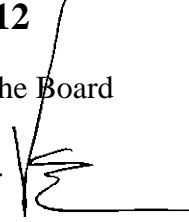


# Leon County Board of County Commissioners

## Cover Sheet for Agenda #14

December 11, 2012

**To:** Honorable Chairman and Members of the Board

**From:** Vincent S. Long, County Administrator 

**Title:** Acceptance of the Tethering Dogs Workgroup Activity and Authorization to Revise the County's Animal Control Ordinance Related to Tethering

<b>County Administrator Review and Approval:</b>	Vincent S. Long, County Administrator
<b>Department/ Division Review:</b>	Alan Rosenzweig, Deputy County Administrator
<b>Lead Staff/ Project Team:</b>	Cristina Paredes, Intergovernmental Affairs and Special Projects Coordinator Laura Youmans, Assistant County Attorney

### **Fiscal Impact:**

This item does have a fiscal impact, pending Board approval. In order to raise awareness of tethering issues, staff is recommending that the Board consider partnering with the Animal Shelter Foundation in order to initiate a Tethering Education and Fencing Program and provide funding for the startup of this program in the amount of \$2,500. Funding is available in the general fund contingency account.

### **Staff Recommendation:**

- Option #1 Accept the status report on the Tethering Workgroup.
- Option #2 Direct staff to proceed with revising the Ordinance to place further restrictions on the tethering of dogs (Attachment #1).
- Option #3 Direct staff to bring back a report to the Board, after one year of data collection, to help determine if there is a correlation between tethering, inhumane care, and dog bites, and provide possible recommendations to the Animal Control Ordinance as a result.
- Option #4 Authorize staff to draft an Agreement with the Animal Shelter Foundation to initiate the Tethering Education and Fencing Program, and authorize the County Administrator to execute.

## **Report and Discussion**

### **Background:**

During the August 23, 2011 meeting, the Board approved the amendments to the Leon County Code of Laws, Chapter 4 'Animals.' The last major revision to the Ordinance was February 1, 2005, with minor technical adjustments in 2007. The Board directed staff to establish two working groups to address issues regarding feral cats and tethering, and bring back any recommendations to modify the Ordinance during the August 23, 2011 meeting. In addition, the Board requested that staff continue to review the Ordinance and bring back any modifications.

Subsequently, the Board approved the November 8, 2011 status report, identifying groups of citizens to meet and discuss the issues affecting feral cats and tethering (Attachment #2). Members include representatives from the City of Tallahassee's Animal Services, Humane Society, rescue group volunteers, concerned citizens, and the Leon County Animal Control Director.

Prior to June 26, 2012, Animal Control met several times with the Tethering Workgroup to discuss modifications that may be needed to the recently amended Animal Control Ordinance. Based on these initial meetings, staff recommended a series of modifications to the Ordinance, such as:

- tether must have a swivel at both ends to prevent entanglement;
- the weight on the tether must not exceed 1/8 of the animal's weight;
- the animal must be at least six months of age and that puppies and kitten shall not be tethered; and,
- the animal must not be sick or injured.

These modifications were discussed at the Board's June 26, 2012 meeting (Attachment #3). During the June 26, 2012 meeting, the Board agreed to defer action on the feral cat and tethering modifications, and asked the respective workgroups to further discuss and evaluate unresolved issues and report back to the Board in the future. Subsequently, staff convened both workgroups to further discuss the modifications to the Animal Control Ordinance.

The analysis section of this agenda item provides the Board with a status update on the Tethering Workgroup as well as provides recommendations to modify the animal control ordinance regarding tethering. A future agenda item will provide a similar report regarding the Feral Cat Workgroup.

### **Analysis:**

Subsequent to June 26, 2012, the Tethering Workgroup was reconvened to continue the conversation on identifying modifications to the Animal Control Ordinance regarding tethering. In addition to the original Tethering Workgroup, representatives from County Administration, the County Attorney's office, and officers from the County's Animal Control department attended and actively participated in the meetings. During the meetings, the citizens brought forth numerous suggestions and ideas for consideration. The Workgroup discussed several aspects of tethering, including: making the life of the dog on a tether more favorable while protecting the public, only tethering the dog when in visual sight of the owner, and an outright ban on the tethering of dogs. The workgroup met once a month for the past four months to discuss these matters.

*Comparison of Other Tethering Ordinances:*

In addition to reviewing other counties in Florida, staff reviewed the City of Tallahassee's current ordinance. The City of Tallahassee ordinance is very similar to the County's Ordinance. Both ordinances allow tethering, and define proper tethering as:

- attached to a properly fitted collar or harness;
- prohibits the use of a choker collar;
- must be a minimum of six feet and allow animal to move about comfortably; and,
- limits the weight of the tether.

Both ordinances prohibit tethering that is injurious to the animal's health, safety, well-being, during severe weather occurrences (such as natural disasters, extreme heat/cold, flood, fire, and hail), and the use of logging and vehicle tow chains.

Table #1 shows the comparison of the tethering portion of the animal control ordinance with other Florida counties. The results of the survey were discussed by the Workgroup.

**Table #1: County Comparison of Tethering Ordinance**

County	2011 Population	Allows Tethering	Time Limits on Tethering	Tethering Allowed Only when the Owner is in Visual Sight
Alachua	249,365	Y	Y	N
Collier	328,134	Y	N	Y
Dual	870,709	Y	N	N
Escambia	299,114	Y	N	Y
Hendry	39,089	Y	N	N
Hillsborough	1,267,775	Y	N	Y
Lake	301,019	Y	N	Y
Lee	631,330	Y	N	N
Leon	277,971	Y	N	N
Manatee	327,142	Y	N	Y
Marion	332,529	Y	N	N
Miami-Dade	2,554,766	Y	N	Y
Okaloosa	183,482	N	N	N
Osceola	276,163	Y	N	N
Palm Beach	1,335,187	N	N	N
Sarasota	382,213	Y	N	Y
Seminole	425,071	Y	Y	N
St. Lucie	280,379	Y	N	N

Out of the 18 counties surveyed, inclusive of Leon:

- 16 allow tethering in some form:
  - Seven counties allow tethering, but require the owner to be in visual sight of the animal when tethered.
  - Seven counties, including Leon, allow tethering without either visual sight or time constraints.
  - Two place time restraints on when an animal can be tethered.
- Okaloosa and Palm Beach Counties are the only two counties that do not allow tethering under any circumstances. A private organization in the Okaloosa County is in the process of implementing a program to offer free and/or reduced cost fencing for its residents to help provide the safe enclosed space for the dogs. Palm Beach does not have a fencing program, but it does provide strict housing guidelines for the dogs. Other counties, such as Marion and Sarasota, have fencing programs sponsored by other organizations, which will be discussed in further detail later in this item.

*Modifications to the Ordinance:*

During the meetings of the Workgroup, citizen members raised concerns that the tethering of dogs is inhumane and can cause the animal to be more aggressive. The majority of the Workgroup discussed their desire to ban and/or place limits on tethering, such as only allowing tethering when the dog is in visual sight of the owner. The Workgroup once again reviewed their initial recommendations, given to staff in May, regarding language changes to the Ordinance (Attachment #4). In addition, the Workgroup discussed with staff and the Animal Control Officers their concerns regarding public safety and tethering. The Workgroup members shared their concerns that tethered dogs are often associated with aggression and tethering can cause a dog to act viciously toward people. Attachment #5 includes the research provided by the Workgroup on the tethering public safety concerns.

