**CHAPTER 6: ANIMALS**

**CHAPTER** **6:** **ANIMALS**

Section

***Article I. In General***

6‑1 Definitions

6‑2 Penalty for violation

6‑3 Fees

6‑46‑30 Reserved

***Article II. Animal Control***

6‑31 Appointment of Animal Control Officers

6‑32 Responsibilities of employees

6‑33 Investigation and inspection rights

6‑34 Interference with enforcement

6‑35 Animals at large

6‑36 Animals creating nuisance

6‑37 Collecting of dogs and cats for resale

6‑38 Keeping of livestock generally

6‑39 Keeping swine

6‑40 Keeping of fowl

6‑41 Non-domestic animals

6‑42 Bird sanctuary; establishment

6‑43 Hunting, killing, trapping of animals

6‑44 Slaughterhouses and butchering

6‑45 Confinement, muzzling and control of vicious or dangerous domestic animals

6‑46 Injuring animals, notice required

6‑47 Cruelty to animals

6‑48 Luring, enticing, seizing, molesting or teasing an animal

6‑496‑80 Reserved

***Article III. Licenses***

6‑81 Required

6‑826‑110 Reserved

***Article IV. Impoundment***

6‑111 Stray animals; requirements, failure to surrender

6‑112 Impoundment

6‑113 Notice to owner or keeper

6‑114 Redemption by owner or keeper; fees

6‑115 Destruction of animals which cannot be seized by reasonable means

***Cross-reference:***

*Dogs and other animals in cemeteries, see  14‑24*

*Environment, see Ch. 18*

*Removal of dead animals, see  30‑44*

***Statutory reference:***

*Abuse of animals, see G.S.  160A‑182*

*Animal Welfare Act, see G.S.  19A‑20*

*Dogs, see G.S.  67‑1 et seq.*

***ARTICLE I. IN GENERAL***

**6‑1 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.*** Every living creature, domestic or non-domestic, but does not include humans.

***ANIMAL SHELTER.*** Any premises provided and operated for the restraint, care and disposition of animals, whether the shelter is public or private in nature.

***AT LARGE.*** An animal off the property of its owner or keeper and not under physical restraint.

***COMMERCIAL ANIMAL ESTABLISHMENT.*** Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, animal exhibition or kennel.

***DOG.*** Both male and female of any age.

***DOMESTIC.*** Any animal kept, cared for, sheltered, fed or harbored as a pet, for work purposes or as a source of food, raw materials or income.

***HEAD OF HOUSEHOLD.*** The person who maintains the household.

***IMPOUNDED.*** Having been taken or received into the custody of the Town Manager or the Animal Control Officer or any of their authorized representatives.

***KEEPER.*** A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by the person.

***KENNEL.*** Any premises wherein a person owns, boards, lets for hire, trains for a fee, breeds or buys or sells dogs or cats, and has more than four dogs and/or four cats. This shall not include newborn animals four months old or younger; providing that, all other sections of this chapter are met.

***NON-DOMESTIC.*** Any animal wild or dangerous by natural existence.

***NUISANCE.*** An animal or group of animals if it:

(1) Damages, soils or defiles private or public property;

(2) Interferes with molests or attacks persons or other animals;

(3) Causes unsanitary, dangerous or offensive conditions, including fouling of the air by odors;

(4) By virtue of number or type is offensive or dangerous to the public health, safety or welfare;

(5) Is diseased or dangerous to the public health; or

(6) Habitually or repeatedly makes noises or other sounds that tend to annoy, disturb or frighten the citizens of the town.

***OWNER.*** A person having the right of property in an animal.

***RESTRAINT.*** Any animal if it is within the real property limits of its owner, or secured by a leash or lead, or confined.

***STRAY.*** Any domestic animal not under restraint and found off the property of its owner or keeper.

***VICIOUS ANIMAL.*** An animal that constitutes a physical threat to humans or other domestic animals.

(1970 Code,  5‑30; 2001 Code,  6‑1) (Ord. 1992‑2, passed 7‑14‑1992; Ord. 98‑08‑02, passed 8‑11‑1998)

***Cross-reference:***

*Definitions generally, see 1‑2*

**6‑2 PENALTY FOR VIOLATION.**

(A) The violation of any provision of this chapter shall result in a civil penalty of $100, and any person cited for the violation shall be punishable as provided in  1‑6. Payment of a penalty imposed pursuant to this subsection does not relieve a person of his or her liability for fees imposed under this chapter.

