CHAPTER 13 ANIMALS

ARTICLE I. KEEPING OF ANIMALS WITHIN THE TOWN

Section 13-1. Definitions.

Animal means a living creature, domestic or nondomestic, but does not include humans and invertebrates.

Animal control officer means any animal control officer employed by Onslow County.

Animal control supervisor means the officer or employee placed in supervision of animal control. In the county the animal control supervisor shall report to the environmental health director.

Animal shelter means the animal shelter operated and maintained by the county for the purpose of impounding animals under the authority of this chapter or the state statues for the care, confinement, return to owner, adoption, or humane euthanasia (G.S. 153A-442).

Cat means a domestic or feral feline of either sex.

Dog means a domestic canine of either sex.

Harboring of animal means an animal, which is fed or sheltered seven days or more and shall be deemed to be harbored, unless the animal is being boarded for a fee.

Immediate control by owner or keeper means:

(1) Restrained upon the property of the owner or keeper of the animal either by being tied, chained, within the confines of a fence designed to restrain the animal, or an electronically operated fence sufficient to restrain the animal upon the property or in the presence of the owner or keeper.

(2) While being walked or exercised off the premises or property of the owner or keeper, the animal must be restrained by a leash connected to a collar or harness, sufficient to restrain the animal from breaking loose. Cats shall be exempt from this provision.

Impounded means any animal which is received into custody by the county animal shelter.

Incorporated area applies to the area within the corporate limits of any town or municipality within the county if the governing body of such town or municipality adopts a resolution indicating that it is to be treated as an incorporated area under this chapter.

Neutered male means any male dog or cat which has been rendered sterile by a surgical procedure.

Owner means any person owning, keeping, having, charge of, sheltering, feeding, harboring, or boarding any animal for a fee. The owner is responsible for the care, actions and behavior of his animal.
Spayed female means a female dog or cat which has been rendered sterile by a surgical procedure.

Stray means any domestic animal that is not under restraint or is not on the property of its owner and is wandering at large, or is lost or does not have an owner, or does not bear evidence of the identification of any owner.

Vaccination means the administration of the rabies vaccine as required by state law.

Wild animal means any animal which can normally be found in the wild state, particularly those feral, exotic, dangerous or nondomestic animals which generally do not live in or about the habitation of humans, including, but not limited to, deer, lions, monkeys, raccoons, skunks, squirrels, tigers, and snakes.

For the purpose of this ordinance the term “animal” shall encompass horses, goats, mules, cows, hogs, sheep, ponies, donkeys, fowl, or any offspring of the above. This shall also specifically include snakes of any and all sizes.

House, Keep, or Maintain: For the purpose of this ordinance the term or phrase “house, keep or maintain” shall mean the permanent or temporary keeping, maintaining, holding, securing, feeding, caring for, sheltering, or otherwise having custody of any kind and all subject animal or reptile for any purpose and under any circumstances unless same is caged or otherwise confined in a trailer or other moveable type storage container when said container or trailer is affixed to a motor vehicle when said animal or reptile to a point other than one within the Town limits of Holly Ridge.

For the purpose of this ordinance the term “fowl” shall mean a bird of any kind. A cock or hen of the domestic chicken, an adult hen. Any of several of domesticated or wild gallinaceous birds.

Section 13-2. Violation to house, keep or maintain.

No person, agent or employee thereof shall house, keep or maintain or permit any other person to house, keep or maintain any horse, goat, mule, cow, hog, sheep, pony, donkey, fowl or any offspring of the above. This shall specifically include snakes of any and all sizes, and any wild animals as defined above, within the boundaries of the Town of Holly Ridge, as same may be amended from time to time.

Section 13-3. Penalties

Any person, firm or corporation convicted of a violation of this ordinance shall be guilty of a misdemeanor and shall upon conviction be punished in addition to any other remedy by a fine or not more than fifty dollars ($50.00) or by imprisonment of not more than thirty (30) days, or by both such fine and imprisonment. Each continuing day of violation shall constitute a separate offense. As an alternative or additional penalty, a court may direct the removal of the animals from the Town limits of Holly Ridge.

Section 13-4. Territorial application

This Chapter shall be effective within the contiguous Town limits as well as all annexed areas.
Section 13-5. Duties of animal control officer

(a) The animal control officer shall be responsible for the enforcement within respective jurisdictions of all state and local laws pertaining to the ownership and control of animals and shall cooperate with all other law enforcement officers operating within their jurisdiction in fulfilling this responsibility.

(b) The animal control officer shall also serve as Rabies Control officer. He will implement and enforce the provisions of the state rabies law, including but not limited to the following activities.

