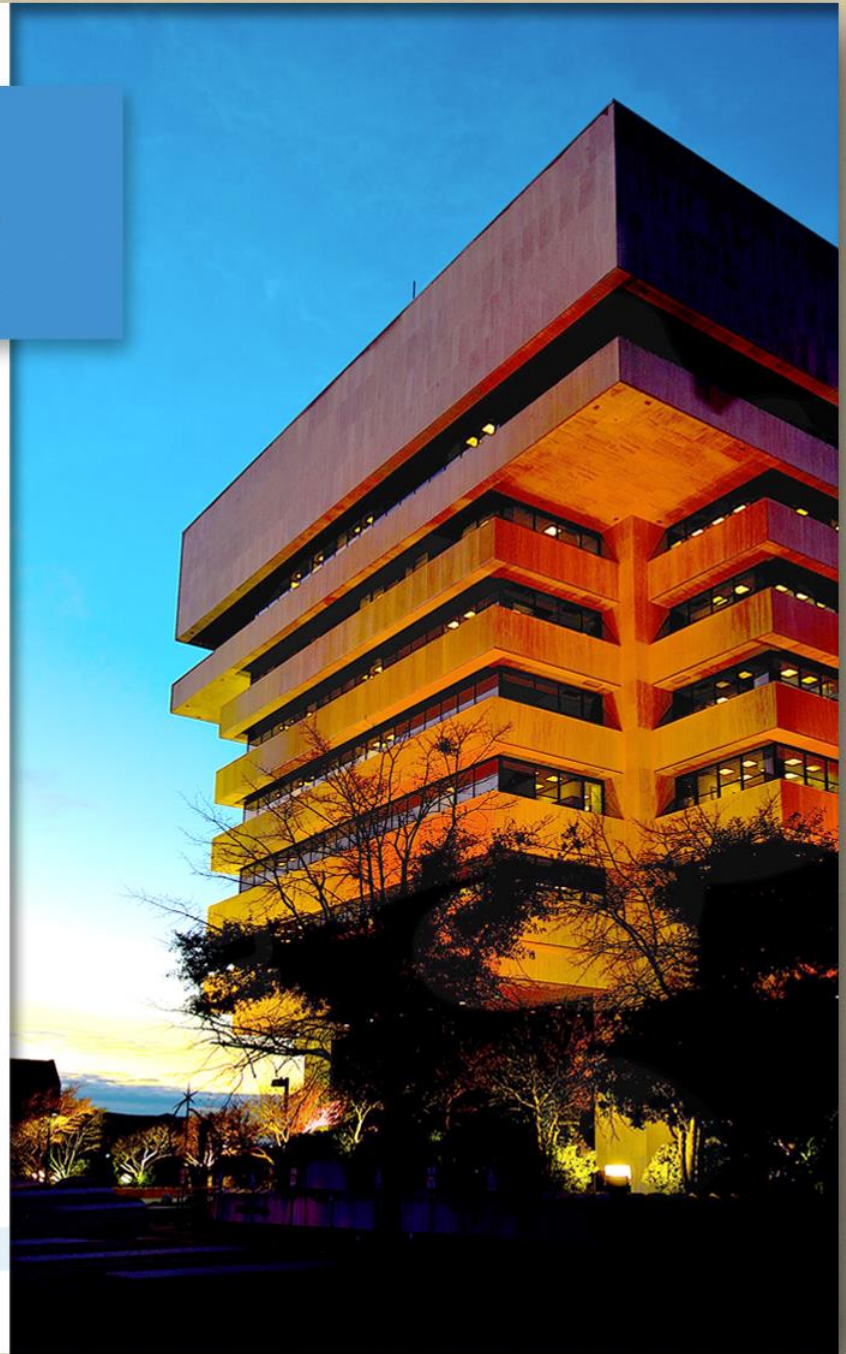


HAMPTON VA

Animal Control Briefing

City Council
June 14, 2017



Background

- The Animal Control Advisory Committee (ACAC) was asked to look at 2 Issues and make recommendations:
 1. Whether council should amend our leash law to make it more strict?
 2. Should there be a strict number of animals that are permitted to live at a residence?

Background Continued

- Along with the Animal Control Advisory Committee's recommendation, City Council requested additional public input
- Additional public input was received and reviewed by the Animal Control Advisory Committee
- Staff also reviewed the issues and will provide staff's recommendations

Today's Presentation

- Today's presentation will cover the following for each of the 2 issues:
 - Council's options
 - Current legal status and legal consequences of options
 - Public Input
 - Animal Control Advisory Committee's and Staff's recommendations

Issue # 1

Should Council Amend the Current Leash Law?

