

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 6 - ANIMALS
OF THE COUNTY CODE OF ORDINANCES.

WHEREAS, by authority granted to counties in N.C. Gen. Stat. §§ 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 a review by Buncombe County personnel certain amendments to the animal control ordinance have been suggested relating to the feeding of wild animals; 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 ORDAINED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. The Buncombe County Code of Ordinances Chapter 6 is hereby revised as follows:

- a. Add the definition of "Attractant" to Section 6-28 of the Ordinance as follows:

"Attractant means any substance which could reasonably be expected to attract a wild animal or animals or does attract a wild animal or animals, including, but not limited to, food products, pet food, feed or grain."

- b. Delete Section 6-57(3) in its entirety and replace it with the following:

"(3) The keeping, possession, harboring, feeding, or attracting of animals, being wild, livestock or domesticated, which threaten the public health, safety and welfare of the community in a manner including, but not limited to, attracting the presence of bears or wild animals that creates a danger to humans, wildlife, or domestic animals, or causes damage to other properties; provided, that nothing herein shall be construed to prohibit keeping or maintaining a bird feeder, or from feeding birds, unless said activity constitutes an attractant and its cessation is ordered by the animal control officer pursuant to this section.

- a. *For the purpose of this section, danger shall mean the potential for human injury or death, the potential for increased risk of disease transmission between animal species and humans, or the increased potential for death or injury to the bears, livestock or companion animals."*

Section 2. If any section, subsection, sentence, 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. The Board of Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance is effective upon adoption.

Read, approved and adopted this 18th day of July 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

LAMAR JOYNER, CLERK

BY: _____
BROWNIE NEWMAN, CHAIRMAN

APPROVED AS TO FORM

COUNTY ATTORNEY