

ORDINANCE NO. 20-2235

AN ORDINANCE OF THE CITY OF DENTON AMENDING THE PROVISIONS OF SECTION 6-8 OF THE CODE OF ORDINANCES REGARDING RESTRAINING ANIMALS AND TETHERING ANIMALS TO PROHIBIT THE TETHERING OF ANIMALS WITH CERTAIN EXCEPTIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Denton, Texas (the “City”) owns and operates the Denton Animal Shelter (the “Shelter”) and desires to promote the health, safety and welfare of animals in Denton; and

WHEREAS, the Shelter is operated under the guidance of the Animal Shelter Advisory Committee (ASAC) which pursuant to Chapter 823.005 of the Texas Health and Safety Code assist in the Shelter’s compliance with the requirements of the chapter; and

WHEREAS, the ASAC has recommended an amendment to Chapter 6 “Animals”, Section 8 “Restraining animals and tethering animals” to prohibit the tethering of animals with certain exceptions; and

WHEREAS, the ASAC has expressed a level of concern of animals being inhumanely and improperly tethered which increases their chances of becoming tangled or inhibits the animal to adequately access food or water thus necessitating this amendment to protect the health and safety of animals; and

WHEREAS, the City Council has determined that it is in the best interest of the residents and animals of the City to enact regulations relating to tethering and finds the attached amendments reasonable and necessary; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Section 6-8 “Restraining animals and tethering animals” of Chapter 6 of the Code of Ordinances of the City of Denton is hereby amended to prohibit tethering except in limited circumstances and Section 6-8 shall now read as follows:

Sec. 6-8. - Restraining animals and tethering animals.

(a) It shall be unlawful to stake or restrain any domestic animal outside on a leash, tether, chain or similar apparatus unless a person who is in control, custody, or caring for the animal remains with the animal throughout the period of restraint. This prohibition shall apply to public and private property.

(b) It shall be unlawful for any person who is in control, custody, or caring for any animal to permit the animal to run at large in the city or to trespass upon the premises of any other person.

(c) It shall be unlawful for any person who is in control, custody, or caring for any animal to leave the animal unattended in a public place.

3. It shall be unlawful for any animal to be attached to a chain or tether that weighs ten percent or more of the animal's body weight.
4. It shall be unlawful to stake any unattended domestic animal outside on a leash, tether, chain or similar apparatus.
5. It shall be unlawful for any person who is in control, custody, or caring for any animal to permit the animal to run at large in the city or to trespass upon the premises of any other person.
6. It shall be unlawful for any person who is in control, custody, or caring for any animal to leave the animal unattended in a public place.
7. It shall be unlawful to tether any animal in the open bed of a pickup style vehicle that is open to the elements, unless the vehicle is a livestock trailer designed for the purpose of transporting livestock.
8. It shall be unlawful for any person who is in control, custody, or caring for any animal to leave the animal restrained by a leash and unattended in any manner that allows the animal to enter the private property of another without the effective consent of the owner.

(b) The prohibition of Subsection (a) does not apply to a temporary restraint:

1. During a lawful animal event, veterinary treatment, grooming, training or law enforcement activity; or
2. That is required to protect the safety or welfare of a person or the animal or to keep the animal restrained while outside in a public or private location, if the animal's owner or handler remains with the animal throughout the period of restraint.

SECTION 2. If any section, article, paragraph, sentence, phrase, clause, or word in this ordinance, or application thereof to any persons or circumstances, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; the City Council declares that it would have ordained such remaining portion despite such invalidity, and such remaining portion shall remain in full force and effect.

SECTION 3. All provisions of the ordinances of the City of Denton in conflict with the provision of this ordinance are hereby repealed. The repeal of any ordinance or any portion thereof by the preceding text shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect and such shall remain in force for all intents and purposes as if such ordinance or part thereof so repealed shall remain in force.

SECTION 4. Any person violating any provision of this ordinance shall, upon conviction, be found guilty of a misdemeanor and fined a sum of not more than five hundred dollars (\$500.00) for each violation. Each day that a provision of this Ordinance is violated shall constitute a separate and distinct offense.

SECTION 5. The City Secretary is hereby directed to record and publish the above regulations in the City's Code of Ordinances.

SECTION 6. Pursuant to Section 2.09(c) of the Charter for the City of Denton, this ordinance shall become effective fourteen (14) days from the date of this passage and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this Ordinance was made by Keely Briggs and seconded by Deb Armintor. This Ordinance was passed and approved by the following vote [7 - 0]:

|                                 | <b>Aye</b> | <b>Nay</b>    | <b>Abstain</b> | <b>Absent</b> |
|---------------------------------|------------|---------------|----------------|---------------|
| Mayor Chris Watts:              | <u>✓</u>   | <u>      </u> | <u>      </u>  | <u>      </u> |
| Gerard Hudspeth, District 1:    | <u>✓</u>   | <u>      </u> | <u>      </u>  | <u>      </u> |
| Keely G. Briggs, District 2:    | <u>✓</u>   | <u>      </u> | <u>      </u>  | <u>      </u> |
| Jesse L. Davis, District 3:     | <u>✓</u>   | <u>      </u> | <u>      </u>  | <u>      </u> |
| John Ryan, District 4:          | <u>✓</u>   | <u>      </u> | <u>      </u>  | <u>      </u> |
| Deb Armintor, At Large Place 5: | <u>✓</u>   | <u>      </u> | <u>      </u>  | <u>      </u> |
| Paul Meltzer, At Large Place 6: | <u>✓</u>   | <u>      </u> | <u>      </u>  | <u>      </u> |

PASSED AND APPROVED this the 10th day of November, 2020.

  
CHRIS WATTS, MAYOR

By: Mayor Pro Tem Gerard Hudspeth

ATTEST:  
ROSA RIOS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:  
AARON LEAL, CITY ATTORNEY

BY: 

