

ORDINANCE NO. _____

AMENDING CHAPTER 3

AN ORDINANCE ENTITLED AMENDING CHAPTER 3, ARTICLES I AND III OF THE CITY CODE ENTITLED "ANIMALS"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA THAT:

Section 1: Section 3-3 of the Charlotte City Code is amended to read as follows:

Sec. 3-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate shelter means an enclosed area accessible by an animal, of sufficient size and nature so as to provide the animal with reasonable protection from adverse weather conditions.

Aggression-trained dog means any dog that has been trained or conditioned, to any extent, 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 or personal security.

Aggression-training facility means any person who 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 or personal security.

Animal means every nonhuman, animate being that is endowed with the power of voluntary motion, including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians and fish.

Animal control officers means persons properly appointed by the city to enforce all sections of this chapter and applicable state laws and who are responsible for discharging such other duties and functions as may be prescribed by the board of commissioners and the city council as set forward by this chapter or any other applicable ordinance or state law or pursuant to interlocal agreements cited in section 3-2.

Bullhook means a tool or device, also known as an elephant goad or an ankus, used in handling and training elephants, consisting of a spike, hook or combination thereof, attached to a shaft or handle.

Bureau means the Charlotte-Mecklenburg Animal Care and Control Bureau.

Bureau manager means the manager of the Charlotte-Mecklenburg Animal Care and Control Bureau. The bureau manager shall have all the powers conferred by state law upon a county dog warden and by this chapter upon animal control officers or by any other applicable ordinances.

Cat means a domestic feline of either sex.

City-sponsored event means any event generally open to the public that is funded in whole or in part by, or endorsed by, the city.

Computation of time. In computing any period of time, any day which the bureau is open shall be counted. This includes Saturdays, Sundays and legal holidays, when applicable.

County dog warden means the manager of the animal control bureau, who shall have all powers conferred by state law upon the county dog warden or by this chapter upon animal control officers.

County rabies ordinance means the county ordinance for the control of rabies and other zoonoses.

Dangerous means any animal whose behavior, temperament, size, or any combination thereof, when considered under the totality of the circumstances, including the nature of the surrounding area, constitutes a reasonable risk of injuring a human or animal or damaging personal or real property. That behavior includes, but is not limited to, an animal's biting or attacking or attempting to attack a human or another animal. However, this definition shall not apply to any animal that has been subject to provocation or if the victim has been trespassing, as defined in this section, upon the animal owner's premises.

Dog means a domestic canine of either sex.

Domesticated means those species of animals that are indigenous to the county and normally and customarily share human habitat in the county and are normally dependent on humans for food and shelter in the county, such as, but not limited to, dogs, cats, cattle, horses, swine, fowl, sheep and goats.

Electric prod means any device that delivers an electric shock to control or affect animal behavior.

Equine means any horse, pony, mule, donkey or hinny.

Exotic or wild animal means an animal that would ordinarily be confined to a zoo; one that would ordinarily be found in the wilderness of this or any other country; one that is a species of animal not indigenous to the United States or to North America; or one that otherwise is likely to cause a reasonable person to be fearful of significant destruction of property or of bodily harm, and the latter includes, but is not limited to, monkeys, raccoons, squirrels, ocelots, bobcats, wolves, hybrid wolves, venomous reptiles, and

other such animals. Such animals are further defined as being those mammals or nonvenomous reptiles weighing over 50 pounds at maturity, which are known at law as *Ferae naturae*. Exotic or wild animals specifically do not include animals of a species customarily used in the state as ordinary household pets, animals of a species customarily used in the state as domestic farm animals, fish confined in an aquarium other than piranha, birds, or insects.

Exposed to rabies means any animal or human bitten by or exposed to any animal known or suspected to have been infected with rabies.

Guard dogs means dogs primarily kept for the purpose of protecting premises from intruders or for the purpose of attacking a person coming in the vicinity of the dog.

Harboring an animal. An animal shall be deemed to be harbored if it is fed or sheltered 14 days or more, unless the animal is being boarded for a fee.

Health director means the director of the county health department.

Impounded means any animal that is received into custody by any employee of the bureau.

Inoculation means the vaccination of a dog or cat with antirabic vaccine approved by the United States Bureau of Animal Industry, the state department of agriculture and the state board of health at such time as shall be required by state law, the state board of health and/or the local health director bureau manager, as defined in G.S. 106-364(2).

