

**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.