

#### 505.16 RESTRAINING DOGS IN A CRUEL MANNER - NAPOLEAN

- (a) No person shall recklessly tether, fasten, chain, tie or otherwise restrain a dog, to a tree, fence, post, dog house, or other stationary object, or to a cable trolley system that allows movement of the restraining device, for more than nine hours in any 24-hour period.
- (b) No person that is the owner or keeper of a dog shall recklessly allow the dog to be, or recklessly allow the dog to remain, tethered, fastened, chained, tied or restrained, to a tree, fence, post, dog house, or other stationary object, or to a cable trolley system that allows movement of the restraining device, for more than nine hours in any 24-hour period.
- (c) No person shall recklessly place a tethering device on a dog unless the device is at least 15 feet in length and attached in such manner as to prevent strangulation or other injury to the dog and entanglement with objects other than the stationary objects to which the device is attached.
- (d) No person that is the owner or keeper of a dog shall recklessly allow the dog to be tethered, or recklessly allow the dog to remain tethered, with a device that is less than 15 feet in length and attached in a manner as to prevent strangulation or other injury to the dog and entanglement with objects other than the stationary objects to which the device is attached.
- (e) No person shall recklessly place a tethering device on a dog that is connected to a cable trolley system, unless the length of the cable along which the tethering device can move is at least 10 feet, and the tethering device is of such length that the dog is able to move 10 feet away from the cable perpendicularly.
- (f) No person that is the owner or keeper of a dog shall recklessly allow the dog to have placed upon it, or recklessly allow to remain placed upon it, a tethering device that is connected to a cable trolley system, unless the length of the cable along which the tethering device can move is at least 10 feet, and the tethering device is of such length that the dog is able to move 10 feet away from the cable perpendicularly.
- (g) No person shall recklessly use a tether on a dog that weighs more than one-eighth (1/8) of the dog's weight.
- (h) No person that is the owner or keeper of a dog shall recklessly allow the use of a tether on the dog, or recklessly allow the use of a tether to remain on the dog, that weighs more than one-eighth (1/8) of the dog's weight.
- (i) No person shall recklessly attach a chain or wire or other tethering device to a choke-type collar on a dog.
- (j) No person that is the owner or keeper of a dog shall recklessly allow the attachment of a chain or wire or other tethering device to a choke-type collar on the dog, or recklessly allow to remain on the dog such attachment.
- (k) No person shall recklessly attach a chain or wire or other tethering device to a pronged collar on a dog.

(l) No person that is the owner or keeper of a dog shall recklessly allow the attachment of a chain or wire or other tethering device to a pronged collar on the dog, or recklessly allow to remain on the dog such attachment.

(m) No person shall recklessly attach a chain or wire or other tethering device to a dog in such manner that does not allow the dog access to water and shelter.

(n) No person that is the owner or keeper of a dog shall recklessly allow, or recklessly allow to remain, the attachment of a chain or wire or other tethering device, to a dog in such a manner that does not allow the dog access to water and shelter.

Whoever violates this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the dog and may provide for its disposition including, but not limited to, the sale of the dog. If a dog is forfeited and sold pursuant to this section, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the dog from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the dog. Finally, as part of the sentence the court may order that restitution be paid by the offender of any expenses incurred with regard to the care of the dog from the time it was taken from the custody of the former owner.

It is not a violation of this section to tether or restrain a dog while a person is actively engaged in walking of the dog with a handheld leash, obedience training with a handheld leash, law enforcement training, and/or in the pursuit of working or competing in those legal endeavors, all so long as the dog is given access, when needed for the safety of the dog, to water and shelter.

(Ord. 069-07. Passed 9-4-07.)

505.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)