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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

(Second Reading 10-7-08)

Date: May 20, 2008

Amended
Agenda Item No. 7(K)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Ordinance No. 08-120

Subject: Anti-tethering ordinance

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance regulating the tethering of dogs, requiring that owners be present if their dogs are tethered.

Scope

An anti-tethering ordinance would affect Miami-Dade County in its entirety.

Fiscal Impact/Funding Source

No additional resources will be requested in association with this ordinance.

Track Record/Monitor

Animal Services is a 'complaint driven' department. Service requests are addressed in order of priority and statistics analyzed on an ongoing basis by the department. This category of complaints will be tracked within the departmental database.

Background

By nature, dogs require socialization. Tethering or chaining a dog continually is not the recommended way to house a dog for many reasons. When threatened, dogs will have a 'fight or flight' response. When chained, they are unable to run to get out of harm's way and are therefore forced to fight out of fear. In a 2003 press release concerning dog bites, the American Veterinary Medical Association stated, 'Never tether or chain your dog because this can contribute to aggression'. Additionally, in the American Humane Association's Fiscal Year 2005-2006 Annual Report, it stated 'tethering of dogs is a major risk factor in dog bites and represents a serious, under-recognized form of animal cruelty'.

The United States Department of Agriculture (USDA) took a position in 1997 by enforcing the Federal Animal Welfare Act (FAWA). The USDA concluded that continuous confinement of dogs by a tether is inhumane because a tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury. The FAWA covers dogs in research, circuses or breeding colonies.

Since 1997, many major national animal welfare organizations have supported anti-tethering legislation to include the American Society for the Prevention of Cruelty to Animals. To date, the states of California, Texas, Virginia and Connecticut have banned tethering along with over 100 cities and counties nationwide. The state of Florida has been analyzing such legislation recently.

On January 22, 2008, an anti-tethering section was included in the re-write of Chapter V of the Miami Dade County Code and was presented to the Board. While the Board approved the changes in Chapter V, it was requested that the anti-tethering section be removed and reintroduced independently at a later time.

In the interest of properly educating our citizens, the department will delay the enforcement of an anti-tethering law for six months after passing the ordinance to ensure the community is well-informed on the issue. Outreach will be done to include press releases, posting information on the Animal Services website, updating our 'It's the Law!' flyer, publishing articles in the local veterinary association newsletter and posting information in the shelter. Once the grace period has passed, a 30 day warning will be given to first-time violators prior to the issuance of a citation.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 7, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Amended
Agenda Item No. 7(K)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(K)
10-7-08

ORDINANCE NO. **08-120**

ORDINANCE PERTAINING TO ANIMALS; CREATING SECTION 5-21 AND AMENDING SECTION 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY (THE "CODE"); REGULATING THE TETHERING OF DOGS; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 5-21 of the Code of Miami-Dade County is hereby created as follows:[1]

Sec. 5-21. Tethering of dogs.

(a) As used in this section, *tether* means to restrain 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. Tethering shall not include using a leash to walk a dog.

(b) It shall be unlawful for a responsible party to tether a dog while outdoors, except when all of the following conditions are met:

(1) The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.

(2) The tether is connected to the dog by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width.

(3) The tether has the following properties: it is at least five times the length of the dog's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than 1/8 of the dog's weight; and it is free of tangles.

(4) The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.

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[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(5) The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.
(6) The dog has access to water, shelter, and dry ground.
(7) The dog is at least six months of age. Puppies shall not be tethered.
(8) The dog is not sick or injured.
(9) Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.
(10) If there are multiple dogs, each dog is tethered separately.

(c) Nothing in this section shall be construed to excuse a violation of § 5-20 of this chapter.

(d) This section shall not apply to the transportation of dogs, and in the event of a conflict with § 5-15 of this chapter, § 5-15 shall govern.

(e) For a first-time violation, the Department shall issue a warning notice to the responsible party and shall wait at least thirty (30) days before taking any further enforcement action against the responsible party. Thereafter, each violation of this section shall be subject to enforcement in accordance with § 5-2 of this chapter. For all civil penalties for violations of this section collected pursuant to Chapter 8CC, 75% of the amount collected shall be paid to the Animal Services Trust Fund, created by Miami-Dade County Resolution No. R-1385-06, as may be amended from time to time.

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the

"Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	*Description of Violation*	*Civil Penalty*
>>5-21	Unlawful tethering of dog – First Offense	Warning
	Unlawful tethering of dog – Second Offense	$100.00
	Unlawful tethering of dog – Each Subsequent Offense	$500.00<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective one hundred and eighty (180) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **October 7, 2008**

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Co-Sponsors: Commissioner Jose "Pepe" Diaz
Commissioner Carlos A. Gimenez
Commissioner Sally A. Heyman
Commissioner Dennis C. Moss
Commissioner Dorrin D. Rolle
Commissioner Katy Sorenson
Commissioner Rebeca Sosa
Sen. Javier D. Souto