1. Collect and impound stray animals.
2. Canvass area of the county for vaccination of dogs/cats. (G.S. 130A-192)
3. Assist practicing veterinarians in the county for vaccination of dogs/cats. (G.S. 130A-192)
4. Maintain the animal shelter, including records of impounded, destroyed, reclaimed and adopted animals (G.S. 130A-192)
5. Provide at the end of each day, upon request, a list containing complete descriptions of all animals impounded.
6. Investigate reports of animal bites to determine, whether based on the findings, confinement or isolation days of observation. (G.S. 130A-196)
7. Investigate reports of animal cruelty or abuse. (Ref. G.S. 67-1 et seq)

Section 13-6. Animal shelter

(a) The Onslow County Health Department shall maintain the County Animal Shelter for the purpose of impounding lost, strayed, abandoned or unwanted animals within the County. These animals are to be held a minimum of five (5) days, unless for specific health reasons the Onslow County Health Director determines it should be reduced to three (3) days which is the minimum allowed by State Law. The Animal Control Office will use every reasonable effort to locate and inform the owners of these animals. (G.S. 130A-1920)

(b) The Animal Shelter may be used for the confinement if an animal following a biting incident or when it becomes vicious or a menace to the public health and the owner does not have a secure place, which is defined by the Health Director. The animal will be quarantined for the appropriate time of observation. (G.S.
Section 13-7. Interference or concealment

(a) Interference. It shall be unlawful to interfere with, hinder, molest, resist, or obstruct employees of animal control or its agents or veterinarians in the performance of any duty authorized by law or ordinance, including removing animals from traps, cages, or other enclosures, except as specifically provided or authorized by Animal Control.

(b) Concealment of animal. It shall be unlawful for any person to conceal, for the purpose of evading the licensing requirement or rabies vaccination requirement of the law or any applicable ordinance, any unlicensed animal from any employee of Animal Control.

Section 13-8. Duty of owner to control animals

All animals within the city/county shall remain under the immediate control of their owner or keeper.

Section 13-9. Running at large

For the purpose of this section running at large shall mean: Any animal while roaming, running or self-hunting off the property of its owner or keeper and not under the immediate control to its owner or keeper.

It shall be unlawful for the owner of any animal to permit such animal, whether licensed or unlicensed, to run at large. Any person who after being notified by any land owner, lessee or officer that his animal is running at large, permits his animal to run at large thereafter shall be deemed to have violated the provisions of this article, with the exception of when the owner is engaged with a dog or dogs in the sport of hunting game or training to hunt game outside the incorporated area. Cats shall be exempt from the provision of Section 4-7(b).

Section 13-10. Public Nuisance

(a) The actions of an animal constitute a public nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of another person’s property.

(b) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance. By way of example and not limited to, the following acts or actions by an owner or possessor of an animal are hereby declared to be a public nuisance and are therefore unlawful:

(1) Having an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with ordinary use and enjoyment of another person’s property.
(2) Allowing or permitting an animal to damage the property of anyone other than its owner/possession, including, but not limited to, turning over garbage containers, or damaging gardens, flowers, or vegetables, or defecating upon the property of another. It shall be unlawful for the owner of any dog to leave its droppings on public streets, sidewalks, Town parks, other Town property of the property of another, without the permission of the owner of the property.

(3) Maintaining the animals in an unsanitary environment which results in offensive odors or is dangerous to the animal or the public health, safety or welfare, or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease.

(4) Maintaining the owner’s property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density, or location of the animals on the property.

(5) Allowing or permitting an animal to bark, whine, howl, crow, cackle, or any other noise that might interfere with the reasonable use and enjoyment of neighboring premises.

(6) Maintaining an animal that habitually or repeatedly chases snaps at or attacks, pedestrians, joggers, animals walked on a leash by owners, bicycles, or other vehicles.

(7) Maintaining an animal that is diseased and dangerous to the public health.

(8) Failing to confine a female dog or cat while in heat in a building or secure enclosure in such a manner that she will not be in contact with another dog or cat or attract other animals; provided, this Article shall not be construed to prohibit the intentional breeding of animals within an enclosed area. (G.S. 67-2)

(9) Upon filing a complaint by a resident for a nuisance described by the complainant, the animal control officer shall endeavor to investigate the complaint, the animal control officer shall endeavor to investigate the complaint within 24 hours. If through investigation these complaints are substantiated, he shall request that the nuisance be corrected within a 24 hour period of notifying the owner/keeper. The animal control officer will make a return visit to determine whether the initial cause of complaint has been corrected and may then institute proper legal procedures if the nuisance has not been abated.

