

Chapter 4

ANIMALS*

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ARTICLE I. IN GENERAL

Sec. 4-101. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal: Shall include both the male or female, neutered or sterilized. Animal, as used in this chapter, shall include all warm-blooded domesticated mammals.

Animal owner: Every person in possession of or who harbors any animal or who shall suffer any animal to remain about his premises for a period of five (5) days.

Harboring: The occupant of any premises on which an animal is kept or to which it customarily returns daily for food and care for a period of three (3) days is presumed to be harboring or keeping the animal within the meaning of this chapter.

Rabies vaccination: Shall mean the inoculation of a dog, cat or other animal with a rabies vaccine approved by the county department of health.

Reasonable control: Shall mean when an animal is accompanied by and under the supervision of its owner or by some member of the family or by some employee or agent of the owner.

Running at large: Means to be off the premises of the owner and not under the reasonable control of the owner or of an authorized person, either by leash or otherwise, but an animal within the automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.

Vicious animal: Any animal that inflicts unprovoked bites or attacks human beings or other animals either on public or private property, or in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks or any public grounds or places.

(Ord. No. 5-75, § 1, 5-5-75; Code 1976, § 11.8)

Cross reference—Definitions and rules of construction generally, § 1-102.

***Cross references**—Removal of dead animals, § 11-111; human and animal waste, dead animals, § 14-110; certain animals which emit loud noises prohibited, § 14-202; animals running at large in parks, § 16-205; persons riding animals to obey traffic regulations, § 20-303.

Sec. 4-102. Animal control officer—Designation.

The chief of police is hereby designated as the animal control officer for the town.
(Ord. No. 5-75, § 8.1, 5-5-75; Code 1976, § 11.33)

Cross reference—Officers and employees, § 2-401 et seq.

Sec. 4-103. Same—Interference with.

It shall be unlawful for any person to interfere with, molest, hinder, or prevent the town animal control officer or his authorized representatives in the discharge of their duties as prescribed in this chapter, or to violate any of the provisions of this article.

(Ord. No. 5-75, § 8.1, 5-5-75; Code 1976, § 11.33)

Sec. 4-104. Restraining.

(a) It shall be unlawful for any person owning or having charge of any dog or other animal except a domestic house cat to permit such animal to run at large, unless such animal is under reasonable control as set forth in section 4-101.

(b) For the purpose of this article, a dog shall be deemed not under reasonable control when:

- (1) Such dog inflicts damage or injury (by biting, jumping upon, pollution of vegetation or by any other means whatsoever) to the person or property of anyone other than the owner, except in the defense of the owner, his family or property.
- (2) Any unspayed female dog is not securely confined in the owner's yard, pen or other enclosure.

(Ord. No. 5-75, § 5.1, 5-5-75; Code 1976, § 11.23)

Sec. 4-105. Nuisance.

It shall be unlawful for any animal owner or keeper to harbor, maintain or permit on any lot, parcel of land or premises under his control, any dog or other animal which by any sound or cry shall disturb the peace and comfort of the inhabitants of the neighborhood or interfere, in any manner, with any person in the reasonable and comfortable enjoyment of life or property.

(Ord. No. 5-75, § 5.2, 5-5-75; Code 1976, § 11.24; Ord. No. 12-94, 6-20-94)

Cross reference—Nuisances, Ch. 14.

Sec. 4-106. Injured animals.

Animals injured on public property shall be impounded and given adequate veterinary medical treatment pending notification of the owner.

(Ord. No. 5-75, § 5.3, 5-5-75; Code 1976, § 11.25)

Sec. 4-107. Running on owner's premises.

The provisions of this article do not prohibit animals from running at large on the premises of the owner or person having charge of such animal.

(Ord. No. 5-75, § 5.4, 5-5-75; Code 1976, § 11.26)

Sec. 4-108. Vicious animals.

No owner or harbinger of a fierce, dangerous or vicious dog shall allow such dog to run at large or remain off the premises of the owner or harbinger.

(Ord. No. 5-75, § 6.1, 5-5-75; Code 1976, § 11.27)

State law reference—Confinement of vicious animals, G.S. § 130A-200.

Sec. 4-109. Dangerous dogs.

(a) As used in this article, unless the context clearly requires otherwise and except as modified in subsection (b) of this section, the term:

(1) *Dangerous dog* means:

A dog that:

1. Without provocation has killed or inflicted severe injury on a person; or
2. Is determined by the person or board designated by the county or the [000b]town to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in subdivision (2) of this subsection.

b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(2) *Potentially dangerous dog* means a dog that the person or board designated by the county or the town determines to have:

- a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization;
- b. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
- c. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

(3) *Owner* means any person or legal entity that has a possessory property right in a dog.

(4) *Owner's real property* means any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

(5) *Severe injury* means any physical injury that results in broken bones or disfiguring lacerations or require cosmetic surgery or hospitalization.

