

ORDINANCE NO. 2016-03

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING SECTION 6.04.230
(IMPOUNDED ANIMALS-NOTICE TO OWNER-DISPOSITION) OF
CHAPTER 6.04 (ANIMAL CONTROL AND RABIES PREVENTION) OF
THE NAPA COUNTY CODE AS IT RELATES TO THE HANDLING OF
ANIMALS AT THE NAPA COUNTY ANIMAL SHELTER**

WHEREAS, both the initiative process and the board proposed measure process is available to adopt changes to county ordinances; and

WHEREAS, on February 2, 2016, a voter-initiated petition concerning the handling and disposition of impounded or surrendered dogs, cats, and rabbits was circulated and signatures were gathered for purposes of placing the initiative on the ballot; and

WHEREAS, the initiative petition has qualified for placement on the November 8, 2016 ballot; and

WHEREAS, to address certain concerns raised by staff and the Board relating to the Initiative and the scope of its impact on Animal Shelter operations, a compromise has been prepared; and

WHEREAS, as a result, this Ordinance has been prepared as an alternative to the initiative; and

WHEREAS, this Ordinance is substantially similar to the original initiative but has been revised to streamline the goals of the initiative in a cost effective manner; and

WHEREAS, the proponents of the initiative have indicated support for the compromise, as set forth in this Ordinance; and

The people of the Napa County of Napa hereby ordain:

SECTION 1. Section 6.04.230 (Impounded animals-Notice to Owner-Disposition) of Chapter 6.04 (Animal Control and Rabies Prevention) of the Napa County Code is amended to read in full as follows:

6.04.230 Impounded and surrendered animals—Notice to owner—Disposition.

A. The animal control officer and the animal shelter shall observe the following rules in the course of managing the lives of impounded and surrendered dogs, cats and rabbits:

1. Subject to the provisions of subsection (A)(3) of this section, in the case of impoundment of a dog, cat, or rabbit whose owner can reasonably be expected to be positively

identified, the animal shall continue to be impounded for a period of six days while all reasonable steps necessary to notify the owner of the impoundment are taken. Such steps shall not be required to include publication of notice in a newspaper. If the owner or a representative of the owner is successfully notified, the animal shall continue to be impounded for a period of not more than four days from the date of notification, during which period the animal may be redeemed in accordance with Section 6.04.240 of this code. If at the end of the four-day period the owner has not redeemed the animal, it shall be handled in accordance with subsection (A)(3) of this section.

2. Subject to the provisions of subsection (A)(3) of this section, in the case of impoundment of a dog, cat, or rabbit whose owner cannot be reasonably expected to be positively identified, the animal shall continue to be impounded for a period in compliance with applicable California Food and Agriculture Code sections, during which period the animal may be redeemed in accordance with Section 6.04.240 of this code. If at the end of such period the animal has not been redeemed, it shall be handled in accordance with subsection (A)(3) of this section.

3. Subject to the exclusions in subsection (A)(4) of this section, any impounded or surrendered dog, cat, or rabbit being considered for destruction may not be destroyed, regardless of health, injury, feral nature, or age, unless the animal shelter shall have first taken the following steps:

- a. Complete for each animal:
 - i. A written behavioral and medical evaluation of the animal by qualified staff, which evaluation shall be made available to the public and to non-profit organizations described in subsections (A)(3)(c) and (d);
 - ii. Notify the non-profit organizations described in subsections (A)(3)(c) and (d) upon initial identification by staff of material adoption challenges; and
 - iii. A mitigation plan when such adoption challenges are determined to exist for the animal;
- b. Provide prompt and necessary veterinary care; appropriate socialization; exercise; reasonable accommodation of special needs in situations such as nursing mothers, unweaned animals, geriatric animals, or extremely frightened animals; and seek a live outcome in partnerships with non-profit animal welfare organizations, including, but not limited to, training, fostering, and veterinary/medical support.
- c. Make provision for not less than forty-eight hour notice of all impounded and surrendered animal scheduled for destruction to any active non-profit (501(c)(3) status) animal welfare organizations who have requested such notification;
- d. Permit the release of an impounded or surrendered animal scheduled for destruction to any active non-profit (501(c)(3) status) animal welfare organizations upon request of the organization, provided that owners shall retain the same right of reclamation as if the animal was still in the shelter; and no such request has been made within forty-eight hours of such notice; and
- e. Prior to destruction of an impounded or surrendered animal, two county personnel, neither of which reports directly to the other, have each determined that the shelter has acted in accordance with this section and has each signed an acknowledgement and consent to euthanize the animal.

4. Exclusions. Subsection (A)(3) shall not apply to:
 - a. An animal suspected to carry and exhibiting signs of rabies, as determined by a licensed veterinarian;
 - b. A dog that, after physically attacking a person, has been determined to be dangerous either by: 1) qualified staff pursuant to the American Professional Dog Trainers' Dog Bite Scale or similar industry standard; or 2) a dog trainer or behaviorist provided by a non-profit organization described in subsections (A)(3)(c) and (d) at no cost to the shelter. A written record of the assessment prepared by qualified staff, dog trainer or behaviorist shall be made available to the public;
 - c. An animal experiencing irremediable physical suffering as determined by a licensed veterinarian via telephone consultation.
- B. The animal shelter shall dispose of or destroy all other impounded animals in accordance with applicable provisions of the California Food and Agricultural Code.
- C. The animal shelter shall maintain and publish on its website, or other publicly accessible location, the following:
 1. List of active non-profit (501(c)(3) status) animal welfare organization partners who have requested notice of any animals scheduled for destruction;
 2. Live release rate for the prior calendar quarter, and the annual live release rate for the prior three years, utilizing methodologies and formulas developed in the Asilomar Accords of 2004.
- D. For the purpose of this section, animal means dogs, cats, and rabbits.