

CHAPTER 10

ANIMAL CONTROL
(Amend. 9/24/2002)

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ARTICLE I**DEFINITIONS**Section 10-1 Definitions

Unless otherwise specifically provided or unless otherwise clearly required by the context, the following words and phrases shall have the meaning indicated when used in this chapter:

(1) Administrator: The Animal Control Officer or any other person designated by the manager to perform the responsibilities assigned by this chapter to the administrator.

(2) Adequate Food: The provision in a sanitary manner a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to the extent practicable) 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.

(3) Adequate Shelter: A shelter or containment area that (i) will keep a non-aquatic animal dry, out of the direct path of winds and out of the direct sun, at a temperature level that is healthful for the animal; (ii) is free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris; and (iii) provides a suitable method of drainage to eliminate accumulating excess water or moisture. For dogs, cats and other small animals, the shelter shall be a windproof and moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat. The shelter shall include four walls, a roof and a solid floor raised up off the ground, with an opening entrance large enough to allow access to the animal, but placed in such a way as to keep the animal out of the direct path of winds. Metal barrels do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, or the equivalent. As applied to aquatic or semi-aquatic animals the term means a containment area that has an adequate amount of clean water to enable the animal to move about.

(4) Adequate Water: A constant access to a supply of clean, fresh water provided in a sanitary manner. In near or below freezing temperatures the water must be changed frequently to prevent freezing.

(5) Animal: Any live, vertebrate creature specifically including but not limited to dogs, cats, livestock, birds, fish and reptiles.

(6) Animal Shelter: A place provided and operated by Carrboro directly or by contractual agreement, whether jointly with other governmental agencies or independently, for the restraint, care, adoption and disposition of animals.

(7) Competent Person: A person of suitable age who is physically and mentally capable of keeping an animal under sufficient restraint and control in order to prevent harm to the animal, to persons and other animals.

(8) Cruel Treatment: Every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted. Such acts or omissions shall include, but not be limited to, kicking, beating, hanging, submerging under water, suffocating, poisoning, setting on

fire, and depriving of food, water, exercise and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare. Such terms, however, shall not be construed to include lawful taking of animals under the jurisdiction and regulations of the Wildlife Resources Commission, lawful activities sponsored by agencies conducting biomedical research or training, and lawful activities for sport.

(9) Display: Display shall mean any exhibition, act, circus, public show, trade show, photographic opportunity, carnival ride, parade, race, performance, or similar undertaking in which animals are required to perform tricks, fights, wrestle or participate in performances for the amusement or entertainment of an audience, whether or not a fee is charged. "Display" shall not include the use or exhibition of animals for animal-related educational purposes by non-profit groups or institutions or individuals. "Displayed" means to be the subject thereof.

(10) Domestic Animal: A domesticated or tame animal that is kept principally as a pet, except that livestock (other than rabbits kept as pets and not for productive purposes) and wild animals shall not be regarded as domestic animals.

(11) Educational Purposes: Teaching and instructing with the intent and effect of imparting knowledge to others.

(12) Exposed to Rabies: An animal has been exposed to rabies within the meaning of this ordinance if it has been bitten by, or otherwise come into contact with the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis.

(13) Harbor: An animal shall be deemed to be harbored if it is fed or sheltered by the same person or household for seventy-two (72) consecutive hours or more.

(14) Keeper: A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person, whether or not that person literally "owns" the animal. Every person 18 years or older residing in the dwelling unit where a pet is harbored and/or kept shall be deemed a keeper for purposes of this ordinance.

(15) Livestock: Animals raised for the production of meat, milk, eggs, fiber or used for draft or equestrian purposes, including but not limited to horses, mules, cows, pigs, goats, llamas, ostriches, sheep, fowl (such as chickens, ducks, turkeys, etc.), rabbits, and all other animals that typically are kept primarily for productive or useful purposes rather than as pets.

(16) Leash-free Area: An area of Town owned property within the Town Limits of Carrboro designated by the Board of Aldermen upon which animals may be permitted to go free from physical restraint.

(17) Owner: Any person who owns any animal.

(18) Person: Any individual, family, group of individuals, corporation, partnership, organization, or institution recognized by law as a person.

(19) Restraint: An animal is under restraint if its movement is physically controlled by use of a leash, lead, cage, or bridle which restrains and controls the animal, or if it is within a vehicle from which it cannot escape without assistance.

