

ORDINANCE NO. 2020-304

AN ORDINANCE AMENDING THE CITY'S ANIMAL CONTROL ORDINANCE, CHAPTER 14 OF THE CITY CODE, BY PROHIBITING THE TETHERING OF DOGS OR CATS, EXCEPT WHEN SPECIFIED CONDITIONS FOR HUMANE TETHERING ARE MET; ADDING AND REVISING CERTAIN DEFINITIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the improper and unsafe tethering of dogs or cats may place them in harm's way, including the risk of injury or death, and constitutes a form of abuse or neglect; and

WHEREAS, tethered dogs or cats that are left unattended without proper supervision may show increased aggressiveness and pose a danger to the public; and

WHEREAS, the City of Daytona Beach desires to enhance its animal control regulations by adopting rules that will prevent the inhumane tethering of dogs and cats; and

WHEREAS, the City Commission of the City of Daytona Beach finds that such rules will serve the best interests of the general health, safety and welfare of the community.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. Chapter 14, Section 14-3 of the Code of Ordinances is amended to read as follows (strikeout indicates deleted text, underline indicates added text):

Sec. 14-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate food means uncontaminated, wholesome, palatable food, of enough quantity and nutritive value to maintain the normal condition and weight of the animal, and appropriate for the species and the individual animal's age and condition.

Adequate shelter means provision of and access to a secure weather resistant shelter that is suitable for the species, age, condition, height, size, breed and type of each animal; provides adequate air ventilation, adequate space for each animal to stand up and turn around; is safe and protects each animal from injury, rain, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded with a covering and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Adequate water means continual access to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, and in sufficient amounts to maintain good health, and provided in a secure manner so that the container cannot be overturned.

* * * [omitted text not affected by this ordinance]

Animal means any ~~dump~~ dumb living creature.

* * * [omitted text not affected by this ordinance]

SECTION 2. The following section is hereby added to Chapter 14:

Sec. 14-20. – Prohibition of tethering dogs or cats to stationary objects while outdoors; exception.

(a) No person shall tether a dog or a cat to a stationary object while outdoors, except as permitted in subsection (b) below.

(b) An exception to the tethering prohibition is permitted if all of the following conditions are met:

(1) The dog or cat is in visible range of the owner or responsible party, which person must also be outside with the dog or cat at all times. There is an authorized narrow exception to this sub-condition: The dog or cat owner, or responsible person, may leave a dog or cat tethered outdoors on the property for a reasonable period not to exceed 30 minutes while such owner or responsible person performs temporary tasks indoors or on another section of the property. The owner or responsible person shall not leave a dog or cat tethered outdoors on unoccupied, vacant, or abandoned property.

(2) The tether is connected with a swivel hook to the dog or cat's buckle-type collar or a body harness made of nylon or leather that is of sufficient size to adequately and safely restrain the dog or cat.

(3) The tether is of a size and weight that is reasonably necessary to safely restrain the dog or cat without placing excessive strain or weight on the dog or cat. The weight of the tether should not exceed one-tenth of the dog or cat's weight. The length of the tether should be at least the greater of either five times the length of the animal measured from the nose to the tip of its tail, or ten feet. The trolley cable should not be elevated more than seven feet above the surface.

(4) The dog or cat is not tethered outside in periods of extreme weather, including but not limited to extreme heat (in excess of 90 degrees) or cold (lower than 50 degrees), thunderstorms, lightning, tornadoes, tropical storms, or hurricanes.

(5) The dog or cat has access to adequate water, shelter, food, and dry ground.

(6) The tether must be secured in such a way that it cannot become entangled with other objects and deprive the dog or cat of water, shelter, food, or dry ground.

(7) The dog or cat is at least six months of age.

(8) The dog or cat is not sick or injured.

(9) If there are multiple dogs and/or cats, each animal must be tethered separately.

(10) There shall be no tethering of any dog or cat from dusk until dawn.

SECTION 3. If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable in any context, the same shall not affect any other provision herein or render any other provision (or such provision in any other context) invalid, inoperative or unenforceable to any extent whatsoever.

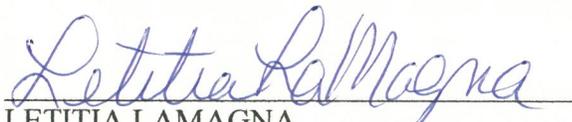
SECTION 4. The provisions of this Ordinance shall be codified as a part of the Code of Ordinances of The City of Daytona Beach, Florida, such provisions may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" or similar words may be changed to "Section", "Article", or other appropriate word. The City Clerk is granted liberal authority to codify the provisions of this Ordinance as contemplated herein.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. This Ordinance shall take effect immediately upon its adoption.


DERRICK L. HENRY
Mayor

ATTEST:


LETITIA LAMAGNA
City Clerk

Passed: September 9, 2020
Adopted: September 23, 2020