

Chapter 3 - ANIMALS AND FOWL

Footnotes:

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Charter reference— *Property kept free of offensive matter, § 14.1.***Cross reference**— *Animals restricted from cemeteries, § 5-20; rodent control, § 8-51 et seq.; nuisances, § 10-1; destruction of rodents, squirrels and pigeons, § 11-12; noise, § 11-18(7); animals running at large in recreation areas, § 12-91; molesting animals in parks, § 12-92; transportation by animal-drawn vehicles, Ch. 18, Art. IV.***State Law reference**— *City's authority to regulate the keeping of domestic animals, G.S. § 160A-186.*

ARTICLE I. - IN GENERAL

Sec. 3-1. - Appointment of animal control officers.

The town manager is hereby authorized, in his discretion, to appoint one (1) or more animal control officers.

(Code 1967, § 6-23)

State Law reference— Appointment of animal control officer authorized, G.S. § 67-30.

Sec. 3-2. - Right of entry for inspection.

The animal control officer shall have at all reasonable times, within constitutional limitations, the right of entry upon any and all parts of the premises of any place in which such entry is necessary to carry out the provisions of this chapter, and it shall be unlawful for any person to resist a proper entry by such authorized representative.

(Code 1967, § 6-11)

Sec. 3-3. - Citations for violations.

- (a) *Authorized.* The police department is hereby empowered to issue citations to any owner of an animal who has violated any of the provisions of this chapter.
- (b) *Delivery; contents.* Such a citation shall be delivered in person to the owner or keeper by a police officer or the animal control officer. If such violator cannot be readily found, the citation shall be mailed, certified mail, return receipt requested, to the person so charged at his last known address. The citation shall direct the violator to appear at the office of the clerk on or before a specified date and hour, which date and hour of appearance shall not be less than seventy-two (72) hours after the citation has been delivered to the violator by the police officer

or the animal control officer or, if delivery is by mail, not less than ninety-six (96) hours after the citation has been deposited with the United States Postal Service for delivery to the violator.

- (c) *Civil penalty.* Any owner or keeper of any animal to whom a citation is issued shall pay to the collector of revenue a civil penalty in the amount of fifty dollars (\$50.00) for the first citation, fifty dollars (\$50.00) for the second citation, one hundred dollars (\$100.00) for the third citation and two hundred dollars (\$200.00) for each subsequent violation.
- (d) *Warning notice upon failure to respond.* If any owner or keeper of an animal who has violated any provision of this chapter does not respond to the citation on or before the day and hour specified in the citation, he shall be mailed a notice by the police department informing him of the violation and warning him that if he does not appear within five (5) days from the date of mailing of the notice, a complaint against him will be filed and a criminal summons issued.

(Code 1967, § 6-39; Ord. No. 01-5, § 1, 3-19-01; Ord. No. 08-09, § 1, 9-8-08)

Sec. 3-4. - Enforcement procedure against owner or keeper.

- (a) Except as otherwise provided in this section, upon the first violation of any section of this chapter, the police department or animal control officer shall issue a warning to the owner or keeper of the dog, cat or other animal or fowl. Such warning shall be delivered in person to the owner or keeper by a police officer or the animal control officer. If such violator cannot be readily found, the warning shall be mailed, certified mail, return receipt requested, to the person charged at his last known address. The warning shall advise the owner or keeper of the nature of the violation and further advise him that any additional violation shall result in the issuance of a citation as provided in this section.
- (b) Upon the second violation of any section of this chapter, the police department or animal control officer is hereby empowered to issue a citation to the owner or keeper of the dog or cat pursuant to the provisions of section 3-3.
- (c) For any violation of section 3-43 or 3-47, or of any state statute pertaining to rabies or vicious animals or any violation immediately endangering public health and safety, no warning notice and no citation shall be required and the animal control officer or police department may proceed immediately to institute criminal proceedings.
- (d) Upon the third or more violation, the police department or the animal control officer is hereby empowered to issue a citation to any such owner or keeper or in lieu thereof file a complaint against such violator for the issuance of a criminal summons.

(Code 1967, § 6-40)

Sec. 3-5. - Penalties.

Unless otherwise punished by payment of the civil penalty for the same offense, any owner found violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the provisions of section 1-12.

(Code 1967, § 6-41)

Sec. 3-6. - Disposal of dead animals.

No person shall deposit or cause to be deposited the carcass of any dead animal in the streets, roads, alleys, woods or waters within the corporate limits of the town. Except for cows and horses, the bodies or carcasses of dead animals will be removed at any time upon request during the town's working hours if placed in an accessible location on the premises.

(Code 1967, § 6-1)

State Law reference— Department of transportation's authorization to remove dead animals from rights-of-way, G.S. § 136-118(21); disposition of dead domesticated animals, G.S. § 106-403.

Sec. 3-7. - Keeping of swine.

It shall be unlawful for any person to keep or harbor any hog, pig or other species of swine within the town.

(Code 1967, § 6-2)

Sec. 3-8. - Impoundment—Authorized.

Any animal or fowl found in the town in violation of any provision of this chapter shall be taken up by any authorized officer or employee and impounded.

(Code 1967, § 6-3)

State Law reference— Impounding livestock at large, G.S. § 68-17.

Sec. 3-9. - Same—Notice; sale.

Whenever any animal shall be impounded, it shall be the duty of the impounding officer to, at once or as soon thereafter as practicable, notify the owner either in person or by mail, if the owner's name and address is known, at least three (3) days before selling or disposing of such animal. The animal shall be sold or disposed of on the day named in the notice within legal hours, unless the animal is redeemed

prior thereto. Notice shall be deemed to have been delivered within three (3) days of contact of the owner in person or by mail. If the owner or the address of the owner is unknown, no mailing shall be required.

(Code 1967, § 6-4)

State Law reference— Authorization to provide that animals allowed to run at large in violation of ordinance may be seized and sold or destroyed, G.S. § 160A-186.

Sec. 3-10. - Same—Redemption.

The owner or keeper of any dog, cat or any other animal impounded under the provisions of this article shall have the right to redeem such animal within a period of three (3) days from the impoundment thereof upon the payment of all fees charged against the animal and upon compliance with the provisions of section 3-40. If such animal is not redeemed at the end of the three-day period, the animal may be either sold or humanely disposed of.

(Code 1967, § 6-5)

Sec. 3-11. - Same—Fees.

Fees, as shall be determined by the council from time to time and listed in the schedule of fees and charges maintained in the clerk's office, shall be paid to the town for the impoundment, feeding and/or sale of any animal so impounded under the provisions of this article.

(Code 1967, § 6-6)

Sec. 3-12. - Same—Obstruction or interference.

It shall be unlawful for any person to obstruct or interfere with, in any way, the impoundment of any dog, cat or any other animal found in violation of the provisions of this article. It shall further be unlawful for any person to release or attempt to release any dog, cat or any other animal which has been impounded.

(Code 1967, § 6-12)

Sec. 3-13. - Running at large.

It shall be unlawful for any person owning or having in his care or custody any animal, except as otherwise provided in this chapter, or fowl to permit or allow the animal or fowl to run at large upon any public or private property within the town not his own.

(Code 1967, § 6-7)

Sec. 3-14. - Confinement of dangerous animals.

It shall be unlawful for any person owning or having the care or custody of any dangerous animal to fail, refuse or neglect to keep such animal securely confined at all times.

(Code 1967, § 6-8)

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

Sec. 3-15. - Stock prohibited on sidewalks.

No person shall hitch, drive, lead or ride any horse, mule, ox or other animal upon any of the sidewalks of the town.

(Code 1967, § 6-9)

Sec. 3-16. - Pens and stables.

No stable or pen wherein any animal, including but not limited to dogs and cats or fowl, is kept shall be maintained within the town except upon compliance with the following rules and regulations:

- (1) All stables and pens, private and public, required by this section must be floored with cement sloping to the center, with a trap connecting to the town's sewer system. All floors must be washed down daily and kept clean.
- (2) Stables of the design required in subsection (1) of this section are required for one (1) or more mules, donkeys, ponies, horses, cows or any similar member of an animal family with members having four (4) feet.
- (3) Owners or occupants of premises on which four (4) or more dogs four (4) or more months of age are kept are required to and shall construct and maintain on the premises a pen of the design required in subsection (1) of this section for the dogs.
- (4) All stables or pens of the design required in subsection (1) of this section must be located at least seventy-five (75) feet from any neighbor's dwelling or principal building and at least fifty (50) feet from the owner's or occupant's dwelling or principal building.
- (5) All stables and pens, regardless of design or number of animals, shall be cleaned and sprayed with a suitable disinfectant as often as needed, but shall be cleaned and sprayed with a suitable disinfectant at least once every seven (7) days.
- (6) No stable or pen of whatever design shall be maintained in such a manner as to create offensive odors or a health hazard.
- (7)

Any animal enclosure, including any areas accessible by a chained or tethered animal, shall not be excessively muddy or contain standing water, contain excessive excrement, or be otherwise unsanitary.

- (8) Any animal enclosure shall be free of objects or contaminants that are likely to cause injury or be detrimental to the health of the animal, including but not limited to, rusty or jagged metal objects, broken glass, or harmful chemicals or agents.
- (9) Any bedding material shall consist of materials such as cedar or pine shavings. Wheat straw, pine straw and hay are considered adequate bedding but are not recommended unless the bedding is changed weekly, as mold will grow in these materials if not changed. Blankets and cloth material are not considered adequate bedding as such items would hold moisture and freeze if wet.
- (10) There should be adequate shade for outside dogs. There should be one (1) or more outside areas of shade, large enough to contain at one (1) time all dogs present and to protect them from the direct rays of the sun. Adequate shelter shall not constitute adequate shade. For all other species that, as determined by species, require adequate shade.
- (11) If any animal is to be restrained by a chain, leash or similar restraint, the following standards shall apply:
 - a. Restraint used must be a light chain or coated cable;
 - b. Restraint may not be made of material that is overly heavy or that would present harm to the animal (e.g., frayed steel cables, log chains);
 - c. Restraint must be at least ten (10) feet long and contain a swivel on each end to prevent the animal from choking or strangling itself;
 - d. Animal must be restrained in such a manner that it cannot get entangled with surrounding objects, get out into a road, driveway, parking lot, or other similar area or leave the owner's property unsupervised:
 1. Restraint must be used in conjunction with a collar or harness made of nylon or leather at least one (1) inch in width. Choke chains, pinch and prong collars or attaching a chain or cable directly to the dog's neck is not permissible.
 - e. Animal must be restrained in such a manner that it can reach its food, water, shelter and shade;
 - f. Padlocks on restraints, collars or harnesses are not permissible.

(Code 1967, § 6-10; Ord. No. 19-07, § 1.1, 7-8-19)

Cross reference— Building regulations, Ch. 9; health and sanitation, Ch. 13; zoning, App. B.

Sec. 3-17. - Kennels.

- (a) *Class I kennel* means any person maintaining an establishment where animals of any species, excluding domesticated livestock, are kept for the purpose of showing, competition, or sport, and which establishment is so constructed that the animals cannot stray from the establishment, and which maintains more than six (6) but less than nineteen (19) animals.
- (b) *Class II kennel* means any person maintaining an establishment where animals of any species, excluding domesticated livestock, kept for the purpose of breeding, buying, selling or boarding such animals or engaged in the training of dogs for guard or sentry purposes, and which establishment is so constructed that the animals cannot stray from the establishment; or any person owning or keeping twenty (20) or more animals, excluding domesticated livestock, each of which is four (4) months of age or older.
- (c) *Class III kennel* means any nonprofit rescue organization, nonprofit sanctuary, nonprofit kennels and nonprofit humane society maintaining an establishment where animals of any species excluding domesticated livestock, where the establishment is so constructed so that the animals cannot stray from the establishment.

(Ord. No. 19-07, § 1.2, 7-8-19)

Secs. 3-18—3-35. - Reserved.

ARTICLE II. - DOGS AND CATS

Footnotes:

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State Law reference— *Dogs, G.S. § 67-1 et seq.*

Sec. 3-36. - Definitions.

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

At large means off the premises of the owner and not under the control of the owner or a member of his immediate family or other responsible person, either by leash, cord, chain or otherwise.

Dangerous dog means a dog that, without provocation, has killed or inflicted severe injury on a person, is determined by the animal control officer to be potentially dangerous because the dog has engaged in one (1) or more of the behaviors listed in the potentially dangerous dog definition shown below, or dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

Dog and *cat* means both male and female dogs and cats.

Owner means any person, firm, association or corporation owning, keeping or harboring a dog, cat, other animal or fowl, and, for the purpose of this definition, the head of the household shall be deemed to be the owner in respect to any dog, cat or other animal or fowl owned, kept or harbored by any person residing in the household and kept on the premises.

Potentially dangerous dog means a dog that the animal control officer determines to have inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization, killed or inflicted severe injury upon a domestic animal when not on the owner's real property or approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

Pound or *animal shelter* means the place provided and operated by the town for the restraint, care and disposition of animals.

(Code 1967, § 6-21; Ord. No. 19-07, § 1.4, 7-8-19)

Sec. 3-37. - Responsibility of owners.

- (a) Owners of dogs or cats are responsible for the acts of their dogs or cats.
- (b) The owner of any dog or cat that commits a nuisance upon the property of another person or that damages another person's property or person is fully responsible and accountable for these acts.
- (c) The owners of dogs or cats shall provide humane and sanitary shelter from heat, cold, rain, wind and snow and shall provide food and water adequate to keep the animals in good health and comfort.
 - (1) Adequate shelter for dogs means a durable, enclosed, permanent structure, or a structure manufactured to serve primarily as an outdoor shelter for a dog, with a roof, at least four (4) sides, and a floor. The shelter shall be large enough to allow all animals present to stand, turn and lay comfortably. For all other animals, "adequate shelter" means an appropriate structure that provides the animal protection and shelter, as determined by the animal's species, from heat and cold and from direct effect of wind, rain, and snow.
 - a. Shelter must be secured to prevent it from tipping over, rolling away or sliding in such a way that would prevent or hinder the animal from being able to get inside;
 - b. Shelter shall contain adequate bedding material at such time when the outside temperature is below forty (40) degrees Fahrenheit;
 - c. All nursing mothers with babies must have adequate bedding regardless of outside temperature.

The following conditions shall not constitute adequate shelter:

- a. Barrels;
- b. Underneath outside steps, decks, or stoops;
- c. Inside of vehicles;
- d. Underneath vehicles;
- e. Inside metal containers;
- f. Rooms, sheds, or other buildings or structures without windows or proper ventilation;
- g. Other structures not deemed appropriate services.

(2) Adequate food means the provision of food that is uncontaminated, appropriate, palatable and of sufficient quality and nutritive value to maintain the normal condition and weight of the animal. Food shall be provided at least once a day (not to exceed more than twenty-four (24) hours between feedings), unless restricted by a veterinarian. Food shall be served in a container that is readily accessible by the animal, physically clean, and absent of agents injurious to the health of the animal.

(3) Adequate water means a constant access to a supply of clean, fresh, drinkable water, unless restricted by a veterinarian, provided in a container that is readily accessible by the animal, physically clean, and absent of agents injurious to the health of the animal. The container must be secured in a manner to prevent spilling.

(d) All dogs or cats must be given the opportunity for vigorous daily exercises.

(e) All dogs or cats must be provided by their owners with veterinary care when needed to prevent suffering.

(f) No person shall poison or maim a dog or cat nor may a dog or cat be abandoned. Unwanted animals may be given to the animal control officer to be adopted or humanely euthanized.

(Code 1967, § 6-35; Ord. No. 19-07, § 1.5, 7-8-19)

State Law reference— Cruelty to animals, G.S. § 14-360 et seq.; Animal Welfare Act, G.S. § 19A-20 et seq.

Sec. 3-38. - Running at large.

It shall be unlawful for any owner or keeper of any dog or cat to permit such dog or cat to run at large upon any public or private property within the town not his own.

(Code 1967, § 6-22)

State Law reference— Permitting bitch at large, G.S. § 67-2; permitting dogs to run at large at night, G.S. § 67-12; authority to regulate, restrict, or prohibit the keeping, running or going at large of any domestic animals, G.S. § 160A-186.

Sec. 3-39. - Impoundment—Authority; register.

It shall be the duty of every police officer or animal control officer to apprehend any dog or cat found running at large contrary to the provisions of section 3-38 and to impound such dog or cat in the pound or other suitable place. The animal control officer or other impounding official impounding any dog or cat shall make a complete registry, entering the breed, color and sex of such dog or cat and whether licensed.

