

PROPOSED ORDINANCE NO. 2010-12

ORDINANCE NO. 1667

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 91 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ANIMALS", BY SPECIFICALLY CREATING SECTION 91.17, TO BE ENTITLED "TETHERING OF DOGS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE CONDITIONS UNDER WHICH DOGS MAY BE TETHERED; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the practice of the "dog tethering" may be defined as the
restraining

of a dog by tying the dog to any object or structure, including, without limitation, a house, tree, fence, post, garage or shed, by any means, including, without limitation, a chain, rope, cord, leash or running line, but shall not include the use of a leash to walk the dog or forms of restraint used in the transportation of a dog; and

WHEREAS, under certain circumstances, dog tethering can be injurious to the animal's health and even life threatening, amounting to animal cruelty which creates danger for the animal and affects the peace and safety of the neighborhood; and

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WHEREAS, the City Commission of the City of Pembroke Pines, Florida deems it to be in the best interest of the citizens and residents of the City to adopt an Ordinance providing guidelines for acceptable tethering of dogs, for the protection of the animal and of the persons in proximity of the dog.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AS FOLLOWS:

Section 1: That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific of this Ordinance.

Section 2: Chapter 91 of the City of Pembroke Pines Code of Ordinances, entitled “Animals”, is hereby amended by the creation of Section 91.17, to be entitled “Tethering of Dogs”, as follows:

Section 91.17 Tethering of Dogs.

A. Definitions. For the purpose of this section of the Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) “Tethering” shall mean the restraining of a dog by the tying to any object or structure, including, without limitation, a house, tree, fence, post, garage, weight or shed, by any means, including, without limitation, a chain, rope, cord, leash or running line, but shall not include the use of a leash used to walk the dog or to forms of restraint used in the transportation of a dog.

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- (2) "Owner" shall mean any natural person, firm, association or corporation who owns, keeps, harbors, controls or is the responsible party for an animal. If the owner is a minor as defined by statute, the minor's parent(s) or legal guardian(s) shall be the owner for purposes of this section.
- B. It shall be unlawful for a dog's Owner, to tether a dog except when all of the following conditions are met:
- (1) The dog is outside and in visual range of the Owner, and the Owner is located outdoors with the dog and within physical reach of the tether.
- (2) The tether is connected to the dog by a properly fitted buckle-type collar or a body harness made of nylon or leather, not less than one inch width.
- (3) That tether terminates at both ends with a swivel and is free of tangles.
- (4) The tether has the following properties: it is at least five (5) times the length of the dog's body, as measured from the tip of the nose to the base of the tail, but shall never be less than 10 feet long.
- (5) The tether does not weigh more than 1/8 of the dog's total body weight.
- (6) Pulley, running line or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.

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- (7) The dog is tethered in such a manner as to prevent injury, strangulation or entanglement.
 - (8) The dog is not outside during a period of extreme weather, including, without limitation, extreme heat or near freezing temperatures, thunderstorms, lightning, tornadoes, tropical storms or hurricanes.
 - (9) The dog has access to clean drinking water, shade, dry ground, and, if inclement weather conditions exist, shelter.
 - (10) The dog is not sick or injured.
 - (11) If there are multiple dogs, each dog is tethered separately and in such a manner that the tethers shall not become entangled with each other.
 - (12) The dog is at least six (6) months of age. Puppies shall not be tethered.
- (C) Nothing in this section shall be construed to prohibit the arrest and criminal prosecution of an Owner for acts of animal cruelty within the scope of and punishable by the provisions of Chapter 828, Florida Statutes.

SECTION 7. Codification. It is the intention of the City Commission of the City of Pembroke Pines, that the provisions of this Ordinance shall become and made a part of the Charter of the City of Pembroke Pines, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word

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SECTION 8. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 6. Severability. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

SECTION 9. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS 16 DAY OF
June, 2010.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS
4 DAY OF August, 2010.

CITY OF PEMBROKE PINES, FLORIDA

By: 

MAYOR FRANK C. ORTIS

ATTEST:

 8/10/10
JUDITH A. MEUGENT, CITY CLERK

ORTIS AYE

CASTILLO AYE

APPROVED AS TO FORM:

 8-10-10
OFFICE OF THE CITY ATTORNEY

McCLUSKEY AYE

SHECHTER AYE

SIPLE AYE



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