

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: March 23, 2005

SUBJECT: Animal Services

ATTACHMENTS: Animal Ordinance Amendment and Civil
Penalty Fee Schedule

SUMMARY OF REQUEST:

Staff request comment and consideration of the attached amendment to the Animal Ordinance (Chapter 66-A, Henderson County Code) establishing guidelines and permit requirements for Kennels and Catteries.

The civil penalty fee schedule is attached for the Board's consideration and requires formal adoption by the Board to be utilized.

Staff also request the Board consider tasking the Animal Services Committee with development of Animal Ordinance amendments regarding Exotic Animals, Security Dogs and Animal Restraint.

COUNTY MANAGER'S RECOMMENDATION/ACTION REQUIRED:

Upon the consensus of the Board, the Board should consider adopting the amendment regarding kennels and catteries and the civil penalty fee schedule.

The Board should also task the Animal Services Committee with development of an exotic animal, security dog and animal restraint amendment to the Animal Ordinance.

Proposed Addition/Amendment

Purpose: To assure appropriate standards, both for the animals and humans living in areas surrounding them, for kennels and catteries in Henderson County, and for the licensing of the same. ~~for standards, both for the animals and humans living in areas surrounding them, for kennels and catteries in Henderson County, and for the licensing of the same.~~

This proposal would add a new Article III to the basic ordinance, and require a license for any kennel or cattery.

New Article III.

Article III. Annual Animal Tax and Licenses

Part One

Sec. 66A-80 to -86. Reserved.

Part Two

Sec. 66A-86. Kennels and Catteries.

A non-commercial kennel/cattery license permit, with categories set out in this Article, is hereby established.

A. Owners or operators of non-commercial kennels or catteries (defined as a kennel or cattery where no fee is collected from an owner for the keeping of the dog or cat by the owner or operator), or owners of more than seven companion animals, or households or structures where more than seven companion animals (whether or not the same animals) regularly reside, shall obtain a license permit, renewable annually, and pay the fees therefore in the amounts dependent on the category (as established in this Article) of kennel/cattery as adopted annually by the Board of Commissioners.

B. This part of this Article is intended to supplement and not supplant any licensing or regulation of kennels or catteries under North Carolina law or by any agency of the United States. Any areas of operation of a kennel or cattery, whether commercial or not, not specifically subject to State or Federal licensing regulation shall be subject to the provisions of this section, specifically including any rules promulgated under this part of this Article.

C. No person required by Section 66A-86A to obtain a license permit may keep or shelter seven or more companion animals without first obtaining a permit under this part of this Article. The Animal Service Director shall promulgate rules for the issuance of license permits, which rules shall include minimum requirements for humane care of all animals and for compliance

with the provisions of this ordinance and other applicable laws. Such rules shall supplement any North Carolina laws or regulations for facilities harboring companion animals, and shall not allow a standard lower than such North Carolina laws or regulations. Upon a showing by an applicant for a permit of readiness and ability to comply with the rules, a license permit shall be issued upon payment of the applicable fee.

D. If there is a change in ownership of a kennel or cattery, the new owner may apply to have the current annual license permit reissued in his name upon payment of a transfer fee in an amount set by the Board of Commissioners.

E. The Animal Service Director may revoke any license permit if the holder refuses or fails to comply with this ordinance, the rules promulgated by the Animal Service Director, or any law governing the protection and keeping of animals.

F. It shall be a condition of the issuance of any license permit under this part of this Article that the Animal Service Officers staff shall be permitted to inspect all animals and the premises where animals are kept at any time. Refusal to allow any such inspection shall be grounds for revocation of the permit for such establishment.

G. No person who has been convicted of cruelty to animals within ten years next preceding the date of the application shall be issued a license permit under this part of this Article.

H. The owner, resident or operator of any home, structure or facility required to have a license permit under the terms of this part of this Article must possess a valid proof of current rabies vaccination for each companion animal found in such home, structure or facility.

