

ORDINANCE 2020-01

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA AMENDING CHAPTER 5, "ANIMALS," SECTION 5-11, "CRUELTY TO ANIMALS;" AMENDING THE STANDARDS AND REQUIREMENTS RELATED TO TETHERING OF DOGS AND CARE OF PETS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Flagler Beach has received comments urging local governments to adopt stricter standards related to the tethering of dogs; and

WHEREAS, the City Commission of the City of Flagler Beach desires to adopt policies and regulations designed to best protect the health and safety of its residents and visitors and its residents' and visitors' pets; and

WHEREAS, the City Commission of the City of Flagler Beach has determined it is in the best interest of the health, safety and welfare of the community to amend Chapter 5 of the City Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA:

SECTION 1. Legislative findings and intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. Amendment of existing ordinance. Chapter 5, Section 5-11 of the Code of Ordinances is hereby amended as follows (NOTE: underline text denotes additions, strikethrough text denotes deletions and asterisks "\* \* \*" denote sections of the existing Ordinance which remain unaltered and not reprinted herein):

Sec. 5-11. - Cruelty to dogs.

Acts deemed as cruelty to dogs as listed in F.S. §§ 828.12, 828.13 and 828.16, shall be punishable in this chapter.

(1) Chaining or tethering of dogs. Except as otherwise provided herein, the unsupervised, unattended outdoor tethering of a dog is prohibited, whether or not the dog is otherwise inside a fenced or enclosed outdoor area. Where the dog is being held or kept outdoors, a tether may be used as a means of direct control of the dog, only if all of the following conditions are met:

- 41 • Any tether must be of sufficient strength to prevent escape. The tether must be  
42 attached to the dog by a properly fitted and applied commercially available collar or  
43 harness made of leather or nylon and configured so as to protect the dog from injury  
44 and prevent entanglement with other objects and/or dogs. A swivel hook shall attach  
45 the tether to the collar and a swivel hook shall attach the tether to the point of tethering.  
46 A leash or lead shall not be attached directly to the dog's neck in lieu of a manufactured  
47 collar or harness. Chain, choke, slip, or prong collars are prohibited during tethering of  
48 an dog. The tether shall not be attached to a stationary object or trolley at a point or  
49 location that would allow the dog to extend the tether over a fence or other object or  
50 edge in such manner that could result in the strangulation of or injury to the dog. The  
51 tether shall not be attached to any item that may become mobile, such as a car or truck.
- 52 • Any tether used must be of an appropriate size and weight reasonably necessary  
53 to restrain the dog without causing excessive strain or weight on the dog.
- 54 • No tethering system shall extend closer than six feet from any property line or  
55 fence line.
- 56 • A tethering system must allow an dog to move a distance of five times the length  
57 of the dog from shoulder to hip in all directions from the point of tethering.
- 58 • Multiple dogs must be tethered separately in a manner than prevents entanglement  
59 of the tethering systems.
- 60 • An dog attached to a tethering system must have access to water, shade, and dry  
61 ground at all times while tethered.
- 62 • Dog waste shall not be allowed to accumulate within the area in which an dog is  
63 tethered.
- 64 • An owner or responsible party must be on the property at all times while an dog is  
65 attached to a tethering system.
- 66 • Except as provided hereinafter, an dog shall be in visible range of the owner or  
67 responsible party at all times while attached to a tethering system. Notwithstanding the  
68 foregoing, the owner or responsible party may be out of visual range of the dog for one  
69 period per day of up to thirty (30) minutes between the hours of 7:00 a.m. and 10:00  
70 a.m. and one period per day of up to thirty (30) minutes between the hours of 6:00 p.m.  
71 and 9:00 p.m. The property owner or responsible party shall remain on the property  
72 and periodically monitoring the condition and safety of the dog during any such  
73 periods.
- 74 • A dog may never be left tethered and unattended on vacant or abandoned  
75 property.

