

**CITY OF HAVELOCK
GENERAL REGULATIONS-ANIMALS
ORDINANCE AMENDMENT
No. 16-O-01**

BE IT HEREBY ORDAINED by the Board of Commissioners of the City of Havelock, North Carolina that the following revisions and additions be made to "**Title IX: General Regulations, Chapter 90 Animals, Section 90.18-Animals Declared Vicious and 90.19 Animals Declared Dangerous**" of the City of Havelock Code of Ordinances as follows:

Please Note: "**Blue and underline indicates text to be added**"
"**Red and Strikethrough indicated text to be removed**"

§ 90.18 ANIMALS DECLARED VICIOUS.

(A) *Animals declared vicious.* Any animal determined to be vicious will be humanely destroyed by a public safety officer or other authorized representative of the City upon either the owner agreeing to the designation of vicious or the hearing authority's determination that the dog is vicious. The owner must pay a fee of \$500 to the City within thirty (30) days of the final determination.

(B) *Notice.* Upon determination by a public safety officer or other authorized representative of the City that the owner of an animal is in violation of this section, the public safety officer or other authorized representative of the City shall cause a written notice to be served on the owner. The notice shall state the name of the owner served, shall describe the animal sufficiently to identify it, shall recite that the owner is in violation of this chapter, and shall order compliance with provisions within twenty-four (24) hours from service of the notice.

(1) Service of the notice may be effected by one (1) of the following methods or by any other method permitted by law:

(a) By personally delivering a copy of the notice to the owner or to any person capable of receiving process for the owner being served under Rule 4 of the North Carolina Rules of Civil Procedure. Any notice personally delivered shall be served when delivered or deemed served on the owner if refused or rejected; or

(b) By mailing a copy of the notice by registered or certified mail, return receipt requested, addressed to the owner. Any notice so mailed shall be served when delivered or deemed served on the owner if refused or rejected.

(2) If either of the two (2) methods of service specified above is attempted without success, then the notice may be served by publishing the notice one (1) time in a newspaper having general circulation in the City.

(C) Appeal. An owner who has received a notice as provided in section (B) above may appeal such determination to the City Manager or his designee by filing written objections within three (3) days following the date of receipt or publishing of the notice. The City Manager or his designee shall hear an appeal within ten (10) days following receipt of the written objections. In the absence of an appeal, the determination that the animal is vicious shall be final. Any appeal from

the final decision of the City Manager or his designee shall be taken to the Superior Court of Craven County by filing notice of appeal and petition for review within ten (10) days following the final decision of the City Manager or his designee.

~~(E)~~ **(D)** *Animals in violation.* Any animal found in violation of division (A) above shall be subject to the following procedures:

(1) *Impoundment.* Any such animal may be taken up and impounded by a public safety officer or other authorized representative of the City. It shall be unlawful for any person to obstruct or interfere in any way with the impoundment of an animal pursuant to this section, or to release or attempt to release an animal so impounded. No notice to the owner shall be required prior to impoundment pursuant to this section; provided, however, that a reasonable effort shall be made to promptly notify the owner of the animal following the impoundment.

(2) *Destruction of animals.* An animal may be properly destroyed by a public safety officer or other authorized representative of the City without prior notice to the owner in the following circumstances:

(a) Where the animal cannot be safely taken up and impounded as provided by this section due to resistance by the animal to capture by the official which reasonably threatens the safety or freedom from injury of the official or another person; or

(b) Where the animal to be taken up reasonably appears to the official to be suffering from rabies or any other infectious disease which threatens public safety, or from a life-threatening injury or disability.

(Ord. 15-O-01, passed 6-8-2015)

Statutory reference:

Rabies control, see G.S. §§ 106-364et seq.

§ 90.19 ANIMALS DECLARED DANGEROUS.

(A) *Animals declared dangerous.* Any animal declared dangerous must comply with the following conditions within thirty (30) days after any determination or decision that the animal is dangerous, which determination or decision either is not appealed within the period provided or is not subject to further appeal. If the owner is unwilling to comply with the conditions listed below, then the dog will be humanely destroyed by the City authority.