(20) Running at Large: Any animal shall be deemed to be running at large when it is off the real property of its owner or its keeper, and not under the restraint of a competent person. For purposes of this definition, the term "real property of its owner or keeper" shall include any property owned or occupied by the owner or keeper of such animal but shall not include any of the common areas (including without limitation, walks, drives, recreation and open space areas, etc.) within any subdivision or multifamily residential development.

(21) Secure Enclosure: An enclosure from which an animal cannot escape by means of digging under or jumping over the enclosure, or otherwise becoming free unless freed by the owner or keeper. A motor vehicle shall not constitute a secure enclosure. Minimum space and height requirements and other specifications for secure enclosures shall be obtained from the Animal Control Administrator based on breed, age, height, weight, temperament, and history of the animal.

(22) Suspected of having Rabies: An animal which has bitten a person or another animal.

(23) Wild or Exotic Animal: An animal (other than livestock) that typically is found in a non-domesticated state and that, because of its size or vicious propensity or because it is poisonous or for any other substantial reason, poses a potential danger to persons, other animals or property, including, without limitation, any of the following, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species:

- (a) Non-human primates and prosimians;
- (b) Felids, except domesticated cats;
- (c) Canids, including wolf hybrids, except domesticated dogs;
- (d) Ursids (bears);
- (e) Elephants;
- (f) Marine mammals (such as whales, seals, sea lions, dolphins and others);
- (g) Crocodylians (such as alligators and crocodiles);
- (h) Marsupials (such as kangaroos and opossums);
- (i) Snakes and reptiles (poisonous, giant and crushing);
- (j) Ungulates (such as hippopotamus, rhinoceros, giraffe, zebra, deer);
- (k) Hyenas;
- (l) Mustelids (such as skunks, weasels, otters and badgers);
- (m) Procyonids (such as raccoons and coatis);
- (n) Endentates (such as anteaters, sloth and armadillos);
- (o) Viverrids (such as mongooses, civets and genets); and
- (p) Camels

ARTICLE II**TAXATION AND TAGS****Section 10-2 Privilege Tax on Dogs and Cats.**

(a) The owner of every dog or cat over four (4) months of age that is kept within the town shall annually pay to the town (through Orange County Animal Control) a tax on the privilege of keeping such animal within the town.

(b) The amount of the tax shall be established annually as part of the annual budget ordinance adoption process.

(c) In order to further the goal of controlling animal population, the tax on unspayed or un-neutered dogs and cats shall be higher than that of spayed or neutered animals.

Section 10-3 Tax Administration:

(a) The town shall contract with Orange County to administer the tax provided for in this article.

(b) The owner of every dog and cat over four months of age that is kept within the town shall, within thirty (30) days after such animal is located within the town or reaches the designated age, register such animal with Orange County Animal Control.

(c) The tax year for purposes of the tax levied under this article shall be a twelve (12) month period determined by Orange County.

(d) The tax shall be paid within the period of time specified in the tax notice sent by Orange County.

Section 10-4 Rabies and Identification Tags:

(a) In accordance with 130A-185, the owners and keepers of all dogs and cats over four (4) months of age shall have the animal vaccinated against rabies.

(b) In accordance with G.S. 130A-190 and G.S. 130A-192, the owners and keepers of all dogs shall cause such animals to wear a valid rabies tag. Cats shall not be required to wear the rabies tag.

(c) The owners or keepers of all dogs shall additionally cause such animals to wear an identification tag indicating the owner or keeper's name, current address and telephone number. In addition, microchips are valid for identification purposes.

(d) The owners or keepers of all cats shall cause such animals to wear a collar indicating the owner or keeper's name and telephone number or a collar with an identification tag including, but not limited to, the owner or keeper's name and telephone number, or a valid rabies tag. In addition, microchips are valid for identification purposes.

ARTICLE III

LIVESTOCK AND WILD ANIMALS

Section 10-5 Permits:

(a) No person may keep or display within the town any wild or exotic animal as defined in 10-1(23) of the Town Code. (See Section 10-25(n)). In addition, no person may display snakes or reptiles of any kind.

(b) No person may keep within the town any permissible livestock over four (4) months of age except in accordance with a permit issued pursuant to subsection (c).

