

## **CHAPTER 91: ANIMALS**

### Section

#### ***General Provisions***

- 91.01 Definitions
- 91.02 Purpose
- 91.03 Provisions supplemental
- 91.04 Responsibility of animal owner
- 91.05 Persons injuring animal with vehicle to make report
- 91.06 Disposal of dead animals and fowl
- 91.07 Running at large prohibited
- 91.08 Hogs prohibited
- 91.09 Squirrel hunting and trapping
- 91.10 Rodent control
- 91.11 Maintenance of animal lots, pens and the like
- 91.12 Dogs on public grounds
- 91.13 Dogs fouling grounds in public places

#### ***Rabies Control***

- 91.30 Vaccination of dogs

#### ***Poultry, Fowl and Livestock***

- 91.40 Poultry pens and coops
- 91.41 Noisy fowl prohibited
- 91.42 Fowl within business district
- 91.43 Condition of livestock stables and pens; distance from residences
- 91.44 Sales and livery stables

#### ***Administration and Enforcement***

- 91.50 Authority and responsibility of Animal Control Officer
- 91.51 Enforcement, impoundment redemption, adoption, sale or disposal

#### ***Penalties***

- 91.99 Penalty

#### ***Animal Shelter Policy***

## **GENERAL PROVISIONS**

### **§ 91.01 DEFINITIONS.**

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

**ANIMAL.** Any animate being other than a human, wild or domestic, which is endowed with the power of voluntary motion.

**ANIMAL CONTROL OFFICER.** Any person designated by the County Health Director to pick up, restrain, impound, sell or dispose of dogs, cats or other animals and who is responsible for discharging such other duties as prescribed by any other town or county ordinance or by state law, or by the instruction of the County Health Director.

**ANIMAL SHELTER.** A place provided and operated by Polk County or other governmental unit or subdivision or operated by an adjoining county under an agreement with Polk County, for the restraint, care and disposition of animals.

**AT LARGE.** Off the premises of the owner and not under control either by leash, cord, chain, or not under the immediate effective control of the owner or other responsible person.

**CAT.** A cat of either sex.

**DOG.** A dog of either sex.

**HEALTH DIRECTOR.** The director of the Polk County Health Department.

**OWNER.** Any person owning, keeping or harboring a dog, cat or other animal; the head of the household shall be deemed to be the owner of any dog, cat or other animal owned, kept or harbored by any person residing in the household and kept on the premises.

**VACCINATION.** The administration of anti-rabies vaccine approved by the United States Bureau of Animal Industry, the North Carolina State Department of Agriculture and the North Carolina Division of Health Services.

**VICIOUS DOG.**

- (1) Any dog which has bitten one or more persons; or
  - (2) One in which propensity to attack humans without provocation exists, and such propensity is known, or ought to be known, by the owner.
- (‘81 Code, § 3-1) (Ord. passed 1-8-79)

**§ 91.02 PURPOSE.**

This chapter is enacted for the purpose of protecting the people of the town from rabies transmitted by unconfined, uncontrolled and unimmunized dogs and to regulate dogs, cats and other animals that are a particular nuisance or danger, and regulating animals generally.

('81 Code, § 3-2) (Ord. passed 1-8-79)

**§ 91.03 PROVISIONS SUPPLEMENTAL.**

The powers conferred by this chapter shall be in addition and supplemental to powers conferred by the existing General Statutes of North Carolina and future revisions of the same.

('81 Code, § 3-3) (Ord. passed 1-8-79)

**§ 91.04 RESPONSIBILITY OF ANIMAL OWNER.**

(A) Owners are responsible for all the acts of their dogs, cats, or other animals. The owner of any dog, cat, or other animal 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.

(B)(1) It shall be unlawful for any dog owner not to keep every dog four months of age or older in a substantial enclosure at all times unless:

(a) Such dog has been immunized against rabies in accordance with state law and with an approved anti-rabies vaccine administered by a licensed veterinarian; and

(b) Such dog is wearing a collar with a current rabies vaccination tag having a number corresponding to the number on rabies vaccination certificate in possession of the owner.

(2) The above shall not be construed to mean that a dog can be maintained within an enclosure without obtaining the required rabies vaccination.

(C) It shall be unlawful for any dog owner to permit a female dog to run at large during the erotic stage of copulation.

