

TOWN OF CALABASH, NORTH CAROLINA

{Adopted October 14, 2003}

CODE OF ORDINANCES

TITLE IX: Chapter 91 – ANIMALS

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GENERAL PROVISIONS

91.01: DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Adequate food: The provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity to maintain a reasonable level of nutrition for the animal. Such foodstuff shall be served in a receptacle, dish or container that is physically and reasonably clean.

Adequate shelter: That shelter which will keep non-aquatic animals reasonably dry and out of direct sun (when temperatures and weather conditions are unhealthful for the animal). The containment area for the animal shall be reasonably clean of any waste, debris or fleas.

Animal: Any mammal, fowl or other domestic or wild animal of any kind or nature.

Animal Control Officer: Any person appointed by the Town Administrator (as approved by the Board of Commissioners) to carry out the requirements of this chapter.

Animal Traps: Any device, humanely and non-injurious, which is used to trap domesticated dogs, cats, fowl or domesticated ferret not defined as wildlife or livestock.

Domestic animal: Any dog, cat, or domesticated ferret not defined as wildlife or livestock.

Livestock: Mules, cattle, swine, goats, sheep, poultry and all other animals that typically are kept for productive or used purposes rather than as pets.

Nuisance animal: Any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, consistently barks, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property.

Owner or keeper: Any person who keeps, harbors, maintains an animal; or has an animal within care, custody and control; or acts as custodian of any length of time; or permits an animal to remain on or about the premises occupied, owned, leased, rented or lawfully accessed by the person, within the corporate town limits of Calabash (not to include ETJ areas).

Trapping: Any device, whether a non-injurious/humane or injurious/death type, that is used to trap wild animals.

Vicious-potentially dangerous animal: Any animal that is aggressively offensive, bites or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure human beings or domesticated animals.

Wild animals: Any animal that:

1. Typically is found in a non-domesticated state and that, because of its size or vicious propensity, or because it is poisonous, or for any other substantial reason poses a potential danger to persons, other animals, or property; or
2. Is classified as wild animal by the State Wildlife Resources Commission.

Section 91.02: Dogs Running At Large; leash and excretion removal requirements.

It shall be unlawful for any person having charge, care, ownership or control of any dog to allow the same to run at large and beyond the limits of the property or lots owned, leased or occupied by such person. All dogs found unlawfully running at large within the town limits of Calabash (not ETJ areas) shall be taken into custody and impounded at the animal shelter. All dogs must be on a leash not exceeding seven (7) feet in length, and shall be under the control of the person having custody of such dog. It shall be unlawful for any person having charge, care, ownership or control of any animal to fail to remove any of the animals' excretion deposited on public ways, sidewalks and parks.

Section 91.03: Keeping of Certain Animals Prohibited.

It shall be unlawful for any person to keep any wild animals, reptiles, livestock or poultry, except at carnivals, festivals, special events and circuses authorized by special permit in accordance with this Code, provided such use does not exceed a period of one (1) week.

Section 91.04: Nuisance animals; free-running cats and trapping thereof:

Nuisance animals are unlawful if such animals unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. Nuisance animals shall include animals that damage the property of anyone other than its owners, molest or intimidate pedestrians or people passing by, cause the fouling of air by odor and cause unsanitary conditions in enclosure or surroundings where the animal is kept, or harbored.

Nuisance and free-running cats that cause problems, pursuant to a founded complaint, are unlawful. Upon request and permission from the property owner, (humane) cat traps will be loaned to the complainant-property owner and will be set by the animal control officer. Traps will only be set:

1. On days the animal control officer is on duty,
2. When traps are available,
3. When set on the property of the complainant,
4. After a permission form has been signed by the complainant and/or property owner,

5. After a \$25 deposit has been registered with the animal control officer,
6. And with the understanding that in the event the trap is damaged beyond repair, or not returned, the complainant/property owner will accept financial responsibility, forfeit the deposit and pay the cost to replace the said trap.

Section 91.05: Vicious animals; potentially dangerous dogs.

In the discretion of the animal control officer, if any animal is determined vicious or aggressively offensive or has recorded history of viciousness to the health, safety or welfare of the public, the animal and/or dog shall be maintained in a properly secured fenced or penned area (concrete or 2" X 6" decking with secure top) whereby the animal cannot run at large to intimidate people, children or other domesticated pets. The area in which such animal or dog is maintained shall be posted on the fence with signs that read: "BEWARE OF DOG" and "NO TRESPASSING". A vicious or potentially vicious dog is not permitted to go beyond the owner's property without a dog leash, muzzle and in the control of the owner and/or keeper. No animal shall be declared vicious if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing, or assaulting the animal or has, in the past, tormented, abused or assaulted the animal or was committing or attempting to commit a crime.

Section 91.06: Violation of conditions; euthanization.

Calabash animal control services may take possession of any animal and/or dog believed to have violated Section 91.05. For this purpose, the requirement for sufficient cause shall be satisfied if an officer observes the violation or if animal control services obtain an affidavit setting forth the violation. An owner who violates Section 91.05 in a willful or grossly negligent manner may be found by the Town Administrator to have forfeited all rights of ownership of the animal; and upon a final determination of such violation, the animal-dog may be euthanized by the County. The Town Administrator, from the results of an investigation by the animal control officer, is responsible for determining that the dog is dangerous or potentially dangerous. Further, the Town Administrator, from investigative results from the animal control officer, shall determine whether the animal owner's violation was willful or grossly negligent. Additionally, the Town Administrator shall notify the owner in writing, giving the reasons for the determination.

Section 91.07: Manner of Keeping and Maintaining Animals; Female dogs in Heat

All animals (including female dogs in heat) shall be kept and maintained in such a manner as to not damage property or disturb the peace, comfort, health, safety or general

Amend Calabash Code of Ordinance as follows:

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Section 91.04 Nuisance animals; free running cats and trapping thereof:

- Add (7) It shall be the responsibility of the property owner to transport any animal trapped to the Brunswick County Animal Shelter, following the first animal trapped during any one month period.
- Add (8) It shall be unlawful to feed stray cats.

Section 91.16 Fees

Revise (a) There shall be a reclamation fee of fifty dollars (\$50) to reclaim an animal. Each succeeding day thereafter \$10 fee per day will be added for care and feeding of animal. In the absence of proof of a rabies inoculation, a \$12.00 fee will be levied and the Town will provide a card to be taken to a veterinarian whereas the animal can be inoculated for rabies.

Add (b) Board fees, transporting fees and registration for cats and dogs

1)	Boarding fee –per day	\$ 10.00
2)	Transporting	\$ 10.00
3)	Town tag registration	\$ 5.00

Section 91.21 Penalties

Add 1)	Failure to wear rabies tag	\$ 25.00
2)	Failure to vaccinate	\$ 25.00
3)	Failure to notify or provide information of a bite	\$ 25.00
4)	Manner of keeping and maintaining animals	\$ 25.00
5)	Unprovoked dog bite while running at large	\$100.00
6)	Running at large, public nuisance, leash and excretion removal requirements	1st offense \$ 25.00 2 nd offense \$ 35.00 3 rd offense \$ 50.00 4 th offense \$100.00
7)	Vicious animals	\$ 50.00
8)	Interference with an officer	\$150.00
9)	Interference with a trap or cage	\$ 50.00
10)	Unspecified violations	\$ 50.00

welfare of any person within the Town of Calabash. At the discretion of the animal control officer and when nuisance problems exist due to a female dog in heat, the owner of the female dog in heat shall maintain the dog in such a manner whereas not to excite or attract unwanted male dogs.

Section 91.08: Cruelty to or Poisoning of Animals.

- (a) It shall be unlawful for any person willfully or through neglect to override, overload, wound, injure, torment, torture, deprive of adequate food, water, adequate shelter, cruelty beat, choke, needlessly mutilate or kill any animal or cause any of the aforesaid things to be done.
- (b) Every act, or omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted is prohibited. Such acts or omissions shall include, but are not limited to: beating, choking, kicking, hanging, submerging under water, suffocating, poisoning, confining in a closed vehicle without engaging functioning air conditioning or ventilation whenever the ambient temperature exceeds seventy (70) degrees Fahrenheit, confining in the closed trunk of a vehicle, setting on fire and depriving of adequate food, water, shelter and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare.

