

## CHAPTER 96: ANIMALS

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### GENERAL PROVISIONS

#### § 96.01 DEFINITIONS.

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

**ADMINISTRATOR.** The Animal Control Officer or any other person designated by the Manager to perform the responsibilities assigned by this chapter to the Administrator.

**ANIMAL.** For the purpose of this chapter an animal shall mean any domestic animal, any fowl, livestock, or wild animal as defined in this section.

**ANIMAL CONTROL OFFICER.** Any person designated by the Manager, or any Liberty Police Department (LPD) officer or any person designated by the Administrator to perform duties relating to animal control.

**ANIMAL SHELTER.** The facility provided, chosen by or contracted by the Town of Liberty or the Administrator for the purposes of impoundment, restraint, care and/or disposition of animals.

**DOMESTIC ANIMAL.** A nonferal, domesticated or tame animal that is kept principally as a pet, except that wild animals shall not be regarded as domestic animals.

**EXOTIC MAMMALS.** All mammals designated by the Centers for Disease Control and Prevention, Department of Agriculture, or other federal or state public health protection agencies as embargoed or prohibited under legal protection

orders.

**EXOTIC REPTILES.** All reptiles not native to North Carolina, or any poisonous/venomous reptile, regardless of whether or not it is native to North Carolina.

**FERAL CAT.** A cat that was once a domesticated pet but now is adapting or adapted to living in a non-domesticated setting, or a cat born in a non-domesticated setting.

**FOWL.** Chickens, ducks geese, turkeys, guineas or other domesticated or wild gallinaceous bird.

**IN HEAT.** The erotic stage of copulation.

**KEEPER.** A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by the person. An animal shall be deemed to be harbored if it is fed or sheltered for 72 hours or more.

**LIVESTOCK.** Horses, ponies, mules, cattle, goats, sheep, other hoofed animals excluding swine.

**OWNER.** The person having the possessory property right in an animal.

**OWNER'S PREMISES.** Any real property owned or leased by the owner of the animal, but does not include any public right-of-way or common area of an apartment complex, condominium or townhouse development.

**RESPONSIBLE PERSON.** A person who provides food or water or shelter to any animal. A person who is in possession of, charge of, custody of or control of any animal, synonymous with owner/keeper.

**RESTRAINT.** Confinement within an enclosure or carrying case; use by a responsible person of a leash, chain or other physical device of sufficient strength to allow control to be maintained; controlled by a responsible person when the animal is obedient to that person's commands.

**RUNS AT LARGE.**

(1) When an animal is off the premises of the owner or keeper and is not under the immediate and effective restraint of the owner or other competent person in charge of the animal.

(2) If the animal has no known keeper, wandering about on public or private property.

**SECURE ENCLOSURE.**

(1) An enclosure from which an animal cannot escape unless freed by a keeper or his or her agent.

(2) An automobile, truck or other vehicle shall be considered a **SECURE ENCLOSURE** during transport only if the animal cannot escape from it unless freed by a keeper or his or her agent and if ventilation is provided for the animal's adequate respiration and temperature control.

**SWINE.** Hogs, pigs or any other member of the various stout-bodied short-legged Suidae family, excluding pot-bellied pigs.

**WILD ANIMAL.** An animal that:

(1) Typically is found in a non-domesticated state and that, because of its size or vicious propensity, or because it is poisonous/venomous, or for any other substantial reason, poses a potential danger to person, other animals or property; or

(2) Is classified as a wild animal by the North Carolina Wildlife Resources Commission (WRC) so that any person wishing to possess the same is required by state law to obtain a permit from WRC.

**WILD AND DANGEROUS ANIMALS.** Animals of the cat, bear, and wolf species and nonhuman primates that are normally born and live in wild habitat, even though such species may be raised and kept in captivity.

(1981 Code, § 10-1) (Ord. passed 2-26-2001; Am. Ord. passed 4-23-2001; Am. Ord. passed 2021)

**§ 96.02 [RESERVED].**

**§ 96.03 TETHERING/CHAINING OF DOGS PROHIBITED.**

There will be a grace period for public education not to exceed 30 days from the date of Council adoption for this section.

(A) It shall be a violation of this section to tether or chain a dog for any purpose other than exercise and waste elimination.

(B) If an animal is to be chained or tethered for exercise or waste elimination, the animal is to be confined to an owner's property and in such a manner that the chain or tether cannot become entangled and prevent the animal from moving about freely, lying down comfortably in an area free of waste or having access to adequate food, water and shelter.

(C) A dog is considered to be tethered in violation of this section if the Administrator, or animal control officer(s), observe(s) the dog tethered 3 or more consecutive times, with each observation approximately a minimum of 10 minutes apart, over a period of 45 to 90 minutes on any given occurrence.

(D) The chain or tether shall be of the minimum weight and size to restrain the dog.

(E) Penalties:

(1) First violation: \$25 fine per dog, per occurrence.

(2) Second violation: \$50 per dog, per occurrence.

(3) Third and subsequent violation: \$150 per dog, per occurrence.

(F) If an owner/keeper transfers ownership of the dog(s) to another party but the animal remains at the original property, the fines will continue escalating as indicated in § 96.30(D) as if no transfer had occurred.

