



ORDINANCE 2015-03

ANTI-TETHERING OR CHAINING ORDINANCE

WHEREAS, the City of Semmes and its residents consider tethering or chaining to be inhumane because it is a threat to the safety of the confined dog or small animal and is a threat to humans; and

WHEREAS, tethering or chaining dogs causes them to become frustrated, neurotic and aggressive and therefore present a danger to the community: A CDC study found chained dogs are 2.8 times more likely to bite and the American Veterinary Medical Association (AVMA) has also declared, "Never tether or chain your dog because this can contribute to aggressive behavior"; and

WHEREAS, the City of Semmes and its residents acknowledge that dogs are naturally social beings that thrive on interaction with human beings and other animals. A dog kept chained in one spot for hours, days, months, or even years suffers immense psychological damage. An otherwise friendly and docile dog, when kept continuously chained, becomes neurotic, unhappy, anxious, and often aggressive; and

WHEREAS, in many cases, the necks of chained dogs or small animals become raw and covered with sores resulting from the use of improperly fitted collars and the dogs' constant yanking and straining to escape confinement. Dogs have even been found with collars embedded in their necks, the result of years of neglect at the end of a chain; and

WHEREAS, a chained animal is caught in a vicious cycle; frustrated by long periods of boredom and social isolation, he becomes neurotic from this cruel treatment and can become aggressive toward other animals and to humans; and

WHEREAS, the owners of dogs and small animals have an alternative to tethering or chaining by placing them in a suitable fenced yard or pen with adequate square footage from which he cannot escape. Dogs also need to be provided with shelter from the elements and an adequate supply of food and water; and



WHEREAS, placing a dog or small animal on a tether to get fresh air can be acceptable if it is done for short periods of time, keeping an animal tethered for long periods is never acceptable; and

WHEREAS, the use of a pulley run is considered a form of tethering, certain rules apply to their usage. Attaching a dog's leash to a long line—such as a clothesline or a manufactured device known as a pulley run—and letting the animal have a larger area in which to explore is preferable to tethering the dog to a stationary object. However, many of the same problems associated with tethering still apply, including attacks on or by other animals, lack of socialization, and threats to the safety of humans that may walk into the area where the dog is tethered; and

WHEREAS, in an effort to increase the safety of citizens and their pets, the City Council of the City of Semmes is enacting an Anti-Tethering Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEMMES THAT THE FOLLOWING ANTI-TETHERING ORDINANCE IS HEREBY ENACTED:

Section 01: Findings and Purpose

1. Dogs are pack animals. In the wild, canines live, eat, and sleep with their family. In the absence of other dogs, humans become their "pack." A chained dog feels rejected and doesn't understand why.
2. The Humane Society of the US describes tethering (chaining out) as a permanent method of confinement as inhumane. It is banned on any lands under the jurisdiction of the US Department of Agriculture who also calls the practice inhumane. Many, states and cities prohibit chaining (except for limited periods of time).
3. The American Veterinary Medical Association (AVMA) has also come out publicly against dog tethering. This is because dogs live in groups in the wild, and are very, social. When living with a family, the family becomes their "pack".
4. A chained dog, however, who spends most of their lives isolated from contact suffer immense psychological damage. A continuously chained



dog usually becomes neurotic, anxious, and aggressive and their lives contain nothing but boredom, loneliness and misery.

5. The Centers for Disease Control found that chained dogs are 2.8 times more likely to bite.
6. Cruelty to a dog or cat in the second degree is a Class A misdemeanor as outlined in the Alabama Animal Rights Protection Act § 13A-11-241; § 13A-11-14. (See Code of Alabama 1975 § 13A-11-241).

Section 02: Definitions

Animal means any living, nonhuman vertebrate creature.

Dog means and includes animals of the *Canis familiaris* species, and hybrids of a *Canis familiaris* and any other member of the *Canis* genus, including wolves.

Monitored means that the animal:

1. Is controlled by means of a leash or other device held by a competent person, and which the animal is sufficiently near the owner or handler as to be under his or her direct control and is obedient to that person's command;
2. Is on or within a vehicle being driven or parked with a person in the vehicle;
or
3. Is confined as required by this chapter.

Own means to keep, harbor or have custody, charge or control of an animal, and owner means and includes any person who owns an animal

Provoke means the infliction of bodily harm on the animal or another person, or conduct that constitutes a substantial step toward the infliction of bodily harm on the animal or another person.

Tethering or ***Chaining***: These terms are commonly defined as fastening a dog to a stationary object or stake with a chain, rope or other such device that is attached to the dog's collar. This is often used as the sole means of keeping the animal restrained and under control. It does not refer to the periods when an animal is being walked on a leash.



Section 03: General Requirements

This ordinance prohibits dogs and small animals from being tethered or chained to a stationary or fixed point. Under this ordinance, dogs and small animals are allowed to be confined by a trolley system, provided the owner is on the premises and certain requirements are met.

