

Sec. 8-3.08. Unlawful restraint of dog.

A. For purposes of this section:

"*Collar*" means any collar constructed of nylon, leather, metal, or similar material, specifically designed to be used on a dog.

"DIRECT SUPERVISION OR CONTROL" MEANS WHEN A DOG IS KEPT WITHIN THE VISUAL RANGE OF THE OWNER OR HANDLER AT ALL TIMES WHILE OUTSIDE.

"*Extreme weather conditions*" means:

- a. The actual or effective outdoor temperature is below 32 degrees Fahrenheit or above 100 degrees Fahrenheit;
- b. A heat advisory has been issued by a local, State, or national authority for the area; or
- c. A monsoon, hurricane, tropical storm, dust storm or tornado warning has been issued for the area by a local, State, or national authority.

"*Owner*" means a person who owns or has custody or control of a dog.

"*Properly fitted*" means a collar that measures the circumference of a dog's neck plus one inch.

"*Restraint*" means a rope, tether, leash, cable, or other device other than a chain that attaches a dog to a stationary object or trolley system.

B. IT IS UNLAWFUL TO CONFINE A DOG ON PRIVATE PROPERTY BY USE OF A TETHER, TROLLEY, OR SIMILAR RESTRAINT UNLESS THE DOG IS UNDER DIRECT SUPERVISION OR CONTROL BY THE OWNER OR HANDLER, OR AT ANY TIME DURING EXTREME WEATHER CONDITIONS: ~~An owner shall not restrain a dog outside by use of a choke collar or pinch collar, or a restraint that unreasonably limits the dog's movement, or during extreme weather conditions.~~

ANY RESTRAINT USED IN ACCORDANCE WITH THIS CHAPTER MUST NOT UNREASONABLY LIMIT A DOG'S MOVEMENT OR CAUSE DISTRESS TO THE DOG. A restraint unreasonably limits a dog's movement if the restraint:

1. Uses a collar that is not properly fitted to the dog;
2. Is in length shorter than ~~SIX ten~~ feet;
3. Places the dog in unsafe or unsanitary conditions;
4. Causes injury to the dog; or
5. Does not permit the dog access to food, water, shade, dry ground, or adequate shelter. ~~at all times.~~

C. *Penalty.*

1. A person found responsible for violating subsection B of this section must be assessed a fine not less than \$250.00.
2. Upon a second conviction under subsection B of this section, a person is guilty of a Class 1 misdemeanor punishable by jail for a term of not less than 48 hours and a fine of not less than \$1,000.00.
3. Upon a third conviction under subsection B of this section, a person is guilty of a Class 1 misdemeanor punishable by jail for a term of not less than 15 consecutive days and a fine of not less than \$2,000.00.

D. A person who has restrained a dog in compliance with subsection (B) ~~(B)(2)~~ of this section is not in violation of Section 8-14(A). (Ord. No. G-6167, 2016; Ord. No. G-7131, § 2, 2023)