FROM: ***ANIMAL SERVICES ADVISORY BOARD (ASAB)***

SUBJECT: Monthly Meeting Minutes
DATE: May 15, 2013
LOCATION: Orange County Animal Services, Eubanks Rd., Chapel Hill NC

MEMBERS PRESENT: Susan Elmore (Chair), Michelle Walker (Vice-Chair), Kris Bergstrand (Secretary), Judy Miller, Aviva Scully, Michael Stewart, Suzanne Roy, Kate Doom-Patel, Warren Porter
MEMBERS ABSENT: Donna Bravo, Jen Merritt, Lynn White
STAFF PRESENT: Bob Marotto (Animal Services Director), Sarah Fallin (Program Coordinators)

Beginning time of meeting: 6:34 pm

Agenda: Unanimously approved with removal of item 7.b.

Summary of Feb 20, 2013 meeting: Reviewed and unanimously approved.

General Public Comments on items not on the agenda: None

ASAB Affairs

a. Welcome of new member Warren Porter
b. Potentially Dangerous Dog Appeals Hearings: Kate Doom asked that ordinances related to this be reviewed for the benefit of newer ASAB members.

c. ASAB Vacancies: In ongoing effort to have more diversity on the ASAB, Bob M spoke with Donna Baker (Commissioner Clerk) about additional county staff assistance with outreach for more diverse background candidates to enlarge applicant pool for future vacancies. 3 upcoming vacancies: At large, Animal advocate and Veterinarian. Candidate for Veterinarian position (Dewanna Anderson) attended, introduced herself, and was well received.

d. Potentially Dangerous Dog Appeals Hearing: Kris Bergstrand described that the committee overturned the declaration after hearing that the incident was not actually witnessed by either dog owner, the injured dog traveled ~110 feet to engage with accused dogs and all dogs involved were off home property. Owner of the injured dog didn't attend the hearing.

Monthly Meeting Attendance Record: confirmed

Animal Services Report, Bob Marotto, Animal Services Director

a. Select Departmental Developments (attached included by reference): Volunteer coordinator Sarah Fallin distributed bullet list describing upcoming Open house June 1, need for donations/support from ASAB. The Open House plays an important role in raising community awareness of the Shelter and Animal Services. Also a good kick-off to cat adoption month. Sarah provided updates on SNAP (spay/neuter assistance program), 38 animals fixed in first visit. Direct "every door" mailing with info on the $20 Fix going out (5000 at a time). July 1, 2013, income eligibility increasing which should increase demand for low cost

spay/neuter.

b. Bob Marotto reported large upswing (expected seasonal) in kittens at the shelter and hoped that Adopt-a Cat Month in June will be as successful as it was last year.
c. Staffing: 4 new office assistants hired, training ongoing. Recruiting for 2 animal control officers. Shelter Manager position redefined as Veterinary Health Care Manager, interview starting soon.
d. Agreement signed and in place for support from CLAWS with wildlife calls.
e. Hosting "Sheltering 101" an NC Animal Federation training seminar.

Old Business

a. Dangerous and Vicious Animal Component of the Unified Animal Ordinance- Bob Marotto, Animal Services Director.
   Prior to public comment on the issue, Bob Marotto presented update on the Unified Ordinance edits/additions regarding vicious animals (attached included be reference herein). He also indicated that completed an administrative review of a vicious dog declaration that had been brought to the attention of the ASAB, as there is not yet an appeal process in place for that. He hopes to have BOCC action on this in August or September.
b. Public comment: Brandi Taylor asked that we include in the ordinance an appeal process for the vicious dog declaration, and expressed concern that information about dog bite situations provided to Animal Control officers needs to be evaluated carefully. She also submitted a written statement (included by reference herein). Mr Johnson agreed with need for appeal of vicious dog declaration and asked us to consider different approaches in the ordinance for urban versus rural circumstances.
c. ASAB discussion of latest edits to ordinance. Questions about appropriate signage to discourage trespassers, examples of "real life" situations and how the ordinance would work. Chair Elmore pointed out that while we can't include every detail for every possible circumstance, we can move forward, get it passed by the BOCC and tweak it as needed down the road. The ASAB unanimously approved going forward with the implementation of the Unified Ordinance as soon as possible with staff addressing items raised in the discussion.