(1) *Secure enclosure.* A dangerous dog may only be outside unattended if it is housed in a “secure enclosure.” The secure enclosure must be padlocked, with a concrete bottom, so constructed as to prevent the animal from escaping under the fence and with a secure wire top, so as to preclude the animal from escaping over the top of the fence. The fencing will be kept in good repair at all times to prevent the escape of the animal. The structure must be at least eight (8) feet in height and at least ten (10) feet in width and ten (10) feet in length, or a square or rectangle shape comprising of no less than one hundred (100) square feet with no single side of the structure being less than six (6) feet in length or width and no less than eight (8) feet in

height. Any structure, pen, or confinement area will be inspected as necessary by the designated City authority.

(a) Adequate food will be provided at least one (1) time in every twenty-four (24) hours, at all times fresh potable water will be available in a container so placed as to prevent spillage or being soiled by excrement/urine or debris in a location available to the animal.

(b) An animal house, sufficiently sized to accommodate the animal will be available at all times to the animal to protect it from the elements of nature. Said shelter will be kept in good repair and kept in a clean manner.

(c) The property will be posted with clearly visible warning signs adequate to inform the public, including children, of the presence of a dangerous animal and placed on the property as designated by the appropriate city authority including, but not limited to, the pen and curtilage.

(2) When off the property the animal must be secured by a leash no longer than four (4) feet. The leash will be attached to a collar or harness. Both the leash and collar or harness must be manufactured specifically for the control of animals. The animal will be muzzled at all times.

(3) The dangerous animal must be microchipped within thirty (30) days after any determination or decision that the animal is dangerous, which determination or decision either is not appealed within the period provided or is not subject to further appeal.

(4) *Fee.* A fee of \$250 must be paid to the City within thirty (30) days of either the owner or keeper agreeing to the designation of dangerous or the determination of the designation from the hearing entity.

(a) Animals that fall under part (3) of the definition of dangerous animal, but do not fall under part (1), (2), or (4) are not subject to the fee.

(5) *Insurance.* The owner shall provide to the City proof of public liability insurance in the amount of at least \$100,000.00 insuring the owner for any personal injuries inflicted by the dangerous animal and such insurance policy shall name the City of Havelock as an additional insured.

(6) *Permit fee.* Owners of dangerous animals will be assessed a prorated annual fee of \$100.00 payable at the beginning of the fiscal year to be retained by the City authority responsible for the oversight of this chapter. These fees are in addition to any fee or liability insurance so required for dangerous animals.

(a) Fees are to be paid at the time the owner or keeper has agreed to the designation or the hearing entity has determined the designation applies to the animal. The fees are renewable each year thereafter at the onset of the fiscal year for the City.

(b) The permit fee is in addition to any other licensing, registration, taxing or other costs assessed by any local government agency in regulating or permitting animals.

(7) *Status and non-transferable ownership.* No animal declared dangerous will be released from that designation. The status of dangerous will stay with the animal for its life. No animal declared dangerous may be given away, sold, traded or placed for adoption. Owner of an animal so declared will retain possession of the animal until the animal dies, is destroyed or surrendered to City authority for disposal.

(a) *Owner predeceases animal.* Special considerations may be made if the owner predeceases the animal or is otherwise physically unable to care for it. The request to transfer ownership must be submitted to the Havelock Animal Control Officer. The potential new owner, if approved by the City, would have to comply with all conditions imposed on dangerous animals in this chapter.

(B) *Notice.* Upon determination by a public safety officer or other authorized representative of the City that the owner of an animal is in violation of this section, the public safety officer or other authorized representative of the City shall cause a written notice to be served on the owner. The notice shall state the name of the owner served, shall describe the animal sufficiently to identify it, shall recite that the owner is in violation of this chapter, and shall order compliance with provisions within twenty-four (24) hours from service of the notice.

(1) Service of the notice may be effected by one (1) of the following methods or by any other method permitted by law:

(a) By personally delivering a copy of the notice to the owner or to any person capable of receiving process for the owner being served under Rule 4 of the North Carolina Rules of Civil Procedure. Any notice personally delivered shall be served when delivered or deemed served on the owner if refused or rejected; or

(b) By mailing a copy of the notice by registered or certified mail, return receipt requested, addressed to the owner. Any notice so mailed shall be served when delivered or deemed served on the owner if refused or rejected.

