

Orange County's Tethering Committee\*

*Report and Proposal for Ordinance Amendment*

July 30th, 2007

*\*Members of the Tethering Committee wish to thank Animal Services staff for their diligent and professional efforts to ensure that the Committee was effective as well as successful in meeting its charge in a timely manner. Direct staff support to the Tethering Committee was provided by Bob Marotto, Animal Services Director; Irene Paul, Manager, Animal Control Division; Lisa Smith, Office Assistant, Animal Control Division; and Andi Morgan, Administrative Assistant, Administration.*

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## SUMMARY

After a six-month-long deliberation that included seven meetings, the Orange County Tethering Committee has concluded that the practice of tethering is a concern from the standpoint of both animal and human welfare. With respect to the latter, tethered dogs can pose risks to the safety of community members, and in some circumstances, affect their enjoyment and use of their property. With respect to the former, it may be injurious to an animal and result in isolated lives of not-so-quiet desperation at the end of a chain or rope.

Of particular concern are dogs that spend their lives tethered, as these are naturally active and social beings that require exercise and frequent interaction with humans and other animals. Additionally, the Committee is concerned that tethered animals develop behavioral problems, including aggression, that adversely affect public welfare.

Notably, the Committee is recommending that tethering be limited rather than outlawed because it has concluded that there are certain circumstances under which tethering can be an acceptable method of confinement for several hours, whether the owner is in attendance or has left his or her residence for that time period.

In light of this, the Committee is recommending that the County's current animal ordinance be amended to include the following with regard to tethering dogs:

- a three-hour limit within a 24-hour period;
- a specification of the types of collars and equipment that are allowed when a dog is tethered;
- a requirement for minimum kennel size for outdoor housing of dogs;
- an exemption for organized and lawful animal functions such as hunting, obedience training, and law enforcement training of a duration of not more than seven (7) days;
- an 18-month education period, including twelve (12) months of public outreach and six (6) months of issuing warnings before the citations would be issued.

In general terms, the Committee is making these recommendations on the basis of these findings:

- Prolonged tethering can and does deprive dogs of necessary exercise and socialization.
- Tethered dogs can and do contribute to various community problems, including pet overpopulation and nuisance barking.
- Tethered dogs can and do pose a risk to public safety and health because they may become aggressive and they are not confined behind a physical barrier.

In making these recommendations, the Committee has gathered general information about the humane and public safety aspects of tethering; researched existing ordinances that restrict or prohibit tethering in jurisdictions across the United States; interviewed Animal Services personnel in North Carolina jurisdictions with tethering ordinances; and held two meetings to obtain public input.

In addition, the Committee is making these recommendations recognizing that that the precedent for its proposal to change Orange County's animal ordinances is compelling. More specifically, numerous jurisdictions in North Carolina and around the United States (including four states) have successfully implemented tethering prohibitions or restrictions and have found them to be both enforceable and effective in reducing animal cruelty complaints and dog bite incidents.

Given the charge it received from the Board of County Commissioners, the Tethering Committee is submitting its recommendations to the Animal Services Advisory Board, the appointed citizen body that advises the County regarding animal service matters. In turn, the Animal Services Advisory Board will decide what, if any, ordinance amendments to recommend to the Board of County Commissioners, the County's legislative body.

## INTRODUCTION

This is a report of the Orange County Tethering Committee, a committee created by the Board of County Commissioners (BOCC) and charged with considering what changes, if any, should be made in the County's animal ordinances with regard to tethering.<sup>1</sup>

Tethering involves keeping dogs on tie-outs such as chains or ropes versus within a fenced structure or inside the home. It is often defined in reference to a stationary object (for example, a dog chained to a stake near a dog house) but may also be defined to include overhead trolley systems. Tethering does not refer to walking a dog on a leash, but instead refers to dogs that are tied out as a primary, if not exclusive, means of confinement.

Currently, Orange County's animal ordinances, which apply to the unincorporated parts of the County and Hillsborough, allow tethering provided certain conditions are met. The Tethering Committee is proposing that this ordinance be amended, and specifically recommending the changes formulated in this report.

The remainder of this report will outline and explain the changes that the Tethering Committee is recommending for Orange County's animal ordinances. It will also provide information about the work of the Committee, its findings, and the rationale for its specific recommendations.

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<sup>1</sup> For background on the formation of the Tethering Committee and its charge from the Orange County Board of Commissioners, see Appendix I: Creation of the Orange County Tethering Committee and Board of County Commissioners' Abstract for the Creation of the Tethering Committee.

## FINDINGS

Over a six-month period, the Tethering Committee met numerous times to organize itself, gather and review information about the practice of tethering, research ordinances to restrict or prohibit tethering in other North Carolina jurisdictions, and collect input from the public. Altogether there was one organizational meeting, two information gathering meetings, and two public input meetings. Two additional meetings were held to formulate recommendations and review and approve the Committee's *Report and Proposal for Ordinance Amendment*.

The Committee came to its general findings on the basis of the weight of available information gathered through its meetings and work. These findings are generally consistent with the concerns that have prompted other jurisdictions to outlaw or otherwise control the practice of tethering. According to one source, there are now more than 50 jurisdictions in the United States with tethering regulations.<sup>2</sup> Most of these are county and local governments, but there are also four states that have prohibited tethering. Some national organizations—including the Humane Society of the United States (HSUS), which has advised the County on animal sheltering issues—advocate for prohibitions on tethering dogs.

Specifically, the Committee's findings include:

### **Humane Concerns**

- Tethered dogs, and certainly those that are isolated and continuously tethered, may be deprived of essential exercise and socialization.
- Tethered dogs are at risk of various tethering-related injuries, such as embedded collars and accidental strangulation or hanging.
- Tethered dogs are also at risk of becoming tangled and prevented from reaching food, water and shelter, and attacks by other animals in which they are usually unable to defend themselves.

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<sup>2</sup> See [http://www.helpinganimals.com/ga\\_tetherLegislation.asp](http://www.helpinganimals.com/ga_tetherLegislation.asp).

## Public Safety Issues

- Tethered dogs can and do pose a risk to the community. They can and do become highly territorial and aggressive and present a significant risk of injury to the public through dog bites and attacks.
- Tethered dogs are also a risk with regard to aggressive incidents or actual bites because there is not a physical barrier between a dog and a child or other community member. By contrast, fences and kennels do create such barriers, thereby minimizing the risk a dog can pose to neighbors or passersby (while at the same time protecting that dog from attacks by other animals).

## Community Concerns

- Tethered dogs are at risk of unplanned and unwanted breeding, and thus they can contribute to the significant problem of pet overpopulation. They may have litters of unwanted puppies, and also create problems by attracting and exciting other dogs (despite the requirement of County ordinance that an animal that is “in season” be suitably contained and not kept outside).
- Tethered dogs can negatively impact community life through nuisance barking.

## Precedent

- There is ample precedent for the enactment of an ordinance to prohibit or restrict tethering; at least 50 U.S. jurisdictions, including cities, counties and several states, have passed such laws.
- Several North Carolina jurisdictions—including Catawba, New Hanover, and Scotland Counties, along with several North Carolina townships—have some level of tethering limitation currently in place.<sup>3</sup>
- Ordinances that restrict or prohibit tethering have proved to be both enforceable and effective in reducing animal cruelty complaints and incidents of dog bites.

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<sup>3</sup> See Appendix II: North Carolina Counties and Townships with Tethering Ordinances.

## RECOMMENDATIONS

The Orange County Tethering Committee, on the basis of its charge from the BOCC and after extensive research and public input, is proposing that there be an amendment to the County's animal ordinance to restrict but not prohibit the tethering of dogs in Orange County. This and closely related recommendations regarding matters such as the implementation of a new ordinance are presented in this section.

An ordinance amendment is being proposed because there is presently very little regulation of tethering in Orange County's animal ordinances, regulations which apply in the unincorporated parts of the County and Hillsborough. A minimum standard is set out in Section VII in these terms: "If any unattended animal is restrained by a chain, leash or similar restraint, it shall be designed and placed to prevent choking or strangulation. Such chain or restraint shall not be less than ten (10) feet in length and either on a swivel designed to prevent the animal from choking or strangling itself, or on a chain run."<sup>4</sup>

As formulated below, in order to more effectively regulate the practice of tethering in Orange County, the Tethering Committee's specific recommendations fall into four closely related areas:

### **Limitation and Requirements**

- Tethering should be limited to three (3) hours within a twenty-four-hour period, and a tethered animal shall be kept in accordance with all other laws, including but not limited to requirements for food, water and shelter. By limiting tethering to three (3) hours per day, such an ordinance would reduce the risk of uncontrolled contact between dogs and people, which is sometimes responsible for dog attacks and bites, and it could improve or enhance the overall conditions and care of dogs themselves. It should be noted that the Committee is

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<sup>4</sup> North Carolina General Statute (NCGS) (sections 14-360 forward) pertaining to cruelty to animals may apply in some circumstances to how an animal is secured. With only one exception, however, it does not make any specific mention of restraint or tethering. The exception is NCGS 14-362.3 (Restraining dogs in a cruel manner), which makes it a Class 1 misdemeanor for someone to "maliciously restrain a dog using a chain or wire grossly in excess of the size necessary to restrain the dog safely."

recommending that tethering be limited rather than outlawed because it has concluded that there are certain circumstances under which tethering can be an acceptable method of confinement for several hours, whether the owner is in attendance or has left his or her residence for that time period.

- Tethers must meet certain requirements. A tethered dog must have a tether at least ten feet in length that swivels at each end to prevent choking or strangulation and allows access to food, water and shelter. The weight of the tether and collar must not exceed ten percent of the dog's body weight. A tethered dog must be tethered using a buckle collar or harness. Choke chain collars and prong collars are not allowed when tethering a dog. These requirements are designed to avoid strangulation and ensure the welfare of the animal if and when it is tethered in accordance with the proposed ordinance.
- A minimum pen size for outdoor enclosures for dogs should be established. This is necessary to empower Animal Control to ensure that dogs taken off tethers as a primary means of constraint are not confined to small spaces that compromise their welfare.<sup>5</sup>

### Exceptions

- Tethering is allowed at training and performance (or sporting) events for dogs, including but not limited to field trails and obedience trails. In such cases, continuous tethering shall not be allowed for a period longer than seven (7) days.

### Implementation

- An ordinance amendment regarding tethering should become effective 18 months after its adoption. This approach is informed by the successful experience of other communities in which awareness was raised and the public educated before a tethering regulation actually became effective.

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<sup>5</sup> An example of such requirement from New Hanover County, North Carolina, is that: "*Outside enclosure* means a pen large enough to provide each dog less than 25 pounds with a kennel of at least 8 feet x 10 feet in size, and each dog 25 pounds or greater with a kennel of 10 feet x 10 feet in size. Animal control services reserves the right to determine if a space is considered suitable for the number and size of dogs housed in an outdoor enclosure." (New Hanover County Code, Section 5-4)

- The implementation phase will involve a year-long period of extensive public outreach and education regarding the ordinance amendment and practice of tethering, followed by a six-month period in which only warnings are issued. This is to ensure that dog owners have ample notice of the new ordinance and time to transition to other methods of confinement and take advantage of community resources to help with the implementation of alternatives.
- Public outreach should include resources to help dog owners implement alternatives to the restraint of dogs by tethering, as well as information about the new ordinance. The Committee believes that public outreach and education is pivotal to its recommendations. These pursuits would presumably be led by the Animal Services Department, working in concert with its citizen advisory board and perhaps other stakeholders.

### **Enforcement**

- Upon initial contact for noncompliance with the new ordinance, after the six-month phase-in period, a dog owner will receive a warning that gives him or her thirty (30) days to come into compliance. As with the initial implementation period itself, this initial enforcement approach is designed to ensure that dog owners are aware of and able to comply with the tethering ordinance.
- Civil citations with a monetary penalty on a progressive (or graduated) schedule ordinarily will be issued for noncompliance after issuance of a warning to come into compliance.
- An animal may be impounded after the issuance of a citation for a violation of the tethering ordinance—which itself would occur only after the issuance of a warning—subject to an appropriate process of appeal by the animal owner. Given the right to and requirements of “due process,” there would not only be an appeal process but a specific legal mechanism for determining possession and ownership of an animal in the event that an appeal failed.

## DISCUSSION

The Tethering Committee is recommending a tethering ordinance because there is good reason to believe limited or controlled tethering can alleviate the harm to animals and hardship to people that can be associated with the practice of tethering. By limiting tethering to a given number of hours within a twenty-four-hour period, such an ordinance would reduce the risk of uncontrolled contact between dogs and people, which is sometimes responsible for dog attacks and bites, and it could improve or enhance the overall conditions and care of dogs themselves.

### **Experience of Other Jurisdictions**

The Tethering Committee's recommendation to limit tethering is not without precedent and is consistent with the efforts of other jurisdictions in North Carolina and beyond to control or prohibit the practice of tethering. These precedents include state laws as well as local ordinances, and together they provide compelling evidence that tethering can be successfully regulated in a variety of different ways.<sup>6</sup>

As part of its information gathering, the Committee reviewed tethering ordinances in the North Carolina counties of Catawba, New Hanover and Scotland, along with several North Carolina townships, and interviewed officials in three of those jurisdictions.<sup>7</sup> The information gathered in this manner indicates that efforts to restrict or prohibit tethering elsewhere in North Carolina have been quite successful. The ordinances proved to be enforceable, and they appeared to actually reduce rather than increase the time required by humane investigators to attend to animal complaints.

