



## WASHINGTON COUNTY, ARKANSAS

### County Courthouse

February 26, 2016

MEETING OF THE  
WASHINGTON COUNTY QUORUM COURT  
COUNTY SERVICES COMMITTEE

Monday, February 29, 2016  
5:30 P.M.  
Washington County Quorum Court Room

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Vice-Chair Daniel Balls  
Sharon Lloyd  
Sue Madison

Chair Eva Madison

Robert Dennis  
Tom Lundstrum  
Gary McHenry

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### AGENDA

1. Call to Order.
2. Adoption of Agenda.
3. Year-End Reports
  - Animal Shelter - Director Angela Ledgerwood will be in attendance to review this report. (3.1)
  - Planning - Due to tonight's Stormwater meeting, Director Juliet Richey will present her Year-End Report at the April 4<sup>th</sup> meeting.
  - Environmental Affairs – Due to tonight's Stormwater meeting, Director Michelle Viney will send out the year-end report at a later date. She will be in attendance at the May 2<sup>nd</sup> meeting to deliver a quarterly report.
  - Information Systems – Director John Adams just returned from FMLA leave and was unable to have a report ready for this meeting, but plans to be in attendance at the April 4<sup>th</sup> meeting to present this report.
4. Discussion on the County's Vicious Animal Ordinance.
5. Other Business: Any other business to be discussed by the Committee will be brought up at this time.
6. Public Comments.
7. Adjournment.

/cs

## Shelter Report 2015

### January Through December

	<b>Cats</b>	<b>Dogs</b>	
Animal Control	447	680	
Adoption Returns	12	67	
Foster Returns	93	35	
Transfer Returns	1	5	
Owner Surrender	447	218	
Public Spay/Neuter	174	226	
<b>Total Animals In</b>	<b>1174</b>	<b>1231</b>	<b>2405</b>
Adopted	397	694	
Died at Shelter	8	0	
Escaped	0	0	
Fostered	101	23	
Reclaimed	8	121	
Transferred to Rescue	61	41	
TNR transfers	268	0	
Rescue Waggin' transfers	0	127	
Euthanized			
Behavior/Sick/Injured	188	141	
Time in Shelter/Space			
Public S/N	174	226	
<b>Total Animals Out</b>	<b>1205</b>	<b>1373</b>	<b>2578</b>
<b>Adoption/Reclaim Fees</b>	<b>\$ 34,079.13</b>		
<b>Contract Income</b>	<b>\$ 20,910.00</b>		
<b>Humane Society Reimbursement</b>	<b>\$ 5,201.36</b>		
<b>Donations</b>	<b>\$ 29,065.77</b>		
<b>Spay/Neuter Deposits</b>	<b>\$ 8,830.00</b>		
<b>PetSmart Charities Reimbursement</b>	<b>\$ 7,496.08</b>		
<b>State of Arkansas</b>	<b>\$ 361.24</b>		
	<b>\$ 105,943.58</b>		
Calls for Service			
Customer Walk-ins	17,377		
Emails	652		
Phone Calls	19,750		
<b>Total April - December 2015</b>	<b>37,779</b>		

DRAFT – February 29, 2016

**ARTICLE II. – DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS****Sec. 2.7-21. - Definitions.**

**Animal owner:** A person or entity that (1) has a right of property or title in an animal; (2) keeps or harbors an animal; (3) has an animal in his, her, or its care; (4) acts as an animal's custodian; or (5) knowingly permits an animal to remain on or about any premises occupied by him or her or it.

**Exotic wild animals:** Any snake or animal of a wild, ferocious, fierce or dangerous species likely to create harm or threat of harm in any place other than zoological parks, aquariums, laboratories, circus or other licensed exhibitory shows; or those not under the direct supervision of licensed commercial dealers, State Game and Fish Management Commissioners, Federal Wildlife Services or U.S. Department of Agriculture.

**Livestock:** Any members of the equine, bovine, ovine, porcine, and ratite species, and confined domestic hares, rabbits and mink.

