



## Orange County Animal Services

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The following documents have been prepared by Animal Services staff based upon unapproved minutes from Board of County Commissioner (BOCC) meetings on May 20<sup>th</sup> and June 3<sup>rd</sup>, 2008.

To summarize the concerns of over fifty citizens, staff has taken the minutes from those two meetings where public comment was received and created from them two sets of documents. One is a set of bullet point summaries of each speaker's concerns and opinions. Those views were then organized into the second set of documents, which contains main themes of concern both for and against the amendment, put together under three main categories. Those categories are 'Citizen and Animal Rights,' 'Education and Enforcement' and 'Tethers and Pens.'

Both sets, as well as the original minutes taken from the two meetings, have been provided as a part of this document for use by the BOCC members in looking at this issue.

- I. Main Themes and Views, For and Against
  - a. Citizen and Animal Rights
  - b. Education and Enforcement
  - c. Tethers and Pens
  
- II. Summary of Minutes, For and Against
  - a. Those in opposition of amending ordinance
  - b. Those in favor of amending ordinance
  
- III. Excerpts From BOCC Meeting Minutes
  - a. Excerpt from May 20<sup>th</sup> BOCC Meeting
  - b. Excerpt from June 3<sup>rd</sup> BOCC Meeting

## Main Themes and Views, For and Against

### Citizen and Animal Rights

<u>Arguments against Restriction of Tethering</u>	<u>Arguments for the Restriction of Tethering</u>
Animals do not have rights	Animals feel pain, fear, loneliness, etc. and there is a public interest in protecting them
This is an encroachment on human rights.	It seems in society when we move toward justice, always the oppressors feel that their rights are being trampled
There should be an exception for sporting dogs	There is an exception for sporting dogs during trials, for periods up to 7 days
Tethering is not mistreatment. Many tethered dogs are happy members of a family.	This is about the humane treatment of animals. Tethering can cause trachea damage, strangulation, starvation and make animals more susceptible to attack and neglect
Many of those for this amendment do not live in Orange County or are not even from the unincorporated areas of County that will be affected.	Many opposing amendment are out-of-county paid lobbyist, breeders or persons charged with animal cruelty. All of the ASAB members live in Orange County.
Those against the amendment were not invited to be on the Tethering Committee. Those against it are not being heard.	A position opposing tethering restrictions was advertised along with all other positions. No applications were received. Public hearings were held by the tethering committee and all sides were considered and balanced by the committee.
Dog owners pay taxes on their animals and should have the right to do what they want for whatever reason.	Tethering leads to public nuisance and unwanted litters of puppies, costing tax payers money. It also presents a public safety issue.

## Main Themes and Views, For and Against

### Education and Enforcement

<u>Arguments against Restriction of Tethering</u>	<u>Arguments for the Restriction of Tethering</u>
Mistreatment is already against the law. We should enforce the existing laws.	Need enforceable laws to protect these animals. Other jurisdictions have had positive results.
Education is what is needed, not restricted tethering.	This will give ACO's an additional tool with which to enforce and educate the public, as well as protect animals. Our children should get the right message and not be desensitized to animals' needs by seeing them living permanently on chains.
Restricting tethering won't solve the animal mistreatment problem. Animals can be neglected in fences just as easily as on tethers. This is a people problem, not a dog problem.	Animals can be neglected in many situations, but tethering presents additional concerns because of the lack of a barrier-makes animals more susceptible to outside attacks and presents a public danger by not preventing children and others from approaching the dog. This is a step in the right direction.
Breed is the problem in Orange County. We need a ban on dangerous dog breeds.	Many breeds have a tendency to become aggressive if chained. Dogs need more than food and water.
Restricting tethering is expensive and unenforceable	Other jurisdictions have found it to be enforceable and have a positive effect on the number of calls for bites, mistreatment, unwanted litters, etc. Other jurisdictions have also found that there is a short-term increase in work load but that the long-term effects actually decrease work load.
This amendment doesn't reflect the realities of life. There are times when a dog needs to be tethered.	This is only one tool to protect animals. Many people do not understand the condition some of these animals are in or the dangers presented to them.

## Main Themes and Views, For and Against

### Tethers and Pens

<u>Arguments against Restriction of Tethering</u>	<u>Arguments for the Restriction of Tethering</u>
Tethers are better than pens because they can give more space than pen of equal size and are easier to clean than pens.	Tethers deprive dogs of their basic needs for socialization and subject them to dangers of attack, starvation, trachea damage and other tethering-related injuries
USDA already has minimum pen sizes.	Smaller pens restrict movement and exercise and deprive dogs of basic needs. USDA ruling prohibits tethering as a method of primary enclosure.
Some dogs escape from pens. There are diggers, climbers and even dogs that chew through fences.	Coalition to Unchain Dogs builds fences that escape artist dogs cannot get out of
Some tethered dogs are not mistreated and have more interaction with family members than they would in a pen. This amendment doesn't distinguish between responsible and irresponsible tethering.	Families in other areas that have received fences from the Coalition have reported positive results and have been pleased to discover dog's new personality when fenced instead of chained
Tethers are needed for some types of training.	Tethering is not productive in training animals
Tethers don't make animals aggressive. The studies that say that are flawed.	Investigators, trainers, animal rescuers, famous dog experts and various studies have stated that tethered dogs are more likely to become aggressive and contribute to problems of public safety.

## Summary of Minutes, For and Against

### Those in opposition of amending the animal ordinance

<u>Name</u>	<u>Title</u>	<u>Support or Oppose</u>	<u>Reasons</u>
Henri McClees	Lobbyist for NC Sporting Dog Association	Oppose	<ul style="list-style-type: none"> <li>• Animals do not have rights, but people do have rights and responsibilities</li> <li>• This proposal does not meet the needs of the people</li> <li>• Inhumane treatment is already against the law</li> <li>• Questions that tethering is mistreatment</li> <li>• There is no distinguishing between animals that are abused and not abused</li> </ul>
Jason Payne	Member of Eno River Coon Hunters Association	Oppose	<ul style="list-style-type: none"> <li>• Restricting tethering would not accomplish better treatment of animals</li> </ul>
Lamar Chapman	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Some dogs chew through fences</li> <li>• Most people supporting this are not from Orange County</li> <li>• People from unincorporated part of the County are not aware of the proposal</li> </ul>
George Painter	President of Eno River Coon Hunters Association	Oppose	<ul style="list-style-type: none"> <li>• This is a people problem, not a dog problem</li> <li>• Need education of dog owners</li> <li>• A person who neglects an animal will neglect it in a fence or tether</li> <li>• Enforce the laws that are already there</li> </ul>
Andrea Press	NC Director of Responsible Dog Owners, Pit Bull Breeder	Oppose	<ul style="list-style-type: none"> <li>• People are being spoon fed the idea that tethering is wrong</li> <li>• Children get killed by dogs that aren't tethered as well from things such as parental neglect</li> <li>• Responsible dog owners have the right to chain or not to chain for whatever reason</li> <li>• The most dangerous dog is an at-large dog</li> <li>• Education is what is needed</li> </ul>
Bobby Kirk	Citizen, Trainer	Oppose	<ul style="list-style-type: none"> <li>• Has trained dogs for 40 years and his best dogs are tethered</li> <li>• Tethering is not bad and some of the most aggressive dogs have to be tethered to train them</li> <li>• Education is what is needed</li> <li>• Every dog is different</li> </ul>
Michael	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Doesn't know how the cost of the amendment will be</li> </ul>

Kirk			<p>absorbed back into the budget</p> <ul style="list-style-type: none"> <li>• Drove around within 5 miles of Chapel Hill alone and counted 38 tethered dogs and 72 in kennels smaller than those proposed</li> <li>• His tethered dogs are his friendliest</li> <li>• Thinks this is a slippery slope</li> </ul>
Steven Hopkins	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Thinks there needs to be an exception for sporting dogs or people who cannot kennel</li> <li>• Existing laws should be enforced</li> </ul>
Susan Kelly	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Her dogs are tethered because they dig under the fence and jump the fence</li> <li>• Her dogs are not mistreated and she has no other options</li> <li>• People want to do the right thing for their animals and she thinks for some, that may be tethering</li> </ul>
Lauren Knapp-Resnik	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Has one tethered dog because she is overprotective of him because of an accident he had while running free</li> <li>• The ordinance should be on a case by case basis</li> </ul>
Joseph Clees	Representative of NC Sporting Dogs	Oppose	<ul style="list-style-type: none"> <li>• Do not fall into animal rights agenda</li> <li>• It is the responsibility of humans to protect these animals and take care of them</li> </ul>
Chad Resnik	Citizen	Oppose	<ul style="list-style-type: none"> <li>• If dogs on chains bite people, we should merely teach children not to go near strange dogs</li> <li>• His dog is on a huge tether and it would be infeasible for it to move to a much smaller 12 x 12 kennel</li> </ul>
Tim Frazier	Officer of Eno River Coon Club	Oppose	<ul style="list-style-type: none"> <li>• Didn't know how to get on the committee</li> <li>• He has a dog that will climb or dig out of a fence</li> <li>• Tethering is ok if people tether in a humane way</li> <li>• The problem in Orange County is the breed</li> </ul>
Diane Genteel	Breeder	Oppose	<ul style="list-style-type: none"> <li>• Problem is not tethering but the implementation of tethering</li> <li>• Proper tethering socializes, cares for, and exercises animals very well</li> <li>• This is a question of education</li> <li>• A dog on a 10-ft tether has more room than a dog in a 10-ft pen</li> </ul>
Josh Chapman	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Just because a dog is on a chain does not mean it will be depressed</li> <li>• You can abuse dogs by putting them in a pen</li> </ul>
Dennis Carden	Quail Farm Beagle Club	Oppose	<ul style="list-style-type: none"> <li>• This ordinance invades their rights as hunters and dog owners</li> <li>• The USDA already has a standard size pen</li> </ul>
Charles Best	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Does not see how smaller dogs need the same size pens as larger dogs</li> <li>• More laws are not needed because there are laws now for</li> </ul>

			people who mistreat dogs
Robin Harrison	Citizen	Oppose	<ul style="list-style-type: none"> <li>• This amendment does not make sense</li> <li>• Her dogs would climb, jump or dig out of a fence</li> </ul>
Sandi Coy	Chairperson of Responsible Dog Owners- from Kentucky	Oppose	<ul style="list-style-type: none"> <li>• It is impossible to enforce</li> <li>• Statistics on dog bites are inaccurate and the study is flawed</li> <li>• Other studies show that there is no significant difference between dogs who are chained and those that are not</li> </ul>
Phillip Pennell	Citizen	Oppose	<ul style="list-style-type: none"> <li>• What we need is a dangerous dog breed ban, not a tethering ban</li> <li>• A ten foot chain allows a ton more movement than a 10 foot pen</li> </ul>
Tommy Frazier	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Chains are cleaner than pens</li> <li>• Citizens pay taxes on dogs and there should not be a law on them</li> </ul>
Amanda Stipe	Former Animal Control Officer	Oppose	<ul style="list-style-type: none"> <li>• Anti-tethering is too restrictive</li> <li>• Each dog should be considered individually</li> <li>• Education on animal behavior is key to responsible dog welfare and ownership</li> <li>• Regulations should not be so restrictive that they hinder options to dog owners who are willing to do the right thing</li> </ul>
Stillman Wright	Citizen	Oppose	<ul style="list-style-type: none"> <li>• He has tethered champion dogs and his dogs are not mistreated</li> </ul>
Frank Tilley	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Has seen plenty of aggressive dogs in pens</li> </ul>
Brian Fee		Oppose	<ul style="list-style-type: none"> <li>• Some tethered dogs are much happier and better treated than penned dogs</li> <li>• My dog has 2280 square feet on her trolley run and would not be able to have nearly as much in a pen</li> <li>• There is a whole segment of the population here not represented- normal families with one or two dogs humanely tethered</li> </ul>
Mickey Oliver	Citizen	Oppose	<ul style="list-style-type: none"> <li>• There are laws now that aren't being enforced</li> </ul>
Alan Green	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Owns working dogs and would prefer not to tether any of them</li> <li>• There are times, however, when he has to tether a dog on a 30-foot chain</li> <li>• There are instances when this law does not deal with the realities of life</li> </ul>
Brian Lane	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Does not own dogs but feels it his civic duty to oppose this amendment because it is an encroachment on individual freedom in Orange County</li> <li>• We need extensive proof of abuse before this ordinance</li> </ul>

			should be amended
Frances Jones	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Hunters have a right to do what they are doing</li> <li>• Chapel Hill dogs are treated better than Fairview citizens</li> </ul>
Kevin Young	Breeder	Oppose	<ul style="list-style-type: none"> <li>• Pens are dirty when it rains</li> <li>• If embedded collars are a problem, use a body harness to tether</li> <li>• Education is very important</li> </ul>
Fred Stipe	Sporting Dog Owner	Oppose	<ul style="list-style-type: none"> <li>• This amendment would not solve the problems of abuse and neglect</li> <li>• This would further complicate the job of Animal Control</li> </ul>
Beth Oliver	Citizen	Oppose	<ul style="list-style-type: none"> <li>• Against the ordinance</li> <li>• She tethers her dogs for their protection</li> </ul>

## Summary of Minutes, For and Against

Those in favor of amending the animal ordinance

<u>Name</u>	<u>Title</u>	<u>Support or Oppose</u>	<u>Reasons</u>
Dr. Ross Oglesbee	ASAB Chair	Support	<ul style="list-style-type: none"> <li>• Humane Treatment of Animals</li> <li>• Tethering Committee already took all of these concerns into account and made a fair recommendation</li> </ul>
David Aman	Citizen	Support	<ul style="list-style-type: none"> <li>• Give ACOs an additional tool with which to come to the aid distressed and neglected animals</li> </ul>
Elaine Modlin	Animal Control Officer, Laurinburg, NC	Support	<ul style="list-style-type: none"> <li>• Laurinburg has a restricted tethering ordinance and it is enforceable</li> <li>• We found chained dogs to be responsible for more complaint calls than fenced dogs before passing legislation</li> <li>• Passing restrictive legislation has definitely improved our records for protecting citizens</li> <li>• It has helped eliminate residence with multiple chained dogs</li> <li>• It has reduced nuisance, barking, and odor complaints</li> <li>• It has reduced our number of dog bites</li> <li>• It has drastically reduced the number of unwanted puppy litters</li> <li>• Owners have commented that dogs seem happier and are easier to care for</li> </ul>
Pat Sanford	ASAB Member and Animal Trainer	Support	<ul style="list-style-type: none"> <li>• Tethering is not productive in training animals</li> <li>• Did investigations for Orange County for 17 years and found a very high number of those were with tethered animals</li> <li>• Ordinance needs to pass to help the animals</li> <li>• All ASAB members are from Orange County</li> </ul>
Deanna Rowan			<ul style="list-style-type: none"> <li>• Humane Treatment of Dogs</li> <li>• No one wants to take away right to hunt- it is just an issue of how the dogs are kept</li> <li>• This isn't about hunters, but about the hundreds of dogs permanently chained, exposed to elements, rarely given attention and subjected to abuse and neglect</li> </ul>
Kitty Lynn	Animal Rescuer	Support	<ul style="list-style-type: none"> <li>• Has rescued hundreds of dogs and has seen chained dogs become aggressive and territorial for lack of love and attention.</li> </ul>

			<ul style="list-style-type: none"> <li>• Chained dogs will attack those who enter their territory, including children</li> <li>• More and more communities are passing regulations on tethering</li> </ul>
Mark Soloman	Citizen	Support	<ul style="list-style-type: none"> <li>• Public safety- chaining dogs contributes to aggression and is a public safety threat</li> <li>• Humane treatment- prolonged chaining is harmful and deprives dogs of necessary exercise and socialization, subjects them to dangers caused by collars or starvation, and makes them vulnerable to attack from wildlife or roaming dogs</li> <li>• Overpopulation- chained dogs greatly contribute to the County's pet overpopulation problem. Chained dogs are frequently unsterilized and cannot get away from breeders</li> <li>• Important tool for Animal Control- other jurisdictions have positive results from restrictive ordinances and a decrease in cruelty and bite complaints</li> </ul>
Nancy Garson	Citizen of New Hanover County	Support	<ul style="list-style-type: none"> <li>• Too important an issue to be silenced by intimidation. Encourages commissioners to move forward thoughtfully, compassionately and not fearfully</li> </ul>
Ellen Whitaker	Volunteer with Coalition to Unchain Dogs	Support	<ul style="list-style-type: none"> <li>• It seems a lot of times in society, when we move toward justice, always the people that are oppressors feel that their rights are being trampled</li> <li>• This does not mean it is not right to pass the law</li> <li>• The Coalition builds fences that even escape artist dogs cannot get out of</li> <li>• The recipients of their fences can see their dogs now have a personality because they are not chained and able to run around</li> </ul>
Jackie Rosati	Citizen	Support	<ul style="list-style-type: none"> <li>• Emphasized that it is restriction of tethering, not elimination of tethering</li> </ul>
Arielle Schechter	Citizen	Support	<ul style="list-style-type: none"> <li>• Been in Orange County since 1960's and this is long overdue</li> </ul>
Jean McNeill	Animal Control Manager, New Hanover County	Support	<ul style="list-style-type: none"> <li>• Protection of community's companion animals</li> <li>• You cannot enforce what you do not have- must have the law there to be able to effectively stop neglect and abuse</li> <li>• Anti-tethering is a step in the right direction to enhance responsible pet ownership</li> <li>• Our residents have responded favorably to having a means of preventing cruelty in at least one form</li> <li>• Prior to our ordinance, we saw many cases of dogs left on short ropes for hours or permanently, as well as cases of strangulation, heat stroke and starvation</li> <li>• Having an enforceable law was the only means we have to prevent such cases</li> </ul>

