

CITY OF CLAREMONT
NORTH CAROLINA
ORDINANCE 18-24
AN ORDINANCE TO AMEND TO THE CODE OF ORDINANCES
OF THE CITY OF CLAREMONT
TITLE 8 – OFFENSES, CHAPTER 2 – ANIMALS

WHEREAS, the City of Claremont recognizes the need to update and amend its Code of Ordinances in order to enhance and improve its animal control services;

WHEREAS, the City of Newton has demonstrated exemplary performance in the field of animal control services and has established a comprehensive and effective Code of Ordinances governing animals;

WHEREAS, the City of Claremont has entered into an agreement with the City of Newton for the provision of animal control services, whereby the City of Newton will assume responsibility for enforcing and administering the animal control regulations within the City of Claremont;

WHEREAS, adopting the language from the City of Newton Code of Ordinances will ensure consistency and uniformity in the regulation of animals and animal control services within the City of Claremont;

WHEREAS, the adoption of the language from the City of Newton Code of Ordinances will provide clarity and ease of reference for residents, animal control officers, and other stakeholders involved in the enforcement and compliance of animal control regulations within the City of Claremont.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAREMONT,

That Title Eight (8), Chapter 2 “Animals” is hereby amended by changing the following (new language appears as highlighted; deleted language and/or deleted sections appear as "strike-through"):

Sec. 8-2-1 Animals at large.

~~No horse, goat, cattle or other animal, except cats, shall be permitted to run at large within the city. All animals caught running at large shall be impounded by the police and, unless claimed within live (5) days, shall be disposed of as the council shall deem best.~~

(Ord, of 5/4/66, Sec. 1)

Sec. 8-2-2 Keeping of animals - Enclosures.

(a) As of April 5, 2021, any person currently in possession and keeping or maintaining any hog pen, pig pen, barn, stable, or other enclosure, or keeping any horse, goat, cattle or other animal therein shall be no closer than 150 feet of any dwelling (including owners), school, church, business, commercial or professional establishment within the city; provided, that this section shall not apply to enclosures for dogs and cats.

(b) The City shall catalog and maintain a list of existing and compliant ~~possessions~~ **enclosures** as of April 5, 2021.

(c) Upon adoption of this section, it shall be unlawful for any new enclosures for the possession, keeping, maintaining or harboring of any horse, goat, cattle, sheep, domestic fowl, swine or other animal within the corporate limits to be erected; provided this section shall not apply to enclosures for dogs and cats.

(Ord. of 5/4/66, Sec. 2; Ord. of 4/5/21, No. 34-21)

Sec. 8-2-3 Animals not permitted.

(a) As of April 5, 2021, any person shall be allowed to maintain currently in possession any horse, goat, cattle or other animals no closer than 150 feet of any dwelling (including owners), school, church, business, commercial or professional establishment within the city; provided, that this section shall not apply to dogs and cats.

(b) The City shall catalog and maintain a list of existing and compliant possessions as of April 5, 2021.

(c) Upon adoption of this section, it shall be unlawful for any new possession, keeping, maintaining or harbor of any horse, goat, cattle, sheep, domestic fowl, swine or other animal within the corporate limits; provided this section shall not apply to enclosures for dogs and cats.

(Ord. of 5/4/66, Sec. 3; Ord. of 4/5/21, No. 34-21)

~~Sec. 8-2-4 Dogs running at large.~~

~~—(a) Definitions. For purposes of this section, the following definitions shall apply:~~

~~—(1) Animal Shelter. Any premises designated by action of the city for the purpose of impounding and caring for any animal found running at large in violation of this section.~~

~~—(2) Animal control officer. The person or persons designated by appointment of the city manager as the enforcement person for this section.~~

~~—(3) At large. Any dog shall be deemed to be at large when he is off the property of his owner and not controlled by restraint.~~

~~—(4) Owner. Any person, group of persons, or corporation that owns, keeps, or harbors a dog or dogs.~~

~~—(5) Restraint. A dog is under restraint within the meaning of this section if it is (i) controlled by a leash or chain; (ii) on or within a vehicle being driven or parked on the street and unable to bite persons outside the vehicle; or (iii) confined within the property limits of its owner or keeper.~~

~~—(b) Enforcement. The provisions of this section shall be enforced by the animal control officer of the city.~~

~~—(c) Tag and collar. Every owner is required to provide a tag bearing the owner's name and address and to see that the tag is securely attached to the dog's chain, collar, or harness, which the dog must wear at all times unless it is accompanied by its owner or is engaged in hunting or other sport in which a collar might endanger its safety.~~

~~—(d) Restraint. The owner shall keep his dog under restraint at all times and shall not permit~~

the dog to be at large.

