



Office of *Attorney's Matters 04/09/2019*
INDIAN RIVER COUNTY
ATTORNEY

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: William K. DeBaal, Deputy County Attorney

DATE: April 3, 2019

SUBJECT: Request for Permission to Advertise: Tethering Ordinance Amendment

In September 2018, the Board of County Commissioners heard a presentation from Betsy Begens concerning proper and improper tethering practices for dogs. A draft ordinance was presented to the Board and the Board discussed various aspects of tethering dogs and the existing County code on the subject. Staff was directed to meet with Ms. Begens and a meeting was held with Ms. Begens, Tad Stone, Jason Ogilvie and Ilka Daniels from the Humane Society. The group discussed proposed changes to the current ordinance. The attached proposed ordinance amendment is now presented to the Board for consideration and discussion. The proposed ordinance amendment provides for the following:

- Provides a definition for tethering
- Prohibits tethering for more than one hour between the hours of 9 am and 5 pm when the outdoor temperature exceeds 90 degrees Fahrenheit.
- Prohibits tethering during any severe weather or natural disaster.
- Prohibits tethering if the animal is less than 6 months of age.

As directed by the Board, staff researched whether any of the municipalities in the County have ordinances concerning tethering. Sebastian, Vero Beach and Fellsmere have no tethering ordinances. Staff reached out to the chiefs of police for these municipalities for their opinion on the ordinance amendment. The responses were as follows:

- Ok with the ordinance but concerned about the lack of protection for the tethered animal
- Prefer not to allow tethering, but if it is allowed, only one tether per dog, owner must be able to see dog at all times and no collars, only a harness
- No concerns

To date in 2019, no tethering violations of the existing ordinance have been issued. In 2018, two violations were issued with eight violations issued in 2017.

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Funding: There is no impact to County funds for this item but if the Board directs staff to advertise for a code amendment, the cost of an advertisement in the Press Journal is approximately \$250.00 and would be paid from Account No. 00125062-034910 (General Fund/Animal Control/ Legal Ads).

Recommendation: Discuss the proposed ordinance amendment and direct staff to either proceed with advertising with the code amendment or decide that no amendment is needed at this time.

Attachment: Proposed Ordinance Amendment

Copies to: Tad Stone, Emergency Services Director
Jason Ogilvie, Animal Control Manager
Ilka Daniels, Humane Society of Vero Beach/Indian River County
Betsy Begens