

CHAPTER 91: ANIMALS

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Statutory reference:

Dangerous dogs, see G.S. 14-67-4.1 through 67-4.4

Rabies, see G.S. 130A-184 et seq.

Cross-reference : nuisance regulations, see Chapter 98

General Provisions

91.01 Bird Sanctuary.

(A) The entire area embraced within the corporate limits of the town is hereby designated a bird sanctuary.

(B) It shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest any bird or wild fowl or to rob birds nests or wild fowl nests, provided, if starlings, pigeons, or similar birds are found congregating in a particular area and constitute a nuisance or menace to health or property in the opinion of town authorities, those birds may be destroyed by or under the supervision of the Police Chief. (1994 Code, 91/01) Penalty, see 10.99

91.02 Keeping of fowl and livestock regulated; dangerous or offensive animals.

(A) Fowl. No person shall maintain, harbor, or keep within the town limits any fowl, meaning any chicken, game rooster, goose, duck, guinea, or any other fowl.

(B) Livestock. No person shall maintain, harbor, or keep within the town limits any animal that is a member of the Bovidae family (including cattle, sheep, and goats), a member of the Suidae family (including pigs, hogs, and boars), a member of the Equidae family (including horses, donkeys, and mules), or other livestock.

(Ord. passed 6-28-1988; Am. Ord. passed 6-13-2011)

(C) Dangerous or offensive animals. No person shall maintain or harbor within the town limits any animal dangerous to persons or property or offensive to the senses, except by written authorization by the Town Council.

(D) Penalty. A violation of this section shall be a Class 3 misdemeanor as provided by G.S. § 14-4(a), unless it is an infraction as provided by G.S. § 14-4(b). (1994 Code, § 91.02) (Am. Ord. CO-02-21-22, passed 6-13-2022) Penalty, see § 10.99

91.03 Abuse prohibited.

It shall be unlawful for any person to molest, tease, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, wound, injure, poison, abandon, kill or subject to conditions detrimental to the health or general welfare of 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. Penalty, see § 10.99

91.04 Rabies inoculation required for dogs and cats.

(A) It shall be unlawful for an owner to fail to provide current inoculation against rabies for any dog or cat 4 months of age or older. A rabies inoculation shall be deemed “current” for a dog or cat if the dog or cat has received an initial or booster vaccine within the preceding year.

(B) Upon complying with the provision of § 91.04, there shall be issued by the inoculator, to the owner of the animal inoculated, a metallic tag, stamped with the number and the year for which issued, and indicating that the animal has been inoculated against rabies.

(C) It shall be unlawful for any dog or cat owner to fail to provide the dog or cat with a collar or harness to which a current tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times. Penalty, see § 10.99

91.05 Pets on town property prohibited.

It shall be unlawful for the owner of any pet to allow it to be on the grounds of any town property where signs prohibiting the presence of the animals are erected or posted and the signs are unobstructed and clearly visible.

This section does not apply to animals that are specifically trained to assist disabled persons (see title III of the ADA). (Ord. passed 4-5-94) Penalty, see 10.99

91.06 General care; prohibited acts.

All animals shall be kept and treated under sanitary and humane conditions and it shall be unlawful for any person to engage in one or more of the following acts.

(A) Failure to provide adequate food, water and shelter.

1. All animals, unless otherwise indicated in this chapter, shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff in a container suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition.
2. All animals shall have constant access to a supply of clean, fresh, potable water or a supply of clean, fresh potable water provided at suitable intervals. If access is not constant, then adequate amounts of water must be provided at least twice in a 24-hour period. If water is provided at intervals, it must remain in the animal's enclosure for at least one hour during each interval.
3. All animals shall be provided with adequate shelter from the weather at all times. It shall be within the discretion of the Animal Services Coordinator to determine what constitutes adequate shelter. Examples of inadequate shelter include, but are not limited to the following:

- a. Underneath outside steps and stoops
- b. Underneath houses
- c. Inside or underneath motor vehicles, boats, RV's
- d. Inside metal or plastic barrels
- e. Inside cardboard boxes
- f. Inside temporary animal carriers or crates
- g. Shelters located in flood prone areas
- h. Shelters surrounded by waste

(B) Failure or refusal of any owner of a sick, diseased or injured animal to provide proper medical treatment for the animal. A sick, diseased or injured animal shall go no longer than 24 hours without veterinary care.

