

OFFENSES AND PUBLIC NUISANCES

CHAPTER 2. ANIMAL CONTROL\*

\*Editor's note--Section 1 of Ord. No. 2199, adopted June 14, 1990, deleted former Ch. 2 in its entirety and enacted a new Ch. 2 in lieu thereof. The former chapter contained §§ 12-2-1--12-2-27.1, 12-2-28--12-2-42, which pertained to similar subject matter and derived from Code 1971, §§ 5-1, 5-3, 5-5--5-12.1, 5-16--5-20, 5-22--5-26, 5-30--5-35.1, 5-35.3, 5-36, 5-37, 5-39, and the following ordinances:

Table with 6 columns: Ord. No., Date, Section, Ord. No., Date, Section. It lists various ordinance numbers and their corresponding dates and sections.

Cross reference(s)--Animals turned out into cemeteries, § 6-4-4; regulation of parades, § 11-21 et seq.

State law reference(s)--Regulation of domestic animals, G.S. 160A-186.

- List of sections from Sec. 12-2-1 to Sec. 12-2-43, each followed by a brief description of the section's content, such as 'Definitions', 'Duties and liabilities', 'Police powers of animal control officers', etc.

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Sec. 12-2-44. Bird Sanctuary.

### **Sec. 12-2-1. 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:]

*Aggressive animal.*

(1) An animal when not on the owner's or keeper's real property that attacks or attempts to attack a person without provocation and such attack does not result in severe injuries; or

(2) An animal, on more than one occasion, and when not on the owner's or keeper's real property attacks livestock or other domesticated animals causing minor injury of that livestock or other domesticated animals.

*Animal.* Any living, vertebrate creature, domestic or wild.

*Attack by an animal.* Any assault or battery by an animal upon a person or domestic animal, to include biting, felling or toppling, tearing of clothing, provoking flight to escape attack, or any other act which could reasonably cause any injury to the person or domesticated animal.

*Bite of an animal.* Any seizing, gripping or grasping, no matter how slight or momentary, by an animal between its jaws the body parts of a person or domestic animal, so as to cause physical injury to such person or domestic animal. This does not include the playful behavior by an animal that is welcomed and not likely to cause any injury, fear or harm to the person or animal.

*Dangerous animal or vicious animal.*

(1) An animal whether or not on the owner's or keeper's real property and without provocation kills or inflicts severe injuries to a person; or

(2) An animal that is owned or harbored primarily or in part for the purpose of fighting, or an animal trained for fighting; or

(3) An animal that leaves the owner's or keeper's real property and approaches a person in a vicious or terrorizing manner and in an apparent attitude of attack, that causes the person to be killed, or sustain severe injuries; or

(4) An animal that has been ruled "potentially dangerous" and subsequently attacks again, causing injury.

*Division.* The division of animal control, unless otherwise specifically designated.

*Domesticated.* Any animal kept, cared for, sheltered, fed or harbored for use as a pet, work or as a source of food, including, but not limited to, cats, cows, dogs, fowl, horses, sheep and domesticated wild animals.

*Impounded.* Having been received into the custody of the division or any authorized representative thereof.

*Inoculation or inoculation against rabies.* The vaccination or inoculation of a dog or cat with an antirabic vaccine approved by the United States Bureau of Animal Industry, the state department of agriculture and the state board of health at such time or times as shall be required by the general statutes, state board of health and/or the local health director, as defined in G.S. 130A-185.

*Livestock.* Any and all animals domesticated or nondomesticated commonly found on a farm to include but not be limited to cattle (of any type), horses, goats and any sheep but not including any such animal otherwise regulated in this chapter. (Ord. No. 98-132, § 1, 10-8-98)

*Owner.* Any person, group of persons or any entity possessing, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal covered by this chapter.

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*Owner's or keeper's real property.* Any real property owned or leased by the owner or keeper of the animal, not including any public right-of-way or a common area of a condominium, apartment complex, or town house development.

*Pet.* A domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, fish, hamsters and mice.

*Potentially dangerous animal.*

(1) An animal whether or not on the owner's or keeper's real property, and without provocation inflicts a bite on a person and causes severe injuries to the person; or

(2) An animal that killed or severely injured the domesticated animals of another when not on the owner's or keeper's real property and without provocation; or

(3) An animal when not on the owner's or keeper's real property and without provocation in a vicious or terrorizing manner approaches another person in an apparent attitude of attack.

*Running at large or stray.* Any animal which does not wear a tag or other emblem, or which has not been vaccinated as required by this chapter or applicable state law or which is not cared for or harbored or maintained according to the provisions of this chapter or other applicable state law.

