

ORDINANCE NO. 17-

AN ORDINANCE REGARDING RESTRAINT AND CONTAINMENT OF DOGS,
PROVIDING BASIC STANDARDS OF CARE FOR DOGS KEPT HABITUALLY OUTSIDE
AND PROHIBITING THE TETHERING OF DOGS

WHEREAS, the Council for the City of Arab finds that dogs must be kept restrained and contained whether on or off of their property for purposes of public safety;

WHEREAS, the Council for the City of Arab finds that owners of dogs kept habitually outside must meet certain minimum standards to ensure the health and well-being of those dogs in order to ensure those dogs are not subjected to neglect or abuse;

WHEREAS, the Council for the City of Arab finds that the unattended tethering of animals creates an undue risk of injury, strangulation, entanglement or neglect for the animals;

WHEREAS, the Council finds that the unattended tethering of animals may lead to aggressive behavior in the animals and creates an undue risk of danger to the public;

WHEREAS, the Council finds that the enactment of certain prohibitions and requirements for the tethering of animals will further the public's general welfare and safety;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Arab, Alabama as follows:

The City Council of the City of Arab, Alabama hereby enacts the following which shall be titled, "Basic Standards for Control of Dogs and for Care for Dogs Kept Habitually Outside," and which shall read in its entirety as follows:

Section 1. Duty to Restrain and Contain Dogs.

(a) It shall be the duty of every owner or person in charge of a dog to keep the animal under effective restraint, while the dog is within the city, whether or not the dog is upon or away from his premises. It shall be unlawful for the owner or person in charge of any dog to fail to keep the animal under effective restraint. Proof that a dog is not properly restrained, whether on or off the premises of the owner or person in charge, shall be prima facie evidence of a violation. Competent evidence that the failure was occasioned by an unforeseeable and independent act of a third person shall shift the burden on the city to prove otherwise.

(b) The method used to contain a dog while on his premises is within the discretion of the owner provided the conditions do not present a hazard to the dog, a hazard to the general public and are otherwise in compliance with the provisions of this ordinance. Ordinary containment methods include housing the dog inside of a residential structure, use of a fence or use of a pen or trolley line, provided that the provisions set forth herein are met.

Section 2. Chaining/Tethering of Dogs.

(a) Direct point chaining, or tethering of dogs to a stationary object, is prohibited. Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, if the following conditions are met:

- (1) Only one dog may be tethered to each cable run.
- (2) The tether must be attached to a properly fitting harness or collar worn by the dog. Choke collars, pinch collars and prong collars are prohibited for purposes of tethering a dog to a cable run.
- (3) There must be a swivel on at least one end of the tether to minimize tangling of the tether.
- (4) The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the Animal Control officer, considering the age, size and health of the dog.
- (5) The length of the tether from the cable run to the dog's harness should allow access to a reasonable available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury to the dog, and to prevent the tether from becoming tangled with other objects or animals.

(b) Notwithstanding the foregoing, a dog may be tethered while actively participating in or attending an organized show, field trial, agility event, herding contest or other similar exposition or event conducted outdoors, of a limited duration, that involves the judging or evaluation of animals, or when under the care and supervision of a licensed veterinarian.

(c) In all cases, any person who tethers a dog in accordance with this section shall ensure that the animal is tethered in a manner as to prevent injury, strangulation, entanglement or neglect.

(d) No person owning or keeping a dog may subject the dog to cruel conditions or inhumane tethering at any time. Cruel conditions and inhumane tethering are defined as, but not limited to, the following conditions:

- (1) Filthy and dirty confinement conditions, including but not limited to exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill the dog upon contact, or other circumstances that could cause harm to the dog's physical health.

(2) Taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog.

(3) Subjecting the dog to dangerous conditions, including but not limited attack by other animals.

(e) Any dog kept habitually outside which is not contained in accordance with the provisions of this section must be kept inside a residential structure or in a fenced area or pen which is suitable for the size of the dog as determined by the Animal Control Officer.

