



Town of Pine Level

Animal Control Ordinance

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Article I. General

13-1 Definitions

When used in this ordinance, the following words and terms, unless the context indicates otherwise, shall be interpreted as meaning:

Administrator: The department(s) or division(s) of the Town of Pine Level designated by the town to administer and/or enforce the provisions of this article and any person or persons designated by such a division or department to represent the division or department for said purpose.

Animal: Any warm-blooded vertebrate creature, domestic or wild, excluding the human species. At-Large: Running free or otherwise without physical or other restraint whether on or off the premises of its owner.

Animal Shelter: The facility designated by the Town of Pine Level for the purpose of impounding and caring for stray, homeless, abandoned or unwanted animals, or any other animals held under authority of the ordinance.

Animal Control Officer: A person designated by the Town of Pine Level as the primary enforcement officer, to Regulate animals and owners of animals and for the enforcement of State laws and regulations pertaining to the care and control of animals, or his or her designee(s).

Animal Control Authority: The Department of Health and Human Services of the State of North Carolina General Statutes Chapter 67; 130A and the provisions of this ordinance.

Animal exhibition: A circus, carnival, or event owning or maintaining animals for purposes of displaying or performing in exhibitions of temporary duration not to exceed thirty (30) days, where attendance of the general public is solicited, operating under a contract, lease, special event permit, or otherwise approved by the Town Commissioners.

Domestic feline: of either sex, including one neutered or sterilized. (Any Felis catus)

Circus or Carnival: A commercial variety show featuring animal acts for public entertainment that is licensed under the federal Animal Welfare Act or licensed by the State of North Carolina.

Dangerous Wild Animals or Reptiles: One not normally considered domesticated, that is wild by nature.

Dangerous wild animals or reptiles shall include but not limited to the following:

Alligators	Jaguars	Panthers
Bats	Leopards	Raccoons
Bears	Lions	Skunks
Bobcats	Lynx	Tigers
Cheetahs	Monkeys	Venomous snakes
Coyotes	Non-human primates	Wildcats
Crocodiles	Mountain lions	Wolves
Foxes	Ocelots	Hybrids of the above listed animals

Dog: Any Canis familiaris, excluding wolf, jackal, fox, or other dangerous wild animal of this family or any hybrids of a dangerous wild animal.

Domestic Fowl: Any fowl normally adapted to live in intimate association with humans or for the advantage of humans.

Environmental Health Division: Shall mean the Environmental Health Division of the State of North Carolina.

Fowl: Any heavy bodied, terrestrial bird of the order galliformes, including but not limited to chickens, ducks, geese, pheasants, turkeys, grouse, guineas, or other common domestic fowl, but not including caged pet birds kept inside a building.

Harboring: The act of keeping or caring for an animal including, but not limited to, the providing of food, shelter, or medical attention for the animal.

High-risk animal: Those animals which have a high probability of transmitting rabies; they include skunks, bats, species of foxes indigenous to North America, coyotes and raccoons.

Kennel: An establishment designed or used for the commercial boarding, selling, breeding, or training of animals; occasional sales of registered animals kept primarily as pets or show animals and not primarily for breeding purposes shall not constitute commercial activity for purposes of this definition.

Livestock: Any horse, swine, cattle, sheep, goat, mule, jack, emu, ostrich or rhea.

Low risk animal. Those which have a low probability of transmitting rabies; they include all animals of the orders Marsupialia, Insectivora, Rodentia, Lagomorpha, and Xenarthra.

Owner: Any person, corporation, partnership, trust, or association or other entity owning, keeping, or harboring an animal or who has possession or control or has the responsibility to control an animal, other than a person who temporarily restrains an animal pursuant to Section 13-6 of this ordinance.

Person: Any individual, corporation, partnership, trust, association or other legal entity.

Pet Animal: Dogs, cats, rabbits, rodents, birds, non-poisonous reptiles, and any other species of animal which is sold or retained as a household pet, but shall not include any species of wild, exotic, or carnivorous animal that may be prohibited elsewhere in this ordinance.

Pet Shop: An establishment where pet animals are kept for either retail or wholesale sale or trade by any person.

