

CITY MANAGER'S WEEKLY REPORT

raleighnc.gov



CITY OF
Raleigh
MANAGER'S
OFFICE

Issue 2019-39

October 11, 2019

IN THIS ISSUE

GoRaleigh North Carolina State Fair Park and Ride Shuttles
Southeast Raleigh Special Area Study
Street Lighting Initiative – Bridge Underpasses Phase 2 Update
Bus Rapid Transit (BRT) Public Engagement Events
NCDOT Transportation Improvement Program Update
Midtown-St. Albans Area Plan Update
Raleigh Union Station - GoRaleigh Occupancy of Lower Mezzanine
Weekly Digest of Special Events

Council Follow Up

October 1 Requests & Petitions of Citizens - Current Ordinances on Animal Shelter During Extreme Temperatures

INFORMATION:

Regular Council Meeting Tuesday, October 15; Lunch Work Session at 11:30

Council will meet in regular work session at **11:30 A.M.** in the **Council Chamber**. Please note the agenda for the lunch work session is included with the regular meeting agenda and may be accessed via the BoardDocs electronic agenda system:

<http://boarddocs.com/nc/raleigh/board.nsf>

The **regular** Council meeting begins at **1:00 P.M.**

Reminder: If there is an item you would like to pull from the consent agenda for discussion, please e-mail mayorstaff@raleighnc.gov by 11 A.M. the day of the meeting.

GoRaleigh North Carolina State Fair Park and Ride Shuttles

Staff Resource: Andrea Epstein, RDOT, 996-4186, andrea.epstein@raleighnc.gov

GoRaleigh will provide a bus service to the State Fair throughout the duration of the fair beginning October 17 ending on October 27. The round-trip fare is \$5 (one-way is \$4). Seniors 65 and older and passengers

with disabilities receive a half fare rate at \$2.50. Children under 40" tall ride for free. Pickup and drop-off locations include Cary – Cary Towne Center Mall; Downtown Raleigh – Hillsborough Street; Garner – White Oak Crossing; and North Raleigh – Triangle Towne Center Mall.



For more information please visit:

<https://goraleigh.org/news/ride-goraleigh-state-fair>

Below is the link to the video on the City YouTube page, GoRaleigh State Fair 2019:

https://www.youtube.com/watch?v=hIYb3_nHn0E

(No attachment)

Southeast Raleigh Special Area Study

Staff Resource: Donald Belk, City Planning, 996-4641, donald.belk@raleighnc.gov

The Department of City Planning has completed Phase One of public engagement for the Southeast Special Area Study. It is estimated that more than 500 people participated through the community meetings, pop-up events, and the project survey. Additional information about the project is available online and in a memorandum included with the *Weekly Report* materials.

Staff will conduct an internal workshop to begin generating content for Phase Two of community engagement, which will commence in January 2020.

(Attachment)

Street Lighting Initiative – Bridge Underpasses Phase 2 Update

Staff Resource: Jed Niffenegger, RDOT, 996-4039, jed.niffenegger@raleighnc.gov

As previously shared with Council, the Raleigh Department of Transportation initiated a project to provide improved lighting for larger underpasses throughout the City. This initiative began in 2016 based on concerns received from citizens and the Raleigh Police Department regarding pedestrian and motorist safety while using bridge underpasses. Street lights in Raleigh are leased through our local energy provider, Duke Energy Progress (DEP); however DEP does not offer options suitable for lighting underpasses to acceptable levels.

Construction was recently finished on Phase 2 of this project to provide street lighting to five additional bridge underpasses. The first phase (also five underpasses) was completed in late 2017; information regarding the previous phase may be found in *Weekly Report Issue 2017-48* (December 15).

Completion of Phase 2 was a cross-departmental effort, which included the Engineering Services Department which provided oversight of the design and also managed construction. The design contract was awarded to IBI Group of North Carolina, Inc. while the construction contract was awarded to Kemco. Total cost of construction for the five locations was \$282,000; as part of the installation DEP is providing metered electrical service at each location.

The five underpass locations completed in Phase 2 are as follows:

- Hadley Rd under I-40
- Raleigh Blvd under I-440
- S. Saunders St under I-40
- State St under I-40
- Wilmington St under I-40

Below are images with before/after lighting comparisons:

Hadley Road under I-40



Before



After

Raleigh Boulevard under I-440



Before

(No attachment)



After

Bus Rapid Transit (BRT) Public Engagement Events

Staff Resources: Mila Vega, Transportation, 996-4123, mila.vega@raleighnc.gov

Jason Hardin, City Planning, 996-2657, jason.hardin@raleighnc.gov

Dhanya Sandeep, City Planning, 996-2659, dhanya.sandeep@raleighnc.gov

The City continues to advance implementation of the Bus Rapid Transit (BRT) projects identified in the 2016 *Wake Transit Plan*. There are a few upcoming public engagement opportunities in October 2019 and November 2019 designed to get citizens involved. Each event will provide an opportunity to learn more about the specific project and provide feedback to the planning process. Scheduled events include:

Event: Equitable Development Around Transit: Equity and Affordability
Date: October 12, 2019 from 10:00 am to noon
Location: Southeast YMCA (1436 Rock Quarry Rd, Raleigh NC 27610)
Description: This event will feature community conversations about affordability and ensuring that BRT benefits are shared equitably.

Event: Equitable Development Around Transit: Growing around Transit
Date: October 26, 2019 from 10:00 am to noon
Location: Martin St. Baptist Church (1001 E Martin St, Raleigh NC 27601)
Description: This event will feature conversations about to what extent Raleigh should grow around transit and what the implication of different choices are in terms of scale of development, housing options, carbon emissions, ability to live in walkable neighborhoods, and other considerations.

Event: Wake BRT: New Bern Avenue Design
Date: October 29, 2019 from 4:00 pm to 7:00 pm (presentation at 5:30)
Location: Martin St. Baptist Church (1001 E Martin St, Raleigh NC 27601)
Description: This meeting will focus on Bus Rapid Transit (BRT) design for New Bern Avenue corridor and will include information about design changes based on public input and will include design information regarding the following topics: BRT Station and amenities, bicycle and pedestrian access to BRT stations and overall project schedule.

Event: Wake BRT: Western Boulevard Corridor Study
Date: November 12, 2019 from 4:00 pm to 8:00 pm (presentation at 6:30)
Location: McKimmon Center (1101 Gorman St, Raleigh NC 27606)
Description: This is the rescheduled public kick-off meeting for the Western Boulevard Corridor Study. The meeting format will be an open house with an overview presentation at 6:30 pm and will include information booths on the existing conditions along corridor, alignment options for BRT and the project scope. The meeting will also provide introduction to Transit-Oriented Development (TOD) concepts and some information on market analysis.

Included with the *Weekly Report* materials is the publicity flyer advertising the Equitable Development Around Transit and New Bern Avenue Design meetings in October and the Western Boulevard Corridor Study meeting in November.

(Attachment)

NCDOT Transportation Improvement Program Update

Staff Resource: Eric Lamb, RDOT, 996-2161, eric.lamb@raleighnc.gov

The North Carolina Department of Transportation (NCDOT) has released an updated draft of the 2020-29 statewide Transportation Improvement Program (TIP). This previous draft of this plan was reviewed with the City Council in February 2019. At that time, NCDOT announced a significant slowdown in project timeframes, with many project schedules shifting further out by several years. The new Draft TIP continues this trend; a comparison of project schedules is included with the *Weekly Report* materials.

There are two exceptions to this, as two projects are proposed for acceleration in this draft:

- U-5307A – US 1 Freeway Conversion from I-540 to north of Durant Road. Construction of this project has been moved up from FY2024 to FY2022.
- P-5737 – Millbrook Road/CSX Railroad Grade Separation. This project has received federal rail grant fund and has been accelerated to FY21.

In addition to changes in schedules, NCDOT has also suspended work on over 900 projects across North Carolina due to budgetary issues. Cash reserves have been heavily depleted due to impacts from two hurricanes and from the potential settlements associated with recent Map Act lawsuits. This freeze in project production was announced earlier this month and affects many projects in our area, however it does not directly affect each project schedule. NCDOT has indicated intent to release funds to resume project development once the overall financial picture improves.

(Attachment)

Midtown-St. Albans Area Plan Update

Staff Resource: Jason Hardin, City Planning, 996-2657, jason.hardin@raleighnc.gov

The Midtown-St. Albans area plan is wrapping up with the final public input phase – “From Ideas to Action” – with two public events held in recent weeks and an online survey that will close this later month.

The events, held at Trinity Baptist Church and Wake Tech’s Beltline Education Center, drew approximately 70 participants combined. The events focused on prioritizing projects but included information and the ability to comment on other elements of the plan, including proposed land use changes. The [online survey](#) offers the ability to provide the same input. A memorandum with additional information is included with the *Weekly Report* materials.

(Attachment)

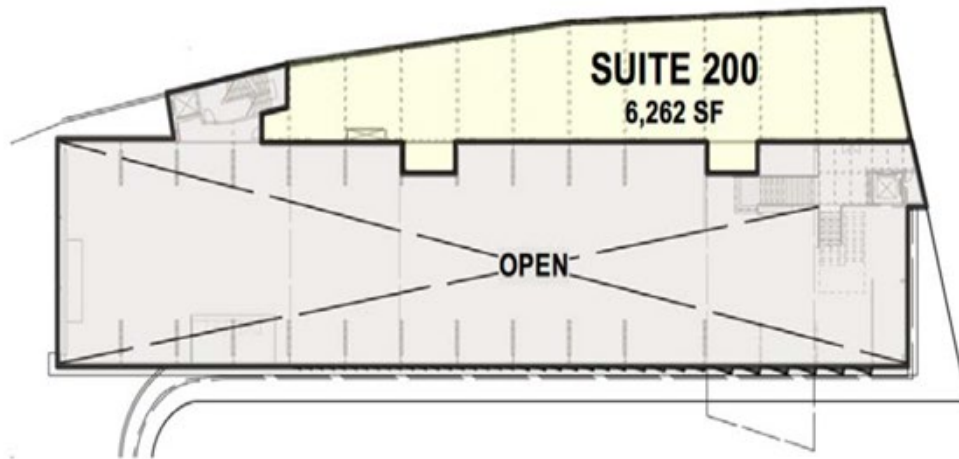
Raleigh Union Station - GoRaleigh Occupancy of Lower Mezzanine

Staff Resources: David Eatman, RDOT, 996-4040, david.eatman@raleighnc.gov

Richard Costello, RDOT, 996-2510, richard.costello@raleighnc.gov

The Transit Division of the Department of Transportation has experienced significant growth over the last 18 months, attributable to the Wake Transit Plan and the aggressive schedule for increases in bus and bus infrastructure. In late FY2019, the Transit Division relocated portions of the staff to both the Dillon Building, located at 310 West Martin Street and to the GoRaleigh maintenance facility located at 4104 Poole Road; a small number of Transit Division staff remains at the Raleigh Municipal Building. To consolidate administrative functions and staff, the Transit Division intends to occupy Suite 200 (the “Lower Mezzanine”)

of the Raleigh Union Station, 510 West Martin Street. The space will be utilized until more permanent office space is available associated with planning for the Civic Campus project.



Lower Mezzanine Area, Raleigh Union Station

Consolidating staff will enable the division to work more effectively in implementing Wake Transit initiatives while also improving the existing services. Administrative, planning and communications staff will be better able to collaborate and create cohesive strategies to move a variety of operating and capital projects forward.

The GoRaleigh will pay \$25.00 per square foot to the Union Station Enterprise Fund while occupying the approximately 6,262 square feet of office space; the lease payment will meet both the immediate growth needs of staff while also providing revenue to Union Station; rental revenue is currently projected in the financial model for Raleigh Union Station. The office space will be upfitted utilizing programmed grant funding; this initial upfit of the space will make it more desirable as leasable space in the future. A contract award for construction upfit will require future authorization by City Council; the anticipated cost of upfit is included in the adopted Capital Improvement Program. Occupancy is expected in the 4th Quarter of FY2020.

A combination of dedicated and shared space comprised of office, conference room, and common area space will be made available to GoTriangle staff as the existing GoTriangle offices located on West Street, next to Raleigh Union Station, await redevelopment. It is anticipated that proceeds from this GoTriangle lease will be used to offset the local share needed for the grant matching requirements of the initial upfit.

(No attachment)

Weekly Digest of Special Events

Staff Resource: Derrick Remer, Special Events Office, 996-2200, derrick.remer@raleighnc.gov

Included with the *Weekly Report* materials is the special events digest for the upcoming week.

(Attachment)

Council Member Follow Up Items

Follow Up from the October 1 City Council Meeting

[Editor's note: The following item is included with the *Weekly Report* courtesy of the City Attorney]

Current Ordinances on Animal Shelter During Extreme Temperatures (Citizen Petition)

Staff Resource: Robin Tatum, City Attorney, 996-6560, robin.tatum@raleighnc.gov

During the meeting Council heard a citizen petition from a representative of RDU Animal Advocates, urging changes to the current shelter ordinance to create “humane and livable sheltering/housing conditions during extreme temperatures for the dogs within Raleigh city limits”. Following the petition Council requested information on the current ordinances that address the issue.

Included with the *Weekly Report* materials is a memorandum and associated attachments in response to the request for information.

(Attachments)



Raleigh

MEMO

TO: Ruffin Hall, City Manager
THRU: Ken Bowers, AICP, Director
FROM: Donald Belk, AICP, Planner II
DEPARTMENT: City Planning
DATE: October 11, 2019
SUBJECT: Southeast Special Area Study

Completed Efforts

The Department of City Planning has completed Phase One of public engagement for the [Southeast Special Area Study](#). It is estimated that more than 500 people participated through the community meetings, pop-up events, and the project survey. The analysis of this aforementioned public including the County's PLANWake initiative, revealed several key issues and topics including:

- Protection of the Neuse River and Trail
- Preservation of farmland and open space
- Traffic congestion, particularly along Smithfield Road
- Maintaining rural character

Phase One also included a meeting of Resource Landowners – those property owners with landholdings greater than ten acres. Approximately 30 persons attended this invitation-only meeting on August 29, 2019. In addition to the key issues and topics stated above, these landowners expressed other topics that had not been addressed previously:

- Water Quality (concerns over Radon in wells)
- Limited access to broadband internet in the area
- Interest in Annexation and ETJ expansion
- Connecting to Raleigh utilities

Next Steps

The project team will conduct an internal workshop to begin generating content for the next round of public engagement. This project is not supported by consultants. As a result, this workshop will be a staff collaboration with representatives from multiple departments.

