

CHAPTER 91: ANIMALS

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GENERAL PROVISIONS

§ 91.00 PURPOSE.

Pursuant to authority granted by the North Carolina General Assembly, this animal control chapter is enacted to regulate, restrict or prohibit, if necessary, animals; to protect the public from unvaccinated, diseased, stray, roaming, dangerous, wild or exotic animals; to make unlawful acts of animals that interfere with the enjoyment of property or the peace and safety of the community; to protect animals from abuse or conditions harmful to their well-being; and to carry out any other lawful duties authorized by North Carolina laws and applicable ordinances.

§ 91.01 DEFINITIONS.

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

ABANDON. Means to intentionally, knowingly, recklessly or negligently leave an animal at a location for more than 48 consecutive hours without providing for the animal's continued care.

ADEQUATE FEED. The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a sanitized receptacle, dish, or container.

ADEQUATE SHELTER. An enclosure sufficient to provide shelter from extremes of weather and means to remain dry and comfortable. Adequate shelter should consist of at least three solid sides, a roof and a floor with bedding. Such shelter shall have sufficient room for an animal to move about freely and lie down comfortably.

ADEQUATE WATER. The provision of, or ready access to, a supply of clean, fresh, potable water provided in a sanitary manner 24 hours a day.

ANIMAL. Every vertebrate nonhuman species of animal, wild or domestic, male or female, including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish.

ANIMAL CONTROL OFFICER. Persons charged by the Town with enforcing all sections of this chapter and applicable state laws.

ANIMAL UNDER RESTRAINT. Any animal confined within a vehicle; any animal confined, by means of a secure enclosure or an electronic enclosure, within the real property limits of its owner; or any animal secured by leash or lead, cage, bridle or similar physical restraint sufficient to allow the animal to be controlled. Electronic leashes or training collars do not constitute restraint.

AT LARGE. Any animal on any public street or other public place in the Town including public parks or on private property without the permission of the owner or occupant of the private property, and not under control by either leash, cord or chain, or not under the immediate and effective control of the owner or other responsible person.

BITE. The act of an animal seizing flesh with its teeth or jaws, so as to tear, pierce or injure the flesh.

CATS. Domestic felines.

DANGEROUS ANIMAL. Any animal whose behavior creates a reasonable risk of injury to a human or animal or damage to personal or real property. This behavior includes, but is not limited to, an animal's biting or attacking or attempting to bite or attack a human or other animal, provided however, this definition shall not apply to any animal that has been subject to provocation nor shall it apply to any animal responding to a trespass, as trespass is defined in this chapter, upon the animal owner's premises, if the victim is the trespasser.

DOG. Shall include both male and female domestic canines.

DOMESTIC ANIMAL. Those species of animals that normally and customarily share human habitat and are normally dependent on humans for food and shelter, such as, but not limited to cats, dogs, cattle, horses, swine, fowl, sheep and goats.

ELECTRONIC ENCLOSURE. Underground electrical wire which, when used in connection with a pet collar or other device, keeps cats or dogs confined within the limits of the wire on private property.

EXOTIC OR WILD ANIMAL. Any animal which is not usually and customarily kept as a pet or domestic animal. A hybrid of any such animal, regardless of genetic percentages, shall be deemed exotic or wild. Examples of exotic or wild animals include, but are not limited to, any animal for which a federal or state permit or license is required, and such animals as lions, tigers, wild cats, wolves, bears, apes, monkeys and raccoons. Also included in this definition are dangerous reptiles such as alligators and poisonous reptiles.

IMPOUNDMENT. Possession or seizure of an animal by an officer for placement in the animal control shelter or other appropriate facility.

IN ESTRUS. A female animal in what is commonly called "heat."

INOCULATION. The administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

KENNEL, DEALER, OR BREEDER. Any person, partnership or corporation engaged in buying, selling, breeding or boarding animals.

NIGHTTIME. The time of day from sunset until sunrise.

OFFICER. The Police Department and the designated Animal Control Officer is responsible for the enforcement of this chapter and shall be referred to as Officer throughout this chapter.

OWNER. Any person, group of persons, or an entity owning, keeping harboring, possessing or acting as keeper or custodian of an animal; and the head of the household shall be deemed to be the owner of any animal owned, kept or harbored by any person residing in the household and kept on the premises.

OWNER'S PROPERTY. Any real property owned or leased by the owner of the animal.

PROVOCATION. Does not include any actions on the part of an individual that pertain to reasonable efforts of self-defense, and provocation must be clearly established.

PUBLIC NUISANCE. Includes the following: habitually or repeatedly snapping at, biting or harassing pedestrians, bicycles or vehicles by animals; the tipping over of garbage pails; digging or rooting in gardens, flowers or vegetables by animals; or in the case of female animals, to allow running at large during estrus.

SECURE ENCLOSURE. An enclosure from which an animal cannot escape by means of digging under or jumping over the enclosure, or otherwise becoming free unless freed by the owner. Neither a motor vehicle nor an electronic enclosure shall constitute a secure enclosure.

TRESPASS. That the victim has wrongfully invaded the property of the owner. The reason the individual is on the property and any other relevant circumstances shall be considered in order to determine whether or not a trespass has occurred.

VICIOUS DOG. Any dog which has bitten one or more persons; and one in which a propensity to attack humans without provocation exists, and the propensity is known, or ought to be known, to the owner. ('81 Code, § 4-21)

§ 91.02 ANIMALS PROHIBITED IN TOWN.

No hogs, cattle, roosters, or other livestock shall be kept in the Town limits unless otherwise specifically stated differently in another chapter of this ordinance.
('81 Code, § 4-1) Penalty, see § 91.99

§ 91.03 ANIMALS NOT TO RUN AT LARGE.

Except as otherwise provided, it shall be unlawful for any person to allow any of his animals to run at large on any of the streets or public lots of the Town. ('81 Code, § 4-2) Penalty, see § 91.99

Statutory reference:

Authority of Town to prohibit domestic animals running at large, see G.S. § 160A-186

§ 91.04 FIGHTING PROHIBITED.

No person shall attend, encourage, or stage any animal or fowl fight.
(’81 Code, § 4-3) Penalty, see § 91.99

Statutory reference:

Similar provisions, penalty, see G.S. § 14-362

§ 91.05 RESPONSIBILITY OF OWNERS.

Owners of animals are responsible for the acts of their animals. The owner of any animal which commits a nuisance upon the property of another person, or which damages another person’s property or person, is fully responsible and accountable for the acts. (’81 Code, §4.4)

Owners of animals are responsible for defecation on streets and private property.

(A) Public Property. It shall be unlawful for the owner of any animal to fail or refuse to remove feces deposited by the animal on any street, sidewalk, park or other publicly-owned area.

(B) Private Property. It shall be unlawful for the owner of any animal to fail or refuse to remove feces deposited by the animal on any private property.

Cross-reference: *Power of Board of Commissioners to prevent, suppress and remove nuisances, see Charter, § 9*

Statutory references:

Abatement of public health nuisances, see G.S. § 160A-193

Abatement of nuisances generally, see G.S. § 19-1 et seq.

Authority of town to define and abate nuisances, see G.S. § 160A-174

§ 91.06 DISPOSITION OF DEAD DOMESTICATED ANIMALS.

(A) It shall be the duty of the owner or person in charge of any of his domesticated animals that die from any cause and the owner, lessee, or person in charge of any land upon which any domesticated animals die, to bury the same to a depth of at least three (3) feet beneath the surface of the ground within 24 hours after knowledge of the death of the domesticated animals, or to otherwise dispose of the same in a manner approved by the State Veterinarian. It shall be a violation of this section to bury any dead domesticated animal closer than 300 feet to any flowing stream or public body of water. It shall be unlawful for any person to remove the carcasses of dead domesticated animals from his premises to the premises of any other person without the written permission of the person having charge of the premises and without burying the carcasses as above provided. The Street Department Supervisor shall provide for the removal and disposal according to the provisions of this section, or any dead domesticated animals located within the limits of the Town when the owner or owners of the animals cannot be determined. All costs incurred by the Town in the removal of a dead domesticated animal shall be recoverable from the owner of the animal upon admission of ownership or conviction.

(B) For the purpose of this section, *DOMESTICATED ANIMAL* shall include poultry. ('81 Code, § 4-5) Penalty, see § 91.99

§ 91.07 ANIMAL ABUSE PROHIBITED.

