

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: GENERAL NUISANCES

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Statutory reference:

*Abatement of public health nuisances,
see G.S. ' 160A-193*

' 90.01 UNLAWFUL JUNK STORAGE.

(A) The existence of any junked, inoperative or abandoned ice box, freezer, refrigerator, stove, washer, dryer, glass, building material, building rubbish or similar items or appliances, in an area which is visible from any public street or highway, or from the premises of any adjoining property owner is declared to be dangerous and prejudicial to the public health and safety.

(B) It shall be unlawful for any person to keep, store or knowingly permit the keeping or storing of, on any property in the town, owned by or under the control of the person, any junked, inoperative or abandoned ice box, freezer, refrigerator, stove, washer, dryer, glass, building material, building rubbish or similar items or appliances, in an area which is visible from any public street or highway, or from the premises of any adjoining property owner.
(1993 Code, ' 83.01) Penalty, see ' 10.99

' 90.02 NUISANCE CONDITIONS.

The existence of any of the following conditions

on any lot, vacant or occupied, within the corporate limits is declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(A) The uncontrolled growth of noxious weeds or grass to a height in excess of 12 inches, when measured from the ground, at a minimum of three separate locations within 20 feet, but not less than ten feet, apart from each other.

(1) These provisions do not apply to individual or intermittent blades, spikes or stalks exceeding 12 inches, unless there are more than 20 blades, spikes or stalks exceeding 12 inches located within a one square foot area.

(2) Areas located within two feet of and/or inside of recognizable wooded areas are exempt from the provisions of division (A) above. Areas within two feet of and/or inside of active or dormant garden plots are also exempt from the provisions of division (A) above;

(B) Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health;

(C) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health; or

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(D) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.
(1993 Code, ' 83.02)

' 90.03 INVESTIGATION.

The Town Manager, or his or her designee, upon notice from any person of the possible existence of any of the conditions described in " 90.01 or 90.02 above, shall cause to be made by the appropriate County Health Department official, and/or town official, the investigation as may be necessary to determine whether conditions exist which may constitute unlawful junk storage as declared in ' 90.01 above or a public nuisance as declared in ' 90.02 above.
(1993 Code, ' 83.03)

' 90.04 NOTICE OF VIOLATION; HEARING.

(A) If it appears that the conditions exist, the Town Manager, or his or her designee, shall cause to be delivered or mailed to the owner of property upon which the conditions exist, a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the Town Manager, or his or her designee, at a place therein fixed, not less than ten nor more than 30 days after the delivery or mailing of the notice.

(B) The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence at the place and time fixed in the notice. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearings.
(1993 Code, ' 83.04)

(A) If the owner, having been ordered to abate the unlawful junk storage or public nuisance, fails, neglects or refuses to abate or remove the unlawful junk storage or public nuisance= within eight days from receipt of the order, or within another designated time limit as authorized by ' 90.05(B) above, the Town Manager shall cause the condition to be removed or

' 90.05 NOTICE TO ABATE.

(A) If a determination is made, at the notice of violation hearing, that the conditions constituting unlawful junk storage, as declared in ' 90.01 above, or a public nuisance, as declared in ' 90.02 above, exist, the Town Manager, or his or her designee, shall notify, in writing, the owner of the premises in question of the conditions constituting the unlawful junk storage or public nuisance and shall order the prompt abatement thereof within eight days from the receipt of the written notice. The nuisance condition described in ' 90.02(A) above may be abated only by mowing or cutting the grass to a height not exceeding four inches.

(B) If the Town Manager, or his or her designee, determines that unusual circumstances exist that prevent the owner from abating all of the conditions constituting unlawful junk storage or a public nuisance within eight days, the Town Manager, or his or her designee, may use his or her own discretion in determining the length of time allowed for prompt abatement of the unlawful junk storage or public nuisance.

(C) For the purposes of this chapter, the term *UNUSUAL CIRCUMSTANCES* means that the unlawful junk storage or public nuisance was caused by one of the following occurrences and, therefore, cannot be abated within eight days, due to the complexity of the abatement process:

- (1) Fire;
 - (2) Storm or adverse weather; or
 - (3) Other natural disaster.
- (1993 Code, ' 83.05)

' 90.06 ABATEMENT BY TOWN.

otherwise remedied by having employees of the town to go upon the premises and remove or otherwise abate the nuisance, under the supervision of an officer or employee designated by the Town Manager, or shall hire a contractor to cause the condition to be removed.

(B) Abatement activity by the town, in

compliance with the provisions of this chapter, justifies remedial activity by the town as to the entire applicable property, and not just the testing site. Any person who has been ordered to abate unlawful junk storage or a public nuisance may, within the time allowed by this chapter, request the town, in writing, to remove the condition, the cost of which shall be paid by the person making the request.

(1993 Code, ' 83.06)

' 90.07 COSTS OF ABATEMENT; LIEN.

(A) The actual cost incurred by the town in removing or otherwise remedying unlawful junk storage or a public nuisance, plus an administrative fee of \$30, shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the Town Manager, or his or her designee, to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.

(B) In the event charges for the removal or abatement of unlawful junk storage or a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in division (A) above, the charges shall become a lien upon the land or premises where the unlawful junk storage or public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. ' 160A-193.

(1993 Code, ' 83.07)

' 90.08 PROCEDURE NOT EXCLUSIVE.

The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of unlawful junk storage or public nuisances and this chapter shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. ' 14-4.

(1993 Code, ' 83.08)

CHAPTER 91: STREETS AND SIDEWALKS

Section

General Provisions

- 91.01 Board approval of new streets
- 91.02 Obstructing streets
- 91.03 Littering on streets and sidewalks
- 91.04 Objects remaining on sidewalk overnight

Excavation and Repair

- 91.15 Excavations; permit required
- 91.16 Application; fees
- 91.17 Street repair; after excavation
- 91.18 Excavations; leaving unprotected
- 91.19 Streets not to be damaged by tractors or harrows
- 91.20 Sidewalk construction
- 91.21 House moving
- 91.22 Damage to town property
- 91.23 Driveways; permit required

Cross-reference:

Parking on sidewalks, see ' 70.12

Statutory reference:

Establishment and control over town streets, see G.S. ' 160A-296

GENERAL PROVISIONS

' 91.01 BOARD APPROVAL OF NEW STREETS.

Before any new street offered for dedication to the town is accepted as such, and officially recognized as a town-maintained street, the Board must give its approval, finding that the street complies with engineering standards set by the Board, and that the best interests of the town would be served by accepting the street as a town street.
(1993 Code, ' 40.01)

' 91.02 OBSTRUCTING STREETS.

It shall be unlawful for any person to obstruct any street, sidewalk, alley or public road within the corporate limits without the permission of the Mayor or Board of Commissioners.
(1993 Code, ' 40.02) (Ord. 5, passed - -) Penalty, see ' 10.99

' 91.03 LITTERING ON STREETS AND SIDEWALKS.

It shall be unlawful for any person, firm or corporation to place, throw or dump any paper, circular, handbill, advertising matter, trash or any other thing or substance of like kind upon any street, alley, square, park, sidewalk or other public place in the town or to distribute or place any such paper, circular, handbill, advertising matter or other substance upon or within any porch, automobile, vehicle, back lot or other public place in the town in a manner as the same may be readily moved or dislodged or blown from the position where so placed by the wind or for other cause to public streets or sidewalks of the town.
(1993 Code, ' 40.03) (Ord. 23, passed - -) Penalty, see ' 10.99

' 91.04 OBJECTS REMAINING ON SIDEWALK OVERNIGHT.

No object or display may remain overnight on any sidewalk, pedestrian way or other exterior areas intended for public pedestrian traffic unless that object or display is placed immediately adjacent to a building, extends no more than 38 inches into the pedestrian way, is no more than 48 inches in height, and is adjacent to the premises of the person who places that object or display.

(1993 Code, ' 40.04) (Ord. 142, passed 6-3-1991) Penalty, see ' 10.99

EXCAVATION AND REPAIR

' 91.15 EXCAVATIONS; PERMIT REQUIRED.

No person shall make any excavation or opening or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk or other public place for the purpose of laying or placing therein any pipe, wires or poles or for any other purposes unless a written permit therefor has been issued by some officer of the town vested with proper authority, provided, that a permit shall not be required where the work is performed under a contract with the town, but in the event the work requires a sidewalk or street to be wholly or partially obstructed, the party performing the work shall notify the town at least two hours before obstructing the sidewalk or street, unless prevented by sudden emergency.

(1993 Code, ' 40.15) Penalty, see ' 10.99

' 91.16 APPLICATION; FEES.

All persons desiring a permit to make an opening in any street or sidewalk, as set forth in ' 91.15 above, shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor and the approximate number of square yards of surface to be cut. A fee may be required by the Board for the permit.

(1993 Code, ' 40.16) Penalty, see ' 10.99

' 91.17 STREET REPAIR; AFTER EXCAVATION.

When any part of any street, sidewalk, alley or other public place of the town shall be torn or dug up for any purpose, the person making the excavation or opening shall have the duty of refilling the excavation or opening, and the refilling shall be done in accordance with the standards and specifications of the town.

(1993 Code, ' 40.17) Penalty, see ' 10.99

' 91.18 EXCAVATIONS; LEAVING UNPROTECTED.

It shall be unlawful for any person, firm or corporation who obtains a permit under the sections of this chapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk or public place of the town without placing and maintaining proper guard rails three feet from the ground and signal lights or other warnings at, in or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries on account of the excavation or work.

(1993 Code, ' 40.18) Penalty, see ' 10.99

' 91.19 STREETS NOT TO BE DAMAGED BY TRACTORS OR HARROWS.

(A) It shall be unlawful for any person, firm or corporation to drag, or run or cause to be dragged or run any, harrow or other implement, engine, machine or tool on any asphalt or other type of permanently paved street of the town which shall be likely in any way to injure or cut the surface thereof.

(B) Any person violating division (A) above shall be liable to the town for the cost of repairing any and all damage caused.

(1993 Code, ' 40.19) Penalty, see ' 10.99

Cross-reference:

Damage to town property, see ' 91.22

Injury to public property generally prohibited, see ' 130.03

' 91.20 SIDEWALK CONSTRUCTION.

No sidewalk of any description shall be built by any individual, firm or corporation of any brick, wood or other material without a written permit from the town.

(1993 Code, ' 40.20) Penalty, see ' 10.99

' 91.21 HOUSE MOVING.

No person shall move any house or building on or across the public streets or sidewalks without the written consent of the Board and the deposit of a good and sufficient bond to cover damage done to any street or sidewalk or to any property of any person.

(1993 Code, ' 40.21) Penalty, see ' 10.99

' 91.22 DAMAGE TO TOWN PROPERTY.

(A) No person shall injure, tamper with, remove, paint on or deface any bridge, culvert, ditch and drain, sign, sign post, street light, traffic signal, bulletin board or other town property on the streets and sidewalks or elsewhere except employees of the town in the performance of their duties.

