

Testimony to Howard County Council regarding Bill # 39-2018

June 18, 2018

Testimony by Marian Condon, 3600 Fels Lane, Ellicott City, MD 21043

I am generally in support of any bill that will start the process of making the conditions of companion dogs in Howard County more protective. So, I am in support of the proposed bill, #39-2018.

I understand that amendments have been added that will potentially banning the tethering of dog and that will clarify the requirements for adequate shade, shelter and water in all weather conditions and conditions – and as I am in full support of such amendments.

I live in the historic district of Ellicott City and for the last several years have witnessed the tethering of up to 3 dogs on a neighbor's property. The conditions were so concerning last winter for these dogs that the police were called to this home several times, and only one of those times was I the one doing the calling. Several other concerned Howard Co. residents made these calls too.

But it is not just during the freezing winter; these dogs are tethered in all conditions for long hours during the day essentially being neglected. This has been extremely painful to witness as these so-called "companion" dogs are left outside with little or no socialization. Dogs who are left outside become a nuisance due to boredom and frustration. I have witnessed this and endured the dogs' resulting barking from early in the morning till evening. I have seen these dogs have to live in close proximity to their own feces. I have witnessed the fear of humans on the part of at least one of these under-socialized dogs. Howard County Animal Control has not been very helpful, I think essentially due to lack of strong regulations to support them. I would like Animal Control to have the tools they need in the form of stronger and more protective laws.

I am submitting along with this testimony two photos of one of my neighbor's dogs tethered outside. The first taken on a winter day with snow on the ground. As you may be able to see, this is a short-haired dog who has no protective under coat to help insulate him and he doesn't even have dog coat or sweater on, which would be insufficient anyway. The second photo shows more temperate conditions but the dog is still isolated. While this is an isolated dog, this is not an isolated incident and is a sight with which I am all too familiar from these neighbors.

I am also submitting a copy of the Code of Montgomery Co Regulations regarding tethering of dogs. These regulations are far more protective than what Howard County currently has. I would direct your attention in particular to part II; Prohibited Conduct, which includes several protective prohibitions, including bans against tethering a dog longer than two hours cumulatively during any twenty-four hour period, as well as prohibiting tethering a dog by any means other than a harness.

In summation, I support a ban in Howard County on dogs living outdoors on a chain. Dogs need to be inside during extreme temperatures, hot or cold and they should be impounded after repeated violations.

If Montgomery County can protect their companion dogs to this degree, I feel that we in Howard County can do much better than we are presently doing by our own companion dogs.

Thank you





Code of Montgomery County Regulations,

CHAPTER 5. ANIMAL CONTROL — REGULATIONS

05.201.01 Anti-Cruelty Conditions for Dogs

05.201.01.01 Tethering of Dogs.

The following conditions for the tethering of dogs are adopted under Section 5-201(b); Article II -Prohibited Conduct; Chapter 5, Animal Control; Montgomery County Code, 2005, as amended, and interpret State anti-cruelty provisions at Maryland Code, Criminal Law Article, Section 10-604(a), 2002, as amended and applied in Montgomery County pursuant to Section 5-201(a); Article II - Prohibited Conduct, Chapter 5, Animal Control; Montgomery County Code, 2005, as amended.

I. Definitions.

A. Director means the Director of the Animal Services Division or designee.

B. Sanitary means sanitary as defined in § 5-101 of the Montgomery County Code (1994), as amended.

C. Tether means attaching a dog to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. Tether does not include the use of a leash to walk a dog.

II. Prohibited Conduct. A person must not tether a dog under circumstances that endanger its health, safety, or well being, including:

A. Tethering a dog longer than two hours cumulatively during any twenty-four hour period;

B. tethering a dog by any means other than a harness;

C. tethering a dog between the hours of eight p.m. and eight a.m. unless the Director grants a waiver based on extraordinary circumstances after determining that the proposed tethering will be safe and humane;

D. unattended tethering of a dog during a weather emergency, or a dog-control emergency declared by the Executive, the Director, or the County Health Officer,

- E. using a tether that weighs more than 1/8 of the dog's body weight;
- F. using a tether that does not have a swivel attached on each end;
- G. using a tether that is less than five times the length of the dog, as measured from the tip of its nose to the base of its tail;
- H. tethering that unreasonably limits a dog's movement;
- I. tethering under conditions where the dog or tether can become entangled on the tether or some other object;
- J. tethering that restricts a dog's access to suitable and sufficient food, clean water, and appropriate shelter;
- K. tethering in unsafe or unsanitary conditions;
- L. tethering that does not allow a dog to defecate or urinate in an area separate from the area where it must eat, drink, or lie down; or,
- M. tethering that causes injury, stress, or demonstrable socialization problems.

III. It shall be unlawful for any person to tether, chain, fasten, tie, or otherwise restrain a cat to a house, tree, fence, or other stationary or immobile object.

