

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING CHAPTER 4 (ANIMALS AND FOWLS), ARTICLE III (CARE AND TREATMENT), OF THE CODE OF ORDINANCES BY ADDING SECTION 4-79 (PROHIBITION OF THE UNRESTRICTED TETHERING OF ANIMALS); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council was approached by citizens of surrounding municipalities who wished to inform our community of the dangers of the act pertaining to the unrestricted tethering of animals; and

WHEREAS, the City Council, upon hearing these inherent dangers, directed staff to investigate the unrestricted tethering of animals and its effect upon the City of South Daytona; and

WHEREAS, staff has determined that the unrestricted act of tethering animals may place them in harm's way, including increasing the animal's risk of injury or death, and should be considered a form of cruelty; and

WHEREAS, staff is recommending that the City of South Daytona enhance its animal control regulations by adopting rules to prohibit the tethering of animals with certain exceptions; and

WHEREAS, the words in Section 1 below which are underlined (underlined) are recommended and proposed additions to our Code of Ordinances to enhance our animal control regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA:

Section 1. The City Council of the City of South Daytona hereby amends Chapter 4 (Animals and Fowls), Article III (Care and Treatment) of the South Daytona Code of Ordinances by adding Section 4-79 (Prohibition of the Unrestricted Tethering of Animals) to read as follows:

Sec. 4-79. – Prohibition of the Unrestricted Tethering of Animals.

It shall be unlawful for a person to tether an animal, which is allowed to be kept within the City, to a stationary object while outdoors. An exception to the tethering prohibition is permitted if all the following conditions are met.

- 1) The tether is of a size and weight to allow the animal freedom of movement.
- 2) The animal is not tethered outside in periods of extreme weather to include thunderstorms, lightning, tornadoes, tropical storms and hurricanes.
- 3) The animal is not tethered on unoccupied, vacant or abandoned property.
- 4) The tethered animal has access to adequate water, food and shelter or high ground.
- 5) The animal is not sick or injured.
- 6) The animal is not tethered during the period from dusk until dawn.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

Section 4. That this Ordinance shall become effective immediately upon its adoption.

Passed upon first reading at a regular meeting of the City Council of the City of South Daytona, Florida on the 12th day of January, 2021.

Passed and adopted upon second and final reading at a regular meeting of the City Council of the City of South Daytona, held in South Daytona, Florida on the 9th day of February, 2021.

SIGNED:

William C. Hall, Mayor

ATTEST:

James L. Gillis, Jr., City Manager
as Appointed Clerk

CERTIFIED AS TO FORM:

Wade C. Vose, City Attorney