(Code 1967, § 6-24)

State Law reference— Authorization to provide that animals allowed to run at large in violation of ordinance may be seized and sold or destroyed, G.S. § 160A-186.

Sec. 3-40. - Same—Notice to owner; redemption.

The owner of any dog or cat impounded may redeem such dog or cat by:

- (1) Having such dog or cat duly vaccinated for rabies if it has not been currently vaccinated before the redemption date; and
- (2) Paying the costs of notification and paying such other costs, fees and charges imposed by the town for impounding and maintaining such dog or cat in the pound as shall be determined by the council from time to time and listed in the schedule of fees and charges maintained in the clerk's office.

(Code 1967, § 6-25)

Sec. 3-41. - Same—Disposition of unclaimed or infected dogs and cats.

It shall be the duty of the poundmaster to keep all dogs and cats so impounded for a period of three (3) days. If at the expiration of three (3) days from the date of the notice to the owner or the posting of notice such dog or cat shall not have been redeemed, it may be disposed of as provided by town ordinance. Any unvaccinated dog or cat required by law to be vaccinated or any dog or cat which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released, but held by the poundmaster for ten (10) days for observation.

(Code 1967, § 6-26)

Sec. 3-42. - Rabies control—Vaccination.

It shall be unlawful for the owner of any dog or cat to keep or maintain such dog or cat unless it shall have been vaccinated by a licensed veterinary surgeon with antirabies vaccine as required by state law, and proof of such inoculation shall be attached to the dog or cat.

(Code 1967, § 6-30)

State Law reference— Vaccination of all dogs and cats against rabies, G.S. § 130A-185.

Sec. 3-43. - Same—Procedure upon suspicion of rabies.

- (a) A dog or cat or any other animal which shows symptoms of rabies or which has bitten anyone or been bitten by an animal suspected of having rabies shall be penned up immediately by its owner or by the person having charge of the animal or by the person sheltering, feeding, harboring or taking care of the animal, and such owner or other person shall immediately notify the animal control officer. The animal shall be confined in a place and under conditions approved by the animal control officer for not less than ten (10) days. The animal shall be subject to observation by the animal control officer or person designated by him at all times during the period. An owner confining an animal on private property shall execute a waiver of any and all liability of the town, its agents or employees for any injury to person or property arising out of or by reason of such confinement.
- (b) In lieu of the provisions of subsection (a) of this section, the owner of any such animal may, at his own expense, take such animal to any duly qualified and licensed veterinarian to be placed under observation for a period of ten (10) days at the expense of the owner or allow the animal to be impounded under the provisions of this article.
- (c) All animals confined for suspicion of rabies as provided in this section shall be securely penned and separated from other animals at all times.
- (d) If rabies does not develop within the ten-day period of confinement, then the animal shall be released to its owner. But if symptoms develop justifying microscopic examination, then the animal shall be destroyed in a humane manner by the animal control officer or a licensed veterinarian.

(Code 1967, § 6-29)

State Law reference— Rabies, G.S. § 130A-184 et seq.; confinement of all biting dogs and cats, G.S. § 130A-196.

Sec. 3-44. - Same—Muzzling.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog or cat to confine it securely on his premises unless such dog or cat shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog or cat running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs and cats not noticeably infected with rabies and displaying vicious propensities shall be killed by an animal control officer without notice to the owner. Dogs or cats impounded during such proclamation shall, if claimed within three (3) days, be released to the owner, unless infected with rabies, upon payment of

the impounding fees or charges as shall be determined from time to time and listed in the schedule of fees and charges maintained in the clerk's office. If unclaimed after that period, such dog or cat may be summarily but humanely destroyed.

(Code 1967, § 6-28)

Sec. 3-45. - Tags.

The tag issued with the certificate of inoculation shall be securely attached to the dog or cat collar and shall be worn by such dog or cat at all times.

(Code 1967, § 6-38)

Sec. 3-46. - Confinement of fierce, dangerous or vicious dogs or cats.

