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## GENERAL PROVISIONS

§ 91.01 KEEPING CERTAIN ANIMALS WITHIN TOWN LIMITS PROHIBITED.

(A) It shall be unlawful to keep or harbor non-domestic animals within the corporate limits, including but not limited to horses, mules, ponies, cattle, sheep, goats or swine, except animals temporarily (not to exceed 24 hours) confined in a stock yard or other place awaiting transportation.

(B) It shall be lawful to keep chickens within the corporate limits with the following regulations and standards in place:

(1) No more than six hens shall be allowed for each single-family lot. No chickens shall be allowed in multi-family dwellings, including duplexes. Roosters are not permitted.

(2) There shall be no indoor or outdoor slaughtering of chickens.

(3) All chickens must be kept in a secured enclosure with operable closures for all openings and an impervious covered top (a "coop") at all times.

(4) Chicken coops must be a minimum of four square feet in area for each chicken; maximum size of a single chicken coop shall be 30 square feet.

(5) The maximum height of a chicken coop shall be six feet measured from the lowest ground level beneath the coop to the highest point of the coop. The coop(s) must be of stable ground construction.

(6) Chicken coops must be situated at least ten feet from all property lines and must be situated in the back yard of the residence at all times.

(7) Except for the primary residence, chicken coops shall not be located within 20 feet of any residence, school, church, and restaurant or retail establishment.

(8) Chicken coops must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis to prevent offensive odors. There must be no detectable odor beyond the parcel boundaries of the property on which the coop is located.

('70 Code, Ch. H, Art. VIII § 1) (Am. Ord. 94-95-12, passed 4-10-95; Am. Ord. 04-05-02, passed 7-26-04; Am. Ord. 13-14-12, passed 2-10-14) Penalty, see § 91.99

§ 91.02 ANIMALS RUNNING AT LARGE.

It shall be unlawful to allow any animal to run at large within the town.

('70 Code, Ch. H, Art. VIII § 2) (Am. Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

§ 91.03 ANIMAL, FOWL FIGHTS.

No person shall stage, encourage, or attend any animal or fowl fight. ('70 Code, Ch. H, Art. VIII § 3) (Am. Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

§ 91.04 BIRD SANCTUARY.

(A) The area embraced within the corporate limits of the town is hereby declared to be a bird sanctuary.

(B) It shall be unlawful to trap, hunt, shoot, or otherwise kill, within the corporate limits, any native wild bird. However, this section shall not apply to pigeons, crows, starlings, or English sparrows.

(C) Nothing in this section shall be construed to prevent town authorities from trapping or destroying any pigeons, crows, starlings, or English sparrows where such birds are found to be congregating in numbers so as to constitute a nuisance or menace to health or property, in the opinion of the Board of Commissioners. ('70 Code, Ch. H, Art. VIII § 4) (Am. Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

DOGS

§ 91.15 DEFINITIONS.

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

"AT LARGE." Means off the premises of the owner, and not under control either by leash, cord, chain, or otherwise.

"DOG." Means both male and female.

"OWNER." Any person owning, keeping, or harboring a dog. ('70 Code, Ch. H, Art. IX § 1) (Am. Ord. 94-95-12, passed 4-10-95)

§ 91.16 [RESERVED]

§ 91.17 RABIES VACCINATION REQUIRED.

It shall be unlawful for the owner of any dog more than 13 weeks of age to keep, harbor, or maintain that dog unless it is vaccinated with antirabies vaccine as required by state law and Pitt County. ('70 Code, Ch. H, Art. IX § 8) (Am. Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

§ 91.18 FEMALE DOGS IN HEAT AS NUISANCE.

The running at large or appearance on any of the streets of the town of a female dog in heat is declared to be a nuisance. It is the duty of the owner to properly confine the dog during that state. ('70 Code, Ch. H, Art. IX § 9) (Am. Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

§ 91.19 DOGS RUNNING AT LARGE PROHIBITED.

It shall be unlawful for the owner or keeper of any dog to suffer or permit that dog to run at large within the town. The running at large of any dog shall be prima facie evidence that its owner or keeper suffered or permitted the dog to run at large in violation of this section. ('70 Code, Ch. H, Art. IX § 3) (Am. Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

§ 91.20 ANIMAL CONTROL OFFICER TO IMPOUND DOGS RUNNING AT LARGE; NOTICE TO OWNER.

