

ORDINANCE NO. 3795

ORDINANCE AMENDING SECTIONS 3-4 and 3-12(i) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE PROHIBITING UNATTENDED TETHERING OF DOGS WITHIN THE CITY LIMITS

WHEREAS, the City of Asheville has the authority, pursuant to N.C.G.S. § 160A-186 to regulate the keeping of domestic animals; and

WHEREAS, the City of Asheville has the authority, pursuant to N.C.G.S. § 160A-187 and § 67-4.5 to regulate animals which are dangerous to persons or property; and

WHEREAS, the City Council has determined that it is in the interest of the public health, safety and welfare to amend Chapter 3 of the City Code to address animal matters;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Section 3-4, the definition of tether, of the Code of Ordinances of the City of Asheville is hereby repealed in its entirety and the following substituted in lieu thereof:

“Tether - means to restrain an animal by tying the animal to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash to walk an animal.”

Section 2. Section 3-4, the definition of attended tethering shall be added to read:

“Attended Tethering – means the tethering of an animal, on the property of the owner of the animal, when the animal is in visual range of the owner and the owner is located outside with the animal.”

Section 3-12(i) of the Code of Ordinances City of Asheville is hereby repealed in its entirety and the following substituted in lieu thereof:

“(i) It shall be unlawful for an owner to leave a dog unattended and restrained by tether while outdoors.”

Section 3. Any order issued by the City in accordance with Chapter 3 of the Code of Ordinances of the City of Asheville, prior to the adoption of this ordinance, shall not be repealed or modified by this ordinance.

Section 4. Section 2 of this ordinance shall be enforced in accordance with Sec. 3-20(a) of the Code of Ordinances of the City of Asheville.

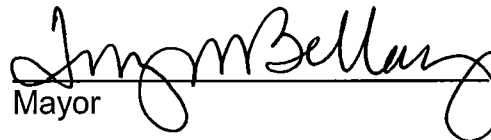
Section 5. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 6. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.


Section 7. Section 1, Section 2 and Section 3 of this ordinance shall be effective upon adoption. Section 4 of this ordinance shall be effective January 1, 2011.

Read, approved and adopted the 22nd day of September 2009.


City Clerk


Mayor

Approved as to form:


City Attorney