

CHAPTER 2: ANIMALS

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Cross-reference:

Animals turned out into cemeteries, see § 6-4-4

Regulation of parades, see Title 11, Chapter 2

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:

Ord. No.	Date	Section	Ord. No.	Date	Section
796	7-13-1978		1348	12-1-1983	1-3
1074	3-12-1981	1, 2	1417	6-14-1984	1-4
1147	11-12-1981	1, 2	1501	6-6-1985	1
1165A	8-21-1989	1	1910	10-20-1988	1, 2
1233	12-9-1982	2			

Statutory reference:

Regulation of domestic animals, see G.S. 160A-186

SEC. 12-2-1 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires 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 which attack does not result in severe injuries; or
- (2) An animal that, 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 the 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, that kills or inflicts severe injuries to a person;
- (2) An animal that is owned or harbored primarily or in part for the purpose of fighting, or an animal trained for fighting;
- (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 Protective Services, 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, passed 10-8-1998)

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.

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, that inflicts a bite on a person and causes severe injuries to the person;
- (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, that 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, passed 6-14-1990; Ord. No. 09-02, § 1, passed 1-5-2009; Ord. 15-063, passed 11-12-2015)

SEC. 12-2-2 DIVISION OF ANIMAL PROTECTIVE SERVICES; CREATION; PURPOSE; COMPOSITION.

(A) 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.

(B) In order to abate this problem, there is hereby created the Division of Animal Protective Services of the city, which shall be composed of an Animal Protective Services 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, passed 6-14-1990; Ord. 15-063, §§ 2, 5, passed 11-12-2015)

Cross-reference:

Public nuisances, see § 12-2-39

SEC. 12-2-3 SAME; DUTIES AND LIABILITIES.

(A) The Division of Animal Protective Services 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; and
- (7) Receiving applications for and issuing license for all dogs.

(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 these duties, unless he or she acted with actual malice.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. 15-063, § 2, passed 11-12-2015)

SEC. 12-2-4 POLICE POWERS OF ANIMAL PROTECTIVE SERVICES OFFICERS; BADGES; STORAGE AND USE OF FIREARMS.

(A) In the performance of their duties, the Animal Protective Services Officer and employees of his or her 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 or her respective duties shall wear a metallic badge of a size and design to be determined by the City Manager.

(C) The Animal Protective Services Officer and his or her 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, passed 6-14-1990; Ord. 15-063, §§ 4, 5, passed 11-12-2015)

SEC. 12-2-5 RIGHT OF ANIMAL PROTECTIVE SERVICES OFFICERS TO ENTER FOR INSPECTION AND THE LIKE.

(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 Protective Services Officer or his or her 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 Protective Services Officer or his or her authorized representative is hereby empowered to enter the property at any reasonable time to inspect the same and perform any duty imposed upon the Animal Protective Services Officer or his or her 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 the property be occupied, he or she shall first present proper credentials to the occupant and request entry, explaining his or her reason therefor;
- (2) If the property be unoccupied, he or she 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 or her reasons therefor; and
- (3) If the 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 Protective Services Officer or his or her 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 Protective Services Officer or his or her 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 the 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 the officer is also lawfully within the building or enclosed structure.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. 15-063, §§ 4, 5, passed 11-12-2015)

SEC. 12-2-6 DUTY OF ANIMAL PROTECTIVE SERVICES OFFICERS, PARK RANGERS AND POLICE TO TAKE UP AND IMPOUND CERTAIN ANIMALS.

(A) It shall be the duty of the Animal Protective Services Officer or his or her 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.