(A) The Chief of Police shall, from time to time as required by necessity, appoint an Animal Control Officer, or otherwise designate some official, whose duty it shall be to apprehend any dog running at large and to impound the dog in the town pound or in some other suitable place.

(B) It shall be the duty of the Chief of Police or other designated officer to notify the owners of all dogs picked up, if reasonably possible. ('70 Code, Ch. H, Art. IX §§ 4, 10) (Am. Ord. 94-95-12, passed 4-10-95)

§ 91.21 RECLAIMING IMPOUNDED DOG; FEE.

The owner of any impounded dog may reclaim the dog upon payment of \$20 for impoundment and a fee of \$5 per day for keeping the dog. ('70 Code, Ch. H, Art. IX § 5) (Am. Ord. 94-95-12, passed 4-10-95)

§ 91.22 WHEN IMPOUNDED DOGS TO BE DESTROYED.

It shall be the duty of the Animal Control Officer or other designated official to keep all impounded licensed dogs for a period of seven days, and all impounded stray dogs for a period of three days. If, at the expiration of the appropriate number of days per individual dog from the date of impoundment, the dog is not reclaimed, it may be destroyed. Any dog deemed to be suffering from hydrophobia, mange, or other infection or dangerous disease, may be destroyed without waiting the time periods set forth herein. ('70 Code, Ch. H, Art. IX § 6) (Am. Ord. 94-95-12, passed 4-10-95)

§ 91.23 MEDICAL TREATMENT FOR IMPOUNDED DOGS.

If, in the opinion of the Animal Control Officer, any impounded dog, either licensed or unlicensed, shall need medical treatment, the Animal Control Officer may place the dog under the care of a licensed veterinarian and the cost of the treatment shall be paid by the owner as a part of the fee for keeping the dog. ('70 Code, Ch. H, Art. IX § 6) (Am. Ord. 94-95-12, passed 4-10-95)

§ 91.24 DISPOSITION OF DANGEROUS, FIERCE, OR VICIOUS DOGS.

If any dangerous, fierce, or vicious dog found running at large cannot be safely caught and impounded by the Animal Control Officer or other designated official, the dog may be slain by any police officer, the Animal Control Officer, or other designated officials forthwith.  
( '70 Code, Ch. H, Art. IX § 7) (Am. Ord. 94-95-12, passed 4-10-95)

§ 91.25 VICIOUS AND DANGEROUS ANIMALS.

(A) It shall be unlawful for an owner/keeper to keep any vicious, fierce, dangerous, or potentially dangerous animal within the town limits unless it is confined within a secure building or enclosure or is securely muzzled and leashed at all times.

(B) In accordance with G.S. § 106-381, when an animal becomes vicious or a menace to the public health, the owner of such animal or person harboring such animal may not permit such animal to leave the premises on which kept unless muzzled and on a leash.

(C) (1) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

"DANGEROUS DOG." A dog that has been declared to be dangerous pursuant to G.S. § 67-4.1(a)(1) by the Police Chief, Pitt County Animal Control, or the County Health Director pursuant to G.S. § 130A-200, or because it has committed one or more of the following:

(a) Without provocation has killed or inflicted severe injury on a person; or

(b) Inflicted a bite on a person either upon public or private real property;

(c) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack; or

(d) Kill or inflicted severe injury upon a domestic animal when not on the owner's real property; or

(e) Chases, snaps at, attacks, or otherwise molests pedestrians, bicyclists, motor vehicles, or any other animal.

(2) The Police Chief must notify the owner/keeper in writing, giving the reasons for his or her determination, before the dog may be considered dangerous. The owner may appeal the determination of the Police Chief to the Town Manager by giving written notice of the appeal within five days of the Police Chief's determination to the Town Manager. The dog will be considered dangerous pending the appeal.

(a) In any case, where an animal has bitten any person or other animal so as to cause abrasions or break the skin, the Police Chief shall make a determination of danger based on the circumstances surrounding the bite and the likelihood that the animal might bite again.

(b) The provisions of this section do not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties. A dog shall not be considered a dangerous dog or potentially dangerous dog under this section if the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(D) It is unlawful for an owner to:

(1) Leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog.

