

**AN ORDINANCE REGARDING THE REGULATION OF
LIVESTOCK AND WILD ANIMALS FOR
THE TOWN OF WILSON'S MILLS**

BE IT ORDAINED by the Town Council of the Town of Wilson's Mills as follows:

Section 1. General Prohibitions

No person may keep within the town limits any wild animal, livestock, or fowl except in accordance with this ordinance.

1. For the purposes of this section, livestock shall include horses, mules, cows, pigs, hogs, goats, sheep, ponies, chickens, ducks, guinea fowl, turkeys, peacocks, llama, and all other animals that typically are kept primarily for productive or useful purposes rather than as pets.
2. Wild animals shall include an animal that typically is found in a non-domesticated state and that, because of its size or vicious propensity or because it is poisonous or for any other substantial reason poses a potential danger to persons, other animals or property, or is classified as a wild animal by the North Carolina Wildlife Resources Commission so that any person wishing to possess the same is required by state law to obtain a permit from North Carolina Wildlife Resources Commission.
3. Animals which are usually kept as household pets shall not be considered domestic livestock or fowl. The keeping of certain domestic livestock, fowl, or wild animals shall be allowed with a Special Use Permit by the Wilson's Mills Town Council on properties zoned for low-density residential (R-30) and residential agricultural (RA-40) development provided that the following conditions are met.:
 - a) Cows, bulls, horses, ponies, llamas and other hoofed animals are kept in a quantity of one (1) animal per acre in accordance with the North Carolina Department of Agriculture guidelines.
 - b) Under no conditions shall the keeping of hogs be permitted within the corporate limits unless the operation is such that it is considered a bona-fide farm which falls under the permit of United States Department of Agricultural with a permitted Waste Management Plan, inspected by the Division of Water Quality (DWQ), and Johnston County Soil & Water.
 - c) No permit may be issued for any wild animal unless the owner thereof has also obtained a permit from the North Carolina Wildlife Resources Commission authorizing him to keep such an animal.

Section 2. Repeal of Former Ordinances and Validity

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

Section 3. State Law “Grandfather Law” References

Subject to the provisions of G.S. 106-701, the requirements of this section apply to wild animals and livestock that are present within the town on the effective date of this ordinance as well as those brought within the town thereafter. However, owners of wild animals or livestock that are within the town on the effective date of this ordinance shall not be deemed in violation of this section until they have been notified in writing of its requirements, have been given sixty (60) days to apply for the required permits, and have either filed to apply during that time, or after application, have been denied a permit and have failed to remove the animals within sixty (60) days after the denial of the permit.

When a permit is denied for any reason, the applicant shall be given a written explanation of the reason of denial. Any person who is denied a permit or has a permit revoked shall have the right to appeal the decision to the Board of Adjustment. Appeal shall be made by giving written notice to the Board of Adjustment within thirty (30) days of the date of the denial or revocation. The Board of Adjustment shall conduct a hearing to determine if the permit should be denied or revoked.

Section 4. Penalty

Violation of this section shall constitute a misdemeanor, pursuant to G.S. 14-4(b) and shall subject the violator to a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than seven (7) days..

Section 5. Effective Date

This ordinance shall become effective upon adoption.

Duly adopted this the 9th day of July, 2007

PETER H. WILSON, Mayor

ATTEST:

LEIGHANNA T. WORLEY, Town Clerk