

CHAPTER 2

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ARTICLE A

General Provisions

- Section 8-2001 Domesticated animals running at large.**

It shall be unlawful for any person to allow any of his domesticated animals or fowls to run at large or to be tethered on any of the streets or public lots of the Town. (Ord. of October 11, 1982)

- Section 8-2002 Production, keeping and running at large of hogs and swine of every kind.**

It shall be unlawful for any person, firm, or corporation to produce, keep, or allow to run at large, within the corporate limits of the Town of Windsor, any hogs or swine of any kind. (Ord. of February 8, 1996)

ARTICLE B**Dogs****Section 8-2011 Definition of terms.**

As used in this article unless the context otherwise indicates:

- (1) Dog shall be intended to mean a male or female dog of any age.
- (2) Owner shall be intended to mean any person or persons, firm, association, or corporation owning, keeping, or harboring a dog.
- (3) Running at large shall be intended to mean any dog while roaming, running, or hunting for itself off the property of its owner or custodian and not under the owner's or custodian's immediate control. For purposes of this definition, "immediate control" means control by use of a leash securely attached to a dog's collar or harness and held by the owner or custodian. A dog found off the property or premises of its owner or custodian and not controlled by a leash as provided in this subsection shall be deemed to be running at large.
- (4) Officer shall be intended to mean any police officer, dog warden, deputy dog warden, and all other persons employed by the Town whose duty it is to preserve the peace, to make arrests, or to enforce the law.

Section 8-2012 Tax receipt and tags.

It shall be unlawful, except as hereinafter provided, for the owner of any dog required to be listed for taxation under the ordinance of the Town of Windsor adopted April 8, 1974 not to have in his possession the tax receipt issued upon payment of the annual tax on such dog imposed by that ordinance, a current rabies vaccination tag for such dog, and a metallic tag issued as hereinafter provided. An owner whose dog has been born or brought into the Town after the 1st day of January (the tax-listing date) of any year shall list the said dog for taxes during the ensuring year, pay the annual tax on the dog for the ensuring year, and keep the tax receipt issued upon payment in his possession until a new receipt is issued upon payment of the tax for the next year.

Section 8-2013 Rabies vaccination.

Every owner of a dog kept in the Town of Windsor shall have and keep the dog vaccinated against rabies by a rabies inspector or other authorized person in compliance with the State law regulating rabies vaccinations. (G.S. 106-364 through 106-387)

Section 8-2014 Tag and collar.

Upon payment by the owner of the annual animal tax for any dog and upon his presentment of the vaccination tag and vaccination certificate issued by the rabies inspector or other qualified person, the tax collector shall issue to the owner of such dog a metallic identification tag for the dog. A separate tag shall be issued for each dog listed. The shape of the tag shall be changed every year, and it shall have stamped thereon the year for which it is issued and an identification number, a record of which shall be kept by the Town. Every owner shall provide each dog owned by him with a collar to which the vaccination tag and metallic identification tag issued by the Town shall be attached. If the metallic identification tag is lost or destroyed, upon satisfactory proof that the annual tax has been paid, that the dog has been vaccinated as required by law, and that the tag has been lost, a duplicate tag shall be issued. A fee of fifty cents (\$.50) shall be charged for each duplicate tag. Dog identification tags shall not be transferable from one dog to another, and no refund shall be made of the annual animal tax or of the fee for a duplicate tag because of death, sale, or other disposition of the dog, or on account of the owner's leaving the Town before the expiration of the year for which the tax is paid.

Section 8-2015 Running at large.

It shall be unlawful for the owner of any dog to permit that dog, whether licensed or unlicensed, to run at large in the Town; and any person who, after being notified by any landowner, lessee, or officer that his dog is running at large, permits his dog to run at large thereafter, shall be deemed to have violated the provisions of this article.

Section 8-2016 Impoundment.