(2) Permit a dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.

(E) If the owner of a dangerous dog or a potentially dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide written notice to:

(1) The Police Chief, stating the name and address of the owner of the dog; and

(2) The person taking possession of the dog, specifying the dog's dangerous behavior and the Police Chief's determination.

(F) A dog that has been determined to be dangerous may be humanely destroyed in the following instances:

(1) If the Police Chief or his or her designee determines that a dog that was previously determined to be dangerous either bit a person so as to cause a break in the skin or was at large on two or more separate occasions after such determination, the Police Chief or Pitt County Animal Control or a designee may seek a court order for the dog to be humanely destroyed.

(2) If the Police Chief or his or her designee in determining that a dog is dangerous also determines that the dog without provocation has killed or inflicted severe injury on a person, the Police Chief or his or her designee may seek a court order that the dog be humanely destroyed.

(G) A dog that has been determined to be dangerous may not be disposed of by adoption from the Pitt County Animal Control or the police department.

(H) The keeper or other custodian of any dog that has been determined to be dangerous shall report immediately to the police department through telephone number 911 if the dog gets loose or is otherwise unconfined or it attacks a person or another animal.

(I) A police officer or his or her designee shall periodically inspect the premises where a dog is determined to be

dangerous is kept to ensure compliance with the secure enclosure requirements set out in this section.

(J) If a dog has been determined by the Pitt County Health Director or his or her designee, Pitt County Animal Control, or by the Police Chief or his or designee to be dangerous or vicious, and the dog has been either left with or returned to its keeper, the keeper shall maintain the dog in an enclosure meeting the requirements of this division (J) on the keeper's property or, with the consent of the Police Chief or his or her designee in such an enclosure on the property of another, except that the dog may be taken out of the enclosure when necessary if leashed and muzzled or in a secure carrying cage. The enclosure for a dangerous dog shall be indoors within a building from which the animal cannot escape or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. The pen or structure shall have minimum dimensions of five feet by ten feet and shall have secure sides and a secure top. If it has no bottom secured to the sides, the sides shall be embedded into the ground no less than two feet. The pen or structure shall also provide protection from the elements for the dog. The premises where the dangerous dog is kept shall be posted with warning signs at places likely to be seen by persons entering the premises. A warning sign shall advise of the presence on the premises of a dangerous dog and shall also contain a picture symbol of a dangerous dog as a warning to children. Unauthorized removal of a warning sign posted in compliance with this division (J) is unlawful. Any dangerous dog found at-large after the owner thereof has previous knowledge or notice that such dog is dangerous may be killed by any police officer or animal control officer of the town without such officer having to catch or impound such dog.  
(Ord. 04-05-20, passed 5-9-05) Penalty, see § 91.99

CATS

§ 91.30 ANIMAL CONTROL OFFICER TO IMPOUND STRAY OR NUISANCE CATS; NOTICE TO OWNERS.

(A) The Chief of Police shall, from time to time as required by necessity, appoint an Animal Control Officer, or otherwise designate some official, whose duty it shall be to apprehend any stray or nuisance cat and to impound the cat in the town pound or in some other suitable place.

(B) It shall be the duty of the Chief of Police or other designated officer to notify the owners of all cats picked up, if reasonably possible.  
(Ord. 02-03-09, passed 9-9-02)

§ 91.31 RECLAIMING IMPOUNDED CATS; FEE.

The owner of any impounded cat may reclaim the cat upon payment of \$20 for impoundment and a fee of \$5 per day for keeping the cat.  
(Ord. 02-03-09, passed 9-9-02)

§ 91.32 WHEN IMPOUNDED CATS TO BE DESTROYED.

It shall be the duty of the Animal Control Officer or other designated official to keep all impounded cats for three days. If, at the expirations of the appropriate number of days per individual cat from the date of impoundment, the cat is not reclaimed, it may be destroyed. Any cat deemed to be suffering infectious or dangerous disease may be destroyed without waiting the time period set forth herein.  
(Ord. 02-03-09, passed 9-9-02)

ANIMALS

§ 91.40 DEFINITIONS.

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

"ANIMALS." Every living creature domestic and/or non-domestic, but does not include humans.

"COMMUNICABLE DISEASE." Any disease that is contagious by air or by direct contact.

