

## ORDINANCE NO. 14-925

Amend Chapter 3 and Chapter 11 to address regulations for commonly accepted domestic animals or fowls.

### Sec. 3-9. Dogs and other commonly accepted animals and fowl on public rights-of-way, public lands, property and beaches.

#### (a) Use of Terms

1. Commonly accepted domestic animals or fowls", as defined in [section 3-2](#), hereby referred to as "animals" shall be subject to the provisions as specified herein.
2. For the purpose of this ordinance the boardwalk shall be defined by the following boundaries: the rights-of-way east of Woody Hewett/Canal; and from the north side of Harper Avenue up to and including Cape Fear Blvd. Also to include the oceanfront wooden municipal walkway. All boardwalks operate as pedestrian walkways.
3. Municipal Beach Strand shall be defined as all areas east of the north end rocks and/or first line of stable vegetation; south of Freeman Park; and north of Kure Beach.
4. A service animal is any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

#### (b) Animals on the municipal beach strand, public rights-of-ways, public lands, and property within the jurisdictional limits shall be restrained by a leash. The following additional regulations shall apply:

1. No *animals* shall be allowed on the *Boardwalk* at any time.
2. From **April 1 through September 30** no animals shall be allowed on the *municipal beach strand*.
3. *Animals* are prohibited from entering any park building (i.e., restrooms, concession stands and score towers). Animals are prohibited within one hundred feet (100) of any concession or vending areas. *Animals* are prohibited from any established athletic field or court (i.e., baseball fields, football/soccer fields, tennis courts, basketball courts). ~~Dogs and pets~~ *Animals* are prohibited within fifty (50) feet of any children's playground except on designated walking paths. ~~Dogs and pets~~ *Animals* are prohibited from any mass gathering, identified as any planned event of two hundred (200) or more people unless otherwise approved by the Town.
4. Service animals shall be exempt from Sec 3-9 (b)

#### (c) Animal Owner Responsibilities

The owner or keeper of *animals* who harm or cause offenses or damages to the public, or who deposit waste upon public land or property, shall be held responsible for such action and shall be held responsible for cleanup or have cleaned up said waste immediately following the occurrence. An owner or custodian of an *animal* will have on or near their person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to fully clean up and contain animal waste until it can be disposed of in an appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce these ordinances.

(Ord. No. 82-58, § (8-2006.1), 7-13-82; Ord. No. 93-322, 6-8-93; Ord. No. 95-359, 4-11-95; Ord. No. 98-434, 11-10-98; Ord. No. 01-473, 2-13-01; Ord. No. 03-547, 9-9-03; Ord. No. 06-623, 2-14-06)



It shall be unlawful for any person, persons, owner, or keeper of any dog(s) to allow said animal upon the public beaches within the jurisdictional limits of the town from November 1 to February 28 without a leash of a type to restrain said animal, and it shall be unlawful to allow any dog(s), whether on leash or not, upon the public beaches within the jurisdictional limits of the town from March 1 to October 31 or within the boardwalk areas of the town (A-1 Zoning District as displayed upon the official town zoning map); and furthermore, it shall be unlawful for any such owner or keeper to allow any said dog(s) upon other public rights of ways, public lands, or property without a leash. The owner or keeper of any such dog(s) who harms or causes offenses or damages to the public, or who deposits waste upon public land or property, shall be held responsible for such action and shall be held responsible for cleanup or have cleaned up said waste immediately following the occurrence. An owner or custodian of a dog will have on or near their person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to fully clean up and contain dog waste until it can be disposed of in an appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce these ordinances. For purposes of this chapter other "commonly accepted domestic animals or fowls", as defined in [section 3-2](#), shall be subject to the provisions as specified herein and no interpretation of this section shall be made which allows any type of animal or fowl other than "commonly accepted animals and fowl" upon public rights of way, public lands, property and beaches other than described herein.

Dogs and pets are prohibited from entering any park building (i.e., restrooms, concession stands and score towers). Dogs and pets are prohibited within one hundred feet (100) of any concession or vending areas. Dogs and pets are prohibited from any established athletic field or court (i.e., baseball fields, football/soccer fields, tennis courts, basketball courts). Dogs and pets are prohibited within fifty (50) feet of any children's playground except on designated walking paths. Dogs and pets are prohibited from any mass gathering, identified as any planned event of two hundred (200) or more people.

(Ord. No. 82-58, § (8-2006.1), 7-13-82; Ord. No. 93-322, 6-8-93; Ord. No. 95-359, 4-11-95; Ord. No. 98-434, 11-10-98; Ord. No. 01-473, 2-13-01; Ord. No. 03-547, 9-9-03; Ord. No. 06-623, 2-14-06)

### **Sec. 3-10. Impoundment.**

**Any animal may be impounded when found at large. The Town Official shall notify and turn over any animals to New Hanover County Animal Control.**

Any animal or fowl may be impounded when found at large and the animal control officer shall make reasonable efforts to notify the owner of any impounded animal. The animal or fowl shall be impounded for not more than three (3) consecutive calendar days unless redeemed by its owner within said period. If an animal or fowl is not claimed by the owner within the three-day period after impoundment, the animal or fowl shall be turned over to the New Hanover County Animal Control Center. Fees charged by the Animal Control Center shall be in addition to fees charged by the Town of Carolina Beach. If the animal redeemed is not properly licensed or inoculated, the owner shall secure the necessary license and have the animal inoculated.

(Ord. No. 93-322, 6-8-93; Ord. No. 94-353, 10-11-94; Ord. No. 01-473, 2-13-01)

### **Sec. 3-11. Violations.**

**Any person violating any provision of this chapter or who shall violate or fail to comply with any order made under these sections may be subject to a civil penalty punishable by a fine issued in accordance with the town's annually adopted rates and fees schedule.**

It shall be unlawful for any person, persons, owner or keeper of any commonly accepted domestic animals or fowl as defined in [section 3-2](#) to allow said animal upon the public beaches within the jurisdictional limits of the town from November 1 to February 28 without a leash of a type to restrain said animal, and it shall be unlawful to allow any commonly accepted animal or fowl as defined in [section 3-2](#) whether on leash or not, upon the public beaches within the jurisdictional limits of the town from March 1 to October 31 or within the boardwalk areas of the town



(A-1 zoning district as displayed upon the official town zoning map); and furthermore, it shall be unlawful for any such owner or keeper to allow said commonly accepted animal or fowl upon other public rights-of-way, public lands, or property without a leash. The owner or keeper of any such commonly accepted animal or fowl who harms or causes offenses or damages to the public, or who deposits waste upon public land or property, shall be held responsible for such action and shall be held responsible for cleanup or have cleaned up said waste immediately following the occurrence.

(Ord. No. 94-353, 10-11-94; Ord. No. 01-473, 2-13-01)

**Sec. 11-59. Dogs and other commonly accepted animals and fowl on public rights-of-way, public lands, property and beaches.**

Any person, persons, owner, or keeper of ~~any dog(s)~~ "commonly accepted domestic animals or fowls", as defined in Chapter 3 section 3-2, herein referred to as "animal" shall have the animal on a leash while in Freeman Park from **April 1 to September 30**.

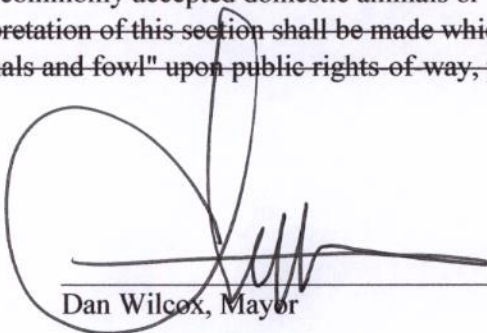
Between **October 1 and March 31**, animals dogs will be allowed off of a leash in Freeman Park so long as they remain under voice command and the owner is within a reasonable distance from the pet.

The owner or keeper of any such ~~dog(s)~~ **animal** who harms or causes offenses or damages to the public, or who deposits waste upon public land or property, shall be held responsible for such action and shall be held responsible for cleanup or have cleaned up said waste immediately following the occurrence.


An owner or custodian of ~~a dog~~ **an animal** will have on or near their person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to fully clean-up and contain dog waste until it can be disposed of in an appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce these ordinances. ~~For purposes of this article other "commonly accepted domestic animals or fowls" shall be subject to the provisions as specified herein and no interpretation of this section shall be made which allows any type of animal or fowl other than "commonly accepted animals and fowl" upon public rights-of-way, public lands, property and beaches other than described herein.~~

(Ord. No. 06-658, 11-14-06)

Adopted this 14<sup>th</sup> day of January, 2014

  
Dan Wilcox, Mayor

1/14/14  
Date

ATTEST:   
Lynn Prusa, Town Clerk

1/14/14  
Date