(G) If an owner/keeper moves and/or acquires a different dog and is found in violation of this chapter, the fees will continue escalating as indicated in § 96.30(D), as if no move or acquisition had occurred.

(H) If the owner/keeper cannot be identified, any adult at the residence, having the ability to access the dog shall be identified as the responsible person.

(Ord. passed 2021)

#### **§ 96.04 PERMITS FOR WILD ANIMALS.**

(A) No person may keep within the town any permissible wild animal except in accordance with a permit issued pursuant to this section.

(B) The applicant for a permit under this section shall supply to the Administrator any information deemed by the Administrator to be reasonably necessary to determine whether a permit shall be issued. The applicant shall also pay a permit application fee of \$15.

(C) No permit may be issued for any wild animal unless the owner thereof has also obtained a permit from the North Carolina Wildlife Resources Commission authorizing him or her to keep such an animal, except where the WRC is determined not to have regulatory authority over the species involved.

(D) After compliance with division (E) below, the Administrator shall issue the permit required by this section unless he or she finds that:

(1) The applicant has failed to comply with divisions (B) or (C) above;

(2) The animal for which the permit is requested poses a substantial danger of harm to any person, animal or property;

(3) The animal for which the permit is requested is likely to or does interfere seriously with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons; or

(4) The animal for which the permit is requested otherwise constitutes a threat to the public health or safety.

(E) Before issuing a permit under this section, the Administrator shall notify the applicant and the applicant's immediate neighbors, by any convenient means, of a date and time when they may be heard on the question of whether a permit should be issued. After the hearing, the Administrator shall set forth in writing his or her reasons for the issuance or denial of the permit and shall furnish a copy thereof to any person requesting the same.

(F) A permit issued in accordance with this section may be revoked by the Administrator after notice and hearing, for any reason that would have justified denial of the permit as set forth in division (D) below.

(G) If the Administrator denies or revokes a permit in accordance with this section, he or she shall notify the owner of the animal of his or her right to appeal the decision in accordance with § 96.06 below.

(H) This permit shall be valid for 1 year from the date of issuance.

(1981 Code, § 10-4) (Ord. passed 2-26-2001; Am. Ord. passed 2021) Penalty, see § 96.99

#### **§ 96.05 PERMITS FOR LIVESTOCK AND FOWL.**

(A) No person may keep within the town any permissible livestock and/or fowl except in accordance with a permit issued pursuant to this section.

(B) (1) The applicant for a permit under this section shall supply to the Administrator any information deemed by the Administrator to be reasonably necessary to determine whether a permit shall be issued.

(2) The applicant shall also pay a permit application fee of \$15.

(C) (1) *Location of fenced lot, enclosures, stable, coop or barn*

(a) It shall be unlawful for any person to locate, construct, reconstruct, alter, maintain or use any enclosure, stable, coop or barn, which shall be less than 150 feet from any commercial building or residential dwelling other than that of the applicant for the purpose of keeping, maintaining, lodging or feeding of any livestock or fowl.

(b) No person shall locate, construct, place or move any enclosure, stable, coop or barn, within 100 feet of any street

or sidewalk right-of-way or any adjoining property line.

(c) Every part of a fenced lot set aside for the use of cattle, goat, horses or other livestock or fowl shall be enclosed or fenced so as to retain the animals at all times.

(d) Before any person shall locate, erect or place any enclosure, coop or barn on any fenced lot within the corporate limits of the town, they shall make application to the Town Zoning Administrator and obtain all required permits.

(e) Enclosures (including fences), coops, stables or barns used for housing cattle, goats, horses, other livestock, or fowl shall comply with all local zoning ordinances and be constructed and maintained in conformity with the requirements of the Zoning Administrator and the Randolph County Health Department.

(2) *Fenced lots or enclosures.*

(a) Every person owning, using or maintaining any stall, coop, stable, barn, yard, lot or pasture within the corporate limits of the town where any horse, mule, pony, cow, goat, sheep, other livestock, or fowl excluding swine shall maintain the place in a clean and sanitary condition in order to protect the public health.

(b) Stables used for housing cattle, goats, horses or other livestock shall comply with all local zoning ordinances and be constructed and maintained in conformity with the requirements of the Randolph County Health Department.

(c) All enclosures, barns, coops, stables and all pens regardless of design or number of animals shall be cleaned and sprayed with suitable disinfectants and insecticides as needed but shall be cleaned and sprayed with a suitable disinfectant at least once every 7 days, and during the fly breeding season be sprayed with insecticide at least once every 2 days.

(d) All enclosures, barns, coops, stables and all pens of whatever design in which animals are kept must be high and thoroughly drained so that no pools of water can accumulate.

(e) No enclosure, barn, coop, stable or pen of whatever design shall be maintained in a manner so as to create offensive odors or a breeding place for flies.

(3) *Keeping livestock; maximum number permitted.*

(a) It shall be unlawful for any person to maintain, keep or house any swine within the corporate limits of the town.

(b) It shall be unlawful for any person to maintain, keep or house any cattle, goat, horse or other livestock on a fenced lot containing less than 1 acre.

