

AN ORDINANCE amending Chapter 18, Animals, of the Joplin City Code by enacting and amending certain definitions and enacting a new section 18-46. Tethering Dogs dealing generally with prohibiting the tethering of dogs.

WHEREAS, the health board of the City of Joplin, at the request of the Joplin City Council did investigate and review the issues relating to dangerous dogs in the city, and

WHEREAS, the health board found that chained dogs were more likely to be involved in fatal dog bite incidents, and

WHEREAS, when used as the primary method of dog restraint, tethered dogs are prone to tangling and injury resulting from this tangling, and

WHEREAS, the tethering of dogs is generally not considered as secure and humane a method of dog restraint as other methods of restraint, and

WHEREAS, the Council of the City of Joplin, Missouri does hereby find that this ordinance is in the best interest of the City in that it improves the health, safety and welfare of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Section 18-1. Definitions. of Article I, In General, of Chapter 18 Animals of the Joplin City Code be amended by amending the definition of the term “restraint” and adding a definition for the term “withers” to read as follows:

“Sec. 18-1 Definitions.

...

Restraint. Means a dog which is within a secure, fully enclosed or fenced area; under the hand-held leash, not to exceed ten (10) feet, at “heel” of a competent person; secured by a tether as allowed in this code; while in transit, within a vehicle capable of preventing the dog’s escape; or secured by a leash or other means on a vehicle in transit, such as the open bed of a truck, such that the dog cannot reach past the edge of any of the sides of the vehicle. However, a dog may be considered under restraint if it is on its property and the owner is present with the dog, and the

dog is responsive to the owner's commands. For the purposes of this code, electronic dog property perimeter systems are not considered restraint.

...

Withers. Means the measurement of a dog height while dog is standing flat, from of top of shoulder to the floor.

..."

Section 2. That Article II, Dogs, of Chapter 18 Animals of the Joplin City Code be amended by enacting a new Section 18-46 Tethering Dogs., to read as follows:

"Sec. 18-46 Tethering Dogs

- (a) It shall be unlawful for any person owning, harboring or in possession of any dog to permit it to be free of restraint when outside the residence of the owner or other similar structure or location where the dog is housed or located either on a permanent or temporary basis.
- (b) Any dog permitted to be kept within the City shall not be chained, tied, fastened or otherwise tethered to any stationary or inanimate object as a means of confinement and restraint to property.
 - a. Exception:
 - i. When a fenced yard or pen (enclosure) is not available, tethering shall be allowed on rare occasions but shall not be for more time than is necessary for the dog owner or custodian to complete a temporary task that requires the dog to be physically restrained for a reasonable time.
 - ii. When a fenced yard or pen is not available, tethering shall be allowed for short periods of time, not to exceed 30 minutes, for the purpose of the dog to relieve itself.
 - iii. When a dog is tethered as allowed in the above exceptions, the dog must be tethered by a non-choke type collar or a body harness to a tether that is at least three (3) times the body length of the dog, measured from the dog's nose to the back of the hindquarters and which tether is free from any objects that could cause entanglement or strangulation. The tether shall be proportional to the size and weigh no more than one-eighth (1/8) of the dog's body weight.
 - iv. When a dog is secured by a leash or other means on a vehicle in transit, such as the open bed of a truck, such that the dog cannot reach past the edge of any of the sides of the vehicle.

- v. Dogs shall not be tethered outside during periods of extreme weather where the dog's health would be put at risk.
 - vi. This section shall not apply to dogs used by law enforcement agencies in the performance of their duties, service dogs, or any facility in the city licensed by the USDA, Missouri Department of Agriculture or the Missouri Board of Veterinary Medicine.
- (c) Any dogs confined within a fenced yard must have an adequate space for exercise per animal, to exceed the minimum standards set forth in part (d) of this section. Fences must be constructed of materials such as chain link, welded wire or similar material, wooden or vinyl privacy fencing, or other approved fencing sufficient to keep such dog on the property of the owner or harbinger of dog. The fence must be sufficient to keep the dog from going under, over, or passing through such fence. Gates must be securely latched or locked to prevent dog from escaping. Fences must be maintained and repairs made in a fashion similar to the original construction materials. All fences must meet all applicable construction and zoning codes of the City of Joplin and where applicable, must meet requirements of Sections 18-14 and 18-15 of this code.
- (d) Where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons having custody of such dogs shall provide an enclosure (pen) for such dogs meeting the following minimum standards:

Size of Dog	Pen Size	Each Additional Dog
Extra large (over 26" at withers)	96 sq. feet	48 sq. feet
Large (over 20" at withers)	72 sq. feet	36 sq. feet
Medium (over 12" at withers)	48 sq. feet	24 sq. feet
Small (12" or less at withers)	24 sq. feet	12 sq. feet

- (e) Such enclosure shall be constructed of chain link, welded wire, or similar type materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. If necessary to prevent dog from escaping, the enclosure shall have a top of sufficient material such as a tarp or chain link type material. The enclosure must be sufficient to keep the dog from going under, over, or passing through such enclosure. Gates must be materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. If necessary to prevent

dog from escaping, the enclosure shall have a top of sufficient material such as a tarp or chain link type material. The enclosure must be sufficient to keep the dog from going under, over, or passing through such enclosure. Gates must be securely latched or locked to prevent dog from escaping. Pens must be maintained and repairs made in a fashion similar to the original construction materials. All pens must meet all applicable construction and zoning codes of the City of Joplin and where applicable, must meet requirements of Sections 18-14 and 18-15 of this code.

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- (f) Where dogs are kept outside in a fenced yard or pen, adequate shelter (dog house) must be provided to protect the dog from the elements. Said shelter shall meet all applicable requirements of Sec. 18-5 of this code.
- (g) Where dogs are kept outside in a fenced yard or pen, owner shall ensure that sufficient shade is provided to allow dogs to protect themselves from direct rays of the sun, when sunlight is likely to cause overheating and discomfort.
- (h) Clean potable water and food shall be maintained as required by Sec. 18-5 of this code. Water containers shall be designed to prevent tipping and spilling of water therein and shall be kept clean, out of the sun and refilled with fresh water at least daily.
- (i) Every dog kept in a pen as defined in this code must be allowed to have exercise out of the pen each day appropriate to the breed and size of the dog.
- (j) Any person having pled guilty or having been found guilty shall be punished as provided by Sec. 1-5 of this code. ”

Section 3. This ordinance shall become effective from and after July 1, 2009.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 7th day of December, 2009.

Gary L. Shaw, Mayor

Council Bill No. 2009-451 (Continued)

ATTEST: Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM: Brian W. Head, City Attorney