
- Sec. 4-19. Impounding animals.
- Sec. 4-20. Redemption procedures.
- Sec. 4-21. Records.
- Sec. 4-22. State and federal laws.

### Sec. 4-1. Definitions.

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

 (a) **Animal:** Any live vertebrate creature specifically including, but not limited to dogs, cats, farm animals, birds, fish and reptiles.

(b) **Adequate food:** The provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition for the animal. Such foodstuff shall be served in a receptacle, dish

town is prohibited.

(Ord. No. 88-10-10/O-1, § 1)

#### **Sec. 4-14. Certain acts declared public nuisances.**

The following acts are defined as public nuisances. Animals may be impounded by the animal control officer for any of the following, subject to redemption in the manner provided in this article:

- (1) Any animal which habitually and repeatedly makes noises sufficient to interfere seriously with neighboring residents' reasonable use of their property;
- (2) Any animal which is offensive to others due to an odor caused by the animal;
- (3) Any animal which repeatedly turns over garbage cans, damages flower or vegetable gardens, or causes damage to property of others;
- (4) A female dog in heat not in a building or secure enclosure in such a manner that she will not be in contact with another dog;
- (5) Any stray dog which is away from the premises of the custodian, or in a public place or on any public property in the town, unless the dog is under restraint;
- (6) Any dog on the premises of the custodian and not attended by and under the control of a competent person;
- (7) Any dog or cat off the premises of the custodian not wearing current license tags and rabies control tags as required by this chapter;
- (8) Any animal which unprovoked, chases or approaches a pedestrian, bicycle rider or vehicle in a menacing fashion or apparent attitude of attack.

(Ord. No. 88-10-10/O-1, § 1)

#### **Sec. 4-15. Penalty for public nuisance.**

(a) An animal is declared a public nuisance by the animal control officer, who will issue a citation to the custodian for the violation. Citations may be delivered in person or sent by registered mail to the custodian, if that person cannot readily be found. The citation issued shall impose upon the custodian a civil penalty of twenty-five dollars (\$25.00) for the first violation of section 4-14, fifty dollars (\$50.00) for the second violation of section 4-14, one hundred dollars (\$100.00) for the third violation of section 4-14, one hundred fifty dollars (\$150.00) for the fourth violation of section 4-14, and two hundred dollars (\$200.00) for the fifth or successive violation of section 4-14. The violator may pay the citation to the town revenue collector within fourteen (14) days of receipt in full satisfaction of the assessed civil penalty. This penalty is in addition to any other fees authorized by this article.

(b) In the event that the custodian does not appear in response to the described citation or the civil penalty is not paid within the period prescribed, a criminal summons may be issued against the custodian for violation of this chapter and upon conviction, the custodian shall be punished as provided by state law and be subject to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.

(Ord. 88-10-10/O-1, § 1; Ord. No. 92-4-13/O-4, § 3; Ord. No. 2005-11-21/O-2, § 2)

#### **Sec. 4-16. Vicious animals.**

(a) It shall be unlawful for any person to harbor any animal, which is three (3) months of age or older,