

BOARD OF ALDERMEN

ITEM NO. A(2)

AGENDA ITEM ABSTRACT

MEETING DATE: September 13, 2011

TITLE: Report on an Ordinance Prohibiting the Tethering of Dogs Except in Limited Circumstances

DEPARTMENT: Police	PUBLIC HEARING: NO
ATTACHMENTS: A. Proposed Ordinance B. Resolution	FOR INFORMATION CONTACT: Carolyn Hutchison, 918-7412

PURPOSE

The purpose of this item is to provide a staff report on an ordinance prohibiting the tethering of dogs except in limited circumstances, to allow the Board of Aldermen to discuss the issue, and to decide whether to hold a public hearing on the matter.

INFORMATION

The Mayor and some Board of Aldermen members recently received an e-mail from a citizen expressing her concern that the Town of Carrboro, unlike Orange County and the Town of Chapel Hill, does not have an anti-tethering ordinance. Tethering refers to the restraint of dogs outdoors by means of a rope, chain, wire, or other line, one end of which is fastened to the dog and the other end of which is connected to a stationary object or to a cable trolley system. This definition excludes walking a dog with a handheld leash.

There is a belief that chaining dogs is inhumane and a public safety issue. Research indicates that when dogs are chained, they are naturally protective or have a tendency for aggression. Some tethered dogs do become highly territorial and aggressive and are more likely to bite. They may also be a public nuisance in that they often bark incessantly, and they contribute to community pet overpopulation problems (because they are most often unsterilized and when no barriers protect them, they are vulnerable to unwanted breeding). In addition, tethered dogs are less able to protect themselves from attack by other dogs or animals, and some suffer tracheal injury from the pressure of pulling at the end of a chain day after day.

Effective November 19, 2009, Orange County's Animal Ordinance restricted the tethering of dogs to a maximum of 3 hours within a 24-hour period. The Board of County Commissioners approved the amendment, along with a year of outreach, in November of 2008. Effective March 23, 2010, Chapel Hill's Animal Ordinance also restricted the tethering of dogs. The Chapel Hill Town Council approved the amendment, along with a year of outreach, in March of 2009. In Chapel Hill, the Town Council also adopted minimum requirements for a fence or kennel, as follows: 100 square feet for a dog under 20 pounds (10 x 10 pen) and 200 square feet for a dog over 20 pounds (10 x 20 pen).

Alternatives to tethering include the construction of a fence, kennel, or pen. Supplies for outdoor enclosures are available at many hardware/home improvement stores. Dog owners may also choose to house their dogs indoors. Indoor confinement methods are available at pet stores. The Coalition to

Unchain Dogs offers a program to assist with fence building. Details can be found on their website at www.unchaindogs.net.

Orange County Animal Services staff has assessed the extent to which dogs are, or are not, surrendered to the Animal Services Center as a result of the tethering restrictions. From November 19, 2009 to May 19, 2010, only 1 of the 235 owners who surrendered a dog identified tethering as the reason for the surrender.

The proposed Town of Carrboro ordinance is based on a combination of the Orange County and the Chapel Hill ordinances. The Town Attorney used the Chapel Hill approach of not allowing tethering, subject to certain exceptions, rather than the Orange County approach of allowing tethering for three hour stretches. Carrboro's proposed ordinance acknowledges that tethering is generally a bad idea and does not create the enforcement problems that would come with requiring the Animal Control Officer (ACO) to see a violation and then return three hours later to see if the violation still exists. The proposed ordinance also sets minimum enclosure sizes for dog owners who must keep their dogs outside: 100 square feet for a dog under 20 pounds and 200 square feet for a dog over 20 pounds.

As a matter of administrative policy, the Carrboro ACO will give a warning/notice the first time a violation is discovered. The Town's objective is compliance, and there is an expectation that over time, most people will comply with the ordinance once they know what the ordinance prohibits. At this time, the ACO estimates that there are approximately 40 – 50 tethered dogs within Town limits.

FISCAL IMPACT

Minimal staff time will be associated with implementing and enforcing the proposed ordinance. There will be costs associated with holding a public hearing.

STAFF RECOMMENDATION

Staff recommends that the Board discuss the issue and decide whether to hold a public hearing. A draft resolution setting a public hearing is provided in the event that the Board of Aldermen desires to do so.