

**AN ORDINANCE FOR THE TOWN OF NEW LONDON  
WITH RESPECT TO NUISANCE ANIMALS**

**BE IT ORDAINED** by the Board of Commissioners of the Town of New London,  
North Carolina as follows:

**Section 1: Nuisance animals.**

- (a) *Prohibited generally: exceptions.* It shall be unlawful for any person to own, keep, possess, harbor or maintain an animal in such a manner as to annoy or disturb rights and privileges common to the public or to annoy or disturb persons to be a public nuisance and are, therefore, unlawful:
  - (1) Getting into or turning over waste or garbage containers.
  - (2) Damaging the real or personal property of anyone other than its owner.
  - (3) It shall be unlawful for any person owning or having possession, custody or control of a dog to suffer, permit or allow the dog to stray or in any manner to run at large in or upon any public street, sidewalk or park or upon property of another, if such dog is not under sufficient physical restraint to allow the dog to be controlled.
  - (4) Being maintained in an unsanitary condition so as to be offensive to sight or smell.
  - (5) Not being confined to a building or secure enclosure while in estrus with such building and/or secure enclosure being a minimum of 10 feet from the owner's property line. Not being confined in front of a resident. A fence shall be at least four (4) feet high and constitute a secure-enough enclosure sufficient to contain a dog at all times. The minimum size of the enclosure shall be forty (40) square feet, if the dog is over fifteen (15) inches at shoulder or deemed capable of climbing a four-foot fence, then a six-foot fence may be required and being a sixty (60) square feet enclosure. A secure dog fence means a fence, as immediately described above, that may also be enclosed on all six (6) sides. The bottom may be concrete unless the sides of the fence are buried one foot deep in a hard packed soil.
  - (6) Being vicious or chasing, snapping at, attacking, or otherwise molesting others including, pedestrians, bicyclist, motor vehicle passengers, or domestic animals.
  - (7) **Allowing or permitting an animal to make frequent or long continued sounds, including barking, whining, screeching, calling, howling or yowling in an excessive, continuous, habitual or untimely fashion, or to make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises ('annoying sound'). Any such sound which is made for more than fifteen (15) minutes during any thirty (30) minute period shall be deemed to be an annoying sound. Any person owning, using or possessing premises affected by an annoying sound ("person annoyed by sounds") shall follow the procedures specified in subsection e. below.**
  - (8) Being housed or restrained less than ten feet from a public street, road or sidewalk such that in the discretion of the town, the location of the animal poses a threat to the general safety, health and welfare of the general public.
  - (9) Being diseased or dangerous to health of the public.
    - a. *Complaint and notice.* Except as to (a) (7) above, upon their own initiative or upon receipt of a detailed written and signed complaint being made to the town by any town resident (s) or by town officials that any person is maintaining a nuisance animal, the town shall cause the owner of the animal or animals in question to be notified that a complaint has been received and may cause a situation complained of to be investigated and report and finding thereon to be investigated and a report and findings thereof be reduced in writing by the Enforcement Officer.
    - b. *Abatement.* If the written findings of the investigating Enforcement Officer indicate that the complaint is justified, then the Town shall cause the owner or keeper of the animal or animals in question to be so notified in writing, served by personal delivery or by first class U.S. Mail and ordered to abate such nuisance within a reasonable time not to exceed seven days after notification, and may issue a citation for the violation. The Enforcement Officer may specify the particular abatement measures that must be taken, which measures may include, but are not limited to, a requirement that the animal be penned, or that a secure enclosure be erected or improved. In the event the owner of the animal is unknown and cannot be ascertained, the notice of the order, along with a general description of the animal, shall be posted in three public places within the Town of New London.

- c. *Impoundment upon failure to abate.* If any person actually or constructively receiving notice in the manner herein described shall fail or refuse to abate the nuisance upon order of the Enforcement Officer within the specified time, the Enforcement Officer may cause the animal or animals in question to be seized and impounded.
- d. *Redemption, destruction.* If the owner shall so request in writing within five (5) days of the impoundment an animal may be redeemed upon the owner's execution of a written agreement to comply with the abatement order and payment of all sums due. If no such written request is made, or if such a request is made, but written agreement to comply with the abatement order is not delivered to the Town Hall within five days of the impoundment, then the animal(s) shall be deemed abandoned and disposed of in accordance with the provisions of the Enforcement Officer policy.
- e. ***Annoying sounds. A person annoyed by sound shall follow the procedures specified below.***
  - (i) **Upon receipt of a detailed written and signed complaint by a person annoyed by sounds, the Town shall provide written notice to the owner or possessor of the premises on which the animal making annoying sounds is maintained ("animal owner") that a complaint has been received about the animal's annoying sounds. The notice shall detail the complaint and may make suggestions on ways to correct the situation.**
  - (ii) **Upon receipt of such notice of complaint, the animal owner shall cure the violation. If the violation is not cured, or if a second complaint is made about the same animal within any six (6) month period, the Enforcement Officer shall cause the animal possessor to be served by an order to abate the annoying sounds with a reasonable period of time, not to exceed seven (7) days ("Abatement Order"). Such notice shall be served by personal delivery of by U. S. Mail.**
  - (iii) **If the original complainant, or any other affected person notifies the Town that the animal owner has failed or refused to abate the annoying sounds as provide in the Abatement Order, the enforcement officer shall investigate and may issue a civil citation for the violation in the amount of two hundred dollars (\$200.00). Such citation shall be collected by the Town Clerk.**
  - (iv) **If the annoying sounds continue after issuance of the citation, the complainant should pursue the action by going to the magistrate and filing a summons against the animal possessor. Nothing in this section shall prevent a private citizen from bringing an action at any time against an animal possessor.**

The Town of New London Commissioners after holding a public hearing adopted the following ordinance titled "**Nuisance Animals**" on the 2<sup>nd</sup> day of February, 2010.