

OFFICIAL GENERAL ORDINANCE
TOWN OF CHOCOWINITY
North Carolina

**APPROVED AND ADOPTED FOLLOWING A
PUBLIC HEARING ON MAY 6, 2003**



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ARTICLE XX.

DIVISION 1. SPEED*

SEC. 20.1.1

TOWN WIDE SPEED LIMIT

- A. All streets within the corporate limits of the town shall have a speed limit of Thirty five miles per hour, except the following streets, which shall carry the following speed limits:

| | |
|-----------------|-----------|
| NC Hwy 33 | as posted |
| Carolina Avenue | 10mph |
| Williamson Lane | 10mph |
| Main street | 10mph |
| Azalea Street | 25mph |
| Cherry Lane | 25mph |
| Jasmine Drive | 25mph |

- B. There is established a school zone on Walhurst Avenue adjacent to Chocowinity Middle School. There shall be 25 mph speed limit in such school zone.

- C. No vehicle shall be operated within the town at a speed greater than is reasonable and prudent under the conditions then existing.

*State law references - Speed restrictions. G.S. 20-141, G.S. 20-145, and G.S. 20-169

ARTICLE XXI.

DIVISION 1. PARKING*

SEC. 21.1.1 PARKING PROHIBITED AT ALL TIMES IN DESIGNATED PLACES.

When signs are placed, erected or installed giving notice thereof or the curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any of the following streets:

US Hwy 17
NC Hwy 33
Adams Street
Main Street
Patrick Lane

Any violation of this section shall subject the offender to a civil penalty in the amount of twenty dollars (\$20.00).

SEC. 21.1.2 PARKING PROHIBITED AT ALL TIMES IN DESIGNATED FIRE LANE*

A. When signs or painted area designates that a Fire Lane exists, No parking is allowed at any time except for Emergency Vehicles.

Any violation of this section shall subject the offender to a civil penalty in the amount of twenty-five dollars (\$25.00).

*Reference state law G.S. 21-162(b)

SEC. 21.1.3 UNAUTHORIZED PARKING IN DESIGNATED HANDICAPPED SPACES PROHIBITED.

A. Definitions.

Designated handicapped parking space means a parking space, which as been designated for parking for handicapped as defined in this subsection (a). These spaces shall be designated in accordance with G.S. 136.30 and shall have an appropriate sign erected.

Distinguished license plate means any license plate issued by the State of North Carolina or any other state within the United States that displays the international symbol of access as defined in G.S. 20-37.5(3).

Handicapped means a person with mobility impairment who is determined by a licensed physician to have any of the conditions stated in G.S. 20-37.5(2).

Removable windshield placard means a two-sided, hooked placard, which includes on each side:

- (1) The international symbol of access, which is at least three (3) inches in height, centered on the placard, and is white and blue in color
- (2) An identification number;
- (3) An expiration date; and
- (4) The seal or other identification of the issuing authority.

B. *Unauthorized parking in designated handicapped spaces prohibited.*

- (1) It shall be unlawful for any person to park, leave, or let stand any vehicle in a designated handicapped parking space when the vehicle does not display the distinguishing license plate or windshield placard as defined in subsection (a) above.
- (2) It shall be unlawful for any person to park, leave or let stand any vehicle so as to obstruct a curb ramp or curb cut for handicapped persons as provided for the North Carolina Building Code or as designated in G.S. 136.44.14.

C. *Duty to issue ticket.* It shall be the duty of any officer of the Chocowinity Police Department or other person, as authorized by the Chief of the Chocowinity Police Department, detecting a violation of this section to take the state and license number of the vehicle involved in the violation and to place in or on the vehicle a parking ticket.

D. Penalties.

- (1) Any violation of this section shall subject the offender to a civil penalty in the amount of one hundred dollars (\$100.00).
- (2) Failing to display an issued placard shall subject the offender to a civil penalty in the amount of five dollars (\$5.00)
- (3) It shall be prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the Division of Motor Vehicles.

ARTICLE XXI DIVISION 2. RAILROADS AND TRUCK ROUTES

SEC. 21.2.2 TRUCK ROUTES*

- A. It shall be deemed unlawful for a truck defined in this chapter to travel through Bragaw Lane. Unless for the purpose of local use where going in and coming out is necessary.
- B. A truck is defined as any vehicle which has more than two axles, or such vehicles being licensed by the Department of Motor Vehicles of North Carolina or any other state for 26,000 pounds or more.
- C. Any violation of this section shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00).

* State law reference of G.S. 20-118.

ARTICLE XXII

DIVISION 1. NOISE

SEC. 22.1.1 IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM, OR CORPORATION TO CREATE OR ASSIST IN CREATING, PERMIT CONTINUE OR PERMIT THE CONTINUANCE OF ANY RAUCOUS, LOUD, AND DISTURBING NOISE IN THE CITY. NOISE OF SUCH CHARACTER, INTENSITY, AND DURATION AS TO ANNOY, DISTURB, INJURE OR ENDANGERS THE COMFORT, HEALTH, PEACE OR SAFETY OF REASONABLE PERSONS OF ORDINARY SENSIBILITIES.

The following acts among others are declared to be raucous, loud and disturbing noises in violation of this section:

- (a) The sounding of any horn, except as a danger signal, when in motion. No loud or harsh sound for an unnecessary and unreasonable period of time.
- (b) The use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle.
- (c) The use or operation of any piano, manual or automatic, phonograph, radio, loud speaker or any other instrument or sound amplifying device so loudly as to disturb persons in the vicinity.
- (d) The use of any loud, boisterous or raucous language or shouting.
- (e) The keeping of any animal which, by causing frequent or long continued noise.
- (f) The use of any automobile, motor propelled boat, motorcycle, or other vehicle or motor propelled craft so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$100.00 or be imprisoned in the County jail for a period not exceeding 30 days or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense.

ARTICLE XXII

DIVISION 2. MISCELLANEOUS NOISE

SEC. 22.2.1 SPINNING OF AUTOMOBILE WHEELS

It shall be unlawful for any person within the Town to create noise or dust by spinning the wheels of a motor vehicle upon the ground or upon the hard-surfaced pavement.

Any violation of this section shall subject the offender to a civil penalty of twenty-five dollars (\$25.00).

SEC. 22.2.2 USE OF ROLLER-SKATES, COASTER, ETC.

No person upon roller-skates or riding in, upon or by means of any coaster, toy vehicle, scooter, skateboard, or other similar device shall go upon any roadway or public vehicular area, or any sidewalk or pedestrian walkway owned and maintained by the Town.

Any violation of this section shall subject the offender to a civil penalty of ten dollars (\$10.00).

SEC. 22.2.3 ALCOHOLIC BEVERAGES
PUBLIC POSSESSION OR CONSUMPTION

It shall be unlawful for any person to consume or possess in an open container any alcoholic beverages upon any of the public streets, highway, alleys, sidewalks, city owned or controlled recreational property without permission of the city, also public parking lots, private parking lots or land without the permission of the owner or possessor, or in vehicles upon any such property.

Any violation of this section shall subject the offender to a civil penalty of fifty dollars (\$50.00).

ARTICLE XXII DIVISION 3. DISCHARGING OF FIREARMS*

SEC. 22.3.1 DISCHARGING FIREARMS, AIR RIFLES, ETC.

It shall be unlawful for any person to discharge any firearm, air rifle or pellet gun of any type within the corporate limits except a peace officer in the performance of his duty. This section shall not apply to formal training or matches. This section provides for the Chief of Police to give written permission for such training or matches.

Any violation of this section shall be considered a misdemeanor and shall result in a penalty of a fifty dollars (\$50.00) fine and or imprisonment not exceeding 30 days.

*State Law reference G.S. 160A-189, 160A-190

SEC. 22.3.2 POSTED CARRYING OF CONCEALED HANDGUNS PROHIBITED

A. Posting of signs required.

The Town Public Works department is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of a building owned, leased as lessee, operated, occupied, managed or controlled by the Town, as well as the appurtenant premises to such building, indicating that carrying a concealed handgun is prohibited therein.

B. Location of signs.

Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The Town public works department shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.

ARTICLE XXII DIVISION 4. PARKS

SEC. 22.4.1 PARK RULES:

A. The park is open from sunrise to sunset. Only recreational organizational activities are allowed past sunset.

B. Park Equipment will be used appropriately for the purpose designed at all times.

- C. There shall be no alcoholic beverages, drugs, glass containers, profanity, or rude or obscene activities allowed at any time.
- D. There shall be no excess noise from radios, car stereos, or other electronic equipment, unless previously approved by the recreation committee.
- E. All pets are prohibited from entering any fenced areas, and should be controlled by a leash at all times in other areas. Pets are not allowed in spectator areas during organized games.
- F. All trash shall be discarded in proper trash containers.
- G. All parking shall be in designated spaces only. No driving upon any areas not designated as parking areas will be allowed.
- H. The Town of Chocowinity and The Chocowinity Recreation Committee shall not be responsible for any accidents, injuries, or damages to users. All users of such park and playground facilities shall use such facilities at their own risk.

Sec. 22.4.2 PLAYGROUND RULES

- A. Adult supervision of small children is required at all times.
- B. Absolutely no animals are allowed in the fenced playground area.
- C. Proper use of all equipment, including all safety rules, shall be followed at all times.
- D. There shall be no alcoholic beverages, drugs, glass containers, profanity, or rude or obscene activities allowed at any time.
- E. There shall be no excess noise from radios, car stereos, or other electronic equipment, unless previously approved by the recreation committee.
- F. All trash shall be discarded in proper trash containers.
- G. All parking shall be in designated spaces only. No driving upon any areas not designated as parking areas will be allowed.

