

A RESOLUTION ACCEPTING THE STAFF RESPONSE TO QUESTIONS
REGARDING ENFORCEMENT OF LIVESTOCK RESTRICTIONS

Resolution No. 36/2009-10

WHEREAS, the Carrboro Board of Aldermen, on August 25 and October 6, 2009, received requests for answers to a citizen's questions regarding enforcement of livestock restrictions; and

WHEREAS, the Carrboro Board of Aldermen directed staff to research the issues and answer the questions; and

WHEREAS, the Police Chief contacted State and Federal authorities for direction and clarification of laws; and

WHEREAS, the Police Chief prepared responses to the citizen's questions;

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen receive this response to questions.

In response to the request for information on the risk of rabies in chickens and goats and other animals, the Center for Disease Control (CDC) provided the following information:

What is the risk of Rabies in goats, fowl, and other animals?

Any mammal (warm-blooded animal) can get rabies. Birds do not get rabies.

Rabies is usually transmitted when the virus is introduced into bite wounds, breaks in the skin, or onto mucous membranes. This can occur through bite and non-bite exposures. Rabies cannot be transmitted from an animal that does not have an active infection.

For more information about rabies, see the CDC website: <http://www.cdc.gov/rabies/>

What if there is no licensed rabies vaccine for a particular species?

If no licensed rabies vaccine exists for a particular species (e.g. goats, swine, llamas, and camels) that is present in a setting where public contact occurs (such as fairs, educational farms, petting zoos, and schools), consultation with a veterinarian regarding off-label use of rabies vaccine is recommended. Use of off-label vaccine does not provide the same level of assurance as vaccine labeled for use in a particular species; however, off-label use of vaccine might provide protection for certain animals and thus decrease the probability of rabies transmission.

For additional information, see the Compendium of Measures to Prevent Disease Associated with Animals in Public Settings, 2009; National Association of State Public Health Veterinarians, Inc. (NASPHV); <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5805a1.htm>

For a list of available rabies vaccines for use in animals: See Part III in Compendium of Animal Rabies Prevention and Control, 2008; <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5702a1.htm>

1. How does a citizen check to see if there are any livestock raising restrictions or any livestock slaughtering restrictions controlling their property?

The citizen should consult the Town of Carrboro Code of Ordinances, Chapter 10 (Taxation, Regulation, Control and Care of Animals), Article III (Livestock and Wild Animals), Article V (Regulation and Control), Article VIII (Care and Protection), and Article XII (Enforcement, Appeals and Penalties).

The citizen should also consult any homeowners' association rules and regulations which may apply to him/her.

2. How does a citizen check to see if there are any livestock raising restrictions or any livestock slaughtering restrictions controlling a neighbor's property?

See the answer to number 1 above.

3. Is there a public database or a town map which shows citizens where these restrictions are present? If not, then why not?

The Town of Carrboro Code of Ordinances and a map designating the Town limits are available on-line. A map showing restrictions is unnecessary since the Code of Ordinances applies throughout Town. Homeowners' Association restrictions are not enforced by the Town.

4. Is there any model deed restriction language that the town can provide to those of its citizens who wish to eliminate livestock raising or livestock slaughtering on their specific property or on any property within their homeowners' association control, should they have one? If not, then why not?

The Town does not plan to provide any such model deed restriction language. The Town will enforce its Code of Ordinances.

5. If livestock raising or livestock slaughtering restrictive language applies to a property on which these activities are occurring, how does a citizen enforce them? Do they have to sue their neighbor in court? Will Town of Carrboro animal control officers enforce the provisions? If not, then why not?

There is no mechanism for enforcement by private citizens of the Town's regulations related to livestock. A citizen who believes those regulations are being violated should call 911 and request a response from the Town's Animal Control Officer. The Animal Control Officer takes enforcement action as necessary. The Town does not become involved in the enforcement of private covenants.

6. If a neighbor is slaughtering animals on their property but refuses to follow these state guidelines, do you have to sue your neighbor to get compliance? Or do you have to go to the State Ag Department to get compliance?

The citizen asking this question has provided MPID Notice 35-08; 11/17/08 (On-Farm Slaughter Activities). This document was issued by the North Carolina Department of Agriculture and Consumer Services, Meat and Poultry Inspection Division to clarify the North Carolina State laws governing slaughter activities conducted on the farm. This Division enforces State and Federal laws designed to ensure that meat and poultry products sent into commerce are wholesome, unadulterated, and properly labeled. The Division also inspects red meat slaughter facilities and businesses that further process and/or transport meat and poultry products for wholesale distribution in North Carolina. There are no such farm operations within Town of Carrboro limits.

7. Will the Town of Carrboro do anything to help you if your neighbor is engaging in animal slaughtering mindless of public health?

The Town currently does not have an ordinance prohibiting or regulating the slaughtering of animals and is not aware of any applicable State regulations enforceable by the Town. If an activity rises to the level of a health or safety nuisance, such a situation can be addressed by the Town under the procedures set forth in Part 2 of Article V of Chapter 11 of the Town Code.