*Severe injury.* Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

*Wild animal.* Any animal occurring or growing in a natural state, not domesticated, cultivated or tamed; having an uncivilized, barbarous or savage mannerism. (Ord. No. 2199, § 1, 6-14-90; Ord. No. 09-02, § 1, 1-5-09)

### **Sec. 12-2-2. Division of animal control--Creation; purpose; composition.**

The presence of any stray animal, as herein defined, within the corporate limits of the city is hereby declared to be a public nuisance. Such animals are a threat to the health of the community and to the safety of persons and property alike. In order to abate this problem, there is hereby created the division of animal control of the city, which shall be composed of an animal control officer appointed by the city manager to serve as head of the division and such other employees as the city council shall deem necessary. (Ord. No. 2199, § 1, 6-14-90)

**Cross reference(s)--**Public nuisances, § 12-2-39.

### **Sec. 12-2-3. Same--Duties and liabilities.**

(a) The division of animal control shall be charged with the responsibility of:

- (1) Seeing that all dogs in the city are duly licensed and adequately inoculated against rabies;
- (2) Cooperating with the health director and county health officers and assisting in the enforcement of the laws of the state with regard to the control of animals and especially with regard to the vaccination of dogs against rabies and the confinement or leashing of vicious dogs (without limiting the foregoing, reference is particularly made to the state laws as set out and contained in G.S. 67-1 through 67-29 and 106-304 through 106-405);
- (3) Investigating all complaints with regard to animals covered by this chapter;
- (4) Making such canvasses of the city, including the homes in the city, as it deems necessary for the purpose of ascertaining that all dogs are properly licensed and that all dogs are vaccinated against rabies;
- (5) Enforcing within the city all of the state laws and ordinances enacted by the city for the care, control and custody of animals covered by this chapter;
- (6) Supervising and being in charge of the city's animal shelter;
- (7) Receiving applications for and issuing license for all dogs.

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(b) Except as may otherwise be provided by statute or local law or ordinance, no officer, agent or employee of the city charged with the duty of enforcing the provisions of this chapter or other applicable law shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties unless he acted with actual malice. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-4. Police powers of animal control officers; badges; storage and use of firearms.**

(a) In the performance of their duties, the animal control officer and employees of his division shall have the power, authority and immunity as referred to in G.S. 15A-404 in regard to enforcing the provisions of this Code and the general statutes of which relate to the care, treatment and impounding of animals and detaining persons for violations of such provisions.

(b) Each such person while performing his respective duties shall wear a metallic badge of a size and design to be determined by the city manager.

(c) The animal control officer and his authorized representatives shall be authorized to store at the animal shelter or carry in division vehicles firearms approved for use by the city manager and use such firearms when necessary to enforce sections of this chapter or other applicable law for the control of wild, vicious or diseased animals. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-5. Right of animal control officer to enter for inspections, etc.**

(a) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter, or other applicable law, or whenever the animal control officer or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the animal control officer or his authorized representative is hereby empowered to enter such property at any reasonable time to inspect the same and perform any duty imposed upon the animal control officer or his representative by this chapter or other applicable law, but only if the consent of the occupant or owner or the property is freely given or a search or inspection warrant is obtained as hereafter provided:

- (1) If such property be occupied, he shall first present proper credentials to the occupant and request entry, explaining his reason therefor;
- (2) If such property be unoccupied, he shall first make reasonable effort to locate the owner or other person having charge or control of the property, present proper credentials and request entry, explaining his reasons therefor; and
- (3) If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the animal control officer or his authorized representative shall obtain a warrant to conduct a search or inspection of the property.

(b) Notwithstanding any other provision of this chapter, the animal control officer or his authorized representative shall have the authority to enter upon any property to enforce the provisions of this chapter or other applicable state law if a violation of such law is being committed in the presence of such officers of the division. "Committed in the presence of such officers of the division" shall not be construed to refer to any alleged violation of this chapter or other applicable law which is committed within any building or other enclosed structure unless such officer is also lawfully within such building or enclosed structure. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-6. Duty of animal control officers, park rangers and police to take up and impound certain animals.**

(a) It shall be the duty of the animal control officer or his authorized representatives to take up and impound in the animal shelter, and it shall be the duty of members of the police department on duty during the hours when the animal shelter is open to take up and immediately deliver to the division or to notify the division of the presence of those animals which are authorized and directed to be taken and impounded by this chapter or which are found or kept contrary to the provisions of this chapter. Such officers are authorized to go upon unenclosed lots or lands when necessary to enforce the provisions of this chapter.

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(b) Park rangers employed by the recreation and parks department are authorized to enforce the provisions of this chapter, and shall have all the powers of a member of the animal control division for that purpose. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-7. Duty of animal control officer to take neglected or abandoned animals; owners of pet shops to post address and telephone number.**

(a) Whenever any animal is kept within any building or on any premises without food, water or proper care and attention, it shall be the duty of the animal control officer to enter such building or premises to take possession of and remove such animal so abandoned or neglected. Such entry shall be effected in accordance with section 12-2-5.

