

CHAPTER 81 ANIMALS

Section

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§ 81.00 CONFINEMENT AND CONTROL OF ANIMALS AND DOGS:

- A. Any animal that leaves the confinement of their yard must be reported to Woodland Police Department within 24 hours in case the animal has been picked up for running at large. It is unlawful for any owner to maintain or harbor unconfined or unrestrained any dangerous animal which (1) bites, inflicts injury, assaults or otherwise attacks a human being without provocation on public or private property or (2) injures or kills a pet or domesticated animal and the Animal Control Officer determines after investigation that the report is supported by the evidence. Said animal shall be deemed dangerous.
- B. The owner will be notified in writing to confine the animal in a humane, secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog or animal is on the premises. Said sign shall not exceed one foot by two feet or two square feet in area.
- C. The owner shall have three (3) days from the date of notification to provide a humane, secure enclosure. The animal deemed “dangerous” shall be under constant restraint on the owner’s property during this period.
- D. An Animal Control Officer is empowered to confiscate the animal and harbor it at the owner’s expense pending the owner’s construction of humane secure enclosure. If any dangerous animal is confiscated under this provision, the owner of the dangerous animal shall be given written notice at the time of confiscation that if the owner fails to provide a secure enclosure upon the expiration of three (3) days for the confiscated animal then animal control is authorized to dispose of the animal. If the owner constructs a secure enclosure which is approved by animal control, and the animal is not being destroyed, the animal may be redeemed within three (3) days from confiscation so long as all fees owing to animal control for harboring, caring and maintaining the animal are paid.

- E. Any dangerous animal not kept in accordance with the requirements of this chapter may be confiscated by the Animal Control Officer and harbored at the owner's expense until the owner complies with the requirements of this chapter.
- F. The owner of a dangerous animal shall inform the Animal Control Officer, as soon as practicable, but not later than 24 hours, after the occurrence of any of the following:
 - (1) An assault, attack or biting upon any human being committed by any such animal in the owner's care or control.
 - (2) An attack or biting upon any domesticated animal or pet while said animal is off the owner's property.
 - (3) The destruction of or damage to property of another by such animal.
 - (4) The roaming or escape of any animal required to be restrained or confined to a secure enclosure.
- G. It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Officer in the performance of any duty authorized by this chapter, or seek to release any animal in the custody of such agents, except as otherwise specifically provided.

§ 81.01 DEFINITION

- A. Humane Treatment of Animals: It is the intent of the Town Board to ensure all citizens maintain the humane care and ethical treatment of all animals under the jurisdiction of the Town of Woodland.
- B. Vicious animal: A vicious animal is any animal that has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts to the skin. A vicious animal is also any animal that habitually or repeatedly attacks or physically threatens humans or other animals.
- C. Owner: An owner is any person, group of persons, or entity owning, keeping, and having charge of sheltering, feeding, harboring or taking care of any animal.
- D. Animal: Any live vertebrate creature.
- E. Domestic Animal: An animal that typically is found in a tame state and usually is kept as a pet. This definition includes both dogs and cats.
- F. Animal Hoarding: Excessive amount of domestic animals harbored at a single residence creating a state of unhealthy conditions for both the animals and owner. The Town of Woodland highly recommends no

more than (5) five domestic animals kept as pets within a single residence.

G. Livestock: An animal that typically is kept principally for productive or useful purposes, rather than a pet. The definition includes horses, cows, goats, sheep, mules, and pigs.

(1) Special permit: A temporary livestock permit must be obtained from the Town of Woodland by special permission from the board.

H. Animal Control Officer: The town Chief of Police or one of his police officers.

I. At Large: Means any animal shall be deemed to be at large when it is off the property of its owner and not under restraint or control of a competent person.

J. and those responsible will be charged with abuse to animals under this chapter:

(1) Failing to provide an animal with adequate food and potable water for more than twenty-four (24) hours without written instructions from a veterinarian who has recommended withholding food and water for medical reasons, or failing to consistently provide food at intervals sufficient to maintain the animals health and well-being;

(2) Overworking or overdriving any animal causing physical pain, suffering, or death to the animal;

(3) Beating, torturing, molesting, harassing, injuring, tormenting, poisoning, or mutilating any animal causing physical pain, suffering, or death to the animal. This includes fighting animals for pleasure or profit.