H. The Town of Chocowinity and The Chocowinity Recreation Committee shall not be responsible for any accidents, injuries, or damages to users. All users of such park and playground facilities shall use such facilities at their own risk.

TOWN OF CHOCOWINITY

ARTICLE XXII Division 5

AN ORDINANCE TO REGULATE ITINERANT MERCHANTS, SOLICITORS, AND PEDDLERS

SECTION 1: PERMIT REQUIRED

It shall be unlawful for an itinerant merchant, solicitor, or peddler as defined in Section 2 below, to engage in such business within the Town without first obtaining a permit under this Chapter.

SECTION 2: DEFINITIONS

1. **ITINERANT MERCHANT** – Any person, firm or corporation, whether as owner, agent, consignor or employee, who engages in a temporary business of selling and delivering goods, wares and merchandise, including perishables and food products, within the Town, from a temporary location and who occupies, leases or uses any land, building, structure or motor vehicle for the purposes of for-profit private gain. This definition shall not include yard sales conducted upon the premises of a residential lot by the occupant thereof.

2. **PEDDLERS AND SOLICITORS** – Any person, firm or corporation who goes door to door or on or about private or public places for the purpose of the sale of any goods, wares, periodicals, merchandise or services of any kind or description.

SECTION 3: APPLICATION AND PERMIT ISSUANCE

1. Any persons desiring to enter into any activities described in Section 2 shall file with the Town Clerk an application to do so.

2. The application shall provide:

- A. The name, address and phone number of the applicant.
- B. A short description of the activities sought to be undertaken within the Town.
- C. The location and length of time of the activity.
- D. The number of employees or sales staff at said location.
- E. A statement of the source or person or firm from which the

applicant obtained such goods or merchandise, and if selling goods of another, provide proper credentials from such firm or person authorizing the applicant to act as such representative.

F. A statement whether the applicant has been convicted of any crimes involving moral turpitude, and if so, the nature of the crime and place and time convicted.

G. That the applicant shall present two forms of personal identification, one of which shall have a picture thereon.

3. All applications shall include written permission from the land or building owner or person known to be in control of said property, for the applicant to conduct such activities.

4. The Town Clerk or designee, with the aid of the Police Chief or designee, shall investigate the contents of the application, and upon finding that the applicant is qualified as a law abiding person, firm or corporation, and applies to engage in a lawful commercial enterprise during hours and in such manner that will not unduly disturb the occupants of adjacent and nearby businesses or homeowners and occupants, or the public streets, intersections or public vehicular areas, shall issue a permit to engage in such business. The Town Clerk may take up to 72 hours to conduct such investigation and issue or deny the permit.

SECTION 4: APPEAL FROM DENIAL

Upon the refusal of the Town Clerk or designee to issue a permit under this Chapter, the applicant may appeal to the Town Board of Commissioners, which appeal shall be heard at the next regularly scheduled Town Board meeting. If the Town Board shall find that the applicant meets the requirements set out in this Chapter, they shall direct the Town Clerk or designee to issue the permit, otherwise, the permit shall be denied.

SECTION 5: PERMITS NOT TRANSFERABLE

No permit approved under this chapter shall be transferable to any other person or firm.

SECTION 6: REVOCATION OF PERMIT

If, after the issuance of a permit here under, it should appear that the facts set forth in the application are untrue, or be discovered that such applicant has been convicted of a crime involving moral turpitude, or violate any scope or duration of the permit, the Town Clerk or designee shall revoke the permit and all activities thereunder shall cease immediately.

SECTION 7: DURATION, EXPIRATION AND RENEWAL OF PERMIT

- A. All Permits issued hereunder shall expire sixty (60) days after the date of issuance.
- B. Permits shall allow activities on four (4) days during the sixty (60) day period of the permit. The permit holder shall register on each day of activity with the Town Clerk or Chocowinity Police Department.
- C. Permits may be issued to any person or entity each sixty (60) days upon compliance with this ordinance.

SECTION 8: PERMIT FEE

Permits for Itinerant Merchants and Solicitors and Peddlers shall be issued upon payment of the fee set forth in the current adopted Town of Chocowinity Schedule of Fees.

SECTION 9: PENALTIES FOR VIOLATION

- A. Any violation of this chapter shall subject the offender to a civil penalty in the amount of one hundred dollars (\$100.00). Violators shall be issued a written citation which must be paid within seventy-two (72) hours.
- B. Each day's continuing violation shall be a separate and distinct offense.
- C. Notwithstanding subsection (a) above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.
- D. In addition to or in lieu of remedies authorized in subsections (a) and (c) above, violations of this chapter may be prosecuted as a misdemeanor in accordance with G.S. 160A-175. Conviction of a misdemeanor prosecution under this chapter shall subject the offender to a fine of fifty dollars (\$50.00).

SECTION 10: EFFECTIVE DATE

This Ordinance shall become effective on February 1, 2009.

ARTICLE XXIII

DIVISION 1. ANIMAL CONTROL

SEC. 23.1.1 ANIMAL CONTROL

A. Definitions

Owner is described as any person, group of persons, or corporation owning, keeping or harboring a dog (or dogs).