It shall be the duty of any police officer of the Town of Windsor who observes a dog running at large contrary to the provisions of this Article to seize the dog and impound the same in the Bertie County dog pound without prior notice to the owner. However, in the event that the dog has been determined to be a dangerous dog or potentially dangerous dog as defined under Section 8-2022 hereinbelow, then impoundment of such dog shall be governed by the provisions of Section 8-2002. (Am. Ord. of June 13, 2002)

Section 8-2017 Disposition of impounded dogs; fees, etc.

(a) A complete registry shall be maintained of the breed, color, and sex of all dogs so apprehended in violation of Section 6.

(b) (1) Impoundment. If the ownership of the dog so impounded can be determined, the owner shall be notified within two (2) days after impoundment and the dog returned to that owner upon payment of a civil penalty for the first offense of fifty dollars (\$50.00) and for each subsequent offense within one (1) year of the initial offense as follows:

2nd Offense:	\$ 70.00
3rd Offense:	\$150.00
4th Offense:	\$200.00
5th Offense and all succeeding offenses:	\$500.00

(2) Impounded dogs shall be kept for a maximum of ten (10) days. If, at the expiration of ten (10) days, those dogs have not been redeemed, they may be sold, destroyed, or delivered to the Society for Prevention of Cruelty to Animals, People for the Ethical Treatment of Animals, or other similar nonprofit organization for the human treatment of animals. No impounded dog shall be sold for the purpose of vivisection. (Am. Ord. of June 13, 2002)

Section 8-2018 Nuisances.

(a) Any person who keeps within the corporate limits of the Town one or more dogs which, by prolonged and habitual barking, howling, or whining, destruction of property, overturning garbage cans, or harassment of people, interfere with the reasonable use and enjoyment of their premises by residents of the Town, shall be guilty of a nuisance.

(b) Any person keeping within the corporate limits of the Town one or more dogs and who fails to maintain his premises or enclosure in a sanitary condition and thereby creates obnoxious odors or serious annoyances to the neighboring residents shall be guilty of maintaining a nuisance.

(c) Upon written and signed complaint being made to the Police Department by any resident or residents referred to in this section, a representative of the Police Department shall notify that person against whom the complaint is directed that a complaint has been received and, thereupon, that person shall abate the nuisance declared in subparagraphs (a) and (b) above, if in fact such nuisance exists, within 24 hours from time of notification.

Section 8-2019 Female dogs in heat.

No owner of any female dog in heat shall keep the same within the Town during that period except when securely confined to the premises of the owner or other person with that person's consent.

Section 8-2020 Penalty.

Any person found violating any provision of this article shall be liable for a civil penalty to be collected by the Town in the amount of ten dollars (\$10.00) for a first offense, twenty-five dollars (\$25.00) for a second offense, and fifty dollars (\$50.00) for a third or subsequent offense. Such owner shall also be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than fifty dollars (\$50.00).

(Ord. of August 11, 1988)

Section 8-2021 Miscellaneous provisions.

(a) It shall be a misdemeanor for any person, other than the owner or lawful possessor:

(1) to remove the collar, identification tag, or rabies vaccination tag from the neck of the dog or to entice any dog out of the enclosure or house on the premises of its owner or lawful possessor; or

(2) to seize or molest any dog where held or led by its owner or lawful possessor.

(b) Upon conviction thereof, punishment shall be as prescribed in Section 8-2020 of this article. (Ord. of October 11, 1982 as amended by Ord. of Aug. 1, 1983)

Section 8-2022 Dangerous dogs.

(a) Definitions. The definitions used in this division are derived from G.S. § 67-4.1.

