

TITLE IX: GENERAL REGULATIONS

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Added 02/21/08

CHAPTER 9.01: ANIMALS

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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.

ANIMAL CONTROL OFFICER. The animal control officer shall be the Chief of Police, or his or her designee, and shall be responsible for enforcement of this chapter. The animal control officer shall be an "authorized representative of the town" as provided in chapter.

Added 05/21/26

DANGEROUS ANIMAL.

- (1) One which, when unprovoked, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner or keeper; or
- (2) One which, when unprovoked, bites a person causing injury less severe than that defined as a "severe injury"; or
- (3) One which has been trained or is kept primarily or in part for the purpose of fighting, or any animal trained for fighting; or
- (4) Any animal which, when off the property of its owner or keeper, has killed, seriously bitten, inflicted injury or otherwise caused injury by attacking a domestic animal when unprovoked.

Added 05/21/26

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 02/18/21; 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 02/18/21; Ref: 2021-ORD-01

POTENTIALLY DANGEROUS ANIMAL. Any animal which causes any person being chased or approached to reasonably believe that the animal will cause physical harm to the person when off the property of the owner or keeper.

Added 05/21/26

SEVERE INJURY. Any physical injury to a human being that results in muscle tears, disfiguring lacerations, multiple sutures, corrective surgery, cosmetic surgery, broken bones or hospitalization; either individually or in any combination thereof.

Added 05/21/26

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.

VICIOUS ANIMAL. Any animal which, when unprovoked, inflicts severe injury on a human being; provided, however, that the phrase vicious animal shall not apply to the following:

- (1) Any dog or other animal that has bitten, attacked or attempted to attack only persons unlawfully on its owner's premises for the purpose of committing a crime;
- (2) Any dog or other animal which has bitten, attacked or attempted to attack only when provoked by physically abusive or inhumane treatment; or
- (3) Any dog that inflicts an injury upon a human who is injured while attempting to break apart two or more dogs engaged in a dogfight; provided that the injury to the human is less severe than that defined as a "severe injury."

Added 05/21/26

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 POTENTIALLY DANGEROUS, DANGEROUS, AND VICIOUS ANIMALS.

- A. *Vicious animals.* Any owner of a vicious animal must keep such animal confined at all times while on the owner's premises. Any vicious animal beyond the premises of its owner must be securely muzzled and restrained by a leash no longer than six feet in length and under the physical restraint of an individual at least 18 years of age. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent such animal from biting any human or other animal. Further, the owner of a vicious animal shall comply with the following provisions within 30 days after any determination or decision that the animal is a vicious animal, which determination or decision either is not appealed within the period provided in §9.01.063 or is not subject to further appeal:
 - 1. The owner shall display in a prominent place on the owner's premises clearly visible warning signs as the town shall determine are necessary in its sole discretion, which shall be provided by the town, indicating that there is a vicious animal on the premises. The same warning sign must be posted on the enclosure in which such animal is confined.
 - 2. The owner shall provide to the town clerk proof of public liability insurance in the amount of at least \$500,000.00 insuring the owner for any personal injuries inflicted by the vicious animal and such insurance policy shall name the town as an additional insured. Proof of such insurance shall be provided to the town annually for so long as the vicious animal remains in the owner's custody or more frequently upon request from the town.
- B. *Potentially dangerous animals and dangerous animals.* Any owner of a potentially dangerous animal or dangerous animal must ensure that said animal is kept within the confines of the owner's yard. Any potentially dangerous animal or dangerous animal beyond the premises of its owner must be securely restrained by a leash no longer than six (6) feet in length and under the physical restraint of a person.

Added 05/21/26

§ 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 02/18/21; 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

§ 9.01.053 TOWN DOG PARK

The Town Council may, in its discretion, develop and maintain one or more dog parks. The Town Council may adopt rules and regulations concerning the use of any dog park created by the Town. Any violation of dog park rules adopted by the Town Council shall be a violation of the Code and shall be enforced by any and all remedies contained in § 1.01.999 GENERAL PENALTY of the Code.

Added 05/21/26

ENFORCEMENT AND APPEALS

§ 9.01.060 BOARD OF ANIMAL CONTROL.

- A. There hereby is established a board of animal control. The board shall consist of three (3) members appointed by the Town Council for a term of two (2) years. Any member of the board of animal control may be removed from office by the Town Council for any reason. Vacancies shall be filled by the Town Council.
- B. The board shall elect a chairperson who shall conduct the meetings of the board. Selection as chairperson does not preclude the chairperson of his or her authority to vote on all matters before the board. No official action of the board shall be taken at other than a meeting at which a quorum of two or more members are present. Any action approved by the majority vote of those members present shall be the action of the board.
- C. The board shall hear appeals provided for under this subsection. The board may only affirm or reverse the determination appealed from, and the decision of the board shall be the final determination by the town. The decision shall be in writing, shall be delivered by personal service to the animal control officer or any other authorized representative of the town who shall have issued the related notice and/or civil citation, and shall be delivered either by personal service or by registered or certified mail, return receipt requested, to the animal's owner.