A *Dog* is any canine species over the age of four months.

At large means any dog shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.

Public Nuisance means any dog which habitually or repeatedly chases, snaps at, attacks, or barks at children, pedestrians, cyclists, or vehicles, or spreads garden or trash container contents, damages gardens or shrubbery or other real or personal property of another property owner, shall be deemed to create a public nuisance.

B. Collar and Identification

- (1) Every owner is required to see that his dog is wearing a collar with the owner's name and address stamped on or otherwise firmly attached to it. Such collar shall be worn at all times, unless the dog accompanied by the owner or his agent is engaged in hunting or other sport of activity where a collar might endanger the dog's safety.
- (2) It shall be unlawful for any person who owns a dog, to allow such dog to be off the premises of such owner unless such dog is wearing the collar as provided by subsection 1 of this section. Violation of this section shall be a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than thirty (30) days.

C. Certain Dogs Running at Large Prohibited

- (1) It shall be unlawful for any owner to permit his dog to run at large if such animal is reported as creating a public nuisance provided the Animal Control Officer (or Dog Warden) determined after investigation that the reports are supported by the evidence and has notified the owner in writing of his findings. In such cases and only in such cases the owner must keep the dog that

has been found to be creating a public nuisance on his own property at all times, unless the dog is under restraint, or is sufficiently near his handler to be under his direct control and is obedient to that person's commands.

- (2) Violation of this section shall be a misdemeanor punishable by a fine of fifty dollars (\$50.00) or imprisonment for not more than thirty (30) days.

D. Impoundment

Any dog found not wearing a collar as provided in section II of this ordinance and any dog running at large in violation of Section III of this ordinance may be taken up by the Animal Control Officer, Dog Warden or any law enforcement officer, impounded at the County Pound and handled in accordance with the provisions of G.S. 67-32.

E. Enforcement

The provisions of this ordinance shall be enforced by the Animal Control Officer or Dog Warden of Beaufort County for the Duties and powers of County Animal Control Officers (or Dog Wardens) See G.S. 67-31.

F. Jurisdiction

This ordinance shall be effective within the Corporate Limits.

G. Severability

If any part of this ordinance shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

H. Effective Date

This ordinance shall take effect on the 3rd day of March, 1992.

ARTICLE XXIII DIVISION 2. BEAUFORT COUNTY ANIMAL CONTROL

SEC. 23.2.1 BEAUFORT COUNTY ANIMAL CONTROL DEFINITIONS

- A. *Adoption* is the act of acquiring an animal from the animal shelter by someone other than the owner of the animal.
- B. An *animal* is any living creature, domestic or non-domestic, but does not include humans.
- C. *Animal Control Department* is the department responsible for enforcing state and county animal control laws.
- D. *Animal Control Officer* is any person hired by the County to work in the Beaufort County Animal Control Department, to enforce state and county animal control laws.
- E. *Animal Shelter* is any premises designated by the County for the purpose of impounding and caring for all dogs and cats subject to impounding in accordance with the provisions of this ordinance.
- F. A *cat* is any domestic feline species.
- G. *County* refers to Beaufort County, North Carolina.
- H. *Dangerous Dog*
 - (1) Any unprovoked dog which does bodily harm to a person on public or private property.
 - (2) Any unprovoked and restrained dog which chases or approaches a person on a street, sidewalk, or on public or private property in a terrorizing fashion or attitude of attack.
 - (3) Attacks other animals.
 - (4) Any dog that is defined as a dangerous dog by N.C. State Law.
- I. *Dog* is any domestic canine species.
- J. *Fully enclosed pen* means a pen with four secure sides, minimum of six (6) feet high, with a secure top attached to the sides and a secure bottom or floor attached, to the sides of the structure or the sides must be embedded in the ground no less than (2) feet or the sides must be turned

under within the pen area for no less than eighteen (18) inches. The length and width of the pen must be large enough to allow for daily vigorous exercise.

K. *Intact Male* is any male dog or cat which has not been operated upon to prevent reproduction.

L. *Kennel* is any person, group of persons, partnership or corporation engaged in boarding, breeding, selling or buying of animals.

M. *Neutered Male* means any male dog or cat that has been operated on to prevent reproduction.

N. A *nuisance* is any dog or cat:

(1) Which habitually or repeatedly chases, snaps at, or barks at children, pedestrians, cyclists, or vehicles.

(2) Spreads garden or trash container contents.

(3) Damages gardens or shrubbery or other real or personal property of another property owner.

(4) In the case of a female dog, one that is not confined in a fully enclosed pen during estrus (heat). G.S. 67-2

(5) Is diseased or dangerous to public health.

(6) That shall cause unsanitary conditions in enclosures or surroundings where the dog or cat is kept or harbored.

O. *Owner* is any person, firm, corporation, or organization having custody, control, possession, or a legal interest in an animal, including an animal's keeper or caretaker.

