

## Tethering Enforcement Guidelines

### Purpose

As an addition to our present Tethering Standard Operating Guidelines, which became effective April 15<sup>th</sup>, 2009, these are service request and documentation and enforcement guidelines for the Tethering Amendment to Orange County's Animal Control Ordinance. As with the ordinance amendment itself, these guidelines are effective as of November 19, 2009, and cover the County's tethering amendment, which applies in Hillsborough as well as the unincorporated areas of the County.<sup>2</sup>

It is the responsibility of Animal Control Officers to follow these guidelines in the investigation of tethering complaints and their enforcement of the County's tethering amendment. It is the responsibility of Office Assistants (and other staff) to follow these guidelines in taking and recording citizen complaints. It is the responsibility of all Animal Services staff to follow these as well as the basic guidelines (see above) in providing public information about the tethering ordinance.

### Taking and Recording Complaints (for Office Assistants and Animal Control Officers)

#### **Chameleon –**

An activity shall be created for each call for service. Beginning November 19<sup>th</sup>, 2009, when a person calls in and identifies specifically that they are calling regarding a dog being tethered in violation of the new ordinance, you will select "tethering" from the TYPE popup field.

If they identify other concerns about the dog such as shelter or its condition, you will select the appropriate value from the SUBTYPE popup field. Additionally you should include as much information in the CROSSING COMMENT field and create an ACTIVITY MEMO if necessary.

In situations where reference is made to a "tied dog with no shelter" or a "tied dog that barks all of the time," ask them if the dog is tied out or tethered all of the time. If they are not specifically complaining about tethering, but rather are

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<sup>2</sup> There is no tethering restriction in Carrboro. As it prohibits tethering, except under stipulated conditions, Chapel Hills' tethering amendment is subject to different guidelines. This amendment becomes effective , March 23, 2010, and infractions are only subject to written warnings for the following six month period.

complaining about another issue, their request for service would be entered differently than a complaint about tethering itself. Specifically, INVESTIGATION would be entered into the TYPE popup field with the appropriate value selected from the SUBTYPE. You would then indicate in the CROSSING COMMENT (and if necessary, in an ACTIVITY MEMO) that the dog is tethered. The responding ACO will then indicate the appropriate response in the RESULT field following their investigation.

### Recording Results (for Animal Control Officers)

Once the service call is complete, the responding ACO shall indicate in the RESULT field the actions taken and include any actions regarding the tethering of the dog. Additional information will be included in the existing ACTIVITY MEMO or a MEMO created elsewhere in Chameleon. These actions are defined in the Tethering SOG.

### Enforcement Powers and Methods

Full enforcement authority for the tethering ordinance amendment does not become available until May 19<sup>th</sup>, 2010. After that date, Animal Control Officers may issue citations, written warnings, educate owners, etc.

From November 19<sup>th</sup>, 2009, until May 19<sup>th</sup>, 2010, however, the tethering amendment itself restricts enforcement powers to a written warning. It does so in order to facilitate the process of transition from tethering to other means of lawful confinement for a six month period after the amendment becomes effective.

Compliance will be determined on the basis of several sources of evidence. Depending upon the circumstances and contact history, one or more of these kinds of evidence may be used to establish that there is an infraction. One source of evidence is an admission (or acknowledgement) by the owner or keeper of the dog. Another source is a signed statement from one or more complainants providing information that a dog has been tethered for more than three hours within a twenty-four hour period (without being covered by any of the exceptions stipulated by the ordinance).

In addition, if a dog is tethered upon their arrival, and no one is present, the ACO will post with a yellow door tag and photograph a notice. In addition to checking the tethering box and other pertinent information, the notice shall have the time as well as day clearly printed on its face. The ACO shall note on the back of the posting that they will return to the residence no less than three (3) hours from the time of their posting to determine whether the dog is still tethered and request that the owner immediately call the office to speak with the ACO if they get the posting within that period of time. The notation should take the following form:

***Mr./Ms. [Insert name] or Resident Dog Owner,  
I expect to return no sooner than [enter time] to see whether your  
dog[s] have been tethered for longer than three (3) hours. Should  
you get this posting before that time, please call me at 924-7387, ext.  
xyz. If I am out of the office, please leave me a voice message with  
your contact information and I will return your call upon my return.  
Thank you.  
Animal Control Officer [insert name]***

All calls to the ACO's voicemail can be verified by the date and time stamp on the message. Should the resident contact an Office Assistants (OA) regarding a posting, they shall be transferred to the ACO's direct extension and instructed to leave the ACO a message if they are not available. The ACO is expected to record this information as part of their case file upon playing back the voice message and / or speaking directly with the resident.