Leon County Animal Control Officers noted that, though not documented at this time, it is their observation that most of their calls regarding tethered dogs are related to the inhumane care of the animal, such as lack of shelter, food, and water. These calls are not necessarily related to the improper tethering of the dog. Due to the fact that tethering is currently allowed in Leon County, information is not available as to how many animals are tethered within the County. As a result of the Workgroup efforts, the Animal Control staff has developed a supplemental document to be filled out when answering calls on inhumane care and dog bites. This document will be used to help determine if there is a correlation between tethering, inhumane care, and dog bites. Staff recommends bringing back a report to the Board, after one year of data collection, to help determine if there is a correlation between tethering, inhumane care, and dog bites, and provide possible recommendations to the Animal Control Ordinance as a result. This is consistent with the November 27, 2012 memo from the Workgroup regarding a request for additional data on the tethering of dogs (Attachment #6).

Staff discussed with the Workgroup that some dog owners use tethering as a means to secure a dog. If tethering were to be outright banned owners would be required to secure their dogs in other manners; meaning, bringing their dogs inside (which for some owners is not an option), or be required to incur the cost of fencing their yard, as opposed to the cost of the tethering. For many owners, the additional cost of fencing is not a financially viable solution or a practical solution for their particular property. If either option is not available to the owner (fencing or bringing the animal inside), the owner may allow the dog to remain unsecured on the property, which may increase incidents of stray dogs, and which could result in dogs with owners being sent to the shelter as a stray.

The Workgroup was able to agree that some modifications needed to be made to the ordinance in order to ensure that if the County continued to allow tethering in some form, that dogs are properly tethered. The Workgroup recommended that the County amend the ordinance to ban tethering unless the dog is in visual sight of the owner; however, at this point in time staff does not concur and recommends only proceeding with those changes that modify the specific aspects of tethering. The Workgroup also requested that the ordinance be modified regarding proper restraint of an animal to specifically exclude logging chains. Attachment #6 is a November 27, 2012 memo from the Workgroup that details their recommendations on how the County should proceed with modifications to the ordinance.

Based on the committee's discussion and the evaluation of other county ordinances, staff is recommending that the following changes be made to the Animal Control Ordinance on tethering:

- Add language to include a commercially available buckle type collar;
- Tether must have a swivel at both ends to prevent entanglement and collar and harness must of commercial grade;
- Pulley, running line, or trolley systems are at least 15 feet in length and are less than seven feet above the ground;
- The weight on the tether must not exceed 1/8 of the animal's weight for every six feet of tether or chain
- Modify the language on extreme weather to state, "the dog is not tethered outside in periods of extreme weather, including but not limited to extreme heat or cold, fire, thunderstorms, lightning, tornadoes, tropical storms or hurricanes." Current language is not as specific.
- The dog or cat tethered must not be sick or injured;
- The dog or cat tethered must be at least six (6) months of age. Puppies and kittens shall not be tethered.
- Logging chains and vehicle tow chains are not considered proper restraint (such as a dog on a leash) and are prohibited.

Attachment #1 outlines the suggested Ordinance modifications by the Workgroup and compares them to staff's proposed modifications. The major difference between these recommendations is that the Workgroup recommends banning tethering unless the owner is present. As mentioned previously, most dog owners that utilize tethering use it as a means to secure a dog; if tethering were to be outright banned, there would most likely be an increase of incidents in stray dogs that would result in dogs with owners being sent to the shelter as a stray. In addition, if tethering were banned there is concern that inhumane treatment of dogs would move inside and would be beyond an Animal Control Officer's view and would eliminate officer discretion.

As discussed in the county comparison survey, nine out of 18 counties have placed restrictions on tethering. At some point in the future, the Board may wish to modify the County Ordinance to place additional restrictions on tethering. However, presently, it may not be the best solution for the community. At this point in time, staff recommends implementing additional restrictions on tethering to allow residents to continue tethering their dogs in a more humane manner and proceeding with a year-long effort at data collection.

#### *Tethering Education and Fencing Programs:*

In addition to the recommendations mentioned, the Workgroup encouraged staff to explore the implementation of programs and/or services for pet owners to assist with affordable fencing and kenneling. The Workgroup also asked for additional educational opportunities regarding the humane treatment of pets.

Based on the Workgroup's recommendation, and in order to raise awareness of tethering issues, staff is recommending that the Board consider partnering with the Animal Shelter Foundation in order to initiate a Tethering Education and Fencing Program and provide funding for the startup of this program in the amount of \$2,500. Staff has had preliminary discussions with members of the Shelter Foundation. The intent is for the foundation to administer the program. The County's startup funding could be utilized for materials. Leon County Volunteer Services (VolunteerLeon) has been contacted and feels confident that volunteer teams could be established to help with the actual fence building. If the Board approves, staff recommends authorizing a draft agreement, with terms and conditions established, and brought back to the Board for final approval. Funding is available in the general fund contingency account.

In Okaloosa, Marion, and Sarasota Counties three private organizations are in various stages of developing fencing programs for their communities. In Marion County, the 'Pet Parenting Program' is sponsored by the Humane Society of Marion County. The Program provides \$200 in fencing materials and assistance with fence installation if participants agree to a humane education class. Participants also free immunizations, spay/neuter services, and micro-chipping; and in-home humane education for children. The Pet Parenting Program is primarily funded through a one-time \$12,000 grant from the Banfield Charitable Trust. In Okaloosa County, 'Freeing Fido' program is sponsored by H.E.A.R.T Animal Rescue. This program's goal is to build free fences for people who need them. Freeing Fido is in the process of being developed and the group is currently concentrating on fundraising efforts. In Sarasota County, a private non-profit organization, Unchain My Heart Sarasota, in the initial development phase and will focus on "promoting public health and safety as well as life-enhancement for dogs and their families by getting dogs off chains and into free fences."

#### *Conclusion:*

If the Board would like to continue to allow residents to tether their dogs in a more humane manner, staff recommends the following modifications be made to the ordinance:

- Add language to include a commercially available buckle type collar;
- Tether must have a swivel at both ends to prevent entanglement and collar and harness must of commercial grade;
- Pulley, running line, or trolley systems are at least 15 feet in length and are less than seven feet above the ground;
- The weight on the tether must not exceed 1/8 of the animal's weight for every six feet of tether or chain;

- Modify the language on extreme weather to state, “*the dog is not tethered outside in periods of extreme weather, including but not limited to extreme heat or cold, fire, thunderstorms, lightning, tornadoes, tropical storms or hurricanes.*” Current language is not as specific.
- The dog or cat tethered must not be sick or injured;
- The dog or cat tethered must be at least six (6) months of age. Puppies and kittens shall not be tethered.
- Logging chains and vehicle tow chains are not considered proper restraint (such as a dog on a leash) and are prohibited.

However, if Board would like to amend the Ordinance to further restrict tethering, the Workgroup recommends the following:

- Allowing tethering only when the pet owner is physically present on the property.
- When tethering is allowed, implement all of the aspects noted above to more humanely tether the animal.
- Establish at least a six-month waiting period prior to implementation in order to educate the public on the new law. Staff would recommend that the waiting period be extended to one year.

Regardless of which option the Board wishes to pursue, staff and the Workgroup recommends proceeding with partnering with the Animal Shelter Foundation to initiate the Tethering Education and Fencing Program, and bring back a report to the Board, after one year of data collection, to help determine if there is a correlation between tethering, inhumane care, and dog bites and provide possible recommendations to the animal control ordinance as a result.

