

TOWN OF DILLSBORO ANIMAL CONTROL ORDINANCE

SECTION 1: AUTHORITY, PURPOSE AND DEFINITIONS

1.1: Authority: By authority of NC General Statute §160A-174, the Town of Dillsboro hereby places this ordinance in effect to promote and protect the public health, safety, and welfare of the citizens and visitors to Dillsboro, and for the peace and dignity of the town.

1.2: Purpose: The purpose of this ordinance is to protect citizens and visitors from animals which are potentially dangerous and or public nuisance animals. This ordinance is also to ensure that all animals receive proper care and treatment.

1.3: Definitions: The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1.3.1: Animal: All organisms of the animal kingdom other than human beings.

1.3.2: Animal-at-large: Any animal off the premises of the animal's owner and not under physical restraint.

1.3.3: Animal-under-restraint: Any animal confined within a vehicle, secured by a leash, lead, chain, rope, or bridle, or other such apparatus, or cage, carrier, or other container or similar physical restraint as to allow the animal to be controlled by the owner/keeper.

1.3.4: Nuisance Animal/Public Nuisance Animal: Any animal that unreasonably annoys humans, endangers life or health of domestic animals or persons, or substantially interferes with the right of citizens, other than its owner, to enjoyment of life or property. The term "public nuisance animal" includes, but is not limited to, any animal that:

- a) Is repeatedly at large;
- b) Damages the property of anyone other than its owner;
- c) Molests or intimidates pedestrians or passersby;
- d) Chases vehicles;
- e) Excessively makes disturbing noises such as repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- f) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored due to the neglect of the animal's owner;
- g) Is offensive or dangerous to the public health, safety, or welfare.

1.3.5: Owner/Keeper: Any person owning, keeping, harboring, possessing, or acting as custodian, however temporarily, of an animal; however, a person with temporary custody or possession of an animal for the sole purpose of turning over that animal to a member of the law enforcement or animal control shall not be deemed the owner of the animal.

1.3.6: Pet Shop: A commercial establishment offering live animals for sale for the intent of being kept as pets.

1.3.7: Vicious or Dangerous Animal: Any animal that poses a physical threat to humans or other domestic animals due to the nature of its species or variety of breed; inflicts injury to a human or other domestic animal; approaches a person when not on the owner/keeper's property in a vicious or terrorizing manner or in an attitude of attack; and/or is in any way dangerous to the public health, safety, or general welfare.

1.3.8: Wild Animal: Any animal which can normally be found in a wild state; those which are feral, exotic, dangerous, or non-domestic animals which generally do not live in or about the habitation of humans, including but not limited to lions, tigers, leopards, wildcats, bears, deer, etc.

SECTION 2: ANIMAL PROTECTION AND CARE

2.1: Required Identification: All animals kept within the town of Dillsboro shall be required to have a collar indicating the name and address of the animal's owner and a valid rabies tag from the Jackson County Health Director. The Jackson County Health Director may exempt species that normally do not require rabies inoculations from the rabies tag requirement.

2.2: Minimum care: Owners must provide minimum care sufficient to preserve the health and well-being of the animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

2.2.1: Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

2.2.2: Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source.

2.2.3: In the case of pets or domestic animals, access to a barn, house or other enclosed structure sufficient to protect the animal from wind, rain, snow, or sun and which has adequate bedding to protect against cold and dampness.

2.2.4: Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease.

2.2.5: Pets or domestic animals shall not be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a dry place for the animal to rest. The air temperature in a confinement area must be suitable for the animal involved. Confinement areas must be kept reasonably clean and free from excess waste or other contaminants which could affect the animal's health.

2.3: Cruelty to Animals: It shall be unlawful for any person to treat any animal in such a manner as to molest, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, kill, wound, injure, poison, abandon, or subject to conditions detrimental to the animal's health or general welfare, or to cause or procure such treatment to any animal.

SECTION 3: GENERAL PROVISION AND ENFORCEMENT

3.1: Vicious or Dangerous Animal: No person shall keep any vicious or dangerous animal within the Dillsboro corporate limits. After a determination by the designated agent or employee of the town that a particular animal is a vicious or dangerous, the owner/keeper of the animal shall remove it from within the corporate limits of Dillsboro. Any person who owns or keeps an animal which has been declared vicious or dangerous shall have the right to appeal this decision to the Board of Aldermen. The Board of Aldermen shall conduct an informal hearing to determine whether the animal is vicious or dangerous. If the animal is judged not to be vicious or dangerous, it shall be returned to the owner.

3.2: Leash Law: All animals that are taken from the premises of the owner/keeper shall be restrained either by a leash, lead, chain, rope, bridal, or other such apparatus not to exceed 6 feet in length, or be confined in a cage, carrier, or other such container. At no time shall any animal be allowed to run-at-large in public streets, parks, or areas of public access within the Dillsboro corporate limits. This section shall not apply to domesticated cats.

3.3: Public Nuisance Animal: No person shall keep any animal that has been deemed a Public Nuisance Animal as defined under section 1.3.4 of this ordinance. After a determination by the designated agent or employee of the town that a particular animal is a public nuisance, the owner or keeper of such animal shall remove it from within the corporate limits of the town. Any person who owns or keeps an animal which has been declared a public nuisance shall have the right to appeal this decision to the Board of Aldermen. The Board of Aldermen shall conduct an informal hearing to determine whether the animal is a public nuisance. If the animal is judged not to be a public nuisance, it shall be returned to the owner.

3.4: Wild Animals: The keeping of wild animals as defined under section 1.3.8 in this ordinance is not permitted within the corporate limits of Dillsboro.

SECTION 4: PENALTY FOR VIOLATIONS

Violations of any provision of this ordinance may result in the person(s) being charged with a civil fine or with a criminal misdemeanor under provision of NC General Statute § 14-4.

4.1: Civil Fine: Person(s) who are charged with violating this ordinance shall receive a civil fine of \$75.00 for the first violation. A second violation within 365 days from the first violation will be charged a civil fine of \$150.00, and the fine for each additional violation shall increase by \$75.00 per violation for 365 days following the first violation.

4.2: Criminal Misdemeanor: Person(s) who are charged with violating this ordinance may be charged with a criminal misdemeanor.

This ordinance shall be in full force and effect upon adoption and shall replace any previous ordinances referencing animal control.

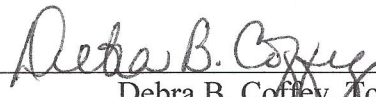
Adopted on this, the 8th day of April, 2019.

FOR THE TOWN OF DILLSBORO, NORTH CAROLINA:



MICHAEL T. FITZGERALD, MAYOR

Attest:



Debra B. Coffey, Town Clerk