

AN ORDINANCE REVISING CHAPTER FOUR OF THE CODE OF ORDINANCES TO ADJUST THE TOWN REGULATIONS ON RESTRAINT OF DOGS (2009-03-23/O-7b)

BE IT ORDAINED BY THE COUNCIL OF CHAPEL HILL as follows:

Section 1. Sect. 4.1 of the Town Code is hereby amended as follows:

“Sec. 4-1. Definitions.

For the purposes of this chapter the following definitions shall apply:

- (a) *Animal*: Any live vertebrate creature specifically including, but not limited to dogs, cats, farm animals, birds, fish and reptiles.
- (b) *Adequate food*: The provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition for the animal. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.
- (c) *Adequate water*: A constant access to a supply of clean, fresh water provided for in a sanitary manner.
- (d) *Adequate shelter*: That shelter which will keep a non-aquatic animal dry, out of the direct path of winds and out of the direct sun and at a temperature level that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris. A suitable method of draining shall be provided to rapidly eliminate excess water or moisture. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move.
- (e) *Cruel and cruel treatment*: Every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. Such acts or omissions shall include, but not be limited to: beating, choking, kicking, hanging, submerging under water, suffocating, poisoning, confining in a closed vehicle without functioning air conditioning or ventilation whenever the ambient temperature exceeds seventy (70) degrees Fahrenheit, confining in the closed trunk of a vehicle, setting on fire and depriving of adequate food, water, shelter and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare.
- (f) *Custodian*: The custodian shall be the person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal.
- (g) *Restraint*: A dog is under restraint within the meaning of the chapter if:
 - (1) It is on or within a vehicle being driven or parked;
 - (2) It is within a secure enclosure;
 - (3) It is controlled by means of a chain, leash or other like device. If an unattended animal is restrained by a chain, leash or other like device, it shall be designed and placed to prevent choking or strangulation. Such restraint will not be less than ten (10) feet in length and either on a swivel designed to prevent the animal from choking or strangling itself, or on a chain run.
 - (4) It is on the premises of the custodian and attended by and under the control of a competent person.

(h) *Competent person*: A person of suitable age and discretion to keep an animal under sufficient control in order to prevent harm to the animal, to persons, to other animals or to property.

(i) *Stray dog*: Any dog within the town limits, off the premises of the custodian and not under restraint.

(j) *Wild and dangerous animals*: Wild animals which are dangerous to persons and property include, but are not limited to: all felines (other than the domestic house cat), nonhuman primates, bears, wolves, coyotes, reptiles (poisonous, crushing and giant), and any crossbreed of such animals which have similar characteristics of the animals specified herein.

(k) *Exotic animals*: Exotic animals are animals other than domestic animals, farm animals, and wild animals which are not native to North Carolina.

(l) *Vicious animal*: Any animal, on or off the premises of its custodian, which is three (3) months of age or older and without provocation has killed, bitten or caused physical harm through bite(s) to a person; or has without provocation attempted to bite or cause physical harm through bite(s) to a person; or without provocation has injured, maimed or killed a pet or domestic livestock.

(m) *Provocation*: Any act that would reasonably be expected to cause an animal to defend itself, its young, its custodian or the property of the custodian of said animal.

(n) *Life threatening injury*: Any injury which is serious enough to require immediate medical attention to preserve the life of the injured person.

(o) Tethering means tying out or fastening a dog outdoors on a rope, chain or other type of line for holding a dog. This shall not include tying out or fastening a dog outdoors on an attended leash."

Section 2. Sect. 4-5 of the Town code is hereby amended as follows:

"Sec. 4-5. Cruelty to animals.

(a) It shall be unlawful to commit any of the acts of cruel treatment as described in section 4-1(e).

(b) It shall be unlawful for any person willfully or through neglect to overdrive, overload, wound, injure, torment, torture, deprive of adequate food, adequate water or adequate shelter, cruelly beat, choke, needlessly mutilate or kill any animal or cause any of the aforesaid things to be done.

(c) It shall be unlawful to allow animals to live in crowded conditions (less than 100 square feet of unobstructed area per each animal weighing 20 pounds or under, less than 200 square feet of unobstructed area per each animal weighing greater than 20 pounds). (d) It shall be unlawful to tether a dog except under the following circumstances:

(1) Tethering for a period not to exceed seven consecutive days while actively engaged in:

(i) Shepherding or herding livestock.

(ii) Lawful dog activities such as hunting training and hunting sporting events, field and obedience training, field or water training, law enforcement training, veterinary treatment and/or the pursuit of working or competing in these legal endeavors.

(iii). Meeting the requirements of a camping or recreational area.

(2) When participating in recognized exempt activities or when a dog is on an attended leash, tethered dogs shall be attended by a responsible person and shall be tethered in a manner that

does not cause unjustifiable pain, suffering, or risk of death. Tethers must be made of rope, twine, cord, or similar material with a swivel on one end or must be made of a chain that is at least ten feet in length with swivels on both ends and which does not exceed ten percent of the dog's body weight. All collars or harnesses used for the purpose of tethering a dog must be made of nylon or leather."

Section3. This ordinance shall become effective 15 months after its adoption. The implementation phase will include a 12 month period of public outreach and education regarding the ordinance amendment to be followed by a 3 month period in which only warnings will be issued.

This the 23rd day of March, 2009.

