

**§ 90.04 NUISANCE.**

All nuisance complaints are required to be filed in person by the complainant and complainant must be willing to go to court if criminal charges are filed. Complaints regarding the nature of aggressive animals running at large off the owner's or keeper's property may be received by phone or by email and can be investigated in effort to protect the public.

(A) An animal or group of animals shall be considered a nuisance if:

- (1) Private or public property is damaged.
- (2) Animal(s) interfere with, or attack person(s) or other animals.
- (3) Animal(s) that habitually or repeatedly make noises or other sounds that tend to annoy, disturb, or frighten citizens. (Repealed 11/3/03)
- (4) Animal(s) chase, or harass pedestrians, bicyclists, or vehicles.
- (5) By virtue of number is offensive or dangerous to public health, safety, and welfare.
- (6) Animal(s) are diseased or dangerous to public health.

(B) It shall be unlawful for an owner or keeper to permit an animal or animals to create a nuisance, or to maintain a nuisance created by any animal or animals, as defined in division (A)(1) through (6) above of this section.

(Ord. passed 9-20-95) Penalty, see § 90.99

(C) Upon receipt of a written, detailed, and signed complaint to the county by any resident(s) that any person is maintaining a public nuisance as defined in this chapter, the county shall notify the owner or keeper of the offending animals that a complaint has been received and that an investigation has been initiated. A report of the findings of the investigation to be reduced to writing by the investigating animal control officer.

(D) If the written findings indicate a violation, the Animal Control Officer shall cause the owner or keeper of the animal or animals in question to be so notified in writing, and ordered to abate such nuisance within 48 hours by whatever means necessary.

(E) If any person receiving notice in the manner hereinabove described shall fail or refuse to abate the nuisance upon the issuance of such order within the specified time, the department supervisor may cause the animal or animals in question to be apprehended and impounded in accordance with the provisions of § 90.05.

(F) Within three business days the owner of the nuisance animal may appeal the findings of the department supervisor or to the County Manager by giving written notice of appeal to stay the abatement of the nuisance until a final determination by the Board of Commissioners.

(G) If the owners shall so request, the animal or animals may be redeemed pursuant to the provisions of § 90.50. If no redemption is made by the owner within the time specified, then the animal shall be disposed of in accordance with the provisions of § 90.08 hereunder.

(Amend. Ord. passed 6-15-98; Amend. Ord. passed 11-3-03; Amend. Ord. passed 10-17-22) Penalty, see § 90.99

**§ 90.99 PENALTY.**

(A) The violation of any provision of this chapter shall be a misdemeanor, and any person convicted of such violation shall be punishable as provided in G.S. § 14-4.

(B) Each day's violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of his liability for taxes or fees imposed under this chapter.

(C) The civil penalties for violation of this chapter are as follows:

<i>Offense Section</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
<i>Offense Section</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
Cruelty to animals	\$100	\$250	\$500
Allowing dangerous dog to run at large off owner's property	\$100	\$250	\$500
Harboring non-domestic animal	\$100	\$250	\$500
Interfering with Animal Control Officer	\$100	\$250	\$500
Failure to surrender	\$100	\$250	\$500
Nuisance	\$100	\$250	\$500

Rabies violation Failure to vaccinate	\$50	\$100	\$250
County tax tag violation	\$50	\$100	\$250

The penalty shall be paid within 72 hours from and after issuance of the notice by the prescribed manner.

(D) In addition to the penalty prescribed in division (C) above, a \$1 per day penalty shall be imposed in all those cases in which the above penalty has not been paid within the authorized 72-hour period.

(E) Should it become necessary to institute a civil action to collect any penalty hereunder, then the violation shall also be subject to an additional penalty of \$25.

(F) All penalties paid to the Animal Control Department or as may be recovered in a civil action in the nature of debt as herein provided shall be paid into the General Fund of Ashe County to the Finance Officer.