(A) Prohibited acts. All animals shall be kept and treated under sanitary and humane conditions and it shall be unlawful for any person to engage in one or more of the following acts:

(1) Failing to provide adequate feed, water and shelter or failing to maintain the animal in a clean and healthy environment. Examples of shelter that is not adequate include, but are not limited to the following:

(a) Underneath houses, outdoor steps, decks or stoops, or underneath motor vehicles;

(b) Inside metal barrels or cardboard boxes;

(c) Shelters prone to flood. Shelters surrounded by debris, obstructions or impediments that may endanger an animal. Confinement of the animal in storage rooms, sheds or other buildings without windows and proper ventilation.

(2) Failing to keep an animal under sanitary and humane conditions which are not detrimental to the animal's health and general welfare and which maintain a condition of good order and cleanliness and reduce the possibility of transmission of disease.

(3) Failing or refusing to provide adequate medical attention for any sick, diseased or injured animal.

(4) Engaging in animal cruelty; animal cruelty means every act, omission, or act of neglect whereby unjustifiable pain, suffering or death is caused or permitted, or attempted to be caused or permitted against animals, and includes acts of attempted beating, torturing, injuring, tormenting, mutilating, teasing, molesting, baiting, or harassing animals, the trapping of animals unlawfully, and overworking or overdriving animals. This shall not include the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, lawful activities of organizations or agencies conducting or sponsoring biomedical research or training, lawful activities for sport, the production of livestock or poultry, or the lawful destruction of any animal.

(5) Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or themselves. Officers shall have the authority to inspect and to close down public exhibits of animals including those which are part of fairs, carnivals, festivals, fund raising events, petting zoos and any other activity or function carried out in the Town if it is determined that animals are being cruelly treated or run the risk of causing injury to the public or themselves.

(6) Poisoning, or exposing a domestic animal to any known poisonous substance or mixing a poisonous substance with food, so that it will likely be eaten by an animal. This does not

include attempts or acts of persons to lawfully rid their own property of mice or rats or other vermin, nor does it include other acts permitted by the North Carolina Wildlife Resource Commission.

(7) Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck, or allowing a choke or pinch collar to be used as a primary collar on an unsupervised animal, or chaining or tethering an animal to a stationary object for a period of time or under conditions that an animal control officer deems harmful or potentially harmful to the animal. Examples of harmful or potentially harmful chaining or tethering include, but are not limited to the following:

(a) Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. A chain or tether should not be less than ten feet long. Using a chain or tether that exceeds ten percent of the animal's body weight shall be deemed not appropriate and potentially harmful.

(b) Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter.

(8) Carrying or causing to be carried in or upon the open area of a truck or other motor vehicle any animal that is not secured, in an animal carrier or by a harness or other device, such that the animal cannot fall, jump, or be thrown from the vehicle.

(9) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability or death. If an animal is discovered in a motor vehicle under such conditions, the procedures specified in 4-134(d) should be followed.

(10) It shall be unlawful for any person owning, possessing or harboring an animal to abandon that animal. If an Officer finds that an animal has been abandoned, the animal may be impounded. If the animal has been abandoned in a house or within a fenced area, the Officer must make a reasonable effort to locate the owner or manager of the property. If the property owner is not the animal owner, then the Officer shall secure permission to remove the animal from the person who occupies the property. If the person who occupies the property is the animal owner and cannot be located or refuses to give permission to remove the animal, the Officer shall secure an appropriate warrant to seize the animal.

(B) Exceptions. Nothing in this section shall be deemed to prohibit the human transportation of horses, cattle, sheep, poultry or other livestock in trailers or other vehicles designed, constructed, and adequate for the size and number of animals being transported. Nothing in this section shall be construed to prohibit the Animal Control unit or Veterinarians from euthanizing dangerous, unwanted, injured or diseased animals in a humane manner; or to prohibit slaughterhouses or medical facilities from the proper, humane and lawful carrying out of their activities or duties.

(C) Inspections. Officers shall have the authority to conduct inspections of pet shops, kennels, dealers, or breeders, to the extent not preempted by North Carolina law, in order to determine if there is any abuse of animals. Pet shops, kennels, dealers and breeders are subject to the State laws concerning rabies control. Abuse of animals shall include any act described in this section or any other act which is detrimental to the well-being of the animal. It shall be unlawful for any owner or employee of any pet shop or kennel or any dealers or breeders to violate this section. ***State Law References:*** Cruelty to animals, G.S. 14-360.

§ 91.08 NOTIFICATION OF INJURY TO ANIMAL.

All persons who injure or kill a domestic animal by running over, into or otherwise coming into contact with such animal with an automobile, motorcycle, bicycle or other vehicle shall notify the owner of the animal immediately. If the owner is unknown or cannot be located, the person who injured or killed the animal shall immediately notify an Officer by giving their name and address, a description of the animal and the location of the incident.

§ 91.09 DANGEROUS ANIMALS.

(A) Determination of dangerousness. The Officer shall determine whether an animal shall be declared dangerous or potentially dangerous pursuant to G.S. 67-4.1. The Officer shall issue a written declaration of dangerousness within ten working days of the incident necessitating a determination of whether the animal is dangerous or potentially dangerous.

(B) Confinement and restraint. In addition to the provisions of G.S. 67-4.2, the owner of an animal that has been declared dangerous or potentially dangerous pursuant to G.S. 67-4.1 shall comply with the following provisions:

(1) The animal shall be confined according to the specific written instructions, if any, of the Officer to the extent that these do not conflict with the confinement requirements of G.S. 67-4.2.

(2) When an animal that has been declared dangerous or potentially dangerous is off the property of the owner it must be muzzled and under restraint by a competent person who by means of a leash, chain or rope has the animal firmly under control at all times. Voice command is not recognized as adequate restraint.

(3) The owner shall notify an Officer immediately if the animal escapes or is otherwise freed from the secure enclosure or other restraint.

(C) Transfer of ownership. The owner of an animal that has been declared dangerous or potentially dangerous shall comply with the requirements of G.S. 67-4.2 concerning transfer of ownership.

(D) Sanctions, fines, penalties and remedies. In addition to criminal penalties provided by state law and civil penalties set forth in section §91.99, any person who violates this section shall be subject to the following sanctions, and remedies:

(1) If an animal which has been declared dangerous or potentially dangerous is found at large, it shall be seized and impounded. Officers are authorized to go upon private property to seize the dangerous or potentially dangerous animal. If attempts to seize the dangerous or potentially dangerous animal are unsuccessful, Officers may tranquilize or humanely destroy the animal, without prior notice to the owner. The Officer(s) shall thereafter make a good faith attempt to notify the owner of the incident.

(2) If the animal has caused injury to a person or another animal while at large and not confined within a secure enclosure, the Officer(s), in addition to seizing the animal, issue to the owner a notice of intent to destroy the animal. The owner may appeal this intended action by filing a written request for appeal with the Town Manager.

(3) If an inspection of the premises where an animal which has been declared dangerous or potentially dangerous is confined reveals that the owner has not complied with the requirements for confining a dangerous animal, an Officer shall issue a \$250.00 civil penalty in accordance with Section §91.99 and may impound the animal.

(4) Nothing in this article shall prevent a private citizen from bringing an action against the owner of an animal, which has caused injury to the private citizen or his property, for damages or any other loss resulting from the animal being dangerous or potentially dangerous.

(E) The provisions of this section do not apply to:

(1) A dog being used by Law Enforcement Officer(s) to carry out the Law Enforcement Officer's official duties;

(2) A dog being used in a lawful hunt;

(3) A dog where the injury or damage inflicted by the dog was sustained by a another 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; or

(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, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime. **State Law References:** *Civil penalties, G.S. § 160A-175(c).*

§ 91.10 NUISANCE ANIMALS.

(A) Prohibited generally; exceptions. It shall be unlawful for any person to own, keep, possess, harbor or maintain an animal in such a manner as to annoy or disturb rights and privileges common to the public or to annoy or disturb persons in the enjoyment of private property. By way of example and not of limitation, the following are hereby declared to be a public nuisance and are, therefore, unlawful:

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- (1) Getting into or turning over waste or garbage containers.
- (2) Walking on or sleeping on automobiles of another.
- (3) Damaging the real or personal property of anyone other than its owner.
- (4) Repeatedly being or running at large.
- (5) Being maintained in an unsanitary condition so as to be offensive to sight or smell.
- (6) Not being confined to a building or secure enclosure while in estrus.

