

1 HB261
2 164997-1
3 By Representative McMillan
4 RFD: Public Safety and Homeland Security
5 First Read: 12-MAR-15

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8 SYNOPSIS: This bill would establish prohibitions,
9 restrictions, and limitations regarding the
10 chaining, tethering, and confinement of dogs and
11 would provide a definition of adequate outdoor
12 shelter for dogs. This bill would also establish
13 penalties for violations.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to animals; to prohibit the tethering of
14 dogs to stationary objects; to define what constitutes
15 adequate shelter for dogs; to establish the offense of
16 unlawful tethering and to provide penalties for violations of
17 the standards; and in connection therewith would have as its
18 purpose or effect the requirement of a new or increased
19 expenditure of local funds within the meaning of Amendment 621
20 of the Constitution of Alabama of 1901, now appearing as
21 Section 111.05 of the Official Recompilation of the
22 Constitution of Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. This act shall be known and may be cited
25 as the Alabama Dog Tethering and Outdoor Shelter Act.

26 Section 2. (a) Except as provided in this act, no
27 person owning or keeping a dog may chain or tether the dog to

1 a stationary object including, but not limited to, a
2 structure, dog house, pole, or tree.

3 (b) Nothing in this section shall be construed to
4 prohibit a person from walking a dog on a hand held leash.

5 (c) No dog under the age of six months shall be
6 tethered.

7 Section 3. (a) A person owning or keeping a dog may
8 confine the dog outside by one of the following methods:

9 (1) In a pen or secure enclosure which has adequate
10 space for exercise. For purposes of this section, adequate
11 space is determined according to the following dimensions
12 based on the size of the dog:

13 a. Small dogs, defined as 35 pounds and under, shall
14 have 100 square feet with an allowance of two small dogs
15 within one 100 square-foot outdoor pen or secure enclosure.

16 b. Medium dogs, defined as 36-60 pounds, shall have
17 a 100 square-foot outdoor pen or secure enclosure per dog.

18 c. Large dogs, defined as 61-100 pounds, shall have
19 a 150 square-foot outdoor pen or secure enclosure per dog.

20 d. Extra large dogs, defined as 101 pounds or
21 greater, shall have a 240 square-foot outdoor pen or secure
22 enclosure per dog.

23 e. Boarding kennels, veterinary clinics, public and
24 private humane shelters with pens and runs intended for the
25 temporary boarding or housing of dogs shall be exempt.

26 f. The pen or secure enclosure shall be constructed
27 with chain link or other sturdy material, with all four sides

1 enclosed with the minimum height adequate to successfully
2 confine the dog.

3 (2) In a fully fenced, electronically fenced, or
4 otherwise securely enclosed yard where the dog has the ability
5 to run but is unable to leave the enclosed yard.

6 (3) By a trolley system or a tether attached to a
7 pulley in a cable run, if the following conditions are met:

8 a. The tether employed shall be designed for dogs
9 and no logging chains or other lines or devices not designed
10 for tethering of dogs shall be used. No chain or tether shall
11 weigh more than one eighth of the dog's body weight. The
12 tethering method employed shall not allow the dog to leave the
13 property of the owner or keeper.

14 b. Only one dog shall be tethered to each cable run.

15 c. The tether shall be attached to a properly
16 fitting collar or harness worn by the dog, with enough room
17 between the collar and the dog's throat through which two
18 adult fingers may fit. A choke collar and a pinch collar shall
19 not be used to tether a dog to a cable run.

20 d. There shall be a swivel on both ends of the
21 tether to minimize tangling of the collar.

22 e. The tether and cable run shall be at least 10
23 feet in length. The cable must be mounted at least four feet
24 but not more than 7 feet above ground level.

25 f. The length of the tether from the cable run to
26 the dog's collar or harness shall allow continuous access to
27 clean water and adequate shelter at all times as described in

1 Section 4. The trolley system or tether shall be of
2 appropriate configuration to confine the dog to the property
3 of the owner or keeper, to prevent the trolley system or
4 tether from extending over an object to an edge that could
5 result in injury to or strangulation of the dog, and to
6 prevent the trolley system or tether from becoming tangled
7 with other objects or animals.

8 (b) The provisions of subdivision (3) of subsection
9 (a) shall not be construed to apply to any of the following:

10 (1) Any licensed veterinary practice that tethers a
11 dog in the course of the veterinary practice.

12 (2) Any exhibition, trial, show, contest, or other
13 temporary event in which skill, breeding, or stamina of the
14 dog is judged or examined.

15 (3) When a dog is used in a lawful manner to hunt a
16 species of wildlife during the hunting season or in which the
17 dog receives training in a lawful manner to hunt the species
18 of wildlife.

19 (4) The temporary tethering of a dog at any camping
20 or recreation area.

21 (5) At a licensed grooming shop or facility in the
22 course of grooming the dog.

23 (c) No temporary tethering of a dog shall employ or
24 use any logging chains or other lines or devices not designed
25 for tethering of dogs as described in subdivision (3) of
26 subsection (a) and the tether shall be attached to a properly

1 fitting collar or harness as described in paragraph c. of
2 subdivision (3) of subsection (a).

3 Section 4. (a) A person owning or keeping a dog
4 confined outside, pursuant to Section 3, shall provide the dog
5 with access to clean water and adequate shelter.

6 (b) A shelter shall provide all of the following:

7 (1) Allow the dog to remain dry and protected from
8 the elements.

9 (2) Have a roof, four walls, and a solid floor.

10 (3) Be sanitary, dry, weatherproof, constructed or
11 manufactured of durable materials, and provide adequate
12 ventilation.

13 (4) Provide adequate space for the dog to stand up,
14 turn around, and extend its limbs.

15 (5) Protect the dog from the effects of inclement
16 weather, provide shade, and be free from accumulated waste,
17 debris, and standing water.

18 (6) Be constructed in a manner that allows the dog
19 unlimited access.

20 (c) Dogs actively engaged in conduct that is
21 directly related to the business of shepherding or herding
22 livestock or engaged in conduct that is directly related to
23 the business of cultivating agricultural products shall not be
24 subject to the outdoor confinement limitations provided in
25 this act.

26 Section 5. (a) A person who tethers a dog in
27 violation of this act shall be guilty of the offense of

1 unlawful tethering and shall be subject to the penalties
2 provided in Section 6.

3 Section 6. (a) If a humane officer or law
4 enforcement officer determines that a dog is being kept in
5 violation of this act, the officer shall issue a warning to
6 the owner or keeper of the dog and the owner or keeper shall
7 have 72 hours to correct the violation.

8 (b) An owner or keeper who does not correct the
9 violation within 72 hours shall be guilty of a Class B
10 misdemeanor. On or after a third offense, a humane officer or
11 law enforcement officer may seize a dog that is being kept in
12 violation of this act. Provided, however, that a humane
13 officer or law enforcement officer, at his or her discretion
14 and upon clear and convincing evidence that a dog is being
15 kept in violation of this act that may result in injury or
16 deterioration of the health or well-being of the dog, may take
17 the dog into custody upon any occurrence of a violation of
18 this act.

19 Section 7. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended, because the
25 bill defines a new crime or amends the definition of an
26 existing crime.

1 Section 8. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.