

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: November 5, 2007

SUBJECT: Animal Ordinance Amendment

ATTACHMENTS:

1. **Synopsis of Revisions**
2. **Animal Ordinance**
3. **Spay-Neuter Enforcement Flowchart**
4. **Spay-Neuter Educational Brochure**
5. **Spay-Neuter Program Communications Plan**

SUMMARY OF REQUEST:

The Animal Services Advisory Committee respectfully submits the revised Animal Ordinance for consideration.

Amendments include the addition of a spay-neuter program, expanded definitions, nuisance animals, dangerous dog reporting and inspection requirements, animal fighting, rabies vaccinations and livestock.

BOARD ACTION REQUESTED:

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

1. Adopt the amendments on the first reading following a unanimous vote for approval.
2. Schedule an opportunity for public input at the December 3, 2007 meeting, provide direction to staff following public input and adopt the amendments on second reading.

Suggested Motion:

Move to adopt the revisions to the Animal Ordinance as submitted.

ANIMAL SERVICES ORDINANCE SYNOPSIS OF REVISIONS: NOVEMBER 5, 2007

Below please find a brief summary of the major substantive revisions proposed to the Animal Control Ordinance:

- **Definitions [Pages 1-5]:** Modified to either add in terms (i.e. “altered”, “kennel”, “provocation”, etc.) or revise existing terms (i.e. “public nuisance”) for clarification.
- **Purpose [Page 5]:** Added to the Ordinance to clarify the role of the Animal Services Department; Based solely on the authority given to the County by the State regarding animal services.
- **Role of Animal Services Advisory Committee [Page 5-6]:** Provides more thorough description of the Advisory Board; in the current Ordinance the only assigned role is that of Appellate Board.
- **Public Nuisance [Pages 7-8]:** Existing “public nuisance” section was unclear, difficult to enforce, and overlapped with parts of the “dangerous dog” provisions; Revisions allow Animal Services to label both the behavior of an animal and the conditions animals are kept in as a public nuisance.
- **Dangerous Dog [Page 8-13]:** Strengthens the County’s ability to enforce the dangerous dog ordinance by allowing Animal Services to deem dogs dangerous or potentially dangerous earlier, describe the requirements for keeping a dangerous dog, and include the impoundment procedures.
- **Mistreatment of Animals [Page 13-14]:** Mistreatment provision expanded to include all animals to address allegations of abuse of livestock; National attention to the crime of dog fighting gave rise to a provision outlawing animal fighting.
- **Impoundment, Adoption, and Relinquishment [Pages 15-17]:** Revisions require owner to pay for cost of impoundment, allows Animal Services to microchip and vaccinate all impounded animals prior to release or adoption at owner’s expense, permits Animal Services to refuse adoption in certain circumstances and requires owners to record in writing any wish to relinquish an animal.
- **Penalties [Page 18-20]:** Clarifies that violations are assessed per violation, per animal, and per day. Other revisions to this section make failure to pay a citation a criminal offense and warn dangerous dog owners that they shall be strictly liable for any harm caused by their animal.
- **Rabies Vaccinations [Pages 22-23]:** Revisions 1) require any animal adopted from Animal Services to be vaccinated against rabies within two weeks of adoption otherwise the animal could be impounded and penalties assessed against the owner; 2) require owners to have proof of vaccination through a current rabies tag worn by the animal, certificate, or receipt; 3) allow Animal Services to impound any animal that does not have proof of current rabies vaccine.
- **Spay-Neuter Program [Pages 27-30]:** The Spay-Neuter Program recommended by the Animal Services Committee has three main components: 1) Assistance program for low-income pet owners wishing to spay-neuter their pets; 2) Required alteration of all adopted/fostered animals, dogs deemed dangerous, and for animals impounded by Animal Services; 3) Required spay-neuter by pet owners in Henderson County. Although this revision includes all pets to be spayed or neutered, it is only enforced when there is another existing violation and takes place in three stages: 1) education and a warning, 2) fine, 3) impoundment and forced alteration. Assistance dogs, dogs used in law enforcement, hunting, herding, or shows are exempt as are animals who cannot medically undergo alteration because of age, weight, or medical condition.
- **Livestock Article [Pages 33-35]:** The Sheriff’s Office requested this addition to enable them to better enforce problems they have seen involving at large livestock. This language mirrors that of the state statute.

Part 1 Animal Regulations

ARTICLE I General Provisions

§ 66A-1. Definitions.

For the purpose of this article, unless the context clearly requires otherwise, the following definitions shall apply:

ADEQUATE FOOD — The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition for the animal.

ADEQUATE SHELTER — Proper and adequate shelter that will protect the animal from all elements of the weather and will allow the animal to stand, sit, and lie down without restriction.

ADEQUATE WATER — The access to a sufficient supply of clean, fresh water provided at suitable intervals for the animal's physical needs and the climatic conditions.

ADULT — A person 18 years of age or older who has not been judicially declared incompetent.

ALTERED- **An animal that has been spayed or neutered.**

ANIMAL BITE — Occurs when the teeth of the biting animal break the skin of a human being, regardless of location of the bite on the body.

ANIMAL SERVICE CENTER — The County Animal Shelter, and any other designated facilities, operated and maintained by the County for the purpose of impounding animals under the authority of this chapter or the General Statutes for care, confinement, return to owner, adoption or euthanasia.

ANIMAL SERVICE DIRECTOR — The officer placed in supervision of the Animal Service Officers and all other employees and agents of the Department.

ANIMAL SERVICE OFFICERS — Any persons designated by the County as the primary enforcement officers of ordinances regulating animals and owners of animals, and for the enforcement of sections of the General Statutes pertaining to the care and control of animals.

AT LARGE - **An animal roaming when: 1) not on the owner's property, 2) under control of a competent person or unrestrained by a leash, harness, or 3) not controlled by other similar physical means.**

CAT — A domestic feline of either sex.

COMPANION ANIMAL — Any dog or cat.

COMPETENT PERSON — A person of suitable age and discretion to keep an animal under sufficient control in order to prevent harm to the animal, humans,

other animals or property.

COUNTY — Henderson County, North Carolina.

COUNTY DIRECTOR OF PUBLIC HEALTH — The Director of the Henderson County Department of Public Health.

DANGEROUS/POTENTIALLY DANGEROUS DOG — Any dog whose behavior constitutes a risk of severely injuring or killing a human or domestic animal, or which, by demonstrated behavior, is commonly accepted as dangerous. The following criteria shall be used in identifying a dangerous dog:

- A. A dog that, without provocation, has killed or inflicted severe injury on a person.
- B. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
- C. A dog that is determined hereunder to be potentially dangerous because the dog has engaged in one or more behaviors listed below. The following criteria shall be used in identifying a potentially dangerous dog:
 - (1) A dog that has inflicted a bite on a person that resulted in broken bones, disfiguring lacerations, or requiring surgery or hospitalization.
 - (2) A dog that has killed or inflicted severe injury upon a domestic animal when not on the owner's real property.
 - (3) A dog that has approached a person when not on the owner's property in an apparent attitude of attack.
- D. A dog shall not be deemed dangerous solely because it bites, attacks, or menaces:
 - (1) Anyone assaulting the owner or trespassing on the owner's property;
 - (2) Any person or other animal that has tormented or abused it; or
 - (3) While protecting or defending its young.

DAY — A period of 24 hours, including Saturdays, Sundays, and holidays.

DEPARTMENT — The County Animal (Control) Services Department.

DOG — A domestic canine of either sex.

DOMESTIC ANIMAL — Any animal whose physiology has been determined or manipulated through selective breeding which does not occur naturally in the wild, and which can be vaccinated against rabies with an approved rabies vaccine, and which has an established rabies quarantine observation period.

EUTHANASIA — The causing of death in any animal by using any method approved by the American Veterinary Medical Association or the North Carolina Veterinary Medical Association as a humane means to accomplish such purpose.

EXPOSED TO RABIES — Any animal or human bitten by or exposed to the saliva or neural tissue of any animal known or suspected to have been infected with rabies.

GENERAL STATUTES — The North Carolina General Statutes, as amended from time to time.

HARBORING AN ANIMAL- Feeding or sheltering an animal seven days or more unless the animal is being boarded for a fee at a licensed kennel.

HAVEN – A nonprofit organization that provides care for animal. Under this Ordinance, Havens must meet all the standards and receive the same permits for “Kennels”.

HYBRID - A "hybrid dog" is any animal which is the product of the breeding of a dog with a nondomesticated animal, including but not limited to other hybrid animals or wolves.

IMPOUND — To apprehend, seize, catch, trap, net, quarantine, tranquilize, or confine an animal in a humane manner.

INCORPORATED AREA — Any area located within any incorporated municipality located wholly or in part within the County.

KENNEL - Any person, partnership, or corporation and engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, selling, or providing care under a non-profit organization for 10 or more altered or 5 or more unaltered dogs and/or cats at any given point in time.

LIVESTOCK – A term for animals that shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, fowl and swine.

MICROCHIP — An electronic identification device approved by the Animal Service Director which is intended to be implanted within an animal.

NEUTERED MALE — Any male dog or cat, which has been rendered sterile by a surgical procedure.

OWNER — Any person, group of persons, firm, partnership, corporation, organization, or association owning, keeping, or harboring, or any person who shelters, feeds, or takes care of, an animal for seven or more consecutive days unless said animal is being boarded for a fee. An occupant of any premises on which a dog or cat remains or customarily returns is an owner under this chapter. If a person under the age of 18 years is an owner subject to the provisions of this chapter, the head of the household in which such person under the age of 18 years resides shall also be an owner under this chapter and therefore subject to prosecution under this chapter. Such household head may himself or herself be under the age of 18 years. If not a member of a household, a person under the age of 18 years shall himself be the responsible

person. There may be more than one owner responsible for an animal.

