

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. OFFENSES AGAINST PUBLIC ADMINISTRATION
- 131. OFFENSES AGAINST PROPERTY
- 132. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

CHAPTER 130: OFFENSES AGAINST PUBLIC ADMINISTRATION

Section

- 130.01 Refusal to assist town officers
- 130.02 Impersonating an officer

§ 130.01 REFUSAL TO ASSIST TOWN OFFICERS.

Any person who shall refuse to aid an officer in the discharge of his duties after being requested to do so by an officer of the law, shall be guilty of a misdemeanor.

('74 Code, § 15-1) Penalty, see § 10.99

§ 130.02 IMPERSONATING AN OFFICER.

It shall be unlawful for any person or persons to wear any badge or emblem purporting to signify authority to act as an officer of the town, unless that person has been duly given that right by the proper town authorities.

('74 Code, § 14-4) Penalty, see § 10.99

CHAPTER 131: OFFENSES AGAINST PROPERTY

Section

131.01 Nonpayment of admission charges

§ 131.01 NONPAYMENT OF ADMISSION CHARGES.

It shall be unlawful for any person to obtain entry or attempt to gain entrance into any motion picture theater, skating rink, public dance, or any other place of entertainment or amusement, without first making payment of the correct, posted admission charge. ('74 Code, § 14-6) Penalty, see § 10.99

CHAPTER 132: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

General Provisions

- 132.01 Prohibited conduct
- 132.02 Unlawful assemblies
- 132.03 Abandoned refrigerators
- 132.04 Distracting school routine; interfering with students
- 132.05 Loitering
- 132.06 Open wells, excavations, and embankments

Weapons and Explosives

- 132.15 Transport, discharge of firearms or fireworks; permit
- 132.16 Molotov cocktails and firebombs
- 132.17 Sling-shots, air guns, and the like

GENERAL PROVISIONS

§ 132.01 PROHIBITED CONDUCT.

It is intended by this title to prohibit the commission of, and to provide punishment for, the following specific acts:

- (A) Disturbing the peace.
 - (B) Resisting arrest, and resisting any officer of the town in the lawful performance of his duties. (See also Chapter 130).
 - (C) Assembling for purposes of gaming.
 - (D) Committing a breach of the peace.
 - (E) Violent or boisterous conduct calculated to disturb the peace and quiet of other persons.
 - (F) Appearing in an intoxicated condition outside the offender's own home.
 - ✓ (G) Making unusual or unnecessary noises calculated to disturb the peace and good order.
 - (H) Using profane or obscene language toward others in such manner as to be offensive.
 - (I) Committing riotous acts.
 - (J) Maliciously interfering with pedestrians or with traffic.
 - (K) Indecent acts in the presence of others.
- ('74 Code, § 14-7) Penalty, see § 10.99

§ 132.02 UNLAWFUL ASSEMBLIES.

It shall be unlawful for any persons to assemble for any reason upon the streets, sidewalks, or crossings in sufficient numbers or in such manner as to be an obstruction of the street, sidewalk, or crossing, or an obstruction to persons engaged in legitimate business or in traversing those streets, sidewalks, or crossings.
('74 Code, § 14-9) Penalty, see § 10.99

Cross-reference:

Parades and demonstrations, see §§ 98.25 through 98.33

§ 132.03 ABANDONED REFRIGERATORS.

(A) No person shall maintain within the town limits old refrigerators, iceboxes, enclosed appliances, or like containers with doors thereon.

(B) All owners of such refrigerators, iceboxes, enclosed appliances, or containers are required, where they are located on the outside of buildings or structures, to remove the doors.
('74 Code, § 14-1) Penalty, see § 10.99

§ 132.04 DISTRACTING SCHOOL ROUTINE; INTERFERING WITH STUDENTS.

(A) It shall be unlawful for any person to distract any pupil in any school or to disturb in any way the discipline of the school.

(B) Any person who shall molest, disturb, or interfere with any student of any school, while that student is en route to or from any school, church, or other place where such student has a right to be, shall be guilty of a punishable offense.
('74 Code, § 14-2) Penalty, see § 10.99

§ 132.05 LOITERING.

It shall be unlawful for any person to loiter upon the streets, sidewalks, or crossings, in such a manner as to obstruct those streets, sidewalks or crossings.
('74 Code, § 14-5) Penalty, see § 10.99

Cross-reference:

Loitering in cemeteries, see § 93.16

§ 132.06 OPEN WELLS, EXCAVATIONS, AND EMBANKMENTS.

It shall be unlawful for the owner, occupant, or tenant in possession or control of any lot or parcel of ground to have or permit any well, excavation, or embankment to remain thereon without sufficient enclosure or covering to prevent injury to persons or stock.
('74 Code, § 14-8) Penalty, see § 10.99



**GREENE COUNTY
LEGAL DEPARTMENT**

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COUNTY ATTORNEY
R. ERIKA CHURCHILL

May 6, 1998

Mr. Ben Rayford, Mayor
Town of Snow Hill
201 North Greene Street
Snow Hill, North Carolina 28580

RE: Animal Control Ordinance

Dear Ben:

Currently the County is providing animal control services within the town limits. It is my understanding that the Town has agreed for the County to enforce its ordinance within the town limits. The County has recently revised its Animal Control Ordinance. The final draft was adopted on April 6, 1998, by the Greene County Board of Commissioners.

As the intent was to adopt an ordinance that the Town and County were agreeable with, we would appreciate your consideration of this revision for adoption.

I am enclosing a copy of the revised ordinance for your review and comment. Please contact me if you have any questions or comments. Thank you.