(b) Every person maintaining a pet shop shall post a notice clearly visible from the ground level adjacent to the store, containing the names, addresses and telephone numbers of persons to be notified during any hour of the day or night by an animal control officer acting under the authority of section 12-2-5. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-8. Impoundment and disposition of uncared for animals.**

Whenever the division finds that any animal is or will be without proper care because of injury, illness, incarceration or other involuntary absence of the person responsible for the care of such animal, the division may impound such animal until it is reclaimed by its owner. The owner must pay the applicable fees in the same manner as any other owner would redeem an impounded animal prior to the release of such animal by the division. Any animal which has been impounded and not reclaimed for ten (10) days after the circumstances causing the impounding have ceased to exist may be disposed of by the division pursuant to section 12-2-11; except that the animal may be adopted immediately after the expiration of ten (10) days from the time of impounding without the posting of any notice whatsoever. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-9. Records of impounded animals.**

The division shall keep a record of each animal impounded by it, including the date of receipt of such animal, the date and manner of its disposition, and if redeemed, reclaimed or adopted, the name of the person by whom redeemed, reclaimed or adopted, the address of such person and the amounts of all fees received or collected for or because of the impounding, reclaiming or adopting thereof, together with the number of any tag and the date of any license exhibited or issued upon the redemption or sale of any such animal. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-10. Keeping stray animals.**

(a) It shall be unlawful for any person in the city knowingly and intentionally to harbor, feed or keep in possession by confinement or otherwise, without the owner's permission, any animal which does not belong to him unless he has, within twenty-four (24) hours from the time such animal came into his possession, notified the division. Upon receiving such notice, the division shall take such animal and place it in the animal shelter and shall deal with it as provided in section 12-2-11.

(b) It shall be unlawful for any person to refuse to surrender any such stray animal to an authorized representative of the division upon demand of such representative. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-11. Impoundment, redemption and disposition of animals--Generally.**

(a) The division shall hold any stray animal, including any horse, mule, burro, cattle, goat, sheep and other livestock, except dogs, cats, rabbits, birds, poultry or any other miscellaneous stray animal impounded under the provisions of this chapter for a period of eight (8) days during such time the owner of the animal, if known, shall be notified and allowed to redeem the animal upon the payment of any applicable fees.

(b) In the case of dogs, cats, rabbits, birds and poultry, the division shall hold such animals for a period of three (3) days during such time the owner of the animal, if known, shall be notified and allowed to redeem the animal upon the payment of any applicable fees.

**Exception:** Any wild animal (as defined in this chapter) that has been trapped by the division of animal control may be destroyed immediately by an animal control officer in a humane manner.

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(c) Rabbits, birds, poultry and other animals not hereinbefore specifically mentioned shall be disposed of as in the case of dogs and cats, except that no license fee will be charged.

(d) If a stray animal is not redeemed by the owner during the applicable period of redemption, such animal shall be disposed of according to the following provisions:

- (1) In the case of animals described in subsection (b) and (c) of this section, the animal shall be offered for adoption immediately after the expiration of the period of redemption to any member of the public and adopted to such member of the public first paying.
- (2) The animal control officer or other authorized representatives of the division shall execute an adoption agreement to the person adopting any animal and thereupon the title to such animal shall be vested in the person adopting the animal.
- (3) If any animal is not redeemed or adopted, the animal control officer may continue to hold that animal for subsequent adoption or order the destruction of such animal in a humane manner.
- (4) No member of the division shall, directly or indirectly, adopt any animal impounded by the division and offered for sale under the provisions of this section.

(e) All proceeds thus derived by the division shall be turned over to the finance department.

(f) Any dog impounded which appears to be suffering from rabies, or affected from rabies, or affected with hydrophobia shall not be redeemed or adopted but shall be kept for ten (10) days under observation; and thereafter if the animal control officer determines that the dog is affected with such disease, such dog shall be destroyed by the division in a humane manner. Otherwise it shall be subject to redemption or adoption as hereinabove provided. Any dog suffering from any infection, contagious or dangerous disease shall not be sold [but] may be redeemed by the owner to provide proper treatment for such dog. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-12. Same--Redemption fees.**

(a) The division shall charge and collect such redemption fees as fixed, from time to time, by the council from owners who redeem their animals.

(b) Redemption fees shall in addition to applicable charges for any license or inoculation that may be required by this chapter or other applicable law.

