

AMENDMENTS TO THE
ORANGE COUNTY ANIMAL CONTROL ORDINANCE
(Only those sections or subsections amended are set out below)

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF ORANGE
COUNTY, NORTH CAROLINA, hereby amends the Ordinance To Provide For Animal
Control Protection In Orange County, North Carolina by adding (indicated by double
underlined language) and deleting (indicated by stricken through language) as follows:

Section VII – Definitions. As used in this ordinance, the following terms mean:

1.
2.
3.
22. Restraint: An animal is under restraint if it is under sufficient physical
restrain such as a leash, cage, bridle, or similar effective and humane device which
restrains and controls the animal, or within a vehicle, or adequately contained by a fence
on the premises or other secure enclosure as permitted in accordance with Subsection
XI(K) of this ordinance. If a competent adult is physically outside on the land with the
animal, on land where the owner or keeper of the animal resides, then the animal shall be
deemed to be under restraint during the time the animal is in the company of and under
the control of that competent person and the animal is on the premises. If any unattended
animal is restrained by a chain, leash or similar restraint, it shall be designated and placed
to prevent choking or strangulation. Such chain or restraint shall not be less than ten (10)
feet in length and shall be on a swivel designed to prevent the animal from choking or
strangling itself. The restraint of unattended dogs by a chain, leash or similar restraint is
further regulated under Subsection XI(K) of this ordinance.
23. ...
24. ...
25. ...

Section XI – Mistreatment of Animals Unlawful. The following acts or failure
to act relating to the mistreatment of animals are unlawful and violations of this
ordinance:

- A. ...
- B. ...
- C. ...
- D. ...
- E. It shall be unlawful to restrain any animal except in a humane fashion-as
set forth in Section VII(22) above and Subsection XI(K) below.

F. ...

G. ...

H. ...

I. ...

J. ...

K. 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.

1. 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 for more than a total of 3 hours in a 24-hour period. During periods of tethering that are not unlawful under this subsection, any tethering device used shall be at least 10 feet in length and attached in such manner as to prevent strangulation or other injury to the dog and entanglement with objects. In no event shall the time limitations established by this subsection 1 and subsection 2 below be added together to allow for tethering, fastening, chaining, tying, or restraining to either a stationary object or to a cable trolley system for more than a total of 3 hours in a 24-hour period.

2. 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, for more than a total of 3 hours in a 24-hour period. During periods of tethering that are not unlawful 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 manner as to prevent strangulation or other injury to the dog and entanglement with objects.

3. 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.

4. No person shall tether with a chain or wire or other device to, or cause such attachment to, a head harness, choke-type collar or pronged collar to a dog.

5. 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 ten (10) percent of the dog's body weight.

6. No person shall tether with a chain or wire or other device a dog in such manner that does not allow the dog access to adequate food, water, and shelter.

7. Notwithstanding the provisions of subsections (1) and (2) of this subsection, a person may, subject to the provisions of subsections (3)-(6) of this Section XI(K), and subject to the requirement that any stationary tethering device used shall be at least 10 feet in length, and subject to the requirement that for any cable trolley system used 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:

- (i) Tether and restrain a dog while actively engaged in:
 - a. Use of the dog in shepherding or herding livestock, or
 - b. Use of the dog in the business of cultivating agricultural products, if the restraining is reasonably necessary for the safety of the dog, or

- c. Use of the dog in lawful hunting activities if the restraint is reasonably necessary for the safety of the dog, or
 - d. Use of the dog at dog training or performance events, including but not limited to field trials and obedience trials where tethering does not occur for a period exceeding 7 consecutive days, or
 - e. Camping or other recreation where tethering is required by the camping or recreational area where the dog is located, or
 - f. Any 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.
- (ii) 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 Section XI(K) for a period not to exceed seven (7) days as the person having taken possession of the dog is seeking the identity of the owner of the dog.
 - (iii) Walk a dog with a handheld leash.

Subsection XI(K) becomes effective one year following the adoption of this amendment (the “effective date”). Any person who violates this subsection after the effective date but prior to the expiration of the eighteenth month following the date this amendment was adopted shall be issued a written warning giving the violator notice of the provisions of this amendment. Any person who violates subsection XI(K) after the expiration of the eighteenth month following the date of adoption of this amendment is subject to one or more of the Penalties established in Section XXI of this ordinance. Any dog that is kept in violation of subsections XI(K) of this ordinance may be seized and subsequently impounded in accordance with Section XIII of this ordinance until such a time as the Animal Control Director is reasonably assured that the dog will not be subject to restraint in violation of this ordinance. The Animal Control Director shall post a notice at the place of the illegal restraint, or at such other location, that is designed to reasonably apprise the Owner or Keeper of the dog the place, date, and time the dog was seized along with the location where the dog was taken. Such notice shall clearly state that the dog may be returned to the Owner or Keeper upon providing reasonable assurances to the Animal Control Director that the dog will not be subject to restraint in violation of this ordinance.

Upon motion of Commissioner _____, seconded by
 Commissioner _____, the foregoing Animal Control
 Ordinance amendments were adopted this the _____ day of _____,
 2008 and shall become effective as of the _____ day of _____, 200__.

Donna Baker, Clerk, Orange County Commissioners