

Review of Dog Tethering Provisions

Additional Clarifications Requested

February 2, 2020

1. Provide a breakdown, or reference, for the 25 cities mentioned in the Review of Dog Tethering Provisions report. Provide dates of relevant ordinances.

A breakdown of the cities benchmarked is included within the report as Attachment 3 page 38. An updated version is included below that includes revisions to specify restricted components as well as the date of the last tethering amendment. The twenty peer cities used to benchmark city services are selected based on cities similar to Charlotte in terms of demographic, economic, and social characteristics. **Question 5** includes more detail on the peer city selection.

The table below shows the 20 peer cities and whether the city has an ordinance specific to tethering, whether tethering is allowed and the type of restrictions specified within the ordinances. Overall for the 20 peer cities, 13 or 65% allow tethering, seven (two due to state law) or 35% do not allow tethering. The percent of cities that either ban or have time restrictions for tethering is 60%, or 12 cities.

			Key Components (R = regulated, city wide = overall requirement not just for tethering)							
Peer City	Ordinance, Date Last Amended	Tethering Allowed	Tether Length	Time	Tether Weight	How Worn	Spayed/Neutered	Adult at home	Weather	Accommodations*
Arlington, Texas	Yes, 2012	No								
Atlanta, Georgia	Yes, 2017	No**								
Austin, Texas	Yes, 2007	No**								
Charlotte	Yes, 2010	Yes, regulated	R		R	R			R city wide	R
Columbus, Ohio	Yes, 2017	Yes, regulated	R	R	R	R			R	R
Dallas, Texas	Yes, 2018	No**								
Denver, Colorado	Yes, 2018	Yes***, regulated					R city wide			R
Fort Worth, Texas	Yes, 2018	No**								
Houston, Texas	Yes, 2014	Yes, regulated	R		R					
Indianapolis, Indiana	Yes, 2016	Yes, regulated	R	R	R	R	R	R	R	R
Kansas, Missouri	Yes, 2013	Yes, regulated								R
Long Beach, California	State law, 2006	No								

			Key Components (R = regulated, city wide = overall requirement not just for tethering)							
Peer City	Ordinance, Date Last Amended	Tethering Allowed	Tether Length	Time	Tether Weight	How Worn	Spayed/Neutered	Adult at home	Weather	Accommodations*
Louisville, Kentucky	Yes, 2007	Yes, regulated	R	R	R	R				R
Memphis, Tennessee	Yes, 2010	Yes***, regulated	R				R			R
Minneapolis, Minnesota	Yes, 2016	Yes, regulated	R		R	R		R		R
Nashville, Tennessee	Yes, 2017	Yes, regulated	R		R	R			R	R
Omaha, Nebraska	Yes, 2008	Yes, regulated	R	R	R					
Portland, Oregon	State law, 2017	Yes, regulated	R	R		R				
San Diego, California	State law, 2006	No								
Seattle, Washington	State law, 2017	Yes, regulated	R	R	R	R				R
Tulsa, Oklahoma	Yes, 2008	Yes, regulated	R				R city wide			R

*Accommodations includes provisions such as use of pullies, reasonable and unobstructed range of motion without the possibility of entanglement, strangulation or other injury, and access to adequate food, water, and shelter.

**No, unless with immediate supervision, attended to by owner.

***No, if results in dog suffering bodily injury, or distress.

The table below includes comparison of five North Carolina cities. Of these cities, three ban tethering and one of the two cities that allow tethering includes a time restriction.

			Key Components (R = regulated)							
North Carolina Benchmark Cities	Ordinance, Date Last Amended	Tethering Allowed	Tether Length	Time	Weight of Tether	How Worn	Spayed/Neutered	Adult at home	Weather	Accommodations
Asheville	Yes, 2015	No								
Durham	No, county law, 2012	No (unless working dog)								
Greensboro	No, county law, 2013	No								
Raleigh	Yes, 2009	Yes, regulated	R	R	R	R				R
Winston-Salem	Yes, county law, 2018	Yes, regulated	R		R	R			R city wide	R

The following table includes details for the comparison cities that allow tethering and have time related restriction on tethering. Three of the cities specify specific times of the day that tethering is not allowed, and four of the cities have limitation on amount of time.