(1) "Dangerous dog" means

a. A dog that:

1. Without provocation has killed or inflicted severe injury on a person; or

2. Is determined by the Chief of Police to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in division (a)(2) of this section.

b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(2) "Potentially dangerous dog" shall be defined as follows:

a. Pitt bull-type, which shall include Bull Terrier, Staffordshire Bull Terrier, American Pitt Bull, and American Staffordshire Terrier;

b. Rottweiler;

c. German Shepherd;

d. Husky-type;

e. Malamute;

f. Wolf-dog hybrid;

g. Chow-Chow;

h. Doberman;

i. Dogs of mixed breed having any part of the above breeds;

j. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals;

k. Any dog that attacks a human being or other domestic animal without provocation;

l. Any dog that has inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization;

m. Any dog that has killed or inflicted serious injury upon a domestic animal when not on the owner's real property; or

n. Any dog that has approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

(3) "Owner" means any person or legal entity that has a possessory property right in a dog.

(4) "Owner's real property" means any real property owned or leased by the owner of the dog, but not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

(5) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

(b) Exceptions. The provisions of this section do not apply to the following:

(1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;

(2) A dog being used in a lawful hunt;

(3) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or

(4) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(c) (1) Determination of potentially dangerous dog. The Chief of Police of the Town of Windsor shall determine whether a dog shall be declared a potentially dangerous dog. The Chief of Police must notify the owner in writing, giving the reasons for the determination, before the dog may be considered potentially dangerous. The owner may appeal the determination by filing written objections with the Board of Commissioners within three (3) days. The Board of Commissioners shall schedule a hearing within ten (10) days of the filing of objections. Any appeal from the Board of Commissioners shall be taken to the Superior Court by filing a notice of appeal and a petition for review within ten

(10) days of the final decision of the Board of Commissioners. Appeals from the rulings of the Board of Commissioners shall be heard de novo before a Superior Court judge sitting in Bertie County. There shall be an irrebuttable, conclusive presumption that any of the breeds of dog enumerated under Section 8-2022(a)(2) is a "potentially dangerous dog."

(2) Reporting requirements for assistance in the determination of potentially dangerous dogs. Any owner, keeper or harbinger of any breed of dog enumerated under the foregoing Section 8-2022(a)(2) shall notify the Chief of Police within 10 days of the effective date of this subsection (c)(2), or within 10 days of the acquisition of any such breed, that such person owns, keeps, or harbors the dog. The owner, keeper or harbinger of any dog that has exhibited any of the behaviors enumerated in the foregoing Section 8-2022(a)(2) shall immediately notify the Chief of Police of the behavior.

(d) Confinement and restraint. The owner of a dangerous dog, or potentially dangerous dog, shall comply with the following:

(1) Meet all requirements for keeping any dog under this Article, including rabies inoculation;

(2) Keep the dog collared and tagged;

(3) While the dog is on the owner's property, the owner must keep the dangerous dog securely confined indoors or in a securely enclosed and locked pen or kennel suitable to prevent the entry of young children and designed to prevent the dog from escaping. The pen or kennel may not share common fencing with an area or perimeter fence. At a minimum, the kennel or pen must have secure sides at least six (6) feet in height, with sides buried two (2) feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. A secure top must be attached to all sides of the pen or kennel, and the gate must be locked. The enclosure must also provide for the humane protection from the elements for the dog, and have a ground area of at least five by twenty (5 X 20) feet;

(4) Display a sign on his or her premises warning that there is a dangerous dog on the property. The sign shall be visible and capable of being read from the street. A sign measuring twelve by eighteen (12 X 18) inches, with prominent words "Beware of Dangerous Dog," will suffice;

(5) A dangerous dog may be off of the owner's premises only if the dog is muzzled to prevent the dog from biting, restrained by a substantial chain or leash not exceeding three (3) feet in length, and under the control of a responsible adult. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration;

(6) The owner must allow police officers or any animal control officer of the Town of Windsor to make whatever inquiries deemed necessary by said officer or officers to assure compliance with these provisions, including inspection of the owner's premises where the dog is confined;

(7) If unwilling or unable to comply with these regulations for keeping a dangerous dog, the owner must have the dog humanely euthanized by the Chief of Police or any animal control officer of the Town of Windsor, or a licensed veterinarian, after a fourteen (14) day holding period. All costs shall be borne by the owner; and

(8) The owner shall be responsible for compliance with these provisions for care, confinement and restraint of the dog, and shall also be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by the dog. This requirement shall include all medical and health care costs.

