

**ORDINANCE TO AMEND CHAPTER 3, ARTICLE I OF THE CODE OF ORDINANCES
OF THE TOWN OF FOREST CITY
NORTH CAROLINA**

Sec. 3-4. - Definitions. (changes to this section are in red)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Abandon means to forsake or release an animal previously in the custody or possession of a person without providing for the adequate, continued care of the animal.

Animal means any nonhuman vertebrate creature. Unless otherwise excepted, the term animal includes, but is not limited to, dogs, cats, rabbits, fowl, chickens, horses, cows and goats.

Animal control officer means the Town of Forest City employee designated by the chief of police to enforce violations of this chapter.

Animal shelter means any premises designated by the town for admitting and caring for all animals found running at large or otherwise impounded in accordance with the provisions of this chapter.

At large means an animal roaming unrestrained beyond the owner's exclusive control.

Chief of police means the chief of police of the Town of Forest City or his/her designee.

Dangerous animals means:

(1) An animal that:

- a. Without provocation has killed or inflicted severe injury on a person; or
- b. Is determined by the chief of police to be a potentially dangerous animal.

(2) Any animal owned or harbored primarily or in part for the purpose of animal fighting or any animal trained for animal fighting.

Days means calendar days, unless otherwise stated herein.

Domesticated means any animal traditionally kept, cared for, sheltered, fed or harbored for use as a companion animal.

Electronic fence is a fence that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's or harborer's property.

Exotic pet is any animal that is not classified as domesticated, livestock or a wild animal. This definition does not include feral animals.

Feral means an animal of a species normally domesticated that has reverted to a wild state.

Fowl means any bird traditionally associated with sport, farming or production including, but not limited to poultry and game birds.

Harboring an animal means feeding or sheltering an animal seven (7) days or more unless the animal is being boarded for a fee.

Impounded means any animal, which taken into the custody of an officer of the Forest City Police Department, animal control officer, or an animal shelter controlled by either the Town of Forest City, Rutherford County, or another governmental entity.

Kennel means any person, partnership or corporation currently licensed by the state department of agriculture and engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs and/or cats.

Owner means any person who or legal entity that has a possessory property right in an animal or harbors an animal or has it in his/her care, custody or control, or knowingly permits said animal

to remain on any premises occupied by him or her. Presumption of ownership may be rebutted by proof that such person has no property right in the animal, is neither harboring nor caring for the animal and, in the case of a dog, is not the licensed owner. Owner does not include veterinarians or commercial kennel operators, temporarily maintaining on their premises for a period of less than thirty (30) days, animals owned by other persons.

Owner's real property means any real property owned or leased by the owner of the animal, but does not include any public right-of-way or a common area of a condominium, apartment complex or townhouse development.

Pet means any domesticated animal kept for pleasure as opposed to utility. A police dog or a dog assisting the blind or deaf is not considered a pet. A dog kept as a guard dog is considered a pet.

Potentially dangerous animal means an animal that the animal control officer or the chief of police designee determines to have:

- (1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization;
- (2) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property;
- (3) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

Secure enclosure means an enclosure from which an animal cannot escape by means of digging under or jumping over the enclosure or otherwise becoming free unless freed by the owner. ~~A motor vehicle shall not constitute a secure enclosure. Minimum space and height requirements and other specifications for secure enclosures shall be obtained from the animal control supervisor based upon the breed, age, height, and weight of the animal.~~

Secure fence means a locked or electric fence that is secure to contain a particular dog at all times.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations or require cosmetic surgery or hospitalization.

Tether means fastening an animal so that it can range only within a set radius.

Vicious animal means if without provocation, the animal bites, attempts to bite or attacks humans or other animals and/or any animal whose behavior, temperament, size, or any combination thereof, when considered under the totality of the circumstance, constitutes a reasonable risk of injuring a human or animal.

Wild animal means any animal which can normally be found in the wild state, particularly those feral, dangerous or non-domesticated animals which generally do not live in or about the habitation of humans, including, but not limited to, deer, lions, monkeys, raccoons, skunks, squirrels, tigers, venomous snakes and wolf hybrids.

Section 3-12. Restraint of Animals (new addition to section 3-12)

- c. Secure enclosures must be made out of chain link or something similar, taller than the animal that will be kept in them and prevent their escape. An electronic fence is also allowed.
- d. Pens or secure enclosures must be at least 100 square feet in size. For domesticated animals over 80 pounds must be provided with an additional 50 square feet. For each additional dog inside the enclosure, fifty square feet of space for exercise must be added per dog.

- e. Domesticated Animals may only be tethered with a cable or trolley system; owners cannot tie their domesticated animal to trees, posts, or stakes.
- f. It shall be unlawful for a responsible party to tether a domesticated animal while outdoors except when all the following conditions are met:
 - (1) The domesticated animal is not tethered more than 2 hours in any continuous 12-hour period.
 - (2) The domesticated animal must be over 6 months of age and in good health.
 - (3) The tether is connected to the domesticated animal with a buckle type collar or a body harness made of nylon or leather not less than one inch in width and is one inch greater than the domesticated animal's neck or torso.
 - (4) The tether has the following properties:
 - a. A minimum twelve-foot length
 - b. A swivel type termination at both ends
 - c. is not made of chain
 - d. Is fabricated of a material that prevents tangles
 - (5) The domesticated animal is not housed outside during extreme weather including, but not limited to, extreme heat, temperatures below 32 degrees Fahrenheit, hail, tornadoes, tropical storms, or hurricanes.
 - (6) The domesticated animal has access to water, food, and shelter.
 - (7) Any pulley, running line, or trolley system to which the tether is attached shall be no less than 15 feet in length and no more than seven feet above ground.

Section 3-14. General Animal Care (new section)

- a. No owner or keeper shall fail to provide such person's animals with sufficient wholesome food, clean water, proper shelter, and protection from the weather. An owner or keeper of animals shall provide a clean shelter area free of accumulated waste and debris.
- b. Adequate shelter must be provided: portable pet carriers, wire crates, pet taxis, and metal barrels do not count as outdoor shelter for domesticated animals. During the winter months, this means three walls, a roof, an entrance covered by flexible, wind proof material, and dry bedding such as straw deep enough for a domesticated animal to burrow. During the rest of the year, the domesticated animals must have access to shelter shaded by trees, a roof, a tarp, or tarp-like material for cover and shade.

Section 3-15. Violation (new section)

Except as provided by the North Carolina General Statutes, if any person shall violate this Article, he/she shall be guilty of an infraction and shall be subject to a fine in the amount of \$50. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

This ordinance was approved on March 4, 2019 and will go into effect on July 1, 2019.


Mayor

Attest:


City Clerk