

ORDINANCE _____

ORDINANCE AMENDING CHAPTER 6 "ANIMALS" OF THE COUNTY
CODE OF ORDINANCES

WHEREAS, by authority granted to counties in GS §153A-121, §153A-127 and §153A-131, Buncombe County previously adopted Chapter 6, Article II, Animal Control of the Code of Ordinances County of Buncombe, North Carolina; and

WHEREAS, following review by Buncombe County personnel and livestock advocates, including the Horse Council, Farm Bureau and NC Department of Agriculture, certain amendments to the animal control ordinance have been suggested related to livestock; and

WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to amend the Animal Control Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That Chapter 6, Article II, Animal Control of the Code of Ordinances County of Buncombe, North Carolina is hereby revised as follows:

Sec. 6-28. Definitions.

Adequate shelter. A structure intended for an animal's protection from inclement weather or sun, which consists of at least three sides, a floor and a roof. The structure is to be constructed of durable fiber, wood, plastic, or other non-metallic materials of adequate insulate value that allows an animal to maintain its body heat. ~~Structures Adequate shelter for Livestock may be constructed of a metallic material. and may not include a floor or barns.~~ Alternatively, a Livestock shelter may be natural. ~~Natural shelter may, in some circumstances, offer advantages over constructed shelter. If natural shelter is considered, the area to be considered as shelter must be dry and free of debris. Horses should always have a run in shelter. The officer will have the final say on what is considered adequate shelter. Structures for all animals must be large enough to allow all animals on the premises to be housed, to turn around, lie down, and stretch comfortable. The walls must keep out rain, sleet, and snow.~~ This shall not exclude the use of metallic structures as used as transportation and temporary shelter.

Livestock. ~~Animals commonly associated with farming including, but not limited to, horses, mules, ponies, llamas, swine, sheep, cattle, goats, chickens, emus, ostriches, and other fowl.~~ For the purposes of this Ordinance, Livestock are defined as set forth in Chapter 68, Article 3, Livestock Law, of the North Carolina General Statutes.

Sec. 6-58. - Animal care.

(a) It shall be unlawful for any owner or keeper to fail to provide his animals with adequate food, water, shelter, social interaction, a clean living environment free of debris and excessive waste, adequate exercise, veterinary care when needed to prevent suffering and with humane care and treatment. **This requirement for social interaction does not apply to Livestock.** Any such violation shall be classified and charged as "Neglect." By way of illustration, and not limitation, if an officer deems that the dog has not had sufficient exercise off tether or social interaction such violation will constitute neglect.

(k) It shall be unlawful for any person to give away any live animal, fish, reptile, or bird as a prize or as an inducement to enter any contest, game, or other competition, **other than a Livestock educational opportunity**; as an inducement to enter a place of amusement; offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade; or sell chances, coupons, or tickets to be redeemed for any live animal, bird or fish, or to offer animals for sale or gift at flea markets.

~~6-66. —Horses. Due to the unique nature of horses, mules, ponies and other equines, the following specific requirements are imposed on their Owners and Keepers.~~

~~(a) —Equine care. In addition to the general obligations pertaining to animal care, Owners or Keepers these animals equine livestock must provide for:~~

~~(1) —keeping the animals or providing adequate visits for the animals to pasture, paddock, or other similar area large enough to provide adequate exercise;~~

~~(2) —any pasture, paddock, or other similar area where the animals graze or exercise must have fencing of sufficient frame and strength to contain the animals; and~~

~~(3) —veterinary care for such animals includes adequate care for teeth and hooves.~~

~~(b) —Adequate shelter. These animals require shade in the summer and protection from wind and cold in the winter. This can be a barn, stable or other similar building providing free access. Such structures must provide a minimum of 100 square feet of enclosed space per animal. A three-sided shelter or open front shed size should be 240 square feet for 2 horses (i.e. 12 x 20 feet) and 60 square feet (i.e. an additional 10 x 6 feet) for each additional horse. In any case, such open front shelters must provide space for each animal to comfortably stand up, lie down and turn around simultaneously. Equine livestock should be afforded shelter in some weather conditions. Such shelter may consist of natural surroundings, tree line, barn, stable or other similar structure that the enforcement officers deem appropriate. Nothing in this section shall apply to equine livestock kept on bona fide farms pursuant to NCGS §106-581.1(3) and §153A-340.~~

DIVISION 7. - ENFORCEMENT AND APPEALS

Sec. 6-115. - Civil penalty.

(c) Levels of violation and fines.

Delete Level II which states: Sec. 6-66, Horses - Care and Shelter

2. That if any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance;
3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict; and
4. That these ordinance amendments are effective upon adoption.

This the ____ of March, 2015.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney