



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: January 14, 2016
RE: Tethering Ordinance

Summary: At the December 8, 2015 City Council meeting, staff provided feedback on citizen-submitted changes to Chapter 15 of the city code relating to animal welfare specifically rules regarding tethering of dogs. Council requested a survey be posted to Be Heard Harrisonburg for public input.

Background: Current 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 define how a dog can be tethered, adequate space, and duration of time.

The public was invited to provide input at <http://beheardharrisonburg.org/discussions/how-should-the-city-regulate-the-tethering-of-animals> on how should the city regulate the tethering of animals:

- What are your suggestions on the proposed changes?
- Should this ordinance apply only to dogs or other animals including pot belly pigs, goats, cats, etc.?
- What should the correct penalty be for a violation of the proposed ordinance?

14 participants provided 24 answers. The results are attached.

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, pot 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:

1. Brought to council's attention by Councilman Baugh at November 10, 2015 council meeting
2. Discussion at December 8, 2015 Council Meeting

Alternatives:

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

Community Engagement: A survey was posted on the city's Be Heard Harrisonburg site. The results are attached.

If changes are made to the current ordinance, staff suggests the following:

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.

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):

1. current ordinance with proposed changes depicted with underline and strikethrough
2. Be Heard Harrisonburg survey results

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.

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