CHARLOTTE

Charlotte City Council

Community Safety Committee

Meeting Summary for March 18, 2010

COMMITTEE AGENDA TOPICS

I. **Subject:** **Towing Ordinance**
Action: Requested staff to start preliminary rough draft ordinance

II. **Subject:** **Tethering of Canines**
Action: Requested staff to bring back options to amend the current ordinance

III. **Subject:** **FY2011 Focus Area Plan**
Action: None

COMMITTEE INFORMATION

Present: Patsy Kinsey, Susan Burgess, Andy Dulin, Edwin Peacock
Time: 12:08 pm – 1:30 pm

ATTACHMENTS

1. Agenda Package
2. Tethering Presentation

DISCUSSION HIGHLIGHTS

Acting Chairwoman Patsy Kinsey called the meeting to order and asked everyone in the room to introduce themselves. She recognized the guests affiliated with the Coalition of Unchained Dogs and thanked them for attending the meeting. She reminded everyone that this meeting is not a public hearing and she would not recognize anyone in the audience unless a Committee member has a specific question to ask them. She then turned it over to Assistant City Manager Eric Campbell to introduce the first item on the agenda.

I. Towing Ordinance

Mr. Campbell stated that this is a continuation from the January Committee meeting. Police Attorney Mark Newbold and Major Eddie Levins will review some questions from the last meeting and talk about the types of complaints, the signs, potential solutions and best practices in other cities. He then turned it over to Major Levins.

Major Levins began reviewing the "Towing Ordinance – Private Trespass Tows" presentation (copy attached).

["Questions from Previous Meeting" slide]

How many complaints from citizens have been made?
Major Levins said that is difficult information to pull because of the way the calls come in, as service calls, to CMPD. We have been able to query the CMPD reporting system and have found over 100 calls over several years.

Do 311 and 911 personnel know the towing ordinance?
Major Levins said they have a script, but the problem is the complexity of the issues. He said they have gone over the ordinance again with the 911 operators.

Are towing issues being resolved in court?
Major Levins said they don't believe they are. Most seem to be resolved in a civil manner. We don't see where the courts are taking care of this.

Dulin: Does it make any difference if it's resolved in the court? That's a step or two beyond us.

Levins: I think our main issue is being out there for the initial tow to make sure there is compliance with the ordinance. We don't have control of what goes to the courts.

Burgess: The last complaint I had, the owner of the car believes the tow company damaged his car. CMPD advised him to go to Small Claims Court. I think we need to be aware of that. If there are tow companies that are damaging cars for some reason, we need to know about it. I'm just not sure what we can do about it.

Newbold: There are limits to what we can regulate on towing. There is a section of State law that has a phrase that seems to exempt the wrecker company and the lot, for certain types of damages, unless you can show that it was recklessly inflicted. We cannot change the State law, but there should be some way to ensure that type of damage doesn't occur in the first place. Every amendment or option you decide to look at, we have to look and see if State law has preempted in that area, and if it has not, then Federal law allows us to regulate in that area if it is something related to a safety concern.

Burgess: Is that a complaint you have heard before?

Levins: We do hear that, but not as much as you would think. Most companies are able to pull the cars without ever having to get into them. I think the one you are referring to, they had to actually break into the car for some reason to unlock something.

Burgess: Can we regulate breaking into cars for towing? That doesn't seem right to me.

Newbold: The manner in which a vehicle is traditionally towed is not by breaking the window. If someone parks a car on private property and leaves it there, there is the issue of why is that car there? If it is a commercial lot and the vehicle has taken a space that is normally for rent, then that car is a trespass vehicle. The State statute doesn't specifically address breaking and entering, it does discuss damages. What some other cities have done is have the tow company do a check off list on the damages already on the car, before they tow a car.

(Council member Edwin Peacock entered the meeting)

How many towing companies are in Charlotte?
Major Levins found 76 companies in the phone book. There could be others and we think there are probably around 100. A lot of them are pickup trucks with winches on the back.

Can we raise the towing fee?
Major Levins stated that there is a way in the ordinance for the fees to be raised. Currently, it allows the Chief of Police to make that determination.

Can a vehicle be booted and towed in the same instance?
Major Levins stated that the way the ordinance is written now, it is possible. People can have their cars booted and over a period of time can have it towed off and both charges could be applied.

Kinsey: If it's booted, do they do that and leave it for a while?

Levins: Some do and some don't. The predatory complaints we have gotten have to do with wreckers coming up and booting a whole line of cars and then start towing them off as quickly as they can.

Complaints by semi-tractor owners/$1,800 fee?
Major Levins said this question is in regards to high fees applied to a tractor trailer that was towed away. We were able to find a couple of instances where that occurred. In one instance, he was initially booted and was driven around to raise the money to get the boot off and then his vehicle was towed. Through some mediation with CMPD, we were able to talk them out of the fee. They just charged him the boot fee.

Are current signage requirements adequate?
Major Levins said this is a big piece of contention with a lot of people. Some say there is too

much on the signs, not big enough, not readable and not conspicuous.

What can be done about abuses by tow companies?
Major Levins stated that they encourage people to make a police report to allow them to investigate it. When people call in, CMPD is making reports and that allows them to have better information in their system.

["Types of Complaints" slide]

Major Levins said that they polled a lot of the officers and asked them what they were seeing and the problems they were encountering. He stated the biggest complaint was the patrolling/predatory towing companies. These companies are sitting there waiting and immediately snag the car as soon as the vehicle owner walks away. They don't engage them at all. Another big one was the charging of drop fees. There is nothing in the law that allows that. That kind of goes with the definition of what a tow is. Is it when the wrecker blocks the car in, when it's hooked to the wrecker, when it's pulling out of the lot or when it's on the public street? At what point does it become a tow?

Kinsey: They're not supposed to charge a drop fee.

Levins: That's right.

Burgess: Is there any penalty for a company charging a drop fee?

Levins: Yes, that is a criminal misdemeanor. In most cases when we respond, we mediate it and resolve the issue without it getting to that point.

Major Levins went on to discuss the signage issues and stated that the signs have to be visible. He also talked about issues with parking lots trying to recover their costs. They contract out to the companies to tow the vehicles, but they aren't recovering any of their fees. Another big issue is the release hours after 7:00 p.m. Most vehicles are towed after 7:00 p.m. and if you can't get your car back until the next morning then it becomes problematic. Some cities have said "if you tow 24 hours you have to release 24 hours." The 9,000 lb rule fee is also troublesome because it's kind of difficult to determine what a car over 9,000 lbs looks like. Is it what the VIN says or the registration? Major Levins said that in regards to reporting a tow to police, they still have trouble with that. Other cities have set regulations stating they have to call it in before they tow it. Another issue is booting and towing together. Should that be allowed? Can the ordinance be changed to say you can do one or the other and not both? That is something that is open for discussion.

Kinsey: Is there some way we can fix the confusion on the 9,000 lb rule?

Levins: I think through definition. We can describe it as what the DMV says. The wrecker companies use the VIN.

[“Towing Signs” slide]

Major Levins stated that the sign on the left almost meets the size requirements, but there is too much information on it and it’s not very clear. The one on the right is green. There is not a regulation about the color of the signs. Most people would not pay attention to a green sign that is not very close to the parking lot, but that is what some companies were using.

Burgess: Did you find any cities that had standardized signs?

Newbold: Yes, there are some that have better requirements than we currently have in our ordinance. They also have some requirements that beef up the signs. Some say you have to have someone on call and they have to call back the owner of the vehicle within 15 minutes and then be at the lot within 45 minutes to 1 hour, to turn the vehicle over.

Burgess: What about size and shapes of the signs?

Newbold: The size is regulated by State law. We can add to it, but could not change it.

Kinsey: The pictures on the slide are two different sizes. Which is the correct size?

Levins: The one on the left is closest. The signs should be 24 inches x 24 inches.

Dulin: Well that’s clearly a rectangle and not a square. Some of this is education and raising people’s awareness.

[“Potential Solutions to Complaints” slide]

Mr. Newbold said that he thinks there are some things that we could look at, as opposed to changing the law. Are we doing the best job on failure to drop complaints? Are we doing the best job when there are accusations that the fees are too much? The same thing applies to not following the 7-7 rule and inadequate signage. He said it then becomes about the setting of priorities for enforcement. Do we set up a group of officers to go around and look at signs? There are some enforcement practices that we could step up a little bit to help on some of the problems. He stated that he felt that training for 911 and 311 could improve to make them better aware of the contents of the ordinance.

[“Best Practices/Other Cities” slide]

Mr. Newbold said they took a look at some other cities and pointed out that each State is different and each State has different laws. In Fort Worth, Texas, their State legislature has decided to regulate heavy for the industry of predatory/patrol towing.
They have a registration requirement for any wrecker that tows from a private property and they must be registered. They also establish rates for vehicles in excess of the standard weight for automobiles. There is a cap on the amount you can charge. The release requirements are interesting in that if you are going to tow a vehicle 24 hours per day, then

you have to have a lot open 24 hours a day. It's a safety issue because if someone comes out of a club at 2:00 a.m. from out of town, and there is no vehicle, then they are left standing there. If a person comes out of a club with a disability issue and their car is gone, then they don't have a way to get their car back quickly. Mr. Newbold stated that they also have an internal complaint procedure that their department has adopted. If there is a complaint against a storage facility (lot), then there is an internal administrative hearing process to see whether or not the lot or wrecker company is at fault or the owner of the vehicle is at fault.

Mr. Newbold said that in Louisville, Kentucky they have the wreckers, prior to towing, contact the City and provide information about the vehicle to Police. That is because sometimes people that have been involved in a robbery or have stolen the vehicle, dump the vehicle in a lot. One of the problems we've had in the past, is evidence is picked up and towed because it's considered to be a trespass tow. It's not until the call comes in afterwards that we realize that vehicle has been a part of a crime. Another regulation they have is if it's an apartment complex or a private lot, they require the owner or manager of the lot to sign a specific written authorization to remove the vehicle and why. There is no "just because the wrecker drives by and sees the vehicle, they can hook it up," it requires the agent to be there to sign the authorization to remove the vehicle.

Mr. Newbold stated that he took a look at Asheville, North Carolina and they have specific requirements added to their signage requirements. For example, the sign has to be placed within 5 feet of the street right-of-way and has to be posted every 50 feet along the line of the lot. They also require that the signs be placed at a certain level above ground and be no more than 8 feet in the air. They have an interesting thing with drop requirements. They say that if a wrecker has pulled up to the vehicle and is getting ready to hook it up and the vehicle owner comes out, then they can pay half of the normal towing cap fee and the wrecker must return the vehicle. They also have a section that says the owner can do one thing, and that is ask for their car to be dropped. They can't get into the vehicle, they can't block the wrecker and they can't climb on top of their car because that is in violation of their ordinance. That is a problem that frequently occurs as the wrecker company is pulling the car up. The vehicle owner would get hit with a fine.

Mr. Newbold stated that Raleigh, North Carolina's ordinance is similar to ours, but they have a 24/7 requirement.

Mr. Newbold said that in Denver, Colorado it is illegal to tow from private property, unless the government is doing it; however, they did put in some exceptions. There is an exception for apartment complexes and it says, there has to be a written request signed by the property owner to be towed from their property. A commercial parking lot cannot allow a nonconsensual tow or boot. It appears what they wanted to do was to make the issue of not paying for a parking space an issue between the owner of the vehicle and the parking lot.

["Potential Solutions" slide]

Mr. Newbold reviewed and discussed the potential solutions and amendments. He said they

have the ability to regulate the fee to tow. There are also other regulations that could be made based on safety and calls indicating there was a disturbance. Major Levins stated one more thing that may need to get looked at is the distance a towing company is allowed to tow a truck. There was an instance where someone was towed from Charlotte to somewhere past Kings Mountain. Chairwoman Kinsey asked the Committee to give staff some direction.

Burgess: I heard some ideas from best practices in other cities that I think could be potential amendments to our ordinance. First, change the time of notifying the CMPD about the tow from 30 minutes after the tow to before the tow. Second, requiring registration of the towing companies so we know who they are would help. I don't think a fee should be associated with that. Third, I like the 24/7 rule. Maybe we ought to codify a process about the storage facility. Fourth, I think it's imperative to allow the owner of the car to get personal items out of there. Last, I hope we don't compromise on the drop. If you arrive before the tow then they should drop it.

Newbold: I believe the 24/7 causes the most concern. It's a true safety concern to leave someone stranded at 2:00 a.m. That would be an area to take a look at. The regulation of calling the police first makes sense and would be good to look at also.

Dulin: I like the 24/7 rule. I like our drop rule better than the other one you mentioned. You mentioned the registration of the tow companies, but these tow companies have to pay a business privileged license which in a de-facto way, has them registered. I don't have any problem with having them registered, but there was push back on the Rental Property stuff.

Peacock: Does Code Enforcement touch any of this?

Levins: They cover the zone wrecker contracts.