OWNER'S REAL PROPERTY — Any real property owned or leased by the owner, but not including any public right-of-way or common area.

PET SHOP - Any person, partnership, or establishment engaging in the commercial enterprise to acquire animals bred or supplied by others for the purpose of resale or trade. Pet shops dealing in dogs or cats must possess a current license from the State Department of Agriculture.

PROVOCATION—With respect to an animal that has bitten or attacked a person or domestic animal, that the animal was physically abused such as hit, kicked, agitated or teased, struck by a person with an object or part of a person's body, or that any part of the animal's body is pulled, pinched, or squeezed by a person.

PUBLIC NUISANCE — An animal is a public nuisance ~~if it bites without provocation or if~~ it habitually does any of the following, but not exclusively limited to: chases bicycles or motor vehicles or pedestrians, damages private or public property, turns over garbage cans or deposits feces on another's private property or on public property. ~~Nothing contained in this chapter shall be deemed to address the sound created by any animal.~~ Any animal determined to be a nuisance under this Ordinance must be microchipped within 10 days of the nuisance determination.

QUARANTINE ORDER -- An action taken by an Animal Control Officer to secure any dog, cat, or other animal specified by state law which has bitten a person for a mandatory 10-day observation period as required by N.C.G.S. 130A-196 to 199. Quarantine orders may also be issued by the local health director for up to six months when a domestic animal suffers a rabies exposure.

RABIES EXPOSURE - Any bite or other event in which a person or animal has been suspected of coming in contact with the saliva or nervous tissue of an animal possibly having rabies.

SECURE ENCLOSURE — An enclosure from which an animal cannot escape unless freed by the owner. An Animal Service Officer, in his/her discretion, may determine whether or not there is a secure enclosure on the premises.

SEVERE INJURY — Any injury that results in broken bones or lacerations, or requires cosmetic surgery or hospitalization.

SPAYED FEMALE — A female dog or cat that has been rendered sterile by a surgical procedure.

STRAY — Any dog within the County wandering at large or lost or which does not bear evidence of the identification of any owner, or any dog or cat within the County whose owner, if determinable, has failed to pay for a rabies vaccination tag.

SUSPECTED OF HAVING RABIES — An animal that has bitten, or exposed saliva or neural tissue to, a person or another animal; or a wild animal that has bitten a person or domestic animal.

TRESPASS — Wrongful invasion of the property of the owner.

UNALTERED—An animal that has not been spayed or neutered.

UNINCORPORATED AREA — Any area of the County not within an incorporated area.

VACCINATION — The administration of the rabies vaccine as required by General Statutes § 130A-185.

WILD – An animal living in a state of nature; not tamed or domesticated.

§ 66A-2. Authority and territorial application.

- A. This article is adopted pursuant to the power granted the County in General Statutes §§ 153A-121, 153A-127, 153A-153 and 153A-442. This chapter shall apply to all unincorporated areas of the County and to those incorporated areas of any city or town specifically requesting its enforcement by the County upon the consent of the County Board of Commissioners. (In making such a request, the city or town must comply with the requirements of N.C.G.S. 153A-122.) The provisions of this article shall be enforced by the Animal Service Director of Henderson County.
- B. The County may contract annually with any municipality located within the County to enforce any animal restraint ordinance ("leash law") adopted by such municipality, on such terms and conditions (including the acceptability of the terms of such restraint ordinance) as are deemed advisable. Such contract shall require any such municipality to reimburse to the County all the costs associated with the enforcement of such a restraint ordinance.
- C. **Purpose.** As determined by state law, the Animal Services Center: 1) prevent the abuse and neglect of animals (N.C.G.S. §153A-127); 2) protect the public health, safety, and welfare (N.C.G.S. §153A-121); 3) enforce regulations regarding the possession or harboring of dangerous/potentially dangerous dogs (N.C.G.S. §153A-131); 4) protect the public and domestic animals from rabies (N.C.G.S. §130A-185); 5) educate the public regarding proper care for animals.

§ 66A-3. Animal Service Advisory Committee.

The County Animal Service Advisory Committee shall make recommendations to the Board of Commissioners based on animal-related ordinances or policies and shall assist in establishing policies and procedures for the Animal Service Center. The Board may undertake the study of particular areas under their authority in

order to advise Henderson County staff and Board of Commissioners. The County Animal Service Advisory Committee, or a duly appointed subcommittee thereof, shall act as the Animal Service Appellate Board.

§ 66A-4. General duties of Animal Service employees.

The Animal Service Director and Animal Service Officers are charged with the responsibility of:

- A. Enforcing all County ordinances relating to the care, custody and control of domestic animals.
- B. Investigating all reported animal bites or other human physical contact with a suspected rabid animal, enforcing quarantine ordered for any dog or cat involved, and submitting bite reports and reports of human contacts to the County Director of Public Health.
- C. Investigating complaints with regard to companion animals arising under this chapter.
- D. Protecting animals from neglect; investigating companion animal mistreatment (as defined in § 66A-11).
- E. Seizing and arranging for impoundment, where deemed necessary, of any dog or cat involved in a violation of this chapter or the General Statutes.
- F. Operating the County Animal Service Center pursuant to policies adopted by the County Board of Commissioners.
- G. Keeping, or causing to be kept, accurate and detailed records of:
 - (1) Seizure, impoundment, and disposition of all animals coming into custody of the Animal Service Center.
 - (2) Bite cases, violations and complaints, and investigation of same, including names and addresses of persons bitten, date, circumstances, and breed.
 - (3) All monies derived from fees and penalties.
 - (4) Any other matters deemed necessary by the Animal Service Director.

§ 66A-5. Citations.

The Animal Service Director, Animal Service Officers, Sheriff, and Sheriff's Deputies of the County are hereby empowered to issue citations to any person who has violated provisions of this chapter, in accordance with § 66A-19.

§ 66A-6. Tranquilizer guns.

Animal Service Officers are authorized to store at the Animal Service Center tranquilizer guns approved for use and to use such tranquilizer guns when

necessary to enforce sections of this chapter or applicable laws for control of wild, dangerous, or diseased animals.

§ 66A-7. Interference or concealment.

- A. Interference. It shall be unlawful for any person to interfere with, hinder, molest, resist or obstruct any employee or agent of the Department in the performance of any duty authorized by law or ordinance, or to seek to release any domestic animal in the custody of such employees or agents (including from traps, cages, or other enclosures) except as specifically provided or authorized by the Department.
- B. Concealment of dogs and cats. It shall be unlawful for any person to conceal, for the purpose of evading the rabies vaccination or dangerous dog/potentially dangerous dog requirement of the law, any unlicensed (if licensing requirement adopted) or unvaccinated dog or cat from any employee or agent of the Department.

§ 66A-8. Public nuisances prohibited.

- A. Animal care constituting a nuisance. It shall be unlawful for any person to own, keep, or maintain a companion animal in such a manner as to constitute a public nuisance as defined herein.
 - 1. Maintaining animals in an unsanitary environmental which results in odors considered excessive to a reasonable person or is dangerous to the animal or to the public health, safety, welfare, or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease.
 - 2. Maintaining the owner's property in a manner that is offensive, annoying or dangerous to the public health, safety, welfare of community because of number, type, variety, density, or location of animals on the property. This includes the keeping, possessing, or harboring of wild or feral animals which threaten the public health, safety, and welfare.
 - 3. Maintaining an animal that is diseased and dangerous to the public health.
 - 4. Harboring, keeping, owning, or possessing an animal which is at large or is repeatedly at large.
- B. Animal behavior constituting a nuisance. It shall be unlawful for an owner to permit an animal to habitually do the following, but not limited to: chases bicycles or motor vehicles or pedestrians, damages private or public property, turns over garbage cans or deposits feces on another's private property or on public property.
- C. In addition to any other enforcement remedies available under this chapter, if an Animal Service Officer determines a companion animal to be a nuisance

under this section, then such officer is authorized to order the owner to confine such animal in accordance with the Animal Service Officer's instructions. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order. In addition, any animal determined to be a nuisance under this section must be microchipped within 10 days of the nuisance determination.

- D. Owners of domestic animals determined to be nuisances shall be notified and ordered to abate said nuisance within 10 days by whatever means necessary. Failure to comply within this time frame shall constitute a separate offense for each day thereafter the violation continues.
- E. Reporting. Upon receipt of a detailed complaint to the Animal Service Center, the Animal Services Center shall notify the owner or keeper of the offending animal that a complaint has been received and that an investigation is being conducted. Upon completion of an investigation, a written report must be submitted to the Animal Services Director who shall make the final determination of whether there is a nuisance. After making that determination, the owner shall be notified by certified or registered mail or by hand delivery.
- F. Appeal. The owner shall have 10 days to appeal the nuisance determination to the Animal Services Appellate Board.
- G. Nothing in this provision is intended to conflict with the Henderson County Nuisance Ordinance, Noise Ordinance or other applicable section of the Henderson County Code.

§ 66A-9. Confinement of female dog during estrus (heat).

Any owner of a female dog during its estrus (heat) period shall confine said animal in a building or secure enclosure in such a manner that the dog will not be in contact with male dogs, or attract other animals. This section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of the animal that is being bred.

§ 66A-10. Dangerous/potentially dangerous dogs restricted.

- A. General provisions. It shall be unlawful for any person to own or in any way maintain or harbor a dog that is dangerous/potentially dangerous, except as provided in this chapter. Notwithstanding any exemption listed below, any dog which has killed a person shall be immediately euthanized by the Animal Service Center.

(1) Reporting requirement. Any (A) attack or biting by a dog upon a person or domestic animal; (B) transfer, gift, sale or other conveyance of ownership or

possession of a dangerous or potentially dangerous dog; (C) confinement to a Veterinary facility; (D) removal from territorial jurisdiction of the county; (E) animal's death must be reported by any of the following individuals:

- (a) owner, keeper, harborer of a dog deemed dangerous/potentially dangerous or of a dog who has attacked or bitten a person or domestic animal;
- (b) victim of or person witnessing such of an attack or biting;
- (c) veterinarian treating a domestic animal for such an attack or biting;
- (d) health care professional treating a person for such an attack or biting.

(2) The report must be made to the Animal Services Center within 24 hours of the event.

(3) Failure to report an incident within 24 hours may result in criminal and civil penalties under this Ordinance and personal liability in subsequent incidents.

- B. Exemptions. The provisions of this chapter do not apply to dogs causing injuries when:
- (1) Used by law enforcement agencies to carry out official law enforcement duties;
 - (2) Functioning lawfully as hunting or herding dogs, or in controlling predators on the property of, or under control of, the owner when performing duties appropriate to said functions;
 - (3) Protecting the owner's premises from trespassers and other criminal perpetrators while on its owner's premises;
 - (4) Protecting itself or its young from assault, torment, or abuse.
- C. Declaration of dangerous/potentially dangerous dog. The Animal Service Director or his/her designee shall have the authority to declare a dog to be a dangerous/potentially dangerous dog. Any determination that a dog is dangerous/potentially danger shall be made in writing summarizing the available evidence and which shall be delivered or mailed by certified or registered mail to the owner. The written determinations shall order compliance with the appropriate provisions of this ordinance and the Director or his/her designee may impose reasonable conditions to maintain the public health and safety.
- D. Appeal. Any person who owns a dog that has been declared dangerous/potentially dangerous shall have the right to appeal this decision to the Animal Services Appellate Board.
- (1) Manner of appeal. The owner of a dog declared dangerous/potentially dangerous wishing to appeal such declaration must request in writing a hearing contesting such determination. The written appeal must be submitted to the Animal Service Director, and must be received by the Animal Service Director within 3 working days of the receipt by the owner of notice of the declaration that the animal is dangerous/potentially dangerous.

- (2) Pending the appeal, the owner of a dog declared dangerous/potentially dangerous shall comply with the provisions of § 66A-10E.
 - (3) Hearing procedures. Once properly appealed, the Animal Service Appellate Board shall conduct a hearing to determine whether the declaration of the animal as dangerous/potentially dangerous is correct. In conducting this hearing the Animal Service Appellate Board shall operate in compliance with the North Carolina Open Meetings Law, and shall conduct this hearing in accordance with procedures for a quasi-judicial hearing.
 - (4) Outcome. If the dog is affirmed by the Animal Service Appellate Board as being dangerous/potentially dangerous, then the owner shall comply with the terms of this chapter. Any person who owns a dog affirmed dangerous/potentially dangerous by the Animal Service Appellate Board or its designee has the right to appeal this determination to the Superior Court.
- E. Enclosures and control measures for dangerous/potentially dangerous dogs. If a dog has been determined to be dangerous/potentially dangerous, as specified in this section, the dog may be retained upon the owner satisfying the following conditions:
- (1) The owner must:
 - (a) Confine the dog within the owner's residence (except when muzzled and controlled as required below); or
 - (b) Erect and confine the dog (except when muzzled and controlled as required below) in a securely enclosed and padlocked pen with a concrete bottom and secure top within 30 days. The structure must be secured by a child-resistant lock. Pending construction of such pen, the dog must be confined within the owner's residence (except when muzzled and controlled as required below).
 - (2) The owner must post a warning sign, of at least 120 square inches, which is to be visible to any adjoining property from each exposure of the residence or the structure in which the dangerous/potentially dangerous dog is confined. Each sign must have an approved graphic representation of an appropriate animal such that the dangerousness of the animal is communicated to those who cannot read, including young children.
 - (3) The owner of the dog shall insure that the dog at all times remains enclosed or controlled and muzzled as to meet the requirements of this chapter. Failure to do so shall subject the owner to penalty under this chapter.
 - (4) Confinement, muzzling and control of dangerous/potentially dangerous dogs. It shall be unlawful for any owner or person to keep any dangerous/potentially dangerous dog within the County unless it is either

confined within a secure building or enclosure as set forth above, or muzzled and under restraint by a competent person who, by means of a leash or chain, has such animal firmly under physical restraint at all times.

- (5) Tattooing/Microchip. Within 10 days of the determination set forth in this section, the owner of a dangerous/potentially dangerous dog must demonstrate that such dog has been tattooed on the inside of the right hind leg with an identification number or had a microchip implanted as directed by the Animal Service Director.
- (6) Inspection. The Animal Services Center shall cause periodic inspections to be made of the premises where the dangerous/potentially dangerous dog is kept to assure compliance with the provisions of this Ordinance. The owner must permit these inspections at any reasonable time without notice to the owner from the Animal Services Officers.
- (7) Impoundment. If the dangerous/potentially dog is at large during the 30 day period while enclosure is being constructed, Animal Services must seize and impound the dog until the enclosure is completed to the satisfaction of Animal Services as per this Ordinance. The cost of impoundment shall be paid by the owner prior to the animal's release.
- (8) Dangerous or potentially dangerous dogs must also comply with the terms of 66A-59(C) of this Ordinance regarding spay/neuter requirements.
- (9) All control measures required by this section must be met immediately upon a determination that the animal is dangerous/potentially dangerous, except for the enclosure discussed in 1(b) of this section which the owner has 30 days to complete.

F. Notification. Within 24 hours:

- (1) Of change of address or ownership of a dangerous/potentially dangerous dog, the owner shall provide written notification of the change of address or ownership to the Animal Service Director, stating the full name, address, and location of the new owner of the dog.
- (2) Of death of a dangerous/potentially dangerous dog, the owner shall provide written notification of the dog's death to the Animal Service Director.

G. Notification prior to transfer. Prior to any transfer (with or without consideration) of a dangerous/potentially dangerous dog, the owner must provide to the Animal Service Director a written statement, signed before a

notary by the transferee (on a form obtained from the Animal Service Center), indicating the transferee's understanding of the transferee's obligations hereunder as an owner of a dangerous/potentially dangerous dog.

If the dangerous or potentially dangerous dog is being transferred out of Henderson County or out of North Carolina,

- a. The new owner of the animal must notify the Animal Services Center and the new jurisdiction to which the animal is being moved that this dog has been deemed a dangerous/potentially dangerous dog;
- b. The Animal Services Center will also notify the new jurisdiction that the animal has been deemed dangerous and the circumstances surrounding the case.
- c. The new owner must comply with any local regulations regarding dangerous dogs in the new location.

H. Immediate impoundment. Any dangerous/potentially dangerous dog kept in violation of this section may be immediately impounded upon issuance of any warrant for the same, pending the outcome of the criminal action. If the owner is convicted of a criminal offense of keeping a dangerous/potentially dangerous dog in violation of this section, in addition to any criminal penalties imposed, the Animal Services Officers shall euthanize the dog. Nothing herein shall be construed to in any way limit the use of civil penalties for a violation of this section.

1. Cost of impoundment. Costs of impoundment at the Animal Services Center shall be paid by the person liable at a daily rate as determined by the Board of Commissioners. In instances where the Animal Services Center must impound the animal(s) at a private facility or kennel, the person liable for the animal will pay the rate established by those facilities.

2. Release from impoundment.

(a) No dog deemed dangerous or potentially dangerous who has been impounded by the Animal Services Center shall be released to the owner from impoundment except upon proof submitted by the owner or person liable for the animal that all the elements of this Ordinance have been met.

(b) If criminal charges have been brought against the owner for failure to comply with this Ordinance or for interference with the operations of the Animal Services Center, no dog deemed dangerous shall be released from Animal Services until determined by a court of competent jurisdiction. During this time while the dog is impounded, it cannot be euthanized and the cost of impoundment shall be charged to the owner.

- (c) No dog deemed dangerous or potentially dangerous may be adopted by another person until that person can prove to the Animal Services Center that the proper provisions for care and maintenance as outlined in this Ordinance have been made for the animal.

§ 66A-11. Mistreatment of animals prohibited.

It shall be unlawful for any person owning, keeping or responsible for an animal to deprive or cause to be deprived any domestic animal of adequate food, water, necessary medical attention and adequate shelter.

- A. Adequate food and water, as defined below, must be provided for all domestic animals.

ADEQUATE FOOD — The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foods shall be served in a receptacle, dish, or container that is physically clean.

ADEQUATE WATER — Adequate water means the access to a sufficient supply of clean, fresh water provided at suitable intervals for the animal's physical needs and the climatic conditions.

- B. Necessary medical attention. No person owning, keeping, or responsible for any domestic an animal shall fail to supply the animal with necessary medical attention when the animal suffers from illness, injury, or disease.
- C. ADEQUATE SHELTER, protection from the weather and humanely clean conditions. No persons owning, keeping or responsible for any domestic an animal shall fail to provide the animal with appropriate shelter, protection from the weather and humanely clean conditions as prescribed in this section.
- (1) When confinement prohibited. No animal may intentionally be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when to do so would expose the animal to heat or cold harmful to its health.
 - (2) Standards for chaining. No domestic animal may be chained outdoors unattended without a chain/cable of suitable length designed and placed to prevent choking or strangulation, with the area free of obstacles so that the animal may have access to food, water, and shelter.
- D. Properly fitted collars required. An owner of a dog or cat an animal shall not permit injury or inflict pain upon such animal from an improperly fitting or embedded collar or harness.
- E. It shall be illegal to own, keep, or harbor an animal for the purpose of fighting

other animals; or attacking other animals or people except for protecting the owner or owner's real property. It shall be illegal to sponsor, promote, organize animal fights, or provide animals for fighting including but not limited to dog fighting and cock fighting.

§ 66A-12. Destruction of animals that cannot be seized by reasonable means.

Notwithstanding any other provision of this chapter, a dog or cat that cannot be seized by reasonable and normal means, trapped in a humane, live-capture animal trap, or tranquilized, may be humanely destroyed in the field by the Sheriff or other law enforcement officers. Vicious, dangerous/potentially dangerous animals so designated, or an animal attacking a human being, another pet, or livestock may be immediately destroyed, if such destruction is necessary for the protection of the public health and safety.

§ 66A-13. Setting humane animal traps; authority to receive trapped animals.

The Animal Service Director and Animal Service Officers are authorized to place, upon request, County-owned live-capture animal traps on private or public property to trap and remove stray, at large, unwanted, or nuisance dogs or cats. It is unlawful for any person other than the Animal Service Director or an Animal Service Officer to remove any dog or cat from the trap or to damage, destroy, or move, or tamper with the trap. The Animal Service Director is authorized to receive and impound animals that are trapped by other agencies or persons. Animal Service Officers may not remove animals from privately owned traps in the field. Privately owned traps may be brought to the Animal Service Center for removal of animals.

§ 66A-14. Impoundment.

- A. In general. Any dog or cat found being mistreated or kept under unsanitary or inhumane conditions, as provided in § 66A-11; any dog or cat found to be a public nuisance, as provided in § 66A-8; or any dog or cat found to be not wearing a currently valid rabies vaccination tag off the owner's property as required shall be seized, impounded, and confined by the Animal Service Officer and confined in the Animal Service Center in a humane manner. Impoundment of such dog or cat shall not relieve the owner thereof of any penalty which may be imposed for violation of any provision of this chapter occurring prior to the date of the impoundment.
- B. Notice to owner. Immediately upon impounding a dog or cat, the Animal Service Director or his designee shall make reasonable efforts to notify the owner and inform such owner of the conditions whereby the animal may be redeemed.

- C. Redemption by owner. The owner of a dog or cat impounded under this chapter may redeem the animal and regain possession thereof in accordance with the rules and fees set by the Board of County Commissioners in the policies for operation of the County Animal Service Center and by complying with all applicable provisions of this chapter and by paying all fees and civil penalties due. Fee rates shall be available for public inspection in the office of the Clerk to the Board of County Commissioners and at the Animal Service Center. The owner of the impounded animal shall be liable for the daily cost of impoundment to the Animal Services Center, as established in the fee schedule. All animals will have proof of current rabies vaccination and microchips prior to release at the owner's expense. All animals shall be altered prior to release under the terms of §66A-59(B) of this Ordinance. All fees and expenses must be paid prior to the release of the animal.
- D. Adoption or euthanasia of unredeemed dog or cat.
- (1) If any impounded stray dog or cat is not redeemed by the owner within five days of impoundment (72 hours for puppies and kittens under four months old), then such animal may be offered for adoption or destroyed in a humane manner. Animals that are voluntarily turned over to the Animal Service Center by the owner may be adopted or, if adoption attempts are unsuccessful within a reasonable period (or immediately if in the opinion of the Animal Services Director adoption efforts would be fruitless or in violation of this chapter), subject to euthanasia.
 - (2) No animal owner may be permitted to claim her/his animal under the provisions of this section unless and until he/she shall comply with the provisions of the policies for operation of the County Animal Service Center for same.
 - (3) All unaltered dogs and cats adopted from the Animal Service Center shall be spayed or neutered prior to adoption or with a voucher and/or deposit to use their own veterinarian within 30 days of adoption. If the animal is under 2 months old or under 2 pounds in weight or has a recognized medical condition, the animal must be altered at such time as it is deemed appropriate by a veterinarian.
 - (4) All dogs and cats adopted from the Animal Service Center which do not already have implanted in them a microchip shall have the same implanted in them prior to adoption.
 - (5) All dogs and cats adopted from the Animal Service Center shall have proof of current rabies vaccination or a deposit to receive a rabies voucher prior to adoption. In the case of a voucher, proof of a rabies vaccine must be provided within 2 weeks of adoption. If there is no proof after 2 weeks, the deposit will be retained by Animal Services, and possible criminal and civil fines may be assessed against the owner.

- (6) Exceptions:
- a. The Animal Service Center has the right to refuse adoption of animals to persons less than 18 years of age.
 - b. The Animal Service Center has the right to refuse adoption of animals to persons or organizations who have been cited for violations previously under this Ordinance or state law.
 - c. Organizations shall only be permitted to foster or adopt animals from the Henderson County Animal Service Center after providing evidence that all required services, care, maintenance have been provided, obtain all necessary permits and licenses for the animals and pay all related costs and fees.
 - d. The Animal Service Center has the right to refuse adoption of animals to any individual who has relinquished an animal within the last 12 months.
 - e. The Animal Services Center has the right to refuse the adoption of dogs deemed dangerous/ potentially dangerous by persons, organizations, or establishments and Animal Services will ensure the new owner(s) have met the requirements under this Ordinance for control measures and enclosures.

- (7) Fee Schedule for Impoundment/Adoption of Animals shall be established by the Board of Commissioners.

- E. Suspected rabid dogs or cats not to be redeemed or adopted. Notwithstanding any other provision of this chapter, dogs or cats impounded which appear to be suffering from rabies shall not be redeemed or adopted but shall be dealt with in accordance with General Statutes Chapter 130A.
- F. Final disposition of all unclaimed animals shall be arranged for by the Animal Service Director. The Animal Services Director or designee shall retain sole authority to determine the final disposition of each animal in (its) custody once that animal becomes the property of the County of Henderson and shall not place any animal for adoption that is classified in this chapter as prohibited.
- G. The Animal Service Center will not adopt out any animal that demonstrates or has demonstrated aggressive behavior, or any animal that appears to be unhealthy.

§ 66A-15. Voluntary relinquishment of dogs and cats.

Owners wishing to relinquish dogs or cats in their possession may do so by delivering the same to the Animal Service Center. Such dogs or cats will be subject to the impoundment provisions set out in § 66A-14, except that no attempt to contact the owner is required.

Owners must also affirmatively represent in writing

- A. That he or she is the legal owner of the dog or cat;
- B. That the owner permits the animal to be placed for adoption or humanely destroyed;
- C. That the owner will indemnify and hold the Animal Service Center and County harmless for fees, by reason of destruction of, or placement for adoption of, said animal; and
- D. That the owner transfers ownership of said animal to the Animal Service Center and releases the Department from any and all future claims with respect to said animal.

§ 66A-16. Redemption of unvaccinated animal.

- A. Proof of vaccination. Unless proof of a current rabies vaccination can be furnished, every person who redeems a dog or cat at the Animal Service Center must obtain (and pay the fee for) a rabies vaccination to be administered within the time period as set below or receive a citation for failure to vaccinate.
- B. Payment. Payment for the rabies vaccination provided for in this section will be the responsibility of the person redeeming the dog or cat. The owner must pay all related fees and fines prior to the release of the animal.
- C. Time period for vaccination:
 - (1) For dogs and cats less than 4 months old: within 2 weeks of the dog or cat's 4-month birthday.
 - (2) For dogs and cats more than 4 months old: within 2 weeks of taking the dog or cat from the Animal Service Center.

§ 66A-17. Euthanasia of wounded, diseased, and unwanted animals.

Notwithstanding any other provision of this chapter, any dog or cat impounded which is badly wounded or diseased (not suspected of rabies) and has no identification shall be subject to euthanasia immediately upon approval of the Animal Services Director or his/her designee. If the dog or cat has identification, the Animal Service Center shall attempt to notify the owner before euthanizing such animal.

§ 66A-18. Relation to hunting laws.

Nothing in this chapter is intended to be in conflict with the General Statutes regulating, restricting, authorizing or otherwise affecting dogs while used in lawful hunting.

§ 66A-19. Violations and penalties.

The following penalties shall pertain to violations of this chapter:

- A. Misdemeanor. The violation of any provision of this chapter shall be a misdemeanor, and any person convicted of such violation shall be punishable as provided in General Statutes 14-4 or other applicable law. Each violation of this chapter (or if a continuing violation, each day in which the violation continues) is a separate offense. **Each violation for each animal is a separate offense.** Payment of a fine imposed in criminal proceedings pursuant to this subsection does not affect the liability for fees or civil penalties imposed under this chapter.
- B. Enforcement. Enforcement of this chapter may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to General Statutes § 153A-123(d) and (e).
- C. Issuance of a citation. Issuance of a citation for violation of this chapter is directed toward and against the owner. The purpose of the issuance of a citation is to affect the conduct of the owner by seeking to have the owner insure compliance with this chapter. The issuance of a citation hereunder shall not affect the prosecution of a violation hereof as a misdemeanor as provided above. A citation shall:
- (1) Give notice of the violation(s) alleged of the owner;
 - (2) State the civil penalties for such violation(s);
 - (3) State the date by which any penalties for such violation(s) must be paid; and
 - (4) State that the County may initiate after such date a civil action to collect the civil penalties which are and may become due.
- D. Civil penalties. In addition to and independent of any criminal penalties and other sanctions provided in this article, violations of this article may also subject the offender to the civil penalties hereinafter set forth.
- (1) The Animal Service Director, Animal Service Officers, Sheriff, or Sheriff's Deputies may issue to the known owner of any animal, or to any other violator of the provisions of this chapter, a citation. Citations so issued may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot be readily found. The citation shall impose upon the violator a minimum civil penalty of \$50 or such greater amounts for offenses as may be set by ordinance. The imposed civil penalty shall be paid in full to the Animal Service Center within 30 days of receipt of the citation assessing the civil penalty. This civil penalty is in addition to other fees or costs authorized by this chapter.
 - (2) In the event that the owner of an animal or other alleged violator does not respond to the above-described citation, or the applicable civil penalty is not paid within the time period prescribed, a civil action may

be commenced to recover the penalty and costs associated with collection of the penalty, and/or a criminal summons may be issued against the owner or other alleged violator of this chapter, and upon conviction, the owner shall be punished as provided by state law. The Animal Service Director is expressly authorized to initiate and prosecute small claims actions in District Court to collect civil penalties and fees due to the Department and may call on the County Legal Department for assistance as needed.

(3) Each violation of this Ordinance is a separate fine. Each day in violation and each animal kept in violation are considered separate offenses and may be fined for each individually.

(4) The following civil penalties are hereby established for each incident violation of this chapter: **[Amended 3-23-2005]**

Section Violated	Animal Service Civil Penalty Fee Schedule Description	Civil Penalty Fee
66A-7A	Interference with Animal Service Officer, or agent (per incident)	\$500
66A-7B	Concealment of an animal to evade ordinance (per day of violation)	\$100
66A-8	Public nuisance: First violation	Written warning only
	Second violation	\$50
	Third (and subsequent) violation (per day of violation)	\$100
66A-10	Keeping a dangerous/potentially dangerous dog: Unattended/loose/unrestrained (per day)	\$500
	Without tattoo/microchip (per day)	\$500
	Failing to notify of change of address or death (per day)	\$500
	Failing to present proof of transferee responsibility (per day)	\$1,000
66A-11	Mistreatment of an animal (per day)	\$500
66A-13	Release of an animal from County-owned trap (per incident)	\$100

- (5) Any person who fails to pay a fine within period of 10 days after receiving citation shall be deemed to have committed a misdemeanor and a warrant may be issued for the person's arrest. Prosecution under this section shall require proof of the occurrence of the underlying facts giving rise to the notice of citation.
- (6) The owner of a dangerous or potentially dangerous animal shall be strictly liable in civil damages for any injuries or property damage the animal inflicts upon a person, his property or another animal as per North Carolina General Statute 67-4.4.
- E. Interference. It shall be unlawful for any person to interfere with, hinder, molest, resist or obstruct any employee or agent of the Department in the performance of any duty authorized by law or ordinance, or to seek to release any domestic animal in the custody of such employees or agents (including from traps, cages, or other enclosures) except as specifically provided or authorized by the Department.
- F. Effective date. Section 66A-19C and D shall not be effective until an effective date for such subsections is adopted by the Board of Commissioners of Henderson County at a meeting subsequent to the meeting at which the remainder of Chapter 66A is initially adopted. Pending such effective date, Animal Service employees and its Director are hereby empowered, upon having knowledge of a violation which would result in a civil penalty under § 66A-19D if such section were in effect, to issue a warning citation, notifying the recipient of the violation alleged and the penalty which would result from such violation if § 66A-19D were at that point effective.

§ 66A-20. Severability.

If any part of this chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts.

§ 66A-21. Fees.

Fees for Animal Service services will be set each year in the County's budget resolution. All such fees owed must be paid prior to the release of any impounded animal.

§ 66A-22. Collection of dogs and cats for resale prohibited.

It shall be unlawful for any person to collect living companion animals within the County for the purpose of resale. The term "collect" shall include but is not limited to home solicitations or the setting of traps on any land within the County for the purpose of reselling animals.

§ 66A-23. Notice in case of injury.

It shall be unlawful for any person who causes injury to a domestic animal by any means, specifically including, but not limited to, hitting a domestic animal with any vehicle, to fail to notify within 24 hours of such injury at least one of the following:

- A. The owner of the animal.
- B. An Animal Service Officer.
- C. An appropriate law enforcement official.
- D. The Animal Service Center.

§ 66A-24. Restraint/confinement of dogs and cats required. [Added 5-19-2006]

- A. As used in this section, a "domestic animal" means any dog or cat which can be vaccinated against rabies with an approved rabies vaccine, and which has an established rabies quarantine observation period.
- B. No person owning or 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 on the private property or premises of the person owning or having charge, care, custody or control of such domestic animal.
- C. When not on the owner's property, a 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 section 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 and/or owner 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, field trial or similar event.
 - (4) Dogs used for law enforcement while training and/or acting in the line of duty.

§66A- 25 to 49. (Reserved)

Part 2 Rabies

ARTICLE II Rabies Control

§ 66A-50. Compliance with state rabies laws; supplement to state rabies laws.

- A. Failure to comply unlawful. It shall be unlawful for any animal owner or other person to fail to comply with the state public health laws relating to the control of rabies.
- B. Providing procedure. It is the purpose of this chapter to supplement the General Statutes by providing procedure for the enforcement of state laws relating to rabies control (in addition to the criminal penalties provided by the General Statutes).

§ 66A-51. Vaccination of dogs, cats and other pets.

- A. Failure to vaccinate unlawful. It shall be unlawful for an owner to fail to provide current vaccination against rabies for any dog or cat four months of age or older. Should it be required by the County Director of Public Health that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current vaccination against rabies for that pet.
- B. Current rabies vaccination. The owner of every dog and cat over four months of age shall have the animal vaccinated against rabies. The time or times of vaccination shall be established by the State Veterinary Commission. Rabies vaccine shall be administered as required in General Statutes § 130A-185.
- C. Adopted animals. Every dog or cat adopted from the Animal Services Center shall be vaccinated by a licensed veterinarian or certified rabies vaccinator within 2 weeks of adoption. If the animal is not vaccinated prior to adoption, a voucher shall be given in exchange for a \$100 deposit. If proof of vaccination is not provided to Animal Services within 2 weeks of adoption, Animal Services shall keep the deposit. In addition, the adopted animal may be impounded by Animal Services and/or penalties may be assessed against the owner.
- D. Failure to vaccinate; penalty. The owner of a dog or cat not having a current rabies vaccination shall be subject to a civil penalty as determined in this chapter if such owner does not produce a valid and current rabies vaccination tag or form within 10 days of the demand for same by an Animal Service Officer or law enforcement officer. Failure to produce the tag or form under this subsection is a separate offense for each animal.
- E. Certification of vaccination. The owners of dogs and cats 4 months of age or

older shall have the dogs or cats vaccinated against rabies with an approved vaccine administered by a licensed veterinarian. The veterinarian shall issue the owner of the animal a vaccination certificate and such owner shall retain such certificate until vaccination is renewed. At the time of vaccination, a owner shall be issued a metal tag by the veterinarian showing the information required by North Carolina state law.

- F. Tag required to be worn. Every owner of cat or dog shall affix on the dog or cat at all times while off its owner's premises. It shall be unlawful for any person other than the owner to remove the collar from the dog or cat. Tags do not have to be worn in the following situations: confinement on owner's premises; animal shows; obedience trials; tracking tests; field trials; training schools or events by a recognized organization; supervised hunting.
- G. Tag, certificate etc. not transferable. No person shall use a rabies tag or veterinarian certificate or receipt for any dog or cat than for the dog or cat to which the rabies tag, veterinarian certificate or receipt was issued.
- H. Owner to provide proof of vaccination. Any Animal Services office or any law enforcement officer may at any reasonable time require an owner to provide proof of rabies vaccination for any animals required so to be vaccinated. Any owner not possessing a current rabies tag, certificate, or receipt for such dog or cat over four months of age may be cited by the Animal Services Officer or law enforcement.
- I. Impoundment. Any animal found off the owner's property not wearing the required vaccination tag shall be impounded by an Animal Services officer. During the impoundment period, the Animal Services officer shall make reasonable efforts to locate the animal's owner. No animal shall be released until it is vaccinated against rabies or the Animal Services Center is presented with evidence of current vaccination. An animal impounded under this section shall be released to its owner upon payment of all applicable fees, payment for care during the impoundment, and cost of vaccination when necessary. If the animal's owner is not found or the owner does not reclaim the animal section 66A-14 of this ordinance shall apply.
- J. Hybrid dogs.
- (1) Defined. A "hybrid dog" is any animal which is the product of the breeding of a dog with a nondomesticated animal (including but not limited to wolves or other hybrid animals).
 - (2) All hybrid dogs shall be vaccinated against rabies on the same schedule as any other dog. It is the intent of the provisions of this subject not to protect hybrid dogs but rather to protect the public safety in the event such hybrid dog should bite a person, and by lowering the pool of animals which could contract rabies.

- (3) Notwithstanding the rabies vaccination status of a hybrid dog, a hybrid dog shall be immediately subject to euthanasia if a hybrid dog bites a human or domesticated animal.

