

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

April 6, 2009
OTHERS PRESENT

Johnny Myrl Lunsford
Jimmy B. Clayton
Kyle W. Puryear
B. Ray Jeffers
Samuel R. Kennington

Heidi York, County Manager
C. Ronald Aycock, County Attorney
Brenda B. Reaves, Clerk to the Board

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, April 6, 2009 at 7:00 p.m. in the Commissioners' meeting room in the Person County Office Building.

Chairman Lunsford called the meeting to order and asked Commissioner Clayton to lead in prayer and Commissioner Kennington to lead the Pledge of Allegiance.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton and **carried** to add a Healthcare Decision Day Proclamation to the agenda.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers and **carried** to approve the agenda as adjusted.

INFORMAL COMMENTS:

Ronald Shaw of 109 Homeplace Road, Roxboro, NC 27574 stated there has been false information, miscommunication, even threats made against the Chair of the Animal Control Advisory Committee, surrounding the petition for APS and further stated that Animal Control wanted a good working relationship with all rescue groups.

Cathy Williams of 208 Herbert Hill Drive, Timberlake, NC 27583 spoke in support of Person County continuing the APS contract in full force as well as any other qualified 501c3 organization that has liability insurance, screens applications, has home visits with a policy of spaying and neutering rescues prior to placement. Ms. Williams also requested Commissioner Jeffers recuse himself from the Person County Animal Advisory Board for conflict of interest, in her opinion, for the fact he is employed by the County in dog training classes. Ms. Williams gave statistics information regarding the euthanasia rates Person County provided to the State in August of 2008.

Hannah Randall of 303 Berry Drive, Timberlake, NC 27583, treasurer of APS spoke in support of the current APS contract as well as supporting the proposed option 2 amendment of the Person County Animal Control Ordinance. Ms. Randall stated this would ensure un-adoptable animals could be rescued by the appropriate organizations.

Rhonda Beach of 1793 Stoney Mountain Road, Rougemont, NC 27572 spoke in favor of the current contract between Person County and the APS.

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Sandra Treacy of 1345 Kelly Brewer Road, Leasburg, NC 27291 advocated pet rescue.

Sharon Slaughter of 1378 Bowen Road, Rougemont, NC 27291 spoke in favor of continuing the APS contract as well as supporting the proposed option 2 amendment to the Animal Control Ordinance.

Lori Ann Long of 1666 Frank Whitfield Road, Hurdle Mills, NC 27541 spoke of her first experience at the shelter and in support of the current APS contract.

Adam Bennett of 303 Berry Drive, Timberlake, NC 27583 spoke in support of the current APS contract as well as supporting the proposed option 2 amendment of the Person County Animal Control Ordinance.

Tina Oakley of 315 Nora Poole Road, Roxboro, NC 27574 presented the Board with a petition with over 500 signatures in support of the current APS contract.

Aftan Headley of 203 Poplar Lane, Roxboro, NC 27573 stated support of the current APS contract.

Kelly Ball of 1373 Mountain Road, Roxboro, NC 27573 supports APS and other rescue groups to have a contract to rescue animals to protect against euthanasia.

Ginny Stewart of 152 Granite Drive, Roxboro, NC 27574 introduced herself as Chair of the Animal Control Advisory Committee to the audience and stated her displeasure of the miscommunication and accusations surrounding the petition for APS. Ms. Stewart noted that the recent request for the APS contract to be cancelled was on behalf of the Animal Control Advisory Committee.

Bob Minter of 2501 Nichols Ridge Court, Rougemont, NC 27572 spoke in favor of the current contract with APS noting he had adopted a kitten through this contract being in effect.

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Puryear **seconded** by Commissioner Jeffers, and **carried** to approve the minutes of March 23, 2009 and March 26, 2009.

ADMINISTRATIVE REPORTS:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried** to approve the Administrative Reports for the Airport.

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CONSIDERATION OF CANCELLATION OF CONTRACT BY AND BETWEEN PERSON COUNTY AND THE ANIMAL PROTECTION SOCIETY OF PERSON COUNTY:

County Attorney, Ron Aycock told the Board two separate actions are presented for consideration. One action for consideration is whether or not to cancel the contract with APS and the second action for consideration is proposed amendment to the Person County Animal Control Ordinance. Mr. Aycock prepared for the Board three ordinance amendment options. All three proposed ordinance amendment options would provide equality of opportunity to all animal protection groups that have the non profit 501c status that can show financial responsibility and hold the county harmless for any costs to the county either through insurance or other financial responsibility.

Mr. Aycock explained in detail the difference in the proposed three ordinance amendment options:

Option #1 provides that an animal deemed appropriate by the Animal Control Director or designee could be taken by an animal protection organization without fees to the county. This option gives maximum discretion to the Animal Control Director, or designee that is hired by the County.

Option #2 gives the right to an animal protection organization to obtain possession of animals with exception of those animals that are rabid or suspected to be so, necessary for criminal or civil judicial purposes, necessary for the disposition of law enforcement investigations, required to be held or disposed of to protect the public health or safety of the citizens or held or disposed of by a court of competent jurisdiction. Mr. Aycock noted option #2 lists the same conditions that are currently in the APS contract. This option takes away the discretion you have designated with the County Animal Control Director, or designee, and sets standards for when an animal may not be adopted.

Option #3 has the same provisions as outlined in option #2 except it adds an additional condition that would stop an animal from being adopted. The additional condition is the likely social adaptability of the animal as defined by the Animal Control Director or designee.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried unanimously at its first reading** to adopt option #2 amendment to the Person County Animal Control Ordinance as presented.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried** to cancel the contract by and between Person County and the Animal Protection Society of Person County

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PERSON COUNTY ANIMAL CONTROL ORDINANCE

The Person County Board of Commissioners is authorized under the provisions of G.S. 153A-121, 153A-153 and 153A-442 to adopt ordinances.

SECTION 1. PERSON COUNTY ANIMAL CONTROL PROGRAM:

The Animal Control Program of Person County, as created the 21st day of April, 1981, shall be composed of such employees as shall be determined by the Board of County Commissioners. The said employees shall be appointed and compensated in accordance with policies of the Board of County Commissioners.

SECTION 2. ADVISORY COMMITTEE:

An Advisory committee advises the Board of County Commissioners and the County Manager with respect to animal control matters. The advisory committee is composed of members appointed by the Board of County Commissioners to serve at the pleasure of said Board.

SECTION 3. DUTIES:

The Animal Control Division shall be charged with the responsibility of:

- A. Enforcing in Person County all State or County laws, ordinances and resolutions relating to dogs and cats, or the care, custody and control of animals;
- B. Cooperating with the Health Director and assisting in the enforcement of the laws of the State of North Carolina with regard to animals and especially with regard to vaccination of dogs and cats against rabies and the confinement or leashing of dangerous and potentially dangerous animals (without limiting the foregoing), reference is particularly made to the state laws as set out and contained in the General Statutes of North Carolina;
- C. Investigating cruelty or animal abuse with regard to dogs, cats, and other animals;
- D. Making such canvasses of the county, including the homes in the county, as it deems necessary for the purpose of ascertaining that all dogs and cats are duly and properly listed for license purposes, and that all dogs and cats are vaccinated against rabies;
- E. Operating, pursuant to policies of the Board of County Commissioners;
- F. Maintaining a reference file for license fees, vaccination and sterilization purposes, all in accordance with the provisions of this ordinance and the policies of the Board of County Commissioners;
- G. Giving every person a **PROOF OF RABIES VACCINATION CARD** at the time of redemption or adoption for a dog or cat not vaccinated if it is 4 months of age or older. The card will be completed by the veterinarian who vaccinates the dog or cat and returned to the Animal Shelter by the owner. Reference files will be maintained in accordance with the provisions of this ordinance and the policies of the Board of County Commissioners.

SECTION 4 DEFINITIONS:

As used in this ordinance the following terms mean:

- A. **Animal Control Officer:** A county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control.
- B. **Owner:** Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions, and behavior of his animals.
- C. **Kennel, Dealer, Breeder, or Pet Shop:** Any person, group of persons, partnership, or corporation engaged in buying, selling, breeding or boarding pet animals.
- D. **At Large:** Any animal shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.
- E. **Restraint:** An animal is under restraint within the meaning of this ordinance if he is controlled by means of a chain, leash or other like device; or, is secured within a vehicle being driven or parked; or, is within a secure enclosure.
- F. **Spayed Female:** Any female which has been operated upon to prevent conception.
- G. **Neutered Male:** Any male which has been operated upon to prevent reproduction.
- H. **Animal Shelter:** Any premises designated by the County for the purpose of impounding and caring for animals found running at large or otherwise subject to impoundment in accordance with the provisions of this ordinance.
- I. **Exposed to Rabies:** An animal has been exposed to rabies within the meaning of this ordinance, if it has been bitten by, or been exposed to any animal known or suspected to have been infected with rabies.
- J. **Dangerous Dog:** A dog that:
 - 1. Without provocation has killed or inflicted severe injury on a person; or animal
 - 2. Is declared vicious by the Chief Animal Control Officer pursuant to G.S. 130A-200; or
 - 3. Is determined by the Chief Animal Control Officer to be potentially dangerous and, after this determination, engages in one or more of the behaviors listed in subsection K of this section.

- K. **Potentially Dangerous Dog:** A dog that:
1. Inflicted a bite on a person either upon public or private real property;
 2. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
 3. Approached a person, when not on the owner's property, in a vicious or terrorizing manner or an apparent attitude of attack.
- L. **Stray Dog or Cat:** Any dog or cat, within the County, wandering at large or lost and does not have an owner, or any dog or cat, within the County, whose owner fails to list animal for license purposes, or fails to have said dog or cat vaccinated against rabies by a veterinarian, or any dog or cat not wearing a collar and current rabies tag.
- M. **Acts Deemed Public Nuisance:** It shall be unlawful for any animal owner to keep or have within Person County, any animal that habitually or repeatedly chases, snaps at, attacks, or provokes pedestrians, bicyclists or vehicles, or turns over garbage pails, or damages gardens, flowers or vegetables, or conducts itself so as to be a public nuisance, or permits a female animal to run at large during the estrous stage of reproduction. If an animal is caught doing any of the above, and an official complaint is filed and the owner, if known, is notified, the owner is required to keep said animal contained. Each day said animal is not contained, the owner is said to be not in compliance with this ordinance; each day thereafter constitutes a separate violation of this ordinance.
- N. **Vaccination:** the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

SECTION 5. DOG AND CAT MUST WEAR COLLAR AND RABIES TAG:

It shall be unlawful for any dog or cat owner to fail to comply with the State laws relating to the control of rabies, and it shall be unlawful for any dog or cat owner to fail to provide any dog or cat he or she owns with a suitable collar or harness for the wearing of the rabies tag to be issued upon compliance with the State law, and to take such action as is necessary to see that said tag is worn by said dog or cat at all times except as otherwise provided in Section 3 (g). Collar or harness with attached tag must be worn at all times except during the time animals are performing at shows, obedience trials, tracking tests, field trails, training schools or other events sanctioned and supervised by a recognized organization. Proof of the above must be presented upon request of the Animal Control Officer. It is the purpose of this ordinance to supplement the State law by providing a procedure for the enforcement of State laws relating to rabies control.

Unless proof of vaccination is available, it shall be the duty of the Person County administrative staff to give every person who owns, redeems or adopts a dog or cat a PROOF OF RABIES VACCINATION CARD and a record will be maintained of the vaccination. In addition to all other penalties prescribed by law, a dog or cat is subject to impoundment in accordance with the provisions of this ordinance, if the owner of the dog or cat can not furnish evidence of license fee listings or if the dog or cat is not wearing a current and valid rabies tag. It shall be unlawful for any person to use for any dog or cat a vaccination tag other than the one issued said tag.

SECTION 6: POSSESSION OF ANIMALS:

It shall be unlawful for any person knowingly to harbor, feed, or keep in his possession, by confinement or otherwise, any animal that does not belong to him unless he has:

- A. The consent of the owner or guardian of the animal; or
- B. Within 72 hours of the time the animal has come within his possession, he must notify the Animal Shelter. Upon receiving such notice, an animal control officer shall obtain the animal and place it in the animal shelter if requested by the person in possession.

SECTION 7. RABIES VACCINATION AND CONTROL:

It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for his dog or cat. Should it be deemed necessary by the County Health Director or Board of County Commissioners that other pets be vaccinated in order to prevent a threatened epidemic, or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.

- A. **Bite Cases:** Duty of Owner: Every animal which has bitten anyone or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the Animal Control Department by its owners, or person having the animal in charge, and there-upon shall be securely quarantined at the direction of the Animal Control Division for a period of ten (10) days, and shall not be released from such quarantine except by written permission from the Animal Control Department.

The biting animal, and its records of vaccination and registration, shall be inspected by the Animal Control Officer who will then observe the following policy:

- i. A properly vaccinated and registered dog or cat may be confined on the owner's premises provided that an animal control officer determines that the owner has an adequate means of confinement upon his own premises. The animal must be available for observation by the officer at any time during the ten (10) day period.
- ii. A dog or cat not properly vaccinated or registered, belonging to an owner, shall immediately be confined in a veterinary hospital or the county Animal Shelter, in which case the expense shall be borne by the owner for the ten (10) days confinement. The dog or cat shall not be vaccinated during confinement.
- iii. A biting stray dog or cat shall immediately be confined in the County Animal Shelter for a ten (10) day period.

- b. **Surrender for Quarantine Required on Demand:** Except as provided in subsection B above, it shall be unlawful for the owner to refuse an investigation by the Animal Control Division upon demand, any animal which has bitten a human or has been in an encounter with a suspect rabid animal, for the purpose of supervised quarantine, the expense of which shall be borne by the owner. If rabies does not develop within ten (10) days, the animal may be reclaimed upon payment of ten dollars (\$10.00) per day for feeding and care and upon compliance with other provisions of this ordinance and \$25.00 reclaim fee.
- C. **Rabies Diagnosed:** If an animal dies while under observation for rabies, then the head of such animal must be submitted to the State Public Health Lab.
- D. **Emergency Quarantine and Procedure:** When reports indicate a positive diagnosis of rabies, the County Director of Public Health may order an area wide quarantine for a period as he deems necessary; and upon invoking of such emergency alert by the Health Director, no pet animal shall be taken into the streets, or permitted to be in the streets during such period. During such alert, no animal may be taken or shipped from the County without written permission of the Animal Control Division. Each member of the Animal Control Division, police and sheriff's department is hereby fully authorized during such emergency, to impound or destroy (if cannot be apprehended) any animal found running at large in the County. During the quarantine period, the Animal Control Division or the local health authorities shall be empowered to provide a program of mass immunization by the establishment of temporary emergency rabies vaccination clinics strategically located throughout the County. No animal which has been impounded by reason of being a stray, unclaimed by the owner, is allowed to be adopted from the Animal Shelter during the period of emergency rabies quarantine, except by special authorization of the public health officials and the Department Head of the Animal Control Division.
- E. **Current Rabies Inoculation:**
1. It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary by the County Health Director, the Board of County Commissioners, or the State Public Health Veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet. This ordinance strongly recommends inoculation for other animals if vaccine is available for that species.
 2. A rabies inoculation shall be deemed "current" for a dog and cat if two inoculations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.

- F. **A dog or cat bitten by a proven rabid animal or animal suspected of having rabies:** that is not available for laboratory diagnosis, shall be destroyed immediately by its owner, the county Animal Control Officer or a peace officer unless the dog or cat has been vaccinated against rabies in accordance with this Ordinance or the rules or regulations of the Person County Health Department more than three weeks prior to being bitten, and is given a booster dose of rabies vaccine within three days of the bite. It shall be unlawful for any owner or person who has been taking care of any unvaccinated animal, which is reasonably determined to have been exposed to rabies because of an encounter with a suspect rabid animal, to fail to surrender said unvaccinated animal to the Animal Control Division on demand for compliance with any protocol established by the Person County Health Director for handling of rabies exposure incidents.
- G. In the event there are **additional positive cases of rabies** occurring during the period of quarantine may be extended at the discretion of the county Director of Public Health.
- H. It shall be **unlawful for any person to kill or release any animal under observation for rabies**, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the County without written permission from the Animal Control Department and the County Director of Public Health.
- I. **The carcass of any dead animal** suspected of dying with rabies shall be reported to the Person County Health Department. If the Health Department procedures deem necessary, the animal shall be surrendered to the Animal Control Division. The head of such animal shall be submitted to the Person County Health Department for shipment to the State Public Health Lab.
- J. It shall be unlawful for any person to **fail or refuse to surrender any animal for quarantine** or destruction as required, when demand is made by the Animal Control Division.

SECTION 8. DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS

- A. The provisions of this Section do not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties. A dog shall not be considered a dangerous dog under this Article if the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.
- B. The Chief Animal Control Officer must notify the owner in writing, giving the reasons for his determination, before the dog may be considered potentially dangerous under this Section. The owner may appeal the determination of the Animal Control Officer by giving written notice of the appeal within 5 days F.O. this determination, to the Chief Animal Control Officer. The dog will be considered potentially dangerous pending the appeal.

- C. It is unlawful for an owner to:
 - 1. Leave a dangerous dog or potentially 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 or potentially dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.
- D. If the owner of a dangerous dog or a potentially dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide written notice to:
 - 1. The Chief Animal Control Officer, stating the name and address of the owner of the dog; and
 - 2. The person taking possession of the dog; specifying the dog's dangerous behavior and the Chief Animal Control Officer's determination.
- E. A dog that has been determined to be dangerous or potentially dangerous may be humanely destroyed in the following instances:
 - 1. If the Chief Animal Control Officer determines that a dog that was previously determined to be dangerous or potentially dangerous either bit a person so as to cause a break in the skin or was at large on two or more separate occasions after such determination, the Chief Animal Control Officer may seek a court order for the dog to be humanely destroyed.
 - 2. If the Chief Animal Control Officer in determining that a dog is dangerous or potentially dangerous also determines that the dog, without provocation, has killed or inflicted severe injury on a person, the Chief Animal Control Officer may seek a Court Order that the dog be humanely destroyed.
- F. A dog that has been determined to be dangerous or potentially dangerous may not be disposed of by adoption from the animal shelter
- G. The guardian or other custodian of any dog that has been determined to be dangerous or potentially dangerous, shall report immediately to the Animal Control Officer if the dog get loose or is otherwise unconfined or it attacks a person or another animal.
- H. An animal control officer shall inspect the premises where a dog determined to be dangerous is kept .

SECTION 9. NOISY DOGS:

It shall be unlawful for the owner or guardian other custodian of any dog to allow it to bark, whine, howl, or make any other noise for a protracted period so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

SECTION 10. INJURING ANIMALS, NOTICE REQUIRED:

It shall be unlawful for any person to injure an animal by running over, into, or coming into contact with animal, by automobile, motorcycle, bicycle, or other vehicle, to fail to notify immediately, the owner of the animal, the Animal Shelter, the Police Department, if in the city limits, or the Sheriff's Department if in the county.

SECTION 11. CRUEL TREATMENT:

It shall be unlawful for any person to tease, bait, molest, torture, deprive of necessary sustenance, or cruelly beat, mutilate or kill, wound, injury, poison, abandon or subject to conditions detrimental to its health or general welfare any animal or to cause or procure such action. The words "torture, or cruelly" shall be held to include every act omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful shooting of birds, deer and other game for human food; nor to prohibit the Animal Control Division or their agents or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner.

SECTION 12. MANNER OF KEEPING AND TREATING ANIMALS GENERALLY:

It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions to fail to provide proper food and water daily, shelter from the weather, reasonable clean quarters, and proper medical attention for sick, diseased or injured animals. It is recommended that animals have adequate inoculation against disease, according to the species of the animal.

SECTION 13. IMPOUNDING ANIMALS:

Any animal which appears to be lost, stray or unwanted, or which is found not wearing a current valid rabies vaccination tag required by State law, shall be confined in the Animal Shelter in a humane manner for a minimum of three (3) business days, for redemption by the owner and a maximum of 15 business days for adoption. Animals may be redeemed once it is established to the satisfaction of the Animal Control Director that it has been vaccinated against rabies. If the animal has not been vaccinated against rabies the owner / new owner will be given Proof of Rabies Vaccination Card and 48 hours to have any animal 4 months or older vaccinated for Rabies. The Animal Control Director will have sole responsibility of deciding which animals will be adopted. If there is an animal tested positive in any township, animals from this area will not be adoptable for a period of six (6) months, unless that animal has been vaccinated against rabies prior to custody at the shelter.

- A. **Sale or Destruction:** If an impounded animal is not redeemed by the owner within said period it may be offered for adoption to any responsible adult not associated with the shelter who is willing to comply with these animal control laws and adoption to such person after making appropriate payment for adoption as follows. Animals not redeemed within three (3) days after being taken into custody, may be adopted or destroyed in a humane manner by the Animal Control Division.
- B. **Notifying Owner:** Immediately upon impounding an animal, the Animal Control Division will make reasonable effort to notify the owner, and inform such owner of the conditions whereby the animal may be redeemed.

- C. **Animal Protection and Rescue Organizations:** Animal protection and rescue organizations that possess an IRS Code section 501 designation shall have the right to obtain possession of any animal in the possession of the County without payment of the fees set out in this ordinance except for animals which are rabid or suspected to be so, necessary for criminal or civil judicial purposes, necessary for the disposition of law enforcement investigations, required to be held or disposed of to protect the public health or safety of the citizens of the county, ordered to be held or disposed of by a court of competent jurisdiction

The County Animal Control Director or his designee shall require such organizations to provide evidence of liability insurance or other financial responsibility prior to obtaining possession of such animals. In making animals available to organizations as provided for in this subsection the County does not warrant the physical condition or disposition of any animal. The organization obtaining animals hereunder shall be responsible for any and all damages and injuries sustained by any person on account of such animals and shall hold the County harmless for any claims of damages and injuries sustained by any person on account of such animals.

- D. **Intact Dogs and Cats:** The Animal Control Division shall require that at the appropriate age all adopted dogs and cats released from the Animal Shelter be spayed or neutered, unless released to any reputable Rescue with a 501 tax exempt number. All items according to Section 3 (g) and Section 14 must be met when animal is adopted.
- E. **Suspected Rabies:** Animals impounded which have been bitten by a rabid animal or which the Animal Control Officer has reasonable grounds to suspect has been exposed to a suspect rabid animal, or appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with as provided in Section 7 entitled "Rabies Vaccination and Control" of these Ordinances.
- F. **Unwanted, Diseased or Injured Animals:** If an animal is officially surrendered by the owner to the Animal Control Division to be placed in home or destroyed in a humane manner, it may be disposed of without waiting three (3) days.
- G. **Other Diseased or Injured Animals:** Any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the Animal Control Division will attempt to notify the owner before disposing of such animal, but if the owner cannot be reached, and the animal is suffering, the Animal Control Division may destroy the animal at its discretion, in a humane manner.

SECTION 14, REDEMPTION AND ADOPTION PROCEDURE FOR IMPOUNDED ANIMALS:

A. **Redemption**

The owner shall be entitled to resume possession of his animal, except as already provided for certain animals, upon compliance with the provisions of this ordinance and the payment of shelter fees incurred. The shelter fees shall be as follows:

Redemption by Owner.....\$25.00

If two or more violations occur within one year, the owner redemption fee shall increase by \$10.00 from previous violation. In addition to the other fees, a boarding fee at the rate of \$5.00 per day must be paid before animals may be redeemed.

If the dog or cat has not been vaccinated against rabies, the owner will be given a PROOF OF RABIES VACCINATION CARD at the time of the redemption or adoption. This card will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of his choice for rabies vaccination. The time for dogs or cats four (4) months and older will be 48 hours with Sundays and holidays excluded. For puppies and kittens under four months, the time limit would vary according to their age.

The CARD will be completed and returned to the Animal Shelter by the owner. If this card is not returned to the Animal Shelter within the time limit, a control officer will be dispatched to retrieve the dog or cat.

B. Adoption

Adoption Fee.....\$25.00 (includes age appropriate vaccinations)

There will be a \$75 deposit for all animals adopted from the shelter. This deposit will be returned once the proof of vaccination card and the proof of sterilization card have been returned. The sterilization card must be returned within 30 days if the animal is 6 months of age or older.

SECTION 15. OTHER FEES:

- A. To pick up owned puppies or kittens - \$25.00.
 - 1. Owner may bring puppies or kittens to the shelter at no charge.
 - 2. No charge to pick up stray puppies or kittens but must pick up mother also.

- B. To answer injured animal call - \$25.00
 - 1. Owner must pay fee to Officer upon arrival
 - 2. No charge to answer call on injured stray animal.

SECTION 16. EXEMPTIONS:

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this ordinance except for the sections on cruel treatment and the manner of keeping animals.

SECTION 17. INTERFERENCE:

It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Division or its agents, or Animal Control Officers or Veterinarians in the performance of any duty authorized by this ordinance, or seek to release any animal in the custody of said agents except as herein provided.

SECTION 18. RECORDS:

It shall be the duty of the Animal Control Division to keep accurate and detailed records of:

- A. Impoundment and disposition of all animals coming into the Animal Shelter;
- B. Bite cases, violations, and complaint investigations;
- C. All monies belonging to County which were derived from impoundment fees, penalties and adoption of animals;
- D. All other records deemed necessary by the County Manager.

SECTION 19. PENALTIES:

- A. Under authority of G.S. 153A. 123 (b) violation of this ordinance is a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment for not more than thirty days.
- B. The Animal Control Officer may institute action for injunctive relief and order abatement as provided in G.S. 153 A-123 (e) for any condition found unlawful in this ordinance.
- C. The Animal Control Officer may also enforce this Ordinance by issuing a Notice of Civil Penalty in any amount up to One Hundred Dollars (\$100) per day for any violation.
- D. Each day of continued violation of this ordinance is a separate and distinct offense as provided in 153A-123(g).

SECTION 20. SEVERABILITY:

If any section or part of this ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this ordinance are severable.

SECTION 21. EFFECTIVE DATE:

This ordinance shall become effective on the 21st day of April, 1981, amended on April 5, 1993, and further amended on March 18, 1996, and further amended November 19, 2007 and further amended on April 6, 2009.


 Johnny M. Lunsford
 Chairman, County Commissioners

4/8/09
 Date

HEALTHCARE DECISIONS DAY PROCLAMATION:

Chairman Lunsford presented the Healthcare Decisions Day Proclamation.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Kennington, and **carried to adopt** the Healthcare Decisions Day Proclamation proclaiming April 16, 2009 as Healthcare Decisions Day in Person County.

Healthcare Decisions Day Proclamation

WHEREAS, *Healthcare Decisions Day* is designed to raise public awareness of the need to plan ahead for health care decisions, related to end of life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important health care decisions; and

WHEREAS, North Carolina general statutes provide the specifics of our advance directives law and offers a model form for patient use for advance directives; and

WHEREAS, it is estimated that only about 20 percent of people in North Carolina have executed an advance directive. Moreover, it is estimated that less than 50 percent of severely or terminally ill patients have an advance directive; and

WHEREAS, it is likely that a significant reason for these low percentages is that there is both a lack of knowledge and considerable confusion in the public about Advance Directives; and

WHEREAS, Person Memorial Hospital and other organizations throughout North Carolina have endorsed this event and are committed to educating the public about the importance of discussing health care choices and executing advance directives; and

WHEREAS, as a result of April 16, 2009, being recognized as *Healthcare Decisions Day* in North Carolina, more citizens will have conversations about their health care decisions; more citizens will execute Advance Directives to make their wishes known; and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient;

NOW, THEREFORE, we, the duly elected Commissioners of Person County do hereby recognize April 16, 2009, as **HEALTHCARE DECISIONS DAY** in Person County and we call this observance to the attention of all our citizens.

(signed)

Johnny Myrl Lunsford, Chairman
Person County Board of Commissioners

BUDGET AMENDMENT:

County Manager, Heidi York presented the following Budget Amendment.

Upon a motion by Commissioner Puryear, and a second by Commissioner Jeffers and majority vote, the Board of Commissioners of Person County does hereby amend the Budget of the General Fund(s) on this, the 6th day of April 2009, as follows:

April 6, 2009

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u>
		Incr / (Decr)
<u>EXPENDITURES</u>	<u>General Fund</u>	
	Public Safety	1,279
	Human Services	283,301
<u>REVENUES</u>	<u>General Fund</u>	
	Other Revenues	1,279
	Intergovernmental Revenues	283,301

Appropriate: Interfund transfers in the Elections Department, Sheriff's Department and EMS to cover shortage in various line items; vehicle insurance claim for EMS ambulance (\$1,279); and grants for Health Dept from the Environmental Health Grant (\$835), the Family Planning Grant (\$5,545), the Healthy Personians Grant (\$5,727), and the Central Partnership for Public Health Grant (\$271,194).

CHAIRMAN'S REPORT:

There was no report from Chairman Lunsford.

MANAGER'S REPORT:

County Manager Heidi York had no report.

COMMISSIONER REPORT/COMMENTS:

Commissioner Clayton had no report.

Commissioner Jeffers recognized and thanked the young Animal Shelter volunteers in the audience.

Commissioner Puryear stated the High Speed Internet Committee met recently and reported that the Embarq officials as well as Randy King from Electronic Solutions will be presenting to the Board, City Council and School Board at the meeting scheduled for April 15, 2009 at 5:30 p.m. in the County Auditorium. Commissioner Puryear stated Charter Communications had been invited as well.

Commissioner Kennington thanked staff and Ms. York for the recent Board retreat in which he learned a great deal.

ADJOURNMENT:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried** to adjourn the meeting at 7:55 p.m.

Brenda B. Reaves
Clerk to the Board

Johnny Myrl Lunsford
Chairman

April 6, 2009