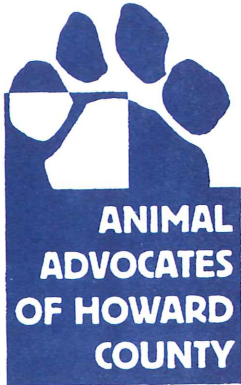
IV. Failure to provide relief to a dog in distress when exposed to any of the conditions listed in subsection II is proof that the dog was improperly, i.e., cruelly, tethered.

V. Exception. Nothing in this regulation prohibits:

A. a regiment of restraint that the Director has approved for a particular training or working dog purpose; or

B. the temporary tethering of a dog incidental to its veterinary care and/or grooming, in accordance with professionally accepted standards.

VI. This regulation establishes requirements for tethering a dog humanely. Notwithstanding any other provision of this regulation, the particular circumstances or conditions of a dog otherwise tethered according to the requirements of this regulation are sufficient evidence of cruelty to constitute a violation of State or County law.



preventing suffering, teaching compassion

ANIMAL ADVOCATES OF HOWARD COUNTY

P.O. BOX 1403 ELLICOTT CITY, MD 21041
(410) 880-2488

6/18/18

To: The Howard County Council

From: Ann Selnick
Animal Advocates of Howard County

Subject: HoCo 39-2018

I am Ann Selnick. I have been a resident of Ellicott City for 29 years. For 24 years I have been an active member of Animal Advocates of Howard County as well as a volunteer with the Howard County Animal Control and Adoption Center. I had the privilege of serving as the President of Animal Advocates for 13 years.

Animal Advocates is an all-volunteer non-profit with over 10,000 supporters across the County. We are dedicated to preventing the suffering of animals in our community.

We have a long successful record of anti-cruelty legislation. Some notable accomplishments have been:

- *Being part of a coalition of law enforcement agencies and social welfare agencies that elevated animal cruelty to a felony in the State of Maryland
- *After public outrage, we worked with Animal Control to ban the use of steel leghold traps in the County
- *Most recently worked to see the ban of puppy mill dogs being sold to unsuspecting Maryland consumers

I am testifying tonight on behalf of Animal Advocates, the strongest and most respected animal welfare group in the area. We are the group the public turns to get things done.

We support the 'intent' of CB39-2018. However, this Bill needs to be significantly improved in order to be effective. Please consider strengthening this Bill. Amend this Bill to get it right. We feel we can work with Animal Control to come up with a stronger bill that will address the actual complaints the public is making.

We object to this Bill as written since the following issues are not being addressed:

***First issue- forcing a dog to live outside on a chain.**

Many dogs in this affluent, progressive County still live outside day and night. Some live their entire lives at the end of a chain. Whether intentionally cruel, or as the result of poor education on the subject of responsible pet ownership, forcing a dog to live outside on a chain, especially in extreme weather conditions, is a form of animal cruelty. The type of shelter, the length and weight of their rope or chain, the type of collar, etc. can all be improved, but the dog still suffers. They must be removed from their chains and protected from extreme temperatures.

Studies have shown that chaining (tethering) dogs outside for long periods leads to substantial behavioral and health problems, in addition to subjecting the dogs to suffering and psychological damage.

Dogs are called companion animals for a reason. Their behavior deteriorates when they are isolated outside: most of the complaints to Animal Control are related to nuisance barking or aggressive incidents. The majority of those complaints are, not coincidentally, dogs who live outside. When outdoor dogs are tied up, their behavior is even worse.

*The U.S. Department of Agriculture stated, "Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane.

*Research for the CDC shows that dogs who are tied out for long periods are several times more likely to display aggression and attack people. The CDC found that chained dogs are 2.8 times more likely to bite.

*In a press release for Dog Bite Prevention Week, the American Veterinary Medical Association stated, "Never tether or chain your dog because this can contribute to aggressive behavior."

Animal Advocates is calling upon the County Council to follow in the footsteps of Queen Anne's County who upon the recommendation from their animal control commission, unanimously approved and adopted a new regulation to prohibit the tethering of dogs. A violation of this regulation may result in impoundment of the dog and a maximum civil fine of \$1,000. This regulation sends a clear and tough message. The fine of \$100 mentioned in Howard County Bill will not be enough of a deterrent.

The Anne Arundel County Council also had a hearing recently to ban all unsupervised tethering (supervised is defined as the dog being under direct observation, e.g. someone is outside with the dog), ban tethering during extreme weather and create stronger requirements for what constitutes outdoor shelter. We have learned that this bill received no formal opposition and had a very smooth hearing. The final vote is tonight. Let's follow their example.

***Next issue-allowing a dog to live outside in extreme weather.**

Common sense dictates that dogs must be brought indoors during extreme weather conditions.

When it is hot, dogs must have shade. They have an inefficient cooling system and are not able to sweat to cool themselves off.

