

Exhibit A

Chapter 10 - ANIMALS⁽¹⁾

Footnotes:

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State Law reference— General ordinance-making power, G.S. 160A-174.

ARTICLE I. - IN GENERAL

Sec. 10-1. - Protection of birds; town declared bird sanctuary.

The territory embraced within the corporate limits of the town is declared to be a bird sanctuary.

(Code 2003, § 6-1; Ord. No. 09-25, § 1(exh. A), 11-19-2009)

Sec. 10-2. - Killing or injuring birds.

It shall be unlawful for any person to hunt, kill, maim, injure or trap any birds in the town or to destroy, rob or molest the eggs or nests and breeding places of any birds within the town. This section shall not be construed to protect pigeons, crows, starlings or English sparrows. This section excludes from protection any birds classed as a pest under Article 22A of Chapter 113 of the General Statutes and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide law of 1971.

(Code 2003, § 6-2; Ord. No. 09-25, § 1(exh. A), 11-19-2009)

State Law reference— Authority to create bird sanctuaries, G.S. 160A-188.

Sec. 10-3. - Destruction of animals with incurable ailment.

Any domestic or wild animal found on the streets of the town or in any public place or in any yard or property within the town suffering from some disease, injury or other ailment, the owner of which is unknown, or any animal abandoned by its owner, and a veterinarian consulted by the town is of the opinion that the disease, injury or ailment is incurable, and such animal is suffering from its effects, shall be destroyed and the remains removed.

(Code 2003, § 6-3; Ord. No. 09-25, § 1(exh. A), 11-19-2009)

Sec. 10-4. - Restrictions on pet waste.

- (a) It shall be unlawful for the owner or custodian of any pet to take it off the owner's own property limits without the means to properly remove and dispose of the pet's feces from any public or private property.
- (b) It is the responsibility of a pet's owner or custodian to clean up the pet's feces from any public or private property outside of the pet's owner's own property limits. Such property includes, but is not limited to, parks, rights-of-way, paths, and public access areas.
- (c) The term "means to properly remove and dispose of feces" shall consist of having on or near one's person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to clean up and contain pet waste until it can be disposed of in an appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce this chapter.
- (d) This provision shall not apply to handicapped persons assisted by trained guide or assistance dogs.

- (e) The term "public nuisance" is defined to include "a pet which deposits feces on public property or on private property" without the consent of the owner or person in lawful possession of the private property, and the person owning, possessing, harboring or having the care, charge, control or custody of the pet fails to remove the feces so deposited. Provided, however, this definition shall not apply to any dog assisting a handicapped person.

(Code 2003, § 6-4; Ord. No. 10-03, § 1, 1-21-2010; altered in 2018 recodification)

Secs. 10-5—10-26. - Reserved.

ARTICLE II. - DOGS AND OTHER DANGEROUS ANIMALS²

Footnotes:

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

Sec. 10-27. - Running at large prohibited.

- (a) It shall be unlawful for a person owning or having the custody of any dog to willfully permit or allow such dog to run at large in the town, except when accompanied or controlled by the owner or custodian. It shall be unlawful for a dog to be on the premises of a person other than the owner or custodian of such dog unless the owner of the premises has agreed to let the dog upon his premises. Any dog found running at large with or without the consent or knowledge of his owner or custodian may be impounded.
- (b) Any person violating the provisions of this section for the first time shall be given a written warning. A second violation of this section shall subject the offender to a civil penalty in the amount of \$50.00. Third and subsequent violations of this section shall subject the offender to a civil penalty in the amount of \$100.00. Such penalties shall be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within 72 hours after having been cited for violation of this section.

(Code 2003, § 6-31; Ord. No. 09-25, § 1(exh. A), 11-19-2009)

Sec. 10-28. - Person responsible for designating a potential dangerous dog.

The chief of police is hereby designated as the person responsible for determining when a dog is a "potentially dangerous dog" or a "dangerous dog" as defined in G.S. 67-4.1 and section 10-30. The chief of police shall notify the owner of a dog determined to be a "dangerous dog" in the same manner as notification of a determination of a "potentially dangerous dog" as is set forth in G.S. 67-4.1(c).

(Code 2003, § 6-32; Ord. No. 13-22, § 1, 9-19-2013)

Sec. 10-29. - Board responsible for appeals from a decision regarding a potentially dangerous dog.

A board consisting of the town manager and two members of the town council appointed by the town council is hereby designated as the board responsible for hearing appeals from a decision of the chief of police determining that a dog is a "potentially dangerous dog" or a "dangerous dog" in accordance with G.S. 67-4.1 and section 10-30.

