

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;

WHEREAS, following review by Buncombe County personnel and welfare advocates, certain amendments to the animal control ordinance have been suggested related to circumstances surrounding animal neglect, neighborhood pet nuisances, and the proper care and treatment of pets and horses in the community; 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.

Neglect. Failure of an Owner or ~~person in possession of an animal~~ Keeper to provide the animal with adequate food, water, shelter, veterinary care, social interaction, or failure of an owner or a person in possession of an animal to obtain appropriate veterinary care for the animal in the event of injury or illness.

Sec. 6-57. Public nuisance.

(a)

(2) The keeping of any animal which frequently is at large, including any animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, animals walked on a leash, bicycles or other vehicles, and also animals that go onto and cause damage to property other than that of the Owner or Keeper;

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, veterinary care when needed to prevent suffering and with humane care and treatment. **Any such violation shall be classified and charged as "Neglect."**

- (o) It shall be unlawful to tether an animal to a stationary object for a period of time or under conditions that an Officer or animal cruelty investigator deems harmful or potentially harmful to the animal. Tethering may be allowed in certain cases ~~where daily socialization and exercise off the tether can be verified and if there is no sign of obvious neglect and~~ the animal is not exhibiting health or temperament problems. Examples of improper tethering include, but are not limited to the following:
 - (1) Using a length or weight of tether that is not appropriate for the size, weight and age of the animal. ~~The~~ **An appropriate** restraint must be a minimum of four times the length from the tip of the animal's nose to the tip of the animal's tail and shall be no less than ~~ten~~ **fifteen (15)** feet.
 - (2) Using tether that does not have swivels on both ends. All tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width made of nylon or leather.
 - (3) Allowing an animal to **be** tethered such that the animal is not confined to the owner's property or such that the tether can become entangled and prevent the animal from moving about freely, lying down comfortable or having access to adequate food, water and shelter.

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) **Animal care.** In addition to the general obligations pertaining to animal care, Owners or Keepers these animals 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.

Sec. 6-115. Civil penalty.

- (c) Levels of violation and fines.

Level II

Sec. 6-57(a)(2)	Animal frequently at large
Sec. 6-57(a)(10)	Failure to confine a dog in heat
Sec. 6-58(a)	Neglect / Failure to provide care of animal
Sec. 6-58(e), (f)	Unsafe transport of animal
Sec. 6-58(g)	Unsafe confinement of an animal in a vehicle
Sec. 6-58(h)	Intentionally striking an animal with a motor vehicle
Sec. 6-58(i)	Failure to report striking an animal with a motor vehicle
Sec. 6-58(k)	Giving away an animal as an inducement/contest prize
Sec. 6-58 (l)	Distribution of unweaned cats and dogs prohibited
Sec. 6-58 (m)	Distribution of under age fowl prohibited
Sec. 6-58 (n)	Dyeing of animals prohibited
Sec. 6-58(o)	Unlawful tethering
Sec. 6-65	Prohibition against giveaways in public places
Sec. 6-60	Bird sanctuaries
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 January, 2015.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney