

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: 6 July 2009
SUBJECT: Animal Ordinance amendments
ATTACHMENT(S): Text changes to ordinance sections

SUMMARY OF REQUEST:

Attached are minor text changes to the Animal Ordinance based on practical obstacles noted by staff from the Sheriff's Department, Animal Services, and Public Health on the current language. The changes are non-substantive in nature. Please note that only the sections with changes have been included but staff would be happy to provide the Board with a full copy of the Ordinance if desired.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

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

Suggested Motion:

If the Board is so inclined, the following motion is suggested:

I move that we approve the changes to the Animal Ordinance.

§ 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. Animals leaving the Animal Services Center must either have proof of current rabies vaccination or have a rabies voucher ~~and given a \$100 deposit to be reclaimed upon proof of vaccination.~~
- 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 including ~~\$100 deposit if receiving the receipt of a~~ rabies voucher.

§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 that 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.

- 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. For the purpose of this provision, redemption is defined as reclaim for lost, abandoned or animals that have violated the Animal Ordinance and shall not include animals held under quarantine. In the case of cats and dogs, no animal shall be released without being micro chipped. In the case of livestock, Animal Services may require some proof from the person of ownership of this animal prior to its release.

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

- 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, has a rabies voucher ~~with a \$100 deposit~~, or the Animal Services Center is presented with evidence of current vaccination. An animal impounded under this section shall be released to its owner upon payment of all applicable fees, payment for care during the impoundment, and cost of

vaccination when necessary. If the animal's owner is not found or the owner does not reclaim the animal section 66A-14 of this ordinance shall apply.

§ 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. Animals quarantined under this section shall be confined at the expense of the owner.

1. All dogs and cats shall be housed at the County Animal Service Center unless approved by the Public Health Director in writing.

2. Animals may be quarantined in approved veterinary quarantine at the veterinarian's office. This must be approved by the County Director of Public Health in writing. In instances where this option is used, the owner must sign a document produced by the County where the owner accepts all liability for the animal. At the end of the quarantine, the owner or the veterinarian must provide documentation stating the animal does not have rabies and has been properly vaccinated against rabies.

3. Animals quarantined at the Henderson County Animal Shelter must be claimed no more than 24 hours after the end of the quarantine period. After this period the animal shall be considered relinquished to Henderson County Animal Services.

B. Authority to seize animals for noncompliance. If the owner or the person who controls or possesses the dog or cat refuses to confine the animal as required by this section, the County Director of Public Health may order seizure of the animal and its confinement for 10 days in such a place as the County Director of Public Health designates, at the expense of the owner.

~~C. Release upon permission of County Director of Public Health. Animals confined pursuant to this article shall not be released from confinement except by permission from the County Director of Public Health or his designee.~~

D. Disposition of animal other than dog, cat or ferret. An animal other than a dog or cat or ferret that bites a person shall be immediately euthanized and its head forwarded to the North Carolina State Laboratory of Public Health for rabies testing.

E. Quarantine of stray animals. In the case of stray animals whose ownership is not known, the supervised quarantine required by this section shall be at the County Animal Service Center.

F. Authority to euthanize unclaimed animals. If any animal is unclaimed after a ten-day confinement, then the County Animal Service Director may have the animal

euthanized.

G. Release from quarantine. If rabies does not develop within the ten-day quarantine period under this section, the animal may be released from quarantine to its owner. If the animal has been confined by the County Animal Service Center Henderson County Sheriff's Department 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 or exposed to 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 unless a similar quarantine facility is approved by the Public Health Director.
- B. If the animal has a current rabies vaccination, it shall be revaccinated within 72 hours of the bite.

§ 66A-59 Spay-Neuter Assistance Program

C. Assistance Program.

2. Assistance Fund. Henderson County Animal Services Center may establish a Spay and Neuter 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. Funds collected at Henderson County Animal Services Rabies Clinics shall be contributed to this fund.

§ 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 animal of adequate food, water, necessary medical attention and adequate shelter.

C. ADEQUATE SHELTER— protection from the weather and humanely clean conditions. No persons owning, keeping or responsible for 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 animal may be chained outdoors unattended without a chain/cable of suitable length designed and placed to prevent choking or strangulation, with the area free of obstacles and humanely clean so that the animal may have access to food, water, and shelter. It shall be illegal to tether, chain, stake out, tie up or otherwise similarly restrict any and all birds for the purpose of promoting bird aggression.

§ 66A-14. Impoundment.

- A. In general. Any animal found being mistreated or kept under unsanitary or inhumane conditions, as provided in § 66A-11; any 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 animal shall not relieve the owner thereof of any penalty which may be imposed for violation of any provision of this chapter occurring prior to the date of the impoundment.
- B. Notice to owner. Immediately upon impounding an 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. Redemption by owner. The owner of an 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 or a rabies voucher with a \$100 deposit and a voucher for microchip installation 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 micro chipped

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 72 hours of impoundment, 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 of the County Animal Service Center.
- (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 less than 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.
- (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 rabies voucher and \$100 deposit, and prior to adoption as per 66A-51(C) and 66A-16.
- (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. Animal Services has the right to deny adoption to persons who have relinquished animals recently.
 - d. Organizations shall only be permitted to foster or adopt animals from the Henderson County Animal Service Center after providing

evidence that all required services, care, maintenance have been provided, obtain all necessary permits and licenses for the animals and pay all related costs and fees.

- e. 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.
 - f. 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.