According to interviews with animal services officials from Catawba County, New Hanover County and the Town of Laurinburg in Scotland County, there were few, if any, unintended adverse impacts. Dogs were not surrendered by their owners, euthanized or just set free as a result of the

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<sup>6</sup> See [http://www.helpinganimals.com/ga\\_tetherLegislation.asp](http://www.helpinganimals.com/ga_tetherLegislation.asp) for complete list of jurisdictions with tethering ordinances.

<sup>7</sup> See Appendix II: North Carolina Counties and Townships with Tethering Ordinances, and Appendix III: Notes from Interviews with North Carolina Jurisdictions with Tethering Ordinances: Conducted by the Tethering Committee

adoption of tethering ordinances. In addition, the ordinances had several positive impacts, for instance, reducing the number of animal cruelty complaints and incidents of dog bites.

In terms of enforcement, these North Carolina officials reported that successful implementation required a reasonable phase-in period that allowed for adequate public education and outreach and sufficient time for dog owners to change from a tether to other methods of confinement. It is on the basis of their experience that the Committee is recommending an 18-month phase-in period as both reasonable and adequate for accomplishing these goals.

Also, officials from New Hanover County and the Town of Laurinburg in Scotland County both reported that an outright ban or severe restriction on allowable hours for tethering was most enforceable. In 2000, Laurinburg changed its ordinance to restrict tethering from eight (8) hours to one (1) hour, a change that improved enforcement capability. Laurinburg's Animal Control Officer reported a 90 percent compliance rate with the ordinance at this time, and reports that the ability to impound animals has been essential to the enforcement of this law.

The Committee believes that a three-hour limit on tethering is enforceable by Animal Control Officers in Orange County, given their regular work hours and the operating hours of the Animal Control Division of the Animal Services Department.

### **Public Testimony**

As previously noted, the Tethering Committee held public input meetings in order to give the citizens of the County an opportunity to express their concerns and ideas. The first public input meeting, on April 23<sup>rd</sup>, 2007, was widely publicized and had approximately 25-30 people in attendance. The following meeting of the Tethering Committee, though not originally designed as such, became a second public input meeting, with approximately 20 citizens attending.

Much was learned from the varied opinions and preferences expressed at these "listening sessions." Some individuals spoke against the practice of tethering on the grounds that it was not humane. Others addressed public safety and community welfare concerns. Yet others noted their belief that

tethering was not necessarily inhumane, and that for some individuals and animals, it could be the only possible or effective means of restraint.

Also at these sessions were representatives of an area hunting association, the Eno River Coon Hunters Association, and other interested parties who expressed two main concerns about the restriction of tethering. One was that they would not be able to hold their very successful annual field trial if tethering was prohibited. In this regard, they stressed that this event draws people from around the country and generates considerable income for the County.

Their other concern was the keeping of hunting dogs themselves. They emphasized that these dogs were often, if not always, kept on tethers and that, in their opinion, it was sometimes the best way to keep such dogs. Advantages included the easy separation of incompatible dogs, and the allowance of greater space on a daily basis. Finally, they stated that dogs can be neglected in a variety of situations that do not involve tethering, for instance, the inappropriate confinement of dogs in small kennels and crates.

### **Committee Deliberations**

The Committee weighed testimony from the public and came to a series of recommendations that are intended to address some, if not all, of the concerns raised in the public testimony. The Committee believes that tethering raises significant humane, public safety and community welfare concerns, and that the continuous tethering of dogs is inhumane. The Committee concurs that dogs can be neglected in other circumstances not involving tethering, but believes that there are significant public safety and humane issues unique to tethering that merit action by the BOCC.

Because it believes that tethering can be humane for limited time periods under certain circumstances, the Committee is proposing a three-hour limit per 24 hours with specifications for appropriate tethers and equipment. The Committee believes that this should reduce any hardship imposed by this restriction, and accommodate the needs of those members of the public who wish to tie their dogs outside for limited periods of time. More generally, the Committee has attempted to limit the hardship imposed by this restriction by recommending a phase-in period for the law that

would include education about the various alternatives and community resources available to help owners transition from tethers to other means of restraining their dogs.

As the Committee does not want a much needed tethering ordinance to interfere with the conduct of legal sporting events, it is proposing an exemption for such events, provided the tethering is temporary, not lasting for more than seven (7) days in duration while such events are conducted.

The Committee considered the possibility of an exception for hunting dogs given the concerns raised by hunters in its “listening sessions,” but ultimately decided against recommending such an exception for several reasons. One is that belief that hunting dogs have the same social and physical needs as other types of dogs. Another is that such an exception would pose difficulties in the process of enforcement insofar as anyone with a dog from a hunting breed could contend that his or her dog should be exempted.

