

CITY MANAGER'S WEEKLY REPORT

raleighnc.gov



CITY OF
Raleigh
MANAGER'S
OFFICE

Issue 2020-02

January 10, 2020

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INFORMATION:

Work Session - Tuesday, January 14 - 4:00 P.M.

The regularly scheduled monthly second **Tuesday work session** will be held in the **Council Chamber** beginning at **4:00 P.M.**

The agenda for the work session was posted to the electronic agenda management system yesterday.

Wake Bus Rapid Transit (BRT): New Bern Avenue - October 29, 2019 Design Open House

Staff Resource: Mila Vega, RDOT - Transit, 996-4123 mila.vega@raleighnc.gov

Staff completed the second round of public engagement for the Wake BRT: New Bern Avenue. This round of public engagement included a Design Open House public meeting held on October 29, 2019 at Martin Street Baptist Church and an online survey that was active from November 5 - December 3, 2019.

During the Design Open House, the project team provided an overview of information related to station access and traffic modifications, along with bicycle and pedestrian accommodations. The BRT project team also shared updated designs developed using public feedback received during the first Design Open House (held June 25, 2019). Representatives from various City departments were available to discuss related projects and topics such as economic development, affordable housing, and transit-oriented development. All meeting materials from the Design Open House are posted under the "Resources" tab on the [Wake BRT: New Bern Avenue](#) webpage.

The online survey during this round of public engagement focused on station amenities and bikeshare locations. With 186 participants, there were 1,500 responses and a total of 61 comments. Station amenities were ranked from highest to lowest priority, with the top five amenities as follows:

- Weather protection canopy – 76 percent
- Digital bus arrival information in real-time – 71 percent
- Security cameras – 50 percent
- Level or near-level boarding – 47 percent
- Windscreen – 38 percent

With regard to Citrix Cycle station locations along New Bern Avenue, participants favored Tarboro Road (46 percent), Blount Street (43 percent) and the WakeMed campus (42 percent) as the top locations.

Pop-up outreach sessions were also conducted within the community to continue direct engagement with transit users and gather feedback on station amenities and bikeshare station locations.

Feedback received through public engagement efforts will be used to further the Wake BRT: New Bern Avenue design to ensure all perspectives are reflected and that station amenities, bikeshare locations and pedestrian amenities are prioritized appropriately.

(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

General Follow Up Item

Animal Ordinance – Adequate Shelter during Extreme Weather

Staff Resource: Stacey Lundy, Council Office, 996-4663, stacey.lundy@raleighnc.gov

Last month Council received an email urging changes to the Animal Ordinance during extreme weather. The same concern was brought to the attention of the previous Council in the form of a citizen petition during the regular Council meeting October 1, 2019.

Included with the *Weekly Report* materials is a copy of the December email as well as the formal follow-up from the October citizen petition, presented as an excerpt from the *City Manager's Weekly Report Issue 2019-39* (October 11, 2019).

(Attachment)

Follow Up from the December 3 City Council Meeting

Language Accessibility and Translation Services (Council Member Martin)

Staff Resource: Damien Graham, Communications, 996-3002, damien.graham@raleighnc.gov

During the meeting Council requested that staff provide a report on options for language accessibility and translation services during Council meetings and citywide communications, including closed captioning and American Sign Language (ASL). Included with the *Weekly Report* materials is a staff memorandum in response to the request from the Council.

(Attachment)

Follow Up from the January 7 City Council Meeting

GoRaleigh Shelter Installation Update (Mayor Baldwin)

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

During the May 7, 2019 regular City Council meeting staff was authorized to implement a pilot project for the new design of GoRaleigh bus shelters. Council directed two shelters be installed as demonstration units to determine improvements to the passenger experience and to promote the GoRaleigh brand. The new shelter design comes from the winner of an architectural design competition held sponsored in late 2016.

Hosted by the Triangle Chapter of the American Institute of Architects, GoRaleigh held a design competition and invited local architects to develop a bus shelter prototype to generate excitement about transit and the GoRaleigh brand. Design constraints imposed included compliance with the Americans with Disabilities Act, mandatory review of structural engineered drawings by the North Carolina Department of Transportation (NCDOT).

Over 20 submissions were received. A panel of local and nationwide architects, along with Raleigh Transit Authority (RTA) board members and transit staff, narrowed the submissions to three finalists. The finalists provided full-scale prototypes that were displayed for voting at the Contemporary Art Museum during the 2016 holiday season. The design submitted by the local office of ClarkNexsen was selected as the winner.

