

Chapter 10 - ANIMALS^[1]

ARTICLE I. - IN GENERAL

Sec. 10-1. - Keeping poultry.

Any person owning or having in his possession or being in charge of any chickens, pheasants or any other fowl or poultry shall keep the poultry or fowl in an enclosure such as a fenced-in lot or yard. The owner or person in charge of such poultry or fowl shall maintain adequate buildings for housing such poultry or fowl, which buildings shall at all times be maintained in a sanitary manner. Such buildings may not be located within 50 feet of buildings of adjoining property owners. Any person owning, having in his possession or being in charge of any poultry or fowl shall permit any police officer to enter the premises where such poultry or fowl is being kept for the purpose of inspecting such premises.

(Code 1983, § 4-1)

Sec. 10-2. - Keeping swine.

It shall be unlawful for any person to keep or raise any pig or hog or to own, keep or maintain any pigpen or hog pen on any lot or premises owned, rented or leased within the corporate limits of the city.

(Code 1983, § 4-2)

Sec. 10-3. - Cleanliness of stables and cow pens.

- (a) Any person having a stable or cow pen on a lot occupied by him shall keep such stable or cow pen thoroughly cleaned. In case the owner of the lot upon which the stable or cow pen is situated is a nonresident of the city and cannot be found, the city manager shall have the cleaning and disinfecting of such stable or cow pen done. The cost of such cleaning shall attach to the property upon which such stable or cow pen was situated and shall be a tax on the property, collected as other taxes.

- (b)

Any person failing to thoroughly clean and put into a healthy condition any cow pen or stable on his premises as provided in this section, after being notified by the city manager, shall be liable to a penalty as provided in section 1-7 for each day it is allowed to remain in an unhealthy condition after being notified.

(Code 1983, § 4-3)

Sec. 10-4. - Bird sanctuary created; molesting birds.

- (a) There is hereby created and established a bird sanctuary within the territorial limits of the city.
- (b) It shall be unlawful for any person to hunt, kill or trap any birds within the city except pursuant to a permit issued by the state wildlife resources commission under G.S. 113-274(c)(1a) or under any other license or permit of the wildlife resources commission specifically made valid for use in taking birds within city limits; however, this section shall not be construed to protect any bird classed as a pest under G.S. 113-300.1 et seq., G.S. 143-434 et seq. or G.S. 106-65.22 et seq., and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971.

(Code 1983, § 4-4)

State Law reference— Bird sanctuaries, G.S. 160A-188.

Secs. 10-5—10-30. - Reserved.

ARTICLE II. - DOMESTIC ANIMALS⁽²⁾

Sec. 10-31. - 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:

Animal. Any live vertebrate creature.

Dog. Includes all animals of the canine species, both male and female.

Domestic animal.

- (1) An animal that typically is found in a domesticated or tame state and usually

is kept as a pet.

- (2) This definition includes but is not limited to dogs and cats.

Livestock.

- (1) An animal that typically is kept principally for productive or useful purposes, rather than as a pet.
- (2) The definition includes but is not limited to horses, cows, pigs, goats, sheep, mules and chickens.

Owner. Includes any person who shall harbor or suffer or permit any dog to remain on any premises within the city under his charge or control.

Runs at large.

- (1) An animal runs at large when it is off the premises of the owner and is not under the immediate constraint of the owner or other competent person in charge of the animal.
- (2) The term *immediate and effective control* means that the animal is sufficiently restrained by any method that constrains the animal to the close proximity of the owner or other competent person and to override the animal's ability to depart therefrom.

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

(Ord. No. 08-09-ORD30, Att. A, 8-17-09; Ord. No. 10-2016-ORD16, 10-17-16)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 10-32. - Running at large.

It shall be unlawful for any person to permit or allow or suffer any animal, whether licensed or unlicensed, to run at large in the city. Any person who, owning, keeping or having charge, possession or control of any animal, shall suffer, permit or allow such animal to run at large contrary to the provisions of this section shall be guilty of a misdemeanor punishable as provided in section 1-7.

