

**AN ORDINANCE TO AMEND
THE ORDINANCE REGARDING THE REGULATION OF
ANIMAL CONTROL FOR
THE TOWN OF WILSON'S MILLS**

BE IT ORDAINED by the Council of the Town of Wilson's Mills as follows:

Section 1. Purpose

To create an animal control department for the Town of Wilson's Mills which shall be composed of such employees as shall be determined by the Town Council. These employees shall be appointed and compensated in accordance with policies of the Town Council. Employees or agents enforcing this ordinance shall be designated as animal control officers.

Section 2. General Duties of Animal Control Department

The animal control department shall be charged with the responsibility of:

- 1) Enforcing in the Town all municipal, state, and county laws, ordinances and resolutions relating to dogs and cats or to the care, custody and control of animals.
- 2) Cooperating with the health director and assisting in the enforcement of the laws of the state with regard to animals and especially with regard to vaccinating of dogs and cats against rabies and the confinement or leashing of vicious animals.
- 3) Investigating cruelty or animal abuse with regard to dogs, cats and other animals.
- 4) Making such canvasses of the town as it deems necessary for the purpose of ascertaining that all dogs are duly and properly listed for tax purposes and that all dogs and cats are vaccinated against rabies.
- 5) Operating, pursuant to policies of the board of town commissioners,
- 6) Keeping or causing to be kept, accurate and detailed records to include
 - a) Impoundment and disposition of all animal going to the animal shelter
 - b) Bite cases, violations and complaints, and investigation of same.
 - c) All monies belonging to the town derived from impoundment fees, penalties and sales of animals
 - d) All other records deemed necessary by the Town Council

Section 3. Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acts deemed public nuisance means any dog which habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicyclists, or vehicles or turns over garbage cans, damages gardens, vegetable or flower, damages plant beds, or damages livestock, or conducts itself so as to be a public nuisance. Additionally, a female dog running at large while in heat is a public nuisance.

Animal Shelter: Any premises designated by the Town for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this ordinance.

At Large: Any animal off the property or premises of its owner and not under the restraint of a competent person.

Exposed to Rabies: An animal has been exposed to rabies within the meaning of this ordinance, if it has been bitten by, or been exposed to, any animal known or suspected by an animal control officer to have been infected with rabies.

Inherently Dangerous Mammal: Inherently dangerous mammal is any live member of the canidae, felidae, or Ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

- 1) Canidae, including any member of the dog family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs.
- 2) Felidae, including any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats.
- 3) Ursidae, including any member of the bear family, or any hybrids thereof.

Impounded: Any animal, which has been taken into the custody of the animal control officer.

Kennel, Dealer, or Breeder: Any person, group of persons, partnership or corporation engaged in buying, selling, breeding or boarding pet animals.

Neutered: Any male animal, which has been operated upon to prevent reproduction.

Owner: Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of sheltering, feeding, harboring or taking care of any animal for. The owner is responsible for the care, actions and behavior of his animals. In the event that the owner of an animal is a minor, the parent or guardian of such minor shall be held liable for non-compliance with the provision of this ordinance.

Restraint: An animal is under restraint if he is controlled by means of a chain, leash or other like device; is sufficiently near the owner or handler to be under his direct control and is obedient to the person's commands; is on or within a vehicle being driven or parked; or is within a secure enclosure.

Spayed: Any female animal, which has been operated upon to prevent conception.

Stray: Any animal, within the town wandering at large, lost or abandoned, and which does not have an owner, or any dog within the county whose owner fails to pay taxes or fails to have such dog vaccinated against rabies. Any dog which is not under control of a competent person or does not have a rabies tag on the collar shall be deemed a stray dog.

Sufficient Food: The provision of food is of sufficient quantity and quality to insure proper growth and body weight appropriate to the age and species of the animal.

Sufficient Water: Means access to a constant supply of water that is clean, fresh, and visibly free of debris and organic material, provided at suitable intervals for the species, and not to exceed 24 hours at any interval.

Vicious animal: A vicious animal is any animal that has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts on the skin or one which attacks more than one time any farm stock or other pets.

Section 4 License and registration required

- 1) All animals kept, harbored or maintained by their owners in the town shall be licensed and registered if over four (4) months of age and shall have evidence showing vaccination by a licensed veterinarian. Animal licenses shall be issued by the town animal control officer upon payment of a license Registration of five dollars (\$5.00) for dogs and three dollars (\$3.00) for cats. The owner shall, at the time application is made for such license and upon printed forms provided for such purpose, put his name and address, and the name, breed, color and sex of each animal owned or kept by them. The provisions of this section shall not be intended to apply to animals whose owners are nonresidents temporarily within the town, nor to dogs brought into the town for the purpose of participating neither in any dog show, nor to "seeing-eye dogs" properly trained to assist blind persons when such dogs are actually being used by blind persons in aiding them in going from place to place. The license Registration imposed herein shall be an annual charge and shall be payable in the month of December of each year in the amount of two dollars (\$2.00) a year for dogs and one dollar (\$1.00) a year for cats. The license registration on any animal becoming over four (4) months of age after January 1st of any year shall become immediately due and payable to the town.
- 2) Upon payment of the license Registration, the animal control officer shall issue to the owner a license certificate and a metallic tag for each animal so licensed. In the case an animal tag is lost or destroyed; a duplicate will be issued by the Animal Control Officer upon presentation of a receipt showing payment of the license fee for the current year and the payment of one dollar (\$1.00) fee for such duplicate. Animal tags shall not be transferable from one animal to another and no refunds shall be made on any animal license fee because of death of the animal or the owner's leaving the town before the expiration of the license period.

Section 5 Stray animals off-premises and not under direct control

- 1) It shall be unlawful for any person maintaining an animal in the town to permit or negligently allow that animal to be off the animal owner's premises and outside the direct control of that person.

- 2) Direct control shall mean secured or contained by a leash, chain, rope, thong, cage or container, or by other means of restraint and in the custody of the person maintaining such animal, or other person who has assumed control of the animal.
- 3) An owner may lawfully permit an animal which is not dangerous to be at large in the course of a show, obedience school, tacking tests, field training, or other events sanctioned or supervised by a recognized organization.
- 4) Hunting dogs may be at large in the course of hunting if under the control of the owner.

Section 6 Vicious animals

It shall be unlawful for any owner to keep any vicious, fierce or dangerous animal within the town unless it is confined within a secure building or enclosure, or unless it is securely muzzled and under restraint by a competent person who, by means of a leash, chain or rope, has such animal firmly under control at all times.

Section 7 Barking dogs

It shall be unlawful for any dog owner to keep or have a dog that habitually or repeatedly barks in such a manner or to such extent that is disturbs the peace and repose of a reasonable person within the immediate vicinity.

Section 8 Teasing and Molesting

It shall be unlawful for any person to tease or molest any animal.

Section 9 Number of Animals

- 1) It shall be unlawful to own, keep, or maintain, or cause or permit anyone to keep or maintain within the corporate limits of the town more than five (5) dogs or five (5) cats or any combination thereof, without first receiving from animal control officer a permit to do so.
- 2) If a person has more than five dogs or cats frequently outside on the premises, then the animal control officer must make the following five findings in order to issue a special permit.
 - a) Noise from the dogs or cats will not interfere with an abutting occupant's use and peaceful enjoyment of the property.
 - b) Any odor or unsanitary conditions caused by the dogs or cats will not interfere with an abutting occupant's use and peaceful enjoyment of the property.

- c) More than five (5) dog runs or other dog-related structures or any combinations thereof shall not be permitted if the structures can be seen from an abutting occupant's property in a residentially zoned district.
- d) There is no evidence that the dogs or cats pose any health problems or disease exposure for abutting occupants.
- e) The dogs or cats do not interfere in some other manner with the peaceful use and enjoyment of abutting property.

Section 10 Animals Creating Nuisance

- 1) It shall be unlawful for any owner to permit his dog to run at large if such animal is reported as creating a public nuisance, provided the animal control officer has notified the owner in writing of his findings.
- 2) The owner must keep the dog that has been found to be creating a public nuisance on his own property at all times unless the dog is under restraint or is sufficiently near his handler to be under his direct control and is obedient to that person's command.
- 3) Dogs found to be running at large after having been found to be a public nuisance as set out in this section, will be impounded.
- 4) The owner may reclaim his dog by paying a redemption fee, plus be subject to such other penalties as are prescribed for such violation.

