



## **CITY OF RALEIGH CITY COUNCIL**

### **Tethering Analysis**

#### **BACKGROUND**

Councillor McFarlane requested research on tethering at the November 4<sup>th</sup>, 2008 Council meeting. This report has been compiled as a result of that request. The issue of tethering 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.

#### **DEFINITION**

*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.

#### **EXISTING CITY OF RALEIGH ORDINANCE**

There is no ordinance in the City's Code that speaks directly to the tethering or chaining of animals. The ordinance listed below speaks to what is considered to be proper shelter for an animal. It should be noted that the ordinance does



mention that an animal is not deemed to be properly sheltered by being placed underneath outside steps, decks or stoops. Although the ordinance doesn't explicitly include the use of a chain or tether it must be assumed that the animal would have to be tied to these structures by a chain or some other type of tethering device. The City ordinance reads as follows:

**Sec. 12-3009. ADEQUATE FEED, WATER AND SHELTER.**

(a) All dogs and cats shall be given adequate feed, adequate water and adequate shelter. Adequate shelter is defined as an enclosure of at least three (3) sides, a roof and a floor. The enclosure shall be ventilated and must have sufficient room for the animal(s) to move around freely and to lie down comfortably.

(b) Animals housed under the *following* conditions *shall* not constitute adequate shelter:

- (1) underneath outside steps, decks and stoops; or
- (2) inside of vehicles; or
- (3) underneath vehicles; or
- (4) inside metal or plastic barrels or cardboard boxes; or
- (5) rooms, sheds or other buildings without windows or proper ventilation.

(Ord. No. 2003-411, §1, 3-18-03)

**STATE OF NORTH CAROLINA STATUTE**

On March 20, 2007 State Senator Janet Cowell introduced an amendment to GS 14-360(a). The bill would have amended the current law by adding a three-hour time limit for tethering an animal with a chain and a six-hour time period if an animal was tethered to a trolley system. If found in violation of the law an offender could have been charged with a Class 1 misdemeanor. The amended bill was sent to the Committee on Judiciary I (Civil) on March 22, 2007 but no



further action has been taken. The American Kennel Club commented on the bill by advising that:

North Carolina's existing animal cruelty statute N.C. GS § 14-360 (1999) already properly addresses all instances of animal cruelty, including cruel tethering, by providing that if any person shall intentionally overdrive, overload, wound, injure, kill or deprive of necessary sustenance, or cause such damage to be inflicted upon any animal, such offender shall for every such offense be guilty of a Class 1 misdemeanor. This law applies to any act, omission, or case of neglect causing or permitting unjustifiable pain, suffering or death to an animal. Enforcement of this law effectively negates any need for the proposed legislation.

As a result of the stance by the American Kennel Club, we sought the opinion of a local animal control expert from the University Of North Carolina School Of Government, Attorney Aimee Wall. Attorney Wall advised the following:

The state's cruelty law could be used to address a tethering situation that amounts to cruelty. For example, if an animal is intentionally tethered in such a way that it is injured or killed, it could be considered cruelty under 14-360(a). Or if an animal is intentionally tethered in such a way that the animal does not have access to food and water ("necessary sustenance") the statute may also be satisfied. My impression is that some take issue with using the cruelty statute for this purpose because (1) they think that requiring that the act be "intentional" may raise the bar too high or (2)



prosecutors are unwilling to recognize the tethering as cruelty and so are unwilling to proceed with a criminal case. Therefore, some have argued that a blanket prohibition or severe restrictions on tethering will define the crime/problem better and enforcement will be more forthcoming.

I should also point out that there is a specific state statute that addresses tethering an animal with a chain that is too big. See 14-362.3 (copy attached).

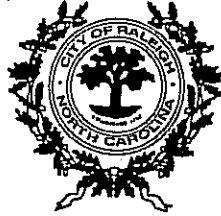
I believe local governments have the authority to address tethering if they so choose. They could rely upon their general ordinance making authority (GS 160A-174) or the more specific authority to adopt ordinances related to abuse of animals (GS 160A-182) if they are willing to characterize tethering as abuse.

**Link to Statute:**

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_14/GS\\_14-360.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-360.html).

**ORGANIZATIONS OPPOSED TO TETHERING**

- American Society for the Prevention of Cruelty to Animals
- Association of Veterinarians for Animal Rights
- Dogs Deserve Better
- The Humane Society of the United States
- People for the Ethical Treatment of Animals
- Unchain Your Dog



## **ORGANIZATIONS SUPPORTING EXISTING LAWS**

- American Kennel Club

## **NORTH CAROLINA COUNTIES AND MUNICIPALITIES WITH TETHERING ORDINANCES**

The following North Carolina jurisdictions have some sort of tethering regulation.

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

Ordinance adopted 1995.

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 24hour period.



#### Sec. 421. 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) 24hour 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 421 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, § 45; Ord. No. O199729, 111897; Ord. No. O200012, § 1, 62000)

#### **Scotland County, North Carolina**

June 6, 2005

This ordinance prohibits the chaining of dogs for more than one hour in any 24hour 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. 1265. 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. 45. 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.

For more information see

[http://www.helpinganimals.com/ga\\_tetherLegislation.asp](http://www.helpinganimals.com/ga_tetherLegislation.asp).

