

**ORDINANCE NO. 23-O-003**

**AN ORDINANCE AMENDING CHAPTER 90  
OF THE CODE OF ORDINANCES  
OF THE VILLAGE OF SIMPSON, NORTH CAROLINA**

**BE IT ORDAINED** by the Village Council of the Village of Simpson, North Carolina, that Chapter 90 of the Code of Ordinances of the Village of Simpson are hereby amended as follows:

**§90.20 DEFINITIONS.**

The definition for “KENNEL” is deleted in its entirety and replaced with the following.

**COMMERCIAL BREEDER.** Any person, group of persons, corporation or entity that owns, has custody of or maintains female dogs for the purpose of breeding offspring to sell or trade.

**§90.22 LICENSING.**

This section is deleted in its entirety.

**§90.23 TAG AND COLLAR.**

This subsection shall be deleted in its entirety and replaced with the following.

**Rabies Vaccination and Tag.**

All dogs within the Village limits shall be inoculated against rabies and shall wear a collar to which is attached a current rabies vaccination tag and a tag identifying current owner for notification.

The following is hereby added as a new section of Chapter 90:

**§90.22 TETHERING, KEEPING AND PENNING.**

(A)(1) It shall be unlawful for any owner to restrain a dog using a chain, wire or other type of tethering device on vacant, unoccupied or uninhabited property.

(2) It shall be unlawful for any owner or commercial breeder to keep, pen or kennel a dog on vacant, unoccupied, uninhabited property or a property that does not contain a properly zoned and occupied residence. The owner or custodian of any dog must reside on the parcel of land where that dog is tethered, kept, permitted or kenneled. This subsection shall apply to the owners of a commercial breeder.

(3) Tethered dogs shall have access to adequate food, water and shelter. Dogs must have adequate shelter that protects them from injury and the weather, including rain, direct sunlight, heat above 90 degrees, and cold below 32 degrees, flooding, tornadoes, thunderstorms, tropical storms and hurricanes. It must have a solid floor and be large enough for the dog to lie in comfortably. Dogs must always have access to fresh water in a clean and durable container and must be provided with nutritious food on a daily basis. Any shelter must be kept in a sanitary condition.

(B) It shall be unlawful for any person, without the consent of an animal’s owner or keeper, to knowingly and intentionally harbor or keep in possession by confinement any animal that does not belong to him or her. Any person in possession of a stray animal shall contact the Village of Simpson within twenty-four (24) hours to provide notice of the stray animal’s description and location or to arrange for impoundment. It shall also be unlawful for any person other than the owner or keeper of an animal to remove its collar or rabies tag.

(C) No more than three (3) dogs, over six (6) months old, shall be kept on any residential or commercial parcel of land in town containing one-half (½) an acre or less. No more than five (5) dogs, over six (6) months old, shall be kept on any residential or commercial parcel of land in town containing more than one-half (½) acre.

(D) No dog pen or enclosure shall be within thirty (30) feet of the dwelling or house of any person other than the dog's owner, unless by permission of the neighbor in writing. No pen shall be built for the purpose of maintaining more than five (5) dogs within five hundred (500) feet of the town limits. This subsection shall also apply to commercial breeders.

(E) It shall be unlawful for any commercial breeder to keep and maintain more than three (3) female dogs, over six (6) months old, at their kennel.

**§90.27 IMPOUNDMENT; REDEMPTION OF IMPOUNDED ANIMALS; FEES.**

Subsection (A) is deleted in its entirety and replaced with the following.

(A) *Impoundment.* Dogs found in violation of this Chapter shall be taken by the Animal Warden and impounded in the shelter designated as the "Pitt County Animal Shelter".

Subsection (A)(1) is deleted in its entirety and replaced with the following.

(1) As soon as he or she impounds a dog that violates this Chapter whose owner is known to the Animal Warden, the Animal Warden shall send a registered, certified notice, return receipt requested, to its owner, informing him or her that his or her dog has been impounded and how he or she may regain custody of the dog.

Subsection (B)(1) is deleted in its entirety and replaced with the following.

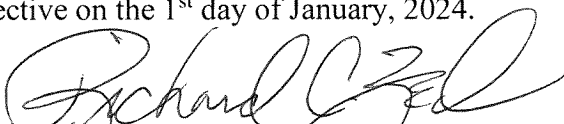
(1) The owners may reclaim his or her impounded dog when he or she complies with the provisions of this Chapter and pays the impoundment fees set forth in division (C) below.

**§90.28 EXEMPTIONS.**

This section is deleted in its entirety.

**The remainder of Chapter 90 is not amended pursuant to this Ordinance.**

Adopted this 16<sup>th</sup> day of October, 2023 and effective on the 1<sup>st</sup> day of January, 2024.

  
Richard C. Zeck, Mayor

ATTEST:

  
Susan Ellsworth, Village Clerk