Poultry: All domesticated fowl, which are kept in captivity.

Qualified researcher: An individual conducting research projects, scientific, or academic investigation with respect to a wild animal owned or maintained on the premises of a bona fide research institution as defined in this ordinance.

Quarantine: Strict confinement under restraint by closed cage or paddock or on the premises of the owner in any other manner approved by the Local Rabies Control Authority or designee or at a facility approved by the Local Rabies Control Authority or designee.

Rabies Vaccination: The vaccination of a dog, cat or other domestic animal with a rabies vaccine licensed by the United States Department of Agriculture and administered by a veterinarian licensed by the State of North Carolina.

Research institution; A permanent state-accredited or licensed academic institution which owns or maintains captive wild animals under the direction of a professional staff and provides its collection of animals with appropriate care for the purpose of education, research, or scientific study.

Restraint: Except as otherwise provided, an animal shall be deemed to be restrained when it is: Confined on the premises of the owner within a fence or enclosure of sufficient strength to control the actions of the animal, including an electronic fence which is activated and functional and sufficient power to restrain the animal upon the premises, and upon which premises signs

shall be posted to give notice that an animal is being restrained on said premises by an electronic fence; or

- 1) Fastened or picketed by a lead, rope, or chain so as to keep the animal on premises of the owner; or
- 2) Under the control of a person by means of a harness, leash, chain, or similar device attended by a person of sufficient strength to prevent the animal from running at large; or
- 3) On or within a vehicle being driven or parked if the owner is present to control the animal from jumping or falling out.

Rabies: An acute viral disease of human and animal affecting the central nervous system usually transmitted through the bite of a rabid animal and/or including the condition commonly known as rabies. Shelter: Protection from the elements including heat, cold, rain, ice, or snow by means of walls and solid overhead covering such as a dog house or shed. A tree does not constitute proper shelter.

Wildlife: Any animal that occurs naturally in a wild state. This includes any animal that is a wildlife hybrid.

Zoo, zoological park, or animal park: Any premises, whether mobile or stationary, where living animals that normally live in a wild state are kept primarily for display to the general public; that is accredited by the American Association of Zoological Parks and Aquariums or licensed under Animal Welfare Act or by North Carolina Department of Health according to the provisions of the Health and Safety Code.

ARTICLE II. ADMINISTRATIVE PROVISIONS

13-2 Local Rabies Control Authority

For the purposes of this ordinance only and in accordance with the Rabies Control Act of North Carolina, the Local Rabies Control Authority for the Town of Pine Level shall be the Director of Animal Control of the Town of Pine Level, North Carolina, and the Director's designees and appointees. The duties shall include but are not limited to:

- 1) Enforcement of all ordinances and /or rules of the Town of Pine Level pertaining to rabies and animal control;
- 2) Enforcement of the provisions of State law and administrative rules of the North Carolina Board of Health; (3) Designate those persons to serve as animal control officers or inspectors as necessary to carry out the provisions of this ordinance.

13-3 Animal Shelter to Be Established

The town council shall select and establish by contract an animal shelter for the impoundment, maintenance, shelter, and destruction of stray, diseased, injured, or vicious animals.

13-4 Authority to Impound or Destroy Certain Animals

Any police officers, animal control officer, or other person designated by the Administrator may impound any stray animal found running at large within the Town

limits, and may proceed beyond the town limits in exigent circumstances as authorized by law, and may impound any animal being kept in violation of this ordinance; any animal which is diseased and endangers the health of person or another animal; any animal which has bitten a human or which has acted in a fierce or vicious manner as described in ordinance; destroy humanely, an animal posing an imminent danger to persons or property under circumstances of emergency, or an animal that has bitten or scratched a person; impound for treatment or, in the alternative, humanely destroy an animal that is injured to a degree presenting little or no likelihood of recovery.

13-5 Disposition of Impounded Dogs and Cats

a) As soon as practicable after an impoundment of a dog or cat is known, reasonable attempts shall be made by the animal shelter to notify the owner. Any impounded dog or cat may be redeemed by the payment of any applicable fees, veterinary charges, if any, and rabies vaccination fee if the animal was unvaccinated at the time of impoundment. If such animal is not redeemed within five (5) days of its impoundment, it shall be deemed abandoned and will be picked up by the Johnston County Animal Control may be placed for adoption, or said animal may be humanely euthanized. Any impounded animal that appears to be seriously ill, injured, or visibly affected with any sign of communicable disease or to be a risk to other animals in the shelter before the end of the five (5) days waiting period, may be humanely euthanized.

b) It shall be unlawful for any person to remove any impounded animal from an animal shelter without the consent of the Animal Control Director.

c) An individual may adopt a dog or cat from the animal shelter under such terms and conditions as shall be established and approved by the town, this ordinance, and the animal shelter.

d) Any veterinary procedure, testing, or treatment for any animal in the custody of the animal control authority, shall be the expense of the owner or person maintaining the animal.

13-6 Temporary Confinement of Animals By Individual

An animal found running at large upon any premises may be temporarily confined in a humane manner. The person so confining an animal shall within 24 hours notify the Town of Pine Level; and when so notified the animal control officer may impound said animal, and take any appropriate action pursuant to this ordinance.

13-7 Access

In the event an animal subject to impoundment under this ordinance is on private property or the property of its owner or harbinger, an impounding officer may enter the property, other than a private dwelling, for the purpose of impoundment of the animal or the issuance of citation or both, subject to the applicable provisions of this ordinance.

13-8 Records

It shall be the duty of the animal control officer of the Town of Pine Level, to maintain such records as deemed necessary to the enforcement of all provisions of the ordinance and have those records available for display to the public upon written request during business hours.

ARTICLE III. PROHIBITED ACTS

13-9 Public Nuisances

a) It shall be unlawful and constitute a public nuisance for the owner or any person to maintain any animal, which roams at-large on public or private property; attacks another animal(s); or damages public or private property.

b) It shall be unlawful and constitute a public nuisance for any owner, occupant, or other person in control of a premises to knowingly suffer, permit or maintain the presence of a dead or decaying animal carcass upon any such premises within the Town of Pine Level, whether public or private, for more than twenty-four (24) hours.

c) It shall be unlawful and constitute a public nuisance for any owner, occupant, or other person to allow any enclosure, yard, shed, pen, structure, or other similar place used for keeping of animals or fowl to become unsanitary, or offensive, by reason of odor, or create a condition that is a breeding place for fleas or vector, or which creates any health hazard or nuisance to adjacent property owners.

d) It shall be unlawful and constitute a public nuisance for any owner or other person to harbor any animal or fowl or bird which by any loud, frequent, long, continuous, or unusual sound or cry shall disturb the peace, comfort, or quiet of the neighborhood or the occupants of adjacent premises.

13-10 Limitation on Number of Dogs

a) It is unlawful for any household to own or keep more than six (6) dogs upon any private premises within the Town limits subject to the following exceptions: a veterinary clinic, an animal hospital, or similar facility; an animal shelter; a kennel; a pet shop; a research institution; a qualified researcher; a performing animal exhibition; or a litter up to twelve (12) weeks old.

b) It is an exception to this provision if the dogs are housed at all times within a dwelling or on a premises which is a minimum of one acre in size and the dwelling or premises is maintained in a sanitary manner that is not a public health nuisance, no noise nuisance, or a danger to the animals or the public.

c) Provisions of section 13-10 (a) and (b) shall not become effective until one year after the adoption of this ordinance. Every yard, shed, pen, or other structure used for the storage or shelter of animals shall be cleaned and maintained so as to maintain safe and

healthy conditions for the animals, to prevent the escape of any noxious odors, or substances to adjacent properties, or to create any health hazard or nuisance to adjacent property owners. Allowing or permitting of such violation is hereby declared a public nuisance. Provisions of this subsection shall become effective immediately upon passage of this ordinance.

13-11 Confinement of Dogs And Cats During Estrus

Any unsprayed female dog or cat in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure and said area of enclosure shall be so constructed that no other person's dog or cat, or a stray dog or cat, may gain access to the confined animal. Owners or persons harboring an animal not confined as required herein shall be ordered by the animal control officer to properly confine the animal or remove the animal in heat to a boarding kennel or veterinary hospital. All expenses incurred as a result of the confinement shall be paid by the owner. Failure to comply with the removal order of the animal control officer shall be a violation of this ordinance and the dog or cat will then be impounded as prescribed in this ordinance.

