

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: February 6, 2006

SUBJECT: Animal Ordinance Amendment

ATTACHMENTS: Restraint / Confinement Section

SUMMARY OF REQUEST:

Domestic animals that are not confined to the owner's property are the source of many complaints to the Animal Services Department. The Animal Services Committee carefully considered the effect of a restraint / confinement amendment in addressing this issue in our community. In conclusion, the Committee determined an amendment requiring restraint or confinement of domestic animals, enforced on a complaint driven basis, would be a logical approach to resolving this problem.

The Animal Services Committee has reviewed and approved the attached document for the Board's consideration.

COUNTY MANAGER'S RECOMMENDATION:

The Board can adopt the proposed amendment pursuant to one of the following methods:

1. Schedule an opportunity for public input at the February 15, 2006 meeting, provide direction to staff following public input and adopt the amendment on second reading at a subsequent meeting.
2. Adopt the amendment on the first reading following a unanimous vote for approval.

I. Section 66A-1 is amended, by adding the following definition:

Domestic Animal -- Any animal (1) whose physiology has been determined or manipulated through selective breeding which does not occur naturally in the wild, and (2) which can be vaccinated against rabies with an approved rabies vaccine, and (3) which has an established rabies quarantine observation period. This definition applies to Dogs, Cats and Ferrets.

II. A new Section 66A-24 is added, as follows:

66A-24 Restraint/Confinement of Domestic Animals

A. No owner or person 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 confined to the private property or premises of the owner or person having charge, care, custody or control of such domestic animal.

B. Each domestic animal, while on the owner's property, shall be confined within an enclosure, behind a fence, behind an invisible fence that is clearly posted and marked at regular intervals, or secured so that the domestic animal is confined entirely to the owner's property by means of a leash or chain, or other similar means of physical control.

C. When not confined and/or restrained on the owner's property, the 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 ordinance 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 or on a legal hunt
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 or similar event.
4. Dogs used for Law Enforcement.

E. If any domestic animal is not confined to the owner's property, then said domestic animal is in violation of this ordinance.