Ongoing and Upcoming Events

Rabies Clinics May 9 and June 15, Hillsborough and ACS respectively
Open House June 1 12-4 pm
June is Cat Adoption Month-adoption specials

Meeting adjourned at: ___8:45 pm_____
Name of Minute Taker :___Kris Bergstrand_____

Animal Service News

May 15, 2013

OPEN HOUSE (4th Annual)

- *Saturday, June 1, 2013 from 12:00-4:00 p.m.*
- *Hot dogs, cupcakes, popcorn, face painting, scavenger hunt, potbellied pig , kissing booth, cat adoption special and more*
- *We rely on ASAB for support – attend, donate, and volunteer*

COMMUNITY SPAY/NEUTER

- *Spay Neuter Assistance Program (SNAP) agreement is in place*
- *First direct mailing by zipcode is upcoming*
- *Income eligibility criteria will be raised effective July 1, 2013*
    - *They will be less than 300 percent of the poverty level*
    - *They will match NC Spay/Neuter Reimbursement Program*

KITTEN SEASON

- *It has commenced (for better or worse)*
- *Drives seasonal upswing in intake and animal population*
    - *Daily animal count is now between 120 and 130*
    - *Even in April, it was mostly under 100*
    - *Last June, it was*
- *June will be Adopt a Cat Month*

STAFFING

- *Four new office assistants hired and (partially) trained (hurrah!)*
- *Recruitment and selection for 2 new Animal Control Officers is underway*
- *Shelter Manager Position*
    - *Redefined as a Veterinary Health Care Manager*
    - *Advertised nationally*
    - *Interviews in the coming weeks*

ASSORTED

- *Manager's Recommended Budget*
    - *Recommended department budget with one qualification*
- *Hosting "Sheltering 101," a North Carolina Animal Federation training seminar*
- *Commercial Puppy Breeding Bill (crossed over from House to Senate)*

By Bob Marotto, Animal Services Director, and
Sarah Fallin, Animal Services Program Coordinator

Vicious Animals in the Proposed Unified Animal Ordinance
For Orange County, North Carolina

May 15, 2013

Introduction

Attached is the section of the current version of the proposed unified ordinance pertaining to vicious animals. My goal is to identify what I will call "the elements" of this section to assure that the Animal Services Advisory Board has clarity about these elements. I will do so by creating a context for receiving the attached, and of course, I will be glad to discuss specific elements of the attached at the board's request.

Creating a Unified Ordinance

Recall that the unified ordinance comes from our experience with the existing county animal control ordinance and the comparable ordinances in the towns of Chapel Hill and Carrboro. All three of these ordinances are available online at http://orangecountync.gov/AnimalServices/info.asp.

Our working group consisted of the staff attorney for Animal Services, the Carrboro Police Chief, a Carrboro Police Captain, the staff attorney for the Chapel Hill Police Department with animal control responsibilities, our Animal Control Manager and me in my role as Animal Services Director. Our work practice was to compare the same or similar section of the three ordinances and to decide which made the most sense in light of our combined experience in providing effective animal control services in our respective jurisdictions.

In doing so, we identified some key gaps based upon our experience. These gaps are:

1. Required microchipping for identification
2. Clearly defined enclosure requirements
3. Enclosure requirements for animals declared under local as well as state law
4. Bites and aggression on owner's property
5. Impoundment authority as needed to assure public safety
6. Appeal process of declarations made under local law

More will be said below about these gaps.

State Law

A number of concerns have risen from our experience applying the general statutes that apply to potentially dangerous and dangerous dogs in North Carolina. Some of these regard the making of such declarations and others concern compliance with the requirements for keeping a declared animal.