### **Options:**

1. Accept the status report on the Tethering Workgroup.
2. Direct staff to proceed with revising the Ordinance to place further restrictions on the tethering of dogs.
3. Direct staff to bring back a report to the Board, after one year of data collection, to help determine if there is a correlation between tethering, inhumane care, and dog bites, and provide possible recommendations to the animal control ordinance as a result.
4. Authorize staff to draft an Agreement with the Animal Shelter Foundation to initiate the Tethering Education and Fencing Program, and authorize the County Administrator to execute.
5. Direct staff to proceed with modifying the ordinance to place further restrictions on the tethering of dogs and institute a ban on tethering unless the owner is physically present on the property effective one year after the ordinance adopted.
6. Board Direction.

### **Recommendation:**

Options #1, 2, 3, and 4.

Attachments:

1. Comparison of Ordinance Proposals Regarding Tethering:  
*Tethering Workgroup Recommendations v. Staff Proposed Ordinance Modifications*
2. November 8, 2011 Agenda Item on the Status Report of the Feral Cats and Tethering Workgroups
3. June 26, 2012 Agenda Item on Modifications to the Animal Control Ordinance
4. Workgroup Recommendations Regarding Language Changes to the Animal Control Ordinance
5. Information Provided by the Workgroup Regarding Public Safety Concerns of Tethering
6. November 27, 2012 Memo from the Workgroup on Modifications to the Animal Control Ordinance



## Comparison of Ordinance Proposals Regarding Tethering

Modifications Recommended by the Tethering Workgroup	Leon County Proposed Ordinance Modifications
<p><b>Tethering Definition:</b> To restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage or shed, by any means, including without limitation, a chain, rope, cord, leash, or running line. Walking a dog on a leash shall not be considered to be tethering or confining a dog.</p> <p>A tether shall mean a rope, leash, pulley run or other means of constraint, which must be attached to the dog by a properly applied collar, halter or harness with a swivel and configured so as to protect the dog from injury and prevent entanglement with other objects and/or animals. The use of a choker, pinch or chain type collar is specifically prohibited.</p> <p>From Section 4-37. Humane Treatment Required</p> <p><u>1. It is a violation of this section for any owner to tether a dog or to confine a dog on a tether, except when:</u></p> <p style="padding-left: 40px;"><u>a. The dog is in visual range of the owner who must also be physically present with the dog and attending to it while it is tethered; and</u></p>	<p><i>Current Language:</i> Tethering shall mean a rope, leash, pulley run or other means of constraint, which must be attached to the animal by a properly applied <u>commercially available buckle-type</u> collar, halter or harness and configured so as to protect the animal from injury and prevent entanglement with other objects and/or animals. This shall not apply to an owner who is walking or exercising their animal.</p> <p>Found in sub-section (e).</p> <p style="padding-left: 40px;">(1) Collars used to attach an animal should be comfortable and properly fitted. The use of choker collar or chain is prohibited.</p> <p><i>Proposed new language:</i> <u>The tether must have a swivel at both ends to prevent entanglement and collar/harness be of commercial grade. Pulley, running line, or trolley systems are at least 15 feet in length and are less than seven feet above the ground.</u></p> <p>Both the City and County ordinances allow tethering and define proper tethering as “attached to a properly fitted collar or harness”; prohibits the use of a choker collar; tether must be a minimum of six feet and allows the animal to move about comfortably; and, limits the weight of the tether. Both ordinances prohibit tethering that is 1) injurious to the animal’s health, safety, well-being; 2) during severe weather occurrences (such as natural disasters, extreme heat/cold, flood, fire, and hail); and, 3) the use of logging and vehicle tow chains. Staff is recommending that the proposed language regarding only tethering will the dog is in visual range of the owner, not be adopted at this time. Staff does agree that the ordinance should be modified to allow for humane methods to tether dogs.</p>

**Modifications Recommended by the  
Tethering Workgroup**

i. The tether is of a size and weight that is reasonably necessary to safely restrain the dog without placing excessive strain or weight on the dog; and

ii. The length of the tether must be a minimum of six (6) feet, or at least three times the length of the animal measured from the animal's nose to the base of its tail, whichever is greater, unless the tether is being used to secure the animal to the bed of an open vehicle or pick up truck; and

iii. Logging chains and tow chains are expressly prohibited, and no person shall add any weight to an animal collar, halter, harness, chain or tether; and

iv. The dog is not tethered outside in periods of extreme weather, including but not limited to extreme heat or cold, thunderstorms, lightning, tornadoes, tropical storms or hurricanes.

b. The dog is properly restrained in one of the following manners:

i. Securely and humanely confined within a house, vehicle, building, fence, crate, pen, or other enclosure [note: enclosure to be further defined in future revisions] to prevent escape, provided no dog shall be confined on an abandoned property or vacant lot; or

**Leon County Proposed Ordinance Modifications**

***Proposed language change:***

The weight or gauge of any tether or chain shall not be more than 1/8 of the animal's weight for every six feet of the tether or chain ~~necessary to establish direct control~~. Logging chains and vehicle tow chains are expressly prohibited. No person shall add any weight to an animal collar, harness, chain or tether.

***Current language:***

The length of the tether must be a minimum of six (6) feet, or at least three times the length of the animal measured from the animal's nose to the base of its tail, whichever is greater, unless the tether is being used to secure the animal to the bed of an open vehicle or pick-up truck.

***Current Language***

Logging chains and vehicle tow chains are expressly prohibited. No person shall add any weight to an animal collar, harness, chain or tether.

***Proposed language change:***

The dog is not tethered outside in periods of extreme weather, including but not limited to extreme heat or cold, fire, thunderstorms, lightning, tornadoes, tropical storms or hurricanes. Tethering of an animal is prohibited during severe weather events and natural disasters such as flood, fires, tornadoes, hurricanes or blizzard.

If the County continues to allow for humane methods of tethering, the following section would not apply.

**Modifications Recommended by the  
Tethering Workgroup**

ii. Caged or cross-tethered in the bed of an open vehicle or pick up truck; or

iii. Leashed or otherwise controlled by a responsible person or is obedient to the voice command of a person present with the animal at any time it is not secured as provided for in (i) or (ii) above. The voice command must be demonstrated as an effective restraint if requested.

b. A dog is tethered in a manner and under conditions that do not jeopardize its health, safety or well-being and the dog is:

i. In attendance at, or participating in, any legal, organized publicly attended event in which both dog and owner are permitted attendees or participants; or

ii. Actively engaged in conduct that is directly related to the business of shepherding or herding cattle or livestock or related to the business of cultivating agricultural products, as long as the restraint is reasonably necessary for the safety of the dog; or

iii. Tethered, chained, tied, or restrained by a veterinarian or groomer while attending to the dog; or

iv. Trained or being trained, to act in a law enforcement capacity; or

v. Being lawfully used to actively hunt a species of wildlife in this state, during the hunting season, for that species of wildlife; or

vi. Tethered temporarily while being kept in a bonafide humane shelter or at a commercial boarding facility; or

**Leon County Proposed Ordinance Modifications**

*Current Language:*

No operator of a motor vehicle shall transport or keep an animal in or on any motor vehicle unless the animal is safely enclosed within the cab of the vehicle or protected by a container, cage, cross tethering, or other device that will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle.

Staff does not recommend the use of voice control as a secure means of controlling or restraining a dog.

If the County continues to allow for human methods of tethering, the following sections would not apply.

**Modifications Recommended by the  
Tethering Workgroup**

vii. Tethered in accordance with the regulations  
of a camping or recreational area; or

viii. Being cared for as part of a rescue operation  
during a natural or man-made disaster; or

ix. Being transported in a vehicle.

c. Notwithstanding the exceptions provided  
above, a dog that is sick or injured cannot be  
tethered as a means of confinement by the  
owner nor may a puppy under the age of six (6)  
months be tethered at any time unless the owner  
is present and attending to the puppy during the  
entire time the puppy is tethered.

**Leon County Proposed Ordinance Modifications**

***Proposed new language:***

Staff agrees with changing ‘animal’ to dog or cat. To  
avoid issue with livestock being tethered.

The ~~animal~~ dog or cat tethered must not be sick or  
injured. The ~~animal~~ dog or cat tethered must be at least  
six (6) months of age. Puppies and kittens shall not be  
tethered.

**Leon County  
Board of County Commissioners  
Cover Sheet for Agenda #6**

**November 8, 2011**

<b>To:</b>	Honorable Chairman and Members of the Board
<b>From:</b>	Vincent S. Long, County Administrator
<b>Title:</b>	Acceptance of the Status Report on the Feral Cats and Tethering Working Groups

<b>County Administrator Review and Approval:</b>	Vincent S. Long, County Administrator
<b>Department/Division Review and Approval:</b>	Alan Rosenzweig, Deputy County Administrator
<b>Lead Staff/ Project Team:</b>	Richard Ziegler, Director, Animal Control Cristina L. Paredes, Special Projects and Intergovernmental Affairs Coordinator

**Fiscal Impact:**

This item does not have a fiscal impact.

**Staff Recommendation:**

Option #1: Accept the status report on the feral cats and tethering working groups.

## **Report and Discussion**

### **Background:**

During the August 23, 2011 meeting, the Board approved the amendments to the Leon County Code of Laws, Chapter 4, 'Animals.' Additionally, the Board directed staff to establish two working groups to address issues regarding feral cats and tethering, and bring back any recommendations to modify the Ordinance.

### **Analysis:**

Staff has identified two groups of citizens that have agreed to meet and discuss issues regarding feral cats and tethering:

#### **Feral Cats Working Group:**

1. Mary Bishop White, It's Meow or Never President
2. Representative to be designated, Leon County Humane Society
3. Erika Leckington, Animal Service Center Director
4. Cathy Mears
5. Gabrielle Gabrielli

#### **Tethering Working Group**

1. Jennifer Chapman, President of the Boxer Club
2. Phillis DePriest
3. Trula Motta
4. Michele Fontaine
5. Dawn Jones

Both of these working groups will meet over the next several months to discuss recommendations for any modifications to the amended Animal Ordinance. Staff will bring recommended modifications to the Ordinance back to the Board for discussion and consideration.

### **Options:**

1. Accept the status report on the feral cats and tethering working groups.
2. Do not accept the status report on the feral cats and tethering working groups.
3. Board direction.

### **Recommendation:**

Option #1.

**Leon County  
Board of County Commissioners  
Cover Sheet for Agenda #13**

**June 26, 2012**

<b>To:</b>	Honorable Chairman and Members of the Board
<b>From:</b>	Vincent S. Long, County Administrator
<b>Title:</b>	Request to Schedule the First and Only Public Hearing for Modifications to the Animal Control Ordinance for Tuesday, July 10, 2012 at 6:00 p.m.

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<b>County Administrator Review and Approval:</b>	Vincent S. Long, County Administrator
<b>Department/Division Review and Approval:</b>	Alan Rosenzweig, Deputy County Administrator
<b>Lead Staff/ Project Team:</b>	Laura Youmans, Assistant County Attorney Cristina L. Paredes, Intergovernmental Affairs and Special Projects Coordinator Richard Ziegler, Director, Animal Control

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**Fiscal Impact:**

This item does not have a fiscal impact.

**Staff Recommendation:**

Option #1:      Schedule the first and only Public Hearing for modifications to the  
Animal Control Ordinance for July 10, 2012 at 6:00 p.m.

## Report and Discussion

### **Background:**

During the August 23, 2011 meeting, the Board approved the amendments to the Leon County Code of Laws, Chapter 4 'Animals.' The last major revision to the Ordinance was February 1, 2005, with minor technical adjustments in 2007. The Board directed staff to establish two working groups to address issues regarding feral cats and tethering and bring back any recommendations to modify the Ordinance during the August 23<sup>rd</sup> meeting. In addition, the Board requested that staff continue to review the Ordinance and bring back any modifications.

Subsequently, the Board approved the November 8, 2011 status report identifying groups of citizens to meet and discuss the issues affecting feral cats and tethering. Members include representatives from the City of Tallahassee's Animal Services, Meow or Never, the Leon County Humane Society, and various animal rescue group volunteers.

### **Analysis:**

Based on Board direction and input from the community, staff and the citizens groups reviewed the Ordinance. Staff is recommending modifications to the Ordinance, specifically relating to feral cats, tethering of animals, and dangerous dogs. The following is a discussion of the recommendations.

#### *Feral Cat Work Group and Recommended Ordinance Modifications*

The Animal Control Division hosted two meetings with the Feral Cats Work Group (Work Group), and discussed modifications that may be needed to the recently amended Animal Ordinance. During the Feral Cat meetings, the group discussed and compared other county and city ordinances that specifically dealt with feral cat issues.

According to the City of Tallahassee ordinance, feral animals are not required to be held (i.e. they can be euthanized) at the Animal Shelter, unless they are microchipped, wearing identification or other marks that would suggest that they might be owned. Similar to the County's Ordinance, the City prohibits the feeding of feral animals, unless the animal is spayed or neutered, and a person accepts legal responsibility for the animal. Additionally, the current County Ordinance states that a person may feed a feral animal, while on private property, with written approval from the property owner.

The group raised concerns regarding the Ordinance definition of 'feral cat caregiver', 'feral', and 'public nuisance'. In order to address these concerns, the group recommends new and revised language to the current Ordinance to address the feral cat population, and Trap-Neuter-Release (TNR) programs (Attachment #2). These recommendations allow: 1) the feral cat caregiver to feed feral cats, 2) redefine the classification of 'abandoned' - not to consider cats, released during TNR, as abandoned, 3) one-time rabies vaccination of TNR cats, and, 4) feral cat caregivers to be exempt from sections of the Ordinance. As follows, staff supports elements of the recommendations, but does not recommend implementing all of them.

Under the County Ordinance, an animal is not considered abandoned, so long as a person is caring for the animal. County staff does not support releasing responsibility of an animal's action, such as running loose, as it relates to feral animals. Ferals that

travel off the approved property on to un-authorized property are in violation. The caretaker is responsible for the animal's action, as would a pet owner.

Based on the committee's discussion, and the evaluation of other ordinances, staff is recommending that the following changes be made to the County's Animal Control Ordinance on feral animals:

- Presuming a feral animal has a left ear tip (the ear is notched to indicate the animal is spayed or neutered), this means it has had a rabies vaccination, at least once, and is exempt from displaying a rabies tag (*which is a current requirement*);
- Allowing a person to feed or harbor a feral animal, with either verbal or written approval of the authorized tenant or property manager or property owner (*the current Ordinance states that the person must have written authorization from only the property owner*).
- Allowing a person to feed or harbor a feral animal, only if there is a good faith effort to humanely capture the animal for the purpose of spay, neuter, or surrender to Animal Control.