(B) It shall be unlawful for any person to willfully and wantonly injure any sidewalk, pavement or other property belonging to the town. It shall also be unlawful for any person to wantonly injure any gate, sign, building or other property situated in the town and owned by private individuals.

(1993 Code, ' 40.22) (Ord. 6, passed - -) Penalty, see ' 10.99

' 91.23 DRIVEWAYS; PERMIT REQUIRED.

No person shall begin to construct, reconstruct, repair, alter or grade any driveway on the public streets, unless a written permit therefor has been issued by the town.

(1993 Code, ' 40.23) Penalty, see ' 10.99

CHAPTER 92: CEMETERIES

Section

Section 92.01 Definitions

- 92.02 Purchase of cemetery lots
- 92.03 Burial permit; digging of graves
- 92.04 Right of Internment of Owner's Declaration of Reservation
- 92.05 Cemetery Supervisor; appointment; duties
- 92.06 Trees and shrubs; other improvements
- 92.07 Prohibited acts
- 92.08 Vehicles regulated
- 92.09 Lot regulations
- 92.10 Erection of grave markers
- 92.11 Contractors to remove debris upon completion of work
- 92.12 Layout of cemetery; sections; quadrants
- 92.13 Deed

Statutory reference:

*Town establishment and operation of
cemeteries, see G.S. " 160A-341 et seq.*

' 92.01 DEFINITIONS

- (A) "Burial" means entombment, internment, or interment and "bury" means to entomb, intern, or inter.
- (B) "Cemetery" means any location for burial of human remains in the town.
- (C) "Cremation" means the disposal of a dead person's body by burning it to ashes
- (D) "Cremains" means the ash remains of a cremated human body
- (E) "Gravesite, Plot, Lot" means a single grave site or plot whether occupied or not by human remains.
- (F) "Human remains" means the body of a deceased individual.
- (G) "Monument" means any tombstone or memorial of granite, or other material, which shall extend above the surface of the ground
- (H) "Marker" means a memorial flush with the ground

(I) "Owner's Declaration of Reservation" shall apply to the document executed by the owner designating and specifying the person or persons entitled to burial in the lot or plot for which a certificate of ownership is held.

(Ord. passed 5-11-2018)

' 92.2 PURCHASE OF CEMETERY LOTS.

(A) The Town Manager, or his or her designee, is hereby authorized, on behalf of and in the name of the town, to sell and convey would-be purchasers, any and all of the plots in the town-owned cemetery upon presentation of documentary evidence determined by the Town Manager or his or her designee to satisfactorily establish the would-be purchaser's identity and eligibility on the basis of ownership of real property within the town limits of the town and/or residency in the town, upon payment in full of the purchase price for plots, as established by the Board of Commissioners.

(B) The cost of lots in the cemetery shall be as from to time established by the Board of Commissioners.

(C) All persons desiring to purchase a lot in the town cemetery shall apply to the Town Manager, or his or her designee. Upon payment of the fixed price for each lot, the Town Manager, or his or her designee, shall cause a deed or other instrument of conveyance to be given to the purchaser.

(D) No grave space shall be opened until the entire purchase price of the grave has been paid.

(E) Grave site(s) may only be purchased in accordance with the rules and regulations laid out in the standard operating guidelines utilized by the Supervisor of the cemetery, and approved by the Town Manager.

(F) No lot or grave site in the cemetery shall be sold by the owner thereof, unless it is sold to the Town at the same price that the owner paid for the plot or grave site.

(Ord. 186, passed 7-19-2007; Amended 5-11-2018) Penalty, see ' 10.99

' 92.03 BURIAL PERMIT; DIGGING OF GRAVES.

(A) No grave may be opened and no burial may take place without a written permit issued by the Cemetery Supervisor.

(B) All graves shall be dug under the supervision of the Cemetery Supervisor, or any designee approved by the Town Manager.

(C) (1) Application for the permit authorized by this section shall be made at least 8 hours prior to the opening of the grave.

(2) This application shall be submitted in writing, and unless the application is made to permit the internment of the person who owns the burial right for the space requested, it must be accompanied by a

written statement signed by the owner of the space authorizing the use of the space. See Section 92.04

(D) A fee shall be charged for this service, as established and revised from time to time by resolution of the Council upon recommendation of the Manger.

(E) Differential fees may be established according to whether the deceased for whom the space is dug was, at the time of death, a resident of the town and whether the grave must be dug during the normal work week.

(F) A concrete liner or commercial type vault is required for all graves. The minimum requirements for concrete liners shall be one and one-half inch sidewall thickness, two-inch top thickness, two-inch bottom thickness, and 3,000 PSI. The minimum requirements for a steel vault shall be a 12-gauge thickness top, sides and bottom. Wooden or other short-term liners are prohibited.

(G) The permit required by this section shall be issued if the application contains the information specified in this section and if all fees and charges authorized by this chapter have been paid.

(Ord. 186, passed 7-19-2007; Amended 7-10-2012; Amended, 5-11-2018) Penalty, see ' 10.99'

92.04 RIGHT OF INTERNMENT OF OWNERS DECLARATION OF RESERVATION

(A) At the time of a purchase of a lot, or group of lots, or at any time thereafter during the purchaser's lifetime, and in accordance with the rules and regulations established by the Town of Robbins, the owner, or owners of any such plot may execute a Declaration of Reservation, therein specifically designating the persons entitled to be buried in any or all of the plots in said plot, or vesting the right of designation for unreserved plots in a named person.

(B) The owner, or owners, of any lot may in the Declaration of Reservation limit the persons entitled to be buried in said lot to those persons designated in the Declaration of Reservation

(C) In the event the owner, or owners, fails to designate burial rights as to each plot in said lot, or fail to limit burials in said plot to those designated in the Declaration of Reservation, then, as to the plots not designated, the right of burial shall be provided in Sub-section (E) hereof.

(D) Upon application by any person for interment of a body in a given plot, the burden of proof as to the identity of the person to be interred rests upon the applicant; and no liability shall rest upon or chargeable to the Town of Robbins in case of false statement in said application; but the Town will make diligent effort to see that only persons entitled to be buried in a given plot are so interred.

(E) In the absence of a Declaration of Reservation, the owner's surviving spouse or the children of the owner and surviving spouse, the right of interment shall be in the following order:

(1) One plot, shall be forever reserved for the owner and one for the owner's surviving spouse, if any.

(2) The remaining plots shall be allocated to the following persons in the order of their death and a request for burial, to wit:

(i) The children of the owner, or owners, and their respective spouses

(ii) Lineal descendants of the owners, or owners, and their respective spouses.

(iii) Parents of the owner, or owners.

(3) Burial by others will be permitted if a notarized affidavit, signed by a surviving relative, or legal appointee for the estate, is presented which indicates that the deceased individual has the right to be buried and has permission from the owner, or his or her heirs, to be buried in a plot. Burden of proof remains with the applicant and no liability shall rest upon or chargeable to the Town of Robbins in case of false statement.

'92.05 CEMETERY SUPERVISOR; APPOINTMENT; DUTIES.

(A) There shall be a Supervisor of the cemetery, to be appointed by the Town Manager, to whom shall be delegated the supervision of the cemetery. The Cemetery Supervisor shall have charge over the upkeep, protection and preservation of the cemetery. He or she shall supervise the digging of all graves. He or she shall supervise the interment and disinterment of bodies, the erection of monuments and markers, the grounds maintenance of the cemetery and the planting of any shrubbery, trees and flowers. The Cemetery Supervisor shall not contract any debt or expend any money without first having obtained the consent and approval of the Town Manager, or his or her designee.

(B) The Town Manager, or his or her designee shall maintain a record book, in which he or she shall enter a correct and complete itemized record of all cemetery lots that have been sold.

(C) The Manager, or his or her designee, shall maintain an accurate map of the cemetery. The map shall depict all lots in the cemetery, those that have been sold and those that are for sale. The Supervisor of the cemetery shall ensure that the map is accurate, at all times, as to the marking of lots that have been sold. The marking system shall be as established by the Manager or his or her designee.
(Ord. 186, passed 7-19-2007; Amended 5-11-2018)

' 92.06 TREES AND SHRUBS; OTHER IMPROVEMENTS.

(A) No person shall plant or set any tree, shrub, flower, grass or other plant of any kind in the cemetery except with the approval of the Town Manager or his or her designee.

(B) The Town Manager, or his or her designee, may enter any lot and remove or trim any tree, shrub or other plant that encroaches upon any other lot or any walkway, or driveway, or other part of the cemetery. The pruning or cutting of all trees and shrubbery is prohibited except under the authority of the Cemetery Supervisor

(C) All grading, landscaping and improvements of every kind shall be made or done only by the Town Manager, or his or her designee.

(D) (1) The Cemetery Administrator may remove from the cemetery all floral designs, flowers, weeds or plants of any kind from the cemetery as soon as they deteriorate or otherwise become unsightly.

(2) Seasonal flowers used in floral decorations may be used in the cemetery. However, seasonal flowers used in floral decorations will be removed and disposed of by the Cemetery Administrator 2 weeks prior to Christmas, Easter and Memorial Day.

(Ord. 186, passed 7-19-2007: Amended 5-11-2018) Penalty, see ' 10.99

' 92.07 PROHIBITED ACTS.

(A) It shall be unlawful for any person to do anything to disturb the quiet, repose and good order of the cemetery. Nor shall any person deface, remove, disturb, injure or destroy any tree, plant or shrub therein, except in the manner herein provided.

(B) No person shall throw, deposit, bring or leave any trash, filth, offensive or unclean matter or substance into the cemetery.

(C) It shall be unlawful for any person to walk dogs that are leashed or unleashed in the cemetery, with the exception of service dogs

(D) No person may bury or cause to be buried the body of any deceased person within the town limits in any place other than a church cemetery operated by a governmental entity or a private cemetery licensed specifically exempted from licensing according to the North Carolina Cemetery Act (G.S. Ch. 65 Article 9).

(E) No person may intentionally disrupt any funeral services or disturb the quiet and good order of any cemetery by extremely loud or boisterous conduct. Except in the case of military funerals and veterans or military commemorative exercises, no person may carry or discharge firearms in any cemetery.

(F) No person may post or attach any bills, posters, placards, pictures or other form of political or commercial advertising within the cemetery or on the inside or outside of any wall or fence enclosing any cemetery.

(G) It shall be unlawful for any person to use or permit the use of the cemetery as a playground or for play, and it shall be the duty of all police officers and other employees of the town, so far as it lies within their power, to prevent the use, and to eject any and all offenders against this section from the cemetery, if the person shall continue to violate this section after being warned to stop.

(H) (1) No one shall use the cemetery or road or way therein as a public thoroughfare.

(2) Vehicles shall be driven only on the roadways within the cemetery and at a rate of speed not in excess of five mph. No vehicle shall enter the cemetery except for the purpose of attending funerals, visiting graves or other lawful mission.

