



# VILLAGE OF WHISPERING PINES

## CODE OF ORDINANCES



### Chapter H – Animal Control

(Amended 11/8/17)

#### **Section 1. Definitions**

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

**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.

**Cat** - Both male and female of the feline species.

**Dog** - Both male and female of the canine species.

**Domesticated Animal** - An animal kept as a pet for noncommercial purposes including but not limited to cats, dogs, birds and domesticated wild animals.

**Hunting** – to chase or search for game or other wild animals for the purpose of catching or killing.

**Identifiable Animal** - Both male and female animal species wearing a collar to which is affixed a current metal rabies inoculation tag.

**Public Nuisance Animal** - Any animal or group of animals which:

- Is diseased and hazardous to public health.
- Is a vicious animal or habitually or repeatedly chases, snaps at, attacks pedestrians, bicyclists or vehicles.
- Damages property of anyone other than the animal's owner.
- Causes unsanitary condition of enclosures or surroundings.
- Overturns garbage containers.
- 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.)

**Trapping** – a contrivance used for catching game or other animals, as a mechanical device that springs shut suddenly.

**Unidentifiable Animal** - Both male and female animal species with or without a collar, but without a current metal rabies inoculation tag, or the owner or

custodian cannot be found after reasonable efforts by the Police Department.

**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 Animals**

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

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

### **2.2. Nuisance Animals Further Defined**

Any animal 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.

### **2.3. Killing of Birds by Animals Unlawful**

No owner or custodian of an animal shall allow such animal to kill any songbird or other native bird protected by the Village Bird Sanctuary Ordinance, as regulated in Chapter G of this ordinance.

## **Section 3. 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 4. 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 5. Hunting / Trapping Prohibited**

Hunting and/or trapping within the Village corporate limits is prohibited except: this ordinance shall not apply to North Carolina Wildlife Enforcement, Moore County Sheriff's Office Animal Services, Police Department or the Public Works Department while in the performance of official duties in the protection of public health and safety.

## **Section 6. Livestock**

### **6.1. Animals Kept for Commercial Purposes**

Animals kept for commercial purposes, including but not limited to horses, cattle, hogs, sheep, goats and poultry shall be regulated pursuant to the requirements of the Whispering Pines Land Development Ordinance.

### **6.2. Other Domesticated Animals Kept for Noncommercial Purposes**

Notwithstanding the other provisions of this chapter, horses, cattle, hogs, sheep, goats, chickens and other poultry are prohibited within the Village corporate limits, regardless of whether they are kept for commercial or noncommercial purposes, except as specifically authorized by the Whispering Pines Land Development Ordinance.

## **Section 7. Apprehension and Notice**

### **7.1. 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 Police Department.

### **7.2. 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 police officer shall then notify Moore County Sheriff's Office Animal Services of the location of the animal or when and where the animal was last observed. The apprehending police officer shall record in writing with the Police Department, all relevant facts concerning the taking into custody of such "unidentifiable animal".

### **7.3. Vicious Animals**

If any vicious animal found at large cannot be safely taken and returned to its owner or custodian, such animal may be destroyed, without recourse, by any police officer of the State of North Carolina. Whenever a police officer shall kill a vicious 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 notify the owner of the killing of such animal.

**Section 8. Enforcement & Penalty**

**8.1 Enforcement**

Animals identified as being in violation of this Ordinance shall be reported to the Police Department, who is responsible for the enforcement of Chapter H.

**8.2. Penalty**

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