

CHAPTER 90: ANIMALS AND FOWL

Section

Generally

- 90.01 Definitions
- 90.02 Cruelty to animals
- 90.03 Inhumane treatment prohibited
- 90.04 Animals running at large
- 90.05 Keeping certain animals
- 90.06 Vicious animals
- 90.07 Impoundment of animals found in violation of chapter
- 90.08 Bird sanctuary
- 90.09 Grazing, tying up, feeding and the like animals on public or private property

Dogs and Cats

- 90.20 Rabies vaccination required; vaccination tag
- 90.21 Dogs and cats running at large
- 90.22 Barking and howling dogs
- 90.23 Teasing, molesting or baiting
- 90.24 Stray dogs and cats; notice to police
- 90.25 Duties of police
- 90.26 Impoundment; destruction
- 90.27 Enforcement
- 90.28 Notification of injury by vehicle
- 90.29 Prohibition against tethering of dogs.
- 90.30 Limitation on number of dogs and cats; special permit
- 90.31 Mandatory spaying and neutering of pit bulls; exceptions
- 90.32 Transference and sale of pit bull puppies
- 90.33 Cosmetic alterations to dogs and cats prohibited.
- 90.99 Penalty

Statutory reference:

Authority to regulate dangerous animals, see G.S. § 160A-187

Authority to regulate domestic animals, see G.S. § 160A-186

GENERALLY

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADEQUATE SPACE means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure.

AT LARGE.

(1) Off the premises of the owner or other person having possession, custody or control and not under control of that owner or other person, or a member of his or her immediate family, by leash, cord, chain or otherwise.

(2) Any animal shall be deemed to be **AT LARGE** when he or she is off the property of his or her owner and not under the control of a competent person.

CAT. Both male and female cat.

DANGEROUS DOG. A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous:

(1) If no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite;

(2) If both animals are owned by the same person

(3) If such attack occurs on the property of the attacking or biting dog's owner or custodian;
or

(4) For other good cause as determined by the court.

No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

No animal shall be found to be a dangerous dog if the threat, injury or damage was sustained by a person who was:

(1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;

(2) Committing, at the time a willful trespass upon the premises occupied by the animal's owner or custodian; or

(3) Provoking, tormenting or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.

No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its pen, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.

DOG. Both male and female dog.

OWNER. Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal.

PEN. A structure used to contain a dog outdoors.

(1) A pen shall consist of four secure sides of a height of at least six feet, constructed of chain link or comparable material, to allow for adequate light and ventilation. A pen shall not be constructed of wood.

(2) A pen shall be kept **PROPERLY CLEANED**. The dog must be provided clean water, species-appropriate food, and **PROPER SHELTER**.

(3) For a single dog the pen may be no smaller than 10 ft x 10 ft x 6 ft (100 square feet and 6 feet tall).

- (4) A pen shall be large enough that the shelter provided within said pen does not take up more than one-quarter (1/4) of the ground or floor of the pen.
- (5) A pen used to contain any dog deemed potentially dangerous, dangerous, or vicious shall not be located within 1,000 feet of the premises of a school. Each side of the pen must be embedded in the ground to a depth of no less than two feet.

PIT BULL. Any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics that conform to the standards established by the American Kennel Club ("AKC") or United Kennel Club ("UKC") for any of the above breeds. The AKC and UKC standards for the above breeds are listed on their websites.

PROPER SHELTER. Any animal kept outdoors must be provided with shelter that is suitable for the species, age, condition, size, and type of each animal; provides **ADEQUATE SPACE** for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is **PROPERLY CLEANED**; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not proper shelter.

