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MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL
MUNICIPAL BUILDING, MONDAY, AUGUST 29, 1988, 7:30 PM

Mayor Jonathan B. Howes called the meeting to order. Council Members present were:

Julie Andresen
David Godschalk
Joe Herzenberg
David Pasquini
Nancy Preston
Arthur Werner
Roosevelt Wilkerson

Council Member Wallace was absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Manager Ronald A. Secrist, and Town Attorney Ralph Karpinos.

Mayor Howes explained that this is a public hearing to hear citizens' input about the proposed changes to the Animal Control Ordinance, and no decision would be made at this meeting.

Chief Arnold Gold gave the staff report on the proposed changes. He said the last significant revisions made to this ordinance was in 1982; that the population increase, the difficulty interpreting the current ordinance, and citizens concerns had all served to encourage updating the ordinance to meet current and future needs. He said two parts of the ordinance have received the most comments from citizens: the definition of restraint, and the vicious animal issue. He said the major change to the ordinance regarding restraint is that a dog would have to be under the supervision of the owner even while the animal is on the property of the owner; unless the dog is physically restrained so that it cannot leave the property.

Chief Gold said that the staff feels that regulations for vicious animals should intend to protect everyone equally, regardless of their ability to protect themselves from an attack by a vicious animal. He said the proposed changes also include a law against confining an animal in a closed vehicle without air conditioning or ventilation whenever the ambient temperature exceeds 70 degrees. Chief Gold said no change was proposed in the current limit of four mature dogs that one person may keep in a household.

Council Member Godschalk asked how the ordinance deals with cats. Chief Gold said that problems with cats can be dealt with using the nuisance section of the ordinance. He said the staff had considered applying the leash law to cats, but that cats are difficult to leash, and can easily be controlled by owners and by the proposed enforcement procedures.

Cynthia Wise, a volunteer with the APS, said she is concerned with Section 4-10(f) of the ordinance which limits the number of dogs to four per household. She said she feels the kind of care given an animal is more important than the number of pets. She pointed out that a household with seven or more dogs is considered a kennel, and is governed by other laws.

Conrad Noel expressed concern that there is no section covering the basic health and safety aspects of commercial kennels and pet shops. He said that Orange County has these laws in its ordinance, and requested that the Town include them in the proposed ordinance.

Deborah Correll said she believes the problems with animals are the owners problems. She requested higher fines on the owners of repeat offenders; and that the ordinance be written to require more responsibility from pet owners.

Barbara Long, who is on the staff of the Orange County Animal Shelter, said the APS is pleased that Chapel Hill is revising this ordinance. She said the APS is concerned about who will have to determine if an animal is vicious. She said APS proposes that an animal behaviorist be used to determine whether or not an animal is vicious.

Don Ingram, Vice President of the Animal Protection Society of Orange County, said that the term 'life threatening' is not sufficiently defined in the ordinance. He said this needs clarification. Mr. Ingram said he is concerned about the low threshold of the proposed ordinance concerning vicious animals; that it would be possible for an animal to be destroyed after two dog fights. He said the restraint requirements in the vicious animals section are too harsh when applied so broadly; that the ordinance wouldn't allow someone to transport their animal, which was determined vicious, in their automobile to take it out of town. Mr. Ingram said he suggests that Council add rules for incarceration of owners who do not properly care for animals, rather than destroying the animals; that he would like for the Town to focus penalties on owners rather than animals.

John Risk said the problems with vicious dogs is the owners, and the proposed ordinance provides no control over the owners. He suggested a substantial penalty against owners; and requested that the Town consider including procedures for victims to receive punitive damages from owners of vicious animals.

Helen Zunis said she is concerned about the vicious animals section of the ordinance; that she would prefer restraint regulations for vicious animals, rather than destroying animals.

Bruce Barry said he would hate to see an animal control ordinance so rigorous that citizens could not have pets at all.

Margaret Hassell asked about the costs for euthanization and neutering. She asked if an owner can be identified by the animal tax tag. She asked how many Pit Bulls are in the Town; and she recommended that the animal tax equal euthanization or neutering costs.

Richard W. McInnelly said he thinks that requiring a dog to be watched when it is in its own yard is too strong. He requested that the ordinance be relaxed for animals on the owners' property.

Esther Cooper said she feels the current ordinance is adequate. She said that under the present laws kids can't take their dogs to the parks to play with them; and she feels it is too harsh for animals not to be able to play in the owners' yards without being restrained.

Council Member Werner asked if invisible fences are allowed in Chapel Hill. Chief Gold said yes, and that people who own them speak highly of them.

Council Member Werner asked how will Animal Control officials know whether or not there is an invisible fence, when they see a dog with no supervision. Chief Gold said staff will still continue to investigate apparent ordinance violations before taking action. He said the collars worn by dogs restrained by invisible fences are fairly obvious.

Council Member Andresen asked if standards for kennels and pet shops could be included in the ordinance. Chief Gold said that the staff had considered this issue; but decided not to include the regulations because the Town doesn't currently have the resources to investigate and enforce such regulations. He pointed out that the State does regulate kennels and pet shops.

Council Member Andresen asked how the staff arrived at the \$50 fine for violations by vicious animals. Chief Gold said the fine is the maximum allowed in the current ordinance. Ms. Andresen asked if a higher fine is needed. Chief Gold said he research that issue further. Council Member Andresen asked if an owner can be identified by the animal tax tag. Chief Gold said yes.

Council Member Preston expressed concern that she had heard that sometimes pets have been destroyed before the owner could be identified and notified.

Ms. Wise, from APS said she wishes all pet owners would use the tax tags, so animals can be identified easily.

Council Member Werner complimented the staff on the proposed ordinance. He said the key will be the way it's enforced. He stated that the intent of the ordinance is not for Town staff to ride around Town and randomly pick up dogs from property if there's no one around and no problem exists.

Mayor Howes asked the staff to provide some perspective about vicious dogs in Chapel Hill. Chief Gold said there were 26 reported dog bites last year. Mayor Howes asked if there are vicious dogs in Town. Chief Gold said there were two vicious dogs in town last year, and under the current ordinance it took a long time to get the animals out of Town. Mayor Howes asked if there are vicious dogs in neighboring communities. Ms. Wise said there are lots of them in the County; that the Shelter always has at least one vicious dog to keep.

Council Member Preston asked how owners can be punished, rather than the dogs. She asked if the Town could prevent a citizen from owning a dog after the citizen has violated the animal control ordinance several times.

Council Member Pasquini asked when the recommended ordinance could be brought back to Council. Town Manager Taylor said staff would prepare the recommendation for the October 10, 1988 meeting.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO REFER THE ANIMAL CONTROL ORDINANCE PROPOSAL TO THE MANAGER, TO PREPARE A RECOMMENDATION TO BE PRESENTED TO COUNCIL AT ITS OCTOBER 10 MEETING. THE MOTION CARRIED UNANIMOUSLY (8-0).

The meeting adjourned at 8:24 pm.