

**Chapter H – Animal Control**  
(Amended 5/18/16)

**Article I – Regulations**

**Section 1. Definitions**

As used in this chapter, unless the context otherwise indicates, the following words and phrases shall have the following meanings:

- a. **Animal At Large** - Any domesticated animal off the premises of the owner and not under the control of the owner, a member of his immediate family or custodian, either by leash, cord, or chain.
- b. **Domesticated Animal** - An animal such as is accustomed to live in or about the habitation of people including but not limited to cats, dogs, fowl, and domesticated wild animals.
- c. **Dog** - Both male and female of the canine species.
- d. **Cat** - Both male and female of the feline species.
- e. **Identifiable Animal** - Both male and female animal species wearing a collar to which is affixed a current metal rabies inoculation tag.
- f. **Unidentifiable Animal** - Both male and female animal species with or without a collar, but without the valid tags defined in paragraph e. above, or the owner or custodian cannot be found after reasonable efforts by the Whispering Pines Police Department.
- g. **Hunting** – to chase or search for game or other wild animals for the purpose of catching or killing
- h. **Trapping** – a contrivance used for catching game or other animals, as a mechanical device that springs shut suddenly
- i. **Public Nuisance Animal** - Any animal or group of animals which:
  - Level I:**
    1. Is diseased and hazardous to public health.
    2. Is vicious or habitually or repeatedly chases, snaps at, attacks pedestrians, bicyclists or vehicles
    3. Damages property of anyone other than the animal’s owner
    4. Causes unsanitary condition of enclosures or surroundings.
  - Level II:**
    1. Overturns garbage containers.
    2. Defecates on any property of anyone other than the animal’s owner. (**Note:** Such defecation shall not be considered a public nuisance if the animal’s owner cleans up the animal’s leavings and disposes of them in a proper manner.)

3. Cats which kill songbirds and other birds protected by the Bird Sanctuary Ordinance, as regulated in Chapter G of this Ordinance.
  4. Excessively makes disturbing noises including barking, howling, crying, baying. (Also see paragraph 2.6 below).
- j. **Vicious Animal** - Any animal which constitutes a physical threat to human beings or other animals by virtue of attacks of such number and/or severity as to cause property damage or physical injury.

## **Section 2. Control of Dogs.**

### **2.1. Running at Large Prohibited; Public Nuisance.**

No owner or custodian of a dog shall permit such dog to run at large or act as a public nuisance at any time within the corporate limits of the Village of Whispering Pines, and such owner or custodian shall maintain such dog on a secure leash in responsible hands when off the real property of the dog's owner or custodian. The owner or custodian of any dog shall be responsible for the actions of such dog and further shall be responsible for repairing damage caused by said dog, including cleaning up of dog droppings deposited on walkways or other public lands in the Village.

### **2.2 Apprehension and Notice, Identifiable Animal**

It shall be the duty of every police officer in the Village to attempt to notify the owner or custodian of any "identifiable animal" found running at large or acting as a public nuisance as defined in this ordinance. Such officer shall make every reasonable effort to restrain such animal, and it shall then and thereupon be the duty of the owner or custodian of such "identifiable animal" to locate the animal and return the animal to proper control and custody and prevent the animal thereafter from running at large or acting as a public nuisance. The officer shall issue a notice of the date, time and place of apprehension of such "identifiable animal." The apprehending officer shall endorse the date, time and place of each apprehension on record in the files of the Whispering Pines Police Department.

### **2.3 Repeat Offenses.**

If an "identifiable animal" is found running at large or acting as a Level II public nuisance on any occasion after the first offense and notice thereof, the second offense and each subsequent offense shall be deemed and found to be in violation of this Section and punishable as provided in Section 7 hereof. The apprehending officer shall make a record of each offense.

### **2.4 Apprehension, "Unidentifiable Animal".**

Any "unidentifiable animal" found running at large or acting as a public nuisance in the Village, whenever reasonably possible, shall be taken into custody by any police officer in the Village in a manner neither cruel to the animal nor dangerous to the public. The officer shall then notify Moore County Animal Center and Animal Control of the location of the animal or when and where the animal was last observed. The apprehending officer shall record in writing with the Village Police Department, all relevant facts concerning the taking into custody of such "unidentifiable animal".

### **2.5. Confinement of Certain Animals.**

If any vicious animal found at large cannot be safely taken and returned to its owner or

custodian, such dog may be destroyed, without recourse, by any sworn officer of the State of North Carolina. Whenever a police officer shall kill an animal pursuant to this subsection, said police officer or the Village Clerk shall attempt to ascertain the name of the owner of such animal and to and notify the owner of the killing of such animal.

### **2.6 Nuisance Dogs Further Defined.**

Any dog which barks, howls, cries, bays or makes any other noise continuously for a period of ten (10) minutes or more, or intermittently for one half (1/2) hour or more, is presumed to be acting in such a manner as to create a public nuisance.

## **Section 3.0 Control of Public Nuisances Cats**

### **Section 3.1 Killing of Birds by Cats Unlawful.**

No owner or custodian of a domestic cat shall allow such cat to kill any songbird or other native bird protected by the Village Bird Sanctuary Ordinance. Cats identified as being in violation of this section may be reported to the Whispering Pines Police Department.

### **Section 3.2 Apprehension of Cats.**

The owner or custodian of any cat reported to be observed killing birds shall be given a warning by the Whispering Pines Police. After a second offense and warning thereof, the third offense and each subsequent offense shall be deemed and found in violation of this section and shall be punishable as provided in Section 7 hereof. Further, any cat found to be in habitual violation, (third offense and subsequent offenses) of this section, shall be apprehended and taken to the Moore County Animal Center and Animal Control in Carthage where it will be handled IAW, the Moore County Animal Operations Ordinance.

## **Section 4. Control of Rabies.**

It shall be unlawful for any animal owner or other person to fail to comply with State (N.C.G.S. 130A-184 to 201) and County (Moore County Animal Operations Ordinance) laws relating to the control of rabies.

## **Section 5. Maintaining Other Animals Prohibited**

The keeping, harboring or possession of wild animals or other domestic animals, which are dangerous to person or property or offensive to the senses, anywhere in the village is prohibited.

## **Section 6. Hunting / Trapping Prohibited**

Hunting and/or trapping within the Whispering Pines corporate limits is prohibited except as follows:

- a. This ordinance shall not apply to North Carolina Wildlife Enforcement, Moore County Animal Control, Village of Whispering Pines Police Department or the Whispering Pines Public Works Department while in the performance of official duties in the protection of public health and safety.

## **Section 7. Penalty.**

Any owner or custodian who shall violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in accordance with Chapter J of this Ordinance.