



## REQUEST FOR BOARD ACTION

ITEM NO. 18.

**DATE OF MEETING:** June 7, 2010

**REQUESTED BY:** Jack Griffith, Ph.D., Health Director

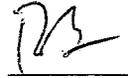
**SHORT TITLE:** Resolution to Amend Proposed Animal Control Ordinance

**BACKGROUND:** The Pender County Animal Control Ordinance was last amended by the Board of County Commissioners on December 21, 1998. The Animal Control Ordinance Review and Recommendation Committee (ACORRC) appointed jointly by the Pender County BOCC and the Pender County Board of Health met four times and thoroughly reviewed the existing Pender County Animal Control Ordinance. ACORRC reviewed the Pender ordinance and made recommendations for improvements in the ordinance that would strengthen animal control laws and improve performance in the animal control program. On March 16, 2010 the Board of Health unanimously voted to request that the Board of County Commissioners favorably adopt the changes and amendments of the existing ordinance recommended by the Animal Control Ordinance Review and Recommendation Committee.

**SPECIFIC ACTION REQUESTED:** The Board is requested to adopt the changes and amendments of the existing ordinance recommended by the Animal Control Ordinance Review and Recommendation Committee.

## COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.



Initial

## RESOLUTION

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners that

the Animal Control Ordinance is amended to include the following changes and additions:

Changes to existing ordinance are in red:

**Add to Section 3-2. 1)** of the existing Animal Control Ordinance concerned with dangerous dogs to read as follows: "Any canine which, unprovoked, according to a report verified by employees of the county charged with animal control enforcement; or any law enforcement officer of the county sheriff's department, or a police department in the county; or the county health director or their designee (hereinafter the "appropriate authorities"); or through sworn testimony of an individual, has done bodily harm to a person on public or private property."

**Add new wording into Section 3-5. 5)** of the existing ordinance to include "animals must have adequate food, water, and shelter as observed by the investigating Animal Control Officer or local law enforcement."

Add to Sec. 3-5.8) of the existing ordinance that "Animal Control Officers will provide educational documents for the public to inform them of the legal steps they can take in the event of an animal complaint."

Strike section 3-7 from the existing County Ordinance and replace it with NC § 67-4.2.  
***Precautions against attacks by dangerous dogs.***

- (a) It is unlawful for an owner to:
  - (1) Leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or

- in another structure designed to restrain the dog;
    - (2) Permit a dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.
  - (b) If the owner of a dangerous dog transfers ownership or possession of the dog to another person (as defined in G.S. 12-3 (6)), the owner shall provide written notice to:
    - (1) The authority that made the determination under this Article, stating the name and address of the new owner or possessor of the dog; and
    - (2) The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.
  - (c) Violation of this section is a Class 3 misdemeanor, punishable by a fine of no less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00)..

Add to Sec. 3-9. c) of the existing ordinance, Vaccination of dogs, cats and other pets: "All rabies vaccines administered by certified rabies vaccinators employed by the Pender County Health Department shall be paid for at a rate set by the Pender County Board of Health."

Add Section 3-11. "Identification tag," to the existing ordinance. "It shall be unlawful for a dog owner to own a dog that is not fitted with an ID tag displaying the owner's name and phone number on the collar of the dog; the ID tag shall be worn at all times and shall serve as prima facie evidence of ownership of a dog. Violation of this section shall be a class 3 misdemeanor punishable by a fine of no less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00)."

Adopt the following NC statute: § 14-401.17 as **Sec. 3-12 of the revised county ordinance: Unlawful removal or destruction of electronic of identification articles.** It shall be unlawful to intentionally remove or destroy any identifying articles including collars, tattoos, tags, microchips or any other article used to prove ownership of a dog. Violation of this section shall be a class 3 misdemeanor punishable by a fine of no less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00)."

Add to Sec. 3-27. c) 2) b). Penalty for violation. The addition to the existing ordinance will read: "Notify offender that failure to pay civil penalty may result in issuance of a misdemeanor criminal citation for violation of the above section. Violation of this section shall be a class 3 misdemeanor punishable by a fine of no less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00)."

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS

YEA VOTES: Tate \_\_\_ Blanchard \_\_\_ Brown \_\_\_ Rivenbark \_\_\_ Williams \_\_\_

\_\_\_\_\_  
Jimmy T. Tate, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
Date