(4) Failing to provide adequate medical attention for any sick, diseased, or injured animal in order to prevent physical pain, suffering, or death to the animal;

(5) Keeping any animal under conditions which cause physical pain, suffering, disability or death to the animal or which increases the probability of the transmission of disease;

(6) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.) and which is large enough to allow the animal to make normal body movements;

- (7) Failing to provide for animals, which are kept outside, a shelter, which is surrounded on three (3) sides, covered by a roof, and has a floor (excluding barns) and which is structurally sound, maintained in good repair, and constructed in such a manner that it is water and wind resistant;
- (8) Conveying any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle or in a truck or the back of a truck in such a way as to cause physical pain, suffering or death to the animal; or
- (9) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to cause physical pain, suffering or death to the animal due to temperature, lack of food or drink, or such other conditions.

§ 81.02 DECLARATION OF NUISANCES AND ANNOYANCE.

A. Habitually or repeatedly without provocation chases, snaps at or attacks pedestrians, bicycles or chases vehicles, even if the animal never leaves its owners property or does so only to transgress upon the adjacent right of way and then returns to its owners property.

B. Without provocation and off the premises of the animal's owner, inflicts on any person a serious injury requiring treatment by a physician, including but not limited to a bite or scratch that breaks the skin.

C. Turns over garbage pails or damages gardens, flowers, shrubs, vegetable or lawns.

D. Urinates or defecates on property other than that of the animals owners. Owners must clean up after their animals when they defecate on property other than their own.

E. Trespasses upon property other than that of the animal's owners, dog or cat, and carries off articles or objects not belonging to the animal's owner.

F. The keeping or maintenance of any animal which by prolonged and habitual barking, howling, meowing or any habitual noise which causes serious annoyance to neighboring residences and interferes with reasonable use and enjoyment of the premises occupied by such residents or the reasonable use and enjoyment of the public streets, side walks or public areas, is hereby declared to be a public nuisance.

§ 81.03 CONTAINMENT – RUNNING AT LARGE - REQUIREMENTS.

A. Animals are not allowed to run at large in the Town of Woodland and are grounds to be picked up by the Animal Control Officer. No person owning or having possession, charge, custody or control of any animal shall cause, permit or allow the animal to stray or in

any manner to run at large upon any public street, sidewalk or other public property or to stray, run at large or otherwise trespass upon the private property of another and is grounds to be picked up by the Animal Control Officer and can be cited for allowing the animal to run at large.

B. An animal, runs at large when it is off the premises of the owner and is not under the immediate and effective constraint of the owner or other competent person in charge.

C. Proper enclosure: shall mean a building or other structure from which cannot escape or an outside area enclosed by a fence at least four feet to six feet in height and a minimum of ten feet by ten feet in area. An electric containment system or an overhead trolley tether at least 7 feet above the ground is also permissible confinement of an animal. It shall NOT be allowed to *tether, chain or tie a dog to any fixed object as a means of permanent confinement.*

D. All such pens and enclosures shall be maintained at all times in a sufficiently clean and sanitary manner to protect adjacent properties from offensive odors.

E. It is **highly** recommended that owners keep their dog on a leash or under voice command control at all times and follow the definition presented in this section concerning the leash law. Owners and people taking temporary custody will be held 100% responsible if the dog causes bodily injury to a human, an animal or to others property. Animal control has the authority to order a dog to be leashed; owners that refuse to comply with this order will be issued a \$50 fine. The leash law is when a dog is restrained or controlled by a strong collar with a leash, made of nylon rope or chain strong enough to sufficiently keep it under control. Persons having animals on a leash must maintain control of them at all times and have enough strength to handle the size of the animal. Owner or handler is responsible for all dog actions covered under Section 81.02.

F. All animals in the town limits of Woodland and taken out doors will be required to have a well-fitted collar. Attached to the collar must be the owner's name.

§ 81.04 STRAY ANIMALS

A. The Board finds that the presence of stray dogs and cats within the town constitutes a condition that is dangerous or prejudicial to the public health and safety and those animals should be impounded or destroyed as provided in this section hereafter known as quarantine.

B. Annually or more often if necessary, the Board may establish a period of two weeks during which all animals found running at large shall be treated as strays.

C. Before quarantine goes into effect, the Board shall give reasonable notice to the public of the dates of such a period and the consequences of allowing animals to run at large during such period. This notice shall be published in a newspaper having general circulation in the area at least once a week for two successive weeks before the start of such period, and additional forms of notification may also be used. These procedures shall be in lieu of the

requirements of Section 81.08.

D. During this period of quarantine, the Woodland Animal Control Officer shall attempt to impound any animal found running at large contrary to this section. The Woodland Animal Control Officer may contact the County Animal Control Officer for assistance, however, as last resort; the Woodland Animal Control Officer may eliminate the animal.

