

CHAPTER 2 Animals

State law references: Municipal authority to regulate animals, G.S. 160A-186.

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ARTICLE A General Provisions

Sec. 12-2-1 Running at large prohibited.

(a) It shall be unlawful for any person owning or controlling any animal or fowl, including dogs, to allow the same to run at large in the city; and it shall be the duty of the police department to take up and deliver to the place designated by the director of police services or his designated agent, any such animal or fowl found running at large. Each person owning or controlling an animal or fowl (except dogs) shall keep the animal or fowl in a substantial pen, coop or enclosure at all times.

(b) The phrase "at large" shall mean, in connection with this article, a dog that is not in an enclosure or otherwise confined, or is not under the control of the owner or other person by means of a leash, cord or chain.

(Code 1958, § 4-1)

Sec. 12-2-2 Requirements of pens and enclosures for chickens, pigeons, rabbits, etc.

(a) The maintenance of any chicken house, chicken yard, pen or other enclosure in which chickens, or other fowl, pigeons, rabbits or other small animals are kept in a manner as to produce obnoxious odors or which is or may become a breeding place for flies is hereby prohibited.

(b) It shall be unlawful for any person to keep enclosures for fowl and/or small animals within 40 feet of any dwelling house or structure used as a dwelling house, unless the house or structure is occupied by the owner of the animal or fowl.

Sec. 12-2-3 Keeping of hogs.

It shall be unlawful for any person to keep or maintain any pigs within the corporate limits of the city.

(Code 1958, § 4-5)

Sec. 12-2-4 Keeping of certain animals prohibited.

It shall be unlawful for any person to keep any lions, tigers, elephants, bears, or other nondomesticated animals in any residential area within the corporate limits of the city. However, this shall not apply to animals in a municipal zoo.

(Code 1958, § 4-7.1)

State law references: Keeping of wild animals, G.S. 160A-187.

Sec. 12-2-5 Violations; civil penalty.

(a) Violation of any section of this chapter shall be deemed unlawful and shall result in a fixed civil penalty charge in the amount of \$50.00. When the owner or agent charged with a violation under this section, makes proper payment of the amount as charged, the obligation thereunto shall be discharged. If such charge has not been paid within 10 days, the violation shall be deemed to be delinquent and subject to the additional penalties as provided in this chapter.

(b) The city tax collector may accept payments in full and final settlement of the claim or claims, right or rights of action which the city may have to enforce such penalties by civil action in the nature of the debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt, together with the cost of the action to be taxed by the court. However, in the event the offender desires to make payment after the civil action has been commenced but prior to trial disposition, a penalty of \$50.00 in addition to the one imposed for payment within 10 days shall apply in such cases. Acceptance of the additional penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations.

(c) A violation listed in this chapter shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes 14-4, but instead shall be subject to the civil penalties fixed by subsection (a) of this section and the civil remedies provided by North Carolina General Statutes, Section 160A-175. Any properly designated city official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.

(d) The civil penalties imposed by this section and the proceeds therefrom, as collected by payment of civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

(Ord. No. 93-102, § 1, 10-21-93)

Secs. 12-2-6 through 12-2-10 reserved.

ARTICLE B Dogs

Sec. 12-2-11 "Dog" and "owner" defined.

(a) The word "dog" whenever used in this article shall include all animals of the canine species, both male and female.

(b) The word "owner" shall include any person who shall harbor or suffer or permit any dog to remain on any premises within the city under his charge or control.

(Code 1958, § 4-8)

Sec. 12-2-12 License--Required; register book to be kept.

Every person who owns or keeps any dog within the city shall register the same with the finance department on or before July 1 of each year and shall pay the finance department a license fee as provided for in the following sections.

The finance department shall keep a dog register book, in which shall be listed all licensed dogs, prescribed by name, breed, color and sex, and shall also enter therein the name and address of the owner as given and the number of the license tag.

Sec. 12-2-13 Same--Fee; when payable; half year licenses and fees.

(a) No license fee shall be charged for any dog, whether male or female, until the dog attains the age of four (4) months. The annual license fee to be paid shall be as fixed from time to time by the city council. The license fee shall be due and payable to the city collector on July 1 of each year and if not paid by August 1 of each year the fee shall be increased 50 percent.

(b) When a dog is acquired after July 1 of any license year, the dog shall be registered and the license fee shall be due and payable on or before the fifteenth day after the date of acquiring the dog; provided, that the license fee shall be one-half of the yearly fee if the dog is acquired during the last half of any license year.