(c) No fees whatsoever shall be charged or collected for or on account of any animal which has been unlawfully taken up or impounded, and any such animal shall be immediately delivered upon demand therefor to the owner or person entitled to the custody thereof. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-13. Destruction of diseased and crippled animals.**

(a) It shall be the duty of the animal control officer to order the humane destruction by any employee of the division of any animal lawfully taken into custody of the division which, in the opinion of the animal control officer, is, by reason of old age, unfit for further use, which is affected with any dangerous or communicable disease, which is in an incurably crippled condition or which is adjudged by a written report of a licensed veterinarian to be afflicted with any painful or incurable disease.

(b) The animal control officer shall issue and sign an authorization for the destruction by a police or animal control officer of any animal afflicted with any dangerous or communicable disease or which is found to be dangerous to the safety of the community. (Ord. No. 2199, § 1, 6-14-90)

### **Section 12-2-14 Vicious/dangerous animals.**

(a) It shall be unlawful for any person(s) to own, keep, have charge of, shelter, feed or harbor any vicious or dangerous animal within the city limits.

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(b) The Animal Control Division of the Greenville Police Department shall enforce this section, and it shall be the duty of the Animal Control Division Supervisor to initially determine if an animal is “vicious” or “potentially dangerous” in accordance with this section.

If an animal that has been declared “vicious” or if an animal has been declared “potentially dangerous” under this section, attacks, or bites a person or domesticated animal without provocation, the animal control supervisor will direct the animal be confiscated and the animal will be deemed “vicious” and will be confiscated by the Animal Control Division. The animal will then be placed in quarantine, if necessary, for the proper length of time, or impounded and held for ten (10) business days after the owner is given written notification. If no action is taken by the owner of the animal within the time prescribed, then the animal will be humanely destroyed in a manner prescribed by law.

(c) When an animal is initially determined to be “vicious” or “potentially dangerous”, the Animal Control Division is authorized and directed to seize the animal and confine it in a place determined by the Animal Control Division Supervisor. The owner of the animal, if known, shall be notified in writing that the Animal Control Division seized the animal, and where the animal will be held pending the outcome of the hearing. The written notification shall state the facts that lead the Animal Control Division Supervisor to determine the animal “vicious” or “potentially dangerous”. A hearing will be set with the Animal Control Division Supervisor within seven (7) days. The written notification will state the time, date and purpose of the hearing.

If the owner of the animal elects to appeal the Animal Control Division Supervisor’s initial determination, the owner shall file a notice of appeal in writing to the Chief of Police through the Animal Control Division Supervisor within seventy-two (72) hours of the initial hearing.

If the owner of the “vicious” or “potentially dangerous” animal does not appear for the hearing, it shall be the duty of the Animal Control Division Supervisor to order the humane destruction of such “vicious” or “potentially dangerous” animal.

(d) The penalty for violation of this section shall be considered a civil penalty. If the owner refuses to comply with the surrender order of the Animal Control Division within 24 hours of the surrender order, the amount of the civil penalty shall be \$250.00. If the owner fails to surrender the animal after the initial 24-hour period, the owner is subject to an additional civil penalty in the amount of \$250.00 for each 24-hour period that the owner refuses to surrender the animal in addition to any criminal penalties that may be imposed including arrest.

(e) An animal impounded under this section shall be at the expense of the owner, keeper, or harbinger of the animal. Cost would include impoundment at the local animal shelter, veterinary center or kennel. In no event shall the City of Greenville be liable for or pay for impoundment at a private or public facility.

(f) If the owner of the animal appeals the Animal Control Division Supervisor’s initial decision, the Chief of Police shall conduct a hearing and make a ruling based on the guidelines set forth in this section.

Should the Chief of Police sustain the ruling by the Animal Control Division Supervisor and determine the animal to be “vicious” or “potentially dangerous”, the Animal Control Division shall take the appropriate enforcement action as set forth in this section. Should the Chief of Police overrule the decision of the Animal Control Division Supervisor and determine the animal not to be “vicious” or “potentially dangerous”, the animal will be returned to its rightful owner. The Chief of Police shall have the final decision in the appeals process.

(g) The Animal Control Division, with the approval of the Chief of Police, may establish procedures and regulations implementing this section to provide for public safety and protection. Failure of owners and keepers to comply with the regulations shall subject the owner and keeper to a civil penalty for a first finding of noncompliance in the amount of \$50. For second and subsequent violations of the regulations, the owner and keeper may be subject to an additional civil penalty in the amount of \$50.00 per day that the owner and keeper fail to comply. Owners and keepers will be provided a copy of the implementing regulations. Penalties assessed for violations of this section shall be in addition to the civil penalties assessed for violations of the surrender order for a dangerous or vicious animal.

(h) Failure to pay any civil penalty assessed under this section, will subject the owner and keeper to additional penalties and interest as provided in the Manual for Fees of the City of Greenville and attorneys fees and costs if a civil action is filed to enforce this section or collect any civil penalty.