Proper shelter must comply with the following standards:

- (A) The shelter must be a well-constructed structure with a roof, enclosed sides, one of which must contain an entry way and a solid, level floor raised at least two (2) inches from the ground. The entry way opening shall not comprise an entire side of the structure.
- (B) The shelter must have no cracks or openings other than the entrance.
- (C) The shelter must be small enough to allow an animal to warm the interior of the structure and maintain body heat, but large enough to allow the animal to stand, turn and lie down.
- (D) Between November 1 and March 31 and whenever the real or effective temperature is forty-five (45) degrees Fahrenheit or lower, the entryway must be protected by a self-closing door, an offset outer door, or a flexible flap, and a sufficient amount of dry bedding material must be provided to insulate against cold and damp.
- (E) The shelter must be placed where it will be adequately shaded in hot weather and protected from the wind in cold weather.

PROPERLY CLEANED means that carcasses, debris, food waste and excrement are removed from an animal's living space (including **PEN** and **SHELTER**) with sufficient frequency (and no less than once a day) to minimize the animal's contact with the above-mentioned contaminants; the living space is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the living space is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

RESTRAINT. An animal is under **RESTRAINT** if he or she is controlled by means of a chain, leash or other like device; or is sufficiently near the owner or handler to be under his or her direct control and is obedient to that person's commands; or is on or within a vehicle being driven or parked; or is within a secure enclosure.

VICIOUS ANIMAL. An animal that has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts of the skin; or who habitually or repeatedly attacks farm stock or other pets.

No animal shall be declared vicious or dangerous if the threat, injury or damage was sustained by a person who was:

- (1) At the time, committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal;
- (2) Teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal; or
- (3) Committing or attempting to commit a crime.

No animal shall be declared vicious or dangerous if it attacks other animals which are trespassing on the premises occupied by the owner or keeper of the animal.

(1977 Code, § 4-1)

§ 90.02 CRUELTY TO ANIMALS.

(A) It shall be unlawful and shall constitute cruelty to animals for any person to:

- a. Override, overdrive, overload, molest, torture, torment, ill-treat, abandon, willfully inflict inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly, maliciously or unnecessarily beat, maim, mutilate, wound, poison, or kill, or subject to conditions detrimental to its health or general welfare any animal, whether belonging to himself or another;
- b. Deprive any animal of necessary sustenance, proper food that is suitable for the species and fresh water daily, **PROPER SHELTER** that provides **ADEQUATE SPACE** and is **PROPERLY CLEANED** as defined in § 90.01, or proper medical attention for sick, diseased, or injured animals, as well as adequate inoculation against disease, according to the species of the animal kept;
- c. Keep animals under unsanitary or inhumane conditions;
- d. Willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal;
- e. Carry or cause to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce imminent threat of harm, torture or unnecessary suffering; or
- f. Leave a dog outdoors unattended during periods of extreme weather, including but not limited to the following: (1) those times when the National Weather Service has issued an excessive heat warning for Halifax County; (2) those times when the temperature is at or below 32 degrees Fahrenheit or above 89 degrees Fahrenheit; (3) thunderstorms; (4) tornadoes; (5) tropical storms; and (6) hurricanes.
- g. Cause, permit or allow any of the above.
- h. The words **TORTURE**, **TORMENT** or **CRUELTY** shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, but these terms shall not be construed to prohibit proper authorities or their agents or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner. Penalty, see § 90.99

(B) A person found guilty of cruelty to animals may be ordered by a court not to own an animal within the city limits for a period of five (5) years from the date of conviction. Prosecution for violations of this section shall commence within five (5) years after commission of the offense. Prosecutions of this subsection regarding agricultural animals shall commence within one year after commission of the offense.

§ 90.03 INHUMANE TREATMENT PROHIBITED.

(A) It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions; to fail to provide proper food and water daily, shelter from the weather, reasonably clean quarters, and proper medical attention for sick, diseased or injured animals, as well as adequate inoculation against disease, according to the species of the animal kept.

(B) (1) 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 that action.

(2) The words *TORTURE*, *TORMENT* or *CRUELTY* shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, but these terms shall not be construed to prohibit proper authorities or their agents or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner. (1977 Code, § 4-3) Penalty, see § [90.99](#)

§ 90.04 ANIMALS RUNNING AT LARGE.