(3) There shall be no parking at the cemetery between the hours of 8:00 p.m. and 6:00 a.m.

(Ord. 186, passed 7-19-2007: Amended 5-11-2018) Penalty, see ' 10.99

' 92.08 VEHICLES REGULATED.

(Ord. 186, passed 7-19-2007) Penalty, see ' 10.99

' 92.09 LOT REGULATIONS.

(A) All lots within the cemetery of the town, and within any extension of the cemetery at any time hereafter made, shall be subject to and regulated and controlled by the provisions of this chapter and any rules adopted by the town.

(B) All deeds to cemetery plots in the cemetery shall expressly stipulate and provide that the lots therein described and thereby conveyed shall be used for burial purposes only, subject to any and all regulations provided by the Board of Commissioners, with respect to the usage and enjoyment thereof, and with the further explicit provision that the Board of Commissioners shall have the right to from time to time as it shall deem advisable, alter or repeal the regulations and make additional regulations for the purpose of exercising reasonable control and supervision in the interest of the owners of any and all lots in the cemetery, and the public as well, and any and all the regulations shall be considered as effective to all intents and purposes as if in the deed written as one of the terms thereof.

(C) A traditional Burial plot is approximately 4 x 10 feet.

(D) A cremation burial plot is approximately 4 X 5 feet. (Ord. 186, passed 7-19-2007)

' 92.10 ERECTION OF GRAVE MARKERS.

(A) (1) No person may erect or install any monument within the town cemetery except pursuant to and in accordance with a permit issued by the Town Manager, or his or her designee.

(2) There shall be no more than one (1) monument per lot, or as specified in the rules and regulations of the cemetery. There shall only be one marker per lot.

(3) Any and all work performed pursuant to grave marker installation permit must be performed in strict compliance with the issued permit.

(4) Any marker or monument installed prior to proper issuance of grave marker installation permit shall be subject to immediate removal by city forces at the cost of the owner and/or dealer placing the marker or monument.

(B) No person shall raise or change the grade of any lot or grave in the cemetery nor shall any grave be raised into mounds. All graves shall be tamped substantially at the time of filling, to keep them from settling.

(D) The town expressly reserves the right to deny an application for a grave marker installation permit when, in the sole opinion of the Cemetery Supervisor, the proposed installation of a marker or monument does not comply with the procedural requirements and/or technical specifications prescribed by the standard operating guidelines utilized by the Cemetery Supervisor and approved by the Town Manager for the issuance of a grave marker installation permit.

(E) Mausoleums shall not be permitted within the town cemetery.

(F) (1) There shall be no more than 1 family monument on any one lot, or group of lots, as specified in the Rules and Regulations of the Cemetery.

(2) No person may erect or install any monument within the town cemetery except pursuant to and in accordance with a permit issued by the Administrator.

(2) The Administrator may establish regulations relating to the size, type of construction, location and type of foundation of monuments as are necessary to preserve the cemetery, ensure its dignity and minimize maintenance costs, and permits shall be issued under this section in accordance with those regulations.

(Ord. 186, passed 7-19-2007; Amended 5-11-2018) Penalty, see ' 10.99

**' 92.11 CONTRACTORS TO REMOVE DEBRIS
UPON COMPLETION OF WORK.**

Every monument builder, funeral home or other person doing work in the cemetery, after erecting monuments, headstones, curbing, opening graves or doing other work, shall remove therefrom any and all trash, excess dirt, and material brought thereto and not used, and shall leave the grounds and lots in as good condition as when the work was first undertaken, including removal of routs made by trucks or other vehicles.

(Ord. 186, passed 7-19-2007)

**' 92.12 LAYOUT OF CEMETERY; SECTIONS;
QUADRANTS.**

(A) The Town Pine Rest Cemetery is arranged (laid out) with four separate and distinct sections, wherein lots may be purchased for burial of human remains. Each section shall be known as and referred to as a "quadrant". The layout of the entire cemetery, including the four distinct quadrants, shall be illustrated on a comprehensive map of the cemetery. The cemetery map shall be maintained by and kept in the care of the Cemetery Supervisor.

(B) There shall be a section dedicated to the burial of cremains within the cemetery. The burial of cremains is not restricted to lots in this section but no traditional burials may be buried in this section. Cremation burials are allowed in all sections of the cemetery, with one cremation per lot, regardless of the size of the lot.

(Ord. 186, passed 7-19-2007; Amended 5-11-2018)

' 92.13 DEED.

The town will issue a deed for each plot or family cluster of plots upon full payment of the purchase price. Interment will be permitted only for the grantee, the widow or widower of the grantee, the heirs of the body of the grantee and for any other person or persons designated in writing by the grantee during the lifetime of the grantee. The property is non-transferable except back to the town at the original purchase price. The town recommends that all deeds be recorded at the County Register of Deeds office.

(Plat cabinet 4, slide 268)

(Ord. 186, passed 7-19-2007)

CHAPTER 93: ANIMAL CONTROL

Section

Generally

- 93.01 Definitions
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GENERALLY

' 93.01 DEFINITIONS.

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

ABANDONMENT. The willful discarding or deserting of a live animal, leaving an animal for a period in excess of 12 hours without providing adequate food, water or shelter for the duration of the absence or releasing or dumping an animal from a vehicle without demonstrating intent to recover the animal.

ANIMAL. Every living creature, domestic or non-domestic, but does not include humans.

ANIMAL SHELTER. Any premises designated by the Health Director for the purpose of impounding and caring for animals.

AT LARGE. An animal that is off the property of its owner or keeper and not under physical restraint.

BOARD OF HEALTH. The Moore County Board of Health.

BOARDING. Providing for profit land and/or structure for the care of an animal.

COMMERCIAL ANIMAL ESTABLISHMENT. Any for profit pet shop, grooming shop, riding school, stable, zoological park, circus, animal exhibition/show or kennel.

COMMERCIAL BREEDER. One who breeds animals for the primary purpose of offering their offspring for sale to other breeders, pet shops, laboratories or individuals. [By contrast, a hobby breeder is one who breeds purebred animals occasionally to justifiably improve the breed and not primarily for the purposes of income.]

COMMISSION. The North Carolina Health Services Commission.

CONFINEMENT. Restricted interaction.

DOMESTIC ANIMAL. Any of various animals, such as dogs, cats, equine, sheep, cattle, goats, hogs, poultry, ferrets, llamas, emus and/or other animals domesticated by man so as to live and/or breed in a tame condition.

EXOTIC ANIMAL. Any living animal, which is strikingly or excitingly different or unusual and not ordinarily kept as a pet or domesticated animal. By way of example, **EXOTIC ANIMALS** shall include, but are not limited to, lions, tigers, apes, monkeys, poisonous reptiles and poisonous spiders. A hybrid of any animal listed in the example above, regardless of genetic percentages, shall be deemed **EXOTIC**.

EXOTIC MAMMAL. Any mammal designated by the Centers for Disease Control and Prevention, Department of Agriculture or other national or state public health protection agencies as embargoed or prohibited under legal protection orders.

EXOTIC REPTILE. Any reptile not native to North Carolina.

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EXPOSED TO RABIES. An animal that has been bitten by, or been in the presence of, any animal known or suspected to have been infected with rabies.

FERAL CAT. A cat that is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.

FERAL CAT CARE GIVER. Any person who, in accordance with a trap neuter return program, will trap neuter and return, vaccinate for rabies, ear tip, provide care, including food and water, or has temporary custody of a feral cat(s).

GROOMING SHOP. Any establishment, whether operated separately or in connection with another business enterprise that provides hair and nail clipping, bathing and other cosmetic services for animals.

HEALTH DEPARTMENT. The Moore County Health Department.

HEALTH DIRECTOR. The Health Director of the Moore County Health Department.

HUMANELY DESTROYED. Destruction of an animal must comply with guidelines set forth by American Veterinary Medical Association (AVMA), the Humane Society of the United States (HSUS) or the American Humane Association (AHA).

IMPOUNDMENT. Any animal in custody of a person or animal shelter duly authorized by the health director.

KEEPER. A person having custody of an animal, who keeps or harbors an animal, or who knowingly permits an animal to remain on or about any premises occupied or controlled by the person. **KEEPER** does not include a person keeping a feral cat as a feral cat care giver.

KENNEL. Any premises wherein a person boards, lets for hire, trains/hunts for a fee, breeds, buys or sells dogs or cats. This shall not include the ownership of dogs/cats which are part of the household or which are maintained adjoining a private

(8) Habitually makes disturbing noises, including but not limited to, continued and repeated

residence for commercial hunting.

LAW ENFORCEMENT DOG. Any dog used by a law enforcement agency in the investigation of crimes or as otherwise necessary in the enforcement of the law. These animals are excluded from general requirements of this chapter with the exception that they are regulated by the provisions of " 93.45 through 93.53, and ' 93.65.

NONDOMESTIC ANIMAL. Any carnivore, primate, bird, reptile or other venomous animals, regardless of whether it is indigenous to this state, and not included in the definition of domestic animal, and shall include any hybrid animal.

NONPROFIT ANIMAL ESTABLISHMENT. Therapeutic facility, humane society, animal shelter, the American Society for the Prevention of Cruelty to Animals (ASPCA), animal rescue or welfare groups or assistance animal training facilities. (Recognized by federal or state law as nonprofit.)

NUISANCE. An animal or group of animals which;

(1) Damages, soils or defiles private or public property;

(2) Interferes with, molests or attacks persons or other animals;

(3) Is/are repeatedly at large, with the exception of feral cats;

(4) Causes unsanitary, dangerous or offensive conditions;

(5) Chases, snaps at, harasses or impedes pedestrians, bicyclists or vehicles;

(6) By virtue of number of assertive tendencies is offensive or dangerous to the public health, safety or welfare;

(7) Is diseased or dangerous to the public health; or

howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to

reasonable persons of ordinary sensibilities in close proximity to the premises where the animal is kept or harbored.

OWNER. Any person, group of persons, firm, partnership, corporation, organization or association that keeps or harbors an animal, assumes care of an animal or acts as a custodian of an animal, unless the animal is being boarded for a fee. The **OWNER** has the right of property in the animal and is responsible for the care, actions and behavior of his or her animal(s) at all times. **OWNER** does not include a person keeping a feral cat as a feral cat care giver.

PATROL DOG. A dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.

PERSON. Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

PET. Any domestic animal kept for pleasure rather than utility.

PET SHOP. Any commercial establishment whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells or boards any species of animal.

RESTRAINT. The condition or behavior of an animal is:

- (1) Controlled by means of a leash or other like device;
- (2) Sufficiently near the owner or handler to be under his or her direct control and is obedient to that person's commands;
- (3) Within a vehicle being driven or parked;
- (4) Within a secure enclosure; or

- (5) Within the property limits of its owner or keeper.

RIDING SCHOOL OR STABLE. Any place which has available for hire, boarding and/or riding/driving instruction for any horse, pony, donkey or burro.

SECURITY DOG. Any dog used, kept or maintained within the county for the purpose of protecting any person or property. Any such dog may be further classified as a **PATROL DOG**, **SENTRY DOG** or **WATCH DOG**, as defined in this section.

SENTRY DOG. A dog that is trained or conditioned to attack or otherwise respond aggressively without command.

STRAY. Any domestic animal without identification and rabies tags, that is not under restraint, nor on the property of its owner or keeper.

SUSPECTED OF HAVING RABIES. An animal which is unvaccinated against rabies, has bitten a person or is known or believed to have been exposed to rabies.

TRAP NEUTER RETURN (TNR). A feral cat program that is viewed as a viable alternative to euthanasia.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, treatment of injuries and prevention of diseases in animals.

VICIOUS DOG OR OTHER ANIMAL. A dog or other animal that constitutes a physical threat to humans, domestic animals or livestock, or that approaches any person in an attitude of attack off the owner's property without being teased, molested, provoked, beaten, tortured or otherwise harmed, or that has a known tendency of unprovoked attack, or that is trained or being trained for fighting.

WATCH DOG. A dog that barks and/or threatens to bite any intruder and that has been specially trained or conditioned for that purpose.

(Ord. 199, passed 11-13-2008)

' 93.02 AGENCY AUTHORITY AND

RESPONSIBILITY.

(A) The Board of Commissioners shall be responsible for an animal shelter or the designation of an organization to operate a shelter.

(B) Authority is hereby granted to the County Health Department to establish and maintain an animal control program, to employ animal control officers and other employees as shall be determined necessary by the Board of Commissioners and to appoint and compensate animal control officers and other employees in accordance with policies of the Board of Health.

(C) The employees of the animal control program shall:

(1) Have the responsibility along with law enforcement agencies to enforce all laws of the state and all ordinances of the county pertaining to animals and shall cooperate with all law enforcement officers within the county in fulfilling this duty;

(2) Enforce and carry out all laws of the state and all ordinances of the county pertaining to rabies control;

(3) Be responsible for the investigation of all reported animal bites, the quarantine of any domestic animal involved and suspected of having rabies, for a period of not less than ten days, and for reporting to the Health Director as soon as practical, the occurrence of any animal bite and the condition of any quarantined animal;

(4) Be responsible for the seizure and impoundment, where deemed necessary, of any dog or other animal in the county involved in a violation of this chapter or any other county ordinance or state law;

(5) Investigate cruelty or abuse with regard to animals;

(6) Make canvasses of the county, including homes within the county, as necessary for the purpose of ascertaining compliance with this chapter or state statute;

(B) It shall be unlawful for any person to in any manner tease, annoy, disturb, molest or irritate an

(7) Keep, or cause to be kept, accurate and detailed records of the following:

(a) Seizure, impoundment and disposition of all animals coming into the custody of the animal control program;

(b) Bite cases, violations, complaints and investigations of same;

(c) All money belonging to the Health Department and/or county which were derived from fees, penalties, license tags, the sale of animals or sources other than taxes; and

(d) Any other matters deemed necessary by the Health Director.

(8) Be empowered to issue notices of violation of this chapter in a form as the Health Director may prescribe.

(Ord. 199, passed 11-13-2008)

' 93.03 CRUELTY TO ANIMALS.

(A) It shall be unlawful for any person to maliciously molest, torture, torment, deprive of necessary sustenance, cruelly beat in any manner, mutilate, kill, wound, maim, disfigure, injure, poison, burn or scald with any substance, drown, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure that action. The words *TORTURE* and *TORMENT* shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but those terms shall not be construed to prohibit the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, nor to prohibit the animal control officers, or persons duly authorized by the Health Director or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner, nor to prohibit the lawful use of animals for scientific research.

animal that is confined to the owner=s premises.

(C) It shall be unlawful for any owner or keeper to fail to provide his or her animal(s), or an animal entrusted to his or her care, with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his or her animals, or an animal entrusted to his or her care, in good health and comfort, with the opportunity for vigorous daily exercise, humane care, veterinary treatment and care when needed to prevent the spread of infectious diseases, injury or suffering.

(D) Proper food, drink, shade, shelter and care shall require:

(1) That each animal shall, at suitable intervals, and at least once every 24 hours, receive a quantity of wholesome foodstuff suitable for the species= physical condition and age, and sufficient to maintain an adequate level of nutrition for the animal;

(2) That each animal shall have continuous access to a supply of clean, fresh, potable water, and the water shall be either free-flowing or in a receptacle. If water pans or dishes are used, the pans or dishes shall have weighted bottoms or be mounted or secured in a manner that prevents tipping;

(3) That each animal shall have convenient access to shelter appropriate to the species throughout the year. Any artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and shall be of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. See division (G) below for details on shelter size requirements. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, does not comply with this section. The shelter and any other spaces accessible to the animal and all bedding for the animal shall be dry and maintained in a manner which minimizes the risk of the animal contracting diseases, being injured or becoming infested with parasites. Examples of unacceptable shelter include, but are not limited to, the following: underneath outside steps; decks or stoops; underneath houses; inside or underneath motor

vehicles; inside cardboard boxes; inside metal barrels; inside temporary animal carriers or crates; shelters located in flood-prone areas; or shelters surrounded by waste, debris, obstructions or impediments that may endanger an animal. **ACCEPTABLE ADEQUATE SHELTER** means an enclosure having at least three solid sides, a roof and a solid floor;

(4) That each animal shall receive care and medical treatment for debilitating injuries, parasites and disease, sufficient to maintain the animal in good health and to minimize suffering; and

(5) That the living area for each animal being kept confined or restrained shall have adequate drainage so that the animal shall be free to walk or lie down without coming in contact with standing water.

(E) It shall be unlawful for any person to tether, chain or fasten any animal in such a manner as to permit it to be upon any public sidewalk or street, or to leave it unattended while tethered, chained or fastened on public property. It shall be unlawful to tether, chain or fasten an animal in a manner so as to cause it injury or pain, or not permit it to reach shelter, food and water. Tethers shall be fastened to a collar (not choke chain or pinch collar) or harness on the animal and snapped to a D-ring on the collar or harness. The tether must have a swivel at the collar to prevent entanglement and shall be of appropriate length and weight for the size of the animal, as determined by the Health Director or his or her designee.

(F) Declawed cats (cats with front and/or hind claws removed) shall not be permitted as outdoor pets and shall be kept strictly indoors.

(G) An animal=s primary enclosure shall be constructed of a material, and in a manner so as to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition.

(1) When an animal is confined, the following minimum space requirements shall be used:

<i>Size of Dog</i>	<i>Pen Size (Square Feet)</i>

Extra large; greater than 26 inches @ withers or greater than 75 pounds	48
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Large; greater than 20 inches, up to 26 inches @ withers or not greater than 75 pounds	40
Medium; greater than 12 inches, up to 20 @ withers or not greater than 50 pounds	32
Small; 12 inches or less @ withers or not greater than 20 pounds	24

(2) Primary enclosures for cats shall be structurally sound, maintained in good repair and in a manner to prevent injury to cats and to keep other animals out. Each feline older than six months housed in any primary enclosure shall be provided a minimum of four square feet of floor space which may include elevated resting surfaces. Each feline younger than six months shall be provided one and one half square feet. In all cat enclosures, a receptacle containing clean litter shall be provided for waste. A minimum of one receptacle per three cats is required. No more than 12 cats shall be housed in the same primary enclosure.

(H) Equine:

(1) *Housing.* Each animal shall have reasonable access to shelter appropriate for its state of health. Animals in a normal state of health, as determined by the Health Director or his or her designee, may be maintained in a pasture environment where natural shelter provides sufficient protection from sun, wind, rain and other inclement weather. Where this is not available, or for animals in a debilitated state of health, access to a human-made shelter is required. These shelters are to be maintained so as to minimize the opportunity for injury. Outdoor shelters shall have a minimum of three sides and a waterproof roof sufficient to allow two feet of clearance from the animal=s head in an erect position. Space requirements are 150 square feet per horse. Drainage must be sufficient to maintain the animal=s feet in a dry condition.

(g) If the owner of the animal is not able to euthanize and/or dispose of the carcass, County Animal Control may make those arrangements for the owner and bill the owner for expenses incurred.

(2) *Fencing.* Fencing is to be maintained to ensure that the animal is securely enclosed at all times and that the opportunity for injury is minimized.

(3) *Food and water.* Each animal shall have unlimited access to a source of clean water. Each animal shall have sufficient hay, grain, pasture or other feedstuff available on a continuous basis to maintain its normal body weight as determined by the Health Director or his or her designee.

(4) *Preventative care.*

(a) Each animal=s hooves shall be maintained on a regular basis to avoid malformation. Animals with specific hoof conditions requiring specialized treatment shall be provided that service on a regular basis.

(b) Each animal shall receive deworming products sufficient to avoid malnourishment as a result of parasite infestation.

(c) Minimum vaccination requirements shall include but are not limited to, rabies vaccination.

(d) Animals in a debilitated state shall have access to appropriate veterinary care and treatment in order to minimize pain and suffering.

(e) In the event that it is determined that the animal can no longer live a productive pain free life, it is the responsibility of the owner to ensure that the animal is disposed of, or euthanized, in a humane manner.

(f) If the animal is euthanized on the owner=s property, it is the responsibility of the owner to see that the animal is buried within 24 hours of its death, at least 100 feet away from any water source, and that the carcass is covered with at least three feet of earth.

(h) The driver of any vehicle which injures or kills an equine domestic animal should inform the owner of the animal or, failing that, should inform local law enforcement or County Animal Control.

(I) When an animal is transported in a motor vehicle, the owner or driver is responsible for maintaining control of the animal at all times during transport, which shall include having the animal under the owner=s or driver=s restraint when released from the vehicle in a public place, with the exception of law enforcement dogs or hunting dogs being released on public game lands.

(J) It shall be unlawful for any person to place or confine or allow the animal to be confined in a manner that it must remain in a motor vehicle or trailer under conditions or for periods of time as may endanger the health or well-being of the animal due to heat, lack of food or water, or any circumstance which might cause suffering, disability or death.

(K) An animal found confined in a motor vehicle in a public place under weather conditions that endanger its life, as determined by the supervisor of animal control, an animal control officer, an animal cruelty officer or law enforcement officer, is a violation of this section. Any law enforcement or animal control officer is hereby authorized to enter the vehicle and rescue the animal and impound it in accordance with ' 93.65. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this section and impounded in accordance with ' 93.65 at the animal shelter.

(L) The driver of any vehicle which injures or kills a domestic animal should inform the owner of the animal or, failing that, should inform local law enforcement or county animal control.

(M) It shall be unlawful for any person to tether any fowl. Fowl used in the training or demonstration of hunting dogs are exempt from this provision.

(N) If any person, firm or corporation shall sell, or offer for sale, barter or give away as premiums living baby chicks, ducklings or other fowl or rabbits under eight weeks of age as pets or novelties, such person, firm or corporation shall be guilty of a Class 3

(C) If a dog is determined to be vicious, its owner is required to:

(1) Keep the animal in a secure enclosure with a fence at least six feet high, with an enclosed top

misdemeanor, pursuant to G.S. ' 14-363.1. However, this section shall not be construed to prohibit the sale of non-domesticated species of chicks, ducklings or other fowl, or of other fowl from proper brooder facilities by hatcheries or stores engaged in the business of selling them for purposes other than for pets or novelties.

(O) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens, other fowl or rabbits.

(P) Trapping:

(1) It shall be unlawful to set traps such as Leg Hold, Soft Leg Hold, Offset Leg Hold, Conibear and Spring Wire Traps within a residential community or within 1,000 feet of a rural residence where domestic animals might run loose, without the permission of the property owner. The owner of the trap shall have his or her name and contact information permanently affixed to the trap; and

(2) It shall be unlawful for any person to willfully set a trap for the sole purpose of trapping domestic animals (dogs, cats, puppies, kittens) with the exception of live, humane traps.

(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

' 93.04 CONFINEMENT AND CONTROL OF VICIOUS OR DANGEROUS DOMESTIC ANIMALS.

(A) It shall be unlawful for any person to keep any vicious, fierce or dangerous domestic animal within the county unless it is confined within a secure building or enclosure, or is restrained by means of a leash or other like device and firmly under control at all times.

(B) A dog is determined to be vicious at the discretion of the Health Director or his or her designee as defined in ' 93.01.

and a concrete bottom with wire set in concrete and a secure, lockable door or gate;

(2) Post a warning sign with international symbols that is visible on all four sides of the property

when there is a vicious dog on the premises; and

(3) Notify the Animal Control Officer immediately if the vicious dog gets loose or attacks a person or another animal.

(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

' 93.05 ANIMALS CREATING NUISANCE PROHIBITED.

(A) It shall be unlawful for an owner or keeper to permit an animal or animals in his or her care to create a nuisance.

(B) Compliance shall be required as follows.

(1) When an animal control officer, law enforcement officer or person duly authorized by the Health Director observes a violation, the owner or keeper will be provided written notification of the violation and be given 48 hours from the time of notification to abate the nuisance.

(2) Upon receipt of a written detailed and signed complaint being made to the Health Director or the animal control office by any person, that any other person is maintaining an animal which is creating a nuisance as defined in this chapter, the Health Director shall cause the owner or keeper of the animal in question to be notified that a complaint has been received, and shall investigate the situation complained of, and a report and findings thereon shall be reduced to writing.

(3) If the written findings indicate that the complaint is justified, then the Health Director, or his or her designee, shall notify in writing the owner or keeper of the animal or animals in question, and said owner or keeper shall be ordered to abate the nuisance within 48 hours.

(3) The owner agrees to hold the animal control officer, the Health Director, County Health Department, and the county, its designee or animal shelter harmless from any loss or damage it may sustain, including attorney=s fees, by reason of the destruction or placement for adoption of the animal;

(4) The owner transfers ownership of the

(4) In the event the owner or keeper of the animal or animals is unknown and cannot be identified, the animal(s) will be impounded.

(C) It shall be unlawful for a person to fail or refuse to abate the nuisance as required by this chapter. The person will be subject to penalty as stated in ' 93.99.

(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

' 93.06 LURING, ENTICING AND SEIZING 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 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.

(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

' 93.07 IMMEDIATE PLACEMENT FOR ADOPTION OR DESTRUCTION OF ANIMALS SURRENDERED BY OWNER.

(A) Any animal surrendered by its owner to County Animal Control, the County Health Department or County Animal Shelter or its designee, may be immediately placed for adoption or humanely destroyed when:

(1) The owner affirmatively represents in writing that he or she is in fact the legal owner of the animal;

(2) The owner directs in writing that the animal may be placed for adoption or humanely destroyed;

animal to animal control or its designee or animal shelter, and the owner releases animal control, its designee, or animal shelter from any and all future claims with respect to the animal; and

(5) The owner shall certify in writing that the animal has not bitten any person within the preceding ten days.

(B) Upon receiving the assurances, the animal shelter may rely on the same and place the animal for adoption, or destroy the animal, as it sees fit. The waiting periods provided in " 93.66 through 93.68 shall not apply to immediate adoption or destruction as provided for in this section.
(Ord. 199, passed 11-13-2008)

' 93.08 NONDOMESTIC ANIMALS PROHIBITED.

(A) No person shall possess or harbor any non-domestic animal that is dangerous to persons or property or which has the potential for being dangerous to persons or property. This section shall not apply to bona fide circuses or petting zoos.

(B) No person shall possess a wolf or wolf hybrid or a coyote or coyote hybrid except as permitted by the State Wildlife Commission.

(C) All animals under our dominion, whether kept as household pets or service companions or as animals raised for food, work or sport, shall be maintained in accordance with the requirements of this chapter for each species regarding sufficient food, water, shelter and space; and in the instances in which this chapter does not address a specific species, shall be maintained in accordance with accepted veterinary standards for that species.
(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

' 93.09 INTERFERENCE WITH ENFORCEMENT.

It shall be unlawful for any person to interfere with, hinder or molest the employees of the Health Department or persons duly authorized by this chapter in performing their duties, or to release any animal in the custody of those persons.
(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

' 93.10 FERAL CAT COLONIES.

(A) Care givers of feral cat colonies shall implement proper management to include as follows:

- (1) Neuter adult cats;
 - (2) Vaccinate cats against rabies;
 - (3) Notch left ear of all vaccinated cats;
- and
- (4) Manage the health of the colony.

(B) Animal control will notify a feral cat care giver prior to removal of any feral cat(s) and care giver will be given a reasonable period of time to resolve any complaint.

(C) Animal control will notify a feral cat care giver of any feral cat trapped by animal control that has a notched ear prior to euthanasia, with the exception of the provisions set forth by ' 93.70.
(Ord. 199, passed 11-13-2008)

' 93.11 LIVESTOCK.

(A) (1) Except as provided in division (C) below, keeping of livestock is prohibited.

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(2) It shall be unlawful to keep or maintain any cow, horse, pony, sheep, goat or other livestock on any lot or within any pen, stable or other enclosure or building within the corporate limits. This section shall not be deemed to prohibit the assembling of livestock for shipment or the unloading from shipment of livestock, provided that such livestock are not kept within the corporate limits for more than 24 hours prior to shipment or subsequent to unloading.

(B) (1) Except as provided in division (C) below, effect upon existing livestock.

(2) Persons keeping or maintaining within the corporate limits any of the animals names in division (A) above shall remove them from the corporate limits in order to comply with division (A) above not later than six months from the effective date of this section.

(C) Livestock, for domestic, rather than commercial use may be kept on property in an industrial district if the property:

(1) Is owned by a person who owns adjacent property on which livestock is permitted;

(2) Is not contiguous with the primary corporate limits; and

(3) Is no greater than one acre in size.
(1993 Code, ' 81.01) (Ord. passed 11-10-2005)
Penalty, see ' 93.99

' 93.12 BIRD SANCTUARY.

(A) The territory within the corporate limits of the town 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 except hawks, crows, starlings, pigeons and domesticated fowls.
(1993 Code, ' 81.02) Penalty, see ' 93.99

Statutory reference:

Establishment of bird sanctuaries authorized, see G.S. ' 160A-188

' 93.13 KEEPING OF FOWL PROHIBITED.

(A) It shall be unlawful to keep or maintain any chicken, turkey, duck, or other fowl, or to allow any fowl to be at large within the corporate limits.

(B) Effect upon existing chicken, turkey, duck or other fowl. Persons keeping or maintaining within the corporate limits any fowl shall remove it from the corporate limits not later than 30 days from the effective date of this section.

(C) The animal control officer may apprehend any fowl that is at large within the corporate limits. If the animal control officer can identify the owner or keeper with reasonable effort, the officer shall return the fowl to that person. Otherwise, the officer may dispose of the fowl in the most humane manner reasonable available.

(Ord. passed 3-10-2005) Penalty, see ' 93.99

' 93.14 CHICKEN HOUSES.

No chicken houses shall be built or repaired for commercial purposes within the limits of the town.

(1993 Code, ' 81.04) (Ord. 54, passed - -) Penalty, see ' 93.99

DOGS**' 93.25 DEFINITIONS.**

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

AT LARGE. A dog shall be deemed at large when it is off the premises of the owner or keeper, and not under physical restraint of the owner, keeper or other authorized person either by leash, cord, chain or other tangible device.

DOG. Male and female of the canine species.

EXPOSED TO RABIES. A dog shall be deemed to have been exposed to rabies if it has been bitten by, or has been in the presence of any animal known or suspected to have been infected with rabies.

IMPOUND. To hold, under authority of this subchapter, a dog in custody of a person, animal shelter or holding facility.

KEEPER. A person who has custody of a dog or who keeps or harbors a dog or who knowingly permits a dog to remain on or about any premises occupied or controlled by such person.

NUISANCE. A dog 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;
- (4) Causes unsanitary, dangerous or offensive conditions, including fouling of the air by odors;
- (5) Chases, snaps at, harasses, or impedes pedestrians, bicyclists, or vehicles;
- (6) By virtue of aggressive tendencies is offensive or dangerous to the public health, safety or welfare;
- (7) Is diseased or dangerous to the public health;
- (8) Habitually or repeatedly barks in such a manner or to such an extent that it substantially disturbs the public; or

- (9) Is in a group or pack of dogs which exhibits any of the characteristics indicated in (1) through (8) above.

OWNER. Any person or persons, firm, association, or corporation owning, keeping or harboring a dog.

RESTRAINT. A dog is under restraint within the meaning of this subchapter if it is:

- (1) Controlled by means of a leash or other like device;
- (2) Sufficiently near the owner or handler to be under his direct control, is obedient to that person's commands, and is in fact being controlled by that person;
- (3) On or within a vehicle being driven or parked;
- (4) Within a secure enclosure; or
- (5) Within the property limits of its owner or keeper.

STRAY. Any dog without identification and rabies tags, that is neither under restraint nor on the property of its owner or keeper.

VICIOUS DOG. A dog that approaches or responds to any person in an attitude of attack, without being teased, molested, provoked, beaten, tortured or otherwise harmed; or that has a known tendency for unprovoked attack; or that is trained primarily or partly for fighting.
(1993 Code, ' 81.15) (Ord. 147, passed 2-3-1992)

' 93.26 COLLARS AND IDENTIFICATION.

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The owners of any dogs kept, harbored or maintained in the town shall properly identify the dog by a collar or other device showing the name of the dog, its owner, and the address or telephone number of its owner. This provision, however, does not apply to dogs whose owners are nonresidents temporarily within the town, to dogs brought into the town for the purpose of participating in any dog show, or to seeing eye dogs properly trained to assist blind persons when the dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

(1993 Code, ' 81.16) (Ord. 147, passed 2-3-1992) Penalty, see ' 93.99

' 93.27 RUNNING AT LARGE PROHIBITED.

