C: Dir., General Services

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

March 10, 2015

From: David S. Freeman, AICP, Director of General Services

Subject: Amend Animal Control Code Ordinance sections 6.1-2 and Section 6.1-77

Reviewed: Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: Citywide

Approved: Marcus D. Jones, City Manager

Item Number: **R-6**

I. **Recommendation:** Approval

II. **Applicant:** Department of General Services

III. **Description**

Amendment of Animal Control Code Ordinance (Chapter 6.1) relating to the definition of 'Adequate Space' and renumbering section 6.1-77 by adding a new subsection '(D)' which will prohibit tethering of animals unattended for more than one (1) hour in a twenty-four hour period.

IV. **Analysis**

Tethering refers to the practice of fastening a dog to a stationary object or stake, usually in the owner's yard, as a means of keeping the animal under control. This term does not refer to the periods when an animal is walked on a leash. The Human Society of the United States as well as the U.S. Department of Agriculture has opined that the continuous confinement of dogs by a tether is inhumane as it significantly restricts a dog's movement and potentially causes aggressive behavior and/or injury.

The Virginia Code does not specifically authorize localities to ban tethering but rather authorizes localities to adopt certain animal ordinances which are parallel to or more stringent than the Virginia Code. Tethering and certain conditions of a tether are set forth in the Virginia Code definition of "adequate space," and which sets the minimum length of a tether, proper attachment of a tether and requires the animal be protected from injury or becoming entangled.

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Fifteen localities in Virginia have adopted ordinances to restrict the number of hours an animal may be tethered. The time limitation for tethering varies among localities, ranging from complete prohibition to a range of 1 to up to 12 hours in a 24 hour period.

The Animal Advisory Board (AAB) proposed a recommendation to change City Code Section 6.1-2 with regard to adequate space for animals. Following discussion between the Animal Advisory Board and the Animal Protection Unit (APU) of the Police Department and other city staff, the board has proposed the tethering prohibition for unattended animals be changed *FROM* no more than three (3) hours in a twenty-four hour period *TO* no more than one (1) hour in a twenty-four hour period.

V. Financial Impact

N/A

VI. Environmental

N/A

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's notification process.

VIII. Board/Commission Action

The Animal Advisory Board recommends this change to the City Code.

IX. Coordination/Outreach

This request was coordinated with the departments of Police, General Services' Norfolk Animal Care and Adoption Center, the City Attorney's Office and the Animal Advisory Board (AAB).

Upon approval, officer training and community outreach regarding the change will be conducted prior to enforcement.

Supporting Material from the City Attorney's Office:

- Ordinance

1/21/15 (shb)

Form and Correctness Approved: RAP

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No. 45,886

R-6

AN ORDINANCE TO AMEND AND REORDAIN SECTION 6.1-2 RELATING TO THE DEFINITION OF "ADEQUATE SPACE" AND RENUMBERING SECTION 6.1-77 BY ADDING A NEW SUBSECTION (D) **SO AS TO** PROHBIT TETHERING OF ANIMALS UNATTENDED FOR MORE THAN ONE HOUR IN A TWENTY-FOUR HOUR PERIOD.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the definition of "adequate space" in Section 6.1-2 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Adequate space means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age, size, and health of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury, with enough room between the collar and the dog's throat through which two (2) fingers may fit, and prevent the animal or tether from becoming entangled with other objects or animals, or from gaining access to public thoroughfares, or from extending over an object or edge that could result in the strangulation or injury of the animal; weighs not more than one-eighth of the body weight of the animal tethered; and is at least ten (10) feet in length or three (3) times the length of the animal whichever is longer, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

Section 2:- That Section 6.1-77 of the Norfolk City Code, 1979, is hereby amended and reordained to add a new subsection (d) reading as follows:

Sec. 6.1-77. Failure to perform duties of ownership; penalty.

(a) An owner or custodian of an animal shall provide for each of his animals all the following:

(1) Adequate feed;

(2) Adequate water;

(2) Adequate shelter that is properly cleaned and sanitized;

(3) Adequate space for the particular type of animal depending upon its age, size, species, and weight;

(4) Adequate exercise;

(5) Adequate care, treatment, and transportation; and

(7) Veterinary care when needed or to prevent suffering or disease transmission.

(b) The provisions of this section shall also apply to every animal shelter, pound, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.

(c) The animal control officer, law enforcement officer or special police officer may enter any facility listed in subsection (b) during the facility's normal working hours to inspect for compliance with the provisions of this chapter or related laws.

(d) It shall be unlawful for an owner or custodian of an animal to tether an animal unattended for more than one (1) hour in a twenty-four (24) hour period.

(e) Game and wildlife species shall be cared for in accordance with regulations promulgated by the Virginia Department of Game and Inland Fisheries.

(f) Violation of this section shall constitute a class 3 misdemeanor. The second violation on the same animal shall

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(e) Game and wildlife species shall be cared for in accordance with regulations promulgated by the Virginia Department of Game and Inland Fisheries.

(f) Violation of this section shall constitute a class 3 misdemeanor. The second violation on the same animal shall constitute a class 2 misdemeanor. A subsequent violation on the same animal shall constitute a class 1 misdemeanor. Upon being found guilty of a third or subsequent violation related to the same animal, the court may order the confiscation of and the proper disposition of the animal.

Section 3:- That this ordinance shall be in effect from and after its date of adoption.

Adopted by Council March 10, 2015
Effective March 10, 2015

TRUE COPY
TESTE:

_____
R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK