

STATE OF NORTH CAROLINA)

TOWN OF INDIAN TRAIL )

ORDINANCE #MCA2013-1

## Town of Indian Trail Animal Control Ordinance

### §92.01 GENERAL PROVISIONS

A. Purpose. Pursuant to the authority granted by the North Carolina General Assembly, this animal control ordinance is enacted and adopted to provide for the health, safety and welfare of the citizens of Indian Trail by regulating, restricting or prohibiting, if necessary, dogs, cats and other animals; by protecting the public from unvaccinated, diseased, stray, roaming, dangerous, wild or exotic animals; by making unlawful acts of animals that interfere with the enjoyment of property or the peace and safety of the community; by protecting animals from abuse or conditions harmful to their well-being; and by carrying out any other lawful duties authorized by the laws of the State of North Carolina and other applicable ordinances.

It is hereby found by enactment of this ordinance by the Indian Trail Town Council that animals kept or allowed to be in violation of any of the provisions of this ordinance are detrimental to the health, safety and welfare of the citizens of Indian Trail and jeopardize the peace, safety and dignity of Indian Trail.

Nothing in this Ordinance shall be construed to prevent any law enforcement officer contracted for service by the Town of Indian Trail or any other law enforcement officer exercising proper jurisdiction or authority from enforcing any of the provisions of this Ordinance or from exercising their authority as law enforcement officers.

The Town of Indian Trail further authorizes, acknowledges and confirms the previous authority granted to Union County by adoption of its regulatory ordinances to include the Union County Animal Control Ordinance which covers in various respects and details offenses pertaining to the following subjects:

1. Female Dogs and Cats at Large.
2. Animal Waste.
3. Dangerous Dogs.
4. Public Nuisance Animals.
5. Seizure and Impoundment

- 6. Rabies Control
- 7. Cruelty to Animals.
- 8. Wild Animals and Exotic Pets.

The Union County Animal Control Ordinance also addresses the requirements for rabies immunizations, the procedures for seizure and impoundment of animals, and the penalties for violation of the County Ordinance. Nothing in the enactment and adoption of this ordinance shall be construed to limit the authority of Union County, the Union County Sheriff's Department or the Office of Union County Animal Control to enforce the provisions of the Union County Animal Control Ordinance. Furthermore, the Town of Indian Trail continues to request and require the enforcement of the county animal control ordinance by the authorities referred to herein above.

B. Jurisdiction. This Ordinance shall be applicable within the corporate limits of the Town of Indian Trail, North Carolina.

**§92.02 RESTRICTIONS AND PROHIBITED ACTS**

- A. Identification. All dogs which are allowed outside the owner's primary residence shall be required to wear identification. The identification may be in the form of a current rabies immunization tag, a pet registration service tag, or a commercially available tag or collar which identifies either the owner's current address or phone number.
- B. Dogs and Cats as Nuisances. It shall be unlawful for any person to own, keep, possess or maintain a dog or cat in a manner so as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner or possessor of a dog or cat are hereby declared to be a public nuisance and are therefore unlawful:
  - 1. Allowing or permitting the dog or cat to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables; or
  - 2. Failing to remove feces deposited by any dog or cat on property other than the owner's by any dog or cat of which the person has ownership, possession, charge, control or custody; or

3. Maintaining a vicious dog or cat as described by the laws of the State of North Carolina or Union County; or
  4. Staking or tying any animal where it can get upon public sidewalks or streets in the town; or
  5. Maintaining dogs or cats in an environment of unsanitary conditions which results in offensive odors or is dangerous to the dogs or cats or to the public health, welfare or safety; or
  6. Maintaining his or her property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the dogs or cats on the property; or
  7. Allowing or permitting the dog or cat to bark, whine or howl in an excessive or continuous fashion or make noise in a manner or at the times so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises; or
  8. Maintaining a dog or cat that is diseased and dangerous to the public
  9. Maintaining a dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicycles or vehicles; or
  10. Failing to confine a female dog while in heat in a building or secure enclosure in a manner that she will not be in contact with another dog or attract other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal which is being bred.
- C. Restraint of Dogs. It shall be unlawful for any person owning or having possession, charge, custody or control of any dogs to allow his or her animal to run at large within the corporate limits of the Town. Dogs which are not in a properly secured private property or vehicle shall be restrained by a leash, secure enclosure, fence, invisible fence or similar effective device unless said dogs are on the owner's property and are under the continuous supervision and control of the owner or members of the owner's family.

**§92.03 FEES, ENFORCEMENT AND FINES**

- A. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the offender to civil penalties as set forth below. If the offender fails to remedy the

violation and pay any civil penalty within ten (10) days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten (10) days), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue from the date of the first notice of violation.

- B. This Ordinance may also be enforced by any appropriate equitable action authorized by law, including any method set forth within this Ordinance or by injunctive relief, whether or not there is an adequate remedy at law.
- C. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation. Any person violating the restrictions, and prohibited acts of Section 92.02 of this ordinance shall be subject to the issuance of a civil citation and civil penalties according to the following schedule:
  - 1. First Offense:                 \$25
  - 2. Second Offense:             \$50
  - 3. Third and continuing offenses;     \$100
- D. Any, all, or any combination of the foregoing penalties and remedies within this entire Ordinance may be used to enforce this Ordinance.
- E. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

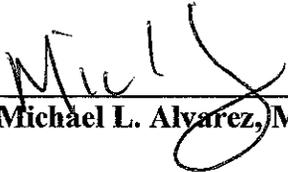
**§92.04     ALTERNATE REMEDIES FOR ENFORCEMENT.**

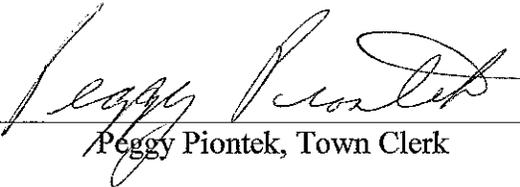
In addition to the foregoing provisions, any provision of this or any other ordinance of the Town of Indian Trail may be enforced by any one or more of the remedies authorized by G.S.

160A-175, excluding misdemeanor charges as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

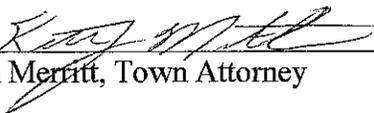
This Ordinance shall be effective upon its adoption by the Town of Indian Trail.

Adopted this the 12<sup>th</sup> day of February, 2013.

Approved:   
Michael L. Alvarez, Mayor

Attest:   
Peggy Piontek, Town Clerk

Approved as to form:

  
Keith Merritt, Town Attorney