

**ORDINANCE #08-40:**

**AN ORDINANCE AMENDING CHAPTER V, ANIMAL CONTROL,  
OF THE MUNICIPAL CODE OF THE VILLAGE OF PINEHURST,  
NORTH CAROLINA.**

**THAT WHEREAS,** the Village Council adopted an Animal Control Ordinance on October 20, 1980, such ordinance codified as Chapter V in the Pinehurst Municipal Code; and

**WHEREAS,** said Policy has been amended from time to time as circumstances and the best interests of the Community have required;

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Village Council of the Village of Pinehurst, North Carolina in Work Session assembled this 16<sup>th</sup> day of December, 2008, as follows:

**SECTION 1.** That the following section of the Pinehurst Municipal Code is amended by deleting all existing language and inserting the following in its place:

**CHAPTER V  
ANIMAL CONTROL**

**5-1 ADOPTION OF MOORE COUNTY ANIMAL CONTROL ORDINANCE  
BY REFERENCE.**

Pursuant to authority contained in General Statutes of North Carolina §160A-182 and §160A-186 for the purpose of prohibiting abuse of animals and regulation of domestic animals, there is hereby adopted by reference the Moore County Animal Control Ordinance and all subsequent versions/changes, the same as if set forth herein verbatim and the same is hereby made and hereinafter shall be applicable and enforceable within the corporate limits of the Village of Pinehurst and the areas within its extraterritorial jurisdiction.

**5-2 LICENSING OF DOGS AND CATS**

**5-2.1 Licensing Required.** All dogs and cats over four (4) months in age, kept, harbored and maintained in the Village shall be duly licensed. Dog and cat licenses shall be obtained by the owner or custodian from the receptionist in the administrative offices of the Village Hall, which license shall be issued upon completion of a form identifying the animal, setting forth the name, address and telephone number (if any) of the owner or custodian, and attesting, with proof thereof, the inoculation of the dog or cat as provided in subsection 4-32 of the Moore County Animal Control Ordinance. Each license will be given a serial number and shall be issued for a fee of two (\$2.00) dollars payable to the Village of Pinehurst, with copy retained in files of the Village of Pinehurst Police Department and shall be valid for the calendar year in which it is issued and shall be renewed annually for a like fee payable to the Village of Pinehurst as of the first day of January of each so long as the dog or cat remains with the licensee. Each license, when issued, shall be accompanied by a metal license tag bearing the serial number and year of validity impressed thereon.

5-2.2 Collar and Identification. All dogs over four (4) months of age, kept, harbored or maintained in the Village shall be properly identified by a collar with the metal license tag issued pursuant to subsection 5-2.1 above firmly affixed thereto and veterinarian inoculation tag with year of inoculation as provided in subsection 4-33 of the Moore County Animal Control Ordinance. Such dog so identified shall be classified as an “Identifiable Dog” under this chapter when and only when wearing such collar and tags. This provision, however, shall not be construed to apply to dogs, the owners of which are non-residents of, or temporarily, not to exceed thirty (30) days, within the Village of Pinehurst, nor to dogs brought into the Village for the purpose of participation in any dog show, nor to “seeing eye” dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

### 5-3 UNCONTROLLED DOGS

5-3.1 Running at Large Prohibited; Public Nuisance. No owner or custodian of a dog in the Village shall permit such dog to run at large or act as a public nuisance (as defined by Section 4-1 of the Moore County Animal Control Ordinance) at any time within the corporate limits of the Village and such owner or custodian shall maintain such dog on a secure leash in responsible hands when off the real property of the owner or custodian of such dog. The owner or custodian of any dog shall be responsible for the actions of such dog, and further shall be responsible for repairing damage caused on any sidewalks, walkways or public lands in the Village Commercial District or on any other public lands in the Village:

- a. Cannon Park;
- b. Rassie Wicker Park;
- c. The Pinehurst Harness Track;
- d. The 63 acre Village tract on Chicken Plant Road;
- e. All trails of the Pinehurst Greenway System;
- f. The triangle surrounded by Lake Forest and Saint Andrews Drives.

5-3.2 Apprehension and Notice: Identifiable Dog. It shall be the duty of every police officer in the Village, the Dog Warden of the County of Moore, and any officer of the Sheriff’s Department of Moore County, North Carolina, immediately to attempt to notify the owner or custodian of any “identifiable dog” found running at large, or acting as a public nuisance, contrary to the provisions of subsection 5-3.1. Such officer shall make every reasonable effort to restrain such dog and it shall then and thereupon be the duty of the owner or custodian of such “identifiable dog” to locate the dog and return the dog to proper control and custody and prevent the dog from thereafter running at large or acting as a public nuisance. The officer shall issue a notice to the owner or custodian of the dog of the date, time and place of apprehension of such “identifiable dog.” The apprehending officer shall endorse the date, time and place of each apprehension of an “identifiable dog” on record in the files of the Village Police Department

5-3.3 Repeated Offenses. If an “identifiable dog” is found running at large, or acting as a public nuisance on any occasion after the second offense and the second notice thereof, the third offense and each apprehension thereafter will be deemed and found to be a violation of this Section and punishable as provided in Section 4-10 of the Moore County Animal Control Ordinance. A record of each offense shall be made by the apprehending officer.

5-4 ESTABLISHMENT OF A BIRD SANCTUARY

5-4.1 Hunting, Killing or Trapping Birds Prohibited; Exception if Permit Obtained. Pursuant to authority contained in General Statutes of North Carolina 160A-188 and for the purpose of prescribing regulations governing the welfare of its citizens and the peace and dignity of the Village, there is hereby adopted and made applicable within the corporate limits of the Village of Pinehurst from and after the effective date hereof, the following:

a. It shall be unlawful for any person to hunt, kill, trap or otherwise take any birds protected by the State of North Carolina or by Federal Laws within the corporate limits except pursuant to a permit issued by the North Carolina Wildlife Resources Commission under G.S. 113-274 (c) (1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds within the Village limits.

5-4.2 Birds Classified as Pests Not Included. This Section shall not protect birds classified as pest under article 22A or Chapter 113 of the General Statutes and the Structural Pest Control Act of North Carolina Pesticide Law of 1971.

5-4.3 Penalty. Any person, firm or corporation who shall violate, fail, neglect or refuse to comply with any provision of the Section shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than fifty (\$50.00) dollars or imprisonment of not more than thirty (30) days.

**SECTION 2.** That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

**Adopted** this the 16<sup>th</sup> day of December, 2008.

(Municipal Seal)



VILLAGE OF PINEHURST  
VILLAGE COUNCIL

By: George P. Lane  
George P. Lane, Mayor

Attest:

Linda S. Brown  
Linda S. Brown, Village Clerk

Approved as to Form:

Michael J. Newman  
Michael J. Newman, Village Attorney