(7) Being vicious or chasing, snapping at, attacking, or otherwise molesting others including, pedestrians, bicyclists, motor vehicle passengers, or domestic animals.

(8) Allowing or permitting an animal to bark, whine, howl or yowl in an excessive, continuous or untimely fashion, or to make other noise in such a manner so as to result in a serious annoyance or derference with the reasonable use and enjoyment of neighboring premises. Any person lodging such complaint shall be responsible for pursuing available judicial remedies by filing such action with the appropriate judicial authority.

(9) Being housed or restrained less than five feet from a public street, road or sidewalk such that, in the discretion of an Officer, the location of the animal poses a threat to the general safety, health and welfare of the general public.

(10) By virtue of number or type, being offensive or dangerous to the public health, safety, or welfare.

(11) Being diseased or dangerous to the health of the public.

(B) Complaint and notice. Upon their own initiative or upon receipt of a detailed written and signed complaint being made to an Officer by any of the Town residents that any person is maintaining a nuisance animal, an Officer may cause the owner of the animal or animals in question to be notified that a complaint has been received and may cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating Officer(s).

(C) Abatement. If the written findings of the investigating Officer(s) indicate that the complaint is justified, then the Officer(s) shall cause the owner or keeper of the animal or animals in question to be notified in writing, served by personal delivery or by certified mail, return receipt requested, and ordered to abate such nuisance within a reasonable time not to exceed seven days after notification, and may issue a citation for the violation. The Officer(s) may specify the particular abatement measures that must be taken, which may include, but are not limited to, a requirement that the animal be penned, or that a secure enclosure be erected or improved.

(D) Impoundment upon failure to abate. If any person actually or constructively receiving notice in the manner herein described shall fail to refuse to abate the nuisance upon order of an Officer within the specified time, the Officer(s) may cause the animal or animals in question to be seized and impounded in accordance with the provisions of Section §91.21.

§ 91.11 ADMINISTRATION AND ENFORCEMENT.

The Officer(s) are responsible for the enforcement of this chapter. The Officers shall have all powers, responsibilities and immunities granted by law and as set forth in this chapter. The Officers are authorized to initiate legal action to enforce this chapter.

(A) Duties of Officers. The Officer is charged with the following:

(1) Enforcing and carrying out within the Town; the provisions of this chapter, any other ordinance assigning Animal Control duties, all relevant State laws, cooperating with the Franklin County Animal Control Department and other Law Enforcement agencies;

(2) Canvassing the Town, including dwellings, businesses and institutions in the Town as necessary and practical, for the purpose of ascertaining that all dogs and cats in the Town are adequately inoculated against rabies, and for the purpose of ascertaining compliance with this chapter and State statutes;

(3) Investigating complaints with regard to animals covered by this chapter and protecting animals from cruelty or abuse;

(4) Seizing and impounding, when necessary, any animal in the Town involved in a violation of this chapter or any other ordinance or State law;

(5) Going upon private property, and seizing animals on public or private property pursuant to the provisions of this chapter, State statute or with the consent of an owner or occupant of the property; as evidence; by criminal or administrative warrant; or by order of a court of competent jurisdiction of this State;

(6) Keeping, or causing to be kept, accurate records of seizures, impoundments, dangerous animals, disposition of animals coming into the custody of the Animal Control Unit, bite cases, violations, complaints, investigations and monies collected;

(7) Issuing citations, orders and assessing civil penalties for violations of this chapter and when authorized by law.

(B) Limited liability. Except as may be otherwise provided by statute or local law or ordinance, no Officer, agent or employee of the Town charged with the duty of enforcing the provisions of this chapter or other applicable law shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.

(C) Inspections. Whenever it is necessary to make an inspection to enforce any of the provisions of this chapter, or other applicable law, or whenever an Officer has reasonable cause to believe that there exists in any building or upon any premises any violation of this chapter or other applicable law, the Officer is empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon them by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or an administrative search warrant or criminal search warrant is obtained as follows:

(1) If such property is occupied, the Officer shall first present credentials to the occupant and request entry, explaining the reasons therefore; or

(2) If such property is unoccupied, the Officer shall first make a reasonable effort to locate the owner or other persons having control of the property, present proper credentials and request entry, explaining the reasons therefore; or

(3) If entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be found after due diligence, an Officer may obtain an appropriate warrant to conduct a search, or inspection of the property or seizure on the property.