(Ord. passed 9-20-95; Amend. Ord. passed 11-1-99; Amend. Ord. passed 10-17-22)



Apr 22 >



5:45 PM









BANDOT

KOME

CHEVROLET

COCA-COLA  
PEPSI  
7-11  
SUN





Apr 22 >

5:29 PM





Apr 22



6:52 PM





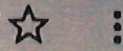
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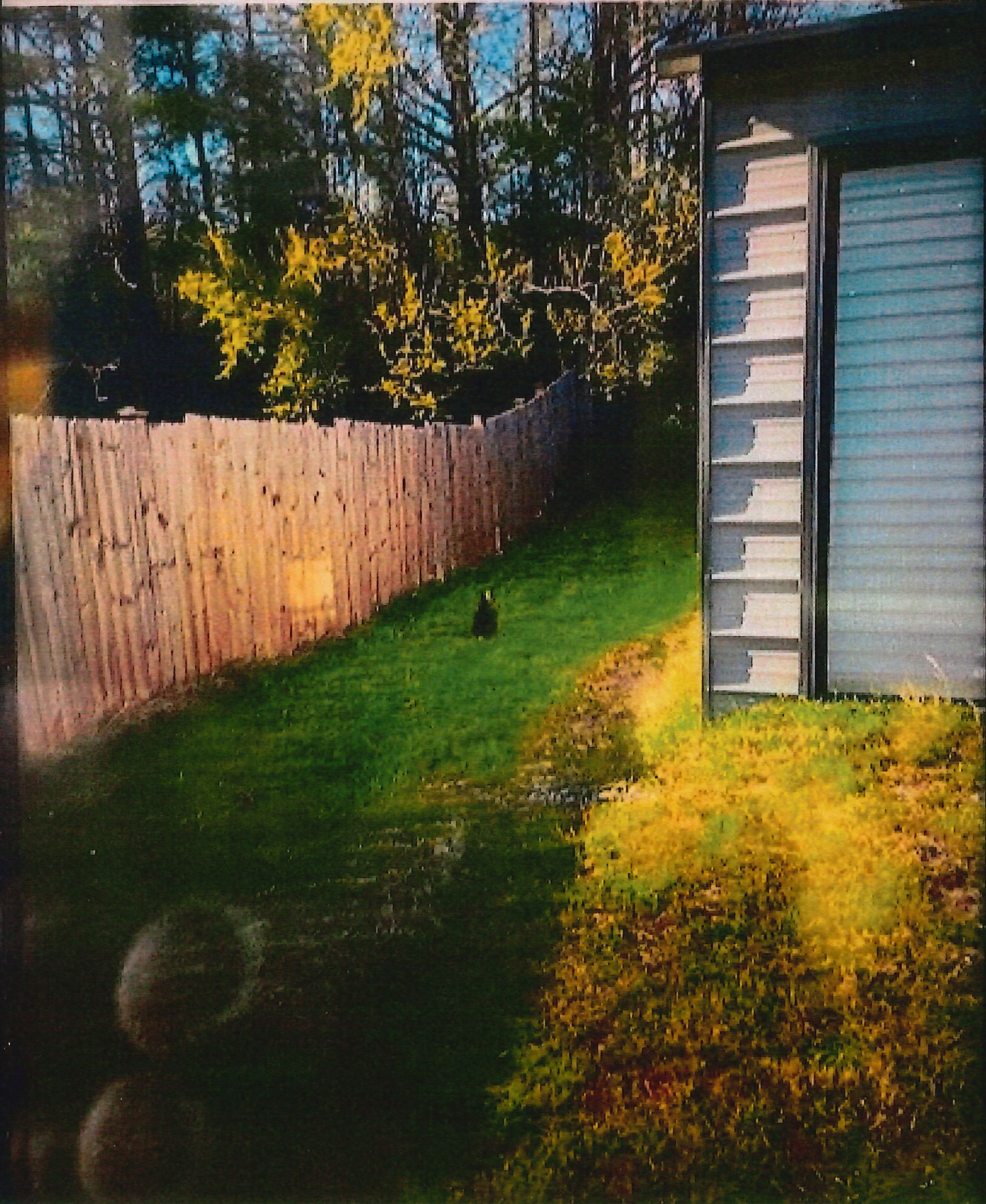