(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 Protective Services Division for that purpose.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. 15-063, §§ 1, 4, 5, passed 11-12-2015)

SEC. 12-2-7 DUTY OF ANIMAL PROTECTIVE SERVICES 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 Protective Services Officer to enter the building or premises to take possession of and remove the 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 Protective Services Officer acting under the authority of section 12-2-5.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. 15-063, § 4, passed 11-12-2015)

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 the animal, the Division may impound the 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 the animal by the Division. Any animal which has been impounded and not reclaimed for ten 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 days from the time of impounding without the posting of any notice whatsoever.
(Ord. No. 2199, § 1, passed 6-14-1990)

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 the 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 the 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, passed 6-14-1990)

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 or her unless he or she has, within 24 hours from the time the animal came into his or her possession, notified the Division. Upon receiving such notice, the Division shall take the 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 the representative.
(Ord. No. 2199, § 1, passed 6-14-1990)

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 days; during which 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) (1) In the case of dogs, cats, rabbits, birds and poultry, the Division shall hold such animals for a period of three days; during this time the owner of the animal, if known, shall be notified and allowed to redeem the animal upon the payment of any applicable fees.
- (2) Exception: Any wild animal (as defined in this chapter) that has been trapped by the Division of Animal Protective Services may be destroyed immediately by an Animal Protective Services Officer in a humane manner.

(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, the animal shall be disposed of according to the following provisions:

- (1) In the case of animals described in subsections (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 the member of the public first paying.
- (2) The Animal Protective Services Officer or other authorized representatives of the Division shall execute an adoption agreement to the person adopting any animal, and thereupon the title to the animal shall be vested in the person adopting the animal.

- (3) If any animal is not redeemed or adopted, the Animal Protective Services Officer may continue to hold that animal for subsequent adoption or order the destruction of the 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 days under observation; and thereafter if the Animal Protective Services Officer determines that the dog is affected with the disease, the 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 the dog.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. 15-063, § 4, passed 11-12-2015)

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 be 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, passed 6-14-1990)

SEC. 12-2-13 DESTRUCTION OF DISEASED AND CRIPPLED ANIMALS.

(A) It shall be the duty of the Animal Protective Services 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 Protective Services 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 Protective Services Officer shall issue and sign an authorization for the destruction by a police or Animal Protective Services 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, passed 6-14-1990; Ord. 15-063, § 4, passed 11-12-2015)

SEC. 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.

- (B) (1) The Animal Protective Services Officer of the Greenville Police Department shall enforce this section, and it shall be the duty of the Animal Protective Services Supervisor to initially determine if an animal is vicious or potentially dangerous in accordance with this section.

- (2) 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 Protective Services Division Supervisor will direct the animal be confiscated, and the animal will be deemed “vicious” and will be confiscated by the Animal Protective Services Division. The animal will then be placed in quarantine, if necessary, for the proper length of time, or impounded and held for ten 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) (1) When an animal is initially determined to be vicious or potentially dangerous, the Animal Protective Services Division is authorized and directed to seize the animal and confine it in a place determined by the Animal Protective Services Division Supervisor. The owner of the animal, if known, shall be notified in writing that the Animal Protective Services 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 Protective Services Division Supervisor to determine the animal vicious or potentially dangerous. A hearing will be set with the Animal Protective Services Division Supervisor within seven days. The written notification will state the time, date and purpose of the hearing.

- (2) If the owner of the animal elects to appeal the Animal Protective Services Division Supervisor’s initial determination, the owner shall file a notice of appeal in writing to the Chief of Police through the Animal Protective Services Division Supervisor within 72 hours of the initial hearing.
- (3) If the owner of the vicious or potentially dangerous animal does not appear for the hearing, it shall be the duty of the Animal Protective Services Division Supervisor to order the humane destruction of the 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 Protective Services Division within 24 hours of the surrender order, the amount of the civil penalty shall be \$250. 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 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 be liable for or pay for impoundment at a private or public facility.

- (F) (1) If the owner of the animal appeals the Animal Protective Services 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.
- (2) Should the Chief of Police sustain the ruling by the Animal Protective Services Division Supervisor and determine the animal to be vicious or potentially dangerous, the Animal Protective Services Division shall take the appropriate enforcement action as set forth in this section. Should the Chief of Police overrule the decision of the Animal Protective Services 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 Protective Services 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 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 and attorneys’ fees and costs if a civil action is filed to enforce this section or collect any civil penalty.

(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 Protective Services Officer or any other person from pursuing remedies under G.S. Chapter 67, Article 1A.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. No. 2739, § 1, passed 11-10-1993; Ord. No. 09-02, § 2, passed 1-5-2009; Ord. 15-063, §§ 1, 3, 4, passed 11-12-2015)

SEC. 12-2-15 WILD ANIMALS; PERMIT REQUIRED.