Following the design competition, a request for proposals (RFP) procurement process was conducted to identify qualified firms to fabricate the winning design. Jericho Palm, Inc. of Thomasville, North Carolina submitted the lowest cost proposal and was awarded a contract in October 2018. Each shelter will cost an estimated \$8,300. Staff has verified that Jericho Palm will continue to honor the proposed per unit price to fabricate.

In contrast, the standard GoRaleigh, full-size passenger shelter costs an estimated \$4,700. Costs for both shelter types are exclusive of installation and other necessary infrastructure such as concrete pads and foundation anchoring; costs for installation are similar for both shelter designs.

Following the May 2019 authorization, Jericho Palm fabricated two demonstration shelters and installed both at the North Carolina Museum of Art (NCMA) during the month of August. The NCMA has been a supportive partner throughout the process and has offered to assist with future media events to promote the shelters and to assist with gathering public input on design and overall functionality of the shelter. Following a period for Council, staff and the public to experience the new shelters, staff will request further guidance on whether to proceed with the fabrication and installation of additional shelters.

On January 8 a public survey was released to capture additional public input on the new design. The survey instrument is posted to the City website:

(<https://raleighnc.gov/services/content/PWksTransit/Articles/BusRoutes.html#paragraph--275776>)

as well as the GoRaleigh website (<https://gotriangle.wufoo.com/forms/bus-shelter-survey/>). The survey is being promoted through multiple social media channels, flyers, printed signage at the shelters and on the digital bus screens.



Image 1: Standard bus shelter



Image 2: Custom GoRaleigh bus shelter, installed at NCMA

Special Events Weekly Digest

Friday, January 10 – Thursday, January 16

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

Permitted Special Events

Run for Young

Edenton Street & Hillsborough Street

Sunday, January 12

Event Time: 2:00pm - 3:00pm

Associated Road Closures: E. Edenton Street between Blount Street and Wilmington Street will be closed from 11:00am until 4:30pm. The race route will be closed from 2:00pm until 3:00pm. Note that all cross-streets one block in each direction will be detoured, [view route here](#), and see below for turn-by-turn details:

Start at Edenton Street between Wilmington Street and Blount Street; Head west on Edenton Street to Hillsborough Street; Continue west on Hillsborough Street; Right onto Oberlin Road; Left at traffic circle onto Pullen Road; Left at traffic circle onto Hillsborough Street and return to the Start/Finish on Edenton Street.

Other Events This Weekend

Hurricanes vs. Coyotes

Friday, January 10

PNC Arena

The Steel Wheels – PineCone Piedmont Council of Traditional Music

Friday, January 10

Fletcher Opera Theater

The Planets – North Carolina Symphony Classical Series

Friday, January 10 – Saturday, January 11

Meymandi Concert Hall

Sensory Friendly Creative Saturday

Saturday, January 11

Sertoma Arts Center

Hurricanes vs. Kings

Saturday, January 11

PNC Arena

Raleigh Rumble Open Championship

Saturday, January 11

Raleigh Convention Center

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.

Road Closure and Road Race Map: 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

From: Tallah Wilson <twilso91@eagles.nccu.edu>

Sent: Tuesday, December 24, 2019 2:18 PM

To: Council Staff <CouncilStaff@raleighnc.gov>; MayorStaff <mayorstaff@raleighnc.gov>; CityCouncilMembers <CityCouncilMembers@raleighnc.gov>

Subject: Extreme Weather Domestic Animal Ordinance

Good Afternoon,

In light of a recent experience I had with Raleigh Animal Control, I feel it is necessary that the Raleigh City Code be changed to mandate domestic animals be either brought indoors when the weather is below freezing or at least require that domestic animals kept outdoors have shelter that is insulated and/or contains adequate, dry bedding that permits the animal to retain body heat when the weather is cold. The way the current law is written only requires shelter to have 3 sides, a floor, and a roof. This is not adequate shelter when the temperature falls below freezing. A plastic igloo dog house is technically adequate under the current law but does basically nothing to keep the dog from freezing. There have been multiple cases across the country where dogs have been found frozen to death in this type of shelter.

This link is an example of an ordinance proposed in another jurisdiction that requires domestic animals be brought inside during extreme weather conditions:

<https://www.talbothumane.org/wp-content/uploads/2018/03/extreme-weather-ordinance.pdf>

This link is an example of an ordinance proposed in another jurisdiction that modifies what is considered “adequate shelter” when extreme weather is involved:

<https://www.hamiltoncounty.in.gov/DocumentCenter/View/13736/FAQ-concerning-Hamilton-County-Animal-Control-Ordinance-Revisions>

I feel that the current ordinance is inadequate and encourages some pet owners to legally neglect the duties they owe to the animals they voluntarily chose to own. Please let me know if I need to contact someone else or take any additional steps to make sure this proposal is considered.