No dog or cat of fierce, dangerous or vicious propensities shall be allowed to run at large or upon the premises of a person other than the owner. If any such dog or cat is found running at large in violation of this section, it shall be taken up and impounded and shall not be released except upon approval of the poundmaster after payment of the fees provided in section 3-40; provided, however, that if any dangerous, fierce or vicious dog or cat so found at large cannot be safely taken up and impounded, such dog or cat may be slain by any police officer or animal control officer.

(Code 1967, § 6-27)

Sec. 3-47. - Dangerous or potentially dangerous dogs.

Animal control is designated to be responsible for determining that a dog is a potentially dangerous dog or a dangerous dog as defined in G.S. § 67-4.1. When a dog is declared to be potentially dangerous or dangerous, in addition to any requirements of state law, the owner must adhere to the following within thirty (30) days of declaration. If the requirements are not completed within the thirty (30) days, owner must make arrangements for an extension with animal control, not to exceed sixty (60) days from declaration. All costs associated with housing the animal by animal control during the time to come in to compliance will be the responsibility of the owner.

- (1) *Secure pen.* The owner of a potentially dangerous or dangerous dog will keep the dog in a secure enclosure that is constructed of materials strong enough to contain the dog. The owner must comply before the animal is returned and must construct any outdoor enclosure consistently with the following:
 - a. The enclosure shall be large enough for the dog (depending on the size of the dog) to move around freely, but enclosure shall be no less than ten (10) feet × ten (10) feet. It shall provide the dog with adequate shelter and adequate shade.
 - b.

The enclosure must have a solid floor, sides and a top from which the dog cannot escape.

- c. The enclosure shall be constructed of a fence no less than six-foot-high, and at least nine-gauge chain link. The enclosure may have fencing or a solid top to prevent the animal from climbing out. If fencing is used, adequate shade must be provided.
- (2) *Signage.* An owner of a dog that has been deemed potentially dangerous or dangerous will place a "Beware of Dog" sign in plain view of the public. Said signs will be placed in such a manner and of such size and clarity as to be visible from the common entrance(s) to the property, specifically, but not limited to the driveway. The owner must also place a "Beware of Dog" sign on the dog's pen. The owner must have signs in place before the animal is returned.
- (3) *Microchip required.* Any dog declared potentially dangerous or dangerous will be permanently identified by an electronic implant (microchip). The cost of said implant will be the responsibility of the owner. Animal control will maintain a physical description and photograph of the dog. The owner must allow and assist animal control in reading the electronic implant at such times as deemed reasonable or at such time as the identification of the dog is in question. Microchip ID# must be provided to animal control upon completion.
- (4) *Inspection.* Animal control may cause such inspections as deemed appropriate to be made of the premises of an owner of a potentially dangerous or dangerous dog to determine compliance with the provisions of this section. An inspection must be completed prior to the animal being returned to the owner.
- (5) *Off owner's premises.* Any time the animal is off the owner's premises, the dog will be on a secure harness and leash not to exceed six (6) feet, wearing a muzzle and restrained by a competent adult.
- (6) *Relocation.* Any owner of a potentially dangerous or dangerous dog must notify animal control and have any new address inspected at least three (3) business days prior to moving the dog.
- (7) *Notification of death.* The owner must notify animal control immediately of the dog's death to allow animal control to confirm via microchip.
- (8) *Possession.* No potentially dangerous or dangerous dog may be given away, sold, traded, placed for adoption, or otherwise transferred without prior approval of animal control.
- (9) *Bites or attacks.* If a dog that has been determined potentially dangerous or dangerous subsequently bites or attacks a person or causes severe injury to a person or another animal while not on its' property, the dog will be surrendered or seized for euthanasia and the owner will be cited for the violation.

(10)

Violation. Any violation of the terms of ownership of a potentially dangerous or dangerous dog will result in a citation and civil penalty of five hundred dollars (\$500.00) per offense. The dog will be impounded and held until the violation is remedied, and all fines, penalties and fees are paid in full. If the owner is found in violation of this section more than once, the animal will be surrendered or seized for euthanasia.

(Code 1967, § 6-31; Ord. No. 19-07, § 1.6, 7-8-19)

State Law reference— Authority to regulate, restrict, or prohibit possession of dangerous animals, G.S. § 160A-187.

Sec. 3-48. - Barking dogs.