No person, business or event (i.e., circus, exhibition, show and the like) 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.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. No. 2651, § 1, passed 6-10-1993)

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 Protective Services Officer, the animal or reptile may be kept or maintained without menacing the safety of any person or property; provided that the Division may require the 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 Protective Services 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, passed 6-14-1990; Ord. 15-063, § 4, passed 11-12-2015)

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 the animal to work, after having been notified by the Animal Protective Services Officer or his or her authorized representative to discontinue or stop the working of the animal, or after any animal has been condemned.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. 15-063, § 4, passed 11-12-2015)

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 her or legally under his or her control.

(Ord. No. 2199, § 1, passed 6-14-1990)

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 the animal or coming into contact with the animal with an automobile, bicycle or other vehicle to fail to notify immediately the owner of the animal, the Division of Animal Protective Services or the Police Department of the city.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. 15-063, § 2, passed 11-12-2015)

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 the animal may go beyond the boundary of the lot or land.

(Ord. No. 2199, § 1, passed 6-14-1990)

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, passed 6-14-1990)

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 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 the 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 80 feet of any place of human abode within the corporate limits.

(Ord. No. 2199, § 1, passed 6-14-1990)

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 weeks of age as pets, toys, premiums or novelties; provided that this section shall not be construed to prohibit the sale or display of the baby chickens, ducklings, other fowl or 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, passed 6-14-1990)

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 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 and 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 175 feet from any dwelling, hospital, eating establishment or school.

(Ord. No. 2199, § 1, passed 6-14-1990)

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, passed 6-14-1990)

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 Protective Services Officer or his or her 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 the killing may be prohibited by state law.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. 15-063, § 1, passed 11-12-2015)

SEC. 12-2-27 URBAN BEEKEEPING.

(A) *Purpose.* The purpose of this section is to encourage persons who keep bees to properly maintain hives, comply with state regulatory requirements and to be considerate of neighbors. This section governs the maintenance, establishes procedures and administration, and provides penalties for enforcement of violations.

(B) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

- (1) *Apiary Inspector* means the person designated by the State of North Carolina, Department of Agriculture to inspect all bees and hives within the State of North Carolina.
- (2) *Bees* means eggs, larvae, developing bees and adult bees.
- (3) *Beekeeper* means the person who keeps and raises bees and harvests honey.

- (4) *Certificate of Inspection* means all certificates and approvals from the Apiary Inspector certifying the health of bees obtained from any source or location in or outside of the State of North Carolina and any equipment purchased to keep bees.
- (5) *Front yard*.
 - (a) The area extending across the full length of a lot from side lot line to side lot line and lying between the abutting street right-of-way or easement line and the building line; or
 - (b) In the case of a lot abutting more than one street, the “front yard” shall include all areas extending across the full length of a lot from property line to property line and lying between the abutting street right-of-way or easement and building line.
- (6) *Health Certificate* means the periodic health inspection conducted by the NC Department of Agriculture.
- (7) *Hives* means the movable wooden frame boxes used to house bees.
- (8) *Permit* means the no fee authorization annually issued by the Division of Animal Protective Services, Greenville Police Department to a beekeeper to maintain bees for personal and family use.
- (C) *Urban beekeeping requirements*.
 - (1) No more than six hives will be permitted on a lot except those lots classified as beekeeping, major use, by zoning regulations for which a special use permit has been issued or those lots classified as a farm by zoning regulations.
 - (2) Each hive must have an adequate water supply at the hive. The water supply must be unobstructed that allows for easy access for the bees.
 - (3) No hive shall be located in a front yard.
 - (4) All bee equipment and hives must be maintained in good order and condition.
- (D) *Permitting and inspection requirements for urban bee keeping*.
 - (1) It shall be unlawful for any person within the city limits of the City of Greenville to keep bees without first obtaining a permit.
 - (2) The permit must be renewed annually and a copy of the periodic health inspection report by the North Carolina Department of Agriculture provided to the Division of Animal Protective Services.
 - (3) All bee equipment and hives will be inspected annually by the Division of Animal Protective Services.
- (E) *Enforcement provisions*.
 - (1) Failure to comply with the provisions of this section can result in revocation of all beekeeping permits in addition to any civil penalties.
 - (2) The Animal Protective Services Division is authorized to issue citations for violations of this section. Violations of zoning ordinance provisions will be enforced by the Zoning Enforcement Officers.
 - (3) Any violation of the provisions of this section shall subject the offender to a civil penalty in the amount of \$75. In the event there is more than one violation in any 30-day period, then the civil penalty shall be increased for each additional violation over one during the period as follows: \$100 for a second offense; \$150 for a third and subsequent offenses during a 30-day period. The date of the initial violation shall establish the beginning

