



TOWN OF FARMVILLE

CODE OF ORDINANCES

CHAPTER 3 – CONTROL OF DOMESTICATED ANIMALS

Section 1.0 LIVESTOCK

It shall be unlawful for any person, firm, corporation, or group of persons to keep ponies, horses, mules, cows, swine, poultry, or other livestock in the Town of Farmville or to maintain a stable, lot, or other area for any pony, horse, mule, or other livestock. If at the time of annexation a parcel of land is in active use for the purpose of grazing horses or cattle, this use may be continued. If active use of the parcel of land for this purpose is discontinued for a continuous period of two years, such use thereafter shall not be permitted. Subsequent to annexation, if the parcel of land is used for other purposes than grazing of cattle or horses then its use can not be reverted back to grazing. Such use shall also be discontinued if parcel of land adversely affects enjoyment and use of nearby properties by creating excessive noise or odor promoting unhealthy vectors or a haven for pests or otherwise endanger public health or safety.

Section 2.0 DOMESTICATED ANIMALS

2.1 Definitions

2.1.1 "Domesticated Animals" shall be intended to mean any canine, feline or other domesticated animal permitted under the laws of the State of North Carolina, both male and female.

2.1.2 "Nuisance Animals" shall mean any animal that:

- a. Damages the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers or vegetables;
- b. Prolonged and habitual barking, howling and whining;
- c. Habitually or repeatedly chases, snaps at, attacks or barks at pedestrians,
bicycles or vehicles;
- d. Is a vicious animal;
- e. Causes unsanitary conditions of enclosures or surroundings.

2.1.3 "Vicious Animal" shall mean any animal which constitutes a physical

threat to human beings or other animals by virtue of attacks of such number and severity as to cause property damage or physical injury.

2.1.4 "Dangerous Dog" shall mean:

- a. Any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury, or to otherwise threaten the safety of human beings or domestic animals; or
- b. Any dog which, without provocation, has attacked or bitten a human being or domestic animal; or
- c. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or
- d. Any dog which, without provocation, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack; or
- e. Any Pit Bull Terrier, which shall be defined as any American

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Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier breed of dog, or any mixed breed of dog which has the appearance of being predominately of the breeds of dog known as American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier, and any other breed of dog commonly known as pit bull, pit bull dog, or pit bull terrier, or a combination of those breeds.

2.1.5 "Animal Control Officer" shall mean any employee designated by

the

Farmville Chief of Police to perform the duties as described by this chapter. The Animal Control Officer, in the performance of his duties shall have all the powers, authorities and immunities granted under this ordinance, and by the general laws of the State of North Carolina to enforce the provisions of this chapter which relates to the care, treatment or impounding of animals, but shall not have the power of arrest.

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2.2 Animals Running at Large

2.2.1 It shall be unlawful for any person owning or having possession,

charge,
care, custody or control of any animal to fail to keep such animal
exclusively upon his own premises; provided, that such animal may
be
off such premises if it be under control of a competent person and
restrained by chain or leash or other means of adequate physical or
verbal supervision and control.

2.2.2 Impoundment of Animals. The Police Department is hereby
charged
with the duty of impounding all animals running at large in
violation of
the provisions of this ordinance.

2.2.3 Fees for Impounding and Keeping. A fee of \$10.00 will be charged
per day for the impoundment and keeping of any animal impounded
by the Police Department. The owner or owners of any animals
impounded hereunder may redeem the same by paying all the costs,
charges and penalties assessed, if any, that have accrued up to the
time of making the redemption, and when the same are paid to the
Police Department, it shall be the duty of the Police Department to
release the animal from said pound and deliver him to the owner
thereof.

2.2.4 Period of Impoundment. Impounded animals shall be kept for not
less than 4 (four) days unless reclaimed sooner by their owners. If
an impounded animal has a registration tag or other identification
which identifies the owner, it shall be the duty of the impounding
officer to notify the owner of the animal within 48 hours of the fact
of the animals' impoundment. Any animal not claimed by an
owner within 10 days may be sold to any member of the public for a
fee of \$10.00, or be destroyed and disposed of by the Police
Department.

2.3 Nuisance Animals

2.3.1 Any person keeping within the corporate limits of the Town of
Farmville, one or more animals which, by prolonged and habitual
barking, howling or whining cause serious annoyance to
neighboring residents and interfere with the reasonable use and
enjoyment of the premises occupied by such residents for other
reasons as defined shall be guilty of maintaining a nuisance.

2.3.2 Upon complaint being made to by any resident or residents referred
to hereof, the Animal Control Officer or Police Officer shall
investigate the complaint, unless it has been made in writing and

signed. Upon receiving a written and signed complaint, or verification of an oral complaint, a representative of the Police Department shall notify such person against whom the complaint is directed that a complaint has been received, and thereupon, such person shall abate the nuisance declared hereof, within twenty-four hours from the time of notification.

