

1       **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**  
2               **AMENDING SECTION 10-55 OF THE CURRITUCK COUNTY CODE OF**  
3       **ORDINANCES TO PROHIBIT USE OF HORSES ON THE NORTHERN CURRITUCK**  
4               **OUTER BANKS**

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 regulate, restrict or prohibit the  
10 possession or harboring of animals which are dangerous to person or property; and

11               WHEREAS, the Board of Commissioners for Currituck County finds and determines that  
12 humans and Corolla Wild Horses are at risk for injury when mixed with domesticated horses and  
13 further that Corolla Wild Horses are at risk from exposure to Equine Infectious Anemia and  
14 parasitic infection that may be introduced into the Corolla Wild Horse home range by  
15 domesticated horses.

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

18       PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting  
19 Section 10-55 of the Code of Ordinances to read as follows:

20       Sec. 10-55. Locations where use prohibited.

21               (a) No vehicles, mopeds, motorcycles or motor vehicles shall be operated ~~and no horses~~  
22 ~~shall be used~~ on the Outer Banks except on a cartway, a neighborhood public road, a dedicated  
23 right-of-way, the foreshore or beach strand or any other public vehicular area.

24               (b) This section shall not apply to vehicles, ~~horses~~, mopeds, motorcycles, or motor  
25 vehicles operated on private property with the permission of the owner. The owner must be  
26 present or written evidence of the owner's permission furnished.

27               (c) It shall be unlawful for any person to keep, harbor, maintain, possess, ride, walk or  
28 bring a horse into or upon that area of the county on the Outer Banks from the terminus of the  
29 paved portion of N.C. State Highway 12 to the Virginia state line. Notwithstanding the  
30 foregoing, a horse may be used on private property with written evidence of the owner's  
31 permission or on a cartway, a neighborhood public road, a dedicated right-of-way, the foreshore  
32 or beach strand or any other public vehicular area in that area of the county on the Outer Banks  
33 from Dare County to the terminus of the paved portion of N.C. State Highway 12.

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

3 PART III. This ordinance is effective upon adoption.

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5 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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J. Owen Etheridge, Chairman

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ATTEST:

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Gwen H. Keene, Clerk to the Board

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APPROVED AS TO FORM:

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Donald I. McRee, Jr., County Attorney

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Date adopted: \_\_\_\_\_

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Motion to adopt by Commissioner \_\_\_\_\_

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Second by Commissioner \_\_\_\_\_

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Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS

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