

## TITLE IX: GENERAL REGULATIONS

### Chapter

- 9.01 Animals
- 9.02 Public Nuisances
- 9.03 Streets and Sidewalks
- 9.04 Hazardous Recreational Activities

*Added 02/21/2008*

## CHAPTER 9.01: ANIMALS

### Section

#### ***General Provisions***

- 9.01.001 Definitions
- 9.01.002 Interference with animal control officer
- 9.01.003 Animal feces

#### ***Regulation and Control***

- 9.01.015 Running at large prohibited
- 9.01.016 Animals creating a nuisance
- 9.01.017 Prohibition of certain animals
- 9.01.018 Vicious animals
- 9.01.019 Location and maintenance of animal pens and enclosures
- 9.01.020 Bird sanctuary created
- 9.01.021 License and registration fee and tag

#### ***Rabies***

- 9.01.035 Quarantine of animals suspected of having rabies
- 9.01.036 Disposition of rabid animals

#### ***Care and Protection***

- 9.01.050 Care required: abandonment prohibited
- 9.01.051 Cruelty to animals
- 9.01.052 Responsibility of injuring animals

***Cross-reference:*** *General Offenses, see Title XIII; Public nuisances, see Ch. 9.02*

## GENERAL PROVISIONS

### § 9.01.001 DEFINITIONS.

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

**ANIMAL.** Any live vertebrate creature.

#### **DOMESTIC ANIMAL.**

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

**EQUINE.** Any horse, pony, mule, donkey, or hinny.

*Added 02/18/2021; Ref: 2021-ORD-01*

#### **LIVESTOCK.**

- (1) An animal that typically is kept principally for productive or useful purposes, rather than as a pet.
- (2) The definition includes but is not limited to horses, cows, pigs, goats, sheep, mules and chickens.
- (3) Equine animals may be kept within the corporate boundaries of the town in compliance with § 9.01.017 herein.

*Amended 02/18/2021; Ref: 2021-ORD-01*

#### **RUNS AT LARGE.**

- (1) 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.
- (2) The term **IMMEDIATE AND EFFECTIVE CONTROL** means that the animal is sufficiently restrained by use of a leash that constrains the animal to the close proximity of the owner or other competent person and to override the animal's ability to depart therefrom.

**WILD ANIMAL.** An animal that typically is found in a non-domesticated state and that poses or reasonably appears to pose a potential danger to persons, other animals, or property.

(Prior Code, Ch. 6, Art. I)

### § 9.01.002 INTERFERENCE WITH ANIMAL CONTROL OFFICER.

- (A) No person may obstruct, interfere with, hinder or molest the animal control officer 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 animal control officer.

(Prior Code, Ch. 6, Art. VI) Penalty, see § 1.01.999

**§ 9.01.003 ANIMAL FECES.**

It will be unlawful for any person within the town to fail or neglect to remove immediately any animal feces deposited on public or private property without the consent of the owner of the property, by an animal in the care, charge, control or custody of the person, or owned, possessed or harbored by the person.

(Prior Code, Ch. 6, Art. VI) Penalty, see § 1.01.999

**REGULATION AND CONTROL**

**§ 9.01.015 RUNNING AT LARGE PROHIBITED.**

- (A) 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.
- (B) Except as otherwise allowed by federal or state law, no person shall trap or capture, or attempt to trap or capture, any domesticated animal, livestock or wild animal that runs at large. The prohibition contained herein shall not apply to the animal control officer, or any other federal, state or local official or employee acting under the authority of his position.
- (C) A violation of any of the provisions of this chapter shall be penalized as provided in § 1.01.999.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**§ 9.01.016 ANIMALS CREATING A NUISANCE.**

No person may allow or have any animal within the town that:

- (A) Habitually or repeatedly, without provocation, chases, snaps at, or attacks pedestrians, bicyclists or vehicles;
- (B) Causes serious annoyance to neighboring residents and interferes with the reasonable use and enjoyment of their property by habitual barking, howling, whining or meowing;
- (C) Repeatedly pilfers or turns over garbage or waste receptacles, damages gardens, flowers, shrubs or vegetables;
- (D) Habitually trespasses upon neighboring properties and carries off articles or objects not belonging to the animal's owner; or
- (E) Repeatedly defecates on public or private property other than that of the owner, without the owner or other competent person in charge of the animal removing any animal feces immediately, and dispose of it in a safe and sanitary manner.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**§ 9.01.017 PROHIBITION OF CERTAIN ANIMALS.**

No person may have or keep within the corporate boundaries of the town any livestock or wild animals, except:

- (A) Livestock or wild animals possessed or kept in conformance with a federal, state or local program designed to protect and promote the public health, safety and welfare, but only if the program has been approved by the Town Council.
- (B) Equine animals kept on any parcel of land within the corporate boundaries of the town provided that the parcel is a minimum size of 8 acres, and provided that the parcel provides adequate size to meet any setback requirements herein. No more than 1 equine animal per 2 acres shall be allowed on any parcel.