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(i) Exceptions

1. A law enforcement animal or guard dog used by a law enforcement officer or bona fide professional security guard to carry out law enforcement officer's or security guard's official duties or professional responsibilities.

2. An animal that causes injury to a person who, at the time of the injury, was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

(j) Nothing in this section shall be construed to prevent an Animal Control Officer or any other person from pursuing remedies under Chapter 67, Article 1A of the North Carolina General Statutes. (Ord. No. 2199, § 1, 6-14-90; Ord. No. 2739, § 1, 11-10-93; Ord. No. 09-02, § 2, 1-5-09)

**Sec. 12-2-15. Wild animals--Permit required.**

No person, business or event (i.e. circus, exhibition, show, etc.) shall have or maintain any wild, exotic, dangerous, or nondomestic animal or reptile without first applying to and receiving from the division a permit to [do] so; provided that the keeping or maintenance of such animals shall conform to any applicable zoning regulation. Any person, business or event planning to have or maintain any of the types of animals stated above shall pay a fee for each permit obtained. The amount of these fees shall be set out in the Manual of Fees for the City of Greenville. (Ord. No. 2199, § 1, 6-14-90; Ord. No. 2651, § 1, 6-10-93)

**Sec. 12-2-16. Same--Authority of division.**

The division is hereby vested with the authority to issue permits to any person for the keeping or maintaining of any wild, exotic, dangerous or nondomestic animal or reptile when, in the opinion of the animal control officer, such animal or reptile may be kept or maintained without menacing the safety of any person or property; provided that the division may require any such animal or reptile to be properly caged or secured or may make additional rules or regulations regulating the keeping or maintaining of any such animal or reptile, and may revoke any such permit for any violation of any of the provisions of this chapter or of any of the rules and regulations of the division, or when, in the opinion of the animal control officer, the safety of any person or property is menaced by the keeping of any such animal or reptile; and provided, that the division shall also have authority to issue permits for the keeping or maintaining on a temporary basis of all types of wild animals or reptiles in connection with a circus, amusement enterprise or animal exhibition when located in a land use where such uses are permitted. (Ord. No. 2199, § 1, 6-14-90)

**Sec. 12-2-17. Cruelty to animals.**

(a) It shall be unlawful for any person to mistreat, drive or work or allow to be worked, any beast of burden that is physically disabled for labor or work, pursuant to G.S. 14-360.

(b) It shall also be unlawful for any person to work or allow to be worked any beast of burden, or to compel such animal to work after having been notified by the animal control officer or his authorized representative to discontinue or stop the working of such animal, or after any animal has been condemned. (Ord. No. 2199, § 1, 6-14-90)

**Sec. 12-2-18. Teasing or molesting animals.**

It shall be unlawful for any person to tease, molest, bait or in any way bother any animal not belonging to him or legally under his control. (Ord. No. 2199, § 1, 6-14-90)

**Sec. 12-2-19. Duty of drivers to give notice of injury to animal.**

It shall be unlawful for any person injuring an animal by running over, or into such animal or coming into contact with such animal with an automobile, bicycle, or other vehicle to fail to notify immediately the owner of such animal, the divisions of animal control or the police department of the city. (Ord. No. 2199, § 1, 6-14-90)

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### **Sec. 12-2-20. Staking out, herding or grazing animals on unenclosed premises.**

No person shall stake out, herd or graze any animal, except licensed dogs, upon an unenclosed lot or land in any manner so that such animal may go beyond the boundary of such lot or land. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-21. Setting animals free for chase.**

It shall be unlawful for any person to set free any rabbit, hare or other animals in the streets of the city for the purpose of chasing, hunting or having a race thereafter. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-22. Keeping or displaying animals generally; conduct of wholesale poultry yards.**

(a) It shall be unlawful for any person in the city to exhibit, keep or display pets, animals, birds or fowl of any kind unattended in glass show windows for a period longer than six (6) hours per day.

(b) It shall be unlawful for any person in the city to exhibit, keep or display pets, animals, birds or fowl of any kind in a manner without shading such animals from the sun, and providing adequate food, water and ventilation for their use.

(c) It shall be unlawful for any person in the city to exhibit, keep or display pets, animals, birds or fowl of any kind in glass show windows on Sundays and holidays.

(d) It shall be unlawful for any person to conduct a wholesale poultry yard wherein quantities of fowl of any and all descriptions are gathered and kept for call or shipment within any residential district of the city or within eighty (80) feet of any place of human abode within the corporate limits. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-23. Sale of fowl or rabbits under certain conditions; coloring fowl or rabbits.**

(a) It shall be unlawful for any person to sell, offer for sale, barter or give away baby chickens, ducklings or other fowl, under three (3) weeks of age as pets, toys, premiums or novelties; provided that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings, other fowl or such rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising.

