

## ANIMAL CONTROL ORDINANCE

### VILLAGE OF SUGAR MOUNTAIN, NORTH CAROLINA

#### **Section 100 – Statutory Authority**

The legislature of the State of North Carolina has in Article 1A of Chapter 67, Section 4 and in Article 8 of Chapter 160A, Sections 174, 182, 186 and 187, delegated the responsibility to local governments of promoting the public health, safety and general welfare, the regulation of domestic animals and the regulation of dangerous animals.

#### **Section 200 – Statement of Purpose**

The purpose of this Ordinance is to protect the citizens and visitors to the Village of Sugar Mountain from annoying and potentially dangerous animals.

#### **Section 300 – Definitions**

For the purpose of this Ordinance, the following definitions shall apply:

1. Vicious or dangerous animal. Any animal that poses a physical threat to humans or other domestic animals due to the nature of its species and/or variety of its breed; which inflicts injury to a human or other domestic animal; which approaches a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack; or which is in any way dangerous to the public health, safety or general welfare.
2. Owner or keeper. Any person or legal entity that has a possessory property right to an animal or which has the care, responsibility or custody of an animal.
3. Nuisance. An animal that damages, soils, defiles private or public property or disrupts the peace or tranquility of a neighborhood or the Village.
4. At Large. An animal shall be deemed to be at large when it is off the property of its owner or keeper and not under physical restraint.

## **Section 400 – General Requirements**

1. The owner or keeper of any animal kept within the Village of Sugar Mountain shall have a collar upon such animal, indicating the name and address of the animal's owner or keeper and bearing a valid rabies tag in evidence of vaccinations as required by N.C.G.S. 130A-185.
2. The owner or keeper of an animal shall not allow the animal to run at large within the corporate limits of the Village.
3. The owner or keeper of an animal shall ensure that when the animal is off the premises of the owner or keeper and within the jurisdiction of the Village that such animal either is attended by or under the control of a competent person.
4. No person shall keep an animal or animals known to be vicious or dangerous or know to be a nuisance, or which, by its or their nature, would be expected to be vicious or dangerous or to create a nuisance.

## **Section 500 – Enforcement**

1. The Police Department of the Village of Sugar Mountain is hereby given authority to enforce the provisions of the Village of Sugar Mountain's Animal Ordinance.
2. Methods of Enforcement – This Ordinance may be enforced by one or more of the following methods, unless otherwise limited to a specific manner of enforcement by this section or chapter.
  - A. Civil Citation. Enforcement by civil citations shall be in accordance with the following:
    - i. Civil Citations may generally be used to enforce any section of this chapter. Such citations may be used independently or in conjunction with any other enforcement method.
    - ii. Penalties. The penalties assessed by civil citation shall be in accordance with the escalating civil penalty table that follows:

The civil penalty table applies to all violations that are enforced civilly, regardless of any other method of enforcement. A prior violation is defined as a prior act contrary to the provision of this ordinance which is evidenced by issuance of a prior civil citation and finding of a violation or a criminal conviction from a prior violation. No violation occurring more than ten (10) years before the current offense shall be considered as a prior violation.

**Owner's Offense Penalty**

First Violation	\$30.00 Fine
Second Violation	\$50.00 Fine
Third Violation	\$100.00 Fine
Fourth Violation	\$250.00 Fine
Fifth or Subsequent Violation	\$500.00 Fine and forfeiture of the animal

- iii. Each day that an ongoing violation continues shall be considered a separate violation from any previous or subsequent violation, and each separate violation may be the basis of a citation.
  
- B. Criminal Misdemeanor. The violator may be charged with a misdemeanor and be subject to punishment as provided in N.C.G.S. 15A-1340.23.
  
- C. Injunction. The town may apply to the appropriate court for an injunction and order of abatement that would require that a violator correct any unlawful condition relating to this chapter existing on his property.
  - i. Appeals. The Village Council shall hear any appeal from the determination of the Sugar Mountain Police Officer issuing a citation. The owner or keeper may appeal the citation by filing written objections within ten (10) days to the Village Council by submission to the Village Clerk. The Village Council shall schedule a hearing within ten (10) days of the filing of any objections. An appeal from the Village Council shall be to the Superior Court Division by filing with the Avery County Clerk of Superior Court a Notice of Appeal and a Petition for Review within ten (10) days of the final decision of the Village Council.

***Ordinance approved by Council on August 21, 2012.***

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Dennis M. Lacey, Mayor

ATTEST:

SEAL:

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Nancy L. Henderson, Clerk