

ORDINANCE 2022-02

AN ORDINANCE OF THE CITY OF MOUNT VERNON, TEXAS AMENDING THE ANIMAL ORDINANCE, CHAPTER 4, ARTICLE I, SECTION 4-3.5 TETHERING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, TEXAS;

The animal ordinance amending the Code of Ordinances of the City of Mount Vernon, Texas shall hereafter read as follows:

“Sec. 4-3.5 Tethering

It shall be unlawful for an owner or harborer to allow a dog or other animal to be tethered to a stationary object or in a location so as to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian as determined by the animal control authority. The term “unhealthy situation” shall include, but not be limited to, the following:

- **To tether any animal in such a manner as to cause the animal injury;**
- **To tether any animal in such a manner as to not permit the animal access to shelter, food, or water. It shall be an affirmative defense to this subsection that the owner or harborer was in the same location as the dog or other animal while the animal was tethered;**
- **To tether any animal in such a manner as to permit the animal to leave the premises owned, leased, or occupied by the dog’s owner or harborer or to permit the animal access on any public right-of-way;**
- **To tether any animal in such a manner as to permit the animal to leave the owner or harborer’s property;**
- **To allow any tethered animal to become entangled; or**
- **To use a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog.**
- **Restraint means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.**

An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog’s movement:

- **Between the hours of 10:00 p.m. and 6:00 a.m.;**
- **Within five hundred (500) feet of the premises of a school; or**
- **In the case of extreme weather conditions, including conditions in which:**
 - a. **The actual or effective outdoor temperature is below thirty-two (32) degrees Fahrenheit;**
 - b. **A heat advisory has been issued by a local or state authority or jurisdiction; or**
 - c. **A hurricane or tornado warning has been issued for the jurisdiction by the National Weather Service.**

An owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to:

- adequate shelter;
- an area that allows the dog to avoid standing water and exposure to excessive animal waste;
- shade from direct sunlight; and
- potable water.

An owner may not restrain a dog outside and unattended by use of a restraint that:

- is a chain;
- has weights attached;
- is shorter in length than the greater of:
 - a. five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - b. 10 feet; or
- is attached to a collar or harness not properly fitted.

Exceptions:

- The use of a restraint on a dog while the owner and dog engage in, or actively train for, an activity conducted under a valid license issued by this state provided the activity is associated with the use or presence of a dog;
- A dog left unattended in an open-air truck bed only for the time reasonably necessary for the owner to complete a temporary task that requires the dog to be left unattended in the truck bed;
- A dog taken by the owner, or another person with the owner's permission, from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be temporarily restrained; or
- A dog restrained while the owner and dog are engaged in, or actively training for, hunting or field trialing.
- The use of a restraint on a dog while attached to a trolley system that allows a dog to move along a running line for a distance equal to or greater than five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail provided the dog has access to food, water and adequate shelter.

PASSED, ADOPTED AND APPROVED this the 14th day of February, 2022.

Brad Hyman – Mayor

ATTEST:

Kathy Lovier – City Secretary