Sincerely,

R. Erika Churchill / ej

R. Erika Churchill

enc/cc: Susan Casper, Town of Walstonburg
Karen Crutchfield, attorney
Treva Matthews, Town of Hookerton

A Resolution Authorizing and Empowering the County of Greene To Enforce its "Animal Control Ordinance" within the Corporate Limits of the Town of Snow Hill.

WHEREAS, the County of Greene is currently providing animal control services within the Town Limits of the Town of Snow Hill; and

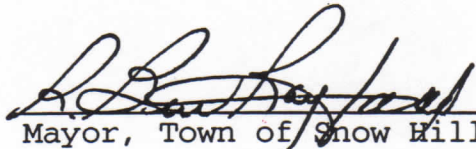
WHEREAS, The County of Greene has recently revised its Animal Control Ordinance and adopted same on the 6th day of April, 1998; and

WHEREAS, the County of Greene has requested the Town of Snow Hill to authorize and empower it to enforce its new Animal Control Ordinance within the corporate limits of the Town of Snow Hill; and

WHEREAS, the Board of Commissioners of the Town of Snow Hill has agreed to such request, on the condition, however, that ARTICLE IV of said Ordinance shall not apply within or be enforced within the corporate limits of Snow Hill;

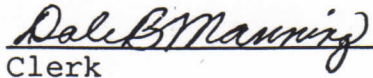
Now, therefore, Be it hereby RESOLVED by the Board of Commissioners of the Town of Snow Hill, that the provisions of the Animal Control Ordinance adopted by Greene County on April 6, 1998, shall apply within the corporate limits of the Town of Snow Hill; and be it further RESOLVED that Greene County, and its duly authorized agents and employees, are authorized to enforce the Animal Control Ordinance adopted by it on April 6, 1998; provided, however, that neither of the aforesaid RESOLUTIONS shall apply to ARTICLE IV of such Ordinance and said ARTICLE IV shall not apply within or be enforced within the corporate limits of Snow Hill.

This 13th day of July, 1998.



Mayor, Town of Snow Hill

ATTEST:



Clerk

April 6, 1998

ANIMAL CONTROL ORDINANCE

Article I

SECTION 1. Purpose

It is the purpose of this chapter to:

1. regulate ownership and possession of animals;
2. prohibit certain acts, omissions, and conditions which interfere with the health, safety and general welfare of the inhabitants of the county and those municipalities coming under the provisions of this chapter;
3. protect the public from unvaccinated, diseased, stray, roaming, dangerous or wild animals;
4. make unlawful, acts of animals that interfere with the full enjoyment by citizens of property or the peace and safety of the community;
5. protect animals from abuse or conditions harmful to their well-being;
6. provide for the peace and dignity of residents;
7. protect the public from animals causing injury to persons and property and creating a nuisance;
8. provide rules and regulations in addition federal and state laws;
9. perform any other duties authorized by applicable state laws.

SECTION 2. Jurisdiction

Except as provided in this section, the provisions of this chapter shall not be applicable to and shall not be enforced within the corporate limits or jurisdiction of any municipality in the county. A municipality may come within the provisions of this chapter at any time by mutual agreement with the county and the municipality, and by the adoption of any appropriate resolution by the governing body of such municipality pursuant to N.C.G.S. 153A-122 agreeing that this ordinance shall be enforced by the county or its designee within the corporate limits or jurisdiction of the municipality. Any provisions of this chapter which are indicated to be applicable only in a particular municipality shall not take effect until and unless such municipality adopts a resolution subjecting itself to this ordinance.

SECTION 3. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Animal Cruelty Investigators.** Persons duly appointed by the Greene County Board of County Commissioners pursuant to N.C.G.S. 19A-45 to investigate neglect, abuse or cruelty of animals.
- B. **Animal Control Officer.** The city or county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control.

- C. **Animal Shelter.** Any facility designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this article, the county rabies ordinance and the General Statutes of North Carolina.
- D. **County.** Greene County exclusive of territory under the jurisdiction of a municipality, except as provided in section 2 of this Article.
- E. **Dangerous Animal.** Any animal whose behavior constitutes a serious risk of injuring a human or animal or damaging personal property.
- F. **Dog:** A domesticated animal (canine familiaris) of the Canidea family; provided that no wild specie of the Canidea family, such as wolf, fox, or coyote, shall be considered a domesticated animal, even though raised by humans in domesticated surroundings.
- G. **Dangerous Dog:**
 - (1) A dog that:
 - a. Without provocation has killed or inflicted severe injury on a person;
 - b. Is determined by the animal control officer to be a potentially dangerous dog and for which there has been no appeal from such determination under the provisions of this chapter.
 - Or
 - (2) Any dog owned or harbored primarily or in part for the purpose of fighting or any dog trained for fighting.
- G. **Domesticated.** Any animal kept, cared for, sheltered, fed or harbored for use as a pet labor or as a source of food or income.
- H. **Exposed to Rabies.** Any animal or human bitten by or exposed to any animal known or suspected to have been infected with rabies.
- I. **Harboring an Animal.** Feeding and/or sheltering an animal seven (7) days or more, unless the animal is being boarded for a fee.
- J. **Health Director.** The director of the Greene County Health Department.
- K. **Household.** Any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- L. **Impoundment.** Custody of an animal by the Greene County Health Department.
- M. **Inoculation.** The vaccination of a dog or cat with antirabic vaccine approved by the United States Bureau of Animal Industry, the State Department of Agriculture, and the State Board of Health at such time or times as shall be required by State law, the State Department of Environment, Health and Natural Resources, the Commission for Health Services, the State Health Director, or the local Health Director as defined in N.C.G.S. 130A, Part 6.
- N. **Kennel.** Any premises wherein any person, partnership or corporation is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs and/or cats.
- O. **Livestock.** Animals commonly associated with farming including, but not limited to, horses, mules, ponies, swine, sheep, cattle, and goats. Livestock shall not include chickens or fowl.
- P. **Owner.** A person or legal entity who has a possessory property right in an animal.
- Q. **Pet.** Any animal kept for pleasure versus utility.
- R. **Potentially Dangerous Dog.** A dog that the animal control officer determines to have:
 - (1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or hospitalization;
 - (2) Killed or inflicted severe injury upon a domestic animal when not on its owner's premises; or
 - (3) Approached a person when not on its owner's premises in a vicious or terrorizing manner in an apparent attitude of attack.
- S. **Provocation.** Any action designed to goad, inflame, instigate or stimulate a aggressive response on the part of an animal, but provocation shall not include any actions on the part of an individual that pertain to reasonable efforts of self-defense against an unprovoked dangerous animal.
- T. **Restraint of a dangerous or potentially dangerous animal.** An animal that is either:

- (1) confined in a securely enclosed and locked pen;
 - (2) confined in any other structure designed to restrain the animal;
 - (3) securely restrained and muzzled when permitted to go beyond the owner's property.
- U. **Restraint of an animal other than a dangerous or potentially dangerous animal.** The animal is:
 - (1) Exclusively on the property of the owner or other person in charge;
 - (2) Under the control of a competent person by a chain, leash, harness or other adequate physical control;
 - (3) Sufficiently near the owner or other person in charge to be under his/her direct control and is obedient to that person's commands.
- V. **Securely Enclosed.** An enclosure on all six sides, including a top.
- W. **Severe Injury.** Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.
- X. **Stray Animal.** Any animal within the County wandering at large or lost, or which does not have an owner.
- Y. **Trespass.** A wrongful invasion of the possession of another, including but not limited to situations where the victim of a bite or attack by an animal has wrongfully entered upon or invaded the property of another.
- Z. **Vaccination.** The administration of rabies vaccine as required by N.C.G.S. 130A-185.
- AA. **Vicious Animal.** An animal that constitutes a physical threat or makes an unprovoked attack on a human by biting, or on any manner causing abrasions or cuts on the skin, or one which habitually or repeatedly attacks or threatens farm, stock or domestic pets.
- BB. **Wild Animal.** Any animal which can normally be found in the wild state, particularly those feral, exotic, dangerous or nondomestic animals which generally do not live in or about the habitation of humans, including, but not limited to, deer, lions, monkeys, raccoons, skunks, squirrels, tigers, and snakes.

SECTION 3. Responsibilities and Authority

- A. In administering this chapter, the County and any municipalities therein may, pursuant to an interlocal agreement, form a joint agency, designate a local agency or create an animal control department within either county or municipal government. Such animal control department may be established as the Boards of Commissioners of the local governments participating so dictate. The director shall have the authority to hire appropriate staff including animal control officers.
- B. The Greene County Health Department shall be responsible for the following:
 - 1. Enforcing all state and county laws, ordinances, and resolutions relating to the care, custody, and control of animals in the county;
 - 2. Investigate cruelty or animal abuse with regard to dogs, cats, and other animals;
 - 3. Making such canvasses of the county as is necessary for the purpose of ascertaining that all dogs and cats are vaccinated against rabies;
 - 4. Operating an Animal Shelter; and
 - 5. Make recommendations to the Greene County Board of Health concerning animal and/or rabies control in the county.
- C. Animal control officers shall have the following authority and powers:
 - 1. Take up and deliver any animal at large in violation of this chapter to the animal shelter;
 - 2. Issue appropriate permits, civil penalties and notices required for the enforcement of this chapter;
 - 3. Declare an animal as a potentially dangerous animal if he/she determines that the animal so meets the standard as defined in this chapter. Upon making a determination that an animal is a potentially dangerous animal, the animal control officer shall notify the owner of the animal in writing, stating the reason for the determination. The owner may appeal the decision of the animal control

officer by filing written objections with the animal control appeals board established in the chapter;

4. Make canvasses of the County, including homes and any businesses utilizing security dogs as necessary to ascertain that all dogs and cats are currently vaccinated against rabies; organizing and carrying out any such canvass, having sole and exclusive authority, control, and responsibility for such actions, and insuring that the provisions of this chapter and the North Carolina General Statutes related to animal control are adhered to;
 5. Investigate complaints and/or residents with regard to animals;
 6. Protect animals from neglect or abuse and assist animal cruelty investigators as needed in enforcing state laws regarding cruelty;
 7. Determine the existence of a public nuisance with regards to the keeping of animals.
 8. Enforce the laws with regard to remedies for an owner's failure to obtain proper vaccination of dogs and cats against rabies; and
 9. Investigate all reported animal bites or other physical human contact with suspected rabid animals, and submit bite reports and reports of human contacts to the County Health Director.
- D. The animal control officer shall have no authority to enforce the provisions of this chapter relating to dangerous dogs if one of the following is present:
1. The dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties;
 2. The dog is being used in a lawful hunt;
 3. 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. 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, and assaulting the dog; had tormented, abused, or assaulted the dog; or was committing or attempting to commit a crime.
- E. If the animal control officer determines that a dog has bitten a human being, then the animal control officer has the authority to:
1. require the owner to procure liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) at the owner's expense;
 2. have the dog tattooed at the owner's expense; and/or
 3. require the owner to display a sign on the premises warning of the presence of the dog on the premises.

The animal control officer may waive any or all of these requirements if the bite is inconsequential, provoked, or inflicted upon a trespasser. The animal control officer has the authority to require proof of insurance.