The Feral Cat Working Group does realize that some of their other specific suggestions, not included in the draft Ordinance, such as the one-time rabies vaccination may conflict with Florida Statutes that requires annual vaccinations. After receiving the final recommendations from the Work Group, staff, in conjunction with the American Society for the Prevention of Cruelty to Animals (ASPCA) Partnership, is looking into different options on feral cat programs, throughout the country and Florida, to match the needs of the community. Based on this effort, staff may bring back additional Ordinance modifications in the future.

#### *Tethering Work Group and Recommended Ordinance Modifications*

The Animal Control Division hosted two meetings with the Tethering Work Group (Work Group), and discussed modifications that may be needed to the recently amended Animal Ordinance. During the Tethering meetings, the group discussed, and compared 19 Florida cities' and counties' animal ordinance sections that specifically dealt with tethering. The City of Tallahassee ordinance is very similar to the County's Ordinance. Both ordinances allow tethering, and define proper tethering as "attached to a properly fitted collar or harness"; prohibits the use of a choker collar; tether must be a minimum of six feet and allows the animal to move about comfortably; and, limits the weight of the tether. Both ordinances prohibit tethering that is 1) injurious to the animal's health, safety, well-being; 2) during severe weather occurrences (such as natural disasters, extreme heat/cold, flood, fire, and hail); and, 3) the use of logging and vehicle tow chains.

The Work Group discussed several aspects of tethering that included making the life of an animal on a tether more favorable to the pet, while protecting the public, and banning tethering entirely. Most dog owners use tethering as a means to secure a dog. If tethering were to be completely banned, there would most likely be increased incidents of stray dogs, with owners, being sent to the shelter as a stray. In addition, other property owners would be required to incur the cost of fencing their yard, as opposed to the cost of the tethering. The Work Group agreed that puppies, sick, and injured dogs should not be tethered, and the Ordinance should be strengthened to prevent entanglement of and heavyweight tethers. The Work Group suggested that, if tethering were prohibited, programs and services for pet owners would need to be

provided; such as, affordable fencing and kenneling, humane treatment of animals education, and possible statutory changes (Attachment #3).

Based on the committee's discussion and the evaluation of other county ordinances, staff is recommending that the following changes be made to the Animal Control Ordinance on tethering:

- tether must have a swivel at both ends to prevent entanglement;
- the weight on the tether must not exceed 1/8 of the animal's weight;
- the animal must be at least six (6) months of age; and, puppies and kittens shall not be tethered;
- the animal must not be sick or injured.

After receiving the final recommendations from the Work Group, staff, in conjunction with the ASPCA Partnership, continues to look, throughout the country and Florida, into different options or alternatives to tethering to match the needs of the Leon County community. Based on this effort, staff may bring back additional Ordinance modifications in the future.

#### *Dangerous Dogs Recommended Ordinance Modifications*

Subsequent to the previous Ordinance modifications, staff has continued to review the Ordinance for additional changes that may be required. In addition, staff received substantive input from various citizens who have recently been involved with the dangerous dog classification process. Many of the suggestions were administrative in nature, and would be implemented. Some of the improvements require Ordinance changes. The following provides a summary of the proposed changes ("fixes") to the Ordinance:

1. The draft Ordinance offers an alternative dispute resolution process, prior to initiating the dangerous or aggressive animal classification procedure. The existing Ordinance only allows a formal investigation to occur if a citizen requests that an animal be classified as dangerous or aggressive. This process is highly structured and does not afford any opportunity for a less formal dispute resolution. In some situations, pet owners are trying to resolve a "neighbor versus neighbor" issue through the dangerous dog classification process; and, the "facts" of the case may not necessarily support proceeding. The draft Ordinance provides a preliminary alternative to the complainant in the form of "informal mediation." In this situation, the two parties would agree to an "informal mediation," resulting in a binding agreement, which would be enforceable on both parties. This approach would not prevent a future request for a dangerous or aggressive classification; however, it provides Animal Control and pet owners another approach to addressing neighborhood issues.
2. The draft Ordinance provides that in cases in which the animal classification committee finds that an animal is not dangerous or aggressive (i.e. the committee overturns a preliminary determination), then the County shall reimburse the owner for expenses of boarding the animal at the owner's residence. From the point of the initial determination of dangerous or aggressive through the time of the committee hearing (no more than 21 days), the owner is required to comply with the requirements of the Ordinance to confine in a securely fenced or enclosed area, or be kenneled. Some owners elect to make the necessary modifications to their property to keep their

animals at home. The Ordinance currently allows for reimbursement of the kenneling expenses based on the committee not finding the animal dangerous or aggressive. The draft Ordinance now allows for reimbursement of documented homeowner expenses up to the cost of boarding.

3. The draft Ordinance provides a new section that makes it a violation to have three invalid complaints during any one-year period. Given the counties limited staff resources, it is difficult for staff to respond repeatedly to false complaints. The provision provides written notification and a progressive penalty structure for invalid complaints.
4. The draft Ordinance includes revised language in Sec. 4-44 (acreage restrictions) to provide for consistency and clarification purposes.
5. There are other administrative modifications that staff has identified. However, these are addressed through Animal Control's procedures and guidelines. The existing Ordinance requires a formal citizens committee be formed to make recommendations for modifications to the procedures and guidelines. This process requires formal applications be submitted, the Board to make appointments, and all of the other associated formalities of a Board committee. To ensure citizen input is still included, and allow for a more responsive process, the draft Ordinance requires that staff seek citizen input on modifications to the procedures and guidelines, prior to submission to the Board. If this Ordinance modification is approved, staff will proceed with the process and provide proposed revisions to the Board at the end of the summer.

On April 4, 2012, the County Attorney sent a memorandum to the Board regarding a barking dog complaint (Attachment #4). As noted in the attachment, the situation involved a homeowner that raises/breeds hunting dogs, and wants to be exempted from the public nuisance (i.e. barking) portion of the Ordinance. Currently, the Ordinance does not provide exemptions from the public nuisance section, even for kennels, boarding facilities, rescue groups, and shelters. If the Board considered introducing exemptions, this would most likely cause many entities to seek the new exemption; thereby, creating situations where barking would not be regulated. At present, Animal Control enforces the Ordinance uniformly; thereby, providing assurance to all residents as it relates to barking. If the Board wishes to proceed with introducing exemptions, staff could prepare a future modification to the Ordinance that provides definitions for those entities that might be exempted.

**Options:**

1. Schedule the first and only Public Hearing for modifications to the Animal Control Ordinance for Tuesday, July 10, 2012 at 6:00 p.m.
2. Schedule the first and only Public Hearing for modifications to the Animal Control Ordinance for an alternate date.
3. Board direction.

**Recommendation:**

Option #1.

Attachments:

1. [Draft Ordinance](#)
2. [Feral Cat Work Group Information](#)
3. [Tethering Dog Work Group Information](#)
4. [April 4, 2012 Memorandum from County Attorney](#)



**Select language from Leon County Ordinance  
For review by Tethering Committee**

From Definitions:

Tether or tethering means:

To restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage or shed, by any means, including without limitation, a chain, rope, cord, leash, or running line. Walking a dog on a leash shall not be considered to be tethering or confining a dog.