This Bill does not address extreme heat or making sure the dog has 'unfrozen' water in cold weather. I know that the County Code supposedly addresses this issue, however, it is our belief that the Code is deficient and needs to be revised. The dangers of extreme heat must be clearly spelled out so that there is no misunderstanding. Citizens should not need a lawyer to comprehend common sense legislation. This Bill should be rewritten. Provisions need to be made to remove an animal in extreme weather.

Once again, we turn to Queen Anne's County., as a good example. On June 12th they passed Emergency Legislation which states, "Any dog shall be brought inside a house, building or other suitable shelter within 30 minutes of the onset of extreme weather conditions which shall be defined for purpose of this provision as temperatures above 90 degrees or below 32 degrees Fahrenheit or during active weather warnings issued by the National Weather Service or Queen Anne's County Department of Emergency Services."

When I spoke with the Queen Anne's County Commissioner's Office they told me they passed the Bill as Emergency Legislation because 'summer is here'.

Third issue - Animal Control's penalties are not strong enough

The bottom line is that the public cares about the dogs and they want Animal Control to immediately rectify the situation. They want action. It's encouraging that this Bill is on the radar. Let's address the issues I have mentioned in order to make it more effective.

There are a lot of other things we'd like to see changed in the County's Animal laws, but we believe these three changes need to be addressed at once and included in "Emergency" legislation.

Please prioritize these issues, it's was 96 degrees outside today!



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Ann Selnick, have been duly authorized by

Animal Advocates of Howard County

to deliver testimony to the

(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 39-2018 to express the organization's

(bill or resolution number)

support for / opposition to request to amend this legislation.

(Please circle one.)

Printed Name: Ann Selnick

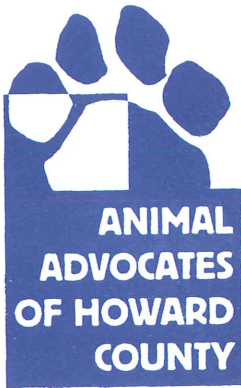
Signature: Ann Selnick

Date: June 18, 2018

Organization: Animal Advocates of Howard County

Organization Address: PO Box 1403 Ellicott City MD 20141

Chair/President: Laurie Wallace Laurie Wallace



preventing suffering, teaching compassion

ANIMAL ADVOCATES OF HOWARD COUNTY
P.O. BOX 1403 ELLICOTT CITY, MD 21041
(410) 880-2488

June 18, 2018

Re: CB39-2018

Howard County Council Members:

Our organization is deeply involved in animal welfare issues in our community, and our programs serve human residents as well. We have worked closely with Howard County Animal Control (HCAC) since 1994 to prevent needless euthanasia of adoptable animals. We help by promoting adoption, supplying financial support that is not covered in the County's budget, and providing free and reduced-cost spay/neuter assistance to lower income families. To date, our Spay/Neuter Program has funded over 24,000 free procedures, dramatically reducing the number of animals entering HCAC. We also have a Humane Education program focusing on kindness and empathy, one that has reached more than 20,000 students and Scouts. We handle approximately 35,000 inquiries annually, ranging from adoption inquiries to animal cruelty. We have worked on animal legislation at both the State and local levels with success. And many of us also volunteer at HCAC so we have a very clear understanding of the most common animal issues as well as the complexities surrounding them.

We are pleased to see attention being given to dogs living outdoors. However, this bill, as originally submitted, is not going to address the concerns that Howard County residents have.

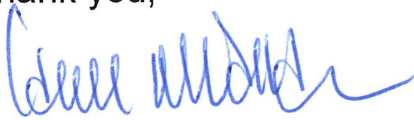
The vast majority of people who live in Howard County know that having dogs live outside on a chain, or outside in all weather, is wrong. This is at the heart of the complaints we get, the complaints Animal Control gets, and the complaints you are getting. People aren't asking for a change in the type of chain used to tether a dog, or that a certain type of bedding lines the floor of a dog house; they do not want to see dogs being kept in these conditions, period.

So rather than passing a bill with no substantive changes that is going to please no one, we ask you to be fully responsive to your constituents and consider these three changes: 1) A ban on continuous chaining, 2) a requirement that dogs be brought indoors during extreme weather and 3) a mandate to remove the dog from the situation after repeated offenses. These changes are being implemented in neighboring counties and even entire states, and we are behind.

Additionally, we ask that these extreme weather points, including heat, be spelled out in the body of the law rather than couched in a flexible provision stating the Animal Control Administrator will make safety determinations and disseminate them online or via social media. Additional unusual weather situations such as flooding or tornados may warrant these types of communications. But for routinely anticipated dangerous conditions such as extreme heat, residents deserve concrete laws written with clarity so they can be read and understood at any time. The law also needs to be written so there is nothing left to interpretation with regard to enforcement.

We are more than willing to work with the Council and Animal Control to develop a bill with meaningful improvements, one that is enforceable, and one that will satisfy the concerns of Howard County citizens.

Thank you,



Laurie Wallace
President
Animal Advocates of Howard County
(410) 880-2488 #3

