

**CHAPTER 91: ANIMAL CONTROL AND WELFARE ORDINANCE**

**ORGANIZATION**

**91.01 Title and Purpose of ordinance**

In order to ensure there is peace and quality of life for Town of Cooleemee residents and for the welfare of animals owned within the corporate limits of the Town of Cooleemee.

This ordinance is enacted by power of the Board of Commissioners.

**91.02 Authority**

This ordinance is adopted pursuant to the authority vested in the Town of Cooleemee by the general statutes of North Carolina, in particular chapters 67-4.5, 160A-174, 160A-175, 160A-182 and 160A-186, and any other North Carolina General Statute or any Town of Cooleemee ordinance hereafter mentioned in this writing.

**91.03 Interpolation**

This ordinance shall be formed by use of North Carolina General Statutes or clauses or wording derived from said statutes and any other creation of ordinance deemed necessary by the Town of Cooleemee to archive the stated objective of this ordinance by any insertion and or removal from any of the text or elements found in North Carolina General Statutes granted under North Carolina General Statute 160A-174 .

**91.04 Jurisdiction**

This ordinance shall be in effect for the corporate limits of the Town of Cooleemee North Carolina.

**91.05 Severability**

If any section or provision of this Ordinance is found unconstitutional by a court of the United States of America, that section of this Ordinance shall be struck and rendered unenforceable and will not affect the rest of this ordinance.

All other sections and provisions of this ordinance shall remain enforceable. If any section or provision of this Ordinance interferes with any North Carolina General Statute, that section of this Ordinance shall be struck and rendered unenforceable and will not affect the rest of this Ordinance.

The Town of Cooleemee reserves the right to appeal any matter to a court of law concerning the viability of any section of this Ordinance as to be legal or constitutional.]

#### **91.06 Enforcement personnel**

##### **91.06 (a)**

The Town of Cooleemee Board of Commissioners give power to the Code Enforcement Administrator to enforce any and all sections of this Ordinance in unison with any and all other Town Ordinances as a Nuisance Ordinance as granted by North Carolina General Statute 160A-175.

##### **91.06 (b)**

The Town also authorizes any Town, County, or State Law Enforcement official or entity to take action on any section of this Ordinance that may use the powers of arrest, seizure or issuance of citation or summons in any matter regarding this ordinance.

#### **91.07 Enforcement of Ordinances**

##### **91.07 (a) Violations**

Granted by State General Statute 160A-175, any violation of this Ordinance is a Misdemeanor or Infraction as noted herein.

##### **91.07 (b)**

Any violation of this Ordinance is subject to fines or seizures and civil or criminal prosecution as a class 3 misdemeanor as noted herein.

##### **91.07 (c)**

Any violation of this Ordinance may be abated by the Code Enforcement Administrator after violation has been issued and prescribed time to correct violation has expired.

#### **91.08 Enforcement of penalty**

Enforcement of penalties shall be determined through the use of Sections 10.99, 91.99, or 91.21(a), (b), or (c) of The Town of Cooleemee General Provisions and Animal control and welfare ordinance. Other means of penalty enforcement by State and County officials may also be used.

**91.09**

Fees incurred during an investigation  
 All fees incurred by any agency investigating a violation of this Ordinance shall be paid by the owner of the animal or animals being investigated. This includes any impoundment fees, rabies tests or spay and neutering costs associated with any investigation by town, county or state officials.

**91.10 Impoundment**

Any animal involved in an investigation can be at the discretion of the official investigating an ordinance violation, impounded for an unspecified amount of time until the investigating official has concluded the investigation. This matter of impoundment is set as per *General Statute 14-363.2, 19A-70 and 130A-196*, under the following circumstances:

**91.10(a)**

The investigating official has found

evidence of animal cruelty or neglect or

**91.10(b)**

The investigating official has captured an animal running at large or

**91.10(c)**

The investigating official has found an animal that is outlawed for possession within town corporate limits

**91.10(d)**

The investigating official has reason to believe an animal is dangerous as per General Statute 130A-196

**91.10(e)**

The investigating official has found that an animal is not spayed or neutered according to town ordinance

**91.10 (f)**

The investigating official has found evidence or suspects that an animal has been used in a fighting contest

**91.10 (f)**

The investigating official has caught the animal in a trap that has been set on someone other than the owner's property.

**91.11 Notice to owners**

When an animal is impounded and the owner's identity is known the impounding official shall notify the owner followed by a written notice. The written notice shall state the following:

**91.11(a)**

The official shall notify owner of location of animal.

**91.11 (b)**

The official shall notify owner of Violation of ordinance.

**91.11(c)**

The Official shall notify owner of any penalties or fees incurred from the impoundment process.

**91.12 Certain Animals Exempt**

This ordinance shall exempt all service Dogs or Service animals, except those objectively determined to pose a danger or potential danger to human safety as set forth herein.

**91.12 (a)**

Service Dogs or service animals are those that are specially trained for service to physically handicapped humans or those people who need an animal due to a medical condition.

**91.12 (b)**

Dogs or other animals in this class shall

have valid paperwork available for verification of their respective use.

**91.12 (c)**

The paperwork must be from a legitimate accrediting agency county state or United states government.

**91.12 (D)**

Any other animals falling into these categories that are not dogs shall also have valid paper work certifying the animals purpose.

**91.12 (e)**

Police K-9 dogs, military and guard dogs kept in the town limits shall adhere to the respective section of this ordinance classified animal control.

**91.12 (f)**

Hunting dogs shall not be exempt from any ordinance for animal control and welfare.

**91.12 (g)**

Working dogs shall not be exempt from any ordinance for animal control and welfare.

**91.12 (h)**

No other animals than those listed under Exempt; shall be exempt from any ordinance for animal control and welfare.

## **91.20 Terms and Definitions**

The definitions and terms used in this ordinance are not limited to strict interpretation of any particular source in the English language and not beholden to any particular thesaurus.

They are for the general purpose of describing, identifying or communicating the intent of this ordinance .

### **91.20.1 Animal**

#### **(definition)**

Any non-human or non insect living, breathing organism

### **91.20.2 Owner**

#### **(definition)**

Anyone in possession or in control of or harboring on his or her person or property, an animal.