Phase Two of community engagement will commence in January 2020. Engagement in this large, sparsely populated area has proved challenging and staff is evaluating options to best reach the study area population in Phase Two.

Municipal Building
222 West Hargett Street
Raleigh, North Carolina 27601

One Exchange Plaza
1 Exchange Plaza, Suite 1020
Raleigh, North Carolina 27601

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Bus Rapid Transit (BRT)



12

PLANNING

1. Raleigh BRT: Equitable Development Around Transit - Equity and Affordability

This workshop will focus on answering key questions related to BRT and affordability, including: How do we ensure the benefits of BRT are shared broadly? What is the best way to address affordability near transit stations?

Saturday, October 12, 10 a.m. - Noon

Southeast Raleigh YMCA - 1436 Rock Quarry Rd, 27610
GoRaleigh Bus Routes 5 and 17

26

PLANNING

2. Raleigh BRT: Equitable Development Around Transit - Growing Around Transit

Growing around transit can provide more housing and bring environmental benefits. This workshop will explore different scenarios for growing around transit and what that would mean for the city's future.

Saturday, October 26, 10 a.m. - Noon

Martin Street Baptist Church - 1001 E. Martin St, 27601
GoRaleigh Bus Routes 15, 17, and 18

29

TRANSIT

3. Wake BRT: New Bern Avenue - Design Phase

New Bern Avenue is one of four BRT corridors identified in the Wake Transit Plan. Learn how BRT is planned to operate along New Bern Avenue, connecting the central business district in downtown Raleigh with the WakeMed Raleigh Campus and New Hope Road.

Date: Tuesday, October 29, 4 p.m. - 7 p.m.

Drop-in anytime. Presentation begins at 5:30 p.m.

Location: Martin Street Baptist Church - 1001 E. Martin St, 27601
GoRaleigh Bus Routes 15, 17, and 18

Be sure to ask staff for a transit day pass!

Children are welcome and there will be an activity table set up for their entertainment.

For more information about the project, visit raleighnc.gov/BRT or contact:

Jason Hardin, Project Manager
Raleigh BRT
Equitable Development Around Transit:
Jason.Hardin@raleighnc.gov
919-996-2657

Mila Vega, Project Manager
Wake BRT
New Bern Avenue:
Mila.Vega@raleighnc.gov
919-996-4123

PLANNING PHASE

Bus Rapid Transit (BRT)



Wake BRT: Western Boulevard Corridor Study

Open House (Take Two)!

Hurricane Dorian may have delayed us a bit, but we are back and ready to kick-off the Western Boulevard Corridor Study! We will outline the Wake Transit Plan and discuss how Western Boulevard will connect downtown Raleigh, NC State University, and downtown Cary. Transit and Planning staff will be there to provide information, answer questions, and get your feedback.

12

Tuesday, November 12

4:00-8:00 PM

(Presentation at 6:30 PM)

McKimmon Center

1101 Gorman Street, Raleigh, NC 27606

Can't Make it?

Take the survey and sign up for updates at
<http://planningforraleigh.com/BRTProjects>

Busing in?

GoRaleigh 12, GoTriangle 300/301/305, and Wolfline 5.
Be sure to ask meeting staff for a free transit day pass!

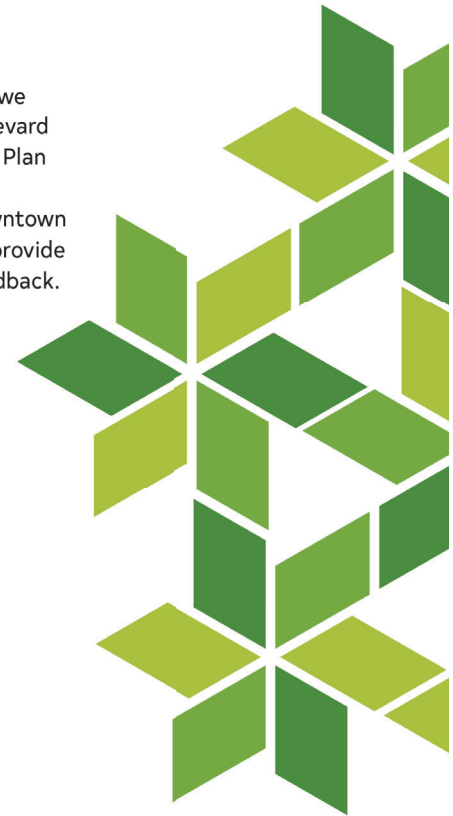
Bringing little ones?

We will have a kid's activity table full of crafts and toys.

¿habla español?

Habrán interpretes presente en la reunión.

(If nothing else, come help us eat all of these desserts!)



raleighnc.gov/BRT

NCDOT Draft 2020-2029 Transportation Improvement Program

Current Projects								
TIP Number	Route	Description	2018 Construction Target	Feb. 2019 Construction Target	Sep. 2019 Construction Target	City Request?	Meets Comp Plan?	Project Frozen?
B-5130	Avent Ferry Rd	Replace bridge over Lake Johnson	FY18	FY19	FY22↓	No	Yes	No
B-5675	Pullen Rd	Replace bridge over Western Blvd	FY22	FY22	FY22	No	Yes	YES
B-5676	Blue Ridge Rd	Replace bridge over Crabtree Creek	FY24	FY24	FY28↓	No	Yes	YES
B-5683	Lake Wheeler Rd	Replace bridge at Yates Pond Spillway	FY23	FY23	FY22↓	No	Yes	YES
B-5684	US 401 (Capital Blvd)	Replace bridge over Crabtree Creek	FY25	FY21	FY22↓	No	Yes	YES
EB-5718	Western Blvd	Construct pedestrian tunnel at Avent Ferry Rd/ Morrill Dr	FY22	FY22	FY22	Yes	Yes	No
I-5701	I-40	Widen to eight lanes from Lake Wheeler Rd to I-440/ US 1/64	FY22	FY23	FY24↓	No	N/A	YES
I-5703	I-40	Reconstruct interchange at I-440/US 1/64	FY22	FY23	FY24↓	No	N/A	YES
I-5708	Wake Forest Rd	Upgrade interchange at I-440 to diverging diamond	FY20	FY20	FY20	No	N/A	No
I-5870	I-440	Reconstruct interchanges at Glenwood Ave and at Ridge Rd, and extend Crabtree Valley Ave to I-440	FY22	FY25	FY28↓	Yes	TBD	YES
I-5968	I-540	Add auxiliary lane from Leesville Rd to US 70/ Glenwood Ave	FY21	FY21	FY24↓	No	N/A	YES
I-5970	US 1 (Capital Blvd)	Reconstruct interchange at I-440	FY24	FY26	FY28↓	No	N/A	YES
P-5715	New Hope Church Rd	Construct overpass at CSX Rail crossing	FY20	FY19	FY20↓	No	Yes	No
P-5720	Durant Rd	Construct overpass at CSX Rail crossing	FY19	FY19	FY20↓	No	Yes	No
R-2829	NC 540	Construct Eastern Wake Expressway as toll facility from I-40/ US 70 Bypass to I-87/US 64 Bypass	FY27	FY28	FY29↓	Yes	Yes	YES
U-2823	US 70 (Glenwood Ave)	Upgrade to superstreet from Duraleigh Rd/ Millbrook Rd to I-540	FY23	FY28	FY29↓	Yes	Yes	YES
U-5307A	US 1 (Capital Blvd)	Upgrade to freeway from I-540 to north of Durant Rd	FY21	FY24	FY22↑	Yes	Yes	YES
U-5307B	US 1 (Capital Blvd)	Upgrade to freeway from north of Durant Rd to north of Burlington Mills Rd	FY21	FY24	FY24	Yes	Yes	YES
U-5518	US 70 (Glenwood Ave)	Upgrade to freeway from I-540 to Durham County Line	FY21	FY20	FY21↓	Yes	Yes	No
U-5748	US 401 (Louisburg Rd)	Construct interchange at Mitchell Mill Rd/ Ligon Mill Rd	FY22	FY23	FY23	No	Yes	No
U-5826	Falls of Neuse Rd	Widen to six lanes from I-540 to Durant Rd	FY19	FY20	FY20	Yes	Yes	No
U-5936	Wade Ave	Widen to six lanes from I-40 to I-440	FY23	FY25	FY27↓	Yes	Yes	YES

New Projects						
TIP Number	Route	Description	Feb. 2019 Construction Target	Sep. 2019 Construction Target	City Request?	Meets Comp Plan?
I-6025	I-440	Upgrade interchange at New Bern Ave	Future*	Future*	No	N/A
P-5736	Beryl Rd	Close NCR Rail crossing, extend Beryl Rd to Royal Ave	FY27	FY27	No	Yes
P-5737	Millbrook Rd	Construct overpass at CSX Rail crossing	FY28	FY21↑	No	Yes
U-6093	Rock Quarry Rd	Widen to four-lanes from Olde Birch Rd to Sunnybrook Rd	FY19	FY19	Yes	Yes
U-6101	I-40	Install managed freeway infrastructure from Wade Ave to NC 42	FY28	FY29↓	No	N/A
U-6119	Citywide	Upgrade Raleigh Traffic Signal System	Future*	Future*	Yes	N/A
U-6193	Duraleigh Rd	Construct intersection improvements at Edwards Mill Rd	FY26	Future*↓	No	No

* Future projects are outside to 10-year funding window of the TIP

Projects Completed or Currently Under Construction				
TIP Number	Route	Description	City Request?	Meets Comp Plan?
I-5111	I-40	Widen to 6/8 lanes from I-440 to NC 42 in Johnston County	No	N/A
I-5873	I-40	Upgrade interchange at Chapel Hill Rd (NC 54)	No	N/A
U-2719	I-440	Widen to six lanes from I-40 to Wade Ave	Yes	Yes
U-4437	Blue Ridge Rd	Construct underpass at NC Railroad and Hillsborough Street	Yes	Yes
W-5522	Trinity Rd	Construct pedestrian tunnel at Carter-Finley Stadium and Youth Center Dr - Complete	No	No

Deleted/Defunded Projects				
TIP Number	Route	Description	City Request?	Meets Comp Plan?
I-5702	I-40	Install managed lanes from US 15/501 in Chapel Hill to Wade Ave	No	N/A
I-5982	I-540	Install managed shoulders from I-40 to I-87/US 64 Bypass	Yes	N/A



Raleigh

MEMO

TO: Ruffin L Hall, City Manager

THRU: Ken Bowers, AICP, Planning Director

FROM: Jason Hardin, AICP, Senior Planner

DEPARTMENT: City Planning

DATE: October 8, 2019

SUBJECT: Midtown-St. Albans Area Plan

The Midtown-St. Albans area plan's final public input phase is focusing on prioritizing projects and ensuring a general level of comfort with land use recommendations in key areas.

In order to identify top priorities, participants at two recent meetings and a still-live online survey are given "Midtown Bucks," which they can spend on a variety of potential projects. One-page [descriptions of the projects](#) are available on the [Midtown project page](#).

The projects include a number of transportation projects, with a focus on connectivity over widening, providing safe and comfortable crossings and facilities for people walking and biking, and a growing reliance on transit. The plan also is proposing land use strategies aimed at improving housing choice and providing affordable options.

The draft recommendations, while detailed, can be easily summarized in "Seven Big Moves." Those key ideas are:

- **The Beltline Crossing.** A new bridge over I-440 between Six Forks Road and Wake Forest Road. The crossing would alleviate pressure at existing interchanges, provide a safe crossing for pedestrians and a key greenway link, and create a new option for a Midtown-serving transit route.
- **Green Streets.** A strategy for Quail Hollow and other neighborhood streets that addresses traffic speed, stormwater concerns, and pedestrian/bike facilities. It uses excess space on wide roads to install landscaping/stormwater infrastructure to separate people from cars.
- **The "Midtown Ring."** An uninterrupted loop of safe, comfortable facilities for people walking and biking that connects the Crabtree greenway, Wake Tech, North Hills, retail areas along Wake Forest Road, and residential areas.
- **A Connected Street Network.** Creating or expediting other key Midtown transportation links, including a Six Forks extension to Capital Boulevard and Navaho Drive extension west to Church at North Hills Street. These will improve multimodal mobility without requiring massive road widenings.

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- **The Midtown Waterfront District and Waterfront Park.** Creating a more active edge along the north side of the Crabtree waterway and greenway trail and encouraging Industrial Drive to evolve into a walkable “main street” of the Midtown east area.
- **Serious Transit.** A two-phase approach to transit. First, implementing a high-frequency bus network that quickly connects Midtown to Downtown and BRT infrastructure, with multiple frequent routes. Second, as ridership warrants, identifying the best corridor on which to extend BRT infrastructure directly to Midtown.
- **Land Use Guidance for Housing and Employment.** Specifying uses and scale, including transitions to lower-scale areas, in key areas, such as the Beltline Crossing, at Industrial Drive/Crabtree, and a “Missing Middle” approach along Atlantic Avenue and Millbrook Road. This also includes recommendations from the Six Forks plan, which were modified in response to public input earlier this year.

The input phase will conclude on Wednesday, October 16, 2019. Following that date, staff will meet with the project’s consultant to review input, and a final report will be published, likely in November. Staff anticipates delivering the report to Council in January.

Special Events Weekly Digest

Friday, October 11 – Thursday, October 17

City of Raleigh Special Events Office
specialevents@raleighnc.gov | (919) 996-2200 | www.raleighnc.gov/specialevents

Permitted Special Events

Outdoor Office 2.0

Union Station Plaza

Friday, October 11

Event Time: 9:00am - 5:00pm

Associated Road Closures: No roads will be closed for the event. Union Station Plaza will be used from 8:00am until 6:00pm.

Pups in the Park

Chavis Way

Friday, October 11 – Sunday, October 13

Event Times: 7:00am - 8:00pm on 10-11-19, 10-12-19, and 10-13-19

Associated Road Closures: No roads will be closed for the event. The grass area at the intersection of Chavis Way and E. Cabarrus Street will be used from 7:00am on 10-11-19 until 8:00pm on 10-13-19.

City of Raleigh Employee Wellness & Benefits Fair

Nash Square & Route

Friday, October 11

Event Time: 10:00am - 2:00pm

Associated Road Closures: No roads will be closed for the event. Nash Square will be used from 7:00am until 2:00pm. Sidewalks will be used from 10:00am until 2:00pm to facilitate the following route:

Start at Nash Square; Head east on W. Hargett Street; Left onto S. Wilmington Street; Left onto E. Jones Street; Left onto N. Dawson Street; Left onto W. Hargett Street; Finish at Nash Square.

