

ORDINANCE NO. 22-\_\_\_\_\_

AN ORDINANCE TO REPEAL AND REPLACE PART II, TITLE 12, CHAPTER 2  
OF THE CODE OF ORDINANCES, CITY OF GREENVILLE

WHEREAS, the City Council of the City Greenville desires to revise Part II, Title 12, Chapter 2 of the Code of Ordinances, City of Greenville to conform to applicable North Carolina law, including but not limited to Chapter 19 and Chapter 67 of the North Carolina General Statutes; N.C.G.S. § 106-645, which authorizes, but limits the City, to adopt ordinances regulating bee hives; N.C.G.S. § 130A-192, which authorizes animal control officers to determine if there are any dogs and cats not wearing valid rabies vaccination tags; N.C.G.S. § 160A-174, which authorizes the City to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the City; N.C.G.S. § 160A-182, which authorizes the City to define and prohibit the abuse of animals; N.C.G.S. § 160A-186, which authorizes the City to regulate, restrict, or prohibit keeping, running, or going at large of any domestic animals and authorizes that animals at large in violation of the ordinance may be seized and sold or destroyed after reasonable efforts to notify their owner; N.C.G.S. § 160A-187, which authorizes the City to regulate, restrict, or prohibit the possession or harboring within the city of animals which are dangerous to persons or property; N.C.G.S. § 160A-493, which authorizes the City to establish, equip, operate, and maintain animal shelters; and Session Law 2021-138, Part XIII. Section 13.(b), which amends N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 regarding penalties for violations of ordinances; the North Carolina Administrative Code, and industry standards regarding the care and control of animals by and within municipalities;

WHEREAS, Part II, Title 12, Chapter 2 of the Code of Ordinances, City of Greenville has not been substantially revised since 2015 with the majority of the Chapter not having been revised since the 1990s; and

WHEREAS, the repeal and replacement of the entirety of Part II, Title 12, Chapter 2 of the Code of Ordinances, City of Greenville is necessary to adequately ensure uniform compliance with applicable law and revise the criminal and civil penalties as necessary to address the interests of public safety and animal welfare;

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES  
HEREBY ORDAIN:

SECTION 1. That Part II, Title 12, Chapter 2 of the Code of Ordinances, City of Greenville, is hereby repealed and replaced as amended to now read as follows:

**PART II: CODE OF ORDINANCES**  
**TITLE 12: OFFENSES AND PUBLIC NUISANCES**  
**CHAPTER 2: ANIMALS**

**SEC. 12-2-1 DEFINITIONS.**

For the purpose of this chapter, the following definitions, regardless of capitalization, shall apply unless the context clearly indicates or requires a different meaning.

*Adequate food.* The provision, at suitable intervals, of a quantity of wholesome foodstuff suitable for the species and age of the animal, sufficient to maintain a reasonable level of nutrition in an animal. Such foodstuff shall be served in a sanitized receptacle, dish, or container.

*Adequate shade.* In addition to an adequate shelter structure, one or more separate outside areas of shade that are large enough to shield all of the animals therein at one time from the direct rays of the sun.

*Adequate shelter.* An enclosure sufficient to provide shelter from the extremes of weather, and a means to remain cool, dry, and comfortable. Adequate shelter shall consist of at least three solid sides, a roof, and a floor to be ventilated with sufficient room for the animal to move about freely and lie down comfortably.

*Adequate water.* The provision of, or constant access to, a supply of clean and fresh potable water.

*Animal.* Any living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings.

*Animal Protective Services; APS; or Division.* The Division of Animal Protective Services of the City.

*APS Supervisor.* An APS officer appointed by the City Manager to serve as head of the Division, and where appropriate, his or her designee, charged with the responsibility and authority to operate the Division.

*APS Officer.* An officer of the Division employed by the City, whose responsibility includes animal control and the enforcement of this Chapter.

*Attack.* Any action by an animal upon a person or domesticated animal which includes but is not limited to any injury, biting, tearing of clothing, or act causing fearful flight to escape by the person or other animal, or any other act which could reasonably cause any injury to a person or animal.

*Bite.* When the teeth of an animal scratches or breaks the skin of another animal or a person.

*Chief of Police.* The Chief of Police of the Greenville Police Department or designee.

*City.* The City of Greenville.

*Dangerous animal.*

- (A) Any animal that:
  - (1) Without provocation has killed or inflicted severe injury, through bite or otherwise, on a person; or
  - (2) Has killed or inflicted severe injury upon a domestic animal when running at large in violation of this chapter or upon any public or private dog park; or
  - (3) Approached a person when not on the owner's real property in a terrorizing manner in an apparent attitude of attack; or
  - (4) Has previously been deemed, declared, or ruled as a dangerous animal, potentially dangerous animal, or a substantially similarly classified or designated animal, by any lawful agency, person, board, jurisdiction, or authority.
- (B) Any animal owned or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting.

*Domesticated Animal.* An animal such as is accustomed to live in or about the habitation of humans, including but not limited to cats, cattle, dogs, fowl, horses, and sheep. This definition does not include domesticated wild animals.

*Eartipped or Eartipping.* The removal of ¼-inch tip of a cat's left ear, performed while the cat is under anesthesia, to identify the cat as being sterilized, lawfully vaccinated against rabies, and part of a TNR Colony.

*Electronic Implant.* Method of permanent identification of an animal that may be electronically read.

*Feral.* An animal that is not socialized.

*Heat; in heat.* A female animal in the erotic stage of copulation or in estrus.

*Impound; Impounded; Impoundment.* The placement of an animal into the care, custody, and control of the Division, any authorized representative thereof, or any person or entity duly authorized by this chapter or City Council or by state law for this purpose.

*Inherently Dangerous Animal.* This term shall apply to any live member of the following animals including crossbreeds or hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

- (1) *Canidae*. Any member of the dog (canid) family not customarily domesticated by humans, including wolves and coyotes but not including domestic dogs (*Canis familiaris*);
- (2) *Felidae*. Any member of the cat family weighing over 15 pounds not customarily domesticated by humans, but not including, domestic cats (*Fells catus*);
- (3) *Ursidae*. Any member of the bear family;
- (4) *Nonhuman Primates*; and
- (5) *Crocodillia*, such as crocodiles, alligators, and caiman.

*Inoculated or inoculation against rabies*. The vaccination or inoculation of a dog, cat, or ferret in accordance with Chapter 130A, Article 6, Part 6 of the North Carolina General Statutes.

*Livestock*. Any and all animals domesticated or non-domesticated commonly found on a farm, to include but not be limited to cattle (of any type), horses, goats, and sheep but not including any animal otherwise regulated in this chapter.

*Manual of Fees*. The fee schedule approved and adopted by the Greenville City Council which is periodically updated and lists sales and services provided by the City of Greenville.

*Owner or animal owner*. Any person, group of persons, or any entity owning, possessing, keeping, having charge of, sheltering, feeding, harboring, taking care of, having care, custody, or control of, or acting as custodian of, however temporarily, any animal covered by this chapter. A person having temporary custody or possession of an animal for the sole purpose of turning over such animal to the Division or any law enforcement officer shall not be deemed the owner of the animal.

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

*Person*. An individual, firm, partnership, association, corporation, company, or organization of any kind.

*Physical restraint*. Any animal confined within the passenger area of a motor vehicle, or confined within the owner's real property, or otherwise sufficiently secured and restrained by leash, lead, cage, bridle, or similarly effective device allowing the animal to be controlled. For purposes of this definition passenger area of a motor vehicle means the area designed to seat the driver and passengers and specifically excludes any fully unenclosed or open area behind the last upright back seat of a motor vehicle. For purposes of this chapter, voice command or electric collar is not recognized as sufficient physical restraint.