### **91.20.3 Domestic Animal**

#### **(definition)**

A non-livestock or farm animal such as dogs or cats, small mammals birds, reptiles, amphibians and fish.

### **91.20.4 Livestock or Farm Animals**

#### **(definition)**

Any type of equine (horse, donkey), Bovine(cattle),sheep, goats, llamas, swine or fowl (chickens, ducks or geese)

### **91.20.5 Exotic Animals**

#### **(definition)**

Any animal normally found in the wild or normally thought of as a danger to be in close proximity to.

This list includes but not limited to the animals stated and the class of animals that are within that specific genus:

Bears, wolves, lions, tigers, and all other types of Wild Cats any primate, dangerous reptile and any type of Hybrid animal (partially domesticated through breeding) any other nontraditional type of house pet and any animal that is classified dangerous or exotic in any state in the country.

### **91.20.6 Service Dog/Animal**

#### **(definition)**

Any animal that is trained to help a Human with a physical or mental disability, such as a seeing eye dog for Blind people, but not limited to this function.

(Refer to 91.12 for further uses description and applications)

### **91.20.7 Working Dog**

#### **(definition)**

A dog that is trained for a specific type of function, such as sheep herding or goose removal, but not limited to these functions.

### **91.20.8 K-9 or Military Dogs**

**(definition)**

A dog used for police or military operations. These dogs are further regulated under sec. 91.35 and 91.40 of this ordinance.

**91.20.9 Guard Dog****(definition)**

A dog specifically trained to guard a property or a person. These dogs are further regulated under 91.35 and 91.40 of this ordinance.

**91.20.10 Hunting dog****(Definition)**

A dog bred or specifically trained to hunt for other animals under the control of a handler /hunter.

**91.20.11 Public Nuisance****(definition)**

An act or omission of an act or a situation that effects more than one person in the community and effects public interests in health, safety or transportation issues.

**91.20 12 Adequate Food****(definition)**

Food given or changed on a daily basis that is consistent with the type of food a certain animal normally consumes. Such food shall be kept in a container or dish and reasonable arrangements shall be made to keep food clean from dirt, debris and vermin.

**91.20.13 Fresh Water****(definition)**

Water for consumption by an animal that is changed daily. In cold months, water is kept from freezing. In warm months it is kept from stagnation. All water for an animal's consumption shall be kept free of dirt and debris.

**91.20 14 Adequate Shelter****(definition)**

A structure specifically designed for an animal that is kept outside of an owner's residence. The structure will adequately shade the animal from direct sunlight and shelter the animal from wind, rain, hot and cold weather. The structure shall be designed to kept sanitary and built to accommodate the size of the animal or animals using the shelter.

**91.20.15 Tethering****(definition)**

The act of tying off onto a stationary object, rope or restraint device that is attached to an animal. (such as a rope or a chain tied around a dogs neck and the rope or chain is attached to a pole or a tree)

**91.20.16 Animal Cruelty**

303/14-4

**(definition)**

Any intentional or non-intentional infliction of pain or suffering or taunting or provocation towards an animal. An act of self defense while under attack by an animal shall not be considered animal cruelty.

**SECOND OFFENSE-\$100.00**

**CITATION**, payable within 15 days of the offense. After an additional 30 days, a criminal summons may be issued. N.c.g.s.15a-303/14-4

**91.20.17 Animal Fighting****(definition)**

Any type of fighting between animals that has been organized as a contest in animals which are trained or coerced to cause any type of physical harm to other animals .Examples of animal fighting may include, but are not limited to (Dog fighting or Cock Fighting).

**third offense-\$300.00 citation**, with a criminal summons issued as per n.c. general statute 15a-303/14-4.

**forth offense-\$400.00 citation**, with a criminal summons issued as per n.c. general statute 15a-303. /14-4

**fifth offense-\$500.00 citation**, with a criminal summons issued as per n.c. general statute 15a-303/14-4.

**91.21 Public Nuisances**

All violations against the public Nuisance ordinances are classified as a class 3 misdemeanor, punishable by no more than 20 days imprisonment or a fine not to exceed \$500.00, as per North Carolina General Statutes 14-3 and 14-4, unless otherwise noted as an infraction defined in North Carolina General Statute 14-3.1.

**91.21(b) offense threshold**

All five violations must occur within same calendar year and all citations shall be recorded with the police department or town officials.

**91.21(c) Remedy for offenses**

After a second citation in a calendar year it will be apparent to the Town of Cooleemee that citations and fines will not resolve or correct the public nuisance complaints. Therefore, a criminal summons shall be issued to the violator to appear before a judicial official for third

**91.21(a) penalties**

**First offense-\$50.00 citation**, payable within 15 days of the offense. After an additional 30 days, a criminal summons may be issued. N.c.g.s.15a-

and subsequent violations.

### **91.22 Animal Noise**

When reported to or recognized by the police department or town officials an animal that habitually or repeatedly is disturbing more than one person through frequent or continued sounds that the investigating officer or official will recognize as unreasonable, the owner of that animal shall be issued a citation as per *North Carolina General Statutes 15-A-302 and NCGS 160A-174(a)*.

### **91.23 Offensive Odors**

When reported or recognized by the police department or town officials, odors caused by animal waste or urine or any other odors caused by an animal that emanates from an owners' property into the public way and effects more than one person shall be considered a public nuisance and a citation shall be issued. If not corrected by the owner after the prescribed amount of time the town may abate the nuisance and charge the owner for abatement work and impose additional fines for non-compliance, as per *North Carolina General Statute 160A-174(a)*.

### **91.24 Animal Feces**

When reported or recognized by the police department or town officials the accumulation of feces from animals on a

property shall be an ordinance violation.

### **91.24(a) Waste Removed daily**

There shall not be more than one day of animal waste per animal on any property. This shall be considered a public nuisance.

### **91.24(b) Abatement**

If not corrected by the owner after the prescribed amount of time the town may abate the nuisance and charge the owner for abatement work and impose additional fines for non compliance.

### **91.25 Animals running at Large**

It shall be unlawful for an owner of an animal to let that animal run free without restraint in the Town corporate limits.

### **91.25 (a) Citation**

A citation shall be issued to the owner of the pet that is caught running at large.

### **91.25 (b) Impoundment**

An animal may also be impounded if the owner cannot be located or if the animal has no identification or the animal repeatedly runs at large or if the investigating officer has reason to believe the animal at large has become a safety hazard to the community.

### **91.25 (c) Impoundment Fees and fines**

Owners of impounded animals shall pay any and all fees and fines to the respective agency holding the animal before regaining possession of the animal.

#### **91.25 (d) Identification of animals**

All animals put outdoors will have a collar with an identification of owner tag. Name of owner and address shall be legible.

#### **91.25 (e) Rabies vaccination tag**

All animals needing rabies vaccination shall have on their collar a rabies vaccination tag as per *General Statute 130A-190, 130A-192 and 130A-196.*

#### **91.25(f) Rabies vaccination and tags.**

All dogs, cats, and ferrets above the age of 6 weeks shall be vaccinated for rabies and any other state mandated vaccinations as per North Carolina General Statutes 130A-184, 130A-185, 130A-190, 130A-192, and 130A-196.

#### **91.25(g) Tags**

All dogs and cat shall have on their collars a current rabies identification tag stating the animal is up to date on its

vaccinations.

### **91.26 Exemptions to animals running at large**

#### **Felines/Cats**

Due to the nature of felines to roam from their owners property in search of prey a feline shall not be considered at running at large.

#### **91.26 (a)Conditions for felines outside**

##### **91.26.1**

All felines /cats that are let outside shall be spayed or neutered.

##### **91.26.2**

All felines/cats shall have a collar with an identification tag showing owners name and address.

##### **91.26.3**

All felines/cats shall have a Rabies vaccination tag affixed to the collar.

#### **91.27 Felines spayed or neutered**

All felines/cats let outside of an owners' property shall be spayed or neutered.

**91.27 (a)**

If a feline /cat is found outside and is not spayed or neutered that animal may be impounded and spayed or neutered.

**91.27 (a).1**

The owner shall be liable for all cost for impoundment and medical services rendered before the animal can be returned to owner.

**91.27 (a).2**

The owner will also receive a public nuisance citation in accordance with General Statutes 130A-190, 130A-192, 19A-196 and 67-4.5.

**91.28 Nuisance animals**

An animal shall be considered a nuisance if it is on other than its owner's property and is found in any of the following conditions, as per General Statutes 67-4.5 and 67-12:

**91.28 (a)**

Running at Large

**91.28 (b)**

Disturbing the peace with excessive

repetitive noise.

**91.28 (c)**

On someone's property other than its owner's.

**91.28 (d)**

Destroying someone's property in any way.

**91.28 (e)**

Defecating or urinating on someone's property other than its owner.

**91.28 (f)**

The animal is threatening someone.

**91.29 Trapping of nuisance animals**

A nuisance animal may be trapped and impounded by an officer investigating a complaint of a nuisance animal.

**91.29.0 Notice to complainants**

Before traps are placed the owner of the property shall be given in writing a copy of the section of ordinance dealing with trapping and nuisance animal regulations, and shall give signature that they have read and understand this particular section of ordinance. A copy of this notification shall be kept with the original complaint and violation notice.

**91.29 (a) Reporting**

The normal process for reporting a public nuisance is that it shall affect at least two residents or be a public safety hazard.

**91.29 (b) Cause for complaint**

The criteria for cause of complaint can be met by an animal trespassing on one's property and causing one person discomfort

**91.29 (c) Guidelines for Trapping**

The town of Cooleemee has instituted the following guidelines for trapping and notification of ordinance infraction and fines to owners of trapped animals:

**91.29.1**

An initial complaint must be filed with Town or County animal Control officers.

**91.29.2**

After a complaint has been filed traps provided by the animal control officer may be placed on the complainant's property for a period of 48 hours in order to trap the nuisance animal.

**91.29.3**

If no trap is sprung after the 48 hours the animal control officer at his discretion can remove the traps and declare the complaint invalid.

**91.29.3 (a )**

The animal control officer has the right not to place any traps at that property for 90 days after the first complaint has been made if no animals were trapped.

**91.29.3 (b)**

It will be to the sole discretion of the animal control officer if traps will be placed on that property before the ninety day time frame has expired.

**91.29.4 When Trapped**

If an animal is trapped the owner of the property shall contact the animal control officer immediately or the next business day to schedule removal and impoundment of the animal.

**91.29.5 (a)**

The owner of the property where the animal was trapped shall not attempt to

remove the animal that is in the trap.

**91.29.6 (a)**

**91.29.5 (b)**

If the animal shows signs it has been abused while in the trap the owner of the property or person responsible for the complaint may be held liable or charged with abuse of an animal and may be subject to fines and or prosecution for cruelty to animals under Town, County or state guidelines.

A copy of the original complaint to the investigating official from the property owner where the animal was trapped.

**91.29.6 (b)**

The disposition of the trapped animal/condition and location of where the animal is being held.

**91.29.6 (c)**

Time and location where animal can be retrieved from.

**91.29.5 (c)**

The investigating officer shall have sole discretion as to charge any one with abuse or cruelty to animals.

**91.29.6 (d)**

Amount of fine for violation.

**91.29.5 (d)**

Any trapped animals that are identified as being owned by someone may be returned immediately to the owner at the discretion of the investigating officer along with a citation or code violation notice for nuisance animal.

**91.29.6 (e)**

Fines for violation of this ordinance follow the same guideline as any other public nuisance violation.

**91.29.6 Citation**

The citation for a trapped nuisance animal shall state the following items:

**91.30 Fowl restricted**

It shall be unlawful for any person to permit domesticated ducks, geese, chickens or other fowl to remain on or in any of the streets or public places at night or to run at large in the daytime.

**91.30**

**Keeping of Hogs, Cows, horses, goats sheep and other farm animals, livestock and fowl.**

It shall be unlawful for any person to keep any hogs, cows, horses, goats, sheep, or any other farm animals, including fowl, within the corporate limits of the town, on any property less than two acres of land.

**91.30 (a) Waste removal**

In keeping any animal as provided above, the owners of such property must collect and remove all waste materials from the property and deposit the same in an approved compost or as otherwise authorized by law on a periodic basis so as not to constitute a nuisance or odor.

**91.30 (b) Runoff**

At no time shall the owner of such property allow such waste material to drain ,runoff ,or be washed onto an adjoining property ,into a drainage ditch or steam creek or other storm water collection system or area.

**91.30.1 Fines/punishment**

**First offense-\$50.00 citation,**

payable within 15 days of the offense. After an additional 30 days, a criminal summons may be issued. N.c.g.s.15a-303/14-4

**second offense-\$100.00 citation,** payable within 15 days of the offense. After an additional 30 days, a criminal summons may be issued. N.c.g.s.15a-303/14-4

**third offense-\$300.00 citation,** with a criminal summons issued as per n.c. general statute 15a-303/14-4.

**forth offense-\$400.00 citation,** with a criminal summons issued as per n.c. general statute 15a-303. /14-4

**fifth offense-\$500.00 citation,** with a criminal summons issued as per n.c. general statute 15a-303/14-4.

**91.31 Equines on side walk prohibited**

It shall be unlawful for any type of horse, pony or mule to be ridden, led or permitted to run at large on the sidewalks within the Town corporate limits.

**91.31.1**

It shall be the duty of the Police department of the Town to notify the owner, keeper or person in possession of any animal which is in violation of this section to place the animal under proper confinement and control.

### **91.32 Upkeep of stables**

Every stable and place where cattle, horses or other animals may be kept, shall be maintained at all times in a clean and healthful condition.

#### **91.33 Slaughter of livestock prohibited**

It shall be unlawful for any person to slaughter livestock within the town limit at any time, unless properly zoned by the Town and licensed by the State as an abattoir, butchery or other licensed facility where animals are slaughtered in-doors for meat to be consumed by humans.

### **91.35 Animal control**

All violations against the Animal Control section of this ordinance are classified as a Class 3 Misdemeanor, punishable by no more than 20 days imprisonment or a fine not to exceed \$500.00.

#### **91.35.1 Fines/punishment**

**First offense-\$50.00 citation,** payable within 15 days of the offense. After an additional 30 days, a criminal summons may be issued. N.c.g.s.15a-303/14-4

**Second offense-\$100.00 citation,** payable within 15 days of the offense. After an additional 30 days, a criminal summons may be issued. N.c.g.s.15a-303/14-4

**Third offense-\$300.00 citation,** with a criminal summons issued as per n.c. general statute 15a-303/14-4.

**Fourth offense-\$400.00 citation,** with a criminal summons issued as per n.c. general statute 15a-303. /14-4

**Fifth offense-\$500.00 citation,** with a criminal summons issued as per n.c. general statute 15a-303/14-4.

### **91.36 Identification**

All dogs and cats let outside shall have a collar and identification tag displaying owner's name and address, along with a proper rabies vaccination tag.

**91.37 Tethering of dogs**

The practice of tethering a dog to a stationary object on ones' property is no longer legal in the Town of Cooleemee corporate limits .

**91.37.1 Temporary Tethering**

Temporary tethering of a dogs' leash may occur only while a dog is NOT on its' owners' property or being walked and the owner must stop somewhere than his or her own residence while walking that dog(s).

**91.37.1**

The owner of the tethered dog must be on the property with the dog at all times.

**91.37.1 (a)**

If the owner of the dog leaves the dog at another property that is not his primary residence the dog shall not be tethered

**91.37.2**

If the owner of the dog leaves the dog in the care of the property owner and leaves the property the owner of the property must make accommodations to lose the dog from tethering device and control and keep the dog in a manner consistent with Town of Cooleemee ordinance 91.38.

**91.37.3 Cats**

Cats do not need to be tethered but must have the proper identification and rabies shot tags on its' collar when outside.

**91.38 Confinement of Dogs**

The confinement of dogs can be done in any of the manners listed in this section. Any other types of confinement not listed may be permitted upon examination of the Code Enforcement Administrator.

**91.38.1 Methods of confinement**

Approved methods are listed, any other methods must be reviewed by Code enforcement Officials.

**91.38.1.1 Fenced Yards**

The owner of a dog may so choose to install a fence to and /or around his or her property as to confine the dog(s) to the owners' property.

**91.38.1.1(a)**

All zoning and permit approval shall be met and approved before installation of a fence.

**98.38.1.1(b)**

The fence must terminate at the end of the owners' building and not project past the front facade of any building on the property.

**98.38.1.1(c)**

The fence must be able to contain the dog(s) from leaving the owners' property.

**91.38.1.2 Dog Pen**

The owner of a dog(s) may so choose to install a dog pen for his or her dog(s). The pen must meet the required square footage for the weight and number of the dog(s) confined in said pen.

**91.38.1.3 Placement of pens**

No pen shall be placed in front of or on the set back of any property . (No pens shall be placed in the front yard of a property.)

**91.39.1.3 (a) Zoning**

All zoning and permit approvals shall be met before the erection or installation of the pen or pens.

**91.39.1.3 (b) Minimum space**

**requirements for pens.**

Minimum requirements for space in a dog pen shall be acquired by the weight of the dog(s).

**91.39.1.3 (b) .1 Dogs weight**

*1 pound to 20 pounds/min. 64 square feet.*

*21 to 75 pounds/ min. 80 square feet.*

*76 pounds and over / min. 100 sq. feet.*

**91.39.1.4 Additional space required**

An additional space of 50% of the space of square footage of pens shall be added to the dimension of the dog pen for each additional dog that is kept in the pen.

**91.38.1.5 Dog Run**

A fenced area where the dog can run free, this area will be considered a run when the length of the run is at least 10 times larger than the width of the run.

**91.38.1.5 (a)**

The minimum square footage for a dog run shall be 90 square feet. Therefore making the minimum dimensions of a dog run 3 feet wide by 30 feet long.

**91.38.1.5 (b)**

Only one dog over thirty five pounds may occupy a dog run of minimum size.

#### **91.38.1.5 (c)**

Two dogs under 35 pounds weight may occupy a minimum size dog run at one time.

#### **91.38.1.6 Cable run /Trolley system**

A cable suspended in the air between two fix points with a leader that can run back and forth along the suspended cable.

#### **91.38.1.6 (a) Location**

A cable /trolley run may not be installed the front yard of a property.

#### **91.38.1.7 Dimensions**

##### **91.38.1.7 (a)**

Cable /trolley run must be minimum 10 ft long and can be as long as desired so long as to not extend beyond the owner's property line at any point.

##### **91.38.1.7 (b)**

The cable for the run must be suspended at a minimum height of 6 feet from the grade level.

#### **91.38.1.7 (C)**

The leader part or leash that runs along the cable shall not be less than 6 feet long and can be as long as desired so long as to not extend beyond the owner's property line at any point.

#### **91.38.1.8 Weight tolerances**

The hardware used in construction of the cable /trolley run shall be of sufficient strength to weight ratio of the animal so that animal cannot break loose from the cables while exercising or running.

##### **91.38.1.8 (a)**

The code enforcement officer shall make final determination of construction of cable/trolley run and can ask for verification of strength of the hardware if not satisfied that such hardware is of sufficient strength and proper construction.

#### **91.38.1.9**

The end of the leader which attaches to the animal shall not have a choke or pinch type collar attached to it but shall be of a normal type restraint collar with no choking or pinch type design.

#### **91.38.1.10 Access to food water and shelter**

The use of any system of containment shall not prohibit the animal from access to food water or shelter.

#### **91.38.1.11 Shelter in confinement area**

The use of a shelter for the animal in the confinement area shall not affect any dimensional sizes required for the confinement area.

#### **91.38.1.12 Maintenance of shelters**

It shall be a violation of this ordinance to keep animal shelters in disrepair.

#### **91.40 Dangerous and potentially dangerous dogs.**

The Town of Cooleemee under authority of the following State of North Carolina General statutes 67-4.1, 67-4.2, 67-4.3, 67-4.4, 67-4.5 and 130A-196, will establish an ordinance for the identification and handling of dangerous or potentially dangerous dogs. All sections of above referenced statutes shall be wholly used to establish this section of Ordinance, with section 67-4.5 providing the Town of Cooleemee to adopt its own specific section of ordinance for use in the Town. The following sections shall be specific to the Town of Cooleemee Ordinance for dangerous and Potentially dangerous dogs:

#### **91.40.1 Enforcement Personnel**

The Town of Cooleemee grants any State, County, or Town law enforcement personnel as well as Town Code Enforcement officials the power of enforcement of this section of Ordinance.

#### **91.40.2 Enforcement**

Upon a complaint received of a dangerous dog, the town, county, or state officials shall investigate and make a report and determination of a dangerous dog and take necessary actions to detain, impound or secure the dog from the community until proven the animal is not dangerous.

#### **91.40.3 Definition of Dangerous Dog**

The definitions in State Of North Carolina General Statutes 67-4.1 are adopted by the Town of Cooleemee

#### **91.40.4 (A) Dangerous dog definition**

"Dangerous Dog " means

A dog that without provocation has killed or inflicted severe injury on a person. Please refer to G.S. 67-4.1 for further description of "Dangerous Dog".

#### **91.40.4 (B) Registration**

A "dangerous dog" shall be registered with the Town of Cooleemee Clerk before the Dog can be returned to the owner.

**91.40.4(C) Registration Fees**

There is a onetime registration fee of \$500.00 to be paid to the Town of Cooleemee Clerk before return of the dangerous dog from impoundment or at the time of Notification by investigating officials that the dog has been determined to be Dangerous.

Proof of a liability insurance policy that guarantees coverage up to \$500,000 for any damages and injuries caused by the dangerous or potentially dangerous dog must be provided as a condition of the registration, in order to ensure that potential victims will have adequate access to medical treatment at the expense of the owner's insurer, in keeping with NCGS 67-4.4, which imposes strict liability on the owner of a dangerous dog for civil damages to persons and property.

**91.40.3 (B) Potentially Dangerous Dog.**

"Potentially Dangerous Dog " means

(1) A dog that has inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

(2) A dog that has killed or inflicted severe injury upon a domestic animal when NOT upon the owner's real property.

(3) A dog that has approached a person when NOT on the owners property in a vicious or terrorizing manner in an apparent attitude of attack.

Please refer to G.S. 67-4.1 for further descriptions.

**91.41 Impoundment of Dangerous and potentially dangerous dogs.**

When an investigating official has made the determination that a dog is either dangerous or potentially dangerous, that dog shall be impounded immediately and taken to the nearest shelter that will accept the dog.

**91.41.1 Surrender of dog.**

At any time during an investigation of an owners dog being deemed either dangerous or potentially dangerous, the owner of said dog may surrender all rights to ownership of the dog the dog to investigating officials.

**91.41.2 Liability**

Surrender of a dog during an investigation does not relieve the owner of the dog from liabilities and or penalties that have been incurred by the dogs actions previous to the investigation.

**91.41.3 Return of Dog to owner.**

The dog will be held till the investigating officials can make determination if the dog can be safely returned to the owner or the dog warrants being euthanized.

**91.41.4 Conditions for return of dog to owner.**

The dog may not be returned to the owner until the investigating official has determined that all the requirements for keeping a Dangerous or Potentially dangerous Dog within the corporate limits of the Town of Cooleemee have been met. Refer to section 91.42 thru 91.46.1 of this ordinance for requirements.

**91.41.4 (A) Registration Fees**

There is a onetime registration fee of \$500.00 to be paid to the Town of Cooleemee Clerk before return of the dangerous dog from impoundment or at the time of Notification by investigating officials that the dog has been determined to be Dangerous.

Proof of a liability insurance policy that guarantees coverage up to \$500,000 for any damages and injuries caused by the dangerous or potentially dangerous dog must be provided as a condition of the registration, in order to ensure that potential victims will have adequate access to medical treatment at the expense of the owner's insurer, in keeping with NCGS

67-4.4, which imposes strict liability on the owner of a dangerous dog for civil damages to persons and property.