(Ord. No. 08-09-ORD30, Att. A, 8-17-09)

State Law reference— Authority to prohibit dogs at large, G.S. 160A-186.

Sec. 10-33. - Impoundment.

It shall be the duty of the police department to capture and impound in a place provided by the county every unlicensed dog or any domesticated animal found unlawfully at large in the city.

(Ord. No. 08-09-ORD30, Att. A, 8-17-09)

Sec. 10-34. - Disposition of impounded animals.

Animals impounded by city officers shall be promptly delivered to the county and shall be disposed of in the same manner as animals impounded by county officers.

(Ord. No. 08-09-ORD30, Att. A, 8-17-09)

Sec. 10-35. - Authority to kill vicious animals at large.

The city police department may kill any vicious animal at large within the city which cannot safely be taken up and impounded.

(Ord. No. 08-09-ORD30, Att. A, 8-17-09)

Sec. 10-36. - Permit for maintaining more than three dogs.

Any person maintaining more than three dogs upon his premises must secure a permit. The permit is to be issued by the city police department animal control officer. An annual permit fee of \$25.00 shall be assessed for this privilege.

(Ord. No. 08-09-ORD30, Att. A, 8-17-09; Ord. No. 04-2014-ORD5, 4-21-14)

Sec. 10-37. - Permit for dog breeding.

No person may maintain a dog for breeding in the city in any area zoned residential without first having obtained a permit for dog breeding. The permit is to be issued by the city police department animal control officer. An annual permit fee of \$25.00 shall be assessed for this privilege.

(Ord. No. 08-09-ORD30, Att. A, 8-17-09; Ord. No. 04-2014-ORD5, 4-21-14)

Sec. 10-38. - Location of dog pens.

- (a) Dog pens, lots and areas of confinement maintained on private property shall be a minimum of 25 feet from any adjacent property boundary. In calculating this distance, the closest point to which any confined animal has access shall be established as the 25-foot setback line.
- (b) This section shall not apply to lots where the entire yard area is fenced and where confinement of animals is a secondary use, and shall not be construed to require a 25-foot setback; however, such lots shall meet the provisions of section 10-39.

(Ord. No. 08-09-ORD30, Att. A, 8-17-09)

Sec. 10-39. - Maintenance of areas where dogs are confined; persistent or loud barking.

It shall be the duty of the owner or tenant of any property upon which any dog is confined to keep the area in which such dog is confined free of any offensive condition related to the confinement of such animal. Failure to maintain such areas, upon notification by the animal control officer, shall constitute a violation of this Code and shall subject the violator to the penalties set forth in section 1-7. For the purpose of this section, offensive conditions shall include persistent or loud barking, etc., as determined by the police department.

(Ord. No. 08-09-ORD30, Att. A, 8-17-09)

Cross reference— Noise, § 34-31 et seq.

Sec. 10-40. - Offensive or dangerous conditions prohibited.

If any dog or other animal shall create an offensive or dangerous menace or threat to public health or safety either by virtue of the number or types of animals maintained on the premises in the city or by virtue of the type or condition of the enclosures or surroundings where the animal is kept or harbored, the owner of the animal shall be deemed to be in violation of this section and the maintenance of such animal shall be a misdemeanor. Every day on which a violation of this section exists shall constitute a separate violation and separate offense, and the violation of this section shall be punishable as provided in section 1-7. Chapter 46, article II, shall not be interpreted to be a defense to the provisions of this section to allow the owner of such premises seven days to remedy such condition.

(Ord. No. 08-09-ORD30, Att. A, 8-17-09)

Cross reference— Offensive conditions on private property, § 46-31 et seq.

Sec. 10-41. - Animals creating a nuisance.

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

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

(Ord. No. 08-09-ORD30, Att. A, 8-17-09)

Sec. 10-42. - Interference with animal control officer.

No person may obstruct, interfere with, hinder or molest the animal control officer in the lawful performance of any duty authorized by this chapter.

(Ord. No. 08-09-ORD30, Att. A, 8-17-09)