(c) No more than 1 head of cattle, horse or other livestock may be kept on a lot containing less than 3 acres, excluding goats and sheep.

(d) On fenced lots containing more than 3 acres, cattle, horses or other livestock may be kept in numbers not to exceed 1 head per 1-1/2 acre, total acreage to be in 1 tract and not divided into smaller lots by fences or other means, excluding goats and sheep.

(e) On fenced lots containing at least 1 acre, goats and sheep may be kept in a number equal to 3 per acre.

(D) (1) It shall be unlawful to permit any fowl, including but not limited to chickens, ducks, geese, turkeys, guineas or other fowl to run at large within the corporate limits of the town.

(2) Any fowl kept within the corporate limits of the town must be contained by a fence, building or other enclosure that will ensure that the fowl will not run at large.

(3) Any fowl found running at large may be taken into possession and/or destroyed by the Administrator anywhere within the corporate limits of the town.

(E) After compliance with division (F) below, the Administrator shall issue the permit required by this section unless he or she finds that:

(1) The applicant has failed to comply with division (B) above;

(2) The animal for which the permit is requested poses a substantial danger of harm to any person, animal or property;

(3) The animal for which the permit is requested is likely to or does interfere seriously with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons; and

(4) The animal for which the permit is requested otherwise constitutes a threat to the public health or safety.

(F) (1) Before issuing a permit under this section, the Administrator shall notify the applicant and the applicant's immediate neighbors, by any convenient means, of a date and time when they may be heard on the question of whether a permit should be issued.

(2) After the hearing, the Administrator shall set forth in writing his or her reasons for the issuance or denial of the permit and shall furnish a copy thereof to any person requesting the same.

(G) A permit issued in accordance with this section may be revoked by the Administrator after notice and hearing, for any reason that would have justified denial of the permit as set forth in division (D) above.

(H) If the Administrator denies or revokes a permit in accordance with this section, he or she shall notify the owner of the animal of his or her right to appeal the decision in accordance with § 96.06 below.

(I) This permit shall be valid for 1 year from the date of issuance.

(1981 Code, § 10-5) (Ord. passed 2-26-2001; Am. Ord. passed 4-23-2001; Am. Ord. passed 2021) Penalty, see § 96.99

#### **§ 96.06 RIGHT TO APPEAL.**

(A) In case of denial or revocation of permit the individual(s) concerned may appeal the decision of the Administrator.

(B) Appeal must be submitted in writing within 10 days from date of denial or revocation.

(C) Appeal will be directed to the Town Manager, Town of Liberty, P.O. Box 1006, Liberty, N.C. 27298.

(1981 Code, § 10-6) (Ord. passed 2-26-2001)

#### **§ 96.07 CONFINEMENT AND RUNNING AT LARGE.**

(A) (1) No person may have or keep within the town any domestic animal, to include a dog or cat, unless the animal is kept continually within a dwelling, other substantial structure, or cage, except that such an animal may be walked with a leash.

(2) Not more than 5 dogs or 5 cats, more than 6 months of age, or a combination thereof, not to exceed 5 are permitted pursuant to § 154.092 of the Liberty Zoning Code.

(B) No person owning or having possession, charge, custody or control of any animal may cause, permit or allow the animal to stray or in any manner to run at large upon any public street, sidewalk or other public property or to stray, run at large or otherwise trespass upon the private property of another.

(C) (1) As provided in G.S. § 67-2, no person owning, having or keeping any female dog may allow her to run at large while she is in heat, and as provided in G.S. § 67-12, no person may allow his or her dog over 6 months old to run at large at night unaccompanied by the owner or some person acting on his or her behalf.

(2) Every female dog or cat in heat shall be confined in a building or secure enclosure in a manner so that the female cannot come into contact with a male animal.

(3) Females in heat are not permitted to run at large. If a female in heat is removed from the property, it must be restrained by leash or harness and accompanied by its owner or some responsible person acting on its behalf.

(D) It shall be unlawful for any person to knowingly or intentionally, unless with consent of the owner, harbor, feed or keep in his or her possession, by confinement or otherwise, any animal which does not belong to him or her unless he or she has within 72 hours from the time the animal has come into his or her possession notified the Administrator.

(1) Upon receiving the notice, the Administrator may in his or her discretion place the animal in the animal shelter. It shall be unlawful for any person to refuse to surrender any like animal to the Animal Control Officer upon demand.

(2) The Animal Control Officer may, in his or her discretion, allow the animal, to remain with the person reporting the animal, provided the person holds the animal for a minimum of 72 hours from the time of report.

(3) After the 72-hour holding period, the person shall be considered the owner or keeper of the animal, and accepts the responsibilities of ownership, as put forth in this chapter.

(4) The purpose of this section is to aid in rabies control, and to prevent the intentional or unintentional possession of the pets of other person.

(E) The owner of an animal shall be responsible for the removal of any excreta deposited by his or her animal on public property, public walks, recreation areas or private property not his or her own, unless he or she has consent from the owner of the property, whether on leash or not.

(F) All cats and dogs shall be required to wear a collar with current information identifying the owner, contact information and valid rabies vaccination at any time they are off the owners premise.

