

## **ORDINANCE NO. 2016-04**

### **AN ORDINANCE OF THE PEOPLE OF NAPA COUNTY, STATE OF CALIFORNIA, AMENDING SECTION 6.04.230 (IMPOUNDED ANIMALS - NOTICE TO OWNER - DISPOSITION) OF THE NAPA COUNTY CODE AS IT RELATES TO THE HANDLING AND DISPOSITION OF ANIMALS AT THE NAPA COUNTY ANIMAL SHELTER**

The people of the County of Napa ordain as follows:

#### **SECTION 1. STATEMENT OF PURPOSE AND INTENT.**

The purpose and intent of this measure is to improve the quality of life for dogs, cats, and rabbits, and avoid their unnecessary destruction by improving the live release rate for the Napa County animal shelter to at least ninety percent (90%) through:

- Implementation of practices that replace the killing of dogs, cats, and rabbits with higher live outcome alternatives where possible;
- Cooperation and partnership with non-profit, animal welfare organizations who have been granted 501(c)(3) status by the Internal Revenue Service; and
- Provision for public reporting and accountability regarding compliance with this Measure.

#### **SECTION 2. FINDINGS.**

A. In 2014, Napa County killed 33% of all dogs and cats taken in by the shelter (2014 Annual Rabies Report by California Department of Public Health, <http://www.cdph.ca.gov/HealthInfo/discond/Documents/2014LRCARreport.pdf>)

B. In other communities that have adopted a no-kill approach, the costs associated with an increase in live release rate are fully offset by reduction in euthanization costs, enhanced community support, increase in revenue from adoption fees and other user fees.

C. There are local non-profit organizations who have expressed the willingness and demonstrated the ability to partner with the Napa County animal shelter to ensure the best possible results, particularly for animals who face adoption challenges. The efforts and offers to assist have taken the form of cost sharing, provision of additional veterinary services, training and fostering resources, and taking animals into rescue facilities from the shelter, among others.

**SECTION 3.** 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) within forty-eight hours of 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 utilizing all available resources 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 by a court of competent jurisdiction to be dangerous pursuant to State law; or

c. An animal experiencing irremediable physical suffering.

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.

**SECTION 4.** This ordinance shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any paragraph, subparagraph, sentence, clause, phrase, part, or portion of this ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The voters hereby declare that this ordinance, and each paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this ordinance is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this ordinance that can be given effect without the invalid application. This ordinance shall be broadly construed in order to achieve the purposes stated in Section 1 of this ordinance.

This ordinance shall be considered as adopted upon the date the vote is declared by the Board of Supervisors and shall go into effect ten (10) days after that date, all pursuant to section 9122 of the California Elections Code.

The foregoing ordinance was passed by a vote of the people of Napa County, on \_\_\_\_\_, 2016, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

The vote on this ordinance was declared by the Board of Supervisors on December \_\_\_\_, 2016.