

**ORDINANCE AMENDING ARTICLE 4— HORSES ON THE PUBLIC TRUST BEACH AREA — AND CHAPTER 5 —
BEACH AND SHORE REGULATIONS — REGARDING HORSES ON THE BEACH**

Whereas, the Town of Emerald Isle has enacted ordinances regulating the dates when motor vehicles are allowed on the beach areas, as well as permitting, and

Whereas, the Town has also enacted ordinances requiring the removal of dog feces from the beach areas, and other public and private areas, and

Whereas, the Town has created a graduated penalty scale for various ordinance violations, and

Whereas, there is a desire to improve the Town's ordinances regarding horses on the beach,

Now, therefore be it ordained by the Emerald Isle Board of Commissioners that Chapter 5 - Beach and Shore Regulations, Article IV – Horses on the Public Trust Beach Area, of the Code of Ordinances is hereby amended by replacing the existing with the following:

ARTICLE IV. - HORSES ON THE PUBLIC TRUST BEACH AREA

Sec. 5-50. - Horseback riding permitted only during certain times. Permit required

- (a) It shall be unlawful for any person to ride, walk, possess, or have a horse, mule, donkey, or other member of the equidae or equus asinus families on the public trust beach area between May 1 and September 14 each year, and also during the period between the Friday prior to Easter Sunday and the Sunday following Easter Sunday.
- (b) Horses, mules, donkeys, or other members of the equidae or equus asinus families are ~~permitted~~ **allowed on the public trust areas** between September 15 and April 30 of each year, during the following hours: ~~(1) from 5:00 a.m. until 9:00 p.m. daily on days subject to daylight savings time;~~ ~~(2) and from 5:00 a.m. until 7:00 p.m. daily on days subject to Eastern Standard time~~ **provided a permit for the presence and use of these animals has been secured in accordance with the terms of this ordinance.**
- (c) It shall be unlawful for any person to ride, walk, possess, or have horses, mules, donkeys or other members of the equidae or equus asinus families on any public street, rights-of-way, public parking lot or the beach strand within the town limits, without first having secured a permit from the town.
- (d) **Permits may be obtained from the police department (for a fee of \$10.00 per day or \$50.00 per year) (free of charge). A negative Coggins test report taken within the past 12 months must be provided for each animal in order to receive a permit in accordance with N.C.G.S. 106-405.17 and 02 NCAC 52B .0406.**
- (e) **The town manager or their designee shall have the authority to revoke a permit issued under this article for one or more violations of this article. The town manager or his designee shall consider the number, nature, and intent associated with the violations in making a determination to revoke a permit; and shall also determine the time frame said permit is revoked.**

([Ord. of 10-8-13, § 1](#))

Sec. 5-51. – **Permitted times and access** Access to public trust beach area.

~~(a) Riders of horses, mules, donkeys, or other members of the equidae or equus asinus families shall access the beach only at the following vehicle access ramps:~~

- ~~(1) At the south terminus of Black Skimmer Drive;~~
- ~~(2) At the 90-degree turn in Ocean Drive near the Eastern Ocean Regional Access and NC 58 mile marker 15;~~
- ~~(3) At The Point at Bogue Inlet.~~

(a) Horses, mules, donkeys or other members of the equidae or equus asinus families for which permits have been issued to the owners and/or riders shall only be allowed on the public trust beach area between September 15th and April 30th of each year, during the following hours:

- (1) From 5:00 a.m. until 9:00 p.m. daily on days subject to daylight savings time;
- (2) From 5:00 a.m. until 7:00 p.m. daily on days subject to Eastern Standard Time.

~~(b) Horses, mules, donkeys, or other members of the equidae or equus asinus families are permitted between September 15 and April 30 of each year, during the following hours:~~

- ~~(1) From 5:00 a.m. until 9:00 p.m. daily on days subject to daylight savings time;~~
- ~~(2) From 5:00 a.m. until 7:00 p.m. daily on days subject to Eastern standard time.~~

(b) It shall be unlawful for anyone to ride, walk, or possess a horse, mule, donkey, or other member of the equidae or equus asinus families on the public trust beach area:

- (1) Between May 1st and September 14th each year; and
- (2) During the period between the Friday prior to Easter Sunday and the Sunday following Easter Sunday each year; or
- (3) In an area that has been designated as temporarily closed to the public by the town manager and/or the Chief of Police that is clearly marked as closed.