			<ul style="list-style-type: none"> <li>• It is the responsibility of the County to act responsibly for its pets</li> <li>• The majority of your residents are counting on you to do the right thing, despite the very vocal minority</li> </ul>
<p>Soren Windram, DVM  Kay Bishop, DVM  Ken Redmont, DVM  Kathy Crabtree, DVM  Pat Pagel, DVM  Michelle Droke, DVM  Deborah Stein, DVM  Megan Harris, DVM  Marjorie Lindeke, DVM</p>	<p>Group of 9 County Veterinarians</p>	<p>Support</p>	<ul style="list-style-type: none"> <li>• Prolonged tethering deprives dogs of necessary exercise and socialization</li> <li>• Tethered dogs can and do contribute to various community nuisance issues such as barking and pet overpopulation</li> <li>• Tethered dogs can and do pose a risk to public safety and health because they may become aggressive and are not confined behind a barrier</li> <li>• Tethered dogs are subjected to a variety of physical dangers, including trachea damage, embedded collars and injuries from attacks</li> <li>• There are many alternatives to chaining</li> </ul>
<p>Suzanne Roy</p>	<p>ASAB and Tethering Committee Member</p>	<p>Support</p>	<ul style="list-style-type: none"> <li>• Neglected animals can be anywhere but there are special circumstances that make tethering an issue that should be a policy issue</li> <li>• Lack of a barrier and lack of protection for people are among main differences between tethering and other forms of confinement</li> <li>• Tethered dogs are a lure for children and children constitute a large portion of attacks by chained dogs</li> <li>• Tethering Committee did consider all sides and recommended an 18-month phase in period specifically for those people who would have to make changes if this were passed</li> <li>• Many of the opponents speaking are out-of-county paid lobbyist or pit bull breeders</li> <li>• One of the opponent speakers has animal cruelty charges against her in another state – others have moved due to citations for breaking anti-tethering laws elsewhere</li> <li>• Tethering Committee did hold two public hearings and</li> </ul>

			<p>invited those from all sides to be on the committee- received no applications from members of the opposing sides</p> <ul style="list-style-type: none"> <li>• Read quote from Cesar Milan (The Dog Whisperer) stating that chained dogs will have pent up energy and frustration and are much more likely to become aggressive and become a weapon</li> </ul>
Elise Roosevelt	Citizen	Support	<ul style="list-style-type: none"> <li>• Must remember that this is about public safety and the humane treatment of animals, not about professions or financial welfare</li> <li>• Referred to the USDA ruling prohibiting tethering as a method of primary enclosure</li> <li>• Cruelty comes in many forms and this is only one tool</li> </ul>
Lori Hensley	Volunteer with Coalition to Unchain Dogs	Support	<ul style="list-style-type: none"> <li>• Gives Animal Control an enforcement tool</li> <li>• Most people want what is best for their dogs, but need to be shown how to do it a better way</li> <li>• Read success stories about people and neighborhoods that had received fences from the coalition and were changed and grateful for the transition</li> </ul>
Robert Hensley	Volunteer with Coalition to Unchain Dogs	Support	<ul style="list-style-type: none"> <li>• Disturbed by animal cruelty charges on Ms. Coy</li> <li>• Made mention of other paid lobbyist in the crowd, including breeders of fighting dogs</li> <li>• Built lots of fences for people in the past years and have many success stories</li> </ul>
Kris Bergstrand on behalf of Jean Austin	ASAB and Tethering Committee Member	Support	<ul style="list-style-type: none"> <li>• Supports restriction of tethering</li> </ul>
Walt Von Shernz	Citizen	Support	<ul style="list-style-type: none"> <li>• Firmly believes that keeping dogs on chains will increase the propensity for the dog to develop anti-social behavior</li> <li>• Watering and feeding a dog does not fulfill all its needs- a dog needs to be unencumbered</li> </ul>
Loren Hart	Citizen	Support	<ul style="list-style-type: none"> <li>• Animals are individual beings that feel pleasure, pain, fear and loneliness</li> <li>• This amendment would help create a kinder and gentler world that is more just, more peaceful and more loving</li> <li>• Tethering for prolonged periods is a form of abuse that should be stopped- it is neglect</li> <li>• Ordinance should demand a higher level of care than it does presently</li> <li>• Animals should not be exploited</li> <li>• Animals have interests too and this isn't just about what humans want</li> </ul>
Amanda Arrington	Director of Coalition to	Support	<ul style="list-style-type: none"> <li>• Sometimes you must legislate in order to educate</li> <li>• Cruelty can happen in any situation, but chained dogs are</li> </ul>

	Unchain Dogs		especially susceptible to things such as being attacked
Jamie Jacobs	Citizen	Support	<ul style="list-style-type: none"> <li>• Owns a pit bull and was told by the breeder that in order to make it aggressive and dangerous, all she had to do was chain it and leave it alone</li> <li>• This breed is very susceptible to becoming vicious and dangerous if chained</li> <li>• Must provide for dogs in other ways and socialize them</li> </ul>
Kris Bergstrand	ASAB and Tethering Committee Member, DVM	Support	<ul style="list-style-type: none"> <li>• Tethering Committee members learned a lot from Orange County residents and worked hard to balance the citizens' rights and animals' needs</li> <li>• Humane Treatment of Dogs</li> <li>• Public Safety</li> <li>• Tethering Committee did extensive work on other jurisdictions with tethering ordinances and found those to have cost effective programs with decreases in dog bites, unwanted puppies, and animal surrenders</li> <li>• Benefits that other jurisdictions have seen will do well in this County</li> </ul>
Jane Marshall	Trainer	Support	<ul style="list-style-type: none"> <li>• Expert on evaluation dogs for aggression and familiar with aggression triggers</li> <li>• Living on a chain deprives a dog of its basic needs and causes high levels of stress and frustration, which can lead to aggression</li> <li>• Chained dogs will often target anything moving nearby, which is unfortunately often children</li> <li>• It is important for children in our County to learn empathy for other beings and to grow up to be compassionate, contributing citizens</li> <li>• Seeing dogs regularly tethered sends the wrong message to children and desensitizes them to animals' needs</li> <li>• Chained dogs are often victims of taunting</li> <li>• We would be a more caring, compassionate community with this restriction</li> </ul>
Emily Weinstein	Citizen	Support	<ul style="list-style-type: none"> <li>• Animals do have rights</li> <li>• Supports this amendment</li> </ul>
Nancy Carson Eickert	Citizen	Support	<ul style="list-style-type: none"> <li>• Most people do not realize the conditions under which many of these animals are found</li> </ul>

# EXCERPT FROM MAY 20<sup>th</sup> BOCC MEETING

APPROVED 9/2/2008

EXCERPT from MINUTES  
ORANGE COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
May 20, 2008  
7:30 p.m.

**b. Proposed Animal Ordinance Amendment on the Tethering of Dogs**

The Board conducted a public hearing for a proposed ordinance amendment to the Orange County Animal Ordinance restricting the tethering of dogs, and considered adoption of the ordinance amendment.

Animal Services Director Bob Marotto said that there has been a concerted effort involved in staff and the citizen advisors and the process has gone on for a year and a half or more. He said that this issue came to the Animal Services Advisory Board from the community as a serious issue for the community to consider and address and to seek to resolve. He thinks that the concerned citizens have driven the process that staff has pursued. One of the citizens advisory boards appointed by the Board was the Tethering Committee, which met more than six times in 2007. This resulted in a proposal for the ordinance amendment. The Animal Services Advisory Board has considered this issue five additional times.

He said that he would underscore that the Tethering Committee and the ASAB have tried to balance some conflicting concerns. He said that there are some exceptions to the three-hour tethering limit and the proposal is not an outright prohibition of tethering. He said that there has been a strong commitment to encourage education and seek to implement this amendment over a period of time that would span 18 months, 12 of which would be dedicated to education and awareness. After the first 12 months, there will be another six-month period in which the new ordinance amendment would not be fully enforced, but would be enforced with warnings. The amendment would become effective and fully enforced as of January 1, 2010 and would become effective as of July 1, 2009.

Vice-Chair of the ASAB, Susan Elmore recognized the Animal Services staff. She said that there are strong passions concerning this issue on both sides of the fence. She said that she is here in support of this proposal. She pointed out pages 16-17 of the Tethering Committee report, which outlines the tasks of the committee. She said that the committee considered all of the concerns on both sides.

Commissioner Nelson commended the Tethering Committee and said that it was hands down the best committee he has worked on, everyone genuinely listened to each other, and there was a tremendous amount of discussion on this topic. He said that the committee really listened to the community and the staff was extraordinary.

Commissioner Carey commended Bob Marotto and said that the ASAB worked really hard to be reasonable and to educate regularly. He thinks that the proposal reflects the character of what the County Commissioners are trying to do in Orange County.

Chair Jacobs said that there are 22 people signed up to speak and he encouraged people not to repeat what previous speakers have said.

**PUBLIC COMMENT:**

Lori Hensley is a volunteer on the Coalition to Unchain Dogs and she said that they build fences for owners of dogs that cannot afford them. The coalition also provides free spay and neuter and vaccinations for the pets. She said that this type of ordinance gives Animal Control another tool for enforcement. She said that most people want better for their dogs, but they need to be shown that there is a better way to do things. She read an email from the neighbor of a person who received a fence from the coalition for a dog that was continuously chained in Chapel Hill. "I just have to tell you that your civilizing Neptune has also civilized the entire family. Now whenever I stop by to see my neighbor, Neptune is either sitting on the front porch with a family member, playing in the house, or when he sees my car coming running down the stairs to greet and kiss me. He even has his meals inside now and sleeps beside the bed. See how the beauty of your work spreads to others. So much abuse and neglect are due to just plain ignorance, are they not?" She said that this is not the only situation where the Coalition has helped dogs. She asked the County Commissioners to approve the ordinance to limit the chaining of dogs.

Henri McClees is a lobbyist for the North Carolina Sporting Dog Association, which is a coalition of dog owners, dog breeders, and dog clubs. She said that the membership's philosophy is that animals do not have rights, but people have rights and responsibilities. They do not believe that this proposal meets the needs of the animals, and they are certain that it does not meet the needs of the people. She said that it is a bad idea, it is not needed, it is not fair, and it is bad public policy. She said that this same concept was debated in a Senate committee in the legislature, but the bill never got out of committee. She said that inhumane treatment of animals is already against the law. She asked the County Commissioners to consider cautiously looking at this from the attitude and the positions of the citizens. She questioned the assumption that tethering is mistreatment of animals.