Broughton High School Homecoming Parade

St. Mary's Street & Route

Friday, October 11

Event Time: 3:00pm - 4:00pm

Associated Road Closures: Clay Street between Brooklyn Street and St. Mary's Street, and the parade route will be closed from 3:00pm until 4:00pm. Note that all cross streets will be detoured, and see below for turn by turn details:

Begin on Clay Street; Right onto St. Mary's Street; Left onto Nichols Drive; Right onto Sutton Drive; Left onto Daniels Street; Left onto Smallwood Drive; Left onto Cameron Street; Right to finish on Broughton High School private property.

Triangle Run/Walk for Autism

Halifax Mall & Route

Saturday, October 12

Event Time: 7:00am - 11:00am

Associated Road Closures: N. Wilmington Street between Polk Street and E. Lane Street, E. North Street between N. Wilmington Street and N. Person Street, and Polk Street between N. Wilmington Street and Person Street will be closed from 5:00am until 11:00am. Roads will be closed from 8:50am until 11:00am to facilitate the route. Note that all cross streets will be detoured, [view route here](#), and see below for turn by turn details:

Head south on N. Wilmington Street and turn left onto E. Jones Street; Left onto N. Person Street; Remain on N. Person Street until it becomes Mordecai Drive; Continue on Mordecai Drive and turn left onto Courtland

Drive; Right onto Mulberry Street; Left onto N. Blount Street; Right onto Polk Street to finish at Polk Street and N. Wilmington Street.

The Cupcake Run at Brier Creek

Brier Creek Shopping Center & Arco Corporate Drive

Saturday, October 12

Event Time: 8:00am - 9:30am

Associated Road Closures: Roads will be used along the route from 8:00am until 9:30am. [View route here](#) and see below for turn by turn details:

Start on Brier Creek Shopping Center property; Proceed north in front of Brier Creek Shopping Center businesses on private property; Right onto Arco Corporate Drive; Continue onto privately owned portion of Arco Corporate Drive; Make a U-turn on Arco Corporate Drive at Lumley Road; Return by the same route.

Oktoberfest 4 Miler

Glenwood South, Cameron Park, & Route

Saturday, October 12

Event Time: 10:30am - 12:00pm

Associated Road Closures: Johnson Street between Boylan Avenue and Glenwood Avenue will be closed from 8:00am until 1:00pm. Boylan Avenue between Peace Street and Tucker Street will be closed from 10:00am until 12:00pm. Roads will be closed from 10:20am until 12:00pm to facilitate the route. Note that local traffic will have access to the Hampton Inn & Suites parking deck on Johnson Street and all cross streets will be detoured, and [view route here](#) for turn by turn details.

The Thad & Alice Eure 31st Annual Walk & Run for Hope

Glenwood Avenue

Sunday, October 13

Event Time: 8:00am - 2:00pm

Associated Road Closures: The east-bound, right hand lane of Glenwood Avenue between the Angus Barn and Umstead Parkway will be closed from 8:00am until 2:00pm. Note that one lane of east-bound Glenwood Avenue will remain accessible for local traffic and [view route here](#) for more details.

Nash Bash

Martin Street

Sunday, October 13

Event Time: 11:00am - 11:00pm

Associated Road Closures: W. Martin Street between S. McDowell Street and S. Dawson Street will be closed from 6:00am on 10-13-19 until 2:00am on 10-14-19.

Raleigh DIY Punk Rock Flea Market

Kinsey Street

Sunday, October 13

Event Time: 12:00pm - 6:00pm

Associated Road Closures: Kinsey Street between Dupont Circle and 301 Kinsey Street will be closed from 10:00am until 8:00pm.

Second Sundays

City Market

Sunday, October 13

Event Time: 1:00pm - 5:00pm

Associated Road Closures: Wolfe Street between Blake Street and Parham Street will be closed from 11:00am until 6:00pm.

Special Events Weekly Digest

Friday, October 11 – Thursday, October 17

City of Raleigh Special Events Office
specialevents@raleighnc.gov | (919) 996-2200 | www.raleighnc.gov/specialevents

Raleigh Night Market

City Market

Thursday, October 17

Event Time: 5:30pm - 10:30pm

Associated Road Closures: Parham Street between Martin Street and Wolfe Street, Wolfe Street between Blount Street and Blake Street, and Blake Street between Martin Street and Davie Street will be closed from 2:00pm until 11:59pm.

Weaver Street Market After Hours

Hargett Street

Thursday, October 17

Event Time: 7:00pm - 10:00pm

Associated Road Closures: W. Hargett Street between S. West Street and S. Harrington Street will be closed from 6:00pm until 10:30pm.

Other Events This Weekend

Hurricanes vs. Islanders

Friday, October 11

PNC Arena

Rachmaninoff Symphony No. 2 – North Carolina Symphony Classical Series

Friday, October 11 – Saturday, October 12

Meymandi Concert Hall

Frankenstein – Carolina Ballet

Friday, October 11 – Sunday, October 13

Fletcher Opera Theater

Around the World in 80 Days – Theatre Raleigh Fall Family Series Show

Friday, October 11 – Sunday, October 13

Kennedy Theatre

Raleigh Roots History Festival

Saturday, October 12

Moore Square

Fall Fitness Series at Pullen Park: Ashtanga Yoga

Saturday, October 12

Pullen Park

Hurricanes vs. Blue Jackets

Saturday, October 12

PNC Arena

Luke Bryan

Saturday, October 12

Coastal Credit Union Music Park at Walnut Creek

Public Resources

[Event Feedback Form](#): Tell us what you think about Raleigh events! We welcome citizen and participant feedback and encourage you to provide comments or concerns about any events regulated by the Special Events Office. We will use this helpful information in future planning.

[Temporary Road Closures](#): A resource providing current information on street closures in Raleigh.

[Online Events Calendar](#): View all currently scheduled events that are regulated by the City of Raleigh Special Events Office.

Council Member Follow Up



City of Raleigh
NORTH CAROLINA

CITY ATTORNEY'S OFFICE

WWW.RALEIGHNC.GOV

CONFIDENTIAL MEMORANDUM

To: Robin Tatum, City Attorney

From: Alice Tejada, Senior Associate City Attorney

Date: October 10, 2019

Re: Current Ordinances on Animal Shelter During Extreme Temperatures

At the October 1, 2019 City Council evening meeting, the City Attorney was asked to provide a report summarizing existing City ordinances concerning protection for animals in adverse weather conditions. The purpose of this memorandum is to provide you with a summary of current State laws and Raleigh ordinances regarding animal sheltering requirements aimed at protecting them from extreme outside temperatures.

State Laws

State law grants municipalities authority to enact animal welfare regulations. N.C. Gen. Stat. § 160A-186, *Regulation of domestic animals*, states that, “[a] city may by ordinance regulate, restrict, or prohibit the keeping, running, or going at large of any domestic animals, including dogs and cats.” N.C. Gen. Stat. § 160A-182, *Abuse of animals*, states that, “[a] city may by ordinance define and prohibit the abuse of animals.” N.C. Gen. Stat. § 160A-174, *General ordinance-making power*, provides further authority to municipalities to enact animal welfare regulations.