*Police Department.* The Greenville Police Department.

*Police Officers.* Sworn law enforcement officers employed by the Greenville Police Department.

*Provocation.* Conduct or actions on the part of any person or animal that is likely to arouse a violent or aggressive response by an animal. This term does not include any action on the part of an individual or animal that pertains to reasonable efforts of self-defense.

*Public nuisance animal.* Any animal is declared by City Council to be a public nuisance if the animal is:

- (1) Frequently or excessively making any disturbing noise including but not limited to howling, yelping, or unprovoked barking; or
- (2) Chasing, snapping at, or attacking a pedestrian, bicyclist, or any other vehicle; or
- (3) Turning over or scattering garbage containers or damaging any timber, garden, crops, vegetables, plants, lands, or any other matter or thing growing or being thereon; or
- (4) By virtue of number or type, is offensive or dangerous to the public health, safety, or welfare; or
- (5) Destructive to real or personal property other than that of the owner.

*Running at large.* Any animal off the owner's real property and not under sufficient physical restraint. This definition does not apply to any areas in City parks or upon City property that have been specifically designated by City Council as dog exercise and play areas. Any such areas so designated shall be securely separated from the rest of the park or property by a physical barrier sufficient to prevent any animal from leaving the designated area unless under the animal owner's physical restraint and control.

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

*Stray.* An animal that is beyond the limits of confinement or lost and is not wearing any tags, microchips, tattoos, or other methods of identification.

*Tattooing.* Method of permanent identification for an animal located on the inside thigh.

*Tethering.* Tying out or fastening an animal outdoors on a rope, chain, wire, cable, trolley system, or other similar type of device that fastens, chains, ties, or restrains an animal to a pole, tree, fence, post, stake, dog house or any other structure or object. The term tether does not mean the restraint of an animal on an attended leash.

*Trap-Neuter-Return or TNR.* The process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning feral cats to their original location.

*Trap-Neuter-Return colony or TNR colony.* A group of feral cats that have been registered with the Division in accordance with this chapter.

*TNR caregiver.* A person who, in accordance with the TNR program as defined in this chapter, provides care, including food, shelter, or medical care to a feral cat in a TNR colony.

*Vicious animal.* Any animal that, after having been determined as herein defined to be a dangerous animal, while violating any provisions of this chapter, commits a subsequent attack on a person or domestic animal causing bodily injury.

*Wild animal.* Any animal occurring or growing in a natural state, not domesticated, cultivated or tamed; having an uncivilized, barbarous, or savage mannerism.

## **SEC. 12-2-2 AUTHORITY; CREATION OF DIVISION OF ANIMAL PROTECTIVE SERVICES; COMPOSITION; SCOPE OF CHAPTER.**

(A) This chapter is established pursuant to grants of statutory authority provided in the North Carolina General Statutes (G.S.) including, but not limited to, the following, identified in pertinent part:

- (1) G.S. 14-4, which identifies the criminal penalty for a violation of a City ordinance made a misdemeanor under G.S. 160A-175.
- (2) Chapter 67 of the North Carolina General Statutes.
- (3) G.S. 106-645, which authorizes, but limits the City, to adopt ordinances regulating bee hives.
- (4) G.S. 130A-192, which authorizes animal control officers to determine if there are any dogs and cats not wearing valid rabies vaccination tags.
- (5) G.S. 160A-174, which authorizes the City to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city.
- (6) G.S. 160A-175, which authorizes the City to have the power to impose fines and penalties for violations of its ordinances and to secure injunctions and abatement orders to further insure compliance with its ordinances; defines the process by which the City may make a violation of a City ordinance a misdemeanor or infraction as provided in G.S. 14-4; identifies ordinances that may not be charged as a misdemeanor or infraction; and authorizes the City to impose a civil penalty for a violation of an ordinance.

- (7) G.S. 160A-182, which authorizes the City to define and prohibit the abuse of animals.
- (8) G.S. 160A-186, which authorizes the City to regulate, restrict, or prohibit keeping, running, or going at large of any domestic animals and authorizes that animals at large in violation of the ordinance may be seized and sold or destroyed after reasonable efforts to notify their owner.
- (9) G.S. 160A-187, which authorizes the City to regulate, restrict, or prohibit the possession or harboring within the city of animals which are dangerous to persons or property.
- (10) G.S. 160A-493, which authorizes the City to establish, equip, operate, and maintain animal shelters.

(B) There is hereby created within the police department of the City the Division, composed of the APS Supervisor to serve as head of the Division and such other employees as the City Council shall deem necessary.

(C) The provisions of this chapter and the enforcement thereof apply to all animals within the corporate limits of the City.

#### **SEC. 12-2-3 DUTIES OF DIVISION.**

(A) The Division shall be charged with the responsibility and duties of animal control within the City and shall also be responsible for:

- (1) Seeing that all dogs, cats, and ferrets in the City are adequately inoculated against rabies.
- (2) Cooperating with the local Health Director and county health officials and assisting in the enforcement of the laws of the state regarding the control of animals and especially the vaccination of dogs, cats, and ferrets against rabies and the confinement of vicious dogs.
- (3) Be responsible for the investigation of all reported animal bites within the City, for the quarantine of any dog, cat, or ferret involved in a bite of a person for a period of not less than ten (10) days, and for reporting to the Health Director as soon as practicable the occurrence of any such animal bite and condition of any quarantined animal.
- (4) Investigating all complaints regarding animals covered by this chapter.

- (5) Making such canvasses of the city, including the homes in the city, as it deems necessary for the purpose of ascertaining that all dogs, cats, and ferrets are vaccinated against rabies.
- (6) Enforcing all laws of the State and all ordinances of the City pertaining to animals.
- (7) Operating, managing, and supervising the City's animal shelter.

(B) Except as may otherwise be provided by statute, 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.

#### **SEC. 12-2-4 POLICE POWERS OF APS OFFICERS; BADGES; STORAGE AND USE OF TRANQUILIZER GUNS.**

(A) In the performance of their duties, members of the Division shall have the power, authority, and immunity as described in G.S. 15A-404 to enforce the provisions of this chapter and state law regarding the care, custody, control, treatment, and impoundment of animals for violations of such provisions.

(B) Each APS officer while performing his or her respective duties shall wear a badge of a size and design to be determined by the Chief of Police.

(C) APS officers shall be authorized to store at the animal shelter, designated City facility, or carry in Division vehicles tranquilizer guns or projectors approved for use by the Chief of Police and use such tranquilizer guns or projectors when necessary to enforce sections of this chapter or other applicable law for the control of wild, vicious, or diseased animals.

(D) In administering their duties under this chapter, APS Officers and Police Officers are empowered to issue civil citations, criminal summonses, or warrants for arrest as otherwise allowed by law to any person, if there is probable cause to believe that that person has violated any of the provisions of this chapter.

#### **SEC. 12-2-5 RIGHT OF APS OFFICERS TO ENTER FOR INSPECTION.**

Whenever it is necessary to make an inspection to enforce any provisions of, or perform any duty imposed by this chapter or other applicable law, or whenever an APS officer 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 APS officer is hereby empowered to enter the property at any reasonable time to inspect same and perform any duty imposed upon the APS officer by this chapter or other applicable law, but only if consent of the occupant or owner of the property is freely given; a search warrant is obtained; or an administrative inspection warrant is obtained.



**SEC. 12-2-6 DUTY OF APS OFFICERS AND POLICE OFFICERS TO SEIZE AND IMPOUND CERTAIN ANIMALS.**

(A) Notwithstanding any other provision of this chapter, an APS officer or police officer shall have the authority to enter upon any unenclosed lots or land to enforce the provisions of this chapter or other applicable state law regarding domestic animals running at large, including impoundment and seizure of said domestic animal, if such violation is being committed in the presence of such officers.

