

# Livestock & Public Nuisance Provision

## Bob Marotto

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**From:** Bob Marotto  
**Sent:** Friday, November 22, 2013 12:58 PM  
**To:** Peter Sandbeck  
**Cc:** Michael Talbert; David Stancil; Annette Moore; Howard McAdams Jr. ; Kimberly Woods (kdwoods@ncsu.edu); Susan Elmore (elmore@niehs.nih.gov); michelle.merck.walker@gmail.com  
**Subject:** Animal Services: Unified Animal Ordinance  
**Attachments:** Timeline for Unified Animal Control Ordinance.pdf

Peter and others:

Thank you and the others who have been involved for providing the recommendation of the Ag. Preservation Board on this matter in such a timely manner.

Hopefully, the APD recommendation will put the matter to bed (so to speak). It seems to reflect the different considerations that have been expressed throughout our discussion of the issue of domestic livestock and the nuisance provisions of the county's ordinance. I will be sure that the APB recommendation is shared with others involved in this process (beginning with this email). I will also be sure that it is considered throughout the process for incorporation into the final ordinance.

The timetable that we are following for returning to the BOCC is available in the attached.

Have a splendid Thanksgiving and thanks again for getting back to us in this way.

Bob

**Bob Marotto**  
**Director**  
**Orange County Animal Services**  
**(919) 968-2287**

**HOME FOR THE HOLIDAYS HAS OFFICIALLY STARTED**

*\*Reduced adoption fees for all dogs and cats!!*

*\*Canned Pet Food Drive (Nov 11-Dec 21)*

*\*Featured photography at the Hillsborough branch of the Orange Co. Public Library*

*\*Parades (Dec 7 & 14)*

*\*Pictures with Santa (Dec 21)*

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facebook: [www.facebook.com/OCASpets](http://www.facebook.com/OCASpets)

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**From:** Peter Sandbeck  
**Sent:** Thursday, November 21, 2013 1:38 PM  
**To:** Bob Marotto  
**Cc:** Michael Talbert; David Stancil; Annette Moore; Howard McAdams Jr. ; Kimberly Woods (kdwoods@ncsu.edu)  
**Subject:** RE: Animal Services Query

Bob,

The Ag Preservation Board had a good discussion about the matter of at-large livestock last night at their regular meeting.

Their primary concern, as stated before in earlier conversations with you, is to ensure that our Orange County ordinance treats domestic livestock appropriately. To that end, they believe that there is a reasonable way to allow the final wording to recognize that livestock merits a somewhat different treatment than say stray dogs.

Specifically, they believe that our ordinance should not automatically declare any at large domestic livestock to be a public nuisance. They cite the fact that the ordinances of all the surrounding counties provide reasonably clear wording and guidance, written into the ordinances, to establish or define specific behaviors that constitute being declared a public nuisance. They gave full consideration to the proposed wording in your Sept. 13<sup>th</sup> email, but in their opinion that approach did not provide enough guidance (contained within the wording of the ordinance itself) as to what types of situations would constitute a public nuisance.

To that end, the Ag Board wishes to offer the following new wording for Sec. 4-45-Public Nuisance, (b) (6), as a substitute for the wording you proposed in September:

**“Except in the case of domestic livestock, any animal at large off the premises of the owner or keeper. At large domestic livestock will be considered a public nuisance when it, in the judgment of the Animal Services Director, or designee, presents an immediate public danger, is destroying or damaging property, is violating property rights, or has been habitually at large.”**

Members of the Ag Board believe that this is a constructive and reasonable approach to this issue. They understand that this wording is a draft and may necessarily require some revision or tweaking to meet legal requirements while retaining the core concepts. They look forward to working collaboratively with you and your ordinance team, and to getting your feedback.

Thanks, Peter

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**From:** Bob Marotto  
**Sent:** Wednesday, November 20, 2013 2:05 PM  
**To:** Peter Sandbeck; David Stancil  
**Cc:** Michael Talbert; David Stancil; Annette Moore  
**Subject:** RE: Animal Services Query

Peter,

Thanks for the update.

Letting us know the outcome as promptly as possible will be appreciated. We will be making final revisions to the ordinance in December in order to return to the BOCC with the next version of the unified ordinance.