(b) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens, other fowl or rabbits. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-24. Keeping swine and fowl.**

(a) It shall be unlawful for any person to keep any hogs or pigs within the city limits.

(b) Up to four (4) chickens, ducks, pigeons, doves, or other fowl may be kept on a single lot or tract within the city so long as the fowl do not, by reason of noise, odor or attraction of flies, become a nuisance or health hazard.

(c) Between five (5) and fifteen (15) chickens, ducks, pigeons, doves, or other fowl may be kept on any single lot or tract in the city upon the following conditions:

- (1) The fowl will not be permitted to run at large, and must be maintained in a chicken house or coop of suitable construction and size for the number of fowl maintained in it.
- (2) The owner or occupant of any premises where such houses or coops are maintained shall thoroughly clean the same of all manure and other wastes at least twice each week. All waste material removed from houses or coops shall be hauled off of the site or disposed of on-site in such a way that it does not cause odor or attract flies.
- (3) No chicken house or coop may be located any nearer than one hundred seventy-five (175) feet from any dwelling, hospital, eating establishment or school. (Ord. No. 2199, § 1, 6-14-90)

**Sec. 12-2-25. Maintenance of stables and pens.**

All owners and persons in possession or control of stables, corrals, pens, coops, warrens and other places where animals or fowl are kept shall maintain such places in a clean, sanitary and unoffensive condition at all times, and in such a manner as meets with the approval of the county health department; and shall remove all manure therefrom and spray such places with suitable disinfectant at least once each week. (Ord. No. 2199, § 1, 6-14-90)

**Sec. 12-2-26. Killing squirrels or song birds; robbing nests.**

It shall be unlawful for any person to willfully or wantonly kill or maim any squirrel or song birds, or rob the nest of either; provided, that with the approval of the animal control officer or his authorized representative, any person shall be allowed to kill any squirrel which has become a nuisance upon the person's premises, except during any time or season such killing may be prohibited by state law. (Ord. No. 2199, § 1, 6-14-90)

**Sec. 12-2-27. Keeping bees.**

It shall be unlawful for any person to maintain beehives within the city limits unless the following provisions are adhered to:

- (1) Each beehive must have an adequate water supply and proper care.
- (2) *Reserved.* (Ord. No. 2199, § 1, 6-14-90)

**Sec. 12-2-28. Dead animals.**

(a) *Placing, etc., on streets, alleys or lots.* No person shall place or leave the carcass of any dead animal or fowl on any street, alley or lot or allow the same to remain on his lot.

(b) *Removal and disposal.* The supervisor of the animal control division is designated as the person whose duty it shall be to provide for the removal and disposal, according to the provisions of G.S. 106-403, of any dead domesticated animals located within the limits of the city where the owner or owners of the animals cannot be determined. In carrying out these responsibilities, the supervisor of the animal control division may utilize the services of other employees of the city or may contract with a farmer, veterinarian or any other person capable of accomplishing the task, to remove and dispose of dead domesticated animals. When contracted services are utilized to remove and dispose of dead domesticated animals pursuant to this section and G.S. 106-403, the costs incurred by the city shall be recovered from the owner of the animal or animals. When city forces are used to remove and dispose of the dead domesticated animals, the costs of labor, equipment rental and materials shall be recovered from the owner of such animal or animals. (Ord. No. 2199, § 1, 6-14-90; Ord. No. 2229, § 3, 8-9-90)

**Editor's note--**Section 2 of Ord. No. 2199, adopted June 14, 1990, provided that § 12-2-27 shall become effective six (6) months from the date of adoption.

**Sec. 12-2-29. Licensing and inoculation of dogs generally.**

All dogs in the city shall be inoculated against rabies by a veterinarian licensed by the state. No veterinarian shall inoculate a dog belonging to a resident of the city which dog is regularly housed in the city unless the owner shows proof of payment of the license tax imposed by section 12-2-30. (Ord. No. 2199, § 1, 6-14-90)

**Sec. 12-2-30. Livestock permit.**

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**Editor's note--**Ord. No. 96-50, § 1, adopted June 13, 1996, repealed § 12-2-30, pertaining to imposition of license taxes for keeping of dogs as derived from Ord. No. 2199, § 1, adopted June 14, 1990 and Ord. No. 2649, § 1, adopted June 10, 1993. Ord. No. 98-132, § 2, 10-8-98 reinstated this section as "Livestock Permit".  
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(a) No person shall keep or maintain livestock within the corporate limits of the City without first applying for and receiving a permit from the Chief of Police. In no case shall any person receive a permit to keep or maintain more than

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one class of animal classified as livestock. No permit shall be granted for the keeping or maintaining of livestock in a multifamily dwelling.