(B) It shall be the duty of on-duty police officers to seize and immediately deliver to the Division, or to notify the Division, of the presence of those animals which are authorized and directed to be seized and impounded by this chapter or which are found or kept contrary to the provisions of this chapter.

**SEC. 12-2-7 IMPOUNDMENT AND DISPOSITION OF ANIMALS TO PREVENT ABUSE; INVOLUNTARY ABSENCE OF OWNER.**

So as to prevent cruelty, abandonment, or abuse of an animal, whenever the Division determines that any animal is or will be without proper care or may be subject to cruelty, abandonment, or abuse due to the injury, death, illness, incarceration, or other involuntary absence of the owner, the Division may impound the animal until it is reclaimed by its owner or a person authorized by the owner, in writing, to reclaim the animal on behalf of the owner. The owner or person authorized by the owner to reclaim the animal must pay all applicable fees in the same manner as any other owner would reclaim an impounded animal prior to the release of the animal by the Division. An animal which has been impounded pursuant to this section and has not been reclaimed within 10 days of impoundment may be disposed of by the Division pursuant to Section 12-2-10 and the Animal Welfare Act of North Carolina.

**SEC. 12-2-8 RECORDS OF IMPOUNDED ANIMALS.**

(A) The Division shall keep a record of each animal impounded in accordance with 02 NCAC 52J.0101, including all of the following:

- (1) The origin of the animal (including names and addresses of consignors) and the date the animal was received.
- (2) The description of the animal including species, age, sex, breed, and color markings.
- (3) The location of the animal if not kept at the licensed or registered City facility.
- (4) The disposition of the animal including the name and address of the person to whom the animal is sold, traded, or adopted and the date of such transaction.

- (5) In the event of the death of the animal, the record shall also show the date of death, signs of illness, or cause of death if identified. If the animal is euthanized, the record shall show the date and type of euthanasia.
- (6) The record of veterinary care for the animal including all treatments, immunizations, and date, time, description of medication (including name and dosage), and initials of person administering any medication, product, or procedure.

#### **SEC. 12-2-9 KEEPING STRAY ANIMALS.**

(A) It shall be unlawful for any person to knowingly and intentionally harbor, feed, or keep in possession by confinement or otherwise, any stray animal.

(B) Within 24 hours from the time a stray animal comes into a person's possession, the person shall notify the Division that the stray animal is in the person's possession. Upon receiving such notice, the Division may impound the animal at the Division's discretion.

(C) It shall be unlawful for any person to refuse to surrender any stray animal to an authorized representative of the Division upon demand.

(D) A person having temporary custody or possession of an animal for the sole purpose of turning over such animal to the Division or any law enforcement officer shall not be deemed in violation of this section.

(E) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
  - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
    - 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
    - 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
  - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
  - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
    1. A civil action in the nature of a debt.
    2. The use of a collections agency.
    3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
    4. Equitable remedies issued by a court of competent jurisdiction.
    5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-10 IMPOUNDMENT, RECLAMATION, AND DISPOSITION OF ANIMALS; GENERALLY.**

(A) The Division shall hold any stray horse, mule, burro, cattle, goat, sheep, or other livestock impounded under this chapter for a period of seven days from the time of impoundment, during which time the owner of the animal, if known, shall be notified and allowed to reclaim the animal upon the payment of all applicable fees.

(B) The Division shall hold any stray dog, cat, domestic rabbit, bird, fowl, and other stray animal for 72 hours from the time of impoundment, during which time the owner of the animal, if known, shall be notified and allowed to reclaim the animal upon the payment of all applicable fees.

(C) Animals not herein specifically mentioned shall be disposed of in the same manner as dogs and cats.

(D) If a stray animal is not reclaimed by the owner during the applicable period of reclamation, the animal shall be disposed of as follows:

- (1) In the case of animals described in subsection (A) of this section, the animal shall be disposed of in accordance with Chapter 68, Article 3 of the North Carolina General Statutes.
- (2) In the case of animals described in subsections (B) and (C) of this section, the animal shall be disposed of in accordance with G.S. 19A-32.1.
- (3) If any animal is not reclaimed, the Division may continue to hold that animal for subsequent disposition consistent with applicable law.

(E) The Division may immediately destroy any wild animal in a humane manner consistent with the laws and regulations of the North Carolina Wildlife Resources Commission.

(F) All proceeds derived by the Division shall be turned over to the Financial Services Department of the City.

(G) Any dog, cat, or ferret impounded which appears to be suffering from rabies, affected with rabies, or affected with hydrophobia shall not be reclaimed or adopted but shall be quarantined for 10 days under observation; and thereafter if the Division determines that the dog, cat, or ferret is affected with rabies or hydrophobia, the dog, cat, or ferret shall be destroyed by the Division in a humane manner. If the animal has been determined to not have rabies or hydrophobia, the animal shall be subject to reclamation or adoption as herein provided. Any animal suffering from any other infection, contagious or dangerous disease shall not be adopted or sold but may be reclaimed by the owner.

**SEC. 12-2-11 RECLAMATION FEES.**

(A) The Division shall charge and collect reclamation fees as provided in the *Manual of Fees*.

(B) Reclamation fees shall be in addition to any other applicable charges including but not limited to any license fee or inoculation costs or fees that may be required by this chapter or other applicable law.

#### **SEC. 12-2-12 CERTAIN ANIMALS PROHIBITED.**

(A) It shall be unlawful for any person(s) to own, keep, have charge of, shelter, feed, or harbor any of the following within the City limits:

- (1) An animal that without provocation and in the City kills or inflicts severe injury, through bite or otherwise, on a person.
- (2) A vicious animal.
- (3) A public nuisance animal.
- (4) An inherently dangerous animal.

(B) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
  - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
    1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
    2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
    3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein

defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
  - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
  - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
    - 1. A civil action in the nature of a debt.
    - 2. The use of a collections agency.
    - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
    - 4. Equitable remedies issued by a court of competent jurisdiction.
    - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

## **SEC. 12-2-13 INHERENTLY DANGEROUS ANIMALS.**

(A) It shall be unlawful for any person to own, keep, maintain, or have care, custody, or control of any inherently dangerous animal within the corporate limits of the City unless specifically exempted by this section.

(B) The confinement of inherently dangerous animals that are exempt under this section must meet the regulations promulgated by the North Carolina Wildlife Resources Commission, the minimum standards under the Animal Welfare Act, and all applicable rules promulgated by the U.S. Department of Agriculture. In addition, all exempt animals shall be confined, restrained, and controlled in such a manner so that the physical safety of persons and property shall not be endangered. The Division shall have the right to inspect the premises where an inherently dangerous animal is housed to ensure proper confinement and compliance with applicable state and federal regulations.

(C) Subject to this section, the following persons shall be exempt from the provisions of this section:

- (1) Any organization duly authorized and existing under the laws of the State of North Carolina that owns or harbors an inherently dangerous animal for research or educational purposes, provided that such institution is permitted for such animal by the U.S. Department of Agriculture and continually maintains any necessary permits from state and federal agencies.
- (2) Any owner who possesses an inherently dangerous animal, pursuant to the American with Disabilities Act (ADA), and uses such animal as a service animal trained to assist the owner with a disability.
- (3) A wildlife rehabilitator licensed by the North Carolina Wildlife Resources Commission.

