

Chapter 6 - ANIMALS

Sec. 6-1. - County ordinances applicable within the corporate limits of the city.

Sec. 6-2. - Bird sanctuary.

Sec. 6-3. - Shooting or poisoning wild game or squirrels.

Sec. 6-4. - Fowl at large; impounding.

Sec. 6-5. - Livestock on sidewalk.

Sec. 6-6. - Reserved.

Sec. 6-1. - County ordinances applicable within the corporate limits of the city.

Editor's note—Resolution 9679, adopted November 2, 2009, provides that the Durham County Animal Control Ordinance is applicable in the portions of the city that are in Durham County. Resolution 9680 adopted November 2, 2009, provides that the Wake County Animal Control Ordinance is applicable in the portions of the city that are in Wake County. Resolution 9681, adopted November 2, 2009, provides that the Orange County Animal Control Ordinance is applicable in the portions of the city that are in Orange County.

(Ord. No. 13918, §§ 1, 2, 11-2-2009)

State law reference— Making county ordinance applicable in city, G.S. 153A-122.

Sec. 6-2. - Bird sanctuary.

(a)

Designation of city. The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(b)

Trapping, shooting birds or wildfowl. It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wildfowl or to rob bird nests or wildfowl nests; provided, however, that if starlings, pigeons, or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or deface property, in the opinion of the director of public safety, and no satisfactory alternative is found to abate such nuisance, such birds may be destroyed in such numbers and in such manner as is deemed advisable by the director of public safety.

(Code 1964, §§ 4-2, 4-3; Code 1982, §§ 5-1, 5-2)

State law reference— Cruelty to animals, G.S. 14-360.

Sec. 6-3. - Shooting or poisoning wild game or squirrels, and deer bow hunting

It shall be unlawful for any person to shoot any wild game or any squirrel, whether wild or tame, with a gun or, firearm or to willfully poison any wild game or squirrel.

However, deer hunting by bow and arrow or crossbow ("collectively archery"), as defined by the North Carolina Wildlife Resources Commission, is permitted on private property during the Central North Carolina deer archery season as established by the North Carolina Wildlife Resources Commission. A person may engage in deer archery on his or her own property if he or she has on his or her person a valid North Carolina hunting license (or qualifies for an exemption from licensing by the North Carolina Wildlife Resources Commission) , or on the property of another in their absence if he or she has on his or her person both a valid North Carolina hunting license (or qualifies for an exemption from licensing by the North Carolina Wildlife Resources Commission) and written permission from the property owner or the property owner's authorized agent or manager and meets the following requirements:

- a) Hunts from a permanent or portable elevated platform of at least ten (10) feet above the ground; and
- b) The parcel or tract of land which the hunter owns or has permission to hunt is greater than two (2) acres in area; and
- c) There is a valid hunting season in effect for which the hunting license applies at the time the bow or crossbow is discharged; and
- d) The hunter adheres to all applicable State and Local regulations; and
- e) The person discharging the bow or crossbow exercises reasonable regard for the safety and property of other persons.

(Code 1964, § 4-1; Code 1982, § 5-3)

Sec. 6-4. - Fowl at large; impounding.

Any person, upon whose premises any poultry may run at large, in contravention of this Code or any other ordinance of the city, may distrain such poultry and turn them over to the police authorities of the city, who shall impound them for the costs of the proceedings against the owner of the poultry and any fine and other cost incurred by reason of such running at large. If the fine and costs assessed against the owner are not promptly paid, the trial court may order such poultry sold, and the proceeds of the sale be applied to the payment of the fines, penalties and costs assessed against the owners.

(Code 1964, § 4-4; Code 1982, § 5-4)

Sec. 6-5. - Livestock on sidewalk.

It shall be unlawful for any person to permit or allow any horse, mule, cow or other livestock to walk or travel on any of the sidewalks of the city.

(Code 1964, § 4-6; Code 1982, § 5-6)

Sec. 6-6. - Reserved.

Editor's note—

Ord. No. 13757, § 3, adopted January 5, 2009, repealed § 6-6 in its entirety, which pertained to keeping bees, and derived from the Code of 1964, § 4-7.1; the Code of 1982, § 5-8, and Ord. No. 13574, Pt. 1, adopted April 7, 2008.

Sec. 46-21. Discharging weapons—Generally.

(a)

It shall be unlawful for any person other than an officer authorized by law, or upon a range legally permitted by the chief of police, to discharge or shoot any firearm, pump gun, air rifle, air pistol, BB gun, crossbow, bow and arrow, slingshot, or any other weapon of like kind within the city.

(b)

Subsection (a) shall not apply when the weapon is discharged or shot:

(1)

In defense of person or property;

(2)

Pursuant to the lawful directions of a law enforcement officer;

(3)

In a city park for ceremonial or recreational purposes, provided that such person has first obtained, in writing, permission from the director of parks and recreation or his or her designee. In no event shall permission be given for the discharge of live ammunition;

(4)

In a cemetery for the purpose of conducting a military or law enforcement funeral or commemorative exercise provided that such person has first obtained, in writing, permission from the city manager or his or her designee. In no event shall permission be given for the discharge of live ammunition;

(5)

On state-designated game lands; or

(6)

Pursuant to Code section 6-3, which permits deer archery within the City limits under specified circumstances.

(Code 1964, § 13-29; Code 1982, § 12-20; Ord. No. 9738, § 1, 12-21-1992; Ord. No. 10065, §§ 1, 2, 2-7-1994; Ord. No. 14435, 4-15-2013)

Editor's note—

Ord. No. 14435, adopted April 15, 2013, changed the title of section 46-21 from "Discharging firearms—Generally" to "Discharging weapons—Generally." The historical notation has been preserved for reference purposes.

Charter reference— Authority to regulate, § 60.

State law reference— Authority to regulate, G.S. 160A-189.