



Orange County Animal Services

1601 Eubanks Road, Chapel Hill, NC 27516 919-942-PETS (7387)

MEMO

To: Frank Clifton, County Manager

From: Bob Marotto, Director of Animal Services

Date: January 12, 2010

Re: Tethering Update

Introduction: This is the second of four status reports on the amendment to the Orange County Animal Ordinance regarding tethering. The BOCC asked the Animal Services Department 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 is the second of those updates, and covers the period from May 1st of 2009 through November 20th, 2009.

Background: The BOCC has asked the Animal Services Department to monitor and collect data on the implementation of the tethering amendment it passed November 18, 2008. This amendment was passed at the recommendation of the Animal Services Advisory Board and Tethering Committee, and affects only the unincorporated areas of the County and Hillsborough. The amendment includes the following restrictions on tethering and alternative containment of dogs:

- 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
- A requirement for minimum kennel sizes
- An exemption for certain organized and lawful animal functions and circumstances

The amendment was formulated so that there is an 18-month implementation period to ensure effective public outreach and encourage voluntary compliance. The initial twelve month period (November 2008 – November 2009) consisted of public outreach activities aimed at promoting awareness of the new restrictions on tethering and requirements of alternative containment. In addition, the amendment stipulates only warnings will be issued for lack of compliance with the tethering restrictions during the six-month period following the date the ordinance actually becomes effective (November 19, 2009 – May 19, 2010).

For purposes of reporting, implementation of the tethering ordinance amendment is being broken into four phases. They are as follows:

Outreach Phase 1: November 19, 2008 – May 19, 2009: This initial 6-month outreach phase consisted of community-wide education and outreach via flyers, advertisements, and other

forms of media. The aim of such outreach is to inform the community of the upcoming ordinance changes, the implications of such a change, and the resources available to make such a change in the means of confinement for those currently tethering.

Outreach Phase 2: May 19, 2009 – November 19, 2009: The second half of the year of outreach will continue the activities of the first six months. All outreach activities will continue steadily, intensifying as the effective date nears, and education efforts will remain strong.

Warning Phase: November 19, 2009 – May 19, 2010: The ordinance becomes effective on November 19, 2009. The warning phase will occur during the first six months of the ordinance's effectiveness. Only warnings will be issued during this first six-month period and education efforts will continue to be a priority to Animal Services staff. Data on the number of warnings issued and the responses to said warnings will be collected during this phase.

Fully Effective Phase: May 19, 2010 and onward: The final phase is full implementation, which will begin six months after the effective date of the ordinance amendment (and directly after the warning phase). This phase will include the possibility of giving citations for infractions of the tethering ordinance. As is always the case, Animal Services staff still expects to work with the public to bring them into compliance if possible before enforcement actions are taken.

Phase 2 Update: Staff continued community outreach and education in several ways. They maintained a webpage dedicated to tethering and tethering updates; distributed flyers and a FAQ brochure to community centers and other locations; and ran display advertisements and issued media advisories as scheduled in the tethering public relations plan. (Copies of the flyer and most recent media advisory are attached.) They also published an information essay on the effective date of the tethering amendment.

In addition, Animal Control officers continued to spend a great deal of time in the field speaking with people about the tethering ordinance, its implementation, and the resources that are available for those wishing to make a change in their means of confinement. Shelter staff also continued to address the issue of tethering in their counseling of those adopting animals from the shelter, with residents recovering a lost animal from the Animal Services Center, and with citizens who contacted Animal Services with questions regarding the amendment.

An important feature in all ongoing communication by staff with residents is a positive tone and constructive approach. As indicated in our Phase I Report, working with residents as they come into compliance with the tethering amendment is fundamental to the department's Standard Operating Guidelines (SOG) for the tethering amendment

To prepare for the Warning Phase (November 19, 2009 – May 19, 2010), staff developed and implemented the attached SOG for the Enforcement of the Tethering Amendment. Developed in coordination with the County's Staff Attorney, and on the basis of the experience of other jurisdictions, these guidelines set out general procedures for determining whether there is a violation of the tethering ordinance. They also indicate how warnings are to be issued during the Warning Phase, their follow-up once the amendment is fully effective (May 19, 2010 and onward), and the standard process for investigation and enforcement thereafter.

