

CHAPTER 3.

ANIMALS AND FOWL.

Article I. In General.

- § 3-1. Keeping of swine prohibited.
- § 3-2. Possession or harboring of wild animals.
- § 3-3. Maintenance of stables, pens, coops, etc.; abatement of nuisances.
- § 3-4. Town constitutes bird sanctuary.

Article II. Dogs.

- § 3-5. Definitions.
- § 3-6. Inoculation and wearing of collar or tag required.
- § 3-7. Annual license tax on dogs six months or more of age; when and to whom tax payable; license tag to be worn by dog.
- § 3-8. Dogs as nuisances.
- § 3-9. Limitation on number of dogs kept on premises; procedure to abate maintenance of excessive number of dogs.
- § 3-10. Running at large--Generally.
- § 3-11. Same--Dangerous dogs; females while in heat.
- § 3-12. Impoundment--Authority of police.
- § 3-13. Same--Notice of impoundment; redemption or other disposition of impounded dogs.
- § 3-14. Interfering with impoundment.

Article I. In General.

For state law as to authority of town to regulate, restrict, etc., domestic animals, see G.S., § 160A-186. As to confinement or leashing of vicious animals, see G.S., § 106-381. As to cruelty to animals, see G.S., §§ 14-360 to 14-363. As to disposition of carcasses, see G.S., § 106-403.

Sec. 3-1. Keeping of swine prohibited.

It shall be unlawful for any person to have, keep or maintain a hog pen or hog lot, or to keep or raise one or more hogs or swine within the corporate limits of the town. (9-2-47, § 1.)

Sec. 3-2. Possession or harboring of wild animals.

It shall be unlawful for any person to possess or harbor within the town any wild animal dangerous to person or property or offensive to the senses;

provided, that this section shall not apply to any circus or menagerie duly licensed by the town or by the state.

For state law as to authority of town to prohibit the possession or harboring within the town of wild animals dangerous to persons or property or offensive to the senses, see G.S., § 160A-187.

Sec. 3-3. Maintenance of stables, pens, coops, etc.; abatement of nuisances.

Each stable, pen, coop or other place within the town where any animal or fowl is kept shall be maintained by the keeper at all times in a clean and sanitary condition and free of offensive odors and solid and liquid waste matter. Any place where an animal or fowl is kept which is found to be in violation of this section shall be deemed to be a public nuisance, subject to abatement by the town at the expense of the person responsible therefor or the owner of the property whereon it exists.

For state law as to authority of town to abate public health nuisances at expense of persons in default, and liens created on property in default, see G.S., § 160A-193.

Sec. 3-4. Town constitutes bird sanctuary.

The entire area of the town is hereby created and established as a bird sanctuary, as to all birds protected by the state wildlife resources commission or otherwise by state law; and it shall be unlawful for any person to hunt, trap, kill or otherwise take any protected bird within the town limits except pursuant to a permit issued under section 113-87 of the General Statutes of North Carolina.

For state law as to authority of town to enact this section, see G.S. § 160A-188.

Article II. Dogs.

For state law as to dogs generally, see G.S., § 67-1 et seq. As to rabies control, see G.S., § 106-364 et seq. As to authority of town to regulate, restrict or prohibit the keeping and running at large of domestic animals, including dogs and cats, see G.S., § 160A-186.

Sec. 3-5. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

At large. The term "at large" shall mean off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.

Dog. The word "dog" shall include both male and female.

Owner. The word "owner" shall mean any person keeping or harboring a dog. (3-5-73, § 1.)

As to definitions applicable throughout this code, see § 1-2 of this Code.

Sec. 3-6. Inoculation and wearing of collar or tag required.

Every dog six months or more of age kept in the town shall be currently inoculated against hydrophobia under supervision of the Rowan County health department and shall wear a tag or collar giving the inoculation registration number. (3-5-73, § 1.)

Sec. 3-7. Annual license tax on dogs six months or more of age; when and to whom tax payable; license tag to be worn by dog.

(a) Upon every dog, six months or more of age, which may be in the town on the first day of July of any year, or which may be brought into the town at any other time to be kept therein, a license fee of one dollar shall become immediately due and payable to the town. Upon each dog, which shall become six months of age, the license fee herein prescribed shall become due and payable by the owner of the dog.

(b) The fee prescribed by subsection (a) of this section shall be paid to the town tax collector. Each fee becoming due and payable on the first day of July of any year shall be paid before the first day of July of such year. Each fee becoming due and payable on some other date than the first day of July of any year shall be paid within thirty days after such fee becomes due. For each dog for which the proper license fee is paid, the town collector shall issue a suitable license tag, showing the serial number, and shall keep a proper record of the name of the owner. The owner shall cause such tag to be worn at all times by the dog. (3-5-71, § 1.)

For state law as to authority of town to levy annual license tax on the privilege of keeping any domestic animal, including dogs and cats, see G.S., § 160A-212.

Sec. 3-8. Dogs as nuisances.

It shall be unlawful for any person to keep or maintain on any premises or lot any dog that, through loud and habitual barking, or in any other manner, constitutes a neighborhood or public nuisance. Failure to abate such nuisance after warning from the chief of police or his authorized representative shall be unlawful and punishable as provided in section 1-6. (3-5-73, § 2.)

Sec. 3-9. Limitation on number of dogs kept on premises; procedure to abate maintenance of excessive number of dogs.

(a) It shall be unlawful for any person to keep or maintain more than two dogs on any lot or parcel of land having less than seven thousand square feet, and an additional two thousand square feet shall be required for each additional dog more than two; provided, that this limitation shall not apply to dogs which are less than six months of age.

(b) Upon written or oral complaint being made to the police department by a person specifying the location where more than the limited number of dogs are being kept, the police department or authorized agents thereof shall investigate and, if it is determined that subsection (a) of this section is being violated, the police department or authorized agents thereof shall notify the person responsible for keeping such dogs and, upon such notice from the police department or authorized agents thereof, the responsible person shall remove from the premises the number of dogs in excess of the limited number which are prohibited by subsection (a) of this section within seventy-two hours from the time of notification. (3-5-73, § 3.)

Sec. 3-10. Running at large--Generally.

It shall be unlawful for a person owning or having the custody of any dog wilfully to permit or allow such dog to run at large in the town except upon a leash in the hands of a person accompanying such dog; provided, it shall not be unlawful for a dog to be on the premises of a person other than the owner or custodian of such dog if the owner of the premises does not object thereto. Any dog found running at large, with or without the consent or knowledge of its owner or custodian, may be impounded as provided in this article. (3-5-73, § 4.)

Sec. 3-11. Same--Dangerous dogs; females while in heat.

No dog of dangerous or vicious propensities and no female dog in heat shall be allowed to run at large or upon the premises of anyone other than the owner. If any such dog is found running at large, in violation of this provision, such dog may be impounded as hereinafter provided. (3-5-73, § 5.)

*For state law as to confinement or leashing of
vicious animals, see G.S., § 106-381.*

Sec. 3-12. Impoundment--Authority of police.

It shall be the duty of the chief of police or his authorized agent to impound any dog that is running at large in violation of this article, and the chief of police and his agents are hereby authorized, upon compliance with all applicable provisions of law, to enter upon the premises of any owner to make any arrests necessary to implement the provisions of this article. The chief of police or his authorized agent, upon receiving such dog, shall make a complete registry entering the breed, color and sex of such dog. (3-5-73, § 6.)

For constitutional provisions relating to search warrants, see Const. U.S., Amendment IV, and Const. N.C., art. 1, § 20. As to general state law relating to search warrants, see G.S., § 15-25 et seq. As to authority of district courts to issue search warrants, see G.S., § 7A-291.

Sec. 3-13. Same--Notice of impoundment; redemption or other disposition of impounded dogs.

(a) Not later than two days after the impounding of any dog, the owner shall be notified, or if the owner of the dog is unknown, written notice shall be posted for two days at three or more conspicuous places in the town, and describing the dog and the place and time of taking. The owner of any dog so impounded may reclaim such dog upon payment of all costs and charges incurred by the town for impounding of said dogs as follows: For impounding any dog, two dollars; and the owner must, in addition, submit proof that the dog has been vaccinated with anti-rabies vaccine and has paid the prescribed license fee, plus a five dollar penalty; provided, that if any dog is impounded for three or more times within one year, then the penalty shall be ten dollars.

(b) In the event no owner shall appear within two days after notice has been given as provided in subsection (a) of this section, or if such owner, on appearing, shall refuse, fail or neglect to pay all the sums herein prescribed, then it shall be the duty of the chief of police or his agent to have such dog humanely destroyed, delivered to a proper institution or hospital for scientific purposes, delivered to the Rowan County chapter of the society for the prevention of cruelty to animals, if requested, or request the proper agency of Rowan County to impound and keep such dog, or otherwise dispose of such dog as by law provided. (3-5-73, § 6.)

Sec. 3-14. Interfering with impoundment.

It shall be unlawful for any person to interfere with the catching or impounding of any dog as herein authorized or to release or attempt to release any dog from impoundment. (3-5-73, § 7.)

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