date for the initial 30-day period. The City Attorney or designee may initiate litigation on behalf of the city to collect any unpaid citations including but not limited to interest, court costs and attorneys fees. Appeals of any citation issued under this section may be appealed in writing to the Chief of Police or designee within 72 hours of the citation.

- (4) This section may also be enforced through equitable remedies, including but not limited to nuisance abatement procedures as issued by a court of competent jurisdiction.

(Ord. No. 10-107, § 1, passed 12-9-2010; Ord. 15-063, §§ 1, 2, passed 11-12-2015)

SEC. 12-2-28 DEAD ANIMALS.

(A) *Placing and the like 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 or her lot.

(B) *Removal and disposal.* The Supervisor of the Animal Protective Services 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 Protective Services 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 the animal or animals.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. No. 2229, § 3, passed 8-9-1990; Ord. 15-063, §§ 1, 3, passed 11-12-2015)

Editor's note:

Section 2 of Ord. No. 2199, adopted June 14, 1990, provided that § 12-2-27 shall become effective six 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 12-2-32.

(Ord. No. 2199, § 1, passed 6-14-1990)

SEC. 12-2-30 LIVESTOCK PERMIT.

(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 one class of animal classified as livestock. No permit shall be granted for the keeping or maintaining of livestock in a multi-family 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.

(Ord. No. 98-132, § 2, passed 10-8-1998)

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, passed Oct. 8, 1998 reinstated this section as "Livestock Permit."

SEC. 12-2-31 KEEPING OF DOGS; 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 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 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; or
- (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, passed 6-14-1990)

SEC. 12-2-32 LICENSE TAX FOR DOGS; 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, passed 6-14-1990)

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 the 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, passed 6-14-1990)

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 Protective Services 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 the 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, passed 6-14-1990; Ord. No. 15-063, § 4, passed 11-12-2015)

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 30 days, nor to animals temporarily brought into the city for the exclusive purpose of entering the animals in a show or other exhibition and entered for and kept at the show or exhibition, nor to dogs used as lead dogs for blind persons.

(Ord. No. 2199, § 1, passed 6-14-1990)

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 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 rabies vaccination tag which have been used for the dog, one tag for both license and vaccination.
- (2) To fail to provide any dog over four months old with a city license as provided in section 12-2-31; 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 30 days from and after moving into the city or the effective date of annexation to obtain the 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 or her animal and proving the payment for and procurement of such tags prior to the date the animal was taken up, and, in that event, the animal shall be returned to the rightful owner upon payment of current redemption fees established in the city's *Manual of Fees*.

(Ord. No. 2199, § 1, passed 6-14-1990)

SEC. 12-2-37 ANIMAL TRAPS AVAILABLE TO PUBLIC.

(A) The Division of Animal Protective Services 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 Protective Services, on a form provided by the Division of Animal Protective Services. The application process shall include acknowledgment of program guidelines, to include a copy of this section, and any additional training materials as deemed necessary by the Division of Animal Protective Services. Organizations or individuals wishing to engage in Trap-Neuter-Return (TNR) shall receive training provided by the Division of Animal Protective Services and ensure the following requirements are completed for each feral cat trapped:

- (1) Each cat must be trapped using humane trapping techniques. Personal traps used for TNR purposes must be inspected and approved by the Division of Animal Protective Services prior to use.
- (2) Cats 12 months or older must be tested for feline leukemia and feline immunodeficiency virus, if determined by a veterinarian to be appropriate for that cat. If positive, the case will not be returned to any colony or outdoors in Greenville city limits. It may be rescued by a foster network sanctuary/program for specialized feline care, or humanely euthanized.
- (3) Cats must be spayed or neutered as appropriate, vaccinated for rabies, Feline Viral Rhinotracheitis (FVRCP), Calicivirus and Panleukopenia, have their ear tipped, and be returned to the location where trapped initially.
- (4) Allowances will be granted for the feeding of registered TNR colony cats under the strict adherence of a maximum 30-minute feeding schedule and documented on the TNR Tracking Form. After the feeding of the colony, all food bowls will be removed. No food source shall remain after feeding of the colony.
- (5) Cats entering the TNR program must be documented for tracking purposes by the TNR care giver using the Greenville Animal Protective Services TNR Tracking Form. The veterinarian performing the procedures outlined in this section must sign the tracking form. The completed forms must be turned in to the Division of Animal Protective Services for review and statistical purposes.
- (6) The individual or organization engaging in TNR shall be responsible for all costs and expenses while engaging in these activities.

(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 Protective Services. All traps must be checked at least once every 12 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 Protective Services believes it to be in the best public interest to extend the check-out period.
- (4) Before a trap is set, the Division of Animal Protective Services will ensure that a new application is completed by the person requesting the trap and will provide written notification to adjacent property owners/renters. In cases where property owners fail to respond or the property appears to be vacant, the Animal Protective Services Officers will post a notice on the property by way of a door hanger at least 24 hours in advance of a trap being set.
- (5) Persons who check out and set traps must give express consent for Animal Protective Services 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, or participation in any Trap, Neuter and Return Program in addition to civil or criminal penalties as stated in section 12-2-43.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. No. 15-055, § 1, passed 10-5-2015; Ord. No. 15-063, §§ 2, 5, passed 11-12-2015; Ord. No. 16-063, § 1, passed 12-5-2016)

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 Protective Services Officer or his or her authorized representative, and under conditions approved by him or her or his or her authorized representative, for not less than ten days. The animal shall be subject to observation by the Division or a person designated by the Animal Protective Services Officer at all times during such period.

(B) If rabies or hydrophobia does not develop within such period, then the animal shall be released to his or her owner; but if either disease develops, the animal shall be destroyed by the Division in a humane manner.

(Ord. No. 2199, § 1, passed 6-14-1990; Ord. No. 15-063, § 4, passed 11-12-2015)

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; or
- (6) Any act, noise or condition created which is offensive to people or destructive of real or personal property.

(B) Animal Protective Services 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, passed 6-14-1990; Ord. No. 15-063, § 5, passed 11-12-2015)

Cross-reference:

Stray animals declared public nuisance, see § 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 the dog exclusively upon his or her own premises; provided that the dog may be off the 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, passed 6-14-1990; Ord. No. 2229, §§ 1, 2, passed 8-9-1990)

SEC. 12-2-41 KEEPING DOGS THAT CHASE OR BARK; PERMITTING FEMALE DOGS IN HEAT TO RUN AT LARGE.

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, passed 6-14-1990)

SEC. 12-2-42 VIOLATIONS OF CHAPTER; NOTICE.

(A) In administering their duties under this chapter, the Animal Protective Services Officers are empowered to issue citations to any person, if there is probable cause to believe that he or she has violated any of the provisions of this chapter. Citations issued may be delivered in person to the violator by the Animal Protective Services Officers, or they may be mailed to the person, if he or she 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 days.

(B) The Animal Protective Services 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, passed 6-14-1990; Ord. No. 15-063, § 5, passed 11-12-2015)

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. Violators shall be issued a written citation which must be paid to the revenue division of the Finance Department within five days.

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

(C) In addition to or lieu of, remedies authorized in subsections (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, passed 6-14-1990; Ord. No. 2650, § 1, passed 6-10-1993)

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 G.S. 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 G.S. Chapter 113, Article 22A, G.S. Chapter 106, Article 4C (the Structural Pest Control Act of North Carolina of 1955) or G.S. Chapter 143, Article 52 (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 G.S. 14-4, punishable upon conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days.
(Ord. No. 04-14, § 1, passed 2-12-2004)