Section 11 Cruel treatment

- 1) It shall be unlawful for any person to molest, torture, torment, fail to provide adequate shelter, sufficient food and water being detrimental to the animal's health, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon, or subject conditions detrimental to its health or general welfare of any animal or to cause or procure such action.
- 2) The words "torture," "torment," or "cruelty" shall be held to include every act or negligence whereby unjustifiable physical pain, suffering, or death is caused or permitted; however, nothing in this section shall be construed to prohibit otherwise lawful shooting, hunting, or trapping of birds or animal nor to prohibit the animal control department or veterinarians from trapping by cage traps, chemical immobilization or other acceptable means, or destroying dangerous, unwanted or injured animals in a humane manner.
- 3) For the purposes of this section, "adequate shelter" for dogs primarily housed outside a residence shall include a doghouse or other shelter adequate to provide protection from weather and a sanitary space; doghouses, or similar shelter must be large enough to allow the animal to stand up and turn around without touching the walls; the confinement areas must provide adequate shade and access to fresh clean water; chains must have a minimum of ten feet to allow adequate movement for the animal.

Section 12 Setting Humane Animal Traps

The Animal Control Department is authorized to place, upon request of the property owner or lessee, live-capture animal traps on private or public property to trap and remove stray, at large, abandoned, or nuisance animals. It is unlawful for any person other than an animal control officer or the officer's designee to remove any animal from the trap or to damage, destroy, move, or tamper with the trap.

Section 13 Rabies Tag

- 1) It shall be unlawful for any dog owner to fail to comply with the state laws relating to the control of rabies.
- 2) It shall be unlawful for any dog owner to fail to provide any dog he owns with a suitable collar or harness for the wearing of the rabies tag to be issued upon compliance with state law and to take such action as is necessary to see that the tag is worn by such dog at all times except as otherwise provided in this ordinance.
- 3) It shall be unlawful for any person to use a vaccination tag issued for a dog other than the one using the tag.
- 4) It is the purpose of this ordinance to supplement the state law by providing a procedure for the enforcement of state laws relating to rabies control.
- 5) In addition to all other penalties prescribed by law, a dog is subject to impoundment in accordance with the provisions of this chapter if the dog is found not to be wearing a currently valid rabies tag.

Section 14 Rabies vaccination and control

- 1) It shall be unlawful for an owner to fail to show proof of current inoculation against rabies (hydrophobia) with an approved vaccine for his dog and cat. Should it be deemed necessary by the county health director, board of commissioners, or the state public health veterinarian that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide for a current inoculation against rabies for that pet or animal.
- 2) Every animal which has bitten anyone or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the animal control department by its owner, by the person bitten or by the treating physician; and thereupon the dog shall be securely quarantined at the direction of the animal control department for a period of ten days, and shall not be released from such quarantine except by written permission from the animal control department. The biting animal, and its records of vaccination and registration, shall be inspected by the animal control officer who will then observe the following policy:
 - a) A properly vaccinated and registered dog may be confined on the owner's premises; provided, that an animal control officer determines that the owner has an adequate means of confinement upon his own premises and the animal is subject to observation by the officer at any time during the ten-day period.

b) A dog not properly vaccinated or registered, belonging to an owner, shall immediately be confined in a veterinary hospital or the animal shelter, in which case the expense shall be borne by the owner for the ten-day confinement. The dog shall not be vaccinated during confinement.

c) A stray dog shall immediately be confined in the animal shelter for a ten-day period.

- 3) Except as provided in subsection (1) of this section, it shall be unlawful for the owner of an animal which has bitten a human to refuse to surrender the animal for the purpose of supervised quarantine by the animal control department upon demand. The expense of such supervised quarantine shall be borne by the owner. If rabies does not develop within the ten days, the animal may be reclaimed upon payment of a fee per day, in an amount set from time to time by the board of town commissioners and contained in the schedule of fees and charges on file in the clerk's office, and upon compliance with other provisions of this ordinance.
- 4) If an animal dies while under observation for rabies, then the head of such animal must be submitted immediately to the state laboratory of hygiene for diagnosis.
- 5) When reports indicate a positive diagnosis of rabies, the county director of public health may order an area wide quarantine for a period as he deems necessary; and upon invoking such emergency quarantine by the health director, no animal shall be taken onto the street or permitted to be in the street during such time. During such quarantine, no animal may be taken or shipped from the town without written permission from the animal control department. Each member of the animal control department and policy department is authorized during such emergency to impound any animal found running at large in the town. During the quarantine the animal control department of the local health authorities shall be empowered to provide for further mass immunization by the establishment of temporary emergency rabies vaccination clinics strategically located throughout the town. No animal which has been impounded by reason of its being a stray, unclaimed by its owner, is allowed to be adopted from the animal shelter during the period of emergency rabies quarantine, except by special authorization of the public health officials and the animal control department.
- 6) A dog or cat bitten by a proved rabid animal or animal suspected of having rabies that is not available for laboratory diagnosis shall be destroyed immediately by its owner, the animal control or police officer unless the dog or cat has been vaccinated against rabies in accordance with this ordinance and the rules of the commission more than three weeks prior to being bitten, and is given a booster dose of rabies vaccine within three days of the bite.
- 7) If there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the county director of public health. During the quarantine period the division of public health may require annual vaccination of dogs against rabies.
- 8) It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the town without written permission from the animal control department and the county director of public health.

