

**REQUEST FOR BOARD ACTION**  
**HENDERSON COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** July 18, 2018  
**SUBJECT:** Ordinance Revision to Chapter 16 (Animals)  
**PRESENTERS:** Brad Rayfield, Animal Services Director  
Lt. Mike Marsteller, Animal Enforcement Supervisor  
**ATTACHMENTS:** Yes  
1. Draft revisions to Chapter 16, Animals

**SUMMARY OF REQUEST:**

The Henderson County Sheriff's Department and Henderson County Animal Services Center have worked together to make improvements to Chapter 16 (Animals) of the County Ordinance. These revisions were presented to the Animal Services Advisory Committee and discussed, in committee, at both the July 13, 2017, and August 7, 2017, meetings. On August 7, 2017, the Advisory Committee voted to recommend the proposed revisions to the Henderson County Board of Commissioners for consideration.

**BOARD ACTION REQUESTED:**

Approve the revisions to Chapter 16 of the County Ordinance as presented.

***Suggested Motion:***

*I move the Board approve the revisions to Chapter 16 of the County Ordinance as presented.*

## **Draft Revisions to Chapter 16, Animals**

On October 18, 2017, these changes were presented to Henderson County Board of Commissioners. The Board wanted three concerns reviewed before approving the changes. On April 12, 2018, Animal Services Advisory Committee reviewed the concerns.

In addition to staff being available during the meeting, the following points provide an explanation for the proposed revisions:

- 1) The first concern was the verbiage of fines and fees in Chapter 16 and ensuring that money collected from fines and forfeitures are being properly directed to public schools.

Money collected from civil fines in Chapter 16 are appropriated to maintain public schools as outlined in ARTICLE IX, SECTION 7, "EDUCATION" of the North Carolina State Constitution. Staff have revised **§16-19 Violations and penalties** to bring clarity and establish continuity between Henderson County Code and ARTICLE IX of the North Carolina State Constitution. The Animal Services Advisory Committee has reviewed staff revisions and suggested additional revisions. Revisions are highlighted in blue in the Chapter 16 draft provided.

- 2) The second concern was related to citizen complaints regarding noise from livestock operations, specifically poultry. The Board directed staff and the Animal Services Advisory Committee to look at §16-104 in the current ordinance to identify changes that would address noise.

In Chapter 18-3 Henderson County Code (referenced below) there's already an ordinance that could offer a remedy to the issues of noise associated with poultry and other livestock. The Animal Services Advisory Committee voted not to revise or add anything to Chapter 16. If Chapter 18-3 does not adequately address your concerns pertaining to livestock, the Animal Services Advisory Committee will explore revisions or additions to Chapter 16.

**§18-3. Loud and Disturbing Noise Prohibited.** (C) The following acts, among others, are declared to be loud and disturbing in violation of this section if they annoy or disturb the quiet, comfort or repose of any reasonable person of ordinary firmness and sensibilities in the vicinity where created, caused, or continued, but this enumeration shall not be deemed to be exclusive.

- (3) The keeping, owning, possessing, harboring, or controlling of any animal or bird which barks, bays, yelps, howls, cries, squawks or makes any other unreasonably loud, disturbing noise continuously or incessantly for a period of 10 minutes or intermittently for a period of 30 minutes or more, thereby causing a noise disturbance.

- 3) The third concern was related to animal enforcement services being provided to municipalities by Henderson County.

The Animal Services Advisory Committee voted not to recommend any changes to Chapter 16-2 Authority and Territorial Application.

Everything below this point are revisions brought to you on October 18, 2017. These changes are highlighted in yellow in the Chapter 16 draft.

