

Sponsor: Councilman Embert
First Reading: 07/01/13
Second Reading: waived
Third Reading: 07/15/13
Ord. No.: 004-13

**AN ORDNANCE TO AMEND CHAPTER 14 (“ANIMALS”), ARTICLE II (“DOGS”), OF
THE TOWN CODE BY ADDING A NEW SECTION 14-36 TO REGULATE THE
TETHERING OF DOGS**

WHEREAS, section 4.2.30 of the Charter of the Town of Smyrna authorizes the Town to “regulate the keeping of dogs within the Town;”

WHEREAS, it is the opinion of the Town Council of the Town of Smyrna that the improper tethering of dogs can be injurious and life threatening to dogs, particularly during times of extreme heat and cold, and is a problem in the Town of Smyrna; and

WHEREAS, it is the opinion of the Town Council of the Town of Smyrna that regulations governing the tethering of dogs are necessary to prevent serious injury or death to improperly tethered dogs.

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Chapter 14 (“Animals”), Article II (“Dogs”), Section 14-26 (“Definitions”) by inserting the following in between the definitions of “property” and “vicious dog”:

Tether means to restrain a dog by tying the dog to any object or structure, including but not limited to a house, tree, fence, post, garage, or shed, by any tethering device (as defined herein) or other similar means. This definition does not include the restraint of a dog by an attended leash.

Tethering device means any tether chain, rope, cord, leash, cable, running line, or similar device used to restrain a dog.

Section 2. Amend Chapter 14 (“Animals”), Article II (“Dogs”), of the Town Code by adding a new section 14-36 as follows:

Sec. 14-36. Tethering of Dogs

It shall be unlawful for a dog to be tethered outdoors, except when all of the following conditions are met:

- (a) The dog is not tethered outside for a period of longer than six (6) consecutive hours without the owner or individual who tethered the dog, or who is otherwise responsible for the care and maintenance of the dog, having direct physical contact with the dog.

- (b) The tethering device complies with the following requirements:
- (1) The tethering device is not placed directly around the dog's neck;
 - (2) The tethering device is connected to the dog using a buckle-type collar or a body harness made of nylon or leather at least one inch in width;
 - (3) The length is at least (a) five times the length of the dog's body, as measured from the tip of the nose to the base of the tail or (b) ten (10) feet long, whichever is greater;
 - (4) Both ends of the tethering device terminate with a swivel;
 - (5) The tethering device does not weigh more than 1/8 of the dog's weight; and
 - (6) The tethering device is not prone to becoming tangled.
- (c) The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement with the dog or other objects.
- (d) The dog is not outside during periods of extreme weather, including but not limited to the following:
- (1) those times when the National Weather Service has issued an excessive heat warning for the Town of Smyrna;
 - (2) those times when the temperature is at or below 32 degrees Fahrenheit or 0 degrees Celsius;
 - (3) thunderstorms;
 - (4) tornadoes;
 - (5) tropical storms; and
 - (6) hurricanes.
- (e) The tethering device shall allow the dog adequate access to food and water containers, shelter, and dry ground.
- (f) The dog is not sick or injured or a puppy less than six (6) months of age.
- (g) Any pulley, running line, or trolley systems used to tether the dog is at least 15 feet in length and is less than 7 feet above the ground.
- (h) If there are multiple dogs, the dogs are tethered such that they cannot come into contact with each other.

Section 3. Amend Chapter 14 (“Animals”), Article II (“Dogs”), Sec. 14-27(a) (“Penalty”) of the Town Code by deleting subsection (a)(1) in its entirety and inserting in its place thereof the following:

- (1) For violation of sections 14-28, 14-29, 14-32, 14-33, and 14-36
 - a. First offense: \$50.00
 - b. Second offense: \$100.00
 - c. Third and subsequent offenses: \$300.00

SYNOPSIS

This ordinance amends Chapter 14 (“Animals”), Article II (“Dogs”) by adding a new section regulating the tethering of dogs. This ordinance defines what it means to tether a dog and defines what a tether is. This ordinance prohibits the tethering of a dog for more than 6 hours without the owner or individual who tethered the dog having direct physical contact with the dog. This ordinance regulates the types of tethering devices that may be used, including the weight, length, materials, and manner in which a tethering device may be connected to a dog. Among other requirements, this ordinance prohibits tethering dogs that are sick, injured, or less than six months old, and requires dogs to have access to water and food containers, shelter, and dry ground. This ordinance outlines penalties for violations of the ordinance.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on _____, 2013.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on _____, 2013 and posted at the Town Hall on _____, 2013.

So Certifies:

Town Clerk

This shall certify that the title, effective date and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on _____, 2013 and posted at the Town Hall on _____, 2013.

So Certifies:

Town Manager