Thank you,

Tallah Wilson

twilso91@eagles.nccu.edu | (704) 530-0299

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)

Council Member Follow Up



City of Raleigh

CITY ATTORNEY'S OFFICE

NORTH CAROLINA

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)

MUNICIPAL BUILDING
222 WEST HARGETT STREET
RALEIGH, NORTH CAROLINA 27601

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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.

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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.

§ 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.)



Raleigh

MEMO

TO: Ruffin L. Hall, City Manager

FROM: Damien Graham, Communications Director

DATE: January 8, 2020

SUBJECT: Language Accessibility and Translation Services Options

During the December 3, 2019 City Council meeting, Councilmember Martin requested that staff provide a report on options for language accessibility and translation services during Council meetings and citywide communications, including closed captioning and American Sign Language (ASL). This report includes services the City currently provides, potential cost estimates for expanding translation services, and an implementation schedule for that expansion.

Background

The City of Raleigh currently provides ASL and foreign language interpreter services upon request for public meetings, including Council sessions, open houses, and press conferences (ASL only). Printed items can also be translated into Spanish and Braille upon request.

In fiscal years 2019 and 2020, the City provided translation services on **4** occasions at a total of **\$1,499.24**. These requests included ASL for one Council meeting; the remaining requests were for Spanish and ASL interpretation for 2 open houses, and an ASL interpreter was brought in for a press conference. For the purposes of this report, the cost breakdown for providing interpreter services for each City Council meeting and all printed materials are outlined below.

Council meetings (onsite)

Interpreter assignments are billed at a **2-hour minimum**. Meetings that last beyond 2 hours require a team of interpreters (**at least 2**) and the City is billed for each interpreter. Parking and travel are also billed when applicable. Enhanced rates: Council meetings that last beyond 2 hours are billed at enhanced rates, applied in 15-minute increments. Meetings that occur after 5:00 p.m. are also billed at enhanced rates.

Rates

Language	Duration	Rate
ASL	2-hour minimum	Standard - \$65/hour Enhanced - \$97.50/hour
Spanish	2-hour minimum	Standard - \$75/hour Enhanced - \$97.50/hour
Other languages	2-hour minimum	Standard - \$75/hour Enhanced - \$112.50/hour

Municipal Building
222 West Hargett Street
Raleigh, North Carolina 27601

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

City of Raleigh
Post Office Box 590 • Raleigh
North Carolina 27602-0590
(Mailing Address)

Based upon the scheduled number of Council meetings for FY20-21 and the costs with the current vendor, a cost breakdown for translation services are below:

Language	Duration*	Number of Meetings	Cost
ASL			
Afternoon (\$65/hour)	2 hours	39	\$5,5070
Evening (\$97.50/hour)	2 hours	11	\$2,145
Spanish			
Afternoon (\$75/hour)	2 hours	39	\$5,850
Evening (\$97.50/hour)	2 hours	11	\$2,145
Other languages			
Afternoon (\$75/hour)	2 hours	39	\$5,850
Evening (\$112.50/hour)	2 hours	11	\$2,475

*City Council meetings typically last beyond the 2-hour minimum and require 2 interpreters.

Printed items

The numbers provided below are based upon an estimated number of print jobs the City would have per year, not including business cards or envelopes. These print jobs include flyers, posters, and other publications. The number of jobs varies, and each job can have multiple pieces, each of which would need to be translated.

Translating print items for one language would cost **\$88,550**. This is based upon an estimated 805 jobs times the minimum cost of \$110.00 each (\$55.00 minimum to translate, plus \$55.00 to proofread after the copy is placed into the final artwork). The proofread fee is a must to ensure words break properly and reading correctly. Costs will increase as languages are added.

Software

Software exists that will translate files you upload to their site. One such service charges **\$.16 per word**. If each piece of material included 50 words, the total cost for this service would be \$6,440. **Because there is no way to determine word count on each piece, that cost could increase exponentially as word counts vary depending upon the files needing translating.**

Closed Captioning

The City implemented closed captioning services in June 2018. The service is provided for all programming on RTN 11 and live streams of all council sessions (meetings viewed on demand are captioned once it became available). This service costs **\$5,000 per year** with a one-time equipment cost of \$30,000 (required to provide the captioning for live and on-demand videos).

Implementation Schedule

Providing translation services for print jobs and Council meetings will take time for RFPs and contracts to clear. Because of the resources it takes to ensure these services are implemented, from set-up to proofing, additional staff resources would also be needed, so time to recruit and onboard a new employee will have to be considered. With these variables in mind, an estimated implementation time of several months may be reasonable once a vendor has been identified.