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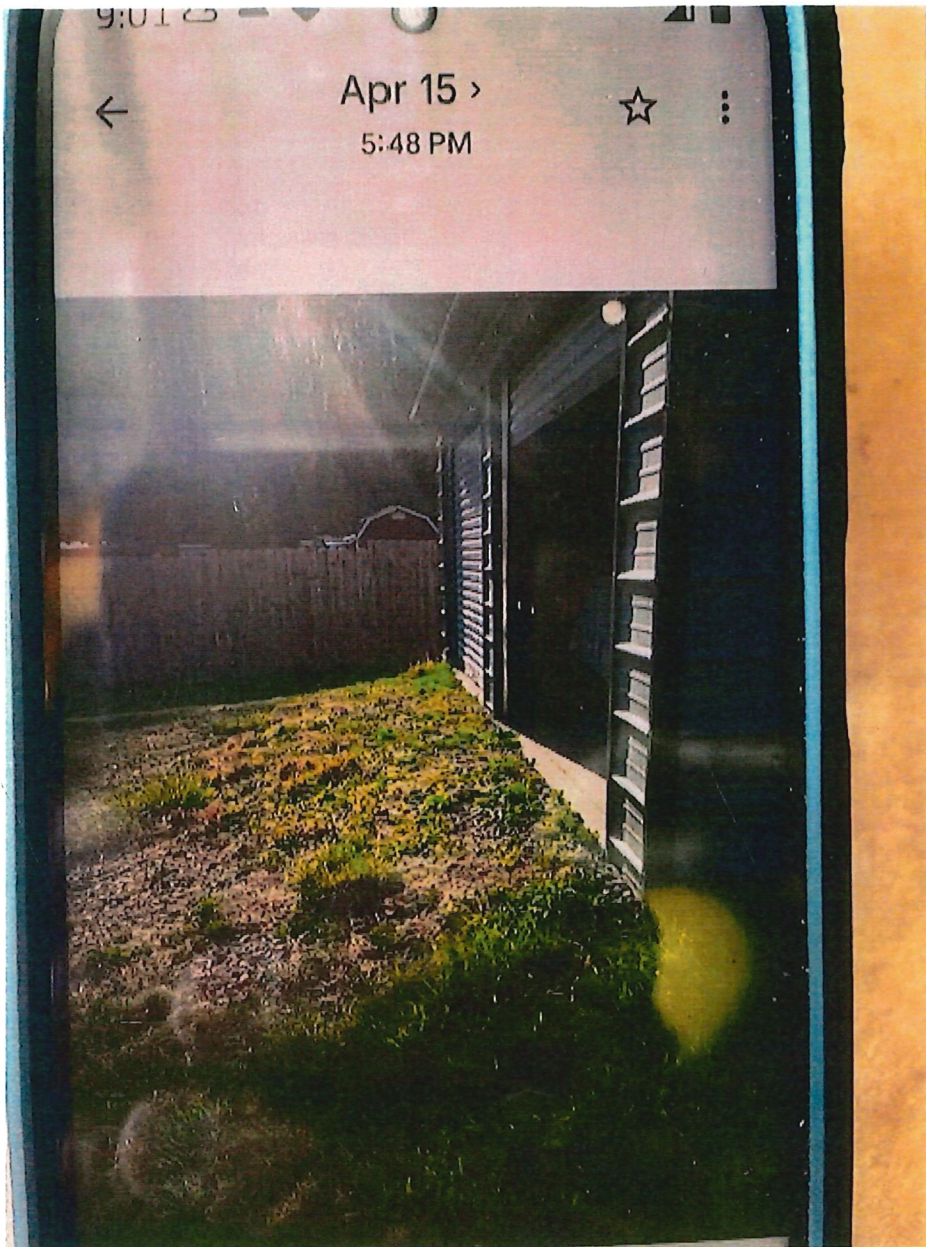




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Sent from my iPhone

May 4, 2026

County of Ashe  
Department of Animal Control  
767 Fred Pugh Road  
Crumpler, North Carolina 28617

Attention: Joe Testerman, Director

Notice to Appeal  
Citation Number: A1006  
Breed: Chicken  
Violation: Nuisance

Due to the current status of events, we are appealing the nuisance violation.

We are requesting an appeal's hearing and or review regarding this matter.

We are also requesting, documented pictures, that are time and date stamped.

Thank you for your time and consideration.

Our contact information:

Craig and MaryBeth Hart  
2351 US Hwy 221N  
Jefferson, NC 28640  
336-466-5044  
Hart1313@icloud.com

# Ashe County Animal Control

767 Fred Pugh Rd.  
Crumpler, NC 28617  
Phone: (336) 982-4060

Please spay or neuter to save lives.

