

**FORSYTH COUNTY
BOARD OF COMMISSIONERS**

DRAFT

MEETING DATE: SEPTEMBER 12, 2019 AGENDA ITEM NUMBER: 29

SUBJECT: ORDINANCE REVISING SECTION 6-1 OF THE FORSYTH COUNTY CODE

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

ATTACHMENTS: YES NO

SIGNATURE: _____ DATE: _____
COUNTY MANAGER

**ORDINANCE REVISING SECTION 6-1
OF THE FORSYTH COUNTY CODE**

WHEREAS effective July 1, 2019, the Forsyth County Board of Commissioners transferred responsibility for animal services from the Animal Services Department to the Forsyth County Sheriff's Office, Animal Services Division; and

WHEREAS the revision to Section 6-1 of the Forsyth County Code is necessary to recognize that Animal Services is now a division of the Forsyth County Sheriff's Office;

NOW, THEREFORE, BE IT ORDAINED by the Forsyth County Board of Commissioners that Section 6-1 of the Forsyth County Code, as shown in the attached Section 6-1 which is incorporated herein by reference, is hereby revised and shall become effective upon final adoption.

Adopted this 12th day of September 2019.

Sec. 6-1. Definitions.

As used in this chapter, the following words mean:

Abandon: To forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care for a period of twenty-four (24) or more consecutive hours.

Abuse:

- (1) Failing to provide an animal with adequate food and drinkable water at suitable intervals sufficient to maintain the animal's health and well-being;
- (2) Overworking or overdriving any animal causing physical pain, suffering, or death to the animal;
- (3) Cruelly beating, torturing, molesting, harassing, injuring, tormenting, poisoning, baiting, or mutilating any animal causing physical pain, suffering, or death to the animal;
- (4) Failing to provide adequate medical attention for any sick, diseased, or injured animal in order to prevent physical pain, suffering, disability or death to the animal;
- (5) Keeping any animal under conditions which cause physical pain, suffering, disability or death to the animal or which increase the probability of the transmission of disease;
- (6) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.), physical suffering, and impairment of health, and which is large enough to allow the animal to make normal body movements;
- (7) For animals which are kept outside, under weather conditions which adversely affect the animal's health, failing to provide a shelter for the animal which is surrounded on three (3) sides, covered by a roof, and has a floor (excluding barns), and which is structurally sound, maintained in good repair, and constructed in such a manner that it is water and wind resistant. This provision does not apply to farm animals as defined in General Statute 153A-145.4;
- (8) Conveying any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle or in a truck or the back of a truck in such a way as to cause physical pain, suffering, disability, or death to the animal; or
- (9) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to cause physical pain, suffering, disability or death to the animal due to temperature, lack of food or drink, or such other conditions.

Animal: Excluding fish, any nonhuman vertebrate species, domestic or nondomestic.

Animal bite: An animal bite occurs when the teeth of the animal scratch or break the skin of a human being or animal, regardless of the location of the scratch or bite on the body.

Animal services department: Forsyth County Sheriff's Office, Animal Services Division.

Animal shelter: Any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this chapter.

At large: An animal is deemed to be at large when it is off its owner's property and not under the physical restraint of a competent person.

Attack: An animal, not adequately restrained on or off its owner's property, that approaches a person or animal in a vicious, terrorizing, or threatening manner or apparent attitude of aggression, without the animal having been molested, cruelly beaten, tortured, or otherwise harmed.

Dangerous animal: Any animal whose aggressive behavior constitutes a foreseeable risk of injuring a human or animal or damaging personal or real property. Such behavior includes, but is not limited to, an animal biting or attempting to attack a human or another animal.

Dangerous dog: Any dog that, when unprovoked: (a) inflicts severe injury on a human being on public or private property; or (b) kills a domestic animal or livestock while off the owner's property; or (c) has been previously declared potentially dangerous and the owner having received notice of such declaration and the dog subsequently aggressively bites, attacks or endangers the safety of humans or domestic animals or livestock.

Director: Captain, or such other person designated by the Forsyth County Sheriff, in the Forsyth County Sheriff's Office serving as Commander of the Animal Services Division.

Exotic animal: Any animal which is not native or indigenous to North Carolina, does not have an established wild population in North Carolina, and is not regulated by the North Carolina State Wildlife Commission. No animal identified as a *farm animal* as defined in G.S. 153A-145.4 shall be considered an exotic animal.

Exposed to rabies: An animal has been exposed to rabies within the meaning of this chapter if it has been bitten by, or been in contact with, any animal known or suspected to have been infected with rabies.

Farm animal. The term farm animal shall be as defined in G.S. 153A-145.4.

Guard dog: A dog on a premises specifically for the purpose of protecting the premises from any intruder and for attacking a person coming in the vicinity of the dog.

Guard dog- or aggression-training facility: Any person, group of persons, firm, organization, association, partnership, syndicate or corporation that schools, trains or conditions canines to bite, attack or exhibit aggressive behavior towards humans or other domestic animals for any purpose, including, but not limited to, the security of business property, personal security or dogfighting, whether operated as a licensed business or as a hobby or interest.

Harboring of an inherently dangerous exotic mammal, inherently dangerous reptile, or wild animal: Any person, regardless of ownership, who knowingly allows an inherently dangerous exotic mammal, an inherently dangerous reptile, or a wild animal to remain, lodge, or be fed or to be given shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

Impoundment: The placement of an animal in the custody of the Forsyth County Animal Services Department or person or entity duly authorized by ordinance of the board of county commissioners or by state law for such purpose.

