

# **REQUEST FOR BOARD ACTION**

## **HENDERSON COUNTY**

### **BOARD OF COMMISSIONERS**

**MEETING DATE:** 20 February 2008

**SUBJECT:** Animal Ordinance Revisions: Kennel & Cattery Article

**ATTACHMENT(S):** Draft Companion Animal Program Language

#### **SUMMARY OF REQUEST:**

At the Board's February 4, 2008 meeting, the Board asked staff to revisit and if necessary, revise the Kennel and Cattery Article under the Animal Ordinance. Staff has redrafted the article, changing the focus from kennels and catteries to individuals with companion animals. The idea behind this revision is to prevent animal abuse and public health problems that may arise from animal hoarding situations.

During staff review however, discussion arose as to whether or not the County's current Ordinance dealing with animal nuisances and mistreatment of animals would adequately address the issues that stem from animal hoarding. It was determined that the other sections of the Ordinance could address these issues, which may potentially prevent the need for the Companion Animal Article. Alternatively, the Companion Animal Program gives the County another enforcement tool to prevent serious mistreatment and public health issues.

#### **BOARD ACTION REQUESTED:**

Staff is asking the Board to consider two options:

1. To consider an alternative to the Kennels and Catteries Article i.e. the Companion Animal Article as attached; or
2. To consider whether or not this type of article is actually necessary and whether or not the Board wishes to regulate the number of companion animals are permitted in a household.

#### **SUGGESTED MOTION:**

*No suggested motion.*

### Companion Animal Permitting Program (CAPP)

**§66A-86. Companion Animal Permit.** Any individual who owns, houses, cares for more than 10 animals in their home, residence or dwelling shall first acquire a Companion Animal Permit.

- A. Standards. The Animal Service Director shall promulgate rules for the issuance of license permits, which shall include minimum requirements for humane care of all animals and for compliance with the provisions of this other applicable laws.
- B. Maximum Number. Any permit shall be for a specified number of animals. It shall be unlawful for any party to keep companion animals in excess of the permitted amount.
  - 1. Violation of this provision may be grounds for permit suspension or revocation and may result in the impoundment of animals or civil or criminal penalties as discussed below.
  - 2. Animals impounded by Animal Services under this section must be reclaimed or the decision appealed within 24 hours of the animal impoundment. After 24 hours, the animals become the property of Henderson County.
  - 3. At the discretion of Animal Services and Animal Enforcement, the excess animals may be impounded at the Animal Services Center or the owner may find other homes for the animals within 14 days of notification of violation of this section.
- C. Right to Inspect. Permitted parties must allow Animal Services and Animal Enforcement staff to inspect all animals and the premises where animals are kept at any time. Refusal of inspection shall be grounds for permit revocation. Lifetime Permit Fee.
- D. Permit Denial, Suspension or Revocation. The Animal Service Director may deny, suspend or 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. If a permit is revoked, the individual may not apply to reinstate the permit for 6 months and must pay the permit fee again.
  - 1. *Appeals.* Appeals of permit denial or revocation must be made to the Animal Services Advisory Committee within 10 days of revocation or within 24 hours of animal impoundment when it occurs, which ever is earlier and shall be heard in a quasi-judicial proceeding at its next regularly scheduled meeting.
- E. Exclusions.
  - 1. No person convicted of cruelty to animals within the last 10 years shall be issued a license permit under this article.
  - 2. *Litter.* Individuals whose companion animal has a litter do not have to get a companion animal permit provided the total number of animal meets the provisions of this Article after all the animals have been weaned. Individuals may have one litter per year.

**§66A-87. Enforcement.** Failure to comply with the provisions of this Article may result in criminal or civil penalties as contemplated in §66A-19 of this Ordinance. Violators with more than 10 animals who do not have a permit or have excess animals from their permit must pay \$50 per additional animal more than 10 per day they are in violation. Excess animals may also be impounded at the owner's expense. Excess animals impounded under this Article must be reclaimed within 24 hours of impoundment and then become the immediate property of Henderson County.

**§66A-88. Compliance with Existing Laws.** Nothing in this Article shall be construed to conflict or supplant any federal, state or municipal laws, rules or regulations especially those concerning the licensing of kennels, shelters, or pet shop. Nor shall anything in this Article conflict with any state, local, or municipal laws regarding land use.