



Legislation Details (With Text)

File #: ORD-08:072 **Version:** 2 **Name:** Amend Code of Ordinances regarding confinement of dogs

Type: Ordinance **Status:** Passed

File created: 8/20/2008 **In control:** Public Safety Council Committee

On agenda: **Final action:** 3/17/2009

Title: AN ORDINANCE TO AMEND AND ADD TO THE JONESBORO MUNICIPAL CODE OF ORDINANCES, TITLE 6 ANIMALS AND FOWL, CHAPTER 6.08 DOGS, SUB SECTION 6.08.05 DOGS TO BE CONFINED FOR THE PROHIBITION OF IMPROPER CONFINEMENT OF DOGS IN THE CITY OF JONESBORO

Sponsors: Mayor's Office, Animal Control

Indexes: Code of Ordinances amendment

Code sections: Chapter 10 - Animals

Attachments:

Date	Ver.	Action By	Action	Result
3/17/2009	2	City Council	Passed	Pass
2/17/2009	2	Public Safety Council Committee	Recommended to Council	Pass
2/3/2009	1	City Council	Postponed Temporarily	Pass
1/20/2009	1	City Council	Held at second reading	
1/6/2009	1	City Council	Held at one reading	
12/18/2008	1	Public Safety Council Committee	Recommended to Council	Pass
11/18/2008	1	Public Safety Council Committee	Tabled	

AN ORDINANCE TO AMEND AND ADD TO THE JONESBORO MUNICIPAL CODE OF ORDINANCES, TITLE 6 ANIMALS AND FOWL, CHAPTER 6.08 DOGS, SUB SECTION 6.08.05 DOGS TO BE CONFINED FOR THE PROHIBITION OF IMPROPER CONFINEMENT OF DOGS IN THE CITY OF JONESBORO

WHEREAS, a large number of dogs within the city limits of Jonesboro, Arkansas have suffered severe injury from being tethered to a fixed location, limited to a small enclosure and neglected; and

WHEREAS, studies by the Humane Society of the United States and other reputable animal organizations have shown that tethering a dog to a fixed location for extended periods of time inhibits socialization and often results in dogs becoming more territorial and aggressive; and

WHEREAS, dogs that are unaltered are more likely to be territorial and aggressive; and

WHEREAS, neighborhoods are harmed by the tethering of dogs to a fixed location for extended periods because of the associated concentration of urine and feces within a small area and damage to the yard

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

SECTION 1: A complete revision of Section 6.08.05 of the Jonesboro Municipal Code of Ordinances, Title 6 Animals and Fowl, Chapter 6.08 Dogs, Sub Section 6.08.05 Dogs to be Confined is requested to further outline specific guidelines for the safe confinement of dogs to prevent abuse, cruelty and unwanted aggressive behavior.

SECTION 2: The entire sub section 6.08.05 of the Jonesboro Municipal Code of Ordinances pursuant to Ordinance number 1266, Sec.6 is hereby repealed and replaced with the following five sections.

SECTION 3: Safety of persons and property is utmost in the minds of the City of Jonesboro, Arkansas. The complete Sub Section 6.08.05 of the Jonesboro Municipal Code is hereby revised as follows:

SECTION 6.08.05 Dogs to be confined. From and after the passage of this chapter, any person owning, possessing or keeping a dog or dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog or dogs within an adequate fence or enclosure or within a house, garage or other building or shall confine such dog or dogs by a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog or dogs from running at large. (Ord. No. 1266, Sec. 6.)

Is hereby amended and replaced with the following:

6.08.05 (A) ACCESS TO WATER AND SHELTER

Any person owning or keeping a dog confined outside must provide the dog with access to fresh clean water and an appropriate dog shelter. The dog shelter must allow the dog to remain dry and protected from the elements. Such shelter shall be fully enclosed on three sides, roofed, and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of wind and rain. The shelter shall be small enough to retain the dog's body heat and large enough to allow the dog to stand and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage must be provided so that water is not standing in or around the shelter. The Director of Animal Control shall have the authority to determine the suitability of a particular shelter should any questions arise and he/she shall make this determination based upon industry standards.

6.08.05 (B) DOG PENS

Unless otherwise permitted under subsection d, outdoor dog pens shall be located 25 feet from any dwelling other than the person owning or controlling the dog. There shall be at least 75 square feet in such pen for each dog kept therein which is over six months of age over 20 LBS. Said "pen" shall be constructed of wood, metal or wire in such a fashion and manner of construction as to prevent the animal from escaping and to prevent the animals head from protruding through any section or part thereof.