(D) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
  - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
    1. *First violation.* A violation of this section shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
    2. *Second and subsequent violations within 365 days of the first violation.* A second violation and any subsequent violations of this section by the violator within 365 days from herein

defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
  - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
  - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
    - 1. A civil action in the nature of a debt.
    - 2. The use of a collections agency.
    - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
    - 4. Equitable remedies issued by a court of competent jurisdiction.
    - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

## **SECTION 12-2-14 DETERMINATIONS.**

(A) The APS Supervisor shall be responsible for determining when an animal is a public nuisance in accordance with this chapter or dangerous animal, vicious animal, potentially dangerous dog, or dangerous dog in accordance with this chapter and Chapter 67 of the North Carolina General Statutes. The APS Supervisor must notify the owner in writing of the reasons



for the determination that an animal is a public nuisance animal, dangerous animal, vicious animal, potentially dangerous dog, and/or dangerous dog, before the animal may be considered as such. The determination shall also include notice of the owner's right to appeal.

(B) The owner may appeal the determination that an animal has been determined to be a public nuisance animal, dangerous animal, vicious animal, potentially dangerous dog, or dangerous dog by filing an appeal in accordance with this chapter. However, the APS Supervisor's determination that an animal is a public nuisance animal, dangerous animal, vicious animal, potentially dangerous dog, or dangerous dog shall remain in effect with any and all applicable restrictions unless the determination is subsequently overturned by the appeal board or superior court.

### **SECTION 12-2-15 DANGEROUS ANIMALS AND VICIOUS ANIMALS.**

(A) The Division shall enforce this section, and it shall be the duty of the APS Supervisor to make the determination if an animal is dangerous or vicious in accordance with this chapter and Chapter 67 of the North Carolina General Statutes.

(B) *Restrictions of Ownership of Dangerous Animals.* It shall be lawful for the owner of an animal deemed as a dangerous animal to own, keep, harbor, have charge of, shelter, or feed the animal within the City only if the owner strictly adheres to all of the following restrictions:

- (1) *Tattooing or Electronic Implant.* Within 14 days from the initial determination deeming the animal as dangerous or within 14 days from the relocation of the animal to the City from another jurisdiction, the animal must have permanent identification by means of a tattoo located on the inside thigh or by electronic implant. The cost of said tattoo/implant will be paid for by the owner. The Division shall maintain a physical description and photograph of the animal. The owner must allow and assist any member of the Division or the police department in viewing the tattoo or reading the electronic implant at any time deemed reasonable or at such time as the identification of the dog is in question.
- (2) *Signage.* Within 14 days from the initial determination deeming the animal as dangerous or within 14 days from the relocation of the animal to the City from another jurisdiction, the owner shall place and install a sign stating "Dangerous Animal on Site," "Beware of Dangerous Animal," or, if the animal at issue is a dog, "Beware of Dangerous Dog" on all of the following locations:
  - (a) A sign at each entrance, driveway, or pathway to the owner's real property.
  - (b) A sign on any outdoor pen, fence, or enclosure.

The signs required by this section shall be at least two feet by two feet in size but shall not be greater than three feet by three feet in size. Any sign

in compliance with this section shall be exempt from the City's zoning ordinance.

- (3) *Sterilization.* Within 14 days from the initial determination deeming the animal as dangerous or within 14 days from the relocation of the animal to the City from another jurisdiction, the owner shall have the animal sterilized by a licensed veterinarian. All fees and costs are the responsibility of the owner.
- (4) *A Secure Pen.* Within 14 days from the initial determination deeming the animal as dangerous or within 14 days from the relocation of the animal to the City from another jurisdiction, the owner shall keep the animal secured inside the owner's residence or in a secure outdoor pen that is constructed of materials strong enough to contain the animal. The outdoor pen must be constructed to comply with all of the following:
  - (a) The pen shall be large enough for the animal (depending on the size of the animal) to move about freely. It shall provide the animal with adequate shelter and adequate shade.
  - (b) The pen must have a floor, sides, and a top from which the animal cannot escape.
  - (c) The pen shall be constructed of a six-foot-high fence of at least nine-gauge chain link. The pen will also have a fence or solid top constructed of the same material.
  - (d) The pen must be constructed so that the animal may not dig under the sides. If the floor is constructed of dirt, the enclosure must include an eight-foot fence with two feet buried in the ground or sunken into a concrete pad which is 24 inches wide along the inside perimeter of the fence and four inches thick.

Any pen in compliance with this section shall be exempt from the City's zoning ordinance.

- (5) *Inspection.* The Division and the police department may cause such inspections as deemed appropriate to be made to the premises of an owner of a dangerous animal to determine compliance with the provisions of this section.
- (6) *Off the Owner's Real Property.* Anytime a dangerous animal is off the owner's real property, the animal will be on a secure collar and leash not to exceed six feet, wearing a muzzle, and restrained by an individual, or securely enclosed inside of a transport container of adequate size and

strength to contain the animal. In no event shall the dangerous animal be allowed on any City-owned or operated dog park.

- (7) *Relocation.* The owner must notify the Division at least three business days prior to moving the animal to a new address and give the Division the new address or location of the animal.
- (8) *Notification of Death.* The owner must notify the Division within 3 days of the death of the animal.
- (9) *Owner to Maintain Ownership Unless Surrendered to Division.* No dangerous animal may be given away, sold, traded, placed for adoption, or otherwise transferred. The owner must retain ownership, possession, control, and responsibility for the animal until the animal dies naturally or is surrendered to the Division for euthanasia.
- (10) *Annual Registration and Dangerous Animal Permit Required.*
  - (a) *Registration Generally.* Within 7 days from the initial determination deeming the animal as dangerous or within 7 days from the relocation of the animal to the City from another jurisdiction, the owner shall register such animal with the Division, or may, in lieu of any hearing, register such animal voluntarily, which such voluntary registration shall constitute an admission and determination that the animal is dangerous.
  - (b) *Permits Generally.* After registration of a dangerous animal, or after a determination that such animal is dangerous, no person shall own, keep or harbor such animal thereafter within the City without applying for and obtaining a dangerous animal permit from the Division.
  - (c) *Issuance of Permit.* The Division shall issue a permit for a dangerous animal only upon submission by the owner to the Division of a complete, verified application, payment of the required dangerous animal permit fee, proof of insurance as described in this section, and a finding by the Division that the owner has complied with all other requirements of this section. Each permit shall be issued by the Division conditioned on the owner's continued compliance with all applicable ordinances and laws.
  - (d) *Term of Permit.* Each dangerous animal permit shall be valid for one calendar year from the date of issuance and must be renewed at least 14 days prior to the expiration of same.

- (e) *Permanent Registration Number Required.* The tattoo or electronic implant number assigned to the animal as required by this section shall be the permanent registration number of the animal with the Division. No person shall alter, conceal, or remove such registration number once it is assigned or affixed to the animal.
- (f) *Payment of Annual Dangerous Animal Registration Fee.* The owner shall pay annually a registration fee for each dangerous animal in an amount set in the *Manual of Fees*.
- (g) *Insurance.* The owner shall maintain a policy of liability insurance covering any injury or property damage caused by the animal. Minimum policy limits shall be \$250,000.00 per occurrence. The owner shall cause a certificate or declaration of insurance to be furnished to the Division annually as part of the permit application. Every calendar day that the required insurance is not in full force and effect shall constitute a violation of this ordinance.
- (h) *Revocation of Permit.* Upon a finding of noncompliance with the provisions of this section, the Division may revoke the dangerous animal permit and seize and impound the animal at the owner's expense pending the outcome of a hearing in accordance with section 12-2-16.

(C) *Subsequent Bite or Attack; Vicious Determination.* In addition to any other penalties as defined and described in this chapter, if an animal that has previously been determined to be a dangerous animal attacks or bites a person or domesticated animal while in violation of any provision of this chapter, the APS Supervisor may issue a determination that the animal is a vicious animal. Upon issuance of the determination that the animal is vicious, and unless the owner appeals the determination in accordance with this chapter, the animal shall immediately be seized and euthanized, after a 10 day rabies quarantine if required, by the Division.

