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* Dawn J Waco
P.O. Box 249
Waco, NC 28169

BK 1270PG 1004

RECORDING FEE \$16.00

ORDINANCE FOR ANIMAL CONTROL
IN THE TOWN OF WACO

CLERK, CO., NO
FILED

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BONNIE E. REECE
REGISTER OF DEEDS

ARTICLE I

GENERAL PROVISIONS

Section 1. Stables, Coops-Required

Any person who shall keep hogs, pigs, mules, horses, cows, goats, chickens or other animals or fowl within the city limits shall keep the same in suitable stables, pens, coops or other appropriate enclosures.

Section 2. Sanitary Maintenance

It shall be unlawful for any person who owns, operates or maintains a stable, pen, coop or other enclosure in the Town to keep such pen, stable or enclosure in an unclean or unsanitary condition.

Section 3. Livestock Running at Large

It shall be unlawful for any person owning or having in his care or custody any horse, mule, cow, calf, ox, hog, pig, sheep, lamb, goat or any other animal or fowl to permit the same to run at large upon the streets or sidewalks or the property of another.

Section 4. Impoundment

It shall be the duty of the animal control officer to impound all animals and fowl found running at large within the corporate limits of the Town.

ARTICLE II

DOGS

Section 1. Territorial Application of Article

This Article shall apply only within the corporate boundaries of the Town of Waco as the same may now exist or may be hereafter amended.

Section 2. Presumption of Ownership

The listing of personal property for any tax purposes, the purchase of rabies or any other vaccinations for any dog or the affixing to any dog of any type of collar, harness, tax tag, rabies vaccination tag or any form of identification tag or device bearing such person's name, address, telephone number or other

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means of identification by any person shall constitute prima facie evidence of the ownership, keeping or control of such dog by such person.

Section 3. Declaration of Nuisance

Each of the following actions or conditions, whether occurring singularly or in combination, is declared to be a public nuisance, and shall be abated or dealt with as provided in this Article:

(1) The owning, keeping or maintenance of any dog which is allowed to be or remain unrestrained at any time by either a tether or enclosure adequate to confine such dog within its bounds;

(2) The owning, keeping or maintenance of any dog which habitually or repeatedly barks, howls, whines, yelps or otherwise produces any sounds which cause serious annoyance to neighboring residents, or which interfere with the reasonable use and enjoyment of the premises occupied by such residents, or which interfere with the reasonable use and enjoyment of public streets, sidewalks or other public areas;

(3) The owning, keeping or maintenance of any dog which habitually or repeatedly snaps at, attacks or threatens imminent attack toward any persons upon public sidewalks, streets or other public areas, or in any other manner exhibits a vicious or threatening disposition;

(4) The owning, keeping or maintenance of any dog which overturns or removes material from trash or garbage containers, or which damages gardens, flowers, vegetables or any other cultivated plants, or which otherwise conducts itself at any time or in any place so as to constitute or create a public nuisance.

Section 4. Enforcement-Complaints, Citations, Fine, Warrant

(a) Receipt of Complaint. Upon receipt by the Town Council of any complaint which, in the Council's discretion, is serious, substantial and sincere, and which alleges that any person is maintaining a public nuisance as defined in Section 3 above, such complaint shall be referred to the animal control officer for investigation and response.

(b) First Complaint. Upon referral to him of any initial complaint, as described above, the animal control officer shall investigate it by a personal visit with the person or persons owning, keeping or controlling the dog complained of, if known. Should such complaint be determined by such officer to be justified, he shall deliver to the person or persons allegedly maintaining such public nuisance a citation requiring payment of a fine provided in subsection (d).

(c) **Second Complaint.** In the event that a second complaint is received by representatives of the Town within sixty (60) days of the date of the initial complaint as to any person or any dog owned, kept or controlled by such person, the animal control officer shall promptly investigate it by any appropriate means. Should such complaint be determined by such officer to be justified, he shall deliver to the person or persons allegedly maintaining such nuisance a citation requiring the payment of a fine as provided in subsection (d).

