



Department Source: Public Health and Human Services

To: City Council

From: City Manager & Staff

Council Meeting Date: February 19, 2018

Re: Report Regarding Animal Tethering Ordinance

Executive Summary

At the request of Council, staff has prepared a report summarizing the city's current animal tethering ordinances and related enforcement challenges.

Discussion

Section 5-6 (a) of the Columbia, Missouri Code of Ordinances defines unlawful acts regarding the confinement of animals. This section states that it shall be unlawful for any person to:

- Tether an animal as the primary method of restraining an animal to any property;
- Tether an animal using a choke collar;
- Tether an animal without using a properly fitted collar or harness made of nylon or leather; or
- Tether an animal without using a tether of appropriate length and weight for free animal movement that includes swivels at both ends.

The ordinance allows Animal Control Officers to remove an animal from a private owner and impound the animal when the health or safety of the animal is in immediate danger or when the animal shows evidence of neglect or abuse. If the owner refuses to relinquish the animal, a warrant can be sought for the removal.

Regarding the first bullet above, successful prosecution requires a witness willing to provide first-person testimony in Municipal Court regarding how long the animal was tethered outside. Neighbors or other people who would have this knowledge are usually unwilling to testify and don't want to cause conflict with their neighbors.

Animal Control Officers have attempted to use dated aerial maps that portray a clear "crop circle" along with dated photos taken at the time of a site visit as evidence that an animal is being tethered as its primary means of restraint. This approach has proven unsuccessful in court.

Animal Control Officers also ask the animal owner to show where the animal is kept when it is not tethered. The responses are generally mixed and might include the person saying that the animal stays in the house or even an outright refusal to answer the question.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

The last three bullets above are not as problematic when it comes to enforcement, because Animal Control Officers are able to visually assess violations of these items during a site visit and issue summonses based on their personal observations.

In 2017, Animal Control Officers issued summonses in two cases for tethering an animal as the primary method of restraint. One of these cases was dismissed by Municipal Court, while the other case is pending a court date.

This section of the Code was last amended on July 5, 2011. The Board of Health, working with staff, proposed the amendments and sought public input. The issue of animal tethering was a topic that was discussed. During the public comment period, the concept of prohibiting unsupervised animal tethering was introduced. The Board of Health felt that prohibiting unsupervised tethering would make enforcement more difficult and felt that the language prohibiting tethering as a "primary" method of restraint, while seemingly vague, afforded officers greater enforcement authority.

As we have seen since 2011, the animal tethering sections of the Code have been difficult to enforce. Staff has met with Melody Whitworth of Unchained Melodies Dog Rescue and discussed possible changes to improve the animal tethering ordinances and increase the ability to enforce them. Ms. Whitworth has raised again that consideration be given to adding language that would prohibit unsupervised animal tethering. This type of change may allow Animal Control Officers to observe whether a tethered animal is being supervised or not during the site visit and would eliminate the barrier of finding a knowledgeable and willing party to testify.

Fiscal Impact

Short-Term Impact: None.
Long-Term Impact: None.

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

[Comprehensive Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
2011	Code Section Amended



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Suggested Council Action

If Council agrees, staff would like to draft legislation for Council consideration after seeking review and input from the Board of Health.