

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE III, "LIVESTOCK AND WILD ANIMALS," OF THE CARRBORO TOWN CODE

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAIN:

Section 1. Town Code Section 10-5 is hereby amended by adding a new subsection (e1) to be inserted between the current subsections (e) and (f), said new subsection (e1) to read as follows:

(e1) The provisions of subsection (c)(1) through (5) shall not apply to "fainting goats." However, no permit may be issued for a person to keep fainting goats unless the permit applicant demonstrates compliance with the following conditions:

- (1) The tract where such livestock are kept shall consist of at least 25,000 square feet;
- (2) Such livestock may be kept only on a lot used for residential purposes and only for the consumption of persons who reside at that lot; such livestock may not be kept for commercial purposes;
- (3) No more than two (2) fainting goats may be kept on a single tract or lot;
- (4) Any person wishing to keep fainting goats on their property must seek and obtain a permit to do so;
- (5) The Administrator shall issue the permit required by this section unless he finds:
 - (1) The applicant has failed to comply with subsection (e1);
 - (2) The animal(s) for which the permit is requested poses a substantial danger of harm to any person, animal or property;
 - (3) The animal(s) for which the permit is requested is likely to or does interfere with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons;
 - (4) The animal(s) for which the license is requested otherwise constitutes a threat to the public health or safety.

Section 2. The Town Code Section 10-5(g) is hereby amended to read as follows:

- (g) Before issuing a permit under this section, the Administrator shall notify the applicant and the applicant's immediate neighbors by any convenient means of a date and time when they may be heard on the question of whether a permit should be issued. After the hearing, the Administrator shall set forth in writing his reasons for the issuance or denial of the permit and shall furnish a copy thereof to any person requesting the same. Any person aggrieved by the issuance or denial

of a permit under this section appeal such decision to the Animal Control Board Appeals pursuant to Section 10-38 (except that the burden of demonstrating that the administrator erred shall be on the appellant).

Section 3. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

**REPORT ON A PETITION REGARDING AN AMENDMENT TO THE LIVESTOCK ORDINANCE –
ITEM D(5)**

The purpose of this agenda item was to provide a report to the Board of Aldermen regarding Marianne Prince's petition to amend the Animal Control Ordinances related to keeping livestock and fowl in urban areas.

Sammy Slade suggested that the Board might want to reconsider requiring 40,000 sq. feet for livestock. In addition, he asked that the Board consider amending the Town Code to allow the sale of locally produced items, i.e., eggs.

Alderman Herrera announced that he would not be running for the Board in November.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Randee Haven-O'Donnell.

**A RESOLUTION RECEIVING THE STAFF REPORT ON THE PETITION REGARDING
AMENDMENT OF THE LIVESTOCK ORDINANCE
Resolution No. 142/2008-09**

WHEREAS, on April 7, 2009, Ms. Marianne Prince of 104 Cathy Road requested that the Board of Aldermen amend the Animal Control Ordinances related to keeping livestock and fowl in urban areas; and

WHEREAS, the Board of Aldermen asked staff to provide certain follow-up information related to this request; and

WHEREAS, staff has attempted to answer the Board's questions and provide the requested information;

NOW THEREFORE, the Carrboro Board of Alderman does hereby:

1. Receive the Staff report and direct staff to prepare an amendment to the Town Code to make a limited exception for the type of goats requested by Ms. Prince (fainting goats), and that the ordinance also be revised to allow neighbors to appeal the granting of a permit for goats.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 2009:

Ayes: Dan Coleman, Lydia Lavelle, John Herrera, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

Mayor Chilton stated that he would bring up the issue of allowing the sale of locally grown or raised products at a later date.