It was also believed that the creation of an exception or exceptions would not be fair to dog owners who were not allowed to tether their dogs for a period longer than three hours under the proposed ordinance amendment. It was because of this concern that the Committee ultimately decided against recommending some kind of an exception for dogs that were known to be “escape artists,” as well as an exception for hunting dogs.

Deliberations regarding these and other concerns raised in public testimony occurred in the final two meetings held by the Tethering Committee. And it is on the basis of those deliberations, as well as the information it gathered from other sources, that the Committee is proposing that there be an ordinance amendment that limits the practice of tethering in Orange County.

#### NEXT STEPS

The recommendations made in this report will be submitted to the ASAB for timely review and deliberation of whether a proposed ordinance amendment should ultimately be adopted by the BOCC itself. The ASAB is made up of twelve County-appointed members and charged with providing input and advice to the Animal Services Department on various matters, including policy.

On the basis of its consideration of the Tethering Committee's recommendations, the ASAB is expected to decide whether to recommend any ordinance amendments to the BOCC. As the County's sole legislative body, the BOCC would decide whether to enact any recommended amendments, and its own deliberations would be based upon a public hearing about any proposed amendment, as well as the materials and recommendations received from the ASAB and Tethering Committee.

***APPENDIX I:******Creation of the Orange County Tethering Committee and Board of County Commissioners' Abstract for Creation of the Tethering Committee*****Committee Creation**

The concerns surrounding tethering vary greatly and include issues of both animal and public welfare. Because of these concerns, the practice of tethering has become a policy issue, not only in our own community, but in communities throughout North Carolina and around the country.

Of particular concern are dogs that spend their lives tethered, as they are naturally social beings and thrive on frequent interaction with humans and other animals. Additionally, there is concern that tethered animals, deprived of socialization and exercise, develop behavioral problems or aggression, and as a result, pose a risk to the community through dog bites and attacks. Other concerns involve the role of tethered dogs in contributing to community problems such as pet overpopulation and nuisance barking.

The issue of tethering in Orange County initially surfaced from the efforts of some local animal advocates, who created an area "Coalition to Unchain Dogs," and began to advocate against the practice of tethering. Their efforts mirrored initiatives elsewhere to limit, restrict or outlaw tethering. All of these efforts are concerned with both public safety and animal welfare.

The Orange County Tethering Committee was formed by the BOCC in October 2006 in response to local concerns about the issue. An abstract for the creation of the Tethering Committee appears at the end of this Appendix.<sup>8</sup> The BOCC charged the committee with:

- Reviewing tethering as a policy issue and reporting on it as a means of confinement, including the activities and efforts of other communities;

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<sup>8</sup> The issue of tethering was originally considered by the ASAB, which created a subcommittee to address the matter. The subcommittee met and decided that it would need to bring in outside members of the community, a function reserved for the BOCC. It was at that time that the BOCC created the Tethering Committee to work in conjunction with the ASAB in deciding in what ways, if any, the ordinance that governs tethering should be changed.

- Obtaining general public comment or input about tethering from a cross-section of the community; and
- Recommending to the ASAB any appropriate or desirable changes with the understanding that the ASAB would itself make any final recommendations to the BOCC.

The BOCC also specified the makeup of the Committee. Specifically, it would include two ASAB members, one law enforcement representative, one animal behaviorist, one animal health and wellness expert, one advocate for the restriction of tethering, one advocate for tethering, and three at-large representatives.

**BOCC Abstract and Committee Charge**

ORANGE COUNTY

**BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** October 3<sup>rd</sup>, 2006

**Action Agenda  
Item No.** \_\_\_\_\_

**SUBJECT:** Creation of a Tethering Committee

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**DEPARTMENT:** Animal Services

**PUBLIC HEARING:** (Y/N)

**ATTACHMENT(S):**

Draft Charge To and Composition of  
Orange County Tethering Committee  
Tethering Meeting Summary Notes

***INFORMATION CONTACT:***

Bob Marotto, Director, 968-2287

**Gwen Harvey, Assistant County**

**Manager, 245-2307**

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**PURPOSE:** To request that the BOCC create a Tethering Committee for the purpose of assessing whether and if so how the County's animal ordinances should be amended in regard to the tethering of dogs.

**BACKGROUND:** The issue of whether or not there should be more restrictive tethering requirements in Orange County's animal ordinances has come before the Animal Services Advisory Board. The same issue has been raised elsewhere in North Carolina and around the United States, and in some places, there have been ordinance or statutory changes that restrict or prohibit the use of tethers and chains to confine dogs.