(Code 2003, § 6-33; Ord. No. 13-22, § 2, 9-19-2013)

Sec. 10-30. - Possession or harboring of dangerous animals.

It shall be unlawful to harbor or possess a dog within the town limits that has been determined to be a dangerous dog under the provisions of this Code or G.S. 67-4.1. A finding by the chief of police that a dog is a dangerous dog in accordance with section 10-28 may be appealed to that board established under section 10-29 in the same manner as an appeal of a determination that a dog is a potentially dangerous dog as set forth in G.S. 67-4.1(c).

(Code 2003, § 6-34; Ord. No. 13-22, § 3, 9-19-2013)

Secs. 10-31—10-48. - Reserved.

ARTICLE III. - LIVESTOCK³

Footnotes:

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State Law reference— Regulation of domestic animals, G.S. 160A-186.

Sec. 10-49. - Domestic fowl and livestock running at large prohibited.

It shall be unlawful for the owner or keeper of any chicken or tame or domestic fowl or livestock to permit such animal to be or run at large within the town. For the purposes of this section, livestock shall include horses, mules, cows, pigs, hogs, goats, sheep and all other animals that typically are kept primarily for productive or useful purposes rather than as pets.

(Code 2003, § 6-61; Ord. No. 09-25, § 1(exh. A), 11-19-2009)

Secs. 10-50. - Poultry, livestock, and wild animals

No person may keep within the Town limits any poultry, livestock, or wild animal except in accordance with this section.

(a) Definitions. For the purposes of this section, the following words shall have the indicated meaning, in addition to their meanings in normal usage:

(1) Poultry means live chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, or turkeys, other than chicks or poults.

(2) Livestock means cattle, sheep, goats, swine, horses, and mules.

(3) Lot means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required.

(4) Wild animal means an animal that (i) typically is found in a non-domesticated state and that, because of its size or vicious propensity or because it is poisonous or for any other substantial reason, poses a potential danger to persons, other animals, or property, or (ii) is classified as a wild animal by the North Carolina Wildlife Resources Commission (WRC) so that any person wishing to possess the same is required by state law to obtain a permit from WRC.

(b) Keeping of poultry.

- (1) It shall be unlawful for the owner or keeper of poultry to allow such an animal to be or run at large within the Town limits.
- (2) No person may keep, within the Town limits, any poultry except in accordance with this section.
- (3) It shall be unlawful to keep roosters, geese, ducks, doves, grouse, guinea fowl, partridges, pea fowl, pheasants, quail, swans, or turkeys within the Town limits.
- (4) No person shall keep or maintain poultry in the Town limits unless the poultry will be on a parcel of land maintained as follows:
 - a. The parcel shall consist of at least fifteen thousand (15,000) square feet under single ownership or control;
 - b. Such poultry must be contained in a secure fenced enclosure at all times;
 - c. The enclosure shall have a minimum of ten (10) square feet of area for each poultry;
 - d. No enclosure shall be erected or maintained within the front or side yard (as defined by the zoning ordinance), within ten (10) feet of any property line, or within twenty-five (25) feet of another residence;
 - e. The enclosure shall be kept clean, sanitary, and free from accumulations of excrement and objectionable odor; and
 - f. No more than five (5) female chickens shall be kept or maintained by a property owner. There will be no discounting for chicks.

(c) *Keeping of wild animals and livestock.*

- (1) It shall be unlawful for the owner or keeper of wild animals and livestock to allow such an animal to be or run at large within the Town limits.
- (2) No person may keep within the Town limits any wild animal or livestock except in accordance with this section.
- (3) No person may keep or maintain any wild animal unless the owner thereof has also obtained a permit, if necessary, from the North Carolina Wildlife Resources Commission authorizing them to keep such an animal, and
 - a. The animal does not pose a substantial danger of harm to any person, animal, or property; or
 - b. The animal for which the permit is requested is not likely to or does not interfere seriously with the use and enjoyment of neighboring properties because of concerns including, but not limited to offensive noise or odor; and
 - c. The animal does not otherwise constitute a threat to the public or safety.
- (4) No person may keep or maintain any livestock unless the livestock is kept on a parcel of land that satisfies each of the following conditions:
 - a. The parcel shall consist of at least forty thousand (40,000) square feet of land under single ownership or control;
 - b. There shall be at least twenty thousand (20,000) square feet of land per animal; and
 - c. No barn or building that houses the animal shall be erected or maintained within twenty-five (25) feet of any property line and shall conform to all applicable zoning and building codes.
- (5) Subject to the provisions of G.S. § 106-701, the requirements of this section apply to wild animals and livestock that are present within the Town limits on the effective date of this chapter as well as those brought within the Town limits thereafter.

