

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Ordinance Amending Title 12-2-18 of the High Point City Code

**From:** Brent L. Cole, Assistant City Attorney

**Meeting Date:** August 17, 2015

**Attachments:** Ordinance Amending Section 12-2-18 of the High Point City Code

---

### **PURPOSE:**

A text amendment to the High Point City Code to add Section 12-2-18 regarding the regulations for tethering of dogs within the City.

### **BACKGROUND:**

The issue of dog tethering within the City of High Point was originally presented to the Community Housing and Neighborhood Development Committee. Staff was directed at the July 20th City Council meeting to prepare language for Council's consideration regarding the prohibition of dog tethering within the City.

**BUDGET IMPACT:** N/A

### **RECOMMENDATION / ACTION REQUESTED:**

The City Manager's Office and the High Point Police Department have proposed the addition of Section 12-2-18 to the High Point City Code to address the issue of dog tethering. The High Point Police Department will present further information regarding a phasing in of the enforcement of this ordinance over the next eighteen (18) months with organized training and enforcement plans for the residents of the City. Major Larry Casterline of the High Point Police Department has been in discussions with community groups in partnering in this training and will be available to answer questions regarding this structure and application of this ordinance.

**ORDINANCE AMENDING TITLE 12 – OFFENSES – CHAPTER 2. ANIMALS –  
ARTICLE B. DOGS – SECTION 12-2-18 TETHERING OF DOGS PROHIBITED.**

An amendment affecting the tethering of dogs through the addition of Section 12-2-18 *Tethering of Dogs Prohibited* addressing the standards in which dogs may be tethered within the City of High Point.

**SECTION 1.**

Section 12-2-18 is hereby amended with the addition of the following language:

**Tethering of Dogs Prohibited**

**It shall be unlawful for any person to restrain a dog using a chain, wire or other type of tethering device in a manner prohibited by this subsection.**

- (a) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a tree, fence, post, dog house, or other stationary object. During periods of tethering that are lawful under this subsection, any tethering device used shall be at least ten (10) feet in length and attached in such a manner as to prevent strangulation or other injury to the dog or entanglement with objects.**
- (b) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a cable trolley system that allows movement of the restraining device. During periods of tethering that are lawful under this subsection, the length of the cable along which the tethering device can move must be at least ten (10) feet, and the tethering device must be of such length that the dog is able to move ten (10) feet away from the cable perpendicularly and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with objects. During periods of lawful tethering under this subsection, tethers must be made of rope, twine, cord, or similar material with a swivel on one end or must be made of a chain that is at least ten (10) feet in length with swivels on both ends and which does not exceed ten (10) percent of the dogs body weight. All collars or harnesses used for the purpose of the lawful tethering of a dog must be made of nylon or leather.**
- (c) No person shall tether a dog with a chain or wire or other device to, or cause such attachment to, any collar other than a buckle type collar or body harness.**
- (d) No person shall tether with a chain or a wire or other device to, or cause such attachment to, a head harness, choke-type collar or pronged collar to a dog.**
- (e) No person shall tether with a chain, wire, or other device to a dog where the weight of the tethering device and the collar combined exceeds ten (10) percent of the dog's body weight.**

- (f) No person shall tether with a chain, wire, or other device, a dog in such a manner that does not allow the dog access to adequate food, water and shelter.
- (g) No person shall tether a sick, diseased, and/or injured dog, or puppy (a dog that is one year of age or younger).
- (h) Notwithstanding the provisions of this subsection, a person may, subject to the following provisions, and subject to the requirement that any stationary tethering device used shall be at least ten (10) feet in length, and subject to the requirements for any cable trolley system used where the length of the cable along which the tethering device can move must be at least ten (10) feet, and the tethering device must be of such length that the dog is able to move ten (10) feet away from the cable perpendicularly, may:
- (1) Tether and restrain a dog while actively engaging in:
- (i) usage of the dog in shepherding or herding livestock, or
- (ii) use of the dog in the business of cultivating agricultural products, if the restraining is reasonably necessary for the safety of the dog, or
- (iii) use of the dog in lawful hunting activities if the restraint is reasonably necessary for the safety of the dog, or
- (iv) use of the dog at a dog training or performance events, including but not limited to, the field trials and obedience trials where tethering does not occur for a period exceeding seven (7) consecutive days, or
- (v) camping or other recreational activities where tethering is required by the camping or recreational area where the dog is located.
- (2) Tether and restrain a dog during any lawful activity where a tethered dog is in visual range of its owner or keeper, and the owner or keeper is located outside with the dog. After taking possession of a dog that appears to be a stray dog and after having advised animal control authorities of the capture of the dog, tether and restrain the dog in accordance with the provisions of this subsection for a period not to exceed seven (7) days as the person having taken possession of the dog is seeking the identity of the dog.
- (3) Tether while walking a dog with a handheld leash.

## SECTION 2.

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4.**

This ordinance shall become effective upon adoption.