**91.42 Requirements for Confinement of Dangerous dogs.**

If the owner of a dog that has been declared dangerous is to receive his or her dog (s) back from impoundment, the owner shall follow the guidelines and requirements set forth in this Ordinance for keeping such dog in the corporate limits of the Town of Cooleemee:

**91.42.1 Inspection of property.**

The dog shall not be released to the owner unless and until the property at where the dog shall be kept is inspected by Town Code Enforcement Officials and all provisions of this ordinance have been met and approved by the Officials as per North Carolina General Statutes 67-4.2, 67-4.5 and 130A-196.

**91.43 Keeping of the Dangerous Dog on Property.**

The property where a dangerous dog shall be kept shall adhere to all prescribed standards as set forth in this ordinance.

**91.43.1 Approval from Official**

The Code enforcement officials shall determine and control the approval of any modifications, adjustments, or special circumstances regarding the installation and maintenance of any required changes or alterations to an owner's property where a dangerous dog is kept.

Proof of a liability insurance policy that guarantees coverage up to \$500,000 for any damages and injuries caused by the dangerous or potentially dangerous dog must be provided as a condition of the registration, in order to ensure that potential victims will have adequate access to medical treatment at the expense of the owner's insurer, in keeping with NCGS 67-4.4, which imposes strict liability on the owner of a dangerous dog for civil damages to persons and property.

**91.43.2**

The dangerous dog shall have a pen constructed according to standards set forth in this ordinance.

**91.43.3 Space required.**

If the Code enforcement official has determined that there is no physical space on the property for a dog pen to be built the Code Enforcement Official shall Notify the owner of the Dog in writing that it cannot be brought back and kept in the corporate limits of the Town of Cooleemee.

**91.43.4 Confinement of dangerous dog on owner's property.**

A dangerous dog at no time shall be allowed to roam free on its owners property while outside.

**91.43.4 (a)**

The dog shall be kept in the pen that has been designated for its confinement while outside the owners physical house.

**91.43.4 (b)**

The dog may stay inside the owner's physical house and not be confined but the owner must keep inside of his house, a cage to keep the dog temporarily if the owner has to open any doors for visitors.

**91.43.4.(c) Cage specifications for inside**

**of house.**

The code Enforcement official shall inspect the cage and determine if the cage is of sufficient strength and size to accommodate the dog.

**91.43.4 (d) Visitors to house.**

It shall be the owners responsibility to cage their dangerous dog, before answering the door or letting any visitors into the house.

**91.44 Identification and warning signs**

A property where a dangerous dog is kept shall have a signs on any door that can be entered from or that opens to the outside or a public way, with the words "Warning Dangerous Dog".

**91.44.1 Public ways**

Any area at the property where a dangerous dog is kept that can be approached by the public right of way shall have a sign posted every 20 linear feet.

**91.44.2 Property lines**

Any area of the property where a dangerous dog is kept that meets a property linear a public right of way and is not protected by a fence shall have in that area a sign "WARNING DANGEROUS DOG" posted every 20 linear feet.

**91.44.3 Sign specifications Dangerous dog signs.**

(A) The sign shall be in lettering 4 inches or larger

(B)The sign shall be a minimum of one square foot in dimensions

(C)The sign lettering shall contrast the background color of sign.

(D)The sign background color shall be white or yellow

**91.45 Construction specifications of pen.**

(A) The pen shall be a minimum of 80 square feet in dimension.

(B) The pen shall be made from steel cyclone fencing material with openings no larger than 2 and 3/4 inches wide.

(C) The height of the fence shall be no less than six feet high.

(D) The top of the pen shall be fully

enclosed with fencing materials similar to pen materials.

**(E)** The inner area of the pen shall have a concrete surface a minimum of 3 and 5/8 inches in thickness.

**(F)** The bottom section of fencing shall be embedded into the concrete surface in order that the dog may not dig or scratch its way out of the pen.

**(G)** The pen shall have a minimum of one entry gate a minimum of five feet high by 18 inches wide.

**(H)** All gates on pens shall have a self closing and self locking mechanisms.

**(I)** All gates shall also be equipped with a provision to padlock the gate.

**(J)** All gates shall be padlocked when dog is in the pen.

**(K)** Provisions for food and water shall be made for the dog while it is in the pen.

**(L)** A shelter inside of the pen shall not require an increase in the size of the pen unless more than one dog is in the pen at the same time.

**(M)** If more than one dog is sharing the

same pen the minimum square footage for the pen shall be increased 100 square feet .

**(N)** The pen shall be kept in a clean sanitary condition and shall not have more than one days dog waste in pen at any time.

#### **91.46 Signage on pen**

The pen shall have on all sides a sign that reads "Dangerous Dog"

##### **91.46.1 sign specifications**

Sign specifications shall follow section **91.44.3.**

#### **91.47 Dangerous dogs in public**

A dangerous dog shall be considered in public when it is not on its owner's property.

##### **91.47.1**

When a dangerous dog is in public it the owner shall follow the guidelines set forth in **97.47.2** for the control of the Dog.

##### **91.47.2 Control of Dangerous dog in public.**

**(A)** While in the public the owner of the

dog must keep the dangerous dog muzzled with a suitably designed and approved device

(B) While in the public the owner of the dangerous dog shall have the Dog in a 4 point harness restraint suitably designed and approved.

(C) Muzzles and harnesses shall not be home made and shall be labeled and listed by the manufacturer.

#### **91.48 Potentially Dangerous Dogs.**

When a Dog has been determined to be "POTENTIALLY DANGEROUS" by an investigating official, the following regulations shall apply to that dog as per North Carolina General Statute 67-4.1.

##### **91.41.4 (A) Registration Fees**

There is a one-time registration fee of **\$500.00** to be paid to the Town of Cooleemee Clerk before return of the Potentially dangerous dog from impoundment or at the time of Notification by investigating officials that the dog has been determined to be Potentially Dangerous.

Proof of a liability insurance policy that guarantees coverage up to **\$500,000** for any damages and injuries caused by the

dangerous or potentially dangerous dog must be provided as a condition of the registration, in order to ensure that potential victims will have adequate access to medical treatment at the expense of the owner's insurer, in keeping with **NCGS 67-4.4**, which imposes strict liability on the owner of a dangerous dog for civil damages to persons and property.

##### **91.48.1 Confinement of potentially dangerous dogs.**

A dog determined to be Potentially dangerous by an investigating official shall be kept in a pen while not in the owners house.

##### **91.48.2 Pen specifications**

(A) The pen shall be a minimum of 80 square feet.

(B) The pen shall be constructed of cyclone fence material.

(C) The pen shall have a self closing self locking gate mechanism.

(D) The pen shall be inspected and approved by the Town Code enforcement official before the dog shall be returned to the owner.

##### **91.48.1 Control in Public.**

The potentially dangerous dog when in public shall follow all guidelines as set forth in 97.47.2 of this ordinance.

**91.49 Exotic Animals**

Exotic animals that are inherently dangerous or poisonous to humans shall be banned from ownership in the corporate limits of the Town of Cooleemee as per *North Carolina General Statutes 160A-187, 14-417, 14-417.1, 14-417.2, 14-419 and 14-422.*

**91.49.1 Definitions**

**(A) *Exotic Animal***

Any animal normally found in the wild and that is not normally domesticated or that is objectively considered dangerous to be in close proximity to. This also includes any hybrid or partially domesticated animal from cross breeding. Or any other type of nontraditional type of house pet that is such classified anywhere in the United States .

**(B) *Inherently dangerous***

Any animal that is objectively considered to be dangerous or poisonous while in close proximity to humans.

**(C) *Threat to community***

If the investigating officer discovers an animal that is not listed as exotic or on the banned animal list and objectively finds that the animal could potentially harm a human or other animal, that animal may be deemed by the officer a threat to the community.

**91.50 Banned animals list**

The following animals shall not be kept within the Town of Cooleemee corporate limits.

- 1-Any type of lion, tiger, panther, leopard jaguar or any of type of cat that is normally considered exotic, other than a domestic house cat.
- 2-Any type or breed of wolf, coyote or jackal, other than a domesticated dog.
- 3-Any type of bear.
- 4-Any type of non-human primate.
- 5-Any type of venomous snake or lizard
- 6-Any type of snake capable of constricting around a child or adult and causing serious injury or death.
- 7- Any type of crocodile or alligator.

**91.50.1 Animals not listed.**

The Town of Cooleemee has the right to ban any other animal not identified in section **91.50** at will, as long as there is sufficient evidence that an animal may cause harm to a Human or an animal or that it has been objectively determined by an investigating official that it could be a threat to the community.

#### **91.50.2 Immediate seizure of animals.**

Animals not listed as exotic or deemed inherently dangerous or a threat to the community may be immediately seized by the investigating official or animal control officers as follows per **section 91.51**

#### **91.51 Seizure and impoundment of exotic or inherently dangerous animals.**

The Town of Cooleemee has the right to immediate seizure and impoundment of any type of exotic or inherently dangerous animal(s) that have been identified as such by the investigating official as per **North Carolina General Statutes 14-419, 14-422 and 67-4.5**

#### **91.51.1**

The animal(s) may be taken from the property at which they were found and taken by the animal control officer to an appropriate holding facility and shall not be returned to the Corporate limits of the Town of Cooleemee as per **North Carolina General Statutes 14-419, 14-422 and 67-4.5**

#### **91.51.2**

The animals shall be held till the owner can make safe arrangements for animals at another place than in the Town of Cooleemee corporate Limits.

#### **91.52.3 Notification**

Notification of impounded animals shall be referred to in sections **91.10 thru 91.11**

#### **91.35.1 Fines/punishment**

*First Offense-\$50.00 citation*

*Second Offense-\$100.00 Citation*

*Third Offense-\$300.00 Citation, with a Criminal Summons issued as per North Carolina general statute 15A-303.*

*Fourth Offense-\$400.00 Citation, with a Criminal Summons issued as per North Carolina general statute 15A-303.*

*Fifth Offense- \$500.00 Citation, with a Criminal Summons issued as per North Carolina general statute 15A-303.*

#### **91.60 Animal Welfare**

The Town of Cooleemee shall use for its cruelty to animals section of this ordinance all North Carolina General statutes listed, with the addition of the Town's own specific ordinance and sections. *North Carolina General Statute 14-360* shall be the Legal definition of cruelty to animals.

##### **91.60.1 Definition of Cruelty to animals.**

Cruelty to animals is defined by **NCGS § 14-360** in its entirety.

##### **91.60.2 self defense**

An act of self defense while under attack by an animal shall not be considered animal cruelty.

##### **91.60.2 Abandonment**

It shall be a violation of this ordinance for anyone to abandon an animal in the Town of Cooleemee. as per *North Carolina General Statute 14-361.1*

##### **91.60.3 Animal Fighting**

It shall be a violation of this ordinance for any person to aid or abet animal fighting to take place anywhere in the Town of Cooleemee corporate limits.

##### **91.60.4 General Statutes**

The town of Cooleemee has adopted the following North Carolina General Statutes to be used in governing this section of the ordinance for animal cruelty/animal fighting. *N.C.G.S.14-362, 14-362.1, 14-362.2 and 19A-70.*

##### **91.60.5 Definition Animal Fighting**

Any type of fighting between animals that has been organized as a contest or otherwise being viewed as a contest in which animals are trained or coerced to cause any type of physical harm to other animals.

##### **91.61 Food and water standards for animals.**

The following listed standards shall be adhered to for owners of animals in the Town of Cooleemee corporate limits:

##### **91.61.1 (A) Food Standard**

Food given or changed on a daily basis that is consistent with the type of food a certain animal normally consumes.

**91.61.1(B)**

Such food shall be kept in a container or dish while feeding the animal.

**91.61.1 (C)**

Reasonable arrangements shall be made to keep the food clean from dirt debris and vermin.

**91.61.2 Fresh water standard**

Water for consumption by an animal shall be changed daily.