No owner or keeper shall permit his dog to run at large, as defined in ' 93.25, at any time within the corporate limits of the town.

(1993 Code, ' 81.17) (Ord. 147, passed 2-3-1992) Penalty, see ' 93.99

' 93.28 CITATION AND APPREHENSION.

(A) It shall be the duty of the animal control officer or, when necessary, police officers to issue a citation to the owner or keeper of any dog found running at large as prohibited in ' 93.27. When a dog is found running at large and its ownership is known to the animal control officer or police officer, it need not be impounded but the officer shall issue a citation to the owner for a violation of this section, who shall pay a \$10 fee for the citation to the town at town hall by the close of the next business day. The animal control officer may apprehend any dog found running at large.

(B) Upon apprehending a dog, the officer or official apprehending the dog shall determine if the dog is wearing proper identification in accordance with ' 93.26. If the dog has proper identification, the officer or official shall attempt to return the dog immediately to the address shown on the collar. If an occupant at the address shown on the collar is not present, a written notice shall be left at the address informing the owner of the impoundment of the dog. The officer shall then cause the dog to be impounded. The person receiving any dog shall make a complete

registry entering the breed, color, sex and time and place of apprehension of the dog. If the dog has proper tag identification, he or she shall enter the name and address of the owner and such other information as he or she is able to ascertain about the dog.

(1993 Code, ' 81.18) (Ord. 147, passed 2-3-1992) Penalty, see ' 93.99

' 93.29 NOTICE OF IMPOUNDMENT TO OWNER; REDEMPTION.

(A) In the case of the impoundment by town officials of any dog which was properly identified and for which proper notice was left at the address listed on the dog's collar, the notice shall be considered to be sufficient notice to the owner.

(B) If the officer or official apprehending the dog finds the owner or custodian of the dog present at the address listed on the tag or collar, the officer or official shall issue a citation for violation of ' 93.27 and return the dog to the owner or custodian, who shall pay a \$10 fee for the apprehension and return of the dog to the town at town hall by the close of the next business day.

(C) When a dog not wearing proper identification is impounded, a notice of impoundment and a description of the dog and the place and time of taking shall be furnished to the communications desk at the Police Department in Town Hall. The owner of any dog so impounded may reclaim the dog on payment of the impounding fee and all costs and charges incurred by the town in an amount of \$25 for impounding the dog, plus any additional charges for maintaining the dog at any kennel or animal shelter.

(1993 Code, ' 81.19) (Ord. 147, passed 2-3-1992)

' 93.30 DISPOSITION OF UNCLAIMED DOGS.

Any unidentified dog apprehended by an official or officer and impounded shall be transferred to the animal shelter operated by the humane society of the county. Upon delivery of a dog to the humane society, the dog shall be handled according to the rules and regulations applicable to the shelter.

(1993 Code, ' 81.20) (Ord. 147, passed 2-3-1992)

' 93.31 DOGS THAT MAY BE DESTROYED.

If any dangerous, fierce or vicious dog is found at large and, after reasonable effort, cannot safely be taken and impounded, the dog may be slain by any police officer or animal control officer authorized to apprehend the animal.

(1993 Code, ' 81.21) (Ord. 147, passed 2-3-1992)

' 93.32 NUISANCE.

No owner shall fail to exercise proper care and control of his or her animals so as to prevent the dog from becoming a nuisance as defined in ' 93.25.

(1993 Code, ' 81.22) (Ord. 147, passed 2-3-1992)
Penalty, see ' 93.99

' 93.33 RABIES VACCINATION.

No person may be the owner of a dog that is not properly vaccinated against rabies. The owner shall maintain proof of vaccination in accordance with the requirements of G.S. ' 130A-184 et seq., the State Board of Health, and the County Board of Health.

(1993 Code, ' 81.23) (Ord. 147, passed 2-3-1992)
Penalty, see ' 93.99

' 93.34 NOTICE OF EXPOSURE TO RABIES.

(A) The owner of a dog that is believed to have rabies or that has been bitten by a dog that is suspected of having rabies, shall confine the dog by a leash or chain on its owner=s premises. The owner shall notify the animal control officer or other police officer in the town of the fact that his dog has been exposed to rabies, and at his or her discretion the officer so notified is empowered to have the dog removed from the owner=s premises to a veterinary hospital and then placed under observation for a period of two weeks at the expense of the owner.

(B) No person knowing or suspecting a dog has rabies, shall allow the dog to be taken off his or her premises or beyond the limits of the town without the written permission of the Chief of Police. The Chief of Police shall grant the permission if he or she determines that the action is for the benefit of the dog, the public, or any person and that the action will not

endanger any person.

(C) Every owner or other person, upon ascertaining a dog is rabid, shall immediately notify the Chief of Police or other police officer who shall either impound the dog or summarily destroy it upon reasonably determining that the dog is rabid.

(1993 Code, ' 81.24) (Ord. 147, passed 2-3-1992)
Penalty, see ' 93.99

' 93.35 ADMINISTRATION AND ENFORCEMENT.

(A) The Chief of Police shall designate a police officer to serve as the animal control officer.

(B) The animal control officer shall be under the supervision and control of the Chief of Police.

(C) The animal control officer shall have authority to enforce the animal control regulations adopted by the Board of Commissioners; shall have the power, and shall be responsible for the enforcement within the town of all public and public-local laws pertaining to the ownership and control of dogs. The animal control officer shall cooperate with all other law enforcement officers operating within the town in fulfilling this responsibility.

(1993 Code, ' 81.25) (Ord. 147, passed 2-3-92)

RABIES CONTROL**' 93.45 COMPLIANCE WITH STATE LAWS; SUBCHAPTER IS SUPPLEMENTAL.**

(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) The purpose of this subchapter is to supplement the state laws by providing the county a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties also provided by state law.

(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

' 93.46 VACCINATION OF DOGS, CATS AND EQUINE.

(A) It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for any dog or cat four months of age or older and equine six months of age or older. Should it be deemed necessary by the Health Director that other animals be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for that animal. The time or times of vaccination shall be established by the Commission. Rabies vaccine shall be administered only by a licensed veterinarian or by a certified rabies vaccinator.

(B) Only animal rabies vaccine licensed by the United States Department of Agriculture and approved by the Commission shall be used on animals in this state.

(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

' 93.47 RABIES TAG AND CERTIFICATE.

(A) Upon complying with the provisions of ' 93.46 above, a rabies tag shall be issued to the owner or keeper of the dog or cat vaccinated pursuant to G.S. ' 130A-190. An owner or keeper of equine shall be issued a rabies vaccination certificate.

(B) It shall be unlawful for any dog or cat owner or keeper to fail to provide the animal with a collar or harness to which are securely attached a current rabies tag as issued under this section and identification tag bearing owner=s name and/or telephone number. The collar or harness, with attached tag, must be worn at all times. Cats and equine shall not be required to wear the metallic tag, but the owner of the cat or equine

shall maintain the rabies vaccination certificate, with a physical description of the animal, as written evidence to prove that the animal has a current rabies vaccination.

(C) Any equine residing in or entering the county shall be required to show proof of current rabies vaccination.

(D) In addition to all other penalties for violations as prescribed by law, the animal is subject to impoundment in accordance with the provisions of this chapter. If an animal control officer can identify the owner of an animal not wearing a rabies tag, he or she may provide the owner with a written notification of the violation and the owner shall be given 48 hours from the time of notification to obtain and/or show proof of current vaccination. Failure to show proof of current vaccination may result in fines and penalties reflected in ' 93.99 and/or the impoundment of the animal.

(E) If an animal enforcement officer can identify the owner of an animal not wearing a rabies tag, he or she may provide the owner with a warning citation to show proof of current vaccination within 48 hours without automatically impounding the animal.

(F) It shall be unlawful for any person to use for any animal a rabies vaccination tag/certificate issued for any other animal.

(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

' 93.48 NOTICE TO HEALTH DIRECTOR OR DESIGNATED REPRESENTATIVE WHEN PERSON BITTEN; CONFINEMENT OF ANIMAL.

(A) When a person has been bitten by an animal, it shall be the duty of the person, or his or her parent, guardian or person standing in loco parentis of the person if the person is a minor, and the person owning the animal or having the same in his or her possession or under his or her control, to notify the Health Director or person duly authorized by the Health Director immediately and give his or her name, address and phone number, age and sex of the person bitten; and the owner or person having the animal in his or her possession or under his or her control shall immediately securely confine the animal for ten days at the expense of the owner in a place as may be designated by the Health Director. It shall be the duty of every physician, after his or her first professional attendance upon a person bitten by any animal having rabies or suspected of having rabies, to report to the health director the name, age and sex of the person bitten, and precise location of the bite wound, within 24 hours after first having knowledge that the person was bitten. If the owner of, or a person who has in his or her possession or under his or her control, an animal having rabies or suspected of having rabies refuses to confine the animal as required by this chapter or by G.S. " 130A-196 and 130A-198, the Health Director may order seizure of the animal and its confinement for ten days in that place as the Health Director designates.

(B) Law enforcement agencies investigating animal bites shall report the bites immediately to the Health Director or his or her designee and give the names and addresses of persons bitten and owner of animal.

(C) Animals confined pursuant to division (A) above shall not be released from confinement except after a visual inspection of the animal by an animal control officer following a ten-day period of confinement or by permission from the Health Director or his or her designee.

(D) Animals confined pursuant to division (A) above shall be confined at the expense of the owner or keeper.

(E) In the case of an animal whose owner or keeper is not known or cannot be identified, the animal shall be kept for the supervised confinement period of ten days at a place designated and authorized by the

Health Director.

(F) Badly wounded, diseased or suffering animals which are suspected of having rabies may be humanely destroyed immediately and the head forwarded for examination in accordance with the latest guidelines set forth by the State Department of Health and Human Services, Division of Laboratory Services for rabies diagnosis.
(Ord. 199, passed 11-13-2008)

' 93.49 DESTRUCTION OR CONFINEMENT OF ANIMAL BITTEN BY A KNOWN RABID ANIMAL.

Animals not vaccinated against rabies which are bitten by a known rabid animal, or by an animal suspected of having rabies, shall be immediately destroyed unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for a period of six months at the owner=s or keeper=s expense. If the animal has a current rabies vaccination, it shall be re-vaccinated within 72 hours and returned to the owner or keeper within seven calendar days.
(Ord. 199, passed 11-13-2008)

' 93.50 AREA-WIDE EMERGENCY QUARANTINE.