Prior to November 19, 2009, ACOs had contact with a total of 74 residents who were tethering these dogs. During the Warning Phase, the ACOs will follow-up on these contacts, issuing a written warning in the event that a resident is still tethering a dog in a manner that does not

comply with the amendment. Of course, there will be additional contacts made as well during this phase, and some of these will result in other written warnings.

Phase 2 Data: For the six month period ending on November 19th, 2009, it has been possible to compile data on whether the tethering amendment is a factor in residents relinquishing a dog to the Animal Services Center. These data are gathered from Animal Services' standard intake form. (The tabular form of the data is available upon request from Animal Services staff.)

A review of department intake records shows that 282 dogs were surrendered by their owner between May 19th, 2009 and November 19th, 2009. One question on the standard intake form is "Why can you no longer keep this pet?" Only one owner of the 282 surrendered dogs identified tethering as the reason they were surrendering a dog in response to this question.

Additional information about the circumstances and characteristics of each pet surrendered were also collected using the standard intake form. Examples include "leash trained," "crate trained," "shy," and "playful." The form asks the owner to check whether any listed circumstances or characteristics apply to their pet. There are twenty-four (24) different circumstances or characteristics that an owner may mark, and one of these is whether a dog is "used to being tied/tethered."

As an owner may check more than one applicable condition, there are more responses than there are dogs for the period from May 19th to November 19th. Specifically, a total of 1540 applicable conditions were checked for the 282 dogs surrendered by their owners (averaging five [5] responses per surrendered dog). Significantly, "being tied/tethered" was checked for only 29 of the surrendered dogs. While this is ten (10) percent of these dogs, the condition of being "used to being tied/tethered" amounted to only two (2) percent (or 29 of 1540) of all applicable conditions checked by owners.

Staff intends to continue to collect and analyze such data over the next year. A summary of the data will form a segment of the two remaining reports on the implementation of the tethering amendment. Also, in the next report staff expects to report on the number of written warnings issued by our ACOs during the Warning Phase.

Chapel Hill's Tethering Amendment: Chapel Hill adopted its own amendment on March 23, 2009, and it becomes effective one year after its adoption, on March 23, 2010. This ordinance differs from the County's ordinance in generally prohibiting tethering (although there are a number of significant exceptions). The Chapel Hill Ordinance will have a 3-month period in which only warnings are issued and on June 23, 2010, it becomes fully enforceable.

The Chapel Hill Police Department is responsible for outreach and education about the Town's tethering ordinance. As part of the Town's animal ordinances, however, the tethering amendment will be enforced by a County Animal Control Officer under the existing agreement for animal services between the County and Chapel Hill. The tethering amendment may also be enforced by Chapel Hill Police Officers in the routine conduct of their business and it is expected to be simpler to enforce because of its outright prohibition of tethering.

Conclusion: Staff conducted coordinated and intensive outreach throughout the twelve month implementation period for the tethering amendment. Staff also developed standard operating guidelines that they expect to follow for the foreseeable future. To date, there is little evidence that dogs are being surrendered as a result of the implementation of this amendment. The

next progress report is expected in June 2010 and will contain additional data that has resulted from intake forms and staff experiences and observations.

Attachments: Flyer
Media Schedule
Media Advisory
Enforcement SOG

Cc: Gwen Harvey, Assistant County Manager
Jean Austin, J.D., Chair, Animal Services Advisory Board

Tethering Flyer

Tethering of Dogs in Orange County

The Board of County Commissioners has adopted an amendment to the animal ordinance that limits the tethering (or tying) of dogs in Orange County.



Effective November 19th, 2009

Tethering Limitations



- Tethering should be limited to 3 hours within a 24-hour period
- Tethers must meet certain requirements
- Various exemptions are included

These limitations affect only the residents of Hillsborough and unincorporated Orange County

To read the complete ordinance amendment, including a full list of exemptions, visit <http://www.co.orange.nc.us/animalservices>



Media Release

FOR IMMEDIATE RELEASE

Date: November 11, 2009

Contact: Robert Marotto, Animal Services Director

Tethering Restriction Becomes Effective in Orange County

The Tethering Amendment to the Orange County Animal Ordinance, which restricts the tethering of dogs to a maximum of 3 hours within a 24-hour period, becomes effective Thursday, November 19, 2009. During the first six months of the amendment's effectiveness, only warning notices will be issued for tethering violations.

The Amendment was approved by the Orange County Board of Commissioners at its November 18, 2008 meeting. The amendment includes numerous exemptions to the limitations, including dogs that are within the visual field of a responsible party and those accompanying people in camping or other recreational areas. The amendment also included twelve months of public outreach and education between November 18, 2008 and November 18, 2009.

The ordinance change is based upon a report and recommendations by the Tethering Committee, appointed by the Board of Commissioners, working in conjunction with the Animal Services Advisory Board, along with significant public input.

The ordinance only applies to the Unincorporated parts of the County and Hillsborough. Chapel Hill has adopted its own tethering amendment, which differs from the County's and becomes effective in March of 2010. For more information on the amendment, including a full list of changes and exemptions, visit the Animal Services website at <http://www.co.orange.nc.us/animalservices> or call Animal Services at 919-942-7387.

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Tethering Enforcement Guidelines

Purpose

As an addition to our present Tethering Standard Operating Guidelines, which became effective April 15th, 2009, these are service request and documentation and enforcement guidelines for the Tethering Amendment to Orange County's Animal Control Ordinance. As with the ordinance amendment itself, these guidelines are effective as of November 19, 2009, and cover the County's tethering amendment, which applies in Hillsborough as well as the unincorporated areas of the County.¹

It is the responsibility of Animal Control Officers to follow these guidelines in the investigation of tethering complaints and their enforcement of the County's tethering amendment. It is the responsibility of Office Assistants (and other staff) to follow these guidelines in taking and recording citizen complaints. It is the responsibility of all Animal Services staff to follow these as well as the basic guidelines (see above) in providing public information about the tethering ordinance.

Taking and Recording Complaints (for Office Assistants and Animal Control Officers)

Chameleon –

An activity shall be created for each call for service. Beginning November 19th, 2009, when a person calls in and identifies specifically that they are calling regarding a dog being tethered in violation of the new ordinance, you will select "tethering" from the TYPE popup field.

If they identify other concerns about the dog such as shelter or its condition, you will select the appropriate value from the SUBTYPE popup field. Additionally you should include as much information in the CROSSING COMMENT field and create an ACTIVITY MEMO if necessary.

In situations where reference is made to a "tied dog with no shelter" or a "tied dog that barks all of the time," ask them if the dog is tied out or tethered all of the time. If they are not specifically complaining about tethering, but rather are complaining about another issue, their request for service would be entered differently than a complaint about tethering itself. Specifically, INVESTIGATION would be entered into the TYPE popup field with the appropriate value selected from the SUBTYPE. You would then indicate in the CROSSING COMMENT (and if necessary, in an ACTIVITY MEMO) that the dog is tethered. The responding ACO will then indicate the appropriate response in the RESULT field following their investigation.

Recording Results (for Animal Control Officers)

Once the service call is complete, the responding ACO shall indicate in the RESULT field the actions taken and include any actions regarding the tethering of the dog. Additional information

¹ There is no tethering restriction in Carrboro. As it prohibits tethering, except under stipulated conditions, Chapel Hills' tethering amendment is subject to different guidelines. This amendment becomes effective , March 23, 2010, and infractions are only subject to written warnings for the following six month period.

will be included in the existing ACTIVITY MEMO or a MEMO created elsewhere in Chameleon. These actions are defined in the Tethering SOG.

Enforcement Powers and Methods

Full enforcement authority for the tethering ordinance amendment does not become available until May 19th, 2010. After that date, Animal Control Officers may issue citations, written warnings, educate owners, etc.

From November 19th, 2009, until May 19th, 2010, however, the tethering amendment itself restricts enforcement powers to a written warning. It does so in order to facilitate the process of transition from tethering to other means of lawful confinement for a six month period after the amendment becomes effective.

Compliance will be determined on the basis of several sources of evidence. Depending upon the circumstances and contact history, one or more of these kinds of evidence may be used to establish that there is an infraction. One source of evidence is an admission (or acknowledgement) by the owner or keeper of the dog. Another source is a signed statement from one or more complainants providing information that a dog has been tethered for more than three hours within a twenty-four hour period (without being covered by any of the exceptions stipulated by the ordinance).