Kinsey: I think we need to regulate signs. If they are supposed to be 24 in. x 24 in., then they need to be that. We should look at having them a certain color also. We would need to allow the towing companies to replace all their signs. I think we should also look at how far the companies can tow.

Burgess: Starbucks has inadequate parking and tow trucks are there all the time. Does the building owner benefit at all from the tow companies?

Levins: I don't know if that is occurring or not. The fee is set, so if that is occurring it would have to be out of that fee.

Kinsey: That's not something the City can do anything about, is it?

Newbold: It's legal for the parking lot and property owner to have an arrangement with towing companies as long as they don't exceed the current $120.

Burgess: I think we should also look into having the towing companies take other forms of

payment besides just cash.

Newbold: Some cities have required that the wrecker have the ability to take not only cash, but any type of electronic tender.

Burgess: What kind of burden does that place on the towing company?

Newbold: I don't know that.

Kinsey: We should add that to the things to look at.

Campbell: Would you like staff to go back and work on a rough draft ordinance including all these issues we looked at today?

Kinsey: Yes.

Campbell: We will do that. Also, because we have the Noise Ordinance still in Committee, we are alternating the months between the Towing and Noise Ordinance.

II. Tethering (Chaining/Tying) of Canines

Chairwoman Kinsey stated that the next item to review is tethering and turned it over to Mark Balestra. Mr. Balestra said that today he would provide an overview of tethering. He began reviewing the "Tethering" presentation (copy attached).

Mr. Balestra read the definition of tethering. He stated that our ordinance does not mention tethering or provide any restrictions to tethering or chaining. It does make reference to restraining your animal on your property.

Anti- tethering campaigns are becoming quite popular within the United States. Mr. Balestra said they found 19 different states with some form of legislation containing variations of the word and restrictions on tethering. Recently, in North Carolina there have been two Counties and one City that have passed total anti-tethering ordinances. In 2009, two bills were introduced by Douglas Young in the House and Senator Garu in the Senate, referencing varying forms of tethering restrictions. Both of the bills were pulled before they were brought to Committee for recommendations. They didn't feel time was sufficient enough to educate people on the benefits and they thought the bills would not pass.

Mr. Balestra discussed the different tethering law variations. Some cities control the weight of the tether and the length of the tether. Some cities look at entanglement hazards. Time restrictions of tethering are done in some places, but it's very complicated and becomes an enforcement nightmare. Some places say you can't tether a dog 4 months of age or younger.

Mr. Balestra went on to discuss the advantages and challenges of anti-tethering. As for advantages, he noted that not tethering decreases neck injuries and incidents of hanging. The

dogs are less likely to become victims of attack from loose animals and cruelty from humans. Dogs are vulnerable on chains. The Center for Disease Control indicates that dogs that are not tethered are less likely to bite or have territorial aggression. He also said that when they are not tethered they have a stronger attachment to people and are happier. It also decreases their boredom and improves their quality of life.

Mr. Balestra stated some of the challenges with tethering restrictions are affordability. It can get expensive to build fences and kennels. There are also rental property restrictions and Homeowner Association restrictions. A lot of times those govern what type of fence can be installed. A challenge for Animal Care & Control is if they put some kind of restriction in effect that may encourage people to say they can no longer support their dog because they can't afford it or are restricted to build a fence, and so then they will surrender them to the shelter. Mr. Balestra said they surveyed some cities and did not find an increase of intake number of domestic dogs. Another challenge is if the fence or kennel built is not done well, then the dog may be able to dig under or jump over the fence. Another possible challenge is a potential for increased call volume. That may occur in the beginning if this is implemented. The different places that have implemented anti-tethering has allowed a 12 to 15 month grace period to allow their citizens to be well informed, by launching media and educational campaigns that allows people to prepare in advance and find assistance if needed.

Mr. Balestra went on to discuss the different cities they surveyed. Out of the 13 cities surveyed, Forth Worth, Texas was the only one that had inclusive anti-tethering all together. Out of the 13 cities, 11 cities had some form of prohibition against tethering. Only 2 cities, Boston, Massachusetts and Albuquerque, New Mexico, had no tethering ordinance.

Mr. Balestra stated that anti-tethering has become pretty popular with some of our national welfare organizations. The Humane Society of the United States (HSUS) and the American Society for the Prevention of Cruelty to Animals (ASPCA) have taken a formal position on anti-tethering. Also, the US Department of Agriculture and the American Veterinary Medical Association are publishing studies and articles regarding anti-tethering.

Mr. Balestra asked for direction of the potential next steps.

Dulin: I'm a little bit confused because of the 400 neighborhoods I represent in South Charlotte, we have some dog problems. Sometimes those dogs are jumping fences and getting into neighbors yards. In one case, we removed the animal because it was a bad dog. Some of these dogs I wouldn't want unchained if I were their neighbor. This is a learning process for me.

Burgess: The only complaints I've had about neighbor's dogs are pit bulls. To me, chaining a dog is like being in prison and it's cruel. There has to be other ways to constrain dogs. We deliberately allow it, so we can start there and quit encouraging it. I think it would be helpful to look at these cities and bring us options of how we might amend our ordinance to make it more humane. Has the American Veterinary Medical Association taken a formal position on tethering?

Balestra: They have not taken a formal position. Mostly, what they do is publish what other people are saying about it. I haven't found a formal position from the American Humane Society either.

Kinsey: I think we should review our current ordinance and provide recommendations that include new tethering restrictions. It's one thing to see them on a run for a short amount of time, but I can't stand to see them chained. I think we have to be careful about being able to enforce whatever we do.

Balestra: I was thinking about that the other day. If we created some variation that said you cannot keep them on the end of a chain and we didn't go into creating some other minimum standards, then that would allow a person to put up a 10x10 kennel for $199, which is 100 sq. feet, and they could put 3 large dogs in that space. It also allows, if we don't address the issue in advance, someone putting their dog in an airline crate and sticking them out in their garage all day long.

Dulin: Is the run okay?

Balestra: It's a matter of opinion. A run could be a cable that stretches 100 feet in length and each side of the T-run you have 10 feet. That's a lot more space and bigger than a kennel. The only thing is the animals are still chained to something, which still makes them vulnerable to attacks where they can't flee.

Dulin: I'd be more than willing to stiffen up the heavy chain regulations. I can see why that is an awful thing to do for a dog. I'd like to help the animals and I'm more than willing to learn. Starmount neighborhood has had some trouble with dogs going over the fence, what would the solution be for that? Make a taller fence?

Balestra: There are options. You can purchase radio fencing for $150. The cable is buried under the ground and you can set how far away from the property line you want them. That gives the dog full mobility within the area of the yard and keeps it confined.

Kinsey: I think it's great the Coalition that is here today helps people who can't afford getting fences.

Balestra: It's refreshing to see our citizens participate in things that meet our mission. Part of our mission is to engage in partnership and we do that. We support that organization not just in theory, but when that group goes out there and identifies a location they are going to build a fence for, they require that owner to also spay and neuter their pet. If they can't afford it, then they participate in our free clinics. If they need shelter for the dogs, then Boy Scout groups build them and donate them to us.

Kinsey: Okay, we have one more item on the agenda so we need to move on. Thank you everyone for coming to the meeting. When will this be back on the agenda?

Campbell: I'm not sure yet. We will need to talk with Legal because they have to look at the ordinance and see what areas may conflict.

III. <u>FY2011 Focus Area Plan</u>

Chairwoman Kinsey said the next item on the agenda is the Focus Area Plan. The only difference is the gang language on page 3. Mr. Campbell stated that the new language is in blue and was added since the last meeting.

Council member Peacock said he would like to submit his edits on the front page. The first page gets overlooked a lot and he thought we should eliminate some of the unnecessary words. He said that he's not taking anything from the merit of what we are saying, just trying to say it a little better with a few less words. Chairwoman Kinsey questioned the time constraints. Mr. Campbell said that we can email everyone the edited version before the April meeting. Our goal is to have this voted out in the month of April and go to Council in May.

Chairwoman Kinsey stated that she will not be at the April 15 meeting as of now. She then adjourned the meeting at 1:30 pm.

Community Safety Committee

Thursday, March 18, 2010; 12:00 – 1:30 pm

Room 280

Committee Members:	Patrick Cannon, Chair Patsy Kinsey, Vice Chair Susan Burgess Andy Dulin Edwin Peacock
Staff Resource:	Eric D. Campbell

AGENDA

I. <u>Towing Ordinance</u>

Staff Resource: Mark Newbold

The Committee will continue its review of the City's towing ordinance and CMPD's towing enforcement strategies. City staff will respond to questions asked during the previous Committee meeting. No decisions or recommendations are requested at this meeting.

<u>Attachment:</u> 1. Towing Ordinance – Private Trespass Tows.ppt

II. <u>Tethering (Chaining/Tying) of Canines</u>

Staff Resource: Mark Balestra

At the February 15 City Council meeting a referral was approved for the Committee to review the City's Animal Control Ordinance related to tethering (chaining/tying) canines within the City of Charlotte. No decision or recommendations are requested at this meeting.

III. <u>FY2011 Focus Area Plan</u>

Staff Resource: Eric Campbell

The Committee will review and discuss the draft Community Safety Focus Area Plan, which was discussed at the Council Retreat. The Committee is requested to forward the Focus Area Plan to the full City Council.

<u>Attachment:</u> 2. FY11 Draft FAP.doc

<u>Next Scheduled Meeting:</u> April 15, 2010 at Noon in Room 280

Distribution:	Mayor/City Council Stephanie Kelly Mark Balestra	Curt Walton, City Manager Rodney Monroe	Leadership Team Jon Hannan	Mac McCarley Mark Newbold

Towing Ordinance – Private Trespass Tows

Community Safety Committee

03/18/2010

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CITY OF CHARLOTTE

Questions from Previous Meeting

- How many complaints from citizens have been made?
- Do 311 and 911 personnel know the towing ordinance?
- Are towing issues being resolved in court?
- How many towing companies in Charlotte?
- Can we raise the towing fee?
- Can a vehicle be booted and towed?
- Complaints by semi-tractor owners/$1,800.00 fee?

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CITY OF CHARLOTTE

Questions from Previous Meeting

- Is current signage requirement adequate?
- What can be done about abuses by tow companies?
- What are the best practices in other cities?

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CITY OF CHARLOTTE

Types of Complaints

- Patrolling/Predatory Towing Companies
- Charges for “Drop Fees”
- Signs
- Charging for Parking Tickets or Admin Fees
- Release Hours After 7 p.m.
- “9000 Pound Rule” Fees
- Tow Companies Not Reporting Tow to Police
- Vehicle Damages During Tow/Booting
- Booting and Towing together

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CHARLOTTE

CITY OF CHARLOTTE

Towing Signs

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CITY OF CHARLOTTE

Potential Solutions to Complaints

- Better Enforcement of Current Provisions
  - Citation/Arrest/Follow-up Investigations
    - Failure to Drop
    - Excessive Fees
    - Not Following 7-7 Rule
    - Inadequate Signage
- Training for 911, 311, and Police

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CHARLOTTE

CITY OF CHARLOTTE

Best Practices / Other Cities

- Fort Worth, Texas
- San Antonio, Texas
- Louisville, Kentucky
- Asheville, North Carolina
- Raleigh, North Carolina

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CITY OF CHARLOTTE

Potential Solutions

- Increased Enforcement
- Amend Current Ordinance
  - Legal Restrictions
    - State and federal
- Potential Amendments
    - Definition of tow/hook up
    - Clarification of drop requirement
    - Presence of property owner before tow
    - Increase hours of operation for lot or availability of attendant 24/7

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CITY OF CHARLOTTE

Potential Solutions

- Potential Amendments
  - Specific guidance on drop – no pay
  - Regulate fee on larger vehicles
  - Boot or tow, but not both

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CHARLOTTE.

FY2011 Strategic Focus Area Plan - **DRAFT**

"Charlotte will be the Safest Largest City in America."

The City of Charlotte will be the safest large city in America, a community in which citizens feel safe in the areas where they live, work, and spend their leisure time. Citizens in a safe community have confidence in their public safety agencies to proactively identify and address issues related to crime, disorder and personal safety. The Police and Fire Departments have the most direct impact on public safety. Other city departments, such as **Neighborhood & Business Services**, Engineering, Transportation, and Planning also have a role in creating safe and strong neighborhoods.

The City Council supports the Charlotte-Mecklenburg Police Department's policing strategy which focuses on crime and disorder at the neighborhood level. Police staffing plans promote high visibility throughout all of the Department's 39 response areas, each of which is served by a Response Area Team. Response Area Teams, led by a Sergeant, are responsible for crime reduction in their assigned areas and the engagement of the community as partners in keeping their neighborhoods safe. Each team develops enforcement strategies specific to their areas that target both crime and chronic offenders. They work closely with specialized police units to address criminal issues such as gangs, assaults, drugs, and firearms.

