



# Town of Southern Shores

"A Town of Volunteers"

6 Skyline Road, Southern Shores, NC 27949

Telephone: (252) 261-2394 Fax: (252) 261-0452

Web Site: southernshores.org

E-mail: info@southernshores.org Ordinance #: 01-11-017

## AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES

**BE IT ORDAINED** by the Town Council of the Town of Southern Shores, North Carolina, that the Code of Ordinances of the Town of Southern Shores be amended as follows:

**PART I.** Sections 6-6, 6-90 and 6-91 of the Code Of Ordinances of The Town of Southern Shores are hereby repealed and replaced with the following new provisions:

### **Sec. 6-6 Trapping of domestic or wild animals.**

It shall be unlawful for any person to trap domestic or wild animals by the use of animal traps or to set any animal trap which may trap domestic or wild animals not issued by the Southern Shores Police Department or the Dare County Animal Control department, or any other organization approved by the Southern Shores Police Department, within the corporate limits.

### **Sec. 6-90 Animals Running at Large.**

(a) It shall be unlawful for the owner or custodian of any dog or other animal, other than an ordinary domesticated house cat, to fail to keep the same from running at large within the town. For the purposes of this chapter, an animal, other than an ordinary domesticated house cat, shall be deemed "running at large" when it is not restrained as specified below:

- (1) When the animal is located upon the premises of the owner or custodian, it must not be able to enter upon public property or the premises of another person. Any animal off the premises of the owner or custodian shall be restrained by a leash, cord, or chain not exceeding ten (10) feet in length, held by a person who is physically able to control the animal.
- (2) For the purposes of this chapter, "premises of the owner or custodian" shall be defined as the residence of the owner or custodian, including the attached property surrounding the residence that is owned or leased by such owner or custodian but not including any common area, park, or recreational property jointly owned or leased by the members of a property owners' or tenants' association unless such association desires to include it's property by resolution of it's governing board.

(3) No animal shall be deemed to be "running at large" when the animal is upon the premises of the owner or custodian and when the animal is contained on or restricted to such premises by any means, including verbal commands.

(4) Any animal enclosed within the automobile or other vehicle of its owner or custodian shall be deemed to be upon the owner's or custodian's premises.

(b) Notwithstanding anything to the contrary in the previous section, no animal, excluding ordinary domesticated house cats, shall be allowed on the ocean beaches of the Town from May 15 through September 15 of each year regardless of whether the animal is under control of its owner or custodian. During this period such animals are banned from the ocean beaches in the Town. For the purpose of this provision the term "ocean beach" shall mean and be defined as all beach land beginning at the first line of stable, natural vegetation, the toe of the slope of the frontal dune, or the storm trash line, whichever is most apparent to ordinary observation and located the most oceanward of the three, and extend to and include the waters and bottoms of the Atlantic Ocean extending eastward one hundred yards from the shoreline. In defining "ocean beaches", such term shall be interpreted consistently with NCGS 77-20 (d) and (e).

(c) There is exempted from subparagraph (b) above any dog which is accompanied by its owner or custodian while on any part of the ocean beach which is owned or leased by that dog's owner or custodian, and no further eastward than the mean high water mark of the Atlantic Ocean. Provided further, that the dog must be on a leash having a stretched length of no more than ten feet and held by a person who is physically capable of handling the dog. Further the person accompanying the dog must possess on his or her person a scooping device with which to remove feces in accordance with the following Section 6-91.

(d) It shall be unlawful for any dog or cat owner to fail to provide their dog or cat with a collar or harness to which a current year rabies vaccination and identification tag are securely attached. A collar or harness with attached current year rabies vaccination and identification tag must be worn at all times except when the dog or cat is confined on the owner's premises or during the time the animals are performing at an event or show sanctioned and supervised by a recognized organization. It shall be unlawful for any person to allow any dog or cat to wear a current year rabies vaccination and identification tag issued for another dog or cat.

(e) It shall be unlawful for any dog owner to allow their dog to chase, snap at, show aggressive threatening behavior, or attack pedestrians, bicyclists or vehicles, or for any cat owner to allow their cat to urinate on, scratch, or otherwise damage personal property not belonging to the owner or to allow either their dog or cat to conduct itself so as to be a public nuisance. Dogs declared potentially dangerous by the Dare County Health Director will be confined in accordance with directives issued by the Health Director as authorized by NCGS §67-4.1.