13-12 Acts of Animal Cruelty Prohibited

a) Abandoning animals. It is hereby prohibited and shall be unlawful for any person owning or harboring any animal to willfully abandon said animal or to withhold food, water or shelter from any animal so that its health is endangered or it is caused to suffer unduly.

b) Animal Neglect. It shall be unlawful for anyone to knowingly or intentionally leave any animal tied up or confined anywhere, day or night, for more than twenty-four (24) hours at a time without properly feeding, watering and caring for same.

c) Torturing, killing, fighting. It shall unlawful for anyone to torture, cause to fight, or inhumanly kill any animal.

d) Unsanitary conditions. It shall be unlawful for anyone to maintain an animal in unsanitary conditions.

e) Poisoning. It is hereby prohibited and shall be unlawful for any person to poison any animal or to distribute poison or toxicants on public or private property in any manner whatsoever with the intent of poisoning animals. This section shall not be construed to prevent the poisoning of rodents and pests when the poison is dispensed in a safe place that is not accessible to other animals.

f) Animal fights. It is hereby prohibited and shall be unlawful for any person to keep, or use, promote, or to be connected with or have an active interest in the management of the fighting of any animal or animals; or to receive money for the admission of any person to any animal fight; or for any person to aid, encourage, assist or arrange for the fighting of any animal or animals; or to issue a challenge for the purpose of bringing about the fighting of any animal or animals; or to suffer or allow any place under the control of an individual to be so kept or used.

13-13 Prohibited Animals and Reptiles

a) It shall be unlawful for any person to import, offer for sale, keep, maintain, harbor, or possess within the town limits, any dangerous wild animal or reptile as defined in this ordinance.

b) This prohibition shall not apply to the following facilities, provided such facilities are otherwise operated in accordance with this ordinance and state law; and does not occur in a residential structure or within three hundred (300) feet thereof:

- 1)** A publicly or privately owned zoological park open to the general public.
- 2)** A federally licensed research institution or qualified researcher.
- 3)** An animal exhibition, which has all proper permits to conduct business in the Town of Pine Level, North Carolina.
- 4)** Anyone holding a valid rehabilitation permit from North Carolina Wildlife, but only for animals of the permitted species and which are in rehabilitation.

13-14 Animal Parades, Herding Prohibited

It is unlawful for any owner or other person to herd, parade, or otherwise move livestock or other animals from one location to another along a public street or highway in the Town; unless the person is doing so pursuant to the conditions of a parade duly authorized by the Town of Pine Level; or an officer or employee of the federal, state, or local government engaged in the performance of official duties.

13-15 Trapping Prohibited; Impoundment of Traps

a) It is unlawful for any person to set or place any trap designed for trapping animals in any street, alley, park, or other public place within the Town limits.

b) It is unlawful for any person to set or place any steel-jawed or tooth-jawed trap upon private premises within the Town limits.

c) Any trap mentioned in this section, when found within the Town limits, is hereby declared to be abandoned property and any peace officer or Animal Control Officer is hereby authorized to impound and process the same as abandon property in accordance with state law and this ordinance.

d) This section shall not apply to any peace officer or Animal Control Officer or his or her designee from engaging in the performance of their duties or to persons using traps provided by the Town of Pine Level with specific authorization from the Animal Control Director, or to persons specifically authorized in writing by the Town of Pine Level Board of Commissioners to conduct said trapping.

