



THE TOWN OF  
**Holly Springs**

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**Ordinance No.: 06-09**  
**Date Submitted: May 16, 2006**  
**Date Adopted: May 16, 2006**  
**Effective Date: May 16, 2006**

**AN ORDINANCE to amend the Town Code of the Town of Holly Springs, N.C.  
to amend Chapter 12, Public Safety, Article III, Animals.**

**BE IT ORDAINED** by the TOWN COUNCIL of the TOWN OF HOLLY SPRINGS, North Carolina as follows:

**PART I:**

Article III of Chapter 12, Section 12-65 of the Holly Springs Town Code is *replaced in its entirety* by the following text:

**Sec. 12-65. Cruelty to animals.**

(a) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit an animal's owner, a veterinarian, the health director or animal control program agents from destroying dangerous, unwanted, injured or exotic animals in a humane manner, nor to prohibit the lawful use of animals in scientific research.

(b) Animal cruelty complaints shall be investigated by the town police department as provided under G.S. 19A-45. This agency shall have the responsibility for carrying out the defined duties of an animal cruelty investigator as mandated by G.S. 19A-46. An animal control officer may be requested to accompany the investigator on animal seizures.

(c) Prohibited acts. All animals shall be kept and treated under sanitary and humane conditions and it shall be unlawful for any person to engage in one or more of the following acts:

1. Failing to provide adequate feed, water and shelter or failing to maintain the animal in a clean and healthy environment. All animals, unless otherwise indicated in this chapter, shall be given adequate feed, adequate water and adequate shelter. Examples of shelter that is not adequate include, but are not limited to the following:

- a. Underneath houses, outdoor steps, decks or stoops, or underneath motor vehicles;
- b. Inside metal barrels or cardboard boxes;
- c. Shelters prone to flood;
- d. Shelters surrounded by debris, obstructions or impediments that may endanger animal;
- e. Confinement of the animal in storage rooms, sheds or other buildings without windows and proper ventilation.
- f. Outside in direct sunlight without adequate shade so as to endanger the animal's health.

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2. Failing to keep an animal under sanitary and humane conditions or keeping animals in conditions which are detrimental to the animal's health and general welfare or failing to maintain a condition of good order and cleanliness and reduce the possibility of transmission of disease.

3. Failing or refusing to provide adequate medical attention for any sick, diseased or injured animal.

4. Engaging in animal cruelty; animal cruelty means every act, omission, or act of neglect whereby unjustifiable pain, suffering or death is caused or permitted, or attempted to be caused or permitted against animals, and includes acts or attempted acts of beating, torturing, injuring, tormenting, mutilating, teasing, molesting, baiting, or harassing animals, the trapping of animals unlawfully, and overworking or overdriving animals. This shall not include the lawful taking of animals under the jurisdiction and regulation of the wildlife resources commission, lawful activities of organizations or agencies conducting or sponsoring biomedical research or training, lawful activities for sport, the production of livestock or poultry, or the lawful destruction of any animal.

5. Promoting, staging, holding, managing, conducting, carrying on or attending any game, exhibition, contest, fight or combat between one or more animals or between animals and humans, or intentionally allowing animals to engage in a fight.

6. Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or themselves. Animal control shall have the authority to inspect and to close down public exhibits of animals including those which are part of fairs, carnivals, festivals, fund raising events, petting zoos and any other activity or function carried out in the town if it is determined that animals are being cruelly treated or run the risk of causing injury to the public or themselves.

7. Poisoning, or exposing a domestic animal to any known poisonous substance or mixing a poisonous substance with food, so that it will likely be eaten by an animal. This does not include attempts or acts of persons to lawfully rid their own property of mice or rats or other vermin, nor does it include other acts permitted by the North Carolina wildlife department.

8. Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck, or allowing a choke or pinch collar to be used as a primary collar on an unsupervised animal, or chaining or tethering an animal to a stationary object for a period of time or under conditions that an animal control officer deems harmful or potentially harmful to the animal. Examples of harmful or potentially harmful chaining or tethering include, but are not limited to the following:

a. Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. A chain or tether should not be less than ten feet long. Using a chain or tether that exceeds ten percent of the animal's body weight shall be deemed not appropriate and potentially harmful.

b. Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter.

c. Tethering an animal on an appendage.

9. Carrying or causing to be carried in or upon the open area of a truck or other motor vehicle any animal that is not secured, in an animal carrier or by a harness or other device, such that the animal cannot fall, jump, or be thrown from the vehicle.

10. Unless otherwise permitted by law, giving away or offering any animal as a prize, premium or advertising device for or as an inducement to enter any contest, game or other competition involving skill or chance.

11. Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being

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of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability or death. If an animal is discovered in a motor vehicle under such conditions, the procedures specified in 6-134(d) should be followed.

(d) Exceptions. Nothing in this section shall be deemed to prohibit the humane transportation of horses, cattle, sheep, poultry or other livestock in trailers or other vehicles designed, constructed, and adequate for the size and number of animals being transported. Nothing in this section shall be construed to prohibit the animal control unit or veterinarians from euthanizing dangerous, unwanted, injured or diseased animals in a humane manner; nor to prohibit slaughterhouses or medical facilities from the proper, humane and lawful carrying out of their activities or duties.

(e) Inspections. Animal control officers shall have the authority to conduct inspections of pet shops, kennels, dealers, or breeders, to the extent not preempted by state law, in order to determine if there is any abuse of animals. Pet shops, kennels, dealers, and breeders are subject to the state laws concerning rabies control abuse of animals shall include any act described in this section or any other act which is detrimental to the well-being of the animal. It shall be unlawful for any owner or employee of any pet shop or kennel or any dealers or breeders to violate this section.

(f) Penalties. Unless otherwise stated, a violation of this Ordinance shall be punishable as a Class 1 misdemeanor with a maximum of \$50 per day, with each day constituting a separate and distinct violation. At the discretion of the issuing officer, a civil penalty may be assessed, payable to the Town of Holly Springs Finance Department, and recoverable by the town in a civil action by failure to pay within 30 days, pursuant to N.C.G.S. §160A-175(c). Otherwise, the violation shall be an infraction with a maximum fine amount of fifty dollars (\$50), and jurisdiction shall be proper in the General Court of Justice for Wake County.

(g) Abatement. The town shall have the right to abate any violation of this ordinance through injunction pursuant to N.C.G.S. § 160A-175(e), and shall hold the property owner (real and personal) liable for all costs associated with such a remedy, to include a reasonable attorney's fee, and such fines and costs shall be assessable as a lien on the property.

(Ord. No. 01-05, § 8-2005, 2-20-2001)

**State law references:** Cruelty to animals, G.S. 14-360, G.S. 160A-182.

**Part 2:**

**REPEAL OF CONFLICTING ORDINANCES.** All ordinances or parts of the Code of the Town of Holly Springs conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**Part 3:**

**SEVERABILITY.** If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Part 4:**

**INCLUSION IN CODE.** It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Town of Holly Springs, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

**Part 5:**

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**EFFECTIVE DATE.** The provisions of this ordinance shall become effective immediately upon adoption in accordance with the laws of the State of North Carolina.

Adopted this, the \_\_\_\_\_ day of \_\_\_\_\_ 2006

Attested to:

\_\_\_\_\_  
[ ] Joni Powell, CMC, Town Clerk  
[ ] Linda R. Harper, CMC, Deputy Town Clerk

\_\_\_\_\_  
Dick Sears, Mayor

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