

Chapter 4 ANIMALS	1
Sec. 4-1. Definitions.....	1
Sec. 4-2. Dangerous dogs; barking; leash requirements.	1
Sec. 4-3. Livestock.	2
Sec. 4-4. Bird sanctuary.	3
Sec. 4-5. Penalty.	3

Chapter 4 ANIMALS¹

Sec. 4-1. Definitions.

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

Chicken coop means a protective indoor space where chicken hens are kept.

Chicken run means a fully enclosed area where chicken hens may move freely in the open.

Dog having dangerous or destructive propensities means a dog which constitutes a physical threat to humans or other animals, or a dog which habitually turns over garbage receptacles, habitually destroys shrubs, flowers, grass, and other plant growth, habitually kills other animals, habitually attacks or attempts to attack persons, or habitually performs other similar acts.

Free range means permitting livestock to graze, forage for food or otherwise roam freely outdoors as opposed to being confined within an enclosure.

Hen means a female chicken.

Proper enclosure when used in reference to dogs means a building or other structure from which a dog cannot escape, or an outside area enclosed by a fence at least six feet in height secured to the ground in a manner so that a dog cannot escape.

(Code 1989, § 81.01; Ord. of 12-12-2023)

Sec. 4-2. Dangerous dogs; barking; leash requirements.

- (a) The keeping or maintenance outside a proper enclosure of any dog having dangerous or destructive propensities is prohibited.
- (b) The keeping or maintenance of any dog which by prolonged and habitual barking, howling, or whining cause serious annoyance to neighboring residents and interfere with the reasonable use and enjoyment of the premises occupied by such residents, or with the reasonable use and enjoyment of the public streets, sidewalks or other public areas, is prohibited.

¹State law reference(s)—Rabies, G.S. 130A-184 et seq.; authority of city to define and prohibit abuse of animals, G.S. 160A-182; authority of city to regulate domestic animals, G.S. 160A-186; limitations on municipal regulations concerning standards of care for farm animals, G.S. 160A-203.1; authority of city to regulate possession or harboring of dangerous animals, G.S. 160A-187; bird sanctuaries, G.S. 160A-188.

- (c) It shall be unlawful for any person owning, having possession, charge, care, custody or control of a dog to allow such dog to enter any town owned parcels, including, but not limited to, Lake Lure Town Hall, Washburn Marina, Morse Park, Dittmer Watts Nature Trail and Lake Lure Greenspace without being secured by a leash, lead or other means of physical restraint not exceeding 10 feet in length, which leash, lead or other means of physical restraint is not harmful or injurious to the dog and which is held by a responsible person capable of physically restraining the dog. This section shall apply to all dogs with the following exceptions:
- (1) Dogs used or being trained for law enforcement by law enforcement officials.
 - (2) Service animals, as defined by the Americans with Disabilities Act, used by authorized persons and under the control of such persons.
 - (3) Dogs in specified off-leash areas as designated by the town.
 - (4) Dogs fulfilling a specific town or public purpose, per authorization from the town.

(Code 1989, § 81.02; Ord. of 9-11-2012; Ord. of 5-14-2019; Ord. No. 12-14-2021, Ord. of 11-9-2022)

Sec. 4-3. Livestock.