A tether shall mean a rope, leash, pulley run or other means of constraint, which must be attached to the dog by a properly applied collar, halter or harness with a swivel and configured so as to protect the dog from injury and prevent entanglement with other objects and/or animals. The use of a choker, pinch or chain type collar is specifically prohibited.

From Section 4-37. Humane Treatment Required

1. It is a violation of this section for any owner to tether a dog or to confine a dog on a tether, except when:

a. The dog is in visual range of the owner who must also be physically present with the dog and attending to it while it is tethered; and

i. The tether is of a size and weight that is reasonably necessary to safely restrain the dog without placing excessive strain or weight on the dog; and

ii. The length of the tether must be a minimum of six (6) feet, or at least three times the length of the animal measured from the animal's nose to the base of its tail, whichever is greater, unless the tether is being used to secure the animal to the bed of an open vehicle or pick up truck; and

iii. Logging chains and tow chains are expressly prohibited, and no person shall add any weight to an animal collar, halter, harness, chain or tether; and

iv. The dog is not tethered outside in periods of extreme weather, including but not limited to extreme heat or cold, thunderstorms, lightning, tornadoes, tropical storms or hurricanes.

b. The dog is properly restrained in one of the following manners:

i. Securely and humanely confined within a house, vehicle, building, fence, crate, pen, or other enclosure [note: enclosure to be further defined in future revisions] to prevent escape, provided no dog shall be confined on an abandoned property or vacant lot; or

**Select language from Leon County Ordinance  
For review by Tethering Committee**

- ii. Caged or cross-tethered in the bed of an open vehicle or pick up truck; or
  - iii. Leashed or otherwise controlled by a responsible person or is obedient to the voice command of a person present with the animal at any time it is not secured as provided for in (i) or (ii) above. The voice command must be demonstrated as an effective restraint if requested.
- b. A dog is tethered in a manner and under conditions that do not jeopardize its health, safety or well-being and the dog is:
- i. In attendance at, or participating in, any legal, organized publicly attended event in which both dog and owner are permitted attendees or participants; or
  - ii. Actively engaged in conduct that is directly related to the business of shepherding or herding cattle or livestock or related to the business of cultivating agricultural products, as long as the restraint is reasonably necessary for the safety of the dog; or
  - iii. Tethered, chained, tied, or restrained by a veterinarian or groomer while attending to the dog; or
  - iv. Trained or being trained, to act in a law enforcement capacity; or
  - v. Being lawfully used to actively hunt a species of wildlife in this state, during the hunting season, for that species of wildlife; or
  - vi. Tethered temporarily while being kept in a bonafide humane shelter or at a commercial boarding facility; or
  - vii. Tethered in accordance with the regulations of a camping or recreational area; or
  - viii. Being cared for as part of a rescue operation during a natural or man-made disaster; or
  - ix. Being transported in a vehicle.
- c. Notwithstanding the exceptions provided above, a dog that is sick or injured cannot be tethered as a means of confinement by the owner nor may a puppy under the age of six (6) months be tethered at any time unless the owner is present and attending to the puppy during the entire time the puppy is tethered.

**Select language from Leon County Ordinance  
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ii. The length of the tether must be a minimum of six (6) feet, or at least three times the length of the animal measured from the animal's nose to the base of its tail, whichever is greater, unless the tether is being used to secure the animal to the bed of an open vehicle or pick up truck; and

iii. Logging chains and tow chains are expressly prohibited, and no person shall add any weight to an animal collar, halter, harness, chain or tether; and

iv. The dog is not tethered outside in periods of extreme weather, including but not limited to extreme heat or cold, thunderstorms, lightning, tornadoes, tropical storms or hurricanes.

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i. Securely and humanely confined within a house, vehicle, building, fence, crate, pen, or other enclosure [note: enclosure to be further defined in future revisions] to prevent escape, provided no dog shall be confined on an abandoned property or vacant lot; or

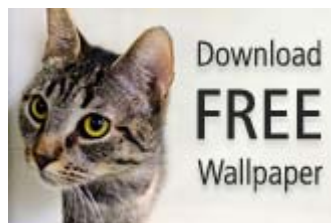
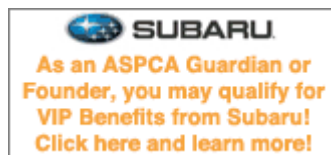
**Select language from Leon County Ordinance  
For review by Tethering Committee**

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- b. A dog is tethered in a manner and under conditions that do not jeopardize its health, safety or well-being and the dog is:
- i. In attendance at, or participating in, any legal, organized publicly attended event in which both dog and owner are permitted attendees or participants; or
  - ii. Actively engaged in conduct that is directly related to the business of shepherding or herding cattle or livestock or related to the business of cultivating agricultural products, as long as the restraint is reasonably necessary for the safety of the dog; or
  - iii. Tethered, chained, tied, or restrained by a veterinarian or groomer while attending to the dog; or
  - iv. Trained or being trained, to act in a law enforcement capacity; or
  - v. Being lawfully used to actively hunt a species of wildlife in this state, during the hunting season, for that species of wildlife; or
  - vi. Tethered temporarily while being kept in a bonafide humane shelter or at a commercial boarding facility; or
  - vii. Tethered in accordance with the regulations of a camping or recreational area; or
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## Chaining and Tethering

### What's Wrong With Tethering?

Dogs are social beings who thrive on interaction with humans and other animals. Large parcels of land—and those without fenced-in yards—use tethering as a means to keep dogs on their property, but this type of confinement causes the animals a great deal of psychological pain.

In addition to being deprived of socialization, tethered dogs are often the victims of neglect, suffering from sporadic feedings, empty water bowls, inadequate veterinary care, exposure to weather extremes. They are forced to eat, sleep, urinate and defecate in a confined area, which goes against their natural instincts. Tethered dogs also suffer from collars that have become embedded into their skin—some even strangle themselves as the chains become entangled with other objects. Chained in place, they are also helpless against abusive people, stray dogs and wild animals who may invade their territory. In addition, unaltered, chained female dogs are likely to attract strays, leading to further problems.

### What Are the Effects of Long-Term Tethering on Dogs?

Tethering for short time periods, using appropriate equipment, in an animal-friendly environment (access to water, shelter and toys, for example) is generally harmless. However, using a tether for the majority of the day often leads to negative behavior changes. The high risk of becoming “stir crazy” due to the inability to release their energy and frustration. With dogs, boredom often leads to frustration, which, in turn, often leads to aggression. An additional contributor to aggression is that, given only a small area in which to move, dogs are known to become irrationally protective of that area because it is their only world. Studies have shown that a chained or tethered dog is nearly three times more likely to bite than a dog who is not chained or tethered.

### Are There Laws that Address Tethering?

Yes—anti-tethering laws may be passed on the state or local level. Some laws ban tethering outright, while other laws may do one or more of the following:

- Prohibit tethering puppies/dogs younger than six months old
- Prohibit tethering a dog who has not been spayed or neutered
- Prohibit using a tether that is too short
- Prohibit using a tether weighing more than the animal reasonably can bear
- Prohibit using collars and halters not properly fitted for the restraint of the dog
- Prohibit tethering a dog in a way that poses a risk of injury or strangulation
- Prohibit tethering a dog outside overnight
- Restrict the length of time that an animal may be tethered

[See which states have passed laws addressing the chaining/tethering o](#)

### Are Anti-Tethering Laws Effective in Reducing Dog Bites Public Safety in Other Ways?

Yes—tethering is a public safety issue as well as an animal welfare issue. Couple enforcement of animal cruelty and animal fighting laws, laws that prohibit tether have been shown to reduce dog attacks, dog fighting and cruelty complaints. Re tethered dogs pose a higher risk of aggression, Texas's anti-chaining law, among restricts the manner in which dogs may be tethered within 500 feet of school pr to reduce the dogs' frustration and possible aggression. And Lawrence, KS, has tethering ordinance has led to decreased dog fighting complaints, likely because usually tether their dogs. Lawrence allows dogs to be tethered without supervisi hour.

