

1 HB403
2 164997-2
3 By Representatives McMillan and Faust
4 RFD: Public Safety and Homeland Security
5 First Read: 15-MAR-16

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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.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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

7 (1) In a pen or secure enclosure which has adequate
8 space for exercise depending upon the age, size, species, and
9 weight of the dog.

10 a. Boarding kennels, veterinary clinics, public and
11 private humane shelters with pens and runs intended for the
12 temporary boarding or housing of dogs shall be exempt.

13 b. The pen or secure enclosure shall be constructed
14 with chain link or other sturdy material, with all four sides
15 enclosed with the minimum height adequate to successfully
16 confine the dog.

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

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

22 a. The tether employed shall be designed for dogs
23 and no logging chains or other lines or devices not designed
24 for tethering of dogs shall be used. No chain or tether shall
25 weigh more than one eighth of the dog's body weight. The
26 tethering method employed shall not allow the dog to leave the
27 property of the owner or keeper.

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

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

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

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

12 f. The length of the tether from the cable run to
13 the dog's collar or harness shall allow continuous access to
14 clean water and adequate shelter at all times as described in
15 Section 4. The trolley system or tether shall be of
16 appropriate configuration to confine the dog to the property
17 of the owner or keeper, to prevent the trolley system or
18 tether from extending over an object to an edge that could
19 result in injury to or strangulation of the dog, and to
20 prevent the trolley system or tether from becoming tangled
21 with other objects or animals.

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

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

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

4 (3) When a dog is used in a lawful manner to hunt a
5 species of wildlife during the hunting season or in which the
6 dog receives training in a lawful manner to hunt the species
7 of wildlife.

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

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

12 (6) Any emergency circumstances where tethering the
13 dog is a necessity, but not to exceed a period of three hours.

14 (c) No temporary tethering of a dog shall employ or
15 use any logging chains or other lines or devices not designed
16 for tethering of dogs as described in subdivision (3) of
17 subsection (a) and the tether shall be attached to a properly
18 fitting collar or harness as described in paragraph c. of
19 subdivision (3) of subsection (a).

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

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

24 (1) Allow the dog to remain dry and protected from
25 the elements.

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

1 (3) Be sanitary, dry, weatherproof, constructed or
2 manufactured of durable materials, and provide adequate
3 ventilation.

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

6 (5) Protect the dog from the effects of inclement
7 weather, provide shade, and be free from accumulated waste,
8 debris, and standing water.

9 (6) Be constructed in a manner that allows the dog
10 unlimited access.

11 (c) Dogs actively engaged in conduct that is
12 directly related to the business of shepherding or herding
13 livestock or engaged in conduct that is directly related to
14 the business of cultivating agricultural products shall not be
15 subject to the outdoor confinement limitations provided in
16 this act.

17 Section 5. A person who tethers a dog in violation
18 of this act shall be guilty of the offense of unlawful
19 tethering. Unlawful tethering is a Class B misdemeanor.

20 Section 6. Although this bill would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds, the bill is excluded from further
23 requirements and application under Amendment 621, now
24 appearing as Section 111.05 of the Official ReCompilation of
25 the Constitution of Alabama of 1901, as amended, because the
26 bill defines a new crime or amends the definition of an
27 existing crime.

1 Section 7. 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.