

Sponsored by: Snead
Introduction Date: September 22, 2009
Public Hearing Dates: October 13, 2009
November 10, 2009
Enactment Date: November 10, 2009

CITY OF MARATHON, FLORIDA
ORDINANCE 2009-23

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA CREATING SECTION 5-22 OF THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA, PROVIDING FOR THE LIMITING OF CHAINING OR TETHERING OF DOGS; PROVIDING FOR ENFORCEMENT AND PENALTIES IN ACCORDANCE WITH CHAPTER 10 OF THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CITY OF MARATHON, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Marathon (the "City") wishes to provide for the regulation of dogs and dog owners and keepers in the interest of the health, safety and welfare of its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS: ¹

Section 1. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Sec. 5-22 of the Code of Ordinances, City of Marathon, Florida, is hereby created to read as follows:

5-22. Chaining and tethering of dogs prohibited.

(a) Definitions. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa. Words of one gender include the correlative words of the other gender, unless the sense indicates otherwise. Additionally, the terms set forth below have the following meaning except where the context clearly otherwise requires:

"Owner" includes any owner, custodian, or other person in charge of a dog;

"Chain or tether" means to restrain a dog by tying the dog to any object or structure, including without limitation a house, tree, fence, post, garage, or shed.

¹ / Additions and new text are shown by underline, deletions are shown as ~~strikethrough~~.

by any means, including without limitation a chain, rope, cord, leash, or running line. Chaining or tethering shall not include using a leash to walk a dog.

(b) Prohibited conduct. It shall be unlawful for any person to tether a dog while outdoors, except when all of the following conditions are met:

- (1) The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.
- (2) The tether is connected to the dog by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width.
- (3) The tether has the following properties: it is at least five times the length of the dog'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 dog's weight; and it is free of tangles.
- (4) The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.
- (5) The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.
- (6) The dog has access to water, shelter, and dry ground.
- (7) The dog is at least six months of age. Puppies shall not be tethered.
- (8) The dog is not sick or injured.
- (9) Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.
- (10) If there are multiple dogs, each dog is tethered separately.

(d) This section does not apply to when the animal is left unaccompanied in a public location for a period not exceeding 15 minutes.

(e) For a first-time violation, the City shall issue a warning notice to the responsible party and shall wait at least thirty (30) days before taking any further enforcement action. Thereafter, each violation of this section shall be subject to enforcement in accordance with Chapter 10 of this Code.

Section 3. The Provisions of the Marathon Code and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

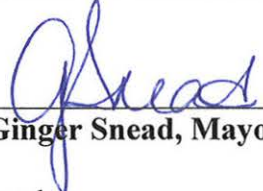
Section 4. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances, City of Marathon, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Marathon Code.

Section 6. This Ordinance shall become effective immediately upon enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 10TH DAY OF NOVEMBER 2009.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

AYES: Ramsay, Cinque, Worthington, Keating, Snead
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney