

# City of South Daytona

## Office of the City Manager

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### MEMORANDUM

**AGENDA ITEM**  
# E 16 DATE 1/12/2021

**To:** The Honorable Mayor and Members of the City Council

**From:** James L. Gillis, Jr., City Manager *JLG*

**Re:** Ordinance No. 2021-01 Prohibiting the Unrestricted Tethering of Animals

**Date:** January 6, 2021

At the City Council meeting on December 8, 2020, several residents of Port Orange addressed the Council on the inherent dangers of the unrestricted act of tethering dogs and cats. After hearing those inherent dangers, the City Council directed staff to investigate the unrestricted tethering of animals and its effect upon the City of South Daytona.

Staff completed its investigation and found that the unrestricted tethering of animals tends to place them in harm's way. For example, a tether can be too heavy and restrict the movement of an animal causing it harm. An animal may not have access to water, food, and shelter or high ground while tethered which could lead to sickness or death. If an animal is tethered outdoors during a severe weather event, it could easily be harmed by falling debris or lightning.

While there has been only one unfounded complaint of animal tethering in the City of South Daytona over the past three years, staff's conclusion is that the unrestricted act of tethering should be considered a form of cruelty.

As a result, staff is recommending that the City's Land Development Code be enhanced to prohibit the tethering of animals with certain exceptions. Attached to this memorandum is Ordinance No. 2021-01 which effectively addresses the issue. The proposed ordinance is similar to ones passed by our neighboring municipalities and should be clearly enforceable by our Animal Control Officer.

**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 Land Development Code to enhance our animal control regulations.

**NOW, THEREFORE, BE IT ENACTED 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 12<sup>th</sup> 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 9<sup>th</sup> day of February, 2021.

SIGNED:

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William C. Hall, Mayor

ATTEST:

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

CERTIFIED AS TO FORM:

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Wade C. Vose, City Attorney