Current City of Raleigh Ordinances

The City of Raleigh has enacted several ordinances for the protection of dogs and cats in private residences. Although the City has also enacted ordinances for dogs, cats, and other animals in commercial establishments, these ordinances are pre-empted by State law, and, therefore, not enforceable. Those ordinances are preempted by N.C. Gen. Stat. § 19A-24, which establishes that the North Carolina Board of Agriculture is charged with adopting care standards for pet shops, kennels, and animal shelters. N.C. Gen. Stat. § 19A-25 gives the Board of Agriculture the authority to enforce any violations of those standards. The Raleigh Police Department's Animal Control Unit refers any complaints against commercial establishments to the Board of Agriculture.

Ordinances that Apply to All Persons Who Keep a Dog or Cat

CITY ATTORNEY'S OFFICE
1 EXCHANGE PLAZA, SUITE 1020
RALEIGH, NC 27601

CITY OF RALEIGH
POST OFFICE BOX 590 • RALEIGH
NORTH CAROLINA 27602-0590
(MAILING ADDRESS)
Page 18 of 35

MUNICIPAL BUILDING
222 WEST HARGETT STREET
RALEIGH, NORTH CAROLINA 27601

The Raleigh City Code requires all persons who keep a dog or cat to provide adequate food, water, and shelter to the animal. RCC § 12-3009, *Adequate Feed, Water and Shelter*. RCC § 12-3009 requires that,

(a) All dogs and cats *shall* be given adequate feed, water and adequate shelter. Adequate shelter is defined as an enclosure of at least three (3) sides, a roof and a floor. The enclosure *shall* be ventilated and must have sufficient room for the animal(s) to move around freely and to lie down comfortably.

(b) Animals housed under the *following* conditions *shall* not constitute adequate shelter:

- (1) Underneath outside steps, decks and stoops; or
- (2) Inside of vehicles; or
- (3) Underneath vehicles; or
- (4) Inside metal or plastic barrels or cardboard boxes; or
- (5) Rooms, sheds or other buildings without windows or proper ventilation.

(Ord. No. 2003-411, §1, 3-18-03). In addition, RCC § 12-3007(b) restricts the period in which a person may tether a dog to a stationary object to no more than three (3) hours and requires that the tethering system allow the dog to have access to food and water.¹

Currently, the animal ordinances related to private pet ownership do not impose specific requirements on the animal's custodian based on particular outside temperatures. There may be limited circumstances where the Raleigh Police Department would have the authority to criminally enforce against abuse or cruelty resulting in certain weather-related injuries or deaths that result from a "deprivation of necessary sustenance" under N.C. Gen. Stat. § 14-360, *Cruelty to animals*. For example, if a Raleigh Police Department's Animal Control Unit investigation determines that a dog's death was caused by a lack of adequate water while enduring extreme heat outside, a criminal charge would be appropriate. However, a dog's injury or death solely caused by extreme weather conditions when a pet owner otherwise has complied with RCC § 12-3009 likely does not meet the elements of the crime of cruelty to animals under N.C. Gen. Stat. § 14-360 as there has been no deprivation of necessary sustenance.

This memorandum provides a summary of current State and local laws regarding the protection of animals during extreme temperatures. If the City would like direction on the feasibility of changes to the animal ordinances to address adequate shelter during extreme temperatures, I

¹ RCC § 12-3007(b), the tethering ordinance imposes a minimum length of the tether and imposes fastening requirements designed to avoid strangulation. The ordinance also establishes a weight limit for the tether system to a maximum of ten percent (10%) of the dog's body weight.

suggest that the City Attorney's Office work with the Raleigh Police Department Animal Control Unit's subject matter experts to research and provide the City with effective potential changes that are most likely to result in the goals of protecting dogs and cats from extreme outside temperatures.

I have attached all State laws and City ordinances as references to this memorandum. Please contact me with any further questions regarding this request.

Sec. 12-3004. - DEFINITIONS.

For the purposes of this chapter, the *following* words and phrases *shall* have the meaning respectively ascribed to them by this section:

Animal at large. Any animal off the premises of its *owner* and not under sufficient physical restraint such as a leash, cage, bridle, or similarly effective device allowing the animal to be controlled. For purposes of this article, voice command is not recognized as sufficient physical restraint. This definition does not apply to any areas in *City* parks that have been delineated by the *City Council* as dog exercise and play areas. Any such areas so designated *shall* be securely separated from the rest of the park by a physical barrier sufficient to prevent any animal from leaving the area unless under its *owner's* restraint and control.

Animal control shelter. Any holding or other facility designated by the *City Council* for the detention of animals.

Animal control warden. A *person* designated as such to perform duties described by this chapter.

Animal under restraint. Any animal confined within a vehicle, confined within the *real property* limits of its *owner* or secured by leash or lead.

Anti-climber. A device consisting of angled metal braces and barbed wire, which wire is stretched between each angled metal brace, all of which is attached to the top of a fence. The wire *shall* be at least three (3) strands, separated evenly, the furthest being no less than eighteen (18) inches from the top of the fence. It *shall* extend inwards at an angle of not less than forty-five (45) degrees, nor more than ninety (90) degrees, measured from perpendicular or, in lieu of barbed wire, an electrically charged wire attached to the top of the fence.

Cattery. A commercial establishment wherein any *person*, for profit, buys, sells, boards, breeds or grooms cats.

Dangerous dog. Any dog that the animal control division has determined: has killed or inflicted *serious injury* on a *person* without *provocation*; is owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; has inflicted a bite on a *person* that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; has killed or inflicted severe injury upon a domestic animal when not on the *owner's real property*; or has approached a *person* when not on the *owner's property* in a vicious or terrorizing manner in an apparent attitude of attack. This definition *shall* not apply to a dog that has been subject to *provocation* nor *shall* it apply to any dog responding to a trespass upon the animal owner's premises, if the victim is the trespasser. *Provocation* must be clearly established.

Domesticated animal. An animal such as is accustomed to live in or about the habitation of men, including but not limited to cats, cows, dogs, fowl, horses, and domesticated wild animals. This definition does not include hogs, pigs, swine, or any other member of the Suidae family if the animal weighs more than one hundred (100) pounds or is more than twenty-two (22) inches high when measured at the shoulder and the definition does not include any member of the Ursidae or Felidae families of the Carnivora order if the animal weighs more than thirty-five (35) pounds. No more than two (2) hogs, pigs, swine or other Suidae allowed by the above criteria *shall* reside or be maintained at any dwelling unit or at any non-residentially zoned parcel.

Holding facility. Any pet shop, kennel, cattery, or combination thereof.

Inoculation or inoculation against rabies. These terms *shall* mean the vaccination or inoculation of a dog or a cat with an antirabic vaccine approved by the United States Bureau of Animal Industry, the North Carolina State Department of Agriculture and the North Carolina State Board of Health and/or the local health director, as defined in G.S. 106-364(2).

Kennel. A commercial establishment wherein any *person*, for profit, buys, sells, boards, breeds, grooms, lets for hire, or trains for a fee, dogs. This *shall* not include the ownership of dogs which are not a part of the household or which are maintained adjoining a private *residence* for hunting, tracking practice, exhibition, or the guarding or protection of the *owner's property* when no more than five (5) dogs per *year* are sold by such *owner*; provided, that all dogs trained or sold for attack and security *shall* be trained by a trainer licensed pursuant to this chapter.