1. No owner, keeper, harbinger or maintainer of a dog may tether, fasten, chain or tie a dog to any permanent or temporary structure; any post attached to the ground or to any weight designed to restrict the dog's freedom of movement to a limited area of space.
2. Dogs and small animals may be restrained by a trolley system or a tether attached to a pulley on a cable run, provided that the owner is on the premises and the following conditions are met:
 - a. Only one (1) dog or small animal may be tethered to each cable run.
 - b. The tether must be attached to a properly fitting collar or harness worn by the dog or small animal, with enough room between the collar and the animal's throat through which two (2) fingers may fit. Choke collars and pinch collars are strictly prohibited for purposes of tethering a dog or small animal to a cable run. The use of any collar too small for the size and age of the animal, or by any rope, chain or cord directly attached to the animal's neck is prohibited.
 - c. There must be a swivel on both ends of the tether to minimize tangling of the tether.
 - d. The tether and cable run must be of adequate size and strength to effectively restrain the dog or small animal. The size and weight of the tether must not be excessive, as determined by the enforcement officer, considering the age, size and health of the dog. In general, the use of a tether that exceeds 25 percent of the body weight of the dog or small animal is prohibited.



- e. The cable run must be at least twelve (12) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.
- f. The length of the tether from the cable run to the animal's collar should allow access to the maximum available exercise area and should allow continuous access to food, water and shelter.
- g. In no case shall it be permitted that a dog or small animal be confined so as to be forced to stand, sit or lie in its own excrement or on ground that is not well drained.
- h. The trolley system must be of appropriate configuration to confine the dog or small animal to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury or strangulation of the dog or small animal, and to prevent the tether from becoming entangled with other objects or animals.
- i. Dogs and small animals shall not be confined through the use of a trolley system between the hours of 10:00 PM and 6:00 AM.
- j. Unsterilized female dogs shall not be tethered attached to a trolley or cable run unless monitored by a competent adult for the duration of such tethering.
- k. Dogs and small animals should never be tethered during natural disasters such as floods, fires, tornadoes, blizzards, rain or other severe weather.

Section 04: Violations of this Ordinance

A person who violates any provision of this ordinance for the first time shall be given a warning ticket and a written notice of the practices and conditions which constitute the violation and the specific remedies to correct the violation(s). The time period for remedying the violation(s) shall be no longer than seven (7) days. Failure of the person to correct the violations within the time period shall constitute violation of this ordinance and shall be fined for a "first offense".

Notwithstanding whether violation of this ordinance is a "first offense", obvious signs of abuse, cruelty, neglect, torment or mistreatment shall be punishable by



an immediate fine. It shall be at the discretion of the enforcement officer whether a “first offense” results in a “warning ticket and corrective remedies” or an immediate “first offense” fine. For purposes of future violations, a “warning ticket” is considered to be a “first offense” whether it resulted in a fine or not. Future violations shall be considered to be a “second” or “subsequent” violation.

A person who violates any provision of this ordinance shall be fined for the first such violation not less than twenty-five (25) dollars. For the second or subsequent violations, the fine shall be not less than two hundred (200) dollars. Subsequent or continued violations also may subject the owner to impoundment of the animal by the enforcement officer. The enforcement officer may ask the court for an order of forfeiture or other disposition of the animal involved. A judgment by the court which orders forfeiture or other disposition of the animal by the City or any third party shall include as part of such judgment adequate provisions for the collection of costs of forfeiture or impoundment from the person found in violation.

Section 05: Enforcement authority’s rights and responsibilities

Persons charged with the enforcement of this ordinance shall be appointed and sworn in as enforcement officers. It shall also be the duty of the sheriff’s deputies or police officers (as the case may be) to assist in the enforcement of all provisions of this ordinance in relation to animals and it shall be the duty of all officers to report at once all violations so that a remedy may be found in a timely manner.

Officers charged to enforce this ordinance are authorized to proceed upon public and private property to contact the occupant of the property. Such officers are not authorized to enter a privately owned enclosure in pursuit of an animal without the consent of the owner, lessee or other occupant of the enclosure provided, however, if any animal is believed to be enclosed without adequate food, water or shelter, or dead animals are believed to be enclosed, and such owner or occupant is not present and cannot readily be located, an enforcement officer may affix a notice to the premises in an obvious location, directing the occupant to contact the officer at a given location and phone number. If neither the occupant nor anyone on the occupant’s behalf responds to such notice within twelve (12) hours after the notice is affixed, an enforcement officer may enter the premises to determine if the provisions of this ordinance have been violated.

Notwithstanding the above, if the enforcement officer believes an animal is in jeopardy, the officer may enter an enclosed portion of the property to ascertain



the animal's well-being. If the animal is in imminent danger, the officer may obtain a court order to impound the animal. Any and all costs involved with impoundment of an animal are the responsibility of the owner of the animal.

Section 06: Interference with enforcement authority

It shall be unlawful for a person to interfere with an enforcement officer or other enforcement authority in the performance of the officer's duties. A person who violates this section shall be fined for any such violation and the fine shall not be less than fifty (50) dollars.

Section 07: Applicability of ordinance

Except where otherwise provided, the provisions of this article apply throughout the City limits.

Section 08: Administrative liability

No officer, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act, or failure to act, as required or permitted in the discharge of his duties under this article. Any suit brought against any officer, agent, or employee of the City as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the City attorney until the final determination of the proceedings therein.

Section 09: Repealer Clause

The provisions contained in this Ordinance shall be cumulative in their effect and shall to repeal any existing ordinances. If this Ordinance conflicts with any other ordinance adopted by the City, the more stringent standard shall apply.

Section 10: Severability

The provisions of this Ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, such declaration shall not affect the part which remains.



Section 11: Interference with enforcement authority

This Ordinance shall be in full force and effect from and after its adoption and publication, as required by law.

Adopted and approved this 7TH day of JULY, 2015.

/s/ Judith Hale - Mayor

Attest:

/s/Rachael Rogers, Interim Acting City Clerk