§ 9.01.061 ANIMALS IN VIOLATION.

Any permitted animal found in violation of this chapter shall be subject to the following:

- A. *Civil citation.* A police officer or other authorized representative of the town is empowered to issue a civil citation to any owner where there is reasonable cause to believe that the owner has violated any provision of this chapter. A civil penalty shall be levied against any such owner for each violation of this chapter, such civil penalty to be in the amount of \$100.00 for the first

violation of this chapter, \$200.00 for the second violation of this section, and \$500.00 for each subsequent violation of this section, which penalty shall be paid within 30 days of the date of the citation or appealed as provided for in this subsection.

- B. In addition to the penalties referenced in other sections of this Code, the owner of any animal determined by the animal control officer or any other authorized representative of the town to be a vicious animal, dangerous animal or potentially dangerous animal shall be subject to the following civil penalties, provided that no penalty in excess of \$500.00 shall be imposed for any single act, omission, or condition that constitutes a violation of this chapter:
1. \$75.00 for each animal declared potentially dangerous;
 2. \$150.00 for each animal declared dangerous; and
 3. \$225.00 for each animal declared vicious.
- C. *Injunction.* A police officer or other authorized representative of the town is empowered to apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction commanding any person violating this chapter to cease such violation.
- D. *Impoundment.* Any such permitted animal may be taken up and impounded by a police officer or other authorized representative of the town and delivered to the Craven County animal shelter or to an authorized representative of the county for impoundment. It shall be unlawful for any person to obstruct or interfere in any way with the impoundment of an animal pursuant to this section, or to release or attempt to release an animal being so impounded. No notice to the owner shall be required prior to impoundment pursuant to this section; provided, however, that a reasonable effort shall be made to notify the owner of an animal prior to impoundment. The animal's owner shall be responsible for all impound fees and expenses incurred by the town.
- E. *Destruction of animals.* Any animal may be properly destroyed by a police officer or other authorized representative of the town without prior notice to the owner in the following circumstances:
1. Where an animal cannot be captured and impounded safely due to resistance by the animal resulting in danger to the police officer, other authorized representative of the town or the public in general.
 2. Where the animal reasonably appears to be suffering from rabies or any other infectious disease which threatens public safety, or from a life-threatening injury or disability.
 3. Where the animal is in the act of biting, attacking, pursuing, injuring or killing any person or any domestic animal.

§ 9.01.062 NOTICES.

- A. Service of all notices provided for under this article may be affected by one of the following methods or by any other method permitted by law:
1. By personally delivering a copy of the notice to the owner or to any person capable of receiving process for the owner being served under Rule 4 of the North Carolina Rules of Civil Procedure. Any notice personally delivered shall be served when delivered or deemed served if refused or rejected.

2. By mailing a copy of such notice by registered or certified mail, return receipt requested, addressed to the owner. Any notice so mailed shall be served when delivered or deemed served if refused or rejected.
- B. If either of the methods of service specified above is attempted for ten (10) days without success, then the notice may be served by publishing the notice one time in a newspaper having general circulation in the town. Any notice so published shall be deemed served upon publication.

§ 9.01.063 APPEALS.

- A. The owner of any animal determined by the animal control officer or any other authorized representative of the town to be a potentially dangerous animal, dangerous animal, or vicious animal and notified of such determination may appeal the determination to the board of animal control by filing written objections with the town within three (3) days after service of the aforesaid notice. The board of animal control shall schedule a hearing within 10 days of the filing of the appeal. Appellate filing fees will be \$50.00 per appeal, per animal, payable to the town. In the event that the board of animal control reverses the decision of the animal control officer, the owner shall be entitled to a refund of the appellate filing fee. Any appeal from the final decision of the board of animal control pertaining to the determination of whether or not an animal is a potentially dangerous animal, dangerous animal, or vicious animal shall be taken to North Carolina Superior Court by filing notice of appeal and a petition for review within 10 days of the final decision of the board of animal control.
- B. An appeal of any citation for a violation of the provisions of this chapter, other than those provided for in subsection A of this section 9.01.063, shall be made by filing written objections with the town within 30 days of the date of the citation. The board of animal control shall consider such objections at its next regular meeting or at a later meeting in the board's discretion but in no event later than 30 days from the date the appeal is received by the town.

Added 05/21/26