

Item.....
Meeting..... 2005 Oct
17



COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2005 October 7
FROM: DIRECTOR FINANCE
SUBJECT: TETHERING AND CHAINING OF DOGS
PURPOSE: To provide recommendations with respect to the advisability and feasibility of prohibiting or limiting the tethering or chaining of dogs.

RECOMMENDATION:

1. **THAT** the Burnaby Animal Control Bylaw be amended to regulate the tethering of dogs as detailed in this report.

REPORT

Under the New Business portion of the Open Council meeting held on 2005 January 17, Council introduced and adopted the motion included as *Attachment 1* relating to the advisability and feasibility of regulation for tethering and chaining dogs. This report provides information in response to this Council directive.

Background

Tethering or chaining refers to the fastening of a dog to a stationary object or stake, usually in the owner's backyard, as a means of keeping the animal under control. These terms do not refer to periods when a dog is walked on a leash. Alternatives to tethering include keeping the dog in a securely enclosed yard, dog run or family house.

The Humane Society of the United States (HSUS) issues detailed information on this subject in a document titled *The Facts About Chaining and Tethering Dogs*, which is included as *Attachment 2*. This information states dogs are naturally social animals that thrive on interaction with humans and other animals and concludes constantly chained or

tethered dogs suffer psychological damage that leads to various disorders including neurosis, malcontent, anxiety and aggression. The resulting behaviour can lead to nuisance barking and aggression or attacks, all of which have negative impacts on the community. Chained or tethered dogs are also subject to direct physical harm from the pressure and wear of the collar on the neck. In addition, the HSUS finds that continuously tethered dogs rarely receive sufficient overall care.

The BCSPCA has also deemed continuous tethering of dogs to be inhumane. The BCSPCA have developed a specific policy on tethering of dogs in 2003. This policy was based on new animal science research that revealed dogs have strong emotional and psychological needs that require regular socialization and interaction. The BCSPCA concluded that prolonged tethering of dogs negatively impacts the quality of life for the animal and its contribution to society. The results of this policy included a new cruelty investigation procedure and increased education and public awareness about the problems associated with tethering or chaining dogs.

A review of tethering problems in Burnaby has been conducted. The SPCA reports a total 30 investigations involving tethering for this year. Shelter staff note that while grievous tethering violations are not common in Burnaby, when they do occur, the implications on the dog's health can be significant. In 2004, a dog was seized from a continuous tether situation and found to be excessively aggressive. A behavioural assessment concluded the dog was not adoptable and was euthanized.

The SPCA responds to reports of tethered dogs with an investigation and, where warranted, enforcement action under the Prevention of Cruelty to Animals Act or the standards of care provisions of the Burnaby Animal Control Bylaw. While enforcement of these regulations are effective in certain situations, they are limited in their effectiveness in dealing with tethering situations where the psychological harm to an animal is less apparent than evidence of physical abuses. It should be noted that investigations of tethered dogs give consideration to occasional, short term tethering that maybe necessary for the handler's convenience or the safety of the dog.

Tethering Regulation

A number of jurisdictions in the United States and Canada have regulated or prohibited tethering through bylaws. These bylaws in the United States range in regulation from complete prohibition of tethering as in Little Rock, Arkansas to tethering for a limited period of time in areas such as Denver, Colorado and St. Paul, Minnesota. Other variances in tethering bylaws include consideration for the type of dog (ex: guard dogs), for animals other than dogs, for tethering in public and tethering under other conditions of care.

Canadian tethering bylaws appear to be less prevalent with few examples to note. The Village of Lions Bay provides one example of regulation where there is no chaining or tethering of unattended dogs. The Canadian Federation of Humane Societies promotes

an anti tethering position in a model bylaw by stating that no animal should be tethered to a fixed object as a primary means of confinement for an extended period of time.

Provincial regulation for animal abuse is held in the Prevention of Cruelty to Animals Act which is enforced by the BCSPCA. This legislation is commonly used for animal abuses relating to direct physical harm and supply of food, water and shelter. The general interpretation of this legislation presents challenges in enforcement of the legislation for abuses relating to tethering.

Federal regulation for animal abuse is held in the Criminal Code of Canada where an offence is committed for wilfully causing, or permitting to be caused, unnecessary pain, suffering or injury to an animal. Psychological and emotional animal distresses associated with tethering are not clearly defined in this law and again present challenges for enforcement.

Recommendation

The practise of regularly and continuously tethering a dog is generally considered to be inhumane. These situations can result in serious consequences for the dog and potentially, the community. To regulate this method of animal control, a bylaw amendment is recommended to allow animals to be tethered unattended for a period of not more than one hour in a day. The proposed amendment would prohibit the regular, continuous tethering of an animal that creates health problems for the animal and negatively impacts the community. This amendment would allow for occasional, temporary tethering necessary for owner convenience and animal safety.

The bylaw definition of tethering would apply to both fixed object fastening and line run fastening. The bylaw would also require that when a temporary tether is used, that it be a length to provide for unrestricted and full movement; be affixed to a properly fitted dog collar; and be used so as not to injure the dog or allow it to be injured. Council authority to regulate animals by bylaw is held in the Community Charter Section 8.(3)(k).

Information on tethering regulations would be included with the 2006 dog licence and made available in a brochure by the BCSPCA. Enforcement of the continuous tethering regulation would range from owner education to seizure of the dog depending on the situation. Owners violating the bylaw would be subject to impound and sheltering fees and possible cruelty charges.

The BCSPCA support this bylaw recommendation and are prepared to include its provisions in their contracted animal control duties.

Rick Earle
DIRECTOR FINANCE

CMC:ae
Attachments

Copied to: City Solicitor
BCSPCA Attn: Mark Takhar, Burnaby/Vancouver Branch Manager

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