

**Lincoln County Animal Services
Advisory Board Meeting
November 1, 2016
Minutes**

ATTENDEES:

Kelly Atkins, County Manager
Josh Grant, Program Operations Manager
Hannah Beaver, Animal Services Director
Dr. Ashley Oliphant, Chairman
Dr. Karen Miller, Secretary
Ms. Robin Franklin, Board Member
Diane Leatherman, Board Member
Doug Woods, Board Member
Mark Connolly, Board Member
Amanda Hallman, County Manager's Secretary

The meeting opened with Chairman Oliphant welcoming everyone in attendance. The only member not in attendance was Vice Chairman, Danielle Rudisill.

1. APPROVAL OF MINUTES.

The first order of business was to approve the minutes from the October 14, 2016, meeting. Chairman Oliphant asked if anyone had any questions or comments regarding the prior meeting's minutes. Board Member Connolly made the motion to approve the said minutes and Board Member Franklin seconded the motion. Motion passed unanimously.

2. ANIMAL SERVICES PRESENTATION ON CRUELTY AND NEGLECT AND DISCUSSION.

Director Beaver presented her findings from the School of Government to the Board after her conversation with Aimee N. Wall, Thomas Willis Lambeth Distinguished Chair in Public Policy regarding State Law.

- Article 47 §14-360. Cruelty to animals. Director Beaver reviewed the article with the Board and informed the Board that most of the language in the article is also covered in the State Law. Animal Services has the burden of proof to prove that the act was intentional and malicious. The exceptions to this rule would be production of food for human or animal consumption, biomedical research or training, veterinary purposes, lawful destruction for public safety, etc.
- §14-360.1. Immunity for veterinarian reporting animal cruelty.
- §14-361. Instigating or promoting cruelty to animals. Chairman Oliphant asked if dog fighting was included in this. Director Beaver said that it didn't specifically go into dog fighting but that is covered in the statute later on.
- §14-361.1. Abandonment of Animals. This is seen more often by the shelter. This includes situations where animals are driven out into the country and let go. If

someone brings an animal to the shelter and leaves it behind when the shelter isn't open that is considered abandonment. A Class 2 misdemeanor.

- §14-362. Cock fighting.
- §14-362.1. Animal fights and baiting, other than cock fights, dog fights and dog baiting.
- §14-362.2. Dog fighting and baiting.
- §14-362.3. Restraining dogs in a cruel manner. Determine if the person has maliciously or in a bad motive restrained an animal.
- 47 §14-363. Conveying animals in a cruel manner. This has to do with vehicle and transportation. Offenses of this nature are not seen very often by shelter.
- §14-363.1. Living baby chicks or other fowl, or rabbits under eight weeks of age; disposing of as pets or novelties forbidden.
- §14-363.2. Confiscation of cruelly treated animals. Sets out what the Shelter is allowed to do once the animal has been seized and taken into custody.
- §14-363.3 Confinement of animals in a motor vehicle. Added in 2013. Allows any animal control officer; animal cruelty investigator; law enforcement officer; firefighter; or rescue squad worker the ability to remove an animal from a motor vehicle by any reasonable means after trying to locate the owner or person responsible for the animal. Limitations still on livestock.
- §14-177. Crime against nature.
- §114-8.7. Reports of animal cruelty and animal welfare violations. A new statewide hotline has been put in place for the public to report any incidents of animal cruelty or neglect. The hotline directs the call back to the local shelter/animal control in the county the incident took place.

Ordinance Review: Violations. 92.07 is the dangerous dog ordinance. The language in our ordinance for the most part a re-statement of what is in state law. The most contested part of the ordinance when previously submitted was the transportation portion in particular transporting in the back of a pickup truck.

- Create a new section called, "Cruelty to Animals" or something under that header to break that out into a separate section.
- Need to include State Statutes in our ordinance. Currently state law is not referenced in our ordinance. State laws are in place to handle situations with penalties greater than our citations. Any potential citation given in which there is a state law already addressing that circumstance, then there is a chance that the citation will not hold up

if there is a criminal penalty for the same thing. Need to focus on educating the public on state law. Areas that are not covered by state law, then civil penalties can be assessed. A handout on “Do’s and Don’ts” on creating an animal ordinance was given out.

- Possibly expand upon tethering and adequate care.
- In areas state law does not cover we can add our own.
- Adequate care language comes from the Animal Welfare Act. Only objection was the wording, “...not to exceed 24 hours...” Dr. Miller stated that there are circumstances which the animal cannot go 24 hours without food, such as age of animal (the very young), etc. Animal control officers usually take pictures of the environment to compare it to the next time they are out there. Welfare checks are done the same day as the complaint except if it is after hours. Currently our ordinance does not have the “24 hour” clause. Officers do currently speak to the neighbors to compile their report.
- Discussion needs to be on how much of a civil penalty needs to be assessed on citations, perhaps giving a warning at first.
- Adequate Shelter. The Board briefly discussed both examples.
- Tethering. Further discussion needs on items such as: minimum length of chain; swivels; harness or collar; and weight. It was suggested that perhaps Lincoln County look into potentially banning tethering. More research on the pros and cons for tethering will need to be done. Suggested perhaps limitations be put on tethering.
- Citation fees. Increase citation fee for cruelty and neglect violations. Raising the fee from current \$50.00 to possibly \$100.00. The fees would increase with each violation. Need to consider how high the fee should be increased and possibly having a maximum limit.
- Staff Training. Staff will continue to seek opportunities to further their training. Staff will be attending “Animal Cruelty & Fighting Investigations Training” on November 17th in Winston Salem.

Chairman Oliphant discussed with the Board the recommendations on pages 10 and 11 of the handout and asked everyone’s opinion on those recommendations. The Board unanimously agreed on the wording for adequate food and water.

Chairman Oliphant asked Director Beaver to do further research on the livestock exclusion. Further discussions were held on the metal barrels versus plastic barrels. Bedding needs to be expanded to bedding based on temperature/season. Expand on language on placement of shelter. Retention of body heat needs to be more defined. Define size of opening to be fit the size of the animal.

Chairman Oliphant stated that she would take the two examples listed and create a proposed section for the ordinance, if the Board agrees. She will email the new section to all members and then it can be discussed at the next meeting.

3. EXOTIC ANIMALS.

Director Beaver reviewed and handed out a copy of the current ordinance which was signed May 17, 1999.

- She discussed the following exemption with the Board, “Owners or harborers of those species or breeds which are registered each year, for a fee of \$25.00 (per owner) with the Lincoln County Animal Control Officers, comply with USDA regulations and are housed 2500 fee or more from a school, daycare or public playground.”
- North Carolina is one of five states that do not regulate exotics. The State lets each individual county set their own regulations concerning exotics.
- Any exotics that are already in the county now grandfathered in, but moving forward more restrictions can be in place.
- Not sure if the registrations on file are all the exotics residing in Lincoln County.
- Exceptions would be education and rehab facilities.
- Further discussion and decision whether or not the exotic animals section of the ordinance needs to be removed. If it is removed then the animals currently registered would be grandfathered in and any new or additional animals would not be included in the grandfather clause. It was proposed also to include no breeding of exotics to produce offspring.

4. BIOS FOR BOARD MEMBERS FOR ASAB WEBSITE.

Chairman Oliphant reminded everyone that they need to submit a bio and a picture for the Animal Service Board Website.

5. BRIEF UPDATE ON PROGRESS OF SHARED ORDINANCE DOCUMENT. Director Beaver is working with IT to give the Board access.

6. NEXT MEETING DATE.

The next meeting date will be Monday, December 5, 2016 at 6:30 pm at the EMS conference room.

7. PUBLIC COMMENTS.

No public comments.

8. ITEMS TO DISCUSS AT NEXT MEETING.

- Tethering
- Adequate shelter
- Open discussion on spay/neuter

9. MOTION TO ADJOURN.

The Chairman Oliphant moved to close the meeting. A Board Member (inaudible) made the motion to adjourn and was seconded by Board Member (inaudible). The motion passed unanimously to adjourn.