(D) *Exceptions.* The following are exempt from the provisions of this section.

- (1) A law enforcement animal or guard dog used by a law enforcement officer or bona fide professional security guard to carry out official law enforcement or security duties.
- (2) An animal that causes injury to a person when that person, or another acting in concert with that person, was tormenting, abusing, or assaulting the animal or was committing or attempting to commit any crime or tort at or about the time of the injury.

(E) Nothing in this section shall be construed to prevent an APS Officer or any other person from pursuing remedies under G.S. Chapter 67, Article 1A or other operation of law.

(F) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of two hundred and fifty dollars (\$250.00).

2. *Second and subsequent violation within 365 days of the first violation.* Any subsequent violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00).

(b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

(c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Chapter 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.

2. The use of a collections agency.
  3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  4. Equitable remedies issued by a court of competent jurisdiction.
  5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

### **SECTION 12-2-16 APPEALS OF DETERMINATIONS.**

(A) *Appeal Board.* The Appeal Board shall be constituted of three members who shall be a Veterinarian licensed to practice in North Carolina, the Chief of Police or his or her designee, and the current Fire Marshall or his or her designee. There shall be an alternate member from the Financial Services Department to serve in the event of a conflict of interest. The licensed Veterinarian shall be appointed by the City Council for a three-year term.

(B) *Appeal to Appeal Board.* The owner may appeal a determination made pursuant to this Section, Section 12-2-14, Section 12-2-15, or Section 12-2-37 by filing an appeal in accordance with this section.

- (1) *Notice of Appeal; Contents and Filing.* If the owner of the animal elects to appeal the APS Supervisor's determination, the owner shall file a notice of appeal in writing to the Appeal Board. The appeal shall be filed within three days of the issuance of the determination; shall include written objections; and shall be directed to the City Manager's office. Any appeal received by the City Manager's office more than three days after the date of the determination shall be deemed untimely and shall not be considered by the Appeal Board. Accordingly, the APS Supervisor's determination shall stand and may not be appealed.
- (2) *Scheduling of the Hearing.* The City Manager's office, as designee of the Appeal Board, shall schedule a hearing within 10 days of the filing of the notice of appeal. The hearing on the appeal shall take place within a reasonable time, but no longer than 30 days from the filing of the notice of appeal. The City Manager's office shall mail notice of the hearing via certified mail return receipt requested to the appellant and shall also provide notice to the APS Supervisor. If the owner does not appear at the hearing, the APS Supervisor's determination shall stand and shall be fully enforceable.

- (3) *Conduct of the Hearing.* The hearing on the appeal of the APS Supervisor's determination shall be an informal administrative hearing. The City Manager shall be the chairperson and conduct the hearing and govern procedural questions. The North Carolina rules of evidence shall not apply. However, both the appellant and the City shall be entitled to be represented by counsel, have the right to make opening and closing statements, present evidence, and call, confront, and cross-examine witnesses. All witnesses shall testify under oath. Each Appeal Board member shall have the right to question witnesses. The appellant and/or the City shall be allowed to record the hearing. The hearing shall be conducted in accordance with the principles of due process.

(C) *Final Decision of Appeal Board.* The Appeal Board shall make the final decision. The decision of the Appeal Board shall be by majority vote, and said decision shall be made at the conclusion of the hearing unless the Appeal Board requests additional evidence. The decision of the Appeal Board shall be documented by the City Manager in writing, including findings to support the Appeal Board's decision, and notice of appeal rights, and forwarded to the applicant within 10 days of the conclusion of the hearing via certified mail, return receipt requested.

(D) *Appeal to Superior Court.* Any appeal from the final decision of the Appeal Board shall be taken to the Pitt County superior court by filing notice of appeal and a petition for review within 10 days of the final decision of the Appeal Board. Appeals from rulings of the Appeal Board shall be heard de novo before a superior court judge sitting in the Pitt County superior court division.

(E) *Stay of APS Determination During Appeal.* Given the risk to public health and safety associated with determining that an animal is dangerous or vicious or a public nuisance, the APS Supervisor's determination shall be in effect and fully enforceable from the date of determination unless overturned on appeal. However, any requirements in the APS Supervisor's determination involving a date restriction shall be stayed during the pendency of the appeal.

## **SEC. 12-2-17 EXOTIC ANIMALS.**

(A) The Division is hereby vested with the authority to issue permits for the keeping or maintaining of any wild, exotic, dangerous, or nondomestic animal when, in the opinion of the APS Supervisor, the animal may be kept or maintained without endangering the safety of any person or property.

(B) No person, business, or event (e.g., 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 as set out in the *Manual of Fees*.

(C) The Division may require an animal that is subject to the provisions of this section to be properly caged, secured, and maintained, and may revoke any such permit for any violation of state or federal law or this chapter or when, in the opinion of the APS Supervisor, the safety of any person or property is endangered by the keeping of any such animal.

(D) 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, animal exhibition, or animal trade show, when located in the City and otherwise allowed by the City's Zoning Ordinance or other applicable law of rule.

(E) In accordance with Chapter 14, Article 55 of the North Carolina General Statutes (Regulation of Certain Reptiles), any person applying for a permit for a large constricting snake such as a: Reticulated Python, *Python reticulatus*; Burmese Python, *Python molurus*; African Rock Python, *Python sebae*; Amethystine Python, *Morelia amethystina*; and Green Anaconda, *Eunectes murinus*; or any of their subspecies or hybrids shall:

- (1) Own, possess, use, transport, or traffic the large constricting snake in a sturdy and secure enclosure designed to be escape-proof and shall have an operable lock.
- (2) Clearly and visibly label each enclosure with the scientific name, common name, number of specimens, and owner's identifying information.
- (3) Provide the Division with a written safety protocol and escape recovery plan which shall be within sight of permanent housing, and a copy shall accompany the transport of any of the large constricting snakes. The safety protocol shall include emergency contact information, identification of the local animal control office, and first aid procedures.
- (4) In the event of an escape of a large constricting snake, the owner or possessor shall immediately notify local law enforcement and the Division.

(F) In accordance with Chapter 14, Article 55 of the North Carolina General Statutes (Regulation of Certain Reptiles), any person applying for a permit for a venomous reptile shall:

- (1) Own, possess, use, transport, or traffic the venomous reptile housed in a sturdy and secure enclosure designed to be escape-proof, bite-proof, and have an operable lock.
- (2) Clearly and visibly label each enclosure with "Venomous Reptile Inside" with scientific name, common name, appropriate antivenin, number of specimens, and owner's identifying information noted on the container.
- (3) Provide the Division with a written bite protocol that includes emergency contact information, local animal control office information, the name and location of suitable antivenin, first aid procedures, and treatment guidelines,



as well as an escape recovery plan that must be within sight of permanent housing, and a copy of same must accompany the transport of any venomous reptile.

- (4) In the event of an escape of a venomous reptile, the owner or possessor of the venomous reptile shall immediately notify local law enforcement and the Division.

(G) Nothing in this chapter shall be constructed to prevent an APS Officer or Law Enforcement Officer from seeking remedies in accordance with Chapter 14, Article 55 of the North Carolina General Statutes (Regulation of Certain Reptiles) or other law expressly referencing an exotic or wild animal.

(H) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

- (2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served

personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

(c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

#### **SEC. 12-2-18 TETHERING.**

(A) Any device used to tether a dog shall be at least 10 feet long and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with other objects.

(B) A cable trolley system may be used to tether a dog so long as the stationary cable is at least 10 feet long and the dog can perpendicularly move at least 10 feet away from the stationary line.

(C) A tether must be equipped with a swivel on both ends.

(D) The tether device shall be attached to the dog with a buckle type collar or a body harness.

(E) The device used to tether the dog shall weigh no more than 10 percent of the animal's body weight. In no event shall it be lawful to restrain a dog using a chain or wire grossly in excess of the size necessary to restrain the dog safely.

(F) It shall be unlawful to attach a rope, chain, wire, or other tethering device to a choke-type or pronged collar.

(G) While on a tether device, the dog must have access to adequate food, adequate shade, adequate shelter, and adequate water.

(H) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
  
  - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
    - 1. A civil action in the nature of a debt.
    - 2. The use of a collections agency.
    - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
    - 4. Equitable remedies issued by a court of competent jurisdiction.
    - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

## **SEC. 12-2-19 CRUELTY TO ANIMALS.**

(A) It shall be unlawful for any person to intentionally overdrive, overload, wound, injure, torment, kill, or deprive of necessary sustenance or adequate veterinary care, or cause or procure to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance or adequate veterinary care any animal.

(B) It shall be unlawful for any person to fail to provide veterinary care to any animal after having been notified in writing by an APS officer or law enforcement officer if in that officer's opinion the animal is in need of veterinary care to prevent suffering.

(C) It shall be unlawful for any owner in contact with or having knowledge of a sick, diseased, or injured animal to fail to provide proper medical treatment for the animal or notify the Division of the condition. A sick, diseased, or injured animal shall go no longer than 24 hours without veterinary care.

(D) It shall be unlawful for any person to willfully set on foot, or instigate, or move to, carry on, or promote, or engage in, or do any act towards the furtherance of any act of cruelty to any animal.

(E) As used in this section, the words “torture,” “torment,” and “cruelly” include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, the word “intentionally” refers to an act committed knowingly and without justifiable excuse.

(F) No domesticated animal, household pet, or wild animal in captivity may be confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or other endangering conditions. Such confinement shall be considered unlawful. Without limiting the foregoing, it shall be presumed that an interior temperature exceeding 109° F causes an unacceptable level of suffering by any such animal and constitutes improper confinement in violation of this section.

(G) This section shall not apply to the following activities:

- (1) The lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, except that this section shall apply to those birds other than pigeons exempted by the Wildlife Resources Commission from its definition of “wild birds” pursuant to G.S. 113-129(15a).
- (2) Lawful activities conducted for purposes of biomedical research or training or for purposes of production of livestock, poultry, or aquatic species.
- (3) Lawful activities conducted for the primary purpose of providing food for human or animal consumption.
- (4) Activities conducted for lawful veterinary purposes.
- (5) The lawful destruction of any animal for the purposes of protecting the public, other animals, property, or the public health.
- (6) The physical alteration of livestock or poultry for the purpose of conforming with breed or show standards.

(H) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

(c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency.

3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

#### **SEC. 12-2-20 ADEQUATE FOOD, SHADE, SHELTER, AND WATER.**

(A) All dogs and cats shall be given adequate food, adequate shade, adequate shelter, and adequate water. Adequate shelter is defined as an enclosure of at least three sides, a roof, and a floor. The enclosure shall be ventilated and must have sufficient room for the animal(s) to move around freely and to lie down comfortably.

(B) Animals housed under the following conditions shall not constitute adequate shelter:

- (1) Underneath outside steps, decks, and stoops.
- (2) Inside of vehicles.
- (3) Underneath vehicles.
- (4) Inside metal or plastic barrels, cardboard boxes, or garbage cans.
- (5) Rooms, sheds, or other buildings without windows or proper ventilation.
- (6) Underneath houses.
- (7) Inside temporary animal carriers or crates.
- (8) Shelters located in flood-prone areas or areas that lack a suitable method of draining so as to eliminate excess water or moisture.

(C) Adequate shade must be provided for dogs and cats from sunrise to sunset during the months of May through September at all such times that a dog or cat is tethered or kenneled outside.

(D) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
  - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
    1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
    2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
    3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
  - (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
  - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
  - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:



1. A civil action in the nature of a debt.
  2. The use of a collections agency.
  3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  4. Equitable remedies issued by a court of competent jurisdiction.
  5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-21 TEASING OR MOLESTING ANIMALS.**

(A) 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.

(B) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
  - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
    1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
    2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
    3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein

defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
  - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
  - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
    - 1. A civil action in the nature of a debt.
    - 2. The use of a collections agency.
    - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
    - 4. Equitable remedies issued by a court of competent jurisdiction.
    - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-22 DUTY OF DRIVERS TO GIVE NOTICE OF INJURY TO DOMESTICATED ANIMAL.**

(A) It shall be a civil offense for any person injuring a domesticated animal by striking the domesticated animal with an automobile, bicycle, or other vehicle to fail to immediately notify the owner of the domesticated animal, the Division, or the police department of such incident.

(B) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
  - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
  - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
  - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
  - (a) A civil action in the nature of a debt.
  - (b) The use of a collections agency.
  - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.

- (d) Equitable remedies issued by a court of competent jurisdiction.
  - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-23 STAKING OUT, HERDING, OR GRAZING ANIMALS ON UNENCLOSED PREMISES.**

(A) No person shall stake out, herd, tether, or graze any animal, upon an unenclosed lot or land in any manner so that the animal may go beyond the boundary of the lot or land.

(B) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
  - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
  - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
  - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
- (a) A civil action in the nature of a debt.
  - (b) The use of a collections agency.
  - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  - (d) Equitable remedies issued by a court of competent jurisdiction.
  - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-24 SETTING ANIMALS FREE FOR CHASE.**

(A) No person shall set free any rabbit, hare, or other animals in the City for the purpose of chasing, hunting, or having a race thereafter.

(B) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
- (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
  - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
  - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
  - (a) A civil action in the nature of a debt.
  - (b) The use of a collections agency.
  - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  - (d) Equitable remedies issued by a court of competent jurisdiction.
  - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-25 KEEPING OR DISPLAYING ANIMALS GENERALLY; CONDUCT OF WHOLESALE POULTRY YARDS.**

(A) No person shall exhibit, keep, or display animals, birds, or fowl of any kind unattended in glass show windows for longer than six hours per day.

(B) No person shall exhibit, keep, or display 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 the animal.

(C) No person shall exhibit, keep, or display animals, birds, or fowl of any kind in glass show windows on Sundays and holidays.

(D) No person shall conduct or operate a wholesale poultry yard wherein quantities of fowl of any description are gathered and kept within any residential district of the City or within 80 feet of any place of human abode within the corporate limits of the City.

(E) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
  - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
  - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
  - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
  - (a) A civil action in the nature of a debt.
  - (b) The use of a collections agency.

- (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  - (d) Equitable remedies issued by a court of competent jurisdiction.
  - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-26 SALE OF FOWL OR RABBITS UNDER CERTAIN CONDITIONS; COLORING FOWL OR RABBITS.**

(A) No person shall sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl, seven weeks of age or under as pets, toys, premiums, or novelties. Nothing contained in this section shall be construed to prohibit the sale of nondomesticated species of chicks, ducklings, or other fowl, from proper brooder facilities by hatcheries or stores engaged in the business of selling them for purposes other than for pets or novelties.

(B) No person shall color, dye, stain, or otherwise change the natural color of chickens, other fowl, or rabbits.

(C) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
  - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
  - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
  - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is



due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
  - (a) A civil action in the nature of a debt.
  - (b) The use of a collections agency.
  - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  - (d) Equitable remedies issued by a court of competent jurisdiction.
  - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

#### **SEC. 12-2-27 KEEPING SWINE.**

(A) No person shall keep any hog, pig, swine, or other Suidae over 100 pounds or that is more than 22 inches high when measured at the shoulder.

(B) No more than two hogs, pigs, swine, or other Suidae allowed herein shall reside or be maintained at any dwelling unit or at any non-residentially zoned parcel.