P. *Reclaim* is the act of reacquiring an animal from the shelter by the owner of the animal.

An owner will have an exclusive right to reclaim in the first 120 hours of impoundment. After this 120 hours time has elapsed, the owner may still reclaim if the animal has not been adopted or euthanized.

Q. *Restraint*: A dog or cat is under restraint within the meaning of this ordinance if it is:

(1) controlled by means of a chain, leash, or other like devise;

- (2) on or within a vehicle being driven or parked;
 - (3) within a fully enclosed pen; or
 - (4) within the dwelling house of the owner or keeper.
- R. *Spayed female* is any female dog or cat that has been operated on to prevent conception.
 - S. *Stray* is any dog or cat that is uncared for, homeless or unwanted, that is not wearing a collar with identification or current rabies tag and/or the owner is not known.
 - T. *Unprovoked attack* occurs when a dog attacks, bites, or inflicts injury, such as a laceration or broken bone, upon a person without being teased, molested, provoked, beaten, tortured, or otherwise harmed.
 - U. *Unspayed female* is any female dog or cat which has not been operated upon to prevent conception.
 - V. *Veterinarian Hospital* is any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

SEC. 23.2.2 GENERAL DUTIES OF ANIMAL CONTROL DEPARTMENT

The Animal Control Department shall be charged with the responsibility of:

- A. Enforcing, in this county, all state and county laws, ordinances and resolutions relating to the care, custody and control of animals.
- B. Assisting in the enforcement of the laws of the state with regard to animals and especially with regard to vaccination of animals against rabies and the confinement or controlling of dangerous dogs.
- C. Investigating cruelty or abuse with regard to animals.
- D. The operation of the Beaufort County Animal Shelter.
- E. Accurate and detailed records including:
 - (1) Impoundment and disposition of all dogs and cats coming into the animal shelter.

- (2) Bite cases, violations and complaints, and investigation of same.
- (c) All other records deemed necessary by the Beaufort County Board of Commissioners and/or the County Manager.

SEC. 23.2.3 CRUELTY TO ANIMALS

It shall be unlawful for any owner or keeper to fail to provide his animal or animals with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his animal or animals in good health and comfort, the opportunity for vigorous daily exercise, veterinary care when needed to prevent suffering and humane care and treatment.

SEC. 23.2.4 LURING, ENTICING, SEIZING, MOLESTING OR TEASING AN ANIMAL

It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is on the property of its owner or keeper.

SEC. 23.2.5 RECLAIM BY OWNER OR KEEPER

- A. The owner of a dog or cat impounded under this ordinance will have exclusive rights to reclaim the dog or cat and regain possession thereof the first one hundred twenty (120) hours after impoundment as required by this ordinance.
- B. The owner at the time of reclaim must provide proof of rabies vaccination and pay any applicable fees.
- C. The provisions of this section shall have to application with respect to dogs and cats surrendered by the owner or keeper to Beaufort County Animal Control for immediate adoption, sale or destruction as provided for in Section 8.

SEC. 23.2.6 DESTRUCTION OR ADOPTION OF UNRECLAIMED DOGS AND CATS

- A. If an impounded dog or cat is not reclaimed by the owner within the period prescribed in Section 5, it may be sold, destroyed in a humane manner or shall become the property of the animal shelter and offered for adoption to a responsible adult who is willing to comply with this ordinance and with policies promulgated by Beaufort County.

- B. No dog or cat which has been impounded by reason of its being a stray, unclaimed by its owner or keeper, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to this ordinance, except by special authorization of the County Health Director.
- C. Any dog or cat that exhibits fierce, dangerous or aggressive behavior will not be offered for adoption.
- D. All intact males and unspayed females adopted from Beaufort County Animal Control shall be either spayed or neutered within thirty (30) days after their adoption. In addition to the established adoption fee, Animal Control shall require from the adopter a spay/neuter deposit of thirty dollars (\$30.00) for cats and fifty dollars (\$50.00) for dogs to insure that spaying or neutering is obtained. When written proof is returned to Animal Control that the required spaying or neutering has been performed by a licensed veterinarian the spay/neuter deposit will be sent to the veterinarian who performed the spaying or neutering. A person who fails within the specified time to arrange for the neutering or an intact male or the spaying of an unspayed female adopted from Animal Control forfeits the spay/neuter deposit and shall be in violation of County ordinance. For dogs and cats under six (6) months of age, the time limit will vary according to their age.

SEC. 23.2.7 PROCEDURE WITH RESPECT TO RECLAIM OR ADOPTION OF UNVACCINATED DOG OR CAT.

- A. Unless proof of a current rabies vaccination can be furnished, every person who either adopts or reclaims a dog or cat an Animal Control will be given a "proof of rabies vaccination notice" at the time the dog or cat is reclaimed or adopted. This notice will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of such person's choice for rabies vaccination. The time limit for dogs and cats four (4) months and older will be seventy-two (72) hours, with Sunday and holidays excluded. For dogs and cats under four (4) months, the time limit will vary according to their age.
- B. The "proof of rabies vaccination notice" will be completed by the veterinarian and returned to Animal Control, by the owner within seventy-two (72) hours.