In addition to any other enforcement remedies available under this chapter, if the animal control officer declares an animal to be a nuisance under this Article, then the animal control officer has the authority to order the owner to confine the animal in accordance with the animal control officer’s instruction. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order.
Section 13-11. Mistreatment of animals prohibited

It shall be unlawful for any person to subject or cause to be subjected any animal to cruel treatment or to deprive or cause to be deprived any animal of adequate food and water, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions.

(a) Adequate food and water. No person owning or responsible for any animal may fail to supply the animal with sufficient supply of food and water as prescribed in this Article. (G.S. 19A-23)

(1) Adequate Food. The provision at suitable intervals, not to Exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean.

(2) Adequate Water. A constant access to a supply of clean fresh water provided in a sanitary manner.

(b) Reasonable medical attention. No person owning or responsible for any animal shall fail to provide the animal with reasonable medical attention when the animal is or has been suffering from illness, injury, disease, excessive parasite, or malformed or overgrown hoof.

(c) Proper shelter, protection from the weather and humanely clean condition. No person owning or responsible for any animal shall fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in the Article.

(1) Outdoor Standards. Minimum outdoor standards of shelter shall be as follows:

a. When sunlight is likely to cause heat exhaustion of an animal tied or confined outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

b. If a dog is tied or confined unattended outdoors an artificial shelter with a minimum of three sides and a waterproof roof with a floor above ground with sufficient space to allow for normal sitting, standing, turning, stretching, and sleeping positions, and appropriate to the local climate conditions for the species concerned shall be provided for the health of the animal.

(2) When confinement prohibited. No animal may be confined in a building, enclosure, car, boat, vehicle, or vessel of any kind when extreme heat or extreme cold will be harmful to its health.
(3) Space standards. Minimum space requirements for outdoor enclosures shall include the following:

a. The housing facility shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.

b. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. (Inadequate space may be indicated by evidence of overcrowding, debility, stress, or abnormal behavior patterns.)

(4) Humanely clean conditions. Minimum standards of sanitation necessary to provide humanely clean conditions for outdoor enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt and trash to minimize health hazards.

(5) Properly fitted collar required. An owner or keeper of a dog or cat shall not permit injury or to infliction of pain upon such animal from an improperly fitting or embedded collar.

Section 13-12. Cruel treatment prohibited

a. Molestation, torture, etc. prohibited. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat or treat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal or to cause or procure such action. The words “torture” and “torment” and then the term “cruelly beat or treat” shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, but such terms shall not be construed to prohibit an animal control officer, his agents or veterinarians from euthanizing dangerous, unwanted, or injured animals in a humane manner.

b. Luring, enticing, seizing, molesting, or teasing an animal. It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest, or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper, but such actions of luring enticng and seizing shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulations of this chapter by duly authorized animal control officers. (G.S. 113360. Seq.)

c. Abandonment. It shall be unlawful for any owner or person responsible for any animal to drop or leave such animal on a street, road, highway, or in a public place or on private property with intent to abandon without provision for its
continuous care, sustenance, and shelter. No owner of an animal shall abandon such animal except to relinquish the animal to the animal shelter. If the animal control division finds that an animal has been abandoned, the animal may be impounded. When it has been suspected the animal has been abandoned in a house or within a fenced area, the animal control division must make a reasonable effort to locate the owner or manager of the property. The property will be posted for 72 hours at which time the animal will be removed from the property. If the owner contacts the Animal Control Division to reclaim the animal, an explanation for the animal’s abandonment must be provided to the satisfaction of the animal control supervisor before the animal is reclaimed by the owner. (G.S. 113361.1)

d. Performing animal exhibitions. No person may sponsor, promote, or train a wild or domestic animal to participate in unnatural behavior in which the animal is wrestled, fought, harassed, or displayed in such a way that the animal is abused. This prohibition applies to events and activities taking place in either public or private facilities or property and applies regardless of the purpose of the event or activities and where or not a fee is charged to spectators.

e. Confinement of animals in motor vehicle. No person may place or confine an animal or allow an animal to be placed or confined in a motor vehicle for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food, or water, and such other conditions as may reasonably be expected to cause suffering, disability or death.