SECTION 4. Inspection, interference, or concealment

- A. **INSPECTIONS.** Whenever it is necessary to make an inspection to enforce any provision of this chapter, or whenever the animal control officer has reasonable cause to believe that there exists in any household or upon any premises any violation of this article, the animal control officer is hereby empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon him/her by this chapter as follows:
1. If such property is unoccupied, the animal control officer shall first make a reasonable effort to locate the owner or other persons having control of the property,
 2. If such property is occupied, the animal control officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefore; and

3. If such entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be located after due diligence, the animal control officer may seek an administrative inspection warrant as provided in N.C.G.S. Chapter 15, Article 4A.
- B. **INTERFERENCE.** It shall be unlawful for any person to interfere with, hinder, molest, resist, or obstruct the animal control officer while the animal control officer is carrying out any duty created under this chapter.
- C. **CONCEALMENT OF ANIMAL.** It shall be unlawful for any person to conceal, for the purpose of evading the rabies inoculation requirement of the North Carolina General Statutes, any uninoculated animal from the animal control officer.

ARTICLE II. REGULATIONS

SECTION 1. Animal Bite

- A. It shall be unlawful for an animal to bite a human being who does not ordinarily reside on the premises, except under the circumstances set forth in Article II, Section 3 (C).
- B. It shall be unlawful for any adult with custody of an animal to fail to timely report to the animal control officer as soon as possible that an animal has bitten a person. It shall be unlawful for any person to fail to inform the animal control officer where an animal is located if the owner has given the animal away, or caused in any way the animal to be taken from the owner's premises.
- C. All dogs or cats that bite human beings shall be immediately confined in accordance with current state law, in a place designated by the County Health Director, which can be owner's premises. If the owner or the person who controls or possesses the dog or cat refuses to confine the animal as required by this section, the County Health Director may order seizure of the animal and its confinement for statutorily required period at the expense of the owner. Following said confinement, the dog or cat may be released with the written permission of the County Health Director. The disposition of an animal, other than a dog or cat, that bites a person shall be at the discretion of the County Health Director.
- D. The owner has the duty to notify the animal control officer if the dog escapes. If the owner fails to comply with the protective provisions required by the animal control officer under this subsection, he waives the right to contest the seizure and impoundment of the dog.

SECTION 2. Nuisance

- A. The keeping of any animal in such manner or in such numbers as to constitute a public nuisance is hereby prohibited. For the purposes of this section, a public nuisance shall include, but is not limited to, the following:
 1. The keeping of a dog or cat which by frequent or habitual howling, yelping, barking or otherwise, causes loud noises which disturbs the quiet, comfort or repose of a reasonably prudent person in the vicinity;
 2. Unsightly litter, foul or offensive odors of a dog or cat which remain upon or emanate from the property of the owner or custodian;
 3. The keeping of a dog or cat which interferes with persons or other domestic animals;
or
 4. Allowing a dog or cat to damage, soil, defile, or defecate on private property other than the property of the owner/custodian or on public walks and recreation areas

unless such waste is immediately removed and properly disposed of by the owner/custodian.

- B. Upon receipt of a timely written detailed and signed complaint being made to the Greene County Health Department by any person(s) that another person(s) is maintaining or creating a nuisance as defined by this chapter, the Health Department shall notify the owner/custodian of the animal at issue that a complaint has been received, and that said complaint will be investigated with the owner/custodian to receive a written copy of the report and findings.
- C. If the results of the investigation indicate that the owner/custodian is maintaining or creating a nuisance, the Animal Control Officer shall notify the owner/custodian, in writing of said finding, ordering the nuisance to be abated within 48 hours by whatever means necessary.
- D. In the event that the owner/custodian of the animal is unknown or cannot be located, the notice and order along with a general description of the animal(s) shall be posted for the 48 hours at the animal shelter and the courthouse. If the owner/custodian remains unknown or unlocated after the posted 48 hours, the animal may be impounded or humanely destroyed at the discretion of the Health Director.
- E. Any such determination of public nuisance under this chapter may be appealed in the manner provided for dangerous dog determinations.

SECTION 3. Animal Care

- A. It shall be unlawful for any person to give away any live animal, reptile or bird as a prize or as an inducement to enter any contest game or other competition; as an inducement to enter a place of amusement; offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade; or sell chances, coupons, or tickets to be redeemed for any live animal, reptile or bird.
- B. No beehive shall be kept by any person within one hundred fifty (150) feet of any household other than that of the owner of the beehive.
- C. The areas embraced within in the corporate limits of municipalities opting to be under this chapter and all land owned or leased by such municipalities outside their corporate limits are hereby designated bird sanctuaries.

It shall be unlawful for any person within a bird sanctuary to:

- 1. Shoot, hunt, kill, trap or otherwise take any bird or other wild fowl;
- 2. Collect or destroy any bird's nest or eggs; or
- 3. Disturb or annoy any bird within such sanctuary without permit issued by the state wildlife resources commission.

SECTION 5. Posting of a Bond

If the animal control officer has seized an animal as authorized by this chapter, or for any other legally authorized reason, and the Health Director determines that the retention of any animal so seized might extend beyond five (5) days, then the Health Director has the authority to require the owner to post a bond or to deposit cash not to exceed two hundred dollars (\$200.00) within a reasonable time to cover the boarding costs for the animal and any foreseen, reasonable veterinarian fees required by law or deemed necessary for the animal care during the period of confinement.

ARTICLE III. ANIMALS AT LARGE

SECTION 1. Animals at Large.