Leash Law Options

- Option 1 – Make no changes to current law (Maintain the Status Quo)
- Option 2 – Enact a leash law with no exceptions
- Option 3 – Enact a leash law with exceptions for trained dogs with permits

Legal

- We will address:
 - Current state of the law
 - Legal consequences of changing the law

Legal Limitations – Leash Law

- **Current law**

- Defines a dog as running at large if off its owner's property and "not under its owner's or custodian's immediate control"
 - No specifications on "immediate control"
 - Does not impose a penalty for a dog appropriately responding to owner's voice commands
- Also has enhanced penalty on owner when their dog attacks a person/animal while at large

Legal Limitations – Leash Law

- **Leash Law**

- Defines a dog as running at large if off its owner's property and "not under its owner's or custodian's immediate control by leash, rope, or chain attached to a commercial pet collar or harness or contained within a pet carrier, crate or enclosed pet stroller"
 - Eliminates option for owner's to control their dog by voice command
 - A violation would occur for any dog off leash or not-enclosed regardless of the behavior of the dog
- Would not impact the enhanced penalty for dog attacking while at large

Legal Limitations – Leash Law

- **Leash law with off-leash permit exception**
 - Would require immediate control by leash or enclosure except for owners/dogs who have completed an acceptable training program
 - May impact enhanced penalty for dog attacking while at large

Legal Limitations – Leash Law

- **Enforcement**


- Current law enforced generally against owners of stray dogs and in cases of dog attacks
- Leash law would also be enforced against owners of stray dogs and in cases of dog attacks
 - May also be enforced against owners whose dogs are behaving appropriately
 - Difficulty in enforcement related to response time

Legal Limitations – Leash Law

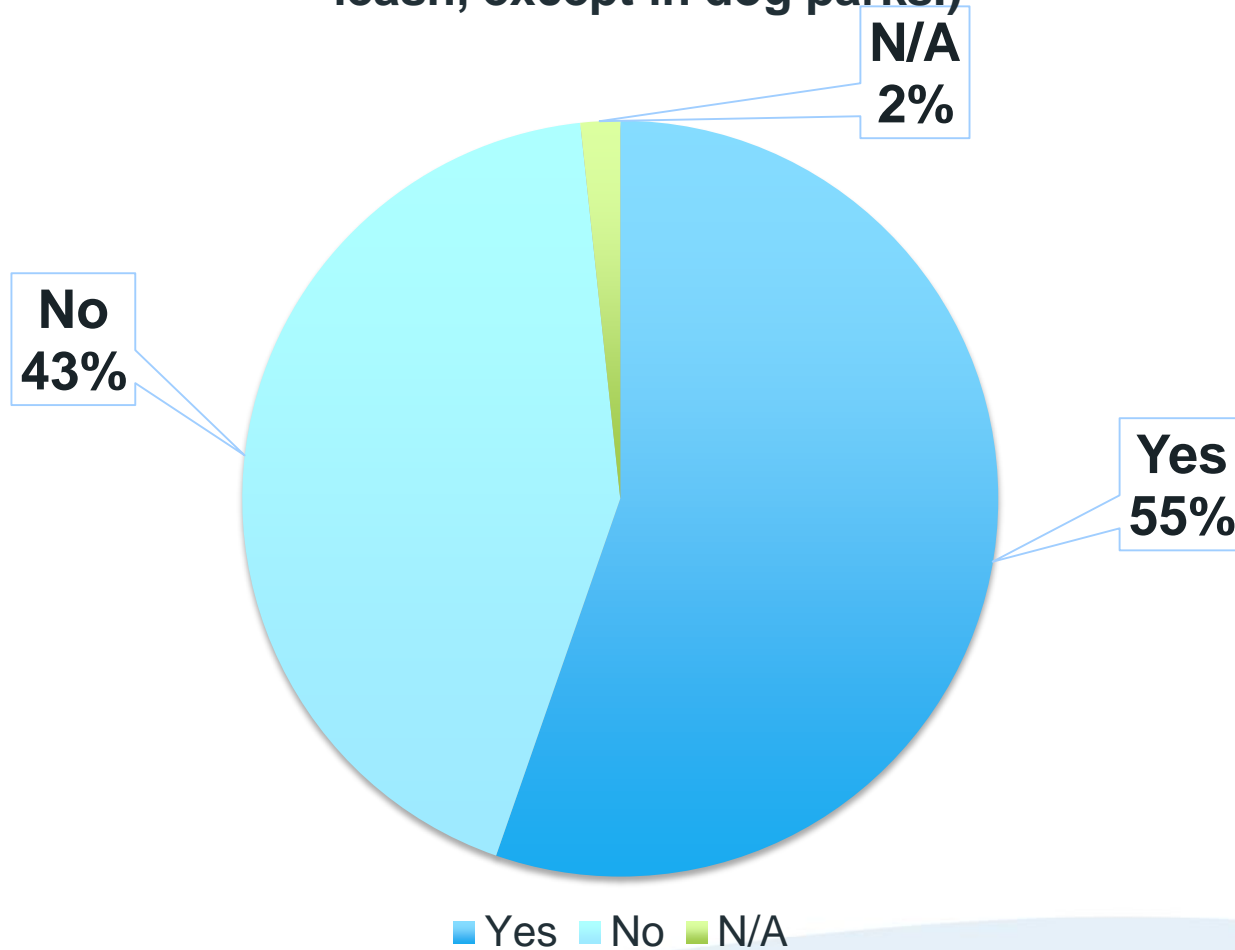
- **Enforcement cont.**

- Leash law with permit exception could be enforced against stray dogs
 - To be enforced in dog attack case, exception would have to be narrowly drawn to explicitly exclude coverage for the owner of a dog which engaged in an attack
 - Difficulty in establishing appropriate training standards
 - Administrative issues related to applications, approval, issuance, and maintenance of records for permits
 - Difficulty in enforcement related to response time
 - Unnecessary calls for service

Public Input

- Online polling
 - Conducted Jan. 7-24, 2017
 - 680 respondents from Hampton
 - Non-residents excluded from these results
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Do you think there is a problem with dogs who are not leashed on city streets or neighborhoods? (There is already a Hampton rule that dogs in city parks, trails or beaches must be on a leash, except in dog parks.)

