

ORDINANCE NO. 2007.4

AN ORDINANCE PROHIBITING THE CHAINING OR TETHERING OF DOGS AND MANDATING THAT DOG ENCLOSURES MUST PROVIDE 150 SQUARE FEET OF SPACE; PROVIDING FOR A PENALTY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE, ADOPTION AND PUBLICATION AS REQUIRED BY LAW, THE PUBLIC WELFARE REQUIRING IT.

**WHEREAS**, the City of Jamaica Beach, Texas, (“City”) is a general law city having authority to utilize police power regulation for the health, safety and general welfare of the citizens of the City; and

**WHEREAS**, THE City Council is deeply concerned about the animals within the City and finds it necessary to establish a policy to prohibit the chaining or tethering of dogs and mandating that dog enclosures must provide 150 square feet of space for dogs over six months of age.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JAMAICA BEACH, TEXAS:

**SECTION 1:** “Prohibition Against the Chaining or Tethering of Dogs and Mandating that Dog Enclosures Must Provide 150 Square Feet of Space” and provide as follows:

- (a) Any person owning and or controlling dogs whether vaccinated or unvaccinated, licensed or unlicensed, shall not allow said animal to be tied or chained to dog houses, or other stationary objects.
- (b) No person shall, at any time, fasten, chain, or tie any dog or cause such dog to be fastened, chained or tied while such dog is on the owner’s property, or on the property of the owner’s landlord, or on any property within the limits of the City of Jamaica Beach.
- (c) Any dog confined within a fenced yard must have adequate space for exercise based on a dimension of at least 150 square feet per dog. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons that have custody of such dogs shall provide an enclosure for such dogs meeting the 150 square foot per dog dimensions. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be covered with materials to provide the dog with shade and protection from the elements.

- (d) Nothing in this Ordinance shall be construed to prohibit owners or others walking dogs with a hand held leash.
- (e) Nothing in this Ordinance shall be construed to prohibit owners from allowing dogs to be attached to over head runs (i.e. leash or chain attached to an over head wire at least 10 feet long, that allows the dog to move unheeded.)
- (f) If any person violates any provision of this Ordinance, it shall constitute a misdemeanor and upon conviction shall be subject to a fine not to exceed \$500.

SECTION 2: Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

SECTION 3: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and publication as required by law.

PASSED AND ADOPTED this 22 day of May, 2007.



Victor Pierson, Mayor

ATTEST:



T.D. White, City Secretary