

CHAPTER 81. ANIMALS

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Secs. 81.01--81.35. Reserved.

Editor's note: A motion from December 20, 1995, rescinded §§ 81.01--81.35 to allow the Wake County Animal Control Ordinance to be enforced by Wake County Animal Control Officers.

Sec. 81.36. Declaration of purpose.

Whereas, the Town of Knightdale is authorized to regulate or prohibit the keeping of certain types of animals within the corporate limits of the Town.

(Ord. No. 07-10-01-001, 10-1-07)

Sec. 81.37. Definitions.

For purposes of this chapter, certain words and terms are defined as herein included:

Adequate shelter: An enclosure of at least three (3) sides, a roof and a ground surface. The enclosure shall be ventilated and have sufficient room for the animal(s) to move about freely and lie comfortably.

Animal: Excluding fish, any nonhuman, vertebrate species, domestic or nondomestic.

Animal at large. Any animal off the premises of its owner and not under sufficient physical restraint, such as a leash, cage, bridle, or similarly effective device to allow the animal to be controlled.

Animal under restraint. Any animal confined within a vehicle, confined within the real property limits of its owner, or secured by a leash or lead.

Domestic animal. Any animal that is neither livestock nor exotic by definition, domesticated by man as to live and breed in a tame condition.

Exotic animal. Any wild animal not customarily confined or cultivated by humans for domestic or commercial purposes.

Exotic animal, dangerous. Any exotic animal, which demonstrates actions that would constitute a danger to any person, domestic livestock, other domestic animals, or property.

(1) Characteristics used to determine the dangerous nature of an exotic animal include:

- (i) Disposition;
- (ii) Physical or inherent characteristics;
- (iii) Size;
- (iv) Behavior;
- (v) Propensity to act without provocation.

Livestock. Cattle, swine, sheep, goats, and members of the equidae family of mammals such as horses, mules, and donkeys.

Owner. Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring, possessing, or taking care of any animal for more than five (5) days.

Owner's real property. Any real property owned or leased by the owner of the animal(s). This property does not include any public right-of-way or a common area of condominium, apartment complex, or townhouse development.

Pet. Animals kept inside the primary or accessory dwelling unit entirely for pleasure rather than utility.

Vicious animal. Any animal, which constitutes a physical threat to human beings or other animals by virtue of the occurrence and severity of unprovoked attacks of such number and severity as to cause property damage or physical injury. These animals are prohibited within the Town limits.

(Ord. No. 07-10-01-001, 10-1-07)

Sec. 81.38. Animals at large.

(a) No animal shall be left at large. Animals shall be under restraint at all times.

(b) It shall be unlawful for any owner to permit an animal to be at large. Animals found to be at large will be confiscated.

(c) An owner may lawfully permit an animal which is not dangerous to be at large in the course of a show, obedience school, tracking tests, field training, or other events sanctioned or supervised by a recognized organization. Hunting dogs may be at large in the course of hunting under the control of the owner.

(Ord. No. 07-10-01-001, 10-1-07)

Sec. 81.39. Permit to keep near residences.

(a) No person shall stable, tie, maintain, corral, or otherwise keep within two hundred (200) feet of any dwelling (other than the owner's), house, apartment or other residence occupied by any person, animals other than pets without first obtaining in writing, signed by the Town and issued by the Planning Department.

(b) Prohibited animals within the 200-foot residential buffer include but are not limited to: cattle, horses, mules, swine, sheep, goats, and fowl.

(Ord. No. 07-10-01-001, 10-1-07)

Sec. 81.40. Livestock.

(a) Livestock and domestic fowl of all descriptions are prohibited in any area of the Town except areas zoned for residential purposes by the zoning ordinance.

(b) It shall be unlawful, regardless of zoning, for any person to maintain, keep, house, or stable any horse, mule, pony, cow, sheep, goat, chicken or other domestic fowl or livestock within two hundred (200) feet of any dwelling, school, church, business, commercial or professional development.

(c) Not more than a total of three (3) of such animals shall be maintained on one lot and such lot must contain no less than one acre per animal.

(d) No more than four (4) total chickens or other domestic fowl shall be maintained on one lot and such lot must contain no less than one acre for each of the domestic fowl being maintained.

(e) All livestock shall be kept and maintained in an enclosed area.

(f) Stables shall be constructed and maintained in conformity with the requirements of the Wake County Board of Health and the North Carolina State Building Code.

(1) Shelter must aid in the prevention of animal cruelty with a sufficient supply of shade, food and water for the animal(s).

(2) Once stable plans and area have been approved as to sanitation requirements by the Health Department, application shall then be made to the Building Inspector for a permit for such construction.

(Ord. No. 07-10-01-001, 10-1-07)

Sec. 81.41. Exotic or wild animals.

(a) It shall be unlawful for any person to keep, maintain, possess or have under his control within the Town any venomous reptile or any other wild or exotic animal.

(b) It shall be unlawful to keep and confine native wildlife on any premises.

(Ord. No. 07-10-01-001, 10-1-07)

Sec. 81.42. Confinement and control of inherently dangerous mammals.

(a) It shall be unlawful for any owner to keep an inherently dangerous mammal within the Town's corporate limits.

(b) Exceptions. The following shall be exempt from this ordinance:

(1) Any nonprofit institution or exhibitor or dealer, which owns or harbors inherently dangerous mammals for research, provided that such institution/facility/premises are licensed by the U.S. Department of Agriculture or Interior.

(2) Traveling fairs, circuses and carnivals shall also be exempt from this section.

(3) Any inherently dangerous mammal registered with the Animal Control Section prior to June 3, 1996.

(Ord. No. 07-10-01-001, 10-1-07)

Sec. 81.43. Permit applications.

(a) Application for permit must state the type and number of animal(s) to be kept, where they will be kept, and the name of one adult occupant of each dwelling unit within two hundred (200) feet of such residence and the distance of each dwelling from said place.

(b) A fee is required for each application.

(1) Each application must be created with the submittal guidelines and include the application fee of fifty dollars (\$50.00) or as otherwise established in the Town of Knightdale fee schedule adopted annually as part of the budget, and made payable to the Town of Knightdale.

(c) Upon proper application and fee payment and upon finding the "keeping" of such animals will not endanger the health of any person occupying a residence within the buffer, or any other resident or inhabitant of the Town, the permit will be issued.

Sec. 81.44. Permit revocations.

(a) Revocation will occur upon the finding by the Town that the "keeping" of any animal described in the permit application at described places endangers the health or safety of any person occupying a dwelling house or residence within the buffer or any other citizen or inhabitant.

(b) Revocation will occur upon finding the conditions of the keeping and caring of animals endanger the health and/or safety of the animal(s).

(c) Revocation will be effective ten (10) days after the mailing by registered or certified mail or a notice thereof to the last known address of a permit holder.

(1) Upon receipt of certified mail notice to property owner and/or permit holder, any issue must be remedied within fourteen (14) days or [the permit holder will] face revocation of said permit.

(Ord. No. 07-10-01-001, 10-1-07)

Sec. 81.45. Penalties for violation.

Any person, firm or corporation violating any of the provisions of any section or division of this chapter for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed two hundred dollars (\$200.00) or imprisonment not to exceed thirty (30) days, and each day that any of the provisions of this ordinance are violated shall constitute a separate offense.

(a) Any person who violates any provision of this ordinance may be fined a civil penalty of two hundred dollars (\$200.00). If the violation is continued, each day's violation shall constitute a separate offense. Payment of said penalties shall be made within ten (10) days. Civil penalties may be assessed by citation, hand delivered to the owner or by certified mail and recovered by the Town of Knightdale in a civil action in the nature of a debt.

(b) Violations of this ordinance may subject the violator to criminal as well as civil action. In addition to the civil penalties or fees imposed under this ordinance, violation of this ordinance shall be a misdemeanor for which a criminal summons may be issued.

(c) Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes, civil penalties or fees imposed under this ordinance.

(d) In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.

(Ord. No. 07-10-01-001, 10-1-07)

Sec. 81.46. Exemptions.

(a) The Town Council reserves the right to waive the requirements of this ordinance on a case-by-case basis for any property annexed after November 1, 2007, into the corporate limits and which will not be subdivided.

(b) Where property owners can demonstrate existing livestock has been kept on property within the corporate limits on October 1, 2007, the Planning Director or Town Council may grant a waiver to the requirements of this ordinance for the remainder of the life of those animals. Such waivers will be discretionary and intended for existing conditions that meet the spirit and intent of the ordinance.

(Ord. No. 07-10-01-001, 10-1-07)

**//Knightdale, North Carolina/CODE OF ORDINANCES Town of KNIGHTDALE, NORTH CAROLINA
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81. ANIMALS**