(C) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
  - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

- (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
  - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
  - (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
  - (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
    - (a) A civil action in the nature of a debt.
    - (b) The use of a collections agency.
    - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
    - (d) Equitable remedies issued by a court of competent jurisdiction.
    - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
  - (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC 12-2-28 KEEPING FOWL.**

(A) Up to 15 chickens, ducks, pigeons, doves, or other fowl may be kept on any single lot, tract, or parcel in the City upon the following conditions:

- (1) The fowl 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 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 the houses or coops shall be disposed in such a way that it does not cause odor or attract flies.
- (3) No house or coop may be located closer than 80 feet from any parcel or property line not owned by the fowl owner.

(B) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
  - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
  - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
  - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
- (a) A civil action in the nature of a debt.
  - (b) The use of a collections agency.
  - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  - (d) Equitable remedies issued by a court of competent jurisdiction.
  - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

#### **SEC. 12-2-29 MAINTENANCE OF STABLES AND PENS.**

(A) All persons in possession or control of any stable, corral, pen, coop, warren, or other place where an animal is kept shall maintain such place in a clean and sanitary condition at all times and in such a manner consistent with all applicable law or regulatory provisions related thereto.

(B) All persons in possession or control of any stable, corral, pen, coop, warren, and other place where an animal is kept shall remove all manure, debris, and trash therefrom and spray such places with suitable disinfectant at least once each week.

(C) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
- (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
  - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

- (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
  - (a) A civil action in the nature of a debt.
  - (b) The use of a collections agency.
  - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  - (d) Equitable remedies issued by a court of competent jurisdiction.
  - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

## **SEC. 12-2-30 URBAN BEEKEEPING.**

*Purpose.* The purpose of this section is to encourage persons who keep bees to properly maintain hives and comply with state regulatory requirements and the provisions of this section.

(A) *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.* Bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found.
- (2) *Bee(s).* Insects of the superfamily Apoidea; in particular, the honeybees, *Apis mellifera* (L) or any honey-producing insects of the genus *Apis*. It includes all life stages of such insects, their genetic material, and dead remains.
- (3) *Beekeeper.* The person who keeps and raises bees and harvests honey.
- (4) *Front yard.* 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 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.
- (5) *Hive(s).* Any receptacle or container, or part of receptacle or container, which is made or prepared for the use of bees or which is inhabited by bees.
- (6) *Permit.* Authorization annually issued by the Division to a beekeeper to maintain bees for personal and family use.

(B) *Requirements.*

- (1) No more than five hives shall be permitted on a single parcel within the land use planning jurisdiction of the City.
- (2) Every hive shall be placed at ground level or securely attached to an anchor or stand. If the hive is securely attached to an anchor or stand, the City may permit the anchor or stand to be permanently attached to a roof surface.
- (3) No hive shall be located in a front yard.
- (4) All bee equipment and hives must be maintained in good order and condition.
- (5) The Division shall authorize the removal of any hive if the owner no longer maintains the hive or if removal is necessary to protect the health, safety, and welfare of the public.

(C) *Permitting and inspection.*

- (1) No person shall, within the limits of the City, keep bees without first obtaining a beekeeping permit from the Division.
- (2) The beekeeping permit must be renewed annually. All beekeeping permits will expire on December 31 of the year of issue and shall be free of charge
- (3) A beekeeper's bee equipment and hives shall be inspected annually by the Division before the issuance of a beekeeping permit.

(D) *Enforcement.*

- (1) Failure to comply with the provisions of this section will result in revocation of the beekeeping permit in addition to any civil penalties.
- (2) Violations of zoning ordinance provisions will be enforced by the City Zoning Enforcement Officers.

(E) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
  - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
  - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
  - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties

assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
  - (a) A civil action in the nature of a debt.
  - (b) The use of a collections agency.
  - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  - (d) Equitable remedies issued by a court of competent jurisdiction.
  - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

#### **SEC. 12-2-31 DEAD DOMESTICATED ANIMALS.**

(A) The APS Supervisor is designated as the person whose duty it shall be to provide for the removal and disposal of any dead domesticated animal located within the limits of the city where the owner or owners of the animal cannot be determined. In accordance with G.S. 106-403 in carrying out these responsibilities, the APS Supervisor 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.

(B) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
  - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
  - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).



- (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
  - (a) A civil action in the nature of a debt.
  - (b) The use of a collections agency.
  - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  - (d) Equitable remedies issued by a court of competent jurisdiction.
  - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-32 INOCULATION OF ANIMALS GENERALLY.**

(A) All dogs, cats, and ferrets in the city shall be inoculated against rabies in accordance with G.S. 130A-185.

(B) It shall be unlawful for an owner to fail to provide proof of current inoculation against rabies (hydrophobia) for any dog, cat, or ferret four months of age or older on demand of an APS officer or Law Enforcement Officer. A rabies inoculation shall be deemed current if two inoculations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.

(C) Any person inoculating an animal against rabies shall issue to the owner of the animal a metal rabies vaccination tag. The rabies vaccination shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "Rabies Vaccine."

(D) It shall be unlawful for the owner of a dog to allow such dog to be within the city without the metal inoculation tag securely fastened to the dog's collar or harness.

(E) Cats and ferrets shall not be required to wear the metal inoculation tag; however, the owner of a cat or ferret shall maintain the tag or the rabies vaccination certificate as written evidence to prove the cat or ferret has a current rabies inoculation.

(F) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
  - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
  - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
    - 1. A civil action in the nature of a debt.
    - 2. The use of a collections agency.
    - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
    - 4. Equitable remedies issued by a court of competent jurisdiction.
    - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-33 FERAL CAT TRAP-NEUTER-RETURN PROGRAM; TNR PROGRAM.**

(A) 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. Personally owned traps may be used for TNR purposes.

- (2) Cats must be assessed by a veterinarian and deemed to be healthy and free of communicable diseases at the time of the spay/neuter surgery.
- (3) Cats must be spayed or neutered.
- (4) While undergoing the spay or neuter surgery, each cat must be vaccinated against rabies, Feline Viral Rhinotracheitis, Calicivirus and Panleukopenia, (FVRCP), and any additional vaccinations recommended by the veterinarian performing the surgery.
- (5) Cats must be ear tipped. A tipped ear will identify the cat as having received at least one dose of each vaccination described herein.
- (6) Cat bites must be reported to the Division within 24 hours of the bite. The organization or individual shall assist the Division in the capture of the cat and surrender the cat to the Division for a rabies quarantine.
- (7) Feeding of a registered TNR colony shall be allowed 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 and uneaten food shall be removed.
- (8) Cats entering the TNR program must be documented for tracking purposes by the TNR caregiver using the Division's 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 for review and statistical purposes.
- (9) The individual or organization engaging in TNR shall be responsible for all costs and expenses while engaging in these activities.
- (10) The TNR caregiver shall be considered the owner in accordance with this chapter and shall be responsible for the cats within the TNR colony.
- (11) A cat in the TNR colony shall be removed from the colony and city if deemed to be a public nuisance in accordance with this chapter.
- (12) A TNR colony shall be removed from the city if deemed to be a public nuisance in accordance with this chapter.

(B) Failure to comply with the requirements of this section shall be grounds for immediate revocation of the privilege of participation in any TNR program.

(C) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
  - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
  - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
  - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
  - (a) A civil action in the nature of a debt.
  - (b) The use of a collections agency.
  - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  - (d) Equitable remedies issued by a court of competent jurisdiction.

- (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-34 ANIMAL TRAPS AVAILABLE TO THE PUBLIC**

(A) The Division is authorized to make animal traps available to members of the public under the conditions stated in this section.