(1981 Code, § 10-7) (Ord. passed 2-26-2001; Am. Ord. passed 2021) Penalty, see § 96.99

#### **§ 96.08 ANIMALS CREATING A NUISANCE.**

(A) An animal has been determined by the Administrator to be a public nuisance when it commits any of the following acts 2 or more times, or any combination of two or more of the following acts 1 or more times:

(1) Habitually or repeatedly, without provocation, chases, snaps at or attacks pedestrians, bicycles or vehicles even if the animal never leaves the owner's property (except that this provision shall not apply if the animal is restrained by a pen, fence or other enclosure) or does so only to transgress upon the adjacent right-of-way and then returns to its owner's property;

(2) Interferes with the reasonable use and enjoyment by neighboring residents of their property because of its habitual barking, howling, whining, crying, crowing or other noise making which can be heard from a distance greater than 50 feet;

(3) Without provocation, and off the premises of the animal's owner, inflicts any injury on a person, including but not limited to a bite or scratch that breaks the skin;

(4) Turns over garbage pails;

(5) Damages gardens or other foliage or other real or personal property; or

(6) Habitually or continuously loiters on school grounds or official town recreation areas while not under restraint of the owner or keeper of the animal.

(B) (1) Upon determining that an animal is a public nuisance, the Administrator shall make a good faith attempt to notify the owner or keeper in writing of the determination, and also make a good faith attempt to obtain the owner/keeper's written acknowledgment of the determination.

(2) However, the acknowledgment shall not constitute a necessary element for a violation by the owner/keeper of this section.

(C) The determination by the Administrator that an animal is a public nuisance shall be final.

(D) Aforementioned rules apply to at-large and leashed animals.

(E) If an animal has been determined by the Administrator to be a public nuisance under this chapter, it shall be unlawful for the owner/keeper to permit the animal to run at large or in any way leave the owner/keeper's property unless under restraint of the owner/keeper.

(F) If the Administrator determines that any animal is creating a nuisance as described in this chapter, he or she shall make a good faith effort, in writing to inform the owner/keeper of the animal, of the nature of the violation(s) and may indicate that unless these violations are corrected, the owner/keeper may be required to remove the animal from town.

(G) If the Administrator determines that any animal cited for a violation of division (A)(1) or (2) above has, within 1 year after service of the notice prescribed in division (B) above, continued to cause a nuisance as described in those divisions or if the Administrator at any time determines that an animal has caused a nuisance as described in division (A)(3) above, then the Administrator may, upon proper service of notice, notify the animal's owner that the animal be required to permanently be removed from town.

(1981 Code, § 10-8) (Ord. passed 2-26-2001; Am. Ord. passed 2021)

#### **§ 96.09 PROHIBITION OF CERTAIN ANIMALS.**

(A) *Wild and dangerous animals.*

(1) It is unlawful for any person to possess or harbor a wild and dangerous animal or their hybrids.

(2) Wild and dangerous animals privately owned and maintained within the city limits on or before 2021 may remain in the city, but such wild and dangerous animals must be registered with Town Hall and the Animal Control section of the Randolph County Health Department. Furthermore, at the time of registration, owners must submit a recapture plan in the event their animal escapes. Breeding or allowing the reproduction of wild and dangerous animals is prohibited.

(3) Escapes of wild and dangerous animals must be immediately reported to 911 emergency communications.

(4) Owners are liable for costs to agencies associated with the recapture of an escaped wild and dangerous animal.

(5) In order for the owner of a wild and dangerous animal registered in compliance with division (2) of this division (A) to lawfully house such an animal within the city, strict compliance must be maintained at all times with the following requirements:

(a) The enclosure housing the animal must securely contain the animal, including secondary containment from escape;

(b) The enclosure housing the animal must be adequately ventilated, cooled, heated, lighted, and constructed so that it may be kept in a clean and sanitary condition;

(c) The enclosure housing the animal must be compliant with the Liberty Zoning Ordinance;

(d) The physical and psychological health and well-being of the animal must not be endangered by the manner of confinement;

(e) The keeper/caregiver must have adequate knowledge of the nutritional, physical, and behavioral needs of the species in his or her care; and

(f) The owner/caregiver must be able to identify the veterinarian providing medical care for the animal.

(B) *Exotic reptiles.*

(1) Individuals must be greater than 18 years of age to own a venomous exotic reptile or an exotic reptile weighing in excess of 40 pounds.

(2) Owners are required to report to 911 emergency communications any escapes of venomous exotic reptiles and

exotic reptiles weighing in excess of 40 pounds.

(3) It is unlawful for exotic reptiles to run loose unsupervised.

(4) Owners are required to register venomous exotic reptiles with Town Hall and the Animal Control section of the Randolph County Health Department which notifies 911 emergency communications of the location of venomous reptiles in order to protect rescue workers and the public during any emergency situations.

(5) Owners are liable for costs to agencies associated with the recapture of an escaped exotic reptile.

(C) *Exotic mammals.*

(1) It is unlawful for any person to possess, sell, or harbor an exotic mammal or their hybrids.

(2) Exotic mammals privately owned prior to any embargo or protection orders may remain in the city if so allowed by the order, but such animals must be registered with Town Hall and the Animal Control section of the Randolph County Health Department.

(3) Breeding or allowing the reproduction of exotic mammals is prohibited.

(1981 Code, § 10-9) (Ord. passed 2-26-2001; Am. Ord. passed 2021) Penalty, see § 96.99

#### **§ 96.10 VICIOUS AND DANGEROUS ANIMALS.**

(A) It shall be unlawful for an owner/keeper to keep any vicious, fierce, dangerous or potentially dangerous animal within the town limits unless it is confined within a secure building or enclosure or is securely muzzled and leashed at all times.

(B) In accordance with G.S. § 106-381, when an animal becomes vicious or a menace to the public health, the owner of the animal or person harboring the animal may not permit the animal to leave the premises on which kept unless muzzled and on a leash.

(C) Notwithstanding any provision of this chapter, the provision of Chapter 91 (dealing with the summary abatement of public health nuisances) are available to secure the immediate removal from the town of any animal or condition that is found to be dangerous or prejudicial to the public health or safety.

(D) (1) **DANGEROUS DOG** means a dog that has been declared to be dangerous by the Administrator, or Randolph County Health Director pursuant to G.S. § 130A-200, or because it has committed one or more of the following:

(a) Without provocation has killed or inflicted serious injury on a person;

(b) Inflicted a bite on a person either upon public or private real property;

(c) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack;

(d) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or

(e) Chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicles or any other animal.

(2) The Administrator must attempt to notify the owner/keeper in writing, if known, and give the reasons for his or her determination, before the dog may be considered dangerous under the section.

(3) The owner may appeal the determination of the Administrator by giving written notice of the appeal within 5 days of the Administrator's determination to the Town Manager.

(4) The dog will be considered dangerous pending the appeal.

(E) In any case where an animal has bitten any person or other animal so as to cause abrasions or break the skin, the Administrator shall make a determination of dangerous based on the circumstances surrounding the bite and the likelihood that the animal might bite again.

(F) (1) The provisions of this section do not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties.

(2) A dog shall not be considered a dangerous dog or potentially dangerous dog under §§96.07 through 96.10 if the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing or assaulting the dog, had been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

(G) It is unlawful for an owner to:

(1) Leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog; and/or

(2) Permit a dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.

(H) If the owner of a dangerous dog or a potentially dangerous dog transfers ownership or possession of the dog to

another person, the owner shall provide written notice to:

- (1) The Administrator, stating the name and address of the owner of the dog; and
- (2) The person taking possession of the dog, specifying the dog's dangerous behavior and the Administrator's determination.

(I) A dog that has been determined to be dangerous may be humanely destroyed in the following instances:

(1) If the Administrator or his or her designee determines that a dog that was previously determined to be dangerous either bit a person so as to cause a break in the skin or was at large on 2 or more separate occasions after the determination, the Director or his or her designee may seek a court order for the dog to be humanely destroyed; or

(2) If the Administrator or his or her designee in determining that a dog is dangerous also determines that the dog without provocation has killed or inflicted serious injury on a person, the Administrator or his or her designee may seek a court order that the dog be humanely destroyed.

(J) A dog that has been determined to be dangerous may not be disposed of by adoption from the animal shelter.

(K) The keeper or other custodian of any dog that has been determined to be dangerous, shall report immediately to the Administrator through telephone number 911 if the dog gets loose or is otherwise unconfined or it attacks a person or another animal.

(L) An Animal Control Officer shall periodically inspect the premises where a dog determined to be dangerous is kept to ensure compliance with the secure enclosure requirements as set forth in this chapter.

(M) (1) If a dog has been determined by the Health Director or his or her designee or by the Administrator or his or her designee, to be dangerous or vicious, and the dog has been either left with or returned to its keeper, the keeper shall maintain the dog in an enclosure meeting the requirements of this division on the keeper's property or, with the consent of the Administrator or his or her designee in such an enclosure on the property of another, except that the dog may be taken out of the enclosure when necessary if leashed and muzzled or in a secure carrying cage.

(2) The enclosure for a dangerous dog shall be indoors within a building from which the animal cannot escape or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping.

(3) The pen or structure shall have minimum dimensions of 10 feet by 10 feet and shall have secure sides and a secure top.

(4) If it has no bottom secured to the sides, the sides shall be embedded into the ground no less than 2 feet. The pen or structure shall also provide protection from the elements for the dog.

(5) The premises where the dangerous dog is kept shall be posted with warning signs at places likely to be seen by persons entering the premises.

(6) A warning sign shall advise of the presence on the premises of a dangerous dog and shall also contain a picture symbol of a dangerous dog as a warning to children.

(7) Unauthorized removal of a warning sign posted in compliance with this division is unlawful.

(8) Any dangerous dog found at large after the dog's owner/keeper has previous knowledge or notice that the dog is dangerous, or, if no owner can be identified or located, the dog may be killed by any police officer or animal control officer of the town without the officer having to catch or impound the dog.