(A) When reports indicate a positive diagnosis of rabies to the extent that lives of persons are endangered, the Health Director may declare an area-wide quarantine for a period as he or she deems necessary. Upon invoking the emergency quarantine, no dog, cat or equine may be taken or shipped from the county without written permission of the Health Director. During the quarantine, the Health Director, law enforcement officers or persons duly authorized by the Health Director, may seize and impound any dog, cat or equine found running at large in the county. During the quarantine period, the Health Director shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

(B) In the event there are additional positive

cases of rabies occurring during the period of quarantine, the period of quarantine may be extended at the discretion of the Health Director.

' 93.51 POSTMORTEM DIAGNOSIS.

(A) If an animal dies while under observation for rabies, the head of the animal shall be submitted to the animal control office for shipment to the state laboratory in accordance with the latest guidelines set forth by the State Department of Health and Human Services, Division of Laboratory Services for rabies diagnosis.

(B) The head of any animal suspected of dying of rabies or showing neurological signs consistent with rabies shall be surrendered to the animal control office for shipment to the state laboratory in accordance with the latest guidelines set forth by the State Department of Health and Human Services, Division of Laboratory Services for rabies diagnosis.
(Ord. 199, passed 11-13-2008)

' 93.52 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 any animal under observation for biting a human, or to remove the animal from the county without written permission from the Health Director, provided that a licensed veterinarian, or the Health Director, or persons duly authorized by the Health Director, may authorize any animal to be destroyed for rabies diagnosis.

(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

' 93.53 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 Health Director.

(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

(Ord. 199, passed 11-13-2008)

' 93.54 FAILURE TO REPORT/SUBMIT SUSPECTED RABIES CASES FOR EVALUATION.

It shall be unlawful for any person to fail to report/submit to a licensed veterinarian or animal control officer any domestic or wild animal with symptoms compatible with rabies. Failure to comply with this provision may result in the person being liable for financial expenses incurred as a result of his or her negligence.

(Ord. 199, passed 11-13-2008)

IMPOUNDMENT AND REDEMPTION

' 93.65 IMPOUNDMENT GENERALLY.

(A) Any animal which appears to be lost, stray or abandoned, rescued from a manner of care considered to be cruel (see ' 93.03) or not wearing a currently valid rabies vaccination tag, as required by state law or this chapter, or not under restraint in violation of this chapter, may be seized, impounded and confined in a humane manner in an animal shelter.

(B) Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty which may be imposed for violation of this chapter.

(Ord. 199, passed 11-13-2008)

' 93.66 NOTICE TO OWNER OR KEEPER.

(A) Upon impounding an animal, notice of the impoundment shall be posted at the end of the workday on which the animal enters the animal shelter, and until the animal is redeemed, adopted or disposed of reasonable efforts shall be made to identify the owner or keeper and inform the owner or keeper of the conditions under which the animal may be redeemed.

(B) The notice shall be prominently displayed with public access or by other public means at the animal shelter, and shall include a physical description (species, breed, color, sex, weight, age and any distinguishing features) and the time and place of the taking of the animal, together with the time and date of posting.

(C) The notice for livestock shall be prominently displayed with public access or by other public means in addition to the county courthouse, and shall include a physical description (species, breed, color, sex, weight, approximate age and other distinguishing features) and the time and place of the taking of such animal, together with the time and date of posting. (Ord. 199, passed 11-13-2008)

' 93.67 REDEMPTION BY OWNER OR KEEPER GENERALLY.

(A) The owner or keeper of an animal impounded pursuant to " 93.65 and 93.66 above may redeem the animal and regain possession thereof within 72 hours after notice of impoundment is posted as required by this chapter and complying with all applicable provisions of this chapter by paying any applicable fees as determined by the Board of Commissioners.

(B) Any animal held or impounded in the animal shelter because of being found running at large shall be released its owner by the Health Department Director or his or her designee, upon presentation of the following:

- (1) Proof of ownership of the animal;
- (2) Proof of current rabies vaccination; and
- (3) Payment of the daily boarding cost plus the impoundment fee, as set forth as follows:

(a) First violation per animal: if the animal is not microchipped, it shall be microchipped at the owner=s expense prior to return;

(b) Second violation per animal: if the animal is intact, the animal shall be spayed/neutered at the owner=s expense prior to return; and

(c) Third and each ensuing violation per animal: \$75.

(C) Any animal held or impounded in the animal shelter because of violation of any provision of this chapter, except running at large, shall be released to its owner thereof by the Health Director or his or her designee upon proof of ownership of the animal. The owner of the animal shall remain liable for payment of the daily boarding cost plus the impoundment fee as set forth above.

(D) Payment of the daily boarding cost and impoundment fee shall not relieve the owner from the responsibility for all penalties which may be imposed for a violation of any of the provisions of this chapter.

(E) All animals with proper identification shall be held a minimum of seven days and all exhaustive measures will be taken to reunite the animal with its owner.

(F) The owner or keeper of an animal or livestock impounded pursuant to " 93.65 and 93.66 above may redeem the animal and regain possession thereof within 30 days after notice of impoundment is posted.

(G) The provisions of this section shall have no application with respect to animals surrendered by the owner or keeper to animal control or to an animal shelter for immediate adoption or destruction as provided for in ' 93.07 above. (Ord. 199, passed 11-13-2008)

' 93.68 DESTRUCTION OR ADOPTION OF UNREDEEMED ANIMAL GENERALLY.

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(A) If an impounded animal is not redeemed by the owner or his or her designee within the period prescribed in ' 93.67 above, it may be destroyed in a humane manner as approved by the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Association, or it shall become the property of the animal shelter.

(B) No animal which has been impounded for being a stray or unclaimed by its owner may be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to this chapter, except by special authorization of the Health Director or his or her designee.
(Ord. 199, passed 11-13-2008)

' 93.69 PROCEDURE FOR REDEMPTION OR ADOPTION OF UNVACCINATED DOG OR CAT.

(A) Unless proof of a current rabies vaccination can be furnished, every animal will be vaccinated for rabies if it is at least four months of age or older. Every person who either adopts or redeems a dog or cat at the animal shelter will be given a Aproof of rabies vaccination notice@ at the time of the redemption or adoption. For animals less than four months of age, a notice will be stamped with a date stating the maximum time limit allowed to take the dog or cat to a veterinarian for rabies vaccination.

(B) The Aproof of rabies vaccination notice@ will be completed by the veterinarian and returned to the shelter issuing the notice.

(C) Payment for rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.
(Ord. 199, passed 11-13-2008)

' 93.70 DESTRUCTION OF WOUNDED, DISEASED OR UNWEANED ANIMALS.

Notwithstanding any other provision of this chapter, any animal seized and impounded which is

(C) Any person or organization who fails to notify the County Animal Control Officer, or any

badly wounded or diseased (and not a rabies suspect), and has no identification may be destroyed immediately in a humane manner. Unweaned animals may be humanely destroyed after significant attempts to contact local animal shelters and/or individual rescuers have failed. If the animal has identification, the animal shelter and/or animal control shall attempt to notify the owner before disposing of the animal. If the owner cannot be reached readily, and the animal is suffering, the animal shelter, animal control or any law enforcement officer may destroy the animal at its discretion in a humane manner.

(Ord. 199, passed 11-13-2008)

' 93.71 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 order of the Health Director or person duly authorized by the Health Director.

(Ord. 199, passed 11-13-2008)

' 93.72 KEEPING STRAY ANIMALS; REQUIREMENTS; FAILURE TO SURRENDER.

(A) It shall be unlawful for any person in the county knowingly and intentionally to harbor, feed, keep in possession by confinement or otherwise allow to remain on his or her property, any animal which does not belong to him or her, unless he or she has, within 72 hours from the time the animal came into his or her possession, notified the animal control office or person designated by the Health Director. Upon receiving the notice, the animal control officers may take the animal and place it in an animal shelter and shall deal with it as provided by the animal shelter policy.

(B) It shall be unlawful for any person to refuse to surrender any stray animal to animal control or any person duly authorized by the Health Director or his or her designee upon demand.

person designated by the Health Director, within 72 hours of coming into possession of an animal that does

not belong to him or her, shall be deemed the temporary custodian of the animal, and shall be subject to compliance with all provisions of this chapter.

(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

PERMITS

' 93.85 SECURITY DOGS.

(A) It shall be unlawful to keep, maintain or use any dog in the county for the purpose of protecting any commercial or industrial property, or person on the property, unless a permit has first been obtained from the Health Director, in accordance with the provisions of this section, and unless the permit shall remain un-suspended and un-revoked. A warning sign shall be posted near entrances and exits to property declaring a security dog is present.

(B) It shall be unlawful to keep, maintain or use any patrol or security dog in the county for the purpose of protecting any residential property, or person on the property, unless a permit has first been obtained from the Health Director, in accordance with the provisions of this section, and unless the permit shall remain un-suspended and un-revoked.

(C) The Board of Health shall promulgate regulations and a fee schedule for the issuance of permits, and shall include requirements for humane care of all security dogs and for the compliance with this provision of this chapter and other applicable laws. The Board of Health may amend the regulations from time to time as deemed appropriate for public health and welfare and for the protection of security dogs.

(D) The Health Director may revoke any permit if the person holding the permit refuses or fails to comply with this chapter, the regulations promulgated by the Board of Health, or any other applicable law.

(E) Regulation standards include keeping the animal in an enclosure with a fence six feet high, or higher, if the animal control officer, considering the history, size and strength of the dog, determines a higher fence is necessary, and a warning sign (i.e., ASecurity Dog On Premises@) which must be visible from 20 feet on all sides of the fence. The owner is required to notify the animal control officer immediately if the dog gets loose or attacks a person or another animal.

(Ord. 199, passed 11-13-2008) Penalty, see ' 93.99

' 93.86 MANDATORY SPAY/NEUTER OF ADOPTED ANIMALS.

Any group, organization or entity offering animals for adoption in the county must provide proof of sterilization for every animal, six months of age or over, and prior to adoption. Any adult animal must be spayed or neutered prior to being placed, into a home. (Ord. 199, passed 11-13-2008)

' 93.99 PENALTY.

(A) The violation of any provision of this chapter shall be a misdemeanor and any such violation shall be punishable as provided in G.S. ' 14-4. Each day=s violation of this chapter shall be a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this division (A) does not relieve a person of liability for taxes or fees imposed under this chapter.

(B) In addition, enforcement of this chapter may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. ' 153A-123(d) and (e).

(C) In addition to, and not in lieu of, the criminal penalties and other sanctions provided in this chapter, a violation of this chapter may also subject the offender to the civil penalties hereinafter set forth.

(1) The civil penalties may be recovered by the county in a civil action in the nature of a debt or may be collected in other amounts as prescribed herein within the prescribed time following the issuance of

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notice for the violation.

