



TOWN OF MAYODAN

210 W. MAIN STREET • MAYODAN, N.C. 27027 • (336) 427-0241
FAX (336) 427-7592

AN ORDINANCE AMENDING CHAPTER 11 ARTICLE 3-ANIMALS SECTION 11.32 PRIVILEGE OF KEEPING DOGS OR CATS WITHIN THE TOWN OF MAYODAN

Pursuant to authority of G.S. § 153A-121, be it ordained by the Town Council of the Town of Mayodan, North Carolina, that Chapter 11, Article 3, Section 11-32 A through 11.32 R of the Mayodan Town Ordinance, adopted on the 8th day of April, 1996, is hereby repealed. Section 11.32 A through 11.32 N is hereby adopted as follows:

SECTION 11.32-A DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) Animal Control Shelter - A place provided and operated by or under contract for the Town of Mayodan, whether or not jointly with another governmental unit or with a private individual or concern, for the restraint, care, placement and/or disposal of animals.
- (b) At Large - Any dog or cat shall be deemed to be at large when it is off the property of its owner and not under restraint.
- (c) Dog - a dog of either sex if over the age of four (4) months.
- (d) Cat – any male or female cat.
- (e) Exposed to rabies - bitten, scratched or licked by any other animal known or reasonably suspected to be infected with rabies.
- (f) Owner - any person owning, keeping or harboring a dog or cat. Dog or cat shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.
- (g) Property Owner – the owner of a parcel of real property.
- (h) Fencing - any means of containment including, but not limited to, the use of wood or chain link material sufficient to contain a pet.
- (i) Dangerous dogs - any dog that: without provocation has killed or inflicted injury on a person; or is determined by the person or board designated by the Town authority responsible for animal control to be potentially dangerous

because the dog has engaged in one or more of the behaviors listed for a “potentially dangerous” dog; or any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

- (j) Potentially dangerous dog - any dog that the person or board designated by the county or municipal authority responsible for animal control determines to have inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or killed or inflicted severe injury upon a domestic animal; or approached a person when such person was not on the owners property in a vicious or terrorizing manner in an apparent attitude of attack; or exhibited any other behavior that the municipal official responsible for animal control may deem as potentially dangerous.
- (k) Severe injury - any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.
- (l) Under Restraint – secured by a leash or lead; fenced in or otherwise confined on the property of its owner; under the immediate and effective control of a responsible person.
- (m) Under Restraint for Dangerous and/or Potentially Dangerous Dogs - secured by a leash or lead; fenced in or otherwise confined on the property of its owner; under the immediate and effective control of a responsible person. Chaining or tethering a dog declared dangerous or potentially dangerous to an inanimate object is specifically excluded as a sole means of restraint. Any dangerous or potentially dangerous dog outside the residential structure shall be confined in a chain link fence. The chain link fence shall have a minimum wire gauge of 9 and shall include four (4) sides, an attached top consisting of chain link fencing and a bottom floor. The sides shall be at least six (6) feet tall (as measured from the ground). The bottom shall consist of either a concrete pad extending at least one foot beyond the enclosed area or in the alternative, the side fencing shall be buried one foot deep into hard packed soil (the sides must still be at least six (6) feet tall as measured from ground level). The fence structure shall be at least 150 square feet in size and be secure enough to contain the dog at all times. There shall be no more than two animals confined per enclosure. Dangerous or potentially dangerous dogs shall be leashed and muzzled when off of or away from the owner’s property or residence.
- (n) Stray Dog or Cat – Any dog or cat within the Town of Mayodan wandering at large or lost without an apparent owner; or, any dog or cat within the Town of Mayodan whose owner has failed to comply with the requirements of Section 11-32. I. hereof.

SECTION 11-32.B ENFORCEMENT.

The provisions of this article shall be enforced by the Mayodan Police Department.

SECTION 11-32.C RESTRAINT.

All dogs and cats shall be kept under restraint at all times.

SECTION 11-32. D IMPOUNDMENT; NOTICE; REDEMPTION; DISPOSAL OF UNREDEEMED DOGS OR CATS; FEES

- 1) Dogs or cats found not under restraint or abandoned may be seized and impounded by any member of the Mayodan Police Department. Impoundment may be in an animal shelter designated by the Town Council.
- 2) In the event the owner of the dog or cat can be ascertained, then in such event, the town shall send notice to said owner regarding the impoundment of said animal. Such notice shall include a notice of violation of this ordinance.
- 3) In the event a dog or cat is not redeemed by the owner within five (5) business days after impoundment, the dog or cat may be disposed of in one of the following manners:
 - (a) Euthanasia, using a method approved by the Humane Society of the United States.
 - (b) Released for adoption by a new owner who shows evidence of ability and intention to provide the dog or cat with an appropriate home and humane care; provided that no unclaimed dog or cat may be released for adoption without being sterilized or without a written agreement from the adopter guaranteeing that such animal will be sterilized within fourteen (14) days of adoption.
 - (c) Any owner redeeming a dog or cat from impoundment shall, before release, pay an impoundment fee based on the schedule on file in the town clerk's office, plus a boarding charge equal to the cost of caring for the dog or cat for each day for said impoundment.

SECTION 11-32. E PROPER CARE.

Owners of dogs or cats shall provide humane shelter from heat, cold, rain, wind, and snow, and shall provide food and water adequate to keep the animal in good health and comfort. Dog houses and kennels must be soundly constructed, dry, and provided in cold weather with clean bedding. All dogs and cats must have proper immunization records with said records being kept with the owner of the dog or cat and available for inspection by the Town of Mayodan Police Department upon request.

SECTION 11-32.F NUISANCES.

It shall be unlawful for an owner or keeper to permit a dog(s) or cat(s) to create a nuisance, or maintain a nuisance created by a dog(s) or cat(s).

A nuisance under this section shall be defined as follows: any dog or cat or group of dogs shall be considered a nuisance if it:

- 1) Damages, soils or defiles private or public property;

- 2) Interferes with, molests, or attacks persons or other animals;
- 3) Causes unsanitary, dangerous or offensive conditions including fouling of the air by odors;
- 4) Is repeatedly at large;
- 5) Chases, snaps at, harasses, impedes pedestrians, joggers, bicyclist or vehicles;
- 6) By virtue of number or type is offensive to the public health, safety or welfare;
- 7) Is diseased or dangerous to the public health;
- 8) By prolonged habitual barking, howling, or whining causes serious annoyance to neighboring residents and interferes with the reasonable use and enjoyment of premises occupied by such residents.

Any person complaining of a nuisance under this section shall file a written and signed complaint with the Mayodan Police Department. It shall be the duty of the Police Department and/or a designated animal control officer to investigate the complaint. If the Police Department finds reasonable grounds for the complaint, the Mayodan Police Department shall notify the owner of the animal and the owner of the premises in writing to abate such nuisance within twenty four (24) hours. Failure to abate within twenty four (24) hours after notification, shall subject the owner of the animal and the owner of the premises to a civil fine of \$500.00 for each occurrence and/or criminal punishment under the laws of the State of North Carolina for an ordinance violation. The criminal punishment shall include a criminal penalty of \$500.00. Each day's violation after the initial notification shall constitute a separate offense.

SECTION 11-32.G CONFINEMENT OF FEMALES IN HEAT AND NURSING FEMALES.

The owner shall confine any female dog or cat in heat within a building, in such manner that the dog or cat will not be accessible to other dogs or cats except for planned breeding, and will not attract male dogs or cats. Any female dog or cat nursing or caring for a puppy or puppies, kitten or kittens shall be physically confined in an enclosed structure.

SECTION 11-32. H EXEMPTIONS.

Hospitals, clinics and other facilities operated by licensed veterinarians for care and treatment of animals are exempt from all provisions of this article.

SECTION 11-32.I COMPLIANCE WITH RABIES LAWS AND LICENSE TAX ORDINANCE.

The failure of an owner to comply with any law of the State of North Carolina relating to the control of rabies shall constitute a violation of this Ordinance. Specifically, (but not to be construed as a limitation hereof), it shall be unlawful for an owner to fail to have each animal owned by him vaccinated against rabies as required by said State Law and to procure the metal tag issued upon such vaccination. (Such tag shall hereinafter be referred to as “the metal rabies tag.”)