No person owning or having control of any animal or fowl, other than dogs and cats which are covered by the provisions of §§ [90.20](#) through [90.28](#) below shall permit that animal or fowl to run at large within the corporate limits.

(1977 Code, § 4-4) Penalty, see § [90.99](#)

Statutory reference:

Authority to prohibit running at large of any domestic animal, see G.S. § 160A-186

§ 90.05 KEEPING CERTAIN ANIMALS.

No person shall keep any pigs, hogs, cows, horses, mules, sheep, goats or chickens within the corporate limits.

(1977 Code, § 4-5) Penalty, see § [90.99](#)

§ 90.06 VICIOUS ANIMALS AND DANGEROUS DOGS.

(A) It shall be unlawful for any owner to keep any vicious or dangerous animal within the town corporate limits, including a *DANGEROUS DOG* or *VICIOUS ANIMAL* as defined in § 90.01, unless the animal is microchipped, spayed or neutered, and confined

within a securely locked building or *PEN*, or unless it is securely muzzled and under restraint by a competent person who, by means of a leash, chain or rope, has the animal firmly under control at all times. No dangerous dog or vicious animal may be contained within a pen located within 1,000 feet of the premises of a school or be leashed to a stationary object, including without limitation, any tree, post or building.

- (B) All dangerous dogs must be registered with the Police Department.
- a. The fee for registering a dangerous dog will be \$100, to be paid at the time of registration.
 - b. The owner of a dangerous dog is required to maintain in full force and effect a liability insurance policy of \$100,000 for personal injury or death of any person resulting from an attack by such dangerous dog. Proof of this insurance policy must be provided at the time of registration.
 - c. The owner of a dangerous dog is required to provide satisfactory evidence at the time of registration that such dog has been implanted with a microchip identification marking.
 - d. The owner of a dangerous dog is required to provide satisfactory evidence at the time of registration that such dog has been spayed or neutered.
 - e. The owner of a dangerous dog is required to provide to the Chief of Police with two color photographs of the registered animal, clearly demonstrating the animal's color and approximate size.
- (C) If the owner of a dangerous dog transfers ownership or possession of the dog to another owner, the transferring owner shall provide written notice to:
- a. The Chief of Police, or his designee, stating the name and address of the new owner or possessor of the dog; and
 - b. The person taking ownership or possession of the dog, specifying the dog's dangerous behavior or breed and the authority's determination of dangerous dog.
- (D) Any owner of a duly declared dangerous dog or vicious animal shall erect a sign (two feet by two feet) which shall be clearly visible from the public right-of-way on the enclosure housing said dog which shall read:
- BEWARE!**
DANGEROUS DOG
- (E) If the owner of a dangerous dog does not own the property where the dog is being kept, then the owner of the dangerous dog must have written permission from the property owner where the dangerous dog is to be kept before such dog may be kept on the property owner's premises. The written permission must specify the property owners' knowledge of the dog's dangerous status. This specifically includes, but is not limited to, dogs kept on the property of friends or relatives, and dogs kept on rental property.
- (F) Failure to comply with the requirements of this section will result in the revocation of any registration of such animal(s) and the immediate seizure and impoundment of the animal.

Penalty, see § [90.99](#)

§ 90.07 IMPOUNDMENT OF ANIMALS FOUND IN VIOLATION OF CHAPTER.

Any animal which is found running at large or staked, hitched or fastened in violation of the provisions of this chapter shall be seized and impounded by the Police Department and delivered to the proper county authority.

(1977 Code, § 4-7)

§ 90.08 BIRD SANCTUARY.

(A) The entire area within the corporate limits is hereby designated as a bird sanctuary.

(B) It shall be unlawful to kill, trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests; provided, that this section shall not be construed as protecting any birds classified as unprotected by the State Wildlife Commission or by law.

(1977 Code, § 4-8) Penalty, see § [90.99](#)

§ 90.09 GRAZING, TYING UP, FEEDING AND THE LIKE ANIMALS ON PUBLIC OR PRIVATE PROPERTY.

