

**AN ORDINANCE TO AMEND CHAPTER 92 OF THE
TOWN OF BOILING SPRINGS' CODE OF ORDINANCES TO REFLECT
RECORDKEEPING REQUIREMENTS FOR LEASH LAW VIOLATIONS**

BE IT ORDAINED by the Board of Commissioners of the Town of Boiling Springs, North Carolina that:

Part 1. Chapter 92 of the Town of Boiling Springs' Code of Ordinances is hereby amended to read:

CHAPTER 92: ANIMALS

Section

92.01	Definitions
92.02	Exclusions
92.03	Territorial application
92.04	Presumption of ownership
92.05	Restraint of dogs; penalty
92.06	County ordinance; enforcement
92.07	County ordinance adopted
92.08	Additional remedies

▪ **92.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL DEPARTMENT. The Cleveland County Animal Control Department.

ANIMAL CONTROL OFFICER. That person appointed by the Cleveland County Health Director having all the authority granted within the Cleveland County Ordinance or granted by the General Statutes of the State of N.C. to Animal Control Officers.

ANIMAL SHELTER. The Cleveland County Animal Shelter or any premises designated by the County for the purpose of impounding and caring for all animals in accordance with the provisions of this chapter.

AT LARGE. Off the premises of the owner or custodian of the animal, and not under the immediate physical control of the owner or custodian.

CLEVELAND COUNTY ORDINANCE. The "Ordinance Regulating the Keeping of Dogs, Cats and Other Animals within the County of Cleveland, North Carolina" as adopted and amended by the Cleveland County Board of Commissioners.

DANGEROUS DOG. A dog that without provocation has killed or inflicted severe injury on a person; or determined by the Animal Control Officer to be potentially dangerous because the dog has engaged in one or more of the behaviors listed under the definition **POTENTIALLY DANGEROUS DOG** in this section. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

DOG. Male, female or neutered canine.

Ordinance #070807.01

IMMEDIATE PHYSICAL CONTROL. An animal is restricted in its movement by a tether, leash, chain or other such device.

KEEPER. Any person, not an owner, who shall have possession or control of any dog by permission of and with knowledge of the dog's owner, and who shall be charged by the owner, whether explicitly or tacitly, with the care of such dog, either gratis or for compensation.

KEEPING, MAINTENANCE. Allowing a dog to remain on or about one's premises or providing food, shelter, protection, personal care or any combination of same to such dog.

OWNER. Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions and behavior of his/her dog(s). In the event that the owner or keeper of a dog is a minor, the parent or guardian of such minor shall be held liable for noncompliance with the provisions of this chapter.

OWNER'S REAL PROPERTY. Any real property owned or leased by the owner of a dog, but does not include any public right of way or a common area of a condominium, apartment complex, or townhouse development.

PERSON IN CONTROL OF A DOG. The owner, keeper or any other person possessing actual physical control over the conduct, whereabouts, care or behavior of a dog by permission of the owner, by force of law or otherwise.

POTENTIALLY DANGEROUS DOG. A dog that the Animal Control Officer determines to have inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or approached a person when not on the owners property in a vicious or terrorizing manner in an apparent attitude of attack.

RESTRAIN. A dog is under restraint within the meaning of this chapter if it is controlled by means of a chain, leash, or other like device; on or within a vehicle being driven or parked; within a secure enclosure; or within the dwelling, house or other structure of the owner or keeper.

SECURE ENCLOSURE. Any area enclosed or limited by any type fence, wall, barrier or other form of enclosure, and which is used at anytime to confine or limit the mobility of any dog.

THREATENING DISPOSITION. A demonstrated tendency to threaten or habit of threatening imminent attack by charging, advancing upon; snarling, snapping at or lunging at; or otherwise apparently attempting to injure or intimidate any person or animal without reasonable provocation or justification.

TOWN. The Town of Boiling Springs, North Carolina.

VICIOUS. A predisposition or tendency to attack, bite, snap at, injure or display overt aggression toward humans or animals without reasonable provocation or justification.
(Ord. passed 6-30-92; Am. Ord. passed 6-27-00)

▪ 92.02 EXCLUSIONS.

The provisions of this chapter shall not apply to any sworn law enforcement officer or law enforcement dog acting in the course of his/her normal duties as an employee of the town, county, state or other law enforcement agency working in conjunction with the Police Department.
(Ord. passed 6-30-92)

▪ **92.03 TERRITORIAL APPLICATION.**

This chapter shall apply only within the corporate boundaries of the town as the same may exist and as may hereafter be amended by the Board of Commissioners.
(Ord. passed 6-30-92)

▪ **92.04 PRESUMPTION OF OWNERSHIP.**

The purchase of rabies or any other vaccinations for any dog or the affixing to any dog of any type of collar, harness, choke chain, tax tag, rabies vaccination tax or any form of identification tag or device bearing such person's name, address or phone number or other means of identification, by any person, shall constitute prima facie evidence of the ownership, keeping or control of such dog by such person.
(Ord. passed 6-30-92)

▪ **92.05 RESTRAINT OF DOGS; PENALTY.**

(A) No dog shall be kept, maintained or allowed off of the premises owned or controlled by its owner or keeper unless it is then controlled by a tether, leash or similar device.

(B) In addition to all other penalties prescribed by law, a dog is subject to impoundment and all other applicable provisions of the Cleveland County Animal Control Ordinance if the dog is found off of the premises of its owner or keeper and unrestrained as provided for in paragraph (A) above.

(C) The penalties for violation of this section shall be as follows:

- (1) First violation\$ 50.00
- (2) Second violation..... 75.00
- (3) Third and subsequent violations.....100.00

(D) The Cleveland County Animal Control Department is authorized to collect, at the time of redemption, an appropriate penalty if the animal was impounded due to violation of this section.

(E) For the purpose of determining how many offenses have been committed, and for determining the appropriate penalty, each offense shall remain on the record of the Cleveland County Animal Control Department for a period of two years. Subsequent to two years expiration, an offense shall be removed from the record and no longer used for purposes of calculation of penalties.

(Ord. passed 6-30-92; Am. Ord. passed 6-27-00)

▪ **92.06 COUNTY ORDINANCE; ENFORCEMENT.**

(A) The Cleveland County Animal Control Ordinance as it pertains to animal control shall be applicable within the corporate limits of the town. The County Animal Control Department as established and governed by county ordinance shall enforce such county ordinance within the town limits with the full cooperation of the town.

(B) Where any conflict appears between the provisions of this chapter and such county ordinance, the more restrictive shall apply and control.

(Ord. passed 6-30-92; Am. Ord. passed 6-27-00)

▪ **92.07 COUNTY ORDINANCE ADOPTED.**

The Cleveland County Animal Control Ordinance is hereby adopted and incorporated by reference as if fully set out herein.

(Ord. passed 6-30-92; Am. Ord. passed 6-27-00)

▪ **92.08 ADDITIONAL REMEDIES.**

In addition to the penalties provided in this chapter, enforcement of this chapter may be by injunction, restraining order or order of abatement from a court of competent jurisdiction, as provided by G.S. Section 160A-175 (d) and (e).

(Ord. passed 6-30-92)

Part 2. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 3. This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Boiling Springs, North Carolina.

ADOPTED this the 7th day of August, 2007.

SIGNED: _____
Max J. Hamrick, Mayor

ATTEST: _____
Kim Greene, Town Clerk