

CITY OF HIGH POINT

AGENDA ITEM



Title: Ordinance Amending Title 12-2-18 of the High Point City Code

From: Brent L. Cole, Assistant City Attorney

Meeting Date: August 17, 2015

Attachments: Ordinance Amending Section 12-2-18 of the High Point City Code

PURPOSE:

A text amendment to the High Point City Code to add Section 12-2-18 regarding the regulations for tethering of dogs within the City.

BACKGROUND:

The issue of dog tethering within the City of High Point was originally presented to the Community Housing and Neighborhood Development Committee. Staff was directed at the July 20th City Council meeting to prepare language for Council's consideration regarding the prohibition of dog tethering within the City.

BUDGET IMPACT: N/A

RECOMMENDATION / ACTION REQUESTED:

The City Manager's Office and the High Point Police Department have proposed the addition of Section 12-2-18 to the High Point City Code to address the issue of dog tethering. The High Point Police Department will present further information regarding a phasing in of the enforcement of this ordinance over the next eighteen (18) months with organized training and enforcement plans for the residents of the City. Major Larry Casterline of the High Point Police Department has been in discussions with community groups in partnering in this training and will be available to answer questions regarding this structure and application of this ordinance.

**ORDINANCE AMENDING TITLE 12 – OFFENSES – CHAPTER 2. ANIMALS –
ARTICLE B. DOGS – SECTION 12-2-18 TETHERING OF DOGS PROHIBITED.**

An amendment affecting the tethering of dogs through the addition of Section 12-2-18 *Tethering of Dogs Prohibited* addressing the standards in which dogs may be tethered within the City of High Point.

SECTION 1.

Section 12-2-18 is hereby amended with the addition of the following language:

Tethering of Dogs Prohibited

It shall be unlawful for any person to restrain a dog using a chain, wire or other type of tethering device in a manner prohibited by this subsection.

- (a) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a tree, fence, post, dog house, or other stationary object. During periods of tethering that are lawful under this subsection, any tethering device used shall be at least ten (10) feet in length and attached in such a manner as to prevent strangulation or other injury to the dog or entanglement with objects.**
- (b) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a cable trolley system that allows movement of the restraining device. During periods of tethering that are lawful under this subsection, the length of the cable along which the tethering device can move must be at least ten (10) feet, and the tethering device must be of such length that the dog is able to move ten (10) feet away from the cable perpendicularly and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with objects. During periods of lawful tethering under this subsection, tethers must be made of rope, twine, cord, or similar material with a swivel on one end or must be made of a chain that is at least ten (10) feet in length with swivels on both ends and which does not exceed ten (10) percent of the dogs body weight. All collars or harnesses used for the purpose of the lawful tethering of a dog must be made of nylon or leather.**
- (c) No person shall tether a dog with a chain or wire or other device to, or cause such attachment to, any collar other than a buckle type collar or body harness.**
- (d) No person shall tether with a chain or a wire or other device to, or cause such attachment to, a head harness, choke-type collar or pronged collar to a dog.**
- (e) No person shall tether with a chain, wire, or other device to a dog where the weight of the tethering device and the collar combined exceeds ten (10) percent of the dog's body weight.**

- (f) No person shall tether with a chain, wire, or other device, a dog in such a manner that does not allow the dog access to adequate food, water and shelter.
- (g) No person shall tether a sick, diseased, and/or injured dog, or puppy (a dog that is one year of age or younger).
- (h) Notwithstanding the provisions of this subsection, a person may, subject to the following provisions, and subject to the requirement that any stationary tethering device used shall be at least ten (10) feet in length, and subject to the requirements for any cable trolley system used where the length of the cable along which the tethering device can move must be at least ten (10) feet, and the tethering device must be of such length that the dog is able to move ten (10) feet away from the cable perpendicularly, may:

(1) Tether and restrain a dog while actively engaging in:

- (i) usage of the dog in shepherding or herding livestock, or
- (ii) use of the dog in the business of cultivating agricultural products, if the restraining is reasonably necessary for the safety of the dog, or
- (iii) use of the dog in lawful hunting activities if the restraint is reasonably necessary for the safety of the dog, or
- (iv) use of the dog at a dog training or performance events, including but not limited to, the field trials and obedience trials where tethering does not occur for a period exceeding seven (7) consecutive days, or
- (v) camping or other recreational activities where tethering is required by the camping or recreational area where the dog is located.

(2) Tether and restrain a dog during any lawful activity where a tethered dog is in visual range of its owner or keeper, and the owner or keeper is located outside with the dog. After taking possession of a dog that appears to be a stray dog and after having advised animal control authorities of the capture of the dog, tether and restrain the dog in accordance with the provisions of this subsection for a period not to exceed seven (7) days as the person having taken possession of the dog is seeking the identity of the dog.

(3) Tether while walking a dog with a handheld leash.

(i) An owner that is found in violation of the regulations described in section 12-2-18 shall be subject to the following fees:

(1) 1st offense: Subject to citation and \$100.00 fee (if the dog is not spayed or neutered, the fee may be voided in lieu of the owner having the pet spayed or neutered by a veterinarian and providing to the animal control officer documented proof of such within 14 days).

2nd offense: Subject to citation and \$250.00 fee.

3rd and subsequent offenses: Subject to a class 3 misdemeanor and fine of up to \$500.00.

(2) The procedures set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law and shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter.

SECTION 2.

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4.

This ordinance shall become effective upon adoption.

About High Point Police Animal Control

The mission of High Point Police Animal Control is to protect humans against rabies and ensure the well-being of the animal population within the City of High Point. It is the responsibility of this unit to enforce all state laws and city ordinances pertaining to animals.

Some of the situations our officers respond to:

- Rabies Exposures
- Abandoned Animals
- Sick/Stray Animals
- Animal Bite Investigations
- Nuisance Investigations
- Dangerous/Vicious Animals
- Animal Cruelty/Neglect



HIGH POINT POLICE DEPARTMENT ANIMAL CONTROL

Unattended Tethering/Chaining of Dogs Prohibited within the City of High Point

Q & A

QUESTIONS AND ANSWERS

City of High Point and the High Point Police Department Animal Control would like High Point residents to be aware of a new animal ordinance prohibiting the unattended tethering/chaining of dogs within the city limits of High Point effective

November 1, 2015 (*insert actual date when adopted*)

For more information on

Unattended Tethering/Chaining

contact:

High Point Police Department
Animal Control

<http://www.highpointnc.gov/police/>

1009 Leonard Av
High Point, NC 27260
336-883-3224



Q & A

QUESTIONS AND ANSWER

The High Point City Council approved an animal ordinance that prohibits the unattended tethering/chaining of dogs within the city limits of High Point effective November 1, 2015 (*insert actual date when adopted*). Residents have 12 months from the effective date to come into compliance with the ordinance. Unattended tethering is **PROHIBITED** within the city limits of High Point and all city owned property.

What is unattended tethering/chaining?

The practice includes the use of a rope, chain or the like to tie, fasten, or otherwise restrain a dog to a stationary object such as a tree, fence, ground stake, house or trolley system etc. for the purpose of confining or keeping the dog under control.

Is walking your dog on a leash considered tethering?

The practice of walking a dog on a hand held leash is not considered tethering and is actually encouraged.

Is it OK to be outside with my dog while it is tethered?

Yes. Attended tethering/chaining is legal within the city limits of High Point.

What are the reasons for the new ordinance?

This ordinance will improve public safety issues, reduce unwanted litters of puppies, provide increased safety and humane treatment of dogs and reduce accidental choking of dogs as a result of unattended tethering.

How much time do people who currently tether/chain their dogs have to make the change?

From November 1, 2015 to November 1, 2016 (*insert actual date when adopted*): one year education and outreach program;
November 1, 2016 until May 1, 2017 (*insert actual date when adopted*): six month written warning for lack of compliance;
May 1, 2017 (*insert actual date when adopted*): full enforcement begins.

What are the alternatives to unattended tethering/chaining?

Train your dog to be an inside dog, install a dog pen/run outside of your home, build a fence around the perimeter of your yard and/or remain outside with your dog when it is being tethered/chained.

How does the adoption of this ordinance affect city resources?

Other jurisdictions have shown that tethering/chaining restrictions:
Decrease the number of reported dog bites.
Reduce unwanted litters of puppies.
Reduce cruelty cases.

PUBLIC EDUCATION INFORMATION related to UNATTENDED TETHERING of DOGS WITHIN the CITY LIMITS of HIGH POINT, NC (DRAFT)

What is Tethering?

The practice includes the use of a rope, chain or the like to tie, fasten, or otherwise restrain a dog to a stationary object such as a tree, fence, ground stake, house or trolley system etc. for the purpose of confining or keeping the dog under control. The practice of walking a dog on a leash is not considered tethering.

Tethering Related Issues:

- A dog that is continually tethered lacks adequate socialization, training and exercise.
- This can contribute to dangerous aggressive behaviors as well as nuisance barking behaviors.

Centers for Disease Control (CDC):

- Chained dogs 2.8 times more likely to bite
- Dogs most likely to bite are male, unneutered, and chained
- Victims are most often children –small and weak targets

American Veterinary Medical Association (AVMA):

- *"Never tether or chain your dog because this can contribute to aggressive behavior."*

American Humane Association (AHA):

- *"Tethering or chaining dogs makes them feel vulnerable and increases their aggression."*
"Dogs naturally feel protective of their territory. When confronted with a perceived threat, they respond according to their fight-or-flight instinct. A chained dog, unable to take flight, often feels forced to fight. Dogs shouldn't be allowed to run loose either. Dogs should be socialized and kept inside the home or in a fenced yard." – unchainyourdog.org
- *"Tethered dogs are often frustrated, frightened, or easily agitated, therefore it is not surprising when they attack and bite"*

The reason is logical: dogs are social animals with a biological need for companionship, usually supplied by a human family. On a tether constantly, social contact from dogs and humans is withheld, sensory deprivation becomes the norm, and boredom, frustration, anxiety, agitation, and aggression follow in rapid succession.

Dogs who are adequately socialized with humans and other animals and who are properly restrained by the use of fences and runs when they are outdoors are less of a threat to family members, passersby, law enforcement officers, public utility inspectors, telephone/cable repair persons, postal delivery persons, and other visitors. The result will be a safer neighborhood." – NM DPS Tethering Study

Many dogs that are perpetually tethered do not receive basic care and are more susceptible to injury and disease.

Definition of perpetual:

Perpetual, as it applies to this ordinance, is defined as when an animal is on a chain as its primary method of confinement and typically never taken off the chain.

The United States Department of Agriculture (USDA):

"Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury."

Evidence of cruel treatment and neglect involving continuously tethered dogs commonly encountered by Animal Care and Control and Veterinary professionals include:

- Severe injuries sustained by collars and chains that have become in-grown or embedded into the neck of the dog as well as entanglement in chains and cables and sometimes death, as a result of hanging, or by jumping over a nearby object.
- Attack by other animals and exposure to diseases such as rabies through contact with wild animals.
- Adverse effects due to prolonged exposure to extreme heat or cold. Dogs on a tether are restricted to a limited space and are often without shelter or shade that adequately protects them from the elements.
- Malnourishment and unsanitary conditions. Dogs continually tethered often lack regular access to food and/or fresh water and live in unsanitary conditions as their space is restricted and they are forced to eat, sleep and eliminate in the same small space.

Tethering regulations in several NC communities involve either a total ban on the practice, or permitting the practice only a few hours per day. Almost all of these communities have provided specific exceptions to the ban for particular lawful activities during which the tethering a dog would be temporary and reasonable.

Proposed Tethering Regulation:

Tethering dogs prohibited, except as follows:

- While a dog is actively engaged in shepherding or herding livestock.
- Use of the dog in the business of cultivating agricultural products, if the restraining is reasonably necessary for the safety of the dog.
- During lawful hunting activities, if reasonably necessary for the safety of the dog.
- During a lawful animal event (such as a show or sporting event and tethering does not exceed seven consecutive days).
- When meeting the requirements of a camping or recreation facility.
- When the animal's caretaker is outside and within eyesight of the animal.
- After taking possession of a dog that appears to be a stray dog and after having advised animal control authorities of the stray.
- Walking the dog on a handheld leash

Implementation of tethering regulation:

- An 18 month period of staged education and outreach prior to full enforcement
- Compliance is the goal, not relinquishment of the dog. A lengthy implementation period will support this goal.

PHASE I:

- One year public information campaign
- Inform residents of the new ordinance
- Provide information and resources to assist with transition to an alternative method of confinement.

PHASE II:

- Six-Month period during which Animal Control Officers will begin issuing written warnings to dog owners they encounter that are not in compliance, along with information about the ordinance changes and resources for confinement other than tethering.
- Animal Control officers will also follow up with owners encountered during Phase I to ensure compliance and provide a written warning to those still not in compliance. Dog owners will be given until end of Phase II, or thirty (30) days, whichever is greater, to comply.

PHASE III:

- Full enforcement begins.
- Animal Control Officers will follow up with dog owners who previously received written warnings. If the owner is found to still not be in compliance, the animal control officer would be able (discretionary) to issue a citation.

Violations addressed progressively as follows:

- 1st offense: Written Warning.
- 2nd offense: Subject to citation and \$100.00 fee (if the dog is not spayed or neutered, the fee may be voided in lieu of the owner having the pet spayed or neutered by a veterinarian and providing to the animal control officer documented proof of such within 14 days.)
- 3rd offense: Subject to citation and \$250.00 fee.
- 4th and subsequent offenses: Subject to a class 3 misdemeanor and fine of up to \$500.00.

****** It should be noted that the longer the implementation period, the more time it allows for mitigating any negative impacts to the intake at the Animal Shelter. It is also important to remember that many of the people that will be affected do not have the resources or extra money to build a fence and that those people will need extra time to make arrangements or to be guided to available resources.*

Enforcement:

Enforcement of this ordinance will be complaint driven unless officers encounter tethered animals during the course of their normal duties.