

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: February 4, 2008

SUBJECT: Animal Ordinance Revisions

ATTACHMENTS: Yes

1. Summary of Revisions
2. Spay-Neuter Program Overview
3. Animal Ordinance with Revisions

SUMMARY OF REQUEST:

At the Board of Commissioners' December 19, 2007 regular meeting, the Board gave staff direction to revise the Animal Ordinance presented at that meeting to: 1) Revise the Ordinance to strike the countywide mandatory spay-neuter requirement except for animals adopted from the shelter; 2) Send the Livestock section to the Agriculture Advisory Board for comments; 3) Revise the fee schedule as necessary to accommodate for adequate enforcement of the Ordinance; and 4) Revise the Ordinance as necessary to reflect any Land Development Code issues. Staff has addressed the Board's issues as follows:

1. **Spay-Neuter Program.** Staff has developed a spay-neuter program that encourages voluntary alteration of animals, strengthens the County's educational efforts in this regard, requires all animals adopted from Animal Services to be altered prior to adoption, and imposes micro chipping and escalating fines for unaltered animals that are repeatedly impounded by the County.
2. **Livestock.** The Agriculture Advisory Board has reviewed the Livestock section of the Ordinance and had "no concerns" with the provisions, according to Soil & Water Director Jonathan Wallin.
3. **Fee Schedule.** Although the Board approves fee schedules annually with the budget, staff is recommending immediate revisions to the Animal Services fee schedule as follows: Increasing the reclaim fee from \$30 to \$50; imposing a \$100 fine and escalating fines and \$25 for responsible pet owner educational classes for owners of repeatedly impounded unaltered animals.
4. **Land Development Code Provisions regarding Kennels & Catteries.** The proposed draft incorporates buffering requirements as per the recently adopted Land Development Code and clarifies the licensing categories and permit fees for kennels and catteries.

BOARD ACTION REQUESTED:

Staff recommends the Board's review, discussion, and approval of the Animal Ordinance revisions as presented.

Suggested Motion:

I move that the Board of Commissioners adopt the Animal Ordinance revisions and respective fees as presented and authorize Animal Services to set up a special fund for spay-neuter assistance which will be supported with funds from reclaims, impoundment fines, educational classes and other appropriate sources.

SUMMARY OF 2/4/2008 REVISIONS TO ANIMAL SERVICES ORDINANCE

New Revisions (since December 19, 2007 draft):

- **Reassignment of Animal Enforcement Division [Throughout Document]**: This draft of the Animal Ordinance reflects the reassignment of the Animal Enforcement Officers to the Sheriff's Department. As written, the Ordinance will be enforced by the Animal Services Department in conjunction with the Sheriff's Office.
- **Animal Abandonment [Pages 22-23]**: This section clarifies how an abandoned animal is defined and explains the guidelines for adoption, euthanasia, and redemption of an abandoned animal. It also includes a prohibition against animal giveaways in public places.
- **Spay-Neuter Program [Pages 28-30]**: The Spay-Neuter Program proposed within this draft of the Animal Ordinance encourages the voluntary alteration of animals, strengthens the County's educational efforts in this regard, requires animals adopted from Animal Services to be altered prior to adoption, and imposes micro chipping and escalating fines for unaltered animals that are repeatedly impounded by the County.
- **Kennels and Catteries [Pages 31-33]**: This article incorporates buffering requirements as per the recently adopted Land Development Code and clarifies the licensing categories and permit fees for kennel and catteries.
- **Fee Schedule Revisions [Various]**: The proposed Ordinance incorporates recommendations for increasing the animal reclaim fee from \$30 to \$50 and imposes escalating fines and educational classes to be paid at the owners expense for repeatedly impounded unaltered animals.

Previous Revisions (originally presented in December 19, 2007 draft):

- **Definitions [Pages 1-5]**: The Definitions section has been modified to either add in terms (i.e. "hybrid", "kennel", "provocation") or revise existing terms (i.e. "public nuisance") for clarification based on interpretation problems that have arisen with staff and the public.
- **Purpose [Page 5]**: A purpose section was added to the Ordinance based on citizen inquiries and complaints about the role of the Animal Services Department. This purpose was constructed based solely on the authority given to the County by the State regarding animal services.
- **Role of Animal Services Advisory Committee [Page 6]**: The duties of the Advisory Board were described more thoroughly; in the current Ordinance the only assigned role is that of Appellate Board.
- **Public Nuisance [Pages 7-8]**: The existing "public nuisance" section was unclear, difficult to enforce, and overlapped with parts of the "dangerous dog" provisions. The revisions allow Animal Services to label both the behavior of an animal and the conditions animals are kept in as a public nuisance. This change is intended to correspond with and enhance the County's Nuisance Ordinance. Other additions provided more procedural protections for owners including a written allegation of public nuisance and an appeal process.