(C) Animal Cruelty. Examples of animal cruelty include, but are not limited to the following:

1. Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck;
2. Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised;
3. Allowing a dog or cat to be left outside in inclement weather or extreme temperatures without adequate shelter;
4. Intentionally allowing animals to engage in a fight;
5. Allowing animals to live in crowded conditions;
6. Allowing animals to live in unsanitary conditions;
7. Failure or refusal to obtain medical treatment for an animal when in an Animal Services Coordinator's opinion such treatment is needed;
8. Shooting a dog, either on or off the owner's property, unless the dog is in the act of chasing or attacking a human being or any other domestic animal;
9. Trapping a dog or cat without a request for animal trap issued by animal control;
10. Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or authority to inspect and to close down public exhibits of animals which are part of fairs, carnivals, festivals, fund-raising events, petting zoos and any other activity or function carried out in the town if it is determined that animals are being cruelly treated, abused or run the risk of causing injury to the public or themselves
11. Animals being confined to or restrained on the premises of a vacant or abandoned structure;
12. Failure to provide adequate drainage to prevent surface water from standing in the area of the pen or enclosure where the animal is kept. It shall be within the discretion of the Animal Services Coordinator as to what constitutes adequate drainage.

(D) Chaining or tethering. Chaining or tethering an animal to a stationary object for period of time or under conditions that an Animal Services Coordinator deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:

1. Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal;
2. Using a chain or tether made of rope, twine, cord or similar material;
3. Using a chain or tether that is less than 10 feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width;
4. Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter;
5. Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon or leather.

(E) Leaving an animal in a closed vehicle, etc. Leaving an animal in a closed vehicle or other enclosure for such duration or at such temperatures as an Animal Services Coordinator or police officer deems harmful or potentially harmful to the animal.

(F) Failure or refusal to report injured domestic animals.

1. All persons who injure a domesticated animal by running over, into or otherwise coming into contact with such animal with an automobile, motorcycle, bicycle or other vehicle shall notify the owner of the animal immediately.
2. If the owner is unknown, the person who injured the animal shall immediately notify Animal Services or any police officer by giving his or her name and address, a description of the animal and the location of the incident.

(G) Maintaining a dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, animals walked on a leash, bicycles or other vehicles. (Ord. CO-01-2016) Penalty, see 10.99

91.07 Public Nuisance.

The keeping of any animal in such manner or in such numbers as to constitute a public nuisance is hereby prohibited. For the purposes of this section, a public nuisance shall include, but not limited to the following:

1. Allowing or permitting an animal to damage the property of anyone other than its owner, including but not limited to, turning over garbage containers, damaging gardens, flowers, or vegetables, or defecating upon the property of another.

2. Maintaining animals in an unsanitary environment which results in unsightly or offensive animal waste, litter, or odor which would disturb a reasonable person.
3. The keeping, possession, harboring or feeding of animals, wild, feral or domesticated, which threaten the public health, safety and welfare of the community.
4. Failing to confine a female animal while in heat in a secure enclosure in such a manner that she will not be in contact with another animal or attract another animal.
5. The tethering of any animal to public property or in a public right of way.
6. An animal which damages or scratches the property of another.

Penalty, see § 10.99

91.08 Enforcement/Administration.

(A) Administration.

For purposes of administering this chapter, the Town Manager and Chief of Police may create an Animal Services Division within a town department, designate a local agency or designate other town departments to perform some or all of the functions of said division. There shall be an Animal Services Supervisor who shall have overall responsibility for administering this chapter and for supervising the Animal Services Coordinators. Sworn police officers shall have all the powers as an Animal Services Coordinator as defined in Section 91.25 of the Town of Long View Code of Ordinances.

(B) Powers. The powers of Animal Services Coordinators shall be to:

- (1) Take up and deliver any animal at large in violation of this chapter to the animal shelter.
- (2) Issue all appropriate permits, citations and notices required for the enforcement of this chapter.
- (3) Make recommendations to the Animal Services Supervisor to declare an animal to be a potentially dangerous dog, as defined in G.S. 67-4.1.
- (4) Organize and carry out canvasses of the town, including homes and any businesses, and ensuring that the provisions of this chapter and state law related to animal services are adhered to.
- (5) Investigate complaints of town residents with regard to animals.
- (6) Protect animals from neglect or abuse.
- (7) Enforce state law and town ordinances pertaining to animals.
- (8) Investigate all reported animal bites or other exposures to suspected rabid animals and submit reports to the Catawba County Health Director.

