

ORDINANCE NO. 2010-08-216

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA REGULATING THE SUPERVISION, CONFINEMENT AND TETHERING OF CANINES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Miami Gardens is committed to protecting animals and preventing animal cruelty, and

WHEREAS, according to the Humane Society, the continuous confinement of canines by a tether is a form of animal cruelty, and

WHEREAS, the Humane Society began a campaign entitled "Break the Chain" to educate the general public as to the dangers of continuous tethering, and

WHEREAS, the tethering of canines, has a direct impact on the health, safety and welfare of the residents of Miami Gardens, and

WHEREAS, tethered canines tend to exhibit aggressive behavior, are more susceptible to severe collar injuries, and are subjected to exposure to illnesses such as rabies,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. REPEAL: Section 5-21 of the Miami-Dade County Code, as made

applicable to the City of Miami Gardens, is hereby repealed in its entirety.

SECTION 3. PURPOSE: This ordinance is enacted to promote the health, safety, and welfare of canines and the citizens of Miami Gardens by regulating the tethering of canines.

SECTION 4. SCOPE: This ordinance applies to the continuous tethering of canines within the jurisdictional limits of Miami Gardens.

SECTION 5. DEFINITIONS: The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

1. *Canine* includes both male and female dogs.
2. *Puppy* means a dog that is less than six (6) months old.

SECTION 6. SUPERVISION, CONFINEMENT AND TETHERING OF CANINES:

1. As used in this section, tether means to restrain a canine by tying the canine to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash or running line.
2. It shall be unlawful for a responsible party to tether a canine while outdoors, except when all of the following conditions are met:
  - a. The canine is in visual range of the responsible party, and the responsible party is located outside with the canine.
  - b. The tether is connected to the canine by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width.
  - c. The tether has the following properties: it is at least five times the length of the canine'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 1/8 of the canine's weight; and it is free of tangles.
  - d. The canine is tethered in such a manner as to prevent injury, strangulation, or entanglement.

- e. The canine is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.
- f. The canine has access to water, shelter, and dry ground.
- g. The canine is at least six months of age. Puppies shall not be tethered.
- h. The canine is not sick or injured.
- i. The pulley, running line, or trolley systems are 15 feet in length and are less than 7 feet above the ground.
- j. If there are multiple canines, each canine must be tethered separately.

SECTION 7. EXEMPTIONS: This section does not apply to the transportation of canines.

SECTION 8. ENFORCEMENT:

City of Miami Gardens Police Officers and Code Enforcement Officers shall have primary responsibility for the regulations contained herein. Nothing in this Ordinance shall prevent a police officer or code enforcement officer from obtaining voluntary compliance by way of warning, notice or education.

SECTION 9. PENALTIES:

Each violation of this section shall be subject to enforcement through Ordinance No. 2004-11-27, of the City's Code Enforcement Ordinance as may be amended from time to time.

Section 10. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 11. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by

any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 12. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered ore relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 13. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 10TH DAY OF FEBRUARY 2010.

PASSED ON SECOND READING ON THE 24TH DAY OF FEBRUARY 2010.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 24TH DAY OF FEBRUARY 2010.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: MAYOR SHIRLEY GIBSON

Moved by: Mayor Gibson  
Second by: Councilman Campbell

**VOTE: 7-0**

Mayor Shirley Gibson	<u>  X  </u> (Yes)	<u>      </u> (No)
Vice Mayor Oliver Gilbert III	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilman Melvin L. Bratton	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilman Aaron Campbell	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilman Andre' Williams	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilwoman Sharon Pritchett	<u>  X  </u> (Yes)	<u>      </u> (No)
Councilwoman Barbara Watson	<u>  X  </u> (Yes)	<u>      </u> (No)



## City of Miami Gardens Agenda Cover Memo

<b>Council Meeting Date:</b>  <i>(Enter X in box)</i>	February 24, 2010		<b>Item Type:</b>  <i>(Enter X in box)</i>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>		
					X			
<b>Fiscal Impact:</b>  <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Ordinance Reading:</b>  <i>(Enter X in box)</i>		<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
							x	
		X		<b>Public Hearing:</b>  <i>(Enter X in box)</i>		<b>Yes</b>	<b>No</b>	<b>Yes</b>
							x	
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b>  <i>(Enter X in box)</i>		<b>Yes</b>		<b>No</b>	
					x			
<b>Contract/P.O. Required:</b>  <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>RFP/RFQ/Bid #:</b>		N/A			
		X						
<b>Sponsor Name</b>	Mayor Shirley Gibson		<b>Department:</b>		Office of the Mayor and Council			

**Short Title:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA REGULATING THE SUPERVISION, CONFINEMENT AND TETHERING OF CANINES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

**Summary:**

The Humane Society began a campaign entitled "Break the Chain" to educate the general public as to the dangers of continuous tethering. The City of Miami Gardens desires to join other municipalities in supporting the Humane Society's campaign. Tethering is the act of restraining a canine by tying the animal to any object or structure. According to the American Veterinary Medical Association ("AVMA"), tethering contributes to aggressive behavior in canines. Tethers

**ITEM I-2) ORDINANCE  
SECOND READING/PUBLIC HEARING  
Confinement and Tethering of Canines**

also restrict a canine's movement and may lead to severe collar injuries. Animals that are continuously tethered for extensive periods of time face greater exposure to environmental elements which may lead to illness and disease.

**Proposed Action:**

Mayor Gibson recommends that the City Council adopt the attached Ordinance regulating the supervision, confinement and tethering of canines.

**Attachment:**