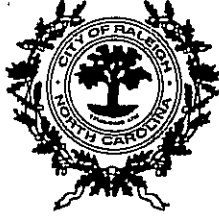
**NEWLY ADOPTED ORDINANCES**

**Durham County, NC – Passed November, 2008**

Tethering for a period not to exceed 7 days while actively engaged in:

- A. shepherding or herding livestock
- B. lawful dog activities such as hunting training and hunting sporting events, field and obedience training, field or water training, law enforcement





training, veterinary treatment and/or the pursuit of working or competing in these legal endeavors

C. meeting the requirements of a camping or recreational area

When participating in recognized exempt activities, tethered dogs shall be attended by a responsible person and shall be tethered in a manner that does not cause unjustifiable pain, suffering or risk of death.

This ordinance amendment shall become effective 15 months after its adoption. The implementation phase will include a 12 month period of public outreach and education regarding the ordinance amendment to be followed by a 3 month period in which only warnings will be issued.

**Clayton County, NC – passed August, 2008**

Tethering is banned. No animal shall be tied, chained, fastened, or otherwise tethered to any stationary or inanimate object.

Section 91.26 (D) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical conditioning. The animal should be able to sit, stand, turn, and lie without obstruction. Adequate space for food and water containers must be provided. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavioral patterns. Animals shall not be tied, chained, fastened, or otherwise tethered to any stationary or inanimate object as a means of confinement or restraint to property, but must be in an approved enclosure.



**Town of Clayton, NC – passed August, 2008**

**TOWN OF CLAYTON  
Amendment to the Town Code of Ordinances: Chapter 91  
Relating to the tethering of animals**

**Amend Section 91.26(D) to read as rewritten:**

(D) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical conditioning. The animal should be able to sit, stand, turn, and lie without obstruction. Adequate space for food and water containers must be provided. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavioral patterns. Animals shall not be tied, chained, fastened, or otherwise tethered to any stationary or inanimate object as a means of confinement or restraint to property, but must be in an approved enclosure.

Duly adopted this the 4th day of August 2008 while in regular session.

**Orange County, NC – passed November, 2008**

**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 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.

### **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.
- The implementation phase will involve a yearlong 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.



TABLES:

Government Body	Tethering Ordinance	Exceptions	Stipulations
New Hanover County	All tethering prohibited	Organized and lawful animal functions	Dog shall be secured on property
Roanoke Rapids, NC	All tethering prohibited	None	None
Laurinburg, NC	1 hour in a 24 hour period	No exceptions listed An offense may result in impoundment or \$100 fine or both	Must be in a secured enclosure Sufficient water and nourishment is addressed
Scotland County, NC	1 hour in any 24 hour period	None	None
Catawba, NC	Allowed with several stipulations	None	Animal control is given the authority to evaluate conditions to determine if there is a violation
Holly Springs, NC	Tethering allowed with several conditions	None	Several listed (see detail in the report)
Greenville, NC	Tethering allowed		Outlines the type of chain or lease to be used
Durham County, NC	Not to exceed 7 days while actively involved in sheaparding, hunting, meeting the requirements of a camping or recreational area		Device must be at least 10 feet long Tethered dogs shall be attended by a responsible person Animals shall be tethered in a manner that does not cause pain, suffering or risk of death.
Clayton County, NC	Tethering is banned		Space requirements are outlined.
Town of Clayton, NC	Tethering is banned		Space requirements are outlined.
Orange County, NC	3 hours within a 24 hour period	Tethering allowed at training and performance (or sporting) events	Tethers must meet certain requirements. A tether must be at least ten feet in length Must swivel at each end to prevent choking



	(full list of stipulations detailed in report)
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### Summary of Groups in Opposition

Organization	Statement	Website Cited
American Society for the Prevention of Cruelty to Animals	Supports anti-tethering laws	<a href="http://www.aspca.org/site/PageServer?pagename=press_080307_2">http://www.aspca.org/site/PageServer?pagename=press_080307_2</a>
Association of Veterinarians for Animal Rights	Support bill that will ban dog tethering. Opposed to the permanent chaining of dogs.	<a href="http://74.125.45.132/search?q=cache:46NVPiBibzOJ:www.avar.org/pdf/publication/newsletter/dinwinter2006.pdf+tethering&amp;hl=en&amp;ct=clink&amp;cd=1&amp;qj=us">http://74.125.45.132/search?q=cache:46NVPiBibzOJ:www.avar.org/pdf/publication/newsletter/dinwinter2006.pdf+tethering&amp;hl=en&amp;ct=clink&amp;cd=1&amp;qj=us</a>
Dogs Deserve Better	Opposed to the permanent chaining of dogs	<a href="http://www.dogsdeservebetter.org/home.html">http://www.dogsdeservebetter.org/home.html</a>
The Humane Society of the United States	Opposed to the permanent chaining of dogs. A short period of time is acceptable.	<a href="http://www.hsus.org/pets/issues_affecting_our_pets/animal_abuse_and_neglect/the_facts_about_chaining_or_tethering_dogs.html">http://www.hsus.org/pets/issues_affecting_our_pets/animal_abuse_and_neglect/the_facts_about_chaining_or_tethering_dogs.html</a>
People for Ethical Treatment of Animals	Opposes the continued chaining of dogs	<a href="http://www.peta.org/campaigns/air_chainingdogs.asp">http://www.peta.org/campaigns/air_chainingdogs.asp</a>
Unchain Your Dog	Opposed to the permanent chaining of dogs. A short period of time is acceptable.	<a href="http://www.unchainyourdog.org/Facts.htm">http://www.unchainyourdog.org/Facts.htm</a>