The issue of tethering was the subject of discussion at the August meeting of the Animal Services Advisory Board. Proponents of more restrictive tethering requirements addressed concerns with public safety and community livability as well as concerns with the humane care of animals. Another member of the community favorably compared tethering with other forms of confinement.

On the basis of public comments on tethering, and discussion among its members regarding ordinances of this kind in the context of Orange County, the ASAB decided that a Tethering Committee ought to be created. Toward that end, the ASAB selected two representatives to meet and develop an approach in response to a three-pronged charge from the ASAB. First, they were to create a larger committee with a cross-section of community views; second, to compile pertinent information; and finally, to determine how general public comment ought to be gathered about any possible ordinance amendments regarding tethering.

In early September, there was a meeting of the two ASAB representatives to the Tethering Committee. A primary outcome of that meeting was to identify positions for five additional members of that Committee defined as follows: (1) law enforcement; (2) expertise in the area of animal behavior; (3) expertise in the area of animal health and wellness; (4) an advocate of more limited tethering; and (5) an advocate for tethering as a means of confinement.

Subsequent to the meeting, staff discovered that only the BOCC could create or authorize the creation of such a committee. Thus the creation of the Committee was referred back to the ASAB at its September meeting and, at that meeting, a motion was unanimously adopted asking the BOCC to either create a Tethering Committee, or to authorize the ASAB to itself create such a committee as described herein. Accordingly, the BOCC will also need to decide whether the additional five pre-defined positions on the Tethering Committee would be filled the ASAB itself or by the BOCC through its usual application process for volunteers.

The Animal Services Department, under the direction of Bob Marotto, will serve as Secretary to the Tethering Committee under either scenario and the recommendations from the Tethering Committee will be reviewed and commented on by the ASAB as a whole before being presented to the BOCC for any possible action.

**It was discussed during Chair/Vice Chair agenda review that the BOCC might wish to create the Tethering Committee itself, and with the inclusion of the two ASAB representatives, appoint the five pre-defined positions as proposed along with three additional at-large representatives from the community.**

**FINANCIAL IMPACT:** No financial impact accompanies the creation of a Tethering Committee.

**RECOMMENDATION(S):** The Manager recommends that the Board discuss options presented relative to the creation of a Tethering Committee and the appointment of its members, and provide direction to staff.

### **CHARGE TO AND COMPOSITION OF ORANGE COUNTY TETHERING COMMITTEE**

At the request of the Animal Services Advisory Board, and upon recommendation of the County Manager, the Commissioners are creating a committee to aid in the determination of whether there should be change in the County's animal ordinances as these apply to the tethering or chaining of animals such as dogs.

The composition of the committee is as follows:

- Two representatives of the Animal Services Advisory Board chosen by that Board.
- A law enforcement representative.
- An expert in the area of animal behavior.
- An expert in the area of animal health and wellness.
- An advocate for the restriction of tethering.
- An advocate for tethering.
- Three at-large representatives (for BOCC consideration).

The charge for the committee follows:

- To compile in a presentable form pertinent information on tethering and/or chaining as a means of confinement for animals such as dogs, including activities and efforts pursued by other communities.

- To obtain general public comment on any possible ordinance amendments from a cross-section of the community through suitable mechanisms such as community hearings or facilitated focus groups.
- To recommend to the Animal Services Advisory Board any appropriate or desirable ordinance changes with the understanding that the ASAB will itself make any final recommendations to the Board of County Commissioners.

***APPENDIX II:***

***Committee Members, BOCC Liaison, and Staff***

Committee Members

- Position 1: Kristine Bergstrand  
Animal Services Advisory Board Member
- Position 2: Jean H. Connerat-Levine  
Animal Services Advisory Board Member
- Position 3: Mary Dow  
Animal Behaviorist
- Position 4: VACANT  
Animal Wellness/ Health Expert  
(In April, 2007, the person appointed to this position resigned from the Committee.)
- Position 5: Suzanne Roy  
Advocate against tethering
- Position 6: VACANT  
Advocate for tethering  
(The BOCC did not make an appointment to this position.)
- Position 7: Rachel Beckham  
At-Large Member
- Position 8: Margie Huggins  
At-Large
- Position 9: Kelly Strowd  
Law Enforcement

Board of County Commissioners Liaison

Commissioner Michael R. Nelson

Animal Services Staff

Bob Marotto  
Animal Services Director

Irene Paul  
Manager, Animal Control Division

Lisa Smith  
Office Assistant, Animal Control Division

Andi Morgan  
Administrative Assistant, Administration

***APPENDIX III:***

***North Carolina Counties and Townships with Tethering Ordinances***

***The following North Carolina jurisdictions have some sort of tethering regulation. For more information see [http://www.helpinganimals.com/ga\\_tetherLegislation.asp](http://www.helpinganimals.com/ga_tetherLegislation.asp).***

***New Hanover County, North Carolina***

Chaining or tethering dogs is prohibited. A chain or rope is not to be used in place of a leash when walking dogs.

Sec. 3.4 (d) Restraint: An animal is under restraint within the meaning of this chapter if it is controlled by means of a leash, or is sufficiently near the owner or handler to be under his direct control and is obedient to that person's command; or is on or within a vehicle being driven or parked; or is within a secure enclosure. Exceptions to restraint are as follows: Organized and lawful animal functions e.g. hunting, obedience training, field and water training, law enforcement training and/or in the pursuit of working or competing in those legal endeavors. When a dog is on the property of its owner or guardian it shall be secured when not supervised by a competent person. Ropes, chains, and the like shall not constitute adequate security under this ordinance.

***Roanoke Rapids, North Carolina***

June 13, 2006

This ordinance prohibits the tethering of dogs.

Section 91.22. Prohibition Against Tethering of Dogs.

A. It shall be unlawful to tether an unattended dog outside of the house.

***Laurinburg, North Carolina***

June 20, 2000

Dogs may not be chained for a period longer than one hour in a 24-hour period.

Sec. 4-21. Restraint of dogs.

When a dog is on the property of its owner or keeper and is not within a secure enclosure, it shall be under the direct control of and obedient to the owner or keeper. At all other times when a dog is on the property of its owner or keeper, it shall be kept within a secure enclosure, including a fenced in area or electronic fence, house or other building, of sufficient strength and height to prevent the dog from escaping there from; provided, the owner or keeper may, for a period not to exceed one (1)

hour every twenty-four (24) hours, allow the dog to be tethered or chained to a stationary object or pole so long as the dog is provided sufficient water and nourishment. All dogs off of the property of the owner or keeper shall be controlled by means of a leash and under the direct control of and obedient to the owner or keeper's command.

Noncompliance with any of the foregoing provisions in the section 4-21 may result in the impoundment of the animal at any time, or it may result in a fine of one hundred dollars (\$100.00) or both.

Dogs utilized by law enforcement officers in the course of law enforcement activities are exempt from the section. (Code 1975, § 4-5; Ord. No. O-1997-29, 11-18-97; Ord. No. O-2000-12, § 1, 6-20-00)

### Scotland County, North Carolina

June 6, 2005

This ordinance prohibits the chaining of dogs for more than one hour in any 24-hour period.

Section 9 (H): No person shall, at any time, fasten, chain, or tie any dog or cause such dog to be fastened, chained, or tied, while such dog is on the dog owner's property, or on the property of the dog owner's landlord no longer than one (1) hour per day.

### Catawba County, North Carolina

(D) Chaining or tethering an animal to a stationary object for a period of time or under conditions that an animal control officer or animal cruelty investigator deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:

- (1) Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. Guidelines for the proper weight and length of chains or tethers can be obtained from the animal shelter or animal control
- (2) Using a chain or tether made of rope, twine, cord or similar material.
- (3) Using a chain or tether that is less than 10 feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width.
- (4) Chaining or tethering an animal to a stationary object for a period of time or under conditions that an animal control officer or animal cruelty investigator deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:
  - (a) Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. Guidelines for the proper weight and length of chains or tethers can be obtained from the animal shelter or animal control
  - (b) Using a chain or tether made of rope, twine, cord or similar material.

- (c) Using a chain or tether that is less than 10 feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width.
  - (d) Using a chain or tether that exceeds ten percent of the animal's body weight.
  - (e) Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortable or having access to adequate food, water and shelter.
  - (f) Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon or leather.
- (5) Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortable or having access to adequate food, water and shelter.
- (6) Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon or leather.

### Holly Springs, North Carolina

May 16, 2006

This ordinance prohibits the tethering of animals for a period of time or under conditions that are deemed harmful to the animals. Tethers must be at least 10 feet long and weigh 10 percent of the animal's body weight or less. Tethers must allow animals to move freely and allow them access to food, water, and shelter.

Sec. 12-65. Cruelty to animals.

(c) Prohibited acts. All animals shall be kept and treated under sanitary and humane conditions and it shall be unlawful for any person to engage in one or more of the following acts:

8. Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck, or allowing a choke or pinch collar to be used as a primary collar on an unsupervised animal, or chaining or tethering an animal to a stationary object for a period of time or under conditions that an animal control officer deems harmful or potentially harmful to the animal. Examples of harmful or potentially harmful chaining or tethering include, but are not limited to the following:
  - a. Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. A chain or tether should not be less than ten feet long. Using a chain or tether that exceeds ten percent of the animal's body weight shall be deemed not appropriate and potentially harmful.
  - b. Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter.
  - c. Tethering an animal on an appendage.