Additional translation services the City provides

Raleigh Water and Parks, Recreation, and Cultural Resources provide three-way telephonic translation service through a third-party. The table below summarizes information for calls Raleigh Water receives that need translation. Please note that the number of calls for the first 5 months in FY20 are higher than in the previous two years. Additionally, the percentage of calls that require translations is increasing but is still low (hovering around 1%).

Fiscal Year	Calls Needing Translations	Total Calls	%
FY18	1,856	295,906	0.63%
FY19	1,949	212,452	0.92%
FY20(July – Oct.)	824	74,568	1.11%

Based on data regarding the nature of the calls, 98% of translation requests are for Spanish. Other languages that have been requested, albeit at a much lower rates, include Vietnamese, Arabic, Somali, and Mandarin.

CITY MANAGER'S WEEKLY REPORT

raleighnc.gov



CITY OF
Raleigh
MANAGER'S
OFFICE

Issue 2020-02a

January 10, 2020

ADDENDUM

The following update item was inadvertently omitted from *Weekly Report Issue 2020-02* and is being provided to the City Council as an addendum.

Erroneous Cross-Connection Letter Issued to Utility Customers

Staff Resource: Robert Massengill, Raleigh Water, 996-3479, robert.massengill@raleighnc.gov

The Public Utilities department has long maintained a cross connection program designed to protect the water supply system. The program involves the installation of backflow prevention devices to prevent the reverse flow of potable water from other customers. A reverse flow (or backflow) could introduce contaminants into the public water system, putting the safety of the system at risk. Backflow devices are required for underground irrigation systems as well as every nonresidential service connection, unless a waiver is granted due to an assessment of risk. There are currently 27,410 customers with backflow devices installed on service connections.

Effective January 1, 2020, a revised state rule in the North Carolina Administrative Code (NCAC), went into effect requiring public water supply systems to conduct a “review of new service connections and existing service connections during a change of the account ownership to ensure all required backflow prevention devices are properly installed and tested.” Raleigh Water staff prepared a notification letter to advise all stakeholders of this NCAC change. The letter was intended to be sent to customers that are currently compliant with testing requirements of installed backflow devices.

A separate letter was developed to advise noncompliant customers and property owners of the new state rule change, to inform of the non-compliance with the Cross-Connection ordinance, and that the situation needed to be rectified. There are currently approximately 3,200 customers that are noncompliant with the ordinance.

Unfortunately, this second non-compliance letter was provided in error to the third-party, contract mail vendor, resulting in all 27,410 customers with backflow devices receiving the noncompliance letter. A sample copy of that letter is included with the *Weekly Report Addendum* materials.

In response to the erroneous mailing, staff has pushed information to the City website as well as social media, added a message to the Interactive Voice Response (IVR) for incoming calls to the call center, and has activated the non-emergency call center to assist with call volume. Staff deeply regrets the error and is undertaking an analysis to prevent recurrence.

(Attachment)



December 18, 2019

Dear Valued Raleigh Water Customer,

Re: An Important Compliance Issue Requires Your Attention
2857610053: 211 Fayetteville St Raleigh

In 1987, the Public Utilities Department, also known as Raleigh Water, implemented its Cross Connection Ordinance and began addressing cross connections throughout its distribution system to ensure drinking water provided by the City remains safe. An important part of water safety is preventing backflow events, instances where a reversal of potentially contaminated water from a customer to the City's system occurs. To ensure that proper backflow protection is present, the Cross Connection Program regularly reviews commercial and irrigation services.

On January 1, 2020, a revised state rule in the North Carolina Administrative Code (NCAC), will go into effect requiring public water supply systems to conduct a "review of new service connections and existing service connections during a change of the account owner to ensure all required backflow prevention devices are properly installed and tested." Raleigh Water will send a notification letter to all stakeholders impacted by this NCAC change.

A recent review identifies your property as non-compliant with backflow prevention requirements and requires your immediate attention.

Backflow protection is achieved through the installation of devices and assemblies on the customers' side of the meter, or right-of-way for fire service lines. For most residential customers, backflow protection is provided by a device in the meter box. For other services with higher hazards, testable backflow assemblies are required by Raleigh City Code to be installed and tested by a Certified Tester. The results of the test are submitted to a contracted vendor, Backflow Solutions Inc. (BSI) via their web-based system.

Our staff have attempted to contact you regarding your non-compliant property and appreciate your timely resolution to this matter. If you have specific questions concerning the compliance of your facility you may contact the Cross Connection Program at 919-996-2747 or cross.connection@raleighnc.gov.

Sincerely,

Joanie S. Hartley
Raleigh Water Cross Connection Program
Cross Connection Coordinator