

CHAPTER 90: ANIMALS

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Statutory reference:

Authority of town to define and prohibit abuse of animals, see G.S. § 160A-182

Authority of town to establish or contribute to animal shelters, see G.S. § 160A-493

Authority of town to regulate domestic animals, see G.S. § 160A-186

Cruelty to animals generally, see G.S. §§ 140-360 to 140-363 and 140-366 to 140-368

Dogs generally, see G.S. §§ 67-1 et seq.

Possession and harboring of wild animals, see G.S. § 160A-187

Protection of animals generally, see G.S. §§ 19A-1 et seq.

GENERAL PROVISIONS

§ 90.01 BIRD SANCTUARY.

(A) The area embraced within the corporate limits of the town and all lands owned or leased by the town outside the corporate limits is hereby designated as a bird sanctuary.

(B) It shall be unlawful to trap, hunt, shoot or otherwise kill, within the sanctuary established by this section, any native wild bird; provided that, it shall be lawful to trap starlings or similar birds or fowl when the birds or fowl are found to be congregating in a number in a particular locality that they constitute a nuisance or a menace to health or property.

(C) The bird clubs of the town are hereby granted permission to erect the signs, giving notice of this section, at the places and of the design as may be approved by the Town Council.

(Prior Code, § 4-1) Penalty, see § 10.99

Statutory reference:

Authority of town to establish bird sanctuary, see G.S. § 160A-188

§ 90.02 KILLING SQUIRRELS.

This issue is now under the jurisdiction of the North Carolina Wildlife Resources Commission.
(Ord. passed 3-13-2012)

Statutory reference:

Wildlife Resources Commission issuance of depredation permits, see G.S. § 113-274(1a)

§ 90.03 KEEPING PIGEONS.

It shall be unlawful for any person to keep pigeons within the town, if not confined.

(Prior Code, § 4-3) Penalty, see § 10.99

§ 90.04 KEEPING BEES.

It shall be unlawful to keep or maintain a colony or swarm of bees or bee hives in the town. Keeping bees or bee hives in the town shall be considered a private nuisance. If any person responsible for the existence and continuance of the nuisance, after being duly notified by the Chief of Police or his or her duly authorized officers to abate the nuisance, shall fail to abate the same within 24 hours after the notice, he or she shall be guilty of a misdemeanor.

(Prior Code, § 4-4) Penalty, see § 10.99

§ 90.05 CHICKENS, DUCKS OR OTHER FOWL RUNNING AT LARGE.

It shall be unlawful to allow chickens, ducks or other fowl to run at large.

(Prior Code, § 4-5) Penalty, see § 10.99

§ 90.06 ANIMAL OR FOWL FIGHTS.

No person shall attend, encourage or stage any animal or fowl fight.

(Prior Code, § 4-6) Penalty, see § 10.99

LIVESTOCK

§ 90.20 PERMITS FOR KEEPING CERTAIN TYPES.

(A) *Required.* No person shall stable, tie or otherwise keep any cattle, horses, mules, sheep or goats within the town nearer than 500 feet to any dwelling, house, apartment or other residence occupied by any person, without first obtaining therefor a permit in writing issued pursuant to the provisions of this subchapter.

(Prior Code, § 4-7)

(B) *Application generally.*

(1) Any person desiring a permit required by division (A) above shall apply therefor in writing over his or her signature to the Town Manager.

(2) The application shall state the type and number of animals to be stabled, pastured, tied or otherwise kept; the name of one adult occupant, if any, of the dwelling house, apartment or residence within 500 feet of the place or places; and the distance of each dwelling house, apartment or other residence from the place.

(Prior Code, § 4-8)

(C) *Fee.* Each applicant for a permit required by division (A) above shall pay to the Tax Collector a fee as set by the Town Council for each separate application, which fee shall be paid by the Tax Collector into the town's General Fund.

(Prior Code, § 4-9)

(D) *Approval.* Upon determination that a proper application has been filed and that the fee provided for in division (C) above has been paid and upon finding that the stabling, pasturing, tying or otherwise keeping of the animals mentioned in the application in the place or places mentioned therein will not endanger the health of any person occupying a dwelling, house, apartment or residence within 500 feet of the place or any other citizen or inhabitant of the town, a permit shall be issued specifying the number and type of animals to be stabled, pastured, tied or otherwise kept; provided that, there may be accepted as proof that the stabling, pasturing, tying or otherwise keeping of the animals in the places will not endanger the health of any person hereinabove mentioned, the written assent to the issuance of the permit signed by one adult occupant of each dwelling, apartment or other residence then occupied by human beings and within 500 feet of the place or places where the animals are to be stabled, pastured, tied or otherwise kept.