C. Payment for rabies vaccination provided for in this section will be the responsibility of the person reclaiming or adopting the dog or cat.

SEC. 23.2.8 IMMEDIATE PLACEMENT FOR ADOPTION OR DESTRUCTION OF OWNER SURRENDERED ANIMALS

A. Any dog or cat surrendered by its owner to Animal Control may be immediately placed for adoption or humanely destroyed by Animal Control when:

(1) The owner directs in writing that the dog or cat be placed for adoption or humanely destroyed; and

(2) The owner affirmatively represents in writing that he or she is in fact the legal owner of said dog or cat.

B. Upon receiving said assurances, Animal Control may rely on the same, and place said dog or cat for adoption, or destroy, as it sees fit. The waiting periods provided in Section 5 shall not apply to immediate adoption or destruction as provided for in this section.

SEC. 23.2.9 DESTRUCTION OF WOUNDED, DISEASE, OR UNWEANED ANIMALS

Notwithstanding any other provision of this ordinance, any dog or cat seized and impounded which is badly wounded, diseased (not a rabies suspect), or unweaned and has no identification shall be destroyed immediately in a humane manner. If the dog or cat has identification, Animal Control shall attempt to notify the owner or keeper before disposing of such dog or cat. If the owner or keeper cannot be reached readily, and the dog or cat is suffering, Animal Control may destroy the dog or cat at its discretion in a humane manner.

SEC. 23.2.10 KEEPING STRAY ANIMALS; REQUIREMENTS FAILURE TO SURRENDER

A. Stray animals can be a source of rabies or other diseases since their history is not known. For the protection of the citizens it shall be unlawful for any person in the county knowingly and intentionally to harbor, feed, keep in possession by confinement, or otherwise allow to remain on this property any dog or cat which does not belong to him, unless he has, within seventy-two (72) hours from the time such dog or cat came into his possession done one of the following:

- (1) Notified the animal's owner, Animal Control, or person duly authorized by Animal Control. Upon receiving such notice, Animal Control shall take such dog or cat and place it in the animal shelter and shall deal with it as provided by the Animal control policy.
- (2) Become the owner or keeper of the dog or at by taking it to a veterinarian for rabies inoculation and check for disease and notify Animal Control.

SEC. 23.2.11 COLLAR AND IDENTIFICATION

Every owner is required to see that his dog is wearing a collar with the owner's name and address stamped on or otherwise firmly attached to it. Such collar shall be worn at all times, unless the dog accompanied by the owner or his agent is engaged in hunting or other sport or activity where a collar might endanger the dog's safety.

SEC. 23.2.12 DOGS OR CATS CREATING A NUISANCE

It shall be unlawful for any owner to permit his or her dog or cat to create a public nuisance provided the Animal Control Officer determined after investigation the reports are supported by the evidence and has notified through owner in writing of his findings. The owner will have forty-eight (48) hours from the time of notification to abate the nuisance.

SECTION 23.2.13 DANGEROUS DOGS

A. Declaring a dog dangerous

The Beaufort County Animal Control Officers may declare a dog to be a Dangerous dog when:

- (1) An unprovoked dog does bodily harm to a person on public or private property
- (2) A dog is owned primarily or in part for the purpose of dogfighting, or a dog trained for dogfighting. (G.S. 67-4.1. (a)(1)(b.)
- (2) An unprovoked and unrestrained dog chases or approaches a person on a street, sidewalk, or on public or private property in a terrorizing fashion of attitude of attack.
- (4) Attacks other animals.

B. Upon declaration that a dog is a dangerous dog, the Animal Control Officer must notify the owner in writing of the owner's right to appeal. Owner has ten (10) days to appeal in writing to the Beaufort County Health Director to confirm or deny the decision made by the Beaufort County Animal Control Officer.

C. Confinement of a Dog Declared Dangerous

The owner will be notified in writing to confine the dog. The owner is to restrain the dangerous dog in one or more of the following manners:

- (1) Confined indoors where access is limited to the owner only.
- (2) Confined in a fully enclosed and locked pen suitable to prevent the entry of young children and designed to prevent the animal from escaping.
- (3) On a leash and muzzled and in the control of an adult at all times when not otherwise confined.

D. The owner shall have 30 days from the date of notification to provide an adequate and approved pen or structure. During this time the Dangerous Dog shall be under constant restraint on the owner's property or may be seized by Animal Control and held at owners expense until an adequate and approved pen or structure is completed.

E. Enforcement

The owner of a Dangerous Dog must at his/her cost:

- (1) Meet all requirements for keeping any dog including licensing and rabies inoculation.
- (2) Notify Animal Control of any change in status of the Dangerous Dog within twenty-four (24) hours, such as change of residence, or if the dog has died.
- (3) The owner shall display a sign of his/her property warning that there is a Dangerous Dog on the property. This sign shall be clearly visible.
- (4) Allow Animal Control Officers to inspect the owner's premises where the Dangerous Dog is confined.

