

ARTICLE III – ANIMALS

Section 1. **Animals Prohibited.**

- a) No horse, goat, cattle or other animals shall be permitted to be housed within three hundred (300) feet of any dwelling, school building, church, or business within the corporate limits.
- b) Horses, goats, cattle or other animals may be pastured within the city limits, unless there is a complaint from an adjoining property owner, or such place becomes offensive to public health and is declared to be a nuisance.

Section 2. **Pig Pens/Hog Pens.** No person shall maintain a pig/hog pen or other enclosure for pigs/hogs within the corporate limits.

Section 3. **Poultry.** No person shall keep poultry within the corporate limits.

Section 4. **Dogs.**

- a) The owner or custodians of any dog over the age of three months shall on or before the first day of July, each year, register such dog with the Town Clerk. No dog shall be registered unless there is first exhibited to said Clerk a certificate of proof to the effect that said dog has been vaccinated in accordance with the N.C. State Health Codes. The Clerk shall issue to the owner or custodian of such registered dog a tag to be affixed to a collar around the neck of such dog and displayed visible upon such dog at all time.
- b) Any dog not displaying such tag shall be after the period of one month and notification of owner considered a "stray" within the corporate limits.
- c) Strays - all dogs not claimed by owner or affixed with said tag in this article shall be turned over to animal control authorities.
- d) No owner or custodian of any female dog shall allow such dog to run at large while in heat within the city limits. If knowingly permitted by owner, owner shall be guilty of a misdemeanor.

Section 5. **Barking Dogs.** It shall be unlawful for any resident of the Town of Bakersville to keep a dog, or dogs, in the corporate limits, or within the vicinity of the corporate limits, that barks habitually or repeatedly in such a manner that noise shall disturb the comfort and repose of any person within the Town of Bakersville.

Section 6. **Dog Bites: Duty of Owner: Penalty.** 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, have such dog firmly under control at all times.

Section 7. **Property Damage.** All owners of dogs, horses, goats, cattle, or other animals are liable for any damage to property of the citizens within the Town of Bakersville.

ARTICLE IV - DOGS*

***State Law reference: Dogs, North Carolina General Statute Chapter 67**

Section I. **Dog Control Officers.** The Mayor is hereby authorized, in his discretion, to appoint a Dog Control Officer for the purpose of establishing and maintaining a dog control program and enforcing the provisions of this article. Any dog control officer may also be a police officer of the town. The Dog Control Officer will enforce laws, ordinances, and investigate dog abuse and bites, seize and impound animals, levy fees and fines, and do all necessary things associated with the enforcement of this article.

Section II. **Cruelty to Dogs.**

- a) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, or abandon subject to conditions detrimental to its health or general welfare any dog, or to cause or produce such action.
- b) The words "torture" or "torment" as used in this section, shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful taking of dogs under the jurisdiction and regulation of the state wildlife resources commission, or to prohibit Dog Control Officer or duly authorized persons or veterinarians from destroying dangerous, unwanted, or injured dogs in a humane manner, or to prohibit the lawful use of dogs in scientific research, or legitimate pest control activities.
- c) It shall be unlawful for any owner or keeper to fail to provide his dog with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his animal in good health and comfort, to the opportunity for vigorous daily exercise, veterinary care when needed to prevent suffering, and humane care and treatment.

Section III. **Registration of dogs required.** All dogs kept, harbored or maintained in the town shall be registered with the town clerk and the Dog Control Officer. In addition to the name and address of the owner, such registration shall include the dog's name, breed, color, sex, rabies vaccination number, and if the dog has been spayed or neutered. The provisions of this section shall not be intended to apply to dogs of owners which are nonresidents temporarily within the town for not more than 30 days, or to dogs brought into the town for the purpose of aiding a blind person from place to place.

Section IV. **Fee for Dog Registration.** There will not be an annual fee or tax for dog registration.

Section V. **Dogs running at large.**

- a) It shall be unlawful for any dog owner or keeper of any dog to permit such dog to run at large. All dogs must be restrained by fencing, leash, or other physical, electrical or mechanical restraint at all times.
- b) This section does not prohibit leashed dogs on public roadways or sidewalks so long as the owner or keeper complies with this section. Seeing eye dogs in

service to the visually impaired or dogs in service to law enforcement personnel are exempt.

Section VI. **Control of Dangerous Dogs or Potentially Dangerous Dogs.**

- a) An owner of a dangerous or potentially dangerous dog shall take precautions against attacks by such dogs resulting in serious bodily injury to a person or any other animal. Determination of a dangerous or potentially dangerous dog shall be in accordance with North Carolina General Statute 67-4.1. The Town Alderman will designate a Council to be responsible for determining when a dog is considered dangerous. The Council shall be composed of the Director of Mitchell County Animal Rescue, and two (2) public citizens.
- b) It shall be unlawful for any person to keep any vicious or dangerous domestic dog within the town unless it is confined within a secure building or enclosure, or it is securely muzzled and under restraint by means of a leash, chain, or rope and firmly under control at all times.

State Law reference: Authority to regulate, restrict and prohibit the possession or harboring of dangerous animals, North Carolina General Statute 160A-187.

Section VII. **Dogs Creating a Nuisance.**

- a) Prohibited. It shall be unlawful for an owner or keeper to permit a dog to create a nuisance, or to maintain a nuisance created by a dog.
- b) Abatement Procedure. Compliance shall be required as follows:
 - (a) When a Dog Control Officer, law enforcement officer or duly authorized person observes a violation, the owner or keeper will be provided written notification of such violation and be given 48 hours from the time of notification to abate the nuisance.
 - (b) Upon receipt of a written, detailed and signed complaint being made to Town Hall stating that a dog is causing a nuisance; the owner or keeper of the dog in question will be notified that a complaint has been received, and shall receive notification of the complaint from the dog control officer and a report and findings will be made and put into writing.
 - (c) If written findings indicate that the complaint is justified, then the dog control officer will notify the owner or keeper of the dog in question in writing. The nuisance must be taken care of within 48 hours by whatever means may be necessary. If the owner or keeper of the dog is unknown and cannot be ascertained, the notice and order, along with a general description of the dog, shall be posted for 48 hours at the animal shelter, town hall, and county courthouse. If after 48 hours the owner or keeper of the dog remains unknown, the dog may be impounded and taken to the animal shelter. Impounded Animals will be subject to impoundment fees in accordance with Mitchell County Animal Shelter approved policies and procedures.

- c) Violations. It shall be unlawful for a person to fail or refuse to abate the nuisance as required by this Section.

Section VIII. **Barking Dogs.**

- a) It shall be unlawful for any person to own, keep, or have within the town any dog that habitually or repeatedly barks or makes other sounds that tend to annoy or disturb one or more citizens so as to interrupt the sleep or tranquility of one or more persons in the general neighborhood on a regular basis. The dog control officer shall make this determination based on an investigation, and the complaint must be jointly signed by the complainant and the investigating officer.
- b) Second. and subsequent violations of the prohibition against barking dogs in subsection (a) above shall be deemed to occur for each separate barking event which may be complained of, occurring within 30 days of the date the initial complaint is signed by the investigator, or within 30 days of the last previous complaint after the signing of the initial complaint by the investigator, whichever last occurs.

Section IX. **Compliance with State Rabies Laws.**

- a) It shall be unlawful for any animal owner or keeper to fail to comply with the state laws relating to the control of rabies.
- b) It is the purpose of this article to supplement state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

State Law reference: Rabies, North Carolina General Statute 130A-184

Section X. **Vaccination of dogs is required.**

- a) It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies (hydrophobia) for any dog four months of age or older. Should it be deemed necessary by the local health director or the local board of health that other pets be vaccinated in order to prevent a threatened epidemic or control an existing epidemic, it shall be unlawful for any owner or keeper to fail to provide current vaccination against rabies for the dog.
- b) A rabies vaccination shall be deemed current for a dog if two vaccinations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.