ARTICLE IV RABIES CONTROL

13-16 Vaccinations

a) Every owner or person harboring a dog or cat four (4) months of age or older within the boundaries of the Town of Pine Level shall have said animal vaccinated against rabies by means of a rabies vaccine licensed by U.S. Department of Agriculture and administered by a duly licensed veterinarian. Annual re-vaccination shall be required thereafter.

b) Upon vaccination, the veterinarian shall execute and furnish to the owner or person harboring the dog or cat, as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy for three (3) years. Such certificate shall contain the following information:

- 1)** Owner's name, address and telephone number;
- 2)** The animal's species, age, sex, size (in pounds), predominant breed and colors;
- 3)** Vaccine used, producer, expiration date, and serial number;
- 4)** The date of vaccination;
- 5)** The rabies tag number;
- 6)** The veterinarian's signature or signature stamp and license number.

c) Concurrent with the issuance and delivery of the Certificate of vaccination referred to herein, the veterinarian shall furnish a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance, the vaccination date, and the name and address of the issuing veterinarian. The owner or person harboring the animal shall cause the metal tag to be attached to the collar or harness of the vaccinated animal. In the event of the loss or destruction of the original tag, the owner or person harboring the animal shall obtain a duplicate tag from the issuing authority.

d) Proof of vaccination; it shall be unlawful for any person who owns or harbors a vaccinated animal to fail or refuse to exhibit the certificate of vaccination upon demand of any person charged with the enforcement of this ordinance.

13-17 Duty to Report

a) A person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident to the Town of Pine Level animal control authority, or his or her designee within twelve (12) hours of the bite or scratch.

b) The report must include the name and address of the victim and of the animal's owner, if known; and any other information that may help in locating the victim or animal.

13-18 Quarantine of Animals

a) Pursuant to State law, the animal control authority, or his designee is authorized to quarantine any animal when there is probable cause to believe that a person may have been bitten or otherwise exposed to rabies by that animal.

b) The owner of any animal that has been reported to have inflicted a bite or scratch that is reasonably capable of spreading rabies, on any person, shall submit said animal for quarantine, as prescribed in this Article or State statute. Refusal to submit said animal constitutes a violation of law and each day of such refusal shall constitute a separate and individual violation. In the event the owner refuses or fails to quarantine the animal, the animal control authority may obtain a warrant to seize and impound the animal according to the provisions of this Article and State law.

c) Any cost for quarantine or testing shall be the responsibility of the owner.

d) Any stray dog or cat, or those animals whose owner cannot be located shall be confined in the animal shelter for a reasonable time and if unclaimed may be destroyed and the brain of such animal immediately submitted to a qualified laboratory for rabies examination at the victim's expense or quarantined according to the provisions of this section.

e) Conditions of quarantine shall be determined by the animal control authority. The animal control authority shall determine whether confinement will be in the animal shelter, veterinary hospital, or on the premises of the owner. Such confinement will be at the owner's expense. During confinement, an animal may be inspected at any time by the animal control officer.

f) Home quarantine on the premises of the owner shall only be allowed in accordance with applicable State — laws and regulations and when approved by the animal control authority. Conditions under which home quarantine will be considered are as follows:

- 1)** The owner is a Town resident;
- 2)** The owner possesses facilities adequate to restrain the animal so as to prevent exposure of persons or other animals;
- 3)** The animal was not at-large at the time of the exposure;
- 4)** Adequate documentation exists that the animal was vaccinated against rabies in the preceding twelve (12) month period;
- 5)** The animal currently possesses no apparent symptoms of rabies.

g) Any violation of the conditions of home quarantine will require that the animal be immediately surrendered to the animal control authority for quarantine according to the provisions of this article.

h) It is unlawful for any person to kill or remove from the Town limits any animal that has bitten a person or other animal, or that has been placed under quarantine without the animal control authority's approval, except when it is necessary to kill such animal to protect the life of any person or other animal.

i) The carcass of any dead animal exposed to rabies or suspected of having rabies; or any dead animal that has bitten or scratched a person or other animal, upon demand, be surrendered to the animal control authority.

13-19 Domestic Animals Exposed To Rabies

Any animal that has been bitten by a rabid animal shall be immediately confined by the owner who shall promptly notify the animal control authority where the animal is confined and the reason therefore. The owner shall not permit such animal to come in contact with any person or animal until such time as the requirements of State law regarding rabies control are met.

13-20 Release or Disposition of Quarantined Animal

a) If, at the end of the quarantine period, the animal does not show the clinical sign of rabies, the animal control authority may release the animal from quarantine upon compliance with vaccination requirement pursuant to state law.

b) If during the quarantine period the animal displays symptoms compatible with rabies, the animal must be euthanized and tested for rabies according state law.

c) Licensed veterinarians must report the results of all rabies quarantine observations to the animal control officer immediately upon completion of the quarantine period or upon determination that the animal is showing signs of rabies.

