

AN ORDINANCE TO AMEND THE ORIENTAL CODE OF GENERAL ORDINANCES.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ORIENTAL,

SECTION 1. That Chapter H, Article III, entitled ANIMALS, following sections be amended as follows:

ARTICLE III -- ANIMALS

Section 2 – Animals at Large

Definitions:

habitual – shall mean engaging in a public nuisance behavior ~~four (4)~~ **three (3)** or more times within a ~~one (1)~~ **six (6)** month period.

public nuisance – a domestic animal habitually engaged in chasing motor vehicles, pedestrians or persons on bicycles while on a public street or highway in the Town; or, a domestic animal habitually uprooting, digging or otherwise damaging vegetative or fixed features on property other than property of the animal's owner.

It shall be unlawful for any owner to permit his dog or cat to run at large if such animal is reported as creating a public nuisance provided the **Oriental** Police ~~Chief~~ determines after investigation that the reports are supported by evidence and provided that the **Oriental** Police ~~Chief~~ has notified the animal's owner in writing of his findings. In such cases, and only in such cases, the animal's owner must keep the dog or cat that has been found to be creating a public nuisance on his own property at all times unless the dog or cat is under restraint or is sufficiently near its handler to be under his direct control and is obedient to that person's command.

It shall be unlawful for any owner to permit his dog or cat to habitually deposit feces on public property, Town right-of-way, or private property without permission of the property owner, unless the pet owner promptly removes the deposit.

The **Oriental** Police ~~Chief~~ may issue to the known owner or person having custody of any dog or cat, or to any other violator of this ordinance, a ticket giving notice of the violation of this Section. Tickets so issued may be delivered in person or mailed by registered mail to the person charged if that person cannot readily be found. The ticket issued shall impose upon the owner a civil penalty of \$20.00 which may, in the discretion of the violator, be paid to the Town Administrator within fourteen (14) days of receipt in full satisfaction of the assessed civil penalty.

If the owner of a dog or cat or other violator does not appear in response to the above-described ticket or the applicable civil penalty is not paid within the time period prescribed, a criminal summons may be issued against the owner or person having custody of a dog or cat for violation of this Article and upon conviction, the owner shall be punished as provided by state law.

Section 3 – Vicious, Dangerous or Potentially Dangerous Animals

Definitions:

dangerous animal - a domestic animal that without provocation has killed or inflicted severe injury on a person; a domestic animal that has engaged in one or more of the behaviors listed for a “potentially dangerous animal” as herein defined; **or any dog owned or harbored primarily, or in part for the purpose of dog fighting, or any dog trained for dog fighting.**

domestic animal – a dog, cat or other animal whose behavior, life cycle, or physiology has been systemically altered as a result of being under human control for many generations.

owner – means any person or legal entity that has a possessory property right in a dog or cat, or other domestic animal.

potentially dangerous animal – a dog, cat or other domestic animal that has inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or a dog, cat or other domestic animal that has killed or inflicted severe injury upon a domestic animal when not on the owner’s real property; or a dog, cat or other domestic animal that has approached a person when not on the owner’s property in a vicious or terrorizing manner in an apparent attitude of attack.

severe injury – means any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

vicious animal – an animal that has attacked a person causing severe injury without being teased, molested, provoked, beaten, tortured or otherwise harmed.

At the recommendation of the County’s Animal Control Officer, the County’s Health Director shall be responsible for determining if an animal is a vicious, dangerous or potentially dangerous animal. The Health Director must notify the owner in writing, giving the reasons for the determination before the animal can be so labeled. The owner may appeal the determination by filing written objections with the County’s “Dangerous Dog Committee” within three (3) days. Said committee shall schedule a hearing within ten (10) days of the filing of the objections. Any appeal from the final decision of the “Dangerous Dog Committee” shall be taken to the superior court by filing notice of appeal and a petition for review within ten (10) days of the final decision of said committee. Appeals from rulings of the “Dangerous Dog Committee” shall be heard *de novo* before a superior court judge sitting in Pamlico County.*

It shall be unlawful for any owner to keep any vicious, dangerous or potentially dangerous animal within the corporate limits unless it is confined within a secured building or enclosure, or unless it is securely muzzled and under restraint by a competent person who, by means of a leash, chain or rope, has such animal firmly under control at all times.

Violation of this Section will result in reporting the animal to the ~~Craven~~/Pamlico Animal Control Officer to enforce state laws regarding vicious, dangerous or potentially dangerous animals.

The provisions of this Article do not apply to:

- (1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
- (2) A dog being used in a lawful hunt;
- (3) 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
- (4) 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, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

SECTION 2. That Chapter H, Article VI, entitled PENALTIES, following sections be amended as follows:

ADD Section 2. Penalty for attacks by dangerous animals.

The owner of a dangerous dog that attacks a person and causes physical injuries requiring medical treatment in excess of one hundred dollars (\$100.00) shall be guilty of a Class 1 misdemeanor (1989 (Reg. Sess., 1990),c.1023;1993,c.539, s.533;1994, Ex. Sess., c.24,s.14(c).)

Section 3. Strict Liability.

The owner of a dangerous animal shall be strictly liable in civil damages for any injuries or property damage the dog inflicts upon a person, his property, or another animal. (1989 (Reg. Sess., 1990),c.1023, s.1.)

Section 3. That these changes become effective immediately following adoption.

ADOPTED THIS 28th DAY OF JUNE, 2018.

Sally Belangia, Mayor

Diane H. Miller, Town Manager

Ordinance # 2018-259_____