

CHAPTER ONE: ANIMALS

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GENERAL PROVISIONS

Section 1. Definitions

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

“ANIMAL OFFICER.” A person designated as such to perform duties described by this chapter.

“ANIMAL AT LARGE.” Any animal off the premises of his owner and not under sufficient physical restraint such as a leash, cage, bridle, or similarly effective device to allow the animal to be controlled.

“ANIMAL CONTROL SHELTER.” Any holding or other facility designated by the Town Council for the detention of animals.

“ANIMAL UNDER RESTRAINT.” Any animal confined within a vehicle, confined within the real property limits of its owner, or secured by leash, lead, cage or bridle.

“DOMESTICATED ANIMAL.” An animal such as is accustomed to living in or about the habitation of men including, but not limited to, cats, cows, dogs, rabbits, fowl and horses.

“FOWL.” Includes, but not limited to, chickens, geese, ducks, turkeys, guineas, and other fowl.

“OWNER.” Any person owning, keeping, harboring, possessing, or acting as custodian, however temporarily, of an animal. However, a person having temporary custody or possession of an animal for the sole purpose of turning over the animal to a member of the Animal Control Division or other peace officer shall not be deemed the “OWNER” of the animal.

“PUBLIC NUISANCE ANIMAL.” Any animal, or group of animals, which is repeatedly found at large; damages the property of anyone other than its owner; causes fouling of the air by odors; causes unsanitary condition of enclosures or surroundings; by health, safety, or welfare; excessively makes disturbing noises; or is diseased and dangerous to the public health.

Section 2. RUNNING AT LARGE

It shall be unlawful for the owner of any domesticated animal to allow such animal to be at large within the corporate limits of the Town. Penalty, see Section 99.

- (A) **RUNNING AT LARGE OF LIVESTOCK AND OTHER ANIMALS.** No person, or other legal entity, whether he be an owner or user of any domesticated animal or animals, shall permit the same to run at large within the corporate limits. Penalty, see Section 99.
- (B) **RUNNING AT LARGE OF FOWL.** It shall be unlawful for any person, or other legal entity, to permit or allow any chickens, pheasants, guineas, ducks or any other fowl belonging to him or under his control to stray upon the lands of another. Penalty, see Section 99.

Section 3. ANIMALS CAUSING PUBLIC NUISANCE

- (A) It shall be unlawful to own, keep or harbor a public nuisance animal within the Town. However, it shall not be unlawful to own or keep a dog of vicious tendencies for the protection of persons or property if the 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.
- (B) A reasonable attempt shall be made to notify the owner of any animal nuisance, as defined in Section 1.
- (C) Every public nuisance animal shall, upon demand, be delivered to the Animal Control Officer. It shall be unlawful for the owner of a public nuisance animal to refuse to surrender such animal to the Animal Control Officer.
- (D) A “dangerous dog” as defined by the Forsyth County Board of Health Rules and Regulations shall be handled according to the provisions set forth in Forsyth County Board of Health Rules and Regulations Governing Owner Responsibility for the Management of Dangerous Dogs.
- (E) A public nuisance animal which has been impounded by the Animal Control Officer may be redeemed by the owner only upon the conditions established in this chapter. Any animal found unredeemable shall be disposed of in a humane manner. Penalty, see Section 99.

Section 4. STRAY ANIMALS, DISPOSITION

Procedures for stray animals and their disposition shall be pursuant to those provisions of the Forsyth County Code relating to such matters.

Section 5. KEEPING OF PIGSTIES, STOCKYARDS OR ANIMAL PENS
PROHIBITED

It shall be unlawful for any person, or other legal entity, to keep or harbor, or to permit the same on premises owned, occupied or controlled by him, an occupied pigsty or a stockyard or pen used for the keeping of swine, cattle, goats, sheep, donkeys, or mules within the corporate limits, since the keeping of such pigsties and other animal stockyards or pens are detrimental to the public health and general welfare of the Town citizenry, and the abolition of the keeping of such pigsties and other animal stockyards or pens would promote the public health and general welfare of the Town citizenry. Penalty, see Section 99.