(1981 Code, § 10-10) (Ord. passed 2-26-2001; Am. Ord. passed 2021) Penalty, see § 96.99

## **RABIES; IMPOUNDMENT; CARE AND PROTECTION; ADMINISTRATION**

### **§ 96.25 ADMINISTRATOR TO COOPERATE IN VACCINATION PROGRAMS.**

The Administrator shall cooperate with and assist the Randolph County rabies inspectors in their efforts to see that all animals are vaccinated against rabies in accordance with the provisions of G.S. §§ 130A-184 through 130A-199.

(1981 Code, § 10-16) (Ord. passed 2-26-2001)

### **§ 96.26 QUARANTINE OF ANIMALS SUSPECTED OF HAVING RABIES.**

(A) Every animal that has bitten any person or that shows symptoms of rabies shall be securely confined for a period of at least 10 days and shall not be released from the quarantine except by written permission of the Administrator.

(B) (1) The owner of an animal that has bitten any person or that shows symptoms of rabies shall report the same immediately to the Administrator.

(2) Any person bitten by any animal shall immediately report the incident to the Administrator.

(C) (1) Animals quarantined in accordance with this section shall be confined in veterinary hospital or the town animal shelter, at the owner's expense, unless the Administrator determines that the owner has adequate confinement facilities

upon his or her own premises.

(2) For purposes of this section, **ADEQUATE CONFINEMENT FACILITIES** means a fenced in area that has no entrances or exits that are not locked, or a similar area providing equivalent security.

(D) (1) If rabies does not develop during the period of confinement, the Administrator shall authorize the release of the animal.

(2) If rabies does develop, the animal shall be disposed of as provided in §96.08 above.

(1981 Code, § 10-17) (Ord. passed 2-26-2001; Am. Ord. passed 2021)

#### **§ 96.27 DISPOSITION OF RABID ANIMALS.**

(A) (1) In accordance with G.S. § 130A-197, every rabid animal, after rabies has been diagnosed by a licensed graduate veterinarian, shall be killed at once in a humane manner by the Administrator, or at his or her direction; except that, if the animal has bitten a human being, the animal shall be confined under the supervision of a licensed graduate until death of an animal.

(2) The remains of the animal shall be disposed of as provided in G.S. § 130A-197.

(B) (1) In accordance with G.S. § 130A-197, every animal known to have been bitten by another animal that is known or proved to be rabid shall be killed by the Administrator or at his or her direction, unless the animal has been properly vaccinated against rabies and be re-vaccinated in 3 days.

(2) The animal shall be closely confined for 90 days. If, during this period, the animal shows symptoms of rabies the provision of § 96.26 shall apply.

(3) At the end of this period, the animal may be released from confinement if declared free from rabies by a licensed veterinarian or a rabies inspector appointed in accordance with G.S. § 130A-186.

(1981 Code, § 10-18) (Ord. passed 2-26-2001)

#### **§ 96.28 IMPOUNDMENT; NOTICE TO OWNER.**

(A) The Administrator may impound any animal that:

(1) Is found running at large;

(2) In accordance with § 96.26, has bitten any person or is otherwise suspected of having rabies; or

(3) Is found to be mistreated, or without proper care, in accordance with G.S. § 14-360 because of the incapacitation or absence of its owner or keeper.

(B) Whenever an animal is impounded, or whenever an animal otherwise lawfully comes into the possession of the Administrator, that animal shall:

(1) (a) If the animal is wearing a tag, be kept temporarily by the town pending transfer to the Randolph County Animal Control Shelter.

(b) The animal shall, at the discretion of the Administrator, be held for up to 5 days by the town and, after the fifth day, if not reclaimed by the owner, be put up for adoption, transferred to Randolph County Animal Control Shelter, or euthanized; or

(2) (a) If the animal is not wearing a tag and is not reclaimed within 2 hours from the Town of Liberty, it may be taken to the Randolph County Animal Control Shelter.

(b) The Town of Liberty shall at the discretion of the Administrator, hold the animal for up to 3 days. After the third day, if not reclaimed by the owner, be put up for adoption, transferred to the Randolph County Animal Control shelter, or euthanized.

(C) Whenever an animal is impounded or otherwise comes into the possession of the Administrator, the Administrator shall make reasonable efforts to identify the owner, notify him or her of the impoundment, and advise him or her of the conditions under which the animal may be reclaimed.

(1981 Code, § 10-21) (Ord. passed 2-26-2001; Am. Ord. passed 2021)

#### **§ 96.29 RELEASE TO OWNERS; ADOPTION; DESTRUCTION.**

(A) An animal taken to the County Animal Control shelter may be reclaimed by the owners, adopted by others, or destroyed in accordance with the policies and procedures adopted by the county for the administration of the animal control shelter.

(B) If the animal is held by the Town of Liberty and is not reclaimed by the owner within the holding period stated in § 96.28(B)(1) and (2) above, the animal becomes the property of the town and is eligible to be released for adoption or destroyed in accordance with the policies and procedures adopted by the Town of Liberty.

(C) (1) Unless proof of a current rabies vaccination can be furnished, every person who either adopts or reclaims an animal at the shelter will be given a proof of rabies vaccination notice at the time of reclaiming or adoption.

(2) This notice shall contain a date stating the maximum time limit allowed to take the animal to the veterinarian of the person's choice for rabies vaccination.

