

ORDINANCE NO. 2011 - _____

AN ORDINANCE AMENDING SECTION 4-45 ENTITLED "PUBLIC NUISANCE OF ARTICLE II ENTITLED "ANIMAL CONTROL OF CHAPTER 4 ENTITLED "ANIMALS" OF CODE OF ORDINANCES OF EDGECOMBE COUNTY.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF EDGECOMBE COUNTY:

Section 1: That Section 4-45 entitled "PUBLIC NUISANCE" of Article II entitled "ANIMAL CONTROL" of Chapter 4 entitled "ANIMALS" of the Code of Ordinances of Edgecombe County is hereby amended to read as follows:

ASECTION 4-45. PUBLIC NUISANCE.

Animal Nuisance Ordinances

- A. It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a public nuisance. The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, damages a member of the general public or interferes with the ordinary use and enjoyment of private or public property. By way of example and not limited to the following acts or actions by an owner or possessor of an animal, the following are hereby declared to be a nuisance and are therefore unlawful:
- 1) Maintaining an animal that habitually or repeatedly disturbs, interferes with or annoys human beings;
 - 2) Maintaining an animal that tips over garbage pails or damages gardens, flowers or vegetables;
 - 3) Failing to confine in a building or secure enclosure a female dog while in heat;
 - 4) Allowing or permitting an animal to bark, whine, or howl in excessive, continuous or untimely fashion, or to make other noises in such a manner so as to result in a serious annoyance;
 - 5) Maintaining an animal that chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers or farm stock or domestic animals.
- B. When the Animal Control Officer's investigation determines that a violation of this section is supported by evidence, the Animal Control Officer will issue the owner or keeper a confinement order, which order shall require the owner or keeper to keep any and all animals belonging to owner or keeper on his or her property at all times, unless the animals are under restraint. An animal is under restraint if it is:
- 1) Controlled by means of a chain, leash or other like device;
 - 2) On or within a vehicle being driven by the owner or keeper;

- 3) Within a secure enclosure;
- 4) Within the dwelling house of the owner or keeper.

C. An owner or keeper permitting an animal to act in ways that create a public nuisance as defined in subsection (a) of this section shall pay penalty of:

- 1) First offense: verbal warning;
- 2) Second offense: confinement/restraining order;
- 3) Third offense: \$100 fine;
- 4) Fourth offense: \$200 fine and impounding of animal(s);
- 5) Fifth offense: \$300 fine and animal(s) seized, ownership surrendered and owner shall be declared “irresponsible” with loss of all animals/pets for one (1) year.”

Section 2: This Ordinance shall be effective immediately upon its adoption.

This the _____ day of _____, 2011.

Introduced by: _____
Commissioner

Approved as to legal form: Taylor, Brinson & DeLoatch
Attorney for Edgecombe County

By: _____
Mahlon W. DeLoatch, Jr.