

CITY OF HIGH POINT

AGENDA ITEM



Title: Ordinance – Adequate Shelter for Dogs

From: JoAnne Carlyle, City Attorney

Meeting Date: March 5, 2018

Public Hearing: No

Advertising Date: NA

Advertised By: NA

Attachments: Ordinance

PURPOSE/BACKGROUND:

At a Special Meeting of the Community Housing Neighborhood Development & Public Safety Committee held on February 21, 2018, the Committee made a favorable recommendation to place this matter on City Council's Agenda for the consideration adoption of an Amended Ordinance to add new "Section 12-2-19 Adequate Shelter" to Title 12, Chapter 2, Article B of the High Point Code of Ordinances, which will require pet owners to provide adequate shelter by addressing the standards to protect them from extremes of weather, physical suffering, and impairment of health.

Civil procedures for enforcement will be the same as those established for the Tethering Ordinance.

BUDGET IMPACT:

None.

RECOMMENDATION / ACTION REQUESTED:

Adoption of an Ordinance Amending Title 12, Chapter 2, Article B – Dogs of the High Point Code of Ordinances.

**AN ORDINANCE AMENDING TITLE 12 – OFFENSES, CHAPTER 2. ANIMALS,
ARTICLE B. DOGS - OF THE HIGH POINT CITY CODE OF ORDINANCES**

BE IT THEREFORE ORDAINED by the High Point City Council that Title 12 – Offences, Chapter 2 – Animals, Article B. Dogs is hereby amended to read as follows:

Sec. 12-2-18. - Tethering of dogs prohibited.

It shall be unlawful for any person to restrain a dog using a chain, wire or other type of tethering device in a manner prohibited by this subsection.

- (a) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a tree, fence, post, dog house, or other stationary object. During periods of tethering that are lawful under this subsection, any tethering device used shall be at least 10 feet in length and attached in such a manner as to prevent strangulation or other injury to the dog or entanglement with objects.
- (b) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a cable trolley system that allows movement of the restraining device. During periods of tethering that are lawful under this subsection, the length of the cable along which the tethering device can move must be at least 10 feet, and the tethering device must be of such length that the dog is able to move 10 feet away from the cable perpendicularly and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with objects. During periods of lawful tethering under this subsection, 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 10 feet in length with swivels on both ends and which does not exceed 10 percent of the dog's body weight. All collars or harnesses used for the purpose of the lawful tethering of a dog must be made of nylon or leather.
- (c) No person shall tether a dog with a chain or wire or other device to, or cause such attachment to, any collar other than a buckle type collar or body harness.
- (d) No person shall tether with a chain or a wire or other device to, or cause such attachment to, a head harness, choke-type collar or pronged collar to a dog.
- (e) No person shall tether with a chain, wire, or other device to a dog where the weight of the tethering device and the collar combined exceeds 10 percent of the dog's body weight.
- (f) No person shall tether with a chain, wire, or other device, a dog in such a manner that does not allow the dog access to adequate food, water and shelter.
- (g) No person shall tether a sick, diseased, and/or injured dog, or puppy (a dog that is one (1) year of age or younger).
- (h) Notwithstanding the provisions of this subsection, a person may, subject to the following provisions, and subject to the requirement that any stationary tethering device used shall be at least 10 feet in length, and subject to the requirements for any cable trolley system

used where the length of the cable along which the tethering device can move must be at least 10 feet, and the tethering device must be of such length that the dog is able to move 10 feet away from the cable perpendicularly, may:

- (1) Tether and restrain a dog while actively engaging in:
 - (i) Usage of the dog in shepherding or herding livestock; or
 - (ii) Use of the dog in the business of cultivating agricultural products, if the restraining is reasonably necessary for the safety of the dog; or
 - (iii) Use of the dog in lawful hunting activities if the restraint is reasonably necessary for the safety of the dog; or
 - (iv) Use of the dog at a dog training or performance events, including but not limited to, the field trials and obedience trials where tethering does not occur for a period exceeding seven (7) consecutive days; or
 - (v) Camping or other recreational activities where tethering is required by the camping or recreational area where the dog is located.
- (2) Tether and restrain a dog during any lawful activity where a tethered dog is in visual range of its owner or keeper, and the owner or keeper is located outside with the dog. After taking possession of a dog that appears to be a stray dog and after having advised animal control authorities of the capture of the dog, tether and restrain the dog in accordance with the provisions of this subsection for a period not to exceed seven (7) days as the person having taken possession of the dog is seeking the identity of the dog.
- (3) Tether while walking a dog with a handheld leash.

Section 12-2-19 – Adequate Shelter

Owners of dogs shall provide food, shelter and medical attention to such dogs, including, but not limited to, the following:

- (a) Sufficient wholesome food that is nutritious for the species;
- (b) Fresh, potable drinking water;
- (c) Medical attention to relieve such animals from suffering;
- (d) Shade from the sun; and
- (e) Shelter to allow the dog to remain dry and protected from the elements. Such shelter shall be fully enclosed on three sides, roofed and have a solid floor. The entrance to the shelter shall be adequately sized to allow the dog's entry and exit, and sturdy enough to block entry of wind and rain. The shelter shall be small enough to retain the dog's body heat and

large enough to allow the dog to stand and turn comfortably. The enclosure shall be structurally sound and in good repair.

Section 12-2-20 – Fees

An owner that is found in violation of the regulations described in sections 12-2-18 and 12-2-19 shall be subject to the following fees:

- (a) 1st offense: Subject to citation and \$100.00 fee (if the dog is not spayed or neutered, the fee may be voided in lieu of the owner having the dog spayed or neutered by a veterinarian and providing to the animal control officer documented proof of such within 14 days).

2nd offense: Subject to citation and \$250.00 fee.

3rd and subsequent offenses: Subject to a class 3 misdemeanor and fine of up to \$500.00.

- (b) The procedures set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law and shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter.

SECTION 12-2-21.

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 12-2-22.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

This ordinance to be effective September 5, 2019, which includes a one (1) year education phase and a six (6) month warning phase.

Adopted this the 5th day of March 2018.

Mayor Jay W. Wagner

ATTEST:

Lisa B. Vierling
High Point City Clerk