

ORDINANCE NO. 2020 - 114

AN ORDINANCE TO AMEND THE CITY OF RALEIGH ANIMAL CONTROL REGULATIONS RELATING TO ANIMAL SHELTER IN EXTREME WEATHER.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 12-3004 of the Raleigh City Code is hereby amended by inserting the following new definitions into the section in the proper alphabetical order:

“Adequate Feed. The provision of and access to food that is sufficient in quantity, prepared and provided so that the animal can consume it, and provided in a manner that is sanitary for the animal.”

“Adequate Shelter. Shelter which will keep any non-aquatic *domesticated animals* protected from extreme weather, dry, out of the direct path of winds, and out of the direct sun by means of artificial or natural shade. Shelter shall be adequate when access to shelter meets all of the following requirements:

- (1) is constructed of solid wood or weather resistant material, with solid walls on all sides, that is wind and moisture proof, with a dry floor raised at least 4” above the ground, a solid, water-proof roof sloped away from the entrance to protect from weather and extreme cold, a covered entrance by flexible windproof material or a self-closing swinging door,
- (2) with suitable bedding (hay, straw, cedar shavings, blankets, or the equivalent that is routinely changed to avoid the growth of bacteria) for insulation and protection against cold and damp sufficient for an animal to burrow to promote retention of body heat,
- (3) is out of the direct path of wind,
- (4) is free of waste or debris,
- (5) gives the animal the ability to walk, stand, turn and lie down comfortably, and,
- (6) with drainage to eliminate excess water and moisture, protection from rain, sleet, snow, hail and the adverse effects of heat and cold.”

“Adequate Water. A constant access to clean, fresh water provided in a sanitary manner. During extreme cold advisories, the water must be changed frequently to prevent freezing and must be in a non-metal container. During heat advisories,

the water must be changed frequently and served in a no-tipping, non-metal container to prevent heat-related injuries or death.”

“*Extreme Weather.* Weather below 40-degrees Fahrenheit or when conditions are present not limited to snow, wind, rain, ice, sleet or hail and it is reasonable to know that it poses an adverse risk based on the animal’s size, age, physical condition, or thickness of the animal’s hair or fur. Weather above 80-degrees Fahrenheit or exposure to direct sunlight or hot pavement, or any other hot surfaces when it is reasonable to know that it poses an adverse risk based on the animal’s size, age, physical condition, or thickness of the animal’s hair or fur. Additionally, when a freeze, heat, hurricane, tropical storm or tornado warning has been issued by the National Weather Service and the temperatures that are forecasted by the warning are present.”

Section 2. Section 12-3007 of the Raleigh City Code is hereby amended by deleting subparagraph (b) in its entirety.

Section 3. Part 12, Chapter 3, Article B, Division 1 of the Raleigh City Code is hereby amended by adding a new section, Section 12-3013, to follow immediately after the existing Section 12-3012, and to read as follows:

“Sec. 12-3013 TETHERING REQUIREMENTS

- (a) No person shall *tether* a dog to a tree, fence, post, dog house, or other stationary object for more than three (3) hours total in a twenty-four (24) hour period. Any device used to *tether* shall be at least ten (10) feet long and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with other objects. A cable trolley system may be used to *tether* for the allowed period so long as the stationary cable is at least ten (10) feet long and the dog can perpendicularly move at least ten (10) feet away from the stationary line. The line should be attached to the dog with a buckle type collar or a body harness. The device used to *tether* shall weigh no more than ten (10) percent of the dog’s body weight and must allow the dog access to adequate food and water. In addition to being a misdemeanor, a violation of this section is subject to a civil penalty of one hundred dollars (\$100.00) per day for each day of violation.
- (b) Any dog that is confined in the manner described in this section shall have access to *adequate shelter* as herein defined to include periods of *extreme weather*.”

Section 4. Section 12-3009 of the Raleigh City Code is hereby amended by deleting the last two sentences of subparagraph (a).

Section 5. Section 12-3010 of the Raleigh City Code is hereby enacted to read as follows:

Sec. 12-3010 ADDITIONAL REQUIREMENTS FOR ADEQUATE SHELTER DURING EXTREME WEATHER.

- (a) An owner or custodian shall not leave an animal outdoors without human accompaniment or *adequate shelter* for more than 15 minutes during periods of *extreme weather*, unless the age, condition, and type of each animal allows the animal to withstand *extreme weather*.
- (b) It shall be unlawful for any person to keep a *domesticated animal* unattended within the passenger compartment of an automobile during extreme weather conditions or when it is reasonable to know that it poses an adverse risk based on the animal's size, age, physical condition, or thickness of animal's hair or fur."

Section 6. Section 12-3069 of the Raleigh City Code is hereby amended to add subparagraph (d) to read as follows:

- "(d) In the event that no animal has suffered injury or death, a first violation related to the *extreme weather* provisions of this Chapter shall be subject to a written warning prior to being subject to a civil penalty.

Section 7. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 8. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 9. The provisions of this ordinance shall not affect any act heretofore done, any liability incurred, any right accrued or vested, or any suit or prosecution begun or cause of action accrued prior to the effective date of this ordinance.

Section 10. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty-dollar limit in G.S. 14-4(a) or similar limitations.

Section 11. This ordinance shall become effective five days following its adoption.

ADOPTED: July 7, 2020

EFFECTIVE: July 12, 2020

DISTRIBUTION: Management Team, City Attorney DL; Police Chief; Hargrove; Puccini; Taylor

This ordinance prepared by the Raleigh City Attorney's Office