

**ORDINANCE AMENDING AND RE-ENACTING SECTION 15-2-1. OF THE
HARRISONBURG CITY CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA:**

That Section 15-2-1 be amended and re-enacted as follows:

**Section 15-2-1. Conditions of Premises Where Animals Are Kept; Tethering of
Dogs.**

(a) Definitions. As used in this section.

Tether means, when used as a noun, any device, including but not limited to a chain, leash, cable, or tie out, attached to a stationary point or object, trolley or run used to contain or restrain a dog. When used as a verb, tether shall mean to attach a dog to such a device.

(b) The party in possession or control of the premises where animals are kept shall ensure that buildings, pens or other areas where animals are kept are maintained in a sanitary, healthy condition. It shall be unlawful to fail to provide any animal with adequate space. "Adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure.

(c) When a dog is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the dog. The tether must be attached to the dog by a properly applied collar, halter, or harness configured so as to protect the dog from injury and extending over an object or edge that could result in the strangulation or injury of the dog.

Furthermore, the tether must be at least three times the length of the dog, as measured from the tip of its nose to the base of its tail, except when the dog is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the dog, temporarily and appropriately restricting movement of the dog according to professionally accepted standards is considered to be provision of adequate space.

(d) It shall be unlawful for any person to tether an unattended dog for more than one hour continuously or four hours cumulatively within any twenty-four hour period, whether or not the tethered dog has been provided adequate space. When the same dog is observed to be tethered in the same location that it was in after an initial observation of the dog in that location, then there shall be a rebuttable presumption that the dog has been continuously tethered in that location since the initial observation.

(e) No person shall tether or cause to be tethered any dog except under all the following conditions:

- (1) The dog is six months of age or older;
- (2) If female, the dog is sterilized or not in estrus;
- (3) The tether does not exceed ten percent of the dog's body weight; and
- (4) Only one dog is attached to a single tether;

(f) The first violation of this section with respect to tethering shall constitute a Class 3 misdemeanor, punishable by fine of up to \$500. A second violation (whether or not involving the same dog) within one year of first violation constitutes a Class 2 misdemeanor, punishable by a fine of up to \$1,000 and penalty of up to six months in jail. All subsequent violations within one year of first violation constitute a Class 1 misdemeanor, punishable by fine of up to \$2,500 and penalty of up to one year in jail.

This ordinance shall be effective on the ____ day of _____ 2015

ADOPTED AND APPROVED this _____ day of _____, 2015.

MAYOR

ATTEST:

City Clerk