**Sec. 6-91. Mandatory removal of feces.**

Each and every person, owner, keeper or custodian of any dog shall immediately remove all feces deposited by the dog they are accompanying on the ocean beaches. The removal of feces shall be accomplished by depositing such feces in a sanitary container. Burying feces in the sand or depositing in the ocean is prohibited and constitutes a violation of this chapter.

**PART II.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**PART III.** If this ordinance or the application of this ordinance to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

**PART IV.** This ordinance shall be in full force and effect from and after the 5<sup>th</sup> day of November 2001.

ATTEST:

  
Carrie Gordin, Town Clerk

  
Paul Sutherland, Mayor

Date: 11/05/01  
Vote: 4 Ayes 1 Nay

Approved as to form:

  
Ike McRee, Town Attorney



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Ordinance #

01-10-016

## AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF SOUTHERN SHORES

### ARTICLE VII. SCHEDULE OF DISTRICT REGULATIONS

**WHEREAS** as shown in the history of the Town of Southern Shores as described by the developer Mr. David Stick, the Town of Southern Shores was established as a planned community of single family homes and the majority of its citizens, as indicated by a survey conducted by the Southern Shores Civic Association, continue to express their desire to preserve the single family home atmosphere of the town.

**WHEREAS** homes of large capacity, designed to serve short term vacation needs of multi-family groups, are inconsistent in a residential neighborhood occupied by single families, some on a year-round basis and are not desired as shown by various citizens' petitions, letters and e-mails.

**WHEREAS** significant health and safety issues may arise when large numbers of people are housed in structures designed for single family occupancy. A survey has indicated that almost half of the rental homes advertised for rent in Southern Shores have advertised for occupancy of more than the designed septic system capacity.

**WHEREAS** the impact on our neighboring surface waters (canals, Guinguite Creek, Atlantic Ocean and Currituck Sound) of large volume septic systems, especially those that are failing, are over utilized, under engineered or undersized.

**WHEREAS** the National Fire Protection Association (NFPA) Code 101 defines structures designed for occupancy by more than sixteen (16) persons as hotels or rooming houses which are subject to more stringent regulations than single family homes in regard to fire safety, such as sprinkler systems, multiple exits, signage and lighting.

**WHEREAS** the Town Council desires to protect the health, safety and welfare of its citizens, preserve the quality of life and preserve the property values and character of residential neighborhoods.

**NOW, THEREFORE BE IT ORDAINED** by the Town Council of the Town of Southern Shores that the Zoning Ordinances of the Town of Southern Shores be amended as follows:

**PART I.** Article III. Interpretation and Definition of Terms, Section 3.02 Definition of Specific Terms and Words is amended by adding the following definition of "Dwelling, Large Home":

"Any home containing more than seven (7) bedrooms (or rooms that could be considered as bedrooms using the Dare County criteria for determining septic system design) or septic system capacity for more than fourteen (14) people".

**Part II.** Article VII Schedule of District Regulations Section 7.01 RS-1 Single Family Residential District, B. Permitted Uses,

1. Change to read, "Detached single-family dwelling consisting of no more than seven (7) bedrooms or septic system capacity for more than fourteen (14) people."

Section 7.02 RS-8 Multi-Family Residential District, B. Permitted Uses,

Add, "9. Dwellings shall consist of no more than seven (7) bedrooms or septic system capacity for more than fourteen (14) people."

Section 7.03 RS-10 Multi-Family residential District, B. Permitted Uses,

Add, "1. Dwellings shall consist of no more than seven (7) bedrooms or septic system capacity for more than fourteen (14) people."

Section 7.04 R-1 Low Density Residential District, B. Permitted Uses,

1. Change to read, "Detached single-family dwelling consisting of no more than seven (7) bedrooms or septic system capacity for more than fourteen (14) people."

**PART III.** Article VII Schedule of District Regulations, Section 7.10 General Commercial District B. Permitted Uses is amended by adding:

"9. Dwelling, Large Home"

**PART IV.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**PART V.** This ordinance shall be in full force and effect from and after the 2nd day of October 2001.

ATTEST:

  
Mayor

  
Town Clerk

Date: 10/2/01  
Vote: 5 Ayes 0 Noes

Approved as to form:

  
Town Attorney