(1) After making a reasonable effort to find the driver of a vehicle in which an animal is confined, an employee of the animal control Article, at the direction of the law enforcement officer, may use the least intrusive means to break and enter the vehicle, if necessary, to remove the animal where reasonable cause exists to believe that the animal is in the vehicle in violation of this sub article. (Motor Vehicle and Traffic Laws Chap 12)

(2) The animal control officer removing the animal shall then impound the animal and leave in a prominent place on the motor vehicle a written notice of the animal’s impoundment, a brief description of the animal, and where and when the animal may be reclaimed. The officer may also issue a warning citation for violation of this sub article.

f. Intentionally striking animals with motor vehicle. It shall be unlawful for any person to intentionally strike an animal with an automobile or other vehicle causing injury or death.

g. Authority to use force against animals. Nothing in this Article shall prohibit use of force against an animal which is in the act of causing severe injury on a human being or a domestic animal.
Section 13-13. Notification of injury to an animal

It shall be unlawful for any person who causes injury to an animal (including livestock) including, but not limited to running over or hitting a domesticated animal with any vehicle to fail to notify immediately at least one of the following:

(1) The owner(s) or keeper(s) of the animal (if known or ascertainable with reasonable efforts made to locate the owner or keeper)

(2) An animal control officer

(3) The appropriate police or sheriff’s department, or the animal shelter

Section 13-14. Destruction of animals under limited circumstances

Notwithstanding any other provision of this chapter, an animal that cannot be seized by reasonable and normal means, retrieved by an animal control officer, trapped in a humane, live-capture animal trap, or tranquilized by animal control, may be humanely destroyed in the field upon the authorization of the animal control supervisor.

Section 13-15. Setting humane traps

Animal control is authorized to place, upon request, live animal traps on private or public property to trap and remove stray, at large, unwanted, or nuisance animals, including cats. It is unlawful for any person other than an animal control officer to remove any animal from the trap, or to damage, destroy, move or tamper with the trap. Animal control is authorized to receive and impound animals that are trapped by other agencies or persons within the county.

Section 13-16. Impoundment

It shall be the duty of animal control to seize and impound, subject to the provisions of this chapter, all animals, whether domesticated, found in violation of the provisions of this chapter whether such animal shall be in the immediate custody of its owner or otherwise.

(a) Each animal impounded shall be identified by permanent records which indicates:

1. Date of impoundment;
2. Reason for impoundment;
3. Sex;
4. Color;
5. General description;
6. Breed;
7. Method of acquisition;
8. Identification marks; and
9. Note the presence of tattoos.
(b) Any animal impounded which can be traced to its legal owner. The owner will be notified that the animal is in custody of the animal control. Upon payment of the current impoundment fee and daily maintenance fee, the animal shall be returned to its owner unless otherwise so provided for by the owner in writing. However, the payment of such impoundment fees shall not bar the imposition of any fine which may be imposed for the violations of this chapter. (Ref. G.S. 130A-192)

(c) Animal Control officers are hereby authorized to enter upon any unfenced lot, tract, or parcel of land for the purpose of seizing and impounding any animal found thereon in violation of this chapter. (Ref. G.S. 130A-17)

(d) Any animal which cannot be traced to its legal owner may, after a minimum detention of five (5) days be placed in an adoptive status. No live animal may be released from the shelter either for sale or donation, to research laboratories or related facilities, as breeding stock for puppy mills or wholesales for further resale for use in any illegal entrapment or fighting, or for human consumption. A permanent record describing the final disposition of an animal, date, names, and addresses where applicable, and subsequent fees paid shall be kept at all times. Monies received from fines, fees, or adoptive placement will be turned over to the Onslow County health Department in accordance with county finance policies. (G.S. 130A-192)

(e) When an animal is presented by an animal control officer to an attending veterinarian and when in the professional judgment of that attending veterinarian and when in the professional judgment of that attending veterinarian the animal should be humanely euthanized because it is suffering from disease and or injury, then the attending veterinarian in taking action to euthanize the animal shall be acting as an agent for the county and shall not be held professionally liable for his/her decision to euthanize.

(f) If the owner of any animal impounded under this article shall fail to redeem his/her animal within the time allowed for redemption, any other person may, upon complying with all provisions of this article adopt the animal from the shelter and be the lawful owner of the animal thereafter. (Ref. G.S. 67- et seq. 1)

Section 13-17. Humane euthanasia of certain animals.

Notwithstanding with other provision of this chapter, any animal impounded which is badly injured/wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the animal shelter shall attempt expeditiously to notify the owner or keeper before euthanizing such animal, but if the owner cannot be reached readily and the animal is suffering, the animal control supervisor or his designee may cause the animal to be euthanized at his/her discretion in a humane manner. The animal shelter and animal control Article shall have no liability for euthanizing injured/wounded
or diseased animals.