E. Any animals running at large during this time frame will be picked up by the Town of Woodland Animal Control Officer and/or the Northampton County Animal Warden and held for a minimum of 96 hours at the county animal shelter. Anyone reclaiming an impounded animal will have to pay a flat fee per animal, plus a set amount per day for each day it is kept, to the animal control warden, the amounts of which will be listed in the notice prior to the two-week period. The County Animal Control Officer will have jurisdiction over any unclaimed animals.

§ 81.05 LIVESTOCK.

A. Keeping of Livestock Prohibited. It shall be unlawful to keep or maintain any cow, horse, pony, mule, sheep, goat, pig, hog, or other livestock on any lot or within any pen, stable, or other enclosure or building within the corporate limits.

B. Notwithstanding the above prohibition, the Town Commissioners may grant temporary exceptions to the keeping of livestock inside the city limits.

C. Effect upon Existing Livestock. Persons keeping or maintaining within the corporate limits any of the animals named in A. above shall remove them from the corporate limits in order to comply with section A above not later than six months from the effective date of this section.

§ 81.06 BIRD SANCTUARY.

A. The territory within the corporate limits of the municipality is declared a bird sanctuary.

B. It shall be unlawful for any person to kill, trap or otherwise take any bird within the corporate limits without written permission of the Police Chief.
See Penalty: Section 81.99

§ 81.07 CHICKEN ORDINANCE.

A. Without a written permit from the Town Commissioners, no chickens or fowl shall be kept within the town limits of Woodland for commercial purposes. One hundred or more will be considered commercial.

B. Other chickens or fowl up to 25 should be housed a minimum of 100 feet from neighboring residences. A proper coop and fenced enclosure shall be provided and

maintained in a clean and sanitary method so as not to be offensive to neighbors.

C. Each offender, if found guilty, shall be given ten days notice to clean up his premises or be subject to a fine of \$25.00 for the first offense and up to \$100.00 for additional offenses.

§ 81.08 ENFORCEMENT.

A. Complaint and Notice. Upon receipt of a written detailed and signed complaint being made to the Police Department by any resident or residents that any person is maintaining a public nuisance as described in Section 81.02, the investigating officer shall cause the owner or keeper of the animals in question to be notified that a complaint has been received. The situation will be investigated and a written report filed by the investigating officer.

B. Abatement. If a vicious animal has bitten or in any manner caused abrasions or cuts to the victim and the written findings of the investigating officer indicate that the complaint is justified, then the investigating officer shall cause the owner to quarantine such animal in question. The owner or person with custody shall be ordered to abate such nuisance within twenty-four (24) hours by destruction or removal of such animals, or by construction of a proper enclosure with a lock as the case may necessitate. In the event the owner or keeper of the animals is unknown and cannot be ascertained, such notice and order, along with a general description of the animals, shall be posted for forty-eight (48) hours at the Town Hall. The officer will then contact the Health Department and County Animal Control Officer.

§ 81.09 COMPLIANCE WITH STATE LAW, ARTICLE AS SUPPLEMENT TO STATE LAW.

- A. It shall be unlawful for any animal owner, or other person to fail to comply with the state laws relating to the control of rabies.
- B. It is the purpose of the article to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.
- C. It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary by the County Health Director, the town council or the State Public Health Veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.
- D. A rabies inoculation shall be deemed “current” for a dog and cat if two inoculations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.

- E. It shall be unlawful for any dog owner to fail to provide the dog with a collar or harness to which a current tag issued is securely attached and maintains the rabies vaccination certification. As further proof of inoculation, the collar or harness, with attached tag, must be worn at all times, except during the time the dog is hunting or is performing at shows, obedience trials, tracking tests, field tests, schools or other events sanctioned and supervised by a recognized organization.
- F. It shall be unlawful for any person to use for any animal a rabies inoculation tag issued for an animal other than the one using the tag.

§ 81.99 PENALTY

- A. Any person who violates any provision of this ordinance may incur a civil penalty, if found guilty, to the Town of up to \$350.00
- B. The first violation of this ordinance shall subject the violator to a written warning with the exception of owners refusing to comply with leashing their dog when ordered to do so by animal control. A fine of \$50.00 will be issued.
- C. The second violation during a twelve-month period shall subject the violator to a \$100.00 penalty.
- D. The third violation during a twelve-month period shall subject the violator to a \$200.00 penalty.
- E. Succeeding violations shall subject the violator to a \$350.00 penalty.
- F. Animals may be confiscated if violators fail to comply with above penalties.
- G. In addition, a violation of this ordinance shall constitute a misdemeanor punishable under the laws of North Carolina.

State Law References: Municipal regulation of domestic animals, G.S. 160A-186- protection of animals, G.S. 19A - Enforcement of Ordinances, G.S. 160A-175 - Fines G.S. 14-4.