(b) Factors to be considered by the Chief of Police in granting a permit pursuant to this section shall include but not be limited to the size of the animal, the housing to be provided for the animal, the proximity of the animal's housing to the surrounding landowners or tenants, and other sanitary conditions of the breed that can affect the public health, safety and welfare.

### **Sec. 12-2-31. Same--Application for dog license.**

(a) Every owner of any dog or the person keeping any dog shall apply to the city for a license for the privilege of keeping a dog within the city during the month of January of each year, or within thirty (30) days after the dog is first kept within the city, in the case of a dog entering after the month of January; and the city may require an applicant to give the name and address of the owner of the person keeping such dog and the name, breed, color, age and sex of the dog.

(b) The application for the license shall be made in writing, by one (1) of the following methods:

- (1) To the county tax supervisor at the time the owner or keeper of the dog shall list ad valorem taxes for the current year, and the county tax supervisor, by agreement with the city, will transmit such application to the city.
- (2) In the event the person owning or keeping the dog does not list property taxes, application for the license shall be made directly to the city collector of revenue. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-32. Same--License tax due date; penalties; receipt to constitute license.**

The license tax shall be paid at the same time as the annual property tax with the same penalties for late payment, and the property tax receipt shall constitute the license; provided that should any person not list property taxes, a special receipt shall be given which shall constitute the license. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-33. Same--Display, renewal and replacement of license tag.**

All dogs kept within the city and on which a license tax is due shall display a permanent license tag on the dog. The license tag shall be picked up from the collector of revenue, and such license tag shall continue to be used from year to year, payment of each subsequent year's license tax constituting a renewal of the license tag. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-34. Same--License tax deemed debt to city; right of city to sue for recovery of tax.**

The amount of any license tax imposed by this chapter shall be deemed a debt to the city. Any person owning, having or keeping any animal in the city without having obtained a license so to do shall be liable to an action in the name of the city in any court of competent jurisdiction for the amount of any license tax or penalty imposed by and required by this chapter to be paid for the privilege of keeping and having such an animal. The animal control officer is authorized to cause a complaint to be filed against any person violating any of the provisions of this chapter and to cause an action to be brought against any person failing to pay any license tax required by the provisions of this chapter for the recovery of such tax. Such action shall be cumulative and shall not be deemed as a bar or waiver of the right to institute any other civil or criminal proceeding for a violation of this chapter. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-35. Exemption of certain animals from licensing and inoculation requirements.**

The provisions of this chapter requiring certain animals to be licensed or inoculated shall not apply to those animals owned by or in the charge or care of persons who are nonresidents of this city traveling through the city or temporarily sojourning therein for a period not exceeding thirty (30) days, nor to animals temporarily brought into the city for the exclusive purpose of entering such animals in a show or other exhibition and entered for and kept at such show or exhibition, nor to dogs used as lead dogs for blind persons. (Ord. No. 2199, § 1, 6-14-90)

**Sec. 12-2-36. Permitting dogs in public without license and rabies vaccination tag; failure to obtain dog license; redemption of animals taken up because of lost tags.**

(a) It shall be unlawful for any dog owner:

- (1) To permit any dog over four (4) months old to appear or be on any street, park or public way of the city, or in any public place therein, unless the dog is wearing a collar or harness to which is attached a current city dog license tax tag and a rabies vaccination tag which have been used for such dog, one tag for both license and vaccination.
- (2) To fail to provide any dog over four (4) months old with a city license as provided in section 12-2-30; provided, that any dog owner who shall move into the city for purposes of establishing residence or who shall become a resident as a result of any annexation shall have thirty (30) days from and after moving into the city or the effective date of annexation to obtain such license.

(b) If the owner of any animal required to have a license tag, has paid for and procured the license tax tag or the rabies vaccination tag and the animal has been taken to the animal shelter by reason of the loss of either of such tags, the owner of such animal shall have the privilege of identifying his animal and proving the payment for and procurement of such tags prior to the date such animal was taken up, and, in that event, such animal shall be returned to the rightful owner upon payment of current redemption fees established in the city's manual fees. (Ord. No. 2199, § 1, 6-14-90)

**Sec. 12-2-37. Animal traps available to public.**

(a) The division of animal control is authorized to make animal traps available to members of the general public under the conditions stated in subsection c of this section.

(b) Animal traps may be checked out to citizens only upon written application to the division of animal control, on a form provided by the division of animal control, and upon payment of any required fees or deposits.

(c) Animal traps provided by the city may be used only under the following conditions:

- (1) The animal trap or traps may only be used to trap wild or stray animals.
- (2) All animals trapped must be released at the location where the animal was trapped, or delivered or turned over to the division of animal control. All traps must be checked at least once every twenty-four (24) hours and trapped animals released or delivered as required in this subsection.
- (3) Traps may be checked out for a one-week period which may be extended for a second week if the division of animal control believes it to be in the best public interest to extend the check-out period.
- (4) Before a trap is set the person setting it must notify each adjoining property owner in writing that a trap is in use.
- (5) Persons who check out and set traps must give express consent for animal control officers to enter their premises to verify the location, manner of operation, and intended or actual use of traps.

