19.12.10/01

EMERALD ISLE
NORTH CAROLINA

Nice Matters!

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Mayor
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Floyd Messer, Jr.

Board of Commissioners
Candace Dooley
Steve Finch
Jim Normile
Mark Taylor

Town Manager
Matt Zapp
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ORDINANCE AMENDING CHAPTER 8 – ANIMALS – OF THE CODE OF ORDINANCES REGARDING SERVICE ANIMALS

WHEREAS, the Town of Emerald Isle Code of Ordinances does not currently address the distinction between service animals and dogs, and

WHEREAS, the Americans with Disabilities Act (ADA) has issued guidance regarding service animals, and

WHEREAS, the inclusion of a new section pertaining to service animals as outlined in the suggested amendment below defines and clarifies the definitions of service animals and required conduct of service animals and their handlers under the ADA , and

WHEREAS, these changes require the amendment of Chapter 8 of the Town of Emerald Isle Code of Ordinances, Article I, adding new Section 8.7.

NOW, THEREFORE, BE IT RESOLVED by the Emerald Isle Board of Commissioners that Chapter 8 – Animals, Article I – Dogs, of the Code of Ordinances is hereby amended adding a new Section 8.7 to read as follows:

Section 8.7 Service Animals.

A. Definitions. The following terms shall be defined and have the meaning as used herein"

1. "ADA" shall mean the "Americans with Disabilities Act", a federal act as changed and amended from time to time.
2. "Handler" shall mean the individual with a disability or a third party who accompanies the individual with the disability who either owns or has possession and use of a service animal.
3. "Service Animal" is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability.

B. Required Conduct. Service animals shall be under the control of the handler at all times. The service animal shall be harnessed, leashed or tethered while in public places unless these devices interfere with the service animal's work or the disability of the handler or person with the disability prevents use of these devices.

In such case the person or handler must use voice, signal or other effective means to maintain control of the service animal. A person with disabilities or a handler is not permitted to allow a service animal to wander away from he or she and must maintain control of the service animal even though it is retrieving an item at a distance. A disabled person suffering from post-traumatic stress disorder or similar condition who has difficulty entering an unfamiliar space shall be permitted to use a service animal that is trained to enter a space to ascertain that there are no threats in the event it is necessary for the animal to be off leash in order to perform the task. Domesticated animals normally considered "house pets" are not prohibited herein.

C. Violation of this Section shall subject the offender to a civil penalty of fifty dollars ($50).

4. The Town Clerk is authorized to amend the sections as set forth above.

5. This ordinance shall become effective immediately upon its adoption. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Adopted this the 10th day of December, 2019, by a vote of

Commissioner(s) Dooley, Finch, Messer, Normile, Taylor voting for,

Commissioner(s) _____ voting against, and

Commissioner(s) _____ absent.

Floyd Messer, Jr., Mayor Pro-Tem

ATTEST:

Rhonda Ferebee, Town Clerk

SEAL