

Article II. Dogs, Division 1. Generally

Section 5-16.

ANIMAL CONTROL ORDINANCE

Scope of Purpose

It is the intent of this Animal Control Ordinance to assure a safe environment to the citizens of Louisburg without the threat of harassment and/or danger from uncontrolled animals. The scope of this ordinance is to parallel those standard procedures regarding domestic animals currently established by the Franklin County Health Department and further mandated by the various General Statutes of the State of North Carolina. In no way shall this ordinance be interpreted to supersede those authorities established by the State of North Carolina and further subrogated to the Franklin County Health Department who has sole authority in specific cases (i.e. Rabies abatement, vicious/dangerous animals, etc.)

Sec. 5-17. Animals requiring Identification

All dogs within the Town of Louisburg shall be required to have sufficient identification at all times. This identification SHALL include, but be not limited to, the following: Animal's name, Owner of animal, Owner's address, Owner's telephone number, and vaccination tags as required by North Carolina General Statutes. This identification is necessary in order to facilitate prompt notice of owners in the event that the animal is injured, restrained, etc.

Sec. 5-18. Control of Dogs

All dogs in the Town of Louisburg shall be under the attendance and control of the owner or agent at all times. In the event that the animal is not under the attendance and control of the owner or agent, the animal shall be confined to the owners property. For the purposes provided herein, attendance and/or controls are any measures to assure complete restraint while the animal is away from the owners property. It is the intent of this section that confinement shall mean any measure required to assure that the animal does not leave the property of the owner unless in the complete control of the owner. It shall be a violation of this Ordinance for any person within the Town of Louisburg to allow his/her animal to run at large in violation of this Ordinance.

Sec. 5-19. Vicious/Nuisance Animals

After report by any citizen of the Town of Louisburg and substantiated by the Animal Control Officer,

any animal that is behaving in a vicious, fierce, or dangerous manner shall be considered a "Vicious Animal". Animals which repeatedly chase, snap at, attack or harass pedestrians, bicyclists or vehicles; tip over garbage pails; damage gardens, flowers, or vegetables within the Town of Louisburg, whether under the attendance or control of the owner or not, shall be labeled a "Nuisance Animal". Animals determined to be vicious or nuisances by the Animal Control Official shall be ordered confined to the owners property at all times. Failure of the owner to adhere to this order shall result in the immediate taking into custody of the animal by the Town Animal Control Officer and the imposition of any appropriate fines on the owner of the animal.

Sec. 5-20. Animal Control Officer

The Town Administrator of Louisburg shall appoint the Animal Control Officer(s) for the Town of Louisburg. It shall be the duty of the Animal Control Officer to determine when a violation of this Ordinance exists, to investigate all reports of violations, and determine appropriate actions regarding each violation. The Town animal control officer shall be responsible for the apprehension of those animals deemed violating this Ordinance and notification of the owner of the animal that the animal has been taken into custody and if any civil fines are due. Apprehension shall include, but be not limited to, the ordering of the animal to be released to the custody of the animal control officer, the trapping of the animal by humane methods, and any other means necessary to obtain custody of the animal deemed to be violating this Ordinance. In the event that an Animal Control Officer determines that extraordinary events or factors are present regarding a specific violation, the Officer shall have the discretion to pursue any additional remedies or options in the enforcement of a violation.

Sec. 5-21. Procedures regarding Animal Custody

Whenever an Animal Control Officer of the Town of Louisburg finds that an animal within the Town of Louisburg is violating the provisions of this Ordinance, the officer shall adhere to the following procedures:

- 1) The Animal shall be taken into custody and retained until released to the custody of Franklin County Animal Control Officers who shall be responsible for the care of the Animal at the Franklin County Animal Shelter. (NOTE: custody may be achieved by the taking of the animal by the officer directly or through order to the owner to release the animal into the custody of the officer);
- 2) Upon release of the animal into the custody of Franklin County Animal Control Officers, the Town of Louisburg shall make every reasonable effort to contact the owner of the animal in order to notify the owner that the animal is under Animal Control custody;
- 3) The Louisburg animal control officer shall further notify the owner of the animal of any civil fines or penalties associated with the violation that must be paid at the Louisburg Town Hall prior to the release of the animal. Receipt of Payment shall serve as notification to county officials to release the animal. The Officer shall also provide a copy of the Ordinance along with the notification;

4) The owner shall have seventy-two (72 hrs.) hours from the time Franklin County assumes custody of the animal, to claim the animal at the Franklin County Animal Shelter. The Owner shall be required to pay any costs associated with the care of the animal at the Franklin County Animal Shelter, as well as an civil fines/penalties as outlined in the Ordinance PRIOR to the release of the animal. Any animal not claimed within seventy-two (72 hrs.) hours shall be subject to any policies or procedures established by Franklin County Animal Control officials regarding unclaimed animals.

Sec. 5-22. Continued Violations

Any animal that is taken into custody more than three (3) separate times for more than three (3) separate violations shall be subject to those policies or procedures established by Franklin County Animal Control officials regarding habitual violations.

Sec. 5-23. Violations and Enforcement

Any Owner of an animal which is determined to be violating any provision of this Ordinance shall be subject to the following requirements and fines:

A. Criminal Offense

1) An Owner shall be required to adhere to any order by Animal Control Officers regarding the custody of the animal determined to be violating this Ordinance;

2) The animal Owner deemed to be violating any provision or failing to comply with same, shall be guilty of a misdemeanor and shall be subject to the following punishment:

1st Offense = Fine not to exceed \$50.00

2nd Offense = Fine not to exceed \$100.00

3rd Offense = Fine not to exceed \$150.00

Subsequent Offenses = Fine not to exceed \$200.00 each

The Owner may further be subject to imprisonment not to exceed thirty (30) days for each instance of violation. Every day that any provisions of this Section are violated shall constitute a separate offense.

B. Civil Penalties

1) A person violating this Ordinance shall be responsible for the payment of all Civil penalties to the Town of Louisburg PRIOR to the release of an animal at the Franklin County Animal Shelter. Receipt of payment of penalties shall serve as documentation authorizing release of the animal from the shelter.

2) The following Civil Penalties are established for violations of this Ordinance:

1st Offense = penalty of \$50

2nd Offense = penalty of \$100

3rd Offense = penalty of \$150

Subsequent Offenses = penalty of \$200 per violation

Every day that any of the provisions established herein are violated shall constitute a separate offense.

Sec. 5-24. Appeals

Anyone charged under this Ordinance shall have right to administrative appeal. Appeals shall be made to the Louisburg Town Administrator who shall serve as the hearing officer in all cases. Appeals shall be submitted in writing and delivered to the Town Administrator within 24 hours of Notice of Violation by the Animal Control Officer.

The Town Administrator shall investigate all appeals and render a judgement within 24 hours of the submittal and review. The decision rendered by the Administrator shall be in writing and delivered to the appealing party.

Any subsequent appeals shall be to the General Court of Jurisdiction for the State of North Carolina

Action:

Repeal present Section 5-1 (Running at Large) and 5-2 (Animal declared Nuisance) and renumber present 5-3 (Bird Sanctuary) to be new 5-1.

Reserve section 5-2 to 5-15.