

CHAPTER 94: ANIMALS

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§ 94.01 DEFINITIONS.

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

ANIMAL AT LARGE. Any animal off the premises of his owner and not under sufficient physical restraint such as a leash cage, bridle, or similarly effective device to allow the animal to be controlled.

ANIMAL UNDER RESTRAINT. Any animal confined within a vehicle, confined within the real property limits of its owner or secured by leash or lead,

ANTI-CLIMBER. A device consisting of angled metal braces and barbed wire, which wire is stretched between each angled metal brace, all of which is attached to the top of a fence. The wire shall be at least 3 strands, separated evenly, the furthest being no less than 18 inches from the top of the fence. It shall extend inwards at an angle of not less than 45 degrees nor more than 90 degrees measured from perpendicular or, in lieu of barbed wire, an electrically charged wire attached to the top of the fence.

DOMESTICATED ANIMAL. An animal such as is accustomed to live in or about the habitation of men, including but not limited to cats, cows, dogs, fowl, horses, and domesticated wild animals. This does not include hogs, pigs, any other swine, or any member of the Ursidae, or Felidae families of the Carnivora order if the animal weighs more than 35 pounds; exception is pot-bellied pigs (1 per household).

HOLDING FACILITY. Any pet shop, kennel, cattery, or combination thereof.

INOCULATION or INOCULATION AGAINST RABIES. These terms shall mean the vaccination or inoculation of a dog or a cat with an antirabic vaccine approved by the United States Bureau of Animal Industry, the N.C. Department of Agriculture and the N.C. State Board of Health and/or the local health director, as defined in G.S. § 130A-2(6).

KENNEL. A commercial established wherein any person, for profit, buys, sells, boards, breeds, grooms, lets for hire, or trains for a fee, dogs. This shall not include the ownership of dogs which are not a part of the household or which are maintained adjoining a private residence for hunting, training practice, exhibition, or the guarding or protection of the owner's property when no more than 5 dogs per year are sold by such owner, provided that all dogs trained or sold for attack and security shall be trained by a trainer licensed pursuant to this chapter.

OWNER. Any person owning, keeping, harboring, possessing, or acting as custodian, however temporarily, of an animal; provided, however, that a person having temporary custody or possession of an animal for the sole purpose of turning over such animal within 24 hours to a member of the animal control division or other peace officer shall not be deemed the owner of the animal.

PET. A domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, fish, hamsters, mice, reptiles, pot bellied pigs, domesticated wild animals and other animals associated with man's environment.

PET SHOP. A commercial establishment, which offers for sale 2 or more species of live animals with the intent that they be kept as pets.

PUBLIC NUISANCE ANIMAL. Any animal or group of animals which:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Is vicious;
- (4) Causes fouling of the air by odors;
- (5) Causes unsanitary condition of enclosures or surroundings;
- (6) By virtue of number or type is offensive or dangerous to the public health, safety, or welfare;

- (7) Excessively makes disturbing noises;
- (8) Is diseased and dangerous to the public health.

VICIOUS ANIMAL. Any animal which constitutes a physical threat to human beings or other animals by virtue of attacks of such number and severity as to cause property damage or physical injury.

(1978 Code, § 8-2001) (Am. Ord. passed 5-10-1999)

§ 94.02 CRUELTY TO ANIMALS.

It shall be unlawful to wound, injure, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate, or kill any useful beast, fowl, or animal. The words ***TORTURE, TORMENT,*** or ***CRUELTY*** include every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted. A violation of this section is a Class I misdemeanor.

(1978 Code, § 8-2002) (Am. Ord. passed 5-10-1999) Penalty, see § 94.99

§ 94.03 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for the owner of any domesticated animal to allow such animal to be running loose or at large within the corporate limits of the town or on any town property.

(1978 Code, § 8-2003) (Am. Ord. passed 5-10-1999) Penalty, see § 94.99

§ 94.04 INOCULATION OF DOGS, CATS, AND OTHER PETS.

(A) *Inoculation.* It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for any dog or cat 4 months of age or older. A rabies inoculation shall be deemed current for a cat if the inoculation has been given within the preceding 12 months. A rabies inoculation shall be deemed current for a dog if 2 inoculations have been given one year apart and booster doses of rabies vaccine administered every 3 years thereafter.

(B) *Proof of inoculation.*

- (1) Any person inoculating an animal against rabies shall issue to the owner of the animal inoculated a numbered metallic tag, stamped with the number and the year for which it is issued, and indicating that the animal has been inoculated against rabies.
- (2) The metal inoculation tag shall be securely fastened to the dog's choke chain collar or harness, and it shall be unlawful for the owner of a dog to allow such dog to be within the town without the inoculation tag.

- (3) Cats shall not be required to wear the metallic inoculation tag, but wear a collar, and the owner of a cat shall maintain the tag or the rabies vaccination certificates as written evidence to prove the cat has a current rabies inoculation.

(1978 Code, § 8-2004) Penalty, see § 94.99

Statutory reference:

Rabies vaccination, see G.S. § 130A-185

Rabies vaccination tags, see G.S. § 130A-190

§ 94.05 DOGS AND CATS AT LARGE; DEFECATION ON STREETS AND PRIVATE PROPERTY.

- (A) It shall be unlawful for the owner of any dog or cat to allow such animal to be at large in the town of on any town property.
- (B) It shall be unlawful for any person owning, harboring, keeping, or in charge of any dog or cat to fail to remove feces deposited by the dog on any street, sidewalk, park or other publicly owned area.
- (C) It shall be unlawful for any person owning, harboring, keeping, or in charge of any dog or cat to fail to remove feces deposited by the dog on any private property unless the owner of the property has given permission allowing such use of the property.

(1978 Code, § 8-2005) (Am. Ord. passed 5-10-1999) Penalty, see § 94.99

§ 94.06 CONFINEMENT OF FEMALE DOGS AND CATS IN HEAT.

Every female dog or cat, while in heat, shall be confined in a building or secure enclosure in such manner that she will not be in contact with another dog or cat, nor create a nuisance by attracting other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal being bred.

(1978 Code, § 8-2006) (Am. Ord. passed 5-10-1999)

§ 94.07 PUBLIC NUISANCE ANIMALS.

- (A) *Prohibited generally; exceptions.* It shall be unlawful to own, keep, or harbor a public nuisance animal with the town; provided, however, it shall not be unlawful to own or keep a dog of vicious tendencies for the protection of persons or property, if such dog is securely confined in a manner not to expose it to the general public. This exception for dogs of vicious tendencies does not extend to dogs which excessively make disturbing noises.
- (B) *Complaint and notice.* Upon receipt of a written detailed and signed complaint being made to the Police Chief or Town Clerk by any resident or residents that any person is maintaining a public nuisance as defined in § 94.01, the Chief of Police shall cause the owner of the animal or animals in question to be notified that a complaint has been received and shall cause the situation complained of to be

investigated and a report and findings thereon to be reduced to writing by the investigating officer. We will respond to an oral report but require a signed report later.

- (C) *Abatement or remedy of problem.* If the written findings of the investigating officer indicate that the complaint is justified, then the Chief of Police shall cause the owner or keeper of the animal or animals in question to be so notified in writing, by registered mail, return receipt requested, ordered to abate such nuisance within 7 days after notification, and issued a citation for the violation. In the event the owner of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals, shall be published within a local newspaper.
- (D) *Impoundment upon failure to abate.* If any person receiving notice in the manner hereinabove described shall fail or refuse to abate the nuisance upon order of the Chief of Police within the specified time, the Police Chief may cause the animal or animals in question to be apprehended and impounded, in accordance with the animal control regulations of Yadkin County.
- (E) *Right of appeal.* Within the 7-day period mentioned in division (C) of this section, the owner of the nuisance animal may appeal the findings of the Chief of Police to the Town Manager by giving written notice of appeal to the Chief of Police, the appeal to stay the abatement of the nuisance until a final determination by the Town Manager.

(1978 Code, § 8-2007) (Am. Ord. passed 5-10-1999) Penalty, see § 94.99

§ 94.08 STABLES AND HOLDING FACILITIES.

It shall be unlawful for any person who owns or maintains a stable in the corporate limits of the town in which horses are kept to maintain such stable within 100 feet of any residence, building, place of business or manufacturing plant within the town. Such stables shall be thoroughly cleaned and manure and other refuse accumulating therein shall be removed at intervals not less than once a week and all such stables shall be subject to inspection by the town or any duly authorized sanitary health officer. Every part of a lot set aside for the horses shall be totally enclosed.

(1978 Code, § 8-2008) (Am. Ord. passed 5-10-1999) Penalty, see § 94.99

§ 94.09 PERMIT TO LOCATE, ERECT OR PLACE A STABLE.

Before any person shall locate, erect or place any stable on any lot within the corporate limits of the town, he shall make application to the Yadkin County Health Department and the Town Clerk. Such permits may be issued, upon compliance with this chapter and with standards and procedures of those agencies.

(1978 Code, § 8-2009) (Am. Ord. passed 5-10-1999)

§ 94.10 REMOVAL, RELOCATION FOR VIOLATION.

The Yadkin County Health Department and Town Manager, upon complaint or otherwise, may after investigation notify the owner or person controlling any stable who has violated any health requirement or provision of this chapter to remove or relocate the stable so that the same shall conform to the applicable health regulations and requirements of this chapter. Such stable owner or controller shall thereupon bring his stable into compliance or vacate and remove the same within 5 days after receipt of such notice.

(1978 Code, § 8-2010) (Am. Ord. passed 5-10-1999)

§ 94.11 HOGS AND SIMILAR ANIMALS PROHIBITED.

It shall be unlawful for any person, firm or corporation to keep or maintain any pig, hog or swine within the corporate limits of the town from and after the first day of January, 1968, except that the provisions of this chapter shall not apply to an abattoir or meat packing plant duly licensed by the state or other duly authorized licensing agencies which promulgate and administer laws and regulations in connection with the slaughtering and processing of animals.

(1978 Code, § 8-2011) (Am. Ord. passed 5-10-1999) Penalty, see § 94.99

§ 94.12 PET SHOP STANDARDS.

(A) *General.* All pet shops, as defined herein, including pet shops run in conjunction with another holding facility, shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Willful failure of the owner or operator to meet these standards shall be grounds for denial or revocation of a license and shall be unlawful.

(B) *Standards.*

(1) *Water.* There shall be available hot water at a minimum temperature of 140 degrees for washing cages and disinfecting them and cold water easily accessible to all parts of the shop. Fresh water will be available to all species at all times. Containers are to be cleaned and disinfected each day. All water containers shall be mounted so the animal cannot turn them over and be removable for cleaning.

(2) *Room temperature.* The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.

(3) *Cages and enclosures.* All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that any animal will have room to stand, turn, and stretch out to his full length.

(1978 Code, § 8-2012) (Am. Ord. passed 5-10-1999)

§ 94.99 PENALTY.

Anyone violating any of the provisions of this chapter is subject to a \$50 a day fine and or imprisonment up to 30 days. All animal control General Statutes of the State of North Carolina are enforceable by the town and penalties can be sought under the General Statutes.

(1978 Code, § 8-2013) (Am. Ord. passed 5-10-1999)