### Who Opposes Anti-Tethering Laws?

Some legislators, especially those from regions where tethering is more prevalent anti-tethering legislation is elitist because it will force their constituents to erect also those who feel that anti-tethering laws encroach on personal property right "property" in question is not only the dog, but the dog owner's land as well).

### Has the ASPCA Been Involved in Passing Legislation that Tethering?

The ASPCA is committed to helping both states and localities successfully restrict dogs.

- In 2006, the ASPCA activated our large base of California animal advocates in "anti-chaining" bill, enacted that year. Because of this bill, the State of California fixed tethering/chaining for more than three hours in a 24-hour period.
- In 2007, the ASPCA promoted anti-tethering bills that ultimately passed in two Tennessee, dogs can no longer be tied, tethered or restrained in a manner that injury or prevents access to food, water or shelter, and a Texas law restricts dogs outdoors between the hours of 10:00 P.M. and 6:00 A.M. and during extreme conditions.
- In 2008, the ASPCA promoted the passage of anti-tethering measures in South Pennsylvania. The South Carolina bill passed the Senate, but died in the House. Pennsylvania bill passed its first committee vote by a large margin (24-4), but failed to progress any further.
- In 2009, the ASPCA supported legislation in New York City to prohibit pet owners restraining animals outdoors for longer than three hours in any continuous two. The measure died, but we are working to reintroduce it in 2010.
- In 2010, the ASPCA supported legislation in Connecticut that was signed into law. In 2010, Connecticut dogs can no longer be chained in a manner that is inhumane. In addition, the tether itself must be properly fitted and specifically designed for the dog. Dogs must be able to walk at least eight feet in any one direction (not including their own bodies). Additionally, dogs may not be tethered or confined for an unlimited period of time.

# DOG BITE LAW

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## Chaining, being male, and other causes of dog bites

Research has established a number of factors associated with aggression, including the following:

### Chaining and tethering

Chaining, tethering or tying a dog to a stationary object causes a dog to act viciously toward people.

- 26-28% of dogs involved in fatal attacks were chained at the time. Journal of the American Veterinary Medical Association: Dog Bite Related Fatalities from 1979 through 1988 by J. Sacks. R. W. Sattin, & S. E. Bonzo. Volume 262, pages 1489-1492.
- Since 2003, at least 300 Americans have been injured or killed by chained dogs; the majority of the victims were children. [Chained Dog Attack Summaries \(http://www.peta.org/issues/companion-animals/chained-dog-attack-summaries.aspx\)](http://www.peta.org/issues/companion-animals/chained-dog-attack-summaries.aspx) by PETA.
- Chaining or tethering has been declared illegal in many communities. See [Table of State Dog Tether Laws \(http://animallaw.info/articles/State%20Tables/tbustetherlaws.htm\)](http://animallaw.info/articles/State%20Tables/tbustetherlaws.htm) by Animal Legal and Historical Center, and [Dogs Deserve Better \(http://www.dogsdeservebetter.org/home.html\)](http://www.dogsdeservebetter.org/home.html), a website that advocates against chaining and penning dogs. California was the first state in the nation to prohibit chaining. See Health and Safety Code Section 122335, the [California law prohibiting tethering \(http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=122001-123000&file=122335\)](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=122001-123000&file=122335). A minority of USA states have anti-chaining laws (see, for example, [Texas \(/one-bite-state/texas-dog-bite-law.html\)](#)) or currently are considering the enactment of such laws. See [Dogs Deserve Better: U.S. Anti-Tethering Legislation By State \(http://www.dogsdeservebetter.com/PACAbills.html\)](http://www.dogsdeservebetter.com/PACAbills.html).
- Chaining also is inhumane. [Chaining and Tethering \(http://www.asPCA.org/fight-animal-cruelty/advocacy-center/animal-laws-about-the-issues/tethering.aspx\)](http://www.asPCA.org/fight-animal-cruelty/advocacy-center/animal-laws-about-the-issues/tethering.aspx) ;by the Humane Society of the USA. [Chaining \(http://www.peta.org/issues/companion-animals/chaining-dogs.aspx\)](http://www.peta.org/issues/companion-animals/chaining-dogs.aspx) by PETA.
- See [The Public Safety and Humane Implications Of Persistently Tethering Domestic Dogs \(http://www.apnm.org/campaigns/chaining/Final DPS Tethering Study.pdf\)](http://www.apnm.org/campaigns/chaining/Final_DPS_Tethering_Study.pdf), by New Mexico Department of Public Safety (2008), for an in-depth review of this issue.

### Male dog

Male dogs are more aggressive than females, and most of the aggression is by intact males. Male dogs accounted for 70% - 87% of the attacks studied, and 60% were unneutered males.

- Readings in Companion Animal Behavior. ;Victoria L. Voith & Peter Borchelt. ;(1996: ;Trenton: ;Veterinary Learning Systems) pp. 226, 235.

- Public Health Reports: ;The Ethology of the Dog Bite. ;A. M. Beck, H. Loring, & R. Lockwood ;(1975).
- A Study of Animal-to-Human Bites by Breed in Palm Beach County, Florida. ;D. L. Moore. ;1987.
- Journal of the American Veterinary Medical Association: ;Selecting Pet Dogs on the Basis of Cluster Analysis of Breed Behavior Profiles and Gender. ;B. L. Hart & L. A. Hart (1985, Volume 186, pages 1181-5).

### **Pet store dog or puppy mill dog**

Dogs from pet stores and "puppy mills" have a high incidence of dominance-type aggression and defensive or fear aggression.

- Early Experience and the Development of Behavior by James Serpell and J. A. Jagoe, in The Domestic Dog, Its Evolution, Behavior, & Interactions with People. ;James Serpell, editor. ;(1995: ;Cambridge University Press).
- The Puppy Report. ;Larry Shook. ;(1992: ;Lyons & Burford, publishers).

### **Inadequate socialization**

Inadequate socialization prior to the age of 14 weeks results in a higher incidence of fear aggression.

- Science: ;Critical Periods in the Social Development of Dogs. by D. G. Freedman, J. A. King, & O. Elliot. ;(1961, volume 122, pages 1016-1017).
- Genetics & the Social Behavior of the Dog. ;J. P. Scott & J. L. Fuller. ;(1965: ;Chicago: ;University of Chicago Press).

### **Inadequate training**

Inadequate training and discipline result in dominance aggression.

- Effects of Owner Personality and Attitudes on Behavior by Valerie O'Farrell, in The Domestic Dog, Its Evolution, Behavior, & Interactions with People. ;James Serpell, editor. ;(1995: ;Cambridge University Press).

### **Poor health**

Poor health results in aggression.