- **Dangerous Dog** [Page 9-13]: Recent problems with the County's enforcement of the dangerous dog ordinance led to some significant changes in the language to allow Animal Services to deem dogs dangerous or potentially dangerous sooner, describe the requirements for keeping a dangerous dog, and include the impoundment procedures.
- **Mistreatment of Animals** [Page 13-14]: Due to recent allegations of abuse of livestock, the mistreatment provision was expanded to include all animals. National attention to the crime of dog fighting gave rise to a provision outlawing animal fighting.
- **Impoundment, Adoption, and Relinquishment** [Pages15-17]: The following changes were made: 1) requires owner to pay for cost of impoundment; 2) allows Animal Services to microchip and vaccinate all impounded animals prior to release or adoption at owner's expense; 3) permits Animal Services to refuse adoption in certain circumstances; 4) requires owners to record in writing any wish to relinquish an animal.
- **Enforcement** [Page 18-20]: Changes clarify 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** [Pages 24-25]: The additions to this section: 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.
- **Livestock Article** [Pages 30-32]: 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.

OVERVIEW OF SPAY-NEUTER PROGRAM

What?

The proposed Spay-Neuter Program is intended to promote the voluntary alteration of dogs and cats through a financial assistance program, an effective adoption program, and educational outreach to County residents. This proposal incorporates input from the Animal Services Advisory Committee, local veterinarians, kennel operators, rescue groups, and the general public.

Who?

Proposal targets animals adopted from Henderson County Animal Services, requiring that all animals be spayed or neutered prior to adoption from Animal Services,

- Unless the animal is less than 4 months old.
- Including adoptions to rescue groups, shelters and other animal welfare groups.

How?

- **Assistance:** Financial assistance to help with adoption expenses
 - **Spay-Neuter Assistance Program (SNAP)** provides vouchers to low-income County residents who wish to adopt a pet from Henderson County Animal Services but do not have the resources to have the pet altered. SNAP may be funded via fines, registration fees for educational classes, donations, reclaim fees and boarding charges.
- **Education:** Outreach programs to encourage responsible pet ownership and the importance of spaying or neutering pets.
 - **Written information.** Distribution of educational information to pet owners regarding responsible pet ownership, importance of spaying/neutering pets, resources for pet owners.
 - **Educational events.** Animal Services will coordinate classes, events, and other activities to focus the community's awareness on animal issues.
- **Enforcement:** Includes educational requirements and fines for unaltered animals that are impounded repeatedly in a 12-month period. Fines go toward SNAP Program:
 - First Impoundment = Micro Chipping + Educational Materials
 - Second Impoundment = \$100 Fine or Educational Class at owner's expense (\$25 per)
 - Third+ Impoundment = Escalating Fine + Educational Class at owner's expense (\$25 per)

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 ENFORCEMENT OFFICER- Officers from the Sheriff's Department or the Sheriff's designee charged with the enforcement of the Animal Ordinance and the regulation of animals and animal owners within Henderson County.

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 director placed in supervision of the of the Animal Services Center.

~~**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.

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Changes are underlined and **highlighted**. Deletions are ~~struck~~.

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.

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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 7 or more 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

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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 Enforcement 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 Enforcement 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.

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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 Sheriff 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.

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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 Services Director in conjunction with the Sheriff's Office 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 Sheriff.

§ 66A-5. Citations.

The Animal Service Director, Animal Enforcement 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.

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§ 66A-6. Tranquilizer guns.

Animal Enforcement 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

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public property.

- C. In addition to any other enforcement remedies available under this chapter, if an Animal Enforcement 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 Enforcement 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 Sheriff's Office or Animal Services, Animal Enforcement Officers 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 Enforcement 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

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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, harbinger 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 Sheriff's Office 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 Sheriff 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

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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

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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. Animal Enforcement 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 Enforcement Officers.
- (7) Impoundment. If the dangerous/potentially dog is at large during the 30 day period while enclosure is being constructed, Animal Enforcement Officers 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 Sheriff, stating the full name, address, and location of the new owner of the dog.