"CONFINEMENT." Means to be kept in a kennel or cage for reason of observation or delivery to a shelter.

"CRIPPLED." Any animal who is unable to walk around without difficulty due to injury or old age.

"DEPOSITED." Means made or left by the animal in any spot.

"DESTRUCTION." Means being put to death in a humane way.

"DISEASED." Any animal with a contagious disease or virus.

"EXCRETA." Liquid or solid waste matter from any animal.

"FEEDS." Means to provide food, water and/or shelter.

"FIREARM." Either a small handgun or a rifle.

"HARBOR." To allow to stay on one's personal property.

"HUMANELY DESTROYED." The act of being killed in a painless and quick way where one does not suffer.

"IMMEDIATELY." As soon as possible after the occurrence.

"INJURED." Any animal who has been injured by any means.

"INJURING." The act of hurting any animal in any way, for example hitting or running over with a vehicle.

"LEGALLY RESPONSIBLE." Means by law responsible for any fees or damages caused by the animal.

**"NON-DOMESTIC ANIMALS."** Any animal not living in a dwelling or household, with exception of dogs and cats.

**"NOTIFYING."** Means if you injure an animal, you must immediately contact the owner or keeper or other proper agency.

**"NUISANCE."** An animal or group of animals shall be considered a nuisance if it:

- (1) Damages, soils or defiles private or public property.
- (2) Interferes with, molests or attacks persons or other animals;
- (3) Is repeatedly at large, three or more times within a six month period;
- (4) Causes unsanitary, dangerous or offensive conditions, including fouling the air by odors;
- (5) Chases, snaps at, harasses or impedes pedestrians, bicyclists or vehicles;
- (6) By virtue of number or type is offensive or dangerous to the public health, safety or welfare;
- (7) Is diseased or dangerous to the public health; or
- (8) Barks, whines or howls in an excessive, continuous or untimely fashion.

**"OBSERVATION."** Any animal being kept in quarantine and being observed on a daily basis for symptoms of disease.

**"PUBLIC VEHICULAR AREA."** Any area which is open to and accessible to public vehicular traffic.

**"REASONABLE MEANS."** To capture the animal either by calling it, using a catchpole or by setting a live trap.

**"RELEASE."** To remove from a cage or kennel, or to let escape and roam free.

**"RESTRAINED."** Tied or confined in some fashion, not able to run free.

**"SEIZED."** When taken into custody, caught or trapped.

**"STRAY ANIMAL."** Any animal that is not the property of another person.

**"SURRENDER."** To release into the custody of the Animal Control Officer or appointed agent.

**"UNCOVERED PICK-UP TRUCK."** A pick-up truck on which the bed or back has no covering or camper shell, thereby leaving it open.

**"UNLAWFUL KILLING."** The act of any person humanely or inhumanely putting to death any animal without permission from the proper authority.  
(Ord. 94-95-12, passed 4-10-95; Am. Ord. 04-05-02, passed 7-26-04; Am. Ord. 04-05-06, passed 10-11-04)

**§ 91.41 DESTRUCTION OF ANIMALS WHICH CANNOT BE SEIZED BY REASONABLE MEANS.**

Notwithstanding any other provision of this chapter, an animal which cannot be seized by reasonable means may be humanely destroyed by a firearm when ordered by the Chief of Police or a person duly authorized by the Chief of Police.  
(Ord. 94-95-12, passed 4-10-95)

**§ 91.42 DESTRUCTION OF DISEASED AND CRIPPLED ANIMALS.**

(A) It shall be the duty of the Chief of Police, or his or her designee, to order and authorize the destruction of any animal taken into custody of the Animal Control Division, which in the opinion of the Chief of Police is:

- (1) By reason of old age, unfit for further use;
- (2) Is affected with any dangerous communicable disease;
- (3) Is incurably crippled; or
- (4) Is adjudged by written report from a licensed veterinarian to be afflicted with any painful or incurable disease or injury.

(B) The Chief of Police shall issue and sign an authorization for the destruction, by a police officer, of any animal afflicted with any dangerous or communicable disease or which is found to be dangerous to the safety of the community.  
(Ord. 94-95-12, passed 4-10-95)

**§ 91.43 ANIMAL WASTE.**

The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s) on public walks, recreation areas, and public or private property.  
(Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

**§ 91.44 FAILURE TO SURRENDER ANIMAL FOR CONFINEMENT OR DESTRUCTION.**

It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this chapter when the demand is made by the Pitt County Health Director.  
(Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

**§ 91.45 UNLAWFUL KILLING OR RELEASING OF CERTAIN ANIMALS.**

It shall be unlawful for any person to kill or release any animal under observation for rabies, or under observation for biting a human, or to remove such animal from the county without written permission from the Pitt County Health Director; provided, however, a licensed veterinarian or the Pitt County Health Director may authorize any animal to be killed for rabies diagnosis.  
(Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

§ 91.46 PICK-UP TRUCK RESTRAINT.

All animals riding in the back of an uncovered pick-up truck must be restrained by some means, such as a leash, rope or dog chain as to prevent them from jumping out of the vehicle.  
(Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

§ 91.47 FEEDING AND HARBORING STRAY ANIMALS.

Any person who feeds a stray animal and/or allows it to stay on their property for at least seven days will be considered the legal owner or keeper of such animal and will be legally responsible for such animal and any violations caused by the animal.  
(Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

§ 91.48 INJURING ANIMALS; NOTICE REQUIRED.

It shall be unlawful for any person injuring an animal to fail to immediately notify the owner or keeper of such animal, an animal control agency, or the local humane society.  
(Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

§ 91.49 UNLAWFUL TO KEEP OR HARBOR NUISANCE ANIMALS.

It shall be unlawful to keep or harbor or allow the keeping or harboring of any animal which has been adjudged to be a nuisance, as defined in § 91.40, within the corporate limits of the town.  
(Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

## ADMINISTRATION

§ 91.60 PURPOSE AND INTENT OF CHAPTER.

The purpose and intent of this chapter is to help stray animals that cannot be captured from becoming a public nuisance, attacking someone or starving to death; to prevent injured, crippled or diseased animals from suffering and to prevent the spread of disease to humans and healthy animals; to keep public and private areas and environments clean and enjoyable; to keep sick, diseased or abandoned animals from running at large and injuring people or spreading infectious diseases; to aid in the detection of animals carrying infectious diseases such as rabies, parvo, corona, distemper and the like, and to prevent the spread of such; to help cut down the number of stray animals and problems caused by them; and to keep any and all animals that are injured from unnecessary suffering and possible death.  
(Ord. 94-95-12, passed 4-10-95)

§ 91.61 JURISDICTION.

This chapter applies to all public and private lands within the town.  
(Ord. 94-95-12, passed 4-10-95)

§ 91.62 ENFORCEMENT; VIOLATIONS.

Persons violating this chapter will be cited as follows:

(A) First offense: A written warning will be issued to the offender.

(B) Second offense: A criminal summons will be issued to the offender.  
(Ord. 94-95-12, passed 4-10-95) Penalty, see § 91.99

§ 91.63 ORDINANCES IN CONFLICT.

All ordinances in conflict with the provisions of §§ 91.25 and 91.98 are repealed to the extent of such conflict.  
(Ord. 04-05-20, passed 5-9-05)

§ 91.99 PENALTY.

(A) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable by a fine of not more than \$50, or imprisonment for not more than 30 days, or both, as provided in G.S. § 14-4. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of the liability for fees and/or penalties imposed under this chapter.

(B) A violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of \$25. The penalty for a second violation shall be \$50, and for a third violation and subsequent violations the penalty shall be \$100. If the offender fails to pay this penalty within 15 calendar days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of a debt.

(C) Each day that any violation continues after a person has been notified that such violation exists and that he or she is subject to the penalties specified in divisions (A) and (B) of this section shall constitute a separate offense.

(D) This chapter may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.

(E) The town may enforce this chapter by any one or any combination of the foregoing remedies.

(F) Unwanted animals may be given to Pitt County Animal Control or the town police department to be adopted or destroyed per state statute.

(G) In order for the owner to redeem an animal, such owner must first show that the rabies vaccination tag has been procured. In addition, the owner shall pay a penalty of \$25 for allowing the animal to run at large. The owner must also pay \$10 for the capture and care for the animal.  
(Ord. 04-05-20, passed 5-9-05; Am. Ord. 04-05-25, passed 6-13-05)