



City of Harrisonburg, Virginia

Office of the City Manager

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Kurt D. Hodgen
City Manager

TO: Kurt Hodgen, City Manager
FROM: Anne Lewis, Deputy City Manager
G. Chris Brown, City Attorney
DATE: November 12, 2015
RE: Tethering Ordinance

Summary: At the November 10, 2015 City Council meeting, Councilman Baugh advised that he had received suggested changes to Chapter 15 of the City of Harrisonburg Code relating to animal welfare specifically rules regarding tethering of dogs. City Council requested staff review and make recommendations.

Background: Current city ordinances in Chapter 15 Section 2 provide for the condition of the premises where animals are kept and define cruelty to animals in relation to food, drink, sheltering and emergency veterinary attention. The proposed changes received by Councilman Baugh define how a dog can be tethered, adequate space, and duration of time.

Harrisonburg Police Department Animal Control Officer Jetta Earhart noted the suggested changes would result in a stronger ordinance that incorporates regulations already present in the cruelty section as a basis for supporting this proposal, as well as extending the code to cover tethering. Specifically, she cited the following:

- Section (a): Excellent definition of “tether”, as it includes the use of a trolley.
- Sections (b) and (c): Definition of “adequate space” is copied from state law.
- Section (d) Unlawful to tether cumulatively for more than one hour: Many codes which have an extended time period are very difficult to enforce. A 60 minute window is reasonable and relatively easy to monitor when a complaint is received. Staff recommends text change to 60 minutes continuously and four hours cumulatively in any 24 hour period.
- Section (e) Requiring the owner/custodian to be on premises when dog is tethered: The majority of the complaints could be easily resolved if an owner of the tethered dog were home. Tangled chains and barking dogs are examples. The problems usually occur when a tethered dog has been left for an extended period of time and the owner is not on premises.
- Section (e): Staff recommends the deletion of the duplicative text in order to streamline the ordinance.
- Section (e) Tether does not exceed 10% of body weight: This is important with small breed and adolescent dogs.

Key Issues: Staff believes this ordinance can help educate pet owners as to what is good for their animals in order to appropriately regulate their own tethering practices. Council can consider broadening the scope of the ordinance to apply to all companion animals (cats, potty belly pigs, etc.).

A second matter to consider is the duration of tethering. Dogs tied-up outside for long periods of time can develop aggressive behaviors. Therefore, staff recommends the tethering duration not to exceed 60 *continuous* minutes more than four times in a 24-hour period.

Council may also wish to consider limiting the time of day that a dog may be tethered. Some jurisdictions prohibit the tethering of dogs after 10:00 p.m. and before 6:00 a.m. This would help the complaints about dogs barking at night.

Environmental Impact: None.

Fiscal Impact: None.

Prior Actions: None.

Alternatives:

- (a) Adopt ordinance with new changes recommended by staff;
- (b) Adopt ordinance with new changes recommended by council; or
- (c) Do not adopt ordinance at this time

Community Engagement: Staff recommends soliciting feedback from the general public and animal welfare groups. Although this ordinance does not require a public hearing before adoption, staff recommends that council hold a public hearing to receive input from citizens potentially affected by the ordinance and to educate the public. If changes are adopted, a public education campaign will be developed by the animal control officer in collaboration with partner agencies and the public information officer.

Staff recommends an effective date of June 1, 2016 for this ordinance. This will provide a six month period for the public education period. Winter construction of a suitable fence or pen can be problematic. The delayed effective date will also provide an opportunity to educate the community on the housebreaking an outdoor dog, if they are unable to provide a fenced area.

Recommendation: The police department and animal control officer have reviewed and support the ordinance with the attached proposed changes.

Attachment(s): current ordinance and proposed changes (3)

Review:

The initiating Department Director will place in Legistar, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.