(e) Impoundment. Any dangerous dog not kept in accordance with the requirements of this section may be confiscated by a police officer or any animal control officer of the Town of Windsor, and impounded by the Town at the owner's expense until the owner complies with the requirements of this section. If an owner appeals an action or determination of the Chief of Police, the dangerous dog may be impounded pending the outcome and exhaustion of the appeals process, at the owner's expense, if the owner fails or refuses to provide confinement and restraint as required by this section.

(f) Emergency action. When a dangerous dog at large is reasonably believed to present a clear and present danger to the community and attempts to seize the animal are ineffective, a police officer or any animal control officer of the Town of Windsor may tranquilize the animal to facilitate seizure or, if this is not feasible under the circumstances, the police officer or animal control officer may destroy the animal.

(g) Required notification by owner. The owner of a dangerous dog shall inform the Chief of Police as soon as practicable, but not later than 24 hours, after the occurrence of any of the following:

(1) An assault or attack upon, or biting of any person by the dog.

(2) An attack upon or biting of any domesticated animal or pet while the dangerous dog is off the premises of the owner.

(3) The destruction of, or damage to, property of another by the dog.

(4) The roaming or escape of a dangerous dog.

(h) Transfer of ownership. If the owner of a dog that has been declared dangerous transfers ownership or possession of the dog to another person, the owner shall provide written notice to:

(1) The Chief of Police. The notice shall state the name and address of the new owner or possessor of the dog; and

(2) The person taking ownership or possession of the dog. The notice shall state that the dog has been determined dangerous or potentially dangerous and specify the dog's dangerous behavior.

(i) Teasing and molesting. It shall be unlawful for any person to tease, bait, or in any way molest the dangerous or potentially dangerous dog not belonging to him or her or under his or her control.

(j) Interference with enforcement. It shall be unlawful for any person to interfere with, hinder, or molest the police officers or animal control officers of the Town of Windsor, or veterinarians in the performance of any duty authorized by this section, or to seek to release, or release, a dangerous dog from the custody of such officers or veterinarians except as otherwise specifically provided in this section.

(k) Penalties.

(1) The owner of a dangerous dog shall pay to the Town of Windsor a civil penalty in the amount of five hundred dollars (\$500.00) for a first violation of any provision of this section. For each subsequent violation, the owner shall pay to the Town of Windsor a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00). In addition, if the dangerous dog is involved in an unprovoked attack causing fatal or severe injury to a person, the dog shall be destroyed by the Chief of Police after a ten (10) day waiting period, exclusive of Sundays and holidays.

(2) The owner of a dangerous dog shall pay to the Town of Windsor a civil penalty in the amount of two hundred dollars (\$200.00) if the dangerous dog, when unprovoked, kills, wounds, worries, or assists in killing or wounding, any domestic animal or pet. The Chief of Police is empowered to confiscate, and after a ten (10) day waiting period (exclusive of Sundays and holidays) may destroy the dangerous dog. For each subsequent violation, the owner of the dog shall be liable for a five hundred dollar (\$500.00) civil penalty.

(3) The violation of any provision of this section shall be a misdemeanor punishable as provided in G.S. § 14-4. Any fine imposed by the Court may be in excess of fifty dollars (\$50.00) but not more than five hundred dollars (\$500.00). Each day's violation of this section shall be a separate offense. Payment of any fine imposed in criminal proceedings shall not relieve a person of liability for civil penalties imposed under this section. (Ord. of June 13, 2002; Am. Ord. of May 10, 2007, Secs. 1 through 4)