**Domestic animal:** An animal that has been adapted or tamed to live in intimate association with or for the pleasure or advantage of people and includes but is not limited to dogs, cats, birds, rabbits, and hamsters; excluding livestock.

**Poultry:** All domesticated fowl and domesticated game birds which are kept in captivity.

**Law enforcement officer:** A public servant vested by law with a duty to maintain public order or to make an arrest for an offense and includes a civilian animal control officer employed by Washington County.

**Police work dog:** A dog trained to aid law enforcement officers actually used for police work purposes, for the protection of the public, including the investigation of crime and the apprehension of law violators.

**Potentially dangerous animal:** An animal, regardless of breed, that when unprovoked: (a) inflicts bites on a human or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

**Dangerous animal:** An animal, regardless of breed, that (a) inflicts severe injury on a human being without provocation on public or private property, (b) kills a domestic animal without provocation while the animal is off the owner's property, or (c) has been previously found to be potentially dangerous because of

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**Comment [1]:** This revision is to match the definition of "owner" in state law, 5-62-102(17).

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**Deleted:** Any person having ownership or personal rights in an animal or any person who keeps in his care, acts as custodian for, and knowingly permits an animal to remain, for more than thirty (30) days, on or about any premises occupied by him; except that any person who notifies the Washington County Animal Control Officer or the Washington County Sheriff of a stray or vicious animal shall not be considered the owner of such animal ... [1]

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**Comment [2]:** This revision is to match the definition in state law, 5-62-102(15), and combines the provision for a "civilian animal control officer."

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**Deleted:** Any person employed or elected by municipality, county and state whose duty it is to preserve peace or to make arrests or to enforce the law.

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... [2]

injury inflicted on a human, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of humans.

An animal is not potentially dangerous or dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the animal owner, or was tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have tormented, abused, or assaulted the animal or was committing or attempting to commit a crime.

Severe injury: Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(Ord. No. 92-34, Art. 1, 10-8-92; Ord. No. 2002-23, Art. 1, 6-18-02; Ord. No. 2002-28, Art. 1, 7-11-02; Ord. No. 2010-37, Art. 1, 6-10-10)

**Sec. 2.7-22. – Potentially dangerous animals restricted.**

(a) A law enforcement officer shall have the authority to declare and restrict a potentially dangerous animal if the law enforcement officer has probable cause to believe that the animal is potentially dangerous. The declaration must be based upon: (1) the written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of potentially dangerous; (2) bite reports filed with law enforcement or health officials; (3) actions of the animal witnessed by any law enforcement officer or health official; or (4) other substantial evidence.

(b) Potentially dangerous animals, while on the animal owner's property, shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and shall also provide room for adequate exercise and protection from the elements for the animal. The animal owner shall display signs warning of the dangerous animal along with a symbol for same easily seen by children. The signs displayed shall be easily seen from the public roadway.

(c) Potentially dangerous animals, while not in a secure enclosure on the animal owner's property, must be securely leashed with a leash no longer than four (4) feet in length and under the physical control of a person 18 years of age or older. When on public property, the animal shall be muzzled in a way that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.

(d) Potentially dangerous animals must be sterilized and microchipped at the owner's expense at the time the animal has been determined to be potentially dangerous.

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**Deleted:** Permitting animal to go at large; impoundment and restraint.

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**Deleted:** No animal owner or possessor of any animal covered by this article may at any time permit the same to be in a situation or place where it can inflict injury or be a threat of danger to any human being.

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**Deleted:** Any such animal known to have inflicted a biting injury upon one (1) or more persons with injury of sufficient severity to require medical treatment shall be impounded and observed at the owner's expense in a way consistent with Section 3 of the Rabies Control Act. (Ark. Code Ann. §§ 20-19-301—20-19-312).