2.3.3.1 It shall be unlawful for any owner, possessor, or harbinger of any

animal to allow such animals(s) under his or her control, whether at large or under restraint, to defecate on the private property of another. (Amended June 5, 2001)

2.3.3.2 It shall be unlawful for any owner, possessor, or harbinger of any

animal(s) under his or her control, whether at large or under restraint, to defecate on upon any public property or public right-of-way without immediately removing and properly disposing of the said defecation of the animal(s) in an appropriate trash receptacle. (Added June 5, 2001)

2.4 Vicious Animals

2.4.1 It shall be unlawful for any person to own, keep, possess or in any way maintain a vicious animal within the corporate limits of the Town of Farmville. After a determination by the designated agent or employee of the Town that a particular animal is vicious, the owner or keeper of such animal shall have it humanely destroyed, or shall otherwise remove it from within the corporate limits of the Town of Farmville.

2.4.2 Any person who owns or keeps an animal which has been declared wild or vicious shall have the right to appeal this decision to the Town Manager. The Town Manager, or his representative, shall conduct an informal hearing to determine whether the animal is wild or vicious.

2.4.3 Each wild or vicious animal and each day's continuing violation shall constitute a separate and distinct violation, subject to further penalties.

2.4a Declaring a Dog Dangerous

2.4a.1 If the Animal Control Officer has cause to believe that a dog is dangerous, the Animal Control Officer may find and declare that dog a dangerous dog.

2.4a.2 Notice of Dangerous Dog Declaration. Within five days of declaring a dog dangerous, the Animal Control Officer shall notify the dog's owner in writing of the declaration. The notice shall identify the requirements and conditions for maintaining a dangerous dog as set forth in this chapter. If the owner cannot be located, the dog may be immediately impounded and notice shall be posted on the owner's property or sent by certified mail to the owner's last known address.

2.4a.3 Hearing on Dangerous Dog Declaration. The owner of a dog declared dangerous shall have the right to file, within five days after receiving notice, a written request for a hearing to contest the dangerous dog declaration. The hearing shall be held by the Town Manager within ten days after the Town Clerk receives the owner's written request.

The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence, and cross-examine witnesses.

The Town Manager shall issue a decision within five days after the close of the hearing and shall notify the owner in writing of the decision.

If the Town Manager upholds the dangerous dog declaration, the owner shall comply with all of the requirements and conditions for maintaining a dangerous dog as set forth in this chapter.

The decision of the Town Manager is final.

2.4a.4 Requirements for Keeping a Dangerous Dog. The owner of a dangerous dog shall be subject to the following requirements:

a. Confinement. All dangerous dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet. All pens or structures must be adequately lighted and kept clean and sanitary. The enclosure must also protect the dog from the elements.

b. Leash and Muzzle. The owner of a dangerous dog shall not allow the dog to go outside the kennel, pen, or structure unless the dog is muzzled, restrained by a chain or leash not more than four feet in length, and under the physical control of a person. The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human or animal.

c. Signs. The owner of a dangerous dog shall display in prominent place on the

owner's premises a clearly visible warning sign indicating that there is a dangerous dog on the premises. The sign must be readable from the public highway or thoroughfare. The owner shall also display a sign with a symbol warning children of the presence of a dangerous dog. Similar signs shall be posted on the dog's kennel, pen, or enclosed structure.

d. Insurance. The owner of a dangerous dog must provide proof to the Town Clerk that the owner has procured public liability insurance of at least One Hundred Thousand Dollars (\$100,000.00), insuring the owner for any damage or personal injury which may be caused by his or her dangerous dog.

2.4a.5 Impoundment and Destruction. The Town Manager may order the impoundment and destruction of a dog where:

- a. The dog has attacked, bitten, or injured a human being or domestic animal;
- b. The dog is a dangerous dog as defined in Section One and the owner has failed to comply with the requirements and conditions for keeping a dangerous dog as defined in Section Five.
- c. The dog poses a threat of serious harm to the public health or safety.

2.4a.6 Notice of Impoundment. Within forty-eight (48) hours of an impoundment, the animal Control Officer shall notify the dog's owner in writing of the impoundment.

2.4a.7 Hearing on Impoundment/Destruction

- a. The owner of the impounded dog shall have the right to file, within five days after receiving notice, a written request for a hearing to contest the impoundment.
- b. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence, and cross-examine witnesses.
- c. The Town Manager shall issue a decision within five days after the close of the hearing and shall notify the owner in writing of the decision.
- d. After considering all of the relevant evidence, the Town Manager may order the destruction of the impounded dog, or may release the dog to its owner conditional on the owner complying with the requirements for keeping a dangerous dog as set forth in Section Four, or complying with any other

requirements necessary to protect the public health or safety.

- d. If the owner of an impounded dog fails to appear at a hearing or fails to request a hearing, the dog shall be destroyed.

