

**CITY OF MELVINDALE
ORDINANCE NO. 770**

**AN ORDINANCE TO AMEND ARTICLE II OF CHAPTER 4 [ANIMALS AND FOWL]
BY ADDING SECTION 4-59 RELATING TO ANTI-TETHERING**

THE CITY OF MELVINDALE ORDAINS:

ARTICLE I. Section 4-59 of Article II, Chapter 4 of the Code of Ordinances, City of Melvindale, Michigan, is hereby added to hereafter read as follows:

Section 4-59:

Definition of Tethering:

Tethering means the practice of securing a dog to a stationary object by means of a metal chain or coated steel cable for keeping a dog restrained. Tethering does not mean walking a dog on a leash, or for temporary grooming, or other professional service.

Tethering:

(A) It shall be unlawful for a person to:

- (1) Continuously tether a dog for more than three hours per day;
- (2) Tether a dog on a tether made of anything but a coated steel cable more than (10) feet in length;
- (3) Use a tether or any assembly or attachments thereto to tether a dog that shall weigh more than ten percent (10%) of the animal's body weight, or due to weight, inhibit the free movement of the animal within the area tethered; or
- (4) Tether a dog on anything except a buckle-type collar or harness, or tethering on a choke chain or tethering to training collars such as choke or pinch-style collars, or in such a manner as to cause injury, strangulation, or entanglement of the dog on fences, trees, or other man made or natural obstacles; or
- (5) Tether a dog without access to shade when sunlight is likely to cause overheating, or appropriate shelter to provide insulation and protection against cold and dampness when the atmospheric temperature reaches extremely low temperatures;
- (6) Tether a dog in an open area where it can be teased by persons or an open area that does not provide the dog protection from attack by other animals; or
- (7) Tether a dog less than three (3) months of age.
- (8) Tether more than one dog to a single tether.
- (9) Tether a dog to a stationary object which would allow a dog to come within five feet of any property line.
- (10) Tether a dog without a swivel attached and/or equipped on both ends.

(B) The animal control officer, or his/her designee, may in his/her discretion order a more restrictive tethering requirement if circumstances require and it is not detrimental to the health, safety or welfare of the dog.

ARTICLE II. Penalty:

A person found responsible for violating this ordinance shall be deemed responsible for a municipal civil infraction as defined in the City Code of Ordinances; any person found liable for violating this section three or more times in a one year time span shall be guilty of a misdemeanor and the dog shall be subject to forfeiture.

Saving Clause:

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE III. Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance

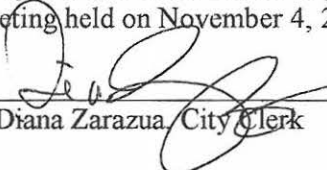
ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Melvindale inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE V. Repeal. All prior existing ordinances adopted by the City of Melvindale inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE VI. Reading and Publication. This Ordinance shall be given a first reading on October 21, 2015, a second reading on November 4, shall be adopted on November 4, 2015, shall be published and posted on or before November 11, 2015, and shall be effective on November 24, 2015. The Clerk shall also publish a summary of this Ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the City Clerk's office within one week after the adoption of this Ordinance.

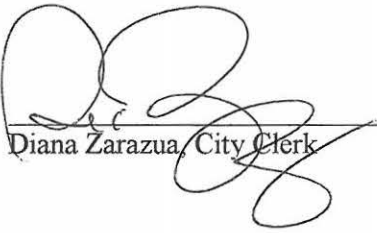
ADOPTED, APPROVED AND PASSED by the Common Council of the City of Melvindale this 4th day of November 2015.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the Common Council of the City of Melvindale at a regular meeting held on November 4, 2015.


Diana Zarazua, City Clerk

The undersigned hereby certifies that the foregoing Ordinance was duly published by posting copies thereof in three (3) conspicuous places in the City of Melvindale on the 11th of November 2015, to wit:

1. City of Melvindale, City Hall
2. Melvindale Public Library
3. Melvindale Civic Arena


Diana Zarazua, City Clerk