Jason Payne is a member of the Eno River Coon Hunters Association. He said that he and his father have raised and trained dogs since he was 15 years old, and they tether their dogs, but they also exercise them and take care of them. He is opposed to this amendment because he does not believe that the descriptions in the amendment would accomplish what people are trying to accomplish, which is better treatment of animals.

Lamar Chapman lives in Orange County and said that he has numerous dogs and most are not tethered. The ones that are tethered chew through a fence. He said that he has been to all of the committee meetings and the committee is not listening to the citizens of Orange County. He said that most of the people that are supporting this ordinance are not from Orange County. He said that people are scared of speaking tonight because of Animal Control coming to their property. He said that the people of unincorporated Orange County are not even aware of this proposal. He showed some pictures that someone else had brought of dogs that were chained and the collars were not embedded and the dogs were healthy. He suggested having another public meeting.

George Painter is President of the Eno River Coon Hunters Association. He said that this is a people problem, not a dog problem, and there needs to be education of dog owners on the treatment of dogs. He said that a person that neglects an animal will neglect it no matter if it is on a chain or in a kennel. He said that the County Commissioners should spend more time and better time on other problems in the County than passing more laws that will not help dogs or the animal control problems.

Andrea Press is the N.C. Director of Responsible Dog Owners. She said that this movement has been going through the country for the past year and a half. Animal rights activists are quick to show pictures of dogs who have been chained improperly and the media are quick to vilify the owner who tethers the dog. He said that people are being spoon fed the idea that tethering is wrong by the animal rights activists. She gave statistics of children that were killed by dogs because of parental neglect. She said that responsible dog owners have the right to chain or not chain their dogs for whatever reason.

Amanda Arrington said that she represents people not here as the Director of the Coalition to Unchain Dogs. She said that sometimes you must legislate in order to educate. She agreed that cruelty can happen in any situation. She said that dogs that are chained are more susceptible to being attacked.

Bobby Kirk said that he is disappointed in the way that this is going. He has tried to get on the committee, and he was not allowed. He said that he has trained dogs for 40 years. He said that he has dogs come to him from all over the country that have been kenneled, but his best dogs are tethered. He urged the County Commissioners to reconsider this. He said to the committee that they never listened to the Orange County citizens. He said that tethering dogs is not bad.

Michael Kirk lives in southern Orange County. He said that he looked at the Animal Services website and read the amendment. He said that the costs of this amendment are supposed to be absorbed back in the budget. He asked if the Animal Control Officers do anything all day now. He said that he rode around within five miles of Chapel Hill and he counted 38 tethered dogs and 72 dogs that were in kennels smaller than what is recommended. He does not know how the costs of this are going to be absorbed, because this will be a lot of work. He said that he has had dogs all of his life and the ones that are tethered are the friendliest dogs.

Steven Hopkins said that he is a citizen of Orange County and he has owned dogs all of his life. He asked that there be an exemption for sporting dogs or for homeowners that cannot kennel because most sporting dogs must have daily exercise and must be chained to be in events. He said that putting dogs in kennels will not solve any problems. He thinks that the existing laws should be enforced.

Pat Sanford is on the ASAB. She said that she is an animal trainer and she would never tether her dogs because it is not productive in training. She said that for 17 years she did animal investigations for Orange County, and during that time there was a very high number of investigations with tethered animals. She said that it is a human problem and not an animal problem. She thinks that the ordinance needs to pass to help the animals. She understands the sporting dog owners' concerns. She said that she is in support of the ordinance.

Jamie Jacobs is a resident of Orange County and an owner of a pit bull. She said that she was asked to speak by a friend to share some statistics. She said that her breeder has been breeding pit bulls for over 20 years in the North Carolina mountains, and he was very clear with her about what she needed to do with the dog if she wanted him to become a vicious and dangerous animal, and that was to chain him and leave him alone. If she wished him to become a loving and social animal, then she must provide for him in other ways, which she does. She contains her dog with an Invisible Fence and she takes him for long walks. She said that there is a book sold in pet stores that gives very specific information about this breed, that if they are chained, they will become vicious and dangerous animals.

Kris Bergstrand lives in Chapel Hill and was a member of the Tethering Committee and the ASAB. She said that the members learned a lot from the residents of Orange County and they struggled with how to balance the needs of the animals with

the rights of the citizens. She said that a number of people think that PETA activists drove the subcommittee to make this recommendation and she disagrees. She is a veterinarian and she cares about the humane treatment of dogs. However, public safety is very important to her. She said that the subcommittee got feedback from animal control professionals in the state who said that they did not find it to be more work or more costly to have tethering ordinances, they noticed a decrease in dog bites, a decrease in puppies, and a decrease in surrenders. She thinks that the benefits that other jurisdictions in the state have seen from restricted tethering would do well in this County.

Susan Kelly lives in Carrboro and she has two dogs, which are tethered because they dig under the fence and they jump the fence. Both of them are spayed. She said that the dogs have a very nice area to live in, and she does not know what her option would be other than not letting her dogs outside to play together.

Jacky Rosati is a resident of Orange County and she has a dog that lives inside her house. She is in support of this ordinance and emphasized that it is restricting tethering and not an anti-tethering ordinance. She said that she is also here on behalf of Jane Marshall who could not be in attendance. She read a letter from Jane Marshall:

“Dear Commissioners,

I have been a dog trainer in Orange County for 20 years. One of my areas of expertise is evaluating dogs for aggression and so I am very familiar with what triggers aggression in dogs.

Living on a chain deprives a dog of his basic needs and causes high levels of stress and frustration. Frustration is a pre-cursor to aggression. This is a very dangerous type of aggression as the dog is in a highly aroused emotional and hormonal state and will target anything moving nearby. The unfortunate victims of chained dogs are often unsupervised children who wander into the dog’s space. Mutilating injuries are usually sustained in these situations.

I am also a mother, raising my children in this community, and a humane educator. As well as the huge safety factor for children around chained dogs, it is important for our children to learn empathy for everything around them, to grow up to be caring, contributing citizens. Successful humane education programs focus on helping children relate to the animals in their environment and to respect and care for them. Living with a dog chained at the bottom of the garden desensitizes our children to the needs of animals and conveys the wrong message to them. Chained dogs are often the victims of taunts from neighborhood children, a terrible situation for the dog and an incorrect learning experience for the child.

So I respectfully ask you to disallow the permanent tethering of dogs in Orange County, for the safety of our children, for the humane treatment of dogs and for Orange County to become a caring, compassionate, community for all.

Jane Marshall”

Emily Weinstein thanked everyone for the work on the ordinance and said that she believes that animals do have rights. She has fenced her yard and her dogs come in and out of her house. She supports this ordinance.

Lauren Knapp-Resnik lives in Hillsborough and she thinks that everyone agrees with no cruelty to animals, and she is a total animal lover. She lives on 20 acres and has horses, chickens, dogs, cats. She has one dog that is tethered, because she is over protective of him because of an accident that he had while he was running free. She is against this ordinance because it is not a solution to this problem. She thinks that the ordinance should be on a case-by-case basis.

Loren Hart is a UNC Alum and a resident of Orange County. He is here as an advocate for all animals, human and otherwise. He said that animals can feel pleasure, pain, fear, and loneliness. He suggested that if the County Commissioners pass this ordinance, then they will help to create a kinder and gentler world, a world that is more just, more peaceful and more loving. He said that chaining dogs for long periods is a form of abuse and should be stopped. He suggested that humans should not exploit animals for any reason.

Joseph Clees is a representative of the N.C. Sporting Dogs. He represents 12 different counties. He said that this is a very controversial issue. He said that he has watched Chair Jacobs, and he has talked with sensitivity and compassion. He complimented Chair Jacobs on this. He said that he can see some fundamental flaws that there are segments of the population that feel that they have not had an adequate public process. He said that there are members on both sides of the issue that feel fear and intimidation. He asked the County Commissioners to please not fall into an animal rights agenda. He said that it is the responsibility of humans to protect these animals and take care of them. He encourages the County Commissioners to have at least 3-4 public hearings.

Suzanne Roy lives in Hillsborough and was on the Tethering Committee. She said that the committee held two public hearings and invited members who are opposed to this ordinance to come onto the committee, and she does not know of any applications. She thinks that the committee has listened. She does not think that there is any question that tethering dogs is inhumane. She read a quote from the Dog Whisperer, "Chaining is a very dangerous and cruel practice. The more tightly a dog is chained, the more pent up energy he will have. The more pent up energy, the more aggression. A frustrated dog on a chain becomes a weapon and is nearly three times more likely to attack or bite a person than a dog that is simply loose in the yard." She believes that this ordinance has broad community support.

Chad Resnick said that one of the people that spoke said that dogs on chains have a tendency to bite people. His response to that is to teach children not to go near dogs that they do not know. His dog has a 45-foot lunge line with a 12-foot lead on it and has a heated and air-conditioned dog house. He said that it would be infeasible for his dog to be in a 12x12 fence and restrict his movement that much, which is one of the recommendations.

Tim Frazier is an officer of the Eno River Coon Club, but he is speaking for himself. He said that he was told at the other public meetings that sporting dogs would be exempt from the ordinance. He said that no one told him how to get on these committees. He said that the sporting dog owners feel that they are being singled out. He said that he has a dog that will dig out or climb out of a fence. He said that he did not find anything out about this meeting until Saturday. He asked the County Commissioners to really think about this before passing it.

Ellen Whitaker is with the Coalition to Unchain Dogs and she said that they build fences that dogs cannot dig out of. She said that it is possible to keep a dog that digs in a fence. She said that when the coalition is able to provide a fence, then the owner can see that the dog now has a personality because it can run around and not be chained.

Diane Genteel said that she raises and shows rat terriers, and she does not tether her dogs. She said that the problem is not the tethering, but the implementation of tethering. She said that proper tethering socializes, cares for, and exercises animals very well. She asked the County Commissioners to please consider tethering from a different point of view.

Nancy Carson Eickert lives in Orange County and has participated with the Coalition to Unchain Dogs. She affirmed everything that the representatives of the

coalition said. She does not think that most people realize the conditions under which they find some of these animals. She thinks that education about proper tethering would help the situation.

Josh Chapman is 15 years old and was born and raised in Orange County. He has had dogs all of his life, and said that just because a dog is on a chain does not mean that it will be depressed. He said that his chained dogs run around and play and are happy. He said that he had a dog that was in a pen and was not gaining weight and barked all the time, and when the dog was put on a chain, it gained weight and stopped barking. He asked the County Commissioners to please oppose the ordinance.

Commissioner Nelson said that he would like to absorb all of this and take time to reflect and wait to make a decision.

Commissioner Carey agreed.

Chair Jacobs said that it would probably be on the June 3<sup>rd</sup> agenda. The public asked for proper notice.

Chair Jacobs said that if the Board does not vote on it now, it will be scheduled for June 3<sup>rd</sup>.

A motion was made by Commissioner Nelson, seconded by Commissioner Foushee to defer this item to June 3<sup>rd</sup> on the regular agenda.

VOTE: UNANIMOUS

# EXCERPT FROM JUNE 3<sup>rd</sup> BOCC MEETING

APPROVED 9/16/2008

EXCERPT From MINUTES  
ORANGE COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
June 3, 2008  
7:30 p.m.

**6. Regular Agenda**

**a. Proposed Animal Ordinance Amendment on the Tethering of Dogs**

The Board considered adopting a proposed ordinance amendment to the Orange County Animal Ordinance restricting the tethering of dogs.

Animal Services Director Bob Marotto introduced Chair of the Animal Services Advisory Board, Dr. Ross Oglesby. He said that the proposal before the Board is the result of a tremendous amount of work by the Tethering Committee and the ASAB over a very long period of time. The committee and the ASAB had discussions with experts from other jurisdictions in North Carolina. Public input sessions also played a role in the recommendations. He said that there was a concerted effort to reach a balance between some opposing views in the community. He said that the original review and discussion referenced exceptions for escape artist dogs and for hunting dogs. The draft includes exceptions for these animals, but ultimately, the Tethering Committee and the ASAB opted to not include those exceptions for three reasons:

- 1) concerns about the legal issues that might arise by creating exceptions;
- 2) impact that exceptions might have on the ease of enforcement; and
- 3) the issue of fairness.

Dr. Ross Oglesbee read her prepared statement:

As human beings we have free will, self-determination, and the power to control our environment and the environment of all things on this planet. Along with the privilege of being the dominant species, comes a responsibility to respect, not only each other, but all other living things that are on this planet with us and to use our domination responsibly and compassionately. Perhaps we should treat other species of animals as we would wish them to treat us, were they in our dominant position. Dogs are conscious beings. They feel cold, heat, pain, fear, pleasure, and affection. The overwhelming information about this issue is that the quality of life for dogs, and their well-meaning humans, would be improved if tethering was limited or eliminated entirely. You have heard and read a lot about this issue. The Tethering Task Force, which is composed of diverse and knowledgeable individuals from this county, at your behest, have already spent a lot of time, effort, and research into this issue. The Task Force and Animal Services Advisory Board have provided you with their consensus on this matter; they have imparted their knowledge about this issue to you. Knowledge is power. You now have the knowledge to do the right thing with respect to this issue. You know what the right thing is and you have the power to do the right thing. Gandhi said: The greatness of a nation and its moral progress can be judged by the way its animals are treated. I will paraphrase that to say that the greatness of this county and its moral progress can be judged by the way its animals are treated. Hippocrates said: I expect to pass through this world but once; any good thing therefore that I can do, or any kindness that I

can show to any fellow creature, let me do it now; let me not defer or neglect it, for I shall not pass this way again. The soul is in all living creatures, although the body of each is different. And finally, from George Bernard Shaw: The worst sin towards our fellow creatures is not to hate them, but to be indifferent to them, that is the essence of inhumanity.

Please don't be indifferent to the quality of a dog's life; don't be indifferent to the information you have received; act on the knowledge you have. The Tethering Committee did what it was charged to do and drafted a sound, reasonable, and fair proposal. Now, with the power you have, do the right thing; vote tonight to approve the tethering amendment. Thank you.

Commissioner Carey commended the ASAB and the Tethering Committee on their hard work on this emotional issue. He said that the Board of County Commissioners has not had a chance to discuss this item as a Board yet. He said that the public all wants the same thing – humane treatment of animals. He does have concerns about the size of the pen that is proposed in this ordinance and he wants to discuss this. He said that the Board needs to talk about a three-hour limit of tethering and he is not ready to make a decision on this item tonight.

Commissioner Nelson said that the last public comment session was about an hour long and there are 60 + signed up to speak tonight. He said that when this is brought back, it will be for Board of County Commissioners' discussion only. The Board needs to be able to discuss this.

Commissioner Carey said that the Board may ask staff to bring back further information and it may want to refer this back to the Tethering Committee or ASAB for consideration, if need be.

Commissioner Foushee said that there are questions that the Board of County Commissioners needs an opportunity to raise, but she does not want to bring this up until the public has had their say. She has questions about enforcement.

Chair Jacobs made a few suggestions. He said that it is not a competition to see who gets the most speakers or who has the loudest applause. He said that he sees a number of people signed up to speak who spoke last time, and he asked that they not speak again, in courtesy to others who have not spoken yet. He said that the Board does listen, and the same things do not need to be said again. There was a citizen in opposition to what Chair Jacobs said.

Chair Jacobs also asked that anyone that comes to speak please remove their hats.

#### **PUBLIC COMMENT:**

Dennis Carden is from Caldwell in Orange County and is a charter member of the Quail Farm Beagle Club. This club has 50 kennels built to USDA standards, and they oppose this tethering ordinance and the pen laws that are included in it. He said that he is an AKC licensed judge and he travels all over judging beagles. He feels that this ordinance invades their rights as hunters and dog owners. He said that these dog owners have had a lifetime commitment and he feels like they are not even being considered. He thinks that it is all about what the Tethering Committee thinks. He said that USDA already has a standard size pen. He asked what is big enough. He said that he takes very good care of his dogs and keeps his pens and feeding bowls clean. He said that he was proud to be an Orange County citizen until recently.

Charles Best is a lifetime resident of Orange County. He owns 300 acres of land and said that he works hard to keep it. His father taught him how to hunt as a child, to respect a gun, and how to treat a dog. He said that in the 30's, it was good to have

rabbit or squirrel on the table. He said that he feels like he was losing his right to teach his children about having dogs. He has small dogs now. He does not see how smaller dogs need the same size pen as larger dogs. He does not think that more laws are needed, because there are laws now for people that mistreat dogs. He challenged the Board to come out to NC 54 and the Quail Farm Beagle Club. He said that revenues come in to the County through the field trials that the beagle club coordinates. He said that he has had dogs all of his life and he loves his dogs. He thinks that he is being penalized.

David Aman said that he is speaking in favor of the tethering ordinance amendment. He said that passage of this amendment would give the Animal Protection officials an additional tool with which to come to the aid of a distressed and neglected dog that has been chained for an inordinately long period of time. He said that this ordinance amendment is based on a genuine expressed interest driven by citizens who live within the boundaries of this County. To his knowledge, there is no ordinance amendment supporter who receives money from anyone within or outside of the County to professionally organize or lobby for the passage of this type of local issue. He said that this process has been going on for one year, and this is the fourth public hearing.

Robin Harrison said that she has been a resident for 20 years. She said that her dog is tethered now, and she would be breaking this ordinance by just attending this meeting. She said that if she left her dogs loose, they would dig under, climb over, or high jump her fence. She said that this amendment does not make sense and she is opposed to it.

Elaine Modlin read a prepared letter to the County Commissioners. She is an Animal Control Officer from Laurinburg, NC.

“Dear Commissioners:

The City of Laurinburg passed its first tethering ordinance in November, 1997 with an effective date of December 1998. The first ordinance allowed dog owners to tether their dogs for up to 8 hours within a 24-hour period. This proved to be too time-consuming to enforce, so in 2000 we amended the ordinance to one hour within a 24-hour period.

We passed our tethering ordinance for two main reasons (1) the safety of our citizens and (2) for the humane treatment of animals. On the issue of safety, our records indicated that fifty-one percent of our dog bites were from dogs that were confined on chains or had been chained and had broken loose. This is compared to only 19 percent of bites from dogs that were confined in a fence. On the issue of inhumane treatment of animals, we were constantly receiving calls in reference to chained dogs. They were usually tangled up and unable to get to shelter or water. Many of these cases had been like this for long periods of time. Attempts to correct or eliminate these situations were futile and time-consuming.

