

CHAPTER 4

ANIMALS AND FOWL

Cross Reference--Allowing dead animals to remain on property, §10-5.

State Law References--Regulation of domestic animals, G. S. §160A-186; license tax on privilege of keeping domestic animals, G. S. §160A-212.

Art. I. In General, §§4-1 ---4-18

Art. II. Bird Sanctuary, §§4-19 ---4-31

Art. III. Dogs, §§4-32 ---4-36

ARTICLE I. IN GENERAL

Section. 4-1. Cruelty to animals.

No person shall cruelly treat any animal in any way; any person who inhumanely beats, underfeeds, overloads, abandons or mistreats any animal in any way shall be deemed guilty of a violation of this Section punishable as provided by Section 1-7 of this Code.

State law references--Cruelty to animals, G. S. §14-301; city may define and prohibit abuse of animals, G. S. §160A-182.

Section. 4-2. Animals at large.

It shall be unlawful for any person to allow any cow, calf, horse, mule, sheep or any other such animal to run at large in the town. Any person 'II violating the provisions of this Section shall be subject to a penalty as provided in Section 1-7.

Cross reference--Dogs running at large, §4- 32.

Section. 4-3. Impoundment.

Any animal caught running at large may be picked up by the police, and, unless immediately claimed, such animals shall be disposed of as deemed best by the police or other designated official.

State law reference--Impoundment of stock, G. S. §68-24 ---68-29,68-37

Section. 4-4. Housing.

All pens or other enclosures where family pets of any kind are kept within the town limits

shall be kept clean and sanitary. If, in the opinion of the chief of police or other designated official, or upon complaint of any person, any such pen or enclosure is deemed to be unsanitary so as to create a health hazard of a nuisance from offensive odors, said official shall have the authority to close such pen or enclosure and require removal of any animal or fowl kept therein.

Cross reference--Health and Sanitation, Ch.10.

Section. 4-5. Limitation on number of household pets.,

It shall be unlawful for any person to keep on any lot or premises more than three (3) household pets unless written approval of the board has first been obtained.

Section. 4-6. Hogs and pigs expressly prohibited.

It shall be unlawful for any person to keep any hog or pig within the corporate limits.

Section 4-6a Pens for farm animals prohibited

It shall be unlawful for any person to maintain a pen within the corporate limits for cattle, horses, chickens or other animals or fowl commonly known as farm animals. Provided, however, pens for family pets may be permitted when maintained in a clean and sanitary condition as provided in

Section 4-7 Killing dangerous animals.

The members of the police department or any other designated persons are authorized to kill any dangerous animal of any kind when it may be necessary for the protection of any person or property in the town.

Sections 4-8 to 4-18 reserved.

ARTICLE II. BIRD SANCTUARY

Section 4-19 Designated

The area within the corporate limits of the town of Biltmore Forest and all lands owned or leased by the town outside the corporate limits is hereby designated as a bird sanctuary.

Section 4-20 Trapping, hunting or shooting wild birds prohibited; exceptions.

(a) It shall be unlawful to trap, hunt, shoot or otherwise kill, within the sanctuary established in Section 4-19, any native wild bird. Provided, however, that it shall be lawful to trap starlings or similar birds or fowl when such birds or fowl are found to be

congregating in such numbers in a particular locality that they constitute a nuisance or menace to health and property.

(b) Violation of this Section shall be a misdemeanor punishable as provided by Section 1-7.

Cross reference--Use of firearms in town, § 12-1; sling shots, missiles, air guns prohibited, §12-1.

Section 4-21. Erection of Signs

Artistic signs may be erected giving notice of the regulations herein provided. Such signs shall be of a design as may be approved by the board and shall be erected at such places as may be designated by the board.

Sections 4-22 through 4-31 Reserved.

ARTICLE III. DOGS

State Law Reference -- confinement or leashing of vicious dogs, G.S. §106-381.

State law Reference – Dogs running at large. G.S. §67-12.

Section 4-32. Identification of dogs, and inoculation of dogs.

(a) All persons owning, controlling, keeping or maintaining any dog within the Town of Biltmore Forest shall provide and keep on such dog a collar or harness containing an identification tag on which is inscribed the owner's, keeper's or controller's name, address and telephone number.

(b) All persons owning, controlling, keeping or maintaining any dog within said Town shall also insure that such dog has been currently inoculated against rabies and shall provide and keep on such dog's collar or harness a current rabies inoculation tag.

Section 4-33. Restraint of Dogs.

Every person owning or having possession, charge, care, custody or control of any dog shall keep such dog exclusively upon his or her premises. However, such dog may be off premises if it is under the physical control of a competent person and physically restrained by a chain, leash or harness, not to exceed eight feet in length and held in the hand of said person.

At all times dogs shall be under sufficient control so as not to disturb neighbors by barking excessively, and more particularly after dark. (Amended 5.11.05)

Section. 4-34. Impoundment of dogs.

Any dog seen violating or reported to have violated Section 4-33 shall be picked up and impounded by the police department. The impounding officer shall make reasonable

attempts to notify the owner or keeper of said dog of the dog's impoundment. As soon as possible after the expiration of forty-eight (48) hours from the time the dog is impounded such dog shall be turned over to the Buncombe County Animal Shelter for disposition according to the rules regulations and policies of said Buncombe County Animal shelter.

Section 4-35. Reclaiming impounded dogs.

(a) The owner of any dog impounded pursuant to Section 4-34 shall have the right to redeem said dog while said dog is in the custody of the police department by paying a fee of \$25.00 to the Town of Biltmore Forest.

(b) After any dog impounded pursuant to Section 4-34 is turned over to the Buncombe County Animal Shelter pursuant to Section 4-34 the owner of such dog shall have only those rights to redeem said dog afforded such owner by the rules regulations and policies of the Buncombe County Animal Shelter.

Section 4-36. Control of dangerous (very unruly) dogs.

No person shall own control keep or maintain in the Town of Biltmore Forest a dangerous (very unruly) dog unless said dog is confined within a secure building or enclosure which building or enclosure shall be clearly marked with a warning sign.

Section 4-37. Dangerous animal.

(a) An animal that:

1. Without provocation has killed or inflicted severe injury on a person;
2. Without provocation has killed or inflicted severe injury on another domestic animal;
3. Is determined by a police officer or an animal control officer to be a potentially dangerous animal;
4. Is to be treated in accordance with Section 4-36. Control of dangerous dogs.

(b) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

Section 4-38 Violation of ordinances.

The violation of any portion of Section 4-32, 4-33 or 4-36 by any of those persons described in said Sections shall constitute a misdemeanor and the violator shall be punished accordingly.

Section 4-40 Effective date ordinance

This Ordinance shall become effective November 15 1982.