(B) In addition, enforcement of this chapter may be by appropriate equitable remedial injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S.  160A‑175.

(C) In addition to, or in lieu of, impounding a currently licensed dog found running at large, the Animal Control Officer or his or her agent may issue to the known owner of the dog a notice of violation of this chapter. The notice shall impose upon the owner of the dog the penalty as established by subsection (A) of this section, which penalty shall be on file in the office of the Town Clerk. The notice of violation referred to in this subsection may be delivered to the person violating the provisions of this chapter in person, or may be mailed.

(2001 Code,  6‑2) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑3 FEES.**

Fees are set from time to time and are contained in the annual budget ordinance.

(2001 Code,  6‑3) (Ord. 98‑08‑02, passed 8‑11‑1998)

**6‑46‑30 RESERVED.**

***ARTICLE II. ANIMAL CONTROL***

***Statutory reference:***

*Animal control officer, see G.S.  67‑30 et seq., 130A‑184(2)*

**6‑31 APPOINTMENT OF ANIMAL CONTROL OFFICERS.**

Authority is given the Town Manager, in his or her discretion, to appoint one or more Animal Control Officers.

(2001 Code,  6‑31) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑32 RESPONSIBILITIES OF EMPLOYEES.**

The employees of the animal control program shall:

(A) Enforce and carry out all laws of the state and all ordinances of the town pertaining to animals; and

(B) Be empowered to issue notices of violation of this article in a form as the Board of Commissioners may prescribe.

(2001 Code,  6‑32) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑33 INVESTIGATION AND INSPECTION RIGHTS.**

Whenever it is necessary to make an investigation or inspection to enforce any of the provisions of or perform any duty imposed by this article or other applicable law, or whenever the Animal Control Officer or his or her designated agent has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this article, or other applicable law, the Animal Control Officer or his or her designated agent is empowered to enter the property at any reasonable time and to inspect the property and perform any duty imposed upon the Animal Control Officer or his or her agent by this article or other applicable law.

(2001 Code,  6‑33) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑34 INTERFERENCE WITH ENFORCEMENT.**

It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Officer or persons duly authorized by this article, or to seek to release any animal in the custody of the person, except as otherwise specifically provided.

(2001 Code,  6‑34) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑35 ANIMALS AT LARGE.**

It shall be unlawful for any person owning or having possession, charge, custody or control of any animal to suffer, permit or allow the animal to stray or in any manner to run at large in or upon any public street, sidewalk or park or upon the property of another if the animal is not under sufficient physical restraint as to allow the animal to be controlled.

(2001 Code,  6‑35) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑36 ANIMALS CREATING NUISANCE.**

It shall be unlawful for an owner or keeper to permit an animal to create a nuisance or to maintain a nuisance created by an animal.

(2001 Code,  6‑36) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑37 COLLECTING OF DOGS AND CATS FOR RESALE.**

It shall be unlawful for any person to collect any dog or cat for the purpose of resale within the corporate limits of the town. This is construed to mean by soliciting from house to house or by setting of traps or other means on any land within the town.

(2001 Code,  6‑37) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑38 KEEPING OF LIVESTOCK GENERALLY.**

(A) It shall be unlawful for any person to keep, maintain, harbor, pasture or stable cows, horses, mules, goats and other livestock within the corporate limits of the town within 150 feet of any residence, school, church or commercial or public eating place. This shall not be construed to apply to the keeping of swine.

(B) Livestock shall only be allowed in areas permitted under the towns zoning ordinance, Ch. 44 of this code.

(2001 Code,  6‑38) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑39 KEEPING SWINE.**

It shall be unlawful for any person to keep any pigs or hogs within the corporate limits of the town.

(2001 Code,  6‑39) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑40 KEEPING OF FOWL.**

(A) All yards, premises, sheds, coops and the like occupied by chickens or other fowl shall be deemed a nuisance if not cleaned regularly and kept in a sanitary condition at all times.

(B) Fowl shall only he allowed in areas permitted under the towns zoning ordinance, Ch. 44 of this code.

(2001 Code,  6‑40) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑41 NON-DOMESTIC ANIMALS.**

No person shall possess or harbor any non-domestic animal which is dangerous to persons or property or which has the potential to be dangerous to persons or property. This section shall not apply to bona fide circuses, petting zoos and other traveling commercial animal exhibitions of limited duration.

(2001 Code,  6‑41) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑42 BIRD SANCTUARY; ESTABLISHMENT.**

All the territory within the territorial limits of the town shall be a bird sanctuary.

(2001 Code,  6‑42) (Ord. 1992‑2, passed 7‑14‑1992)

***Statutory reference:***

*Bird sanctuaries, see G.S.  160A‑188*

**6‑43 HUNTING, KILLING, TRAPPING OF ANIMALS.**

It shall be unlawful for any person to hunt, kill or trap any animal within the territorial limits of the town. This section shall not apply to the Animal Control Officer or his or her duly authorized agent when enforcing the provisions provided in this article.

(2001 Code,  6‑43) (Ord. 1992‑2, passed 7‑14‑1992)

***Statutory reference:***

*Possession or harboring of dangerous animals, see G.S.  160A‑187*

*Regulation of domestic animals, see G.S.  160A‑186*

**6‑44 SLAUGHTERHOUSES AND BUTCHERING.**

It shall be unlawful for any person to operate or cause to be operated any slaughterhouse or to do any butchering within the town.

(2001 Code,  6‑44) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑45 CONFINEMENT, MUZZLING AND CONTROL OF VICIOUS OR DANGEROUS DOMESTIC ANIMALS.**

It shall be unlawful for any person to keep any vicious, fierce or dangerous domestic animal within the town unless it is confined within a secure building or enclosure, or it is securely muzzled and under restraint by means of a leash, chain or rope and firmly under control at all times.

(2001 Code,  6‑45) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑46 INJURING ANIMALS, NOTICE REQUIRED.**

It shall be unlawful for any person injuring an animal to fail to notify immediately the owner or keeper of the animal or an Animal Control Officer, Humane Society or the Police Department of the town.

(2001 Code,  6‑46) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑47 CRUELTY TO ANIMALS.**

(A) (1) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure the action.

(2) The terms torture and torment shall be held to include every act, omission or neglect whereby unjustifiable physical pain suffering or death is caused or permitted. The terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission or to prohibit the Animal Control Officer or persons duly authorized from destroying dangerous, unwanted or injured animals in an humane manner.

(B) It shall be unlawful for any owner or keeper to fail to provide his or her animal with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his or her animal in good health and comfort, the opportunity for vigorous daily exercise, veterinary care when needed to prevent suffering and humane care and treatment.

(C) It shall be unlawful for any person to sell or offer for sale, barter or give away within the town baby chickens, baby ducklings or other fowl or rabbits under eight weeks of age as pets, toys, premiums or novelties. This section shall not be construed to prohibit the sale or display of baby chickens, ducklings or other fowl, or rabbits in proper facilities by breeders or stores engaged in business of selling for purposes other than for pets or novelties.

(D) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits.

(E) It shall be unlawful for any person to tether any fowl.

(F) It shall be unlawful for any person to incite, procure or cause any animal fights within the corporate limits of the town.

(2001 Code,  6‑47) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑48 LURING, ENTICING, SEIZING, MOLESTING OR TEASING AN ANIMAL.**

It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper.

(2001 Code,  6‑48) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑496‑80 RESERVED.**

***ARTICLE III. LICENSES***

***Statutory reference:***

*Animal taxes, see G.S.  160A‑212*

**6‑81 REQUIRED.**

(A) (1) All dogs kept, harbored or maintained by their owners or keepers in the town shall be licensed and registered. Dog licenses will be issued by the town upon payment of a license fee as stipulated in subsection (C) of this section.

(2) The owner shall state at the time application is made for the license and upon printed forms provided for that purpose, his or her name and address and the name, breed, color and sex of each dog owned or kept by him or her.

(B) Upon payment of the license fee, the owner shall be issued a tag for each dog so licensed. The owner shall provide each dog with a collar to which the current license tag must be affixed and shall see that the tag and collar are constantly worn by each dog at all times, except as otherwise provided in this article.

(C) The license shall be renewed annually at a cost prescribed in  6‑3.

(D) In addition to all other penalties prescribed by law, a dog is subject to impoundment in accordance with the provisions of this article if the dog is found not to be wearing a currently valid license tag. The provisions of this section shall not apply to any dog being kept in any governmental facility, veterinary hospital, licensed commercial animal establishment or for seeing eye dogs properly trained to assist blind persons.

(E) It shall be unlawful for any owner to fail to obtain a license tag for his or her dog within 30 days of moving into the town.

(F) If ownership of a currently licensed dog is transferred, the new owner may have the current license transferred to his or her name upon payment to the town of a fee as established by the Board of Commissioners.

(G) Replacement license tags may be obtained from the town upon payment of a fee as established by the Board of Commissioners.

(1970 Code,  5‑13.13; 2001 Code,  6‑81) (Ord. 1992‑2, passed 7‑14‑1992; Ord. 98‑08‑02, passed 7‑14‑1992)

**6‑826‑110 RESERVED.**

***ARTICLE IV. IMPOUNDMENT***

***Statutory reference:***

*Animal taxes, see G.S.  160A‑212*

**6‑111 STRAY ANIMALS; REQUIREMENTS, FAILURE TO SURRENDER.**

(A) It shall be unlawful for any person in the town knowingly and intentionally to harbor, feed, keep in possession by confinement or otherwise allow to remain on his or her property any animal which does not belong to him or her, unless he or she has, within 72 hours from the time the animal came into his or her possession, notified the Animal Control Officer or person duly authorized.

(B) It shall be unlawful for any person to refuse to surrender any stray animal to the Animal Control Officer or person duly authorized upon demand.

(2001 Code,  6‑111) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑112 IMPOUNDMENT.**

(A) Any animal which appears to be lost, stray or unwanted, or not wearing a currently valid license tag or a currently valid rabies vaccination tag, as required by state law, county ordinance or this article, or not under restraint in violation of this article, may be seized, impounded and confined in an humane manner in a temporary animal shelter to be maintained by the town, until the time as the animal may be taken into physical custody of the County Animal Control Officer.

(B) Impoundment of an animal shall not relieve its owner or keeper from any penalty which may be imposed for violation of this article.

(2001 Code,  6‑112) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑113 NOTICE TO OWNER OR KEEPER.**

(A) Upon impounding an animal, notice of impoundment shall be posted for a minimum of 72 hours, beginning with the time the animal enters the animal shelter, or until the animal is disposed of. Reasonable effort shall be made to identify the owner or keeper and inform the owner or keeper of the conditions whereby the animal may be redeemed.

(B) In the case of impoundment of a duly licensed dog, not later than three days after impounding any dog, the Animal Control Officer or his or her agent shall attempt to notify the registered owner of the dog by telephone or personal contact. Should the notification be unsuccessful, the Animal Control Officer or his or her agent shall mail a certified letter to the address indicated on the license tag application. If the certified letter is returned to the town as undeliverable to the address stated on the license tag application, the town shall be relieved of all responsibility of contacting the owner of the dog.

(2001 Code,  6‑113) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑114 REDEMPTION BY OWNER OR KEEPER; FEES.**

(A) The owner or keeper of an animal impounded under this article may redeem the animal and regain possession while the animal is in the temporary custody of the town by complying with all applicable provisions of this article and paying any applicable fees. Once the animal is delivered to the County Animal Control Officer, any redemption shall be accomplished in compliance with applicable county ordinances, plus any payments due the town.

(B) The Department shall charge and collect fees from owners who redeem their animals while in the custody of the town, for the apprehension, feeding and care of the animal as established by the Town Manager.

(C) The fees in subsection (B) of this section do not include any penalties for violation of any provision of this article, nor do they include any charges for licenses or inoculation that may be required of the owner.

(2001 Code,  6‑114) (Ord. 1992‑2, passed 7‑14‑1992)

**6‑115 DESTRUCTION OF ANIMALS WHICH CANNOT BE SEIZED BY REASONABLE MEANS.**

Notwithstanding any other provision of this article, an animal which cannot be seized by reasonable means may be humanely destroyed by or upon order of the Animal Control Officer.

(2001 Code,  6‑115) (Ord. 1992‑2, passed 7‑14‑1992)