Sec. 12-2-14 Tags required; city collector to furnish.

The city collector shall provide each and every year the number of tags as may be necessary, of a material, size and shape as shall be deemed expedient, having stamped thereon the year for which the tag is issued, a serial number and the letters "City of High Point Dog Tag," and it shall be the duty of the city collector to deliver one tag to the person so paying a license fee upon any dog without any extra charge; provided that if any tag is broken or lost, the tag shall be replaced with a new tag without cost after a receipt has been produced showing the original tag number, date fee was paid, and a full description of the dog. The new tag number will be placed on receipt and marked "no charge." It shall be the duty of the owner or keeper of each dog for which the tag is issued to cause the dog to wear the tag constantly. The tag shall not be issued unless the owner or person making applications therefor shall present to the city collector, a certificate or other evidence issued by a duly appointed rabies inspector, showing that the dog for which the metal tag is issued has been vaccinated by the administration of anti-rabies vaccine within a period of three (3) years prior to such application.

(Code 1958, § 4-11)

Sec. 12-2-15 Dogs without tag deemed unlicensed; violations; civil penalty.

(a) Every owner or keeper of a licensed dog shall keep and maintain a collar around the neck of the dog, with the tag securely attached thereto, and every dog found in the city without a tag shall be deemed an unlicensed dog and in violation of this section. The owner thereof shall be required to purchase a tag and pay the impounding fee if the dog is impounded or relinquish the dog to be disposed of.

(Code 1958, § 4-12)

(b) Violation of this section shall be deemed unlawful and shall result in a fixed civil penalty charge in the amount of \$15.00. When the owner or keeper charged with a violation under this section, makes proper payment of the amount as charged, the obligation thereunto shall be discharged. If such charge has not been paid within 10 days, the violation shall be deemed to be delinquent and subject to the additional penalties as provided in this section.

(c) The city tax collector may accept payments in full and final settlement of the claim or claims, right or rights of action which the city may have to enforce such penalties by civil action in the nature of the debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt, together with the cost of the action to be taxed by the court. However, in the event the offender desires to make payment after the civil action has been commenced but prior to trial disposition, a penalty of \$25.00 in addition to the one imposed for payment within 10 days shall apply in such cases. Acceptance of the additional penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations.

(d) A violation listed in this section shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes [section] 14-4, but instead shall be subject to the civil penalties fixed by subsection (b) of this section and the civil remedies provided by North Carolina General Statutes, section 160A-175. Any properly designated city official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.

(e) The civil penalties imposed by this section and the proceeds therefrom as collected by payment, civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

(Code 1958, § 4-12; Ord. No. 93-101, § 1, 10-21-93)

Sec. 12-2-16 Impounding.

(a) It shall be the duty of the animal control specialist to capture and impound in the county animal shelter each and every unlicensed dog or any dog found unlawfully at large in the city as provided in this chapter. The animal control specialist shall thereupon notify each owner of a dog so taken, if the name of the owner is ascertained.

(b) It shall be lawful for the animal control specialist or police officers of the city to tranquilize or kill any dog at large within the city which cannot safely be taken up and impounded.

Sec. 12-2-17 Dangerous Dogs.

(a) *Definitions.*

(1) *Dangerous dog* means

a. A dog that:

1. Without provocation has killed or inflicted severe injury on a person;
or
2. Is determined pursuant to this section to be potentially dangerous because the dog has engaged in one (1) or more of the behaviors listed in subdivision (2) of this subsection.

b. Any dog owned or harbored primarily or in part for the purpose of dog

fighting, or any dog trained for dog fighting.

(2) *Potentially dangerous dog* means a dog determined pursuant to this section to have:

- a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or
- b. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
- c. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack; or
- d. Displayed a propensity or disposition to attack unprovoked by approaching or charging towards a person in a vicious or menacing fashion in an apparent attitude of attack, whether or not the dog is on the owner's property or under restraint.

(3) *[Threatening behavior.]* For purposes of subsections (2)(c) and (d) hereof, the following examples of a dog's behavior, while not to be deemed exclusive, shall be considered in the determination as to whether the dog is potentially dangerous: Snarling, baring of teeth, snapping, growling; or straining or lunging against a leash, other restraint, or fence in an attempt to free itself.

(4) *Owner* means any person or legal entity that has a possessory property right in a dog.

