

## CHAPTER 3

### ANIMALS

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#### SECTION. 6-3-1 DECLARATION OF NUISANCES.

(a) The keeping or maintenance outside a proper enclosure of any animal or animals having dangerous or destructive propensities is hereby declared to be a public nuisance, and shall be abated as provided in this chapter.

(b) The keeping or maintenance of any animal or animals which by prolonged and habitual barking, howling, whining or the making of loud, prolonged, disturbing noises, or produces obnoxious odors or fumes or unsanitary conditions, which causes serious annoyance to neighboring residents and interferes with the reasonable use and enjoyment of the premises occupied by such residents, or with the reasonable use and enjoyment of the public streets, sidewalks or other public areas, is hereby declared to be a public nuisance, and shall be abated as provided in this chapter.

#### SECTION 6-3-2 DEFINITIONS.

(a) For the purposes of this chapter, the term "proper enclosure" shall mean a building or other structure from which a animal cannot escape, or an outside area enclosed by a fence at least six (6) feet in height secured to the ground in a manner so that an animal cannot escape.

(b) For purposes of this chapter, a "animal having dangerous or destructive propensities" shall mean any animal which constitutes a physical threat to humans or other animals, or an animal which habitually turns over garbage receptacles, habitually destroys shrubs, flowers, grass and other plant growth, habitually kills other animals, habitually attacks or attempts to attack persons, habitually barks, whines, calls or otherwise makes loud, prolonged and disturbing noises, or habitually performs other similar acts.

#### SECTION 6-3-3 ENFORCEMENT.

(a) Complaint and notice. Upon receipt of a written detailed and signed complaint being made to the Town by any

resident or residents that any person is maintaining a public nuisance as described in Section 6-3-1 above, the Town Clerk shall cause the owner or keeper of the animal or animals 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 written.

(b) Abatement. If the written findings of the investigation indicate that the complaint is justified, then the Clerk shall cause the owner or keeper of the animal or animals in question to be so notified in writing, and ordered to abate the nuisance within 48 hours by destruction or removal of the animal or animals, or by construction of a proper enclosure or by otherwise abating said nuisance, as the case may necessitate. In the event the owner or keeper of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals, shall be posted for 48 hours at the Town Hall.

(c) Impoundment upon failure to abate; Destruction. If any person, being the owner or keeper of an animal or animals hereinabove described, shall fail or refuse to abate the nuisance upon order of the Town within the specified time, the Clerk shall cause the animal or animals in question to be apprehended and impounded in a suitable place, and the owner or keeper shall be notified in writing of the impoundment. If the owner or keeper shall so request, the animal or animals shall be released to him upon his execution of a written agreement to comply with the abatement order. If no such request and execution is made by the owner or keeper within five (5) days after written notice, the Clerk shall cause the animal or animals to be destroyed. In the event of an animal or animals, the owner or keeper of which is unknown, the Clerk shall cause the apprehension and impoundment to be carried out if no one claims the animal within 48 hours after the notice, order, and description were posted, and shall cause a notice of impoundment, along with a general description of the animal or animals, to be posted for five (5) days at the Town Hall; if no request for release of the animal or animals and execution of agreement to comply with the order of abatement respecting the animal or animals is made within the five (5) day period, the Clerk shall cause the animal or animals to be destroyed.

SECTION 6-3-4 KEEPING OF CERTAIN ANIMALS PROHIBITED.

(a) Livestock: It shall be unlawful for any person, firm or corporation to keep any livestock within the Town limits. Livestock are defined as horses, mules, cows, pigs, goats, sheep, chickens, ducks, turkeys, pigeons, and all other animals that typically are kept primarily for productive or useful purposes rather than as pets.

(b) Wild or vicious animals: It shall be unlawful for any person or firm, or corporation to have or keep within the Town any wild animal, including any animal that may be permitted by the Wildlife Resources Commission. A wild animal is defined as one that is typically found in a non-domesticated state and that because of its size, or vicious propensity, or because it is poisonous, or for any other substantial reason poses a potential danger to persons, other animals or property.

It shall be unlawful for any person, firm, or corporation to keep within the Town any vicious or menacing animal. A vicious or menacing animal is one that because of its known propensities, size, disposition, or for any other reason poses a substantial danger to persons, other animals or property.

SECTION 6-3-5 BIRD SANCTUARY ESTABLISHED.

(a) The territory within the corporate limits of the town is hereby declared a bird sanctuary.

(b) It shall be unlawful for any person to kill, trap, or otherwise take any bird within the corporate limits of the town.

State Law Reference: Establishment of bird sanctuaries authorized, G.S. 160A-188.

SECTION 6-3-6 CARE OF ANIMALS, ABANDONMENT PROHIBITED.

(a) No owner of any animal may fail to provide such animal sufficient good and wholesome food, water, proper shelter, protection from the weather and veterinary care when needed to prevent pain and suffering.

(b) No owner of an animal may abandon such animal.

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

(d) Any person, who, as the operator of a motor vehicle, bicycle, or other vehicle, strikes and injures a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report the incident to the animal's owner. If the owner cannot be ascertained or located with reasonable effort, the operator shall notify the Town Clerk or Beaufort County Sheriff's Deputy located within the Town of Bath.

SECTION 6-3-7 PENALTIES.

(a) If any person, being the owner or keeper of an animal or animals respecting which an order of abatement has been issued, shall fail or refuse to abate the nuisance as ordered, he shall be guilty of a misdemeanor, punishable

upon conviction by a fine not exceeding \$100 or by imprisonment of not more than thirty (30) days, or both, in the discretion of the Court.

(b) Any person found guilty of violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and shall be fined not more than \$100 or imprisonment for thirty (30) days, or both, in the discretion of the Court.

(c) In addition, enforcement of this chapter may be by injunction, restraining order, or order of abatement in a court of competent jurisdiction, as provided by G.S. 160A-175(d) and (e).