6.08.05 (C) TETHERING

Unless otherwise permitted under subsection d and e, it shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied or restrained to houses, trees, fences, garages or other stationary or highly immobile objects by means of rope, chain, strap, or any other physical restrain for the purpose of confinement, except an adult dog age 1 year or over and less than 20 pounds may be so tied for a time period not to exceed 2 hours.

6.08.05 (D) TROLLEY SYSTEMS

A trolley system is a method to confine a dog by tethering the dog to a cable that is no less than fifteen feet (15ft) in length and elevated seven (7) feet off the ground in a manner that allows the tether to move freely along the length of the cable. Only one animal may be attached to each running cable line or trolley system. Unless otherwise permitted under subsection d, it shall be unlawful for any person to confine a dog through the use of a trolley system as follows in any items 1-6:

- 1) For more than 12 consecutive hours or more than 18 total hours in any twenty-four hour period.
- 2.) For a puppy under the age of 3 months to be attached to a running cable line or trolley system for more than one consecutive hour or more than 8 hours in a twenty four hour period.
- 3.) For dogs that are not spayed or neutered for any period of time. Unaltered dogs must be in a completely fenced yard (defined within the same parameters as a “pen” to wit: “pen” shall be constructed of wood, metal or wire in such a fashion and manner of construction as to prevent the animal from escaping and to prevent the animals head from protruding through any section or part thereof, or housed indoors.
- 4.) That is located within 25 feet from any dwelling other than the person owning or controlling the dog.
- 5.) Any tethering system employed shall not allow the dog or puppy to leave the owner’s property or
- 6.) In a manner that poses harm to the dog, including without limitation:
 - a.) The use of a collar or harness that is ill fitting or constructed of any material other than leather or nylon;
 - b.) The use of a tether that exceeds 1/5th of the body weight of the dogs or 10 pounds total weight. Or
 - c.) The use of trolley system in an area that contains hazards to the dog or deprives the dog of food, water, and shelter.

6.08.05 (E) PERMITTING

The Director of the Jonesboro Animal Control is hereby authorized to issue permits to allow trolleying of a dog in a manner that would otherwise be prohibited by this section if the following criteria are met:

- 1.) CRITERIA - No permit shall be issued unless the Director determines that: (i) unusual circumstances warrant confinement of the dog in this manner; (ii) the welfare of the dog will not be harmed by the confinement; and (iii) the neighborhood will not be adversely impacted by the confinement.
- 2.) INSPECTION - All permits issued under this subsection shall require consent to both scheduled and unscheduled inspections of the animal and confinement area.
- 3.) REVOCATION - The Director shall revoke a permit issued under this subsection if : (i)the holder of the permit is convicted of ANY offense under local, state, or federal laws involving animal cruelty; or (ii) an inspection indicates that the criteria authorizing the permit are no longer met.
- 4.) PUNISHMENT - Any revocation of permit will be accompanied by a fine of no less than \$250 and revocation of permit privileges.
- 5.) Nothing in this section shall be construed to prohibit walking dogs with a hand-held leash.

6.08.05 (F) FINES

1.) Any person owning, possessing or keeping a dog which has been tethered contrary to the permitted allowances in this Ordinance of the city of Jonesboro, Arkansas, shall be deemed guilty of a misdemeanor and shall upon conviction for the first offense be subject to a fine of Seventy Five Dollars (\$75.00). If that same person is convicted of tethered contrary to the permitted allowances in this ordinance of the city of Jonesboro a second time, said person shall be subject to a fine of One Hundred Dollars (\$100.00); if a person is convicted of a third offense of tethered contrary to the permitted allowances in this Ordinance of the city of Jonesboro, that party shall be subject to a fine of Four Hundred Fifty Dollars (\$450.00) and a summons/warrant to appear in court will be issued. Each subsequent offense shall constitute a fine of Five Hundred Dollars (\$500.00), an issuance of a summons/warrant to appear in court, court costs and potential permanent removal of pet and a mandatory jail time of Five (5) days. The fine shall be in addition to all charges imposed upon said party in claiming and retrieving such dog from Jonesboro Animal Control.

2). All ordinance and/or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

It is found and declared by the City Council of the City of Jonesboro that dogs which are improperly confined as defined above within the City of Jonesboro are creating a nuisance and are endangering the health, safety and welfare of the inhabitants of the City of Jonesboro, Arkansas and therefore, an emergency is hereby declared to exist and this ordinance shall be in full force from and after its passage and adoption.

PASSED AND ADOPTED this 17th day of March, 2009.