(D) When a dog or other animal becomes vicious or a menace to the public health, the owner of such animal or person harboring such animal shall not permit such animal to leave the premises on which kept unless on leash in the care of a responsible person.

(E) An owner having knowledge that his dog or other animal has theretofore bitten any person so as to break the skin, must keep the same in a secured enclosure or must keep the same at all times leashed or under his direct control.

(F) It shall be unlawful for any person to tease, molest, bait or in any way bother any dog or other animal not belonging to him or legally under his control.  
(‘81 Code, § 3-6) (Ord. passed 1-8-79) Penalty, see § 10.99 (Am. Ord. 2006-8, passed 2-21-06)

**§ 91.05 PERSONS INJURING ANIMAL WITH VEHICLE TO MAKE REPORT.**

It shall be unlawful for any person injuring a dog or other animal by running over, into or coming into contact with the same by means of a vehicle to fail to notify immediately the owner thereof, if known, and the Animal Control Officer.  
(‘81 Code, § 3-7) (Ord. passed 1-8-79) Penalty, see § 10.99

**§ 91.06 DISPOSAL OF DEAD ANIMALS AND FOWL.**

It shall be the duty of the owner or person in charge of any animals or fowl that die from any cause and the owner, lessee, or person in charge of any land upon which any animals or fowl that die, to bury the same to a depth of at least three feet beneath the surface of the ground, or to completely burn said animals or fowl, within 24 hours after the death of said animals or fowl, or to otherwise dispose of the same in a manner approved by the state veterinarian. It shall be unlawful for any person to remove the carcasses of dead animals or fowl from his premises to the premises of any other person without the written permission of the person having charge of such premises and without burying said carcasses as above provided.  
(‘81 Code, § 3-8) (Ord. passed 1-8-79) Penalty, see § 10.99

**§ 91.07 RUNNING AT LARGE PROHIBITED.**

It shall be unlawful for any person to permit or allow any dog, cat or other animal to run at large within the corporate limits of the town.  
(‘81 Code, § 3-9) (Ord. passed 1-8-79) (Am. Ord. 1995-1, passed 1-5-1995) (Am. Ord. 2006-8, passed 2-21-06) (Am. Ord. 2012-16, passed 12-18-12) Penalty, see § 10.99

**§ 91.08 HOGS PROHIBITED.**

No hog shall be kept within the limits of the town.  
(‘81 Code, § 3-10) (Am. Ord. 2006-8, passed 2-21-06) Penalty, see § 10.99

**§ 91.09 SQUIRREL HUNTING AND TRAPPING.**

It shall be unlawful to hunt, shoot or trap squirrels within the corporate limits of the town.  
(‘81 Code, § 3-11) (Am. Ord. 2006-8, passed 2-21-06) Penalty, see § 10.99

**§ 91.10 RODENT CONTROL.**

Any person storing or maintaining feed or grain within the town limits shall be required to exercise proper measures for rodent control as prescribed by proper authority. ('81 Code, § 3-12) (Am. Ord. 2006-8, passed 2-21-06) Penalty, see § 10.99

**§ 91.11 MAINTENANCE OF ANIMAL LOTS, PENS AND THE LIKE.**

Every person who owns or maintains any pen, lot, shelter, or other place where animals are kept shall maintain the same in a sanitary manner, and in a humane manner, and in accordance with the General Statutes of North Carolina. ('81 Code, § 3-18) (Ord. passed 1-8-79) (Am. Ord. 2006-8, passed 2-21-06) Penalty, see § 10.99

**§ 91.12 DOGS ON PUBLIC GROUNDS.**

No person shall permit or allow any dog upon public park grounds in the Town of Tryon's P-1 Open Space District unless such dog is:

- (A) physically restrained on a leash no longer than 10 feet in length; or
- (B) confined in a cage or within the enclosed interior of a motor vehicle; or
- (C) under the control of the owner during the conduct of an AKC, UKC or other kennel club or organized dog club trial, show or exhibition.

