

DIVISION 4. - ANIMAL PROTECTION AND CONTROL^[2]

Sec. 8-51. - Purpose.

Pursuant to authority granted by the G.S. § 160A-186 et seq., G.S. Ch. 19A et seq., G.S. Ch. 106 et seq., and G.S. Ch. 68 et seq., 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 state laws and applicable ordinances.

The City of Lexington hereby finds that animals kept or allowed to be in violation of any of the provisions of this chapter jeopardize the welfare of the animals and are detrimental to the health, safety, and welfare of the citizens of Lexington and jeopardize the peace and dignity of the city.

(Ord. No. 12-04, 9-12-11)

Sec. 8-52. - Definitions.

For the purposes of this chapter, the following words and phrases are defined and shall be construed as set out below, unless it is apparent from the context that a different meaning is intended:

Abuse:

- (1) Failing to provide an animal with adequate food and potable water for more than twenty-four (24) hours without written instructions from a veterinarian who has recommended withholding food and water for medical reasons, or failing to consistently provide food at intervals sufficient to maintain the animal's health and well being;
- (2) Overworking or overdriving any animal causing physical pain, suffering, or death to the animal;
- (3) Beating, torturing, molesting, harassing, injuring, tormenting, poisoning, or mutilating any animal causing physical pain, suffering, or death to the animal;
- (4)

Failing to provide adequate medical attention for any sick, diseased, or injured animal in order to prevent physical pain, suffering, or death to the animal;

- (5) Keeping any animal under conditions which cause physical pain, suffering, disability or death to the animal or which increases the probability of the transmission of disease;
- (6) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.) and which is large enough to allow the animal to make normal body movements;
- (7) Failing to provide for animals, which are kept outside, a shelter, which is surrounded on three (3) sides, covered by a roof, and has a floor (excluding barns) and which is structurally sound, maintained in good repair, and constructed in such a manner that it is water and wind resistant;
- (8) Conveying any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle or in a truck or the back of a truck in such a way as to cause physical pain, suffering, disability, or death to the animal; or
- (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 cause physical pain, suffering or death to the animal due to temperature, lack of food or drink, or such other conditions.

Animal: Every nonhuman, animate being that is endowed with the power of voluntary motion including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish.

Animal bite: An animal bite occurs when the teeth of the animal scratch or break the skin of a human being or animal, regardless of the location of the scratch or bite on the body.

Animal shelter: Any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with this chapter.

City-sponsored event: Any events generally open to the public that is funded in whole or in part by, or endorsed by, the city.

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

Equine: Any horse, pony, mule, donkey or hinny.

Exotic or wild animal: An animal that would ordinarily be confined to a zoo, or one that would ordinarily be found in the wilderness of this or any other country or one that is a species of animal not indigenous to the United States or to North America, or one that otherwise is likely to cause a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes but is not limited to: Coyotes, monkeys, raccoons, squirrels, ocelots, bobcats, wolves, hybrid wolves, venomous reptiles, and other such animals. Such animals are further defined as those mammals or non-venomous reptiles weighing over fifty (50) pounds at maturity, which are known at law as *ferae naturae*. Exotic or wild animals specifically do not include animals of a species customarily used in North Carolina as ordinary household pets, animals of a species customarily used in North Carolina as domestic farm animals, fish confined in an aquarium other than piranha, birds, or insects.

Exposed to rabies: Any animal or human bitten by or exposed to any animal known or suspected to have been infected with rabies.

Farm, bona fide: Any tract of land larger than ten (10) acres and otherwise eligible for tax deferral as authorized in G.S. § 105-277.1, et seq., shall be considered as a bona fide farm. Any tract of land on which agricultural activities are clearly a primary activity may also be considered as a bona fide farm upon determination by the zoning administrator. Under no circumstances will any parcel smaller than three (3) acres be considered either an agricultural tract or a bona fide farm.

Impounded: Any animal that is received into custody by any employee of the city police department.

Inoculation: Inoculation means the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

Kennel, commercial: An operation that provides food and shelter and care of animals for purposes not primarily related to medical care (veterinarian); and/or engages in the breeding of animals for sale.