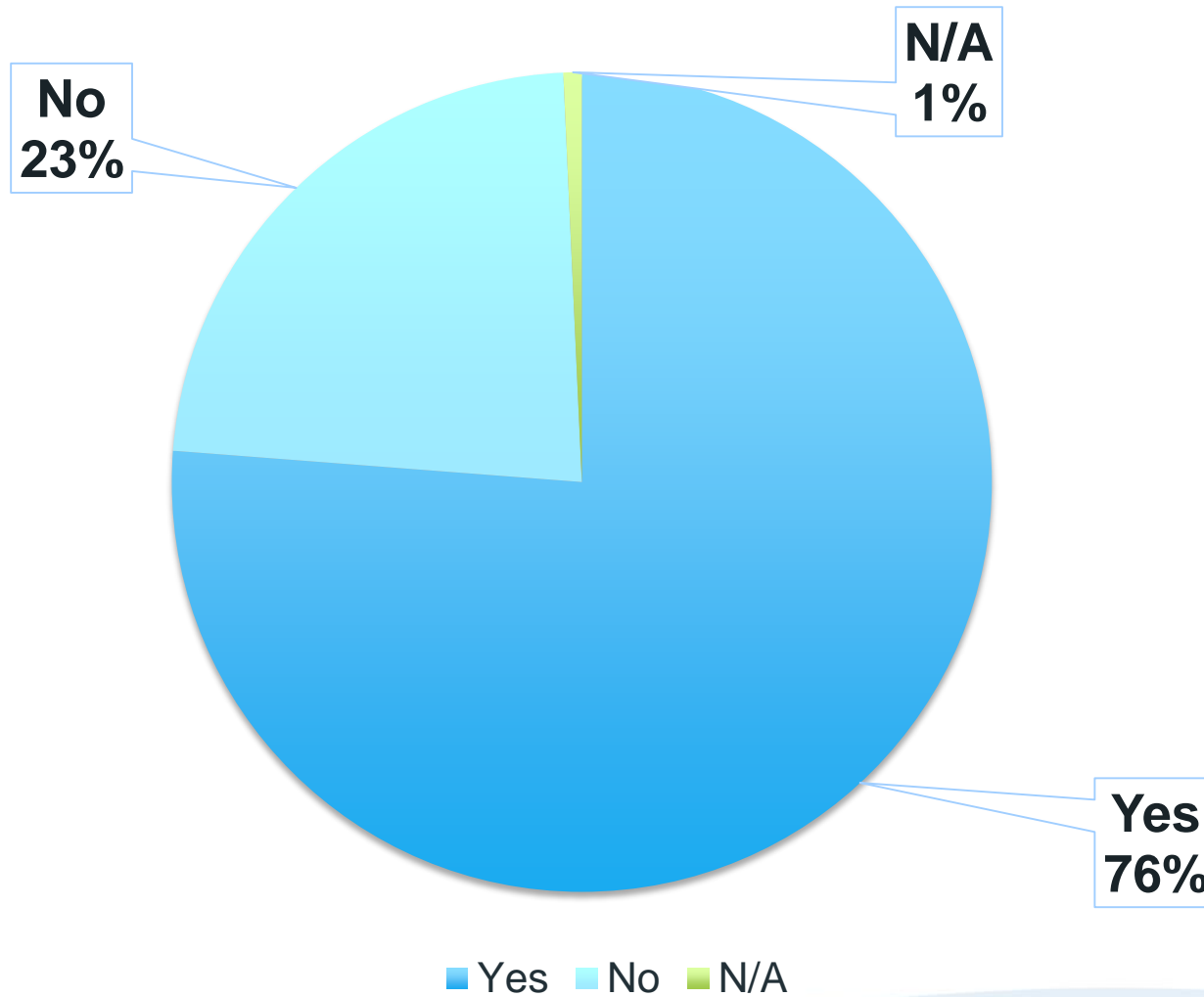


But since you asked ...

Please address these first:

- **Unleashed in parks**
- **Running loose without owner:**
- **Cleanup:**
- **Noise, barking**


Should dog owners be required to have their dogs on a leash when off their own property?



Mandatory leash

- **Safety of people**
- **Safety of other dogs**
- **Comfort**
- **Consistency**
- **Safety of animal**
- **Go farther and include private property**

