

CHAPTER 3

ANIMALS

For state law as to authority of city to regulate some domestic animals, see G. S., § 160A-186. As to authority of city to regulate, etc. possession or harboring of wild animals, see G.S., § 160A-187. As to authority of city to impose license taxes on domestic animals, see G.S., § 160A-212. As to dogs generally, see G.S., § 67-1 et seq.

As to hunting, trapping, etc., in cemeteries, see § 5-22 of this Code. As to control of insects, rodents and infestations in housing, see § 9-9. As to noise generally, see §§ 14-11, 14-12.

SEE ALSO GASTON COUNTY ANIMAL CONTROL ORDINANCE

- § 3-1. Definitions.
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- § 3-18. Responsibilities of owner.
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Sec. 3-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Animal. Any animate being which is endowed with the power of voluntary motion, except Homo sapiens.

Animal shelter. Any place authorized by the city manager for the restraint, care and disposition of animals.

City dog warden. Any person designated by the city manager to enforce any or all provisions of this chapter as well as any state laws pertaining to animal control. This term shall include all members of the city police department.

Dog. A dog of either sex.

Impounded. Having been received into the custody of the dog warden, whether or not the animal so received shall have been placed in the animal shelter.

Owner. Any person, group of persons or any entity possessing, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal.

Stray. Any animal which has not been vaccinated, as required by this chapter or any other applicable law, or which is not cared for, harbored or maintained according to the provisions of this chapter or other applicable law. (11-11-74, § 3-2.)

Sec. 3-2. Strays declared nuisance.

The presence of any stray animal within the corporate limits of the city is hereby declared to be a public nuisance. Such animals are a threat to the health of the community and to the safety of persons and property alike. (11-11-74, § 3-1.)

Sec. 3-3. Dog warden--Appointment; compensation.

See Gaston County Animal Control Ordinance, as authorized in Section 3-17 hereinafter. (8-10-81)

Sec. 3-4. Same--Powers and duties generally.

The dog warden shall:

- (a) Have the power of arrest and the responsibility to enforce all laws of the state and all provisions of this Code and other ordinances of the city pertaining to ownership and control of dogs and other animals, and shall cooperate with all other law enforcement officers in the county in fulfilling his duties;
- (b) Seize and impound dogs and other animals in the city involved in a violation of this Code or any other ordinance of the city or state law;
- (c) Cooperate with the health director and county health officers and assist in the enforcement of the laws of the state with regard to the control of animals and especially with regard to the vaccination against rabies;

- (d) In the performance of his duties, have all the power, authority and immunity of peace officers, as granted by this Code and the North Carolina General Statutes, in regard to enforcing the provisions of this Code and the General Statutes of North Carolina which relate to the care, treatment and impounding of animals and making arrests for violation of such provisions;
- (e) While performing his respective duties, wear a badge of a size and design to be determined by the city manager. (1111-74, § 3-4.)

Sec 3-5. Same--Storage and use of firearms.

Notwithstanding the prior provisions of this chapter, the dog warden and his authorized representatives shall not and are not hereby authorized to carry on their persons any firearms of any kind; provided, that the dog warden may store firearms at the animal shelter or in any authorized vehicle for use when necessary to enforce any state or city law for the control of wild, vicious or diseased animals. The dog warden shall use only those firearms of a type approved for use by the city manager. (11-11-74, § 3-4.)

Sec. 3-6. Rabies vaccination required.

It shall be unlawful for any dog owner to permit any dog over four months old to appear or be on any street, park or public way of the city or in any public place therein unless the dog is wearing a collar or harness to which is attached a rabies vaccination tag which has been issued for such dog and which has a number corresponding to that number on the owner's rabies vaccination certificate. (11-11-74, § 3-5.)

For state law as to rabies control generally, see G.S., §§ 106-364 to 106-387.

Sec. 3-7. Restraint of dogs.

Every person owning or having possession, charge, care, custody or control of any dog shall keep such dog exclusively upon his own premises; provided, that such dog may be off such premises if it be under the control of a competent person and restrained by a chain, leash or other means of adequate physical control. (11-11-74 § 3-6.)

Sec. 3-8. Cruelty to animals.

It shall be unlawful for any person to mistreat, drive or work or allow to be worked any beast of burden that is physically disabled for labor or work. (11-11-74, § 3-7.)

For state law as to authority of city to define and prohibit abuse of animals, see G. S., §160A-182. As to creation of bird sanctuary, see G. S., § 160A-188. As to cruelty to animals generally, see

G. S., §§ 14-360 to 14-363.1. As to protection of animals, see G.S., § 19A-1 et seq.

Sec. 3-9. Permitting certain animals to run at large, graze, etc.

No person who is the owner or who has custody of any horse, mule, donkey, hog, sheep, goat or cattle of any kind shall allow the same to run at large on or in the streets, sidewalks, parks, squares or cemeteries. With the exception of horses or mules being used for driving or riding and fastened to hitching posts or blocks, no person shall stake or otherwise fasten any such animal for grazing purposes on or in any of the streets, sidewalks, parks, squares or cemeteries; nor shall any person feed any such animal upon or in any of the streets, sidewalks, parks or squares. (11-11-74, § 3-8.)

Sec. 3-10. Certain animals prohibited within five hundred feet of residence or street.