Livestock means all animals of a domesticated, agricultural nature, including, but not limited to, equine animals, bovine animals, sheep, goats, llamas, and swine.

Neutered male means any male dog or cat which has been rendered sterile by a surgical procedure (orchietomy).

Owner means any person owning, keeping, having charge of sheltering, feeding, harboring or taking care of any animal for 14 or more consecutive days, unless the animal is boarded for a fee. If a commercial kennel is involved for breeding, ownership shall be indicated by the kennel operator by showing the registration of the animal in the name of the actual owner of the animal.

Pasture means an auxiliary fenced area with sufficient grass for grazing.

Premises means a definite portion of real estate, including land with its appurtenances, a building or part of a building.

Provocation means any act done towards an animal that a reasonable person would expect to irritate or enrage such an animal to the extent that the animal would be likely to bite or attack, including, but not limited to, teasing, harassing, beating, torturing, injuring,

or intentionally causing pain to an animal. Provocation does not include any actions on the part of an individual that pertain to reasonable efforts of self-defense or defense of others.

Security dogs is synonymous with *Guard dogs*.

Shelter means any facility designated by the city for the purpose of sheltering any animal lawfully impounded by the bureau.

Spayed female means a female dog or cat that has been rendered sterile by surgical means (ovariohysterectomy).

Tether is defined as a metal chain or coated steel cable to restrain a dog. Rope, bridles, belts, or cords may not be used as a device to secure an animal.

Tethering refers to the practice of securing a dog to a stationary object by means of a metal chain or coated steel cable for keeping the animal restrained. This does not refer to periods when animals are being walked on a leash or for temporary grooming or other professional services.

Trespass means the wrongful or legally unauthorized entrance onto or invasion of the property of an animal owner or lawful possessor. The cause of the individual to be on the property and any other relevant circumstances shall be considered in order to determine whether a trespass has occurred. A child under the age of seven shall not be deemed to be a trespasser.

Whip means a strip of leather, length of cord or other similar material used to control or affect animal behavior.

Section 2: Section 3-73 of the Charlotte City Code is amended to read as follows:

Sec. 3-73. - Exotic or wild animals.

(a) *Unlawful act.* It shall be unlawful for any person to keep, maintain, possess or have under his control within the city any venomous reptile or any other wild or exotic animal.

(b) *Exceptions.* This section shall not apply to lawfully operated and located pet shops, zoological gardens, scientific research laboratories, circuses, veterinarians harboring such animals for purposes of providing professional medical treatment, wildlife rehabilitators with proper permits, or exhibitors licensed by the United States Department of Agriculture displaying such animals for educational purposes, provided that the animals are maintained in a manner so as to prevent escape.

(c) *Permits not authorized; effects of annexation.* Permits for the keeping or maintenance of wild or exotic animals are not authorized. Persons in newly annexed areas have 30 days from the date of annexation to comply with this section.

(d) *Compliance with state and federal regulations and safe confinement.* The confinement of exotic or wild animals exempted from subsection (a) of this section by subsection (b) of this section must meet the regulations promulgated by the state wildlife commission, the minimum standards under the Animal Welfare Act and all applicable rules promulgated by the United States Department of Agriculture. In addition to meeting these minimum standards, all such venomous reptiles and all such wild or exotic animals shall be confined, restrained or controlled in such a manner so that the physical safety, or property, of any person lawfully entering the premises shall not be endangered.

(e) *Presence on public rights-of-way.* Animals described under subsection (a) of this section but exempt under subsection (b) of this section shall not be allowed on any public street, sidewalk, or other public way, except in a fully enclosed cage or adequate structural restraint. The use of a leash, with or without a muzzle, shall not be considered adequate restraint. Exempt from this subsection are animals that are part of a featured performance at a special event with a city festival or parade permit where the animal handler is licensed by the United States Department of Agriculture.

(f) *Handling.* The handling of exotic or wild animals exempted from subsection (a) of this section by subsection (b) of this section must meet the regulations promulgated by the state wildlife commission, the minimum standards under the Animal Welfare Act and all applicable rules promulgated by the United States Department of Agriculture. In addition to meeting these minimum standards, no permanent or transient animal exhibition or circus shall induce or encourage animals to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering. Further, the use of bullhooks, electric prods, or whips to handle, train, or otherwise interact with exotic or wild animals is prohibited. All equipment used on a performing animal shall fit properly and be in good working condition.

Section 3: This ordinance shall be effective March 31, 2022.

Approved as to form

City Attorney