## INCIDENT REPORT

Incident ID: 13250  
Status: Assigned

Printed 05-14-2026 08:08:19 AM

### Origination

Date: 03-06-2026 11:30:33 AM  
Logged by: Krystal Marsh  
Ashe:  
Location: 2387 Us Hwy 221 N, Jefferson, NC 28640  
Reason: Nuisance,Signed Complaint

#### Notes:

Date: 03-06-2026 11:31:09 AM Note: 21051 Originating Report.Citizen.Carrow, Edward  
Edward Carrow came to the shelter on 3/6/2026 at approximately 10am to complete formal complaint on neighbors chickens. Formal reads as follows:

Chickens are coming on my land around and in my buildings that I store cars in.

END OF STATEMENT.

Please also refer to Incident# 11595 and 12189 for additional details and back story.

#### Owner of animal at origination

Craig Hart  
2351 Us Hwy 221 N  
Jefferson, NC 28640  
Home: (336) 466-5044

#### Citizen Making Report

Edward Carrow  
2387 Us Hwy 221 N  
Jefferson, NC 28640  
Home: (336) 877-0984

### Dispatch and Outcome

Assigned: 03-06-2026 11:32:25 AM Officer: Nathan Phipps Priority 3  
Arrived at location:  
Final Outcome: Outcome:

### Officer/Outcome Notes for Incident ID: 13250

Date: 03-09-2026 08:47:32 AM Note: 21060 Follow Up Notes.Staff.Phipps, Nathan  
officer phipps and officer davis went to edward's house and walked around, did not see any damage to property seems like he wants to be preventive by keeping the chickens off his property.

chickens belong to the harts and they are not home at this time

Date: 03-24-2026 08:11:54 AM Note: 21171 Follow Up Notes.Staff.Phipps, Nathan  
officer phipps and officer davis went to craig harts house on 3/23/2026 and spoke with his wife to notify her and she said she was being proactive about keeping the chickens up. overall she took the converstaion well

Date: 04-16-2026 08:13:33 AM Note: 21383 Follow Up Notes.Staff.Phipps, Nathan  
4/15/2026 7:53pm officer phipps recieved a txt from ed stating that a black chicken is on his property and did send 2 pictures of the chicken next to his open car garage

Date: 04-16-2026 02:00:12 PM Note: 21412 Follow Up Notes.Staff.Phipps, Nathan  
officer phipps and officer testerman went to the harts but made no contact

Date: 04-23-2026 01:55:07 PM Note: 21447 Follow Up Notes.Staff.Phipps, Nathan  
officer phipps recieved more pictures of the chickens being off property and went to the harts but made no contact

Date: 04-28-2026 12:33:18 PM Note: 21481 Aco Report.Aco.Phipps, Nathan  
Myself and Director Testerman was able to make contact with Mary Beth Hart and explain that more evidence has been provided to support that she is violation of the nuisance order, Citation was issued. NP

Citation A1005 was written and needed to be void due to clerical mistake.

# Ashe County Animal Control

767 Fred Pugh Rd.  
Crumpler, NC 28617  
Phone: (336) 982-4060

Please spay or neuter to save lives.

## INCIDENT REPORT

Incident ID: 13250  
Status: Assigned

Printed 05-14-2026 08:08:19 AM

### Officer/Outcome Notes for Incident ID: 13250

Date: 04-30-2026 02:53:24 PM Note: 21482 Aco Report.Aco.Phipps, Nathan  
Myself and Director Testerman went back out and made contact with Craig Smith Hart and we discussed this case further and issued a citation. Mr. Hart explained there have plans to get rid of the chickens this Friday.

We went and talked with the complainant Mr. Carrow and explained the Hart's plans to get rid of the chickens. Mr. Carrow stated he would be agreeable to dismiss the citation if they get rid of the chickens.

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Date: 05-01-2026 08:03:03 AM Note: 21547 Aco Report.Aco.Phipps, Nathan  
Mr. Hart called and stated they are going to keep some of the chickens and states he plans on filing notice of appeal.

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Date: 05-04-2026 10:30:29 AM Note: 21548 Follow Up Notes.Staff.Testerman, Joe S  
Mr. Hart emailed Notice of Appeal  
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### Animal Involved

No specific animal is associated with this Citation

if nuisance complaint please fill out below:

Nuisance Complaint Signature : \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
\_\_\_\_\_

End of Incident Report 13250