- (5) If the owner of a Dangerous Dog is unwilling or unable to comply with the regulations set forth above for keeping such an animal he/she must have the animal immediately, humanely euthanized by Animal Control or by a licensed Veterinarian.
- (6) No Dangerous Dog, so declared shall be offered for sale or adoption or be given away.

F. General Exclusions

These rules and regulations, under Section 13 shall not apply to:

- (1) A dog used by a public law enforcement agency for law enforcement purposes. G.S. 67-4.1(b) (1)
- (2) A dog that attacked, injured, or threatened a person who at the time:
 - (a) Was committing a willful trespass or other tort upon the premises occupied by the dog's owner.
 - (b) Was teasing, tormenting, abusing, or assaulting the dog or has in the past been observed doing so.
 - (c) Was committing or attempting to commit a crime upon the dog's owner or upon the dog's owners property. G.S. 67-4.1(b) (4)

G. Violation/Penalties

If at any time the Dangerous Dog is not confined as set forth in Section 13(c) the owner shall be fined in accordance section 16 and after a ten (10) day waiting period exclusive of Saturdays, Sundays, and holidays, said dog shall be destroyed by Animal Control.

SEC. 23.2.14 RABIES CONTROL

A. Compliance with State Law. Article as Supplement to State Law

- (1) It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control or rabies.
- (2) It is the purpose of this ordinance to supplement the state laws by providing a procedure for the enforcement

of state laws relating to rabies control, in addition to the criminal penalties provided by state laws.

SECTION 23.2.15 INTERFERENCE WITH ENFORCEMENT OF BEAUFORT
COUNTY ORDINANCE

- A. It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Officer or veterinarians in the performance of any duty authorized by this ordinance, or to seek to release any animal in the custody of such officers, except as otherwise specifically provided.
- B. It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the county without permission from Animal Control and the County Health Director.

SEC. 23.2.16 IMPOSITION OF PENALTIES FOR VIOLATIONS OF
ORDINANCE

- A. The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable by a fine not less than fifty dollars (\$50.00) nor more than five-hundred dollars (\$500.00) and/or thirty (30) days in jail. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this ordinance does not relieve a person of his liability for taxes, civil penalties or fees imposed under this ordinance.

ARTICLE XXIV DIVISION 1. CURFEW DURING STATE OF EMERGENCY

SEC. 24.1.1 CURFEW DURING STATE OF EMERGENCY

- A. A state of emergency shall be deemed to exist whenever during times of great public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property.
- B. In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the city or threatening damage to or destruction of property, the mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency and, in order more effectively to protect the lives, safety and property of people within the city, to define and impose a curfew applicable to all persons within the jurisdiction of the city.
- C. The mayor is hereby authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the corporate limits of the city and to specific hours of the day or night and to exempt from the curfew police officers, firefighters, doctors, nurses and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the city.
- D. The mayor shall proclaim the end of such state of curfew as soon as circumstances warrant or when directed to do so by the city council.
- E. During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to such curfew:
 - (1) To be or travel upon any public street, alley or roadway or upon public property unless in search of medical assistance, food or other commodity or service necessary to sustain the well-being of himself or his family or some member thereof.
 - (2) To possess off one's own premises, buy, sell, give away, or otherwise transfer or dispose of any

explosives, firearms, ammunition or dangerous weapon of any kind.

- (3) To sell beer, wines, or intoxicating beverages of any kind or to possess or consume the same off one's own premises.
- (4) To sell gasoline or any other similar petroleum products or any other inflammable substances, except as expressly authorized by the provisions of the curfew imposed.

*State Law reference - Authority for ordinances to deal with states of emergency, G.S. 14-288.12

ARTICLE XXIV DIVISION 2. POSTING SIGNS

SEC. 24.2.1 POSTING SIGNS

It shall be unlawful for any person to post any bill, poster or sign upon any city utility pole, wherever located, or upon a tree or anything else located within city street rights-of-way; provided however, political campaign signs may be posted upon city utility poles located within corporate limits of the city under the following conditions:

- A. A sign shall not be larger than two hundred (200) square inches.
- B. A sign shall not be posted more than thirty (30) days before an election and the same must be removed within five (5) days after such election.
- C. Signs may be affixed only with light gauge (office type) staples and the top of the sign shall not be less than eight (8) feet above the ground.
- D. Before any sign is posted the candidate for public office shall deposit one hundred dollars (\$100.00) with the city clerk and this shall entitle the candidate to post not in excess of fifty (50) signs. If the city clerk is satisfied that a candidate has removed all of his signs within the allowed five-day period, then the city clerk shall refund (to the) candidate the one hundred dollar (\$100.00) deposit. Otherwise, the city shall retain the deposit to be used to help defray the cost of sign removal.