(b) The provisions of this article do not apply to:

- (1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
- (2) A dog being used in a lawful hunt; [008c]
- (3) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog;
- (4) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, and tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(c) The county or municipal authority responsible for animal control shall designate a person or a board to be responsible for determining when a dog is a "potentially dangerous dog" and shall designate a separate board to hear any appeal. The person or board making the determination that a dog is a "potentially dangerous dog" must notify the owner in writing, giving the reasons for the determination, before the dog may be considered potentially dangerous under this article. The owner may appeal the determination by filing written objections with the appellate board within three (3) days. The appellate board shall schedule a hearing within ten (10) days of the filing of the objections. Any appeal from the final decision of such appellate board shall be taken to the superior court by filing notice of appeal and a petition for review within ten (10) days of the final decision of the appellate board. Appeals from rulings of the appellate board shall be heard in the superior court division. The appeal shall be heard *denovo* before a superior court judge sitting in the county in which the appellate board whose ruling is being appealed is located.

(Ord. No. 23-94, 10-3-94)

Sec. 4-110. Precautions against attacks by dangerous dogs.

(a) It is unlawful for an owner to:

- (1) Leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog.
- (2) Permit a dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.

(b) If the owner of a dangerous dog transfers ownership or possession [000b] of the dog to another person, the owner shall provide written notice to:

- (1) The authority that made the determination under this Article, stating the name and address of the new owner or possessor of the dog; and

- (2) The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.

(c) Violation of this section is a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100.00) or imprisonment for not more than thirty (30) days or both.
(Ord. No. 23-94, 10-3-94)

Sec. 4-111. Penalty for attacks by dangerous dogs.

The owner of a dangerous dog that attacks a person and causes physical injuries requiring medical treatment in excess of one hundred dollars (\$100.00) shall be guilty of a misdemeanor punishable by a fine of up to five thousand dollars (\$5,000), imprisonment up to two (2) years, or both.

(Ord. No. 23-94, 10-3-94)

Sec. 4-112. Outline for confinement of dangerous dog.

The town hereby establishes the following condition of housing a potentially dangerous/dangerous dog:

- (1) A chain link fence of nine (9) gauge wire with a height of six (6) foot must be constructed to house the animal;
- (2) The fence must be cemented at ground level so as to keep the animal from escaping under the fence;
- (3) A lock must be kept on the gate of the fence and must be engaged at all times; and
- (4) A barrier must be placed over the entire top of the facility, or in the alternative, barbed wire must be installed along the top of the fence to keep the animal from escaping.[008c]

(Ord. No. 23-94, 10-3-94)

Secs. 4-113—4-199. Reserved.

ARTICLE II. RABIES CONTROL

Sec. 4-201. Vaccinations.

(a) *Required.* Every person owning or harboring a dog or cat four (4) months of age or older for three (3) or more days shall have such dog or cat vaccinated against rabies with an approved vaccine by a licensed veterinarian. If other species of animals are vaccinated, such vaccination shall be with a vaccine approved by the county department of health. Vaccinations shall be kept current in accord with the requirements of the county department of health.

(b) *Certificate of vaccination.* Upon vaccination, the veterinarian administering the vaccine shall execute and furnish to the owner of the animal a certificate as evidence of the vaccination.

(Code 1976, § 11.9)

Sec. 4-202. Rabies tags.

The owner of the animal shall provide the town clerk with a copy of the certificate of vaccination referred to in section 4-201(b). The metal rabies tag shall be attached to a collar, harness or other device and worn by the animal.

(Code 1976, § 11.10)

State law reference—Rabies vaccination tag, G.S. § 130A-190.

Sec. 4-203. Duplicate tags.

In the event of loss or destruction of the original tag provided in section 4-202, the owner of the animal shall obtain a duplicate tag from the town clerk and the price of such duplicate tag shall be as set out in the fee schedule in Appendix G.

(Ord. No. 5-75, § 2.4, 5-5-75; Code 1976, § 11.11)

Sec. 4-204. Designation of qualified persons.

All veterinarians who are duly registered and licensed as such by the state are hereby designated as authorized to vaccinate animals against rabies and to execute certificates of vaccination as provided by law.

(Ord. No. 5-75, § 2.5, 5-5-75; Code 1976, § 11.12)

Sec. 4-205. Proof.

It shall be unlawful for any person who owns or harbors any dog, cat or other animal to fail to refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this article.

(Ord. No. 5-75, § 2.6, 5-5-75; Code 1976, § 11.13)

Sec. 4-206. Duty to report.

Any person having knowledge of an animal bite shall immediately report the incident to the police, animal control officer, or to the county department of health.

(Ord. No. 5-75, § 3.1, 5-5-75; Code 1976, § 11.14)

Sec. 4-207. Quarantine of animals.

Any animal which has bitten a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer. If the animal is not confined on the owner's premises, confinement shall be in the county animal shelter or at any veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. Stray animals whose owners cannot be located shall be confined in the county animal shelter. The owner of any animal that has been reported as having inflicted a bite on any person shall on demand produce the animal for

quarantine as prescribed in this section. Refusal to produce[000b]the animal constitutes a violation of this section and each day of such refusal shall constitute a separate and individual violation.