Section 3. Minimum Care of Dogs Living Outside.

(a) Shelter.

(1) Any dog that is habitually kept outside or repeatedly left outside unattended by an adult person, whether contained in accordance with the provisions of Section 1 or otherwise contained in a fenced area, shall be provided with a structurally sound, moisture-proof and wind-proof shelter large enough to keep the dog reasonably clean and dry. A shelter which does not protect the dog from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section.

(2) A dog's shelter and bedding and other accessible space shall be maintained in a manner which minimizes the risk of the dog contracting disease, being injured or becoming infested with parasites.

(3) The shelter must be wind and moisture proof and of proportionate size to allow the natural body heat of the dog to be retained in cold weather.

(4) Shelter for a dog is defined and interpreted as a structure having four (4) sides in addition to a roof and floor with one side having an entrance or an Igloo type structure specifically designed for outdoor housing of a dog. The dog must be able to enter, stand, sit, lie down and turn around in the shelter in a normal manner. Metal drums shall not be considered shelter. Transport carriers designed to move a dog from one location to another and which do not have solid walls shall not be considered shelter.

(5) The shelter floor shall be raised at least 2 inches above the ground and be free of cracks, holes or protruding nails or rough edges that could cause injury.

(6) The shelter shall be maintained and cleaned regularly. The area around the shelter shall be kept clean of accumulated feces, garbage and any other debris.

(7) The shelter shall be placed in an area that provides protection from the direct rays of the sun, when sunlight is likely to cause overheating or discomfort.

(b) Nutrition.

(1) It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with clean, fresh potable water adequate for the dog's size, age, and physical condition. This water supply shall be either free flowing or provided in a removable receptacle that is weighted and secured to prevent tipping.

(2) It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with wholesome foodstuff suitable for the dog's physical condition and age and in sufficient quantities to maintain an adequate level of nutrition for the dog.

Section 4. Violations declared a misdemeanor. Any person who violates any provisions of this Ordinance shall be guilty of a misdemeanor and, unless otherwise provided herein, shall, upon conviction or adjudication of guilt, be punished by a fine of not less than \$100.00 and in addition thereto may be punished by imprisonment or hard labor in the City jail or a combination thereof, for a period not exceeding six months and costs of court. Such fines and court cost may be adjusted or remitted upon the completion of court ordered community service.

Section 5. This Ordinance shall become effective upon its adoption and publication pursuant to Alabama law.

Section 6. Conflicts with state statutes and municipal ordinances.

(a) This ordinance shall be deemed cumulative with and supplemental to any and all statutes of the State of Alabama regarding the subject matter hereof and to be subordinate to same and in no manner intended to supersede any such statutes of the State of Alabama. Any provision hereof in conflict with any provision of any statute shall be construed so as to be in harmony with the same where possible and otherwise to be subordinate to and superseded by the provisions of such state statute.

(b) This Ordinance shall be deemed cumulative with and supplemental to Chapters 3-1 through 3-14, inclusive of "The Code of the City of Arab, Alabama." Additionally, the duty to enforce any such provision of this ordinance is hereby granted to the Animal Control Officer of the City of Arab.

Section 7. Severability. Each and every provision of this Ordinance is hereby declared to be an independent provision, and, if any section, sentence, paragraph, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, invalid or void, such holding or declaration shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the City Council of the City of Arab, Alabama, to pass this Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance shall be deemed and held to be valid as if such part had not been included herein.

PASSED and ADOPTED this _____ day of _____, 2017.

CITY COUNCIL OF THE CITY OF ARAB, ALABAMA.

Bob Joslin, Mayor

Johnny Hart, Council Member

Renae Warren, Council Member

Mark Gullion, Council Member

Mike Allen, Council Member

Chris Harper, Council Member

ATTEST:

Tony Willis, City Clerk