

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: February 15, 2006

SUBJECT: Animal Ordinance Amendment – Public Input

ATTACHMENTS: Restraint / Confinement Section; Letter to animal service agencies

SUMMARY OF REQUEST:

On February 6, 2006 the Board of Commissioners discussed the proposed Animal Ordinance amendment to establish Restraint / Confinement regulations. By unanimous vote the Board scheduled an opportunity for public input on Wednesday, February 15, 2006. Per the Board's instruction staff mailed a letter to the various animal service organizations in the community advising them of the proposed amendment and encouraging comment on same.

COUNTY MANAGER'S RECOMMENDATION:

The Board can adopt the proposed amendment pursuant to one of the following methods:

1. Provide direction to staff following public input and adopt the amendment at a subsequent meeting.
2. Upon determination substantial changes are not required following the public input session, the Board can adopt the proposed amendment via majority vote.

I. Section 66A-1 is amended, by adding the following definition:

Domestic Animal -- Any animal (1) whose physiology has been determined or manipulated through selective breeding which does not occur naturally in the wild, and (2) which can be vaccinated against rabies with an approved rabies vaccine, and (3) which has an established rabies quarantine observation period. This definition applies to Dogs, Cats and Ferrets.

II. A new Section 66A-24 is added, as follows:

66A-24 Restraint/Confinement of Domestic Animals

A. No owner or person having charge, care, custody or control of any domestic animal shall cause, permit or allow the same to be or to run at large except while confined to the private property or premises of the owner or person having charge, care, custody or control of such domestic animal.

B. Each domestic animal, while on the owner's property, shall be confined within an enclosure, behind a fence, behind an invisible fence that is clearly posted and marked at regular intervals, or secured so that the domestic animal is confined entirely to the owner's property by means of a leash or chain, or other similar means of physical control.

C. When not confined and/or restrained on the owner's property, the domestic animal shall be under the control of a competent person and restrained by a leash, harness or other similar means of physical control.

D. This ordinance pertains to all domestic animals with the following exceptions:

1. Dogs used for control of livestock as long as said animal is in the process of controlling livestock.
2. Dogs used or trained for hunting as long as said animal is in the process of being trained by a trainer or owner, participating in a field trial or other similar competition, or on a legal hunt in the presence of the owner.
3. Dogs or Cats while being exhibited or trained at a kennel club, or similar event, as long as said animal is in the process of participating in a kennel club or similar event.
4. Dogs used for Law Enforcement.

E. If any domestic animal is not confined to the owner's property, then said domestic animal is in violation of this ordinance.

Henderson County Animal Services
810 Stoney Mountain Rd
Hendersonville, NC 28791

February 7, 2006

Henderson County is taking many new steps to improve the welfare of all domestic animals located in the county. In response to this, an ordinance was drafted and presented to the commissioners concerning the restraint and confinement of all domestic animals. By definition, this ordinance would include dogs, cats and ferrets and would prohibit such animal from roaming freely throughout the county. Enforcement would be provided on a complaint driven basis. I would greatly appreciate any comments and suggestions that you might provide.

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The commissioners have asked for public input and suggestions for the 15th of February, 2006 at 9:00am at the bimonthly commissioners meeting located at 100 King Street. I would encourage anyone having additional comments to attend.

Respectfully,

Morgan A. Woodward
Director of Animal Services
Henderson County