*Amended 02/18/2021; Ref: 2021-ORD-01*

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**§ 9.01.018 VICIOUS ANIMALS.**

When an animal becomes vicious or a menace to the public health, the owner of the animal or person harboring the animal, shall not permit the animal to leave the premises on which kept unless on a leash in the care of a responsible person.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**§ 9.01.019 LOCATION AND MAINTENANCE OF ANIMAL PENS AND ENCLOSURES.**

Lots, pens, coops, stables and other enclosures where animals are kept or fed shall not be allowed in any front yard and shall be located at a distance from dwellings and places of concentrated human activity and at a distance from sources of water or food supply or food preparation as may be necessary to protect the public health.

- (A) All stables used for the keeping of equine animals, shall be kept a minimum of 50 feet from all property lines and 50 feet from any residential building.

*Amended 02/18/2021; Ref: 2021-ORD-01*

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**§ 9.01.020 BIRD SANCTUARY CREATED.**

The territory within the corporate limits of the town is hereby declared a bird sanctuary in accordance with the authority conferred upon the municipality by North Carolina General Statutes.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**§ 9.01.021 LICENSE AND REGISTRATION FEE AND TAG.**

- (A) No dog or cat shall be owned, kept, harbored, maintained or cared for within the corporate limits of the town unless it first is licensed and registered with the town pursuant to this subchapter and, at all times, has attached the license tag issued by the town as proof thereof. Person registering dog or cat must be a minimum of 16 years of age. The dog or cat must also have attached proof of current rabies vaccination. If no rabies vaccination at this time due to being under 4 months of age, proof of age must be presented, either by written record or statement from a veterinarian.
- (B) A license and registration fee shall be charged by the town for each dog and cat licensed effective with the issuance of the 1999 animal tags.
- (C) Animal licenses hereunder shall be issued on an annual basis, being valid for the period from the March 1 of a given year through March 31 of the following year. The license and registration fee provided in division (B) above shall be the same regardless of the date during the year that the license is issued. The owner or person registering the animal must present proof of current rabies vaccination when applying for the license.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

**RABIES**

**§ 9.01.035 QUARANTINE OF ANIMALS SUSPECTED OF HAVING RABIES.**

- (A) Every animal that has bitten any person or other animal or that shows symptoms of rabies shall be securely confined for a period of at least 10 days before the animal shall be released.
- (B) (1) The owner of an animal that has bitten any person or that has shown symptoms of rabies shall report the same immediately to the local health director.  
(2) In addition, any person bitten by an animal shall immediately report the incident to the local health director.
- (C) Animals quarantined in accordance with this section shall be confined in a veterinary hospital or any other place designated by the local health director, the expense of the confinement to be paid by the owner of the animal.
- (D) Any animal, confined pursuant to this section, upon being diagnosed by a licensed graduate veterinarian as free of rabies, shall be released to the owner upon payment by owner of fees and expenses incurred by the confinement and diagnoses.

(Prior Code, Ch. 6, Art. III) Penalty, see § 1.01.999

**§ 9.01.036 DISPOSITION OF RABID ANIMALS.**

- (A) Every rabid animal, after rabies has been diagnosed by a licensed graduate veterinarian, shall be killed at once in a humane manner by its owner or a peace officer, except that if the animal has

bitten a human being, the animal shall be confined under the supervision of a licensed graduated veterinarian until death of the animal. The remains of the animal shall be disposed of as provided in North Carolina General Statutes.

- (B) An animal bitten by a proven rabid animal or animal suspected of having rabies that is not available for laboratory diagnosis shall be destroyed immediately by its owner or a peace officer unless the bitten animal has been vaccinated against rabies more than 3 weeks prior to being bitten, and is given a booster dose of rabies vaccine within 3 days of the bite.

(Prior Code, Ch. 6, Art. III) Penalty, see § 1.01.999

## **CARE AND PROTECTION**

### **§ 9.01.050 CARE REQUIRED; ABANDONMENT PROHIBITED.**

The owner of every animal shall be responsible for the care, vaccination, registration and/or licensing and behavior of the animal. 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.

(Prior Code, Ch. 6, Art. IV) Penalty, see § 1.01.999

### **§ 9.01.051 CRUELTY TO ANIMALS.**

No person shall willfully overdrive, overload, wound, injure, torture, cruelly beat, needlessly mutilate, trap, entice, or kill any animal or cause or procure the same.

(Prior Code, Ch. 6, Art. IV) Penalty, see § 1.01.999

### **§ 9.01.052 RESPONSIBILITY OF INJURING ANIMALS.**

Any person who, as the operator of a motor vehicle or bicycle, strikes and injures a domestic animal shall stop at once and render 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 Town Clerk or Town Police or the County Sheriff's Office.

(Prior Code, Ch. 6, Art. IV) Penalty, see § 1.01.999