13-21 Wild, Exotic, or Dangerous Animals

Those dangerous wild animals according to State law, which has bitten or scratched a person, shall be caught and the procedures established by state law and this ordinance shall be followed.

ARTICLE V. FIERCE OR DANGEROUS DOGS

13-22 Regulation of Fierce or Dangerous Dogs

a) No person who owns or keeps a dog shall allow the dog to engage in fierce or dangerous conduct.

b) A dog engages in fierce or dangerous conduct when it threatens to attack or terrorizes a person on public or private property or in a public place, or has behaved in such a

manner that the person who keeps the dog knows, or should reasonably know, that the dog possesses tendencies to attack or bite persons and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own. This section shall not apply to dogs that are in the service of law enforcement agencies or guard dogs.

13-23 Procedure for Impoundment

Upon receiving a report concerning a fierce or dangerous dog, the Animal Control Officer or police shall obtain the following information:

- 1) Name, address, and telephone number of complainant;
- 2) Date, time, and location of incident;
- 3) A specification of the facts and circumstances of the incident;
- 4) A description of the dog;
- 5) A statement or report describing how the dog either bit the complainant or acted in a vicious manner;
- 6) Other aggravating facts or circumstances, if any, relating to the incident.

After a statement or report has been obtained, the dog shall be investigated by the Animal Control Officer. Upon a showing of probable cause, a complaint may be filed in Municipal Court and, if necessary, the dog impounded as a public nuisance. If impoundment of said dog cannot be made with safety to the Animal Control Officer, or other persons, the dog may be destroyed without prior notice to the owner or harborer.

13-24 Guard Dogs

Except for dogs used in law enforcement by law enforcement agencies, it shall be unlawful to place or maintain any dog which is specifically trained to attack, in any area for the protection of persons or property unless the dog is physically confined to a specific area within a building, in a fence, or on a chain of sufficient size and strength to restrain the dog. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two (2) inches high and placed not less than every twenty-five (25) feet on or adjacent to the structure or barrier which confines the animal; in no event shall less than one (1) warning sign be conspicuously posted.

13-25 Animal Control Officer Authorized To Enforce

The town's animal control officer, including his or her lawfully appointed assistants and designees, are hereby authorized to enforce the provisions of state law and this ordinance regulating dangerous dogs.

13-26 Additional Requirements and Restrictions for Dangerous Dogs

In addition to those requirements set out in state law, the following requirements and restrictions shall apply to any dog in the town limits of the Town of Pine Level, North Carolina, determined by the Town of Pine Level Board of Commissioners to be a dangerous dog as defined under state law:

- 1)** The dog must be spayed or neutered within ten (10) days of the determination that the dog is a dangerous dog.
- 2)** If the dog is subsequently responsible for the death of or serious injury to any person, the dog will be destroyed pursuant to statute.
- 3)** The owner or person harboring a dangerous dog shall have the dog identified by a numbered tattoo, ---numbered ear clop, or other identifier approved by the animal control authority, and all identifying information be provided to the animal control authority immediately.
- 4)** The dog shall at all times wear a collar and attached tag marked with an orange color visible at a minimum distance of fifty (50) feet.
- 5)** The dog, when taken outside the enclosure required under state law and this ordinance, must be securely muzzled in a manner that will not cause injury to the animal or impair its vision or respiration, but shall prevent it from biting any person or animal, and must be restrained by a substantial chain or cable leash having a minimum tensile strength of one (1,000) pounds and not to exceed six (6) feet in length.
- 6)** The owner or person harboring such a dog shall post a sign on the premises where the animal is located or kept bearing letters not less than two (2) inches high warning that there is a dangerous dog on the property. The sign, or multiple signs, if necessary, shall be prominently displayed on the property, easily visible and capable of being read from each public street or highway adjacent to the property.
- 7)** The secured enclosure for the dog, in addition to the minimum requirements for such an enclosure contained in state law, must have a top, must be made of chain link fencing of no more than three (2) inch mesh, must be at least six (6) feet high, and must be posted with signs on each side of the enclosure bearing letters not less than two (2) inches high warning of a dangerous dog, with additional signs for every additional 25 feet of length.
- 8)** The Town of Pine Level may require, as a condition of registration for the dog, the owner or person harboring the dog shall annually attend a class on responsible pet ownership.