Section 13-18. Handling of stray animals by public.

It shall be unlawful for any person, without the consent of the owner or keeper, knowingly and intentionally to harbor, keep in possession by confinement or otherwise any animal that does not belong to him/her. Any person in possession of a stray animal shall contact the animal control within 72 hours to arrange for impoundment or provide notification of the “stray animal” description and location and it shall be unlawful for any person, other than the owner or keeper of an animal, to remove the collar, license tag or rabies tag from around the neck of the animal.

Section 13-19. Relation of chapter provisions to state hunting laws.

Nothing in this chapter is intended to conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting, but this exception applies while the dogs are under the control of the owner or keeper, or competent person and are actually lawfully being used for hunting or training in compliance with applicable statues, regulations, or ordinances. This chapter should be read and enforces consistent with any such law.

Section 13-20. Wild animals

No person shall keep or permit to be kept on his premises any dangerous wild animal. This article shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

ARTICLE II. RABIES AND VACCINATION

Section 13-21. Compliance with state rabies laws

(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. (Ref. G.S. 130A, Art 6, Pt. 6)

(b) It is the purpose of this chapter to supplement the state law by providing procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

Section 13-22. Vaccination

(a) It shall be unlawful for any person to keep, harbor or have in his custody or control for longer than fourteen (14) days a dog/cat four (4) months old or older unless such dog/cat has been vaccinated with rabies vaccine, approved by the United States Department of Agriculture. A certificate must be signed by a licensed veterinarian specifying the vaccine used, the rabies tag number, the sex and breed of the dog/cat and name of owner.
(b) Should it be deemed necessary by the County Health Director or the County Board of Health that other animals be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for any owner or keeper to fail to provide current vaccination against rabies for the dog/cat and for the animal designated.

(c) All rabies vaccines shall be administered by a licensed veterinarian or a certified rabies vaccinator who may be appointed by the County Health Director.

(d) The owner of a dog or cat not having an attached current rabies vaccination tag must produce a valid and current rabies vaccination tag or form within 72 hours of demand by any animal control officer or law enforcement officer. Failure to produce the tag or form under this subparagraph is a separate offense for each animal owner by such owner.

Section 13-23. Wearing of collar and tags.

(a) It shall be unlawful for any dog or cat owner or keeper to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this Article is securely attached. The collar or harness, with attached tag, must be worn at all times, except during the time the dogs are performing at show, obedience trials, tracking test, field trial, training school or hunting or other event sanctioned and supervised by a recognized organization.

(b) Impoundment for not wearing tag. In addition to all other penalties as prescribed by law, a dog or cat is subject to impoundment in accordance with the provision of this chapter if the dog or cat is not wearing a current rabies tag or if the owner of the animal cannot produce sufficient written evidence of current rabies vaccination.

(c) Use of another animal’s tag prohibited. It shall be unlawful for any person to use for any animal a rabies vaccination tag issued to another animal. (Ref: 130A-192)

ARTICLE III. KEEPING OF LIVESTOCK


a. For the purpose of this ordinance the term “animal” shall encompass horses, goats, mules, cows, hogs, sheep, ponies, donkeys, fowl or any offspring of the above. This shall also specifically include snakes of any and all sizes. Fowl means a bird of any kind. The term "fowl" includes, but is not limited to, a cock or hen of the domestic chicken, an adult hen; any of several of domesticated or wild gallinaceous birds.
b. House, keep or maintain: For the purpose of this ordinance, the term of phrase “house, keep, or maintain” shall mean the permanent or temporary keeping, maintaining, holding, securing, feeding, caring for, sheltering, or otherwise having custody of any and all subject animal or reptile for any purpose and under any circumstances unless same is caged or otherwise confined in a trailer or other movable type storage container when said container or trailer is affixed to a motor vehicle when said animal or reptile to a point other than one within the Town limits of Holly Ridge.

**Section 13-25. Prohibited keeping of livestock**

No person, agent or employee thereof shall house, keep or maintain or permit any other person to house, keep or maintain any animal as defined in this ordinance, within the boundaries of the Town of Holly Ridge, as same may be amended from time to time.

**Section 13-26. Penalties**

Any person, firm or corporation convicted of a violation of this ordinance shall be guilty of a misdemeanor and shall upon conviction be punished in addition to any other remedy by a fine of not more than fifty dollars ($50.00) or by imprisonment or not more than thirty (30) days, or by both such fine and imprisonment. Each continuing day of violation shall constitute a separate offense. As an alternative or additional penalty, a court may direct the removal of the animals from the town limits.