


To the Honorable Council
City of Norfolk, Virginia

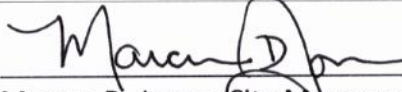
December 8, 2015

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

Subject: Amend Section 6.1-77 of the
Norfolk City Code

Reviewed: 
Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: Citywide

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-2

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Animal Advisory Board

III. **Description:**

This agenda item is a request from the Animal Advisory Board ("AAB") to amend Section 6.1-77 of the *Norfolk City Code* in order to prohibit tethering of an animal in the City of Norfolk ("Norfolk") unless the owner is outside with the animal and the animal is in sight view. This matter was continued from the November 17th docket at the request of a councilmember for clarification of language in the ordinance.

IV. **Analysis**

In March 2015, Norfolk City Council amended Section 6.1-77 of the *Norfolk City Code* to reduce the amount of time residents could tether an animal in Norfolk from three (3) hours in a 24 hour period to one (1) hour unattended in a 24 hour period. Following an animal tethering violation case in Norfolk General District Court, a councilmember asked the City Attorney's Office to reconsider the amendment, opining that the term 'unattended' is unclear and arguably allows for unlimited tethering as long as a resident checks on the animal once an hour. As a result, staff from the Department of General Services, the Norfolk Police Department ("NPD") and the City Attorney's Office discussed the ordinance at the September meeting of the AAB.

The AAB expressed concern that the amended ordinance had consequences they had not anticipated. AAB members conveyed that their intention with the previous amendment was to limit tethering while allowing discretion on the part of the Animal Control Officers. The Animal Protection Unit previously discussed with the AAB the restrictions that some residents experience from the urban environment in Norfolk, such as small lot sizes, lots without

fencing and the inability to install such fencing by some residents. The previous ordinance allowed the Animal Control Officer to assess the individual situation, provide education and allow the resident to correct the situation as necessary.

The current amendment prohibits tethering for any amount of time in Norfolk unless the owner is outside with the animal and the animal is in sight view.

The NPD will address any operational impacts the change will have on enforcement.

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 letter and ordinance have been coordinated with the Norfolk Police Department, Department of General Services, Norfolk Animal Care and Adoption Center, the City Attorney's Office and the Animal Advisory Board.

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

Supporting Material from the City Attorney's Office:

- Ordinance

9/10/15 (shb)

Form and Correctness Approved:

By 

Office of the City Attorney

Contents Approved:

By 

DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

R-2

AN ORDINANCE TO AMEND AND REORDAIN SUBSECTION (D) OF SECTION 6.1-77 **SO AS TO** PROHIBIT TETHERING OF ANIMALS UNLESS THE OWNER OR CUSTODIAN IS OUTSIDE WITH THE ANIMAL.

- - -

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

Section 1:- That subsection (d) of Section 6.1-77 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

- (d) It shall be unlawful for any animal to be tethered unless the owner or custodian is outside with the animal and the animal is in sight view.

Section 2:- That this ordinance shall be in effect from and after its date of adoption.