Livestock: All animals of a domesticated, agricultural nature including but not limited to: equine animals, bovine animals, sheep, goats, llamas, and swine.

Owner: Any person, group of persons, firm, organization, association, society, club, lodge, partnership, syndicate, trustee or corporation owning, keeping, having charge of sheltering, feeding, harboring or taking care of any animal for seven (7) or more consecutive days, unless the animal is boarded for a fee. If a commercial kennel is involved for breeding, then the kennel operator shall indicate ownership by showing the registration of the animal in the name of the actual owner of the animal.

Premises: A definite portion of real estate, including land with its appurtenances, a building or part of a building.

Provocation: Any act done toward an animal that a reasonable person would expect to irritate or enrage such an animal to the extent that the animal would be likely to bite or attack. Including, but not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. Provocation shall not include any actions on the part of an individual that pertain to reasonable efforts of self-defense or defense of others.

Shelter: Any facility designated by the city for the purpose of sheltering any animal lawfully impounded by the city police department.

Tether: A means to restrain a dog by tying the dog to any object or structure, including without limitation to a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash to walk a dog.

Attended tethering: A means of tethering a dog when the dog is in visual range of the owner or responsible party and the owner or responsible party is located outside with the dog.

Pet fence or fenceless boundary (dog lot): An electronic system designed to keep a pet or other domestic animal within a set of predefined boundaries without the use of a physical barrier.

(Ord. No. 12-04, 9-12-11)

Sec. 8-53. - City declared bird and wildlife sanctuary.

There is hereby established within the territory embraced within the corporate limits of the city, a game and bird and wildlife preserve and sanctuary.

(Ord. No. 12-04, 9-12-11)

State Law reference— Authority to establish bird sanctuary, G.S. § 160A-188.

Sec. 8-54. - Animals and fowl running at large generally.

- (a) It shall be unlawful for any person, owning or controlling any animal or fowl, including dogs to allow the same to run at large in the city; and it shall be the duty of the police department to take up and deliver to the place designated by the chief of police or his/her designated agent, any such animal or fowl found running at large. Each person owning or controlling an animal or fowl (except dogs and cats) shall keep the animal or fowl in a substantial pen, coop or enclosure at all times.
- (b) The phrase "at large" shall mean, in connection with this article in so far as a dog is concerned that is not in an enclosure or otherwise confined, or is not under the control of the owner or other person by means of a leash, cord or chain. All dogs must be contained within the owner's property so as not to cross the property line.

(Ord. No. 12-04, 9-12-11)

State Law reference— City authorized to regulate, restrain and prohibit the running at large of domestic animals, G.S. § 160A-186.

Sec. 8-55. - Riding, leading or driving animals upon curb, sidewalk, or public square prohibited; exceptions.

It shall be unlawful to ride, lead or drive any horse or other animal, except dogs, upon any curb, sidewalk, footway or public square within the corporate limits of the city, except for the purpose of crossing a sidewalk at the entranceway to adjacent lots, and only for the purpose of going out of and into the lots.

(Ord. No. 12-04, 9-12-11)

Sec. 8-56. - Killing or injuring wildlife; robbing nests.

It shall be unlawful for any person to kill, hunt, chase, injure, trap, capture or destroy, by any means whatsoever, any wild or migratory birds, except as permitted under G.S. § 160A-188, animals or wildlife within the corporate limits of the city, or to destroy, rob or molest the eggs or nest and breeding place of any birds, except as permitted under G.S. § 160A-188; provided that nothing in this section shall apply to any fish or mollusk, crustacea, snakes or other cold-blooded animals.

(Ord. No. 12-04, 9-12-11)

State Law reference— Cruelty to animals, G.S. §§ 14-360—14-363.2.

Sec. 8-57. - Keeping of certain animals prohibited.