76 • An dog shall not be tethered outdoors during weather events that may reasonably  
77 threaten the health of the dog. For purposes of this paragraph, weather events that may  
78 reasonably threaten the health of the dog include: temperatures above ninety (90)  
79 degrees Fahrenheit, temperatures below forty (40) degrees Fahrenheit, thunderstorms,  
80 tornadoes, tropical storms, and hurricanes.

81 • A dog that is sick or injured cannot be tethered as a means of confinement by the  
82 owner nor may a puppy under the age of six months be tethered at any time.

83 • A dog classified as dangerous pursuant to F.S. Ch. 767, or its successor, may only  
84 be kept on a tether according to the foregoing requirements if it is otherwise secured  
85 within a proper enclosure as required by law.

86 In accordance with F.S. §163.3162, or its successor, the provisions of this subsection do not  
87 apply to dogs that are kept or used on lands being used for a bona fide farm operation on  
88 lands classified as agricultural pursuant to F.S. §193.461 or its successor.

89 ~~In situations where the owner has no choice but to restrain the dog on a chain or tether, the~~  
90 ~~following conditions must be met:~~

91 ~~• Any tethering system employed shall not allow the dog or puppy to leave the owner's~~  
92 ~~property.~~

93 ~~• Any chain or tether must be attached to a properly fitted, properly maintained collar or~~  
94 ~~harness; choke chains and ropes should not be used as a part of a tethering system.~~

95 ~~• If a dog or pup is to be tethered it must tethered to a stationary object; not an object~~  
96 ~~that could become mobile, such as a car or truck.~~

97 ~~• If an dog is tethered within a fence, it must be chained or tethered far enough away~~  
98 ~~from that fence as to avoid jumping and hanging.~~

99 ~~• A tie out must employ a restraint that is at least ten (10) feet in length or four (4) times~~  
100 ~~the length of the dog from nose to the base of the tail whichever is longer. This restraint~~  
101 ~~must be longer if attached to anything that is off the ground which would lessen the~~  
102 ~~moveable area for the dog.~~

103 ~~• A dog or puppy attached to a fixed point chain or tether which is less than twelve (12)~~  
104 ~~feet in length must be released from that tether for exercise for a minimum of two (2)~~  
105 ~~hours every twenty four hour period. (Said exercise could be inside the home for~~  
106 ~~interaction with family or within a fenced enclosure or under the caretakers' supervision~~  
107 ~~on a leash obeying local leash laws.)~~

108 ~~• A tie-out consisting of chain, leash or wire cable must be of reasonable weight so as~~  
109 ~~not to injure the dog's neck, and must be secured in such a way that the tether cannot~~  
110 ~~become entangled with other objects.~~

111 ~~• Because chained dogs are forced to eat, sleep, urinate and defecate in a single, confined~~  
112 ~~area, that area must be cleaned daily. It is advised that the area that [in which] a chained~~  
113 ~~dog is kept be changed regularly. Even if properly scooped, the organic materials on the~~  
114 ~~ground cannot be disinfected and could pose a health risk to the dog confined to such~~  
115 ~~area. Also, grass is often worn down by a dogs pacing, thus leaving nothing but dirt or~~  
116 ~~mud.~~

117 ~~• Any female dogs or cats in heat must be kept in a secured area that prevents male dogs~~  
118 ~~or cats from having access to such female except for controlled breeding permitted by~~  
119 ~~the owner of the female. Additionally, the female dog or cat shall not be chained or~~  
120 ~~tethered in a manner that prevents her from defending herself or from avoiding a male.~~

121 (2) *Outdoor shelters:*

122 • Any dog or pup that is left unattended outdoors must at all times be provided with  
123 access to water and proper shelter with ventilation that has appropriate dimensions is  
124 suitable for the size, condition and breed of each dog.

125 • Shelters must be structurally sound and maintained in good repair to protect dogs  
126 from injury. They shall have no sharp edges or points.

127 • Shelters with wire floors must be of a small enough mesh as to not allow the dog's  
128 feet to fall through the openings. A solid or soft area must be provided as a sleeping  
129 area.

130 • Metal barrels, vehicles and the like shall not constitute proper shelter.

131 • Shelters must protect the dog against inclement weather, preserve body heat and  
132 allow them to remain dry. Additional bedding material must be provided when  
133 temperatures are below fifty (50) degrees Fahrenheit.

134 • Dogs shall not be housed outdoors ~~when temperatures fall below freezing~~ during  
135 weather events that may reasonably threaten the health of the dog. For purposes of this  
136 paragraph, weather events that may reasonably threaten the health of the dog include:  
137 temperatures above ninety (90) degrees Fahrenheit, temperatures below forty (40)  
138 degrees Fahrenheit, thunderstorms, tornadoes, tropical storms, and hurricanes.

139 ~~• A shelter with ventilation shall be provided during the warm months, or in~~  
140 ~~addition to the shelter structure, one (1) or more separate areas of shade shall be~~  
141 ~~provided to allow the dogs to protect themselves when sunlight is likely to cause~~  
142 ~~overheating or discomfort.~~

143 • Floors and walls of ~~shelters~~~~outdoor housing facilities~~ must be constructed in such  
144 a manner so that they are impervious to moisture and may be readily sanitized. These  
145 shelters must be cleaned periodically with the regular removal of food, waste and  
146 debris.

147 (3) *Health care:*

148 • All dogs should be kept free from external parasites i.e. fleas and ticks. This may  
149 be accomplished by keeping the dog clean with regular brushing. This also may be  
150 accomplished with many of the over the counter or prescription products which may be  
151 administered as labeled, some as infrequently as every six (6) months.

152 • Dogs should be kept free of internal parasites, i.e. hookworm, roundworm,  
153 tapeworm, etc. This can often be accomplished by over the counter medications, but it  
154 is advisable to seek veterinary attention, as many of the over the counter products are  
155 limited in their effectiveness.

156 • Dogs should be examined annually by a licensed veterinarian.

157 • Dogs must be kept up to date on vaccines; this includes but is not limited to  
158 distemper 5 in 1 shots and rabies vaccines.

159 • Dogs should be kept on heartworm prevention as advised by veterinarian. It is  
160 also advisable that cats be kept on heartworm prevention, especially outdoor cats.

161 • If a dog tests positive for heartworm, provisions should be made to treat the  
162 heartworm. If treatment is not possible due to financial reasons there are other options  
163 which may be explored to keep the dog as healthy and comfortable as possible.

164 • Dogs who appear weak or unhealthy should receive veterinary attention.

165 • Injured dogs must receive immediate attention. It is required that any severe  
166 injuries be treated by a veterinarian.

167 • If an owner is financially unable to provide proper health care, that owner must  
168 seek assistance or consider relinquishing the dog for its own safety.

169 **SECTION 3.** This Ordinance shall be incorporated into the City of Flagler Beach  
170 Code of Ordinances. Any section, paragraph number, letter and/or any heading may be  
171 changed or modified as necessary to effectuate the foregoing. Grammatical, typographical  
172 and similar or like errors may be corrected, and additions, alterations, and omissions not  
173 affecting the construction or meaning of this ordinance or the City Code may be freely made.

174  
175 **SECTION 4.** If any Section or portion of a Section of this Ordinance proves to be  
176 invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity,  
177 force, or effect of any other Section or part of this Ordinance.

178  
179 **SECTION 5.** All Ordinances or parts of Ordinances in conflict with any of the  
180 provisions of this Ordinance are hereby repealed.

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182           **SECTION 6.** This Ordinance shall become effective immediately upon its passage  
183 and adoption as provided by law.

184  
185 PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

186  
187 PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

188  
189   CITY OF FLAGLER BEACH, FLORIDA  
190   CITY COMMISSION

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194   \_\_\_\_\_  
195   Linda Provencher, Mayor

196 ATTEST:  
197  
198 \_\_\_\_\_  
199 Penny Overstreet, City Clerk

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