

CHAPTER 91: ANIMALS

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Statutory reference:

Dangerous dogs, see G.S. §§ 67-4.1 through 67-4.4

Rabies, see G.S. §§ 130A-184 et seq.

Cross-reference:

Nuisance regulations, see Chapter 98

GENERAL PROVISIONS

§ 91.01 BIRD SANCTUARY.

(A) The entire area embraced within the corporate limits of the town is hereby designated a bird sanctuary.

(B) It shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest any bird or wild fowl or to rob bird nests or wild fowl nests; provided, if starlings, pigeons, or similar birds are found congregating in a particular area and constitute a nuisance or menace to health or property in the opinion of town authorities, those birds may be destroyed by or under the supervision of the Police Chief.

(1994 Code, § 91.01) Penalty, see § 10.99

§ 91.02 KEEPING OF FOWL AND LIVESTOCK REGULATED; DANGEROUS OR OFFENSIVE ANIMALS.

(A) *Fowl.* No person shall maintain, harbor, or keep within the town limits any fowl, meaning any chicken, game rooster, goose, duck, guinea, or any other fowl.

(B) *Livestock.* No person shall maintain, harbor, or keep within the town limits any pig, hog, goat, sheep, horse, or other livestock.
(Ord. passed 6-28-1988; Am. Ord. passed 6-13-2011)

(C) *Dangerous or offensive animals.* No person shall maintain or harbor within the town limits any animal dangerous to persons or property or offensive to the senses, except by written authorization of the Board of Alderpersons.

(D) *Penalty.* A violation of this section shall be a Class 3 misdemeanor as provided by G.S. § 14-4(a), unless it is an infraction as provided by G.S. § 14-4(b). (1994 Code, § 91.02) (Am. Ord. CO-02-21-22, passed 6-13-2022) *Penalty, see § 10.99*

§ 91.03 ABUSE PROHIBITED.

It shall be unlawful for any person to physically torture or abuse any animal. (1994 Code, § 91.03) *Penalty, see § 10.99*

§ 91.04 RABIES INOCULATION REQUIRED FOR DOGS AND CATS.

No dog or cat shall be permitted within the corporate limits of the town unless it has been inoculated against rabies as required by the General Statutes and proof of the inoculation shall be attached to the dog or cat. (1994 Code, § 91.04) (Ord. passed 6-28-1988) *Penalty, see § 10.99*

§ 91.05 PETS ON TOWN PROPERTY PROHIBITED.

(A) It shall be unlawful for the owner of any pet to allow it to be on the grounds of any town property where signs prohibiting the presence of the animals are erected or posted and the signs are unobstructed and clearly visible.

(B) This section does not apply to animals that are specifically trained to assist handicapped persons. (Ord. passed 4-5-94)

§ 91.06 GENERAL CARE; PROHIBITED ACTS.

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

(A) *Failure to provide adequate food, water and shelter.*

(1) All animals, unless otherwise indicated in this chapter, shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff in a container suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition.

(2) All animals shall have constant access to a supply of clean, fresh, potable water or a supply of clean, fresh potable water provided at suitable intervals. If access is not constant, then adequate amounts of water must be provided at least twice in a 24-hour period. If water is provided at intervals, it must remain in the animal's enclosure for at least one hour during each interval.

(3) All animals shall be provided with adequate shelter from the weather at all times. It shall be within the discretion of animal control officer to determine what constitutes adequate shelter. Examples of inadequate shelter include, but are not limited to the following:

- (a) Underneath outside steps and stoops;
- (b) Underneath houses;
- (c) Inside or underneath motor vehicles;
- (d) Inside metal or plastic barrels;
- (e) Inside cardboard boxes;
- (f) Inside temporary animal carriers or crates;
- (g) Shelters located in flood prone areas;
- (h) Shelters surrounded by waste, debris, obstructions or impediments that may endanger the animal.

(B) *Failure or refusal of any owner of a sick, diseased or injured animal to provide proper medical treatment for the animal.* A sick, diseased or injured animal shall go no longer than 24 hours without veterinary care.

(C) *Animal cruelty.* Examples of animal cruelty include, but are not limited to the following:

(1) Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck;

(2) Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised;

(3) Allowing a dog or cat to be left outside in inclement weather or extreme temperatures without adequate shelter;

(4) Intentionally allowing animals to engage in a fight;

(5) Allowing animals to live in crowded conditions;

(6) Allowing animals to live in unsanitary conditions;

(7) Failure or refusal to obtain medical treatment for an animal when in an animal control officer's opinion such treatment is needed;

(8) Shooting a dog, either on or off the owner's property, unless the dog is in the act of chasing or attacking a human being or any other domestic animal;

(9) Trapping a dog or cat without a request for animal trap issued by animal control;

(10) Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or them. The Animal Control Division shall have the

authority to inspect and to close down public exhibits of animals which are part of fairs, carnivals, festivals, fund-raising events, petting zoos and any other activity or function carried out in the town if it is determined that animals are being cruelly treated, abused or run the risk of causing injury to the public or themselves;

(11) Animals being confined to or restrained on the premises of a vacant or abandoned structure;

(12) Failure to provide adequate drainage to prevent surface water from standing in the area of the pen or enclosure where the animal is kept. It shall be within the discretion of animal control as to what constitutes adequate drainage.

(D) *Chaining or tethering.* Chaining or tethering an animal to a stationary object for period of time or under conditions that an animal control officer deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:

(1) Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal;

(2) Using a chain or tether made of rope, twine, cord or similar material;

(3) Using a chain or tether that is less than 10 feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width;

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

(5) Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon or leather.

(E) *Leaving an animal in a closed vehicle, etc.*
Leaving an animal in a closed vehicle or other enclosure for such duration or at such temperatures as an animal control officer or police officer deems harmful or potentially harmful to the animal.

(F) *Failure or refusal to report injured domestic animals.*

(1) All persons who injure a domesticated animal by running over, into or otherwise coming into contact with such animal with an automobile, motorcycle, bicycle or other vehicle shall notify the owner of the animal immediately.

(2) If the owner is unknown, the person who injured the animal shall immediately notify animal control or any police officer by giving his or her name and address, a description of the animal and the location of the incident.

(G) Maintaining a dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, animals walked on a lease, bicycles or other vehicles.
(Ord. CO-01-2016)

DOGS

§ 91.20 RUNNING AT LARGE PROHIBITED.

(A) It shall be unlawful for the owner of a dog, male or female, to permit it to be off the owner's premises and not under control either by a leash, cord, chain, or some other mechanical device whereby the dog is physically held under the immediate control of the owner or other responsible person who is placed in charge of the dog.

(B) For the purpose of §§ 91.20 *et seq.*, the following definition shall apply unless the context clearly indicates or requires a different meaning.

OWNER. Any person owning, keeping, or harboring a dog.

(C) A violation of this section shall be a Class 3 misdemeanor as provided by G.S. § 14-4(a), unless it is an infraction as provided by G.S. § 14-4(b).
(1994 Code, § 91.15) (Am. Ord. CO-02-21-22, passed 6-13-2022) Penalty, see § 10.99

§ 91.21 CAPTURE AND CONFINEMENT OF AT-LARGE DOGS.

All dogs within the corporate limits of the town which are found running at large without being under control, as defined in § 91.20, shall be captured by the duly authorized personnel of the town and confined in the Catawba County animal shelter to be confined and disposed of as provided by the ordinances of the county.
(1994 Code, § 91.16)

§ 91.22 EXCESSIVE BARKING.

(A) It shall be unlawful for the owner of a dog or the owner of a premises wherein a dog is kept within the town to keep a dog that habitually and repeatedly barks in a manner or to the extent it becomes a public nuisance.

(B) A violation of this section shall be a Class 3 misdemeanor as provided by G.S. § 14-4(a), unless it is an infraction as provided by G.S. § 14-4(b).
(1994 Code, § 91.17) (Am. Ord. CO-02-21-22, passed 6-13-2022) Penalty, see § 10.99

§ 91.23 VICIOUS DOGS.

(A) It shall be unlawful for any person to own, keep, have charge of, shelter, feed, harbor, or take care of any vicious dog within the corporate limits of the town.

(B) A vicious dog is any dog which has bitten 1 or more persons or a dog which has shown on at least 2 or more occasions a propensity to attack humans and that propensity is known or reasonably should be known to the owner.

(C) A violation of this section shall be a Class 3 misdemeanor as provided by G.S. § 14-4(a), unless it is an infraction as provided by G.S. § 14-4(b). (1994 Code, § 91.18) (Am. Ord. CO-02-21-22, passed 6-13-2022) Penalty, see § 10.99

§ 91.24 TEASING, MOLESTING, AND BAITING.

It shall be unlawful for any person to tease, molest, bait, or in any way bother any dog not belonging to him or her or legally under his or her control, unless it is in the act of injuring the property of the person. (1994 Code, § 91.19) Penalty, see § 10.99

§ 91.25 ENFORCEMENT.

The Town Administrator is hereby authorized and directed to employ the methods and means as he or she may deem necessary to implement and enforce this subchapter and to employ the personnel and make the expenditures as may be necessary in order to fully carry out the meaning and intent of this subchapter. (1994 Code, § 91.21)

CATS

§ 91.40 DUTY OF OWNER TO RESTRAIN.

(A) It shall be unlawful for the owner of a cat, male or female, to permit it to be off the owner's premises and not under control either by a leash, cord, chain, or by some other mechanical device whereby it is physically held under the immediate control of the owner or other responsible person who is placed in charge of it.

(B) For the purpose of §§ 91.40 *et seq.*, the following definition shall apply unless the context clearly indicates or requires a different meaning.

OWNER. Any person owning, keeping, or harboring a cat.

(C) A violation of this section shall be a Class 3 misdemeanor as provided by G.S. § 14-4(a), unless it is an infraction as provided by G.S. § 14-4(b). (1994 Code, § 91.30) (Ord. passed 3-1-1977; Am. Ord. CO-02-21-22, passed 6-13-2022) Penalty, see § 10.99

§ 91.41 RUNNING AT LARGE; CAPTURE; DISPOSAL.

All cats within the corporate limits of the town which are found running at large without being under control, as defined by § 91.40, shall be captured by the duly authorized personnel of the town and confined and disposed of in the same manner as dogs may be disposed of in the preceding subchapter. (1994 Code, § 91.31) (Ord. passed 3-1-1977)

