

Wild Horse Ordinance

ARTICLE II. WILD HORSES

Sec. 3-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Luring means to actively entice or tempt by feeding, petting, or any other means which would attract a wild horse.

Shunned colt means a subordinate stallion, characteristically aggressive, that is forced from a herd by the dominant stallion.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Wild horse means an animal of the family Equidae and the progeny of the Spanish mustang which was introduced to the Outer Banks as a domesticated animal by 16th century explorers but has over time taken on the characteristics of the class of animal that is ferae naturae. Five lumbar vertebrae and markings characteristic of Spanish mustangs distinguish the wild horse from other members of the same family.

(Ord. of 12-18-89, pt. I, § 2; Ord. of 10-4-93, § 1)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 3-27. Construction of article.

The provisions of this article shall be liberally construed to effectively carry out its purposes, which are found and declared to be in furtherance of the public health, safety and welfare.

(Ord. of 12-18-89, pt. I, § 11)

Sec. 3-28. Interference with enforcement of article.

It shall be unlawful for any person to interfere with, hinder or molest animal control officers or persons duly authorized by this article, except as otherwise specifically provided.

(Ord. of 12-18-89, pt. I, § 9)

Sec. 3-29. Penalty for violation of article.

(a) The violation of any provision of this article shall be a misdemeanor, and upon conviction shall be punished as provided by section 1-8.

(b) In addition, enforcement of this article may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123.

(Ord. of 12-18-89, pt. I, § 10)

Sec. 3-30. Sanctuary established.

There is established a wild horse sanctuary which shall be that part of the county on the Outer Banks from Dare County to the Virginia state line.

(Ord. of 12-18-89, pt. I, § 3)

Sec. 3-31. Luring, enticing, seizing.

It shall be unlawful for any person to lure or entice a wild horse out of a wild horse sanctuary, or to seize and remove a wild horse from a wild horse sanctuary, except for the purpose of treatment under the care and supervision of a licensed veterinarian or to remove a shunned colt from a wild horse sanctuary when the shunned colt is certified by the animal control officer to be a nuisance or dangerous to persons or property. It shall further be unlawful for any person to lure, attract, or entice a wild horse to come within 50 feet of any person.

(Ord. of 12-18-89, pt. I, § 6; Ord. of 10-4-93, § 2)

Sec. 3-32. Possessing or harboring.

No person shall possess, harbor or keep in possession by confinement any wild horse. The provisions of this section shall not apply to the keeping of wild horses in a licensed veterinary hospital or other location for treatment under the care and supervision of a licensed veterinarian.

(Ord. of 12-18-89, pt. I, § 5)

Sec. 3-33. Cruelty.

It shall be unlawful for any person to molest, torture, torment, cruelly beat, needlessly mutilate or kill, wound, injure, poison or subject to conditions detrimental to its health or general welfare any wild horse within a wild horse sanctuary, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act which causes unjustifiable pain, suffering or death; but such terms shall not be construed to prohibit an animal control officer, law enforcement officer or licensed veterinarian from destroying an injured wild horse in a humane manner.

(Ord. of 12-18-89, pt. I, § 4)

Sec. 3-34. Notice of injury to authorities.

It shall be unlawful for any person injuring a wild horse to fail to notify immediately the animal control officer or sheriff's department.

(Ord. of 12-18-89, pt. I, § 7)

Sec. 3-35. Destruction of wounded or diseased wild horses.

Notwithstanding any other provision of this article, a wild horse which is badly wounded or diseased may be destroyed in a humane manner by an animal control officer, law enforcement officer or licensed veterinarian.

(Ord. of 12-18-89, pt. I, § 8)

Sec. 3-36. Feeding, riding and petting prohibited.

It shall be unlawful for any person to feed, ride, pet or approach with the intent to feed, ride or pet any wild horse.

(Ord. of 10-4-93, § 3)

Sec. 3-37. Assistance by wild horse sanctuary officers.

Wild horse sanctuary officers duly appointed by The Corolla Wild Horse Fund shall be charged with assisting in providing for the safety and welfare of the wild horses and to the extent necessary in the performance of these duties shall be exempt from these regulations.

(Ord. of 10-4-93, § 4)

Sec. 3-38. Complaints; violation.

The complaints of two or more persons, residing in different residences, or the complaint of any law enforcement officer shall be prima facie evidence that such violation of this article has occurred.

(Ord. of 10-4-93, § 5)

Secs. 3-39--3-60. Reserved.