



THE TOWN OF

Holly Springs

Ordinance Number: 21-36

Date Adopted: October 5, 2021

Effective Date: October 5, 2021

AN ORDINANCE TO AMEND THE TOWN CODE OF ORDINANCES OF HOLLY SPRINGS TO REVISE CHAPTER 12 SECTION 61 OF THE

BE IT ORDAINED by the Holly Springs Town Council of the Town of Holly Springs, North Carolina, that the Code of Ordinances of the Town is amended as follows:

PART 1:

Sec. 12-61. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal shelter means any premises designated by Wake County for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this article.

At large means any animal which is off the property of its owner and not under restraint, as defined in this section.

Attack training facility means any person, group of persons, partnership or corporation engaged in boarding, breeding, selling or training dogs or other animals in mode of attack.

Dangerous animal means any animal that has demonstrated a fierce or dangerous propensity or tendency to do any act which may endanger persons or property and/or any non-domesticated animal indigenous to the state including hybrid animals that are part wild.

Dangerous dog:

A dog that:

1. Without provocation has killed or inflicted severe injury on a person or inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or
2. Has killed or seriously injured another domestic animal without provocation; or
3. Any dog trained for fighting; or
4. Is determined by the Animal Control Supervisor to be potentially dangerous because the dog has engaged in one or more of the behaviors of a potentially dangerous dog.

Exotic or wild animal means any animal shall be defined as one which would ordinarily be confined to a zoo, or one which would be found in the wilderness of this or any other country, one which is a species of animal not indigenous to the state, or one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but is not limited to carnivores, primates, poisonous snakes or other venomous animals and other such animals or one which causes zootonic diseases and not included in the definition of domestic animals and shall include any hybrid animal. Wild or exotic animals are further defined as being those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity, which are known at law as *ferae naturae*.

Exposed to rabies means an animal or human that has been exposed to rabies that has been bitten by, or been exposed to, any animal known or suspected to have been infected with rabies.

Kennel, dealer, breeder or pet shop means any person, group of persons, partnership or corporation engaged in buying, selling, breeding or boarding animals.

Neutered male means any male animal, which has been surgically operated upon to prevent reproduction.

Owner means any person, groups of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions and behavior of his animals. In the event that the owner or keeper of an animal is a minor, the parent or guardian of such minor shall be held liable for noncompliance with the provisions of this article.

Pet means a domesticated animal kept for pleasure rather than utility.

Potentially Dangerous Dog means a dog that The Animal Control Supervisor determines to have:

1. Injured a person or domestic animal when not on the owner's real property in a manner deemed unwarranted or excessive by the Animal Control Officer; or
2. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
3. While on the owner's property, excessively injured a person without provocation other than for purposes of self-defense.

Provocation means conduct or actions on the part of any *person* or animal that is likely to arouse a violent or aggressive response by an animal. This term does not include any action on the part of an individual or animal that pertains to reasonable efforts of self-defense.

Restraint means an animal is under restraint within the meaning of this article if it is:

1. Controlled by a competent adult using a physical leash that is attached to the animal by collar or harness;
2. Securely confined to a vehicle;
3. Within a **Secure Enclosure**; or
4. Within the dwelling house of the owner or keeper;
5. Voice command is not a recognized form of restraint when the dog is off the owner's property.

Secure enclosure means a fence or structure of adequate height forming or causing a humane enclosure suitable to prevent the animal from escaping and to prevent the entry of young children.

Serious injury means a physical injury that results in broken bones, disfiguring lacerations, or requires cosmetic surgery or hospitalization.

Spayed female means any female animal, which has been surgically operated upon to prevent conception.

Stray means any dog or cat that appears to be homeless or unwanted, and any dog that is not displaying a valid rabies tag or identification tag unless exempted under [section 12-113](#).

(Ord. No. 01-05, § 8-2001, 2-20-2001)

Cross reference— Definitions generally, [§ 1-2](#).

Sec. 12-69. - Confinement, control, and licensing of dangerous animals and dangerous dogs.

1. Dangerous Dogs are prohibited within the corporate limits of Town.

It is unlawful for any owner or keeper to maintain or harbor unconfined or unrestrained any **Potentially Dangerous Dog**, or possess any animal which

A. bites, inflicts injury, assaults, or otherwise attacks a human being without provocation on public or private property or

B. injures or kills a pet or domesticated animal while off the owner's property. No person shall keep a **Potentially Dangerous Dog** without complying with the following section:

2. The owner of any dog deemed a **Potentially Dangerous Dog** shall obtain a license from the Police Department after meeting the following requirements:

A. Provide adequate information to the Animal Control Officer that the dog can be securely maintained on the owner's premises without the possibility of elopement;

B. Microchip the dog with the owner's name, address, and phone number;

C. Obtain a basket muzzle fitted for the dog and utilize it when not secured on owner's premises;

D. Pay a license fee in the amount determined by the Town's annual budget;

3. Any person maintaining a dog within the corporate limits of Town that has been declared a **Potentially Dangerous Dog** by another jurisdiction, shall comply with the permit requirements of this section.

4. No person shall maintain a dog or animal that has been declared a Dangerous Dog or Dangerous Animal by another jurisdiction.

5. An Animal Control Officer is empowered to confiscate the dog and harbor it at the owner's expense pending the owner's compliance of the conditions above;

6. At any time a **Potentially Dangerous Dog** leaves its owner's premises, the dog shall be continuously leashed under the control of a responsible person with a fitted collar or harness and wear a securely fitting basket muzzle.

(7) Penalties for Violation of this Section:

Maintaining a **Dangerous Dog** or a dog deemed dangerous by another jurisdiction in the corporate limits of the Town of Holly Springs, an owner is subject to a fine of one thousand dollars (\$1,000) per day and confiscation of the animal to be humanely euthanized.

Failure to obtain or maintain a license within thirty (30) days of an Animal Control Officer deeming a dog a **Potentially Dangerous Dog**, an owner is subject to a fine of five hundred dollars (\$500.00) per day. If after 45 days no license is obtained by the owner, the animal will be subject to destruction.

Failure to use a muzzle in accordance with subsection (C) above, an owner is subject to a fine of one hundred dollars (\$100.00).

Allowing a **Potentially Dangerous Dog** to run at-large, an owner is subject to a fine of five hundred dollars (\$500.00).

If any animal shall attack, assault, or bite a human being or another domestic animal, when the owner is not in compliance with this Ordinance, the owner shall pay a fine of five hundred dollars (\$500.00), and the animal shall be destroyed.

(8) Appeals

1) Any person aggrieved by a decision of the Animal Control Supervisor may appeal the decision by providing a written notice to the Chief of Police within 3 days of the decision. Any appeal must set forth the facts and circumstances relating to any alleged error of the decision. The Chief shall designate an appeal board comprised of no less than 3 persons disinterested in the outcome of the proceedings. Any appeal shall take place in an open meeting with minutes taken within a reasonable time of the notice of appeal. In any decision involving the destruction of an animal, the owner shall pay all boarding costs at a location designated by the Animal Control Supervisor during the pendency of the appeal.