(d) Failure to comply with the requirements of this section shall be grounds for immediate revocation of the privilege of using a city-owned animal trap, in addition to civil or criminal penalties as stated in sections 12-2-43 of this chapter. (Ord. No. 2199, § 1, 6-14-90)

**Sec. 12-2-38. Confinement, observation and disposition of suspected rabid or hydrophobic dogs and dogs which have bitten people.**

(a) Any dog which shows symptoms of rabies or which has bitten anyone shall be penned up immediately by its owners, or by the person having charge of the animal, or by the person sheltering, feeding, harboring or taking care of such animal and the division shall be notified immediately. The animal shall be confined in a place approved by the animal control officer or his authorized representative, and under conditions approved by him or his authorized representative, for not less than ten (10) days. The animal shall be subject to observation by the division or a person designated by the animal control officer at all times during such period.

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(b) If rabies or hydrophobia does not develop within such period, then the animal shall be released to his owner; but if either disease develops, the animal shall be destroyed by the division in a humane manner. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-39. Public nuisances.**

(a) The following acts of a dog, cat or other animal or group of animals are declared public nuisances:

- (1) Frequent, habitual howling, yelping, barking, fighting or the making of other noises which disturb the neighborhood;
- (2) Chasing, snapping at or attacking a pedestrian, bicycle rider or vehicles;
- (3) Turning over garbage containers, damaging gardens, flowers or vegetables;
- (4) Running at large while in heat;
- (5) By virtue of number or type is offensive or dangerous to the public health, safety or welfare;
- (6) Any act, noise or condition created which is offensive to people or destructive of real or personal property.

(b) Animal control officers are authorized to issue civil citations to the owner of any animal which is a public nuisance under this section, or impound the animal, or both. (Ord. No. 2199, § 1, 6-14-90)

**Cross reference(s)**--Stray animals declared public nuisance, § 12-2-2.

### **Sec. 12-2-40. Restraint of dogs.**

(a) It shall be unlawful for any person owning or having possession, charge, care, custody or control of any dog to fail to keep such dog exclusively upon his own premises; provided that such dog may be off such premises if it is under control of a competent person and restrained by a chain or leash or other means of actual physical control.

(b) It shall be unlawful to permit any dog to defecate or urinate on the lawn or property of any but the owner, or upon any public or private property without the permission of the owner of that property. (Ord. No. 2199, § 1, 6-14-90; Ord. No. 2229, §§ 1, 2, 8-9-90)

### **Sec. 12-2-41. Keeping dogs that chase or bark; permitting female dogs in heat to run at large.**

(a) It shall be unlawful for any dog owner to keep or have within the city a dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicyclists or vehicles, turns over garbage pails, damages gardens, flowers or vegetables or conducts itself so as to be a public nuisance or to permit a female dog to run at large while in heat. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-42. Violations of chapter--Notice.**

(a) In administering their duties under this chapter, the animal control officers are empowered to issue citations to any person, if there is probable 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 city within five (5) days.

(b) 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. (Ord. No. 2199, § 1, 6-14-90)

### **Sec. 12-2-43. Same--Penalties.**

(a) Any violation of this chapter shall subject the offender to a civil penalty in the amount stated in the Manual of Fees for the City of Greenville. Violators shall be issued a written citation which must be paid to the revenue division of the finance department within five (5) days.

(b) Notwithstanding subsection (a) above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.

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(c) In addition to, or lieu of, remedies authorized in subsection (a) and (b) above, violations of section 12-2-14 may be prosecuted as a misdemeanor in accordance with G.S. 160A-175. (Ord. No. 2199, § 1, 6-14-90; Ord. No. 2650, § 1, 6-10-93)

**Sec. 12-2-44. Bird Sanctuary.**

(a) A bird sanctuary is created and established within the corporate limits of the city.

(b) It shall be unlawful for any person to hunt, kill, trap or otherwise take any protected bird within the corporate limits of the city except pursuant to a permit issued by the North Carolina Wildlife Resources Commission under North Carolina General Statute 113-274(c) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use within city limits. For the purpose of this section, a protected bird means any bird except a bird classed as a pest under Article 22A of Chapter 113 of the North Carolina General Statutes and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971.

(c) Notwithstanding the provisions of section 12-2-43, a violation of the provisions of this section shall be a misdemeanor as provided in North Carolina General Statute 14-4, punishable upon conviction by a fine not exceeding fifty dollars (\$50.00) or by imprisonment not exceeding thirty (30) days. (Ord. No. 04-14, § 1, 2-12-04)