ARTICLE XXIV

DIVISION 3. NUISANCES

SEC. 24.3.1 NUISANCES DECLARED UNLAWFUL

- A. It shall be unlawful for the owner or person in possession of any lot or parcel of land within the corporate limits to cause, suffer or permit a nuisance, as defined in section 24.3.2, to exist upon such lot or parcel of land.
- B. In addition to other remedies available to the city, the city shall have the right to abate such nuisance and the cost of abating such nuisance shall become a lien upon such lot or parcel of land as set out in this article.

SEC. 24.3.2 WHAT CONSTITUTES A NUISANCE

The existence of any o the following conditions on any lot or parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or public safety and constitutes a nuisance:

- A. The growth of weeds, grass, or nonornamental bushes to a height in excess of eighteen (18) inches; provided, however, that this subsection shall not apply to ornamental shrubs or trees having a base diameter greater than four (4) inches.
- B. Any accumulation of animal, vegetable, or other matter that is or may be offensive by virtue of odors or vapors, or any condition which constitutes a breeding ground or harbor for rats, mosquitoes, insects, or other pests.
- C. Any accumulation of rubbish, trash, junk, wood, plastic, mattresses, boxes, paper, rubber tires, brush, old clothes, rags, old building materials, garbage, food and/or human waste, animal waste, furniture, appliances, or other debris causing or threatening to cause a fire hazard or accumulation of stagnant water.
- D. Any condition detrimental to the health of persons or property which violates any regulations of the county health department.

SEC. 24.3.3 INVESTIGATION

Upon notice by phone, personal visit, or letter from any person of the existence of any of the conditions described in section 24.3.2, the code enforcement officer shall make such investigations as may be necessary to determine whether such conditions exist and constitute a nuisance.

SEC. 24.3.4 PROCEDURE

After a determination by the code enforcement officer that a nuisance does exist, the following procedures shall apply.

- A. The code enforcement officer shall give notice to the owner and person in possession, if any, that the nuisance must be abated within ten (10) days after the date such notice is mailed or posted.
- B. The notice shall be sent by certified mail to the owner at his last known address and by certified mail of personal delivery to the person in possession, if any; if, after exercising reasonable diligence, no owner can be ascertained and no person is in possession of the property, then the notice shall be given by posting the notice conspicuously upon the subject property.
- C. The owner or person in possession may, before the expiration of the ten-day period, appeal the code enforcement officer's findings to the city council by delivering a written notice of appeal to the city clerk, which appeal shall stay the abatement process until a final determination is made by the city council.
- D. If the owner and/or person in possession fails to abate or appeal the nuisance within the ten-day notice period, the code enforcement officer shall cause abatement of the nuisance.
- E. Upon abatement of the nuisance, the code enforcement officer shall deliver a statement of actual cost to the city tax collector, which actual cost shall be based upon time and materials expended by the city, the amounts charged by private contractors, administrative fees and costs of postage.
- F. The city tax collector shall mail the bill for the cost of abatement to the owner at his last known address or to the person in possession, if any, with instructions that such charges are due and payable within thirty (30) days from the

receipt thereof. In addition to the actual cost, an administrative fee of twenty-five dollars (\$25.00) will be added.

- G. The cost of abatement shall become a lien on the subject property when such cost is incurred and, if not paid within thirty (30) days from date of billing, may be collected in the manner provided for the collection of unpaid taxes.
- H. If the code enforcement officer determines that the nuisance poses an imminent danger or peril to persons or property, the city may, without notice, immediately abate the nuisance and the cost thereof shall be charged as provided for other nuisances.
- I. The city abatement procedures, as set forth above, shall be in addition to any other remedies available under law for the abatement of public nuisances, including, but not limited to G.S. 160A-193.

SEC. 24.3.5 ENFORCEMENT OF LIENS

Liens created in the abatement of nuisances shall be enforced in the manner provided for the collection of unpaid taxes under G.S. 105-349 et seq., including, but not limited to foreclosure proceedings pursuant to G.S. 105-374, in rem proceedings pursuant to G.S. 105-375 and levy, garnishment and attachment upon personal property pursuant to G.S. 105-366.

*State Law Reference - Abatement of public health and public safety nuisances. G.S. 160A-193.

ARTICLE XXV. ENFORCEMENT OF ORDINANCES

SEC. 25.1.1 CIVIL PENALTIES PAYABLE TO TOWN OF CHOCOWINITY

Whenever citations imposing civil penalties are issued, such civil penalties shall be payable to the Town of Chocowinity within fifteen (15) days.

SEC. 25.1.2 COLLECTION OR PROSECUTION OF UNPAID CIVIL PENALTIES; OR OFFENSES

Any civil penalty assessed that remains unpaid after fifteen (15) days shall be subject to collection by the town by civil action in the nature of debt, or may subject the offender to prosecution for such offense in the General Court of Justice pursuant to N.C.C.S. section 14-4 and N.C.C.S. Section 160A-175 (b)