- Clinical Behavioral Medicine for Small Animals, by Karen Overall (1997: ;Mosby Year Book, Inc.), p. 2.
- See the studies of the Chow, in which approximately 50 genetic diseases have been shown to result in aggression:
- Control of Canine Genetic Diseases. ;George a. Padgett. ;(1998: ; Howell Book House) p. 199.
- Genetics of the Dog. ;Malcolm Willis. ;(1989: ;Howell Book House).
- Behavior Problems in Dogs. ;William E. Campbell. ;(1975: ;Goleta, CA: ;American Veterinary Publications, Inc.) p. 88.
- Dog World: ;Thyroid Can Alter Behavior by Jean W. Dodd, D.V.M. (October 1992) pps. 40-42.



## Pain and fear

Pain and fear result in aggression.

- Clinical Behavioral Medicine for Small Animals, by Karen Overall (1997: ; Mosby Year Book, Inc.)
- Readings in Companion Animal Behavior. ;Victoria L. Voith & Peter Borchelt. ;(1996: ;Trenton: ;Veterinary Learning Systems)

## Late vaccination

Submitting to the first vaccination after the first 8 weeks of life results in greater aggression.

- Early Experience and the Development of Behavior by James Serpell and J. A. Jagoe, in The Domestic Dog, Its Evolution, Behaviour, & Interactions with People. ;James Serpell, editor. ;(1995: ;Cambridge University Press), pp. 97 et seq.



## Options for you on this site

If you were **bitten by a dog**, [chat with Attorney Kenneth Phillips. \(mailto:kphillips@dogbitelaw.com\)](mailto:kphillips@dogbitelaw.com) It's done by email to protect your privacy. He will discuss your options without charge.

If you are a **lawyer**, tell him about your case and he will suggest solutions. [He can spend an hour on the phone with you for strategizing, connecting you with experts, and sending you pleadings, discovery documents, motions and other materials. \(/store/an-hour-with-attorney-kenneth-m-phillips.html\)](/store/an-hour-with-attorney-kenneth-m-phillips.html) Or get [a set of the same templates that he uses for dog bite cases all over the USA. \(/store/dog-bite-litigation-forms-for-plaintiffs-lawyers.html\)](/store/dog-bite-litigation-forms-for-plaintiffs-lawyers.html)

If your **dog was injured or killed**, get [the self-help book he wrote to tell you how to make the guilty party reimburse you and compensate you for what you are going through. \(/store/what-to-do-if-your-dog-is-injured-or-killed.html\)](/store/what-to-do-if-your-dog-is-injured-or-killed.html)

Dog **trainers and rescues**, get [the video of his seminar that comes with essential legal documents that will protect you and your business if you are injured or accused of being liable for an injury. \(/store/avoiding-liability-when-you-train-shelter-or-adopt-out.html\)](/store/avoiding-liability-when-you-train-shelter-or-adopt-out.html)

**Landlords and property managers** can [protect themselves and their tenants from the consequences of vicious dogs on the rental premises by using the Lease Addendum: Pets \(/store/lease-addendum.html\)](/store/lease-addendum.html)

Date: November 27, 2012

To: Leon County Commissioners

CC: Vincent Long, County Administrator  
Alan Rosenzweig, Assistant County Administrator

From: Tethering Committee Members  
Trula Motta  
Jennifer Chapman  
Dawn Jones  
Michelle Fontaine

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With this memo is a brief list of recommendations from the Tethering Committee. We want to thank the Commission for the time and attention being given to this issue as we are well aware there are many worthwhile community concerns that reach your desks on a daily basis.

We also want to comment on the leadership provided to the Tethering Committee by Mr. Rosenzweig. He was helpful, professional and willing to listen to the concerns of the members. His attitude was most appreciated. He kept us on track and on issue.

Unfortunately, we did not reach consensus with County staff, however, that was not completely unexpected. These are challenging times for government with the expectation of “doing more with less” and dwindling resources. Surely, there are concerns that workloads could increase and efficiencies decline as a result of increased calls. While we only have anecdotal information, that does not appear to be the outcome in most communities. As mentioned in our issue paper, the new Animal Control Director comes from a community that has a ban on tethering so there will be experience with the issue within county government when he comes onboard. That should prove most helpful with implementation, if the Commission decides to move forward and ban 24/7 tethering.

Once again, thank you for your time and interest and feel free to call on us for questions or to assist in any way.

## **ISSUE**

A reasonable guess, as no concrete data is available, is that thousands of domesticated animals or “pets”, primarily dogs, spend their entire lives living on a chain or some other type of tether in Leon County. These pets are never invited in the home, are never free to run and exercise and spend the majority of their lives isolated and fearful. Generally these animals get minimal, if any, medical care and are exposed to the relentless impact of the weather, hot and cold, have no refuge from the mosquitoes that cause heartworm disease and continuously endure other biting insects such as fleas and mites. They are vulnerable to attack from other animals and at times, some inadvertently hang themselves when they become entangled in their tether. In general their lives are miserable and full of suffering.

Given the conditions of their existence, it is not surprising that a majority of serious dog bites and attacks happen when a child gets close to a tethered dog or the animal breaks loose from its tether and attacks a passerby. Tethering creates anxiety, fear and desperation in dogs. While research is limited, there is a growing body of literature that examines this issue and the consensus is that 24/7 tethering of dogs overall is inhumane and often results in aggressive behavior. (United States Department of Agriculture and the CDC are two examples) In summary, not only is this type of treatment inhumane, it is also a safety risk for the community at large.

Recognizing this, cities, towns and counties throughout the country, including Florida, have moved to ban continuous tethering or placed restrictions on the number of hours an animal may be tethered during a day. Overall results of the ban, where information has been available, have been favorable. One county in Illinois even reported a drop in dog fighting complaints as those involved in that heinous illegal activity generally tether their dogs.

Those involved in the Commission’s Tethering Committee examining the tethering issue applaud the County Commission for recognizing it as a significant issue for its citizens and as such have issued the following recommendations for Commission review and consideration.

## **RECOMMENDATIONS**

- Revise the County Ordinance to ban tethering without the owner’s presence with certain exceptions such as tethering in order to conduct lawful business such as grooming or other animal care, where required for the animal’s admittance such as in campgrounds, when conducting law enforcement activities and other common sense types of activities. If this seems too rigorous, consider limiting tethering to no more than an hour or two a day. (Please remember, tethering is permitted any time the owner is present with the animal)
- Allow a 6 month period for implementation of the ordinance in order to inform the public, provide general information on tethering and allow the new Animal Control Director the opportunity to develop an action plan that will result in successful implementation. As a side note, it is reported that the new Director is coming from a community where unattended

tethering is banned so his experience should be most valuable in spearheading the effort.

- Provide short-term, start-up funding to the Animal Shelter Foundation, or other non-profit to implement a fencing program that will provide resources to low-income families that want to maintain their pet according to the law. This is being done in various places throughout the country with some success. For renters, the program could provide appropriate kennels on loan if the landlord is unwilling to allow fencing. The Deputy County Administrator has included this in his report and we concur.
- Direct county staff to begin collecting data on animal control complaints and activities that will guide the Commission in implementing policy on animal welfare in the future. Currently, according to County Administration, there is little data collected and overall it is not informative. As a result, any recommendations made by staff to the Commission on animal welfare issues are strictly based on anecdotal information. While it was stated by staff during a Tethering Committee meeting that there are not many calls regarding tethering, tethering is a legal activity and as such calls on tethering alone would not be anticipated. However, as an example, data that would have been helpful to the committee (and the Commission in considering policy recommendations on tethering) is the number of bite cases where dogs have been tethered and the number of reports of animals needing food, water and other care that are on a tether.