9) The Town of Pine Level may inspect the enclosure in which any dangerous dog is maintained, without notice, at any reasonable hour.

10) The Town of Pine Level may charge a reasonable fee for the licensing of dangerous dogs, as established by a separate resolution of the Board of Commissioners.

11) New restrictions or requirements as to the regulation of dangerous dogs which were determined to be dangerous dogs prior to the effective date of this ordinance, shall become effective as to said animals on the sixtieth day after the passage of this ordinance as amended.

12) The owner of any dog determined to be a dangerous animal by any court or magistrate, must register the animal with the Town of Pine Level animal control authority within three (3) days of bringing the animal into this jurisdiction.

13) The appeal of any determination by the Town of Pine Level Board of Commissioners that a dog is a dangerous dog, will be to the appropriate Court at Law, and will follow the provisions for appeal from a municipal court judgment as established in the North Carolina Code.

ARTICLE VI. REGULATION OF LIVESTOCK, POULTRY AND BIRDS

13-27 Regulations Relating To Keeping of Poultry and Birds

The following regulations shall govern the keeping of poultry, and certain birds in the town:

It shall be the duty of any person owning or having within their management or control, any chickens, turkeys, geese, or other poultry, to keep same in an enclosure upon their own premises at all times. Enclosure shall mean a house or building, or in case of a fence or structure or pen, it must have secure sides, top, and a secure bottom. The structure or pen shall provide protection from the weather.

No chickens, turkeys, geese or other poultry shall be kept in any enclosure within the town, any part of which is within one hundred (100) feet of any adjoining property or building or dwelling within the town.

This section is not to be construed to prevent owners from keeping pet animals inside their residence.

13-28 Location of Livestock Enclosures

a) Save and except as otherwise stated herein, it shall be unlawful for any owner, keeper, or person to keep, for a period in excess of two (2) consecutive days without the approval of the animal control authority, any livestock in any shed, stable, pen or other

enclosure at a distance less than five hundred (500) feet from any business establishment or structure, or any building used for sleeping or dispensing food.

b) All such livestock shall be maintained in a properly fenced pen, corral, or other enclosure.

c) Proper animal husbandry practices and sanitation as required by state law and this ordinance shall be maintained.

ARTICLE VII. ENFORCEMENT

13-29 Interference with the Animal Control Officer or Other Officer

It shall be unlawful for any person to interfere with, molest, hinder or obstruct an animal control officer or other officer responsible for enforcement of this ordinance in the discharge of their duties.

13-30 Penalties for Violation

Save and except for violations of this ordinance subject to penalties under state law, a violation of this ordinance shall be a Class 2 misdemeanor punishable by a fine of not more than \$500 Dollars and/or imprisonment in the County Jail for a period of not more than 30 Days in accordance with Section 14-4 of the Code of Ordinances of the Town of Pine Level.

13-31 Dispensing With Requirement of Culpable Mental State

That if any provision, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this of this ordinance shall not be affected thereby, it being the intent of the n in adopting this ordinance that no portion hereof or provision hereof shall be inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation, and to this end, all provisions of this ordinance are declared to be severable.

13-32 Adoption

Duly adopted this the 18th day of November 2003.



