

## **TOWN OF FAISON**

### **ANIMAL CONTROL ORDINANCE**

#### **SECTION I. STATE LAW REFERENCES**

AUTHORITY FOR A MUNICIPALITY TO REGULATE ANIMALS: see G.S. 160A-186

AUTHORITY FOR A MUNICIPALITY TO PROTECT ANIMALS: see G.S. Chapter 19A

AUTHORITY FOR A MUNICIPALITY TO REGULATE FOR RABIES: see G.S. 130A-184

AUTHORITY FOR A MUNICIPALITY TO PREVENT CRUELTY TO ANIMALS: see G.S. 14-360

AUTHORITY FOR A MUNICIPALITY TO HAVE A BIRD SANCTUARY: see G.S. 160-188

AUTHORITY FOR A MUNICIPALITY TO HAVE ENFORCEMENT PENALTIES: see G.S. 14-4

#### **SECTION II. PURPOSE FOR ANIMAL CONTROL REGULATIONS**

Pursuant to authority granted by the N.C. General Assembly, these animal control regulations are enacted to regulate, restrict or prohibit animals, if necessary; to protect the public from unvaccinated, diseased, stray, roaming, dangerous, wild or exotic animals; to protect animals from abuse or conditions harmful to their well-being; to protect the peace and safety of the community from unlawful acts of animals; and to provide a means for enforcing state, county and town law.

#### **SECTION III. ADMINISTRATION AND ENFORCEMENT**

For the purpose of administering and enforcing the provisions outlined in these regulations pertaining to the keeping and controlling of animals within the corporate limits of the Town of Faison; the Mayor and/or Town Commissioners shall create the office of and appoint an Animal Control Officer. He and his designated agents shall perform their duties to enforce and administer animal statutes and ordinances.

#### **SECTION IV. DUTIES OF ANIMAL CONTROL OFFICER**

1. Enforcement of all State, County, and Town laws/regulations relating to animal control.
2. Enforcement of all health regulations relating to the care, custody, and control of animal; especially with regard to vaccination of dogs and cats against rabies
3. Investigating complaints with regard to animal abuse, cruelty, or neglect of any animal within the Town limits.

#### **SECTION V. GENERAL REGULATIONS**

- A. The territory within the corporate limits of the Town of Faison shall be designated a bird sanctuary as authorized by G.S. 160-188.
- B. It shall be unlawful to hunt, trap, shoot, kill or otherwise take any birds within the Town limits except birds classed as a pest under G.S. 113-300.1 through 113-300.3; the Structural Pest Control Act, G.S. 106-65.22; or the Pesticide Law G.S 143-434; or except pursuant to a permit issued by the NC Wildlife Resources Commission under G.S. 113-274.

- C. All owners of dogs and cats within the Town limits of Faison shall be required to register their animals and pay a one-time registration fee (\$10.00 for sterile animals, \$15.00 for fertile animals) at the Town Hall. A new dog or cat must be registered within 30 days of acquisition. A numbered tag shall be issued by the Town Clerk that will indicate the number of the tag, the name & description of the animal, and the name and address of the owner. The tag shall be affixed to a collar around the neck of the animal at all times. (Cats are excluded from this requirement.) Every dog and cat must be submitted to the Animal Control Officer for the purpose of taking photographs of the animal to place on file at the Town Hall and to be used for identification purposes. Owners will be responsible for obtaining tags for **all** dogs and cats.
- D. It shall be unlawful for any animal owner to fail to comply with NC State Statutes regarding the control of rabies. A rabies vaccination shall be deemed current for cats if the vaccination has been given within the preceding twelve (12) months. For dogs, the vaccination shall be deemed current if two vaccinations have been given one year apart and booster doses of rabies vaccine given every three (3) years thereafter. Vaccination tags shall be affixed to a collar around the neck of the animal at all times. (Cats are excluded from this requirement.) Owners are required to show proof of such vaccinations upon request of the Animal Control Officer or his designee. **State law references:** Authority to exempt cats from wearing tag, G.S. 130-190. Sections. 4-74 – 4-104. Reserved
- E. If any animal is suspected to have or has shown symptoms of rabies, the owner of the animal shall immediately confine the animal to his premises and notify a veterinarian and the Animal Control Officer. A diagnosis and treatment will be completed at the owner's expense.
- F. It shall be unlawful to keep any horse, pony, donkey, cattle, sheep, goat, swine, or male chicken (rooster) within the corporate limits of the Town of Faison.
- G. It shall be unlawful to keep more than a combination of four (4) total dogs and/or cats per residence. Owners who currently own more than four (4) animals will be allowed to keep them provided that all requirements are met as outlined in the Animal Control Ordinance and all excess animals that are removed from the premises upon death or other means may not be replaced.
- H. Domestic Fowl
1. It shall be unlawful for the owner or keeper of any chicken or domestic fowl of whatever description to permit such animal to be or run at large within the Town.
  2. No person shall keep or maintain domestic fowl in the Town unless the fowl will be on a tract of land or maintained as follows:
    - a. The tract shall consist of at least twenty thousand (20,000) square feet under single ownership or control
    - b. Such fowl must be contained in a secure fenced enclosure at all times
    - c. The enclosure shall have a minimum of ten square feet of area for each fowl
    - d. No enclosure shall be erected or maintained within the front or side yard, within twenty-five (25) feet of any property line or within one hundred (100) feet of another residence