Section 91.09: Keeping Dogs Which Chase Vehicles, Attack Persons, etc.

No person shall keep or have within the Town of Calabash, a dog that habitually chases, snaps at, or attacks pedestrians, bicyclists or vehicles.

Section 91.10: Barking dogs.

It shall be unlawful for any dog owner or person in control of any dog to keep or have a dog that habitually or repeatedly barks in such a manner or to such an extent that is a public nuisance.

Section 91.11: Teasing and molesting.

It shall be unlawful for any person to maliciously tease, molest, bait or in any way bother any animal.

Section 91.12: Procedure When Animals Have Bitten Persons or Other Animals.

- (a) It shall be unlawful for any person, except certified County pound workers, health officer or a licensed veterinarian, to destroy or dispose of any dog or other animal which has bitten any person or any other animal within a period of ten (10) days after such biting.
- (b) When any dog or other animal bites any person within the Town, such dog or other animal, when identified, shall be impounded and quarantined in the County Pound by the animal control officer, or, upon request of the owner of such biting dog, or other animal, impounded under the jurisdiction and observation of a license veterinarian, for a period of ten (10) days to determine whether the dog or other animal has rabies. Any expense incurred for such impounding or veterinarian fee shall be paid by the owner of such animal impounded.
- (c) A properly vaccinated and licensed animal may be securely quarantined and confined at the owner's premises if an animal control officer determines that the animal bit or scratched the victim while on the property of the animal's owner, that the owner has an adequate means of confinement and quarantine upon his own premises, that the animal is being properly and adequately confined on the owner's premises, and the animal is subject to observation by animal control at any time during the ten-day quarantine period. The owner has 72 hours to present to the officer proof of vaccination and license. If valid proof is not presented within 72 hours, the animal control officer shall seize the animal and confine it at a veterinary hospital, in a licensed kennel and/or the Brunswick County Animal Impoundment Facility at the expense of the owner during the quarantine or confinement period.
- (d) The animal shall not be vaccinated prior to or during quarantine and confinement.
- (e) Any animal not properly vaccinated or licensed shall immediately be quarantined and confined in a veterinary hospital, in a licensed kennel and/or the Brunswick County Impoundment Facility at the expense of the owner for the 10-day quarantine period. The animal shall not be vaccinated prior to or during quarantine and confinement.
- (f) It shall be unlawful for the owner to refuse to release upon demand, after an investigation by animal control any animal which has bitten a human or other warm-blooded animal for the purpose of quarantine, the expense of which shall be borne by the owner. If rabies does not develop with ten days, the animal may be reclaimed upon payment of the current fee schedule.

- (g) Any stray animal shall immediately be quarantined and confined in the Brunswick County Impoundment Facility for a ten-day observation period, or sacrificed, and the head examined for rabies.
- (h) Animals bitten by a known rabid animal shall be immediately destroyed unless the owner agrees to strict isolation of the animal at a licensed kennel or at a veterinary hospital for a period of six months; or if the animal has a current rabies inoculation, it shall be revaccinated immediately.
- (i) The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer. The head of such animal shall be submitted to the County Health Department and the state laboratory of hygiene for analysis.
- (j) It shall be unlawful for any person to fail or refuse to surrender any animal carcass to the animal control officer for laboratory analysis.

Section 91.13: Trapping of Wild Animals Whereas to Relocate is Prohibited.

It shall be unlawful to trap wild animals whereas to relocate to another area because of the possibility of spreading rabies. Conversely, it shall be lawful for wild animals to be trapped and euthanized for nuisance or rabies testing purposes by a licensed trapper.

Section 91.14: Impounding and Disposition

- (a) All animals which are found within the Town of Calabash (not ETJ areas) in violation of this chapter shall be taken into custody and impounded at the County Impoundment Facility.
- (b) The animal control officer shall take into custody any animals which are kept within the Town without food, water or proper care.
- (c) The animal control officer shall take into custody any wild or nuisance cat which damages property, disturbs the peace, comfort, health, safety or general welfare of any person within the Town (not ETJ areas).
- (d) The animal control officer shall take into custody any animal which has been determined to have been abused, neglected, or in immediate danger.
- (e) The animal control officer or other authorized person who impounds or takes into possession or other disposes of any animal shall maintain a record of such disposition, giving sufficient or satisfactory identifying marks or description of such animal for the record, the date of impoundment, the fees accrued and final disposition.

Section 91.15: Notice to Owner of Animals; Disposition if not Reclaimed.

When any animal is impounded, the Town Administrator, the animal control officer, or his authorized agent, shall immediately notify the owner of the action. If the owner is unknown, the authorized person shall maintain a record of such. Such record shall have a description of the animal. If the animal is not reclaimed within six (6) days, the County Animal Pound workers shall dispose of the animal in a humane way (via adoption or euthanasia), except the following:

- 1) Wild cats;
- 2) Vicious-dangerous animals or dogs imposing a safety threat to pound workers or visitors;
- 3) Badly injured, sick, or suffering animals requiring extensive treatment;
- 4) Animals with highly contagious or fatal diseases;

which shall be exempt from the six (6) days impoundment, at the discretion of the pound manager and/or the animal control officer. This section shall not apply to animals impounded under Section 91.12.

Section 91.16: Fees

- (a) There shall be charged a County Reclamation Fee of **fifty (\$50) dollars to reclaim** an animal with each succeeding day thereafter at \$10 per day. In the absence of proof of rabies inoculation, a \$10 fee will be levied with the County pound workers presenting a card to be taken to a veterinarian whereas the animal can be inoculated for rabies. **Hours of release are: Monday – Saturday, 10 AM – 4 PM.**

Section 91.17: Rescue of Animals

No person shall rescue any animals which has been impounded or taken into custody by an authorized person.

Section 91.18: Obstruction of an Animal Control Officer

- (a) It shall be unlawful for any person to hinder, interfere, harass or otherwise obstruct the performance of any officer of the animal control division in the official performance of his or her duties.

- (b) It shall be unlawful for any person to relocate, interfere with, or alter the operation of any device, equipment, or item of the animal control division.
- (c) It shall be unlawful for any person to place any animal into or to remove without permission of animal control officers any animal confined within a trap or cage operated by the animal control division.
- (d) It shall be unlawful for any person to give a false name, address or date of birth to any officer, employee or agent of the animal control division in the lawful discharge of his or her official duties with the intent to mislead such officer, employee, worker or agent in any way.

Section 91.19: Domestic Animal License Tag Required

Every person owning or having the custody or possession of any domestic animal four (4) months or over, within the Town, shall obtain a license for such domestic animal. Dog tags can be purchased at Town Hall, 882 Persimmon Road, Calabash, during normal business hours, for \$5 per tag. Proof of rabies inoculation will be required before a Town License Tag is issued. Domestic Animal License Tags expire one year from purchase date and must be renewed each year. Tags must be attached to a collar or harness worn by the domestic animal.

Section 91.20: Rabies Inoculation Required

All domestic animals over the age of four (4) months shall be inoculated against rabies. Evidence of inoculation shall consist of a certificate signed by a license veterinarian or duly authorized person administering the vaccine. Should it be deemed necessary by the County Health Department, other animals may be vaccinated in order to prevent or control an epidemic, potential epidemic, an existing epidemic, or other communicable conditions dangerous to or threatening the health and welfare of persons and animals, it shall be unlawful for an owner to fail to provide current necessary inoculations as directed against rabies or other communicable diseases.

Section 91.21: Penalties

Any person violating any section of this chapter shall, upon conviction, be guilty of a misdemeanor and be fined not more than \$500, or imprisoned not more than thirty (30) days. Each day a violation continues, however, shall be a separate and distinct offense, punishable as hereinbefore provided.

Section 91.22: Reserved