(C) Sanctions, Penalties, Fines, Remedies.

An Animal Services Coordinator may undertake one or more of the following actions when a person fails or refuses to abide by or otherwise violates this article:

- (1) Obtain a magistrate's order to take possession of the animal.
- (2) Immediately seize the animal if the conditions pose an immediate threat to the health or safety of the animal or the public. A notice of seizure describing the exigent circumstances warranting the seizure will be left with the owner or affixed to the premises.
- (3) Issue a written notice of violation directing the owner or possessor of the animal to correct the problem within 72 hours, in lieu of subsection (1) or (2) of this section, if it is determined by the Animal Services Coordinator that the animal is not in immediate danger, or the problem which gives rise to the inadequate treatment or abuse can be corrected within 72 hours. If the condition or problem is not corrected within 72 hours, the Animal Services Coordinator may take action as outlined in subsection (1) or (2) of this section.
- (4) Issue a civil penalty for violation of any provision of this section in accordance with section 6-10.
- (5) Obtain a criminal summons or warrant. A violation of this section shall be a misdemeanor as provided by G.S. 14-4(a), unless it is an infraction as provided by G.S. 14-4(b). Penalty, see 10.99

(D) Appeal Procedure.

An owner of a dog declared potentially dangerous or dangerous shall follow the appeal process established in G.S. 67-4.1 et seq.

To appeal any other determination or finding in this chapter such as a finding or determination that an animal is vicious or is a public nuisance, the following provisions shall apply:

The filing of a written appeal stays all proceedings in furtherance of the action appealed, unless the Animal Services Supervisor whose decision is being appealed certifies to the Chief of Police and Town Manager, after the appeal is filed, because of facts stated in the certification that a stay would cause immediate peril to life or property; or that the solution appealed from is transitory in nature, and therefore an appeal would seriously interfere with enforcement of the provisions of this Code or the operation of any program in the city.

In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by a court of record having jurisdiction in Catawba County, North Carolina.

The Animal Services Coordinator shall transmit to the Animal Services Supervisor and Town Manager, as appropriate, all papers constituting the record upon which the action appealed is taken and shall provide a copy of such record to the city clerk.

Within 30 days of the receipt of the written appeal, the Animal Services Supervisor and Town Manager shall hold at least one hearing on the appeal. Following the close of the hearing, the Animal Services Supervisor and Town Manager shall take final action based on the procedures and requirements of this section.

In exercising the appeal power, the Animal Services Supervisor and Town Manager shall have all the powers of the official from whom the appeal is taken, and the Animal Services Supervisor and Town Manager may reverse or affirm wholly or partly or may modify the decision being appealed.

If the Animal Services Supervisor and Town Manager determines that it is necessary to obtain additional evidence in order to resolve the matter, they shall remand the appeal to the Animal Services Coordinator from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

The Animal Services Supervisor and Town Manager may reverse or modify an order, requirement, decision, or determination of the Animal Services Coordinator. The decision of the Animal Services Supervisor shall be supported by written findings of fact. After the hearing, the Animal Services Supervisor has ten days to make the final decision.

Within five days after a final decision of an administrative appeal is made by the Animal Services Supervisor, copies of the written decision shall be sent to the appellant and filed in the office of the town clerk, where it shall be available for public inspection during regular office hours.

Contemporaneous with the filing of the decision of the Animal Services Supervisor, a written copy of the supervisor's decision shall be sent, via first class mail or personal service, to the appellant at the appellant's last-known address, or such other addresses as the appellant may request in writing in the appeal documents.

Any person who is directly affected by a decision of the Animal Services Supervisor may appeal the decision to the superior court of the county. An appeal to superior court must be filed within 30 days of the filing by the Animal Services Supervisor of the decision in the office of the town clerk.

Individuals participating in the appeals process set forth above may, at their own cost and expense, be represented by legal counsel if they so desire.

Only individuals licensed as attorneys to practice law in the state are permitted to represent individuals in these proceedings.

If an animal has already been found to be a nuisance, vicious, dangerous, potentially dangerous, or otherwise found to be in violation of this chapter, and the appeal process has either lapsed or

has been exhausted, no appeals may be filed regarding future citations written under these sections.