It shall be unlawful for any person to own or have it their possession or on property within the city limits of Lexington any exotic or wild animal. An exotic or wild animal is an animal that would ordinarily be confined to a zoo, or one that would ordinarily be found in the wilderness of this or any other country or one that is a species of animal not indigenous to the United States or North America, or one that otherwise is likely to cause a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes but is not limited to: coyotes, monkeys, raccoons, squirrels, ocelots, bobcats, wolves, hybrid wolves, venomous reptiles, and other such animals. Such animals are further defined as those mammals or non-venomous reptiles weighing over fifty (50) pounds at maturity, which are known at law as *ferae naturae*. Exotic or wild animals specifically do not include animals of a species customarily used in North Carolina as ordinary household pets, animals of a species customarily used in North Carolina as domestic farm animals, fish confined in an aquarium other than piranha, birds, or insects. However, this shall not apply to animals in a municipal zoo.

(Ord. No. 12-04, 9-12-11)

State Law reference— Keeping of wild animals, G.S. § 160A-187.

Sec. 8-58. - Number of animals permitted.

- (a) It shall be unlawful for any person to own, to keep custody of or to take care of more than three (3) dogs four (4) months or older, on any residential zoned lot. This applies to single-family residences and duplexes.

(b)

It shall be unlawful in multi-unit buildings to keep more than one (1) outside animal per unit. Animals shall be in an area as designated by the owner of the property. Single-family homes, duplexes and attached single-family homes are exempt.

- (c) It shall be unlawful for any animals to be kept on any lot unless the owner or keeper of the animals occupies the property.
- (d) It shall be unlawful to keep animals in any designated common space of apartments or town houses unless it is a designated area for pets.
- (e) It shall be unlawful to keep any livestock on a lot smaller than two (2) acres. Stables for such livestock must be kept a minimum of two hundred (200) feet from any residential structure and at least twenty (20) feet from any property line. The number of livestock is limited to one (1) animal per two (2) acres of pasture with a maximum of five (5).
- (f) It shall be unlawful to own, to keep custody of or to take care of four (4) or more chickens, rabbits or fowl or other small animals of any one type and a total of any combination of eight (8).
- (g) It shall be unlawful for any person to keep or maintain any swine with the exception of miniature potbellied pigs that are kept as household pets and shall not exceed a weight of one hundred (100) pounds or taller than twenty-two (22) inches high when measured at the shoulder with a maximum of two (2).
- (h) Commercial kennels and bona fide farms are exempt from these requirements.

(Ord. No. 12-04, 9-12-11)

Sec. 8-59. - Setbacks and standards for stables, pens, enclosures, dog lots, tethering, underground fencing, containment structure for dangerous dogs, etc.

- (a) All setbacks shall be measured in accordance with the Lexington Land Use Ordinance, as amended.
- (b) It shall be unlawful for any person to keep enclosures for fowl, chickens, pigeons, rabbits and/or other small animals within twenty (20) feet of any property line and at least fifty (50) feet from any occupied structure unless the owner of the animal or fowl occupies the house or structure.
- (c)

It shall be unlawful for any person who owns or maintains a stable in the corporate limits of the city, in which horses, mules or cows are kept, to maintain the stable within two hundred (200) feet of any occupied structure unless the owner occupies the structure and it must be at least twenty (20) feet off any property line.

- (d) It shall be unlawful for any person to locate any dog lot or any containment structure for a dog within ten (10) feet of any property line, or within fifty (50) feet from any occupied structure not occupied by the owner, or within twenty (20) feet of any public sidewalk or public street (excludes yards that are completely fenced). Such dog lots and containment areas shall be located in the rear yard only.
- (e) It shall be unlawful for any person to tether any dog in a location as to allow the dog to reach within ten (10) feet of any property line, or within fifty (50) feet of an occupied structure not occupied by the owner, or within ten (10) feet of any public sidewalk or public street. Tethering of any dog shall be located in the rear yard only so as not to allow the dog to reach any side or front yard area.
- (f) It shall be unlawful to install any pet fence or fenceless boundary (dog lot) used for containment of animals within ten (10) feet of any public sidewalk, street, or property line.
- (g) It shall be unlawful to tether any animal to public property or in a public right-of-way.
- (h) The maintenance of any stable, chicken house, chicken yard, pen or other enclosure for fowl, chickens, pigeons, rabbits and/or other small animals shall be kept clean, sanitary and free from accumulation of excrement and objectionable odors.