- (d) A violation of any provision of this section is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance. Such nuisances shall be abated as set forth in Chapter 34 of the Code of Ordinances.

- (e) Nothing in this section shall preclude the keeping of service or therapy animals within the Town limits, provided that proper documentation has been provided by a health care professional.
- (f) Any person who is cited for a violation of this section shall have the right to appeal the decision to the Town Manager or their designee. Appeal shall be made by giving written notice to the Town Manager within thirty (30) days of receipt of the date of the citation. The Town Manager, or their designee, shall conduct a hearing to determine the validity of the citation.
- (g) Any person who keeps or maintains in accordance with this section shall comply with any and all applicable federal, state, and local standards, regulations, laws, statutes and ordinances including, but not be limited to any registration requirements of the North Carolina Department of Agriculture and Consumer Services.

Secs. 10-51—10-65. - Reserved.

ARTICLE IV. - ANIMAL CONTROL

Sec. 10-66. - Definitions.

Adequate shelter means a clean, ventilated, shaded, enclosed area of at least three sides, a weatherproof roof and floor accessible by an animal, of sufficient size and nature so as to provide the animal with free movement, a dry place to lie down ably, and reasonable protection from adverse weather conditions.

Animal means 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 control officers means persons properly appointed by the town to enforce all sections of this chapter and applicable state laws and who are responsible for discharging such other duties and functions as may be prescribed by the town council as set forth in this chapter or any other applicable ordinance or state law.

Cat means a domestic feline of either sex.

Dog means a domestic canine of either sex.

Impounded means any animal that is received into custody by any employee of the town or county.

Owner means any person owning, keeping, having charge of sheltering, feeding, harboring or taking care of any animal for 14 or more consecutive days, unless the animal is boarded for a fee. If a commercial kennel is involved for breeding, ownership shall be indicated by the kennel operator by showing the registration of the animal in the name of the actual owner of the animal.

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

Teasing means 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, annoying, provoking, harassing, beating, torturing, injuring, or intentionally causing pain to an animal.

Tether is defined as a metal chain or coated steel cable to restrain a dog. Tethering refers to the practice of securing a dog to a stationary object by means of a metal chain or coated steel cable for keeping the animal restrained. This does not refer to periods when animals are being walked on a leash or for temporary grooming or other professional services.

(Ord. No. [O18-008](#), § 1, 4-19-2018)

Sec. 10-67. - Abuse of animals.

- (a) *Prohibited.* It shall be unlawful for a person to negligently or willfully:
- (1) Fail to provide adequate food and/or water for any animal he owns, possesses, or harbors;
 - (2) Overwork or overdrive any animal causing physical pain, suffering or death;
 - (3) Beat, torture, injure, torment, poison or mutilate any animal causing physical pain, suffering or death;
 - (4) Fail to provide reasonable medical attention for any sick, diseased or injured animal he owns, possesses, or harbors;
 - (5) Keep any animal under unsanitary or inhumane conditions which are detrimental to the animal's health and general welfare or fail to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease;
 - (6) Tease, molest, or in any way bother or harass any animal;
 - (7) Promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest, fight or combat between one or more animals or between animals and humans. This restriction does not apply to hunting or sporting activities;
 - (8) Fail to provide an adequate shelter for an animal he owns, possesses, harbors, or encloses, wherein the animal can be protected from extremes of weather (heat, cold, rain, etc.) and allowed to remain dry and comfortable during inclement weather;
 - (9) Convey 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 without having such animal reasonably secured so as to prevent the animal from leaping or being thrown from the vehicle or in such a way as to cause pain, suffering, unreasonable discomfort or death to the animal;
 - (10) Place or confine an animal or allow an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to reasonably 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:
 - a. After making a reasonable effort to find the driver of a vehicle in which an animal is confined, and if the animal is in imminent danger, an employee of the town, in the presence of a police officer or animal control officer, may use the least intrusive means to break and enter the vehicle if necessary to remove the animal where probable cause exists to believe that the confinement of the animal in the vehicle is in violation of this subsection.
 - b. The officer removing the animal shall then have it impounded and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed.
 - c. So long as an animal is within sight of an employee of the town or a police officer or animal control officer, this section shall not be interpreted to require that any warrant be obtained before removing the animal so long as such removal is otherwise consistent with the United States Constitution.
 - (11) Fail to provide sufficient shade, when sunlight is likely to cause overheating and discomfort, to allow all animals kept outdoors to protect themselves from the direct rays of the sun;
 - (12) Keep dogs in outdoor kennels used for the primary purpose of restraining dogs, where there is less than 100 square feet of kennel space per dog. Outdoor kennels shall be kept in a state of repair to prevent injury to the dog(s). Carriers, crates or other similar devices used for training or temporary housing shall only be utilized indoors, except for animals actively engaged in sporting activities or training.
- (b) *Euthanizing exception.* Nothing in this section shall be construed to prohibit the county control officers or veterinarians from euthanizing dangerous, unwanted, injured or diseased animals in a humane manner; nor to prohibit slaughterhouses or medical facilities from the proper, humane and lawful carrying out of their activities or duties.