(Ord. No. 5-75, § 3.2, 5-5-75; Code 1976, § 11.15)

State law reference—Confinement of biting animals, G.S. § 130A-196.

Sec. 4-208. Removal of animals from quarantine.

It shall be unlawful for any person to remove from any place of isolation or quarantine any animal which has been isolated or quarantined as authorized, without the consent of the impounding agency.

(Ord. No. 5-75, § 3.3, 5-5-75; Code 1976, § 11.16)

Secs. 4-209—4-299. Reserved.

ARTICLE III. DOG LICENSE

Sec. 4-301. Required.

Any person having custody of any dog four (4) months of age or older, within three (3) days shall procure a dog license. License fees shall be paid annually to the town clerk. License fees

quarantine as prescribed in this section. Refusal to produce the animal constitutes a violation of this section and each day of such refusal shall constitute a separate and individual violation. (Ord. No. 5-75, § 3.2, 5-5-75; Code 1976, § 11.15)

State law reference—Confinement of biting animals, G.S. § 130A-196.

Sec. 4-208. Removal of animals from quarantine.

It shall be unlawful for any person to remove from any place of isolation or quarantine any animal which has been isolated or quarantined as authorized, without the consent of the impounding agency.

(Ord. No. 5-75, § 3.3, 5-5-75; Code 1976, § 11.16)

Secs. 4-209—4-299. Reserved.

ARTICLE III. RESERVED*

Secs. 4-301—4-399 Reserved.

ARTICLE IV. IMPOUNDMENT; ANIMAL SHELTER†

Sec. 4-401. Animal shelter.

An animal shelter shall be provided for the purpose of boarding and caring for any animal impounded under the provisions of this chapter.

(Ord. No. 5-75, § 7.1, 5-5-75; Code 1976, § 11.28)

Sec. 4-402. Removal of animals from animal shelter.

It shall be unlawful for any person to remove any impounded animal from the animal shelter without consent of the town animal control officer or the county animal warden.

(Ord. No. 5-75, § 7.2, 5-5-75; Code 1976, § 11.29)

Sec. 4-403. Removal of biting animals from quarantine.

Animals impounded because of bites shall not be removed from the pound until after the ten (10) day observation period and county department of health release is secured. (Ord. No. 5-75, § 7.3, 5-5-75; Code 1976, § 11.30)

Cross reference—Offenses, Ch. 15.

***Editor's note**—Ord. No. 23-2003, adopted July 21, 2003, repealed Art. III §§ 4-301—4-306, which pertained to dog licenses and derived from Ord. No. 5-75, originating 5-5-75; Code 1976 §§ 11.17—11.22; and Ord. No. 9-79.

†**State law references**—Animal welfare act, G.S. § 19A-20; municipal powers as to animal shelters, G.S. § 160A-493.

Sec. 4-404. Disposition of impounded animals.

(a) As soon as practicable after impoundment, notice of impoundment shall be posted in a conspicuous place at town hall for three (3) days. If the owner of the impounded animal is known, immediate notice shall be given to him.

(b) Any impounded animal which is licensed may be redeemed by the owner upon payment of the impound fee, care and feeding charges, veterinary charges and such other costs as set by the town council.

(c) Any impounded animal which is not licensed may be redeemed upon payment of the license fee, impound fee, care and feeding charges, veterinary charges, and presentation of proof of rabies vaccination and such other costs as set by the town council.

(d) If any such animal is not redeemed within three (3) days, it shall be deemed abandoned and the county animal warden may humanely euthanize the animal.
(Ord. No. 5-75, §§ 7.4, 7.5, 5-5-75; Code 1976, § 11.32)

Secs. 4-405—4-499. Reserved.

ARTICLE V. LIVESTOCK*

Sec. 4-501. Horses.

No person shall ride or lead a horse or pony upon the sidewalks within the corporate limits. Riding or leading of horses and ponies shall be restricted to the roadways.
(Code, 1976, § 11.34)

Sec. 4-502. Pig pens.

No person shall maintain a pig pen or other enclosure for pigs within one hundred and fifty (150) feet of any dwelling or room used for sleeping quarters.
(Code 1976, § 11.35)

Cross reference—Land use and zoning, § 17-301 et seq.

***Cross references**—Butchering restricted, § 12-101; swine, § 12-105.

ARTICLE V. LIVESTOCK***Sec. 4-501. Horses.**

No person shall ride or lead a horse or pony upon the sidewalks within the corporate limits. Riding or leading of horses and ponies shall be restricted to the roadways.

(Code 1976, § 11.34)

Cross reference—Streets, sidewalks and other public places, Ch. 19.

Sec. 4-502. Pig pens.

No person shall maintain a pig pen or other enclosure for pigs within one hundred and fifty (150) feet of any dwelling house or room used for sleeping quarters.

(Code 1976, § 11.35)

Cross reference—Land use and zoning, § 17-301 et seq.

***Cross references**—Butchering restricted, § 12-101; swine, § 12-105.

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