(c) Subject to subsections (d) and (e), no permit may be issued for any livestock unless the applicant for the permit demonstrates that the livestock will be kept on a tract of land that satisfies each of the following conditions:

(1) The tract shall consist of at least 40,000 square feet of land under single ownership or control.

(2) There shall be at least 20,000 square feet of land per animal.

(3) No fence, coral, or other similar enclosure shall be erected within 15 feet of any property line.

(4) No barn, stable or similar structure used for the keeping of livestock other than rabbits or fowl shall be erected or maintained within 50 feet of any property line or street-right-of-way.

(5) No barn, cage, pen, or similar structure used for the keeping of rabbits or fowl shall be erected or maintained within 15 feet of any property line or street right-of-way line.

(d) The provisions of subsection (c)(3), (4) and (5) shall not preclude the establishment, with the consent of the affected adjoining property owners, of a commonly owned or used fence, barn or other enclosure, all of which is located along or near a common property line.

(e) The provisions set forth above in (c)(1) and (c)(2) shall not apply to rabbits and fowl. However, no permit may be issued for rabbits or fowl unless the provisions of (c)(3) and (c)(4) are complied with and unless the permit applicant demonstrates compliance with the following conditions:

(1) The tract where such livestock are kept shall consist of at least 10,000 square feet.

(2) Such livestock may be kept only (i) on a lot used for residential purposes and only for the consumption of persons who reside at that lot, or (ii) on a common open space area within a residential development with the written permission of the owner of such common space land accompanied by a copy of association minutes reflecting the approval decision, and only for the

(e1) The provisions of subsection (c)(1) through (5) shall not apply to "fainting goats." However, no permit may be issued for a person to keep fainting goats unless the permit applicant demonstrates compliance with the following conditions: (Amend. 8/25/09)

- (1) The tract where such livestock are kept shall consist of at least 25,000 square feet;
- (2) Such livestock may be kept only on a lot used for residential purposes and only for the consumption of persons who reside at that lot; such livestock may not be kept for commercial purposes;
- (3) No more than two (2) fainting goats may be kept on a single tract or lot;
- (4) Any person wishing to keep fainting goats on their property must seek and obtain a permit to do so;
- (5) The Administrator shall issue the permit required by this section unless he finds:
 - (1) The applicant has failed to comply with subsection (e1);
 - (2) The animal(s) for which the permit is requested poses a substantial danger of harm to any person, animal or property;
 - (3) The animal(s) for which the permit is requested is likely to or does interfere with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons;
 - (4) The animal(s) for which the license is requested otherwise constitutes a threat to the public health or safety.

(f) After compliance with subsection (g), the administrator shall issue the permit required by this section unless he finds that:

- (1) The applicant has failed to comply with subsection (c);
 - (2) The animal for which the permit is requested poses a substantial danger of harm to any person, animal, or property.
 - (3) The animal for which the permit is requested is likely to or does interfere with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons.
 - (4) The animal for which the license is requested otherwise constitutes a threat to the public health or safety.
- (g) Before issuing a permit under this section, the Administrator shall notify the applicant and the applicant's immediate neighbors by any convenient means of a date and time when they may be heard on the question of whether a permit should be issued. After the hearing, the Administrator shall set forth in writing his reasons for the issuance or denial of the permit and shall furnish a copy thereof to any person

requesting the same. Any person aggrieved by the issuance or denial of a permit under this section appeal such decision to the Animal Control Board Appeals pursuant to Section 10-38 (except that the burden of demonstrating that the administrator erred shall be on the appellant). (Amend. 8/25/09)

Section 10-6 Applicability:

(a) The provision of this article shall not apply to any livestock present within the town (or present on property that is subsequently annexed) on the effective date of this ordinance, or to replacements for such livestock, or to animals born to such livestock. However, additional livestock may not be added unless all of the provisions of this article are complied with.

(b) The provisions of this article are subject to the provisions of G.S. 106-701.

Section 10-7 Revocation of Permit:

(a) A permit issued in accordance with this section may be revoked by the administrator after notice and hearing, for any reason that would have justified denial of the permit in the first instance.

(b) If the administrator denies or revokes a permit in accordance with this section, he shall notify the owner of the animal of his right to appeal such decision in accordance with Section 10-38.