*Greenville, North Carolina*

This ordinance outlines what kind of tether may be used.

c. 4-5. Animal care generally.

(c) Any chain, leash, or similar device for animal restraint shall be designed and placed to prevent choking or injury to the animal. The restraining device shall be at least ten feet in length and placed on a swivel or on a chain run.

**APPENDIX IV:*****Notes from Interviews with North Carolina Jurisdictions with Tethering Ordinances: Conducted by the Tethering Committee***

*The following is a summary of comments from Animal Services officials from New Hanover County, the City of Laurinburg and Catawba County, made in telephone interviews. The Tethering Committee conducted these interviews on April 11<sup>th</sup>, 2007 as a part of its information gathering.*

**Dr. Jean McNeil, Animal Control Services Manager  
New Hanover County**

THE LAW: Prohibits tethering. Recently amended to add “attended” to the law so that dogs can be tethered if their owner is present. They enacted a ban as opposed to time limits on tethering because time limits are difficult to enforce because they would have to rely on a neighbor’s testimony.

WHY ENACTED: County felt that tax dollars were being wasted responding to chaining complaints. Also enacted because of the cruelty issues Dr. McNeil and her officers were seeing. The county also wanted to promote a higher standard of pet ownership.

ENFORCEMENT: Violation of the law results in a civil fine. Violators have 60 days to correct the violation, if they do, the fine is cancelled. If the fine is not paid, it is sent to the county legal department for collection. As a government agency, the county can garnish a person’s wages. New Hanover does not have the power of impoundment. They do not take people to court; the enforcement is handled in-house by the legal department.

PHASE IN: New Hanover had a two-year education period during which only warning notices were given. Dr. McNeil felt that two years was too long.

RESULTS OF ORDINANCE: The law has resulted in very few dogs being surrendered. Neglect calls have decreased. They get about 30 tethering-related complaints a month. Some dogs probably have run loose but those are the people who have no desire to be responsible pet owners.

PUBLIC REACTION: Support within the county. Majority of opposition has come from elsewhere.

**Elaine Modlin, Animal Control Officer  
City of Laurinburg Animal Control Department, Scotland County**

THE LAW: In 1988, Laurinburg passed a law limiting tethering to 8 hours a day. It was difficult to enforce. In 2000, they changed it to one-hour and the change made enforcement much easier. The

county (Scotland) has the same ordinance as the city. They have a 90 percent compliance rate at this point.

Laurinburg also has restrictions on pens size – 10x10 for smaller dogs, 20x10 for larger. Animal control wants larger requirements, but the city council has not agreed.

ENFORCEMENT: 1-hour time limit verified by sitting and watching. Violators are given a two-week warning notice in general, but animal control uses discretion and will give some situations more time if the dog is in good condition. Violation results in a civil citation and \$100 fine. They do have the power to impound dogs and feel this has been an important tool.

Most people comply with the law by putting up a pen. The Humane Society has provided some pens to those who cannot afford it. Those that don't comply and have their dogs impounded must pay shelter fee, vaccinations, etc. to get the dog back. Sometimes the shelter fee is waived. About 25 % reclaim their dog and the rest are better off anyway.

PHASE IN: The city had a one-year education period before enforcement began. They educated the community through fact sheets, newspaper, radio, posters, etc.

RESULTS OF ORDINANCE: Overall decrease in cruelty cases, cut down on pit bull problems, decreased dog bites, and helped with overpopulation (penned dogs are not as easy to get pregnant). Prior to the law, 50% of bites before were from chained dogs. No dramatic increase in surrenders and no real problems with people turning their dogs loose.

PUBLIC REACTION: Positive– most people think chaining is cruel. Those that don't agree are those whose dogs are not well taken care of anyway.

**Joaine McKeel, Shelter Manager**  
**Catawba County Animal Care and Control, Catawba County**

THE LAW: Catawba does not have a ban, just requirements on conditions for tethering.

ENFORCEMENT: They don't receive complaints very often. When they do it is because of length of chain. They educate people as to why they have the requirements, and will write citations for violators. The ten percent of body weight requirement is assessed by eyeballing the situation. Some officers feel comfortable and some don't with having to make judgments on the situations. No citations have been challenged

RESULTS OF LAW: More chaining occurs in the rural area. Approximately 90 – 95% of people are compliant. They have not seen an increase in animals being surrendered. More animals are surrendered under the nuisance ordinance than the tethering ordinance.