(c) It shall be unlawful for the owner or person in control of any horse, mule, donkey or other member of the equidae or equus asinus families to permit the animal to travel upon or over any dune, walkway, boardwalk or ramp other than those designated for access by the town, which are limited to:

- (1) The Blackskimmer ramp located at the south terminus of Black Skimmer Drive;
- (2) The East Ramp located at the 90-degree turn in Ocean Drive near the Eastern Ocean Regional Access and NC 58 mile marker 15;
- (3) Town street rights-of-way only to travel directly from the nearest public parking area to the closest vehicle access ramp.

([Ord. of 10-8-13, § 1](#))

Sec. 5-52. - Mandatory capture and removal of feces.

~~(a) It shall be unlawful for the rider of a horse, mule, donkey, or other member of the equidae or equus asinus families to allow said animal to deposit feces on the public trust beach area, town street rights-of-way, the nearest public parking area, or another person's private property without immediately removing all feces deposited by said animal.~~

(a) It shall be unlawful for the owner or person in control of any horse, mule, donkey, or other member of the equidae or equus asinus families to lead, walk, or ride said animal anywhere within the town limits without said animal being equipped with a properly installed bun bag or manure catcher designed to catch and prevent the deposit of manure on the ground. This ordinance shall not apply to activities occurring on private property when being conducted with the permission of the property owner.

~~(b) Burying feces in the sand or depositing feces in the waters of the Atlantic Ocean is prohibited and constitutes a violation.~~

(b) It shall be unlawful for the owner or person in control of any horse, mule, donkey, or other member of the equidae or equus asinus families to permit said animal to deposit feces on any public trust beach area, town street rights-of-way, public parking area, or another person's private property without immediately removing all feces deposited by said animal for proper disposal. Proper disposal shall be defined as the encasing of all waste in an airtight bag, wrapper or container for removal and disposal in a public trash receptacle or the owner's private property.

(c) Burying feces in the sand or depositing feces in the waters of the Atlantic Ocean is prohibited and constitutes a violation.

(Ord. of 10-8-13, § 1)

Sec. 5-53. - Responsible riding required.

(a) The rider of **any** horse, mule, donkey, or other member of the equidae or equus asinus families shall be of suitable age and discretion, and shall ride in a manner so as not to cause a danger to other persons or vehicular traffic.

(b) The **owner or rider of any** horse, mule, donkey, or other member of equidae or equus asinus families shall be **required to ensure that the animal is thoroughly trained and properly restrained, controlled and ridden with due care, and shall not be allowed to go unattended at any time while on public property or the public beach trust within the town limits.**

(Ord. of 10-8-13, § 1)

Sec. 5-54. - **Violations Authority to Close Beach Access Areas and Public Trust Areas.**

The Town Manager and/or Chief of Police shall have the authority to close on a temporary basis one or more accesses to the public trust areas or portions or all of the public trust areas for the possession or use of horses, mules, donkeys or members of the equidae or equus asinus families, due to high tides, weather conditions, crowded beach areas, beach renourishment activities, special events or activities, or other conditions that in the opinion of the manager and/or chief of police render the presence of such animals unsafe. In such situations the areas shall be clearly marked and access areas and the public trust areas shall be posted with notice. Use or possession of such animals during such prohibited times and in the prohibited areas shall constitute a violation of these regulations.

Sec. 5-55 – Violations and penalties.

(a) Violations of this article shall subject the offender to a civil penalty of ~~one hundred dollars (\$100.00)~~ that may be assessed against the owner, rider, or person responsible or in apparent control of the animal.

(b) The following penalties shall apply:

- (1) A first violation of this article shall subject the offender to a civil penalty of one-hundred dollars (\$100.00) and possible revocation of the permit issued under this article in accordance with Sec 5-50(e).
- (2) A second violation of this article within a 6-month period shall subject the offender to a civil penalty of two-hundred dollars (\$200.00) and possible revocation of the permit issued under this article in accordance with Sec 5-50(e).
- (3) A third or subsequent violation of this article within a 6-month period shall subject the offender to a civil penalty of three-hundred dollars (\$300.00) and a mandatory revocation of the permit issued under this article for a period of one (1) year.

(Ord. of 10-8-13, § 1)

Secs. 5-55—5-59. - Reserved.

Adopted this the 13 of April, 2021, by a vote of
Commissioner(s) Dobley, Finch, Normile, Taylor & Messer voting for,

Commissioner(s) _____ voting against, and

Commissioner(s) _____ absent.

ATTEST:

Eddie Barber, Mayor



Sarah Diehl, Town Clerk