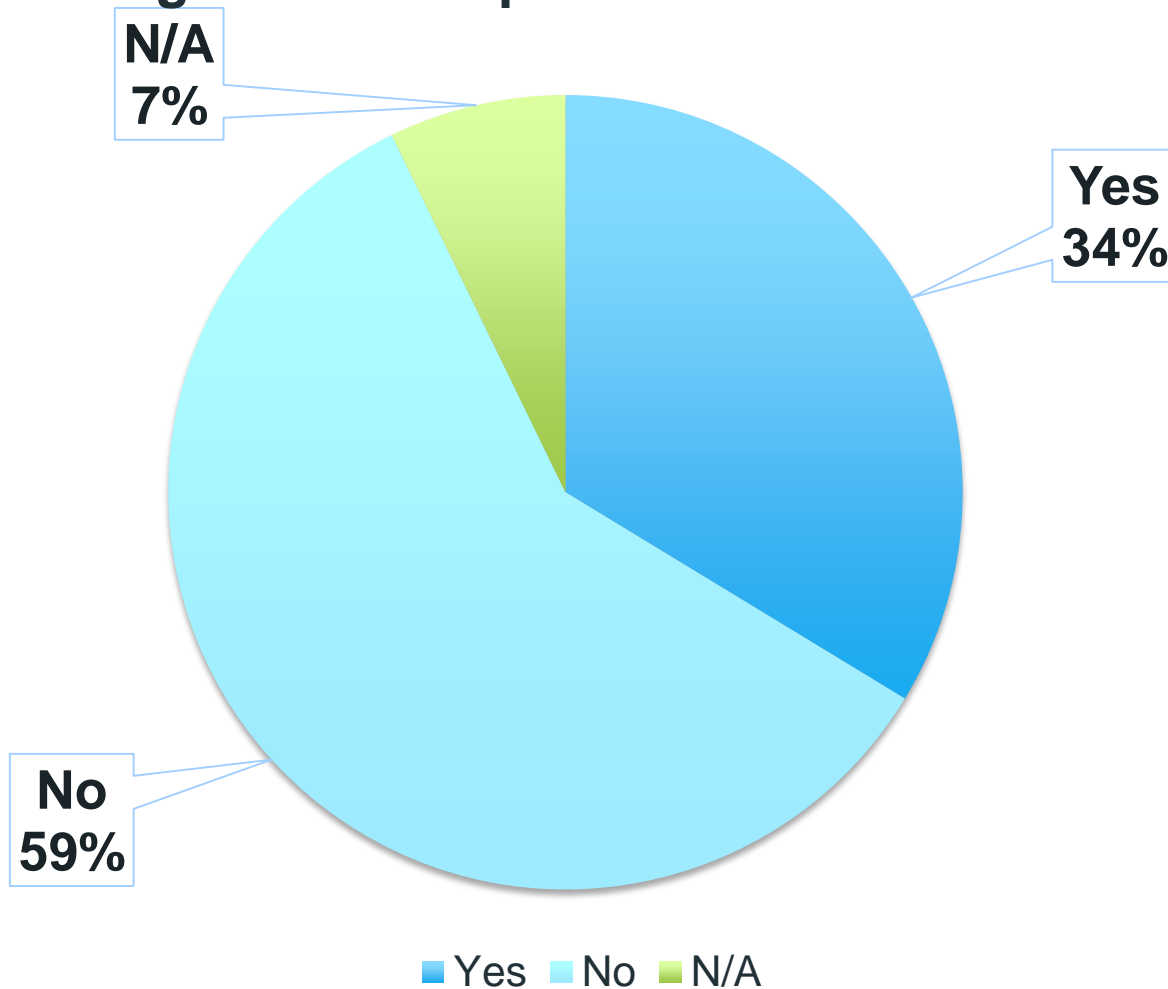
Support for current law/exemption

- **There's no problem**
 - **Fairness**
 - **Not practical**
 - **Base on size/breed of dog**
- 

Since you didn't ask ...

- Not just dogs but cats also.

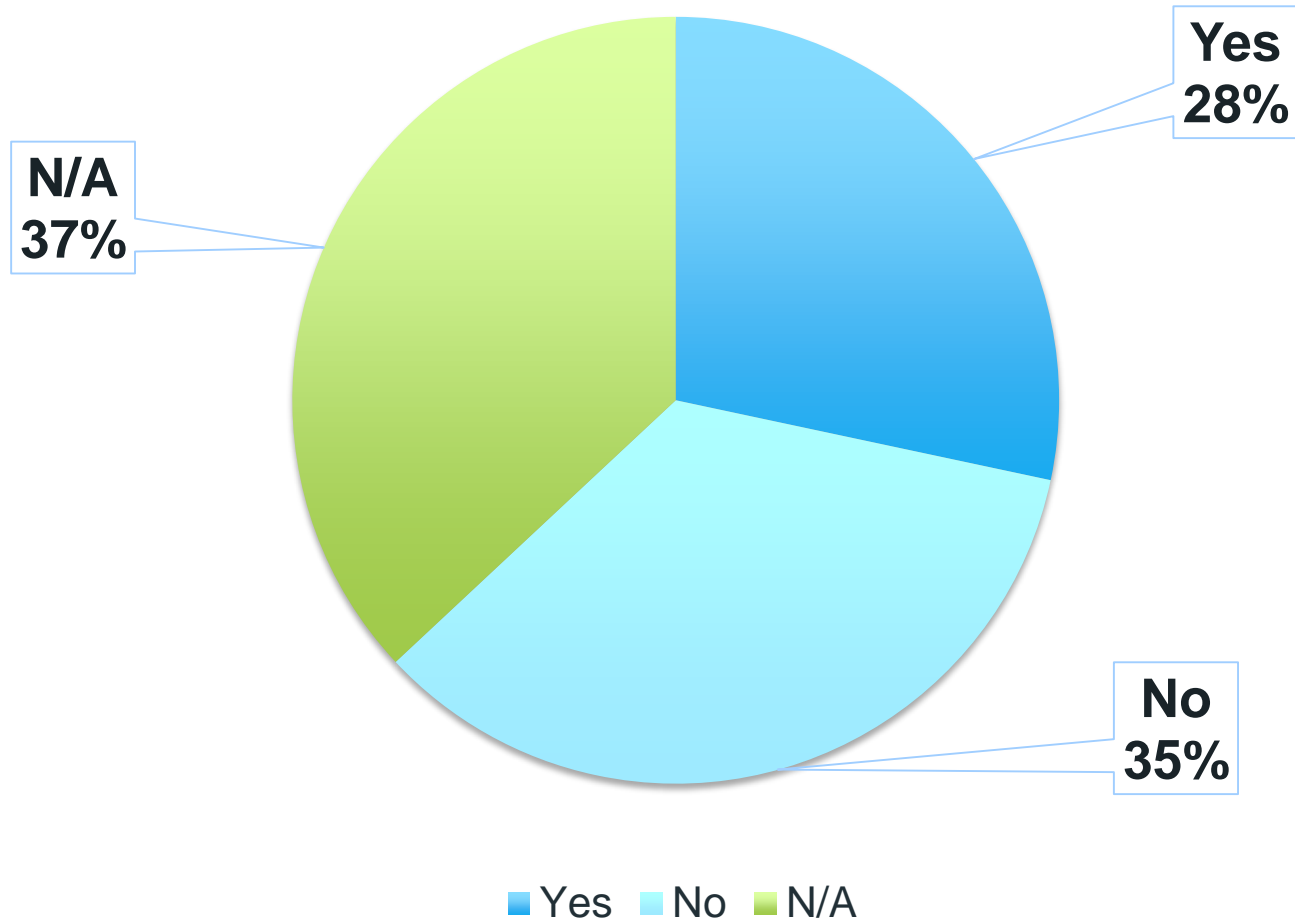
Should there be some sort of exception for those owners whose dogs have completed obedience courses?



Exception comments

- **Consider quality of training**
- **Shouldn't need to pay**
- **Not practical**
- **Not a guarantee**

If yes, should this exception require the owner to obtain an “off-leash” permit through the City at a cost to the owner?



Cost of permit

- **Cost to owner**
 - **Too complicated**
 - **Too much regulation**
 - **Reasonable cost is OK**
- 

If there is a strict leash law

- Give us more off-leash parks

Leash Law Options Pros & Cons

- Option 1 – Maintain status quo
- Option 2 – Enact a leash law with no exceptions
- Option 3 – Enact a leash law with exceptions for trained dogs with permits

Option 1

- Maintain the status quo

Maintain Status Quo - Pros

- No action required
- Current law provides options for addressing problems(actual/not perceived)
 - 90 dog attacks in 2016
 - 1 involved a dog under voice control
 - 6 involved dogs on leashes
 - Vast majority involved strays and dogs at large
- Does not increase strain on limited animal control resources

Maintain Status Quo - Cons

- There is a perception and fear that dogs under voice control pose a threat.
- Data of dog attacks from 2016 does not suggest a threat.
 - Only 1 of the 90 dog attacks involved a dog under voice command or control

Option 2

- Enact a leash law with no exceptions

Strict Leash Law - Pros

- Ease fear for some citizens of dogs walking off-leash under voice command
- Provides a clear line for determining enforcement

Strict Leash Law - Cons

- No evidence that being on leash prevents attacks (2016 only 1 occurred off leash vs. 6 on leashes)
- Owners who have invested in training will likely be angry
- Difficult to adequately exercise some dogs that require a lot of exercise
- Strain on animal control's limited resources (for dogs and owners that have not historically been a problem)
- Response time may lead to frustration with enforcement

Option 3

- Enact a leash law with exceptions for trained dogs with permits

Leash Law with Permit Exception - Pros

- Allows citizens who have invested in training to have dogs under voice command
- (Not a significant pro as it is essentially the current ordinance with additional paperwork, administration and costs.)

Leash Law with Permit Exception - Cons

- No additional protections compared to current ordinance
- Difficult to enforce (hard to determine visually if dogs have a permit)
- Requires the establishment of a permitting process (increased administrative time and increased costs)
- Requires creation of criteria for accepted training courses (subjective)

Leash Law with Permit Exception - Cons

- Increased animal control services calls (including when no violation is taking place)
- Likely to frustrate compliant owners of permitted dogs (citizen who call AC are not likely to know if the dog is permitted or not)
- Does not ease the fears for those citizens who do not trust dogs under voice control (the main proponents of a change in the leash law)

Animal Control Advisory Committee and Staff's Recommendations

- Animal Control Advisory Committee Recommendation:
 - Option 2 – Enact a leash law with no exceptions
- Staff's Recommendation:
 - Option 1 – Maintain the status quo

Animal Control Advisory Committee's Rationale

- All dogs should be on leash when not on the owner's property or in designated dog parks
- Dogs are unpredictable even if well trained
- Dog owners should be able to walk their dogs without fear of attack from dogs not on leash
- Citizens should not have to fear dogs walking not on leash
- Provide consistent rules for dog owners

Staff's Rationale

- Current law provides remedies to punish owners of dogs that attack
- Have not had significant issues with dogs under voice command (issues have been with dogs at large and strays which are addressed under current ordinance)
- Proposed changes will increase costs and be difficult to enforce
- Will provide additional strain on animal control resources with limited return on investment


Questions

- Any questions pertaining to the leash law options or recommendations?

Issue #2

- Should there be a strict number of pets allowed to live at a residence?