Notable concerns from an enforcement standpoint are:

1. No microchipping requirement (leaving legal issues of identification)
2. No leashing requirement on property when an owner is in attendance
3. Less than unambiguous criteria for confinement ("in a securely enclosed and locked pen")
4. No impoundment authority when there are infractions

Notable concerns also arise from the perspective of reviewing bite reports made by residents to decide whether an animal should be declared potentially dangerous. The primary concern is this:

- A "non-severe bite" on the owner's property is not a basis for deeming a dog potentially dangerous under NCGS.

Severe in this context means "any physical injury that results in broken bones, or disfiguring lacerations or required cosmetic surgery or hospitalization."

Consider then a child bitten by a neighbor's dog on the property of the dog owner in which there are multiple punctures and one or more lacerations, but nothing that qualifies the injuries as "severe." There is thus no basis for declaring the dog a danger with the purpose of preventing another incident of the same kind.

Local Law

The last gap has been filled by the available local ordinances. In other words, dogs responsible for "non-severe" bites on the owner's property have been declared vicious under broader and more inclusive provisions of local ordinance.

Until the recent case I described earlier, our operational understanding has been that there must be criminal trespass or trespass for criminal purposes. We understood these two things:

1. The commission of a crime on the dog owner's property entailed a trespass and thus that a dog bite is excepted from the general provision.
2. That a person having been officially trespassed by the police or the property owner should not be on the dog owner's property and thus that a dog bite is excepted from the general provision.

Under the unified ordinance, there would essentially need to be a criminal trespass (or tort) for a dog that bites someone on its owner's property to be excepted from the general provision. There also would be an exception if the property was posted in a "manner reasonably likely to come to the attention of intruders." Other exceptions are detailed under this section of the proposed unified ordinance on page 18 of the attachment.

Three other observations are in order to assure that I have completed my review of the gaps and elements of the vicious animal component of the proposed unified ordinance. One is that the confinement requirements of the three ordinances for the County, Chapel Hill and Carrboro vary drastically. In the case of the County's animal control ordinance, no more stringent restraint is required of the owner of a vicious animal than for any other dog owner.

The second observation concerns so-called "watch dogs" in the local ordinances. Unlike other types of security dogs, these require no prior registration with animal control under the existing ordinance. Indeed, it could be virtually any dog since "it is one that barks and threatens to bite any intruder that has not been specially trained or conditioned for that purpose."

The third observation is that there is not a process of appeal in Orange County's vicious animal ordinance. One is created by the unified ordinance just as it creates confinement requirements and eliminates "watch dogs" from the general category of security dogs.

Conclusion

We are seeking to create a unified animal ordinance because animal services are more unified and integrated than they have been in the past in Orange County. Effective July 1, 2013, Animal Services is expected to provide services to all of Orange County except municipal Mebane.

I believe that this effort has been outstanding for a number of reasons. One is that it is collaborative and motivated by a strong sense of the need to create new forms of service that are not anchored in traditional boundaries. Another is that the effort has been guided by a deep respect for the rule of law and a strong sense of public service as well as professional duty.

The gaps that are being filled, finally, are ones that have become apparent—sometimes painfully apparent—from our combined experience in trying to address and resolve the concerns of residents from all areas and walks of life in Orange County.

Robert A. Marotto
Animal Services Director

Mrs. B Taylor
May 15 2013
Comment related
to Unified Ordinance

As your board works on the Proposed Unified Animal Ordinance there are a few thoughts that I have.

With the proposed requirement of having the owner of a sentry or patrol dog register that dog with Animal Services, how will you notify or advise the public that this is required? Would vetrinarians have a responsibility to advise the owner of such a dog of that requirement and/or even distribute the form that is to be filled out?

On the subject of animal vs. animal, for instance when an incident involves a dog biting another dog

that leads to one of the declarations being made, please keep in mind that animals - dogs - communicate in their own way. I personally don't feel that a "situation" or incident involving just dogs ~~is as~~ has as much weight as an incident in which a dog bites a person. Dogs are constantly finding or keeping their place in their pack.