Notwithstanding any other provision of this chapter, an Officer shall have the authority to enter upon any land to enforce the provisions of this chapter, including the seizure of animals running at large, or other applicable law if a violation of such law is being committed in the presence of the Officer and requires immediate action on the part of the Officer to protect the health or safety of the animal or the public. In the case of animals at large, so long as the animal is within sight of the Officer, this section shall not be interpreted to require that a warrant be obtained before seizing the animal.

(D) Interference. It shall be unlawful for any person to interfere with, hinder, molest, resist or obstruct an Officer while they are carrying out any duty created under this chapter or other applicable law.

(E) Concealment of animal. It shall be unlawful for any person to conceal, for the purpose of evading the licensing requirement, rabies inoculation requirement or other requirements of this chapter or any applicable law, any unlicensed, un-inoculated or other unlawful animal from any Officer.

(F) Concealment of license, etc. It shall be unlawful for any person to refuse to show proof of a rabies inoculation to any Officer upon request.

(G) Unauthorized release. It is unlawful for any person to seek to release, attempt to release, or to release any animal in the custody of an Officer, except as otherwise specifically provided in this chapter. An animal captured in a trap set by an Officer shall be deemed to be in custody of Animal Control.

§ 91.12 BIRD SANCTUARY.

(A) Town designated as sanctuary. The area within the corporate limits of the Town and all land owned or leased by the Town outside the corporate limits is hereby designated as a bird sanctuary, as authorized by G.S. 160A-188.

(B) Unlawful to trap, etc. It shall be unlawful intentionally to trap, hunt, shoot or otherwise kill, within the sanctuary hereby established, any native wild bird, except those birds classified as a pest under Article 22A of Chapter 113 of the General Statutes (G.S. 113-300.1 et seq.) and the Structural Pest Control Act of North Carolina of 1955 (G.S. 106-55.22 et seq.) or the North Carolina Pesticide Law of 1971 (G.S. 143-434 et seq.), pursuant to an appropriate permit issued by North Carolina Wildlife Commission.

§ 91.13 SHOOTING OR POISONING WILD GAME OR SQUIRRELS.

It shall be unlawful for any person to shoot any wild game or any squirrel, whether wild or tame, with any firearm, bow and arrow, or willfully poison any wild game or squirrel for sport. In cases of overpopulation in the Town, individuals shall request a permit from the Chief of Police for the removal thereof.

§ 91.14 RABIES INOCULATION.

(A) Immunization.

(1) It shall be required that any dog or cat over the age of six months be vaccinated against rabies with an approved anti-rabies vaccine administered by a veterinarian or certified vaccinator in accordance with G.S. § 130A-185. Owners of said dog(s) or cat(s) are responsible for maintaining immunization records and furnishing such to an Officer upon request.

(2) All dogs and cats must wear a collar and identification tag and a rabies vaccination tag at all times when not confined to a domestic dwelling.

(B) Bites. Wounds inflicted by an animal upon human beings shall be reported immediately to an Officer.

(1) Every dog or cat that bites a human being and does not have a valid rabies vaccination tag shall be delivered within eight hours of the bite incident by the owner to Franklin County Animal Control, where the animal shall be confined for observation for not less than ten days.

§ 91.15 TEASING AND MOLESTING.

It shall be unlawful for any person to tease, molest or bait any animal not belonging to him or legally under his control. ('81 Code, § 4-23) Penalty, see § 91.99

§ 91.16 RUNNING AT LARGE PROHIBITED.

(A) It shall be unlawful for any owner or custodian of an animal to allow his animal to run at large. If the animal is creating a public nuisance and an Officer determines, after an investigation, that the reports concerning the animal is supported by evidence, the investigating officer shall notify the owner of the animal found to be creating a public nuisance and thereafter the owner must keep the animal on his property at all times or under restraint by leash, chain or otherwise.

(B) Duty of Police Department. It is hereby declared the duty of the Police Department or Animal Control Officer(s) to notify the owner of any animal creating a public nuisance as defined in section §91.10.

(C) All animals creating a public nuisance shall forthwith be turned over to the Animal Control Officer(s) for impoundment.

('81 Code, § 4-24) (Am. Ord. Passed 10-20-86) Penalty, see § 91.99

Statutory reference: Municipal animal taxes, see G.S. § 160A-212

§ 91.17 RESERVED.

§ 91.18 ANIMALS IN ESTRUS.

It is the responsibility of the owner that every female animal, while in estrus, shall be confined in a building or secure enclosure in such manner that she will not be in contact with another animal, as the case may be, nor create a nuisance by attracting other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal being bred. ('81 Code, § 4-26) Penalty, see § 91.99

Statutory reference: Similar provisions, see G.S. § 67-2

§ 91.19 INTERFERENCE WITH IMPOUNDMENT PROHIBITED.

It shall be unlawful for any person to obstruct or interfere with in any way the impoundment of any animal found in violation of the provisions of this chapter.

('81 Code, § 4-27) Penalty, see § 91.99

§ 91.20 FOWL.

Chickens shall be allowed on residential property within the corporate limits of the Town at a maximum of 5 chickens per property. It shall be unlawful for any person owning and keeping chickens to allow the fowl to run at large in the Town or on their property. All fowl are to be kept in an enclosure, chicken house or coop and must be maintained in a clean and sanitary condition at all times. Chickens and their houses must be kept a minimum of thirty (30) feet from the property line and no closer than fifty (50) feet to another residence. All chickens and their houses are to be placed in the rear yard. It shall be unlawful to raise chickens for commercial purposes within the corporate limits of Town.

It shall be unlawful for any person to keep or maintain on any premises or lot within the Town any rooster, duck, goose or other such bird or fowl that by loud and habitual crowing, quacking or honking or in any other manner constitutes a public nuisance. Failure to abate such nuisance shall be unlawful and punishable according to law. Penalty §91.99

§ 91.21 KEEPING BEES IN R-1A RESIDENTIAL AGRICULTURAL ZONING DISTRICT.

It shall be unlawful for any person to keep or maintain more than 5 bee hives or colony of bees in any apiary, beehive, or other structure. All hives shall be maintained and placed at ground level and/or securely attached to an anchor or stand and may be permitted to permanently attach to a roof surface. Bee hives require a zoning permit and are permitted in the R-1A Residential Agricultural Zoning District. All hives must adhere to a 50 foot setback from the property line and shall be located in the rear of the property. All such bees and bee colonies shall be maintained so as not to constitute a nuisance. Removal of the hive or hives shall be necessary in order to protect the health, safety, and welfare of the public.

State Law References: NCGS §160-645.

§91.22 HORSES.

Horses shall be allowed on residential property for personal use only within the corporate limits of the Town and shall be limited to two head for each contiguous full acre under single ownership. It shall be unlawful for any person to board, breed or train a horse for commercial purposes within the Town limits.

A stable shall be limited to 900 square feet in area under roof for the first full acre plus 500 square feet for each additional contiguous full acre under single ownership, up to a maximum of 2,500 square feet. Stables shall not be allowed in the front or side yards and shall maintain a setback of at least 40 feet from any lot line.

Fences or walls establishing the perimeter of a corral used in the keeping of horses shall maintain a rear or side setback of at least 20 feet from the lot line and a front yard setback of at least 50 feet from any lot line.

§ 91.99 PENALTY.

(A) Civil penalties. Unless otherwise provided for in a particular section, the Police Department is authorized to assess civil penalties in the following manner:

(1) A civil penalty of \$50.00 shall be assessed for the first violation of any provision of this chapter.

(2) A civil penalty of \$100.00 shall be assessed for each second or subsequent violation of this chapter.

(3) A civil penalty of \$500.00 shall be assessed for violation of any provision of this chapter by an animal that has been declared dangerous or potentially dangerous.

(4) A civil penalty of \$150.00 shall be assessed for habitual violations, as defined herein, of any provision of this chapter.

A civil penalty is due and owing upon assessment. Surrender of an animal or failure to redeem an animal shall not relieve the owner of responsibility for payment of any outstanding civil penalty that was assessed prior to the animal being surrendered or as a result of the animal being impounded. If payment of a civil penalty is not received within five working days of issuance, an Officer may initiate legal proceedings to recover the amount of the penalty.

State Law References: *Civil penalties, G.S. § 160A-175(c).*