- **Page 1, § 16-1. Definitions (6):** Animal Enforcement and the Animal Services Advisory Committee are recommending the removal of §16 -27. If removed, this definition can be eliminated.
- **Page 3, § 16-1. Definitions (32):** The change is intended to underline the need for people to secure agreements in writing when asking friends or family members to temporarily keep their animals. When dealing with animal reclaims, we encounter situations when verbal arrangements cloud ownership.
- **Page 5, § 16-7. Interference or concealment. E:** This is an effort to penalize people who surrender animals under false pretense. This type of activity elevates the risk of wrongfully euthanizing an animal and is a risk to public safety.
- **Page 7, § 16-10. Dangerous/potentially dangerous dogs restricted. D (4):** This is an effort to let citizens know their options, under NCGS 67-4.1. for further appeals after the appellate Board's affirmation.
- **Page 8, § 16-10. Dangerous/potentially dangerous dogs restricted. E (5) b:** This change is an effort to prevent a dangerous dog from taking up shelter space for a long period of time. It's also recommended to remove the word private as well so that the shelter can still be an option if space is available.
- **Page 9, § 16-14. Impoundment:** The term relinquishment was added to the title of this provision because this section should also apply when an animal is brought to the shelter by a citizen. ▸
- **Page 9, § 16-14. Impoundment. C:** Concern from Animal Shelter and Animal Services Committee is that making civil penalties due prior to release of an owner's animal will overcrowd the shelter if person is given 30 days to pay.

- **Page 10, § 16-14. Impoundment. D (6) e:** This section needs to be deleted because adopting a dog deemed aggressive or dangerous is prohibited under § 16-10. Dangerous/potentially dangerous dogs restricted. H. (2) c.
- **Page 10, § 16-14. Impoundment. H (1):** This will help county staff determine proper steps in rabies cases, locating an owner, and notifying an owner of their animal's location.
- **Page 10, § 16-14. Impoundment. H (2):** We need contact information to facilitate proper action in public health cases for locating owners or additional information related to animal's health or temperament etc.
- **Page 10, § 16-15. Voluntary relinquishment of animals companion animals:** This change keeps the public from using the shelter as a resource to get rid of unwanted animals like, snakes, birds, rabbits, livestock etc. An intake shelter is governed by laws that mandate holding periods for companion animals and to accept other animals hinders the shelter's ability to comply with laws related to minimal hold periods. The shelter will provide information to citizens that will help them place their unwanted animal. As a policy, the shelter will accept animals besides dogs, cats and ferrets when resources are available.
- **Page 11, § 16-15. Voluntary relinquishment of animals companion animals. F:** This change is to keep a dangerous dog that has been signed over from being returned to the owner once the owner has signed the animal over to Henderson County. It also still allows surrendered animals those which have not been deemed dangerous to be reclaimed for all applicable fees.
- **Page 11, § 16-17. Euthanasia of wounded, diseased, and unwanted animals:** Animal Enforcement Officer was added because after-hours emergencies may require them to contact an owner.
- **Page 13, § 16-19. Violations and penalties D (5):** Allows Animal Enforcement Sergeant to extend the time a person must pay a citation.
- **Pages 15 and 16, §16 -27. Aggressive Dog Controls:** Animal Enforcement and the Animal Services Advisory Committee recommends the removal of this section. § 16-8. Public nuisances prohibited or § 16-10. Dangerous/potentially dangerous dogs restricted, are being used instead of §16 -27 Aggressive Dog Controls
- **Page 18, § 16-53. Destruction or confinement of animal bitten by known rabid animal.** NCGS 130A-197 has been cited as an alternative to destruction.

- **Page 19 and 20, § 16-59 Spay-Neuter Assistance Incentive Program A:** Including a rabies vaccine strongly underscores the importance to the animal's health, but more importantly public health.  
In many cases, participation in this program could be the only time these animals will see a veterinarian and the only opportunity for a rabies vaccination to be administered to the animal.
- **Page 20, § 16-59 Spay-Neuter Assistance Incentive Program C (2):** We would like to use money allocated to this program to advertise the Spay Neuter Incentive Program
- **Page 20, §16-86. Companion Animal Registration:** Replacing domestic with companion to clarify that livestock is not to be included.