Passing this ordinance has definitely improved our records for protecting our citizens from dangerous dogs. It has helped eliminate residences with multiple dogs chained out, reducing such complaints as nuisance barking and odor. Our cruelty cases are significantly reduced as well as our dog bites from chained or loose dogs and complaints about dogs running loose. We have also seen a dramatic reduction in litters of puppies, partly because of the tethering ordinance, but also because of the state spay/neuter law.

Although enforcing this ordinance had brought on extra work and time in the beginning, after almost 10 years our impoundments have been reduced by half. And most of these are strays, not owned by our citizens. It has been very rewarding seeing the addition of fenced in backyards and the dogs happily running around. Owners have

commented to me that their dogs seem happier and easier to take care of. I hope that Orange County decides to pass a tethering ordinance, you will be making the lives of your residents safer and improving on the lives of many deserving dogs.”

Pat Sanford spoke at the last meeting and said that she is a member of the ASAB and she supports this amendment. All of the members of the ASAB are from Orange County.

Sandi Coy is the Chairperson of Responsible Dog Owners of the Eastern States. She is also the new CEO of the United Responsible Dog Owners International. She is from Kentucky and was asked by residents of Orange County to come and speak. She said that she came tonight to try and set a few myths to bed. She said that laws of this sort are very difficult to enforce and they tend to give another law on the books that people are not going to follow. It is almost impossible to enforce, especially if there is a short limit for tethering. She said that a lot of the groups that try and start the anti-tethering movement have usually quoted a study done by the CDC, which was done in 1994 and is called, “Which Dogs Bites, a Case-Controlled Study of Risk Factors.” This study was done on dogs that were taken in by Denver Metro Animal Services in 1991, so the study is already 17 years old. She said that the information is probably not still pertinent. Also, there were lots of exclusions in the study. The study started out with 991 dogs, and by the time the exclusions were done, the number was down to 357 dogs. She said that there are many flaws in this study. After this study was done, with all of the flaws, and the authors even said that the study was flawed, the Animal Rights Movement still uses it. She quoted something from the study: “One hundred and sixteen were aggressive when they were approached in their fence. Only 64 of the tethered dogs were aggressive. Our results, however, showed no significant difference in the behavior of dogs chained and those not chained, suggesting that chaining was not likely to have been the result of aggressive behavior.”

Deanna Rowan is a resident of Orange County. She supports this ordinance amendment. She said that this is not an animal rights agenda issue; it is a humane treatment of dogs’ issues. She said that no one wants to take away anyone’s right to have dogs and to hunt. The concern is how the dogs are being kept. She said that the first part of her life was spent in Georgia and Alabama where hunting is a way of life, and she had a lot of close friends that had hunting dogs, and none of them were chained or tethered. She said that this is not about the hunters, but about the hundreds of dogs in Orange County that are chained 24/7, exposed to elements, rarely contacted by their owners, and are subjected to abuse and neglect.

Kitty Lynn said that she has rescued hundreds of dogs. She said that chained dogs often become aggressive and territorial for a lack of love and nutrition. They will attack children who enter their territory. She read the names of some children that have been killed or injured by dogs all over the United States. She said that more and more communities are passing laws that regulate the practice of tethering animals, and Orange County will not be the first. She read the names of some cities that have done this. She spoke in favor of the ordinance amendment.

Phillip Pennell said that his feelings run deep on this issue. He said that, from the list of children read by Ms. Lynn, there were only a few that were killed by tethered dogs. He said that Person County has a dangerous breed law that Orange County needs to have to contain these types of dogs. He said that he has searched and not once has a hound ever inflicted wounds, but they were mostly from dangerous breeds. He brought out a chain to show the County Commissioners what the Orange County law is with a ten-foot chain. He said that a ten-foot chain would allow 400 square feet of movement, versus 100 square feet with a ten-foot pen. He read from the summary from

the Tethering Committee: “Of particular concern are dogs that spend their lives tethered as they are naturally active and social, being that required exercise and frequent interaction with humans and other animals.” He said that a ten-foot cage is restricting the dog from exercise. He said that when you take the sociality out of a dog, it makes them mean. He said that he has owned hundreds of dogs, and he has always taken very good care of them. He does not appreciate people coming in and trying to say that chains make bad dogs.

Tommy Frazier said that he has dogs and they are better off on a chain than in a pen. He said that it is cleaner to have a chain than a pen. He said that the citizens pay taxes on dogs and there should not be a law.

George Painter said that he is opposed to this becoming a law and if the ones on the book now were enforced, there would not be a problem. He said that Ms. Modlin was trying to do a good thing in Scotland County, but he pointed out that she said that those that do not agree with the law are those whose dogs are not well taken care of. He said that when the committee was formed, the Board of County Commissioners asked that there be members on both sides of the argument. The one person that was against it was not allowed to be on the committee. He said that he attended the first open meeting for comment, and two people from his group volunteered to fill the vacant position of someone that was in favor of tethering. This was denied. He said that the whole study was done by those who wanted this amendment passed. He said that the Board of County Commissioners needs to restudy this and put some people on the committee that are on the other side of the issue so that it is fair.

Mark Soloman said that he supports this ordinance for several reasons. The first is public safety. Chaining dogs contributes to aggression and constitutes a public safety threat. He said that it has been shown that dogs that are chained are more likely to bite than unchained dogs. The second is the humane issue. Prolonged chaining is harmful to dogs and deprives them of necessary exercise and socialization; it subjects them to dangers of becoming entangled, preventing them from reaching food, shelter, or water and causing injuries such as strangulation, trachea damage from pulling, and the embedding of collars; it makes dogs vulnerable to attack from free-roaming dogs and wildlife. Numerous Orange County veterinarians have endorsed this tethering restriction. The next reason is over-population. Chained dogs contribute to the community’s pet over-population problem. Dogs that are continuously tethered are frequently unsterilized and there is no barrier protecting chained female dogs from unwanted breeders. In fact, every chained female dog that the Coalition to Unchain Dogs has helped locally has had at least one and often multiple litters of puppies. The puppies end up in local shelters and cost taxpayers’ money. Finally, this is an important tool for animal control. Seven North Carolina jurisdictions, including the counties of New Hanover and Scotland, report positive results from anti-tethering ordinances, including a decrease in the number of animal cruelty complaints and dog bite incidences.

Nancy Garson- Anger read a letter on behalf of Jean McNeill, Animal Control Services Manager of New Hanover County. She said that the anti-tethering ordinance is too important an issue to be silenced in an atmosphere of intimidation. She encouraged the County Commissioners to move forward thoughtfully, compassionately, and not fearfully.

“Dear County Commissioners,

I am writing this letter in support of your county passing an anti-tethering ordinance for the protection of your community’s companion animals. New Hanover County has had the privilege of such a law for many years, and our residents enjoy the

safety it affords our pets. Animal cruelty is a serious matter, and we must do all we know to do to keep it from happening in whatever manner we are able.

Many would argue that you should merely enforce the laws that you already have; however, in our experience, you cannot enforce what you do not have. The majority of offenders will not comply with suggestions, so adequate enforceable laws are necessary to cause compliance. Anti-tethering is a step in the right direction to enhance responsible pet ownership. Having a pet entails great responsibility, so we must be proactive in educating owners about the best care they can provide.

We passed the ordinance many years ago, but did not write actual citations until quite some time after the law became effective. We issued warning notices, which gave the dog owner time to make corrections. This is not nearly as effective as simply writing the citation. In our experience, an owner will comply more rapidly, if there are consequences for failure to do so. We have the administrative ability to void a citation, if they correct the problem in a timely manner. Again, this would not be possible if no law was on the books to enforce. Our residents have responded favorably to having a means of preventing animal cruelty in at least one form.

Prior to passing the ordinance, we saw many cases of dogs being left on short leads or ropes for many hours – or permanently – at the household. Many individuals lost their pets due to strangulation, heat stroke, and in some severe cases – the owner’s intentional animal abuse of starvation. We had no means of preventing this abuse until the law was enforceable.

The ordinance was challenged in April 2007. We had a group of Pit Bull owners, who desired to tether their dogs with heavy chains connected to tire axles. Fortunately, our advisory committee, board of health, and County Commissioners saw through these individuals and upheld the law. We are grateful. We are also in high hopes that you will also act as responsibly for your community pets as we have in New Hanover County. The majority of your residents are counting on you to do the right thing, despite the very vocal minority that opposes the law.

Please feel free to contact me about this important issue. I look forward to hearing back from you with a good report. I can be reached at 910-798-7505 or [jmcneil@nhcgov.com](mailto:jmcneil@nhcgov.com).

Sincerely,  
Jean P. McNeil  
New Hanover County  
Animal Control Services Manager”

Amanda Stipe is a Chapel Hill native, a former Animal Control Officer within the area, and a dog trainer. She believes that enforcement is an option. She said that a one size fits all approach will not work to confine animals, protect them, and protect the public. She said that governments and organizations should continue to work together to educate the public to the responsibilities of dog ownership. She said that the proposal for anti-tethering is too restrictive and each dog must be considered individually. She read an excerpt from the book, “The Love of a Dog,” by Patricia McConnell, where a visiting young friend did not survive a dog attack. “The two girls were alone in the house, except for a total of six large dogs. An adult male, an adult female, and four adolescents. None of the dogs had been spayed or neutered. All were underweight and in poor condition. None of the dogs had received any training, nor had they been outside the house beyond being tied up to a chain in the yard. Neighbors reported several incidents in which the dogs had been screamed at, struck, and kicked. Social services reported that most of the surfaces in the home, including the beds, were

covered with the dogs' urine and feces." She said that this shows the people problem that we have. She said that a tethering law would not have helped in this circumstance and might have been the reason the dogs were confined indoors with unsupervised juveniles. Training people on animal behavior is key to responsible dog welfare and ownership. Educating people on the benefits of spaying and neutering is also important. She said that regulations or laws should not be so restrictive that they hinder options to dog owners who are willing to do the right thing for themselves, the public, and their pets. Animal Control may have a more difficult time in locating animal abusers as they move indoors, no longer under plain sight. She asked the County Commissioners to consider not enacting this proposal in its current state, but to provide Animal Control and law enforcement additional monies to enforce current laws.