(2) If either of the two (2) methods of service specified above is attempted without success, then the notice may be served by publishing the notice one (1) time in a newspaper having general circulation in the City.

(C) Appeal. An owner who has received a notice as provided in section (B) above may appeal such determination to the City Manager or his designee by filing written objections within three (3) days following the date of receipt or publishing of the notice. The City Manager or his designee shall hear an appeal within ten (10) days following receipt of the written objections. In the absence of an appeal, the determination that the animal is dangerous shall be final. Any appeal from the final decision of the City Manager or his designee shall be taken to the Superior Court of Craven County by filing notice of appeal and petition for review within ten (10) days following the final decision of the City Manager or his designee.

~~(E)~~ **(D) Dangerous animals in violation.** Any dangerous animal found in violation of division (A) above shall be subject to the following procedures:

(1) *Impoundment.* Any such dangerous animal may be taken up and impounded by a public safety officer or other authorized representative of the City. It shall be unlawful for any person to obstruct or interfere in any way with the impoundment of an animal pursuant to this section, or to release or attempt to release an animal so impounded. No notice to the owner shall be required prior to impoundment pursuant to this section; provided, however, that a reasonable effort shall be made to promptly notify the owner of the animal following the impoundment.

(2) *Period of confinement.* Any dangerous animal impounded pursuant to this section shall be confined for at least three (3) business days excluding weekends and City holidays for

redemption by the owner. If the animal is not redeemed by the owner within three (3) business days excluding weekends and City holidays, then the animal may be humanely destroyed by a public safety officer or other authorized representative of the City following approval by the City Manager or the City Manager's designee.

(3) *Redemption of animals.* In order for an owner to redeem a dangerous animal impoundment pursuant to this section, the owner shall:

(a) Pay all costs of impounding and maintenance of the animal, including a fee for capturing and handling of the animal in the amount as set forth in the City Fee Schedule, and the sum of \$3.50 per day for the keeping and boarding of same, plus the costs of any medical care and inoculation furnished to the animal during any period of impoundment; and

(b) The redemption or impoundment fee(s) described in this section are in addition to any other fees or penalties provided in this Code.

(4) *Destruction of animals.* A dangerous animal may be properly destroyed by a public safety officer or other authorized representative of the City without prior notice to the owner in the following circumstances:

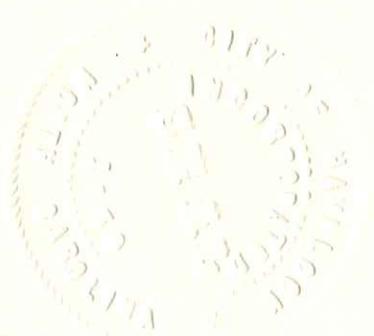
(a) Where the animal cannot be safely taken up and impounded as provided by this section due to resistance by the animal to capture by the official which reasonably threatens the safety or freedom from injury of the official or another person; or

(b) Where the animal to be taken up reasonably appears to the official to be suffering from rabies or any other infectious disease which threatens public safety, or from a life-threatening injury or disability.

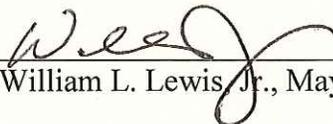
(Ord. 15-O-01, passed 6-8-2015)

This ordinance shall take effect at 12:01 a.m. on January 26, 2016.

Adopted this the 25th day of January, 2016.

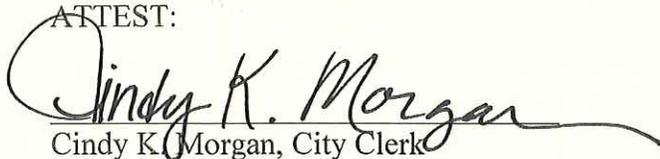


CITY OF HAVELOCK



William L. Lewis Jr., Mayor

ATTEST:



Cindy K. Morgan, City Clerk