

ORDINANCE AMENDING CHAPTER 4 REGARDING REGULATION OF ANIMALS

WHEREAS, the Town Council has adopted ordinances regulating animals, codified in Chapter 4 of the Town's Code of Ordinances; and,

WHEREAS, the Town Council desires to amend Chapter 4 in order to better protect the citizens of the Town of Weaverville.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEAVERVILLE THAT:

Section One.

Section 4-1 is hereby replaced in its entirety with the following:

Section 4-1 (a) Wild Animals: Any animal, which is not normally domesticated in this state, including but not limited to bears, coyotes, deer, feral cats, foxes, groundhogs, opossums, raccoons, skunks, turkeys, and waterfowl and any domesticated unlicensed animal, including, but not limited to, stray cats and/or dogs.

Section 4-1 (b) The keeping, possession, harboring or feeding of wild animals which threaten the public health, safety and welfare of the community; provided, that nothing herein shall be construed to prohibit keeping or maintaining a bird feeder normally used to feed songbirds, hummingbirds, or other similar small birds. It shall be unlawful to distribute feed to or feed turkeys, ducks, geese, other water fowl and other large birds.

Section 4-1 (c) It shall be unlawful to distribute feed of any kind to the wild and domestic fowl upon the property known as Lake Louise Park or upon any public streets within the Town.

Section Two.

Section 4-83 (f) is hereby amended to read as follows:

(f) *Immediate impoundment.* If the animal control officer determines that a dog is dangerous or potentially dangerous, the animal control officer shall impound the dog(s) as soon as possible until such time as repairs are made to the enclosure to bring it into compliance with this ordinance.

Section Three.

Severability.

It is the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or

decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since they would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section Four.

Effective Date.

This ordinance shall become effective upon adoption.

Read, approved and adopted this the 25th day of February, 2013.

SIGNED:

Allan P. Root, Mayor

ATTEST:

Shelby Shields, Town Clerk