Owner. Any *person* owning, keeping, harboring, possessing, or acting as custodian, however temporarily, of an animal; provided, however, that a *person* having temporary custody or possession of an animal for the sole purpose of turning over such animal to a member of the animal control division or other peace *officer shall* not be deemed the *owner* of the animal.

Pet. A domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, fish, hamsters, mice, reptiles, domesticated wild animals and other animals associated with man's environment.

Pet shop. A commercial establishment, which offers for sale two (2) or more species of live animals with the intent that they be kept as pets.

Provocation. Conduct or actions on the part of any *person* or animal that is likely to arouse a violent or aggressive response by an animal. This term does not include any action on the part of an individual or animal that pertains to reasonable efforts of self-defense.

Public nuisance animal. Any animal or group of animals which:

- (a) Is repeatedly found at large.
- (b) Damages the *property* of anyone other than its *owner*.
- (c) Is vicious.
- (d) Causes fouling of the air by odors.
- (e) Causes unsanitary condition of enclosures or surroundings.
- (f) By virtue of number or type is offensive or dangerous to the public health, safety, or welfare.
- (g) Excessively makes disturbing noises.
- (h) Is diseased and dangerous to the public health.

Serious injury. Physical injury that results in broken bones, disfiguring lacerations, or requires cosmetic surgery or hospitalization.

Tether Tying out or fastening a dog outdoors on a rope, chain or other line for restraining a dog. The term does not mean the restraint of a dog on an attended leash.

Trainer. Any individual who holds himself available to the general public for the purpose of training attack and security dogs. This does not include individuals who are in the business of obedience training only.

Vicious animal. Any animal which constitutes a physical threat to human beings or other animals by virtue of attacks of such number and severity as to cause *property* damage or physical injury.

Weekdays. Monday through Saturday inclusive, excluding local, state and national legal holidays.

(*Code 1959* , §4-4; Ord. No. 1980-502, §1, 10-21-80; Ord. No. 1996-833, §1, 2-20-96; Ord. No. 2000-843, §1, 7-18-00; Ord. No. 2003-400, §1, 3-18-03; Ord. No. 2009-552, §1, 3-3-09, eff. 7-1-09; Ord. No. 2013-157, §1, 2-19-13, eff. 3-1-13; Ord. No. 2016-552, §§1—5, 3-1-16, eff. 3-15-16)

Sec. 12-3007. - RUNNING AT LARGE PROHIBITED.

- (a) It *shall* be unlawful for the *owner* of any *domesticated animal* to allow such *animal* to be *at-large* within the corporate limits of the *City* or on any *City* property.
- (b) No *person shall tether* a dog to a tree, fence, post, dog house, or other stationary object for more than three (3) hours total in any twenty-four-hour period. Any device used to *tether shall* be at least ten (10) feet long and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with other objects. A cable trolley system *may* be used to *tether* for the allowed period so long as the stationary cable is at least ten (10) feet long and the dog can perpendicularly move at least ten (10) feet away from the stationary line. The line should be attached to the dog with a buckle type collar or a body harness. The device used to *tether shall* weigh no more than ten (10) percent of the animal's body weight and must allow the dog access to food and water. In addition to being a misdemeanor, a violation of this section is subject to a civil penalty of one hundred dollars (\$100.00) per day for each day of violation.

(*Code 1959*, §4-7; Ord. No. 1982-941, §1, 7-20-82; Ord. No. 2009-552, §2, 3-3-09, eff. 7-1-09)

Sec. 12-3009. - ADEQUATE FEED, WATER AND SHELTER.

- (a) All dogs and cats *shall* be given adequate feed, adequate water and adequate shelter. Adequate shelter is defined as an enclosure of at least three (3) sides, a roof and a floor. The enclosure *shall* be ventilated and must have sufficient room for the animal(s) to move around freely and to lie down comfortably.
- (b) Animals housed under the *following* conditions *shall* not constitute adequate shelter:
 - (1) Underneath outside steps, decks and stoops; or
 - (2) Inside of vehicles; or
 - (3) Underneath vehicles; or
 - (4) Inside metal or plastic barrels or cardboard boxes; or
 - (5) Rooms, sheds or other buildings without windows or proper ventilation.

(Ord. No. 2003-411, §1, 3-18-03)

Article 8.

Delegation and Exercise of the General Police Power.

§ 160A-174. General ordinance-making power.

(a) A city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances.

(b) A city ordinance shall be consistent with the Constitution and laws of North Carolina and of the United States. An ordinance is not consistent with State or federal law when:

- (1) The ordinance infringes a liberty guaranteed to the people by the State or federal Constitution;
- (2) The ordinance makes unlawful an act, omission or condition which is expressly made lawful by State or federal law;
- (3) The ordinance makes lawful an act, omission, or condition which is expressly made unlawful by State or federal law;
- (4) The ordinance purports to regulate a subject that cities are expressly forbidden to regulate by State or federal law;
- (5) The ordinance purports to regulate a field for which a State or federal statute clearly shows a legislative intent to provide a complete and integrated regulatory scheme to the exclusion of local regulation;
- (6) The elements of an offense defined by a city ordinance are identical to the elements of an offense defined by State or federal law.

The fact that a State or federal law, standing alone, makes a given act, omission, or condition unlawful shall not preclude city ordinances requiring a higher standard of conduct or condition. (1971, c. 698, s. 1.)

§ 160A-182. Abuse of animals.

A city may by ordinance define and prohibit the abuse of animals. (1917, c. 136, subch. 5, s. 1; 1919, cc. 136, 237; C.S., s. 2787; 1971, c. 698, s. 1.)

§ 160A-186. Regulation of domestic animals.

A city may by ordinance regulate, restrict, or prohibit the keeping, running, or going at large of any domestic animals, including dogs and cats. The ordinance may provide that animals allowed to run at large in violation of the ordinance may be seized and sold or destroyed after reasonable efforts to notify their owner. (1917, c. 136, subch. 5, s. 1; 1919, cc. 136, 237; C.S., s. 2787; 1971, c. 698, s. 1.)

Chapter 19A.
Protection of Animals.

Article 1.

Civil Remedy for Protection of Animals.

§ 19A-1. Definitions.

The following definitions apply in this Article:

- (1) The term "animals" includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings.
- (2) The terms "cruelty" and "cruel treatment" include every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted.
- (3) The term "person" has the same meaning as in G.S. 12-3. (1969, c. 831; 1979, c. 808, s. 2; 1995, c. 509, s. 19; 2003-208, s. 1.)

Article 47.

Cruelty to Animals.

→ *hanging*

§ 14-360. Cruelty to animals; construction of section.

(a) If any person shall intentionally overdrive, overload, wound, injure, torment, kill, or deprive of necessary sustenance, or cause or procure to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance, any animal, every such offender shall for every such offense be guilty of a Class 1 misdemeanor.

(a1) If any person shall maliciously kill, or cause or procure to be killed, any animal by intentional deprivation of necessary sustenance, that person shall be guilty of a Class H felony.

(b) If any person shall maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal, every such offender shall for every such offense be guilty of a Class H felony. However, nothing in this section shall be construed to increase the penalty for cockfighting provided for in G.S. 14-362.

(c) As used in this section, the words "torture", "torment", and "cruelly" include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, the word "intentionally" refers to an act committed knowingly and without justifiable excuse, while the word "maliciously" means an act committed intentionally and with malice or bad motive. As used in this section, the term "animal" includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings. However, this section shall not apply to the following activities:

- (1) The lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, except that this section shall apply to those birds other than pigeons exempted by the Wildlife Resources Commission from its definition of "wild birds" pursuant to G.S. 113-129(15a).
- (2) Lawful activities conducted for purposes of biomedical research or training or for purposes of production of livestock, poultry, or aquatic species.
- (2a) Lawful activities conducted for the primary purpose of providing food for human or animal consumption.
- (3) Activities conducted for lawful veterinary purposes.
- (4) The lawful destruction of any animal for the purposes of protecting the public, other animals, property, or the public health.
- (5) The physical alteration of livestock or poultry for the purpose of conforming with breed or show standards. (1881, c. 34, s. 1; c. 368, ss. 1, 15; Code, ss. 2482, 2490; 1891, c. 65; Rev., s. 3299; 1907, c. 42; C.S., s. 4483; 1969, c. 1224, s. 2; 1979, c. 641; 1985 (Reg. Sess., 1986), c. 967, s. 1; 1989, c. 670, s. 1; 1993, c. 539, s. 239; 1994, Ex. Sess., c. 24, s. 14(c); 1998-212, s. 17.16(c); 1999-209, s. 8; 2007-211, ss. 1, 2; 2010-16, ss. 1, 2; 2015-286, s. 4.32(a).)

§ 14-361. Instigating or promoting cruelty to animals.

If any person shall willfully set on foot, or instigate, or move to, carry on, or promote, or engage in, or do any act towards the furtherance of any act of cruelty to any animal, he shall be guilty of a Class 1 misdemeanor. (1881, c. 368, s. 6; Code, s. 2487; 1891, c. 65; Rev., s. 3300; C.S., s. 4484; 1953, c. 857, s. 1; 1969, c. 1224, s. 3; 1985 (Reg. Sess., 1986), c. 967, s. 1; 1989, c. 670, s. 2; 1993, c. 539, s. 240; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 14-363.3. Confinement of animals in motor vehicles.

(a) In order to protect the health and safety of an animal, any animal control officer, animal cruelty investigator appointed under G.S. 19A-45, law enforcement officer, firefighter, or rescue squad worker, who has probable cause to believe that an animal is confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or under other endangering conditions, may enter the motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible for the animal.

(b) Nothing in this section shall be construed to apply to the transportation of horses, cattle, sheep, swine, poultry, or other livestock. (2013-377, s. 6.)

§ 19A-24. Powers of Board of Agriculture.

(a) The Board of Agriculture shall:

- (1) Establish standards for the care of animals at animal shelters, boarding kennels, pet shops, and public auctions. A boarding kennel that offers dog day care services and has a ratio of dogs to employees or supervisors, or both employees and supervisors, of not more than 10 to one, shall not as to such services be subject to any regulations that restrict the number of dogs that are permitted within any primary enclosure.
- (2) Prescribe the manner in which animals may be transported to and from registered or licensed premises.
- (3) Require licensees and holders of certificates to keep records of the purchase and sale of animals and to identify animals at their establishments.
- (4) Adopt rules to implement this Article, including federal regulations promulgated under Title 7, Chapter 54, of the United States Code.
- (5) Adopt rules on the euthanasia of animals in the possession or custody of any person required to obtain a certificate of registration under this Article. An animal shall only be put to death by a method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association. The Department shall establish rules for the euthanasia process using any one or combination of methods and standards prescribed by the three aforementioned organizations. The rules shall address the equipment, the process, and the separation of animals, in addition to the animals' age and condition. If the gas method of euthanasia is approved, rules shall require (i) that only commercially compressed carbon monoxide gas is approved for use, and (ii) that the gas must be delivered in a commercially manufactured chamber that allows for the individual separation of animals. Rules shall also mandate training for any person who participates in the euthanasia process.

(b) In addition to rules on the euthanasia of animals adopted pursuant to subdivision (5) of subsection (a) of this section, the Board of Agriculture shall adopt rules for the certification of euthanasia technicians. The rules may provide for:

- (1) Written and practical examinations for persons who perform euthanasia.
- (2) Issuance of certification to persons who have successfully completed both training and examinations to become a euthanasia technician.
- (3) Recertification of euthanasia technicians on a periodic basis.
- (4) Standards and procedures for the approval of persons who conduct training of euthanasia technicians.
- (5) Approval of materials for use in euthanasia technician training.
- (6) Minimum certification criteria for persons seeking to become euthanasia technicians including, but not limited to: age; previous related experience; criminal record; and other qualifications that are related to an applicant's fitness to perform euthanasia.
- (7) Denial, suspension, or revocation of certification of euthanasia technicians who:
 - a. Violate any provision of this Article or rules adopted pursuant to this Article;
 - b. Have been convicted of or entered a plea of guilty or nolo contendere to:
 1. Any felony;

2. Any misdemeanor or infraction involving animal abuse or neglect; or
 3. Any other offense related to animal euthanasia, the duties or responsibilities of a euthanasia technician, or a euthanasia technician's fitness for certification;
- c. Make any false statement, give false information, or omit material information in connection with an application for certification or for renewal or reinstatement of certification as a euthanasia technician; or
 - d. Otherwise are or become ineligible for certification.
- (8) Provision of the names of persons who perform euthanasia at animal shelters and for the animal shelter to notify the Department when those persons are no longer affiliated, employed, or serving as a volunteer with the shelter.
 - (9) Certified euthanasia technicians to notify the Department when they are no longer employed by or are serving as a volunteer at an animal shelter.
 - (10) The duties, responsibilities, and standards of conduct for certified euthanasia technicians.
- (c) Regardless of the extent to which the Board exercises its authority under subsection (b) of this section, the Department may deny, revoke, or suspend the certification of a euthanasia technician who has been convicted of or entered a plea of guilty or nolo contendere to a felony involving the illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, or narcotic.
- (d) Persons seeking certification as euthanasia technicians, or a renewal of such certification, shall provide the Department a fingerprint card in a format acceptable to the Department, a form signed by the person consenting to a criminal record check and the use of the person's fingerprints, and such other identifying information as may be required by the State or national data banks. The Department may deny certification to persons who refuse to provide the fingerprint card or consent to the criminal background check. Fees required by the Department of Public Safety for conducting the criminal background check shall be collected by the Department and remitted to the Department of Public Safety along with the fingerprint card and consent form. (1977, 2nd Sess., c. 1217, s. 5; 1987, c. 827, s. 62; 2004-199, s. 12; 2005-276, s. 11.5(b); 2005-345, s. 22; 2008-198, s. 2(a); 2010-127, ss. 2, 3; 2014-100, s. 17.1(o).)

§ 19A-25. Employees; investigations; right of entry.

For the enforcement of the provisions of this Article, the Director is authorized, subject to the approval of the Commissioner to appoint employees as are necessary in order to carry out and enforce the provisions of this Article, and to assign them interchangeably with other employees of the Animal Health Division. The Director shall cause the investigation of all reports of violations of the provisions of this Article, and the rules adopted pursuant to the provisions hereof; provided further, that if any person shall deny the Director or his representative admittance to his property, either person shall be entitled to secure from any superior court judge a court order granting such admittance. (1977, 2nd Sess., c. 1217, s. 6; 1987, c. 827, s. 63.)