



Legislation Text

File #: 15-0072, **Version:** 1

TITLE:

Propose adoption of unified animal ordinance

PURPOSE: To propose the adoption of a unified animal ordinance that creates a common framework for animal services while allowing for codes that are unique to the town of Carrboro and other jurisdictions.

DEPARTMENT: Police Department

CONTACT INFORMATION: Chief Walter Horton

INFORMATION: Since July 1, 2013, Orange County Animal Services has provided Animal Control Services to all parts Orange County except for the portion of Orange County within Mebane. Despite the increasing integration of animal services through Orange County Animal Services, there are three different animal ordinances in force (all available online at <<http://orangecountync.gov/AnimalServices/info.asp>>). Orange County, Carrboro and Chapel Hill all have their own ordinances, while Hillsborough has adopted the county's ordinance. The differences in the local Ordinances have proven to be complicated and confusing; not only for staff charged with responsibility for regulatory function and the Court system, but perhaps most importantly for the residents of the towns and the county.

Because animal services within the County have become more unified and integrated than they have been in the past, staff from the towns and county have developed a proposed Unified Animal Control Ordinance. The proposal does not create a generally uniform code across the towns and the county. Rather, it creates a unified framework within which there are some differences between the towns themselves and between the towns and the county.

The effort to create a unified animal ordinance involved convening a work group of staff from the involved jurisdictions. Specifically, the group consisted of the staff attorney for the Chapel Hill Police Department with animal control responsibilities, the Carrboro Police

Chief and a Carrboro police Captain. Hillsborough officials have been supportive throughout but elected to not participate in this process since the town essentially adopts the county's animal ordinance.

The objectives of the work group were to:

1. Create a unified ordinance. The group's work practice has essentially been to compare the same or similar sections of the three existing ordinances and decide which made the most sense in light of experience providing effective animal services in the different jurisdictions.
2. Fill in necessary "gaps" in the Ordinance to create the needed authority assure the public health and

safety and welfare of animals within Orange County. One illustration of such authority would be to have an animal euthanized for humane reasons in exigent circumstances. Another illustration would be the authority to hold a vicious animal who has repeatedly bitten or attacked members of the public.

3. Respect significant differences in the three codes insofar as these existed for a good reasons, e.g., tethering ordinances in the town and county, requirements for keeping so-called livestock, etc.

Significantly, the towns of Carrboro and Chapel Hill are expected to retain some portions of their existing ordinances that are uniquely their own either controversial or where there is no corresponding Ordinance in the other jurisdictions: (i.e. tethering, permitting chicken, and keeping livestock). In the case of the former, where changes may be controversial, no changes were made and each jurisdiction will retain their respective Ordinances. Where a Municipality may have a more restrictive Ordinance in an urban area than the County does for rural areas, the Ordinance provides for the more restriction in the municipalities and less in the County.

During the initial process, the existence of “gaps” in the existing ordinances become apparent in trying to address and resolves the concerns of residents in different parts of Orange County. Staff has tried to work around the gaps in the Ordinance in close collaboration with staff attorneys from the county and municipalities to respond animal control issues and to protect the public safety and welfare of the animals. Throughout the process, however, they resisted requests to create new law was resisted to ensure there was no “scope creep.” They Staff attempted to propose changes to the existing Ordinances that were not be controversial, refined existing services being provided, assured the public health and the safety of animals.

The only area in which changes are being proposed is in the area of animal recovery. These are integral to the county’s five-year plan for managing pet overpopulation, in order to both reduce the euthanasia of animals and to contain the costs of providing animal services. They are to:

1. Create a requirement for microchipping stray cats and dogs upon their first recovery;
2. A tiered and differential fee schedule for the recovery of cats and dogs depending upon the number of times they have been recovered and whether they are reproductive or sterilized;
3. A refundable spay/neuter deposit for cats and dogs recovered three or more times.

In addition to Staff review of the proposed unified ordinance, the Animal Services Advisory Board (“ASAB”) also reviewed and suggested changes to the proposed ordinance. The advisory board has eleven members including a representative from each of the towns of Carrboro, Chapel Hill and Hillsborough. The towns have themselves recommended the appointment of these representatives to the County Commissioners, who appoint

all members of the advisory board.

The proposed ordinance reflects changes made by the county attorney on the basis of discussion by the Board of County Commissioners on several occasions. It also reflects quite recent discussions between county staff and the Carrboro and Chapel Hill police chiefs and their staff. Essentially, these are the town staff that manage the agreements under which Animal Services provides animal control and protection services to the towns of Carrboro and Chapel Hill.

FISCAL & STAFF IMPACT: The unified animal ordinance has no financial impacts in and of itself. Because it does not create new laws but rather brings together the best elements of existing ordinances, its enactment will not entail additional services or additional layers for existing services. To the extent that there is a unified ordinance in the county for the first time, it is hoped and expected that that service will become more effective and efficient as a result of there being more coherence and clarity about the general regulatory framework for animal care and control in the county.

RECOMMENDATION: Staff recommends that the Board review and make comments on the Unified Animal Control Ordinance.