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**Deleted:** Any police officer who has reasonable grounds to believe that an animal is vicious or uncontrolled or a threat to human safety may impound such animal at the owner's expense or kill the animal if capture poses too great a danger to the capturing officer. The owner shall have three (3) days to pick up said animal and pay the fees accrued therein, or said animal shall become the property of the impounding facility. Furthermore, upon release the owner shall be required to muzzle said animal and/or restrain it in any other manner consistent with section 2.7-22

- (e) No person may tie or otherwise tether a potentially dangerous animal to any inanimate object, such as trees, posts, mailboxes, or vending machines.
- (f) The County Judge or the County Sheriff may require the owner of the potentially dangerous animal and the animal owner to attend, complete, and pay all costs associated with an accredited obedience/training class or seminar. The Judge or Sheriff shall pre-approve any choice of class by the animal owner, and proof of satisfactory completion of such training shall be provided to the Judge or Sheriff, even if such type of training has been completed by the animal in the past.
- (g) The owner of a potentially dangerous animal shall immediately notify law enforcement if the animal is loose, unconfined, bites or attacks a person, has been moved to a different address or dies; whereupon the owner must provide proof of death. The potentially dangerous animal may not be sold or given away.
- (h) Failure to comply with all restrictions of this section will result in forfeiture of ownership of the animal to the County.
- (i) An animal owner shall have fourteen calendar days from receipt of a written declaration from a law enforcement officer finding the owner's animal to be "potentially dangerous" to file a written appeal to the \_\_\_\_\_.

(Ord. No. 92-34, Art. 2, 10-8-92; Ord. No. 97-24, Art. 1, 9-12-97; Ord. No. 2001-9, Art. 2, 3-9-01)

**Sec. 2.7-23. – Dangerous animals restricted – additional requirements.**

- (a) A law enforcement officer shall have the authority to declare and restrict a dangerous animal if the law enforcement officer has probable cause to believe that the animal is dangerous. The declaration must be based upon: (1) the written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of dangerous; (2) bite reports filed with law enforcement or health officials; (3) actions of the animal witnessed by any law enforcement officer or health official; or (4) other substantial evidence.
- (b) In addition to the provisions and requirements for compliance set forth in section 2.7-22, the owner of a dangerous animal shall comply with the following requirements:

  - (1) The animal owner shall present to the County Judge and County Sheriff proof that the owner has procured liability insurance in the amount of at least \$50,000. The liability insurance, which may be separate from any

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other homeowner policy, shall contain a provision requiring the County to be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination, or expiration of the liability insurance policy. All costs associated with the insurance must be paid by the insured.

(2) A dangerous animal may not be outside of a dwelling or locked enclosure unless it is necessary for the owner to obtain veterinary care for the dangerous animal or to comply with commands or directions of a law enforcement officer with respect to the dangerous animal. In such event, the dangerous animal shall be securely muzzled, as set forth in section 2.7-22, and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(c) Upon a finding that such animal is a dangerous animal, the court may order the animal to be euthanized in a humane manner.

(d) Failure to comply with all restrictions of this section will result in forfeiture of ownership of the animal to the County.

(i) An animal owner shall have fourteen calendar days from receipt of a written declaration from a law enforcement officer finding the owner's animal to be "dangerous" to file a written appeal to the \_\_\_\_\_.

(Ord. No. 92-34, Art. 3, 10-8-92)

**Sec. 2.7-24. - ~~Reserved~~**

**Sec. 2.7-25. - Penalty and enforcement; appeal.**

Any violation of this Article is deemed a Class A misdemeanor. Each day that a violation exists shall be considered a separate offense. Furthermore, the County Judge, the County Sheriff, or any individual may institute a civil action to compel compliance with this Article and seek injunctive relief, damages, or other civil sanctions including an award of attorney fees and costs.

(Ord. No. 92-34, Art. 5, 10-8-92)

**Sec. 2.7-26. - Investigation; impoundment.**

A law enforcement officer may order an animal owner to keep an animal covered by this article restrained or impounded, pending investigation at the animal owner's expense.