Number of Pets Options

- Option 1 – Maintain Status Quo (no strict number)
 - Option 2 – Set a strict number of pets allowed to live at a residence
- 

Legal

- Will address:
- The current state of the ordinance (no strict limit)
- Limits set in other jurisdictions
- The legal issues that must be addressed should council choose to establish a strict limit

Number of Animals - Current Regulations

- Zoning
 - No limit on number of animals in a home
 - Regulates commercial “kennels”
 - Defined as “the breeding, training, renting, selling and/or boarding of more than two (2) dogs or two (2) cats over the age of four (4) months.”
 - Permitted by-right in manufacturing districts (M-2 and M-3) and by use permit in the residential rural (R-R) district

Number of Animals - Other Jurisdictions

Jurisdiction	Regulations	Enforced By
Newport News	No more than 4 dogs over 6 months	Zoning
Virginia Beach	No more than 4 dogs without a use permit	Zoning
Chesapeake	No more than 4 dogs over 4 months	Zoning
Norfolk	No more than 4 adult dogs and 4 adult cats	Animal Control
Portsmouth	No more than 5 dogs over 6 months	Animal Control
Suffolk	No limit	N/A

Legal Limitations – Number of Animals

- **Administration**

- Parameters of restriction must be clearly defined
 - Type and age of animals
 - Person vs. household
 - Type of property
 - Permanent vs. temporary animals
- Must grandfather in existing pets

- **Enforcement**

- Difficulty in determining how many animals are illegally on a property
- Must comply with the 4th amendment
 - What can we see from the public street or with consent of the property owner?
 - May need a search warrant to look for animals if homeowner denies consent and we have probable cause

Legal Limitations – Number of Animals

- **Penalties – Animal Control**

- Animal Control has authority to issue criminal summons
- Animal Control does not have authority to remove excess animals
- Owner would be responsible for removing excess animals
 - Potential for well-cared for animals being removed from homes
 - Potential for owners to hide animals to evade discovery

- **Penalties – Zoning**

- Notice of Violation with 30-day appeal period
- If unabated after 30-days, criminal summons issued
- If unabated at conviction, court order to abate violation
- Every 10-day period post-abatement order considered a separate violation


Legal Limitations – Number of Animals

- **Zoning-specific considerations**

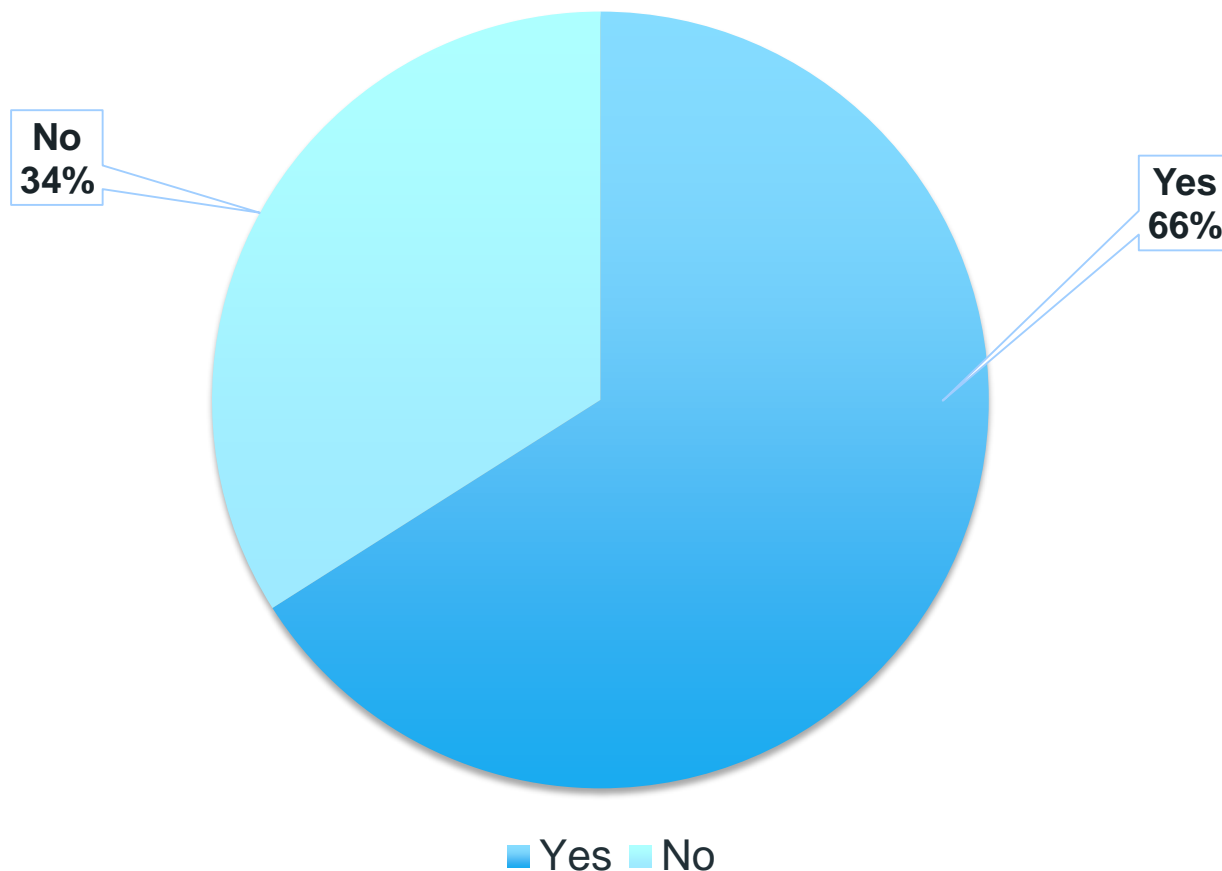
- Legal nonconforming uses

- Properties containing more animals than the limit at the time of adoption will be grandfathered forever, unless the use ceases for 2 consecutive years
 - License data is an imperfect tool in determining grandfathered properties
 - Legal non-conforming uses run with the land, not with the owner

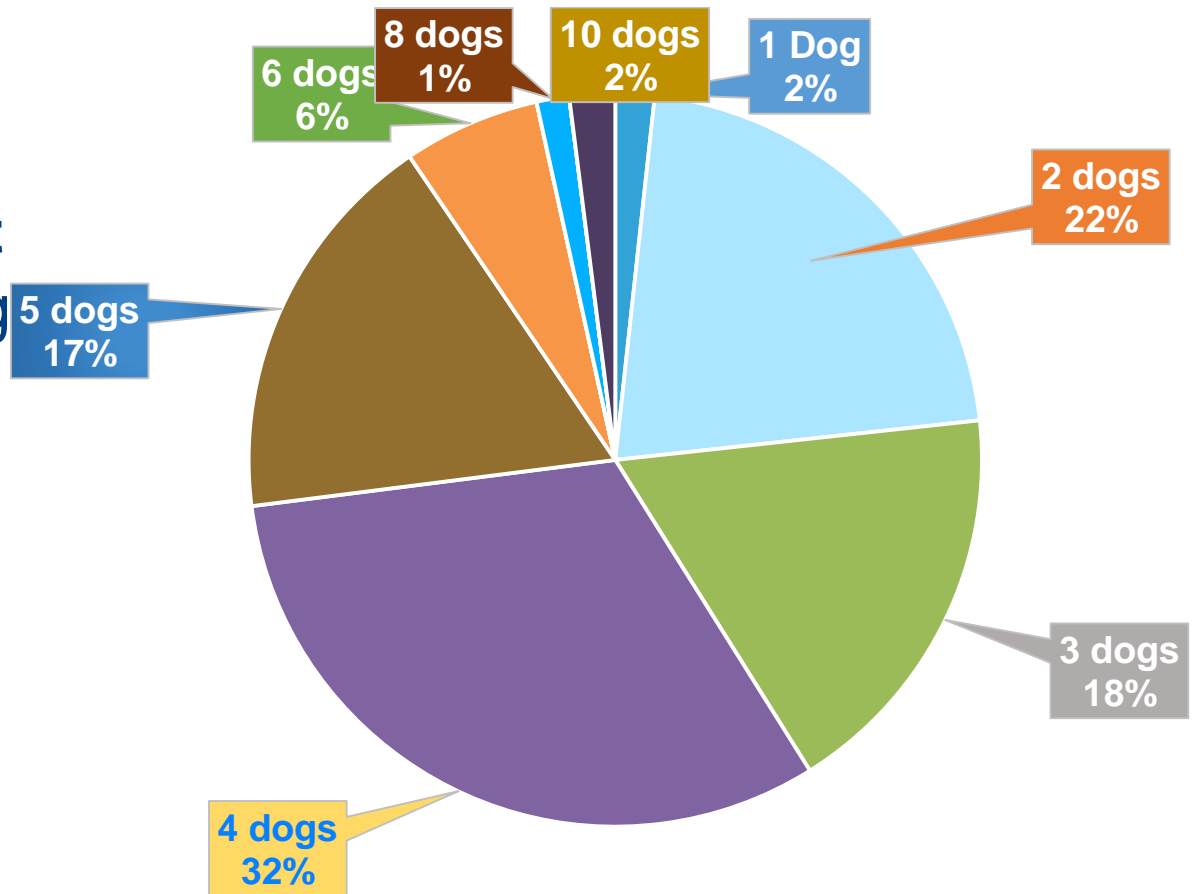
Public Input

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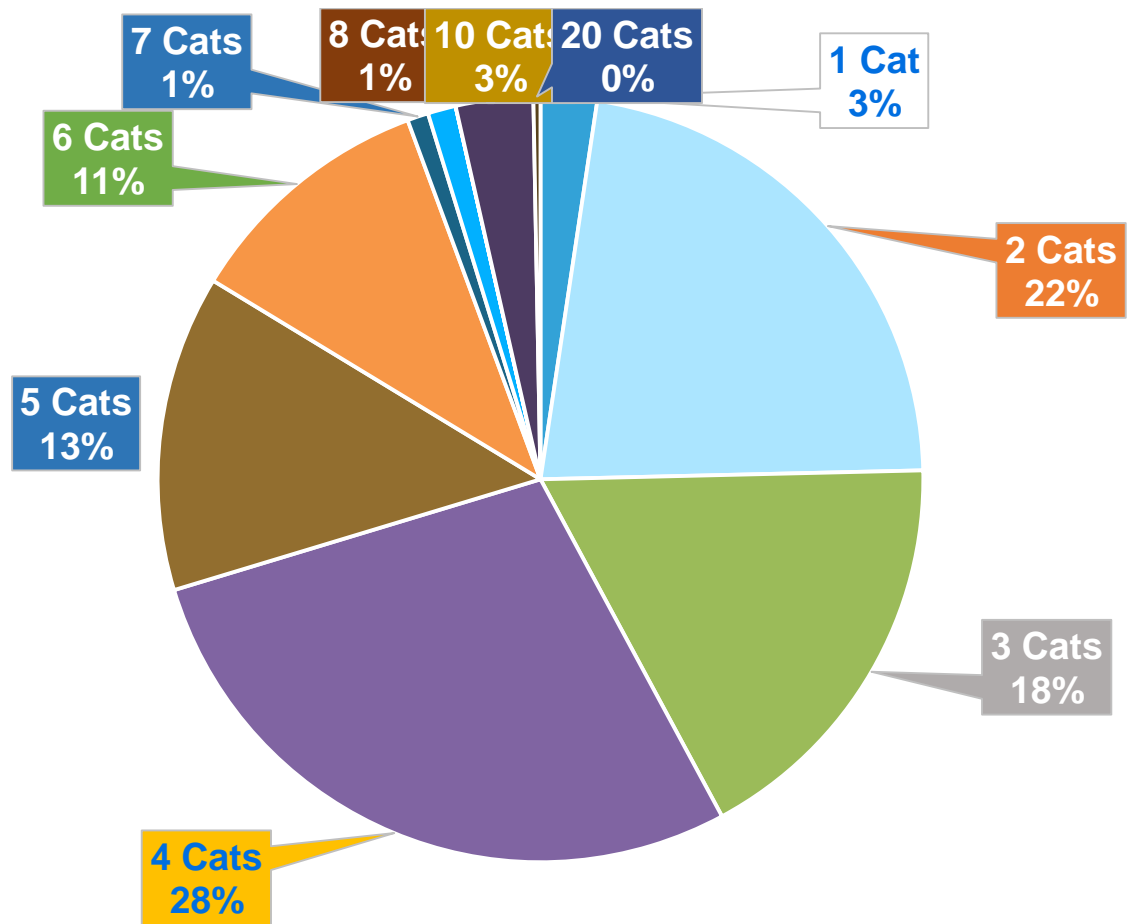
Do you think there should be a limit on the number of adult dogs or adult cats per household ?



If yes, what number of **adult dogs** (assuming that additional puppies are allowed) do you think is appropriate?



If yes, what number of **adult cats** (assuming that additional kittens are allowed) do you think is appropriate?



Support for limits


- Responsibility, impact
- Hoarding
- Limits based on property size/ability
- Limits based on breed/size
- Exceptions

- *“I do feel that there should be a limit but I couldn't say what it should be or how it could be enforced.”*

No limits or variations limits

- Against the idea
 - Not practical
 - Address the issues, not the number
- 

Number of Pets Options

- Option 1 – Maintain Status Quo (no strict number)
 - Option 2 – Set a strict number of pets allowed to live at a residence
- 

Maintain Status Quo - Pros

- Requires no change
- Animal welfare laws allow issues of animal abuse or neglect to be addressed regardless of the number of animals
- Allows trained Animal Control Officers to determine if animals are being well cared for or are in danger
- Allows for differences in individual owners, the characteristics of their properties and their ability to properly care for animals

Maintain Status Quo - Cons

- Some feel that there should be a strict number of animals a person is allowed to house on their property (mainly out of respect for their neighbors)

Strict Number - Pros

- Provides clear guidance of the number of acceptable animals
- May give some neighbors peace of mind about the number of animals that are allowed to live next door

Strict Number - Cons

- Would have to answer the following questions:
- What type of animals will limits be placed on?
- At what age of the animal will the limit apply?
- Will the limit be on the number of animals a person can own? Or will it be on the number of animals possessed in a certain location?
- What locations will the limits apply to? Will there be a distinction between dwellings and business properties?

Strict Number - Cons

- Will there be exceptions for owners with large parcels of land or farms?
- Will it apply to animals who are temporarily in a location but do not live there permanently, such as pet-sitting or doggy daycare?
- Will there be an exception for individuals who engage in animal rescue activities?
- Will this limit be enforced by AC or another city department?
- What will the penalty be for violating this ordinance?

Strict Number - Cons

- Will there be any exception for military families who are involuntarily stationed in the City?
- Animal Control does not have the authority to impound animals owned in excess of the limit. Who will be responsible for removing the excess animals from the premises? And who is to decide which animal(s) will be removed?

Animal Control Advisory Committee's and Staff's Recommendation

- Animal Control Advisory Committee's
 - Option 1 – Maintain the Status Quo
- Staff's Recommendation
 - Staff does not have a recommendation
 - This is a complex issue where staff is not united behind a single recommendation

Animal Control Advisory Committee's Rationale

- Animal welfare laws already exist to address issues of health and welfare for animals
- Nuisance laws exist to address other problems
- A set number does not account for unique differences with individual owners, properties or owner capabilities
- A set number would present a host of questions that must be answered about definitions, enforcement and remedies
- No significant need demonstrated to enact new regulation

Strict Limit Options

- If you were to choose to set a limit
 - 4 Dog limit = 74% of the respondents
 - 5 Dog limit = 91% of the respondents
 - 4 Cat limit = 65% of the respondents
 - 5 Cat limit = 78% of the respondents

Questions

- Any questions about the options or recommendations for addressing the number of animals that can live at a residence?
 - Any questions about either issue or the presentation?
 - Thank you
- 