Peer City	Time Restriction
Columbus, Ohio	Not between the hours of 10:00 p.m. and 6:00 a.m.
Indianapolis, Indiana	Not between the hours of 11:00 p.m. and 6:00 a.m.
Louisville, Kentucky	<u>Fixed point tethering</u> : Not between the hours of 8:00 a.m. and 6:00 p.m. and not for a period of time exceeding one hour in any eight-hour period. <u>Pulley/trolley system tether</u> : no time restriction.
Omaha, Nebraska	Not in excess of 15 minutes at any one time.
Portland, Oregon	<u>Fixed point tethering</u> : Not for more than 10 hours in a 24-hour period. <u>Pulley/trolley system tether</u> : Not for more than 15 hours in a 24-hour period if the tether is attached to a running line, pulley or trolley system.
Seattle, WA (state law)	Allows being tethered for “a period of time that is not reckless”
North Carolina Cities	Time Restriction
Raleigh	Not more than three hours total in any 24-hour period.

2. What is the potential impact on Animal Care and Control (AC&C) of enforcing stricter tethering provisions?

AC&C staff would continue to respond to complaints and educate the community on ordinance provisions.

Impacts are dependent on the types of changes made. Some potential time considerations, such as adding a restriction on the number of hours, would be hard to regulate as enforcement would require AC&C staff to monitor at the site of potential violation for multiple continuous hours of observation at a time. This option would not be logistically feasible.

Facility capacity at the shelter for dogs that are surrendered/impounded would be an additional factor for consideration.

3. In addition to Charlotte's peer cities, compare the tethering and time restrictions for the 20 US cities with the highest populations¹.

City	Population Estimate ¹	Tethering Allowed?
New York City, New York	8,398,748	Yes*
Los Angeles, California	3,990,456	No, State ban
Chicago, Illinois	2,705,994	Yes
Houston, Texas	2,325,502	Yes
Phoenix, Arizona	1,660,272	Yes
Philadelphia, Pennsylvania	1,584,138	Yes*
San Antonio, Texas	1,532,233	Yes
San Diego, California	1,425,976	No, State ban
Dallas, Texas	1,345,047	No
San Jose, California	1,030,119	No, State ban
Austin, Texas	964,254	No
Jacksonville, Florida	903,889	No
Fort Worth, Texas	895,008	No
Columbus, Ohio	892,533	Yes*
San Francisco, California	883,305	No, State ban
Charlotte, North Carolina	872,498	Yes
Indianapolis, Indiana	867,125	Yes*
Seattle, Washington	744,955	Yes*
Denver, Colorado	716,492	Yes
Washington, District of Columbia	702,455	Yes

***Includes time restriction**

Tethering is not allowed in 8 of 20, or 40%, of the most populous US cities (4 of the 8 due to state law):

Los Angeles (state law), San Francisco (state law), San Diego (state law), and San Jose (state law)
Austin, Dallas, Fort Worth*, and Jacksonville*.

**Allowed only when owner is outside in Fort Worth and Jacksonville*

Tethering is allowed in 12 of 20, or 60%, of the most populous US cities:

Charlotte, Chicago, Columbus, Denver, Houston, Indianapolis, New York City, Philadelphia, Phoenix, San Antonio, Seattle, and Washington DC.

Within the 12 cities that allow tethering, 5 of those cities place restrictions specific to the amount of time or hours of the day (2 of the 5 due to state law):

¹ U.S. Census Bureau, Population Division: Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2018 - 2018 Population Estimates:

https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP_2018_PEPANNRES&prodType=table

City	Tethering Time Restriction
Columbus, OH	Not between the hours of 10:00 p.m. and 6:00 a.m.
Indianapolis, IN	Not between hours of 11:00 p.m. and 6:00 a.m.
New York, NY	No more than 3 continuous hours in any continuous 12-hour period.
Philadelphia, PA (state law)	Not more than 9 hours within a 24-hour period
Seattle, WA (state law)	Allows being tethered for “a period of time that is not reckless”

Within the 12 cities that allow tethering, 7 of the cities do not place restrictions related to amount of time or hours of the day:

Charlotte, Chicago, Denver, Houston, Phoenix, San Antonio, and Washington DC.

Overall for the 20 most populous US cities, 13 cities or 65% either ban tethering or have a time restriction.

4. What empirical data is relevant to the community concern over tethering?

- A study published by the American Academy of Pediatrics in 1994², showed that of the 178 pairs of dogs compared, dogs that had a bite reported were 2.8 times more likely to be chained.

A matched case-control design was used for the study comprising 178 pairs of dogs. Cases were selected from dogs reported to Denver Animal Control in 1991 for a first-bite episode of a non-household member in which the victim received medical treatment. Controls were neighborhood-matched dogs with no history of biting a non-household member

Some of the study findings included that, compared with controls, biting dogs were 16.4 times more likely to be German Shepherd, four times more likely Chow Chow, 6.2 times more likely to be male, 2.6 times more likely to be unneutered and 2.8 times more likely to be chained while in the yard than the dogs with no bites reported.

- A study comparing tethered dogs with pen confined dogs conducted by Cornell University³ found that dogs confined in a pen were not in better welfare than dogs on a tether. The study compared general activity and specific behaviors of 30 adult Alaskan sled dogs, 19 male and 11 female dogs, on 3.5 meters tethers and in 5.9 square-meter pens. The investigators used activity level and stereotypies (repetitive or ritualistic movement, posture, or utterance) as indicators of welfare. The dogs spent most of their time inactive, either lying or sitting both on the tether and in the pen. They had more opportunity for interaction with one another but less space in the

² Pediatrics. 1994 Jun;93(6 Pt 1):913-7. Which dogs bite? A case-control study of risk factors. Gershman KA1, Sacks JJ, Wright JC.

³ JOURNAL OF APPLIED ANIMAL WELFARE SCIENCE, 4(4), 257–270 Copyright © 2001, Lawrence Erlbaum Associates, Inc. A Comparison of Tethering and Pen Confinement of Dogs Seong C. Yeon, Glen Golden, Wailani Sung, Hollis N. Erb, Arleigh J. Reynolds, and Katherine A. Houpt College of Veterinary Medicine Cornell University

pen (5.9 m2 in the pen vs. 38.5 m2 on the tether). Standing on the hind legs occurred more frequently in the pens; circling was more frequent on the tethers. The U.S. Department of Agriculture approves penning but not tethering of dogs; however, the behavior of the dogs in this study did not indicate an improvement in welfare in pens. The study also noted that previous studies have indicated that the major differences in behavior occurred with either social or environmental enrichment.

Overall many studies that are not specific to tethering reference social interaction rather than the type of containment as having an impact on dog behavior. There were no scientific studies found that showed differences in social interactions based on containment type (i.e. fence, tether, kennel).

5. Details on the selection of Peer cities - Comparison Cities Selection

Charlotte uses 20 selected peer cities to benchmark services.

Charlotte's Peer Cities			
Arlington, TX	Denver, CO	Long Beach, CA	Omaha, NE
Atlanta, GA	Fort Worth, TX	Louisville, KY	Portland, OR
Austin, TX	Houston, TX	Memphis, TN	San Diego, CA
Columbus, OH	Indianapolis, IN	Minneapolis, MN	Seattle, WA
Dallas, TX	Kansas, MO	Nashville, TN	Tulsa, OK

Methodology Employed to Determine Peers

In selecting the peer cities, to compare Charlotte to, a statistical technique called k-means clustering was employed. In simple terms, this technique groups cities that have very similar characteristics into the same cluster and dissimilar ones into different clusters.

The analysis looks at the 50 largest cities in the United States ranging in population size from 390,000 (Wichita, KS) to 8.7 million (New York City) and a total of 17 carefully selected variables for each of the 50 cities. The 50 cities were partitioned into four clusters in which each city belongs to the cluster of cities with closest similarities. The cities that cluster closest to Charlotte's characteristics are considered Charlotte's peer cities.

Variables Considered

There are many variables that can be considered to see how Charlotte compares to other similar cities. City-specific variables that were considered include demographic, economic, and social characteristics. The variables considered include:

- **Compound Annual Growth Rate (CAGR) Pop since 2010:** This measures the compound annual growth rate in population since 2010.

