

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING SECTION 3-64 OF THE CURRITUCK COUNTY CODE OF**
3 **ORDINANCES TO PROHIBIT TETHERING OF ANIMALS DURING CERTAIN**
4 **CONDITIONS**

5 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,
6 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or
7 welfare of its citizens and the peace and dignity of the county; and

8 WHEREAS, pursuant to N.C. Gen. Stat. §§153A-127 and 153A-131, a county may by
9 ordinance define and prohibit the abuse of animals; and

10 WHEREAS, there is an increasing problem with tethering animals in severe weather or
11 unsafe conditions that creates an environment intolerable.

12 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the
13 County of Currituck, North Carolina as follows:

14 PART I. The Code of Ordinances, Currituck County, North Carolina is amended as follows:

15 **Sec. 3-64. Cruelty to animals.**

16 (a) It shall be unlawful for any person to molest, torture, torment, deprive of necessary
17 sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or
18 subject to conditions detrimental to its health or general welfare any animal, or to cause
19 or procure such action. The words “torture” or “torment” shall be held to include every
20 act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused
21 or permitted; but such terms shall not be construed to prohibit lawful taking of animals
22 under the jurisdiction and regulation of the Wildlife Resources Commission; nor to
23 prohibit the animal control officer or persons duly authorized by the county manager or
24 veterinarians from destroying dangerous, unwanted or injured animals in a humane
25 manner; nor to prohibit the lawful use of animals in scientific research. Nothing in this
26 article shall be construed to allow the sale or donation of animals from the county animal
27 shelter for use in scientific research.

28 (b) It shall be unlawful for any owner or keeper to fail to provide his animal or animals with
29 proper shelter and protection from the weather, adequate and wholesome food and water
30 to keep his animal or animals in good health and comfort, the opportunity for vigorous
31 daily exercise, veterinary care when needed to prevent suffering, and humane care and
32 treatment. “Outdoor tethering of an animal does not meet the requirement of proper
33 shelter and protection during a hurricane warning or if the animal is not safe from
34 predators or well suited or equipped to tolerate its environment. Unless an animal control
35 officer has inspected an animal’s individual circumstances and determined it to be safe

1 from predators and well suited and equipped to tolerate its environment, no such outdoor
2 tethering during a heat advisory, a severe weather warning, or a period when the
3 temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower shall
4 constitute the provision of proper shelter. Any tether shall be at least 15 feet in length or
5 four times the length of the animal, whichever is greater.

6 (c) It shall be unlawful for any person to sell or offer for sale, barter or give away within the
7 county baby chickens, baby ducklings or other fowl under six weeks of age or rabbits
8 under eight weeks of age as pets, toys, premiums or novelties; provided, however, that
9 this section shall not be construed to prohibit the sale or display of such baby chickens,
10 ducklings other fowl or such rabbits in proper facilities by breeders or stores engaged in
11 the business of selling for purposes other than for pet or novelties.

12 (d) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby
13 chickens or other fowl or rabbits.

14 (e) It shall be unlawful for any person to tether any fowl.

15 (f) A violation of this section shall be punishable under the criminal penalty provisions of
16 G.S. §14-360.

17 PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby
18 repealed.

19 PART III. This ordinance is effective upon adoption.

20
21 ADOPTED this _____ day of _____ 2025.

22
23 _____
24 S. Paul O'Neal, Chairman

25 ATTEST:

26 _____
27 Leeann Walton, Clerk to the Board

28
29 APPROVED AS TO FORM:

30 _____
31 Megan E. Morgan, County Attorney

32
33 Date adopted: _____

34 Motion to adopt by Commissioner _____

35 Second by Commissioner _____

36 Vote: _____ AYES _____ NAYS