- A. It shall be unlawful for any owner to permit his/her animal to run at large off the premises of the owner/custodian. Such animal may be off said premises if it is under the control of a competent person and restrained by a chain, leash, harness or other means of physical control or is sufficiently near the owner or the person in charge of the animal to be under his direct restraining control and is obedient to that person's commands.
- B. In such areas as designated by the Board of County Commissioners from time to time and within the corporate limits of any municipality adopting this ordinance, every person owning or having possession, charge, custody, or control of any animal shall keep such animal exclusively upon his premises. However, such animal may be off said premises if is under the control of a competent person and restrained by a chain, leash, harness or other means of physical control. The areas designated by the Board of County Commissioners shall include the extraterritorial jurisdiction of each incorporated municipality, whether or not it adopts this provision, and the area formerly incorporated as Maury, North Carolina.
- C. Exceptions. The following situations shall be excepted from this section:
 - 1. Service Dogs. Service dogs trained to provide assistance to handicapped persons do not have to be under physical restraint while off the owner's premises if the dog is under the handicapped person's direct control and is obedient to that person's commands, providing the dog is being used as a service dog at the time.
 - 2. Law Enforcement Dogs. Dogs trained to provide law enforcement services do not have to under physical restraint while off the owner/trainer's premises if the dog is being used for law enforcement purposes.
 - 3. Hunting Dogs. Dogs being used for hunting do not have to be under physical restraint while off the owner/custodian's premises during the time that the dogs are actively involved in a hunt.

SECTION 2. Protective measures for confinement of dogs.

- A. **Circumstances requiring special preventive measures.** The animal control officer shall have the authority to require the owner, custodian, or caregiver of a dog to comply with special preventive measures, as described below, after taking into consideration the following factors:
 - 1. **Nature of the particular dog.** The behavior, size, temperament, capacity for inflicting serious injury, the number of dogs involved or other such factors which would be relevant to a determination of whether or not additional preventive measures need to be imposed for a particular situation; and
 - 2. **Adequacy of confinement.** The adequacy of the enclosure or confinement, if any; and
 - 3. **Immediate surrounding area.** The likelihood that the conditions pertaining to the particular dog and the dog's confinement are detrimental to the safety, welfare or peace and tranquillity of a reasonably prudent person in the vicinity.
 - 4. **Children.** Children who live in close proximity to the premises occupied by the dog; or
 - 5. **Bite.** The dog has bitten a human being or domestic animal, without provocation or trespass, and the person bitten does not ordinarily reside on the premises; or
 - 6. **Dog Trained for Fighting or Aggressive Attack.** The dog is used for competitive dog fighting or the dog has been trained for aggressive attacks; or
 - 7. **Attitude of Attack.** The dog, without provocation or a trespass, has approached a person in an apparent attitude of attack; or

8. **Reputation of the Dog.** The dog has a known propensity, reputation, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- B. **Special Preventive measures.** If the animal control officer determines that the circumstances require special preventive measures, then the animal control officer shall have the authority to require appropriate, specific preventive measures which shall be tailored to the circumstances and might include, but are not limited to, the following:
1. Necessary repairs to any fence or enclosure.
 2. Measures to ensure that a gate will remain secure.
 3. A secure fence or any other similar device that would provide greater assurance for the confinement of the dog.
 4. Posting of "Beware of Dog" signage.
- C. **Written Order.** If the animal control officer determines that a dog owner/custodian must take specific preventive measures, the animal control officer shall make reasonable efforts to notify the owner/custodian by a written order, stating the reasons that preventive measures are required, identifying the specific preventive measures that must be implemented, and stating the designated time period for compliance with the written order. The animal control officer shall have the authority to allow for reasonable extensions of time limits based on good faith progress of implementation of the preventive measures. Any approved extensions of time shall be in writing.
- D. **Failure to comply with written order.** It shall be unlawful for any owner/custodian to fail to comply with a written order to take preventive measures within the designated time period for compliance stated in the written order or any extension thereof.
- E. **Owner's challenge to the written order.** The owner/custodian may submit in writing a challenge to the animal control officer's determination that special preventive measures are required. The owner's/custodian's written challenge must be received by the director within ten (10) calendar days of the date of the written order. The board shall handle the appeal in accordance with the procedures set forth in Article VI, Section 4. If an appeal from the board's decision is made to superior court, and the director makes written findings concluding that the animal must be confined at the animal shelter pending review by the superior court, the owner shall post a cash bond not to exceed \$200.00 to cover the cost of the animal's care. The owner/custodian is responsible for all costs of the animal's care, even such amounts as exceeds the cash bond.

SECTION 3. Impoundment.

Any animal which shall be found in violation of Section 1 of this Article shall be subject to immediate seizure and impounded at the animal shelter. Any person finding any animal upon his property, in violation of Section 1 of this Article, to his injury or annoyance, shall be authorized to restrain such animal in a humane manner and to thereupon either notify the animal control officer, who shall take possession of the animal for impoundment, or deliver the animal directly to the animal shelter. The animal may, consistent with the provisions of this Chapter be redeemed by the owner/custodian upon payment of the costs assessed by the animal shelter. Upon failure of the owner to redeem the animal as set forth herein, the animal shall be disposed of by the animal shelter as provided by this Chapter.

- A. **Generally.** Any dog or cat which appears to be lost, stray or unwanted, or which is found to be not wearing a currently valid rabies vaccination tag, as required by state law or this division and not under restraint in violation of this Article, shall be impounded by the department and confined in the county animal shelter in a humane manner. Impoundment of such an animal shall not relieve the custodian thereof from any penalty which may be imposed for violation of this Chapter.
- B. **Notice to Owner.** Immediately upon impounding an animal, the animal shelter attendants shall make a reasonable effort to notify the owner/custodian and inform such owner/custodian of the conditions whereby the animal may be redeemed. If the owner is

unknown or cannot be located, a notice of such impoundment showing the time of impoundment shall be posted at the animal shelter for at least 72 hours, or until the animal is disposed of.

- C. **Redemption by Owner Generally.** The owner/custodian of an animal impounded under this Chapter may redeem the animal and regain possession thereof within 72 hours (three days) after notice of impoundment is given or posted as required by the previous subsection, by complying with all applicable provisions of the Chapter, any necessary veterinarian's fee, payment of any dog taxes due, and a daily boarding fee at a rate set by resolution of the board of county commissioners. Fee rates shall be available for public inspection in the office of the clerk to the board of county commissioners and the animal shelter.
- D. **Destruction or Adoption of Unredeemed Animal Generally.** An unredeemed animal may be destroyed or adopted according to the following procedures:
 - 1. If an impounded animal is not redeemed by the owner/custodian within the period prescribed in subsection (c) of this Section, it may be destroyed in a humane manner or offered for adoption to any responsible adult who is willing to comply with this Chapter. Such animal may be adopted or purchased by the first such person who meets adoption requirements, pays the adoption or purchase fee and rabies vaccination fee.
 - 2. The operator of the animal shelter shall require that all dogs and cats released for adoption or redemption from the animal shelter be spayed or neutered.
 - 3. The operator of the animal shelter shall require that all dogs and cats released for adoption or redemption from the animal shelter be currently vaccinated against rabies.
 - 4. No animal which has been impounded by reason of its being a stray, or unclaimed by its owner/custodian, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to state law.
- E. **Procedure for Redemption or Adoption of Unvaccinated Animals.** Unvaccinated animals may be redeemed or adopted according to the following provisions:
 - 1. Any person adopting or reclaiming any dog or cat from the animal shelter shall execute a written agreement wherein the adopting or redeeming party agrees to comply with state rabies vaccination law.
 - 2. Payment for rabies vaccination will be the responsibility of the person redeeming or adopting the animal.
 - 3. Violation of this subsection by any person shall subject said person to the criminal penalties provided for in Article VI.
 - 4. Any dog taxes due and owing must be paid and the per diem fee as set by the Board of Health must be paid before the animal will be released.
- F. **Suspected Rabid Animals Not to be Redeemed or Adopted.** Notwithstanding any other provision of the Ordinance, animals impounded which appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with this Article and applicable state laws.
- G. **Destruction of Wounded or Diseased Animals.** Notwithstanding any other provision of this section, any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification may be destroyed immediately in a humane manner. If the animal has identification, the animal control department and/or the animal control shelter attendants shall attempt to notify the owner/custodian before disposing of the animal. However, if the owner/custodian cannot be readily reached, and the animal is suffering, the animal control department and/or the animal shelter attendants may destroy the animal at its discretion in a humane manner.

SECTION 4. Seizure and Disposition of Animals.

- A. **Authority to Seize Animals.** In addition to an other authority or procedure authorized by this Chapter or by any other law to seize an animal, the animal control officer shall have the authority to summarily seize any animal from any premises when the animal control officer determines that the animal in the surrounding circumstances is dangerous to the public

safety or public health. On summarily seizing an animal, the animal control officer shall provide the owner with a written order of seizure.

- B. **Obligation of Owner to Comply with Seizure Order.** When the animal control officer serves the owner with a written order of seizure, it shall be unlawful for the owner to fail to comply with the order or to interfere with the animal control officer. A sworn law enforcement officer shall accompany the animal control officer to seize the animal, if deemed necessary by the Animal Control Officer after consultation with Law Enforcement.
- C. **A Challenge to the Seizure Order.** If the owner wishes to challenge the seizure order, then the owner must submit in writing the basis of the challenge within ten calendar days of the seizure of the animal, not counting the day of seizure of the animal. The challenge must be directed to the appeals board and filed with the director. The animal control appeals board is authorized to hear and decide the challenge to the seizure order in the same manner as provided for in Article VI Section 4.
- D. **Owner's Redemption of Animal.** The owner is entitled to redeem the animal, unless the animal shelter retains the animal upon some other basis of legal authority, by paying all applicable charges, and complying with outstanding orders of the animal control officer.
- E. **Termination of Owner's Rights.** If an owner fails to comply with the requirements that constituted the basis for seizing the animal, or fails to reclaim the animal within any applicable time period, then the animal control shelter shall have the authority to humanely destroy the animal, or place the animal for sale to the public, or to place the animal for adoption, or to place the animal with a local human society for future placement.

Article IV. Livestock, Fowl **(Applicable only within Municipalities)**

SECTION 1. Permit for Keeping

- A. No mule, swine, sheep, cattle, goats, horses, other livestock shall be kept by any person; provided, however, that milking cows, milking goats, horses, ponies and exotic pets may be kept if a written permit therefor has been issued by the controlling municipality, with a written copy forwarded to the animal control officer.
- B. No person shall keep any chickens or fowl unless such person first obtains a permit to do so. Applications for such permit shall be filed with the controlling municipality, with copies forwarded to the animal control officer.
- C. No permit shall be issued under this Article allowing any person to keep, stable, pasture, feed, or water such animal, chickens, or fowl at any time within 150 feet of any household other than that of the owner of the animal, chickens or fowl.

Section 2. Inspection of applicant's premises.

Before a permit required by this Article is granted, it shall be the duty of the animal control officer to make an inspection of the premises where the permit for keeping livestock and/or fowl is desired, and make a report to the officials of the controlling municipality. In making such inspection, the animal control officer shall ascertain whether or not the premises, including any stables, sheds, or other enclosures, is in a clean, sanitary and healthful condition.

Section 3. Issuance of Permit.

- A. If after receiving the report of the inspection referenced in Section 2 above, the controlling jurisdiction ascertains that all ordinances of the municipality and laws of the state relating to the keeping of livestock and fowl have been complied with, a permit may be issued at the discretion of the Board of that municipality which shall allow the keeping of the requested animal(s).