Section 6. KEEPING OF HORSES

No person may keep within the Town any horses except in accordance with this section.

- (A) It shall be unlawful for any person to maintain, keep, or house any horse within seventy-five (75) feet from the property line of any adjoining lot, parcels of land, or any rights-of-way and/or any public road.
- (B) It shall be unlawful for any person, firm, or corporation with less than eight (8) acres of land to keep the horse(s) within the corporate limits of the Town.
- (C) A minimum of two (2) acres is required for each one (1) horse kept on the premise.
- (D) The owners of horses shall provide humane shelter from heat, cold, rain, wind and snow, and shall provide food and water adequate to keep the animals in a sanitary condition in good health and comfort.
- (E) Every stable and other place where horses are kept shall at all times be maintained in a clean and sanitary condition and located in such a manner that water will not stand thereunder. Any area wherein horses are penned, housed, or otherwise contained shall at all times be kept in a sanitary condition so that no foul or offensive odors shall emanate therefrom. Upon the receipt of a complaint that any area is being maintained in violation of this section, the Town Manager or law enforcement official may request the county board of health to make an investigation of the conditions complained of; and, if the report from such investigation shows that an unsanitary condition exists, the Town, through law enforcement, shall notify the person owning the premises, or the agent of the owner in charge of the premises. Any person failing to remedy the existing condition within five (5) days after having been so notified shall be guilty of a violation of this section. _Penalty, see Section 99.

Section 7. KEEPING OF FOWL

No person may keep within the Town any fowl except in accordance with this section.

- (A) It shall be unlawful for any person to maintain, keep or house any fowl within twenty-five (25) feet from the property line of any adjoining lot or parcels of land.
- (B) All fowl enclosures must be located in the rear yard.
- (C) It shall be unlawful to permit any fowl to run at large.
- (D) Any fowl kept within the corporate limits of the town must be contained by a fence, building or other enclosure that will ensure the fowl will not run at large.
- (E) Any fowl found running at large may be taken into possession and/or destroyed by the Forsyth County Sheriff's Office or Forsyth County Animal Control.
- (F) No more than ten (10) fowls may be kept on a lot containing less than one acre.
- (G) No more than ten (10) fowls, may be kept on a lot containing one acre or greater.
- (H) No foul or offensive odors shall emanate from the pen/coop/shelter so as to bother adjoining property owners. Pens/coops/shelters shall be so constructed as to provide a fly-proof area.
- (I) No person shall keep any fowl which by causing frequent or long, continued noise shall disturb the comfort or repose of any person of ordinary sensibilities in the vicinity.
- (J) Upon the receipt of a complaint of any violation of this section, the Town shall notify the person owning the premises, or the agent of the owner in charge of the premises. Any person failing to remedy the existing condition within fifteen (15) days after having been so notified shall be guilty of a violation of this section. Penalty, see Section 99.

Section 8. BIRD SANCTUARY

- (A) The area embraced within the corporate limits of the Town and all land owned or leased by the Town outside the corporate limits is designated as a bird sanctuary.

- (B) It shall be unlawful intentionally to trap, hunt, shoot, or otherwise kill, within the sanctuary hereby established, any native wild bird; provided, it shall be lawful to trap starlings, pigeons, crows, English sparrows or similar birds or fowl specifically declared a nuisance by the Town Council when such birds or fowl are found to be congregating in such number in a particular locality that they constitute a nuisance or a menace to health and property.
- (C) The bird clubs of the Town are granted permission to erect artistic signs, giving notice of the regulations provided in this section, at such places and of such design as may be approved by the Town Manager. Penalty, see Section 99.