One of the ways that police build trust and confidence is through a diverse workforce. CMPD is committed to recruiting strategies that result in a more diverse workforce that is proactive in community engagement and quality customer service.

Collaboration is critical to making Charlotte the safest large city in America. Police partner with a variety of public and private agencies in a holistic approach to crime and disorder issues. One key partnership is between Police ~~&~~ and **Neighborhood & Business Services.** Police work closely with Code Enforcement and Neighborhood Specialists to address conditions that increase criminal activity and implement strategies that ultimately strengthen and empower neighborhoods. CMPD also partners with other city and county agencies as well as other members of the Criminal Justice System in a proactive effort to prevent crime before it happens.

Making Charlotte a safe community also requires strategies to reduce loss of life and property damage. The Fire Department plays a major role in that process both through proactive inspections and education programs to prevent fires and injuries and by rapid response to those fires and medical emergencies that do occur. The Fire Department also takes the lead in homeland security preparedness and works with partners around the Charlotte region to ensure that emergency personnel have the training, equipment and strategies to respond effectively to natural or man-made disasters.

Community Safety

Reduce Crime

CS.1 **Focus Area Initiative:** **Decrease crime throughout Charlotte-Mecklenburg through enforcement and problem solving strategies that target criminal activity and chronic offenders at the neighborhood level**

- FY11 Measure: Crime rate per 100,000 population for FBI Uniform Crime Report Part One offense categories (Homicide, Rape, Robbery, Aggravated Assault, Burglary, Auto Theft, Larceny, and Arson)

FY11 Target: 5% reduction in crime rate per 100,000 population ~~7% reduction in crime rate per 100,000 population in FY10~~

FY09 Target: 5% reduction in FBI Uniform crime rate per 100,000 population

FY09 Actual: 22.5% reduction

CS.2: **Focus Area Initiative:** **Enhance citizen safety through increased police visibility and engagement of citizens as active partners in crime reduction**

- FY11 Measure: Survey ratings on citizen satisfaction with police service and safety in their neighborhoods in November 2009 and November 2010

FY11 Target: Ratings of 7 or above on a 10 point scale on questions related to police services and citizen perception of safety

FY09 Target: Ratings of 7 or above on a 10 point scale on questions related to police services and citizen perception of safety

FY09 Actual: 73% on overall impression of police; 79% on courtesy; 80% on professionalism; 73% on feeling safe in their neighborhoods

- FY11 Measure: **Adopt a Police Facilities Strategic Plan which establishes a building schedule for new police division offices that increase police visibility and accessibility and facilitate the delivery of police services at the neighborhood level**

FY11 Target: TBD - new measure for FY11

CS.3 **Focus Area Initiative:** **Develop recruitment strategies that attract a more diverse applicant base to the Police Department**

- FY11 Measure: Number of women and minorities included in applicant pool

FY11 Target: 5% increase in each of next two years

FY09 Target: N/A – new measure in FY10

FY09 Actual: Baseline – 349 women and minorities in applicant pool

Community Safety

CS.4 Focus Area Initiative: Partner with other city and county agencies as well as other members of the criminal justice system in enforcement and prevention efforts that reduce crime and enhance the quality of life in our community

- FY11 Measure: Crime reduction on major city corridors through collaboration with other city agencies
  - FY11 Target: 5% reduction in Uniform Crime Report Part One Crimes (Homicide, Rape, Robbery, Aggravated Assault, Burglary, Auto Theft, Larceny and Arson)
  - FY09 Target: N/A - new measure in FY10
- FY11 Measure: Reduction in national and international gangs operating in Charlotte-Mecklenburg
  - FY11 Target: ~~In conjunction with other state and federal law enforcement agencies, identify and dismantle one gang per year~~ **Work with other state and federal law enforcement agencies to make significant progress toward dismantling one gang per year**
  - FY09 Target: N/A - new measure in FY10
- FY11 Measure: **Work with the District Attorney's Office on an information technology plan that includes a case management system with an interface to CMPD's Electronic Case Papering System**
  - FY11 Target: TBD - new measure for FY11

CS.5 Focus Area Initiative: Reduce loss of life and property damage from fires through proactive fire code enforcement and rapid response to working fires