- e. The enclosure shall be kept clean, sanitary, and free from accumulations of excrement and objectionable odor, and
  - f. No more than twenty (20) such fowl shall be kept or maintained per acre. The number of fowl shall be proportionate to the acreage. There will be no discounting for chicks or other young fowl.
  - g. It shall be unlawful for any person to tether any fowl.
- I. It shall be unlawful for any person owning an animal to abandon that animal within the corporate limits of the Town of Faison. If the Animal Control Officer traps an abandoned animal it will be transported directly to the Duplin County Animal Shelter or like facility as deemed necessary by the Animal Control Officer.
  - J. It shall be unlawful for any person within the corporate limits of the Town of Faison, without the consent of the owner or keeper, to knowingly and intentionally harbor, feed and/or keep in their possession by confinement any animal that is not owned by him. Any person in the possession of a stray animal shall contact the Animal Control Officer within seventy-two (72) hours to arrange for impoundment or to provide notification of the stray animal's description and location.
  - K. It shall be unlawful for any person to interfere with, hinder, molest, resist, or obstruct the Animal Control Officer or his designee in the performance of any duty authorized by law or ordinance, or to seek to release any animal in the custody of such agents (including from traps, cages, or other enclosures) except as specifically provided by the Animal Control Officer.
  - L. It shall be unlawful for any person to conceal, for the purpose of evading the licensing requirement or rabies vaccination requirement of the law or any applicable ordinance, any unlicensed or unvaccinated animal from the Animal Control Officer or his designee.
  - M. It shall be unlawful for the owner of any animal to fail or refuse to remove feces deposited by the animal on any street, sidewalk, park, or other property whether public or private.
  - N. Every female dog and cat, while in estrus, shall be confined in a building or secure enclosure in such a manner that she will not be in contact with another dog or cat, as the case may be, nor create a nuisance by attracting other animals.
  - O. It shall be unlawful for any person to allow any animal, except cats, to run at large off the owner's premises.
  - P. Tethering is a form of animal cruelty so therefore it shall be unlawful for any animal to be tied, chained, fastened, or otherwise tethered to any stationary or inanimate object.
  - Q. Nuisance Animals
    - 1. *Prohibited generally; exceptions.* It shall be unlawful for any person to own, keep, possess, harbor or maintain an animal in such a manner as to annoy or disturb rights and privileges common to the public or to annoy or disturb persons in the enjoyment of private property.

By way of example and not of limitation, the following are hereby declared to be a public nuisance and are, therefore, unlawful:

- a. Getting into or turning over waste or garbage containers
  - b. Walking on or sleeping on automobiles of another
  - c. Damaging the real or personal property of anyone other than its owner
  - d. Repeatedly being or running at large
  - e. Being maintained in an unsanitary condition so as to be offensive to sight or smell
  - f. Not being confined to a building or secure enclosure while in estrus
  - g. Being vicious or chasing, snapping at, attacking, or otherwise molesting others, including pedestrians, bicyclists, motor vehicle passengers, or domestic animals
  - h. Allowing or permitting an animal to make frequent or long continued sounds, including barking, whining, screeching, calling, howling or yowling in an excessive, continuous, habitual or untimely fashion, or to make other noise in such a manner so as to result in the serious annoyance or interference with the reasonable use and enjoyment of neighboring premises (“annoying sound”). Any such sound which is made for more than fifteen (15) minutes during any thirty (30) minute period shall be deemed a serious annoying sound.
  - i. Being housed or restrained less than five (5) feet from a public street, road, or sidewalk such that at the discretion of the Animal Control Officer, the location of the animal poses a threat to the general safety, health and welfare of the general public
  - j. By virtue of number or type, being offensive or dangerous to the public health, safety, or welfare
  - k. Being diseased or dangerous to the health of the public
- R. All animals within the corporate limits of the Town of Faison shall remain under the immediate control of their owner or keeper. For the purpose of this section, immediate control by owner or keeper shall be construed to mean:
1. Restrained upon the property of the owner or keeper of the animal either within the confines of a fence designed to restrain the animal, an electronically operated fence sufficient to restrain the animal upon the property, in the presence of the owner or keeper or other means of restraint approved by the Town of Faison
  2. While being walked or exercised off the premises or property of the owner or keeper, the animal must be restrained by a leash connected to a collar or harness, sufficient to restrain the animal from breaking loose. Cats shall be exempt from this provision.