~~—(e) Impoundment.~~

~~—(1) Dogs found running at large in violation of this section shall be taken up by the animal control officer, or his agent, and impounded in the shelter designated as the city animal shelter.~~

~~—(2) When a dog is found running at large and its ownership is known to the animal control officer, the animal control officer may, at his discretion, return the dog to the owner and issue a warning regarding violation of this section.~~

~~—(3) After impounding an animal, the animal control officer must make every reasonable effort to ascertain the identity of the owner. The animal control officer shall send notice by mail to the owner informing him that his dog has been impounded and how he may regain custody of the dog.~~

~~—(4) Impounded dogs shall be confined in a humane manner for not less than five (5) days and if not claimed may thereafter be disposed of in a humane manner.~~

~~—(5) The animal shelter personnel may transfer any animal held at the animal shelter to the humane society or other organization or person interested in providing a home for the animal after the legal detention period has expired if the animal has not been claimed by the owner.~~

~~—(f) Redemption of impounded animals.~~

~~—(1) The owner may reclaim his impounded dog after paying the impoundment charges set forth in subsection (g) of this section.~~

~~—(2) The impoundment charges shall be paid at the city office and a receipt for impoundment fees shall then be issued. The impounded animal may be reclaimed by the owner by presenting the receipt to the animal shelter personnel.~~

~~—(g) Impoundment charges. An owner may reclaim his impounded dog when he pays to the city the following charges:~~

~~—(1) Initial impoundment charge and transportation charge.....\$25.00.~~

~~—(2) Plus \$1.00/day boarding beginning the day of impoundment.~~

~~—(h) Interference. No person shall interfere with, hinder, or molest any agent of animal control in performing any of his duties or seek to release any animal from the custody of the animal control officer or his agents, except as herein provided. Any person violating this provision shall be guilty of a misdemeanor. If the violation is continued, each day's violation shall be a separate offense.~~

~~(Ord. of 3/3/80, No. 33-80)~~

~~**Sec. 8-2-5 Animal control officer and authority.**~~

~~—Unless otherwise provided in this chapter, all animal control laws, enforcement and officers within the corporate limits of the City of Claremont shall be governed under the provisions of the Catawba County Code of Ordinances Chapter 6. Furthermore, the powers granted, extended, professed and set forth in the Catawba County Code of Ordinances Chapter 6 shall be in full force of the Claremont Police Department and its officers.~~

(Ord. of 8/4/14, No. 02-14)

~~Sec. 8-2-6 Nuisance animals.~~

~~—(a) Nuisance means any act of an animal or its owner that annoys or disturbs rights and privileges common to the public or enjoyment of private property. The commission on more than one occasion of a nuisance act shall be evidence of a nuisance. A nuisance act shall include, but not be limited to, the following:~~

- ~~—(1) Turns over garbage containers or removes garbage from them;~~
- ~~—(2) Walks on or sleeps on automobiles of another;~~
- ~~—(3) Damages gardens, foliage or other real personal property of another;~~
- ~~—(4) Continuously or frequently roams or is found on the property of another;~~
- ~~—(5) Is maintained in an unsanitary condition so as to be offensive to sight or smell;~~
- ~~—(6) Is not confined to a building or secure enclosure with in estrus;~~
- ~~—(7) Chases, snaps at, attacks, or otherwise molests pedestrians, bicyclists, motor vehicle passengers, farm stock or domestic animals;~~
- ~~—(8) Eliminates on private property without the permission of the owner;~~
- ~~—(9) Is diseased or dangerous to the health of the public; or~~
- ~~—(10) Is household or restrained less than 15 feet from a public street, road, or sidewalk and, in discretion of the animal control officer, poses a threat to the general safety, health and welfare of the general public.~~

~~—(b) Owner means any person, group of persons, firm, partnership, or corporation owning, keeping, having charge of or taking care of an animal or allowing an animal to remain on his/her property.~~

(Ord. of 8/4/14, No. 02-14)

~~Sec. 8-2-7 Sanctions and penalties.~~

~~—(a) Upon determining that a violation of this chapter has occurred, the animal control officer or police officer shall issue a written warning instructing the owner of the animal to abate the nuisance.~~

~~—(b) If an additional violation of this chapter occurs after the owner of the animal has been issued a written warning, the animal control officer or police officer shall issue a declaration of nuisance to the owner of the animal along with a civil penalty in accordance with Sec. 8-2-8. The owner shall cause the animal to abate the nuisance immediately and may be required by animal services to physically restrain the animal. If the nuisance for which the warning is issued is a condition which is offensive to sight or smell, the owner shall have 72 hours within which to abate the condition before a written declaration of nuisance is issued.~~

~~—(c) Subsequent violations of this chapter shall subject the owner of the animal to civil penalties in accordance with Sec. 8-2-8 or criminal penalties as provided by law or in the discretion of the animal services manager certain preventive measures may be prescribed.~~

~~—(d) Any animal found off of the property of its owner after having been declared a nuisance or any animal creating a nuisance for whom an owner is unknown and cannot be determined may be seized and impounded. A notice of impoundment shall be served upon the owner or affixed to the owner's premises. The animal may be redeemed pursuant to the Catawba County Code of Ordinances Chapter 6.~~

~~—(e) Nothing in this chapter shall prevent a private citizen from bringing an action to abate a nuisance or from bringing an action for damage, loss or injury to the private citizen or his property resulting from the animal being a public nuisance.~~

~~(Ord. of 8/4/14, No. 02-14)~~

Sec. 8-2-8 Civil penalties.

~~—(a) Unless otherwise provided for in a particular section, Catawba County Animal Services and the Claremont Police Department are authorized to assess civil penalties in the following manner:~~

~~—(1) A civil penalty of \$50 shall be assessed for the first violation of any provision of this chapter.~~

~~—(2) A civil penalty of \$75 shall be assessed for the second violation of this chapter.~~

~~—(3) A civil penalty of \$150 shall be assessed for the third violation of this chapter.~~

~~—(4) A civil penalty of \$250 shall be assessed for habitual violations, as defined herein, of any provision of this chapter.~~

~~—(5) A civil penalty of \$150 shall be assessed for violation of any provision of this chapter by a dog that has been declared dangerous or potentially dangerous.~~

~~—(6) A civil penalty of \$300 shall be assessed for any animal cruelty violation as defined in this chapter.~~

~~—(b) A civil penalty is due and owing upon assessment. Surrender of an animal or failure to redeem an animal shall not relieve the owner of responsibility for payment of any outstanding civil penalty that was assessed prior to the animal being surrendered or as a result of the animal being impounded. If payment of a civil penalty is not received within five working days of issuance, animal services may initiate legal proceedings to recover the amount of the penalty.~~

~~(Ord. of 8/4/14, No. 02-14)~~

Sec. 8-2-4 City of Newton regulations adopted.

(a) For the purpose of providing domestic animal control services in the City of Claremont, the Newton Animal Control Warden is hereby authorized to act as the City's agent and assist the City in enforcing the provisions of this Chapter within the City of Claremont. The Animal Control Ordinance of the City of Newton, specifically Section 14-1 through Section 14-13 and Section 14-21 through Section 14-23 of Article I. In General, and Section 14-101 through Section 14-105 of Article IV. Animal and Animal Related Nuisances contained in Chapter 14 – Animals and Fowl, as hereafter amended from time to time, are hereby incorporated herein by reference and shall be applicable in the City of Claremont under the provisions of North Carolina General Statutes Chapter 160A-461.

- (b) Should a conflict exist between the City of Claremont's Code and the portions of the City of Newton's animal control ordinance incorporated herein, the more stringent regulation shall be applied in the City of Claremont.

Sec. 8-2-5 Civil penalties.

(a) Unless otherwise provided for in a particular section, Catawba County Animal Services and the Claremont Police Department are authorized to assess civil penalties in the following manner:

(1) A civil penalty of \$50 shall be assessed for the first violation of any provision of this chapter.

(2) A civil penalty of \$75 shall be assessed for the second violation of this chapter.

(3) A civil penalty of \$150 shall be assessed for the third violation of this chapter.

(4) A civil penalty of \$250 shall be assessed for habitual violations, as defined herein, of any provision of this chapter.

(5) A civil penalty of \$150 shall be assessed for violation of any provision of this chapter by a dog that has been declared dangerous or potentially dangerous.

(6) A civil penalty of \$300 shall be assessed for any animal cruelty violation as defined in this chapter.

(b) A civil penalty is due and owing upon assessment. Surrender of an animal or failure to redeem an animal shall not relieve the owner of responsibility for payment of any outstanding civil penalty that was assessed prior to the animal being surrendered or as a result of the animal being impounded. If payment of a civil penalty is not received within five working days of issuance, animal services may initiate legal proceedings to recover the amount of the penalty.

(Ord. of 8/4/14, No. 02-14)

This ordinance shall be effective upon passage. Adopted on the 2nd day of October 2023.

Dale Sherrill
Dale Sherrill, Mayor Pro Tem

ATTEST:

Wendy Helms
Wendy Helms, City Clerk

APPROVED AS TO FORM:

Robert M. Grant, Jr.
Robert M. Grant, Jr., City Attorney