Section 20. RUNNING AT LARGE OF DOGS

- (A) Tethering. It shall be unlawful for any person to restrain a dog using a chain, wire, or other type of tethering device in a manner prohibited by this subsection.
1. No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a tree, fence, post, doghouse, or other stationary object. During periods of tethering that are not unlawful under this subsection, any tethering device used shall be at least ten feet in length and attached in such a manner as to prevent strangulation or other injury to the dog or entanglement with objects.
 2. No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a cable trolley system, that allows movement of the restraining device. During periods of tethering that are not unlawful under this subsection, the length of the cable along which the tethering device can move must be at least ten feet, and the tethering device must be of such length that the dog is able to move ten feet away from the cable perpendicularly and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with objects. During periods of lawful tethering under this subsection, tethers must be made of rope, twine, cord, or similar material with a swivel on one end or must be made of a chain that is at least ten feet in length with swivels on both ends and which does not exceed ten percent of the dog's body weight. All collars or harnesses used for the purpose of the lawful tethering of a dog must be made of nylon or leather.
 3. No person shall tether a dog with a chain or wire or other device to, or cause such attachment to, any collar other than a buckle type collar or body harness.
 4. No person shall tether with a chain or a wire or other device to, or cause such attachment to, a head harness, choke-chain type collar or spiked/pointed studded/pronged collar to a dog.

- (B) No dog shall be left unattended outdoors unless it is restrained and restricted to the owner's property. Fencing as required herein, shall be adequate in height, construction and placement to keep resident dogs on the lot, and keep other dogs and children from accessing the lot. One (1) or more secured gates to the lot shall be provided.
- (C) In addition to all other penalties prescribed by law, a dog is subject to impoundment and all other applicable provisions of the Forsyth County Animal Control Ordinance if the dog is found off the premises of the person owning or having possession, charge, care, custody or control of such dog and is not under the control of a competent person and restrained by a leash, chain, rope or other means of adequate physical control. Penalty, see Section 99.

Section 21. NUMBER OF DOGS PERMITTED ON PREMISES

- (A) It shall be unlawful for any person, firm or corporation in the Town to keep or allow more than two (2) dogs to be kept on any premises under his control within the corporate limits of the Town.
- (B) Any person owning more than two (2) dogs must comply with division (A) of this section.
- (C) Dogs ten weeks of age or older are considered for the purpose of counting the number of dogs being kept by the owner. Penalty, see Section 99.
- (D) Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals, pet shops, kennels and catteries are exempt from the provisions of this section.

Section 22. CONFINEMENT OF FEMALE DOGS IN HEAT

Every female dog, while in heat, shall be confined in a building or secure enclosure in such manner that it will not be in contact with another dog, nor create a nuisance by attracting other animals. This section shall not be construed to prohibit the intentional breeding of animals within an enclosed area or the premises of the owner of an animal being bred. Penalty, see Section 99.

Section 23. BARKING DOG

It shall be unlawful for any dog owner to keep or have within the Town a dog that habitually or repeatedly barks in such manner or to such extent that it is a public nuisance, as defined in Section 1. Penalty, see Section 99.

Section 24. RESPONSIBILITY OF OWNERS

Owners of dogs are responsible for the acts of their dogs. The owner of any dog which commits a nuisance upon the property of another person or which damages another person's property or person is fully responsible and accountable for these acts.

Section 25. HUMANE SHELTER AND ADEQUATE CARE REQUIRED

The owners of dogs shall provide humane shelter from heat, cold, rain, wind and snow, and shall provide food and water adequate to keep the animals in a sanitary condition in good health and comfort. All dogs must be given opportunity for vigorous daily exercise. All dogs must be provided by their owners with veterinary care when needed to prevent suffering. Penalty, see Section 99.

Section 26. POISONING, MAIMING OR ABANDONING DOGS PROHIBITED

No person shall poison or maim a dog, nor may a dog be abandoned. Unwanted animals may be given to the Animal Control Officer to be sold by the county or the Town or destroyed in a humane manner. Penalty, see Section 99.

Section 27. DOG BITES

Any dog which has ever bitten any person without provocation so as to break the skin, to the knowledge of the person owning, keeping, having charge of, sheltering, feeding, harboring, or taking care of such dog, must be kept in a secure enclosure or be accompanied by a person who, by means of a leash, has such dog firmly under control at all times. Penalty, see Section 99.

Section 40. IMPOUNDING AND DISPOSITION

Procedures for impoundment and for disposition of animals shall be pursuant to those provision of the Forsyth County Code relating to Animal Shelters and Animal Control.