(B) Live-capture animal traps provided by the City may be used only under the following conditions:

- (1) All traps must be checked at least once every 12 hours by the person who requested the trap.
- (2) Traps may be checked out for a one-week period, which may be extended for a second week at the discretion of the Division.
- (3) Persons who desire to check out any trap must complete an application provided by the Division.
- (4) Should the trap be damaged while in the possession of the public, the person in possession of the trap shall be responsible for reimbursing the City for damages.
- (5) The person who requested the trap shall immediately notify the division of any animal captured in the trap.

(C) Failure to comply with the requirements of this section shall be grounds for immediate revocation of the privilege of using a City-owned live-capture animal trap or participation in any Trap, Neuter and Return Program.

**SEC. 12-2-35 ANIMAL BITE NOTIFICATION; BITES UNLAWFUL.**

(A) *Bite Unlawful.* It shall be unlawful for an animal to bite a human being when that human being does not ordinarily reside on the animal owner's property unless the animal has been provoked or unless the bite victim was trespassing upon the animal owner's property at or near the time of the bite.

(B) *Reporting Bite.*

- (1) When a person has been bitten by any animal, the person, or parent, guardian, or person standing in loco parentis of the person, and the animal's owner shall notify the Division immediately and give the name

and address of the person bitten and the name and address of the animal's owner, if known or can be ascertained.

- (2) It shall be unlawful for any person to fail to inform the Division of the location to which an animal that has bitten a human being has been taken, if the owner has given the animal away, or caused in any way the animal to be taken from the owner's premises.

(C) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

- (2) *Civil.*

- (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section

must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

#### **SEC. 12-2-36 SUMMARY DESTRUCTION OF ANIMALS THAT CANNOT BE SEIZED BY REASONABLE MEANS.**

Notwithstanding any other provision of this Chapter, any inherently dangerous animal or any animal that is determined to be dangerous or who is attacking a human being or animal and that cannot be seized, retrieved, humanely trapped, or tranquilized through reasonable means may be summarily destroyed, if such destruction is necessary for the protection of life or property or for the public health and safety.

#### **SEC. 12-2-37 PUBLIC NUISANCES.**

(A) *Prohibited generally; Exceptions.* It shall be unlawful to own, keep, or harbor a public nuisance animal within the corporate limits of the City. Provided, however, it shall not be unlawful to own or keep a dog of vicious tendencies for the protection of persons or property, if such dog is securely confined in a manner not to expose it to the general public. This exception for dogs of vicious tendencies does not extend to dogs which excessively make disturbing noises or animals deemed as dangerous or vicious.



(B) *Complaint and notice.* Upon receipt of a written, detailed, and signed complaint being made to the Division by any resident or residents that any person is maintaining a public nuisance as defined in Section 12-2-1 of this chapter, the APS Supervisor shall cause the owner of the animal(s) in question to be notified that a complaint has been received and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating APS officer.

(C) *Determination and Abatement.* If the written findings of the investigating APS officer indicate that the complaint is justified, then the APS Supervisor shall cause the owner of the animal(s) in question to be so notified in writing, by certified mail, return receipt requested, of a determination which shall order the abatement of such nuisance within seven (7) days after the date of the notification of the determination, and shall issue a citation to the owner of the animal(s) for the violation. In the event the owner of the animal(s) is unknown and cannot be ascertained, the determination, along with a general description of the animal(s) shall be published within a local newspaper or electronic news outlet and also on the City's website.

(D) *Impoundment upon failure to abate.* If any person receiving a determination in the manner hereinabove described shall fail or refuse to abate the nuisance as ordered by the APS Supervisor within the specified time, the APS Supervisor may cause the animal(s) in question to be seized and impounded in accordance with the provisions of Section 12-2-11 of this chapter.

(E) *Right of appeal.* An animal owner may appeal the determination of the APS Supervisor in accordance with the provisions of Section 12-2-16.

(F) *Reclamation; destruction.* If the owner shall so request, the animal(s) may be reclaimed pursuant to the provisions of Section 12-2-10. The APS Supervisor may require as a condition of abatement and reclamation that the owner execute a written agreement providing the specific conditions of abatement necessary to comply with the determination and order of abatement issued in accordance with this section. If the owner fails to execute the written agreement, or fails to reclaim the animal(s) at issue, within the time specified under Section 12-2-10, then the animal shall be disposed of in accordance with the provisions of Section 12-2-10.

(G) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
  - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
  2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
  3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
  2. The use of a collections agency.
  3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  4. Equitable remedies issued by a court of competent jurisdiction.

5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

#### **SEC. 12-2-38 RESTRAINT OF ANIMALS.**

(A) It shall be unlawful for any owner or person to permit or negligently allow any domesticated animal to run at large, provided that a domesticated animal may be off the owner's real property if the domesticated animal is under physical restraint.

(B) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
  - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
    1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
    2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
    3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
  - (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
  
  - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
    - 1. A civil action in the nature of a debt.
    - 2. The use of a collections agency.
    - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
    - 4. Equitable remedies issued by a court of competent jurisdiction.
    - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

### **SEC. 12-2-39 DEFECATION.**

(A) *Public Property:* It shall be unlawful for any animal owner to fail to immediately remove feces deposited by the animal on any street, sidewalk, park, or other City or publicly owned area.

(B) *Private Property:* It shall be unlawful for any animal owner to fail to immediately remove feces deposited by the animal on any private property unless the owner of the property has given permission allowing such use of the property.

(C) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and

shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

(c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.

2. The use of a collections agency.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-40 LIMITATION ON NUMBER OF DOMESTICATED ANIMALS ALLOWED.**

(A) It shall be unlawful to have more than three (3) canines on any one parcel within the city.

(B) It shall be unlawful to have more than six (6) domesticated animals on any one parcel within the city. At no point shall there be any more than three (3) canines on any one parcel within the city.

(C) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
  - (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
  - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
  - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
    1. A civil action in the nature of a debt.
    2. The use of a collections agency.
    3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
    4. Equitable remedies issued by a court of competent jurisdiction.
    5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

#### **SEC. 12-2-41 INTERFERENCE.**

(A) It shall be unlawful for any person to interfere with, obstruct, hinder, or molest the APS Division or its officers, agents, or veterinarians in the performance of any duty authorized by this chapter, or release, attempt to release, or procure another to release or attempt to release any animal in the custody of the Division except as is provided in this chapter.

(B) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
  - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
    1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
    2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
    3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
  - (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
  - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.



- (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
  2. The use of a collections agency.
  3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  4. Equitable remedies issued by a court of competent jurisdiction.
  5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-42 PROHIBITION AGAINST GIVEAWAYS IN PUBLIC PLACES.**

(A) It shall be unlawful to display any animal in a public place for the purpose of selling or giving the animal away. This section does not apply to the display of animals by and within a pet shop, commercial kennel, animal welfare organization, or veterinarian's office.

(B) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
  - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
    1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
  3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
  2. The use of a collections agency.
  3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
  4. Equitable remedies issued by a court of competent jurisdiction.
  5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

**SEC. 12-2-43 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)(1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use within the 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 (the Use of Poisons and Pesticides), 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) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
- (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
  2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
  3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the

civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
  - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
    - 1. A civil action in the nature of a debt.
    - 2. The use of a collections agency.
    - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
    - 4. Equitable remedies issued by a court of competent jurisdiction.
    - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

SECTION 4. In accordance with Session Law 2021-138, Part XIII., Section 13.(b), this ordinance specifying a criminal penalty has been enacted at the meeting other than that in which it was first introduced.

SECTION 5. This ordinance will become effective \_\_\_\_\_, 2022.

This the \_\_\_\_ day of \_\_\_\_\_, 2022.

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P. J. Connelly, Mayor

ATTEST:

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Valerie Shiuwegar, City Clerk