Except as provided herein, no person shall keep or maintain any cows, horses, goats, sheep or fowl within five hundred feet of any street or residence, other than the residence of the owner of such animal. Goats may be kept upon municipal property, without regard to the restrictions in this Section 3-10, for a reasonable time for the purpose of eliminating or reducing kudzu and other overgrowth. (11-11-74, § 3-9) (amended 7-11-2005) (amended 3-25-2013)

Sec. 3-11. Keeping of swine.

No person shall keep any pigs or hogs within the corporate limits. (11-11-74, § 3-11.)

Sec. 3-12. Exhibition of stud horse or jack.

Every stable and place where cattle, horses or other animals, including dogs and chickens, may be kept shall be maintained at all times in a clean and healthful condition. (11-11-74, § 3-12.)

Sec. 3-14. Impoundment.

- (a) Dogs. See Gaston County Animal Control Ordinance, as authorized in Section 3-17 hereinafter. (8-10-81).
- (b) Livestock. Any horse, mule, burro, cattle, goat, sheep or other livestock which is found or kept within the corporate limits of the city contrary to the provisions of this chapter, other ordinances of the city or applicable state law shall be impounded by the dog warden for a period of eight days. During such time, the owner of the animal, if known, shall be notified and allowed to redeem the animal upon the payment of any applicable fees. If not redeemed by the owner within the period of redemption, a notice shall be posted in the city hall, the animal shelter and on the bulletin board of the county courthouse containing the same information as the notice for impounded dogs but, in

addition, the notice shall carry the date of the public auction at which the animal will be sold. The date and time of the public auction shall not be less than eight days after the date and time of posting the notice describing such animal. The place of the public auction shall be the animal shelter, and the animal shall be sold by the dog warden or his authorized representative to the member of the public who shall enter the highest bid.

- (c) other animals. Rabbits, birds, poultry and other animals not previously specifically mentioned shall be disposed of as in the case of dogs. (11-11-74, § 3-13.)

Sec. 3-15. Redemption.

- (a) Fees. See Gaston County Animal Control Ordinance, as authorized in Section 3-17 hereinafter. (8-10-81).
- (b) Inoculation. If the animal to be redeemed has not been inoculated, as required by law, the owner shall have the animal inoculated at his own expense before the animal may be released. (11-11-74, § 3-14.)

Sec. 3-16. Purchase of impounded dogs by non-owners.

- (a) Dogs sold to non-owners under the provisions of subsection (a) of Section 3-14 will be sold for a price to be determined in the discretion of the dog warden or his representative. Neither the dog warden nor his representative shall directly or indirectly purchase any animal impounded by or for the city and offered for sale under the provisions of this section.
- (b) If the animal to be redeemed has not been inoculated, as required by law, the purchaser shall have the animal inoculated at his own expense before the animal may be released. (11-11-74, § 3-15.)

Sec. 3-17. Adoption of county ordinance.

- (a) The City of Mount Holly hereby adopts the provisions of the Gaston County Ordinance Regulating Dogs and Other Animals in Gaston County as an ordinance of the City of Mount Holly, and authorizes the Gaston County Animal Shelter and its Superintendent and Animal Control Officers to enforce the provisions of that ordinance within the corporate limits of Mount Holly. The City Manager is hereby authorized to enter into an agreement with Gaston County for enforcement of the ordinance.
- (b) All definitions and provisions of the Gaston County Ordinance Regulating Dogs and Other Animals in Gaston County, effective July 1, 1981, or as it may be amended, shall apply in the City of Mount Holly; provided that, where the provisions of, this ordinance of the City of Mount Holly is

inconsistent with the Gaston County Ordinance, the Gaston County Ordinance shall apply; provided further that, where the provisions of this ordinance of the City of Mount Holly exceeds or is more specific than the Gaston County Ordinance, this ordinance shall apply.

- (c) The Gaston County Animal Shelter and its Superintendent and Animal Control Officers are hereby authorized to capture and impound and, in certain cases, tranquilize or humanely destroy, stray animals, under Section 3-18 hereunder, and/or in accordance with Sections V, VI, and VII and any other applicable sections of the Gaston County Ordinance Regulating Dogs and Other Animals in Gaston County. (11-11-74, § 3-16, amended 8-10-81, amended 6-12-90.)

Sec. 3-18. Responsibilities of owners.

Every person owning or having possession, charge, care, custody or control of any dog shall keep such dog exclusively upon his own premises, or on the private premises of another with prior consent only, provided, however, that a dog may leave such premises only if:

- (a) A dog is under restraint by virtue of being in the custody of a competent person and held by a leash, chain or other device of sufficient strength to maintain control by that person;
- (b) A dog is under direct control by virtue of being in the custody of a competent person and sufficiently near that person to hear that person's command and is obedient to those commands;
- (c) A dog is under direct control by virtue of being held within a secure enclosure as defined in the Ordinance Regulating Dogs and Animals in Gaston County.
- (d) A dog is engaged in organized hunting activities on private property with the consent of the owner of that property, providing that said dog is obedient to the commands of its owner. (8-10-81)

Sec. 3-19. Determination of Dog to be Stray Animal.

A dog belonging to an identifiable owner or other person not complying with the provisions of Section 3-18 shall be deemed to be at large and a stray animal. A dog that roams at large with no apparent ownership shall also be deemed to be at large and a stray animal. (8-10-81)

For state law as to adoption of regulations of county by reference, see
G. S., § 160A-76.