DIVISION OF ANIMAL CONTROL

Section 60. CREATED; COMPOSITION

The presence of animals at large, stray animals, nuisance animals, and diseased animals within the corporate limits of the Town is hereby declared to be a public nuisance. Such animals are a threat to the health of the community and to the safety of persons and property alike. In order to abate and control this nuisance, there is created within the Town an Animal Control Division, to be constituted and composed of personnel as the Town Council and Town Manager may determine.

Section 61. RESPONSIBILITIES

The Animal Control Division shall be charged with the responsibility of:

- (A) Cooperating with the County Health District and county health officers and assisting in the enforcement of state laws with regard to the control of animals and especially with regard to the vaccination of dogs against rabies and the confinement of vicious dogs;
- (B) Investigating all complaints with regard to animals covered by this chapter;
- (C) Enforcing within the Town all Town ordinances for the care, control, and custody of animals covered by this chapter.

Section 62. PERSONAL LIABILITY OF MUNICIPAL OFFICERS, AGENTS

Except as may be otherwise provided by the statute, local law, or ordinance, no officer, agent or employee of the Town charged with the duty enforcing the provisions of this chapter or other applicable law shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.

Section 63. MEMBERS TO HAVE POWER, AUTHORITY, AND IMMUNITY OF PEACE OFFICERS

In the performance of their duties, members of the Animal Control Division shall have the power, authority, and immunity of peace officers as described in G.S. Sections 15-41 and 160A-285, but only in regard to enforcing the provisions of this code and state law which relate to the care, treatment, and impounding of animals. As members of the Animal Control Division shall only have that limited authority described in this section, a member shall not be considered a police officer.

Section 64. IDENTIFICATION

Each member of the Animal Control Division while performing his perspective duties shall carry proper identification to be determined by the Town Council.

Section 65. FORSYTH COUNTY ANIMAL CONTROL ORDINANCE; NOTICES

In all other respects not hereinabove modified, the Forsyth County Animal Control Ordinance shall be applicable within the corporate limits of the Town. The Forsyth County Animal Control Ordinance, the terms of which are incorporated herein by reference.

Section 99. PENALTY

Each violation of any provision shall constitute a separate offense. For the purpose of determining how many offenses have been committed, and for determining the appropriate penalty, each offense shall remain on the books of the Animal Control Office for a period of three (3) years. Subsequent to three (3) years' expiration, the offenses shall be removed from the books.

Fees for each offense apply per the Town of Rural Hall's most current Fee Schedule as adopted by the Town Council.

Every fifteen (15) days that a violation continues following the issuance of a violation notice shall constitute a separate violation subject to issuance of a new violation notice and additional penalties to be applied.

Payments for violations must be made within thirty (30) days following the date of issuance of the violation notice. When proper payment is made within thirty (30) days of issuance of the violation notice, the obligation shall be discharged. If such charge has not been paid within the thirty (30) day period, payment of the violation notice shall be deemed delinquent. Town officials are authorized to accept payments in full and final settlement of the claim or claims or rights of action. Failure to pay penalties shall subject the owner to a civil action in the nature of debt for the penalties stated and collection of the delinquent payment(s) through the North Carolina Debt Setoff Program. The acceptance of the aforesaid penalties shall be deemed a full and final release of any and all claims or rights of action arising out of the contended violation.

If such charge has not been paid within the thirty (30) day period, the violation ticket shall be delinquent and subject to additional civil penalties. The violation ticket shall have stated thereon that payment is due within thirty (30) days following the date of issuance to avoid a civil penalty and court costs being applied. Civil penalties apply per the Town of Rural Hall's most current Fee Schedule as adopted by the Town Council.

The civil penalties imposed herein and the proceeds there from, as collected by payment, civil action, or otherwise, shall belong to the Town and shall be paid into the general fund of the Town under such conditions, if any, as prescribed in the Town of Rural Hall's annual budget.

These amendments shall become effective upon adoption and in all other respects the existing Animal Control Ordinance (Ordinance #294) is hereby ratified and affirmed.

Adopted this the 8th day of January 2024.

TOWN OF RURAL HALL

Terry M. Bennett
Mayor

ATTEST:

Lynette E. Hendrick
Town Clerk