

ORDINANCE NO. 2009 - 012

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, CREATING A NEW SECTION OF THE TOWN'S CODE ENTITLED "SUPERVISION, CONFINEMENT, AND TETHERING OF CANINES, A.K.A. NIKKI'S LAW"; PROVIDING FOR INCLUSION IN THE TOWN'S CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Southwest Ranches ("Town") finds extreme importance in protecting animals and preventing animal cruelty; and

WHEREAS, the United States Department of Agriculture has found that the continuous confinement of canines by a tether is inhumane; and

WHEREAS, the continuous confinement of canines by a tether has been found to contribute to aggressive behavior and can lead to severe collar injuries and exposure related illnesses; and

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

WHEREAS, the Town is proud to recognize that the campaign's spokesdog, a Doberman named Nikki, is a resident of the Town; and

WHEREAS, prior to her rescue in 2004, Nikki spent her entire life chained to a tree; and

WHEREAS, when she was found her food bowl was covered in green mold and her water dish was empty; and

WHEREAS, Nikki was chained as a puppy and as she grew, her collar was not loosened and became permanently embedded in her neck; and

WHEREAS, today Nikki serves as an example of the dangers of continuous tethering and her story helps to educate the general public; and

WHEREAS, in honor of Nikki, and to help prevent the continuous confinement of canines by tether the Town desires to enact regulations to limit the amount of time a canine can be affixed to a tether.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

Section 2. That a Section to the Town's Code entitled "Supervision, Confinement, and Tethering of Canines, a.k.a. Nikki's Law" is hereby created to read as follows:

Supervision, Confinement, and Tethering of Canines.

A. The following terms, as used in this section, are defined as set out below:

Tether: The act of constraining an animal's movement by securing a leash (or other similar device) which is holding a dog to some fixed object for longer than two (2) continuous hours.

B. It shall be unlawful for any person who owns or is in control of any canine to tether that canine for longer than sixteen (16) hours per day.

C. In the event a canine is tethered outdoors the following conditions shall apply:

1. The canine must be periodically monitored to ensure that the canine is not in any danger.

2. The tether shall:

a. Be connected to the dog with a buckle-type collar or a body harness made of nylon, leather, or other material not less than one (1) inch in width;

b. Be at least five (5) times the length of the dog's body, as measured from the tip of the nose to the base of the tail, terminates at both ends with a swivel;

c. Not be of an excessive weight based upon the dog's size and weight;

d. Be attached in a manner to reduce the possibility of tangles;

e. Be attached in a manner so as to prevent injury, strangulation, or entanglement.

3. The canine shall not be tethered during extreme weather events.

4. The canine shall have access to food, water, shelter and dry ground.

5. Each canine shall have at least 150 square feet of space to maneuver.

6. All canines shall be tethered separately.

D. A canine shall not be tethered if:

1. The canine is less than six (6) months of age.

2. The canine is sick or injured.

E. A violation of this Section presents a serious threat to the public health, safety, or welfare, or may cause irreparable or irreversible harm and shall be prosecuted to the fullest extent and in accordance with the highest civil penalties afforded by law.

Section 3. Inclusion in the Code. This Ordinance shall be codified and included as part of the Town's Code of Ordinances. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. Severability. If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its adoption.

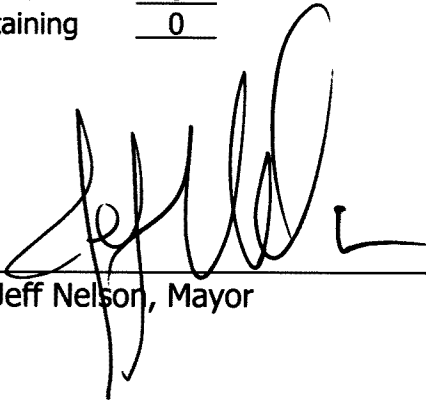
[SIGNATURES ON FOLLOWING PAGE]

PASSED ON FIRST READING this 21st day of May, 2009, on a motion made by Council Member McKay, seconded by Council Member Knight.

PASSED AND ADOPTED this 18th day of June, 2009, on a motion made by Council Member Doug McKay and seconded by Council Member Freddy Fisikelli.

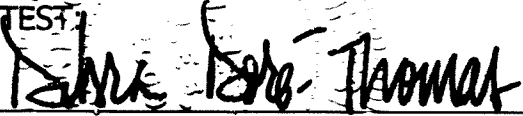
Nelson	<u>Y</u>
Breitkreuz	<u>Y</u>
Fisikelli	<u>Y</u>
Knight	<u>Y</u>
McKay	<u>Y</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>




Jeff Nelson, Mayor

ATTEST:



Debra Doré-Thomas, Interim Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney

FTL_DB: 1186776_1