(Ord. No. 92-34, Art. 6, 10-8-92; Ord. No. 2002-28, Art. 2, 7-11-02)

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**Deleted:** Upon a complaint that any animal covered under this Article is being harbored, a police officer shall investigate such and may require the keeper or owner of said animal to restrain or dispose of such animal in a reasonable manner consistent with this Article, which shall include chaining, posting of warning signs, enclosures, protective barriers, muzzling and destruction or other measures necessary to abate nuisances, unhealthful or inhumane conditions. Failure to comply with said measures shall be deemed a violation of this article, unless a court of law finds that such measures were unreasonable. -

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**Sec. 2.7-27. - Complaints, investigation, corrective measures.**

If any person or groups of persons has knowledge or reasonable grounds to suspect that animal owners are maintaining dogs or other animals in such a manner as to constitute a nuisance by reason of unhealthful conditions, or maltreatment, they shall have the right to complain to local law enforcement agencies or health officials and such authorities shall investigate the complaint. Such officials shall have full authority to examine the complainant and other witnesses for relevant testimony.

(Ord. No. 92-34, Art. 7, 10-8-92)

**Sec. 2.7-28. - Abandonment.**

No animal owner or other person may abandon an animal at a location without providing for the animal's continued care. Any such abandonment shall constitute a violation of this article.

(Ord. No. 92-34, Art. 8, 10-8-92)

**Sec. 2.7-29. - Confinement of animal when person bitten.**

(a) Whenever a law enforcement officer receives information that an animal, whether domestic or livestock, has bitten any person, the law enforcement officer must have the animal confined and observed in accordance with the provisions of the Rabies Control Act, Ark. Code Ann. §§ 20-19-301 to 20-19-312.

(b) An offending domestic animal must be confined for a period of ten (10) days at the animal owner's expense by a licensed veterinarian, a public animal shelter, or any other animal shelter or boarding facility with rabies quarantine capabilities, at the discretion of the County Sheriff in consultation with the Director of the Washington County Animal Shelter.

(c) The Washington County Animal Shelter is authorized to accept offending cats, dogs, and other domestic animals for confinement at the discretion of the shelter's Director. The Director must take into consideration the shelter's animal population and its ability to quarantine the animal for the requisite ten-day period. The Director is authorized to require payment from the animal

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**Deleted:** If, after a period of ten (10) days, the owner/keeper fails to comply with the corrective measures ordered by health or government officials then such shall be deemed a violation of this Article, unless a court of law finds that such measures were unreasonable.

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**Comment [3]:** Revised to confirm with 5-62-103.

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owner in advance of up to \$40 per day depending on the estimated cost to quarantine the animal.

**Sec. 2.7-30. - Incorporation of State law.**

The provisions of the Rabies Control Act, Ark. Code. Ann. §§ 20-19-301—20-19-312 and those statutes regarding cruelty to animals, Ark. Code Ann. §§ 5-62-101—5-62-120 are incorporated by reference herein and made a part of this article.

(Ord. No. 92-34, Art. 10, 10-8-92)

**Sec. 2.7-31. - Costs.**

If a law enforcement officer or health official is required or requested to investigate a violation of this article and the complaint is substantiated, then the reasonable cost of the investigation shall be assessed against the animal owner by the court. Furthermore, if at any time it becomes necessary to impound or destroy an animal pursuant to this article, then the cost of such shall be paid by the animal owner, and failure to do so shall constitute a violation of this article.

(Ord. No. 92-34, Art. 11, 10-8-92)

**Sec. 2.7-32. - Proof of compliance with Rabies Control Act.**

A law enforcement officer investigating a violation of this article shall demand proof of compliance with the Rabies Control Act, and failure to produce such shall be deemed a violation of this Article.

(Ord. No. 92-34, Art. 12, 10-8-92)

**Sec. 2.7-33. - Exemptions.**

(a) Nothing in this article shall apply in any manner whatsoever to the official use of police work dogs trained to aid law enforcement officers, if such dogs are being actively used for police work purposes, protection of the public, investigation of crime, and apprehension of law violators.

(b) Pursuant to Ark. Code Ann. § 20-19-102, any person engaged in raising or owning livestock has the right to protect said animals from dogs, including the killing of such dogs, if necessary, consistent with the provisions of Ark. Code Ann. § 5-62-102 to -5-62-126,

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**Comment [4]:** This code provision has been repealed. 5-62-104 is now a felony, and the County does not have the authority to impose felony punishments. Should this section be deleted?
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**Deleted:** Nothing in this Article precludes a dog from "protecting his owner", or any other person for whom he feels loyalty, from physical attack. It is acknowledged that even a dog may defend against injury or battery. This Article does not apply when an ind... [5]
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- (c) All political subdivisions and municipalities which have already enacted ordinances designed to protect citizens from attack or injury inflicted by potentially dangerous, dangerous, or exotic wild animals shall be exempt from the application of this Article.

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(Ord. No. 92-34, Art. 13, 10-8-92)

**Sec. 2.7-34. - No encroachment on other official duties.**

Nothing in this article shall encroach upon the official duties or activities of the State Game and Fish Commission, the Federal Fish and Wildlife Service, the U.S. Department of Agriculture, circuses, zoological parks, or aquariums, or other licensed exhibitory shows provided all exercise an adequate degree of care.

(Ord. No. 92-34, Art. 14, 10-8-92)

**Sec. 2.7-35. - Stray dogs.**

- (a) Definition. All dogs in the rural areas of the County that do not have identifying information affixed to them shall be deemed "stray". Identifying information is defined as any type of information in writing or otherwise that would clearly put a person on notice as to who the dog belonged to and how to contact said owner.
- (b) Impoundment of stray dogs. The Animal Control Officer of the County Sheriff's Office or any other deputy is authorized to take charge and impound said stray dogs at the owner's expense. Failure to claim said dog within three (3) days shall subject the dog to adoption or euthanasia.
- (c) Dogs with identifying information; return to owners; and impoundment. Dogs that have identifying information will be returned to the owner at no cost, unless said owner cannot be contacted within forty-eight (48) hours, at which time said dog shall be subjected to impoundment at the owner's expense. Failure to claim said dog within ten (10) days impoundment shall subject the dog to adoption or euthanasia.
- (d) Violation. This section shall be amendatory to Ordinance No. 92-34 and a violation of this section will be punishable as set out therein.
- (e) Upon the first violation of the ordinance from which this section was derived, said stray dog shall be micro-chipped at the expense of the owner.
- (f) The owner of any stray dog that is impounded more than once shall pay double impoundment fees and said dog shall be spayed or neutered at the expense of the owner before being released by the shelter.

(g) Severability clause. If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of the ordinance from which this section was derived is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of the ordinance from which this section was derived.

(Ord. No. 2000-42, Arts. 1—4, 10-13-00; Ord. No 2001-9, Art. 1, 3-9-00; Ord. No. 2009-70, Art. 1, 12-10-09)

**Sec. 2.7-36. - Notification of exotic wild animals.**

- (a) Any person, institution, or organization that chooses to keep and care for exotic wild animals, as defined in section 2.7-21, shall notify the Washington County Animal Control Officer in a manner prescribed by the Sheriff's Office.
- (b) Upon notification of an exotic wild animal being kept in the County, the Animal Control Officer may visit and review the manner of containment of said animals.
- (c) Exotic wild animals must be contained in a manner approved by the U.S. Department of Agriculture, and must be contained in a cage, fence, walled enclosure, building, or any other structure that is of sound construction so as to prevent said animals from escaping.
- (d) Owners or caretakers of exotic wild animals shall post, at the nearest access to a public roadway, at least one (1) notification of such animals and warning against illegal or unsupervised entry on to the property.
- (e) The Animal Control Officer will provide a copy of these regulations to those who submit a notification.
- (f) This section applies only to the unincorporated portions of the County and those incorporated municipalities that do not have the same or a similar ordinance in effect, and it shall be applied to all current and future residents, institutions, and organizations of the County that keep and care for exotic wild animals.

(Ord. No. 2001-46, Arts. 1, 2, 7-12-01)

**Secs. 2.7-37—2.7-40. - Reserved.**

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Any person having ownership or personal rights in an animal or any person who keeps in his care, acts as custodian for, and knowingly permits an animal to remain, for more than thirty (30) days, on or about any premises occupied by him; except that any person who notifies the Washington County Animal Control Officer or the Washington County Sheriff of a stray or vicious animal shall not be considered the owner of such animal.

Any person who only leaves food out on his or her premises for wild animals shall not be considered the owner of said animal.

### *Vicious*

- (1) Without provocation;
- (2) Upon the first occurrence;
- (3) Attacks or bites a person, livestock, or poultry; and/or
- (4) Approaches a person in a way as to place said person in reasonable fear of unprovoked injury or attack whether it occurs upon streets, sidewalks, public grounds, or private property.

Or

Any dog that:

- (1) The owner knew or reasonably should have known had vicious propensities;
- (2) Causes serious injury to a pet.

In no event shall livestock be considered a vicious animal.

### **Duty of individual to use protective measures.**

- (a) Any individual who keeps any animal covered by this article shall exercise the highest degree of care to protect children and the general public from attack and danger.
- (b) Appropriate chaining, posting of warning signs, or maintenance of the animal within enclosures shall meet the standard of care if such practice

reasonably precludes the possibility of inadvertent contact and probable injury in all instances where a child or unsuspecting person might be put into unintentional contact with the animal. Under the provisions of this Article, any instance of inadvertent contact, injury or harm shall constitute prima facie evidence of the animal owner's failure to exercise a sufficient degree of protective care.

(c) When public safety requires additional protective measures the animal owner shall provide a protective barrier or other means such as a properly fitted, heavy wire, nylon or leather muzzle which the animal cannot remove, together with a strong durable chain which the animal cannot break or remove, or, where such is appropriate, a strong cage with a padlock locked in place or a strong high chainlink fence enclosure constructed so that the animal cannot climb, jump over, dig under or escape from the enclosure. If these measures are deemed insufficient then said animal shall be destroyed.

(Ord. No. 92-34, Art. 4, 10-8-92)

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Nothing in this Article precludes a dog from "protecting his owner", or any other person for whom he feels loyalty, from physical attack. It is acknowledged that even a dog may defend against injury or battery. This Article does not apply when an individual trespasses on an animal owner's property. However, each dog or other animal owner shall exercise care to make certain that no harm results to an innocent trespasser, such as children, misguided pedestrians, invitees, tradespeople, servants, business associates, social guests and friends. It is further acknowledged p

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**Sec. 2.7-37. - Civilian animal control officers.**

Any civilian animal control officer employed by the County is also authorized to enforce section 2.7-21 et seq., and may issue citations for violations of such.

(Ord. No. 2014-43, Art. 1, 7-17-14)

**Sec. 2.7-1. - Animal Concerns Advisory Board.**

Pursuant to A.C.A. § 14-14-705, there is hereby created an Animal Concerns Advisory Board.

The Advisory Board shall consist of nine (9) residents of Washington County to be appointed by the County Judge and confirmed by the Quorum Court.

The members of the Animal Concerns Advisory Board must be residents of Washington County who are registered to vote in Washington County. At least one member must be a resident of the City of Fayetteville. At least one member must be a resident of the City of Springdale. At least one member must be a resident of unincorporated Washington County. At least one member must be a veterinarian licensed to practice veterinary medicine in the State of Arkansas. At least one member must be a representative of a non-profit organization focused on helping animals. At least one member must be involved in a business related to the production, sale, distribution, or care of animals or livestock. Members may not be employees or elected officials of Washington County.

The term of each member shall be for three (3) years. No members shall be appointed for more than two (2) consecutive terms. The initial appointment shall provide for the appointment of three (3) members for one (1) year, three (3) members for two (2) years, and three (3) members for three (3) years by the drawing of lots. The Board shall meet at least quarterly and no meeting shall be cancelled except by absolute majority of the Board; however, the Chairperson may, for good cause, postpone any meeting. The officers of the Board shall be chosen by the Board at the first meeting to be called by the County Judge and shall consist of a Chairperson, Vice-Chairperson and Secretary.

The Board is hereby authorized and entitled to furnish advice and make recommendations to the County Judge and Quorum Court in regards to all aspects of animal concerns.

(Ord. No. 2009-25, Arts. 2—5, 5-9-09)