

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 15 August 2011

SUBJECT: Report from Animal Service Committee

PRESENTER: Steve Wyatt

ATTACHMENT(S): Memo from County Manager
Memo from Animal Services Committee

SUMMARY OF REQUEST:

This Board directed its Animal Services Committee to review the possibilities and ramifications of animal sales at open air and flea markets, including modifications needed for health, safety and equity. The Committee was to meet Thursday, 11 August 2011, and will present its report to the Board.

County staff will present further information on this matter.

BOARD ACTION REQUESTED:

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



Memorandum

To: Board of Commissioners

From: Steve Wyatt

Date: 8/12/2011

Re: Report from the Henderson County Animal Services
Advisory Committee

Please find attached the report of the Henderson County Animal Services Advisory Committee. The Committee has identified concerns and solutions to these concerns for your consideration. Along with this I have been in contact with the North Carolina Department of Agriculture. Ms. Michelle Baker and Mr. Gary Stamey of that agency have advised me any commercial operation that provides for the sale of dogs and cats is subject to State regulation and requires licensure from the State. It is not clear whether the “market” or each individual that rents space there is subject to licensure, it could apply to both, but certainly to one.

(The North Carolina Animal Welfare act is codified as North Carolina General Statute 19A. Penalties for failure to comply are monetary and all law enforcement officers are duty bound to investigate alleged violations of the law.)

My conversation with these officials also leads me to believe that they frankly do not have the resources to inspect and enforce the statute. Mr. Stamey is the regional enforcement officer and his territory ranges from Gaston County to the Tennessee line. In practicality should the County desire to permit these operations it will be up to you to ensure compliance with all applicable statutes as your oath requires. With our resources currently stretched thin and no desire to ask the Board to finance additional resources I respectfully recommend that the ordinance remain as is.

MEMORANDUM

To: Steve Wyatt, County Manager
From: Gaby Johnsen, Chair *G. Johnsen*
Henderson County Animal Services Advisory Committee
Date: August 11, 2011
Re: Public sale of animals provision change

At its July 20th meeting, the Henderson County Board of Commissioners charged the Animal Services Advisory Committee with reviewing the proposed changes to the Animal Ordinance and present the Board of Commissioners with recommendations based on the discussion at the meeting. The Committee has discussed the proposed change at its August 11th meeting and provides the Commissioners with the following analysis. The recommendation of this Committee is that the language of 66A-26 remain the same with no modifications.

Proposal Summary

The proposed amendment to the Animal Ordinance requires revising provision 66A-26 to allow for dogs and cats to be sold in open-air markets, flea markets, and farmer's market. Certain requirements must be met including water, shade, shelter, rabies vaccinations as age-appropriate, and seller documentation, as necessary, are met.

Possible Challenges presented by the Proposal

Several concerns are raised by the possible modification of this provision:

- Increased risk of disease, public health outbreaks, and animal bites for Henderson County citizens
- Increased risk of mistreatment, diseases, fights, and procreation for animals sold in these facilities
- Increased risk of violations of the other provisions of the Animal Ordinance and difficulty in enforcement
- Difficulty tracking sellers, buyers, and animals in case there is a problem
- Difficulty determining contacts in cases of disease or other public health outbreak.
- Proposal limits to dogs and cats that raises question of other animals including snakes, exotic and hybrid animals
- May increase euthanasia in the County, including at the County-operated Animal Shelter
- Discourage shelter adoptions which includes additional services
- Discourages spaying and neutering animals
- Fails to provide information for low-cost or no-cost spay/neuter and Rabies vaccinations
- Encourages illegal transfers of animals determined to be dangerous or aggressive
- Encourages making Henderson County a "dumping ground" for animals from other states and jurisdictions that have more stringent laws.

Alternative Solutions to Above Challenges

- Additional requirements for facilities wishing to sell animals including but not limited to: stalls with solid walls between them, gates with latches, made of a nonporous surface that can be sanitized, available sewage with an animal waste separator, running water, drainage, and electricity, covered roof, temperature controls. Stalls for animals must meet the minimum square footage used by shelters and pet stores.
- Facilities wishing to participate under this provision must provide stall sanitization after every animal use.
- Guidelines provided by the facilities to prevent animals being abandoned or staying over night in the facility or otherwise left unattended.

- As per the Commissioners' previous discussions at the July 20th meeting, Health Certificates for all animals sold, transferred, or adopted in Henderson County that are for individual animals and the certificates cannot be more than 7 days old.¹
- All animals sold, transferred, or adopted must be microchipped.
- All sellers must be registered with the facility and keep accurate records regarding sales including the buyer's name, address, and contact information.²
- Animals for sale, transfer or adoption kept in a separate space from other non-animal vendors and visitors to the animals must provide their name to enter the space so that there is a way to track people in case of a public health outbreak.
- Facilities must provide veterinary and basic human health services to treat animal fights, bites, and provide microchipping and health certificates as necessary and to take action in case of any public health outbreaks.
- County provide additional Animal Officers to these facilities during all public hours to ensure against animal mistreatment, violations of the ordinance, and ensure rabies compliance.³
- Facilities and sellers must provide customers with information regarding rabies, vaccinations, spay/neuter, and microchipping.
- Facilities must ensure that no animals sold have been determined aggressive by Henderson County or deemed dangerous/potentially dangerous anywhere in the state of North Carolina.
- Individuals interested in selling wholesale animals should acquire a license from the State of North Carolina to be treated as a pet shop.

¹ As per the discussion of the Health Certificates at the Board of Commissioners meeting, the County facility, all for-profit and all non-profit organizations would be required to have Health Certificates on animals. In order to do this at the Animal Shelter, a veterinarian would have to be hired in addition to another veterinary technician. Building renovations to allow space for the veterinarian must be included as well as supplies and vaccines. Staff costs alone exceed \$125,000 in extra costs to the shelter. There is also the issue of liability insurance in case of litigation resulting from animals that become sick after adoption. Health certificates also do not stay current for very long and are prone to counterfeiting and fraud. A Health Certificate states that the animal appears healthy at the time of the exam and may not provide buyers appropriate assurances. The Committee feels that Health Certificates are unenforceable.

² There is still no definitive way for buyers to find and request a remedy if there is a problem with the animal after the sale.

³ Animal Enforcement Officers suggest an additional 4 to 6 officers must be added to meet the increased demand on enforcement. On average, an Animal Enforcement Officer costs about \$100,000 each. This estimate includes salary, benefits, training, equipment, and necessary vehicles.