- (a) *Keeping of livestock prohibited.* It shall be unlawful to keep or maintain any cow, mule, sheep, goat, hog, other livestock, or fowl other than hens as defined in section 4-1, on any lot or within any pen, stable, or other enclosure or building within the corporate limits. This section shall not be deemed to prohibit the assembling of livestock for shipment or the unloading from shipment of livestock, provided that such livestock are not kept within the corporate limits for more than 24 hours prior to shipment or subsequent to unloading.
- (b) *Horses and ponies.* Horses and ponies may be kept within town limits for pleasure or recreational purposes only, provided that no horse or pony is kept, housed, penned, or maintained in a shed, stall, stable or other place within 200 feet of a residence, including the owner's or boarder's residence, church, store or other place of business. All pens, sheds, stalls or stables, or structures in which the same may be kept, housed or penned, shall at all times be required to be kept clean, disinfected and sanitary, and the same shall not emit at any time any noxious or offensive odor or smell which can be detected by and is offensive to the occupant of any house in the town. Safeguards must be utilized and maintained to minimize the breeding and dissemination of rodents and flies by the use of appropriate pesticides and feed-storage facilities. The pasturing of any horse or pony will be limited to one animal for every two acres of pasture.
- (c) *Hens.* Up to four (4) hens may be kept within town limits, on residentially zoned properties, for non-commercial purposes only, provided that no hen is kept, housed, penned or maintained within 100 feet of a residence other than the owner's or tenant's, a church, store or other place of business. Additionally, hens shall be kept separated from any property line by a minimum of 50 feet and a minimum of 75 feet from any body of water or roadway. All areas where hens are kept shall at all times be required to be kept clean, disinfected and sanitary, and the same shall not emit at any time any noxious or offensive order which can be detected by and is offensive to the occupant of any dwelling in the town. Safeguards must be utilized and maintained to minimize the breeding and dissemination of rodents and flies by the use of appropriate pesticides and feed-storage facilities. Hens must be kept within a completely enclosed chicken coop and/or run, the total area of which shall not exceed 160 square feet in size. The free ranging of hens is prohibited. Any individual keeping hens within the town must obtain an annual registration fee to be in compliance with this section of the Code of Ordinances.

- (d) *Effect upon existing livestock.* Persons keeping or maintaining within the corporate limits any of the animals named in subsection (a) of this section, shall remove them from the corporate limits in order to comply with subsection (a) of this section not later than six months from the effective date of the ordinance from which this subsection is derived.
- (e) *Violations.* In any event, if any horse, pony or hen being kept pursuant to this section becomes noncompliant with these provisions, upon written notice given by the town to either the owner of the horse, pony or hen or the possessor of said horse, pony or hen, that owner or possessor shall have seven days to correct the deficiencies noted in the written notice, and failure to correct the deficiencies noted in the written notice shall constitute a violation of this chapter.

(Code 1989, § 81.03; Ord. of 2-23-1993, Ord. of 12-12-2023)

Sec. 4-4. Bird sanctuary.

- (a) The territory within the corporate limits of the town is declared a bird sanctuary.
- (b) It shall be unlawful for any person to kill, trap, or otherwise take any bird within the corporate limits except hawks, crows, starlings, pigeons, and domesticated fowls.
- (c) On all town property, it shall be unlawful to:
 - (1) Feed any pigeon, duck, goose, or any other bird;
 - (2) Disperse any food material or other matter edible by pigeons, ducks, geese, or any other birds so as to make such material or matter available to pigeons, ducks, geese, or any other birds for ingestion; or
 - (3) Permit any food or other matter edible by any pigeon, duck, goose, or any other bird to remain on the ground after dispersing or dropping the same.
- (d) A violation of subsection (c) of this section shall constitute an infraction for the first offense. Any subsequent violation occurring within six months after the first violation shall constitute a misdemeanor punishable as per section 4-5. At the sole discretion of the town attorney, any subsequent violation may be prosecuted as an infraction.

(Code 1989, § 81.04)

State law reference(s)—Establishment of bird sanctuaries authorized, G.S. 160A-188.

Sec. 4-5. Penalty.

- (a) Any person violating the provisions of sections 4-2 and 4-3 shall be guilty of a misdemeanor, punishable on conviction by a fine not exceeding \$50.00 or by imprisonment of not more than 30 days.
 - (1) The violation of any provision of section 4-3 shall subject the offender to a civil penalty in the amount of \$50.00 to be recovered by the town. Violators shall be issued a written citation which must be paid within 72 hours.
 - (2) Each day's continuing violation of section 4-3 shall be a separate and distinct offense.
 - (3) Notwithstanding subsection (a)(1) of this section, this provision may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction or by criminal penalties as provided in G.S. 14-4.
- (b) Any person violating the provisions of section 4-4 shall be guilty of a misdemeanor, punishable on conviction by a fine not exceeding \$50.00 or by imprisonment of not more than 30 days, or both.

PART II - CODE OF ORDINANCES
Chapter 4 ANIMALS

- (c) In addition, enforcement of this chapter may be by injunction, restraining order, or order of abatement in a court of competent jurisdiction, as provided by G.S. 160A-175(d) and (e).

(Code 1989, § 81.99; Ord. of 2-23-1993)