Lamar Chapman said that he spoke at the last meeting, but he said that he was here to speak on behalf of some people that could not attend. He said that at the last meeting people were saying that dogs had feelings and were emotional, etc. He said that all dogs may not like chains, just like some people like coffee or tea. He said that some dogs will run off if left out, but his dog will run around and then come home. He said that this is not mistreatment. He read from something: "We are our own town; we don't care how other counties are run. If they said, 'jump in front of a bus,' would you do it? Everything they have presented us with is from another county. It is not from Orange County. We are our own county." He said that the committee should have talked to the people in the community and not people from other counties. He said that most of the people that are for the anti-tethering ordinance were not even raised in Orange County. He said that if this ordinance is passed, his dogs will go to another residence in another county.

Eliana Beattie does not live in Orange County, but she works at the animal shelter. She read a letter signed by nine local veterinarians:

"To the Board of County Commissioners:

We, the undersigned veterinarians who practice in and around Orange County urge the Board of County Commissioners to vote in favor of the Animal Control Ordinance amendment to restrict the practice of tethering dogs and establish minimum kennel sizes for dogs.

We agree with the Tethering Committee's findings that:

- Prolonged tethering deprives dogs of necessary exercise and socialization;
- Tethered dogs can and do contribute to various community nuisance issues such as barking and pet overpopulation;
- Tethered dogs can and do pose a risk to public safety and health because they may become aggressive and they are not confined behind a barrier.

In addition, as veterinarians, we believe that chained dogs are subjected to a variety of dangers, including trachea damage from pulling on the chain; embedded collars; and injuries sustained in attacks from free-roaming dogs.

There are many alternatives to chaining available, including adequately-sized pens, fences, and simply keeping dogs inside and walking them several times a day.

By voting in favor of this amendment, the BOCC will be taking a positive step toward protecting the public and improving the treatment of dogs in our community. We urge you to do so without delay.

Sincerely,

Soren Windram, DVM, New Hope Animal Hospital

Kay Bishop, DVM, New Hope Animal Hospital  
Ken Redmond, Vine Veterinary Hospital  
Kathy Crabtree, DVM, Carver Street Veterinary Hospital  
Pat Pagel, DVM, Cole Park Veterinary Hospital  
Michelle Droke, DVM, Cole Park Veterinary Hospital  
Deborah Stein, DVM, Cole Park Veterinary Hospital  
Megan Harris, DVM, Cole Park Veterinary Hospital  
Marjorie Lindeke, DVM, St. Francis Veterinary Hospital”

Timmy Frazier said that he has tried to make all of these meetings and has tried to talk to people in the community, especially those in the northern part of the County. He said that he is a responsible dog owner, and he believes that tethering is okay if the owner takes care of his/her dogs and tethers in a humane way. He thinks that the problem in Orange County is the dog breed. He said that when the County Commissioners force something like this amendment down their throats, it makes the citizens mad.

Susan Kelly is against the tethering amendment. She agreed with Commissioner Carey and they all want to do the right thing for the animals. For some, she thinks that it could be tethering.

Stillman Wright was born and raised in Chapel Hill. He said that he has tethered champion dogs and his dogs are not mistreated. He showed pictures of his dogs. His dogs are kept on ten-foot chains, which give them 365 square feet. He said that he is a responsible dog owner. He also showed a picture of an American Pit Bull Terrier that got out of a fence.

Josh Chapman was born and raised in Orange County. He read from an article from the News and Observer. “Barbara Sherman, a Clinical Associate Professor at N. C. State University College of Veterinary Medicine, said ‘method of animal confinement should not be blamed for neglect. You can abuse those same dogs by putting them in tiny pens. We really need to examine the welfare of each dog.’” He asked those that live in Orange County and that have dogs that live on chains to raise their hands. He said that most people who raised their hands are from Orange County. He said that most of the people that are pushing this are from Chapel Hill and are not going to be affected by this. He said that he has dogs on chains at his house, and they will not stay in pens.

Frank Tilley is opposed to the tethering ordinance. He said that there are surveys that say that dogs on chains become aggressive. He has seen plenty of aggressive dogs in pens. He has trained dogs for 12 years and you can make any dog aggressive and it is not just because it is on a chain. A dog can be happy on a chain just as much as he is in a pen.

Suzanne Roy was a member of the Tethering Committee and the ASAB. She would like to answer any of their questions rather than referring it back to the Tethering Committee. She said that neglected dogs can be anywhere, but there are special circumstances that make tethering an issue that should be a policy decision – lack of a barrier, protecting the people from the dog, etc. She said that it is a situation similar to having an uncovered or unfenced pool. It is both a lure and a danger to children. She said that 175 children in the last four years have been killed or injured by chained dogs. She made reference to the people that would have to make changes if this ordinance is passed, and she said that these were people that the Tethering Committee had in mind when it recommended the 18-month phasing period. Regarding the hunting committee, there are very strongly held beliefs against government regulation related to animal

welfare. She respects those beliefs, but she does not agree with them. She said that they believe that animals are property and they each should have a right to do what they want with their animals. She said that animals are not property, and there is a public interest in protecting them. She said that some other opponents here are out-of-county paid lobbyists and Pit Bull breeders. She said that Sandi Coy, who spoke earlier, is a Pit Bull breeder and has animal cruelty charges pending against her in Kentucky. Another person is Andrea Press, who is also a Pit Bull breeder, who sells dogs with known dog fighting blood lines. Ms. Press led the unsuccessful effort to overturn the New Hanover County law, and she moved from that county after she was cited for illegally tethering dogs. She said that animal cruelty is a serious issue, and as a community, they should take a stand against it. Orange County needs this law, and she hopes that the County Commissioners will pass it.

Arielle Schechter has been in Orange County since the early 1960's and she fully supports the anti-tethering ordinance. She said that it is overdue.

Kris Bergstrand spoke on behalf of Jean Alston, who is a member of the Tethering Committee and is in support of the ordinance amendment.

Elise Roosevelt lives in Hillsborough. She has been in Orange County for eight years and she is a lifelong animal owner of dogs and cats. She strongly supports the anti-tethering ordinance because what she has personally seen and what she has read. She said that it is important to remember that this is about both public safety and humane treatment of animals. She referred to the USDA ruling prohibiting tethering as a method of primary enclosure. She said that this is about 24/7 enclosure and not 2-3 hours. She said that cruelty comes in many forms, and this is only one tool. She said that this is about the welfare of animals and the safety of the community and not about people's professions and financial welfare.

Lori Hensley is opposed to chaining dogs.

Robert Hensley said that he is a volunteer with the Coalition to Unchain Dogs. In the past year, they have built 50 fences in Orange, Durham, and Wake Counties and have removed approximately 85 dogs from chains. He showed some pictures. He said that one thing that disturbs him is that Ms. Coy was charged with cruelty to animals. He read something from his PDA, including that one dead dog still on a chain was found on her property. He also acknowledged that Andrea Press was involved in breeding dog fighters, as mentioned above. Sitting next to Ms. Press is another paid lobbyist, Mr. McClees, from the North Carolina Sporting Dogs Association. He spoke in support of the anti-tethering ordinance.

Mickey Oliver has lived in Orange County for over 46 years. He said that this is a touchy situation here and the Board of County Commissioners appreciates the work of the Tethering Committee, and he asked that the Board please appreciate his commitment to his dogs for over 50 years. He said that a law is out there now – the leash law – that is not being enforced now.

Brian F. Fee read a prepared handout:

“Dear Sirs:

My name is Brian Fee and I live in Chapel Hill with my wife and three children. After many years of renting homes and apartments, we bought a home in Chapel Hill – one with a big yard for plants and animals. Last summer we were told about three puppies that were dropped off and abandoned at a minister's house. We adopted the puppy, which is part Labrador, part German Shepard.....but mostly mutt. Her name is Lily and the kids painted rainbows and lilies on her doghouse that I built. The agreement with my wife was that the dog would remain outside during the day on a line (a cable-trolley system) but remain inside in the evening and in a crate at night. Everything was working out fine.....even as she has grown to 60 lbs...until I saw Dave Hart's editorial in

the Chapel Hill News that brought up the tethering issue again. I was astonished that the issue of tethering was still being debated.

Mr. Hart wrote that basically there were two distinct camps of thought – the anti-tethering group that says that tethering can cause physical or psychological damage to a dog, and a pro-tethering group, composed mainly of hunters and dog breeders who say that tethering is humane and that neglect by people is the real problem. It seemed like one major group – I would think they can be best called the silent majority – are families who have one or two dogs that are humanely tethered and are played with in their backyards. I was concerned enough that this group was not being represented that I stand here tonight.