It shall be unlawful for any owner to keep or have within the town a dog that habitually or repeatedly barks in such a manner or to such extent that it is a public nuisance.

(Code 1967, § 6-32)

Sec. 3-49. - Teasing and molesting.

It shall be unlawful for any person to tease, molest, bait or in any way bother any dog, cat or any other animal not belonging to him or legally under his control.

(Code 1967, § 6-33)

State Law reference— Cruelty to animals, G.S. § 14-360 et seq.

Sec. 3-50. - Injuring dogs and cats; notice required; mistreatment of animals unlawful.

The following acts or failure to act relating to the mistreatment of animals are unlawful:

- (1) It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate food, water, shelter, shade and veterinary care.
- (2) It shall be unlawful to restrain any animal except in a humane fashion; minimum standards of restraint are set under minimum standards of restraint.
- (3) It shall be unlawful for any person to transport an animal in the closed trunk of a vehicle.
- (4) It shall be unlawful for any person to transport an animal in the closed compartment on a vehicle or trailer when the ambient temperature in the vicinity of the vehicle or trailer is greater than or equal to seventy (70) degrees Fahrenheit.
- (5)

It shall be unlawful for any person (owner or possessor) to abandon or forsake any animal within the town. This includes animals being left behind during evacuation periods due to natural disasters.

- (6) It shall be unlawful for any person other than animal control or law enforcement to remove any animal from any property without written permission from the owner of the animal.
- (7) It shall be unlawful for any person injuring a dog or cat by running over or into such dog or cat or coming into contact with such dog or cat with an automobile, motorcycle, bicycle or other vehicle to fail to notify immediately the owner of the dog or cat or the police department.

(Code 1967, § 6-34; Ord. No. 19-07, § 1.7, 7-8-19)

Sec. 3-51. - Euthanization of wounded, diseased or unweaned animals.

Notwithstanding any other provision of this article, any dog or cat seized and impounded which is badly wounded, unweaned or diseased, but not a rabies suspect, and which has no identification shall be euthanized immediately in a humane manner. If the animal has identification, animal control shall attempt to notify the owner or keeper before disposing of such animal. If the owner or keeper cannot be reached readily and the animal is suffering, animal control may euthanize the animal at its discretion in a humane manner.

(Ord. No. 89-2, § 1, 2-13-89; Ord. No. 19-07, § 1.8, 7-8-19)

Sec. 3-52. - Trapping of cats—Authority.

The animal control officer, upon a complaint of cats running at large, is authorized to set traps to catch such cats.

(Code 1967, § 6-36)

Sec. 3-53. - Same—Tampering with traps; releasing cats.

It shall be unlawful for any person to tamper with or remove a cat trap or to release or attempt to release cats from any trap set by the animal control officer.

(Code 1967, § 6-37)

Sec. 3-54. - Removal of feces deposited by dogs required.

- (a) It shall be unlawful for any person walking or in control of any dog to allow or permit such animal to defecate upon any public property, including but not limited to parks, trails, streets, sidewalks and school grounds, unless such person removes all feces and other animal waste

so deposited by such animal before leaving the immediate premises.

- (b) It shall be unlawful for any person walking or in control of any dog to allow or permit such animal to defecate upon any private property not owned by or in the possession of the person that owns such dog, unless such person removes all feces and other animal waste so deposited by such animal before leaving the immediate premises; provided that this restriction shall not apply if the owner or other person in possession of such private property has in writing authorized the dog to be walked on such property without the removal of feces so deposited.
- (c) This section shall not apply to dogs being walked by persons with visual or other physical disabilities that substantially interfere with the ability of such persons to comply with its provisions.
- (d) All feces removed in accordance with the provisions of this section shall be: (i) properly wrapped or packaged to contain odors and protect the public health, and deposited in a trash container where the person making the deposit is otherwise authorized to deposit trash, or (ii) disposed of in another sanitary manner.

(Ord. No. 12-01, § 1, 3-12-12)

Sec. 3-55. - Animal shelter.

The town shall operate and maintain an animal shelter for the purpose of impounding or caring for animals held under the authority of state law.

(Ord. No. 19-07, § 1.9, 7-8-19)

Secs. 3-56—3-75. - Reserved.