**91.61.3(A) cold weather**

Water shall be changed and kept from freezing.

**91.61.3 (B) warm weather**

Water shall be kept from stagnating in warm weather.

**91.61.3(C)**

All water for consumption by animals shall be kept free from dirt and vermin.

**91.62 Shelter Standards**

It shall be a violation of this ordinance to not give adequate shelter to an animal.

**91.62.1 Adequate shelter Definition**

A structure specifically designed for an animal that is kept outside of the owner's residence.

**91.62.2 Structure design criteria**

The structure shall adequately shade the animal from direct sunlight and shelter the animal from wind, rain, hot and cold weather.

**91.62.3 Size of shelter.**

The shelter shall be built so as to accommodate the size of the animal(s) that will use the structure.

**91.62.3 (A)**

No structure shall be more than twice the size of the animal(s) occupying the structure.

**91.63 Sanitary conditions**

All shelters shall be kept in a clean sanitary condition.

**91.64. Ground contact**

All shelter shall be elevated off of ground by a minimum of 3 and 1/2 inches to prevent moisture and vermin from entering the structure.

#### **91.64.(A)**

Ground contact section shall be waived if owner chooses to use a plastic shelter with a lip that will not readily permit water to penetrate the shelter.

#### **91.65 Sick and diseased animals.**

It is the owner's responsibility to effectuate the proper veterinarian care for all animals under the owner's care as per *North Carolina General Statutes 106-402 and 130A-198*.

#### **91.65.1 Violations**

An owner if found in violation of this section may be charged with a Class 3 misdemeanor and be subject to fines and costs associated with an investigation.

#### **91.65.2 Fees**

The owner of the animal(s) is obliged to pay for any veterinarian fees of an impounded animal(s) before the animal(s) are released back to the care of the owner.

#### **91.65.3 fines/punishment**

**First offense-\$50.00 citation,** payable within 15 days of the offense.

After an additional 30 days, a criminal summons may be issued. N.c.g.s.15a-303/14-4

**Second offense-\$100.00 citation,** payable within 15 days of the offense. After an additional 30 days, a criminal summons may be issued. N.c.g.s.15a-303/14-4

**Third offense-\$300.00 citation,** with a criminal summons issued as per n.c. general statute 15a-303/14-4.

**Fourth offense-\$400.00 citation,** with a criminal summons issued as per n.c. general statute 15a-303. /14-4

**Fifth offense-\$500.00 citation,** with a criminal summons issued as per n.c. general statute 15a-303/14-4.

#### **91.65.4 Non remittal of fees**

If the owner of the impounded animal does not pay the veterinarian the fees for medical a service the veterinarian may seek to put animal for adoption to new owners or dispose of accordingly by state law.

**91.66 Cause for investigation**

An investigating official has the right to immediately impound or quarantine an animal and seek medical help for that animal if any of the causes exist in the following sections of this ordinance:

**91.66.(A)**

If an investigating official has determined or suspects that an animal(s) is infected with a communicable disease that human or animal can contract through contact or being in close proximity to, and the owner does not have that animal under veterinary care.

**91.66(B)**

If an investigating official has determined or suspects that an animal(s) is sickly and is not under the care of a veterinarian.

**91.67 Release back to owner.**

The investigating official shall determine the release of the animal back to the owner.

**91.67.1**

The investigating official does not have to release the animal back to the owner until the investigation is completed.

**91.68 Dead Animals**

The burial of a family pet shall be allowed under the following guidelines as per North Carolina General Statute 106-403 and Town of Cooleemee ordinance.

**91.68.1 Violation**

Violation of this section of ordinance constitutes an infraction of said ordinance and its sections and is punishable by a ***\$10.00*** fine as per ***North Carolina General Statute 14-3.1:***

**91.69 Guidelines for animal burial**

- A.** The animal shall be buried on the owner's property.
- B.** Before digging on the property the owner shall notify underground utility companies through the one call system.
- C.** The animal shall be buried within 24 hours of its death.
- D.** The animal shall not be buried in the front yard of the property.
- E.** The animal shall not be buried within 300 feet of a free flowing stream or a public body of water.

**91.69.1 Compliance**

303/14-4

If the owner can not comply with this section of ordinance the animal must be removed from the town limits within 24 hours of its death and properly disposed of.

*third offense-\$300.00 citation, with a criminal summons issued as per n.c. general statute 15a-303/14-4.*

*forth offense-\$400.00 citation, with a criminal summons issued as per n.c. general statute 15a-303. /14-4*

**91.69.1**

If the owner of the dead animal has no means of disposal, the owner must contact Town or County officials in order to make arrangements for officials to dispose of the dead animal.

*fifth offense-\$500.00 citation, with a criminal summons issued as per n.c. general statute 15a-303/14-4.*

**91.70 Dog Litters.**

Dog litters shall be regulated by this section of ordinance as per *North Carolina General Statute 67-4.5* and *Town of Cooleemee ordinances.*

**91.71.2**

The owner of multiple dogs shall not at any time have more than one litter of pups on his or her property.

**91.71 Fines/Punishment**

*First offense-\$50.00 citation, payable within 15 days of the offense. After an additional 30 days, a criminal summons may be issued. N.c.g.s.15a-303/14-4*

**91.71.2**

There shall not be a pregnant dog on the property while another dog's litter is being weaned

*second offense-\$100.00 citation, payable within 15 days of the offense. After an additional 30 days, a criminal summons may be issued. N.c.g.s.15a-*

**91.72.3**

Pups at six weeks shall have all their necessary inoculations, paperwork and collars with identification of owner tags and rabies vaccination tags.

**91.72.4**

Puppies shall not be placed outside of a house unless pups are secured in a pen type structure capable of keeping puppies in the general vicinity of each other and making them incapable of escape.

**91.72.5**

If pups are outside of the owner's residence in a pen, all ordinances for food and water and shelter shall be enforced.

**91.72.6 Signs**

There shall be no advertisements for "Sale of Puppies" or "FREE Puppies" placed on the property or on any other property in the Town Corporate limits that is enforced by Zoning or any other ordinances.