- (c) *Pet shops.* Town police officers or animal control officers shall have the authority to conduct inspections of pet stores, to the extent not pre-empted by state law, in order to determine if there is any abuse of animals. Abuse of animals shall include any act described in this section or any other act that is detrimental to the well-being of the animal. It shall be unlawful for any pet store employee or pet store owner to violate this section.

(Ord. No. [O18-008](#), § 1, 4-19-2018)

Sec. 10-68. - Restraint of animals.

- (a) *Physical restraint.* It shall be unlawful for any person owning or having possession, charge, custody, or control of any animal, to keep such animal, unless such animal is under sufficient physical restraint to control the animal, within a vehicle, within a carrier, or adequately contained by a fence on the premises or other secure enclosure. If the physical restraint used is a leash requiring a person to control the animal, the person using such restraint must be of sufficient age and physical size or ability to reasonably restrain the animal. If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence.
- (b) *Tethering.* Dogs may be tethered to a stationary object only if all of the following conditions (1)—(9) are met:
- (1) A tether shall be equipped with a swivel on both ends.
 - (2) A tether shall be a minimum of ten feet in length and shall be made of either metal chain or coated steel cable. Rope, bridles, belts, or cords may not be used as a device to secure an animal.
 - (3) Tethers shall be attached to a buckle-type collar or harness and under no circumstances shall the tether itself be placed directly around a dog's neck. Tethers shall not be used in conjunction with training collars such as choke or pinch-style collars. The harness or collar must be made of a material that prevents choking and shall be monitored regularly so as to assure proper fit, prevent discomfort or injury.
 - (4) The weight of the tether shall not exceed ten percent of the total body weight of the dog but shall be of sufficient strength to prevent breakage.
 - (5) The tether by design and placement shall be maintained to allow the dog a reasonable and unobstructed range of motion without the possibility of entanglement, strangulation or other injury. The tether shall not be attached at point or location that would allow the animal to wrap the tether around a post, tree or debris or extend the tether over a fence, ledge, porch, pool or other object or edge in such manner that could result in the strangulation of or injury to the animal. The tether shall allow the dog access to adequate food, water and shelter.
 - (6) A dog must be six months of age or older to be tethered.
 - (7) Only one dog shall be attached to a single tether.
 - (8) Pulley systems, running lines, and trolley systems may be used in conjunction with a tether.
 - (9) Pulley systems, running lines or trolley systems shall be at least ten feet in length and no more than seven feet above the ground.
 - a. The line of the pulley system, running line, or trolley system to which the tether is attached shall be made of coated steel cable.
 - b. No tether shall be affixed to a stationary object which would allow a dog to come within five feet of any property line.
 - (10) An animal control officer may in his/her discretion order a more restrictive tethering requirement if circumstances require and it is not detrimental to the health, safety or welfare of a dog.

- (11) Exemptions. Citizens residing in townhomes, apartments, condos or similar multi-family housing units with lot sizes insufficient to meet the length and property line requirements specified in subsections (2) or (9) above may only tether dogs for temporary exercise and relief.
- (c) *Public parks.* It shall be unlawful for any person owning or having possession, charge, custody, or control of any dog to take the dog into or allow the dog to enter any public park without being at all times under the restraint of a leash, except while in designated off-leash areas, in accordance with the rules and regulations pertaining to such off-leash areas. This subsection shall not apply to the following:
- (1) Parks that have been designated as leash-free parks by the governmental agency responsible for the park.
 - (2) Guide and hearing-aid dogs that are in the company of blind or deaf persons or being trained for such purposes.
 - (3) Dogs employed or hired by law enforcement agencies or by the governmental agency responsible for the park to perform a governmental purpose within the park.
- (d) *Identification.* Dogs and domestic cats are required to wear rabies tags and a collar or other device that includes the contact information of the owner, trainer, or handler at all times.

(Ord. No. [O18-008](#), § 1, 4-19-2018)