

BOARD OF COUNTY COMMISSIONERS

DATE: September 11, 2014

AGENDA ITEM NO. 19

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

 **County Administrator's Signature:**

Subject:

Approval of Authority to Advertise a Public Hearing Amending Chapter 14 of the Pinellas County Code Relating to Animals.

Department:

Safety and Emergency Services

Staff Member Responsible:

Maureen Freaney, Director, Animal Services

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) APPROVE A REQUEST FOR A PUBLIC HEARING TO BE HELD ON OCTOBER 21, 2014, FOR PROPOSED AMENDMENTS TO CHAPTER 14 OF THE PINELLAS COUNTY CODE RELATING TO ANIMALS, CHANGING RULES REGARDING UNLAWFUL RESTRAINT OF DOGS AND CATS.

Summary Explanation/Background:

The proposed changes modify and strengthen the current rules on unlawful restraint of dogs and cats in Pinellas County. Many studies have indicated that dogs left tethered and unattended become less socialized, and more aggressive with an increased risk of biting. Unattended tethering also leads to inhumane conditions for the animal. Many counties in Florida have already adopted unattended tethering laws including Miami-Dade, Palm Beach, Lee, Collier, Broward, Hillsborough, Pasco, Sarasota, Manatee, Lake, Duval and Okaloosa. A survey of Florida Animal Control Association members with unattended tethering language comparable to the County's current proposal indicated that the stronger anti-tethering language was successful and a great benefit to animal welfare. Many of the communities did emphasize the importance of working with dog owners to educate them about alternatives. Some communities recommended an education period up to six months where no fines are issued. Based on this recommendation, the ordinance changes are proposed to take effect May 1, 2015 to allow for notice and education of impacted citizens.

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments Attached:

Proposed Ordinance Changes / Strike and Add
Proposed Ordinance Changes / Clean Copy

PINELLAS COUNTY ORDINANCE NO. 14 - _____

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING CHAPTER 14 OF THE PINELLAS COUNTY CODE ("CODE") RELATING TO ANIMALS; AMENDING SECTION 14-31 OF THE CODE RELATING TO UNLAWFUL RESTRAINT OF DOGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR FILING, PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in meeting duly assembled this ____ day of _____, 2014, that:

Section 1. Section 14-31 of the Pinellas County Code is hereby amended to read as follows:

Sec. 14-31. - Unlawful restraint of dogs and cats.

- (a) No person shall tether, fasten, chain, tie, or restrain a dog or cat, or cause a dog or cat to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object.
- (b) Notwithstanding subsection (a), a person may do any of the following:
 - (1) A dog or cat may be tethered when it is in visual range of the owner, and the owner is located outside with the tethered animal.
 - (1) Attach a dog to a running line, pulley, or trolley system. A dog shall not be tethered to the running line, pulley, or trolley system by means of a choke-type, pinch-type, prong-type, or improperly fitting collar;
 - (2) Tether, fasten, chain, tie, or otherwise restrain a dog or cat pursuant to the requirements of a camping or recreational area; or
 - (3) Tether, fasten, chain, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period.
- (c) In all cases where tethering is permissible the following conditions must be met:
 - (1) The dog or cat must be attached to the tether by a buckle type collar or a body harness. A dog or cat shall not be tethered by means of a choke-type, pinch-type, prong-type, or improperly fitting collar;
 - (2) The tether has the following properties: it is at least five times the length of the dog's tethered animal'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 one-eighth of the ~~dog's~~tethered animal's weight; and it is free of tangles;

~~(32)~~ The dog or cat is tethered in such a manner as to prevent injury, strangulation, or entanglement;

~~(4)~~ If there are multiple dogs or cats, each dog or cat must be tethered separately. The tethering of each dog or cat must be in accordance with the requirements of this code;

~~(53)~~ The dog or cat is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes;

~~(64)~~ The dog or cat has access to water, adequate shelter, and dry ground;

~~(75)~~ The dog or cat is at least six months of age. Puppies or kittens shall not be tethered; and

~~(86)~~ The dog or cat is not sick or injured.

Section 2. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 3. Codification.

The provision of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately numbered to conform to the uniform system of the Code.

Section 4. Filing of Ordinance; Effective Date.

Pursuant to Section 125.66, Florida Statutes, this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners. This Ordinance shall take effect May 1, 2015.

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- (b) Notwithstanding subsection (a), a person may do the following:
 - (1) A dog or cat may be tethered when it is in visual range of the owner, and the owner is located outside with the tethered animal.
 - (2) Tether, fasten, chain, tie, or otherwise restrain a dog or cat pursuant to the requirements of a camping or recreational area.
- (c) In all cases where tethering is permissible the following conditions must be met:
 - (1) The dog or cat must be attached to the tether by a buckle type collar or a body harness. A dog or cat shall not be tethered by means of a choke-type, pinch-type, prong-type, or improperly fitting collar;
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 - (3) The dog or cat is tethered in such a manner as to prevent injury, strangulation, or entanglement;

- (4) If there are multiple dogs or cats, each dog or cat must be tethered separately. The tethering of each dog or cat must be in accordance with the requirements of this code;
- (5) The dog or cat 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 or cat has access to water, adequate shelter, and dry ground;
- (7) The dog or cat is at least six months of age. Puppies or kittens shall not be tethered; and
- (8) The dog or cat is not sick or injured.

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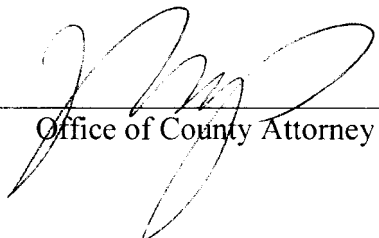
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APPROVED AS TO FORM

By: 
Office of County Attorney