(Ord. No. 12-04, 9-12-11)

Sec. 8-60. - Animal abuse.

It shall be unlawful to inflict animal abuse in any of the following manners:

- (1) Failing to provide an animal with adequate food and potable water for more than twenty-four (24) hours without written instructions from a veterinarian who has recommended withholding food and water for medical reasons, or failing to consistently provide food at intervals sufficient to maintain the animal's health and well being;
- (2) Overworking or overdriving any animal causing physical pain, suffering, or

death to the animal;

- (3) Beating, torturing, molesting, harassing, injuring, tormenting, poisoning, or mutilating any animal causing physical pain, suffering, or death to the animal;
- (4) Causing, instigating, training for, or permitting dog fighting or any other combat between fowl or other animals and/or humans;
- (5) Failing to provide adequate medical attention for any sick, diseased, or injured animal in order to prevent physical pain, suffering, or death to the animal;
- (6) Keeping any animal under conditions which cause physical pain, suffering, disability or death to the animal or which increases the probability of the transmission of disease;
- (7) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.) and which is large enough to allow the animal to make normal body movements;
- (8) Failing to provide for animals, which are kept outside, a shelter, which is surrounded on three (3) sides, covered by a roof, and has a floor (excluding barns) and which is structurally sound, maintained in good repair, and constructed in such a manner that it is water and wind resistant;
- (9) Conveying any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle or in a truck or the back of a truck in such a way as to cause physical pain, suffering, disability, or death to the animal;
- (10) 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 cause physical pain, suffering or death to the animal due to temperature, lack of food or drink, or such other conditions;
- (11) Tether any animal in a manner while not attended that the animal cannot reach food, water, or shelter;
- (12) To secure any animal by leash, chain, or similar device that is inhumane to the animal by the weight of the device, design of the device, or manner that the device is secured to the animal. Such device shall be designed and placed to prevent choking or strangulation and shall allow the animal free movement without obstructions that could cause the restraint to become wrapped or caught on any object. Such chain or restraint shall not be less

than seven (7) feet but not more than twelve (12) feet in length and either on a swivel designed to prevent the animal from choking or strangling itself, or on a chain run;

- (13) Tether a nursing animal in a manner that does not allow constant contact and maintains containment with her young.

(Ord. No. 12-04, 9-12-11)

Sec. 8-61. - Animals at city-sponsored events.

- (a) *Prohibited.* It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, as defined in section 9-52 of this chapter, to take that animal, whether on a leash or not on a leash, into or allow the animal to enter the boundaries of any city-sponsored public event unless such event is specifically designated as exempt from this section due to the event's nature by the city manager or his/her designee. The boundaries and the interior of a city-sponsored public event shall consist of any area that is part of the event and shall include any public street, sidewalk or other publicly owned area within that area.
- (b) *Failure to remove animal.* It shall be unlawful for any person with an animal within the boundaries of a city-sponsored public event to fail to obey the command of a law enforcement officer or of an animal control officer to remove such animal from the event.
- (c) *Exception.* This section shall not apply to the following:
 - (1) Those animals that are part of an authorized event exhibit. The city manager or his/her designee shall have the authority to specify the conditions for having such animals for the protection of the public and for the well-being of the animals.
 - (2) Guide dogs (also called seeing-eye dogs) trained to lead blind and vision impaired people around obstacles.
 - (3) Assistance dog trained to aid or assist a person with a disability.

(Ord. No. 12-04, 9-12-11)

Sec. 8-62. - Dangerous dogs.