I read about how restrictions on tethering in other jurisdictions decreased dog bites, reduced unwanted litters, and reduced cruelty due to improper tethering. Well, our dog lives in our backyard, so even if she did have a mind to bit someone, which she hasn't had a mind to yet, the person would have to be in our backyard. She has been spayed, so puppies are not an issue. With regards to cruelty, Lily is a member of our family. Her tether has been installed properly and she always has food, water, shade, and room to run and dig. On this note, let's do some math.

She is on a trolley line 60 feet long and she can go 19 feet each way from the center of the line. How many square feet can Lily play?

The answer is 2280 square feet. Our house is only around 1500 square feet! This seems more humane than 100-200 square feet in a kennel or a 10-square foot crate. Attached to my talk is a picture of Lily's domain, where she can run, dig, and play – either with us or by herself – sleep....whatever she wants to do. By the way, we certainly interact with her much more on a line than we would with her stuck in a kennel.

I believe the main issue is not how a dog is confined, but how well a pet owner takes care and interacts with an animal. Key words – pet owner responsibility. I'm all for it. I once found a dog....in a side yard....on a chain....with a collar that had grown into the dog's neck. I knocked on the owner's door, and they said that there wasn't a problem and that they were applying some sort of lotion to the neck....and then to get lost....or something like that. I called animal control ASAP and the dog was removed. The chain was not the problem – neglect was. I strongly support the laws against animal cruelty.

This whole issue reminds me of gun control – some are adamantly against all guns and others start quoting the 2<sup>nd</sup> Amendment to have as many guns as they want. Neither side promotes gun-owner responsibility to solve the problem.

Bottom line – our dog Lily is one of the vast majorities of dogs that are humanely tethered and cared for. I resent the fact that this proposed bill assumes that we are not taking care of our dog. I take responsibility for her care and safety. If any of you Commissioners wish to come over and visit Lily, just let me know.”

S. Henri McClees said that she is the proud lobbyist of the North Carolina Sporting Dog Association. She said that her clients are great guys and they love their dogs. She said that the issue is really will the County Commissioners forbid her clients to own their dogs and to care for them as they see fit. Based on this issue, she asked the County Commissioners to reject this ordinance. She said that this proposal demands that all dog owners comply with the demands of the small majority. This would pit the citizens against each other in a needless battle that sets the stage for constant conflict. She said that this is about the rights of the people. She said that the citizens have the right to be protected from any tyranny that would be imposed upon them by a small majority. She said that “the few” want to order all citizens to comply essentially with their philosophy and they do not distinguish between animals that are abused or not

abused. She said that the abuse does not come from the type of confinement, but comes from the person.

Allan Green represents a group that does not own pet dogs or hunting dogs, but own working dogs. He is a small farmer that lives in the Orange Grove community. He has a number of Border Collies. He does not have a problem with the intent of having humane treatment of dogs and he would prefer not to have to tether a dog. He said that there are times when he has to tether a dog on a 30-foot chain, particularly when a female dog comes along and his dog can get out of his pen. He said that this is an instance where the tethering law does not deal with realities of life. He asked why the exceptions were not allowed. He said that it seems that the committee was loaded with members who think tethering is bad. He is opposed to the anti-tethering law.

Brian Lane is from Chapel Hill and he is not a dog owner. He said that he has come here out of civic duty and what he sees as an encroachment on individual freedom in Orange County. He said that he believes in the citizens of Orange County, and the Board of County Commissioners does not need to rule them with an iron fist. He is proud of these hunters and how they treat their dogs. He thinks that a pressing case would need to be made that is extensive proof of abuse before this ordinance is amended. He thinks that this is not happening here. He said that if this ordinance is passed on such weak evidence, he would like to know where the Board will stop.

Walt Von Shernz is a resident of Durham County and he has lived in Orange County before. He grew up in another state where there were a lot of hunters that chained their dogs all the time. He said that from his own experience, he has seen what chaining of dogs can do. He firmly believes that keeping dogs on a chain will increase the propensity for the dog to develop anti-social behavior. He does not think that feeding and watering a dog fulfills all of the needs of a dog. A dog needs to be unencumbered.

Andrea Press said that she was at the last meeting, and she would like to bring both sides together. She said that the simple solution, instead of turning one half of the room into criminals, would be to put the two groups together. She said that people can be educated on proper ownership, continue building fences, if dogs are bad off on chains. It is all about education. She said that education is not regulation. She said that these people are here because they love their animals and they do not want to get rid of them. She asked if the County Commissioners were prepared to take on the liability for what happens when the dogs that are put in pens escape the pens. She said that the bottom line is that the most dangerous dog is a dog at-large. On a personal level, she said that she does raise American Pit Bull Terriers. The reason that she is not a paid lobbyist is because New Hanover County ruined her existence with an anti-tether law. She had dogs behind her fence tied up while she was at home and she received written citations. She had four weeks to find a place to move and her daughter lost her spot in private school.

Frances Jones is a lifetime citizen of Orange County. She said that she has never seen the Chair disrespect citizens as he has tonight. She applauded the hunters for standing up for their rights. The hunters have a right to do what they are doing. She said that dogs in Chapel Hill are treated better than Fairview Community citizens because they have parks with trails. Fairview has been begging for a park for the last 30 years. She said that they are going to do what they have to do to get that park. She said that most of the money in the County goes to Chapel Hill. This is why people feel divided. The Fairview citizens feel that the County thinks more of the dogs in Chapel Hill than it does the citizens. She said that the County Commissioners need to do what they were voted in to do.

Bobby Kirk said that he has several good ideas, and the big one is education. He said that there are only six ordinances nationwide that dictate kennel size. He said

that he trains over 60 dogs a year, and he travels the nation in field trials. He has a dog coming in tomorrow that is 75 pounds and is a biter. The first thing he will do with this dog is put him on a tether. He said that his dogs are happy on tethers. He agrees that everything has to be done right. He said that every dog is different and tethering is a great thing for a dog. He urged the County Commissioners to vote against this. He said that it would solve no problems and there is no way that it could be enforced.

Loren Hart said that he is in support of the dog ordinance. He said that dogs and other animals are individual beings, can feel pleasure, pain, fear, and loneliness. For these reasons, he believes that tethering dogs for prolonged periods is a form of abuse that should be stopped. It is a different kind of abuse than kicking a dog, but it is a form of neglect. He thinks that the current ordinance should be amended to mandate a higher level of care owed to the dogs by their human guardians. He said that he is a resident of Orange County and he works at UNC. He made reference to his uncle who died recently, and said that, in addition to being a veteran of the U. S. Navy, he was also an avid duck hunter, a charter member of the Migratory Waterfowl Hunters and Ducks Unlimited. He remembers fondly fishing with his uncle, but he never hunted with him. He said that he used to eat fish, deer, and other animals, but he does not anymore because he thinks that it is wrong to do so. He still respects his uncle and everyone in this room, but he disagrees with animal exploitation. For the past five years he has chosen a vegetarian diet because of the interests of animals. He thinks that this mindset would be helpful in looking at this ordinance. He made reference to the comments about tyranny and said that we all have rights and we all want to be free, but there is not unlimited freedom. The freedom ends somewhere. He said that animals have interests and it is not just about humans.

Kevin Young is a dog owner and breeder and he asked the Board of County Commissioners to use common sense. He asked the County Commissioners to look at the safety issue. He asked where the supervision was of the children who were killed by dogs. He made reference to the breeding that happens and said that the leash laws need to be enforced. Regarding cleanliness, when it rains with a dog in a pen, it causes a multitude of problems. He said that this is not seen with a dog on a tether. He suggested using a body harness to tether a dog so that there would not be embedding of collars. If the dogs were taken care of, then there would not be a problem of embedded collars. He said that education is very important.

Diane Genteel said that she spoke before. She said that the issues of aggression, socialization, pet overpopulation, etc. will not be remedied by this law and it is a question of education. Tethering is not the culprit; it's the inappropriate use of tethering. She said that a dog on a ten-foot chain has more liberty than it would have in a ten-foot pen.

Michael Kirk made reference to one of the committee members who is the North Carolina Director of In Defense of Animals, and said that he is afraid of what will be next with the tethering campaign. He is worried that if this gets passed, what will be next – mandatory spay/neuter all dogs, taxes going through the roof, etc. He thinks that this is a slippery slope.

Fred Stipe was born and raised in Orange County and he is the owner of the number one ranked male American Fox Hound in the nation. His dog competes in AKC and USDA-sanctioned agility trials. He is also the owner of one of the greatest obedience trained beagles in the state. He said that this proposed amendment is not the panacea that everyone would like to see. He believes that the County would be far better served by increasing the resources available for Animal Control to more vigorously enforce the existing abuse and neglect statutes. He said that passage of this

amendment would not solve the problem of abuse and neglect, but would create new problems that would further complicate the job of Animal Control.

Ellen Whitaker is a volunteer with the Coalition to Unchain Dogs. She made reference to the comments about this amendment being an infringement on rights and said that it seems like a lot of times in the society, when we move towards justice, always the people that are oppressors feel that their rights are being trampled. This does not mean that it is not right to pass the laws.

Beth Oliver is opposed to the tethering ordinance. She said that she has animals that are tethered during the day, and she lets them run free when she gets home. She said that she tethers the dogs for their protection. She said that she loves and protects her animals.

Chair Jacobs said that the Board of County Commissioners does take this issue seriously and this item will be brought back in September. He said that all will be notified of the next meeting.