(2) The notice shall, among other things:

(a) State upon its face the amount of the penalty and any fines that may accrue;

(b) Notify the offender that a failure to pay the penalties within the prescribed time shall subject the offender to a civil action in the nature of debt for stated penalty plus an additional penalty in the amount of \$25 together with the cost of the action to be taxed by the court;

(c) Provide that the offender may answer the notice by mailing the notice and stated penalty to the Health Director, County Health Department at its mailing address, or by making payment to the Health Director, County Health Department at the appropriate address, and that upon payment, the case or claim and right of action by the county will be deemed compromised and settled; and

(d) State that the penalties must be paid within 72 hours from issuance of the notice. The notice shall further state that if the notice of violation is not paid within 72 hours, a civil complaint for collection of the penalty may be filed by the county.

(3) The Health Director or his or her designee is authorized to accept the payments in full and as final settlement of the claim or claims, right or rights of action which the county may utilize to enforce the penalty by civil action in the nature of a debt. Acceptance of the penalty shall be deemed a full and final release of any and all the claims, or rights of action arising out of the alleged violation or violations.

(4) (a) The civil penalty for any offense in violation of this chapter is:

1. First offense: \$25;
2. Second offense: \$50; and
3. Third offense and thereafter:

(b) The penalty shall be paid within 72 hours from the issuance of the notice referred to above. After the 72-hour period, the civil penalty will increase by \$25 and an additional \$25 for every five work-day period in which the fine is not paid, not to exceed \$1,000.

(5) The notice of violation referred to herein may be delivered to the person violating the provisions of this chapter in person, or may be mailed to the person at his or her last known address.

(6) All penalties paid to the Health Director or recovered in a civil action in the nature of a debt, as herein provided, shall be paid into the general fund of the county.

(Ord. 199, passed 11-13-2008)

CHAPTER 94: ABANDONED AND JUNKED VEHICLES

Section

- 94.01 Authority and purpose
- 94.02 Jurisdiction
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Statutory references:

*Authority to abate nuisances,
see G.S. ' 153A-140*

*Authority to prohibit the abandonment of
motor vehicles on public ground and private
property, see G.S. ' 153A-132*

' 94.01 AUTHORITY AND PURPOSE.

This chapter is enacted pursuant to the powers granted to the town by G.S. " 153A-121, 153A-132 and 153A-132.2. The purpose of this chapter is to protect the health, safety and general welfare of the citizens of the town and its extraterritorial area, natural scenic beauty and property values of the town from potential adverse effects caused by the proliferation and improper disposal of junked motor vehicles. (Ord. passed 11-18-2010)

' 94.02 JURISDICTION.

In accordance with G.S. ' 153A-122, this chapter applies to, and is enforceable within the town and its extraterritorial jurisdiction (ETJ). (Ord. passed 11-18-2010)

' 94.03 DEFINITIONS.

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

ABANDONED VEHICLE. Any motor vehicle that is left:

- (1) Upon a public street or highway in violation of a law or ordinance prohibiting parking;
- (2) On a public street or highway for longer than seven days;
- (3) On property owned or operated by the town for longer than 24 hours; or
- (4) On private property without the consent of the owner, occupant or lessee, for longer than two hours.

ENCLOSED BUILDING. A garage or building structure that provides a complete enclosure (all sides of building enclosed) so that the contents of the building cannot be seen from a street or from adjacent property erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

JUNKED MOTOR VEHICLE. Any motor vehicle that does not display a current state license plate that:

(1) Is partially dismantled or wrecked;

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move. This includes dismantled truck trailers or truck bed boxes which were originally attached to a motorized vehicle; or

(3) Is more than five years old and appears to be worth less than \$100.

MAGISTRATE. The magistrate for the county, or in any other office designated to receive requests by the Chief District Court Judge.

MOTOR VEHICLE or **VEHICLE.** All machines designed or intended to travel over land or water by self-propulsion or while attached to a self propelled vehicle or any other vehicle specifically declared a health and safety hazard and a public nuisance by the Administrator.

NUISANCE VEHICLE. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance and unlawful, including a vehicle found to be:

(1) A breeding ground, nest or harbor for mosquitoes, other insects, rats or other pests;

(2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;

(3) A point of collection of pools of water;

(4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials;

(5) Having areas of confinement that cannot be opened or in the alternative, operated from the inside of the area of confinement, such as trunks, hoods and the like;

(6) So situated or located that there is a danger of the vehicle falling, dislodging or turning over;

(C) In cases where it is impractical or impossible

(7) A point of collection of refuse, trash, garbage, food waste, animal waste or any other rotten or decaying matter of any kind; and/or

(8) Having parts which are jagged or contain sharp edges of metal, plastic or glass. (Ord. passed 11-18-2010)

' 94.04 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the public property after it has been declared an abandoned vehicle.

(B) If a motor vehicle is abandoned on public property, the Board of Commissioners may direct the sheriff, or designee to remove the vehicle to a designated storage area determined by the sheriff. (Ord. passed 11-18-2010) Penalty, see ' 94.99

' 94.05 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner, or person entitled to possession of a motor vehicle, or for the owner, lessee or occupant of the real property upon which the vehicle is located, to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(B) Upon investigation, the Town Manager may determine and declare that a vehicle is a health or safety hazard and therefore a nuisance vehicle and order the vehicle removed. Notice of the Town Manager's determination may be combined with any other notices required under this chapter. Notices shall be provided to the registered owner or person entitled to possession of the motor vehicle and/or the owner, lessee or occupant of the real property by first class mail except in situations where a name and address cannot be ascertained, notice may be given by affixation on the windshield or some other conspicuous place on the vehicle. to find and/or prosecute the responsible party the town

may, at its discretion, have the vehicle towed in accordance with G.S. ' 153A-132.

(Ord. passed 11-18-2010) Penalty, see ' 94.99

' 94.06 RIGHT TO ENTER PREMISES.

The Town Manager shall have the right, upon presentation of proper credentials and identification, to enter any premises within the jurisdiction of this chapter during daylight hours to determine if any vehicle is in violation of this chapter.

(Ord. passed 11-18-2010)

' 94.07 JUNKED MOTOR VEHICLES REGULATED; REMOVAL AUTHORIZED.

(A) All junked vehicles must meet the requirements of this section, including

- (1) All junked vehicles must be kept either in:
 - (a) An enclosed building or
 - (b) Behind an opaque screen. Opaque screens may be one of three types, a wall or fence (see sub-section (2) below) or an opaque screen of vegetation (see-subsection (4) below)
- (2) WALL OR FENCE meeting all the following requirements:
 - (a) The wall or fence may not be made of chain link fencing including chain link fencing interwoven with plastic strips or slats.
 - (b) The wall or fence shall be at least six (6) feet high as measured from the finished grade on the outside of the fence or wall.
 - (c) Storage area shall not be visible from any adjacent property or public right-of-way. Stored items shall not project above required vegetation. The wall or fence shall be completed visual barrier.
 - (d) Only one (1) entrance is permitted into the storage area. The entrance shall be less than eighteen (18) feet wide. A gate that is completely opaque and at least 8 feet in height (measure from the nearest adjacent grade) shall secure the entrance.

- (e) Storage area shall be graded and surface with asphalt or concrete.
- (3) An OPAQUE SCREEN of trees, shrubs, or other woody plants meeting the following requirements:
 - (a) A buffer yard of 10 (1) feet shall be maintained along the entire perimeter of the storage area.
 - (b) Minimum vegetation for the buffer yard shall be eight (8) large evergreen trees, ten (10) small evergreen trees and thirty-six (36) large evergreen shrubs per one hundred (100) linear feet of buffer or fraction thereof.
 - (c) Trees must be at least six (6) feet tall at the time of planting.
 - (d) Storage area shall not be visible from any adjacent property or public right-of-way. Stored items shall not project above required vegetation. The vegetation shall be complete visual barrier.
 - (e) Only one (1) entrance is permitted into the storage area. The entrance shall be less than eighteen (18) feet wide. A grate that is completely opaque and at least 8 feet in height (measure from the nearest adjacent grade) shall secure the entrance.
 - (f) Storage area shall be graded and surface with asphalt or concrete.
- (4) A COMBINATION of walls, fences, and/or plantings meeting the requirements of sub-sections (a) and (b). If the requirements of subsections (a) and (b) are in conflict, the stricter requirements apply.
- (5) Site plan and zoning permits approvals are required as provided in the Unified Development Ordinance for the storage of five (5) or more junked vehicles outside on an enclosed building
- (6) A carport is not an acceptable screen, garage, or enclosed building under this chapter.

(Ord. passed 6-9-2015) Penalty, see ' 94.99

' 94.08 ENFORCEMENT PROVISIONS.

The Town Manager shall enforce this chapter. He or she may call upon other agencies as necessary to assist in the enforcement of this chapter.

(A) Whenever the Town Manager receives a complaint alleging a violation of this chapter, he or she shall investigate the complaint and take whatever action is warranted.

(B) The owner, tenant or occupant of any building or land, and agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and be subject to all penalties and remedies.

(C) Upon discovery of a violation, the following procedures apply.

(1) The Town Manager shall send a written notice to the person responsible for the violation, indicating the nature of the violation, the action

' 94.10 EXCEPTIONS.

This chapter does not apply to any motor vehicle that is located:

(A) In an enclosed building;

(B) On the premises of a business enterprise being legally maintained and operated primarily for the purpose of making repairs to motor vehicles or wholesale or retail sales of items or parts routinely used in motor vehicles, in a lawful place and manner if the vehicle is necessary to the operation of the business;

(C) On the premises of a business enterprise being operated in a legally zoned place and manner if the vehicle is necessary in the operation of the enterprise or needed in the operation of a bona-fide farm; or

(D) In an appropriate storage place or depository maintained by the town.
(Ord. passed 11-18-2010)

necessary to correct it, and the number of days within which the violation must be corrected.

(2) In cases that pose an immediate danger to the public's health, safety or general welfare, the Town Manager may seek enforcement without proper written notice by invoking any of the penalties or remedies authorized by this chapter.

(Ord. passed 11-18-2010)

' 94.09 LIABILITY.

The town, or any person acting on behalf of the town in the enforcement of this chapter, may not be held to answer in a civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, junked, lost or stolen vehicle for the enforcement of this chapter.

(Ord. passed 11-18-2010)

' 94.11 CHANGES IN STATE LAW.

Should G.S. Ch. 153A and ' 153A-132.2, or any other section of the general statutes incorporated herein by reference or otherwise referred to herein be changed or amended, or should the statutes require or mandate a different procedure or change or impose new, different or additional requirements, then, in that event, this chapter shall be deemed to have been amended without further action to have complied with the new, additional or amended requirements.

(Ord. passed 11-18-2010)

' 94.99 PENALTY.

The county may assess the following civil and criminal penalties.

(A) A violation subjects the violator to a civil penalty in the amount of \$50. Each day's continuing violation is a separate and distinct offense.

(B) A violation of this chapter shall be a criminal misdemeanor, punishable as provided in G.S. Ch. 143.

(C) In addition to the foregoing enforcement provisions, this chapter may be enforced by any remedy provided in G.S. ' 153A-123. Each day=s continuing violation is a separate and distinct offense. (Ord. passed 11-18-2010)