In addition, if a dog is tethered upon their arrival, and no one is present, the ACO will post with a yellow door tag and photograph a notice. In addition to checking the tethering box and other pertinent information, the notice shall have the time as well as day clearly printed on its face. The ACO shall note on the back of the posting that they will return to the residence no less than three (3) hours from the time of their posting to determine whether the dog is still tethered and request that the owner immediately call the office to speak with the ACO if they get the posting within that period of time. The notation should take the following form:

***Mr./Ms. [Insert name] or Resident Dog Owner,
I expect to return no sooner than [enter time] to see whether your dog[s] have been tethered for longer than three (3) hours. Should you get this posting before that time, please call me at 924-7387, ext. xyz. If I am out of the office, please leave me a voice message with your contact information and I will return your call upon my return. Thank you.
Animal Control Officer [insert name]***

All calls to the ACO's voicemail can be verified by the date and time stamp on the message. Should the resident contact an Office Assistants (OA) regarding a posting, they shall be transferred to the ACO's direct extension and instructed to leave the ACO a message if they are not available. The ACO is expected to record this information as part of their case file upon playing back the voice message and / or speaking directly with the resident.

If the dog is tethered, and the posting remains when the ACO returns, the ACO will post and photograph a written warning or citation which has the time and day clearly printed on its face. If the owner is home, the ACO shall speak with them regarding the tethering of the dog and determine whether there is a violation of the ordinance (in which case they can issue a warning.)

If the owner is not home when the ACO returns, in addition to posting as described above, the ACO shall create an ACTIVITY sequence to return the next business day or they shall prepare to send an additional warning within 24 hours by certified and registered mail. The 24 hour span gives the owner an opportunity to contact the ACO upon receipt of the posted warning. All of these actions shall be documented in the Chameleon ACTIVITY MEMO.

It is possible that there will be several situations where people know they can not be cited until May 19th, 2010 and will make no effort to comply in a timely period. In these situations, the ACO shall document this on their Tethering Education and Warning list and on or shortly after May 19th, 2010, return to the residence to reinvestigate and take appropriate enforcement action on the basis of their investigation.

No more than two written warnings shall be issued in the period beginning November 19, 2009 and ending May 19, 2010. More specifically, only one will be issued from November 19, 2009, through February 19, 2010, and only one from February 20 through May 19, 2010. As needed, this guideline should be communicated to residents who are making a second or third complaint about the same residence where there is a tethered dog.

Throughout the implementation period, finally, it is the expectation that ACOs will work with County residents to facilitate as well as ensure their compliance with the tethering ordinance revision in positive and collaborative manner. Each officer is expected to refer residents in need to the resources for confinement other than tethering (listed earlier in this SOG). Each officer is also expected to make every reasonable effort to facilitate compliance with the ordinance.

Enforcement Timetables

Beginning November 19th, 2009, each ACO shall initiate an Activity from their Tethering Education and Outreach list they began November 19th, 2008. They then will begin following up to confirm compliance. If the owner has not complied, the ACO shall issue a Tethering Warning as provided for on the Animal Control Ordinance Violations Warning form, Section 3, and document such on their individual list.

Beginning May 19th, 2010 each ACO shall initiate an Activity from their Tethering Education and Warning list and begin following up to confirm compliance. If the dog is tethered upon their arrival the ACO will post a warning notice and return to the residence after the 3 hour time limit. Additionally if the complainant is willing, the ACO should obtain a signed detailed statement from the complainant.

If the owner or keeper has been previously warned but is not in compliance, the ACO shall issue a citation for the Tethering Violation in the absence of any mitigating or extenuating circumstances. If the owner has multiple dogs, each dog improperly tethered will count as a single violation.

If the owner keeper has not been previously warned, the ACO shall issue a warning regarding their infraction. Given the circumstances of the owner and/or keeper, the warning shall stipulate a reasonable period of time for him or her to become compliant. If there is still an infraction when follow-up is done, the ACO shall issue a citation for the Tethering Violation (in the

absence of any mitigating or extenuating circumstances). If the owner has multiple dogs, each dog improperly tethered will count as a single violation.

Effective: November 19, 2009
Approved by Robert A. Marotto,
Animal Services Director
Orange County Animal Services