- B. In issuing the permit, the controlling jurisdiction may attach specific terms, including, but not limited to, an expiration date. A permit issued under this Article may be revoked by the animal control officer any time upon violation of the terms of the permit or any other provision of this Ordinance. On such revocation, the animal in violation must be removed from the premises by the owner within seven (7) days from such expiration or revocation.
- C. Any permit issued pursuant to this Article shall not be a defense to any action brought under Nuisance, Article II, Section 2.

Section 4. Enclosure Specifications.

Each person holding permit to keep chickens or fowl within city limits shall comply with the following rules and regulations:

- A. The chicken or fowl house and run must be enclosed, and the chickens or fowl kept within it at all times.
- B. The chicken or fowl house, if required by this Article, must be used for chickens or fowl only, and it must be well ventilated, with one square foot of window for 15 square feet of floor space.
- C. The run must be well drained so there will be no accumulation of moisture.
- D. The floor and walls of the chicken or fowl house must be kept in a clean, sanitary and healthful condition, with all droppings and body excretions placed in a flyproof covered container by the owner or holder of the permit.

ARTICLE VI. ENFORCEMENT

Section 1. Criminal Penalties.

Any violation of the Ordinance shall constitute a misdemeanor and the violator may be fined up to \$500.00.

Section 2. Civil Penalty.

- A. In addition to the impoundment of the animal, or in lieu thereof, the violation of Article III, Animals at Large, shall subject the owner of such animal to a civil penalty as set forth herein.
- B. The owner of the animal shall be issued a written notice of violation and penalty which shall require payment to be made to the animal shelter within 72 hours (three days) of receipt of notice by the owner. Notice of the civil penalty and violation shall be delivered in person to the owner or mailed by certified mail, return receipt requested, to the owner's last known address.
- C. Upon the owner's failure to pay the required amount within the designated 72 hour period, the director may institute a civil action in the nature of debt to recover such amount.
- D. Issuance of a notice of assessment of civil penalty for the violation of this ordinance is directed toward and against the owner/custodian of the animal. The purpose of the assessment of a civil penalty is to affect the conduct of the owner of animal be seeking to have an owner responsibly maintain sufficient restraint and confinement of his/her animal. Therefore, an owner/custodian of an animal shall be subject to escalating penalties for each violation of this ordinance allowed by the owner/custodian, whether the animal is the same animal, a different animal, or various animals belonging to the owner or under the care of the custodian. Violation of the ordinance shall subject the owner/custodian to civil penalty not to exceed \$500.00 per occurrence, the specific amount to be determined by the animal control officer taking into account the nature and severity of the offense and prior violations.

Section 3. Injunctions.

Any provision of the ordinance which makes unlawful a condition existing upon or use made or real property may be enforced by injunction and order of abatement. When a violation of such a provision occurs, the director through either the county attorney or applicable municipality's attorney, or any resident of the county or applicable municipality may apply to the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

Section 4. Animal Control Appeals Board.

- A. There is hereby created an animal control appeals board which shall consist of:
 - 1. A veterinarian who is a member of the Board of Health;
 - 2. A County Commissioner designee to the Board of Health;
 - 3. A citizen representative from one of the incorporated towns in the County;
 - 4. A Board of Health member who is appointed by the Chair of the Board of Health;
 - 5. A citizen representative who does not reside in within the limits of any incorporated municipality in the County.
- B. The following shall govern the Animal Control Appeals Board:
 - 1. The Appeals Board shall review all potentially dangerous and dangerous dog appeals and any other appeals as set forth in this ordinance;
 - 2. The citizen representatives shall be individuals who are appointed by the Board of County Commissioners;
 - 3. Each member shall serve three (3) year staggered terms, not to exceed 3 consecutive terms.
 - 4. The Appeals Board shall select a chair and vice chair, who shall both serve a three (3) year term. If a member in either position completes his/her appointment to the Appeals Board before the expiration of their elected slot, their tenure as chair or vice chair shall be deemed completed.
 - 5. A quorum of the Appeals Board shall constitute three of five members.
 - 6. The Director of the Health Department shall serve as Secretary to the Appeals Board.
- C. Upon determination made by the animal control officer from which an appeal is authorized in the ordinance, the owner of the animal or other aggrieved person may appeal the determination by filing written objections with the director within ten calendar days, not counting the day of receipt by the owner of the decision of the animal control officer. Upon timely receipt of an appeal, the director shall schedule a hearing before the appeals board within thirty (30) days of the filing of the appeal. Any aggrieved party may petition the county superior court for a writ of certiorari to review any decision rendered by the appeals board within thirty (30) days after receipt of the written decision of the appeals board. Any party has the right to have counsel present before the board, to examine and cross-examine witnesses and to have witnesses' testimony be sworn. Depending upon whether the violation occurred within or outside the corporate limits of any municipality, it shall be the duty of the county attorney/designee and the municipality's attorney/designee to provide legal advice to the appeals board. Provided, however, when the animal control officer has determined that a dog is a potentially dangerous dog, if the owner desires to file an appeal, the appeal must be filed in writing with the board with three (3) business days of the determination, not counting the day of receipt of the determination. The director shall schedule a hearing within ten (10) business days of the timely filed written appeal. Any appeal to superior court must be filed within ten (10) business days of receipt to the written decision of the board.

WEAPONS AND EXPLOSIVES

§ 132.15 TRANSPORT, DISCHARGE OF FIREARMS OR FIREWORKS; PERMIT.

(A) It shall be unlawful to carry or transport any loaded weapon, or to fire or shoot any gun, pistol, or other firearm within the corporate limits of the town.

(B) It shall be unlawful to fire, explode, or make other demonstrations with fireworks within the corporate limits without having first obtained a written permit from the Mayor or Chief of Police so to do.

('74 Code, § 14-21) Penalty, see § 10.99

Statutory reference:

Authority to regulate weapons, see G.S. § 160A-189

§ 132.16 MOLOTOV COCKTAILS AND FIREBOMBS.

(A) Definitions. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "FIREBOMB." Any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(2) "MOLOTOV COCKTAIL." Any breakable container which is designed in such a manner that upon being propelled it will on impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

('74 Code, § 14-23)

(B) Possession or manufacture. It shall be unlawful for any person to manufacture, possess, or transport or use any Molotov cocktail or other firebomb. ('74 Code, § 14-22)

(C) Materials prohibited. It shall be unlawful for any person to possess all the items or materials needed to manufacture Molotov cocktails or other firebombs. ('74 Code, § 14-24)

Penalty, see § 10.99

§ 132.17 SLING-SHOTS, AIR GUNS, AND THE LIKE.

It shall be unlawful for any person to wantonly or maliciously throw stones or other missiles, or to use a sling-shot, "BB" gun, air gun, spring gun, or bow and arrows within the corporate limits.

('74 Code, § 14-25) Penalty, see § 10.99

Statutory reference:

Authority to regulate pellet guns and the like, see G.S.

§ 160A-190

An Ordinance Regulating Loud and Disturbing Noise in the Town Of Snow Hill

WHEREAS, North Carolina General Statute 160A-184 provides that a town may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens; and

WHEREAS, certain noises tend to annoy, disturb, or frighten the citizens of Town Of Snow Hill; and

WHEREAS, it is in the best interest of the citizens of Town Of Snow Hill that noises tending to annoy, disturb, or frighten citizens be regulated, restricted or prohibited;

THEREFORE, it is hereby ordained by the Board of Commissioners of the Town Of Snow Hill :

Ordinance Regulating Loud and Disturbing Noise in the Town Of Snow Hill

Section 1. Loud and Disturbing Noises.

- A. It shall be unlawful for any person, firm or corporation to create or assist in creating and unreasonably loud and disturbing noise in the Town Of Snow Hill. Noise of such character, intensity and duration as to be detrimental to the public health, welfare, and peace is hereby prohibited.
- B. The following acts, among others, are hereby declared to be loud and disturbing noise in violation of this section, but said enumeration shall not be deemed to be exclusive.
1. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal, so as to create any unreasonable loud or harsh sound; or the sounding of such device for an unreasonable period of time; or the use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.
 - * 2. The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during hours between ten o'clock p.m. and seven o'clock a.m. as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence.
 3. The keeping of any animal which, by causing frequent or long continued noise, shall disturb the comfort and

repose of any person, in the vicinity.

4. The use of any automobile, motorcycle, or vehicles so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise.
5. The creation of any excessive noise on any roadway adjacent to any school, institution of learning, or court while the same are in session, or within one hundred and fifty feet of any hospital or rest home, which unreasonably interferes with the working of such institutions, provided conspicuous signs are displayed in or near a roadway indicating that such area is a school, court, or hospital or rest home area.
6. The use of any loud, boisterous or raucous language or shouting, whether or not amplified, so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.

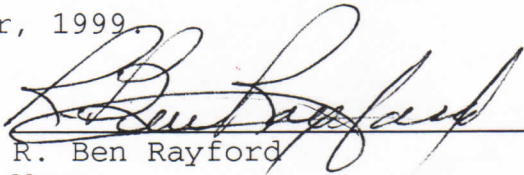
Section 2. Penalties.

Any person, firm or corporation violating any provision of this ordinance shall upon conviction be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisoned not to exceed thirty (30) days. Each day such violation shall continue shall constitute a separate offense.


Section 3. Effective Date.

This ordinance shall become effective upon its adoption.

Adopted this 7th day of September, 1999.



R. Ben Rayford
Mayor


Clerk, Town of Snow Hill
S:\USERS\SHARED\NOISE 10.01.99

*Section 2 Amended 11/05/01
See attached sheet - DBM*

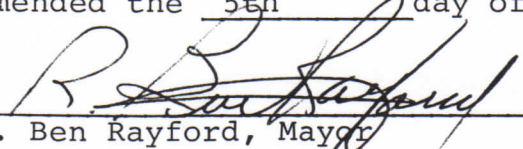
AMENDMENT TO Sec. 10.99 Code of Ordinances, as well as Section 97.99 and Article IX, Zoning Ordinance, and Section 2 of "An Ordinance Regulating Loud and Disturbing Noise in the Town of Snow Hill"

Whenever in this code or in any ordinance of the town any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this code or ordinance the doing of any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of such provision shall be a Class 3 misdemeanor and shall be punishable by imprisonment or a fine not exceeding Five Hundred (\$500.00) Dollars. Each day that any violation of this code or of any ordinance shall continue shall constitute a separate offense.

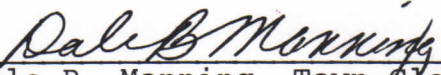
Notwithstanding the criminal penalties, such violation may subject the offender to a civil penalty in an amount of up to Five Hundred (\$500.00) Dollars per day, to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of the ordinance.

Notwithstanding the above penalties, the town may enforce its lawful ordinances by appropriate equitable remedy issuing from a court of competent jurisdiction, including but not limited to injunction and/or abatement or by any remedy authorized by NCGS 160A-175 and 160A-389.

Amended the 5th day of November 2001.


R. Ben Rayford, Mayor

ATTEST:


Dale B. Manning, Town Clerk-Finance