It shall be unlawful for any owner to fail to provide each animal owned by him or her, which is required by State Law to be vaccinated against rabies, with a collar or harness to which a currently valid metal rabies tag is securely attached.

It shall be unlawful for any person to place or cause or allow to be placed on any animal a metal rabies tag other than each tag duly issued with respect to such animal.

SECTION 11-32.J POTENTIALLY DANGEROUS DOGS.

The Town Council designates any Mayodan Police Officer to be responsible for determining when a dog is “potentially dangerous”. The Town Manager shall hear any appeals from such determination. In determining a dog to be potentially dangerous the Officer shall follow those procedures set forth in Section 67-4.1 of the North Carolina General Statutes. The process for such determination is set forth in Section 67-4.1(C).

The owner or property owner shall enter a notice of appeal, in writing, within three (3) business days of said determination. The written appeal must be received by the Town Manager, or the Manager’s office, within the appeal period. A hearing shall be set to hear the appeal within five (5) business days.

The decision of the Town Manager may be appealed to the Town Council. The process for entering a notice of appeal from the Town Manager’s decision shall be the same as stated above. The appeal shall be filed with the Town Manager, or the Manager’s office.

Any appeal from a determination by the Town Manager that a dog is “potentially dangerous” shall be set for hearing at the next regularly scheduled Town Council Meeting. In the event a Town Council Meeting is scheduled less than ten (10) days from the date of the initial determination, excluding the date of determination, then in such event, the appeal shall be held at the following meeting of the Town Council.

The Mayodan Police Department shall provide notice of dangerous or potentially dangerous dog determination to the owner and property owner by first class certified letter.

Once a dog is designated dangerous or potentially dangerous the owner shall not have said animal off of or away from the owner’s property or residence unless

leashed or muzzled. The owner and/or the property owner shall comply with all other provisions of Section 11-32.K within thirty (30) days of such designation.

SECTION 11-32.K VIOLATION.

A. It shall be unlawful for an owner to:

- 1) Leave a dangerous or potentially dangerous dog unattended on the owner's property or residence, or elsewhere in the Town of Mayodan, unless the dog is confined indoors; or
- 2) Fail to keep a dangerous or potentially dangerous dog under restraint as defined in Section 11.32.A (m); or
- 3) Permit a dangerous or potentially dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.

B. It shall be unlawful for a property owner to:

- 1) Permit an owner of a dangerous or potentially dangerous dog, as defined in this Ordinance, to keep or harbor such animal in violation of any portion of this Ordinance.

If the owner of a dangerous or potentially dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide written notice to the Town of Mayodan Police Department stating the name, address and all contact information of the new owner or possessor of the dog; and the person taking ownership or possession of the dog shall be notified in writing of the Town's determination that such animal is a dangerous or potentially dangerous dog.

A violation of any portion of this subsection, unless otherwise provided herein, shall result in a civil penalty against the offender in an amount of \$500.00 and/or shall result in criminal punishment of a class three misdemeanor to include a fine of \$500.00.

A violation of subsection B of this section shall result in a civil penalty against the property owner in an amount of \$500.00. Each day of such violation is a separate offense.

A violation of any other section of this ordinance shall subject the owner and/or property owner to that punishment as defined in Division II, Code of General Ordinances Chapter 1, Section 1.5 Criminal penalty; not exclusive remedy; continuing violations.

SECTION 11-32.L PENALTY FOR ATTACKS BY DANGEROUS DOGS.

The penalty for attacks by dangerous dogs is set forth in 67- 4.3 of the North Carolina General Statutes.

SECTION 11-32.M STRICT LIABILITY.

The owner of a dangerous dog and property owner shall be strictly liable in civil damages for any injuries or property damage the dog inflicts upon a person, property, or other animal.

SECTION 11-32.N SEVERABILITY.

If any part of this Ordinance shall be held to be void, such part shall be deemed severable, and the invalidating thereof shall not affect the remaining part.

Approved and adopted this the 10th day of July, 2006. Effective date August 1, 2006.

TOWN OF MAYODAN

ATTEST:

Melessa K. Hopper, CMC
Town Clerk

Jeffrey G. Bullins, Mayor