(A) No person shall stake or otherwise fasten any animal for grazing purposes on any of the streets, sidewalks, parks, squares or cemeteries.

(B) No person shall feed any animal upon or in any of the streets, sidewalks, parks or squares.

(C) No person shall graze or tie up on any vacant lot, within 50 feet of any dwelling or street, any cattle, sheep or other animal.

(1977 Code, § 4-9) Penalty, see § [90.99](#)

DOGS AND CATS

§ 90.20 RABIES VACCINATION REQUIRED; VACCINATION TAG.

(A) Every person owning, having or possessing any dog or cat, male or female within the corporate limits shall have the same vaccinated to prevent rabies each year or from time to time as provided by the General Statutes of North Carolina, and any changes and amendments thereto.

(B) It shall be the duty of the person to see that the metal tag is furnished by the rabies inspector or veterinarian showing that the dog or cat has been vaccinated, and that the serial number and the year issued is securely fastened to and worn by the dog or cat at all times.

(1977 Code, § 4-19)

(C) All dogs and cats must wear an identification tag with at least the following information: name, address, and telephone number of the owner. Penalty, see § 90.99.

§ 90.21 DOGS AND CATS RUNNING AT LARGE.

(A) It shall be unlawful for any owner or any person having custody or control of any dog or cat to knowingly suffer or permit any dog or cat to run at large on the streets or sidewalks within the corporate limits, unless the dog or cat shall be under the immediate control or restraint of an owner or other competent person.

(B) It shall be unlawful for any person owning or having custody or control of a dog or cat to knowingly permit the dog or cat to run at large within the corporate limits on or upon the land or property of a person other than the owner or person having custody of the dog or cat without the permission of the owner of the land or property on or upon which any dog or cat is running at large.

(1977 Code, § 4-20) Penalty, see § [90.99](#)

§ 90.22 BARKING AND HOWLING DOGS.

(A) It shall be unlawful for any person to keep or maintain any dog within the corporate limits when that dog habitually barks, howls or whines so as to cause annoyance to persons residing within a reasonable distance of the location where the dog is kept or maintained and when the barking, howling or whining interferes with the reasonable use and enjoyment of property owned or occupied by persons living within a reasonable distance of the location where the dog is kept or maintained.

(B) Upon a written and signed complaint being made to the Police Department by any resident pursuant to division (A) above, and upon a determination by the Police Department, after an investigation, that the complaint is valid, a representative of the Police Department shall notify the person against whom the complaint is directed that a complaint has been received, and thereupon the person shall remedy the unlawful condition within 24 hours from the time of notification.

(C) Any person failing or refusing to remedy the unlawful condition found to exist pursuant to this section within 24 hours from the time of notification shall be deemed guilty of a misdemeanor.

(1977 Code, § 4-21) Penalty, see § [90.99](#)

§ 90.23 TEASING, MOLESTING OR BAITING.

It shall be unlawful for any person within the corporate limits to tease, molest or bait any dog or cat not belonging to that person or being legally under the control of that person.

(1977 Code, § 4-22) Penalty, see § [90.99](#)

§ 90.24 STRAY DOGS AND CATS; NOTICE TO POLICE.

It shall be unlawful for any person in the corporate limits to knowingly and intentionally harbor, feed, keep in possession by confinement or otherwise, any dog or cat which does not

belong to him or her, unless he or she has, within 24 hours from the time the dog or cat came into his or her possession, notified the Police Department.

(1977 Code, § 4-23) Penalty, see § [90.99](#)

§ 90.25 DUTIES OF POLICE.

It is declared to be the duty of the Police Department when it is notified or becomes aware of any dog or cat running at large in violation of § [90.21](#) above to ascertain by whatever available means the identity of the person owning or having possession of that dog or cat found running at large and, upon ascertaining the identity of the proper person, to notify that person that he or she is in violation of § [90.21](#) above. Persons violating § [90.21](#) for the first time shall be issued a written notice of warning, persons violating § [90.21](#) above for the second or subsequent times shall be deemed, upon conviction, guilty of a misdemeanor, and that violation shall be punishable, upon conviction, as provided in § [90.99](#).