ORD09-1819-009

**ORDINANCE TO AMEND THE
TOWN OF PINE LEVEL
ANIMAL CONTROL ORDINANCE,
(Revised November 18, 2003)**

WHEREAS, the Board of Commissioners of the Town of Pine Level wishes to amend the town's Animal Control Ordinance, to further address and prohibit cruelty to animals,

NOW THEREFORE, Article III, Section 13-12 of the Pine Level Animal Control Ordinance shall be amended to read as follows:

13-12. Acts of Animal Cruelty Prohibited

- a) It shall be unlawful for any person to treat any animal cruelly which shall include, but not be limited to:
- i. Intentionally overdrive, overload, wound, injure, torment, kill, or deprive of necessary sustenance, or cause or procure to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance, any animal;
 - ii. Fail to provide adequate shelter, adequate shade, or adequate food, water, air, space or necessary veterinary care for an animal he or she owns;
 - iii. Willfully and without justifiable excuse abandon any animal;
 - iv. Subject any animal to conditions detrimental to the health or general welfare of any animal;
 - v. Leaving animals for long periods of time with exposure to severe weather conditions;
 - vi. To commit any act, omission, or neglect causing or permitting unjustifiable pain, suffering or death;
 - vii. Or to cause or procure any such acts or omissions.

Nothing in this section shall be construed to prohibit otherwise lawful shooting, hunting, or trapping of birds or animals nor to prohibit animal control officers, law enforcement officers, or veterinarians from trapping by cage traps, chemical immobilization or other acceptable means, or destroying animals in a humane manner in accordance with state law.

- b) For purposes of this section the following conditions shall not constitute adequate shelter:
- i. Metal barrels;
 - ii. Underneath outside steps, decks, or stoops;
 - iii. Inside of vehicles;
 - iv. Underneath vehicles;
 - v. Inside metal containers; or
 - vi. Rooms, sheds, or other buildings or structures without windows or proper ventilation.
- c) It shall be unlawful not to have a doghouse or shelter secured in a manner as to keep the doghouse or shelter from tipping over, rolling away, or sliding in such a way as to prevent or hinder the animal from being able to get inside.
- d) It shall be unlawful to leave the animal for a long period of time under conditions which expose them to extreme heat or cold and results in death, injury, hypothermia, hyperthermia, or frostbite. In order to protect the health and safety of an animal, any animal control officer, animal cruelty investigator appointed under NCGS § 19A-45, law enforcement officer, firefighter, or rescue squad worker, who has probable cause to believe that an animal is confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or under other endangering

conditions, may enter the motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible for the animal. Nothing in this section shall be construed to apply to the transportation of horses, cattle, sheep, swine, poultry, or other livestock.

- e) It shall be unlawful to chain or tether an animal to a stationary object for a period of time or under conditions that an animal control officer or law enforcement officer deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:
 - i. Using a length or weight of a chain or tether that is not appropriate for the size, weight, and age of the animal;
 - ii. Attaching a chain or tether to a pinch, prong, or choke chain or other training collars or devices;
 - iii. 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 is poorly fitted or can become painful or uncomfortable, or will not allow access to adequate food, adequate water, adequate shade, or adequate shelter.
 - iv. Using a chain as a primary collar;
 - v. Leaving the animal tethered outside when the animal could get entangled with other tethered animals.
- f) It shall be unlawful for the animal's enclosure, which includes any area to which a chained or tethered animal has access, to be excessively muddy or contain standing water, contain excessive excrement, or be otherwise unsanitary. An animal's enclosure shall be free of objects or contaminants that are likely to cause injury or be detrimental to the health of the animal, including but not limited to, rusty or jagged metal objects, broken glass, or harmful chemicals or agents.
- g) It shall be unlawful for any owner of any animal to leave such animal on a street, road, highway, or in a public place or on private property with intent to abandon such animal except to relinquish the animal to the Johnston County Animal Shelter during normal business hours. If an officer finds that an animal has been abandoned, the animal may be impounded. If the animal has been abandoned in a house or within a fenced area, the Pine Level Police Department must make a reasonable effort to locate and contact the owner or manager of the property. If the property owner or manager is not the animal owner, then the officer shall attempt to secure permission from the property owner or manager to enter the property and remove the animal for impoundment. If the officer is unable to locate or procure permission from the property owner or the animal owner, the officer shall secure an appropriate warrant to seize the animal. An animal seized pursuant to this section shall be impounded and transferred to the Johnston County Animal Control facility.

This amendment shall be effective upon its adoption by the Board of Commissioners.

ADOPTED THIS 10TH DAY OF SEPTEMBER 2018.

MAYOR

ATTEST:

TOWN CLERK

(SEAL)