

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY

### BOARD OF COMMISSIONERS

**MEETING DATE:** 20 July 2011  
**SUBJECT:** Animal Ordinance modification  
**PRESENTER:** Charles Russell Burrell  
**ATTACHMENT(S):** Draft ordinance modification

**SUMMARY OF REQUEST:**

Members of the Board have requested that the Board consider modification of the Animal Ordinance (Chapter 66A of the Henderson County Code) along the lines of the attached proposed modification to Section 66A-26 of the Code.

County staff will present further information on this matter.

**BOARD ACTION REQUESTED:**

Consideration of the modification.

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

***I move that the Board amend the Animal Ordinance as shown on the attachment to this agenda item.***

**§66A -26 Prohibition against giveaways in public places.**

It shall be unlawful to ~~sell, trade, give away or use as a prize or inducement~~ display any animal in a public place ~~for the purpose of selling, trading, or giving the animal away or used as a prize or inducement~~. For the purpose of this section public place shall be defined as ~~any place open to the general public including but not limited to malls, supermarkets, parking lots, flea markets, farmer's markets, road right-of-ways, and parks~~. There are the following exceptions to the prohibitions of this section:

- a. This section does not apply to state regulated pet shops, commercial kennels, licensed animal shelters, veterinarian offices, licensed stockyards or livestock auctions or 501(c)(3) non-profits who adopt out animals with proof of rabies vaccination and alteration.
- b. This section does not apply to open-air markets, farmer's markets, or flea markets. In these locations, canines and felines may be sold provided that:
  - i. The animals have adequate shelter and appropriate shade.
  - ii. The animals have a sufficient amount of fresh water available at all times.
  - iii. All animals meeting the age and weight requirements for rabies vaccination set forth in this chapter must be vaccinated against rabies. If the animals do not meet the age and weight requirements for rabies vaccination at the time of transfer, the seller must supply the purchaser with a written notification of the purchaser's duty to obtain such vaccination.