I. Any license permit issued under this part of this Article shall be for a specified maximum number of animals.

1. It shall be unlawful for any person required under this part of this Article to obtain a license permit to house a cumulative total of companion animals kept in excess of the maximum number allowed in the holder's license.

2. In addition to any criminal penalties for housing a cumulative total of dogs or cats in excess of the maximum number allowed in the holder's license permit, a civil penalty is hereby established, in the amount of \$50.00 per day per animal in excess of the maximum number allowed in the holder's license permit.

J. Any house, structure or facility licensed hereunder shall comply with all State regulations for kennels, catteries or similar facilities as may be from time to time established. In addition to any criminal penalties for failure to comply with said regulations, a civil penalty is hereby established of \$50.00 per animal per day during which a failure to comply with said regulations.

K. In the absence of a permit issued pursuant to this part of this Article, it shall be unlawful to be the owner (as defined in this Article) of seven or more companion animals. In addition to any criminal penalties for failing to possess a license permit under this part of this Article, a civil

penalty is hereby established for acting as the owner of seven or more companion animals without a license, in the amount of \$50.00 per day per animal in excess of six.

Sec. 66A-87. License Categories

The following categories and eligibility requirements for homes, structures or facilities which are required to obtain a license under this part of this Article are established for the purpose of this Article:

A. General Non-Commercial License.

1. The applicant must be the owner of all companion animals which are housed in any home, structure or facility which is to be the subject of the license permit applied for.

2. The license permit application must specify the maximum number of companion animals which may be kept, sheltered or harbored in the home, structure of facility which is to be the subject of the license permit applied for.

3. All companion animals kept, sheltered or harbored in the home, structure of facility which is to be the subject of the license permit applied for shall be spayed or neutered, and the applicant must provide proof of the same for each such animal upon the request of an Animal Service Officer.

B. Breeder Kennel Permit: Any person who is the owner of seven or more companion animals one or more of which have not been spayed or neutered may apply for a breeder license. In the absence of a breeder license permit, it shall be unlawful to be the owner of five or more companion animals that have not been spayed or neutered.

Sec. 66A-88. Revocation of License

The Animal Service Director may, after notice and hearing, revoke any permit for repeated failure to comply with this ordinance or any other law governing the protection and keeping of animals.

Sec. 66A-89. Buffering of Kennels and Catteries

Buffers and screening requirements are hereby established in all zoning districts allowing residential use for kennels and catteries (including non-commercial kennels and catteries), if kennels or catteries are allowed in such zones.

All buffers must be sufficient to insure the peaceful use of all residences allowed in the district. The following are established as minimum buffers:

Set-back of kennels and catteries from property boundaries

of property upon which kennel or cattery sits.....	100 feet
Planted visual screening border around kennel or cattery depth, at minimum height of eight feet.....	15 feet
Maximum noise requirements.....	Same as "Noise Ordinance" (Chapter 125 of Henderson County Ordinances), except that decibel limits are set at 85% of the level specified therein.

Effective date. The effective date of this Article III shall be the first day of April, 2005.
~~January 1 which occurs at least one year from the date of adoption hereof.~~

Animal Service Civil Penalty Fee Schedule

Section Violated	Description	Civil Penalty Fee
66A-7A	Interference of Animal Service Officer, or agent (per incident)	\$500.00
66A-7B	Concealment of animal to evade ordinance (per day of violation)	\$100.00
66A-8	Public nuisance:	
	First violation	Written warning only
	Second violation	\$50.00
	Third (and subsequent) violation (per day of violation)	\$100.00
66A-10	Keeping dangerous/potentially dangerous dog:	
	Unattended/loose/unrestrained (per day)	\$500.00
	Without tattoo/microchip (per day)	\$500.00
	Failing to notify of change of address or death (per day)	\$500.00
	Failing to present proof of transferee responsibility (per day)	\$1,000.00
66A-11	Mistreatment of animals (per day)	\$500.00
66A-13	Release of animal from County-owned trap (per incident)	\$100.00