

Animal Control Ordinance

WHEREAS, the Board of Commissioners of the Town of Mount Olive is authorized by North Carolina General Statutes to provide for the public health, safety and general welfare of its citizens; and

WHEREAS, the Planning Board has recommended that the Town Board of Commissioners consider adopting an Animal Control Ordinance with appropriate civil and/or criminal penalties.

NOW THEREFORE THE BOARD OF COMMISSIONERS OF THE TOWN OF MOUNT OLIVE ENACTS AS FOLLOWS:

Chapter 4A - ANIMAL CONTROL.

Sec. (4A-1) ANIMALS PROHIBITED IN CITY WITHIN 200 FEET OF CERTAIN ESTABLISHMENTS.

A. It shall be unlawful for any person, firm, business or corporation to keep or stable or to aid or abet in the keeping or stabling, any horse, mule, donkey, or other beast of burden, cattle, sheep, goats, or domestic fowl within 200 feet [measured from the foundation] of any dwelling, hospital, school, church or eating establishment, whether such animal be kept or stabled in a stall, stable, yard or lot, or otherwise, private or public, except as provided otherwise herein for domestic fowl. The prohibition in this section is not intended to prohibit the passing of such animals through the city or their use within the prohibited distance of occupied buildings, for plowing, hauling and similar purposes and uses of a temporary nature, provided such animals are not kept or stabled within the restricted distance. Not more than a total of three [3] horses, mules, ponies, cows, sheep, goats or other such animals shall be maintained on one [1] lot and such lot must contain no less than one[1] acre for each such animal maintained.

B. It shall be unlawful to keep or stable swine within the city limits.

C. This section shall not prohibit the operation within the city of a business engaged in the auction sale of livestock where animals are not usually stabled overnight provided such operation complies with all federal, state and local health requirements and provided further that such

operation was in effect at the time of the original enactment of this ordinance.

D. (1) Any horse, mule, pony, donkey, or other beast of burden, cattle, sheep, goats, or domestic fowl which is located on property that is annexed into the corporate limits of the Town of Mount Olive is exempt from the 200 feet distance requirement from a dwelling, hospital, school, church or eating establishment as detained in section (A) provided the animal are not removed from the property for a period in excess of 180 consecutive days. If the animals are removed from the property for a period in excess of 180 consecutive days, any replacement of animals shall comply within the 200 feet spacing requirement set out in Section (A) above.

(2) Upon the effective date of any annexation, properties containing swine would be subject to the 200 feet spacing requirement as detained in Section (A) above and any such properties that keep or stable swine shall be brought into compliance within 90 days of the effective date of annexation.

Sec. 4A-2 IMPOUNDMENT PROCEDURES.

A. Impoundment of animals and disposition. Any animal which appears to be lost, strayed or unwanted, or which is running at large in violation of this Chapter, shall be confined in the Wayne County Animal Shelter in a humane manner for possible redemption by the owner, sale or destruction. The care, sale, and/or destruction of any animals turned over to the Wayne County Animal Shelter shall be in accordance with the rules of that shelter.

B. Notifying Owner. Immediately upon an animal being impounded by the town, the designated representative of the town shall make reasonable effort to notify the owner, and inform such owner of the procedure whereby the animal can be redeemed.

C. Interference. It shall be unlawful for any person, firm or corporation to interfere with, hinder, or molest an employee, agent, designated representative or officer of the Town of Mount Olive, in the performance of any duty authorized by this Section.

D. Records. The town's designated representative, employee, agent or officer who has impounded an animal shall keep accurate and detailed records on the date, time, location, breed and description of the animal

impounded and transferred to the Wayne County Animal Shelter.

DOGS, CATS AND OTHER ANIMALS

Sec. 4A-3 DEFINITIONS.

ANIMAL. *Any living non-human creature, domestic or wild, including but not limited to cats and dogs.*

AT LARGE. *Off the premises of the owner or other person in apparent charge of the animal, when neither muzzled, nor under the control of the owner or other person accompanying the animal by means of a leash of some type, or within a private vehicle.*

CAT. *Any member of the feline family, male or female.*

DOG. *Any dog, male or female, over the age of three months.*

FERAL. *Not domesticated or having escaped from domestication and became wild.*

OWNER. *Any person, firm or corporation owning, keeping or harboring an animal. For the purposes of this ordinance, the head of household shall be deemed to be the owner in respect to any animal owned, kept or harbored by any person residing in such household and kept on the premises.*

TETHERING. *Tying or fastening of an animal outdoors on a rope, chain or other line for restraining an animal. The term does not mean the restraint of an animal on an attended leash.*

VICIOUS ANIMAL. *Any animal that has bitten one or more persons, or one in which a propensity to attack human beings exists, and such propensity is known or ought to reasonably be known to the owner.*

Sec. 4A-4 LIMITATION ON NUMBER OF DOGS ALLOWED.