If the dog is tethered, and the posting remains when the ACO returns, the ACO will post and photograph a written warning or citation which has the time and day clearly printed on its face. If the owner is home, the ACO shall speak with them regarding the tethering of the dog and determine whether there is a violation of the ordinance (in which case they can issue a warning.)

If the owner is not home when the ACO returns, in addition to posting as described above, the ACO shall create an ACTIVITY sequence to return the next business day or they shall prepare to send an additional warning within 24 hours by certified and registered mail. The 24 hour span gives the owner an opportunity to contact the ACO upon receipt of the posted warning. All of these actions shall be documented in the Chameleon ACTIVITY MEMO.

It is possible that there will be several situations where people know they can not be cited until May 19<sup>th</sup>, 2010 and will make no effort to comply in a timely period. In these situations, the ACO shall document this on their Tethering Education and Warning list and on or shortly after May 19<sup>th</sup>, 2010, return to the residence to reinvestigate and take appropriate enforcement action on the basis of their investigation.

No more than two written warnings shall be issued in the period beginning November 19, 2009 and ending May 19, 2010. More specifically, only one will be issued from November 19, 2009, through February 19, 2010, and only one from February 20 through May 19, 2010. As needed, this guideline should be communicated to residents who are making a second or third complaint about the same residence where there is a tethered dog.

Throughout the implementation period, finally, it is the expectation that ACOs will work with County residents to facilitate as well as ensure their compliance with the tethering ordinance revision in positive and collaborative manner. Each officer is expected to refer residents in need to the resources for confinement other than tethering (listed earlier in this SOG). Each officer is also expected to make every reasonable effort to facilitate compliance with the ordinance.

### Enforcement Timetables

Beginning November 19<sup>th</sup>, 2009, each ACO shall initiate an Activity from their Tethering Education and Outreach list they began November 19<sup>th</sup>, 2008. They then will begin following up to confirm compliance. If the owner has not complied, the ACO shall issue a Tethering Warning as provided for on the Animal Control Ordinance Violations Warning form, Section 3, and document such on their individual list.

Beginning May 19<sup>th</sup>, 2010 each ACO shall initiate an Activity from their Tethering Education and Warning list and begin following up to confirm compliance. If the dog is tethered upon their arrival the ACO will post a warning notice and return to the residence after the 3 hour time limit. Additionally if the complainant is willing, the ACO should obtain a signed detailed statement from the complainant.

If the owner or keeper has been previously warned but is not in compliance, the ACO shall issue a citation for the Tethering Violation in the absence of any mitigating or extenuating circumstances. If the owner has multiple dogs, each dog improperly tethered will count as a single violation.

If the owner keeper has not been previously warned, the ACO shall issue a warning regarding their infraction. Given the circumstances of the owner and/or keeper, the warning shall stipulate a reasonable period of time for him or her to become compliant. If there is still an infraction when follow-up is done, the ACO shall issue a citation for the Tethering Violation (in the absence of any mitigating or extenuating circumstances). If the owner has multiple dogs, each dog improperly tethered will count as a single violation.

***Effective: November 19, 2009  
Approved by Robert A. Marotto,  
Animal Services Director  
Orange County Animal Services***

**Tethering Enforcement Standard Operation Guideline**

I hereby acknowledge that I have read the above policy of Orange County's Animal Services Department and that I fully understand it.

I understand that adherence to this policy is a condition of my employment with Orange County's Animal Services Department.

Signature of Employee \_\_\_\_\_

Printed Name of Employee \_\_\_\_\_

Date Signed \_\_\_\_\_