- 9) The carcass of any dead animal exposed to rabies shall be surrendered to the animal control department. The head of such animal shall be shipped to the state laboratory of hygiene for diagnosis.
- 10) It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in the section when demand is made therefore by the animal control department.

Section 15 Wearing of collar; tags and identification required.

It shall be unlawful for any dog owner to fail to provide his dog with a collar or harness To which current vaccination and registration tags are securely attached. A collar or harness with attached tags must be worn at all times except when the dog is confined in an enclosure or the owner's premises, or during the time animals are performing at schools or other events sanctioned and supervised by a recognized organization, or hunting or other sport or activity where a collar might endanger the dog's safety.

Section 16 Impounding Animals

- 1) Any animal which appears to be lost, strayed or unwanted, or which is found to be not wearing a currently valid tag or is running at large in violation of section 8, and shall be confined in the animal shelter in a humane manner for redemption by the owner, sale or destruction.
- 2) If the animal is registered with the animal control department, and a tag is worn, reasonable efforts will be made to contact the owner. If the animal is not registered, or the owner can't be reached, written notice shall be posted for two (2) days on the bulletin board at the town hall and police station, describing the dog or cat and the place and date of taking. The owner of any dog or cat so impounded may redeem such dog or cat by:
 - (A) Paying for and procuring a dog license, if he does not have one for such dog;
 - (B) Contacting animal shelter and paying any fines or monies owed to them for the care, maintenance and upkeep of said animal(s).
- 3) If an impounded animal is not redeemed by the owner within 72 hours from time of capture, the animal shall be disposed of in one of following manner: returned to the owner, adopted as a pet by a new owner, sold to institutions within state registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association. The animal control officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment.
- 4) The animal control department shall require that all adopted female dogs and cats released from the animal shelter be spayed.

- 5) Animals impounded which have been bitten by a rabid animal or appear to be suffering from rabies shall not be redeemed or sold, but shall be dealt with as provided in section 12.
- 6) If an animal is officially surrendered by the owner to the animal control department to be placed in a home or destroyed in a humane manner, it may be disposed of without waiting 72 hours...
- 7) Any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the animal control department shall attempt to notify the owner before disposing of such animal; but if the owner cannot be reached readily, and the animal is suffering, the animal control department may destroy the animal at its discretion in a humane manner.

Section 17 Interference

It shall be unlawful for any person to interfere with, hinder or molest the animal control department or its agents, or animal control officers or veterinarians in the performance of any duty authorized by this ordinance or seek to release any animal in the custody of such agents except as is provided in this ordinance.

Section 18 Enforcement and Penalties:

- 1) It is the duty of the animal control department to enforce the provisions of this ordinance.
- 2) Any violation of this article shall subject the offender to a civil penalty of \$50.00 for each offense.
- 3) If an animal(s) is found not to be registered, then the owner of said animal(s) will be permitted five (5) business days to register said animal(s) and all other animals owned that has not been previously registered. If these provisions are not met or other arrangements made with the animal control officer or town administrator the owner of said animal may be fined \$50.00 for every unregistered animal owned within town limits.
- 4) Notwithstanding subsection (2) of this section, provisions of this article may be enforced through equitable remedies issued by a court of competent jurisdiction.
- 5) In addition to or in lieu of remedies authorized in subsections (2) and (3) above, violations of this article may be prosecuted as a misdemeanor in accordance with N.C.G.S. 160A-175 as by law provided.

DULY ADOPTED THIS

PHILLIP R. WRIGHT, MAYOR

ATTEST:

LEIGHANNA T. WORLEY, CMC, TOWN CLERK