

Orange County Animal Control Ordinance

Definition: Adequate Shelter

“That shelter which will keep a nonaquatic animal dry, out of the direct path of winds and out of the direct sun, at a temperature level that is healthful for the animal. For dogs, cats and other small animals, the shelter shall be a windproof and moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall include four walls, a roof and a solid floor raised up off of the ground, with an opening entrance large enough to allow access to the animal, but placed in such a way as to keep the animal out of the direct path of winds. Metal barrels do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shaving, or the equivalent. For all animals the containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris, and a suitable method of draining shall be provided to rapidly eliminate excess water or moisture. Aquatic or semi-aquatic animals shall have an adequate amount of clean water in which to move. Does not apply to the following domesticated livestock: cattle, oxen, bison, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, llamas, alpacas, lagomorphs, ratites, and poultry (except within municipal corporate limits the term “poultry” applies only to poultry flocks greater than 20 birds).”

Two issues with OC Animal Ordinance for LGD

- Very specific shelter requirement for dogs
- No shelter requirement at all for livestock

Other jurisdictions outside NC:

- Missouri Department of Conservation
 - o Simple dog shed or shelter necessary to protect livestock guardian dog’s food and water from weather and the herd
- US Department of Agriculture
 - o Pups reared in separate pens so able to retreat from herd when it wants to
 - o Separate shelter for dogs during lambing season. “We speculated that the relatively long period of removal from the sheep would result in a decrease or loss of the dog’s bond to sheep. Ten years of experience with this situation has revealed that, for most dogs, the bond to sheep remains and may even be intensified with periods of separation. The period of isolation in the kennel appears to enhance the dog’s desire and enthusiasm for the freedom of being with sheep. Almost without exception, when we release a dog after it has been apart from the sheep for any length of time, it quickly seeks the scent and trails off in the direction of the sheep. The bond between dog and sheep is established as the pup is raised with lambs and appears to endure even though the dog is separated from the sheep for up to 6 months.”
 - o “Livestock guarding dogs are hardy animals and often do not use a dog house or shelter even in inclement weather. They generally prefer to sleep in the open

where they can easily observe their surroundings. However, **some form of shelter should be provided for dogs in pastures**. Some dogs regard their house and the surrounding area as their territory. The dog house may serve as a point of contact for the dog and enhance the tendency to remain in that area.”

Other municipalities in NC: Ordinance findings

- Alamance, Ashe, Caldwell, Lincoln: Proper/Adequate shelter for all animals from the weather at all times
- Alexander: access to shade on warm/hot days
- Vance County: For all animals: “Adequate shelter must include at least 3 sides and a roof, allow proper air circulation, and have sufficient room for the animal(s) to move about freely and to lie down comfortably”
- Caldwell county: "All animals shall be provided with adequate shelter from the weather at all times" DEFINITION of adequate shelter: "Any suitable weatherproof structure intended to be inhabited by an animal, built in such a way as to have 4 sides, 1 side having ample opening to allow for an entrance for the animal. The structure will have a top and bottom being large enough for the animal to turn around while inside"
- Greene: “Adequate shelter for all animals: A structure intended for an animal’s protection from inclement weather or sun, which consists of at least three sides, a floor, and a roof. The structure is to be constructed of durable fiber, wood, plastic, or other non-metallic material of adequate insulate value that allows an animal to maintain its body heat. Structures for livestock may be constructed of a metallic material and are not required to include a floor. Structures for all animals must be large enough to allow all animals on the premises to be housed, to turn around, lie down, and stretch comfortably on a clean dry space. The walls must keep out rain, sleet, and snow. This shall not exclude the use of metallic structures used as transportation and temporary shelter. If an animal is tied to any fixed object as a means of permanent confinement, the animal must have enough room to turn around, lie down, stretch comfortably, and reach water and shelter. The area in which the animal is tied must be clean and dry.”
 - o Requires registration with AS as guardian dog within 15 days
 - o Warren county also requires registration with AS
- Davidson: “Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.) physical suffering, and impairment of health, and which is large enough to allow the animal to make normal body movements. (7) **For animals which are kept outside, under weather conditions which adversely affect the animal’s health, failing to provide a shelter for the animal which is surrounded on three (3) sides, covered by a roof, and has a floor (excluding barns), and which is structurally sound, maintained in good repair, and constructed in such a manner that it is water and wind resistant.”**
- Harnett: definition of herding dog: “A dog which is trained or being trained to assist in herding... activities”
- Caldwell: defines pet as any animal not used for utility
- Dare: Adequate shelter: "A structure which provides for an animal’s protection from inclement weather or sun, appropriate for that animal."

Conversation with Director of Burlington Animal Services

- LGD in Alamance County and in shelter
- All animals, including livestock and LGD, require access to adequate shelter
- Ordinance does not specify the type, or specifications of shelter for dogs
- Most farms in Alamance county with LGD have lean-to on the property, or barns that dogs share with livestock
- Specifics of dog shelter seen as an equity issue- not everyone can afford to comply with specifications therefore adequate shelter determined on case by case basis after report received of neglect or abuse