

19.20.8

SPONSOR: COUNCILMEMBER

GENERAL

ORDINANCE No. 2885

AN ORDINANCE AMENDING CHAPTER 5 "ANIMALS" OF THE CODE OF ORDINANCES TO PROVIDE REGULATIONS FOR THE UNLAWFUL RESTRAINT AND TETHERING OF DOGS AND REQUIREMENTS FOR HOUSING ENCLOSURES FOR DOGS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI, AS FOLLOWS:

SECTION 1. That Chapter 5 of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by adding a new Section 5-107 to be numbered, entitled and read as follows:

Sec. 5-107. Unlawful restraint of a dog; tethering.

(a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Choke collar* is a collar (as defined below) made of metal or other rigid links designed to control an animal by tightening around the animal's neck or appendage and drawing tighter as pressure is exerted.
- (2) *Collar* means any device constructed of nylon, leather, metal, or similar material, and used for restraint of an animal by the animal's neck or an appendage.
- (3) *Prong collar* is collar made of metal or other rigid links with a series of sharp links, or prongs, with blunted points designed to control an animal by tightening around the animal's neck or appendage and drawing the blunted points to the animal when pressure is exerted.
- (4) *Tether* means the fastening of an animal to a fixed object, stake, or trolley system using a collar or similar device as a means of keeping the animal within a limited area.

(b) *Prohibitions.* It shall be unlawful to tether a dog or similar house-pet outdoors, except under the following circumstances:

- (1) No animal may be tethered between the hours of 10:00 p.m. and 6:00 a.m.
- (2) No animal may be tethered as a primary method of restraining the animal.
- (3) No animal may be tethered for longer than 30 minutes unless the animal has been provided with adequate food, water, and shelter suitable for the species, age, and condition of the animal and the weather conditions.

- (4) A tethered animal must be supervised by a competent person physically present on the property and responsible for the care of the animal.
- (5) A tethered animal must be over six months of age.
- (6) A tethered animal must not be tethered outdoors in temperatures below 32 degrees Fahrenheit, temperatures over 85 degrees Fahrenheit, or in other weather conditions that could likely cause harm to the animal.
- (7) A tethered animal must be tethered using a properly-fitted collar that measures the circumference of the animal's neck with additional space to place at least two adult fingers.
- (8) No animal may be tethered using a choke or prong collar.
- (9) A tethered animal must be tethered using a collar or other tether device designed for the animal and weighing no more than one-eighth of the animal's weight.
- (10) A tethered animal must be tethered using tethering devices that are unbroken and free of tangles and provide the animal with the ability to extend from the fixed point of the tether by at least three times the length of the animal (from nose to base of tail) or at least six feet, whichever is greater.
- (11) A tethered animal must be placed where the animal cannot be in danger of being strangled or hung, including in areas that are free of dangerous debris and obstacles.

(b) *Penalty.* A person who violates a provision of this section may be found guilty of animal neglect or animal abuse and a violation of Section 5-1 of this chapter.

SECTION 2. That Chapter 5 of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by adding a new Section 5-108 to be numbered, entitled and read as follows:

Sec. 5-108. Housing enclosure requirements for dogs.

(a) *Enclosure requirements.* All dog housing enclosures must be securely built, adequately sized for the kind, size, and number of animals housed, maintained in a sanitary condition in compliance with all other requirements of this chapter and city zoning laws, and comply with the following minimum standards:

(1) Enclosures used as an area for a dog to regularly eat, sleep, drink, and/or eliminate must have at least 100 square feet of space for each dog six months of age or older that is housed in the enclosure; and

(2) Vicious dog enclosures shall also meet the requirements of a secure enclosure as set out in this chapter.

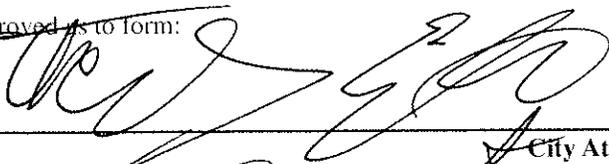
(b) *Penalty.* A person who violates a provision of this section may be found guilty of animal neglect or animal abuse or a violation of Section 5-1 of this chapter.

SECTION 3. That any ordinances or parts of ordinances in conflict with this ordinance be, and hereby are, repealed.

SECTION 4. That if any provision of this ordinance is found to be invalid, such provision shall be considered to be severable from the other parts of this ordinance and shall not affect the validity of the remaining parts of this ordinance.

SECTION 5. That this ordinance shall be in full force and effect from and after date of passage.

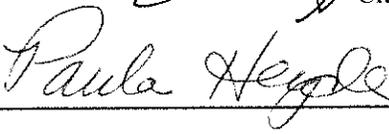
Approved as to form:



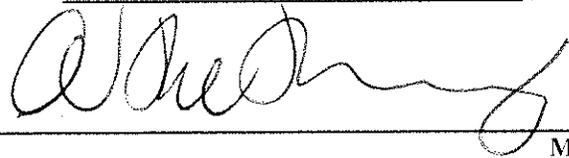
City Attorney

Passed October 8, 2018

Attest:



City Clerk



Mayor

Date: September 12, 2018
Account Number: N/A
Amount: N/A
Type of Ordinance: General

2018
2018 SEP 17 PM 1:11

EXPLANATION TO COUNCIL BILL

ORIGINATING DEPARTMENT: Health/Animal Control and Rescue

PURPOSE: To amend Chapter 5 “Animals” of the Code of Ordinances to add a new Section 5-107 titled “Unlawful restraint of a dog; tethering” and Section 5-108 titled “Housing enclosure requirements for dogs.”

REMARKS: Throughout the year Animal Control and Rescue responds to calls regarding dogs being left in the extreme temperatures that Missouri often endures. In the winter of 2017, an unfortunate event occurred when a dog was tethered outside with no shelter. The dog perished due to the cold and lack of nutrition. The current city code lacks specific requirements regarding this issue. Several community members partnered with Animal Control and Rescue to develop this code that would limit a dog being tethered for extended periods of time and especially during the times of extreme temperatures and to define what would be considered adequate enclosures for dogs.

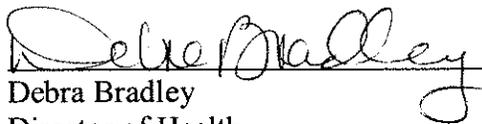
Tethered dogs are 2.8 times more likely to bite, are more likely to become aggressive due to lack of attention and increased frustration, and are at higher risk for receiving improper care. Tethered dogs are also more likely to become a barking nuisance to the public due to lack of enrichment and exercise.

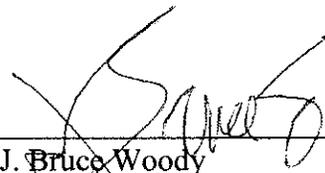
The original draft of this code was published on the Health Department web site and Facebook page encouraging the community to provide feedback. After having the draft posted for one month the comments were reviewed and the code was adjusted according to community input.

During a work session on August 27, 2018, City Council supported the proposed code and recommended it be placed on the council agenda for consideration.

Submitted By:

Reviewed By:


Debra Bradley
Director of Health


J. Bruce Woody
City Manager