(1977 Code, § 4-24) Penalty, see § [90.99](#)

§ 90.26 IMPOUNDMENT; DESTRUCTION.

If the identity of the person owning or having possession of a dog or cat running at large within the corporate limits of the town cannot be reasonably ascertained, the Police Department shall deliver the dog or cat to the proper county authority, and the dog or cat shall be impounded. Any dog or cat found running at large within the corporate limits of the town which presents a dangerous and immediate threat to the health, safety and welfare of the public in general and if the person owning or having possession of the dog or cat cannot be immediately notified, then in that event, the dog or cat shall be subject to impoundment by any available means or destruction by the Police Department.

(1977 Code, § 4-25)

§ 90.27 ENFORCEMENT.

The Police Department and the Town Animal Control shall be charged with the responsibility of enforcing laws, ordinances and resolutions relating to dogs and cats, and to their care, custody and control.

(1977 Code, § 4-27)

§ 90.28 NOTIFICATION OF INJURY BY VEHICLE.

It shall be unlawful for any person injuring a dog or cat, by running over or into the same or coming into contact with the same with an automobile, motorcycle, bicycle or other vehicle, to fail to notify immediately the owner of the dog or the Town Police Department.

(1977 Code, § 4-26) Penalty, see § [90.99](#)

§ 90.29 PROHIBITION AGAINST TETHERING OF DOGS.

- (A) It shall be unlawful to tether an unattended dog.
- (B) When on the property of the dog owner, dogs may run loose when attended by a responsible person who can control the dog either by voice commands or by a leash.
- (C) When on the property of the dog owner, dogs may run unattended if kept in a secure area, including a fenced-in area, or when kept in a *PEN*, as defined in § 90.01, of sufficient strength and height to prevent the dog from escaping. Penalty, see § 90.99

§ 90.30 LIMITATION ON NUMBER OF DOGS AND CATS; SPECIAL PERMIT

- (A) It shall be unlawful for any person to own, to keep custody of, or to take care of three or more dogs or cats or any combination of three dogs and cats or more, four months or older, inside or outside of the premises, unless the person has a special permit issued by the Police Department.
- (B) No person shall own, keep, or harbor more than two (2) *PIT BULLS*, as defined in § 90.01, at any one time.
- (C) It shall be unlawful for any person to own, keep, or harbor dogs and/or cats for the purpose of breeding those animals and selling any offspring.
- (D) If a person has three or more dogs and/or cats inside or outside of the premises, the Police Department or designee must make the following findings in order to issue a special permit:
 - a. Noise from the dogs or cats will not interfere with an abutting occupant's peaceful enjoyment of the abutting property.
 - b. Any odor or unsanitary conditions caused by the dogs or cats will not interfere with an abutting occupant's use and peaceful enjoyment of the abutting property.
 - c. Three or more dog *PENS*, other dog-related structures, or any combination thereof shall not be permitted if the structures can be seen from an abutting occupant's property in a residentially zoned district.
 - d. There is no evidence that the dogs and/or cats pose any health problem or disease exposure for the abutting occupants.
 - e. The dogs and/or cats do not interfere in some other similar manner with the peaceful use and enjoyment of abutting property.
 - f. All dogs and cats must be spayed or neutered. Penalty see § 90.99.
- (E) The fee for a special permit shall be \$100.