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- (2) Of death of a dangerous/potentially dangerous dog, the owner shall provide written notification of the dog's death to the Sheriff.

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 Sheriff 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 Sheriff and the new jurisdiction to which the animal is being moved that this dog has been deemed a dangerous/potentially dangerous dog;
- b. The Sheriff 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 Director or his/her designee 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.

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- (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

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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 Sheriff and Animal Enforcement 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 Sheriff or an Animal Enforcement Officer to remove any dog or cat from the trap or to damage, destroy, or move, or tamper with the trap. The Sheriff is authorized to receive and impound animals that are trapped by other agencies or persons. Animal Enforcement 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 animal found being mistreated or kept under unsanitary or inhumane conditions, as provided in § 66A-11; any dog or cat animal 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 Enforcement Officer and confined in the Animal Service Center in a humane manner. Impoundment of such dog or cat animal shall not relieve the

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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 an ~~dog or cat~~ animal, the Sheriff 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. A. Redemption by owner. The owner of an ~~dog or cat~~ animal 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 fees and expenses must be paid prior to the release of the animal. All animals impounded by Animal Services shall be microchipped
- D. Adoption or euthanasia of unredeemed dog or cat.
- (1) If any impounded stray dog or cat or abandoned animal is not redeemed by the owner within five calendar 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 4 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. Animals that cannot be altered for the above reasons prior to adoption require a \$100 deposit to Animal Services and proof of alteration within 6 months of adoption. If no proof is given, the deposit shall be kept and additional penalties may be applied.

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- (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 as per 66A-51(C) and 66A-16. 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) Adoption 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 or where there is reasonable evidence of a violation 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 evidencethat 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 within the annual approved budget.

- 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

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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 dog or cat animals.

Owners wishing to relinquish dog or cat animals in their possession may do so by delivering the same to the Animal Service Center. Such dog or cat animals 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 animal;
- 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.
- E. Reason for surrender for data collection purposes and to notify potential adopted owners of any significant problems.

§ 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.

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- (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 animal 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 upon the advice of a licensed veterinarian. If the dog or cat animal 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

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(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 Enforcement 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 **Sheriff** 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 Enforcement Officer , or agent (per incident)	\$500
66A-7B	Concealment of an animal to evade ordinance (per day of violation)	\$100
66A-8	Public nuisance:	

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	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

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§ 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 Enforcement 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

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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 Animal Abandonment

Unless otherwise specified by this Ordinance, animals, including domestic and livestock, that have been abandoned by their owner shall become the property of the County. For the purpose of this Ordinance, an abandoned animal shall be defined as an animal who is on public property or is reported on private property by the property owner whose owner is unknown and cannot be determined by a reasonable search by Enforcement Officers.

- A. Adoption and Euthanasia.** Animals that have been abandoned shall be held by the Animal Services Department for 5 calendar days unless otherwise specified by this Ordinance. After 5 days, Animal Services may adopt out or humanely destroy any abandoned animal.
- B. Redemption.** Any person claiming to be the owner of an animal must pay the reclaim fee, boarding fee, any veterinary costs and any other costs incurred by the County for the animal prior to the animal being released. In the case of cats and dogs, no animal shall be released without being microchipped. In the case of livestock, Animal Services may require some proof from the person of ownership of this animal prior to its release.
- C. Owner Search.** Enforcement Officers shall conduct a reasonable search for the owner of the abandoned animal which may include but is not limited to an investigation of the neighborhood, information supplied on the Animal Services website, or notices on local media outlets.
- D. Willful Abandonment.** Any person found to be willfully releasing animals into the community, including but not limited to leaving animals by the side of the road, releasing animals into parks or leaving animals in parking lots

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shall be guilty of a misdemeanor as defined elsewhere in this Ordinance and may incur civil and criminal penalties. People may lawfully relinquish animals to the Animal Services Center without penalty.

§66A -26 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.

- A. 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.
- B. 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.

§66A -27 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

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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 Enforcement Officers 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 Enforcement Officer or law enforcement officer. Failure to produce the tag or form under this subsection is a separate offense for each animal.
- 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.
- E. 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.
- F. 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.
- G. Owner to provide proof of vaccination. Any Animal Enforcement Officer 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
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Animal Enforcement Officer or law enforcement.

- I. Impoundment. Any animal found off the owner's property not wearing the required vaccination tag or an animal that has been under investigation by law enforcement in the last 30 days and did not have proper rabies identification at the time or subsequently on or off the owner's property shall be impounded by an Animal Enforcement Officer. During the impoundment period, the Animal Enforcement 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
- J. animal's owner is not found or the owner does not reclaim the animal section 66A-14 of this ordinance shall apply.

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 domesticate 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 Sheriff 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

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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.

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§ 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.

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§ 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, **Animal Enforcement 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 Sheriff 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 Assistance Program

A Purpose. Pet overpopulation poses a serious problem to Henderson County and its citizens. It can lead to additional expenditure of funds for animal upkeep at the Animal Shelter, threatens the health and safety of the community, create the opportunity for inhumane and cruel treatment of animals, and can cause the unnecessary destruction of adoptable animals

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in Henderson County. It is in the best of Henderson County and its citizens to promote animal alterations through assistance, adoptions, and education to decrease costs to taxpayers and to provide healthy adoptable animals safe and caring homes in the County.

B. Adopted Animals. Henderson County shall adopt practices and policies to encourage adoptions of animals held at the Animal Shelter to responsible pet owners.

(1) All cats and dogs 4 months of age or older adopted out in Henderson County must be altered prior to adoption.

(2) 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.

B. 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. Assistance Fund. Henderson County Animal Services Center may establish a Spay and Nueter Assistance Program Fund to collect and distribute funds to assist eligible resident of Henderson County with financial resources for animal alteration. These monies may also be used toward the education program costs.

3. SNAP 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.

C. Education program.

1. Written Information. Henderson County will prepare and distribute educational information to Henderson County pet owners regarding responsible pet ownership, importance of animal alteration, and resources to assist eligible pet owners have their animals altered.

2. Educational events. Henderson County may coordinate with related organizations and individuals to provide Henderson County residents with classes, events, and other activities to enhance the

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community's awareness of animal issues including animal overpopulation, responsible pet ownership, and the importance of alteration.

D. Impoundment and Enforcement.

1. Purpose: Because of the increased likelihood that animals impounded at the Animal Services Center are more likely contributing to the pet overpopulation problem and to better target county policies toward problem pet owners and not the responsible pet owners of Henderson County, owners of unaltered animals that are impounded by Animal Services shall face increased penalties as follows:
 - a. The first time an unaltered animal is impounded, the animal shall be microchipped and Animal Services shall educate the owner regarding the importance of altering the animal and resources available to spay or neuter the animal.
 - b. The second time in a twelve month period an unaltered animal is impounded, the owner must either pay \$100 fine OR take an educational class on responsible pet ownership at the owner's expense.
 - c. The third and subsequent times an unaltered animal is impounded, the owner shall face escalating fines, AND participation in a responsible pet owner education class at the owner's expense.
2. 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.

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A noncommercial kennel/cattery license permit, with categories set out in this article, is hereby established. Commerical kennels and catteries that are required to meet state provisions are not included under this Article.

- 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 seven or more companion animals, or households or structures where seven or more 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. Those operations subject to state or federal licensing regulation shall not be subject to the rules promulgated under this Article but must comply with the remaining provisions of the Animal Ordinance.
- 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 Enforcement 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.

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- 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 as required by state law for each 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. Companion Animal 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. Applicants for a companion animal license must shelter all the animals in a home or structure that is not open to the public.
- (2) The license permit application must specify the maximum number of

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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 Enforcement 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. Public accessible facility permit: Applicants who's facility shall be open to the public must obtain this permit and meet the specific requirements therein.

§ 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. Kennels and Catteries must comply with all the conditions and restrictions set forth in the Henderson County Land Development Code, Henderson County Code Chapter 200A and all of its subsequent amendments.

- ~~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 foot: 15 foot.~~
 - ~~(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.~~

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§ 66A-90- Fee. Animal Services is authorized to collect a fee for the permit and the approval process. The fee will be determined by the Board of Commissioners during its annual budget process.

§ 66A-91 to 66A-93 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

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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.

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§ 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.

§66A-105. This Article codifies Article 3 of Chapter 68 of the North Carolina General Statutes and its subsequent amendments, additions, or deletions.