(5) *Owner's real property* means any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

(6) *Severe injury* means any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

(7) *Exceptions.* The provisions of this section do not apply to:

- a. A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
- b. A dog being used in a lawful hunt;
- c. A dog 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
- d. A dog 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, or assaulting the dog; or was committing or attempting to commit a crime.

(b) *General Provisions.* It shall be unlawful for any person to own or in any way maintain or harbor any dangerous dog or potentially dangerous dog as defined in this article, except as provided in this section.

(c) *Enforcement.* If an animal control officer or law enforcement officer has determined that a dog is dangerous or potentially dangerous, then the animal control officer or law enforcement officer shall notify the owner immediately in writing. The owner shall turn the animal over to the county animal shelter within 24 hours of such notification. Upon the failure of the owner to surrender said animal, an animal control officer or law enforcement officer shall have authority

to apply for an appropriate court order to seize the dog and deliver it to the county animal shelter. After six (6) working days, the county animal shelter shall have the duty to dispose of the dog in one (1) of the following ways:

(1) By the humane destruction of the dog; or

(2) By giving the dog to an individual or organization, subject to the protective and inspection conditions required by the Humane Society for the well-being of the dog and for the protection of the public, for the purpose of preserving and taking care of the dog. In this case, the animal control officer will notify the appropriate authorities in the jurisdiction where the individual or organization receiving the dog shall be located.

(d) *Appeal.* Any person who owns a dog that has been declared dangerous or potentially dangerous by an animal control officer or law enforcement officer shall have the right to appeal this decision and request a hearing contesting that determination by submitting a written request to the city manager within five (5) working days of the determination that the dog is dangerous or potentially dangerous. Submission by the owner of a request for a hearing shall stay the requirement that the dog be delivered to the animal control shelter while the appeal is pending before the hearing panel.

(e) *Hearing Procedures Upon Appeal.* The manager shall immediately notify the mayor, who shall name a hearing panel comprised of three (3) citizens to hear the appeal within 10 working days. The hearing panel shall conduct a hearing to determine if the animal control officer's or law enforcement officer's determination that the dog is dangerous or potentially dangerous is correct. If the dog is judged not to be dangerous or potentially dangerous, it shall be returned to the owner without charge. If the hearing panel determines the dog to be dangerous or potentially dangerous, then the dog shall be delivered to the county animal shelter, which shall keep the dog for 30 days and then dispose of the dog according to this section or return it to the owner upon notification by the city that a proper enclosure has been erected for the dog.

(f) *Enclosures for Dangerous or Potentially Dangerous Dogs.* In the event that a dog has been determined to be dangerous or potentially dangerous, the owner may regain possession of the dog subject to the following conditions. The owner must erect, within 30 days of any final determination, a proper structure and display warning signs as defined within this section. This structure must be inspected and approved by the city building inspection department as meeting the following requirements and standards:

(1) The structure must be a minimum size of 15 feet by 6 feet with a floor consisting of a concrete pad at least 4 inches thick. If more than one (1) dog is to be kept in the enclosure, the floor area must provide at least 45 square feet for each dog. The walls and roof of the structure must be constructed of welded chain link of a minimum thickness of 12 gauge supported by galvanized steel poles at least two and one-half (2 1/2) inches in diameter. The vertical support poles must be sunk in concrete-filled holes at least 18 inches deep and at least 8 inches in diameter. The chain link fencing must be anchored to the concrete pad with galvanized steel anchors placed at intervals of no more than 12 inches along the perimeter of the pad. The entire structure must be freestanding and not be attached or anchored to any existing fence, building, or structure. The structure must provide self-contained shelter for the dog(s). The structure must be secured by a child-resistant lock.

(2) A warning sign at least 120 square inches must be visible from each exposure of the structure which is visible to any adjoining property. Each sign must have a graphic representation of a dog such that the dangerous or potentially dangerous dog can be communicated to those who cannot read, including young children.

(3) The owner of the dog shall be responsible for ensuring that the enclosure is maintained in such condition as to meet the requirements of this article. Failure to maintain or repair the enclosure shall constitute a misdemeanor by the owner.

Prior to the inspection of the enclosure by the building and inspection department, the owners shall pay the current fee for the inspection of an accessory building. The dog shall not be returned to the owner's property until such time as this shelter and warning signs have been approved. While the structure is being approved, the dog must be boarded at the county animal shelter at the owner's expense.

(Ord. No. 92-83, § 1, 8-20-92; Ord. No. 93-27 § 1, 3-4-93)