(3) The time limit for dogs 4 months and older will be 72 hours, with Sundays and holidays excluded. For puppies under 4 months of age, the time limit will vary according to their age.

(4) The proof of rabies vaccination notice will be completed by the veterinarian and returned to the animal shelter by the animal owner within 72 hours of the vaccination.

(5) Payment for rabies vaccination provided for in this section shall be the responsibility of the person reclaiming or adopting the animal.

(D) Any animal surrendered by its owner to the Administrator may be immediately placed for adoption or humanely destroyed when:

(1) The owner directs in writing that the animal be placed for adoption or humanely destroyed;

(2) The owner affirmatively represents in writing that they are the legal owner of the animal;

(3) The owner agrees that they will indemnify and hold the Town of Liberty and the Administrator harmless from any loss or damage it may sustain, including attorney's fees, by reason of the destruction or placement for adoption of the animal; and

(4) The owner transfers ownership of the animal to the town and releases the town and the Administrator from any and all future claims with respect to this animal.

(E) (1) If an animal is not redeemed within the holding period stated in §96.28(B)(1) and (2) above, by its owner, it may be humanely destroyed.

(2) Euthanasia is to be performed by animal control personnel who have completed training by a licensed veterinarian. Euthanasia procedures must be approved by a licensed veterinarian.

(3) Any animal seized and impounded which is badly wounded, diseased (not a rabies suspect) or unweaned may be immediately destroyed.

(4) If the animal has identification, the Administrator or officer shall attempt to notify the owner before destroying the animal.

(5) If the owner cannot be reached readily, and the animal is suffering, the Administrator or officer may destroy the animal at his or her discretion in a humane manner.

(F) (1) The town may assess a reasonable fee for the trapping and handling of animals held temporarily by the Town of Liberty.

(2) The fee will be collected prior to the animal being released.

(3) The amount of this fee shall be established and revised from time to time by resolution of the Council upon recommendation of the Manager.

(G) (1) If an animal cannot be seized by reasonable means (trapped, tranquilized or captured) and the Administrator deems it necessary to seize the animal at the cost of its life, then the Administrator or his or her designee may destroy the animal.

(2) All consideration must be given to protecting surrounding people and property when this action is necessary.

(1981 Code, § 10-22) (Ord. passed 2-26-2001; Am. Ord. passed 2021)

### **§ 96.30 CARE REQUIRED.**

(A) No owner/keeper shall fail to provide his or her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. In particular:

(1) Food shall be of the quantity and quality necessary to maintain the normal body weight according to the species and bone structure of the animal;

(2) Water shall be reasonably clean and, depending on weather conditions, provided at intervals to make it available for drinking at all times or as provided in accordance with G.S. § 19A-24; and

(3) Proper shelter for animals shall consist of an enclosed area of sufficient space to allow the animal, or each animal if more than 1 enclosed, to turn about freely and to sit, stand or lie easily in a comfortable normal position. The shelter shall also keep the animal dry and warm or cool enough, depending upon season or weather conditions, to maintain the animal's normal body temperature.

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

- (1) Underneath outside steps, decks and stoops unless they are closed in on 3 sides and impervious to water;
- (2) Inside of vehicles during the summer;
- (3) Underneath vehicles;
- (4) Inside or under a metal structure (barrels and appliances are expressly prohibited) placed in sunlight; or
- (5) Inside cardboard boxes.

(C) Repealed.

(D) Veterinary care to prevent suffering shall be administered at intervals as necessary to keep the animal in good health.

(E) Humane care and treatment shall consist of, but is not limited to, the following:

(1) Reasonably clean and sanitary quarters. Bedding shall be reasonably free of infestation and vermin. The area of enclosure, such as a fenced-in lot, pad or pasture, shall be reasonably free of any injurious material or debris, and shall be reasonably free of animal waste to prevent contamination and to reduce disease hazards and odors;

(2) Containers used for feeding and watering animals shall be provided and kept sanitary;

(3) The opportunity for daily exercise;

(4) The opportunity for fresh air and light at reasonable intervals if an animal is kept in a tight, unlit enclosure;

(5) Animals shall be groomed as necessary according to species and weather conditions to keep them in comfort;

(6) Animals shall be kept reasonable free of internal and external parasites to keep them in good health and comfort;

(7) For animals, facilities shall be constructed so that a nursing mother shall have access to her unweaned young at all times; and

(8) Maintaining an animal in an unsanitary condition so as to render the animal noxious or offensive to sight or smell shall be prohibited.

(F) No owner of an animal shall abandon the animal, in accordance with G.S. § 14-361.1.

(G) Abandonment under this chapter shall be determined by the Administrator. The guidelines for determination shall consist of, but not be limited to, the following circumstances:

(1) Any animal left unattended for a period of 72 hours shall be considered abandoned;

(2) The Administrator shall post the property on which the animal is located with a notice that abandonment is suspected; and

(3) Any person responsible for the animal that receives the notice shall contact the Administrator or the Liberty Police Department (LPD) immediately.

(H) *Size of fenced enclosure.*

(1) Square footage required per dog or cat is to exceed 100 square feet per small dog or cat and 225 square feet per large dog. A large dog is defined as one weighing approximately 100 pounds or greater. The Administrator is to determine which definition applies if weight is not immediately verifiable.

(I) Underground, invisible or wireless fences are acceptable alternatives to fenced enclosures specified in division (H) of this section but a power outage, animal crossing the boundary or equipment failure shall not be a defense to § 96.07 or any other portion of this chapter.

(1981 Code, § 10-27) (Ord. passed 2-26-2001; Am. Ord. passed 2021) Penalty, see § 96.99

### **§ 96.31 CRUELTY TO ANIMALS.**

(A) In accordance with G.S. § 14-360, no person shall willfully overdrive, overload, wound, injure, torture, cruelly beat, needlessly mutilate or kill any animal or cause or procure the same.

(B) In addition to division (A) above cruelty to animals may be determined by the Administrator under the following circumstances, but not limited to:

(1) If an animal is left within a car, truck, trailer or other vehicle for a period or at temperatures as to be harmful or potentially harmful to the animal, under exigent circumstances, the Administrator or officer shall access the animal, and provide care for its well-being. The Administrator or officer shall attempt to locate the owner or keeper as expeditiously as possible after caring for the animal;

(2) In case of injury to animal, as provided in §96.32, does not notify the Administrator or LPD as soon as possible after the incident occurs;

(3) Any person who shall witness an injured animal shall report its location to the LPD as soon as possible;

(4) If animals are not provided the proper care as provided in §96.30 above;

(5) It shall be unlawful for any person to expose any known poisonous substance so that it is likely to be eaten by an animal, except it shall not be unlawful for a person to expose on his or her own property:

(a) Common rat poison that is mixed with vegetable substances. In placing the rat poison, however, it shall not be exposed in any place in which children and larger mammals can encounter it; and

(b) Pesticides, insecticides and herbicides in accordance with the law.

(6) (a) It shall be unlawful to use lethal force against an animal unless it is in the process of attacking a person or other domestic animal.

(b) Any like incident shall be immediately reported to the LPD.

(1981 Code, § 10-28) (Ord. passed 2-26-2001; Am. Ord. passed 2021) Penalty, see § 96.99

#### **§ 96.32 RESPONSIBILITY OF PERSON INJURING ANIMAL.**

(A) Any person who, as the operator of a motor vehicle or bicycle, strikes and injures a domestic animal shall stop at once and render assistance as may be possible and shall immediately report the incident to the animal's owner.

(B) If the owner cannot be ascertained or located with reasonable effort, the operator shall notify the Administrator by contacting the Town Police Department.

(1981 Code, § 10-29) (Ord. passed 2-26-2001; Am. Ord. passed 2021) Penalty, see § 96.99

#### **§ 96.33 LURING, ENTICING, SEIZING, MOLESTING OR TEASING AN ANIMAL.**

It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper.

(1981 Code, § 10-30) (Ord. passed 2-26-2001) Penalty, see § 96.99

#### **§ 96.34 INTERFERENCE WITH ADMINISTRATOR.**

(A) No person may obstruct, interfere with, hinder or molest the Administrator in the lawful performance of any duty authorized by this chapter.

(B) No person may release or attempt to release any animal that is in custody of, or has been trapped by the Administrator.

(1981 Code, § 10-32) (Ord. passed 2-26-2001; Am. Ord. passed 2021) Penalty, see § 96.99

#### **§ 96.35 DUTIES AND RESPONSIBILITIES OF ANIMAL CONTROL OFFICER.**

(A) Enforce all provisions of this chapter.

(B) The Animal Control Officer:

(1) Shall be empowered to enforce;

(2) May serve notice of civil penalties when appropriate for violations of this chapter;

(3) Shall abate any circumstance in which an animal's life appears to be in imminent peril; and

(4) To perform any other duties as may be reasonably required by the Manager or the Chief of Police.

(1981 Code, § 10-33) (Ord. passed 2-26-2001)

#### **§ 96.36 ENFORCEMENT; ADMINISTRATION.**

(A) Primary responsibility for enforcing the provisions of this chapter may be assigned to one or more individuals by the Town Manager.

(B) The term **ADMINISTRATOR** is used in this chapter to refer to the person or persons assigned these responsibilities.

(1981 Code, § 10-36) (Ord. passed 2-26-2001)

#### **§ 96.99 PENALTY.**

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

(B) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both, as provided in G.S. § 14-4.

(C) A violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of \$25. The penalty

for a second violation shall be \$50 and for a third violation and subsequent violations the penalty shall be \$100. If the offender fails to pay this penalty within 15 calendar days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of a debt.

(D) Each day that any violation continues after a person has been notified that the violation exists and that he or she is subject to the penalties specified in divisions (B) and (C) above shall constitute a separate offense.

(E) This chapter may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.

(F) Fines for multiple violations of different sections or subsections of this chapter occurring simultaneously or near simultaneously are cumulative.

(G) The town may enforce this chapter by any one or any combination of the foregoing remedies.

(1981 Code, § 10-37) (Ord. passed 2-26-2001; Am. Ord. passed 2021; Am. Ord. passed 11-22-2021)