- **CAGR Real GDP since 2010:** This variable shows the compound annual growth rate of the economy using metro-wide statistics from the Bureau of Economic Analysis.
 - **Cost of Living plus Rent Index:** Derived by Numbeo, this measure is an estimation of consumer goods prices including rent compared to New York City.
 - **Adjusted Per Capita Income:** This is personal income per capita that is adjusted for cost of living.
 - **Officers per 10K Population (2016):** a measure of number of police officers per 10,000 residents.
 - **Violent Crime Total:** the ratio of crimes in an area to the population of that area; expressed per 100,000 population per year. Violent crime is composed of four offenses: murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault.
 - **Per Capita Real GDP:** Real GDP divided by Population. This is the "average" output of the economy per person measured in a base year prices (2009 prices). Also seen as a measure of productivity.
 - **Unemployment Rate:** This is the share of the labor force that is jobless, expressed as a percentage.
 - **Poverty Rate:** An official measure put out by the Bureau of the Census which shows the number of people with an income below their relative poverty threshold.
 - **Average Household size:** This is the average size of a household in a city.
 - **Adjusted Median Household Income:** The household income is the income of the householder and all other people 15 years and older in the household, whether or not they are related to the householder. The median income is adjusted taking into account the cost of living.
 - **Pop 25+ Bachelors or higher:** Data comes from the Bureau of the Census and shows the percentage of the population that is at least 25 years and has at least a bachelor's degree.
 - **Population Density 2016:** Total population divided by land area.
 - **Mean Travel Time to Work:** The average time it takes for a person to get to work every day. This can be used as a proxy for degree of congestion.
 - **Moody's Bond Ratings:** Assigned a value of 1 to 2.5 with 1 representing "Aaa" rating and 2.5 representing "Ba1" rating.
 - **Total Fire Calls per capita** = EMS calls + Fire Calls + False Calls.
 - **Fire ISO Rating** which measures public service protection with ranges from 1 to 10.
6. First, it appears that question 3 indicates that Seattle has a time restriction, but that is not indicated within question 1's peer cities chart. After looking at Revised Code of Washington sec. 64.80(a)(d), it would appear that a time restriction does exist. Would that be accurate?

Correct, Washington State does have restriction “for a period of time that is not reckless”. Charts in question 1 have been updated.

- 7. Second, it’s my understanding that Houston, Kansas City, and Tulsa all have bans on tethering of dangerous or aggressive dogs. I think the relevant code provisions here are Houston Municipal Code sec. 6-154, Houston Municipal Code sec. 6-165, Kansas City Municipal Code sec. 14-29, and Tulsa Municipal Code sec. 602. Is this true?**

The provisions specific for dangerous animals were not reviewed. However, the City of Charlotte also has specific requirements for the restraint of dogs that have been issued a containment order (section 3-135):

“A fence shall be at least a minimum of four feet high and shall constitute a secure-enough enclosure sufficient to contain the animal at all times. The minimum size of the enclosure may be at least 150 square feet. If the animal is over 15 inches at the shoulder or is deemed capable of climbing a standard four-foot fence, the animal control supervisor may require a six-foot fence. A secure fence means a fence, as immediately described above, that may also be enclosed on all six sides, including the top. The bottom must be concrete, unless the sides of the fence are buried one foot deep in a hard-packed soil. Any reference to "fence" or "secure fence" shall be defined as stated in this subsection.”

- 8. I think Minneapolis requires supervision of all dogs on tether - essentially asserting a ban on unsupervised, or unattended, tethering. The code provision in question here is Minneapolis Municipal Code sec. 64.80(a)(d). Is this assertion true?**

“On-site supervision” for Minneapolis has been counted as having an adult at home. Some city ordinances do specify the owner must have the dog in sight or be outside with the dog. Minneapolis ordinance does not include those specifications.

- 9. If the answers to the above questions (6-8) are yes, would it be fair to say that 85% (17 out of 20) of our peer cities either ban tethering, have a time period restriction on unattended tethering, or have a tethering ban for dangerous or aggressive dogs?**

Seven of the peer cities ban tethering, and six have time restraints. This equates to 65% not allowing unattended tethering or having time restrictions on tethering.

Dangerous dogs are covered separately in most ordinances. Dangerous dogs cannot be tethered under the City of Charlotte code (reference question 7).