(Prior Code, § 4-10)

(E) *Term.* Each permit required by division (A) above issued shall be and remain valid until the first day of January next following the issuance of the permit or until revoked as provided in division (F) below. At any time within 30 days before the expiration of any permit, the holder thereof may apply for its renewal, which renewal shall be issued upon the same conditions as the issuance of the original permit and which renewal shall be valid for one year from the expiration of the former permit.

(Prior Code, § 4-11)

(F) *Revocation.* Any permit issued in accordance with the provisions of this subchapter shall be revoked by him or her upon his or her finding that the stabling, pasturing, tying or otherwise keeping of any animals described therein at the place or places described therein endangers the health or safety of the inhabitants of the town. The revocation shall be effective ten days after the mailing by registered mail of a notice thereof to the last known address of the holder of the permit.

(Prior Code, § 4-12)

Penalty, see § 10.99

§ 90.21 HOGS.

(A) Except as provided in the Zoning Ordinance of the town, it shall be unlawful for any person to keep any live hogs or to maintain a hog pen within the corporate limits of the town.

(B) No person shall allow a hog or pig to stray upon the public streets or sidewalks or other property belonging to the town or upon the property belonging to any person within the town.

(Prior Code, § 4-13) Penalty, see § 10.99

§ 90.22 RUNNING AT LARGE.

No person shall stable, pasture, tie or otherwise keep any animal of any type enumerated in § 90.20(A) upon the property of any other person or permit any animal to stray upon the property within the town of any other person, without first obtaining the permission of the other person. No person shall pasture, tie or otherwise keep any animal upon the public streets or sidewalks of the town or upon any other property belonging to the town or permit any animal to stray upon the public streets or sidewalks or other property of the town.

(Prior Code, § 4-14) Penalty, see § 10.99

DOGS

§ 90.35 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AT LARGE. Off the premises of the owner and not under the control of the owner or a member of his or her immediate family or other responsible person, either by leash, cord or chain, or confined within a motor vehicle owned or being operated by the owner or a member of his or her immediate family.

DOG. Both male and female dogs.

OWNER. Any person owning, keeping or harboring a dog. The head of the household shall be deemed to be the **OWNER** in respect to any dog or dogs owned, kept or harbored by any person residing in the household and kept on the premises.

POUND. The place provided and operated by the town for the restraint, care and disposition of animals.

(Prior Code, § 4-15) (Ord. passed 7-1-1972)

§ 90.36 LICENSE.

(A) *Required; application; fee.* All dogs kept, harbored or maintained by their owners in the town shall be licensed and registered if over six months of age. Dog licenses shall be issued by the Town Manager upon payment of a license tax of an amount as set by the Town Council. The owner shall state, at the time application is made for the license and upon printed forms provided for the purpose, his or her name and address and the name, breed, color and sex of each dog owned or kept by him or her. The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the town, nor to dogs brought into the town for the purpose of participating in any dog show, nor to “seeing-eye” dogs properly trained to assist blind persons when the dogs are actually being used by blind persons for the purpose of aiding them in going from place to place. The license tax imposed by this section shall be an annual charge and shall be payable on or before January 1 of each year. The license tax on any dog over six months of age brought into the town to be kept in the town or on any dog which becomes six months of age after January 1 of any year shall become immediately due and payable to the town. All licenses must be purchased by February 15 or the owner will be subject to prosecution.

(Prior Code, § 4-16)

(B) *Certificate; tags.* Upon payment of the license fee, the Town Manager shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tax must be affixed and shall see that the collar and tag are constantly worn. In case a dog tag is lost

or destroyed, a duplicate will be issued by the Town Manager upon the payment of a fee as set by the Town Council and the presentation of a receipt showing the payment of the license fee for the current year. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the town before expiration of the license period.

(Prior Code, § 4-17)

(Ord. passed 7-1-1972; Ord. passed 12-9-1980) Penalty, see § 10.99

Statutory reference:

Authority of town to levy an annual animal license tax, see G.S. § 160A-212

§ 90.37 VACCINATION.

It shall be unlawful for the owner of any dog to keep or maintain it unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine as required by G.S. § 106-385. Proof of the inoculation shall be attached to the dog.

(Prior Code, § 4-18) (Ord. passed 7-1-1972) Penalty, see § 10.99

Editor's Note:

G.S. § 106-385 has been repealed

§ 90.38 RESPONSIBILITY OF OWNERS.

Owners are responsible for the acts of their dogs. The owner of any dog who commits a nuisance upon the property of another person or who damages another person's property or person shall be fully responsible and accountable for those acts. The owners of dogs 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. All dogs shall be given opportunity for vigorous daily exercises and shall be provided by their owners with veterinary care when needed to prevent suffering. No person shall poison or maim a dog nor may a dog be abandoned. Unwanted animals may be given to the Chowan County Animal Control Officer to be sold by the county or destroyed in a humane manner.

(Prior Code, § 4-19) (Ord. passed 7-1-1972)

Statutory reference:

Authority of town to define and prohibit abuse of animals, see G.S. § 160A-182

Cruelty to animals generally, see G.S. §§ 140-360 through 140-363 and 140-366 to 140-368

Protection of animals generally, see G.S. §§ 19A-1 et seq.

§ 90.39 IMPOUNDING.

No dog of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. If any dog 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 of the pound after payment of the fees; provided that, if any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, the dog may be slain by any police officer or Animal Control Officer.

(Prior Code, § 4-24)

(Ord. passed 7-1-1972; Ord. passed 12-9-1980) Penalty, see § 10.99

§ 90.40 SUSPECTED RABIES.

(A) If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, the dog shall be confined in the pound and shall be placed under the observation of a veterinarian at the expense of the owner for a period of ten days. The owner shall notify the Chowan Animal Control Officer of the fact that his or her dog has been exposed to rabies.

(B) It shall be unlawful for any person knowing or suspecting a dog has rabies to allow the dog to be taken off his or her premises or beyond the limits of the town without the written permission of the poundmaster. Every owner or other person, upon ascertaining a dog is rabid, shall immediately notify the Chowan Animal Control Officer or a police officer who shall remove the dog to the pound.

(Prior Code, § 4-25) (Ord. passed 7-1-1972) Penalty, see § 10.99

§ 90.41 RABIES EMERGENCIES.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he or she deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his or her premises unless the dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs noticeably infected with rabies and

displaying vicious propensities shall be killed by the Dog Warden without notice to the owner. Dogs impounded during the first two days of the proclamation shall, if claimed within five days, be released to the owner, unless infected with rabies, upon payment of the impounding charges. If unclaimed after that period, the dog may be summarily destroyed.

(Prior Code, § 4-26) (Ord. passed 7-1-1972)

§ 90.42 RUNNING AT LARGE.

Any dog shall be confined within an enclosed secure area and shall not be allowed outside the enclosed secure area unless securely leashed with a leash no longer than four feet in length. No person shall permit any dog to be kept on a chain, rope or other type of leash outside the enclosed secure area unless the person is in direct physical control of the leash. No dogs shall be leashed to any inanimate object such as a tree, post, stake, building, vehicle and the like.

(Prior Code, § 4-27) (Ord. passed 7-1-1972; Ord. passed 9-14-2004) Penalty, see § 10.99

§ 90.43 VICIOUS DOGS.

(A) *Prohibited.* No person residing within the corporate limits of the town for a period of seven or more days shall keep, harbor, own or in any way possess any of the following dogs:

(1) Any unregistered potentially vicious dog. For the purposes of this section, a **POTENTIALLY VICIOUS DOG** is defined to mean:

- (a) The bull terrier breed of dog;
- (b) The Staffordshire bull terrier breed of dog;
- (c) The American pit bull terrier breed of dog;
- (d) The American Staffordshire terrier breed of dog;
- (e) The Rottweiler breed of dog;
- (f) The Chow Chow breed of dog;
- (g) Any dog breed or mixed breed known by a commonly accepted derivative name of the above listed breeds, including without limitation, pit bulls, pit bull dogs, and pit bull terriers.

(h) Any dog that has the appearance or physical characteristics of being predominantly one of breeds of dogs listed above; or any combination thereof.

(i) Any owner, keeper, harbinger or possessor of a dog, who is unsure whether it meets the definition of a potentially vicious dog as defined herein, shall follow provisions set forth in division (B)(10) to the determine of whether the dog must be registered.

(2) Any dog with a known propensity, tendency or disposition to initiate attack, to cause injury to, or to otherwise endanger the safety of, humans or other domestic animals; or

(3) Any dog that bites (to the extent of severely bruising or puncturing the skin), attacks, assaults, inflicts injury or otherwise harms, a human being or a domestic animal without provocation.

PROVOCATION shall be defined to include: a person or domestic animal who, at the time of injury or damage, was committing a trespass or other tort upon the premises occupied by the owner, keeper, harbinger or possessor of the dog; or a person was teasing, tormenting, abusing or assaulting the dog. **PROVOCATION** does not include a dog protecting or defending the premises occupied by the owner, keeper, harbinger or possessor of the dog; or a dog protecting or defending a person within the immediate vicinity of the dog from an attack or assault.

(B) *Keeping of registered potentially vicious dogs.* Notwithstanding the provisions of division (A), no resident of the town shall be prohibited from keeping, harboring, owning or possessing a potentially vicious dog that has been registered with the town, subject to the following conditions:

(1) *Leash.*

(a) No owner, keeper, harbinger or possessor of a registered potentially vicious dog shall fail to confine such dog in a manner required by division (B)(2), unless such dog is secured by a leash not more than four feet in length.

(b) No person shall permit a potentially vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless the person is in physical control of the leash and the dog is adequately restrained.

(c) Any person in control of a leashed and registered potentially vicious dog must be physically able to control/restrain the dog.

(d) No registered potentially vicious dog may be leashed to a stationary object, including without limitation, any tree, post or building.

(2) *Confinement.*

(a) *General requirement.* All registered potentially vicious dogs shall be confined indoors and within the residence or house, or in a securely enclosed and locked pen or kennel, except as leashed in conformance with the requirements of division (B)(1).

(b) *Pen, kennel or structure.*

1. Any pen, kennel or structure in compliance with this division shall consist of four secure sides with a height of at least six feet, or if shorter have an enclosed top.
2. All structures used to confine registered potentially vicious dogs shall be locked with a key or combination lock during any time such animals are confined within the pen or kennel.
3. Such pen or kennel shall have a secure bottom or floor attached to the sides of the pen or kennel, or in the alternative, each side of the pen must be embedded in the ground to a depth of no less than two feet.
4. All pens or kennels shall adequately contain the dog and prevent escape.
5. All pens or kennels erected to house potentially vicious dogs shall comply with all zoning and buildings regulations of the town.
6. All pens or kennels shall be adequately lighted, ventilated and kept in a clean and sanitary condition.

(c) *Confinement indoors.*

1. A registered potentially vicious dog may be kept indoors, but may not be kept in a house or structure in which open windows or screen doors may provide the dog exit from the structure by the dog's own volition.
2. No registered potentially vicious dog may be kept in/on any structure attached to the house, such as a porch or patio, that allows a dog, by its own volition, an exit, and such structure must be secured by a locked gate or door suitable to prevent the dog from escaping.

(3) *Signs.*

(a) All owners, keepers, harborers or possessors of a registered potentially vicious dog within the town shall display in a prominent place on their premises, where anyone seeking to enter the property will see it, a sign easily readable by the public, displaying the words "Beware of Dog".

(b) The sign shall also be posted on the pen or kennel of such animal.

(4) *Identification photographs.*

(a) All owners, keepers, harborers or possessors of registered potentially vicious dogs must, upon registration, provide to the Chief of Police with two color photographs of the registered animal, clearly demonstrating the animal's color and approximate size.

(b) The owner, keeper, harborer or possessor of any potentially vicious dog shall also provide satisfactory evidence to the Chief of Police that the dog has been implanted with a microchip identification marking.

(5) *Reporting requirements.* All owners, keepers, harborers or possessors of registered potentially vicious dogs must report the following information, in writing, to the Chief of Police within ten days of its occurrence:

- (a) The death or removal from the town of a registered potentially vicious dog;
- (b) The birth or offspring of a registered potentially vicious dog;
- (c) The change of address of a registered potentially vicious dog moved to any location within the town corporate limits;
- (d) Any attack involving a registered potentially vicious dog upon a human, which inflicts injury, including but not limited to, bruising, scratches and bites;
- (e) Any attack involving the registered potentially vicious dog upon a domestic animal or pet.