Inherently dangerous exotic mammal: Any member of the *canidae*, *felidae*, or *ursidae* families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and further defined as follows:

- (1) *Canidae* include any member of the dog (*canid*) family not customarily domesticated by humans, and any hybrids of such *canidae*, including but not limited to wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis familiaris*).
- (2) *Felidae* include any member of the cat family weighing over fifteen (15) pounds not customarily domesticated by humans, and any hybrids of such *felidae*, but not including domestic cats (*Felis catus*).
- (3) *Ursidae* include any member of the bear family, and hybrids of such *ursidae*.

Inherently dangerous reptile: Any member of the class *reptilia* which:

- (1) Is venomous. A venomous reptile shall include all members of the families *Atractaspidae* (burrowing asps), *Crotalidae* (pit vipers), *Elapidae* (cobras, coral snakes, and their allies), *Helodermidae* (gila monsters and Mexican beaded lizards), *Hydrophilidae* (sea snakes), *Viperidae* (vipers), and as well as any "rear fanged" snakes of the family *Colubridae* that are known to be dangerous to humans, including, but not limited to, *Dispholidus* (boomslangs), *Rhabdophisspp* (keelbacks), and *Thebtornis kirtlandii* (twig snakes); or
- (2) Is a member of the order *Crocodylia* (alligators, caimans, and crocodiles).

Invasive surgery: Any surgery which includes, but is not limited to, any surgical or other medical procedure which is commonly performed by a veterinarian while the animal is under

anesthesia.

Kennel, dealer, breeder or pet shop: Any person, group of persons, partnership or corporation engaged in buying, selling, breeding or boarding pet animals.

Leash: A cord, thong, or chain not more than nine (9) feet in length by which an animal is physically controlled by the person accompanying it.

Microchip implant: A passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for the purposes of identification and/or recovery of the animal.

Neutered male: Any male animal which has been successfully operated upon to prevent reproduction.

Owner: Any person, organization, group of persons, or association that has a property right in an animal, keeps or harbors an animal, has an animal in their care or acts as a custodian of an animal for seven (7) or more consecutive days, except for a temporary caretaker acting on behalf of the animal's owner, and excluding the county animal shelter and every nonprofit animal welfare agency that operates an animal sheltering facility registered by the Animal Welfare Section of the North Carolina Department of Agriculture and Consumer Services.

Owner's property: Any real property owned or leased by the owner of the dog, but not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

Potentially dangerous dog: Any dog that: (a) Inflicts bites on a human, domestic animal or livestock without provocation either on public or private property; or (b) without provocation, chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or (c) has a known propensity, tendency or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

Proof of ownership: Documentation in support of a property right in an animal that includes, but is not limited to, veterinary records, rabies vaccination certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third-party verifications.

Proper enclosure of a dangerous dog: While on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides, secure flooring, and a secure top, and shall also provide protection from the elements for the dog.

Provoke: Any action designed to goad, inflame, instigate or stimulate an aggressive response on the part of an animal, but not including any actions on the part of an individual that pertain to reasonable efforts of self-defense against a dangerous animal.

Provocation: Includes, but is not limited to situations where threat, injury, or damage is sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

Public nuisance: An animal or group of animals may be considered to be a public nuisance if, by way of example and not of limitation, it:

- (1) Damages, soils, or defiles community or neighborhood private property or public property;
- (2) Interferes with the ordinary use and enjoyment of a person's property;
- (3) Turns over garbage containers or damages flower or vegetable gardens;
- (4) Causes unsanitary or offensive conditions; or
- (5) Impedes the safety of pedestrians, bicyclists, or motorists.

Restraint: Excluding an animal participating in an event specified in section 6-10(d), an animal is under restraint within the meaning of this chapter if it is controlled by a competent person by means of a chain, leash, or other like device; or it is within a vehicle being driven or parked; or it is within a secure enclosure.

Secure enclosure: A facility, suitable building, or fenced area that will prevent an animal from coming in contact with another animal or person, to which all entrances and exits can be securely locked, has a top and a concrete floor, and which facility has been approved by an animal services officer.

Severe injury: Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery, or hospitalization.

Spayed female: Any female animal which has been successfully operated upon to prevent conception.

Standards of care for farm animals. This phrase includes the following: the construction, repair, or improvement of farm animal shelter or housing; restrictions on the types of feed or medicines that may be administered to farm animals; and, exercise and social interaction requirements.

Sterilization: Any surgical or chemical procedure performed by a licensed veterinarian that renders any male or female animal permanently incapable of reproducing.

Stray: Any animal which is running at large; off its owner's property; appears to be lost, unwanted, or abandoned; or whose owner is unknown or not readily available.

Vicious: Showing a propensity without sufficient provocation to do any act which endangers the safety of persons, animals or property.

Wild animal: Any animal which would ordinarily be confined to a zoo, which would normally be found in the wilderness or wild state, or which would otherwise cause a reasonable person to be fearful of significant destruction of property or of bodily harm, particularly those feral, exotic, dangerous or non-domestic animals which generally do not live in or about the habitation of humans, including, but not limited to bobcats, deer, lions, monkeys, ocelots, raccoons, skunks, snakes, squirrels, tigers, wolves and hybrid wolves, and other such animals, or one which causes zoonotic diseases. *Wild animal* does not include animals of a species customarily used in North Carolina as domestic farm animals, fish confined in an aquarium, pool or pond, birds, or insects.
(Ord. No. 5-99, § 1, 11-8-99; Ord. No. 1-2008, § 1, 9-22-08)