91.09 Authority of Town Manager.

The Town Manager is hereby authorized and directed to employ the methods and means as he or she may deem necessary to implement and enforce this Chapter and to employ the personnel and make the expenditures as may be necessary in order to fully carry out the meaning and intent of this Chapter (1994 Code, 91.21)

DOGS

In addition to the other provisions of this Chapter, the following provisions shall apply specifically to members of the Canidae family (dogs):

91.20 Running at large prohibited.

(A) It shall be unlawful for the owner of a dog, male or female, to permit it to be off the owner's premises and not under control either by a leash, cord, chain, or some other mechanical device whereby the dog is physically held under the immediate control of the owner or other responsible person who is placed in charge of the dog.

(B) For the purpose of §§ 91.20 et seq., the following definition shall apply unless the context clearly indicates or requires a different meaning.

OWNER. Any person owning, keeping, or harboring a dog.

(C) A violation of this section shall be a Class 3 Misdemeanor as provided by G.S. § 14-4(a), unless it is an infraction as provided by G.S. § 14-4(b). (1994 Code, § 91.15) (Am. Ord. CO-02-21-22, passed 6-13-2022) Penalty, see § 10.99

91.21 Capture and Confinement of at-large dogs.

All dogs within the corporate limits of the town which are found running at large without being under control, as defined in § 91.20, shall be captured by the duly authorized personnel of the town and confined in the Catawba County animal shelter to be confined as provided by the ordinances of the county.

(1994 Code, § 91.16) Penalty, see 10.99

91.22 Excessive barking.

(A) It shall be unlawful for the owner of a dog or the owner of a premises wherein a dog is kept within the town to keep a dog that habitually and repeatedly barks in a manner or to the extent it becomes a public nuisance.

(B) A violation of this section shall be a Class 3 misdemeanor as provided by G.S. § 14-4(a), unless it is an infraction as provided by G.S. § 14-4(b). (1994 Code, § 91.17) (Am. Ord. CO-02-21-22, passed 6-13-2022) Penalty, see § 10.99

91.23 Dangerous/Vicious Dogs.

(A) It shall be unlawful for any person to own, keep, have charge of, shelter, feed, harbor, or take care of any vicious dog within the corporate limits of the town.

(B) A vicious dog is any dog which has bitten 1 or more persons or a dog which has shown on at least 2 or more occasions a propensity to attack humans and that propensity is known or reasonably should be known to the owner.

(C) A violation of this section shall be a Class 3 misdemeanor as provided by G.S. § 14-4(a), unless it is an infraction as provided by G.S. § 14-4(b). (1994 Code, § 91.18) (Am. Ord. CO-02-21-22, passed 6-13-2022) Penalty, see § 10.99

91.24 Teasing, Molesting, and Baiting.

It shall be unlawful for any person to tease, molest, bait, or in any way bother any dog not belonging to him or her or legally under his or her control, unless it is in the act of injuring the property of the person. (1994 Code, § 91.19) Penalty, see § 10.99

CATS

In addition to the other provisions of this Chapter, the following provisions shall apply specifically to members of the Felidae family (cats):

91.40 Duty of owner to restrain.

(A) It shall be unlawful for the owner of a cat, male or female, to permit it to be off the owner's premises and not under control either by a leash, cord, chain, or by some other mechanical device whereby it is physically held under the immediate control of the owner or other responsible person who is placed in charge of it.

(B) For the purpose of §§ 91.40 et seq., the following definition shall apply unless the context clearly indicates or requires a different meaning.

OWNER. Any person owning, keeping, or harboring a cat.

(C) A violation of this section shall be a Class 3 misdemeanor as provided by G.S. § 14-4(a), unless it is an infraction as provided by G.S. § 14-4(b). (1994 Code, § 91.30) (Ord. passed 3-1-1977; Am. Ord. CO-02-21-22, passed 6-13-2022) Penalty, see § 10.99

91.41 Running at Large; Capture; Confinement.

All cats within the corporate limits of the town which are found running at large without being under control, as defined by § 91.40, shall be captured by the duly authorized personnel of the town and confined in the same manner as dogs in the preceding subchapter. (1994 Code, § 91.31) (Ord. passed 3-1-1977)