## **SECTION VI. POTENTIALLY VICIOUS DOGS**

- A. For the purpose of this ordinance a “potentially vicious dog” is defined to mean:
1. The bull terrier breed of dog;
  2. The Staffordshire bull terrier breed of dog;
  3. The American pit bull terrier breed of dog;
  4. The American Staffordshire terrier breed of dog;
  5. The Rottweiler breed of dog;
  6. The Chow Chow breed of dog;
  7. Any wolf hybrid;

8. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed are known as pit bulls, pit bull dogs, pit bull terriers, or any other commonly accepted derivative names of the other named breeds listed above;
  9. Any dog which has the appearance and characteristics of being predominately of any of the breeds of dogs listed above; or a combination of any of those;
  10. Any dog with a known propensity , tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or
  11. Any dog which attacks a human being or other domestic animal without provocation.
- B. The keeping of potentially vicious dogs shall be subject to the following requirements:
1. **Confinement.** All potentially vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel. Such pen or kennel shall have secure sides and must be affixed to the property in such a manner as to prevent the animal from digging or climbing out. All structures shall be locked with a key or combination lock when such animals are within the structure. All such structures must be kept in a clean and sanitary condition.
  2. **Confinement indoors.** No potentially vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.
  3. **Signs.** All owners or keepers of potentially vicious dogs within the corporate limits of the Town of Faison shall within ten (10) days of the effective date of this section display in a prominent place on their premises a sign easily readable by the public using the words **“Beware of Dog.”** In addition, a similar sign is required to be posted on the kennel or pen of such animal.

## SECTION VII. PENALTIES

The following penalties shall pertain to violations of this chapter:

- A. The violation of any provision of this chapter shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4 or other applicable law. Each day’s violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability of fees imposed under this chapter.
- B. Enforcement of this chapter may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d) and (e).
- C. In addition to and independent of any criminal penalties and other sanctions provided in this chapter, a violation of this chapter may also subject the offender to the civil penalties hereinafter set forth.
  1. The animal control supervisor, or designee, may issue to the known owner or keeper of any animal, or to any other violator of the provisions of this chapter, a ticket or citation giving notice of the alleged violation(s). Tickets or citations so issued may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot readily be found. The ticket or citation, except those issued for failure to license an animal, shall impose upon the violator a minimum civil penalty of \$25.00, or such greater amounts for

subsequent offenses as may be set by the ordinance. Tickets or citations issued for failure to license an animal as required by the ordinance shall impose upon the violator a penalty of \$25.00. This civil penalty shall be paid in full to the animal control supervisor or his or her designee within 14 days of receipt of the citation assessing the civil penalty. This civil penalty is in addition to any other fees, fines or costs authorized by this chapter.

2. In the event that the owner or keeper of an animal or other alleged violator does not appear in response to the above-described ticket or citation, or the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty, and/or a criminal summons may be issued against the owner or keeper or other alleged violator of this chapter, and upon conviction, the owner shall be punished as provided by state law. The animal control supervisor, or designee, is expressly authorized to initiate and prosecute small claims actions in district court to collect civil penalties and fees due the department and may call on the jurisdiction's attorney's office for assistance, as needed.
3. The following civil penalties are hereby established for the indicated violations of this chapter:

**Animal Control Civil Penalty Fee Schedule**

TABLE INSET:

<b>Violation Description</b>	<b>Fee</b>
Interference of duty of any animal control division employee or agent or trap.....	50.00
Concealment of animal for the purpose of evading ordinance.....	50.00
Vicious animals.....	500.00
Rabies vaccination tag and certificate.....	50.00
Keeping stray animal.....	25.00
<b>Animals running at large:</b>	
First violation.....	warning
Second violation.....	25.00
Third and subsequent violations.....	50.00
<b>Public nuisance:</b>	
First violation.....	warning
Second violation.....	25.00
Third and subsequent violations.....	50.00
<b>Tethering of animals:</b>	
First violation.....	warning

Second violation.....	25.00
Third and subsequent violations.....	50.00
<b>Failure to confine female animals in estrus:</b>	
First violation.....	warning
Second violation.....	25.00
Third and subsequent violations.....	50.00

Once an animal is captured and the owner is notified, the owner will have 48 hours to pick up the animal. In addition to the above listed penalties, the owner will also be assessed a \$10.00 per day holding fee for each day the animal is kept at the holding facility. Once the 48-hour time period has expired, the animal will be transported to the Duplin County Animal Shelter. In the event that the owner does not pick up the animal, they will still be charged the penalties and holding fees. (Revised April 5, 2017)

**SECTION VIII. SEVERABILITY**

If any part of this chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts.

Adopted and effective: May 5, 2010 (replaced Animal Ordinance adopted June 25, 2007)