

ORDINANCE NO. 2022-_____

An Ordinance of the City of Irondale to modify Chapter 3, Article II, Animals, adding Division 9 entitled “Tethering of Animals” and to repeal all ordinances and parts of ordinances of the City of Irondale in conflict therewith.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Irondale, in a regular meeting duly assembled, a quorum being present, as follows:

Section 1. MODIFICATION OF CHAPTER 3, Animals. Chapter 3, Article II of the *Municipal Code of the City of Irondale, Alabama* is hereby amended to add the following as Division 9 to this Chapter:

Chapter 3 – Animals.

Article II. – Animals

Division 9. – Tethering of Animals

Sec. 3-96 – Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section.

Humane Tethering Device means a method of containing a dog on the owner’s property by means of a cable, running line, or cord that allows the dog to be safely attached to a pulley on a cable run or trolley system.

Under restraint means controlled by a leash, cord, chain, or similar means in the hands of the owner or tethered in a humane manner so as to remain upon private premises and in the presence of the owner or any competent person.

Sec. 3-97 – Generally.

- (a) It shall be unlawful for any person to tether a dog in an inhumane manner and it shall be unlawful for any person to leave a dog tethered without its owner or a competent person to care for it.
- (b) Except as provided herein, no person may tie or chain a dog, other than with a humane tethering device, as a primary means of containment or restraint.
- (c) Nothing herein shall be construed to prohibit owners or others from walking dogs with a handheld leash.

- (d) The method used to contain a dog while on its premises is within the discretion of the owner, provided the conditions do not present a hazard to the dog, a hazard to the general public, and are otherwise in compliance with the provisions of this section. Ordinary containment methods include housing the dog inside of a residential structure, use of a fence, or use of a pen or humane tethering device, provided that the provisions set forth herein are met.

Sec. 3-98 – Humane Tethering Devices.

- (a) Direct point chaining, or tethering of dogs to a stationary object, is prohibited. Dogs may be restrained by means of a humane tethering device, if the following conditions are met:
 - 1. Only one dog may be tethered to each humane tethering device.
 - 2. The humane tethering device must be attached to a properly fitting harness or collar worn by the dog. Choke collars, pinch collars and prong collars are prohibited for purposes of tethering a dog to a humane tethering device.
 - 3. There must be a swivel on at least one end of the device to minimize tangling of the line.
 - 4. The device must be of adequate size and strength to effectively restrain the dog.
 - 5. The length of the device from the cable run to the dog's harness should allow access to a reasonable available exercise area and should allow continuous access to water and shelter. The device must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury to the dog, and to prevent the tether from becoming tangled with other objects or animals.
- (b) It shall be unlawful to tether or shelter a dog outdoors during the course of a severe weather event, including, but not limited to, heat, cold, rain, flood, storm, or tornadic activity, in which a warning has been issued.
- (c) It shall be unlawful for any person to tether a dog with a chain, rope, or other device to a fixed point.

- (d) Notwithstanding the foregoing, a dog may be tethered while actively participating in or attending an organized show, field trial, agility event, herding contest or other similar exposition or event conducted outdoors, of a limited duration, that involves the judging or evaluation of animals, or when under the care and supervision of a licensed veterinarian.
- (e) In all cases, any person who tethers a dog in accordance with this section shall ensure that the animal is tethered in a manner as to prevent injury, strangulation, entanglement or neglect.

Sec. 3-99 – Penalties.

Each day shall constitute a separate offense for the purposes of this Division 9. The following penalties shall be applicable for a violation of this Division 9.

- (a) The minimum fine for a violation of this Division 9 on a first offense within a 12-month period shall no less than \$150.00.
- (b) The minimum fine for a violation of this Division 9 on a second offense within a 12-month period shall be no less than \$250.00.
- (c) The minimum fine for a violation of this Division 9 on a third or subsequent offense within a 12-month period on a finding of guilty or a plea of guilty shall be \$500.00.

Section 2. ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. SEVERABILITY. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Irondale hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. LEGAL RIGHTS NOT IMPAIRED. Nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS. This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other

provision of law, and where any provision of this ordinance imposes restrictions difference from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 6. PUBLICATION OF ORDINANCE. The City Clerk of the City of Irondale is hereby ordered and directed to cause this Ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

Section 7. EFFECTIVE DATE OF ORDINANCE. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

THEREFORE, BE IT ORDAINED, that the City Council of the City of Irondale does hereby ordain and enact the foregoing Ordinance for the City of Irondale.

ADOPTED & APPROVED: This ____ day of _____, 2022.

David Spivey, City Council President

APPROVED:

James D. Stewart, Jr., Mayor

ATTESTED:

Leigh Allison, City Clerk

CERTIFICATION

I, Leigh Allison, City Clerk of the City of Irondale, Alabama, hereby certify that the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Irondale at its regular meeting held on the _____ day of _____, 2022, as the same appears in the minutes of record of said meeting.

Leigh Allison, City Clerk

