

Progress Report III

Tethering in Orange County, North Carolina: The Warning Phase of Implementation

*Prepared by
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Introduction: This is the third of four progress reports on the amendment to the Orange County Animal Ordinance regarding tethering. The Board of County Commissioners (BOCC) asked Animal Services to present updates every six months during the 18-month implementation phase and one at the end of the first year of full enforcement. The information contained in this report covers the period from November 19th, 2009 through May 19th, 2010.

The tethering amendment was passed by the BOCC on November 18, 2008, after recommendation by the Animal Services Advisory Board and the Tethering Committee. It affects the unincorporated areas of Orange County and the town of Hillsborough and includes the following restrictions and provisions:

- No more than a total of 3 hours of tethering within a 24-hour period
- A specification of the types of collars and equipment permissible for allowed tethering
- An exemption for certain organized and lawful animal functions and circumstances

The amendment was formulated so that there would be an 18-month implementation period to ensure effective public outreach and encourage voluntary compliance. The initial twelve month period (November 19, 2008–November 19, 2009) consisted of public outreach activities aimed at promoting awareness of the new restrictions on tethering and options for alternative containment. The tethering ordinance became effective on November 19, 2009, but the amendment stipulated that only warnings would be issued for lack of compliance during the first six-months of effectiveness (November 19, 2009–May 19, 2010). This phase is the subject of this report for the BOCC.

Organization: In this report, staff presents data on several aspects of the continuing process of implementation including initial enforcement efforts. The report begins with an overview of canine surrenders to the County's Animal Services Center to assess to what extent these are an outcome of the County's new tethering restrictions. The following sections present and analyze data on our Animal Control Officer's (ACO) contact with residents and the nature of the complaints that led to this contact. It includes the number of warnings they have issued to date and the outcomes of closed cases. The report concludes with some general observations as well as a brief overview of the parallel but entirely separate process of change in Town of Chapel Hill.

¹ Questions may be addressed to Robert A. Marotto, Director, Orange County Animal Services (bmarotto@co.orange.nc.us). Prior reports and operational guidelines are available at <http://www.co.orange.nc.us/animalservices/tethering.asp>.

Surrender Data: For the Warning Phase, staff compiled data on whether the tethering amendment is a factor in residents surrendering ownership of a dog to the County's Animal Services Center. This data are gathered from Animal Services' standard intake form.

A review of department intake records shows that 235 owners surrendered their dogs between November 19, 2009, and May 19, 2010. One question on the standard intake form is "Why can you no longer keep this pet?" In response to this question, only 1 of the 235 owners identified tethering as the reason they were surrendering a dog.

Additional information about the circumstances and characteristics of each surrendered pet are also collected using the standard intake form. As an owner may check more than one condition, there are more responses than there are dogs. "Being tied/tethered" was checked for only 19 of the 235 surrendered dogs.² None of these dogs were reported to be surrendered due to the County's new tethering restrictions, and more than half of them (10 of 19) were reported to be kept indoors at least half of the time.³

The results of a similar analysis for the one-year period beginning May 19, 2009 and ending May 20, 2010 are basically the same. Only 2 of 512 owners identified tethering as the reason for their surrender, and only 48 checked "used to being tied/tethered" for their dog.⁴

ACO Activities and Complaints: From November 19, 2010 to May 19, 2010, ACOs issued 51 written warnings to residents who had a dog tethered in a manner prohibited by the ordinance. These residents comprised 42 percent of the 122 residents with whom ACOs had contact concerning tethering since the ordinance amendment was adopted on November 18, 2008.

Tethering warnings and/or education mostly arose from contacts originating from complaints about the manner in which a resident was keeping one or more dogs. Animal Services received only 23 specific tethering complaints during the entire eighteen month implementation period (November 19, 2008, to May 19, 2010). These complaints comprised only 19 percent of the 122 tethering cases that ACOs addressed.

Outcomes of Closed Cases: Seventy-five of the 122 total cases are already closed. These include 20 cases in which a resident has moved.⁵ The following table shows the two basic ways that the remaining 55 residents complied:

² A total of 1161 applicable conditions were checked for the 235 surrendered dogs (averaging 4.94 responses per dog). The condition of "used to being tied/tethered" (19 of 1161 responses) amounted to only 1.5 percent of all applicable conditions owners checked.

More generally, the standard intake form asks the owner to check whether any listed circumstances or characteristics apply to their pet. "Used to being tied/tethered" is one of twenty-four (24) different circumstances or characteristics that an owner may mark.

³ The reasons listed for surrender for the 19 dogs that were marked "used to being tied/tethered," were as follows: Money (6), Moving (3), Animal Special Needs (2), Animal sick (1), Unable to care for pet (1), Pet abandoned by original owner (1), Owner medical issues (1), Owner life/work schedule (1), No answer (1).

⁴ As a total of 2701 conditions were checked for the 512 dogs (averaging 5.27 responses per animal), the condition of being "used to being tied/tethered" amounted to only 1.78 percent (or 48 of 2701) of those owners checked.

Compliant Cases

| | Number | Percentage |
|------------------|--------|------------|
| Husbandry change | 30 | 55 |
| Separation | 25 | 45 |
| | 55 | 100 |

In slightly more than half of the cases, residents have changed how they keep or confine one or more dogs. In some instances, this has meant fixing or building a pen; in other instances, it has involved bringing one or more dogs into the house or another building. Also, there are some residents who have decided to build a fence, and some of these are doing so with help from the Coalition to Unchain Dogs (see below).

In slightly less than half of the cases, residents separated from their dog(s) in one of several ways. In some instances, they gave their dog away or moved it out of Orange County. In other instances, they surrendered ownership of their dog or decided not to recover a dog that had been impounded.

It would be inappropriate to conclude that separation is a direct outcome of the County's new restrictions on tethering. Available data is much more consistent with the view that the practice of tethering is often entwined with and a concomitant of other husbandry practices and issues.

More specifically, almost half (48 percent; n=58) of all of the cases involving tethering originated from a complaint about animal cruelty and neglect. Many others (16 percent; n=19) originated from nuisance complaints. It should also be recalled that only a quarter of the total number of cases (122) originated from a tethering complaint.

Open Cases: As of May 19, 2010, 47 residents with whom ACOs have had contact were not yet known to be compliant. ACOs will thus need to follow-up in order to close these cases.

It is expected that these cases will be closed in more or less the same manner as the compliant cases discussed above. Insofar as tethering is a husbandry practice related to more transitory residency, for instance, it will not be surprising if a portion of these cases are closed as a result of a resident moving. Similarly, at the close of the warning period, a number of residents were seeking Coalition help to build a fence. With the completion of these fences (see below), they are expected to be compliant due to changes in their husbandry practices.

Of course, follow-up in the coming weeks and months will be conducted on the basis of full enforcement powers, which became available on May 19, 2010. An ACO will have the power to issue a citation, or even bring criminal charges, if a resident is unwilling to become compliant. But given the department's overarching philosophy of enforcement, and its guidelines for

⁵ In the absence of pertinent data, it would be unreasonable to assume that these individuals moved because of the tethering ordinance. Also, as ACOs have not been asked to investigate address changes, it is not possible to say whether they moved elsewhere within Orange County.

enforcement in the case of the tethering ordinance, ACOs will continue to work with residents to achieve compliance without enforcement whenever possible.

Coalition Efforts: As of June 13, 2010, the Coalition has helped to build fences for 7 Orange County residents. In early July, they are scheduled to build two more fences (one for a resident with 5 dogs, the other for a resident with 3 dogs). They are also in communication with other residents who are seeking help in building a fence.⁶

Animal Services staff directly coordinated with Coalition officials toward the end of the warning phase of the implementation process. As the need for fences built by the Coalition is relatively new, the organization is still working to build a stable and active volunteer base within the County. Staff is pleased to report that the Coalition has been very responsive. It is actively recruiting volunteers and “crew chiefs” from and for Orange County, not only to build fences now but to develop more capacity for future fence building.

In terms of achieving positive outcomes, this is a very necessary and desirable development. In the meantime, Animal Services will continue to accommodate residents who are seeking help from the Coalition to build a fence for their dog(s). As these residents are committed to becoming compliant and keeping their dog(s), Animal Services will continue to work with them until they are able to get a fence.

Chapel Hill’s Tethering Amendment: Chapel Hill adopted its own ordinance amendment on March 23, 2009, and it became effective on March 23, 2010. The Chapel Hill Ordinance has a 3-month period in which only warnings are issued and on June 23, 2010, it becomes fully enforceable

The Town’s ordinance differs from the County’s ordinance in that it does not specify a time limit but instead prohibits tethering altogether. Town staff has been primarily responsible for outreach and education about its tethering ordinance. They have produced and posted flyers, and have also issued a media advisory and provided other public information about the Town’s tethering ordinance.

As part of the Town’s animal ordinances, a County Animal Control Officer is enforcing the tethering amendment under the existing agreement for animal services between the County and Chapel Hill. Accordingly, Animal Services staff developed a standard operating guideline for Chapel Hill’s tethering ordinance.

Conclusion: Implementing the County’s tethering ordinance has continued on a smooth and deliberate path. To date, there has not been a “backlash” against the ordinance’s implementation because of the extensive outreach and education staff did in the initial phase of the process. Another primary reason is that staff has been collaborative in its approach to achieving compliance throughout this process.

⁶ The Coalition was not able to build a fence for another interested Orange County resident who is unwilling to sterilize his dog. The Coalition requires sterilization which they provide gratis through various partnerships.

This is the direction that staff fully expects to maintain in the coming six month period and beyond. It is reflective of Animal Services overall approach to its work and it is carefully articulated in the department's applicable guidelines. It is also consistent with the expectations we believe that our elected officials hold with regard to the new tethering restrictions since they represent a definite change in the culture and custom of animal husbandry in Orange County.

Staff's final report to the BOCC on tethering is due in December of 2010. Our analysis will again assess the extent to which dogs are (or are not) surrendered to the Animal Services Center as a result of the County's new tethering restrictions. Also, additional data will be compiled and analyzed in regard to tethering complaints, infractions, and enforcement actions taken subsequent to initial contact with residents whose dogs are tethered in violation of the County's animal control ordinances.
