

AGENDA MATERIAL

Melissa Whitney

DATE 4/21/20 ITEM NO. RA 17

From: Julie Castaneda
Sent: Tuesday, April 21, 2020 7:49 AM
To: COB_mail
Subject: FW: A few thoughts on the Proposed Changes to Title 6
Attachments: DRAFT 2017 Amendment to Code.docx; ATT00001.htm; Heavy Chains Ordinance Timeline 8_8_18.docx; ATT00002.htm

Additional material

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[REDACTED]

From: Sharon Bronson <Sharon.Bronson@pima.gov>
Sent: Tuesday, April 21, 2020 7:44 AM
To: Julie Castaneda <julie.castaneda@pima.gov>
Cc: Maria Klucarova <Maria.Klucarova@pima.gov>; Jennifer Cabrera <Jennifer.Cabrera@pima.gov>; Anissa Ramirez <Anissa.Ramirez@pima.gov>
Subject: A few thoughts on the Proposed Changes to Title 6

Julie

Please distribute this email to the remaining board members prior to today's meeting thank you. Sharon Bronson

Dear Sharon:

Thanks for taking my call re: Title 6. As I mentioned, I am a little surprised at the timing of the ordinance coming up now because the last I had heard, it wasn't coming back up until the end of the year. I was under the impression that the folks who had been included would be informed and perhaps even invited to attend (though that certainly has a new meaning) the BOS meeting to give input, show support, etc.

I would have preferred two things had happened with this process: that a more traditional stakeholder process had been followed from the beginning, that included the relevant parties at the table, and that a **strike out version** be used as this went along. I think it would have saved time in the long run and made for a better outcome in the end. Not having a strike out version has really made it difficult for participants since we've had to try to compare the new version (s) to the existing one side by side.

Anyway, I'm reassured to know that if there are concerns, you'll be willing to review them and bring the ordinance back for revisions. Thank you.

Of all the members there, you're the one who understands the over-all history and needs of PACC the best, and with Richard and Ray gone, we need you more than ever. No pressure-□.....

Here are my thoughts on some limited areas:

1. **Heavy Chains:**

- You'll recall that Constable Bernal and I were working on developing an ordinance to deal with the use of heavy chains as collars on puppies and dogs. Apparently it's a practice associated with people involved with the dog fighting industry and is used with the intent to "build up" a dog's neck muscles when in actuality it can damage their vertebrae. I've attached the Timeline on our efforts and a Draft we created for PACC at their invitation three years ago.
- All that is included on the subject in Title 6 is located in the section on "Tethering". I'm concerned about allowing the use of a standard of $1/8^{\text{th}}$ of a dog's body weight. For a dog weighing 50 pounds, I believe that works out to an allowable weight of 6.25 pounds for a collar. I suggest that this section needs some work. Perhaps a guide of no more than 5% of a dog's total body weight would be a better guide but that would still allow for a 2.5 pound collar in a 50 pound dog.

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Tethering and Tie Outs

- A. The use of tethers or tie outs to restrain an unaccompanied animal is prohibited.
 - B. The use of any collar or tether exceeding one-eighth of an animal's total body weight is prohibited.
 - C. The use of any collar or tether with a weighted object attached is prohibited.
2. **The effective date**, when added in, needs to specify that the old code applies to all incidents occurring prior to the effective date (in other words, the old code is not simply wiped out).
3. **Definition of a dangerous dog:** This section is ambiguous. It lacks a standard of proof (beyond a reasonable doubt, preponderance of the evidence, etc.) and does not specify whether the State or Defendant has the burden of proving it. This could be problematic.
4. **Dog tie-outs:** The new code only prohibits an unattended dog from being tied out if I'm not mistaken. Why would we regress from our current code and allow tie-outs so long as the owner is nearby?

Thank you so much; if I have additional thoughts, I'll send them along.

Nancy Young Wright

Proposed Amendment to current Pima County

Animal Welfare Codes

May 1, 2018

Collars: Collars must be on ALL dogs at ALL times; affixed thereto shall be Current Rabies vaccination identity tag, AKA Pima County dog License. HEAVY Chains or weighted devices are prohibited from use as an alternative to, or in addition to a Collar.

Leashes: Leashes, must be used when the animal is not on the owner's property, and control of the animal is the responsibility of the person holding the leashed animal.

DEFINITIONS:

COLLAR: Constructed of Leather or Nylon type material, length to be at least the circumference of the animals' neck plus 1 inch, fastened in such a manner as to allow 2 human fingers be placed between the neck and the inside diameter of the fastened collar, and adjusted as needed, throughout the animal's lifetime.

LEASH: Constructed of Leather or Nylon Material, not to exceed 6 feet in length, and attached to the Collar on the animal by a swivel or similar device, Sturdy enough to control the Animal, regardless of situation, or behavior of the Animal.

HARNESS: Constructed of Leather or Nylon material, a chest Harness with or without a muzzle type device can be used IN ADDITION to the prescribed "collar", it must be fastened in such a manner that the attachment point for the Prescribed "Leash" does not interfere with the Animal's normal breathing, or mobility. It is also a prohibited act, to attach any type of weight device to the harness in any manner

Provided below is some language from a Texas tethering law that could easily be adjusted to fit our needs by adding in the type permitted -or not permitted such as heavy chains, weight restrictions or width:

- (1) "Collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.
- (2) "Owner" means a person who owns or has custody or control of a dog.
- (3) "Properly fitted" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.
- (4) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

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Heavy Chains Ordinance Effort Timeline

- June 2017: Constable Bennett Bernal observed two dogs in wearing very heavy chains living outside during a call he made in South Tucson.
- PACC was called; they responded but due to the lack of a specific area of the Animal Cruelty Code to enforce in the South Tucson Code, the owner wasn't cited. There may have been an opportunity to have helped the dogs under the medical section of the law, as one of the dogs allegedly had an injury under its neck, but this section apparently wasn't utilized in this case.
- The matter was then referred to the Animal Cruelty Task Force of Southern AZ (ACT). The Task Force initially thought about approaching the South Tucson City Council but decided it would be better for all dogs in the community to first work on developing a uniform code with Pima County and ask the other jurisdictions to adopt their ordinance.
- May 5, 2018: ACT sends a letter to the Pima County Board of Supervisors asking them to adopt an ordinance banning heavy chains on dogs. The letter is referred to PACC for consideration as part of an over-all Animal Cruelty Code update. An excerpt from the letter:

"The membership of the Animal Cruelty Taskforce of Southern Arizona (www.Act-AZ.org) believes that a simple definition of appropriate "leash" and "collar" language added to the existing Codes would provide any investigator with reason to ascertain if an animal with a heavy weight or heavy chain on its neck is possibly being "trained" for animal fighting, and if physical harm is or has been caused to the animal by this thoughtless act.

Also, this observation from a discussion we had may be helpful:

"There may be an argument to be made within the cruelty statute regarding the animal's ability to move in an "uninhibited" way. From the medical perspective, heavy chains can cause some damage to the discs in the neck depending on how heavy the gauge is. Perhaps the Vet Team can provide input to the question of how heavy a chain would need to be vs the weight and age of the dog.

Some detective work in the field could be appropriate meaning: removing the chain, weighing it and then weighing the dog. Based on those findings, an officer would know whether to proceed with a citation or not. There would also be other factors to consider when looking into the complaint such as the condition of the yard, all other welfare requirements, and finally, the owner's availability to hear some reasoning."

This reference to the Texas law may be helpful. The language below came from Kellye Pinkleton with HSUS.

APR 21 2018 10:55 PM CCK/HO
me

"I have not come across specific language that applies to the collar only and even looked for anything in our tethering tool kit (see attached). However, since Tucson has a tethering ban, you could just use that section of the ordinance to add some language specifically about permitted collars. Here is some language from Texas tethering law you could easily adjust by adding in the type permitted -or not permitted such as heavy chains, weight restrictions or width:

- (1) "Collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.
- (2) "Owner" means a person who owns or has custody or control of a dog.
- (3) "Properly fitted" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.
- (4) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system."