§ 66A-52. Report and confinement of dogs and cats biting persons or showing symptoms of rabies.

- A. Quarantine. Every dog or cat which has bitten any person or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the Animal Service Center, and thereupon shall be securely quarantined, at the direction of the Animal Service Center, for 10 days commencing from the time of the bite. Dogs and cats may be housed at locations other than the County Animal Service Center upon prior approval from the County Director of Public Health or Animal Service Director that said alternate location meets proper confinement specifications as enumerated herein and set forth in Animal Service Center protocols. Animals quarantined under this section shall be confined at the expense of the owner.
- B. Authority to seize animals for noncompliance. If the owner or the person who controls or possesses the dog or cat refuses to confine the animal as required by this section, the County Director of Public Health may order seizure of the animal and its confinement for 10 days in such a place as the County Director of Public Health designates, at the expense of the owner.
- C. Release upon permission of County Director of Public Health. Animals confined pursuant to this article shall not be released from confinement except by permission from the County Director of Public Health or his designee.
- D. Disposition of animal other than dog, cat or ferret. An animal other than a dog or cat or ferret that bites a person shall be immediately euthanized and its head forwarded to the North Carolina State Laboratory of Public Health for rabies testing.
- E. Quarantine of stray animals. In the case of stray animals whose ownership is not known, the supervised quarantine required by this section shall be at the County Animal Service Center.
- F. Authority to euthanize unclaimed animals. If any animal is unclaimed after a ten-day confinement, then the County Animal Service Director may have the animal euthanized.
- G. Release from quarantine. If rabies does not develop within the ten-day quarantine period under this section, the animal may be released from quarantine to its owner. If the animal has been confined in the County Animal Service Center, upon reclaiming the animal, the owner shall pay any such fee established by resolution of the Board of County Commissioners for each day of confinement to defray the cost of sheltering the animal.

- H. Report of bites. Every physician or other medical practitioner who treats a person or persons for any animal bite or scratch or any person having knowledge of an animal bite or scratch shall within 12 hours, report such treatment to the Animal Service Center giving the name, age, sex and precise location of the bitten/scratched person or persons and such other information as the officer or agency may require.
- I. Euthanization of wounded, diseased or suffering animals. Badly wounded, diseased, or suffering animals, which are suspected of having rabies, may be humanely euthanized immediately, and the head forwarded for rabies testing.

§ 66A-53. Destruction or confinement of animal bitten by known rabid animal.

- A. Animals not vaccinated against rabies which are bitten by a known rabid animal or rabies suspect shall be immediately destroyed, unless the owner agrees to strict isolation of the animal at a veterinary hospital for a period of up to six months at the owner's expense.
- B. If the animal has a current rabies vaccination, it shall be revaccinated within 72 hours of the bite and confined for a period of up to six weeks.

§ 66A-54. Area-wide emergency quarantine.

- A. Quarantine ordered. When reports indicate a positive diagnosis of rabies in an animal found within Henderson County or any adjacent County, the County Director of Public Health may order an area-wide quarantine for such period, as he/she deems necessary. Upon invoking of such emergency quarantine, no dog or cat may be taken or shipped from the County without written permission of the County Director of Public Health. No animal shall be adopted if it is a stray unclaimed by its owner or keeper, except by special authorization from the County Public Health Director. All Animal Service and law enforcement officers are duly authorized in North Carolina General Statutes § 130A-195 to seize, impound, or shoot any dog or cat found not under control in the County during an emergency quarantine. During the quarantine period, the County Director of Public Health shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the County.
- B. Extension of quarantine. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the County Director of Public Health.

§ 66A-55. Postmortem rabies testing.

- A. Testing of dogs or cats under observation. If a dog or cat dies while under observation for rabies, the dog or cat shall be submitted to the Western Animal Disease Diagnostic Laboratory for shipment to the State Laboratory of Public Health for rabies testing.
- B. Surrender of dead dog or cat. The carcass of any dead dog or cat exposed to rabies shall be surrendered to the Animal Service Center. The animal shall be submitted to the Western Animal Disease Diagnostic Laboratory for shipment to the State Laboratory of Public Health for rabies testing.

§ 66A-56. Unlawful killing or releasing of certain animals.

It shall be unlawful for any person to kill or release any dog or cat under observation for rabies, suspected of having been exposed to rabies, or biting a human, or to remove such dog or cat from the County without written permission from the County Director of Public Health. Violation of this section shall be subject to penalties as prescribed in § 66A-58.

§ 66A-57. Failure to surrender dog or cat for quarantine or euthanasia.

It shall be unlawful for any person to fail or refuse to surrender any dog or cat for quarantine or euthanasia as required in this chapter when demand is made therefore by the County Director of Public Health or his/her designee.

§ 66A-58. Civil penalties.

In addition to and independent of any criminal penalties and other sanctions provided in this article, violation of this article may also subject the offender to the civil penalties hereinafter set forth.

- A. The Animal Service Director, officers, Sheriff, or Sheriff's Deputies may issue to the known owner of any animal, or to any other violator of the provisions of this chapter, a citation. Citations so issued may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot be readily found. The citation shall impose upon the violator a minimum civil penalty of \$50 or such greater amounts for offenses as may be set by ordinance. The imposed civil penalty shall be paid in full to the Animal Service Center within 30 days of receipt of the citation assessing the civil penalty. This civil penalty is in addition to other fees or costs authorized by this chapter.
- B. In the event that the owner of an animal or other alleged violator does not appear in response to the above-described citation, or the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty, and/or criminal summons may be issued against the owner or other alleged violator of this chapter, and upon conviction, the owner shall be

punished as provided by state law. The Animal Service Director is expressly authorized to initiate and prosecute small claims actions in District Court to collect civil penalties and fees due to the Department and may call on the County Legal Department for assistance as needed.

- C. The following civil penalties are hereby established and subject to revision by the Board of County Commissioners for each incident violation of this chapter:

Section Violated	Animal Service Civil Penalty Fee Schedule Description	Civil Penalty Fee
66A-51C	Failure to have current rabies vaccination for an animal (per day, not including quarantine time)	\$100
66A-56	Killing or release of an observed animal	\$500
66A-57	Failure to surrender an animal for rabies quarantine (per day)	\$250

§ 66A-59 Spay-Neuter Program

A. Adopted Animals. All cats and dogs 4 months of age or older adopted out in Henderson County must be altered prior to adoption.

(1) For the purpose of this section, adoption means not commercially sold and includes but is not limited to adoptions coordinated through the Henderson County Animal Service Center, all rescues, havens, shelters or other animal welfare non-profit organizations.

(2) Any animals that are fostered must likewise be altered prior to the animal leaving with the foster owner. If the foster arrangement is organized through a nonprofit organization, the organization shall be responsible for altering the animal; if an individual initiates the foster arrangement, the person will be responsible for the alteration.

(3) Proof of alteration

a. Adopting agency must provide proof of alteration to the new owner at the time of adoption;

b. Proof of alteration must also be provided to Henderson County Animal services by all adopting agencies on a quarterly basis;

c. Adopting agencies will be responsible for ensuring and providing evidence that animals adopted younger than 4 months old shall be altered upon reaching 4 months; failure to provide documentation for this may result in fines and penalties imposed on the adopting agency.

B. Impounded Animals

(1) All animals impounded by Animal Services shall be microchipped and altered prior to release or adoption except those included under one of the exemptions in section F(4) of this Article. If the animal is unaltered, the owner may pay for the alteration in addition to the impoundment and boarding fees and any fines accrued.

C. Dangerous Dogs. Any dogs deemed dangerous or potentially dangerous must be spayed or neutered within 10 days of the dangerous or potentially dangerous determination.

1. Proof of alteration must be made to Animal Services upon request at all times.
2. If the animal is unvaccinated against rabies and must be quarantined, the alteration shall take place within 10 days after the last day of the quarantine period.

D. Assistance Program.

1. Authority. Henderson County Animal Services is authorized to establish, equip, operate, maintain and provide spay/neuter services for Henderson County dogs and cats. Animal Services is likewise authorized to contract with any individual, corporation, nonprofit organization, governmental body or any other group for the purpose of providing alteration services for Henderson County cats and dogs.
2. Consent and waiver. The owner of an animal submitted for alteration under a Henderson County assistance program must sign a consent form certifying that he or she is the owner of the animal or is otherwise authorized to consent to the alteration. By signing the consent form, the owner shall waive any and all liability for any injury or death to an animal arising from the spaying and neutering services or any services incidental thereto. The owner shall indemnify Henderson County against any person's claim that the County did not have the authority or right to destroy the animal.
3. Voucher program. Vouchers may be available at the Henderson County Animal Services Center to low-income residents of Henderson County which may be redeemed for spay/neuter services at designated local providers.
4. Boarding charge. Henderson County Animal Services shall establish a return date by which a person submitting an animal for alteration shall pick up the animal or be subject to a reasonable boarding fee as established by Henderson County to commence after the return date. If the animal is not picked up within 5 business days of the return date, Animal Services shall consider the animal abandoned and/or relinquished and may adopt out or euthanize the animal as necessary.

E. Spay-Neuter Requirement

1. All dogs and cats in Henderson County must be altered except as specified in Section E(3) below;
2. Effective date. This Article shall have an effective date of _____ . For 60 days after the effective date, no citations or fines shall be given.
3. Exemptions. The following animals shall be exempt. The burden shall be on the pet owner to prove to the satisfaction of Animal Services that the animal falls under one of the exemptions.

- a. Dogs used by law enforcement and in search and rescue activities;
 - b. Service Animals such as guide dogs, seizure alert dogs, assistance dogs;
 - c. Dogs used for herding or guarding livestock;
 - d. Dogs of a customarily accepted hunting breed used for hunting;
 - e. Animals kept for the purpose of show, field trials, or agility trials including retired show dogs used for breeding purposes;
 - f. Animals where a veterinarian has found that it would be medically unreasonable to undergo a surgical procedure. These animals must altered at such a time when it is medically possible to alter the animal.
- F. Prohibition against giveaways in public places. It shall be unlawful to display any animal in a public place for the purpose of selling or giving the animal away.
1. This section does not apply to nonprofit organizations, as defined by the Internal Revenue Services 501(c)(3) designation, who may make animals available for adoption in public places as long as all necessary permits and permission are obtained and all animals adopted have been altered and have proof of current rabies vaccination.
 2. Giveaway- for the purpose of this Article a giveaway shall be defined as the act of giving away animals for free or for below standard market price or using the animals for prizes in games, contests or similar events.
- G. Enforcement.
1. A warning will only be issued under this section if the owner is in violation of another provision of the Henderson County Code. Upon discovering the animal(s) is unaltered, any future inspections by Animal Services may be done solely under this Article and do not require a violation under another section of the Animal Ordinance.
 2. The first time Animal Services comes in contact with an unaltered animal that does not fall under one of the exemptions, Animal Services shall educate the owner regarding the importance of altering the animal and shall provide them with information regarding the Henderson County spay/neuter requirement and resources available to spay or neuter the animal. The owner shall have 30 days to alter the animal and provide proof of the alteration to Animal Services. If after 30 days the animal has not been altered, the owner shall be cited with a \$100 fine and 30 days to provide Animal Services with proof of alteration. After the second 30 day period, if the animal has not been altered, the animal will be impounded. The animal will be altered before reclaim and the owner will have 5 business days to reclaim the animal before it

becomes the custody of Animal Services. In order to reclaim the animal, the owner must pay the alteration cost and the impoundment fee.

3. All remedies and penalties available in section 66A-19 of the Animal Ordinance or Section 1-14 of the Henderson County Code shall be likewise available under this Article.
4. Appeals. Any appeals under this Article must be made in writing to the Animal Services Director within 3 days from the time of the event connected to the appeal. Upon receipt of appeal, the Animal Services Appellate Board shall hear the appeal within 30 days.
 - a. If the animal in question is impounded during the appeal period, the owner shall be held responsible for those fees and must pay those fees prior to the animal's release regardless of the outcome of the appeal.

66A-60 to 79. (Reserved)

ARTICLE III: ANNUAL ANIMAL TAX AND LICENSES [ADDED 3-23-2005]

§66A- 80to 85. (Reserved)

ARTICLE IV Kennels and Catteries

§ 66A-86. Permit procedures.

A noncommercial kennel/cattery license permit, with categories set out in this article, is hereby established.

- A. Owners or operators of noncommercial 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 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 article.

- C. No person required by § 66A-86A to obtain a license permit may keep or shelter seven or more companion animals without first obtaining a permit under 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 article 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 article, 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 article that the Animal Service Officer's 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 10 years next preceding the date of the application shall be issued a license permit under 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 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 article shall be for a specified maximum number of animals.
 - (1) It shall be unlawful for any person required under 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 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 per animal per day during which a failure to comply with said regulations exists.

- K. In the absence of a permit issued pursuant to 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 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 per day per animal in excess of six.

§ 66A-87. License categories.

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

- A. General noncommercial 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 or 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 or 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.

§ 66A-88. Revocation of license.

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

§ 66A-89. Buffering of kennels and catteries.

- A. Buffers and screening requirements are hereby established in all zoning

districts allowing residential use for kennels and catteries (including noncommercial kennels and catteries), if kennels or catteries are allowed in such zones.

- B. All buffers must be sufficient to insure the peaceful use of all residences allowed in the district. The following are established as minimum buffers:
- (1) Setback of kennels and catteries from property boundaries of property upon which kennel or cattery sits: 100 feet.
 - (2) Planted visual screening border around kennel or cattery depth, at minimum height of eight feet: 15 feet.
 - (3) 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.

§ 66A-86- 66A-92 RESERVED

Article V. Livestock

§ 66A-94. Allowing livestock to run at large forbidden. If any person shall allow his livestock to run at large, he shall be guilty of a Class 3 misdemeanor.

§ 66A-95. Impounding livestock at large; right to recover costs and damages. Any person may take up any livestock running at large or straying and impound the same; and such impounder may recover from the owner the reasonable costs of impounding and maintaining the livestock as well as damages to the impounder caused by such livestock, and may retain the livestock, with the right to use with proper care until such recovery is had. Reasonable costs of impounding shall include any fees paid in order to locate the owner.

§ 66A-96. Notice and demand when owner known. If the owner of impounded livestock is or becomes known to the impounder, actual notice of the whereabouts of the impounded livestock must be immediately given to the owner and the impounder must then make demand upon the owner of the livestock for the costs of impoundment and the damages to the impounder, if any, caused by such livestock.

§ 66A-97. Notice when owner not known. If the owner of the impounded livestock is not known or cannot be found, the impounder shall inform the register of deeds that he has impounded the livestock and provide the register of deeds with a description of the livestock. The register of deeds shall record the information in a book kept for that purpose, and shall charge the impounder a fee of \$10.00. The register of deeds shall immediately publish a notice of the impoundment of the animal by

posting a notice on the courthouse door. The notice on the courthouse door shall be posted for 30 days, and shall contain a full description of the livestock impounded, including all marks or brands on the livestock, and shall state when and where the animal was taken up. The impounder shall publish once, in some newspaper published and distributed in the county, a notice containing the same information as the notice posted by the register of deeds. The fees for publishing the notice shall be paid by the impounder.

§ 66A-98. Determination of damages by selected landowners or by referee. If the owner and impounder cannot agree as to the cost of impounding and maintaining such livestock, as well as damages to the impounder caused by such livestock running at large, then such costs and damages shall be determined by three disinterested landowners, one to be selected by the owner of the livestock, one to be selected by the impounder and a third to be selected by the first two. If within 10 days a majority of the landowners so selected cannot agree, or if the owner of the livestock or the impounder fails to make his selection, or if the two selected fail to select a third, then the clerk of superior court of the county where the livestock is impounded shall select a referee. The determination of such costs and damages by the landowners or by the referee shall be final.

§ 66A-99. Notice of sale and sale where owner fails to redeem or is unknown; application of proceeds. If the owner fails to redeem his livestock within three days after the notice and demand as provided herein is received or within three days after the determination of the costs and damages as provided in this article, then, upon written notice fully describing the livestock, stating the place, date, and hour of sale posted at the courthouse door and 3 or more public places in the township where the owner resides, and after 10 days from such posting, the impounder shall sell the livestock at public auction. If the owner of the livestock remains unknown to the impounder, then, 30 days after publication of the notice required herein, the impounder shall post at the courthouse door and three public places in the township where the livestock is impounded a written notice fully describing the livestock, and stating the place, date, and hour of sale. After 20 days from such posting, the impounder shall sell the livestock at public auction. The proceeds of any such public sale shall be applied to pay the reasonable costs of impounding and maintaining the livestock and the damages to the impounder caused by the livestock. Reasonable costs of impounding shall include any fees paid pursuant to this article in an attempt to locate the owner of the livestock. The balance, if any, shall be paid to the owner of the livestock, if known, or, if the owner is not known, then to the school fund of the county where the livestock was impounded.

§66A-100. Illegally releasing or receiving impounded livestock misdemeanor. If any person willfully releases any lawfully impounded livestock without the permission of the impounder or receives such livestock knowing that it was unlawfully released, he shall be guilty of a Class 3 misdemeanor.

§ 66A-101. Impounded livestock to be fed and watered. If any person shall impound or cause to be impounded any livestock and shall fail to supply to the livestock during the confinement a reasonably adequate quantity of good and wholesome feed and water, he shall be guilty of a Class 3 misdemeanor.

§ 66A-102. Right to feed impounded livestock; owner liable. When any livestock is impounded under the provisions of this Chapter and remains without reasonably adequate feed and water for more than 24 hours, any person may lawfully enter the area of impoundment to supply the livestock with feed and water. Such person shall not be liable in trespass for such entry and may recover of the owner or, if the owner is unknown, of the impounder of the livestock, the reasonable costs of the feed and water.

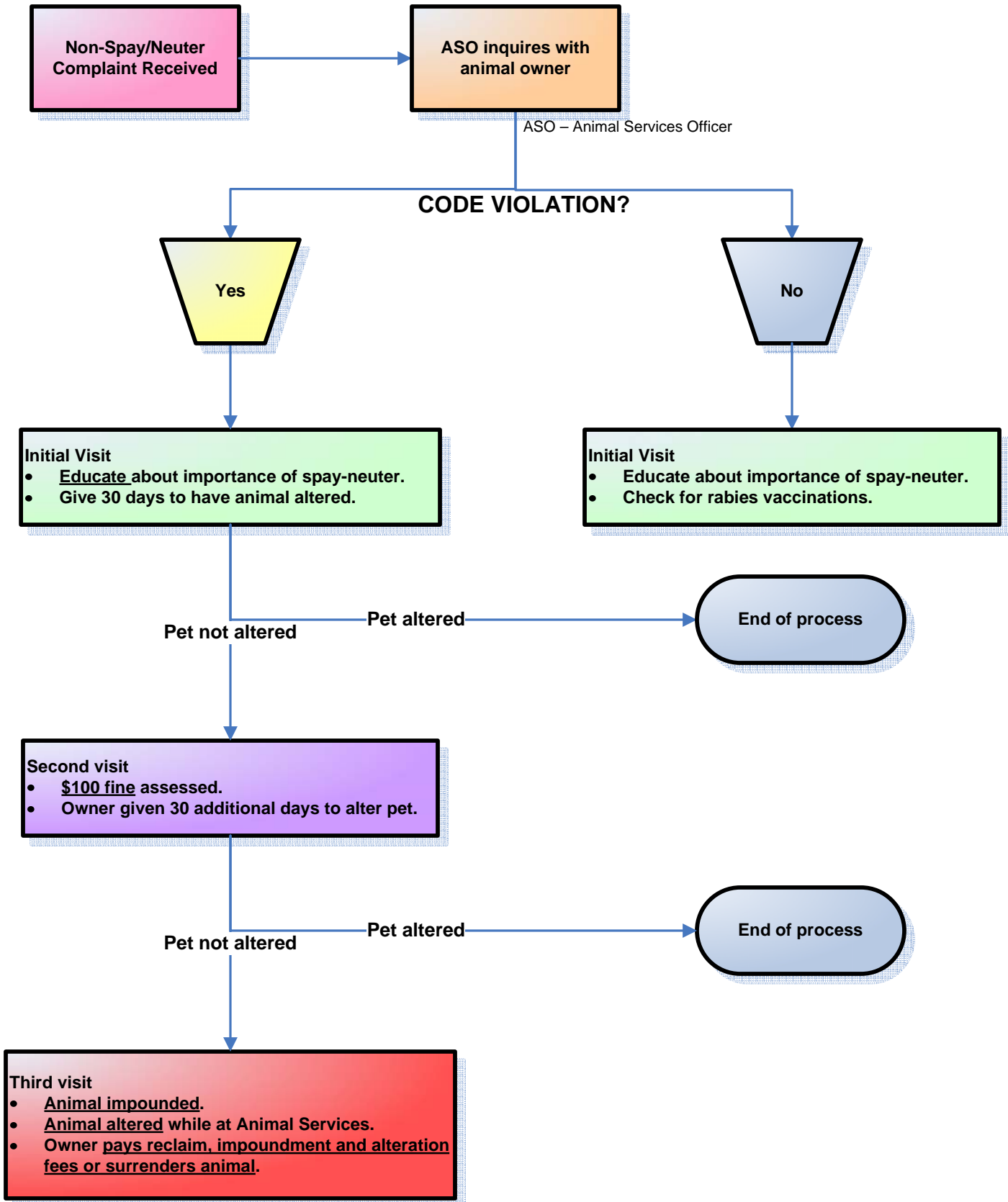
§ 66A-103. Penalties for violation of this Article. A violation of this article is a Class 3 misdemeanor.

§ 66A-104. Domestic fowls running at large after notice. If any person shall permit any turkeys, geese, chickens, ducks or other domestic fowls to run at large on the lands of any other person while such lands are under cultivation in any kind of grain or feedstuff or while being used for gardens or ornamental purposes, after having received actual or constructive notice of such running at large, he shall be guilty of a Class 3 misdemeanor.

If it shall appear to any magistrate that after three days' notice any person persists in allowing his fowls to run at large in violation of this section and fails or refuses to keep them upon his own premises, then the said magistrate may, in his discretion, order any sheriff or other officer to kill the fowls when they are running at large as herein provided.

Spay-Neuter Enforcement Process

Henderson County Animal Services



SPAY/NEUTER PROGRAM COMMUNICATIONS PLAN

The following are tool that the Animal Services Department may use in communicating the changes to the Animal Ordinance and to educate the community about the importance of spaying and neutering pets.

1. Create Spay/Neuter Program form/poster/flyer:
 - Distribute to Henderson County Animal Services for distribution to public
 - Distribute to Henderson County Library for distribution at reference desks of all branches
2. Animal Services Officers distribute Spay/Neuter Program brochure when they visit pet owners to investigate complaints. (See brochure attached.)
3. Send out Press Release to all local media outlets notifying public of Spay/Neuter program (6 newspapers, 4 TV stations, 3 radio outlets)
4. Send content of spay/neuter program to IT dept. staff to be put on county web site and on Animal Services web site
5. Article in Henderson Highlights (e-newsletter to the community) about spay/neuter program
6. Article in FYI (e-newsletter to county employees) about spay/neuter program
7. Create character generator slide to run on HCTV-11 highlighting spay/neuter program
8. Consider creating/taping a 30-minute program on HCTV-11 about spay/neuter program
9. Consider purchasing advertising in:
 1. Hendersonville Times-News
 2. Hendersonville Tribune
 3. Pisgah Mountain News

Spay-Neuter Assistance Program

Vouchers are available at the Henderson County Animal Services Center to assist low-income residents with the expenses associated with spaying and neutering their pets. These vouchers may be redeemed for spay/neuter services at designated local providers.

Henderson County Animal Services contracts with the Humane Alliance Spay/Neuter Clinic located in Asheville. Humane Alliance provides high volume, high quality, targeted, affordable sterilization services of companion animals. This partnership allows Henderson County to provide its residents with low-cost spay-neuter services for their pets.

More information on the Humane Alliance Spay/Neuter Clinic may be found at:

www.humanealliance.org



And now a note on your pet's

GENERAL GOOD HEALTH

A healthy pet is a happy companion. Your pet's daily well-being requires regular care and close attention to any hint of ill health. The American Veterinary Medical Association suggests that you consult your veterinarian if your pet shows any of the following signs:

- Lumps or swelling
- Reduced or excessive appetite or water intake
- Marked weight loss or gain
- Limping, stiffness, or difficulty getting up
- Difficult, discolored, excessive or uncontrolled waste elimination (urine and feces)
- Abnormal discharges from any body opening
- Head shaking, scratching, licking, or coat irregularities
- Changes in behavior or fatigue
- Foul breath or excessive tartar deposits on teeth.

Pets age more rapidly than people and can develop disease conditions that can go unnoticed, even to the most attentive pet owner. Veterinarians are skilled in detecting conditions that have gradual onset and subtle signs. Early detection allows problems to be treated most easily and affordably. Help foster early detection and treatment by scheduling regular examinations.

- American Veterinary Medical Association

Henderson County Animal Services

828 Stoney Mountain Road
Hendersonville, N.C. 28791
Phone: (828) 697-4723

www.hendersoncountync.org/animals

For emergency service after hours, holidays, and on weekends, call the Sheriff's Department at 697-4911 and they will contact the on-call Animal Services Officer.

spaying & neutering



save a life



Did You Know?

1 female cat and her offspring can produce 420,000 cats within 7 years?

1 female dog and her offspring can produce 67,000 dogs within 7 years?

be a responsible pet owner
spay or neuter your pet.

spaying and neutering of pets

The Pet Population Problem

Every year, millions of unwanted dogs and cats, including puppies and kittens, are needlessly destroyed. The good news is that every pet owner can make a difference. By having your dog or cat surgically sterilized, you will do your part to prevent the birth of unwanted puppies and kittens and you will enhance your pet's health and quality of life.

What is the Best Age to Spay or Neuter my Pet?

Most veterinarians suggest that pets should be spayed or neutered after the age of 4 months, although it may be done earlier in some cases.

Is the Expense for the Surgery Really Worth it?

Yes! This one-time expense can dramatically improve your pet's quality of life. If you are still uncertain whether or

not to proceed with the surgery, consider the expense to society of collecting and caring for all unwanted, abused, or abandoned animals being housed in shelters—most with little chance of finding permanent homes.



What are the Benefits of Spaying and Neutering?

Both spaying and neutering generally lead to improved long-term health, prevent unwanted litters, and eliminate many behavior problems associated with the mating instinct such as: mounting, spraying and fighting, which result in a decrease in costly vet bills too.

Benefits to your Female Pet

Spaying may help to reduce negative behavior in dogs and cats. Early spaying of females helps protect them from serious health problems later in life such as uterine infections, FIV, Leukemia, and breast cancer.

Benefits to your Male Pet

Neutering male dogs and cats tends have a calming effect that can make them less aggressive, less inclined to roam, mount, spray or fight and more content to stay at home. Neutering your male pet also improves his health by reducing the risk of prostate disease, testicular cancer, FIV, Leukemia, and infections.

For more information:
www.avma.org
www.ncraoa.com



Henderson County Animal Ordinance § 66A-59 Spay-Neuter Program

Henderson County's Animal Ordinance requires that all cats and dogs 4 months of age or older be spayed or neutered.

The County's Spay-Neuter Program has 3 main components:

1. Assistance program for low-income pet owners wishing to spay-neuter their pets;
2. Required alteration of all adopted/fostered animals, dogs deemed dangerous, and for animals impounded by Animal Services;
3. Requires spay-neuter by pet owners in Henderson County.

Although this revision requires all pets to be spayed or neutered, it is only enforced when there is another existing violation and takes place in three stages:

1. Education and a warning at initial visit by Animal Services Officer if the animal is not altered.
2. Assessment of \$100 fine at second visit if the animal is not altered.
3. Impoundment and forced alteration of the animal upon third visit by Animal Services Officer. Owner pays reclaim, impoundment, and alteration fees or surrenders the animal.

Exemptions: Assistance dogs, dogs used in law enforcement, hunting, herding, or shows are exempt as are animals who cannot medically undergo alteration because of age, weight, or medical condition.