(Ord. 2005-11, passed 11-15-05)

**§ 91.13 DOGS FOULING GROUNDS IN PUBLIC PLACES.**

It shall be unlawful for any owner, keeper or walker of any dog to permit his or her dog to discharge such animal's feces upon any public street or sidewalk or the grounds of any public park within the town limits, if such owner, keeper or walker does not immediately thereafter remove and clean up such animal's feces from such place. (Ord. 2007-02, passed 2-20-07; Am. Ord. 2008-02, passed 1-15-08)

***RABIES CONTROL***

**§ 91.30 VACCINATION OF DOGS.**

(A) No dog shall be permitted to run at large within the town unless it shall have been vaccinated against rabies as required by the General Statutes of North Carolina, and proof of such vaccination shall be attached to said dog.

(B) The provisions of G.S. § 130A-184 through G.S. § 130A-200 shall apply in any situations in the city involving animal bites, whether of humans or other animals, including provisions concerning confinement, quarantine, vaccinations, and destruction. ('81 Code, § 3-30) (Ord. passed 1-8-79) (Am. Ord. 2006-8, passed 2-21-06) Penalty, see

§ 10.99

***POULTRY, FOWL AND LIVESTOCK***

**§ 91.40 POULTRY PENS AND COOPS.**

No poultry pen or coop erected or used for a roosting place for chickens or other fowl shall be maintained or located within 50 feet of any dwelling house. These coops shall at all times be required to be kept clean, disinfected and sanitary, and the same shall not emit at any time any noxious or offensive odor or smell which can be detected by and is offensive to the occupant of any house in the town.

('81 Code, § 3-13) (Am. Ord. 2006-8, passed 2-21-06) Penalty, see § 10.99

**§ 91.41 NOISY FOWL PROHIBITED.**

No person shall maintain fowl that shall crow, cackle or make any other noise that disturbs the peace and quiet of the town.

('81 Code, § 3-14) (Am. Ord. 2006-8, passed 2-21-06) Penalty, see § 10.99

**§ 91.42 FOWL WITHIN BUSINESS DISTRICT.**

It shall be unlawful for any person to keep live poultry in coops or otherwise within the business district of the town; or for any person to kill and dress any kind of poultry within the business district of the town.

('81 Code, § 3-15) (Am. Ord. 2006-8, passed 2-21-06) Penalty, see § 10.99

**§ 91.43 CONDITION OF LIVESTOCK STABLES AND PENS; DISTANCE FROM RESIDENCES.**

(A) All persons, except those maintaining livery and sales stables, are forbidden to keep, house or pen, or maintain a shed, stall or stable or other place within 200 feet of a residence, church, well, store or other place of business for any cow, goat, mule, horse or donkey. Any pens, sheds, stalls and stables, or other structures in which the same may be kept, housed or penned, shall at all times be required to be kept clean, disinfected and sanitary, and the same shall not emit at any time any noxious or offensive odor or smell which can be detected by and is offensive to the occupant of any house in the town.

(B) The distance limitation in subsection (A) shall not apply to goats which are temporarily located on a lot for the purpose of eradicating kudzu.

('81 Code, § 3-16) (Am. Ord. 2006-8, passed 2-21-06; Am. Ord. 2008-05, passed 4-15-08) Penalty, see § 10.99

**§ 91.44 SALES AND LIVERY STABLES.**

All sales and livery stables shall apply for and obtain a permit to maintain same and such permit shall set out therein the distance from other places of business or of dwellings, and such permits may be issued by the Town Manager.  
(‘81 Code, § 3-17) (Am. Ord. 2006-8, passed 2-21-06) Penalty, see § 10.99

***ADMINISTRATION AND ENFORCEMENT***

**§ 91.50 AUTHORITY AND RESPONSIBILITY OF ANIMAL CONTROL OFFICER.**

The Animal Control Officer shall:

(A) Have the power of arrest and the responsibility to enforce all laws of the state and all ordinances of the town pertaining to the ownership and control of dogs, cats and other animals and shall cooperate with all other county law enforcement officers in fulfilling his duty.

(B) Act as Rabies Control Officer, working under the immediate supervision of the Sanitarian Supervisor, and to carry out the provisions of G.S. 130A-184.

(C) Be responsible for the investigation of all reported dog bites and for the quarantine of any dog involved for a period of not less than ten days and shall submit a report to the Health Director as soon as practicable of any such dog bite and the condition of any quarantined dog.

(D) Cooperate with and assist the Health Director with the Animal Rabies Clinic.