- (a) *Definitions.*

- (1) *Dangerous dog* means:
 - a. A dog that:
 1. Without provocation has killed or inflicted severe injury on a person; or
 2. Is determined pursuant to this section to be potentially dangerous because the dog has engaged in one (1) or more of the behaviors listed in subsection (a)(2) of this section.
 - b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
- (2) *Potentially dangerous dog* means a dog determined pursuant to this section to have:
 - a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization or medical treatment; or
 - b. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
 - c. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack; or
 - d. Displayed a propensity or disposition to attack unprovoked by approaching or charging towards a person in a vicious or menacing fashion in an apparent attitude of attack, whether or not the dog is on the owner's property or under restraint.
- (3) *Threatening behavior*. For purposes of subsections (a)(2)c. and d. hereof, the following examples of a dog's behavior, while not to be deemed exclusive, shall be considered in the determination as to whether the dog is potentially dangerous: Snarling, baring of teeth, snapping, growling; or straining or lunging against a leash, other restraint, or fence in an attempt to free itself.
- (4) *Owner* means any person or legal entity that has a possessory property right in a dog.
- (5) *Owner's real property* means any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.
- (6)

Severe injury means any physical injury that result in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization or medical treatment.

(7) *Exceptions.* The provisions of this section do not apply to:

- a. A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
- b. A dog being used in a lawful hunt;
- c. A dog where the injury or damage inflicted by the dog was sustained by a 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
- d. 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; or was committing or attempting to commit a crime.

(b) *General provisions.* It shall be unlawful for any person to own or in any way maintain or harbor any dangerous dog or potentially dangerous dog as defined in this article, except as provided in this section.

(c) *Enforcement.* If the chief of police or his/her designee has determined that a dog is dangerous or potentially dangerous, then the animal control officer or law enforcement officer shall notify the owner immediately in writing. The owner shall turn the animal over to the county animal shelter within twenty-four (24) hours of such notification. Upon the failure of the owner to surrender said animal, an animal control officer or law enforcement officer shall have authority to apply for an appropriate court order to seize the dog and deliver it to the county animal shelter. After five (5) working days, the county animal shelter shall have the duty to dispose of the dog in one of the following ways:

- (1) By the humane destruction of the dog; or
- (2) By giving the dog to an individual or organization, subject to the protective and inspection conditions required by the animal control officer for the well-being of the dog and for the protection of the public, for the purpose of

preserving and taking care of the dog. In this case, the animal control officer will notify the appropriate authorities in the jurisdiction where the individual or organization receiving the dog shall be located.

- (d) *Appeal.* Any person who owns a dog that has been declared dangerous or potentially dangerous by an animal control officer or law enforcement officer shall have the right to appeal this decision and request a hearing contesting that determination by submitting a written request to the city manager within four (4) working days of the determination that the dog is dangerous or potentially dangerous. Submission by the owner of a request for a hearing shall stay the requirement that the dog be delivered to the animal control shelter while the appeal is pending before the hearing panel; however the city manager may impose appropriate requirements of restraint during the period of appeal.
- (e) *Hearing procedures upon appeal.* Appeals will be heard and decided by a hearing panel appointed by the city manager or his/her designee. The hearing panel will conduct a hearing within ten (10) working days and the owner shall be notified in writing of the date, time, and location of the hearing at least forty-eight (48) hours in advance. The purpose of the hearing will be to determine if the animal control officers or law enforcement officer's determination that the dog is dangerous or potentially dangerous is correct. If the dog is judged not to be dangerous or potentially dangerous it shall be returned to the owner without charge. If the hearing panel determines the dog to be dangerous or potentially dangerous, then the dog shall be delivered to the county animal shelter, which shall keep the dog for thirty (30) days and then dispose of the dog according to this section or return it to the owner upon notification by the city that a proper enclosure has been erected for the dog.
- (f) *Dangerous dogs restrained.* Dogs declared dangerous or potentially dangerous shall not go beyond the owner's real property unless securely restrained and muzzled.
- (g) *Enclosures for dangerous or potentially dangerous dogs.* In the event that a dog has been determined to be dangerous or potentially dangerous, the owner may regain possession of the dog subject to the following conditions. The owner must erect, within thirty (30) days of any final determination, a proper structure and

display warning signs as defined within this section. This structure must be inspected and approved by the city building inspection department as meeting the following requirements and standards:

- (1) The structure must be a minimum size of fifteen (15) feet by six (6) feet with a floor consisting of a concrete pad at least four (4) inches thick. If more than one (1) dog is to be kept in the enclosure, the floor area must provide at least forty-five (45) square feet for each dog. The walls and roof of the structure must be constructed of welded chain link of a minimum thickness of 12-gauge supported by galvanized steel poles at least two and one-half (2½) inches in diameter. The vertical support poles must be sunk in concrete-filled holes at least eighteen (18) inches deep and at least eight (8) inches in diameter. The chain link fencing must be anchored to the concrete pad with galvanized steel anchors placed at intervals of no more than twelve (12) inches along the perimeter of the pad. The entire structure must be freestanding and not be attached or anchored to any existing fence, building, or structure. The structure must provide self-contained shelter for the dog(s). The structure must be secured by a child-resistant lock.
- (2) A warning sign at least one hundred twenty (120) square inches must be visible from each exposure of the structure which is visible to any adjoining property. Each sign must have a graphic representation of a dog such that the dangerous or potentially dangerous dog can be communicated to those who cannot read, including young children.
- (3) The owner of the dog shall be responsible for ensuring that the enclosure is maintained in such condition as to meet the requirements of this article. Failure to maintain or repair the enclosure shall constitute a misdemeanor by the owner.

Prior to the inspection of the enclosure by the office of community development, the owners shall obtain a building permit and pay the current permit fee for the inspection of an accessory building. The dog shall not be returned to the owner's property until such time as this shelter and warning signs have been approved. While the structure is being approved, the dog must be boarded at the county animal shelter or approved private facility at the owner's expense.

(Ord. No. 12-04, 9-12-11)

State Law reference— Dangerous dogs, G.S. § 67-4.1.

Sec. 8-63. - Nuisance.

- (a) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance or a nuisance to neighbors. By way of example and not of limitation, the following acts or actions of an owner, harbor or possessor of an animal are hereby declared to be a public nuisance and are, therefore, unlawful:
- (1) Having an animal that disturbs the rights of, threatens the safety of or injures a member of the general public or interferes with the ordinary use and enjoyment of his or her property;
 - (2) Permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers or vegetables;
 - (3) Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare or safety, or failing to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease;
 - (4) Maintaining property that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property;
 - (5) Allowing or permitting an animal to bark, whine, howl, crow, cackle, or cause noise in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises;
 - (6) Maintaining an animal that is diseased and dangerous to the public health;
 - (7) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, dogs walked on a leash by owners, bicycles or vehicles;
 - (8) Failing to confine a female dog or cat while in season in a building or secure enclosure in such a manner that she cannot come into contact with another dog or cat or creates a nuisance by attracting other animals. However, this

subsection shall not be construed to prohibit the intentional breeding of animals within an enclosed, concealed area on the premises of the owner of an animal which is being bred; or

- (9) Failing to remove feces deposited by a dog on any public street, sidewalk, gutter, park or other publicly owned property or private property unless the owner of the property has given permission allowing such use of the property. This subsection shall not apply to visually impaired persons who have charge, control or use of guide dogs or persons using dogs in conjunction with activities of the city police department.
- (b) It shall be the duty of anyone reporting an alleged nuisance under this section to reveal his or her identity to the investigating law enforcement agency. Anonymous reports of alleged nuisances under this section shall not be investigated solely on the basis of the anonymous report.
- (c) It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order.

(Ord. No. 12-04, 9-12-11)

Sec. 8-64. - Control of rabies.

The county health department enforces the rules for the control of rabies within the county and the city. Pursuant to G.S. § 130A-39(c), these rules shall apply to all the geographical areas of the county including the area within the corporate limits of any municipality within the county and as such will be enforced by and through this chapter.

(Ord. No. 12-04, 9-12-11)

Sec. 8-65. - Enforcement and violations.

The enforcement and violation of any provision of this chapter shall constitute a Class 3 misdemeanor as provided in G.S. § 14-4, and this Code of Ordinances, section 1-12, General penalty; continuing violations.

Secs. 8-66—8-70. - Reserved.