(d) **Fine.** Any person causing or maintaining a public nuisance as defined in this Article shall be subject to abatement of such nuisance by payment of a fine of Fifty (\$50.00) Dollars for the first citation issued to such person. In the event that a second citation is issued to any person or other entity for a second violation of this Article, such citation shall require a payment of a fine of One Hundred (\$100.00) Dollars.

(e) **Warrant.** Should such fine imposed by citation by subsection (b) or (c) not be paid within forty-eight hours following the issuance thereof, the animal control officer or other appropriate officer shall cause an Arrest Warrant to be issued against the person or persons owning, keeping or controlling such dog, for violation of this Article.

Section 5. Impoundment

(a) **Grounds.** The animal control officer or his designee shall have specific authority, to be exercised in his sole discretion, to apprehend and impound any dog at any time when:

(1) A dog is observed to be untethered or not located in an enclosure adequate to confine it within its bounds;

(2) The owner, keeper or person in control of any dog complained of states to such officer that he does not intend to make any effort to abate any nuisance which he may then be causing or maintaining;

(3) Such officer reasonably fears or foresees an imminent threat to the public safety should such dog be allowed to remain in the owner's or keeper's supposed control; or

(4) Should the officer be unable to reasonably ascertain the existence or identity of any owner or person responsible for the keeping and control of any dog complained of or found to be uncontrolled and constituting a public nuisance in any of the manners provided in this Article.

(b) **Redemption, Destruction.** Whenever any dog shall be seized or apprehended by any officer acting under authority of this Article, it shall be promptly confined in the county animal shelter, where it shall be kept and

adopted or ultimately destroyed pursuant to county ordinances and regulations in the event that it is not claimed by its owner or keeper pursuant to such ordinances and regulations and to this Article. When any such impounded dog is claimed by its owner or keeper, the person so claiming it shall pay all daily charges and vaccinations or other fees imposed by the county.

Section 6. Additional Remedies.

In addition to the penalties provided in this Code, enforcement of this Article may be by injunction, restraining order or order of abatement from a court of competent jurisdiction, as provided by G.S. § 180A-175(d) and (e).

Section 7. Records of Complaints.

The animal control officer shall maintain written records of all complaints made as to any person or any dog whose owner or lawful keeper is ultimately ascertained, and as to all actions taken in response to such complaints or otherwise under this Article. Such records shall be kept for a period not to exceed ten (10) years and shall be destroyed after such time or at such earlier time as the police department shall ascertain that any specific records are no longer needed for future use or reference.

Section 8. Traps.

(a) No person shall remove, destroy, damage, alter, open, close or otherwise tamper with any trap, snare or other device set or maintained by any officer or employee of the Town for the purpose of apprehending or confining any dog.

(b) Any person violating this section shall be guilty of a misdemeanor, punishable upon conviction by a fine of Fifty (\$50.00) Dollars or imprisonment for thirty (30) days, and by making full restitution to the town for the cost of replacement or repair of any such traps, as may be appropriate.

Adopted the 11th day of April, 2000.

Executed the 20th day of April, 2000.

TOWN OF WACO

By Herace Lutz
Mayor

ATTEST:
Bonny V. Alexander
Town Clerk

NORTH CAROLINA
Cleveland County

David H. Green Notary Public of the County and State
aforesaid, do hereby certify that Conny Alvin personally came before
me this day and acknowledged that she is the Town Clerk for the Town of Waco, and by
authority duly given and as the act of the municipality, the foregoing instrument was
signed in its name by its Mayor, and attested by her as its Town Clerk.

Witness my hand and official stamp or seal, this 20th day of April, 2000.

David H. Green
Notary Public

My commission expires:

My Commission Expires 9-28-2002

NORTH CAROLINA CLEVELAND COUNTY

The foregoing (or enclosed) Pages of a Notary Public is
certified to be correct. This 20 day of April, 2000
By William H. Davis Assistant
Register of Deeds

Filed for registration on 20 day of APR A.D.
2000 at 2:15 o'clock P. M. and registered in the
office of Register of Deeds, Cleveland County, NC
in Book 200 Page 20
By William H. Davis Assistant
Register of Deeds



Official