

ORDINANCE NO. 2010-11-2

**AN ORDINANCE AMENDING BATESVILLE MUNICIPAL CODE TO REGULATE THE TETHERING OF DOGS; AND FOR OTHER PURPOSES**

**WHEREAS**, many dogs in Batesville have suffered severe injury from being tethered to a fixed location and neglected; and

**WHEREAS**, studies by the Humane Society of the United States have shown that tethering a dog to a fixed location for extended periods of time inhibits socialization and often results in dogs becoming more territorial and aggressive; and

**WHEREAS**, neighborhoods are harmed by the tethering of dogs to a fixed location for extended periods because of the associated concentration of urine and feces within a small area and the damage to the yard.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATESVILLE, ARKANSAS, THAT:**

**SECTION 1.** Section 6.04.05 Premises and Pens-conditions of: of the Batesville Municipal Code (The Code) is amended as follows:

C. An outside dog pen is defined as follows:

- (1) A structure constructed to secure an animal with a minimum of ten feet in depth and ten feet in width with sufficient height to keep the confined animal from escaping over the top. This is the minimum size pen and shall contain only one animal.

**SECTION 2.** Section 6.04.10 Restraints-Prohibited Types: That Batesville Municipal Code (The Code) is hereby amended as follows:

- A. The Animal control Officer shall have discretion as to whether an animals' pen or restraint is hazardous to the health or safety of the animal or to the public.
- B. Confinement of Dogs. Any person owning, possessing or keeping a dog or dogs whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog or dogs within an adequate fence or enclosure within a house, garage or other building and provides adequate ventilation and protection from environmental conditions.
- C. Chaining. No person shall direct-point chain or tether a dog to a stationary object. Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run if the following conditions are met:

Only one (1) dog may be tethered to each cable run.

1. The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.
2. There must be a swivel on at least one (1) end of the tether to minimize tangling of the tether.
3. The tether and cable run must be of adequate size and strength to effectively restrain dog. The size and weight of the tether must not be excessive, as determined by the animal welfare officer, considering the age, size and health of the dog.
4. The cable run must be at least (10) feet in length and mounted at least four (4) feet and no more than eight (8) feet above ground level.
5. The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object of an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with other objects or animals.
6. Chaining or tethering a dog to stationary objects is prohibited. Dogs must be restrained by means of a trolley system as described in Section 6.04.03 (c).

Upon notification by written warning, owner will be given ten (10) days to comply. If compliance is not met, the dog may be removed by Animal Welfare Officers.

**SECTION 3.** That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

**SECTION 4.** Nothing in this section shall be construed to prohibit walking dogs with a hand-held leash.

**SECTION 5. CODIFICATION.** It is the intention of the City Council of the City of Batesville that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Batesville, Arkansas, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**SECTION 6. SEVERABILITY.** If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this Ordinance.

**SECTION 7. REPEALER.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

ADOPTED this 9<sup>th</sup> day of November, 2010.


APPROVED:

  
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RICK ELUMBAUGH, MAYOR

ATTEST:

  
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DENISE M. JOHNSTON

APPROVED AS TO LEGAL FORM:

  
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Scott M. Stalker, City Attorney

2010/11/09