(E) Under the supervision of the Health Director, the Animal Control Officer will be in charge of the County Animal Shelter, if such animal shelter is situated in Polk County.

(F) Seize and impound dogs, cats and other animals in the town and involved in a violation of this chapter or any other town or county ordinance or state law.  
(‘81 Code, § 3-4) (Ord. passed 1-8-79)

**§ 91.51 ENFORCEMENT, IMPOUNDMENT REDEMPTION, ADOPTION, SALE OR DISPOSAL.**

(A) Any dog, cat or other animal within the town without an owner as defined in § 91.01, or any dog, cat or other animal running at large is subject to being picked up and impounded by the Animal Control Officer. If the Animal Control Officer can determine the ownership of the animal by tag or other means, in lieu of impoundment the animal may be taken to the owner; and a notice of violation shall be subject to the fees and

procedures as established by the county for the first two times in any fiscal year that an owner shall allow his dog or cat or other animal to be at large. A third violation and all subsequent violations shall be subject to the fees and procedures as established by the county.

(B) Any dog or cat running at large without a current vaccination tag or a vicious dog, shall be taken to the animal shelter. Any such animal taken to the animal shelter shall be confined for a period of three days for redemption by the owner. If such animal is not redeemed by the owner within said period of three days, it shall be offered for sale to any member of the public first paying for it as hereinafter provided.

(C) If said animal is not redeemed by the owner, as hereinabove provided, or sold within seven days after it is taken into custody, then it may be disposed of in a humane manner by the custodian of the animal shelter, or may be delivered to some duly constituted reputable research organization.

(D) In order for the owner to redeem an animal, such owner must:

(1) If a dog, have it duly vaccinated for rabies if it has not been currently vaccinated before the redemption date; and

(2) Pay a penalty as specified in division (A) above and likewise, shall be subject to the fees and procedures as established by the county and for such charges as made by a veterinarian in treating said animal.

(E) Any animal not redeemed by the owner in the time prescribed by this section may be purchased by any interested party subject to the following conditions:

(1) All animals susceptible to rabies must have a current rabies vaccination;

(2) All fees and procedures as established by the county for capture of the animal and for feeding of the animal;

(3) Payment of any charge made by a veterinarian in treating the animal.

('81 Code, § 3-5) (Ord. passed 1-8-79)

### ***PENALTIES***

#### **§ 91.99 PENALTY.**

(a) In addition to impoundment or seizure of the animal and unless otherwise designated, any violation of this chapter shall be deemed a non-criminal violation for which a civil penalty as set forth in Table IV of the Table of Special Ordinances of this Code may be assessed to the owner of such animal.

(b) The owner shall be issued a written notice of violation and penalty and the owner shall make payment to the town within fifteen days of receipt of the notice. Notice of the



(c) Upon the owner's failure to pay the required amount within the designated fifteen day period, the city may institute a civil action in the nature of the debt to recover such amount.  
(Ord. 2006-8, passed 2-21-06)

### ***ANIMAL SHELTER POLICY***

***Purpose of Facility:*** The Town of Tryon Animal Shelter has been constructed for the purpose of providing a temporary care and holding facility for animals until they can be transported to a more permanent shelter.

***Location:*** The animal shelter is located at the Tryon Waste Water Plant on Old Howard Gap Road.

***Capacity:*** Two animals.

***Procedure:*** Before an animal can be placed into the facility, a release form must be obtained from the Tryon Police Department or the Polk County Animal Control. Telecommunicators with the Police Department will ensure that the appropriate form is issued and filled-out by the individual requesting to place an animal in the shelter. Once placement of the animal is approved, the individual must be escorted by either the Tryon Police Department or the Polk County Animal Control. Access is strictly limited to Town of Tryon employees or the Polk County Animal Control Officer.

***Conditions of Acceptance:*** No animal will be placed in the Tryon Animal Shelter if any of the following conditions exist:

- ❖ The animal is not from the Polk County Area.
- ❖ Space is no longer available within the shelter.
- ❖ The animal is violent or vicious.

***Care and Upkeep of Animals/Facility:*** General care of animals and upkeep of the animal shelter will be done by either Tryon Wastewater Plant employees or the Polk County Animal Control Officer. This will involve feeding and watering of animals, as well as the spraying of the facility.  
(passed 2-17-97)