2.4a.8 Exemptions

- a. This chapter shall not apply to dogs used by a police department or law enforcement agency.
- b. No dog may be declared dangerous for injury or damage sustained by a person who was committing a willful trespass or other tort upon the premises of the dog's owner.
- c. No dog may be declared dangerous for injury or damage sustained by a person who was teasing, tormenting, abusing, or assaulting the dog.

2.4a.9 Change of Status. The owner of a dangerous dog shall notify the Town Manager within twenty-four hours if the dangerous dog is unconfined and on the loose, or has attacked a human being or domestic animal.

2.4a.10 Change of Ownership. If the owner of a dangerous dog sells, gives away, or otherwise transfers custody of the dangerous dog, the owner shall, within five days, provide the Animal Control Officer with the name, address, and telephone number of the new owner. The previous owner shall notify the new owner of the dog's designation as a dangerous dog and of the requirements and conditions for keeping a dangerous dog.

2.4a.11 Dog Fighting. No person shall possess, harbor, or maintain care or custody of any dog for the purpose of dog fighting, nor shall any person train, torment, badger, bait, or use any dog for the reason of causing or encouraging the dog to attack human beings or domestic animals.

2.5 Regulating the Number of Dogs

2.5.1 It shall be unlawful for any person to keep on any one lot or premises within the corporate limits more than 3 animals in excess of 15 pounds and not more than 4 animals total. Provided, however, this limitation shall not apply to animals which are less than six (6) months of age. (Amended 08/02/94)

2.5.2 Any person wishing to keep more than 4 animals on any lot or premises shall apply to the Town Manager for a license to operate a kennel, and prior to issuing a kennel license the Town Manager shall determine if the location and construction of such kennel is

in compliance with the Zoning Ordinance, Rules and Regulations of the County Board of Health, and all other ordinances of the Town of Farmville applicable thereto.

- 2.5.3 Upon complaint being made to the Police Department by a person specifying the location where more than 4 animals are being kept in other than a licensed kennel, the Police Department shall investigate and, if it is determined that this ordinance is being violated, the Police Department shall notify the person or persons responsible for keeping such animals and upon such notice from the Police Department, the responsible person or persons shall remove from the premises the number of animals in excess of four (4) which are prohibited by this ordinance within forty-eight (48) hours from the time of notification.

2.6 Tags and Collar

- 2.6.1 All dogs in the Town shall be inoculated against rabies and shall wear a collar to which is attached a current rabies vaccination tag and a tag identifying owner adequate for notification.

2.7 Notice of Violation

- 2.7.1 In administering their duties under this chapter, the animal control officers are empowered to issue citations to any person, if there is reasonable cause to believe that he has violated any of the provisions of this chapter. Citations issued may be delivered in person to the violator by the animal control officers, or they may be mailed to the person, if he cannot be readily found. Any notice or citation delivered or mailed shall direct the violator to appear at the office of the revenue collector of the Town within five (5) days.
- 2.7.2 The animal control officers shall cause all citations to be consecutively numbered in triplicate and records shall be kept in such a way that all citations may be accounted for.
- 2.7.3 If a violator of any section of this chapter does not appear in response to the citation issued by the day and hour named in the citation, the chief of police or his representative shall send a registered letter to the violator informing him of the violation and that he is responsible for paying the penalty. If the registered letter is disregarded for a period of five (5) days from the date of the mailing, a complaint may be filed and a warrant of arrest issued.

2.7.4 If a violator does not appear in response to the citation and registered letter, the Chief of Police may enter a complaint against the violator and secure a warrant for this arrest.

2.8 Penalties for Violation of this Ordinance

2.8.1 Any violation of this ordinance shall subject the offender to a civil penalty in the amount stated in this section. Violators shall be issued a written citation which must be paid to the Town tax collector within five (5) days.

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| a. Animals running at large | \$25.00 |
| b. Vicious Animals | \$25.00 |
| c. Nuisance Animals | \$25.00 |
| d. Dangerous Dog | \$25.00 |

2.8.2 Violation of this ordinance shall also constitute a misdemeanor punishable upon conviction by a fine not to exceed fifty dollars (\$50) or imprisonment for not more than thirty (30) days as provided in General Statutes 14-4.

2.8.3 Alternatively, the Town may apply to the appropriate court for an injunction and order of abatement requiring a violator to correct any unlawful condition relating to this ordinance existing on his or her property, pursuant to General Statutes 160A-175.

2.9 Severability

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court, such a decision shall not affect the validity of the remaining portions of this ordinance.

Section 3.0 BIRDS

The entire area of the Town of Farmville is hereby created and established as a bird sanctuary, as to all birds protected by the State Wildlife Resources Commission or otherwise by State law. It shall be unlawful for any person to hunt, trap, kill, or otherwise take any protected bird within the Town limits except pursuant to a permit issued under Section 113-87 of the General Statutes of North Carolina. (See G.S. 160A-188)

*Original Ordinance amended on 10/4/83; 1/6/87; 1/2/90; 2/6/90 (2 amendments).

These amendments are included in this Ordinance.