It shall be unlawful for any person, firm or corporation, to keep more than three dogs within the city limits.

Sec. 4A-5 LIMITATION ON NUMBER OF CATS ALLOWED.

It shall be unlawful for any person, firm or corporation, to keep more than three cats within the city limits.

Sec. 4A-6 RUNNING AT LARGE.

It shall be unlawful for any owner to allow any animal of his to run at large within the town limits.

Sec. 4A-7 KEEPING VICIOUS ANIMALS PROHIBITED.

It shall be unlawful for any owner to keep any vicious animal within the city limits.

Sec. 4A-8 TETHERING OF ANIMALS.

No person shall tether an animal to a tree, post, house or other stationary object with a device that is less than ten [10] feet long, and attached in such a manner as to prevent strangulation or other injury to the animal.

Sec. 4A-9 DEFECATION ON STREETS AND PRIVATE PROPERTY.

A. It shall be unlawful for the owner, keeper or person in charge of the possession and/or control of any animal to fail or refuse to remove feces deposited by the animal on any street, sidewalk, park or other publicly owned property or area.

B. It shall be unlawful for the owner, keeper or person in charge of the possession and/or control of any animal to fail or refuse to remove feces deposited by the animal on any privately owned property unless the animal owner or keeper has consent of the property owner.

Sec. 4A-10 DOMESTIC FOWL AND OTHER ANIMALS.

A. It shall be unlawful to keep, house or possess more than ten [10] chickens [hens or roosters] on a property currently occupied as a single-family dwelling or located adjacent to a property occupied by a single-family dwelling or residential structure.

B. It shall be unlawful for the owner or keeper of any chicken or domestic fowl to allow the animal to run at large in the town. All domestic fowl must be contained in enclosures at all times. The enclosures, which may consist of a fenced yard, must be well ventilated and conducive to regular cleaning and sanitation. The enclosure shall provide at least ten [10] square feet of area per fowl.

Sec. 4A-11 BIRD SANCTUARY.

A. Town designated as sanctuary. The area within the corporate limits of the town and all land owned or leased by the town outside the corporate limits is hereby designated as a bird sanctuary as authorized by NCGS Sec. 160A-188.

Sec. 4A-12 EXEMPTIONS.

Businesses engaged in the auction sale of livestock, animal hospitals and animal rescue operations are exempted from the provisions of this ordinance provided they have been so certified by the Town Manager.

Sec. 4A-13 CIVIL PENALTY.

[a] Civil Penalty. Any violation of the provisions of this Code of Ordinances shall subject the offender to a civil penalty. In the event there is more than one [1] violation within any thirty-day period, then the civil penalty shall be increased for each additional violation over one [1] during such period, as follows. The date of the first violation shall establish the beginning date for the initial thirty-day period. The next violation within that thirty-day period shall be considered the second violation. Any violations that follow within that thirty-day period shall be numbered sequentially. The penalty shall be:

First offense.....	Written warning
Second offense within thirty-day period	\$100.00
Third offense within thirty-day period.....	\$250.00
Fourth & subsequent offenses within same thirty-day period	\$500.00

The City Attorney is authorized to file suit on behalf of the Town to collect any unpaid civil penalties. If litigation is required to recover the civil penalties, the city attorney, in addition to the penalties, may recover reasonable attorney fees and other costs incurred in bringing the action and collecting the judgment.

Sec. 4A-14. CRIMINAL PROSECUTION.

In addition to the civil penalties authorized above, the violator may be charged with a misdemeanor pursuant to NCGS 14-4 (a) and fined not to exceed Five Hundred Dollars [\$500.00].

Sec. 4A-15 - SEVERABILITY.

If this ordinance or the application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

Sec. 4A-16 - REPEAL OF CHAPTER 4 AND CONFLICTS WITH PRESENT ORDINANCE.

A. Any ordinance or any part of the ordinance in conflict with this Ordinance, [Chapter 4A] to the extent of such conflict, is hereby repealed.

B. Chapter 4 [Animals] of the current Code of Ordinances is repealed upon the effective date of Chapter 4A.

BE IT FURTHER RESOLVED, that this ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Mount Olive, North Carolina.

This ordinance shall be effective on and after March 10, 2019.

ADOPTED this 10th day of September, 2018.

Attest:



Joseph E. Scott, Mayor



City Clerk