- FY11 Measure: Percent of fire code inspections with an annual state-mandated frequency conducted each year
  - FY11 Target: 85%
  - FY09 Target: 85%
  - FY09 Actual: 90%
- FY11 Measure: Percent of alarms first-due responder companies on scene within 6 minutes of call receipt
  - FY11 Target: 80%
  - FY09 Target: 80%
  - FY09 Actual: 81.06%
- FY11 Measure: Percent of fire education programs delivered to CMS third grade classrooms that are within city limits
  - FY11 Target: 80%
  - FY09 Target: N/A - new measure in FY10

- FY11 Measure: **Consolidate Fire Administration, Fire Information Technology, Emergency Management, Fire Prevention, and Fire Investigation into one location.**

  FY11 Target: **Begin construction first quarter of 2011.**

"Tethering"

Community Safety Committee
March 18, 2010

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Tethering Defined

Chaining or *tethering* refers to the practice of securing a dog to a stationary object as a means of keeping the animal confined. This does not refer to periods when animals are being walked on a leash.

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Current Ordinance

Charlotte Ordinance 3-71

(a) *Physical restraint.* It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, excluding cats, to keep such animal on his own premises or off the premises, unless such animal is under sufficient physical restraint, such as a leash, cage, bridle or similar effective device which restrains and controls the animal, or within a vehicle or adequately contained by a fence on the premises or other secure enclosure. If the physical restraint used is a leash, bridle, or other device requiring a person to control the animal, the person using such restraint must be of sufficient age and physical size or ability to reasonably restrain the animal.

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Anti-Tethering Info

Anti-Tethering campaigns are becoming a popular trend in the nation. Currently, 19 states have some type of statewide legislation regarding tethering.

California	Connecticut	Delaware
District of Col.	Michigan	Virginia
Indiana	Tennessee	Maine
Vermont	W. Virginia	Maryland
Missouri	Pennsylvania	Texas
Nevada	Hawaii	Florida
	Arizona	

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North Carolina

In North Carolina, New Hanover, Durham and Roanoke Rapids have adopted Anti-Tethering ordinances prohibiting tethering all together where other cities have adopted modified versions of tethering.

North Carolina HB 626 and SB 695 were introduced in 2009 but were pulled prior to the scheduled hearings.

* Ordinances implementing tethering restrictions provided compliance grace periods up to 15 months.

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Tethering Law Variations

Tethering law variations may include:

- Weight of tether
- Length of tether
- Entanglement hazards
- Time restrictions
- Location of adjacent properties
- Vicinity of public institutions (Businesses/Schools)
- Characteristics of dog (age, breed, etc)

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Advantages and Challenges

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Advantages

Noted advantages to tethering restrictions:

- Decreased neck injuries / incidents of hanging
- Dogs less likely to become victims of attack from loose animals and cruelty from humans
- Less likely to bite[1] or territorial aggression
- Stronger attachment to people, friendlier, happier
- Increased quality of life
- Decreased boredom

[1] Center for Disease Control 1994

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Challenges

Noted challenges to tethering restrictions:

- Affordability (fences, kennels)
- Rental property restrictions
- HOA Restrictions
- Enforcement of variations (time, length, etc)
- Increased dog surrenders
- Breach of other types of confinement (fences, kennels)
- Creating exemptions
- Potential for increased call volume

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Comparable City Survey

Charlotte Comparable City Survey

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Survey Summary

13 cities were surveyed regarding tethering:

St Louis, MO
Washington D.C.
Fort Worth, TX
Louisville, KY
Denver, CO
Tempe, AZ
Indianapolis, IN
Memphis, TN
Boston, MA
Albuquerque, NM
Richmond, VA
Seattle, WA
San Antonio, TX

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Fort Worth prohibits all forms of tethering.

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CITY OF CHARLOTTE

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Indianapolis, IN
Memphis, TN
Boston, MA
Albuquerque, NM
Richmond, VA
Seattle, WA
San Antonio, TX

The 11 comparable cities highlighted prohibit some forms of tethering.

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CITY OF CHARLOTTE

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Richmond, VA
Seattle, WA
San Antonio, TX

Boston and Albuquerque have no tethering ordinance.

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Tethering Positions

National Animal Welfare Organizations promoting anti-tethering

- Humane Society of the United States
- American Society for the Prevention of Cruelty to Animals

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Tethering Positions

Other national organizations publishing studies and articles regarding anti-tethering.

- US Department of Agriculture
- American Veterinary Medical Association

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Potential Next Steps

- Make no adjustment to our current ordinance
- Review our current ordinance and provide recommendations that include new tethering restrictions
- Review our current ordinance and provide recommendations that include a tethering ban
- Suggestions

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