(6) *Sale or transfer of ownership prohibited.* No person shall sell, barter or in any other way convey a registered potentially vicious dog to any person within the town, unless the recipient resides permanently in the same household and on the same premises as the registered owner of the dog; provided that the registered owner of a potentially vicious dog may sell, barter or otherwise convey a registered potentially vicious dog, or the offspring of a registered potentially vicious dog, to persons not residing within the town.

(7) *Animals born of registered dogs.* There shall be an irrebuttable presumption that any offspring born of a registered potentially vicious dog is, in fact, a potentially vicious dog that must be registered and kept in accordance with this section.

(8) *Spay or neuter requirement.*

(a) Any registered potentially vicious dog shall be spayed or neutered at the appropriate age as determined by a licensed veterinarian.

(b) The owner, keeper, harbinger or possessor shall provide satisfactory evidence to the Chief of Police that any registered potentially vicious dog has been spayed or neutered.

(c) The Chief of Police or Chowan County Animal control may authorize the non-spaying or non-neutering of a registered potentially vicious dog for the purpose of breeding for the American Kennel Club, if such breeding takes place outside the town.

(9) *Irrebuttable presumption.*

(a) There shall be an irrebuttable presumption that any dog registered with the town as a potentially vicious dog, or capable of designation as a potentially vicious dog pursuant to division (A), is in fact a dog subject to the requirements of this section.

(b) Any registered potentially vicious dog that has been certified as a “seeing eye dog” or other human-handicapped-assistance dog, shall be exempt from the standards of this section, as long as such dog is being used for the certified assistance purposes.

(10) *Application of section.*

(a) If an owner, keeper, harbinger or possessor of a dog is unsure if their dog meets the definition of a potentially vicious dog under division (A), they may make a formal request in writing to the Chief of Police for a determination on the classification of their dog.

(b) No action shall be taken against the owner, keeper, harbinger or possessor of the dog while a determination is being made as to its classification.

(c) A written response shall be provided no later than three weeks after the request has been submitted to the Chief of Police.

(11) *Failure to comply.*

(a) It shall be unlawful for the owner, keeper, harbinger or possessor of a potentially vicious dog registered with the town to fail to comply with the requirements and conditions set forth in this section.

(b) Any dog so kept may be subject to immediate seizure and impoundment, at the cost of the owner, keeper, harbinger or possessor.

(c) Failure to comply with the requirements of this section will result in the revocation of any registration of such animal(s) and the immediate removal of the animal from the town.

(12) *Violations and penalties.* Any person violating or permitting the violating of any provision of this section shall be subject to all enforcement remedies as provided by G.S. § 160A-175 and G.S. § 14-4.

(13) *Registration and fee.*

(a) Registration of potentially vicious dogs will be conducted at the Police Department.

(b) The fee for registering a potentially vicious dog will be \$25, to be paid at the time of registration.

(c) All registrations will be kept on file with the Police Department, with copies sent to the Chowan County Animal Control.

(Prior Code, § 4-28) (Ord. passed 7-1-1972; Ord. passed 9-14-2004; Am. Ord. passed 7-12-2011) Penalty, see § 10.99

§ 90.44 BARKING DOGS.

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

(Prior Code, § 4-29) (Ord. passed 7-1-1972) Penalty, see § 10.99

§ 90.45 TEASING AND THE LIKE.

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.

(Prior Code, § 4-30) (Ord. passed 7-1-1972) Penalty, see § 10.99

Statutory reference:

Authority of town to define and prohibit abuse of animals, see G.S. § 160A-182

Cruelty to animals generally, see G.S. §§ 140-360 through 140-363 and 140-366 to 140-368

Protection of animals generally, see G.S. §§ 19A-1 et seq.

§ 90.46 RUNNING OVER WITH VEHICLE AND THE LIKE.

It shall be unlawful for any person injuring a dog, by running over or into same or coming into contact with same, with an automobile, motorcycle, bicycle or other vehicle, to fail to notify immediately the owner of the dog or the Town Police Department.

(Prior Code, § 4-31) (Ord. passed 7-1-1972) Penalty, see § 10.99