§ 90.31 MANDATORY SPAYING AND NEUTERING OF PIT BULLS; EXCEPTIONS

No person may own, keep, or harbor any dog within the Town of Weldon (the "Town") that the person in possession knew, or should have known, was a pit bull as defined in § 90.01 that has not been spayed or neutered unless:

- (A) The pit bull is under six (6) months of age;

- (B) The pit bull cannot be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to a physical abnormality. A veterinarian must certify such a condition and determine the time frame after which the pit bull can be spayed/neutered. Within 30 days of the operative date of this ordinance, or within 30 days of taking possession or ownership of an unspayed or unneutered pit bull, the owner, guardian or keeper must submit such documentation to be verified by the Police Department;
- (C) The pit bull has been present in the Town for less than thirty days;
- (D) The owner, guardian or keeper has obtained, or has submitted an application for a kennel license in accordance with § 90.30(D); or
- (E) The pit bull is a show dog. Within 30 days of the operative date of this ordinance, or within 30 days of taking possession or ownership of an unspayed or unneutered pit bull, the owner, guardian or keeper must submit a copy of the organization papers (AKC or UKC) to the Police Department demonstrating the pedigree information and show dog registration and that the dog conforms with the same kennel license guidelines set forth in § 90.30(D). Penalty, see § 90.99

§ 90.32 TRANSFERENCE AND SALE OF PIT BULL PUPPIES

- (A) Any owner, guardian or keeper residing in or conducting a transaction within the Town who offers any pit bull puppies under six months old for sale, trade, or adoption, must prominently post his/her valid kennel license number with any offer of sale, trade, or adoption. The license number must also be supplied in writing to the individual, firm, corporation, or other entity that acquires a puppy.
- (B) The breeder shall not remove puppies from the litter until the puppies are at least 10 weeks of age, are fully weaned, have their first set of vaccinations, have been de-wormed and are in good general health.
- (C) Breeders and any party that acquires a pit bull puppy through purchase, trade or adoption shall enter into a written agreement for the transaction and must include language that the acquiring party shall, at any time during the dog's life, return the puppy to the breeder if the acquiring party cannot keep the dog, and that the breeder shall accept any such returned dog.
- (D) Pit bull puppies that do not have show dog papers as defined in § 90.31(E) must be spayed or neutered by a licensed veterinarian before transfer.
- (E) Within three weeks of the time that the litter is whelped, the breeder shall send to the Police Department a head count of how many puppies were live born. Within three weeks after the breeder transfers physical possession of each puppy, the breeder shall notify the Police Department of the name, address, and telephone number of the new owner, guardian or keeper of each puppy. Penalty, see § 90.99

§ 90.33 COSMETIC ALTERATIONS TO DOGS AND CATS PROHIBITED.

It shall be unlawful for any person to cosmetically alter any dog or cat. The only exception to this shall be for procedures performed under proper anesthesia, by a veterinarian licensed in the state of North Carolina. For purposes of this section, "tail docking", "ear cropping", "debarbing"

and "declawing" shall be considered cosmetic alterations. "Microchipping", "tattooing"; and "ear tipping" shall not be considered cosmetic alterations. Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is specified shall be guilty of a misdemeanor, punishable by a fine as follows:

a. \$150.00 violations:

- i. Animals running at large (90.04, 90.21)
- ii. Keeping certain animals (90.05)
- iii. Bird sanctuary (90.08)
- iv. Grazing, tying up, feeding and the like animals on public or private property (90.09)
- v. Rabies vaccination required; vaccination tag (90.20)
- vi. Barking and howling dogs (90.22)
- vii. Stray dogs or cats (90.24)
- viii. Teasing, molesting, or baiting (90.23)
- ix. Notification of injury by vehicle (90.28)
- x. Prohibition against tethering of dogs (90.29)
- xi. Animals spayed or neutered (90.30)
- xii. Limitation on number of dogs and cats; special permit; kennel license (90.30)
- xiii. Mandatory spaying and neutering of pit bulls; exceptions (90.31)
- xiv. Transference and sale of pit bull puppies (90.32)
- xv. Cosmetic alterations to dogs and cats prohibited (90.33)

b. \$500.00 violations:

- i. Cruelty to animals (90.02)
- ii. Vicious animals and dangerous dogs (90.06)

(B) In addition, enforcement of this chapter may be by injunction, restraining order or order of abatement in a court of competent jurisdiction, as provided by G.S. § 160A-175(d) and (e). (1977 Code, § 4-99)